PLAUTUS AND ROMAN SLAVERY

ROBERTA STEWART

WILEY-BLACKWELL

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Roberta Stewart

WILEY-BLACKWELL
A John Wiley & Sons, Ltd., Publication

This edition first published 2012

Blackwell Publishing was acquired by John Wiley & Sons in February 2007. Blackwell's publishing program has been merged with Wiley's global Scientific, Technical, and Medical business to form Wiley-Blackwell.

Registered Office

John Wiley & Sons Ltd, The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, UK

Editorial Offices

350 Main Street, Malden, MA 02148-5020, USA

9600 Garsington Road, Oxford, OX4 2DQ, UK

The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, UK

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Library of Congress Cataloging-in-Publication Data

Stewart, Roberta, 1958–

Plautus and Roman slavery / by Roberta L. Stewart.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-4051-9628-4 (hardcover: alk. paper) 1. Slavery —Rome—History. 2. Plautus, Titus Maccius—Characters—Slaves. 3. Slavery in literature. 4. Slaves—Rome. I. Title.

HT863.S74 2012

306.3’620937—dc23

2011046044

A catalogue record for this book is available from the British Library.

ISBN 978-1-1182-7408-8 (mobi)

ISBN 978-1-1182-7409-5 (epdf)

ISBN 978-1-1182-7415-6 (epub)

For LilyDahn

Preface

In this book, I ask serious questions of a playwright whose job and livelihood depended upon making people laugh. I have not sought to wring the humor out of his plays but to use a successful artist's critical insight into his society in order to investigate something that Romans tended not to write about much or, when they did, not write as analytically as we could wish. Plautus' comedies remind me how very much we need our own artists.

The idea for this project came at the Feminism and the Classics Conference held at Princeton in 1996, when I watched a female colleague of color underscore the particular experience of African American women and I found myself unable to understand her argument. I began to question my colleagues in the History department at Dartmouth about their study of American slavery, which led to still more thinking about Roman slavery and the long-term consequences of domination. I owe special thanks to the women at the conference, whose frank and open discussions enabled me to formulate a historical question that has taught me so much.

The book has taken longer than I could wish, first of all because I had to learn about ancient and American slavery. Dartmouth facilitated this project in important ways. The Legal Studies faculty group co-sponsored an initial offering of an undergraduate course on Comparative Slavery in Rome and the Colonial South that I co-taught in 2000 with Alex Bontemps, a historian of African American slavery; the Dartmouth College Committee on College Courses paid for its second offering in 2001. The Masters of Arts in Liberal Studies (MALS) program, under the direction of Donald Pease, supported a seminar on comparative slavery for graduate students, two of whom wrote masters theses on slavery with me and one of whose work directly contributed to this project. I thank Fletcher Proctor for lively discussions

about Hegel and slavery, and also for including me in his attempt to understand the thinking of the American planter Landon Carter. I thank the undergraduate Presidential Scholars who worked with me on various aspects of this project: Rose MacLean, Catherine Lacey, Adam Williams, Kyle Jazwa, and Debra Aboodi. The Nelson A. Rockefeller Center at Dartmouth and the College supported a sabbatical year when I studied the corpus of Plautus' plays and gathered the evidence for the analysis presented here. Thanks are due too to the National Endowment for the Humanities whose grant encouraged me to think that a comparative study of Plautus in the light of ancient and American slavery might yield good history.

Many of the arguments in this book began as conference papers, and I owe much to patient audiences who listened to me and asked questions. The argument about *Captivi* and enslavement (Chapter 2) was first presented at the annual meeting of the American Philological Association in 2001; about slave sale in *Persa* (Chapter 1) at Berkeley in 2002; about the trickster in *Pseudolus* (Chapter 5) at the American Academy in Rome in 2003; about manumission in *Menaechmi* (Chapter 4) at Duke University and at University of Galway in 2004; about slave sale in *Mercator* (Chapter 1) at the Classical Association of New England Summer Institute at Dartmouth College in 2006. I owe much to my colleagues at Dartmouth, especially Roger Ulrich, Hakan Tell, and Margaret Graver in Classics and Robert Bonner, Alex Bontemps, Margaret Darrow, and Annelise Orleck in History. My colleague James H. Tatum deserves special reward for reading much of this manuscript in draft and for insisting that I respect – as much as I am able – the comedies as literature. Elaine Fantham, Sander Goldberg, Judith Hallett, Dennis Kehoe, Thomas McGinn, Amy Richlin, and Timothy Moore read parts of the text. Keith Bradley, Sandra Joshel, Amy Richlin, and Sander Goldberg generously sent me work

that has not yet appeared or is in process. Lawrence Richardson helped me think through the configuration of buildings associated with slave sale. Susan O'Donavan has shared with me her work on American emancipation and has taught me much about systems of slavery. Kent Rigsby read the entire text and, as usual, offered insightful critique.

Finally I want to thank Haze Humbert, my editor at Wiley-Blackwell, who talked with me about the project in 2007 and has been so supportive in marshaling this book through to its completion.

This book is dedicated to my daughter LilyDahn Stewart, *filiae carissimae*, who has grown up watching her mother write a book. My sincerest hope is that the experience has profited both of us.

A word about texts: All citations of Plautus are taken from Lindsay's 1910 Oxford edition. Translations of Plautus are adapted from Nixon's translations in the Loeb Classical Library. All other classical citations are taken from the Oxford or Teubner editions, unless otherwise specified. For classical authors and editions, I have used the abbreviations printed in the *Oxford Classical Dictionary*; for scholarly publications I have followed abbreviations used by *L'Année philologique*.

Introduction

> Power itself is never so transparent that its analysis becomes superfluous. The ultimate mark of power may be its invisibility; the ultimate challenge the exposition of its roots.
>
> *(Trouillot 1995, xix)*

This is a book about silence, an attempt to understand the silences about slavery in the documents we have from the slave society of ancient Rome. There are three silences: the silence of traditional historical records; the silence of the master; the silence of the slaves. The silences are intentional and ideological, that is, they are a product of the institution of chattel slavery and they are evidence for that institution.[1] The following chapters represent both a methodological experiment in reading the silence and a historical argument about slavery and slave experience. I attempt to reconstruct the ubiquity of Roman slavery and its centrality in Roman society, and propose a historical narrative about slavery drawn from evidence that is not canonically historical. Slavery is a *relationship* of power, and the statuses of master and slave are claims, not facts, that are created and enacted in relationship. To study slavery, we need a kind of evidence that is exceptionally rare in the ancient world: the interactions of two individuals who speak to each other. Roman public drama, the comedies of Plautus, provides our earliest evidence for the interactions of masters and slaves; but studies of the roles of slaves in Roman drama have tended to adopt – consciously or not – the master's definition of the slave, and the analytical perspective thus never steps back from the perspective of the plays to ask either about slavery as a relationship of power or about the slave's perspective implied by the

representations.[2] In this book, I treat the dramas as historical artifacts and put this public drama in context with treatises on farming; with statute, law, and public policy; with trickster tales from other slave societies.[3] In addition to the arguments about aspects of slave experience, there is a larger epistemological claim: the public dramas reveal the contours of a Roman discourse about slavery that the Romans, unlike the Athenians and Hellenistic Greeks, did not articulate into philosophical treatises. The Plautine corpus does not show a coherent theory of slavery but it does show a range of cases that illustrate an awareness of slavery as a complex problem in the earliest documented period of the Roman slave society.[4] In this introduction, the early history of slavery at Rome and a survey of recent approaches to Roman comedy and the history of world slavery will lay the groundwork for investigating slavery and slave experience in the time of Plautus.

The formation of Rome as a slave society can be dated by three developments: the definition of the slave as a person in the Twelve Tables (451/450 BCE), the abolition of debt slavery by a *lex Poetelia* (dated 326 or 313 BCE), and the definition of the slave as chattel in the *lex Aquilia* at some date between 287 BCE and the early second century BCE.[5] In the Twelve Tables the slave was a member of the hierarchically structured community and counted as a person, albeit of lesser status (Tab. 8.3).[6] The Roman enslaved for debt might continue to live with resources from his own family, that is, he was not alienated (Tab. 3.4).[7] Although the Twelve Tables allowed the sale "*trans Tiberim*" of judgment debtors who did not settle with their creditors (Tab. 3.7) and so suggest the early existence of deracinated slavery at Rome, the first treaty between Rome and Carthage, dating to 509/8 and regulating economic activities of the two states, did not mention slaves or slave-

trafficking (Polyb. 3.22–23), by contrast with the treaty of 348 that did.[8] In 326 or 313 BCE a *lex Poetelia* abolished debt slavery for Roman citizens and established the integrity of the body as a perquisite of the Roman citizen *qua* citizen.[9] The *lex Aquilia* redefined the Roman law of delict defined in the Twelve Tables and established a careful definition of damage to property, as well as criteria for calculating loss.[10] The terms of the law replaced the definition of the slave as a person of lesser status with the definition of the slave as a fungible property, or chattel. Law and statute distinguished the citizen and slave, and – more important – institutionalized the objectification of a human being as fungible property.[11]

For Moses Finley, the political and legal advance defined by the *lex Poetelia* created one of the necessary preconditions for the development of Rome into one of the world's five known slave societies (along with Classical Athens, and colonial Caribbean, Brazil, and the American South).[12] Finley emphasized the slave society as a historical phenomenon, and he correlated Roman conquest and enslavements in Italy and the Punic wars with a demand for labor caused by the freeing of the person of the citizen, ostensibly by the *lex Poetelia* of 326/313.[13] Finley (1998, 148–150) distinguished the "slave society" from a "society with slaves" according to the "location" of the slaves within the society. Slavery is ubiquitous in human history; but slave societies, by contrast with the manifold forms of societies with slaves, displayed a "radical commodification of the human body" (Shaw 1998, 14): the slave was deracinated and so without kin or natal community; the slave was the object of sale and did not own his/her own body or labor; the slave lived at the complete discretion of the master.[14] Finley argued that in the slave society, by contrast with the

society with slaves, slavery facilitated the economy and defined the social, political, and economic structures of the society. A society with slaves might lose the slaves and remain the same society; a slave society could not lose the slaves without changing fundamentally its structures and ideologies.

Finley's *Ancient Slavery and Modern Ideology* remains vigorously debated in Classical Studies, and his term "slave society" and his insight into its historical evolution continue to inspire historians of ancient and American slavery.[15] For William Harris, the late fourth-century Roman wars with Etruscan, Samnite, and Greek peoples and the carefully recorded enslavements marked a change in the character of Roman militarism, precisely when the *lex Poetelia* abolished debt slavery at Rome.[16] For Walter Scheidel, the Roman army and Roman militarism – so government policy and practice – fed the private needs of slave-holders for slaves.[17] He counts at least 60,000 Italic peoples (Etruscans, Samnites, and Greeks) in the years 297–293, at least 85,000 Carthaginians and Greeks in Sicily during the first Punic war, 60,000 people in Italy, Africa, and the Spains during the second Punic war.[18] Although any particular recorded figure from antiquity is notoriously unreliable, Scheidel shows that the mean number of enslavements increased from the earliest period and increased dramatically after the second Punic war: 297–241 BCE, mean 3,300/year; 241–202 BCE, mean 5,300/year; 201–167 BCE, mean 8,700 enslaved/year.[19] According to Keith Hopkins, the increasing use of slaves facilitated the concomitant re-employment of citizen soldiers as the necessary labor force for Mediterranean conquest.[20] For Karl-Wilhelm Welwei, Roman slavery as it developed in the fourth and third centuries facilitated the increasing wealth of the elite and the military service of Roman citizen

soldiers.[21] Scholars with different ideological views seem then to have recognized that the Roman Republican political and military structure developed in one way – and not another – because Romans were enslaving significant numbers and diverse populations. Such embeddedness of slavery in the society and in its historical development characterizes the slave society.

Fourth-century political practice illustrates the increasing importance of slavery. A manumission law, or *lex Manlia*, of 357 imposed a tax on manumission (Livy 7.16.7); opposition to the law targeted the procedure of its vote, not its content (7.16.8).[22] Although the statute served to establish an emergency fund after the Gallic sack, its terms are important for indicating already in the early fourth century political recognition of manumission as a taxable, economic transaction and of the slave as chattel. Furthermore, mass enslavements began to accompany Roman victory and conquest, e.g., of Veii in 396 (Livy 5.22.1; Dion. Hal. *Ant. Rom*. 14.93.2), where the organization of Latin tribes on the territory of the conquered people indicates the permanent displacement – if not the enslavement – of the original population.[23] Victorious consuls paraded captives among the spoils of battle in their triumphal processions and made public and ceremonial celebration of slaves as the reward of successful Roman militarism, in 356, 346, and 278.[24] The records of mass enslavements in battle, of enslaved captives sold on the battlefield (Livy 10.17.6, 10.20.16), and of captives led in parade suggest a careful interest in human property that distinguishes fourth-century Roman practice from subsequent periods, when the numbers of captives enslaved and sold were recorded but primarily captive elites were marched in triumphal parade.[25]

The contrast of the *lex Aquilia* and the *lex Manlia* reveals a crucial distinction and suggests a major historical

development. Unlike the *lex Manlia*, the *lex Aquilia* defined the economic interests of private slave-holders as a public interest and harnessed state institutions, both the assemblies and the courts, to protect those interests. Moreover, the *lex Aquilia* first defined the slave as fungible chattel (*c*. 287 BCE), implying a significant redefinition of the slave as property that was assessable and replaceable.[26] By contrast, the Twelve Tables, in defining a legal remedy for damage to a slave, compared the slave to a free man, i.e., not yet as chattel.[27] The law's passage and its terms show that slave-holders had taken control of the state and were using state institutions to protect their interests (and to define their private interests as public interest).[28] Rome had transitioned from a society with slaves into a slave society. We have no record of what Romans – collectively or individually – thought about their slaves and what slaves thought of themselves for roughly the first hundred years of chattel slavery, until the time of Plautus.

Traditional historical documents (the major narratives of the Roman slave society) typically write the slave out of history. That silence is not accidental. Concretely Roman law denied to the slave familial ties, the privilege of military service, and the opportunity for political participation. More subtly, Roman law institutionalized the slave as "chattel" and institutionalized the disregard of the slave as an agent or subject capable of acting in his or her own right.[29] Roman law never developed the concept of a slave's direct agency but developed the principle of noxal liability, which recognized the slave's autonomous capacity only for criminal action.[30] The law of slavery thus denied, refused to recognize, the slave's capacity for independent, autonomous action. The slave *qua* slave was incapable of action from volition and so incapable of *res gestae*. Hence

the first silence, that of the traditional historical narratives of the Roman slave society.

But even when slaves are documented, the representations are mediated by the extreme power relationships of slavery. Slavery is the ultimate representational fiat: a human being becomes fungible property because thinking makes it so. The slave-holder creates and promotes representations of the slave and slave behavior that legitimate his domination. The slave system cannot recognize or represent the slave as an autonomous subject because to do so fundamentally contradicts the logic of slavery. The effectiveness of slavery as a system of domination depended on naturalizing the overwhelming, coercive power as both temperate and moral, as normal and natural.[31] In other words, both the master's honorable capacity to exercise unilateral coercive authority and the slave's capacity – as a subordinated yet still thinking *subject* – to act morally as a subject only when obedient to the master were fundamental to the success of the Roman slave system.[32] The system worked when it simultaneously facilitated and denied the capacity of the slave as rational moral agent. A slave should not act or speak for himself. Even the visible slave was silenced.

The forcibly subordinated subject nevertheless was a subject,[33] and the more valuable commodity in that s/he was a sentient human being. In *Phenomenology of Spirit* (13–31), Georg Hegel offered acute insight into slavery as a complex struggle for domination.[34] His thinking has become foundational for modern studies of slavery.[35] Hegel posited the social self as the product of interrelationship, and so placed slavery at the very core of social organization or society.[36] Social identity emerged out of a contest of recognition that produced a hierarchy, a winner (a master) and a loser (a slave). The struggle for recognition – what

Rauch has termed a “clash of egos” or “competitive struggle for selfhood” – engaged both participants as combatants at the deepest level of their existence and identified a master, one who recognized himself as recognized as such by another and who expropriated his labor, and a natural slave who in the life-and-death struggle capitulated, thus showing him or herself incapable of becoming human in the fullest sense.[37] Recent studies of American slave experience have shown the dialectical character of systems of slavery as a daily experience. For the study of Roman slavery and slave experience, Hegel and the American material offer important analytical insights: the identity of both master and slave as relational and mediated by each other; social relationship and social identity as the product of a continuous pattern of contest.[38] In other words, to get at Roman slavery – and not simply masters or slaves – we have to view the intersubjective contest of master and slave and its multiple variations.[39] It is a different way of looking, and Plautus provides the window.

Recent work in political theory, political anthropology, and American slavery studies has focused on understanding the identity of the forcibly subordinated subject during slavery (i.e., during the ongoing contest with the master).[40] Slavery involved a twofold assault on the slave, for physical domination by the master but also and more important a struggle for survival (physical and especially cognitive) from the perspective of the slave. The actions of the slave may thus be understood as a form of self-assertion within a contest for domination and survival, and slaves learned to silence themselves in order to survive.[41] Subjection entails a subordination and concomitant objectification of the subject by the dominator, but the independent subjectivity of the forcibly subordinated human being participates in and

resists the objectification, by controlling in some measure what the dominator/observer perceives and so may know about the objectified subject. In other words, the slaves strategically silenced themselves and thereby controlled first what masters could observe or know about them and second what they could imagine or represent about them. David Brion Davis has called the slave the first modern for precisely this disjunction of external behavior and internal standards of judgment,[42] and Du Bois identified the disjunction, the beginnings of double consciousness, as the crucial survival skill for the former American slave.[43] The third silence is the strategic silence of the slaves themselves.

How do we write the history of a silence?[44] The requirement of the "authentic voice" is a red herring.[45] On one level the authentic voice is a highly selective descriptor that would eliminate most texts from historical interpretation. When does a text qualify as an "authentic voice"? Is Pliny the Elder an authentic voice about plants and animals? In laments about the lack of the "authentic voice" the implicit idea is that we lack an author who shows critical awareness of selective historical criteria (e.g., gender, ethnicity, status) within a particular historical context.[46] The text would be judged less or more "authentic" proportionally as the author critiques or fails to critique social status or gender or ethnicity or class. The requirement is a distortion of the historian's job for the historian is tasked not to describe and paraphrase a text but to analyze, as Finley observed contrasting the antiquarian and the historian.[47] On a basic level, evaluating the evidence provided by any source requires a careful definition of the author's perspective as affected by conventions of genre and historical era and the expectations created by the society's own logic. In analyzing the logic of

a text the historian uncovers its authenticity as a voice conditioned by a particular social location in a defined historical era, a voice conditioned by ideology and reflecting a historical reality. In other words, the authentic voice is not pre-existing but results or emerges from analysis based on a set of questions introduced by the historian. For Roman slavery the lack of an authentic slave voice – that is, one conscious of a group or class identity – may provide evidence for the power of the slave society that fragmented and effectively subordinated the individual identity of slaves in the interests of the masters: the structure of Roman slavery comprising the personal relationships of individual masters and slaves within a vertically stratified society; the individual versus collective experience of enslavement; and the diversity of the slave economy including urban and rural sectors with radically different life and labor conditions.[48]

Roman slavery has not left us the slave autobiographies and interviews of ex-slaves that distinguish the rich material for slave experience in the American South, but scholars of American slavery have emphasized the distortions in their texts, because of their ideological purposes (as abolitionist documents) and because of the enduring inequalities of slavery that are manifest among both transcribers and former slaves in interviews conducted among former slaves under the umbrella of the Works Progress Administration (WPA).[49] Indeed Walter Johnson in his study of the American slave market has argued that the survivors of American slavery represented a small and exceptional fraction of the slave population and that the true stories of slavery – including those consumed by slavery – have not been recorded.[50] In other words, historians of American slavery recognize that their documents, like any text, were formulated for a specific argumentative purpose that distorted the records of events.

Slavery obfuscates conventional definitions of historical agency, but the important and obvious first step requires re-centering the subordinated slave as a historical actor, that is, imagining that when the slave acts, s/he acts with some degree of self-defined purpose. It is important to be aware that the historian regularly imagines motives and so causation, for even when we have autobiography or political memoir from the ancient world (e.g., Julius Caesar's commentaries on his Gallic and civil wars), every source is influenced by the conventions of its genre and by the self-interested perspective of its author. As Finley remarked, the professed claims and actual motives for actions are often discrepant, and impossible to know.[51] But in fact, historians most of the time deduce causation from actions, not from assertions of motive, because actions are better indicators of motive than claims. In this book I adopt the method developed by the American historian Rhys Isaac and interpret slave behavior as "action statements" or indicators of the slave's agency or beliefs.[52] I am proposing to interpret the slave's behavior, based on the model of master and slave interaction that was first outlined by Hegel: the master acts to dominate and achieve recognition; the slave in subordination ceases to be a person but the subordinated self is reconstituted in work (Hegel, Genovese), in community (Holland et al.), and in the very act of survival (Bontemps).[53]

All representations of slavery from a slave society (whether inscriptional or literary artifact) will reflect the ideological silencing of the slave by the master and the strategic silencing of the slave by him or herself. The documentary text makes factual claims about historical actors and events. But both documentary and fictional texts carry assumptions and make claims about social relations, including claims about status (slaves and free) and gender

(men and women).[54] Imaginative literature further suggests cognitive frameworks that are oftentimes ignored in documentary texts.[55] Documentary texts, such as inscriptions or narrative histories, produce records of historically verifiable “facts” but they do not show how people interacted. Slavery was a relationship, and we need the representations contained in literary sources if we are to understand it. In studying slavery it is necessary to interpret the text from the master’s perspective and so the powerful constraints that framed and shaped the slave’s existence. Such an approach reveals the logic of the slave society that produced the document and shows how the master silenced the slave and how s/he thought about the humanity of the slave. But interpreting the text and its record of action only from the master’s perspective continues the fallacy of slavery, that the slave who was a human being had no independent volition or life project.[56] In order to explore the slave’s perspective, we need a different logic, that is, the recognition that the slave’s behavior reflects not only resistance or accommodation (definitions of behavior reflecting the master’s hegemony and the slave’s inferiority in the relationship) but more important a self-assertion. The slave must be studied in the contest to survive, physically and psychically (a definition reflecting the subordinated subject’s identity as a subject). By adducing both perspectives in order to interpret each represented interaction of master and slave, I am replicating the relationship of master and slave in slavery, an ongoing contest of domination on the part of the master and of survival on the part of the slave.[57] The result is a consideration of the institution of slavery (the master’s perspective) and of slave experience (the slave’s perspective).

This project that began larger has focused on Plautus for two reasons. First, because his public dramas are the earliest documented representations of chattel slavery at Rome as a dynamic interaction of the two parties who made chattel slavery, the master and the slave. It seemed necessary to understand as fully as possible the earliest period. Second because "time" needs to be established as a historical variable in Roman slavery studies. Very good synchronic studies have outlined Roman slavery, grouping material widely disparate in terms of time, place, and genres of evidence.[58] But a thickly contextualized image of slavery at one particular moment in time during the history of Roman slavery has not been done. By focusing on Plautus, the book seeks to construct a coherent model that can inform our understanding of Roman slavery in the earliest documented period of the slave society, and provide a basis for interpreting the fragmented testimonies of earlier and later times. The focus on Plautus allows a careful consideration of slavery, its events and representations *in context* and reveals the continuities and the historical contingencies of Roman slavery and slave experience.[59]

The use of Plautus' drama in order to explore problems of Roman history faces a preliminary objection: Plautus' work derived from Greek New Comedy and so reflects the details of his originals or the traditions of a highly conventional genre and not the images of the slave that existed in the minds of elite and non-elite Roman audiences.[60] With the important exception of a fragmentary papyrus of Menander's *Dis Exapaton* that served as the model for Plautus' *Bacchides*, there are no extant Greek originals for Plautus' plays nor any agreement on what the originals looked like.[61] Nevertheless the textual studies of Fraenkel, followed by Stärk, Anderson, and Lowe among others, have demonstrated that Plautus did not simply reproduce either

the characters, or plot, or the language of the originals, but that he instead worked consciously within the literary tradition of Greek New Comedy, made it his own, suppressing and developing elements of the tradition (the characters of the dowered wife, the clever slave, and the parasite; metatheatrical elements of performance; the development of deception).[62] Fraenkel also showed how Plautus added allusions to Greek myth or institutions in order to exploit Roman sensibilities about Greekness.[63] Performance studies have emphasized the theatrical event as a further variable in the Romanization of the New Comic tradition at Rome, where both actors and audience shared theatrical experience and expectations.[64] We thus need to think of Plautus' drama as the product of conscious and careful appropriation rather than simple reproduction, and we need to consider the Roman significance of both obviously Greek and obviously Roman allusions. From a Greek comic tradition Plautus made plays in Latin which Roman actors performed and which Roman audiences understood with Roman eyes and Roman ears.[65] More important for the study of Plautus' slaves, the literary studies of Fraenkel and especially of Anderson have emphasized the role and the character of the clever slave as a Plautine development.[66] Yet although literary and performance studies can help us to isolate the Plautine and so what is Greek and what is Roman in particular representations of slaves, they do not explain the fascination with slaves nor their characterization as tricksters. We still need to wonder why Plautus – or the Roman tradition of New Comedy and *palliata* of which Plautus is one example – developed the character of the slave in order to create the trickster figure and did not develop, for example, the poor free male who is instead

developed as the character of the parasite (in fact, there is some conflation of these roles in *Captivi*).[67]

This book evaluates Plautus' representations of masters and slaves and their interactions as a reflection of the arbitrary logic that defined the forcible subordination of the slave as natural, normal, and moral, and silenced the counter-narrative of the slave's humanity.[68] We need to examine the dramas as historical artifacts.[69] The dramas were written and performed to satisfy a Roman audience, comprising elites and non-elite citizens; and slaves, whether attendants of elites at the plays or out on errands or working the production, would be in the public audience of plays performed in a public place such as the Roman Forum or the Palatine temple of Magna Mater.[70] The Roman people regularly acted as audience for ceremonies of government, like the annual entry into offices of elected public officials and the Roman triumphs. At aristocratic funerals they watched dramatic enactments of the family's successes, thereby creating a visual history of Rome from the perspective of the family, and they listened to formal praise (*laudatio*) of the deceased and his family from the speaker's platform, or *rostra*, in the Roman Forum.[71] They participated more actively at the political assemblies, either *contiones* or *comitia*, when political leaders made speeches challenging each other and the voting public both listened and judged, based on the arguments presented: e.g., the prosecutions of the state contractor M. Postumius Pyrgensis by the tribunes of the plebs L. and Sp. Carvilius in 212 and of the praetor Cn. Fulvius Flaccus by the tribune C. Sempronius Blaesus in 211.[72] The fragments of seventy-nine speeches attributed to M. Porcius Cato, consul in 195, attest to the high estimation of his oratory, his personal litigiousness, and the role of verbal contest in Roman public life, both courts and assemblies, in the early second century

BCE.[73] The plays represented a different, aesthetic experience and one among many forms of dramatic spectacle, including mime and improvisational theater (*fabulae Atellanae*), for an audience accustomed to entertainment, if not sophisticated consumers of it.[74] Nevertheless production of the dramas, like the triumph or the funeral, served the interests of the elite. Remarking the non-Roman origins of the earliest generation of Roman writers, Habinek has underscored the beginnings of Roman literary culture as an import by the Roman elite, who began to define themselves by virtue of their possession of it within a Roman context that required competitive display before an audience of the Roman people.[75] The dramas also formed part of public religious festivals: the *ludi Romani* held in September and *ludi plebei* in November; the *ludi Megalenses* in March, initially in 204 and annually beginning in 194; the *ludi Apollinares* in July initially in 212 and annually in 208.[76] Public officials, the aediles, administered the *ludi*, the Roman Senate funded them, and both *ludi* and festivals created the opportunity for a shared experience of Roman-ness.[77] Already in 194 reserved seating for senators suggests the recognized potential of the *ludi* to display and reinforce the social hierarchy, as well as the strong opposition to such stratification of the audience (Livy 34.44.3–8; cf. Val. Max. 2.4.3, 4.5.1; Asc. p. 70 Clark).[78] The impulse to guarantee elite seating and the resistance to it also means that even allowing for the classification of the drama as a highly Hellenized aesthetic product, the audience was larger than a select Roman elite.[79]

But the messages to particular groups are of less relevance here than the historical materiality of the plays themselves, that is, the staging of slavery and the representation of slaves in one way and not another by a

Romanized artist who saw through and commented upon the social relationships of his world. Matthew Leigh has drawn attention to Cicero's legal argument to a Roman jury in his defense speech for Roscius of Ameria (*Rosc*. 46–47) that implies a Roman understanding of comedy as a "mirror of Roman life" and a "reading strategy which maps the conventional oppositions played out in Greek New Comedy onto specifically Roman coordinates" (2004, 8).[80] When Cicero identifies Roman drama as helping to negotiate Roman life experience, he also makes a claim about the drama's capacity to see into and through Roman social experience and reflect that insight as a meaningful Roman insight on the stage.[81] His assertions about Roman drama do not make Plautus an authentic voice, but they open the way for the historian to use the text to think about Roman experience. This is not a new claim: the relationship between Plautus' characters and plots, on the one hand, and Roman social codes or ideology, on the other, has been argued by historians and literary critics alike, so by Konstan, Pansiéri, and recently K. McCarthy, all of whom see in the Plautine imaginary a reflection of Roman social preoccupations, and by Watson, who has documented Plautus' use of legal institutions and sensibilities.[82] But ancient commentators also suggested Plautus' personal experience as a slave. Gellius (*NA* 3.3.14) cites Varro and "many others" (*plerique alii*), probably including Accius who wrote a *Didaskalia* documenting early Roman literary production, for the view that Plautus hired himself out for work in a mill.[83] The claims cannot bear scrutiny, and follow a general pattern of conjuring biographical detail from an author's writings.[84] But the biographical tradition does signal Roman recognition of Plautus' acuity in perceiving and representing accurately slaves and slave behavior. So I am assuming that Plautus was reflective, if not self-

reflective, and that his enduring value and popularity derive from that essential quality. Plautus' reflectiveness of slavery is my historical artifact.

Plautine drama represents the social reproduction (and abstraction) of the figured world of the Roman *domus*, that is, the nexus of activities and personalities, of interactions and intersubjectivities.[85] The Roman slave society's discourse would have contained myriad, daily refigurations of the slave system (in literature, law, political speech and ceremony, art, social rituals), all competing and all reflecting and influencing the perspectives and actions of masters, slaves, family members, and free adherents. Buckland claimed that for every interaction Roman law was structured to accommodate the possible servile status of the participants (1908/1969, iv). Similarly every piece of literature must be seen as a product of a slave society. As literary productions Plautine comedies refigure the imagined world of the master–slave relationship, as a series of interactions of master and slave, and as an intersubjectivity of master who believes he is master and slave who is forcibly made to assume the role of subordinate, without legal capacity or recognized honor, with no integrity of his/her body. Moreover, as Richlin has emphasized, each play – performed once and on a single day – affected a heterogeneous Roman audience of elites, farmers, city dwellers, immigrants, slaves, women: "segmentally and intermittently … different lines of the play address different audience members in their various social roles, thereby reinforcing those roles, and not all audience members are being addressed at any one time."[86] Plautine literature thus represents a piece of the discourse that formed, supported, and perpetuated the political, social, and legal institutions of the slave society, or to paraphrase Althusser, "the reproduction of the relations of production."[87] The Plautine representations of chattel slavery allow consideration of

slavery at its very core, that is, at the level of discursive reality – or thinking – that turned a human being into a "fungible thing." Representation must become reality for slavery to function and endure. Although the events and personalities of the texts are not historically real, both the function of the dramas and their effect are real and historical.[88]

In successive chapters I consider the central features of Roman slavery in the earliest documented period of the developing slave society in the late third and early second centuries BCE: the creation of chattel (Chapter 1), the physical and cognitive process of enslavement (Chapter 2), the violence inflicted privately and communally on the body of the slave (Chapter 3), the perpetuity of slave status and the (in)capacity of the slave for freedom (Chapter 4), the problem of autonomous action and resistance in slavery (Chapter 5).[89] In each instance, the plays of Plautus replicate the dialectical character of systems of slavery as a daily experience, and allow a deeper understanding of Roman slave experience.

Notes

1 On the silence about work and slavery, see especially Schiavone 2000. The silence about slaves has a parallel in the slave culture of the American South, where the earliest accounts postdate the transition from white indentured to black slave labor. For the transition see Kolchin 1993, 4–13. On silence in the historical record, see Trouillot 1995 and infra, Chapter 5.

2 So, e.g., Segal 1987, discussing the ubiquity of torture jokes in Plautus, concludes that the slaves are whipworthy, a judgment which whether true or not has assumed the perspective of the master in defining the slave. Again, in defining the comic scheme as "the victimization of the