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Jacobo Rodríguez Garrido, *Emperadores y esclavos: algunos aspectos de la legislación imperial sobre esclavitud entre Trajano y los Severos*. Institut des sciences et techniques de l'Antiquité (ISTA). Besançon: Presses Universitaires de Franche-Comté, 2023. Pp. 404. ISBN 9782848679617.

Review by Carla Rubiera Cancelas, University of Oviedo. rubieracarla@uniovi.es

Jacobo Rodríguez Garrido's book introduces us to fundamental aspects of imperial legislation on slavery, promulgated between the emperors Trajan and Severus Alexander (98 A.D.– 235 A.D.), although the analysis of the laws of manumission, as well as in relation to the figure of the emperor, takes us further back in time. Imperial legislation is presented as a source on which to record the historical change of the institution of slavery. In total, 355 constitutions and *senatus consulta* inform this comprehensive study. Rodríguez Garrido's book is not a mere compilation or quantitative research, but a deep reflection of this collection of testimonies, articulated and hierarchized in importance from the perspective of the modern historian. The book also contains a useful summary of all the rules and regulations drawn together in the appendix at the end of the main text.

There are three central pillars to this work: the slave owners, the slaves – conceived more as objects than subjects, since, as the author acknowledges, the objective is not to recover the slaves' voice – and finally the princeps, who is analyzed as a figure of power, capable of influencing the promulgation of numerous laws and directing the interaction between masters and slaves. The book is divided into seven chapters dedicated, with the exception of the first two, to a topic that is relevant from a socio-legal viewpoint and that recurrently appears in the legislation.

Chapter 1, "Aproximaciones a las tendencias historiográficas sobre esclavitud antigua" ("Approaches to historiographical trends on ancient slavery") offers a synthesis of the different schools of thought from which ancient slavery has been approached.

[1] It considers a range of debates from the bitter confrontation between Moses Finley and Joseph Vogt to Niall McKeown's skepticism about the ability to create a valid historical discourse on the institution of slavery. [2] What is missing from this review of the different perspectives that have contributed to the debate are the proposals from both women's history and gender studies, especially when in the list of historians mentioned we find Ulrike Roth, Sandra Joshel and Jennifer Glancy, who writes in her book on slavery and Christianity: "Since slavery was identified with the body, it is not surprising that the experiences of slavery were conditioned by gender and sexuality". [3]

Chapter 3, "La manumisión. La libertad fideicomisaria" ("Manumission. Fiduciary freedom"). In this chapter, one of the recurring topics in imperial legislation appears: manumission, understood in general terms as a reward to incentivize and control the slave, notwithstanding other explanations that may respond to individual motivations. As the title of the chapter suggests, the focus is on a specific mechanism within testamentary manumissions: obtaining freedom through a trust. In this section, the legal thinking behind the large number of norms that allude to this form of manumission is revealed and systematically analyzed. Thus, it is shown that, in part, the dual nature of the slave (person/*res*) forms the basis of the interest in regulating the rewards given to the *servi*. In addition, the establishment of judicial oversight of the process seeks to ensure that the *potestas* of the deceased master are respected, which ultimately protects the slave against any breach of the trustee's obligations (although this was not the original intention). It offers, therefore, an explanation for the issuance of each of these standards from a pragmatic perspective, rather than from a humanitarian perspective, as has been proposed on other occasions.

Chapter 4, "Esclavitud y prostitución: *ne serva prostituatur*" ("Slavery and prostitution: *ne serva prostituatur*"). It is refreshing for the study of female slavery to find a chapter that makes female slaves visible and breaks from the use of the default grammatical neutral masculine that characterizes the text. [5] One of the many clauses associated with the sale and purchase of slaves is analyzed which evidences the sexual exploitation of the slave population. An alternative proposal is offered for the motivation underlying the institutional strengthening of the clause. To do this, the imperial constitutions are reviewed and compared with modern interpretations proposed, based on *humanitas* or on the protection of the slave's sexual honor. While the author acknowledges the speculation behind the multiple explanations, he rules out moral behavior. Therefore, he concludes that guaranteeing the legal security of the clause seeks to protect the masters' general interest. Once again, he dismisses a humanitarian or protectionist approach towards the slave population as the origin of the imperial reforms. With this example, he expresses a central idea present throughout the book: the objective of Roman legislation on slavery sought to preserve the system, given the *a priori* contradiction that this could benefit the slaves or harm the masters.

Chapter 5, "El problema del *servus fugitivus*" ("The problem of *servus fugitivus*"). This chapter deals with a subject that is inherent in any slave system: escape. As in other parts of the book, and despite the fact that legislation is the main source of the work, there is an introduction on servile flight based on literature, possibly with the aim of providing some veracity to the legal discussions. Since the second century, there have been many regulations aimed at preventing and resolving the flight of slaves, focusing

on those who instigated the escape and on providing both masters and magistrates with the necessary tools to recover the escaped person. The analysis begins at the time of the Republic and extends to the third century A.D., allowing us to observe a tendency: fugitive slaves went from being understood as a private issue, and thus to be resolved by the slave master himself, to becoming a matter of public interest. The explanation for this dynamic is dissociated from classical theories that insisted on a labor crisis and the diminishing supply of slaves in the market; Rodríguez Garrido argues the reason is to be found in the strengthening of imperial power with sufficient prerogatives to intervene in master-slave relations.

Chapter 6, “Esclavitud y tortura. El *Senatus Consultum Silanum*” (“Slavery and torture. *Senatus Consultum Silanianum*”). The *quaestio servi* is addressed by identifying different dispositions in the Antonine and Severan emperors when legislating on this aspect.^[6] Taking the *Silanianum senatus consultum* as a starting point, the author analyzes the legislation around the most recurring and controversial elements: interrogation against the masters themselves, age as an exemption to experience torture, or the scenarios that made it necessary to resort to torture.

Chapter 7, “*Dominorum interest*. Ideología y esclavitud en el siglo II d.C.” (“*Dominorum interest*. Ideology and slavery in the second century A.D.”) This final chapter examines imperial ideology after the promulgation of laws that affected the institution of slavery, reflecting on the concepts of *humanitas* or *utilitas publica*. It depicts slavery as a horrendous institution, in no way incompatible with the concept of ancient civilization, a position in line with that of Orlando Patterson and Keith Bradley^[7]. Rodríguez Garrido reminds us of the danger of anachronisms and of judging past actions from a moralizing perspective, an idea linked to some of the conclusions with which he seeks to banish the distortion in the analysis of slavery produced by a modern and abolitionist mentality. Thus, for the author, Roman law always interpreted the nature of slaves as human, even if they were affected by the rules of property law, which leads him to be skeptical about the process of humanization of the *servus* throughout the Roman imperial period. He also considers that Stoicism has been overemphasized in relation to the better treatment of slaves. On the contrary, he believes that we should not ignore the possibility that the main objective was to impose ethical principles and behavior on the ruling class, for example, rejecting the use of gratuitous violence.

In this book we should not seek a reflection from the slave’s perspective (voice, experiences or agency). Nonetheless, the author fulfills his initial aspirations by analyzing the emperor, ruling class and slave group, and the way in which they interrelate in imperial legislation. With the common thread of slavery, the emperor’s arbitration and interventionism are interpreted as a reinforcement of his authority and position of power, while promoting changes with the aim of guaranteeing the stability of the slave system and acting for the benefit of the elite. Hand in hand with the sources and in a systematic way, Rodríguez Garrido offers a solid study that demonstrates how Roman slavery and related legislation reaffirmed the ancient hierarchical order: on the one hand, the emperor, whose power is strengthened to the point of interfering in a private relationship (master-slave), once inviolable and driven by *mores*, and, on the other hand, a ruling class, whose *potestas* is readjusted (but also protected) to guarantee the status quo. Finally, he concludes that the slave group is affected by provisions that did not *a priori* seek to improve their existence. In fact, the author is dubious about the possibility of tracing the real effect of this improvement. In sum, the present work will be a valuable research tool for the study of the institution of slavery and those who managed it in imperial times: the ruling class and, above all, the *princeps*.

Notes

[1] This chapter focuses on discussions from the 20th century onwards. For earlier discussions see Montoya Rubio, Bernart. 2015. *L’esclavitud en l’economia antiga: Fonaments discursius de la historiografia moderna (segles XV-XVIII)*. Besançon: Presses Universitaires de Franche-Comté.

[2] Mckeown, Niall. 2007. *The Invention of Ancient Slavery? Duckworth Classical essays*. London: Duckworth.

[3] Glancy, Jennifer A. 2002. *Slavery in Early Christianity*. Oxford: Oxford University Press, 9.

[4] Millar, Fergus. 1977. *The Emperor in the Roman World*. London: Duckworth.

[5] Further discussion on this debate can be found in Rodríguez Garrido, Jacobo. 2020, “*Ne serva prostituatur*. Esclavitud, prostitución y los límites de la *dominica potestas* en la Roma antigua”, *Dialogues d’histoire ancienne* 46/1, 173-196. Doi: 10.3917/dha.461.0173.

[6] On this particular topic, see also Rodríguez Garrido, Jacobo, 2023. “*Non enim iam servi nostri principis amici*. Trajano y las reglas de la *quaestio servi*”, *Dialogues d’histoire ancienne* 49/2, 167-193. Doi: 10.3917/dha.492.0167.

[7] “Pese a ello, lo cierto es que sobre esta cruenta realidad se sostienen los cimientos del largamente admirado Mundo Clásico, y dentro de él, su complejísimo entramado intelectual” (p. 278). The author uses this phrase to remind us of a warning: the dangers of studying the past out of admiration.

