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CONTENTS

TACITUS ON THE SLAVES

An interpretation of the annales, XIV, 42—45

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The story

One of the most shocking examples of the callous brutality of a slave-owning society occurred in the year 61 A.D. The prefect of the city, Pedanius Secundus, had been murdered by one of his slaves. A *vetus mos* demanded that upon the murder of a master all his slaves should be put to death. But the number of the victims, and the indubitable innocence of most of them, roused the city populace, who began to riot and to besiege the senate house. A few senators pleaded for mercy, but the majority opposed any change in the *vetus mos*. The matter was finally settled by the old jurist C. Cassius. His speech, which is recorded by Tacitus in *oratio recta*, is marked by outspoken conservatism and by utter contempt for slaves. Cassius praises the wisdom of the *maiores* and denounces every change as a change for the worse, suggests that leniency in such matters exposes the masters to danger, ridicules the plea that the murder was due to provocation, observes that slaves are the dregs from all the corners of the world, to be governed only with intimidation, and winds up by arguing that the execution of innocents is justified in the public interest. Though the voice of pity was also heard in the senate, no one dared seriously to contradict Cassius, and the party in favour of the execution carried the day. The agitation of the city populace, ready with stones and torches, impeded the carrying out of the sentence, but after the emperor Nero had reprimanded the people by edict, the condemned slaves, among them children and women, were led to their death, probably by crucifixion, along streets lined with troops. One senator moved that the freedmen of the victim, who had lived in his house, be deported, but this was vetoed by the emperor, who did not want the *mos antiquus*, which had not been tempered by mercy, to be aggravated by cruelty.

Such is the horrible story in the fourteenth book of Tacitus' *annales*. Tacitus' description is cool and unemotional. Though he is our only authority on the incident, we have no reason to doubt the accuracy of the facts reported by

him. The debates of the senate were well documented. It is immaterial whether Tacitus himself scrutinized the records of the senate or whether he obtained his information from some earlier historian.[1]

These chapters of Tacitus raise, however, some problems. The problems are in part legal, in part they concern Tacitus' own attitude to the punishment of the slaves. I shall take the legal problem first.

The legal problem

The senate acted in accordance with the Roman Law in passing the sentence. A *senatusconsultum Silanianum*, which is traditionally dated to A.D. 10, laid it down that on the death by murder of a master all his *familia*, who had been »under the same roof», had to be examined by torture, and all who could have helped him but had failed to do so, were to be put to death.[2] This decree could be stretched, as in the present case, so as to include all the slaves of a master. The decree had been made still harsher a few years before the incident, A.D. 57, by a *senatusconsultum Neronianum* or *Pisonianum*, which threatened with the same punishment the freedmen manumitted by the will of the victim.[3]

Tacitus does not, however, cite the *SC. Silanianum*. According to him, the senate followed a *vetus mos*.[4] In Cassius' speech there are more explicit references to the current legislation. He points out that the *senatusconsultum*, which threatened the whole *familia* with death, had not been suspended. But at the beginning of his speech, and likewise in the middle of it, he suggests that this punishment of slaves had been prescribed by the *instituta et leges maiorum*.

If the *SC. Silanianum* was made in the year 10 A.D., there is some incongruity in Tacitus' account, for he calls it a *vetus mos*, and Cassius ascribes the rule to the *maiores*. Because of this, R. H. Barrow argues that Tacitus did not record the facts accurately: »The question was not whether the *vetus mos* was to be upheld, nor is Cassius pleading for its observance as current law; the point is rather whether the existing law, i.e. the *SC. Silanianum* and the *SC. Claudianum* (= *Pisonianum*, *Neronianum*), shall be suspended and replaced by the very *vetus mos* which had become obsolete. — — in a panic these noble senators cancelled the earlier decision of their own body. Rules made in the imperial age were thus set aside — —».[5] Barrow has been followed by

[1] For the problem of the use made by Tacitus of the senate's *acta*, cf., e.g., M. L. W. Laistner, The Greater Roman Historians (Berkeley, 1963, paperback), 121 and 178, n. 35.

[2] Paulus, *Sententiae* III 5, 3 ff.; *Digesta* XXVIIII 5.

[3] Reported by Tacitus, *ann.* XIII 32.

[4] XIV 42.

[5] Slavery in the Roman Empire (London, 1928) 57.

R. SYME.[1] But BARROW's own idea of the legal basis of the senate's decision is confused. According to him, »there was an ancient tradition that, if any slave had murdered his master, then all his slaves should be put to death».[2] He believes that the *SC. Silanianum* was meant to soften this harsh rule: it »provided for the torture, not necessarily the death, of 'all the slaves within the house, or those outside the house who were present at the murder'; only the guilty were to be put to death.»[3] This interpretation of the *SC. Silanianum* is hardly correct. The Roman jurists make it clear that the *SC.* demanded the torture a n d death of all the slaves who were unhappy enough to have been »under the same roof». Thus Modestinus writes: *Cum dominus occiditur, auxilium ei familia ferre debet — — quod si, cum posset, non tulerit, merito de ea supplicium sumitur.*[4] It is also credible that the torture was meant to be part of the punishment, not just a means of extorting the truth.[5] BARROW has here followed W. W. BUCKLAND, who seems to have made a similar mistake: »A *Sc.* Silanianum — — provided for the torture of slaves if there was reason to think the master had been killed by them. After the truth had been discovered by torture the guilty slave might be executed.»[6] The confusion is due to the expression »the guilty slave». According to the *SC. Silanianum* all the slaves who had failed to protect their master were guilty, not only the assassin, who after all could be a total outsider.[7]

But if the punishment meted out by the senate to the wretched slaves of the prefect was in accordance with the existing legislation, how do we explain Tacitus' reference to the *vetus mos?* The easiest solution is to suppose that there really existed an ancient custom to put to death all the slaves of a murdered master and that the *SC. Silanianum* only made a law of this ancient practice. There is, unfortunately, very little evidence of such a practice in the republican period. BUCKLAND and BARROW cite a passage from Cicero's correspondence,[8] but some other scholars, e.g. TH. MOMMSEN[9] and SYME,[10] are sceptical of its validity.

The passage is found in a letter from Servius Sulpicius Rufus to Cicero

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[1] *Tacitus* (Oxford, 1958) II 564.
[2] *Op. cit.* 55.
[3] *Ibid.* 56.
[4] *Digesta* XXVIIII 5, 19.
[5] A. EHRHARDT, Tormenta, R. E., VIA, 1936, col. 1776, 39.
[6] The Roman Law of Slavery (Cambridge, 1908) 95.
[7] Cf., e.g., M. KASER, Das römische Privatrecht I (*Rechtsgeschichte des Altertums im Rahmen des Handbuchs der Altertumswissenschaft* III 3, 1, München, 1955) 245, fn. 2.
[8] *Fam.* IV 12, 3.
[9] Römisches Strafrecht (Leipzig, 1899) 631.
[10] *Op. cit.* 564, fn. 3.

45 B.C., describing the murder of M. Claudius Marcellus, the consul of 51 B.C. Marcellus had been assaulted by his close friend P. Magius Cilo at Piraeus. The assassin committed suicide, and Marcellus died of his wounds before the dawn. The letter continues: *Ego tamen ad tabernaculum eius perrexi. inveni duos libertos et pauculos servos; reliquos aiebant profugisse metu perterritos, quod dominus eorum ante tabernaculum interfectus esset.* The slaves had run away out of fear, and their fear was due to the fact that their master had been murdered before the tent in which he, and presumably also his followers, had been residing. The slaves had no reason to fear an investigation as to who had committed the murder. The only rational ground for their terror was their belief that they would be punished for their failure to prevent the murder. Considering the cruel treatment of slaves in the republican period it is quite possible that vengeance was often meted out to the slaves of the victim in this way. The lack of further evidence may be due to the fact that the Roman writers rarely discussed the affairs of the slaves.

But though this may help us to understand Tacitus' citing of the *vetus mos*, it does not solve all the difficulties of the text. Cassius, as we have seen, intimated that the decree belonged to the *instituta et leges maiorum*. It was, then, not just an inofficial rule. One could naturally argue that Cassius' praise of the forefathers as the makers of the law was rhetorical exaggeration, but this explanation may seem far-fetched.

The apparent incongruity can be best accounted for by redating the *S C. Silanianum*. The ancient jurists do not tell us when it was enacted. Our only clue to its date is its name, *Silanianum*. The jurists of the Later Empire had started the practice of naming the *SCta* after one of the consuls of the year, after the emperor who proposed the decree, or even after the senator who directed the public attention to the subject.[1] We have a precise *terminus ante quem*, A.D. 11, when the senate passed a minor modification of the *SC. Silanianum*.[2] Because one of the consuls of the preceding year was C. Iunius Silanus, it has been assumed that this was the year in which the *SC.* was made. But it seems somewhat odd that a *SC.* should have been amended only a year after it had been passed. The next amendment, the *SC. Pisonianum* or *Neronianum*, did not come until A.D. 57.

If we presume that the *SC. Silanianum* had been named after a consul, we have several Iunii Silani to choose from, 109, 62, 25 and 17 B.C., and 10 A.D.

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[1] O' Brien Moore, Senatus consultum, R. E., Suppl. VI, 1935, col. 801, 29.
[2] *Digesta* XXVIIII 5, 13.

Excluding the republic proper — no datable republican *SC.* had been named in this way — we still have some early dates left, 25 and 17 B.C., which were separated by a period of 86 and 78 years, respectively, from the year 61 A.D., in which the senate debated the fate of the city prefect's slaves. A senator, looking back to that relatively distant time, could properly ascribe a law made then to the *maiores.* Tacitus, it may be noticed, uses the word *maiores* also for people who were living two or three generations earlier.[1]

Scholars have been reluctant to give the *SC. Silanianum* so early a date as I suggest probably because of a story recorded by Seneca the Younger: Augustus had refused to take vengeance upon the slaves who had murdered their abominable master, the rich and greedy Hostius Quadra.[2] This seems to imply that there was as yet no law. But Seneca does not give the incident any date. It may have taken place in the early days of Augustus' rule. It is also possible that, provided the *SC.* had already been enacted, Augustus simply suspended it because the man seemed to him to have earned his fate.

There is thus no confusion in Tacitus' presentation of the legal facts. Both an ancient custom and the *SC. Silanianum* regulating it demanded the torture and execution of all the slaves of a murdered master who had been »under the same roof« and had failed to help him.

One further point needs clarification. After Cassius' view had prevailed and the slaves were condemned, one senator, as stated, proposed the deportation of the prefect's freedmen who had been »under the same roof«. L. HERRMANN argues that this is in contradiction with the decree passed by the senate in 57 A.D. Because of this, he suggests that *ann.* XIV 42—45 should be placed between XIII 31—32.[3] But even disregarding the difficulties of such a rearrangement of Tacitus' chapters, there need be no incongruity between XIII 32 and XIV 45. In the former passage it was stated that the punishment affected the freedmen »under the same roof« who had been manumitted by the will of the victim and who were thus slaves during the murder, but in XIV 45 nothing indicates that the freedmen were those manumitted by the will: *liberti quoque qui sub eodem tecto fuissent.* They were already freedmen.

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[1] Cf. *ann.* 53 *castra Antonii cum recordatione maiorum suorum adiit* (scil. Germanicus); this took place in A.D. 18, 49 years after Actium; Marc Antony was his mother's father. XIV 40 *Marcellum memoria maiorum — — poenae magis quam infamiae exemere;* he was famous because Asinius Pollio (died A.D. 5) was his great-grandfather. *Hist.* IV 73 *»an vos cariores — — transrhenanis gentibus creditis, quam maioribus eorum patres avique vestri fuerunt?«*

[2] *Nat.quaest.* I 16.

[3] »La genèse du senatusconsultum Silanianum«, *Archives d'histoire du droit oriental — Revue internationale des droits de l'antiquité* I, 1952, 495—505. HERRMANN asserts that the *SC. Silanianum* was passed A.D. 57 and that this *SC.* and the *SC. Pisonianum* were one and the same.

Tacitus' attitude to slaves

A more important problem remains to be solved. What did Tacitus himself think of the cruel punishment of the city prefect's slaves? Did he share the view of the jurist Cassius? Before this problem can be properly solved, the origin of Cassius' speech must be discussed.

C. Cassius Longinus is a well-known historical figure, the *consul suffectus* 30 A.D., the proconsul of Asia 40—42, the imperial legate in Syria ca. 45—49. He also wrote books on Civil Law. These works are vanished, but they were used in an excerpted form for the *Digesta*.[1] Though no other ancient writer has told us anything about the incident of 61 A.D., there can be no doubt that Cassius really spoke in the senate in opposition to clemency. Because Tacitus had the *acta* of the senate at his disposal, either directly or through earlier historians, it is improbable that he had fabricated a speech made in the senate.

Tacitus, in accordance with the general practice of ancient historians, naturally elaborated the speeches he found in his sources to make them conform to his own stylistic ideas. We have one example of Tacitus' method in regard to historical speeches, Claudius' oration in the senate in 48 A.D., in which he pleaded the right of the Gauls to be admitted to higher offices. The main part of the speech was found at Lyon inscribed on a bronze tablet.[2] Tacitus gives the same speech in *oratio recta*.[3] A comparison of the two speeches proves at first sight baffling, for the differences in style and in the disposition are very great. A detailed analysis, however, shows that Tacitus retained the basic ideas of the emperor. What he did was to improve the tortuous style of Claudius and to give the gist of his speech in a clearer form.[4]

Syme contends that Tacitus remodelled Claudius' speech heavily because he disliked the man and his style. On the other hand, he probably touched Tiberius' speeches with a light hand because Tiberius was a thoughtful orator and his style congenial to Tacitus.[5] A similar line of reasoning can be applied to Cassius' speech of 61 A.D. Because he, a professional lawyer and writer, was no doubt a fluent speaker, there is no reason to think that Tacitus subjected his

[1] Jörs, C. Cassius Longinus, R.E. III, 1899, col. 1736—1738.
[2] Dessau, Inscriptiones latinae selectae, No. 212.
[3] *Ann.* XI 24.
[4] For modern literature on the subject, cf. E. Koestermann, Tacitus, Annalen, Band III Heidelberg, 1967) 77—82.
[5] *Op.cit.* 319.

speech to a thorough revision. As was always the case, he gave the original discourse a new stylistic shape and perhaps rearranged and certainly condensed the arguments, for Cassius' speech must have been considerably longer than the one and a half pages, about five minutes when read aloud, which Tacitus allots to it. But the core of the speech surely goes back to Cassius.

It is, then, probable that Tacitus did not use Cassius speech as a vehicle for his own ideas about the proper treatment of slaves. The problem must be stated thus: were Cassius' arguments acceptable to the historian? Did he himself despise slaves and set a low value on their lives? To answer these questions, it is necessary to discuss some points at greater length.

First, Tacitus obviously held Cassius in considerable esteem. The very facts that this man belonged to the aristocratic opposition, fell a victim to Nero's tyranny and was, moreover, a descendant of Cassius the tyrant-slayer, were likely to earn him the sympathy of the historian. Again, it is evident that Cassius' character was congenial to Tacitus. When he first presents the man, he praises his military talent: *Ea tempestate Cassius ceteros praeminebat peritia legum: nam militares artes per otium ignotae, industriosque aut ignavos pax in aequo tenet. ac tamen quantum sine bello dabatur, revocare priscum morem, exercitare legiones, cura provisu perinde agere ac si hostis ingrueret.*[1] Every reader of Tacitus will have noticed that he sets a high value on war and conquest, stern discipline and soldiery behaviour.[2] The tribute he pays to Cassius is accordingly particularly significant. He suggests that Cassius would have been a good general if he had had an opportunity to wage war. But though there was no war, he did his best to revive the old military discipline and to make his troops fit for war. Cassius was here as much to his liking as that other military hero of his, Corbulo. Recording Corbulo's severity towards his soldiers, Tacitus remarks: *ceterum is terror milites hostisque in diversum adfecit: nos virtutem auximus, barbari ferociam infregere.*[3] In another connection he likewise praises the beneficial results of Corbulo's stern discipline.[4] Clearly Tacitus valued Cassius and Corbulo as exemplary disciplinarians, who tried to counteract the relaxing effects of a prolonged peace.

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[1] XII 12.

[2] Besides the passage quoted, cf., e.g., *ann.* VI 32, where Tacitus envies the republican historians, who could write on *ingentia bella, expugnationes urbium*, while perpetual peace makes his own work *in arto et inglorius*. He thought glory was more important than life, IV 50. A soldier's uncouth, forceful last words deserve publicity as well as those of Seneca, XV 67.

[3] *Ann.* XI 19.

[4] *Ann.* XIII 35 *idque* (scil., *severitas*) *usu salubre et misericordia melius adparuit.*

Cassius' excessive severity led him to trouble at Puteoli, where he had been sent to restore order after the conflicts of the local aristoracy and the *plebs* had provoked the danger of blood-shedding, but Tacitus belittles his failure: he writes that Cassius asked to be relieved of his task because the Puteolans did not stand his *severitas*.[1] He does not blame Cassius for his sternness. On the contrary, his attitude is here one of ostensible objectivity.

Cassius' praise of the *maiores*, who were wiser than the present generation, must also have appealed strongly to Tacitus. Like most Romans, he admired the past and conceived of history as a process of continual degeneration. The idea of progress was, in general, alien to classical writers.[2] Tacitus, who disliked the imperial system and felt a nostalgia for the republic, must have been a particularly keen admirer of the ways and institutions of the forefathers. I shall cite a few examples. A shocking fratricide in the Civil War of 69 A.D. makes Tacitus recall a similar incident from Sulla's time, when the slayer killed himself and did not claim a reward, as in the present case. Tacitus adds that he will record similar ancient stories whenever the context demands *exempla recti aut solacia mali*.[3] Recording Vitellius' lavish gifts to his troops, he remarks that the *maiores* did not corrupt their soldiers with *luxus* and *pecunia* but relied upon *virtus*.[4] The present age, he once writes, was thoroughly corrupted.[5] But the forefathers were praiseworthy not only because of their rectitude and harsh virtue. Tacitus could also cite them as examples of a more humane attitude. Thus, when blaming Augustus for his disproportionate severity towards the common vice of *adulterium*, he observes that the emperor overstepped the *clementia maiorum* and his own laws.[6]

There is, it is true, one significant passage in which the historian grants that, provided everything was moving in a cycle so that social customs could change like seasons, the present could in some respects be superior to the past.[7] But apart from the fact that Tacitus does not here represent the idea of progress but a diluted version of the ancient conception of world-cycles, the whole passage is hypothetical: *nisi forte* . . ., and its significance should not be over-

[1] XIII 48.

[2] Cf. *ann.* III 26—27, where Tacitus records the common view of a »golden age» and of the subsequent degeneration of the human race. For the theory, cf. J. B. BURY, The Idea of Progress, (New York, n.d.) 8—20.

[3] *Hist.* III 51.

[4] *Hist.* II 69.

[5] *Hist.* II 37.

[6] *Ann.* III 24.

[7] *Ann.* III 55.

stated. Tacitus was an eclectic in philosophical problems, citing many theories but not pondering their deeper implications.[1]

Because Tacitus thought highly of Cassius, and because he admired the forefathers, who had instituted the *vetus mos*, one could contend that the arguments given by Cassius in his speech corresponded to those of Tacitus: the harsh treatment of slaves was to be upheld because it had been decreed by the *maiores*. But we are not yet entitled to draw such a conclusion. Seneca the Younger, who like Tacitus praised the ancient harsh Romans,[2] was an unequivocal critic of his countrymen's brutality towards slaves. What is of decisive importance here is Tacitus' own attitude toward the slaves.

Tacitus was living in an age when the governing and educated classes were at last giving some attention to the horribe lot of the slaves. In ancient society, slavery was normally accepted as a fact, its justification seldom questioned, and its abolition never thought of. The origin of slavery in war makes this attitude understandable. War was in prehistorical times the normal state between tribes and nations. Every stranger and prisoner-of-war became a slave, unless he was put to death. A slave was thus, by definition, without any rights whatsoever, a piece of chattel.[3] We should not idealize ancient slavery. Unlimited power over other people leads to brutality and corruption, especially in a society largely unpermeated by humanitarian ideas. Cultural and racial differences between masters and slaves intensified the feelings of aversion and superiority. Again, the large numbers of slaves and the well-grounded suspicion of their lust for vengeance fostered fear, and fear fostered hatred. And the philosophers of the Greeks, especially Plato and Aristotle, taught them that slavery was an inseparable part of social order and that slaves were morally and intellectually inferior to free men.[4]

The humanitarian movement began in Greece, at first among the sophists. The sophist Alcidamas, a pupil of Gorgias and a contemporary of Isocrates, applied the sophistic antithesis between natural and conventional right (φύσις and νόμος) to slavery, too: it was not natural, not based

[1] Cf. *ann.* VI 22, the discussion of the problem of Fate, which is nothing but a summary of the philosophical doctrines current at his time. I agree with E. FRAENKEL, »Tacitus», *Neue Jahrbücher*, 8, 1932, who warns us of exaggerating the importance of such »halbgelehrtes Beiwerk.»

[2] Cf., e.g., *epistula* LXXXVI.

[3] H. LÉVY-BRUHL, »Théorie de l'esclavage», reprinted in M. I. FINLEY, Slavery in Classical Antiquity (Cambridge, 1960), 156 and 164.

[4] R. SCHLAIFER, »Greek Theories of Slavery from Homer to Aristotle», reprinted in FINLEY, *op. cit.* 93—132.

upon human nature, but entirely man-made: *ἐλευθέρους ἀφῆκε πάντας θεός. οὐδένα δοῦλον ἡ φύσις πεποίηκεν.*[1] But even his point of view was limited. He pleaded for the delivery of the Messenians from being subjected as helots to Sparta. At any rate, there must have been others, too, who held similar views of the origin of slavery, for Aristotle, in his *Politics*, at the beginning of the chapter on slavery, states that a few people »maintain that for one man to be another man's master is contrary to nature, because it is only convention that makes the one a slave and the other a freeman and there is no difference between them by nature, and that therefore it is unjust, for it is based on force.«[2] In philosophy, however, the powerful influence of Plato and Aristotle made a temporary end to attempts to find a theoretical justification for the equality of slave and freeman. But that the ideas represented by Alcidamas and by the unnamed philosophers alluded to by Aristotle had gained some currency is shown by the fact that the contemporary of Menander, Philemon, in a fragment denies that a man could be born a slave: *κἄν δοῦλος ᾖ τις, σάρκα τὴν αὐτὴν ἔχει. / φύσει γὰρ οὐδεὶς δοῦλος ἐγενήθη ποτέ, / ἡ δ' αὖ τύχη τὸ σῶμα κατεδουλώσατο.*[3]

The Greek criticism was thus almost exclusively against the theory of natural slavery, which taught the doctrine that a man could be a born slave and that slavishness was innate in his very character.[4] Slavery as an institution was not called in question.

This attitude did not change with S t o i c i s m, although the Stoics advocated the idea of the fundamental equality of all human beings: all men were equal in that all of them had reason and the same physical and psychic make-up.[5] But the Stoic insistence on »inner freedom«, on the disposition of mind, made the distinction between slave and free immaterial for them. Even a slave could be free if he was free from passions, following only his logos and if no man could dictate his thinking and feeling.[6] The antithesis between the wise man and the fool was more significant for the Stoics than any differences of class.[7]

It was this Stoic idea that came to have a great influence on the Romans.

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[1] *Scholia ad Arist. rhet.*, 1375b 18.
[2] I 2, 3 (translated by H. RACKHAM, *Loeb Classical Library*).
[3] Frg. 95 K (II 508).
[4] SCHLAIFER, *op. cit.* 128–129.
[5] M. POHLENZ, Die Stoa (Göttingen, 1959, 2. Auflage) 135–136.
[6] POHLENZ, Der hellenische Mensch (Göttingen, n.d.) 394–395.
[7] H. C. BALDRY, The Unity of Mankind in Greek Thought (Cambridge, 1965) 158.

During the republic, however, the Romans did not yet change their ideas of slavery. Though Cicero seems to have adopted the Stoic notion of the unity of mankind,[1] it did not much affect his attitude to the traditional divisions of ancient society. Indeed, one finds in Cicero few theoretical remarks on slaves. In *De officiis* he argued that slaves were lowly creatures but that justice should be observed in their treatment, too.[2] This is naturally an echo of Panaetius.[3] But in *De re publica* he reproduced Aristotle's idea that the master held a sway over his slaves as reason held over the body and over the soul's evil and weak elements.[4] His ideas were as inconsistent in practice, too. He showed genuine affection for his trusted Tiro,[5] argued that slaves should be allowed their own emotions,[6] and demanded that the welfare of slaves should also be attended to.[7] On the other hand, he suggested that it was not becoming to grieve too much at a slave's death,[8] remarked that in depraved houses the slaves enjoyed excessive freedom,[9] and warned that not even faithful slaves could be trusted in public affairs.[10] Clearly Cicero had not begun to consider seriously the question of slavery. He was living in the hey-day of ancient slavery, and accepted without questioning the traditional views of ancient society.

It was during the Empire that a change in attitude became evident. From a practical point of view it was significant that a series of legislative enactments gave the slaves some protection against the wilfullness and brutality of their masters.[11] The *SC. Silanianum* was only apparently in contradiction with this tendency of legislation to greater humanity, for it did nothing but regulate a practice which, with all probability, went back to the republican period. It is a vexing question whether this tendency to give the slaves legal protection was due to Stoicism or not.[12] Later Roman Law, at any rate, denied the existence of natural slavery: *servitus autem est constitutio iuris gentium, qua quis*

[1] Cf. *leg.* I 22—32; see BALDRY, *op. cit.* 200—201.
[2] I 41.
[3] POHLENZ, Antikes Führertum. Cicero De Officiis und das Lebensideal des Panaetius (Leipzig-Berlin, 1934) 34.
[4] III 37.
[5] *Fam.* XVI 16, 1.
[6] *Fam.* XI 28, 3.
[7] *Quint.* I 1, 24.
[8] *Att.* I 12, 4.
[9] *Cael.* 57.
[10] *Quint.* I 1, 17.
[11] For these Imperial enactments, cf. W. L. WESTERMANN, The Slave Systems of Greek and Roman Antiquity (Philadelphia, 1955) 114—115.
[12] The Stoic influence is denied by WESTERMANN, *op. cit.* 116.

dominio alieno contra naturam subicitur.[1] The Roman emperors and magistrates were probably actuated by the infiltration of Stoic ideas concerning the fundamental equality of all human beings, and even more by the practical necessity to attend to slaves in a period when their supply through war and piracy was becoming more scarce.

In literature, too, slavery was finally subjected to a serious discussion. It was S e n e c a who in several connections voiced the ideas which may have been rather common in his day. In his famous *epistula* XLVII he advocated a kind and considerate treatment of the slaves; in *De beneficiis* he argued that slaves, too, could give benefits to their masters, and so were entitled to earn his gratitude.[2] Seneca justified these ideas by the usual Stoic contention that all human beings were equal, regardless of the barriers of society: *vis tu cogitare istum, quem servum tuum vocas, ex isdem seminibus ortum eodem frui caelo, aeque spirare, aeque vivere, aeque mori.*[3] In *De beneficiis* he contended that virtue was open to all, to slaves as well as to kings,[4] and declared that slavery affected only the body of a man, not his soul, which was its own master.[5]

These were typical Stoic ideas. It is thus not possible to hold, as has recently been done, that Seneca's humanity towards slaves was due, not to Stoicism, but to a general awakening, under Greek non-philosophical influence (Euripides, Philemon, etc.), of a more humane attitude to the slaves.[6] This cannot be true of Seneca, the professed Stoic. Rather his pioneer advocacy of a better treatment of slaves may be ascribable to the common sense of a Roman to translate abstract philosophical ideas into practical policy.[7]

The other writers who deserve attention here are Tacitus' contemporaries, Juvenal and Pliny the Younger. J u v e n a l did not write much of slaves. His bitter attacks upon freedmen may be due to the experiences of an impoverished freeborn client,[8] but they do not reveal anything of his attitude to slavery. One can, however, find a note of genuine sympathy in the sixth satire, in his memorable description of the cruel treatment meted out by some noble ladies to their slaves and handmaids.[9] In the fourteenth satire, in discussing the evil

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[1] *Corpus Iuris Civilis, instit.* I 3, 2.
[2] III 18—22.
[3] *Epist.* XLVII, 10.
[4] § 18, 2.
[5] § 20, 1.
[6] W. Richter, »Seneca und die Sklaven», *Gymnasium* 65, 1958, 196—218.
[7] Richter, *op. cit.* 212—213.
[8] Cf. G. Highet, Juvenal the Satirist (Oxford, 1962, paperback edition) 233.
[9] Lines 474—495.

influence which the parents can have on their sons, he described a Rutilus, who delighted in inflicting torture on his slaves, and echoed the Stoic doctrine that slave and free were made of the same stuff.[1]

Pliny the Younger, unlike Seneca, does not discuss the theoretical aspects of slavery. That cannot be expected from him, for he was no philosopher. He can be more properly compared with Cicero, although his attitude towards slaves is more humane than that of Cicero. He permits his slaves to make wills and sees to it that the wills are executed as though they were legally valid.[2] There is even a touch of sentimentality in Pliny's assertion that the deaths of his slaves affect him deeply, and he defends himself against those people who think misfortunes of that kind are nothing but »pecuniary losses»: *hominis est enim affici dolore, sentire.*[3] The difference between Cicero and Pliny may well be due to a difference in character and temperament, but it is equally permissible to see in Pliny's greater *humanitas* (a word he himself uses) a reflection of the changing attitude towards the slaves in the Imperial age.

This is the background against which Tacitus' position must be reviewed. The humanitarian movement was primarily ascribable to Stoicism, but the idea of the equality of all human beings and the advocacy of a kinder treatment of slaves had certainly infiltrated far and wide and lost their Stoic label.

Tacitus was not another Seneca. As stated earlier, nothing indicates that he had pondered deeply on philosophical problems. On the contrary, he looked askance upon philosophers, especially upon Stoics, and made occasionally fun of their ostentatious virtue.[4]

But Tacitus was not another Pliny, either. He seems to have been largely untouched by the humanitarian and equalitarian ideas of the times. Instead, he might be called an illustrious example of ancient social prejudices. It must be admitted, however, that Tacitus had a sombre view of human nature, both of the aristocrat and of the common man. His fellow senators did not escape his scathing comments. Grovelling servility before the emperors was the vice he most often derided in the Roman senate. *Actae insuper Vitellio gratiae consuetudine servitii,*[5] is a typical expression. *At Romae*

[1] Lines 14—24; cf. lines 16—17: *animas servorum et corpora nostra / materia constare putat paribusque elementis.*
[2] VIII 16, 1.
[3] Ibid. § 3.
[4] Cf. Syme, *op. cit.* 553—554.
[5] *Hist.* II 71.

ruere in servitium consules, patres, eques,[1] is a statement put at the beginning of his description of Tiberius' rise to power. Tacitus quotes with evident relish Tiberius' contemptuous words of the Roman senators: *o homines ad servitutem paratos*.[2] Tacitus' irony and his brilliant style are at their best in his description of the massacre of the Pisonian conspirators: men who had lost their sons or brothers or near relatives or friends, and still thanked the gods, decorated their houses with laurel, kneeling before the emperor and incessantly kissing his right hand.[3]

The historian cannot thus be expected to entertain any high opinion of the commons and of the slaves. His attitude to them is in fact one of undisguised contempt. In addition to the adulation of the emperors, a vice they shared with the aristocracy,[4] they had defects and vices of their own. The common people, *vulgus*, did not care for public affairs; indeed, the only national concern in which they took some interest was the distribution of free corn.[5] They were instead addicted to the theatre and the circus,[6] and the emperor who shared these pursuits of the public could always count on their favour.[7] The intellectual level of the commons was low. They were credulous, and did not care for the truth or justice.[8] They were superstitious and thought natural phenomena were prodigies sent by the gods.[9] Clever leaders could consequently work upon their superstitious fears.[10] Sudden changes of mind were characteristic of the *vulgus*, and they were as ready for excessive joy as for excessive brutality.[11] This inconstancy of the common people made it easy for them to change the

[1] *Ann.* I 7.

[2] *Ann.* III 65.

[3] *Ann.* XV 71.

[4] Cf., e.g., *hist.* I 32 *tradito more quemcumque principem adulandi*; I 90 *imperatorem Augustum pros equerentur — — nec metu aut amore, sed ex libidine servitii.*

[5] *Hist.* IV 38 *vulgus — — cui una ex re publica annonae cura*; cf. *ann.* XV 36.

[6] *Hist.* I 4 *plebs sordida et circo ac theatris sueta.* Tacitus makes several remarks on the *lascivia* and *licentia* of the crowds in the theatre and in the circus: *hist.* I 72; *ann.* XI 13; XIII 24. 25.

[7] *Ann.* XIV 14 *ut est vulgus cupiens voluptatum et, si eodem princeps trahat, laetum*; *hist.*, II 91 *omnem infimae plebis rumorem in theatro ut spectator, in circo ut fautor adfectavit* (scil., Vitellius).

[8] *Hist.* II 90 *Vulgus tamen vacuum curis et sine falsi verique discrimine*; IV 49 *Vulgus credulum ruere in forum — — gaudio clamoribusque cuncta miscebant, indiligentia veri et adulandi libidine*; a similar remark in I 32.

[9] *Ann.* XIV 22 *Inter quae sidus cometes effulsit; de quo vulgi opinio est tamquam mutationem regis portendat.* In *hist.* II 61 Tacitus observes that when a rebellious Gaul was thrown to the beasts, escaping alive, *stolidum vulgus* believed him inviolable, until he was put to death in the presence of Vitellius.

[10] There is a famous instance of this in the rebellion of the Pannonian legions, which was finally quelled after the soldiers believed that an eclipse of the moon was a sign of heavenly disapproval, *ann.* I 28.

[11] *Hist.* I, 69 *vulgus mutabile subitis et tam pronum in misericordiam quam immodicum saevitia fuit.* Cf. II 29.

object of their adulation,[1] and to abuse a dead emperor as foully as they had flattered him when he was living.[2] Again, the corrupted and frivolous masses were always ready to riot or revolt,[3] and it was the civil convulsions that exposed their worst qualities. Tacitus wrote an ingenious analysis of the behaviour of the urban population in the Civil War of 69 A.D.: the people of the capital followed the battle as if it were a showpiece, they were cruel and unfeeling, delighting in bloodshedding, and snatched the *spolia* for themselves while the soldiers were fighting. Meanwhile debaucheries of every kind were going on.[4]

When Tacitus speaks of the *vulgus*, he does not make it clear whether he refers only to the *plebs ingenua*, or whether it embraces freedmen and the slave population, too. He probably did not make any subtle distinctions in these cases. It can be assumed that the censure passed by him on the moral and intellectual poverty of the *vulgus* bore upon the slaves, too.

Some passages, however, suggest that Tacitus valued freedmen and slaves even less than he did the *vulgus*. He remarks that the *plebs ingenua* was becoming rarer every day, while the *familiae* were growing immense.[5] It is in troubled times that freedmen take part in public affairs.[6] According to the historian, even the barbarians sneered at an army who obeyed the orders of a slave, in this case Nero's freedman Polyclitus.[7] It is especially the adjective *servilis* which has a strong negative connotation in Tacitus, suggesting baseness of character. *Servilis animus* was ready for betrayal because of riches and power.[8] The mighty Narcissus, Claudius' freedman, showered *servilia probra* upon Messalina when she was being executed.[9] The freedman Antonius Felix, procurator of Judea, misused his position *servili ingenio* for brutalities and sensual pleasures.[10] If a slave did something brave and courageous, he was thought to have acted *non servili animo*. This was Tacitus' judgement of the slave who tried to liberate Postumus Agrippa.[11]

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[1] *Hist.* III 64.
[2] *Hist.* III 85: Vitellius.
[3] *Hist.* I 83 *vulgus et plures, seditionibus et ambitioso imperio laeti*; *ann.* XV 46 *ut est novarum rerum cupiens pavidusque.*
[4] *Hist.* III 83.
[5] *Ann.* IV 27.
[6] *Hist.* I 76.
[7] *Ann.* XIV 39.
[8] *Ann.* XV 54.
[9] *Ann.* XI 37.
[10] *Hist.* V 9.
[11] *Ann.* II 39.

Yet there are a few cases in which Tacitus seems to break through the social barrier and to recognize virtue when he sees it. Enumerating at the beginning of the *Historiae* the evil and the good witnessed during the period of the Civil War, he records among the latter the refusal of many slaves to betray their masters even in the teeth of torture.[1] Still more significant is a story from the time of Nero's persecution of the followers of Piso the conspirator. One of the victims was a *libertina mulier*, who, in spite of horrible tortures, did not betray her associates but committed suicide to balk the renewed efforts of her torturers. Tacitus praises this freedwoman, who protected people strange to her at a time when freeborn men, knights and senators, who were safe from tortures, betrayed their nearest and dearest.[2] The significance of this passage is, however, somewhat reduced by the fact that stories of the fidelity of slaves were rhetorical commonplaces.[3] Tacitus may have made much of the story to throw the worthlessness of the Roman gentlemen into sharper relief. At any rate, I do not think this one passage justifies one to conclude that Tacitus did not attach much importance to social distinctions.

Considering that Tacitus had a very low opinion of the common people and of slaves, it is probable that the fate which the senate prepared for the city prefect's *familia* did not grieve him overmuch. Tacitus, in fact, sometimes suggests that the blood of slaves and gladiators was cheap for him. Tiberius' son, Drusus, took a great delight in gladiatorial shows, according to the historian *quamquam vili sanguine nimis gaudens*.[4] He records, without comment, a *senatusconsultum* to deport 4000 freedmen, tainted with Egyptian and Jewish superstitions, to Sardinia; if they should perish because of the severe climate, the loss would be light: *vile damnum*.[5] Tacitus seems also to countenance the ruthless punishments of the Christians, the enemies of mankind and adherents of a deadly superstition: *unde quamquam adversus sontes et novissima exempla meritos miseratio oriebatur*; the words *sontes* — *meritos* represent Tacitus' own verdict upon the Christians, not that of the spectators, among whom Nero's cruelty provoked a sense of pity.[6]

The cool objectivity of Tacitus in his description of the murder of Pedanius

[1] I 3.
[2] *Ann.* XV 57.
[3] J. Vogt, Sklaventreue, in »Sklaverei und Humanität», *Historia, Einzelschriften, Heft* 8, 1965, 83–96.
[4] *Ann.* I 76.
[5] *Ann.* II 85.
[6] *Ann.* XV 44. In the interpretation of this much-discussed passage I have sided with A. Momigliano, Cambridge Ancient History, X, 1934, 887.

Secundus should not deceive us. Tacitus does not fail to show his sympathy and compassion when innocent people were murdered, but it was only so if the victims belonged to his own social class. Any one who reads the lines he wrote upon the massacre of the associates of Sejanus,[1] his comment upon the pitiable fate of Britannicus,[2] his description of the last sad days of Octavia,[3] or of the suicide of Lucius Vetus and his daughter and mother-in-law,[4] will be convinced of his capacity for human sympathy. But Tacitus was evidently unable to see beyond social barriers in such cases. The scene of the inflamed masses besieging the senate house and demanding the liberation of hundreds of innocent victims, would have provided a magnificent opportunity for a writer wanting to contrast the callousness of the aristocracy with the humanity of the commons.

WESTERMANN ascribes the rioting to a community of interest between the poor free, the freedmen, and the slave populations, brought about by »a leveling of the standards of living as between the poor free and the slave group.»[5] But this explanation seems to be too narrowly rational. Only a deep sense of injustice could provoke the masses to such anger. It is possible that, in general, the common people were marked by a more humane attitude to the sufferings of their fellow-men than were the upper classes. Tacitus himself once remarks that pity was a characteristic of the low and the humble. Describing the meeting of Corbulo's troops with the wretched survivors from the catastrophe in Armenia, Tacitus says that rivalry in valour and ambition for glory were now forgotten. Pity was the prevailing emotion, especially *apud minores*.[6] On the whole, however, Tacitus failed to appreciate a quality of the common people which he himself possessed.

Conclusion

Because Tacitus valued severity and discipline, admired the ways and institutions of the forefathers, cared little for the common people and for the slaves, and obviously held Cassius in high esteem, and finally, because he in no way suggested that the cruel order to execute the slaves was to his distaste, it

[1] *Ann.* VI 19.
[2] *Ann.* XII 26.
[3] *Ann.* XIV 63–64.
[4] *Ann.* XVI 11.
[5] *Op. cit.* 114.
[6] *Ann.* XV 16.

must be assumed that Tacitus' own ideas of the proper treatment of slaves were not unlike those Cassius put forth in his speech. Accordingly, Tacitus probably regarded the execution of the slaves as a just punishment.

It will transgress the limits of the present modest contribution to Tacitean studies to try to find an explanation for Tacitus' reactionary position. One could argue that Tacitus represented the views of the Roman aristocracy, but this is a too mechanical explanation. Pliny's letters and the humanitarian laws passed in the Hadrianic age suggest that the new ideas had gained some ground among the Roman nobility, too. It was perhaps the combination of an aristocratic upbringing, a historian's admiration of the ways and institutions of the past, and a sombre conception of the human mind, which made Tacitus so prejudiced and, in our eyes, old-fashioned in regard to social divisions in general and the institution of slavery in particular.