

CONSTRUCTING HARMONY:
MANUMISSION NARRATIVES IN LIVY AND DIONYSIUS OF HALICARNASSUS

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ABSTRACT

This thesis applies a constructive model in its examination of four of the most important manumission narratives in the histories of Livy and of Dionysius of Halicarnassus, namely (1) Romulus and the first Roman manumission, (2) Servius Tullius' institution of manumission by census (*manumissio censu*), (3) the slave Vindicius, who gave his name to manumission by rod (*manumissio vindicta*), and (4) the *volones*, slave soldiers purchased and armed by the Roman state following the Cannae disaster. I argue that manumission narratives allowed the historians to construct a past that aligned with the present and future, and in so doing they helped mediate the contradiction between the Romans' respect for the institution of manumission and their anxiety over its consequence, that is, the integration of former slaves into the citizen body.

BIOGRAPHICAL SKETCH

Ye Zhou's journey into the classical world began with Edward Gibbon's inimitable *Decline and Fall of the Roman Empire*, which he devoured with a voracity that has yet to be satiated. He was determined to pursue a doctorate in the Classics, but with an undergraduate degree in an unrelated discipline, he had little experience with the Classics as a field of study and even less so with the classical languages. Unable to afford the expense of language courses, he set out to study Latin on his own. Later he was able to take advanced Latin courses at Hunter College before moving onto Greek at the same institution, all on a part-time basis.

While at Hunter, Ye took part in several Latin sight translation contests both nationally and locally, winning an honorable mention in the Maurine Dallas Watkins Advanced Latin Exam (2018) as well as first place (2018) and second place (2019) in the New York Classical Club Latin Sight Translation Exam. In the summer of 2020, he took part in the Upper-level Latin Program at CUNY Graduate Center, having been awarded the Frank M. Snowden Jr. Undergraduate Scholarship from the Society for Classical Studies and the Stavros Nicarchos Foundation Scholarship from the Latin/Greek Institute.

From 2021 to 2022, Ye is the inaugural fellow of the Classics Bridge MA Program at Cornell University. After graduation he plans to continue his studies in the Classics PhD Program at Princeton University. Ye's primary research interests include slavery, manumission, and citizenship as well as other questions concerning freedom in the ancient world.

libertati ereptae atque recuperatae

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INTRODUCTION

In his aptly titled article “The Future’s Past: Fiction, Biography, and Status in Roman Law” Clifford Ando argues that legal fictions can be understood as biographical narratives that reconstruct an individual’s past in order to bring it into alignment with the present and future “then being crafted through the operations of law.”¹ For instance, when it emerged during Hadrian’s reign that some of the praetorian guards might not have been proper Roman citizens, the emperor issued an edict granting them Roman citizenship and confirming the validity of their prior acts as if they had always been Roman citizens. As Ando explains, “the present and future are brought into conformity with the law via a grant of citizenship, even as a new past is created that is continuous with the future now being enacted.”²

In this paper I will demonstrate that a similar model of constructive narratives can be profitably applied to manumission narratives in Roman historiography. I will examine the historiographic traditions as represented by Livy and Dionysius of Halicarnassus through close analyses of four specific manumission narratives: (1) Romulus and the first Roman manumission, (2) Servius Tullius’ institution of manumission by census (*manumissio censu*), (3) the slave Vindicius, who gave his name to manumission by rod (*manumissio vindicta*), and (4) the *volones*, slave soldiers purchased and armed by the Roman state following the Cannae disaster. Each of these four episodes takes place at a critical juncture in the Romans’ understanding of their own history, namely, (1) the founding of Rome, (2) the establishment of the

¹ Clifford Ando, “The Future’s Past: Fiction, Biography, and Status in Roman Law,” *Acta Classica* 63, no. 1 (2020): 45.

² Ando, 47-48.

Servian constitution, (3) the birth of the Republic, and (4) Rome's greatest defeat and the beginning of its transformation into a truly imperial power.³ I argue that historiographic narratives possess the same constructive force as legal fictions: by constructing a past that aligned with the present and future, these four manumission narratives help mediate the contradiction between the Romans' respect for manumission as a long-standing institution and their anxiety over the consequence of that institution, that is, the integration of former slaves into the citizen body. That these narratives also take place at some of the most critical junctures in Roman history – at least as the Romans understood it – only strengthens their exemplary potency and mediatory effectiveness

1. ROMULUS AND THE FIRST ROMAN MANUMISSION

After Romulus and Remus restored their grandfather Numitor to the throne of Alba, the king urged his grandsons to found a new city in the district where they had been raised. In addition to the personal enemies whom Numitor wished to remove from Alba, the brothers' followers also included those who wished to leave of their own accord. Here is Dionysius' account of their preparation:

ἦν δὲ ἐν τούτοις πολὺ μὲν ὥσπερ εἰκὸς ἐν πόλει κινουμένη τὸ δημοτικὸν γένος, ἱκανὸν δὲ καὶ τὸ ἀπὸ τοῦ κρατίστου γνώριμον, ἐκ δὲ τοῦ Τρωικοῦ τὸ εὐγενέστατον δὴ νομιζόμενον, ἐξ οὗ καὶ γενεαὶ τινες ἔτι περιῆσαν εἰς ἐμέ, πεντήκοντα μάλιστα οἴκοι. ἐχορηγεῖτο δὲ τοῖς νεανίσκοις καὶ χρήματα καὶ ὄπλα καὶ σῖτος καὶ ἀνδράποδα καὶ ὑποζύγια ἀχθοφόρα καὶ εἴ τι ἄλλο πόλεως ἦν κατασκευῆ πρόσφορον.

³ Livy and Dionysius wrote their histories during a period of transition from the Republic to the Empire, itself a critical juncture at which manumission was an important concern for those wishing to return Rome to the *mores maiorum*. Due to the limited scope of this thesis, I will not discuss at length the historical context under which Livy and Dionysius composed their manumission narratives, but I do hope that I will have the opportunity to tackle it in a future paper.

Among these men, as often happens in the founding of a city, there were many common people, but there was also a sufficient number of distinguished men from the best families and indeed those men considered as the most noble of the Trojan stock, many of whose descendants still remained to my day, consisting of about fifty families. To the young men was supplied an abundance of money, tools, corn, slaves, beasts of burden, and anything else that was useful for the building of cities.⁴

Dionysius makes no pretense that the first Romans all came from prominent noble families and concedes that most of them were commoners.⁵ When it comes to slaves, however, the historian draws the line. In an earlier passage Dionysius condemns as false the idea that some of Rome's first citizens were slaves.⁶ Here he is not content with merely leaving slaves out of his list of the people composing Romulus and Remus' followers, that is, the commoners and the aristocrats. The historian goes a step further by explicitly grouping slaves with supplies such as money, tools, corn, and beasts of burden. Dionysius emphasizes the distinction between this category of *things* and his previous category of *people* by keeping them to their own independent clauses. Lest the reader still fails to grasp the distinction between the founders and the slaves, Dionysius concludes the category of things with a defining clause καὶ εἴ τι ἄλλο πόλεως ἦν κατασκευῆ πρόσφορον: the slaves, like all the others in its category, were mere supplies that any founders of a city would bring with them. It is true that within the category of things the arrangement of the first five entries seems to suggest a subdivision between the inanimate (χρήματα, ὄπλα, σῖτος) and the animate

⁴ Dio. Hal. *Ant. Rom.* 1.85.3. All texts are those of the Loeb Classical Library. Translations are my own.

⁵ See, however, Emma Dench, *Romulus' Asylum: Roman Identities from the Age of Alexander to the Age of Hadrian* (Oxford: Oxford University Press, 2005), 102.

⁶ Dio. Hal. *Ant. Rom.* 1.4.2. ἔτι γὰρ ἀγνοεῖται παρὰ τοῖς Ἕλλησιν ὀλίγου δεῖν πᾶσιν ἢ παλαιὰ τῆς Ῥωμαίων πόλεως ἱστορία, καὶ δόξαι τινὲς οὐκ ἀληθεῖς ἀλλ' ἐκ τῶν ἐπιτυχόντων ἀκουσμάτων τὴν ἀρχὴν λαβοῦσαι τοὺς πολλοὺς ἐξηπατήκασιν, ὡς ἀνεστίους μὲν τινὰς καὶ πλάνητας καὶ βαρβάρους καὶ οὐδὲ τούτους ἐλευθέρους οἰκιστὰς εὐρομένης, οὐ δι' εὐσέβειαν δὲ καὶ δικαιοσύνην καὶ τὴν ἄλλην ἀρετὴν ἐπὶ τὴν ἀπάντων ἡγεμονίαν σὺν χρόνῳ παρελθούσης, ἀλλὰ δι' αὐτοματισμὸν τινα καὶ τύχην ἄδικον εἰκῆ δωρουμένην τὰ μέγιστα τῶν ἀγαθῶν τοῖς ἀνεπιτηδαιοτάτοις.

(ἀνδράποδα, ὑποζύγια ἀχθοφόρα), with slaves belonging to the latter. The repeated use of the conjunction καί, however, weakens whatever distinction there is between these two subcategories and emphasizes instead their common attribute as supplies for the founding of cities. Indeed, the placement of ἀνδράποδα both in the very middle of the list and in the very middle of the sentence has the effect of deemphasizing the role of the slaves. Dionysius cannot deny the presence of slaves at the founding of Rome, but by carefully constructing his narrative he succeeds in clearly separating the slaves from the founders of Rome without drawing too much attention to the slaves themselves.

Among the measures Romulus implemented to ensure that Rome would be sustained by a sufficiently large population was the establishment of an asylum to entice outsiders and fugitives throughout Italy to join his new city. In his account of Romulus' asylum, Dionysius is equally judicious in emphasizing the absence of any servile element among the first Romans:

ἔπειτα καταμαθὼν πολλὰς τῶν κατὰ τὴν Ἰταλίαν πόλεων πονηρῶς ἐπιτροπευομένας ὑπὸ τυραννίδων τε καὶ ὀλιγαρχιῶν, τοὺς ἐκ τούτων ἐκπίπτοντας τῶν πόλεων συγχνοὺς ὄντας, εἰ μόνον εἶεν ἐλεύθεροι, διακρίνων οὔτε συμφορὰς οὔτε τύχας αὐτῶν ὑποδέχεσθαι καὶ μετὰγειν ὡς ἑαυτὸν ἐπεχείρει.

Then, observing that throughout Italy many of the cities were woefully governed by both tyrants and oligarchs, he endeavored to welcome and attract to himself the many men fleeing from those cities without any regard for their circumstances and fortunes, so long as they were free men.⁷

Earlier in his list of things that Romulus and Remus took with them for the founding of their new city, Dionysius de-emphasizes the slaves by placing ἀνδράποδα in the middle of the list; here he emphasizes the free status of those flocking to the asylum

⁷ Dio. Hal. *Ant. Rom.* 2.15.3.

by placing the proviso εἰ μόνον εἶεν ἐλεύθεροι before the participial phrase διακρίνων οὔτε συμφορὰς οὔτε τύχας αὐτῶν. Dionysius' Romulus was magnanimous in his acceptance of all free men, but the first king of Rome was not so magnanimous as to disregard the distinction between the free and the enslaved, a fundamental distinction under Roman law.⁸

Livy says nothing of the social status of those who left Alba with Romulus and Remus, but his account of the Asylum is starkly different from Dionysius'. Not only does Livy admit the presence of slaves at the Asylum, but the Roman historian also traces the origin of Rome's future greatness to the very fact that Romulus welcomed all without any regard for status:

Eo ex finitimis populis turba omnis, sine discrimine liber an servus esset, avida novarum rerum perfugit, idque primum ad coeptam magnitudinem roboris fuit.

From the neighboring peoples a multitude, desirous of new circumstances and without any distinction as to whether they were free or slaves, fled there, and it was the first step towards the nascent greatness of Rome's power.⁹

Recall that under Roman law the distinction between free persons (*liberi*) and slaves (*servi*) is a fundamental one. It is, therefore, significant that Livy has Romulus completely disregard that distinction and welcome all who came to him. Equally important is the historian's insistence that such a policy was responsible for the growth of Roman power in the future. But Livy continues:

Cum iam virium haud paeniteret, consilium deinde viribus parat. Centum creat senatores, sive quia is numerus satis erat, sive soli centum errant qui creari patres possent. Patres certe ab honore, patriciique progenies eorum appellati.

⁸ Gai. *Inst.* 1.9. *et quidem summa divisio personarum haec est, quod homines aut liberi sunt aut servi.*

⁹ Liv. 1.8.6. All Latin texts are those of the Loeb Classical Library. Translations are my own.

Since he was now satisfied with his strength, he furnished deliberation to strength. He appointed one hundred senators, either because that number was sufficient or because there were only one hundred men who could be appointed Fathers. They were called Fathers certainly because of the esteem accorded to them, and their descendants were called Patricians.¹⁰

Here Livy makes a clear distinction between military strength (*viris*) and political deliberation (*consilium*), that is, between the army and the Senate. Of course, the historian does not mean that the army and the Senate were mutually exclusive institutions. Rather, the distinction here is one of social status: if necessary, slaves could be made citizens in order to provide manpower for the army; in contrast, membership in the prestigious Senate required not only citizenship, but also – and more importantly – noble birth. The subtle, but profound implication is that while slaves could potentially obtain citizenship through meritorious service to Rome, no amount of meritorious service could erase their servile origin and raise them to equal footing with freeborn Romans, much less freeborn Romans of noble birth, a deeply ingrained sentiment that we will encounter several more times before the conclusion of this paper.¹¹

The three modes of manumission (*manumissio vindicta*, *manumissio censu*, and *manumissio testamento*) differed in the procedures required, but they all resulted in a transition from the status of slave to the status of Roman citizen,¹² a transition that Romulus effected when he accepted slaves into his new citizen body. In the historiographic tradition represented by Livy, therefore, Romulus was the very first

¹⁰ Liv. 1.8.7.

¹¹ For the stigma and restrictions freedmen faced in seeking political clout, see Henrik Mouritsen, *The Freedman in the Roman World* (Cambridge, UK; New York: Cambridge University Press, 2011), 248-278.

¹² Gai. *Inst.* 1.17.

manumitter and the founding of Rome the scene of the very first Roman manumission. It is true that the jurists do not mention Romulus' Asylum – or the founding of Rome for that matter – as a mode of manumission, but why would they? The jurists were concerned with existing manumission practices with an eye to established practices that were once prominent, but had fallen into disuse.¹³ The Asylum, on the other hand, was an extraordinary and temporary measure devised to meet a specific need at the time of Rome's founding, and once that need was met, the Asylum ceased to be necessary and never evolved into a more permanent form of manumission. There never developed a link, historiographic or otherwise, between the Asylum and any manumission practices at Rome. The asylum as an act of manumission was also unique in that the owners of the manumitted slaves were not Roman citizens, a scenario that simply did not concern the jurists of the Republic and Empire.

The jurists might not have much to say about Romulus' Asylum, but an echo of Rome's first manumission can be detected in the legal procedure of *restitutio natalibus*, through which an emperor freed a slave and granted him citizenship. Of note is the legal fiction that a citizen thus created was treated as if he had always been a freeborn even if he was born a slave.¹⁴ A similar fiction is also present in Livy's account of the Asylum:

Deinde, ne vana urbis magnitudo esset, adiciendae multitudinis causa vetere consilio condentium urbes, qui obscuram atque humilem conciendo ad se multitudinem natam e terra sibi prolem ementiebantur, locum qui nunc saeptus escendentibus inter duos lucos est, asylum aperit.

¹³ W. W. Buckland, *The Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian* (New York: AMS Press, 1969), 439. See also Alan Watson, *Roman Slave Law* (Baltimore: Johns Hopkins University Press, 1987), 24.

¹⁴ *Dig.* 40.11.2-3, 5.

Then, lest the extent of his city should be empty, Romulus, in order to increase the population, opened an asylum at the enclosed place that lies between the two groves as one ascends the Capitol, following the ancient policy of city founders, who used to pretend that the obscure and humble multitude they had gathered around them were their own progeny and had sprung from the earth.¹⁵

Fiction, therefore, is not unique to Roman law; it is also present in Livy's account of the first Roman manumission, with Romulus being the very first Roman to employ fiction in the service of the state. Even Dionysius, who is adamant that Romulus did not admit any slaves into the citizen body, cannot deny the fiction behind the establishment of the Asylum:

. . . τὴν τε Ῥωμαίων δύναμιν αὐξῆσαι **βουληθεῖς** καὶ τὰς τῶν περιοίκων ἐλαττώσαι· ἐποίει δὲ ταῦτα **πρόφασιν** ἐξευρῶν **εὐπρεπῆ** καὶ εἰς θεοῦ τιμὴν τὸ ἔργον ἀναφέρων . . . τοῖς καταφεύγουσιν εἰς τοῦτο τὸ ἱερὸν ἰκέταις τοῦ τε μηδὲν κακὸν ὑπ' ἐχθρῶν παθεῖν ἐγγυητῆς ἐγένετο τῆς εἰς τὸ θεῖον εὐσεβείας **προφάσει** . . .

He intended to strengthen the power of the Romans and to weaken that of his neighbors, but he did these things, inventing a specious pretense and attributing the deed to a reverence for a god . . . to the suppliants fleeing to the temple he gave guarantee, under pretense of reverence for the god, that they would suffer no evil from their enemies . . .¹⁶

While *πρόφασιν* could refer to a motive without implying either truth or falsehood, both *δέ* and *εὐπρεπῆ* make it clear that Romulus' professed motive (*πρόφασιν*) is in contradiction with his real motive (*βουληθεῖς*), which was to increase the power of his own city at the expense of his neighbors. The religious justification for the Asylum was, therefore, nothing more than a fiction. Clearly the Romans were more than willing to overlook the absurdity of fiction if it was to the benefit of Rome.

¹⁵ Liv. 1.8.5.

¹⁶ Dio. Hal. *Ant. Rom.* 2.15.3.

2. SERVIUS TULLIUS AND *MANUMISSIO CENSU*

According to Dionysius, Servius Tullius instituted the first census as the basis for his new constitution. There was no objection to the reform until he proposed to enroll former slaves in the census, that is, to grant them Roman citizenship. Patrician opposition was immediate, but Servius overcame it with a rousing speech in an assembly of the people. The king reminded his audience of the true worth of men as well as the vicissitudes of fortune before pointing out the absurdity of the patricians' logic. He then proceeded to expound on the practical benefits for both the patricians and the state: the slaves would serve their masters more loyally if there was hope of freedom and citizenship; freedmen citizens and their posterity would help Rome sustain a population sufficiently large to support its power and ambition; and these same freedmen citizens would also provide their patrons with support both inside and outside the assemblies, a benefit that the patrons' descendants would continue to enjoy for generations to come.¹⁷

It should be noted that Servius' proposal was not to manumit slaves, but to grant citizenship to freedmen who had already been manumitted by their masters.¹⁸ As such, the first census was not, strictly speaking, a manumission, much less a *manumissio censu*. Dionysius, however, makes the connection with manumission anyway and compares the custom established by Servius with the manumission practice of his own days, which he laments as an abuse of a noble tradition.¹⁹ This shows that, regardless of the nuances of definition, Dionysius perceives the first

¹⁷ Dio. Hal. *Ant. Rom.* 4.22.2-23.7.

¹⁸ Dio. Hal. *Ant. Rom.* 4.22.4.

¹⁹ Dio. Hal. *Ant. Rom.* 4.23.7-24.

census as a form of manumission and Servius as not only a manumitter, but also an *exemplum* that the slave owners of the late Republic should imitate.

That Dionysius sees Servius as an *exemplum* for imitation might seem puzzling to the careful reader. For at the beginning of Book 4 the historian has this to say about the king's birth:

ἐκ ταύτης γίνεται τῆς Ὀκρισίας ἔτι δουλευούσης παιδίον, ᾧ τίθεται τραφέντι ἡ μήτηρ τὸ μὲν ἴδιόν τε καὶ συγγενικὸν ὄνομα Τύλλιον ἐπὶ τοῦ πατρός, τὸ δὲ κοινὸν καὶ προσηγορικὸν Σερούιον ἐπὶ τῆς ἰδίας τύχης, ὅτι δουλεύουσα ἔτεκεν αὐτόν.

Ocrisia bore a son while she was still a slave. When the boy grew up, his mother gave him the private and family name Tullius after his father, but the common and personal name Servius after her own misfortune, since she was a slave when she gave birth to him.²⁰

In this one short passage there are two direct and one indirect references to Servius' mother being a slave (ἔτι δουλευούσης, τῆς ἰδίας τύχης, δουλεύουσα).²¹ The implication here is clearly that Servius was a slave at the time of his birth since under Roman law the general rule was that children of female slaves were themselves slaves.²² Given the vehemence with which Dionysius defended Rome's founding and its founders from the odious taint of slaves in Book 1, it is rather astonishing at first sight that here he seems to have little problem with the servile birth of Servius, who in the Roman imagination was just as much a foundational figure as Romulus. At no point in his narrative, however, does Dionysius himself state that Servius was born a slave. The king's servile origin is only alluded to by the emphatic assertion that his

²⁰ Dio. Hal. *Ant. Rom.* 4.1.3.

²¹ According to both Dionysius (4.1.2-3) and Livy (1.39.5-6), Ocrisia had been a noble woman before becoming a captive when Rome sacked her city, but the two historians differ on whether she was ever enslaved.

²² *Dig.* 1.5.5.1; Gai., *Inst.* 1.81. For complications arising from this general rule, see Watson 1987, 10-17.

mother was a slave at the time of his birth. The only direct reference to Servius' being a former slave does not appear until much later in the narrative and is put in the mouth of another character.

When Lucius Tarquinius attempted to usurp the throne and was confronted by Servius in the senate house, Tarquinius taunted that his father-in-law had been “a slave and son of a slave” (δοῦλος ἐκ δούλης).²³ The alliteration was striking, and the assertion true. The truth, however, is immediately overshadowed by the next scene, which begins grimly with Tarquinius picking up the aged Servius and hurling him down the stairs of the senate house:

μόγις δ' ἐκ τοῦ πτώματος ἀναστὰς ὁ πρεσβύτες, ὡς εἶδε μεστὰ τὰ πέριξ
ἅπαντα τῆς περὶ τὸν Ταρκύνιον ἐταιρείας, τῶν δ' αὐτοῦ φίλων πολλὴν ἐρημίαν,

ἀπήει στένων,

κρατούντων καὶ παραπεμπόντων αὐτὸν ὀλίγων, αἵματι πολλῷ ῥεόμενος καὶ
κακῶς ὄλον ἑαυτὸν ἐκ τοῦ πτώματος ἔχων.

With great difficulty the old man rose from his fall. When he saw Tarquinius surrounded by his followers, who filled the entire place, and the great dearth of his own friends, he departed lamenting. Supported and escorted by only a few persons, he dripped much blood and could barely hold himself together because of his fall.²⁴

Dionysius places the main verb ἀπήει in the very middle of the sentence and surrounds the word - almost overwhelms it – with a myriad of circumstantial phrases and clause, a vivid allusion to the beleaguered state of the verb's subject, Servius. Also note that, of all the participles, στένων is placed closest to the main verb, and for good reasons. As the only participle that is not part of a participial phrase in this sentence, στένων pairs well with the equally succinct ἀπήει. More importantly, however, it is the only

²³ Dio. Hal. *Ant. Rom.* 4.38.4

²⁴ Dio. Hal. *Ant. Rom.* 4.38.6.

participle that conveys the anguished emotional state of Servius while the others describe the actions and physical state of either Servius himself - as in the case of ἀναστάς, ρέομενος, and ἔχων – or those of his few supporters – as in the case of κρατούντων and παραπεμπόντων. As such, ἀπήει στένων together occupies not only the literal center of this sentence, but also the emotional center of this scene. In comparison, the actual subject ὁ πρεσβύτες is almost superfluous, “almost” because it serves the not unimportant function of signaling to the reader that Servius was now no longer the wise and respected king, but a wretched and pitiable old man.

Now let us turn our attention to the participial phrases and the one dependent clause that surround ἀπήει στένων. Dionysius’ arrangement of these circumstantial elements is both complex and nuanced. Take for example the thematically chiasmic arrangement of injury-isolation-isolation-injury as illustrated by the breakdown of the text below:

μόγισ δ’ ἐκ τοῦ πτώματος ἀναστάς [ὁ πρεσβύτες],	(injury)
ὡς εἶδε μεστὰ τὰ πέριξ ἅπαντα τῆς περὶ τὸν Ταρκύνιον ἑταιρείας τῶν δ’ αὐτοῦ φίλων πολλὴν ἐρημίαν,	(isolation)
[ἀπήει στένων]	
κρατούντων καὶ παραπεμπόντων αὐτὸν ὀλίγων	(isolation)
αἵματι πολλῷ ρέομενος καὶ κακῶς ὅλον ἑαυτὸν ἐκ τοῦ πτώματος ἔχων.	(injury)

With great difficulty the old man rose from his fall. When he saw Tarquinius surrounded by his followers, who filled the entire place, and the great dearth of his own friends, he departed lamenting. Supported and escorted by only a few persons, he dripped much blood and could barely hold himself together because of his fall.²⁵

²⁵ Dio. Hal. *Ant. Rom.* 4.38.6.

Note the increasing complexity in the construction of the two injury segments as well as the progression from the implicit to the explicit: at the beginning of the scene Servius' injuries are only briefly alluded to by the difficulty with which he got back on his feet, but at the end of the scene the severity of his injuries is laid bare at greater length with the vivid description of the dripping blood (αἵματι πολλῷ) and of the wide extent of the injuries (ὅλον ἑαυτὸν). The increasing complexity, therefore, mirrors Servius' worsening physical condition. On the other hand, the two isolation segments are constructed with decreasing complexity: the first is a complete clause packed with emphatic pleonasm (μεστὰ τὰ πέριξ ἅπαντα . . . περὶ) and dramatic antithesis (πολλὴν ἐρημίαν), mirroring, respectively, the overwhelming presence of Servius' enemies and the striking dearth of his friends; the second segment, a genitive absolute, further accentuates Servius' lack of supporters with its much simpler and relatively unadorned construction. Also note that only Servius' supporters are present in the second isolation segment and his enemies are nowhere to be found. That Tarquinius does not even bother to send henchmen after the old man underscores the depth to which Servius has fallen.²⁶ The decreasing complexity of these segments, therefore, mimics Servius' worsening isolation.

In addition to chiasm, we may also observe a pattern of alternating focus in Dionysius' construction of this sentence, as illustrated below:

²⁶ Tarquinius eventually does have Servius murdered, but only at Tullia's urging. Dio. Hal. *Ant. Rom.* 4.39.

μόγισ δ' ἐκ τοῦ πτώματος ἀναστὰς ὁ πρεσβύτης (Servius)

ὡς εἶδε μεστὰ τὰ πέριξ ἅπαντα τῆς περὶ τὸν Ταρκύνιον ἐταιρείας (Others)
τῶν δ' αὐτοῦ φίλων πολλὴν ἐρημίαν,

ἀπήει στένων (Servius)

κρατούντων καὶ παραπεμπόντων αὐτὸν ὀλίγων (Others)

αἵματι πολλῷ ρέομενος (Servius)
καὶ κακῶς ὄλον ἑαυτὸν ἐκ τοῦ πτώματος ἔχων.

With great difficulty the old man rose from his fall. When he saw Tarquinius surrounded by his followers, who filled the entire place, and the great dearth of his own friends, he departed lamenting. Supported and escorted by only a few persons, he dripped much blood and could barely hold himself together because of his fall.²⁷

Three of these five segments, including the center piece ἀπήει στένω, focus solely on Servius himself, and even the two isolation segments, which ostensibly redirect the reader's attention towards Servius' foes and friends, have the old man as the subject in the first and the object in the second. That the entire construction begins and ends with Servius only further underscores his centrality in the scene. Nevertheless, the presence of others in the isolation segments and their placement bring the much-needed stylistic variation that such a complex construction requires, all without detracting from the pitiable plight of Servius. Also note how Dionysius brackets the entire scene with Servius' fall (ἐκ τοῦ πτώματος). While the first πτώματος is literal and the consequence of Tarquinius hurling Servius down the stairs of the senate house, the second πτώματος is both literal and metaphorical, referring not only to Servius' physical fall, but also to his precipitous fall from the height of power and into the abyss of misfortune.

²⁷ Dio. Hal. *Ant. Rom.* 4.38.6.

What is the significance of this scene? That Dionysius is fully aware of the taint of slavery is evident in his denial that the Romans descended from slaves, but since he cannot deny that Servius was once a slave, the historian leaves the task of asserting the truth to the hated Lucius Tarquinius and follows it up with a well-constructed and deeply emotional scene that elicits compassion and pity for Servius, who was no longer king, but a mere old man (ὁ πρεσβύτερος). In so doing, Dionysius directs the reader's attention away from Servius' origin and onto his plight instead. The need to counterbalance the taint of slavery with such a sympathetic portrayal, however, only illustrates how uncomfortable the Romans were with the idea that a slave not only once ruled Rome but was also responsible for so many of its long-standing institutions, not the least of which was the institution of manumission.

Livy, a contemporary of Dionysius, must also face the thorny question of Servius Tullius' birth. Unlike his Greek counterpart, however, Livy judges as false the belief that Servius was born to a slave woman and had been a slave himself. His conclusion rests on the simple fact that Tarquinius Priscus took Servius as his son in law since "this great honor, having been conferred on that man for whatever reason, forbids us to believe that he was born of a slave woman and was a slave himself in his childhood."²⁸ In Livy's mind a former slave, however great his personal merits, would never be worthy of the royal house, much less of kingship. This should not be interpreted as Livy contradicting his earlier praise of the integration of slaves at Romulus' Asylum. The Asylum was praiseworthy primarily because of the great benefit Rome derived from it; the moral of Livy's Asylum narrative is not so much

²⁸ Liv. 1.39.4-5. *hic quacumque de causa tantus illi honos habitus credere prohibet serva natum eum parvumque ipsum servisse.*

that former slaves were of equal worth as freeborn citizens, but rather that the taint of their former servitude could and should be overlooked if their inclusion in the citizen body was sufficiently beneficial to the Roman state. It did not follow that all public offices, much less the kingship, should be open to them.²⁹

3. BIRTH OF THE REPUBLIC AND *MANUMISSIO VINDICTA*

Livy and Dionysius agree on the broad outline of the Vindicius story: shortly after the expulsion of the Tarquini, some nobles, including Brutus' own sons, formed a conspiracy to restore the monarchy; a slave named Vindicius discovered the conspiracy, a discovery that eventually led to the execution of the conspirators; Vindicius was awarded both freedom and citizenship for his service to the nascent Republic.³⁰ The sources do, however, differ on several important details. Let us examine Vindicius' narrative role in three parts: his discovery of the conspiracy; his decision to reveal the conspiracy; and his manumission and reward of citizenship.

According to both of our sources, Vindicius made the conscious decision to overhear the conspirators' plan. In Dionysius' narrative, Vindicius did not suspect any malfeasance until his masters ordered all the slaves to leave in order to finalize their plan and detail it in a letter to Tarquinius.³¹ Livy, on the other hand, gives Vindicius much more agency and credit:

²⁹ But see Cic. *Rep.* 2.21.37-38. Cicero takes no issue with the possibility that Servius might have been born a slave.

³⁰ Dio. Hal. *Ant. Rom.* 5.5-13; Liv. 2.3-5. See also Plut. *Publ.* 3.3-5.

³¹ Dio. Hal. *Ant. Rom.* 5.7.3.

. . . *sermonem eorum ex servis unus exceptit, qui iam antea id senserat agi, sed eam occasionem, ut litterae legatis darentur quae deprehensae rem coarguere possent, exspectabat.*

One of the slaves overheard their conversation. He had for some time sensed what was happening but was waiting for the letter to be handed over to the envoys, letters that, when seized, could prove his accusation.³²

Livy's use of *iam antea* as opposed to the simpler *antea* emphasizes Vindicius' foresight, and the imperfect *exspectabat* shows that he had been waiting for such an opportunity to acquire concrete proof ever since he first suspected his master of nefarious plots, demonstrating his possession of the virtues of both foresight and prudence.

Once he saw that the letter to Tarquinius had been prepared, Livy's Vindicius went straight to the consuls without delay.³³ The lack of further deliberation on Vindicius' part should not come as a surprise since in this version of the story he had been planning it for some time. In Dionysius' narrative, however, Vindicius did not become aware of the conspiracy until that very night. Given the gravity of his newly acquired knowledge, it is only natural that he considered his options first before alerting the authorities. Here is Vindicius' thought process as handed down to us by Dionysius:

ἐξελθὼν δὲ πολλῆς ἔτι νυκτὸς οὔσης ὡς ἀπεσταλμένος ὑπὸ τῶν δεσποτῶν πρὸς μὲν τοὺς ὑπάτους ὤκνησεν ἐλθεῖν, δεδιὼς μὴ συγκρῦσαι τὸ πρᾶγμα βουλόμενοι διὰ τὴν εὐνοίαν τῶν συγγενῶν τὸν μηνύσαντα τὴν συνωμοσίαν ἀφανίσωσιν, ἀφικόμενος δ' ὡς Πόπλιον Οὐαλέριον, ὃς ἐν τοῖς πρώτοις τέτταρσιν ἦν τῶν τὴν τυραννίδα καταλυσάντων, δεξιῶσει καὶ δι' ὄρκων τὸ πιστὸν παρ' αὐτοῦ λαβὼν ὑπὲρ ἀσφαλείας τῆς ἑαυτοῦ, μηνυτῆς ὧν τε ἤκουσε καὶ ὧν εἶδε γίνεται.

³² Liv. 2.4.5-6.

³³ Liv. 2.4.6.

And setting out from the house while it was still the dead of night, as if he had been sent by his masters upon some business, he hesitated to go to the consuls, lest, in their desire to keep the matter quiet out of goodwill for their kinsmen, they might do away with the one who gave information of the conspiracy, but went to Publius Valerius, one of the four who had taken the lead in overthrowing the tyranny; and when this man had given him assurance of his safety by offering his hand and swearing oaths, he informed him of all that he had both heard and seen.³⁴

Note that Vindicius' hesitation was not over *whether* he should reveal the conspiracy to the authorities - he was already on his way to do just that (ἐξελθών) - but *how* he should reveal it. In any event his fear of nepotism was partially vindicated as later during the trial of the conspirators, while Brutus did not hesitate to have his sons executed for treason, Collatinus, the other consul, made every effort to save his nephews, the Vitellii brothers.³⁵ It should also be noted that Vindicius did not just go to any Roman aristocrat, but specifically chose to go to Publius Valerius Publicola, who, as one of the founding fathers of the new Republic, held considerable sway. If anything, this passage is a rather positive portrayal of Vindicius and of his prudence. The portrayal of Vindicius is, therefore, consistently positive in both Dionysius and Livy. But what does that tell us?

Both of our sources report that Vindicius was manumitted as his reward, becoming the first slave to be freed through *manumissio vindicta*.³⁶ As for the motivation behind creating this entirely new mode of manumission, Dionysius is silent, Livy explicit:

³⁴ Dio. Hal. *Ant. Rom.* 5.7.4. In Livy's account Publicola had already replaced Collatinus as Brutus' colleague in the consulate by this point, but in Dionysius' he did not do so until after the trial of the conspirators.

³⁵ Dio. Hal. *Ant. Rom.* 5.9.

³⁶ Dio. Hal. *Ant. Rom.* 5.13.1; Liv. 2.5.9.

Secundum poenam nocentium, ut in utramque partem arcendis sceleribus exemplum nobile esset, praemium indici pecunia ex aerario, libertas et ciuitas data.

After the punishment of the criminals, in order that there might be a notable deterrent against crimes in both respects, the informer was rewarded with freedom and citizenship as well as money from the treasury.³⁷

We again observe the primacy of the Roman state, whose welfare and interests alone could justify such an unprecedented action, and in this case Vindicius was manumitted to encourage informers of future conspiracies against the state. Furthermore, according to the Greek historian Vindicius was freed on the initiative of the consuls Publicola and Brutus.³⁸ The implication is significant: while Vindicius deserved freedom and citizenship for the great service he had rendered the nascent Republic, the institutional legitimacy and sanctity of manumission could not rest on the merits of a slave, however conspicuous those merits might be. Only an association with foundational figures such as Brutus and Publicola could legitimize and sanctify the institution of manumission. The consistently positive portrayal of Vindicius, therefore, only serves to underscore how deeply the taint of slavery was ingrained in the Roman consciousness.

4. RISE OF IMPERIAL ROME AND THE *VOLONES*

We have so far looked at the narratives of Romulus' Asylum, Servius Tullius, and Vindicius, all of which took place at critical junctures in the Romans' understanding of their early history, that is, the founding of Rome, the establishment of the Servian constitution, and the birth of the Roman Republic. We now turn to

³⁷ Liv. 2.5.9.

³⁸ Dio. Hal. *Ant. Rom.* 5.13.1; Liv. 2.5.9.

Livy's account of the *volones*, slave soldiers whom the Roman state purchased and armed in the aftermath of the Cannae disaster, another critical juncture, one that was both the nadir of Roman fortune in the war against Hannibal and the beginning of Roman ascendancy as a truly imperial power.³⁹

When reports of the defeat at Cannae reached Rome, the ensuing despair was so grave and pervasive that Livy, who spills considerable ink in his vivid description of the panic after Trebia and Lake Trasimene, concedes that it is impossible to describe the terror that struck the city after Cannae and do it justice.⁴⁰ So the historian moves on to the much more pleasant and edifying task of narrating the irrepressible Roman spirit as manifested in their response to the calamity. As Livy tells us, the Roman response to the disaster at Cannae was commensurate with the severity of the disaster itself: having ascertained the state of the situation in the field and quelled disturbance in the city, the senate recalled the surviving consul and turned its attention to religious matters, especially the conviction of two vestal virgins for unchastity early in the year; what had been a sacrilege (*nefas*) was now a portent (*prodigium*), and to appease the gods the Romans resorted to human sacrifice as instructed by the Sibylline Books. While this was not the first instance of human sacrifice in Roman history, the

³⁹ For a more general treatment on slave soldiers in Rome, see Norbert Rouland, *Les esclaves romains en temps de guerre* (Bruxelles: Latomus, 1977); Karl-Wilhelm Welwei, *Unfreie im antiken Kriegsdienst*, vol. 3. (Wiesbaden: Steiner, 1988). Both remain the foundational works on the subject. For monographs on the *volones* specifically, see Philippe Akar, "Les uolones de la bataille de Bénévent (214 Av. J.C.): autorité du magistrat et intégration des normes du comportement civique," ed. Giacomo Annibaldis, *Politica Antica* 8 (2018): 49–69; Carlo Castello, "Un caso singolare di espropriazione per pubblica utilità e di concessione della cittadinanza romana durante la 2 guerra punica," *Serta historica antiqua* 2 (1986). Regrettably, aside from brief references and cursory discussions, there has been little interest in the *volones* in the English-speaking world. At any event, none of the existing literature, as far as I am aware, situates itself within the context of Livy's narrative construction.

⁴⁰ Liv. 22.54.8. *nunquam salva urbe tantum pavoris tumultusque intra moenia Romana fuit. Itaque succumbam oneri neque adgrediar narrare quae edissertando minora vero faciam.*

practice was nevertheless rare and, as Livy admits, utterly un-Roman (*minime Romano sacro*), a vivid indication of Roman despair.⁴¹ It is at this point in the narrative that Livy pivots to military preparation and to the most extraordinary measure in the Roman response to the Cannae disaster:

Inde dictator ex auctoritate patrum dictus M. Iunius et Ti. Sempronius magister equitum dilectu edicto iuniores ab annis septemdecim et quosdam praetextatos scribunt; quattuor ex his legiones et mille equites effecti. Item ad socios Latinumque nomen ad milites ex formula accipiendos mittunt. (levy)

Arma tela, alia parari iubent et vetera spolia hostium detrahunt templis porticibusque. (weapons)

Et formam novi dilectus inopia liberorum capitum ac necessitas dedit: octo milia iuvenum validorum ex servitiis, prius sciscitantes singulos vellentne militare, empta publice armaverunt. Hic miles magis placuit, cum pretio minore redimendi captivos copia fieret. (levy)

Then Marcus Junius, the dictator appointed on the authority of the senate, and Tiberius Sempronius, his master of the horse, having proclaimed a levy, enrolled young men at least seventeen years of age and some boys who were still wearing the *praetexta*; from these four legions and 1,000 horse were formed. Likewise, they sent men to the allies and the Latins to receive soldiers in accordance with the terms of the treaty. They ordered armor, weapons, and other equipment to be prepared and took down ancient spoils of enemies from temples and porticos. And the shortage of free men as well as necessity led to a new form of levy: with public money they bought and armed 8,000 young and stout slaves, first asking each of them whether they were willing to serve. These soldiers were preferred even though there was an opportunity to ransom the captives at a lower cost.⁴²

⁴¹ Liv. 22.55-57.6; *BNP*, s.v. “Human Sacrifice.” See also Liv. 21.62.6-11. The Romans consulted the Sibylline Books after their defeat at Trebia, but nothing so extraordinary as human sacrifices was carried out as a response.

⁴² Liv. 22.57.9-12. Here Livy derives the epithet *volones* from the belief that the slaves “volunteered” (*vellentne militare*). Fest. *Gloss. Lat.* 511 and Macrob. *Sat.* 1.11.30 ascribe to the same derivation. As we will see, however, the slave’s agency was both severely limited and woefully inadequate for the attainment of their freedom.

Here Livy treats the recruitment of the *volones* as a different levy from that of citizens and allies (*dilectu edicto . . . formam novi dilectus*), and the placement of *formam novi dilectus* at the head of the sentence casts a spotlight on the novelty of slave soldiers. Also note how in Livy's construction of this passage the *volones* are separated from citizens and allies by a single sentence on the procurement of equipment, a subtle reminder of the most fundamental distinction in the Roman understanding of personhood, that is, the distinction between free and enslaved.⁴³

What makes the enlistment of the *volones* the most striking and extraordinary measure in the Roman repertoire of responses? To begin with, it was simply unprecedented: this was the first time in Roman history that the state sanctioned the recruitment of slave soldiers into the army, an army that was supposed to consist entirely of citizen soldiers.⁴⁴ In comparison, the human sacrifice carried out before the levies, while indeed extraordinary, was not without precedent,⁴⁵ and little needs to be said of the appointment of a military dictator after Trebia as the dictatorship was already a well-established constitutional office by then. More importantly, however, slaves serving alongside citizens called into question the fundamental distinction between the free and the enslaved, and Roman reluctance to blur that all important distinction is most evident in the fact that we have no other example of the Roman state enlisting slaves into the army without manumitting them first.⁴⁶

⁴³ Gai. *Inst.* 1.9. *et quidem summa divisio personarum haec est, quod homines aut liberi sunt aut servi.*

⁴⁴ Rouland, 44-45; Welwei, 5.

⁴⁵ Liv. 22.57.6. The ritual took place *in locum . . . iam ante hostiis humanis . . . imbutum.*

⁴⁶ The several instances of slave soldiers in the civil wars of the late Republic were the initiatives of individuals, not the Roman state. For slave soldiers in the civil wars, see Rouland, 76-90 and Welwei, 113-166. In an edict issued by the emperors Arcadius and Honorius in 406, slaves were encouraged to enlist with the promise of freedom, but it is not clear whether they were manumitted before or after their enlistment. *Cod. Theod.* 7.13.16.

The enlistment of the *volones* is significant on its own, but it also serves another and equally important function in Livy's narrative of the aftermath of Cannae. Before we dive in further, however, let us recall the historian's introduction of these slave soldiers:

Et formam novi dilectus inopia liberorum capitum ac necessitas dedit: octo milia iuvenum validorum ex servitiis, prius sciscitantes singulos vellentne militare, empti publice armaverunt. Hic miles magis placuit, cum pretio minore redimendi captivos copia fieret.

And the shortage of free men as well as necessity led to a new form of levy: with public money they bought and armed 8,000 young and stout slaves, first asking each of them whether they were willing to serve. These soldiers were preferred even though there was an opportunity to ransom the captives at a lower cost.⁴⁷

The *inopia liberorum capitum ac necessitas* has already been teased in the preceding passages by the levy of the underage *praetextati* and by the removal of enemy spoils from temples and porticos. The phrase, therefore, ties the *volones*' enlistment to the other emergency measures the Romans adopted after Cannae. Little surprise there.

The last sentence, on the other hand, not only connects the passage with what follows, but also signals the most important narrative function of the *volones*' enlistment: as a foil to the Roman soldiers who surrendered to Hannibal.

When the representatives of the Roman captives were granted an audience with the Senate, one of them spoke on behalf of his fellow prisoners. The speech, as Livy gives us, consists of two parts, and at the end of each part the speaker makes a reference, one explicit and one implicit, to the *volones*. The first half of the speech (22.59.1-12) focuses on the reasons that the captives deserve to be ransomed. Having given his version of their conduct at the battle and having made an appeal to

⁴⁷ Liv. 22.57.11-12.

precedents, Livy's nameless speaker argues that if ransomed, he and his fellow prisoners, the good and valiant soldiers that they have always been, would fight even more readily for their country out of gratitude. Then he continues:

Dilectum ex omni aetate et fortuna habetis; octo milia servorum audio armari. Non minor numerus noster est nec maiore pretio redimi possumus quam ii emuntur; nam si conferam nos cum illis, iniuriam nomini Romano faciam.

You are enlisting soldiers from all ages and classes; I hear that 8,000 slaves are being armed. Our number is not smaller, and our ransom is no more costly than their price of purchase. Moreover, if I compared ourselves with those men, it would be an insult to the Roman name.⁴⁸

Here the speaker points out the cost-effectiveness of paying Hannibal ransom compared to the expense of buying the slaves, but more significant is the chiasmic construction of the conditional sentence that follows, especially the three corresponding chiasmic pairs: *conferam-faciam*; *nos-nomini Romano*; *illis-iniuriam*. There is nothing subtle about this construction: the very act of comparison is an act of insult; "we" are Romans; and "they" are the insult (also note the escalation from the tangible and concise *nos* and *illis* to the abstract and more elaborate *iniuriam* and *nomini Romani*). The speaker is reminding the Senate - and Livy the reader - of the vast chasm in status that exists between the free and the enslaved.

The second half of the speech (22.59.13-19) appeals to the listeners' compassion and pity. The speaker points out that their captor was none other than Hannibal himself, a barbaric Carthaginian who is as cruel as he is greedy.⁴⁹ More importantly, even in the unlikely event that Hannibal, contrary to his own nature, decides to free his Roman prisoners, they would still deem their life unworthy of

⁴⁸ Liv. 22.59.12.

⁴⁹ Liv. 22.59.14. *an barbaro ac Poeno, qui utrum avarior an crudelior sit vix existimari potest?*

living if the Senate deems them unworthy of ransom.⁵⁰ Then Livy's nameless speaker concludes part two of his speech as well as the entire speech with these words:

Scio in discrimine esse vitam corpusque meum; magis me famae periculum movet, ne a vobis damnati ac repulsi abeamus; neque enim vos pretio pepercisse homines credent.

I know that my own life and body are at stake, but the danger to my fame concerns me more if we depart from here, having been condemned and rejected by you. For no one will believe that you were stingy with the ransom.⁵¹

Here we have a contrast between concern for one's own physical existence (*in discrimine . . . vitam corpusque meum*) and concern for one's own reputation (*famae periculum*). The striking consonance of *magis me famae periculum movet* underscores the overwhelming premium the Romans placed on the latter. The speech could have ended here on a strong note with the all-important concern for reputation, but instead Livy has the speaker return to the subject of the monetary cost of the ransom, a rather profane matter that is unworthy of the dignity of the Senate, as the speaker himself implies, which is quite the irony since it turns out that financial concern was exactly one of the reasons the Senate decided to reject the ransom request.⁵² But we do not acquire that knowledge until much later. At the present, by concluding the speech with a reference to the cost of the ransom, Livy prompts us to recall what we have just heard a short while ago at the end of part one of the speech:

*Dilectum ex omni aetate et fortuna habetis; octo milia servorum audio armari. Non minor numerus noster est **nec maiore pretio redimi possumus quam ii emuntur**; nam si conferam nos cum illis, iniuriam nomini Romano faciam.*

⁵⁰ Liv. 22.59.17. *si, medius fidius, ipse in nos mitis Hannibal contra naturam suam esse velit, nihil tamen nobis vita opus esse censeamus cum indigni ut redimeremur vobis visi simus.*

⁵¹ Liv. 22.59.19.

⁵² Liv. 22.61.1-2.

You are enlisting soldiers from all ages and classes; I hear that 8,000 slaves are being armed. Our number is not smaller, and our ransom is no more costly than their price of purchase. Moreover, if I compared ourselves with those men, it would be an insult to the Roman name.⁵³

Note that this earlier passage also focuses on the same issues, albeit in the reverse order of cost (*nec maiore pretio*) and then reputation (*iniuriam nomini Romano*).

These two passages, however, are not the only references to the cost of ransom.

Recall that Livy makes his narrative transition from the introduction of the *volones* to the ransom debate with a direct reference to the relative costs of purchasing slaves and ransoming Roman prisoners, and the same issue is brought up again when Livy gives the reasons for the Senate's refusal to ransom the prisoners.⁵⁴

What can we conclude from this analysis of the *volones*' role in the ransom debate? Before we continue, here is a summary of all the references, both explicit and implicit, to the *volones* in Livy's account of the debate before the Senate, all of which are in Book 22:

57.12 Transition to Ransom Debate

hic miles magis placuit, cum pretio minore redimendi captivos copia fieret.

These soldiers were preferred even though there was an opportunity to ransom the captives at a lower cost.

59.12 Prisoner Representative's Speech – Part 1

octo milia servorum audio armari. Non minor numerus noster est nec maiore pretio redimi possumus quam ii emuntur; nam si conferam nos cum illis, iniuriam nomini Romano faciam.

I hear that 8,000 slaves are being armed. Our number is not smaller, and our ransom is no more costly than their price of purchase. Moreover, if I compared ourselves with those men, it would be an insult to the Roman name.

⁵³ Liv. 22.59.12.

⁵⁴ Liv. 22.57.12, 61.2.

59.19 Prisoner Representative's Speech – Part 2

*Scio in discrimine esse vitam corpusque meum; magis me famae periculum movet, ne a vobis damnati ac repulsi abeamus; neque enim vos **pretio** pepercisse homines credent.*

I know that my own life and body are at stake, but the danger to my fame concerns me more if we depart from here, having been condemned and rejected by you. For no one will believe that you were stingy with the ransom

61.1-2 Senate Rejection of Ransom Request

*praeter exemplum civitatis minime in captivos iam inde antiquitus indulgentis, pecuniae quoque summa homines movit, quia nec aerarium exhauriri, **magna iam summa** erogata in servos ad militiam emendos armandosque, nec Hannibalem, maxime huiusce rei, ut fama erat, egentem, locupletari volebant.*

Besides the *exemplum* of the state, which from the early days had shown very little regard for prisoners, the cost of ransom also compelled the senators. They did not wish to deplete the treasury – a great sum of money had already been expended on the purchasing and arming of the slaves for military service – or to enrich Hannibal who, according to rumor, was especially in need of money.

Three of these four passages make direct references to the *volones* while 59.19 is ostensibly all about the prisoners. Note, however, the historian's choice of *pretium* for "cost" in 59.19, rather than *summa* as he does later in 61.2. Livy has already used *pretium* twice in the debate narrative (59.12, 19), and both times the word is used in the context of contrasting the prisoners with the *volones*. It is unlikely that the implicit reference to the slave soldiers in 59.19 would escape the notice of an attentive reader. This is not to say that the *volones* are the focus of the debate narrative. They are not. As we can see from the passages cited above, all the references to the *volones* are either implicit or brief, not to mention that they do not at all figure in Torquatus' fiery rebuke of the prisoners' representative. Yet there can be no doubt that as the Romans

debated what to do with the prisoners, they always had the *volones* in the back, if not the forefront, of their mind.

In 215 the *volones* came under the command of the consul Tiberius Sempronius Gracchus, who as master of the horse had helped enlist them in the previous year. Gracchus brought his army, which also included 25,000 allied troops, to Campania and set up his camp near the city of Liternum. He then began training the new recruits, of whom the *volones* constituted the greatest part, both to keep them busy and to drill them into proper soldiers.⁵⁵ There was, however, an even more important objective:

Inter quae maxima erat cura duci, itaque legatis tribunisque praeceperat, ne qua exprobratio cuiquam veteris fortunae discordiam inter ordines sereret; (Concern)

vetus miles tironi, liber voloni sese exaequari sineret; (Order)

omnis satis honestos generososque ducerent quibus arma sua signaque populus Romanus commisisset; (Reason 1)

quae fortuna coegisset ita fieri, eandem cogere tueri factum. (Reason 2)

Ea non maiore cura praecepta ab ducibus sunt quam a militibus observata, brevique tanta concordia coaluerant omnium animi ut prope in oblivionem veniret qua ex condicione quisque esset miles factus. (Result)

Among these this was the greatest care for the general, and he had instructed the legates and military tribunes to the same effect that no reproach of anyone's previous status should sow discord among the different ranks; the veteran soldier should allow himself to be placed on an equal footing with the new recruit, and the free man with the volunteer; they should consider as sufficiently respectable and of good birth all men to whom the Roman people had entrusted their arms and standards; the same fortune, which had compelled them to resort to such a course of action, compelled them to defend what had been done. The officers relayed these instructions with no greater care than the rank-and-file obeyed them, and in a short time the minds of all had been

⁵⁵ Liv. 23.32.1, 35.5-6.

nourished together with such concord that it was almost forgotten from what condition each man had been made a soldier.⁵⁶

Note Livy's construction of Gracchus' order *vetus miles tironi, liber voloni sese exaequari sineret*. Of the two nominative-dative pairs, the first (*vetus miles tironi*) concerns military experience, and the second (*liber voloni*) social and legal status. As the rest of the passage makes clear, however, Gracchus' concern was entirely with potential conflict between the free and the enslaved. The inclusion of *vetus miles tironi* is, therefore, not entirely necessary. Yet Livy's Gracchus not only includes it, but also places it before *liber voloni*. In so doing the consul reminds the citizen soldiers in his army - and the historian his reader - that the *volones'* military service to Rome is far more important than their servile status.

The passive *exaequari* suggests that Gracchus anticipated resistance from the citizen soldiers. As Livy tells us, however, both the officers and the rank-and-file enthusiastically embraced integration instead of resisting it. Was Gracchus' concern unfounded? Not quite. Or rather, it is not really the point. As with much of Livy's histories, this episode is meant to provide an *exemplum*, and the citizen soldiers' enthusiastic embrace of their slave comrades is exactly the lesson the historian hopes posterity as well as his own contemporaries would follow. If Livy explained in detail the dissension and resistance on the part of the citizen soldiers, it would detract from the *exemplum*, the very purpose of his narrative. It is rather unimportant in the grand scheme of the historian's work that Gracchus emerges as misjudging the sentiments of his fellow citizens.

⁵⁶ Liv. 23.35.7-9.

Nevertheless, Livy still feels compelled to explain the rationale for treating slave soldiers as if they were free. In the first place, as Gracchus explains, if the Roman state deemed the *volones* good enough to be entrusted with weapons and military standards, then they were good enough to be equals of Roman citizens. In other words, military service had the potential to erase the vast gulf that existed between citizens and slaves. But lest anyone holds an overly rosy idea of Roman attitude towards slaves, Livy immediately has Gracchus remind his citizen soldiers and the reader why the *volones* were enlisted in the first place: *quae fortuna coegisset ita fieri, eandem cogere tueri factum*. The most important justification for enlisting slaves is, therefore, the necessity of defending the welfare of the Roman state. Furthermore, as the historian tells us, the Romans *almost* forgot (*prope in oblivionem*) that the *volones* were still slaves. In other words, they did not, in fact, forget the servile status of their comrades-in-arms. For the vast chasm that separated the enslaved from the free could never be erased entirely.

The *volones* under Gracchus' command saw their first and only major action in 214 when they faced a Carthaginian army under Hanno near Beneventum, the same Campanian city outside of which sixty years ago the Romans had soundly defeated Pyrrhus and forced the king to withdraw from Italy. The Carthaginians had set up their camp by the river Calor, and Gracchus, now proconsul, set up his own camp about a mile away from them. Before engaging the enemy, Gracchus first assembled his troops, most of whom were slaves, and addressed them:

Legiones magna ex parte volonum habebat, qui iam alterum annum libertatem tacite mereri quam postulare palam maluerant. senserat tamen hibernis egrediens murmur in agmine esse quaerentium, en unquam liberi militaturi essent, scripseratque senatui non tam quid desiderarent quam quid meruissent: bona fortique opera eorum se ad eam diem usum neque ad exemplum iusti militis quicquam eis praeter libertatem deesse. De eo permissum ipsi erat faceret quod e re publica duceret esse.

Gracchus had two legions of mostly *volones*, who, now in their second year of service, had preferred earning their freedom in silence to demanding it in public. Nevertheless, as he departed from his winter quarters, he had noticed in the column the murmurs of those asking whether they would ever serve as free men; he had written to the Senate about not so much what they desired as what they had earned: to that day he had enjoyed their reliable and steadfast service, and they lacked nothing towards the standard of a regular soldier except for freedom. On that matter he had been permitted to do what he deemed to be in the best interest of the state.⁵⁷

Recall that Livy's histories are meant to provide *exempla* either to imitate or to avoid, and this passage provides both types. Here the *volones* are described as *tacite mereri quam postulare palam maluerant*. The chiasmic comparison of *tacite mereri* and *postulare palam* brings into sharp relief the most important lesson of the passage: freedom cannot be demanded, much less demanded publicly; it can only be earned and preferably in silence. Only a single sentence goes by before the reader is again reminded of this all important lesson, but this time with a parallel construction and in the reverse order of deserts and then desire: Gracchus included in his letter to the Senate, not what the slave soldiers had wanted (*quid desiderarent*), but what they had earned (*quid meruissent*), and as proof he praised their reliable (*bona*) and steadfast (*forti*) service. Also note the line *neque ad exemplum iusti militis quicquam eis praeter libertatem deesse*. Coming immediately after Gracchus' praise of the slaves' good conduct, this line is not so much an affirmation of their merit as it is an

⁵⁷ Liv. 24.14.3-5.

admission that no amount of exemplary service on its own is sufficient to carry the *volones* from a state of servitude to a state of freedom.

What then were the conditions that were still lacking for the manumission of the slave soldiers? Livy's Gracchus had just the answer in mind when he announced that he would engage the Carthaginians the next day and that anyone who brought him the head of a slain enemy would be freed at once while cowards would be punished like the slaves that they were. He reminded them that each man's fortune was in his own hands. Then proconsul continued:

Libertatis auctorem eis non se fore solum sed consulem M. Marcellum, sed universos patres, quos consultos ab se de libertate eorum sibi permisisse.

He himself was not the only author of their freedom, but so too were the consul M. Marcellus and the entire senate, who, having been consulted by himself, granted him discretion regarding their freedom.⁵⁸

The *volones* indeed had in their hands their own fate so far as they must prove their worth - yet again - by bringing back the head of an enemy; they were not, however, the *auctores* of, that is, the ones who were principally responsible for, their freedom.⁵⁹ Only masters and the Roman state were capable of becoming *auctores libertatis*, and here both the master and the state were collectively embodied in the *volones'* commanding officer Gracchus, the consul Marcellus, and the Roman Senate. In other words, even if the slaves had their fate in their own hands, the entirety of their being - with their freedom and their hands - were at the mercy of others. The precarious and dependent position of the slaves is laid bare.

⁵⁸ Liv. 24.14.8.

⁵⁹ For this sense of *auctor*, see *OLD*, s.v. "auctor."

Nevertheless, the *volones* had a chance to gain their freedom, and they behaved accordingly the next day. Despite their enthusiasm, however, the battle devolved into a grind with neither side gaining a decisive advantage, and Livy shows no hesitation in placing the blame squarely on Gracchus and the condition of freedom he had set on the previous day: the bravest of the *volones* were so busy cutting off slain enemies' heads that "the battle had been handed over to the languid and the cowardly."⁶⁰ When Gracchus realized his mistake, he immediately changed the conditions of freedom: severed heads were no longer necessary; demonstrated courage alone mattered. The battle was renewed, but as it remained indecisive, it was time to change the conditions of freedom yet again:

Postremo pronuntiat Gracchus esse nihil quod de libertate sperarent nisi eo die fusi fugatique hostes essent. Ea demum vox ita animos accendit ut renovato clamore velut alii repente facti tanta vi se in hostem intulerint ut sustineri ultra non possent.

Finally, Gracchus announced that they would have no hope of freedom on that day unless the enemy were broken and put to flight. At last, these words so fired up their spirit that they renewed their shouts and, as if they had been suddenly made into different men, charged the enemy with such violence that they could no longer be resisted.⁶¹

Despite the implication of *postremo* and *demum*, however, Gracchus was not quite done with changing the conditions of freedom. As Livy tells us, after the battle had been won, 4,000 of the *volones*, who had fought half-heartedly, retreated to a nearby hill and refused to come down for fear of punishment, an understandable reaction since Gracchus had indeed promised punishment for cowardice. But that was before the battle. Now that he had secured a great victory, Gracchus decided it was time to

⁶⁰ Liv. 24.15.4. *segnibus ac timidis tradita pugna erat.*

⁶¹ Liv. 24.14.8.

be truly magnanimous and freed all the surviving *volones* regardless of how they had fought.⁶² Whether we see the changing conditions of freedom as evidence of Gracchus' adaptability and genius or his incompetence and caprice, one thing is glaringly clear: he could change the terms at a whim.

Livy's account of the *volones*, like his accounts of Romulus' Asylum and of Vindicius, is part of an overarching manumission narrative with increasing complexity and vividness, a narrative that takes place at some of the most critical junctures in Roman history.⁶³ Taken together, they furnish a singular *exemplum*: freedom could only be earned through meritorious conduct and there was no greater merit than exemplary service to Rome.⁶⁴ The Roman state was of such paramount importance that its interests were capable of blurring and even erasing the otherwise indelible distinction between the free and the enslaved. Nevertheless, merit alone, however conspicuous and extraordinary, did not guarantee manumission as the slave was incapable of becoming the *auctor* of his own freedom; that was the prerogative of his master, according to whose will and whim the slave was condemned to live out his wretched existence.

⁶² Liv. 24.15-16.10.

⁶³ The slaves at the Asylum are referenced with a singular *servus* (1.8.6); Vindicius features several times in a more fleshed out episode (2.4.5-5.9); and the *volones*' story consists of multiple stages across several books (22-24).

⁶⁴ In Livy's narratives, meritorious conduct necessarily implies a degree of agency on the part of the slave. Recall that the slaves who flocked to Romulus' Asylum had taken the initiative to flee from their former masters (1.8.6); that Vindicius made the conscious decision to ascertain and then expose his masters' conspiracy against the nascent Republic (2.4.5-6); and that the slave soldiers received their epithet of *volones* because they "volunteered" their service (22.57.12).

CONCLUSION

What can we ascertain from the above analysis of the manumission narratives in Dionysius and Livy? As we have seen, the construction of these narratives is anything but haphazard, and both historians employ a wide variety of literary devices and techniques, the most significant of which include alliteration, parallelism, chiasmus, and allusion as well as deliberate omission and equivocation. These techniques, however, are more than just means for Livy and Dionysius to showcase their mastery of the written word; they also serve to effectively reinforce whatever it is that the historians wish to impress upon their reader. Take for example Dionysius' account of the founding of Rome. The Greek historian denies that Romulus and Remus' followers included slaves. The denial is made the more emphatic by a careful composition of the narrative, where the Romans and the slaves are segregated into their own grammatical constructions, creating a vast distance between the two groups, literally on the page of the historian's work and metaphorically in the mind of his reader. Livy employs a similar technique in his introduction of the *volones*, where the slave soldiers and the citizen soldiers are grammatically isolated in their own independent clauses, separated by another clause that has nothing to do with either.

The manumission narratives in both Livy and Dionysius also demonstrate the high regard accorded to the institution of manumission. Livy, for instance, explicitly asserts that Romulus' integration of slaves alongside freemen into the citizen body was the beginning of Rome's future greatness. Similarly, when Dionysius complains about the manumission practices of his own days, he is criticizing not the institution of manumission, but the specific manner in which many of his contemporaries freed their

slaves. In fact, he sets up Servius' enrollment of former slaves in the census list as an *exemplum* to be imitated. Dionysius even offers his own proposal, not for the abolition of manumission practices, but for their improvement. If anything, the historian was indignant that his contemporaries were abusing what had been a wise and noble tradition.

Yet it is abundantly clear that the integration of former slaves into the citizen body was a source of considerable anxiety and that the anxiety stemmed from the taint of slavery that was deeply ingrained in the Roman psyche. Recall Dionysius' denial that slaves were among Rome's first citizens. Livy, too, betrays a deep-seated concern for the taint of slavery when he argues that Servius could not have been born a slave because of the simple fact that Tarquinius Priscus took him as his son-in-law, implying that the taint of slavery would have barred Servius from the royal household regardless of his personal merits and virtues. What is implied in his account of Servius' origin Livy makes explicit in his narrative of the ransom debate after Cannae, in which the nameless representative of the Roman captives complains with great indignation that the very act of comparing free Romans with slaves is an insult to the Roman name.⁶⁵

Tension was inevitable between the Romans' respect for the institution of manumission and their anxiety over its consequence, that is, the integration of former slaves into the citizen body. This tension is most evident in Dionysius' account of Servius' life. The Greek historian is fully aware of how unsettling the taint of slavery was to the Roman psyche, and yet he finds himself unable to deny the king's servile

⁶⁵ For more on the taint of slavery, see Mouritsen, 10-35.

origin. In response, Dionysius goes to great lengths to strike a delicate balance through a deliberate and nuanced composition of his narrative: the historian himself never claims that Servius was once a slave and merely alludes to it in a brief account of his mother's life. Instead, Dionysius has the hated Lucius Tarquinius assert the truth, only to immediately redirect the reader's attention away from it with a masterfully constructed and deeply emotional scene of Servius' last moments. Similarly, when urging unity between the citizen soldiers and the *volones* under his command, Livy's Gracchus only alludes to the *volones*' enslaved status, and his choice of *vetus fortuna* for that purpose suggests to the citizen soldiers as well as the reader that perhaps the *volones* were not slaves but rather occupied a position somewhere between slavery and freedom.⁶⁶ That, of course, is a fiction as Livy tells us immediately afterwards that even though the citizen soldiers enthusiastically embraced the *volones*, they were still unable to completely forget the enslaved status of their comrades-in-arms.⁶⁷

Both Dionysius and Livy attempt to mediate such an acute and fundamental tension by associating manumission practices with some of the most important foundational figures in the Romans' understanding of their own early history: the very first Roman manumission is attributed to Romulus in Livy and to Servius in Dionysius while both historians associate *manumissio vindicta* with Brutus and Publicola. Equally important is the historians' emphasis on the benefits of manumissions. Dionysius, for instance, has Servius extol all the advantages that a master could obtain

⁶⁶ Liv. 23.35.7. *inter quae maxima erat cura duci, itaque legatis tribunisque praeceperat, ne qua exprobratio quiquam vereris fortunae discordiam inter ordines sereret.*

⁶⁷ Liv. 23.35.9. *ut prope in oblivionem veniret qua ex condicione quisque esset miles factus.*

from manumitting his slaves. In the same speech, Servius also reminds his audience – and the historian his reader – that freedmen citizens and their posterity were the key to ensuring Rome’s population would be equal to its power and ambition. Livy displays a similar sentiment when he credits Romulus’ Asylum as the source of Rome’s future greatness. In fact, the supremacy of the Roman state is emphasized throughout Livy’s narratives. The primary motivation behind Vindicius’ manumission, for example, is explicitly stated to be the desire to deter future conspiracies against the Roman state, and later in Livy’s account of the *volones*, the interests of the state are even capable of blurring the fundamental distinction between freedom and enslavement, justifying the extraordinary measure of arming slaves in the aftermath of the Cannae disaster.

Through their manumission narratives, therefore, Dionysius and Livy constructed a past where some of the most important foundational figures were the originators of manumission practices and where the welfare and interests of the Roman state were paramount. The construction of these narratives (the past) was necessitated by the fundamental tension between the Romans’ respect for the existing institution of manumission (the present) and their anxiety over what would happen to the citizen body as more and more slaves received citizenship through manumission (the future). In turn, these narratives of the past furnished hallowed *exempla* that mediated the concerns and anxieties of the present and future: the most illustrious and sagacious of our ancestors established manumissions for the benefit of Rome, and as such it is incumbent upon us to continue for ourselves and to preserve for our posterity the fruit of their wisdom and of their love for Rome. Thus, the constructive force of the manumission narratives allowed the historians to align the past, the present, and

the future into a single, harmonious whole. That these narratives took place at some of the most critical junctures in Roman history only strengthened their exemplary potency and mediatory effectiveness.

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