

PUBLIC SLAVES IN THE ROMAN ARMY: AN EXPLORATORY STUDY*

Abstract: Legal and other texts insist that slaves (*servi*) are not permitted to join the Roman army. The evidence suggests, however, that slaves might serve if they were owned by the army itself. After demonstrating the presence of public slaves (*servitia castris*) in Rome's armed forces (I-II) this paper examines the nature of the duties of *calones* and *lixae* (III). Next, it is considered whether soldiers belonging to *collegia* were public slaves with special attention being paid to *capsarii* "medical orderlies" (IV). Then the status of the *augusti vernae* in Legion III Augusta is analyzed (V). Next, the one-namedness of legionary soldiers in inscriptions is employed to identify public slaves (VI). Finally, findings are summarized and questions raised for future research.

Legal texts make clear that slaves were not permitted to serve in the Roman army:

Slaves are forbidden all military service; otherwise they suffer capital punishment (*Digest* 49.16.11 Marcian; tr. A. Watson).

Persons whose status is in dispute, even if they are in actual fact free-men, ought not, for the time being, to enroll in military service, especially if legal proceedings have been instituted, whether an action is being raised to reduce them from liberty to slavery, or the reverse. Nor should persons who, though of free birth, are serving as slaves in good faith [enlist], nor those who have been ransomed from the enemy until they have discharged their debt (*Digest* 49.16.8 Ulpian; tr. A. Watson).

Not long after Ulpian the jurist Macer observed:

Certain offenses, which bring no penalty, or a relatively light one, on a civilian, [are visited] more heavily on a soldier. For Menander [first quarter of third century CE] writes that if a soldier takes part in stage plays or permits himself to be sold into slavery, he should suffer capital punishment (*Digest* 48.19.14; tr. A. Watson).

We decree that no slave shall be given for enlistment in the excellent squadrons of our choice soldiers... (*CTh* 7.13.8 given by the Emperors Gratian, Valentinian, and Theodosius Augustuses; dated 380 CE; tr. Pharr, who explains, "*turmae* ordinarily means cavalry squadrons, but came to be used loosely of any kind of organized troops").¹

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In *CPL* 102, a papyrus of 92 CE from the Fayum, T. Flavius Longus, *optio* of *legio III Cyrenaica*, swears with the support of two guarantors that he is freeborn and a Roman citizen and eligible to serve in a legion.² In addition, in late 110 CE Pliny the Younger asked Trajan whether he should punish two slaves who were found among the army recruits in the auxiliary forces; Trajan answered that there should be a

formal inquiry to decide whether they appear to have deserved the death penalty. It makes a difference whether they volunteered, or whether they were conscripted, or were provided as substitutes... If they volunteered in full knowledge of their status, they are to be executed (*Letters* 10.29-30; tr. Walsh with n. 29.1 p. 364).

It is important to consider *why* slaves could not serve. One answer is that the army sought to maintain high standards by banning slaves who, like entertainers, criminals and prostitutes, belonged to the lowest social classes. However, this cannot be the whole story as slaves were not necessarily disreputable or members of the lowest social classes. Some/many slaves were much more equal than others. A distinction among slaves is recognized in Roman law:

Thus, the praetor does not promise an action for every affront in respect of a slave; if the slave be lightly struck or mildly abused, the praetor will not give an action, but if he put to shame by some act or lampoon, I think that the praetor's investigation into the matter should take into account the standing of the slave; for it is highly relevant what sort of slave he is, whether he be honest, regular, and responsible, a steward or only a common slave, a drudge or whatever. The praetor, therefore, will take into account both the alleged affront and the person of the slave said to have suffered it and will grant or refuse the action accordingly (*Digest* 47.10.15.44 Ulpian; tr. A. Watson).

As is well known, some slaves had higher social status than most free men and, indeed, many slaves served with distinction and respect in elite households, temples, municipalities and, most strikingly, in the imperial household.³

The primary reason for banning slaves is not that the Roman army, an institution of a slave-employing society, idiosyncratically disdained them

greatly from the conscientious assistance of Evelyn Bodden and her staff of the Interlibrary Loan Department in the Cohen Library in the City College of New York.

¹ Pharr (1952) 171 n. 44.

² Tr. Campbell (1994) 10, no. 1.

³ See e.g. Weaver (1972).

but, more practically, because the Roman soldier, like the Roman Christian, could not divide his obedience between two masters (Tertullian *De Corona Militis* ch. 12, 13). Legally, a slave is a person who is *alieni juris* — that is, under the jurisdiction of someone else (*Digest* 1.6.1 Gaius) — and that “someone else” was not his army commander or the ruler. Hence, a slave could not morally or legally take the required *sacramentum militare* “service oath”.⁴ That the motivation for the ban on service by slaves was the practical one of maximizing control/authority over the *miles* finds support in a different kind of legal ban. It was forbidden for a *miles* to belong to a *collegium* “voluntary association” — that is, to an organization with independent executive officers and distinct and binding rules and regulations.⁵

This research seeks, however, to demonstrate that despite the rules against the enlistment and service of slaves (and against free soldiers choosing to become slaves) there were at all times — not only in emergencies — *numerous slaves owned or controlled by the regular armed forces*. The reference is not to slaves owned by individual soldiers. Neither is it to special groups of armed slaves owned by the emperor such as the “bodyguards” (*corporis custodes* or *Germani*) and, perhaps, “captains of triremes” (*CIL XII 257 = ILS 2822: Antho Caesaros trier-archo Liviano*).⁶ As will be seen, the army employed its slaves (including some freeborn volunteers) in specialist roles of all kinds and did not, or at least not normally, deploy them in combat roles.

The claim that numerous public slaves served in the Roman army inevitably raises difficult legal questions requiring at least a preliminary response. Could the Roman army own slaves and other property? Did it possess corporate status?⁷ No text identifies an army unit as having corporate status. Roth, however, suggests that, no later than the time of Augustus, legions “had a *de facto*, if not *de jure*, permanent existence.”⁸ That is, it is sufficiently clear that Roman army units had the capability to fulfill long-term financial obligations and to maintain ownership over

⁴ Stoll (2007) 451, 455; Van Slyke (2005).

⁵ See Section IV; Bendlin (2011) 246.

⁶ Weaver (1972) 51-52, 83; Cecere (1995).

⁷ The *Digest* (3.4.1.1 Gaius) says: “Those permitted to form a corporate body consisting of a *collegium* or partnership or specifically one or the other of these have the right on the pattern of the state to have common property, a common treasury, and an attorney or syndic through whom, as in a state, what should be transacted and done is transacted and done” (tr. A. Watson).

⁸ Roth (1999) 110.

slaves and other property. To anticipate the evidence, it appears that some public slaves under army control were directly owned by the army and others were owned by the state/emperor.

After arguing for the presence of public slaves in Rome's armed forces (I-II) this article examines the nature of their duties (III). Next, membership in *collegia* is employed to identify soldiers as public slaves (IV). Then attention is directed to the status of the *augusti verna*e identified as serving in *Legio III Augusta* (V). Next, one-namedness in inscriptions is employed to identify soldiers who are public slaves (VI). The paper concludes with a summary and some questions for future research. A caution is in order before turning to the details. Obviously, army policies and practices could hardly have remained the same during the oft-turbulent centuries leading from the Republican period into the late Empire. However, to minimize the introduction into the argument of subjective (or even self-serving) elements, constancy is assumed unless there is concrete evidence for changes.

I. PARTICIPATION OF PUBLIC SLAVES IN THE ARMED FORCES: *CALONES* AND *LIXAE*

Calones (or *calo*) with army connections are frequently referred to by usual words for slave, including in Latin *servi* and *mancipia* and in Greek *therapontes* and *oiketai*.⁹ *Calones* performed various services for individual soldiers. That is, instead of performing these services for themselves or hiring free workers to do them, the soldiers chose to use self-owned slaves. However, each army unit needed to carry out public functions ("housekeeping duties" taken broadly). Kampen mentions regular tending of the communal ovens along the ramparts of fortresses or oriented to the ends of barracks blocks.¹⁰ If individually owned slaves were to carry out such public functions then slave owner-soldiers would be subsidizing non-slave owning soldiers. The resulting deprivation of paid-for services would convince some soldiers that it was not to their advantage to own a slave. Free-rider problems would inevitably arise requiring a costly to design and enforce system of side-payments from non-owners of slaves to owners. Alternatively, the army might choose to

⁹ Roth (1999) 102; Thoburn (2003) 57-59 with n. 50.

¹⁰ Kampen (2013) 190 with n. 48.

hire private contractors to produce public services and/or to practice “do-it-yourself” by detailing soldiers on a rotating basis to tend communal ovens or clean barracks or take care of the army’s baggage train. That it often chose the latter course is well illustrated by the (cherished) exemption of some soldiers (the *immunes*) from duties such as ditch digging (*Digest* 50.6.7 Tarruntenus Paternus).¹¹ Finally, for the same basic reasons as individual soldiers and Romans generally in a slave-society, the army might choose to own slaves and to assign them to perform public duties. Reliance on public slaves would be especially preferred in the case of financially or militarily sensitive duties such as caring for cash, the baggage train and wounded soldiers and for duties benefitting from formal general training — that is, training with a regular civilian market — or in which regular practice “makes perfect.”

Direct evidence for the army’s ownership/control of slaves is provided by *SHA Hadrian* 13.7 wherein Hadrian receives from the Cappadocians *servitia castris* “slaves of/belonging to the camp.” Phang states:

Calones or grooms, *agasones* and *muliones* or baggage handlers, and *galearii* or helmet-wearers, collectively termed *servitia castris* (camp slaves), tended horses and led the horses in the baggage train. They were organized and trained to defend the baggage in case of attack... *Servitia castris* were not legally *militēs* but they were ‘slaves in the army’ or loosely ‘soldiers’ (Phang (2008) 235).

The present study brings further evidence to substantiate Phang’s claim and to demonstrate that the army’s slave-soldiers did a great deal more than tending the baggage train.

In a key passage, Tacitus (*History* 2.87) apparently mentions together *calones* and another group of army personnel called *lixae* and identifies both groups with *servi*:

While Vespasian and the generals of his party were thus occupied in the provinces, Vitellius was daily becoming more contemptible and indolent, halting to enjoy the pleasures of every town and villa in his way, as with his cumbrous host he advanced towards the capital. He was followed by 60,000 armed soldiers demoralized by license. Still larger was the number of camp-followers; and of all slaves, the slaves of soldiers are the most unruly” (tr. Church & Brodribb).

However, the meaning of *procacissimis etiam inter sevos lixarum ingeniis* has been explored by Irvine who, citing “a very bold ablative

¹¹ Breeze (1993); Speidel (2001).

absolute,” offers the translation “and no slaves give more trouble than the small camp trader (*lixa*)”.¹² Thus, *lixae* are slaves but it is not made clear whether they are owned by individual soldiers or by the army. Vishnia, who does not cite Irvine, offers a different interpretation. When the passage is rendered literally, “what it says is that ‘the number of the *calones* was larger [who were (sc. the *calones*)] of more impudent disposition than the slaves of the *lixae*.’ Thus, “the distinction between the *lixae* and the *calones* is well observed and it is furthermore clear that the *calones* are those whose status is servile and that the *lixae* were free men who owned slaves themselves”.¹³

However, even if adopted over Irvine’s, Vishnia’s translation demonstrates only that *lixae* had slaves not that they were free. It is difficult to understand why Tacitus would wish to compare slaves in the way suggested by Vishnia. It would make more sense if Tacitus meant that of all slaves *the slaves of slaves* are the most unruly — that is (as with Irvine) the *lixae* are understood to be slaves. That, according to my reconstruction, slaves (*lixae* [and *calones* also?]) might own slaves is not a problem. Roman slaves, including public slaves, might themselves own slaves termed *vicarii*.¹⁴ A *vicarius* performed duties (public or private) on behalf of his *ordinarius* “owner-slave.” If my understanding is valid then Tacitus’ *lixae* are (possibly) slave-owning slaves who appear to be separate from or at least not connected to individual soldiers.

It is difficult to know how to understand a scholium on Horace by Porphyry, a Latin grammarian of the second or third century CE, contrasting *calones*, whom he says are freemen who serve the army (*ministri militum, liberi homines*) with *lixae* whom he says are *vero servi* “actually slaves” (Porphyry *ad* Horace *Satires* 1.22.44)¹⁵. The *calones* appear to be free workers hired by and serving the army. The *lixae*, on the other hand, are slaves but who owns them? We may understand Porphyry’s meaning to be that *lixae*, like *calones*, serve the army but, unlike *calones*, they are actually owned by the army. The latter claim finds support in Suetonius (*Augustus* 19.4) who mentions a *lixa* “belonging to (*exerceo*) the army in Illyria” (tr. Thomson). Glosses in manuscripts define the *lixa* as a *servus publicus* or as a *servus militis*

¹² Irvine (1952) 176 (quotation); similarly Thorburn (2003) 55.

¹³ Vishnia (2002) 267.

¹⁴ Weaver (1972) 201; Lewis (2012) esp. 150.

¹⁵ Cited by Roth (1999) 95.

(*Thesaurus Linguae Latinae* 7.2.1550).¹⁶ The latter definition might mean personal slave of soldiers (not slave of the army) but the former definition leaves no doubt that the *lixa* has public slave status. Glosses rest on later and perhaps impressionistic evidence but this testimony cannot be ignored based on unsubstantiated suspicions.

Vegetius (*Epitome* 1.10) seems to identify (and maybe to confuse) *lixae* with *galearii* (from *galea* “helmet”): “It is highly advantageous to train not just infantry and cavalry and their horses and grooms (*lixae*), whom they call *galearii*, lest they be found incapable when an emergency presses” (tr. Milner). Elsewhere (*Epitome* 3.6), Vegetius identifies *galearii* with *calones* but seems to elevate them above *calones*:

The ancients took very thorough precautions against disturbances to the fighting troops by servants (*calones*) getting wounded on occasion of a raid or by pack-animals terrified at the din of battle... Therefore, they decided to marshal the baggage-train like the soldiers under certain standards. So they selected men of ability and practical experience from among the servants (*calones*), whom they call *galearii*, and put them in charge of up to 200 pack-animals and grooms (*pueri*). To them also they gave insignia, so that they might know to which standards they should gather the baggage. But the fighting men were divided from the baggage train by a certain interval, so that they were not pushed together and wounded in battle (tr. Milner).¹⁷

It appears that the *calones* and *galearii* are non-combatant soldiers, not hired workers. Clearly, it is the army, not any individual soldier/owner, who is organizing the *calones* and even assigning new additional duties to some of them. The new duties would amount to an expropriation of the services due to a personal owner. Vegetius’ *calones* are best understood as public slaves and the *galearius* is certainly a slave of the army.¹⁸

Further, *galliaroi* are directly attested as slaves in a letter and in a court record. In the latter document (*P. Lips* I 40.ii.10 (before 381(?)) an individual complains about being beaten by *galliaroi* who are identified (in line 18) as *oiketai* “slaves”.¹⁹ In the letter, also in Greek, dated to the second or third century CE, a *galiariō* is mentioned in connection “with

¹⁶ Cited by Roth (1999) 93 with n. 179.

¹⁷ Cf. Roth (1994) 357; Vishnia (2002) 270.

¹⁸ Vegetius seems to blur the distinction between *lixae* and *calones*. However, Tacitus (*History* 3.20) provides strong reason to believe that *lixae* and *calones* are distinct and that both groups were directly under army command.

¹⁹ Cited by Bagnall (1976) 18, n. 24.

the payment of a *peculium* [*pekoulion*]"²⁰ Bagnall renders the passage: "the *peculium* of the *galearius*?"²¹ The reference to his possession of a *peculium* suggests that the *galiariō* is under the army's *potestas* — that is, he is a public slave.

Caesar (*Civil Wars* 3.6) tells of his decision to leave personal slaves and baggage behind. However, as noted by Roth,²² later on in 3.75 (and again in 3.77) Caesar is seen sending out his baggage train from the camp. Presumably, the baggage train of the army was in the hands of the army's slaves. Again, Frontinus tells:

When Philip was organizing his first army, he forbade anyone to use a carriage. The cavalrymen he permitted to have but one attendant (*calo*) apiece. In the infantry he allowed for every ten men only one servant, who was detailed to carry the mills [for grinding grain] and ropes (*Stratagems* 4.1.6; tr. Bennett).

It is possible to discount this testimony because Philip was not leading a Roman army but Frontinus, a Roman, uses the Latin word *calo* and expresses no surprise that *calones* performed a public function and were the property of an army, not of the individual soldiers.

In seeking to reinforce her position that *lixae* were free, Vishnia makes several arguments.²³ For example, she cites Livy (39.41.11):

Now, of that army which fought with the Gauls, had any one soldier, or even a *lixa*, been present, of whom the senate could inquire how much of truth or falsehood was in the praetor's narrative? (tr. Edmonds).

She says that the (false) implication would be that a slave might bear witness in the senate.²⁴ Vishnia, I believe, is taking Livy too literally. The context is that the consul Gaius Aurelius is sarcastically challenging the triumph he thinks has been given unjustifiably to Lucius Furius for his victory over the Gauls in 200 BCE. More importantly, Vishnia cites *CTh* (7.1.10 367 CE):²⁵

Very many soldiers often lead away with them men of freeborn condition, by pretending that they are near kinsmen [household retainues] or

²⁰ Sijpesteijn (1974) 235.

²¹ Bagnall (1976) 18, n. 24.

²² Roth (1994) 354-355.

²³ Vishnia (2002) 267.

²⁴ Cf. Roth (1999) 95-96.

²⁵ Vishnia (2002) 267.

in the capacity of camp followers (*lixae*). In order, therefore, that the army may be increased by as large a number of young men as possible, such soldiers shall know that they themselves of their own accord shall surrender men of this kind ... (tr. Pharr; cf. D. Whittaker (1993) 284-285).

However, my understanding is *not* that *lixae* were free soldiers (or free men) but that free men who became *lixae* were not eligible to be drafted into service in combat units.²⁶ If *lixae* were eligible for the draft then Valentinian and Valens would have no reason to be concerned, as indeed they were, about losing the services of these freeborn men. The *lixae* were not eligible to be drafted because they were slaves.²⁷ We cannot be certain whether the soldiers leading away the freeborn *lixae*-slaves were army recruiting officers or if those “led away” were actually draftees whom individual soldiers desired to protect from combat assignments or both.

It is consistent with public slave status that there is no evidence of fixed, in cash salaries paid by the army to *lixae* or for their term of service.²⁸ There is, however, evidence for the receipt of army rations by *lixae*. Sallust (*Jugurthine War* 45) has *lixae* selling their army-issued grain rations (*frumentum publice datum vendere*). The status of *calones* is less certain. As previously noted, Porphyrio in commenting on Horace *Satires* 1.2.44 refers to *calones* as *ministri militum/liberi homines* which indicates that they are free employees. However, he cites the view that the word *calo* is derived from *kalenda* (the first of the month) “because it is on this day that the *calones* receive their rations;” but he seems to prefer a derivation from the Latin verb *cala* “because they are called for service”.²⁹ The latter views indicate that *calones* are public slaves and perhaps volunteers for this status.

The evidence analyzed above demonstrates that the army utilized slaves. *Calones* are sometimes free employees, sometimes slaves of individual soldiers, and sometimes public slaves. *Lixae* are overwhelmingly public slaves.

²⁶ Compare Vishnia (2002) 270-271.

²⁷ Some individuals volunteered for slavery in *ergastula* in order to avoid the military draft (Suetonius *Tiberius* 8).

²⁸ Roth (1999) 21 n. 95; Southern (2007) 122; Thorburn (2003) 59.

²⁹ Thorburn (2003) 48 n. 6.

II. EPIGRAPHIC EVIDENCE FOR *LIXAE* AND CONSIDERATION OF WELWEI'S HYPOTHESIS

Some epigraphic evidence bearing on the legal status of *lixae* is available. A Museum of Aleppo funerary inscription (*AE* 1990, 1012) dating to about 10 BCE has the following text: “M(arcus) Titius *lixa* (or *Lixa*), of the third Thracian cohort of Syria, lived forty years. His heirs made this from his will” (tr. M.P. Speidel (1980, 1981); see further below). Is “*Lixa*” the deceased’s name or does it refer to his function? Speidel (1981) answers that certainty is not possible, “but in a period when cognomina were still rare among soldiers, the probability is now somewhat greater that *lixa* means here ‘camp-follower, sutler’.” The *lixa* Marcus Titius, who judging by his *duo nomina* died a free man, is identified with a military unit, not with an individual soldier. This *lixa* is not a personal slave and, given the evidence about *lixae* presented above, Marcus Titius had probably been a slave of the Third Thracian cohort. Admittedly, this is not a strong argument. An alternative understanding is that when the army manumitted “Marcus Titius” it chose the *cognomen* *Lixa* to reflect his military assignment, so that he bore the *tria nomina* Marcus Titius *Lixa*.

An inscription (*AE* 1936, 25) from an unknown location indicates that *lixae* began their army careers as young men: *L. Essennius Sex(ti) fil(ius) Vel(ina) Rufus natus Firmo Piceno v(ixit) a(nnos) XXIV lixo ex cohorte XII*. In discussing this inscription Vishnia explains, “*Lix* is sometimes interchanged with *lixa*.”³⁰ That the commemorated individual was presumably born free, he was a native/son of an Italian region, does not preclude that he was sold/sold himself into slavery (see Section VI).

A gravestone inscription (*CIL* XIII 8732) from Nijmegen probably dating to the late first century possibly associates a *lixa* with *Legio X Gemina* although his membership is not explicitly stated. The inscription commemorating three men was raised by “the heirs” of Flavos and his brother Festus, both of whom are identified as originating in Spain and as *milites* in *Legio X Gemina*. The third man is Flavos’ son Flavinus who died at 18 and is identified as a *lixa*. Again, the *lixa* is a young man. Possibly, as Roth seems to assume,³¹ the son was a *lixa* but he was not in the army. On the other hand, Flavinus possibly died together with his

³⁰ Vishnia (2002) 271 with n. 43.

³¹ Roth (1999) 96 with n. 196.

brother and father and the length of service of an army slave would not be mentioned in an inscription, as slaves had no fixed term of service. Further, slave status for Flavinus is not precluded by the free status of his father and uncle at the time of their deaths (see Section VI).

Casting additional light on the free/slave status of *lixae* is an inscription of the late first century CE from Oescus in Bulgaria testifying that Faustus is *libertus* “freedman” of Lucius and *lixa* of Legion V Macedonia: “*L(ucius) Freius, L(uciei) l, Faustus, lixa leg(ionies) V (Macedonicae), vix(it) an(n)os L.*”³². Faustus is the former slave of an individual named Lucius and *lixa* of a military unit. Welwei (1988) denies the existence of legion-owned slaves and insists that the appearance of a named soldier on a freedman’s tomb means the deceased had been the *personal slave* of that soldier. Accordingly, Faustus the freed *lixa* must have been Lucius’ personal slave.

However, Welwei leaves unexplained why the *lixa* Faustus is identified directly (not through his alleged personal owner) with a military unit. To put Welwei’s problem directly, who is the “Lucius” cited on Faustus’ tomb? Probably the army’s public slaves and other free non-combatant personnel were assigned for administrative purposes to the headquarters of a military unit. Thus, an understanding alternative to Welwei’s is that “Lucius” was the commander of such a unit and as such had duties including the validation of manumissions.

Two additional inscriptions raise similar issues although they do not deal with *lixae*. Consider first, an inscription (*CIL* III 5208) of the first century CE from Vindonissa (Windisch, Switzerland):

To Tiberius Claudius Hymnus, doctor (*medicus legionis*) of the 21st Legion, and to Claudia Quieta (his wife), his patron (*patronus*), Atticus [has dedicated this tablet]” (tr. adapted from Byrne (1910) 269).

Bader understands that Atticus freed Hymnus from slavery.³³ If so, and other interpretations of *patronus* are available, did Atticus own Hymnus during his service as legion doctor or only later when he had become a civilian? In the latter event, the one-named “Atticus” (see Section VI) would be a civilian *ordinarius* and Hymnus his *vicarius*. However, in the former event, “Atticus” might be Hymnus’ commanding/responsible officer. Second, in a tombstone inscription (*CIL* III 11215), dating 80-120 CE from Carnuntum, Pannonia Superior (Bad Deutsch-Altenburg),

³² Ivanov (1990) 132.

³³ Bader (2014) 269.

one Lucius Cliturnius testifies he is the *libertus* of Lucius and a *veterinarius legionis*:

L(ucius) Cli[ter]n[ius] L(uci) lib(ertus) [---] | veterinarius le[g(ionis)
---] | a(nnorum) L h(ic) s(itus) [e(st)] | Cliternia M[---]AFI[---] | patri
suo posuit [---] | [a]rbitratu Flaviae Sec[undae] | coniugis eius et [-] |
Cliterni Pacati liberti [---] | eius (available at <http://www.ubi-erat-lupa.org/monument.php?id=1800>; cf. Bader (2014) 49).

“Lucius” might be a civilian *ordinarius* or Cliturnius’ commanding officer. Perhaps the doctors Hymnus and Cliturnius sold themselves into slavery and were freed after their discharge from the army or, more likely, they were freed legionary public slaves.³⁴

Admittedly, the sample of inscriptions bearing on the true status of army *liberti* is small. It is relevant, however, that official documents identify Roman army centuries or troops of a cavalry regiment by the name of their centurion or decurion, essentially junior officers.³⁵ Even more to the present point is that inscriptions show that when, from time to time, *peregrines* were recruited into the Roman army “many of these took as their new names those of the officers who recruited them on behalf of Roman commanders”.³⁶ There are additional grounds for doubting Welwei’s personal slave hypothesis.

In 214 BCE the victorious legions of Ti. Sempronius Gracchus included thousands of volunteer slaves (*volones*) purchased with public funds (Livy 22.57.11-12; 23.35.6-8). Shortly thereafter Gracchus honored the public commitment by freeing the volunteer slaves (Livy 24.18.8-10). I submit that each freed slave would be: (1) directly identified with his legion; and (2) listed as *libertus* of Sempronius Gracchus (even adopting the *gentilicium* Sempronius), although the slaves were actually owned by the army or by the state. In fact, Bader finds “twenty-four [army]

³⁴ A rough civilian parallel to Atticus/Hymnus and Lucius/Cliturnius may be found in an inscription, perhaps of the second century, from Metz (*CIL* XIII 4352) wherein Camama, daughter (*filiae*) of Ianuaria, is the freedwoman (*liberta*) of the one-named *vili-cus* Celsus (see Carlsen (1995) 98 with n. 321).

A tombstone from Burnum in Dalmatia dating to the mid-first century CE probably commemorates a *medicus legionis* of *legio XI* named Varius Aristo (Ancient Department of the Archaeological Museum Zadar inv. no. A27656 cited by Cesarik (2010). The name(s) of the commemorator(s) is not readable and, most importantly, the filiation, “F” or “L,” is broken away. Cesarik (2010) 742 reconstructs the stele as having read: “[L] [V]arius [L] [F] [A]risto [med]icus [leg] XI”. However, “L” is equally possible and suitable given the Greek *cognomen* of the doctor.

³⁵ Fink (1953); Tomlin (2003) 177.

³⁶ Kearsley (1996) 132 with n. 15; O’Brien-Moore (1942) 37-38.

doctors have... an imperial *gentilicum* (*Iulius, Claudius, Flavius, Ulpus, Aelius Aurelius*, etc.) frequently combined with Greek nicknames [*cognomina*], which would suggest that some of them were freedmen...”³⁷ The question remains whether some of these doctors were public slaves before being freed by the army.

Last but hardly least, there is explicit epigraphic evidence for an army *libertus* with no connection to a named (or implied) free soldier. An inscription (AE 1912,187) of the first half of the first century CE from Moesia records the discharge of a *libertus* from the *auxilia* of the Roman Army after thirty-five years of service.³⁸ The individual’s origin is the (Gallic) tribe of Aedui: “*Iulius Saturio Iuli l. domo Haeduuus missicus ala Capitoniana vixit annos LXXX meruit annos XXXV...*” Iulius Saturio Iuli had been a slave of his military unit although whether he served as a *lixa* or in some other capacity remains unknown.

To conclude, the epigraphic evidence for *lixae* is limited but their apparent identification with military units supports that they were soldiers, not private contractors or personal slaves. The *lixae* might therefore be free soldiers or, more likely taking into account explicit *libertus* status and the results of Section I, public slaves. We may be reasonably confident that Iulius Saturio Iuli was not the military’s sole public slave.

III. THE PUBLIC FUNCTIONS OF *LIXAE*

If, as has been argued, *lixae* were slaves of the army who mainly performed non-combatant duties. What, explicitly, were the duties they did perform for their military units? There are a number of texts placing *lixae* in a commercial context.

Sallust (*Jugurthine War* 45.2-3) says:

His [Metellus’] first measure was to remove incentives to idleness, by a general order that no one should sell bread, or any other dressed provisions, in the camp; that no sutlers (*lixae*) should follow the army (*ne lixae exercitum insequerentur*); and that no common soldier should have a servant (*servus*), or beast of burden, either in a camp or on a march (tr. J.S. Watson; cf. more vaguely Valerius Maximus 2.7.2; and Frontinus *Stratagems* 4.2).

³⁷ Bader (2014) 49.

³⁸ Holder (1980) 47.

Things are sold to soldiers in the camp but the sellers are not explicitly *lixae* and, other than contributing to “idleness,” their role is unclear (see Vishnia 2002: 266). Sallust (*Jugurthine War* 44.5) seems to have *lixae* profiting by taking army-issued grain from soldiers in exchange for baked bread.³⁹ Perhaps we should understand that soldiers might sometimes have to pay on the spot for food instead of having the cost deducted from their pay.⁴⁰ If some *lixae* did sell food to *milites* they may have acted as profit-seeking independent businessmen or under orders from commanders. I have in mind the U.S. Defense Department’s funded PX’s (post exchange stores) at which soldiers can purchase food and other items at larger military bases. These stores serve to supplement the free food available at regular times in army mess halls.⁴¹ On the other hand, it is also possible that selling food was for *lixae* a profitable side-business, not their regular military duty. It is clear is that *lixae* participated in commercial activity.

Sallust also provides clear testimony to the kind of commercial activity expected of *lixae*:

The camp-followers (*lixae*), mingled with the soldiers (*milites*), wandered about day and night, ravaging the country, robbing the houses, and vying with each other in carrying off cattle and slaves, which they exchanged with traders (*mercatoribus*) for foreign wine and other luxuries; they even sold the corn, which was given them from the public store, and bought bread from day to day; and, in a word, whatever abominations, arising from idleness and licentiousness, can be expressed or imagined, and even more, were to be seen in that army” (*Jugurthine War* 44.5; tr. J.S. Watson).

Vishnia notes several passages in which *lixae* are mentioned together with the *negotiatores*, a finding “which clearly implies their role was different.”⁴² Actually a number of texts show *lixae* seeking wealth through commerce but distinguish between them and independent *mercatores/negotiatores* accompanying the army.⁴³ The various texts support a generalization that *lixae* were non-combatant soldiers (note the

³⁹ See Roth (1999) 99.

⁴⁰ Cf. Brunt (1950) 53; Speidel (1992) 97-98.

⁴¹ Cf. Vishnia (2002) 268; Roth (1999) 101.

⁴² Vishnia (2002) 266; Livy 23.16.8, 14, 40.28.3; Frontinus *Stratagems* 2.4.6 *lixae* and *agrasones* = *calones*?, 2.4.8; Tacitus *History* 3.33; cf. Tacitus *History* 20.22.

⁴³ See Caesar *The African War* 75.3, Tacitus *Annals* 2.62; Livy 28.2.3 and Festus, below.

receipt of army rations) performing commercial duties for the army, not for independent businessmen or for individual soldiers.

On the other hand, Frontinus (*Stratagems* 4.1.1.) reports that in 134 BCE:

When the Roman army before Numantia had become demoralized by the slackness of previous commanders, Publius Scipio reformed it by dismissing (*dimittere* “sending away”) an enormous number of camp-followers (*lixarum*) and by bringing the soldiers to a sense of responsibility through regular daily routine (tr. Bennett).

In addition, as noted earlier, Sallust (*Jugurthine War* 45) adds that Metellus responded to this undisciplined intervention in military operations by forbidding *lixae* from accompanying the legion. However, the sending away of *lixae* does not mean that they had not been performing the commercial duties expected of them by the army. It is understandable that several Patton-like commanders focused on military efficiency were hostile to the participation of their units in commercial activity. Nevertheless, the bigger picture is that plunder very much helped to make the military machine function. Indeed, Roth, citing examples, suggests, “Under the Empire, the Romans continued to use pillaging as a strategy for terrorizing a population into submission.”⁴⁴ A central task of the army’s *lixae*-detachments was to dispose of plunder to independent businessmen and to return the proceeds to their units.

Of course, strictly military goals dominated when plunder was unavailable. Thus, in dealing with a campaign in Liguria in 186 BCE Livy (39.1.6-7) explains:

Any attack on a fortified position involved much toil and danger; there was but little to be got out of the country, and the soldiers were reduced to scanty food, as they could secure very little plunder (*praeda*). Consequently, there were no camp-followers (*lixae*), no extended line of baggage animals; there was nothing beyond the arms and the men who depended solely upon them (tr. Roberts).

Vishnia comments: “The allusion is quite clear: where there is no *praeda* there are no *lixae*... Were the *lixae* a special paramilitary unit whose duty it was to collect plunder?”⁴⁵ Yes, but while trading in plunder will have been their most profitable activity this was not their everyday duty. If the population of a region withdrew to a fortified position, there would be no one to plunder *and* no one to trade with.

⁴⁴ Roth (1999) 134.

⁴⁵ Vishnia (2002) 269.

It is difficult, however, to pinpoint the more everyday commercial duty of *lixae*.⁴⁶ Although not named as such in the texts cited above, the duty of intermediating between outside suppliers and the army and between one army unit and another probably was the special work of the army's public slaves. As noted by Vishnia, Tacitus' testimonies show *lixae* in marching armies *and* in various permanent camps.⁴⁷ Their role as intermediaries would help to explain why *lixae* are referred to as "doing work" in the Suda (*to genos tōn ergastikōn ... anthrōpōn*) and also why they are said to be soldiers but somehow not soldiers (Suda online s.v. *leixai* translated headword *lixae* [available at <http://www.stoa.org/sol/>]).⁴⁸

A small scale example of intermediation between army units is provided by a letter (*O. Florida* 18) concerning an auxiliary unit stationed in an isolated post in Upper Egypt (Edfu) in the second half of the second century CE:

... to Theon his brother, [many] greetings. Before all I pray that you are well, with your horse who is free from the evil eye. I did not find someone to bring the barley to you. If you wish, send your *galearius* and let him get it (tr. Bagnall (1976) 59).

As noted earlier (Section I citing Vegetius), a *galearius* is a *lixa* and/or a *calo*. While the terminology is imprecise or even contradictory it appears from the specific request to send not just any soldier but "your *galearius*" that transferring grain from one military unit to another fell within his standard duties. Further, "your *galerarius*" probably refers to the *galearius*-slave assigned to Theon's detachment, not to Theon's personal slave.⁴⁹

As the evidence moves toward supporting a consensus that *lixae* carried out commercial transactions for the army a disturbing element

⁴⁶ Vishnia (2002) 268-269 cites Roman military historians to the effect that the Roman army did not depend much for its supplies on trade and market forces. However, this view depends for support mainly on theoretical considerations and it is not supported by facts as provided by Kehne (2007) 329, Whittaker (2004) ch. 5 on "Supplying the Army", and by various original sources including *O. Fawakhir* 1, *O. Petr.* 245, *P. Dura.* 82 [= Fink (1971) 1, 2], col. ii, line 4), *P. Dura.* 100, 101 [= Fink (1971) 1, 2] and *T. Vindol.* II 180 (with Bowman & Thomas (1994) 122. Indeed, evidence shows that Roman legions deployed soldiers as *interpretes* "interpreters" who mediated commercial transactions for the army (Mairs (2012) esp. 23-26; Kolník (1978)).

⁴⁷ Vishnia (2002) 272.

⁴⁸ Cf. Vishnia (2002) 269.

⁴⁹ Compare Bagnall (1976) 18.

intrudes, namely that *lixae* appear in civilian contexts. For example, Ammianus Marcellinus (28.4.4) reports:

For he [Ampelius] gave orders that no wine-shop should be opened before the fourth hour, that no one of the common people should heat water, that up to a fixed hour of the day no victualler (*lixae*) should offer cooked meat for sale” (tr. Rolfe).

Here *lixae* sell food but apparently they are neither slaves nor soldiers. More importantly, Vishnia adds that in Apuleius (*Metamorphoses* 1.24) *lixae* accompany a magistrate in the food market carrying rods/sticks.⁵⁰ The *lixae* later destroy Lucius’ purchased fish on the magistrate’s orders. The *Metamorphoses* was apparently adapted from a Greek original and it is set in Greece (Thessaly). So it may be suggested⁵¹ that in Apuleius *lixae* play the same role as Athens’ slave-police force (*dēmosioi hypēratai*) called the “Scythians” or “Scythian archers.” The latter were armed and accompanied magistrates in the policing of the Agora (see e.g., Aristophanes *Thesmophoriazusae* 920-946; *Ecclesiazusae* 143⁵²). Indeed, we may find a military context by associating the *virga* “branch, wooden rod” carried by Apuleius’ *lixae* with the *fustis* “nightstick” sometimes depicted on gravestones (including in Greece) being held in the right hand of Roman officers (*beneficiarii*) on detached service with the left hand holding a bundle of wax tablets. The *fustis* is sometimes depicted as a gnarled stick with a knob at the end. I suspect that nightstick-wielding *lixae* served at various *stationes* under the command of *beneficiarii* and, hence, they became a familiar sight in the cities.⁵³

⁵⁰ Vishnia (2002) 266.

⁵¹ Contrary to Weiss (2004) 102ff.

⁵² Compare Vishnia (2002) 266-267.

⁵³ Sources: M.P. Speidel (1993); Šašel-Kos (1978); most recently Nelis-Clément (2000). I know of no evidence linking *lixae* with *beneficiarii* and or indeed attesting that the latter had troops serving under them (see Dise (1995) 80-81). However, they could not have carried out their police and other duties single-handed (Rankov (1999) 27-28). Might public slaves have served in the *stationes*? An inscription from Rodez in southern France attests to a freedman *stationario*: *L. Bantio Celso stat(ionario) Secundus l(ibertus) de suo* (CIL XIII 1549; Noy (2003)).

Another symbol of the *beneficiarii* and other soldiers of the *officium* is the lance constructed with a hooked handle to facilitate lifting and planting in the ground (Rankov (1999) 31 with references). Šašel-Kos (1978) 25 takes note of soldiers holding a staff “characteristic of the optiones ... equal to or even exceeding a man’s height” who carry a writing-tablet case in the left hand. The lance or staff should probably be identified with the *hasta* (or *subhastatio*) which symbolizes auctions and selling generally (Nótári (2007)

Significantly, the dedication of the *galearius* (= *servus* = *lixa* in *Vegetius*) Termilas depicts a mounted Herakles who “faces the spectator with a club held waist-high and leaning backwards in his right hand” (*SEG XIX 787*).⁵⁴ Termilas makes no mention of an individual owner. C.R. Whittaker takes note of an inscription (*CIL VIII 18219*) from Lambaesis in Africa listing soldiers sent to serve in the market to control the weights (*ad pondera*).⁵⁵ In Roman Egypt in the second century CE one finds *demosioi* “public slaves” operating under the direction of army officers detailed to police duty.⁵⁶ I would suggest that *lixae* were non-combatant soldier-slaves who were specifically assigned to police markets because it was their normal army duty to participate in commercial life. As slaves these policemen-soldiers could be made to answer with their bodies for abuses of authority.

To sum up, our sources place *lixae*, civilian and military, in a commercial setting. The role of the Roman army’s *lixae*-detachments appears to have been mainly of a commercial/intermediary nature but they also policed markets. Most of the army’s *lixae* were public slaves. The reasons why the army relied on public slaves to serve as commercial intermediaries is reasonably clear. The role of intermediary between the army and private businesspersons is ill suited for the personal slaves of soldiers. The role of intermediary between one army unit and another is ill suited to non-soldiers. Specially trained free soldiers might play both intermediary roles. However, for reasons of legal agency and of heightened control in financially sensitive positions Roman civilians and corporations generally preferred to rely on the commercial services of their slaves. With some exceptions, an individual could acquire property/make contracts through a third party only if he was in his/her *potestate*.⁵⁷

233 with numerous references). Much remains unclear but it may well be that the *hasta* refers to the symbolism of a legal transfer of property (“sovereignty”) from one individual to another. More specifically, the *hasta* is the guardian over the accompanying oath (Alföldi (1959) 20-23). The lance is also associated with army titles such as *speculatores* and *frumentarii* (Matijević (2011) 79 with n. 89) who are understood to be providers of grain, spies, and messengers (Baillie Reynolds (1923) esp. 183-187; cf. Cupcea (2006-2007) 266, (2009)) and about which more below. I think the *hasta* came to represent the soldier on detached service and that duties of this kind might have been performed by slaves (see below).

⁵⁴ Bean (1959) 99.

⁵⁵ Whittaker (2004) 105 with n. 103.

⁵⁶ MacMullen (1963) 52-53 with n. 10; compare Bagnall (1977) 69 with nn. 17-18.

⁵⁷ Thus: “No one can stipulate on behalf of another, except where a slave stipulates for his master, a son for his father ...”: *Digest* 45.1.38.17 Ulpian; tr. A. Watson;

However, the empowerment of the slave to act as his owner's agent is only one side of the coin. The other side is that an owner had access to the body of his slave. As a slave agent, a *lixa* had access to his legion's keys and I take as given that the legion had access to a *lixa*'s body. According to military law, *militēs* are not subject to torture:

Soldiers' punishments are of such kinds as these: reprimand, money fine, imposition of duties, change of branch of the services, reduction in military rank, dishonorable discharge. For [soldiers] shall not be handed over to the mines or the *opus metalli*, nor are they tortured (*Digest* 49.16.3.1 Modestinus; tr. A. Watson).

Modestinus makes an exception in cases of repeated desertion or desertion to the enemy. I understand that as a legal term *miles* "soldier" applied to free soldiers but not to *servitium castris*. The latter were members of the armed forces who had to answer with their bodies.⁵⁸

IV. SOLDIERS IN *COLLEGIA* AS PUBLIC SLAVES

The previous two sections sought to demonstrate that soldiers with specific duties or titles (*lixae* and *calones*) are public slaves. This section attempts to show that soldiers, whatever their specific duties or titles, were public slaves if they belonged to a type of association known as a *collegium*.

An inscription from the period from 244 to 249 CE (*ILS* 9182) from Niederbieber on the right bank of the Rhine is a dedication by a *medicus ordinarius* named Titus Flavius Processus to the "genius of the *capsarii*":

similarly, Gaius *Institutes* 2.86, 3.103). Slaves had the capacity to enter into contracts (acquire property) on behalf of their owners who could then be sued (see various provisions in *Digest* 14.3; *Digest* 41.2.1.5 Paul, *Digest* 41.2.1.6 Paul, *Digest* 41.2.44.1 Papinian, and elsewhere). With respect to legal agency, I am assuming that a Roman legion, like a municipality, could sue and be sued by private parties (*Digest* 3.4.7 pr Ulpian; 37.1.3.4 Ulpian; Johnston (1996) 203-204).

⁵⁸ Public slaves in the civilian sector were certainly subject to physical punishment for failing to perform properly their assigned duties. This is nicely illustrated in the mid-first century CE by the decision of Quintus Veranius, the governor of Myra in Lycia, to have a public slave named Tryphon, employed by the city of Tlos, whipped for permitting documents with interpolations and erasures to be entered in the city archives. In passing, the governor notes that other public slaves have been punished similarly (*AE* 1976, 673; tr. Sherk (1988) 90-91, no. 48).

(h(onorem). d(omus). d(ivinae). Genio capsariorum n(umeri), Divitiensium Gordianorum T. Fl. Processus medicus hordinarius sub C. Vibio Vitale pref. n.s.s.d.p.).

Capsarii are “bandagers” or better “medical orderlies” and are included among the *immunes* (*Digest* 50.6.7). Bates suggests that this *medicus ordinarius* “was evidently head of the Collegium Capsariorum.”⁵⁹ The reference to a tutelary deity of medical orderlies raises the possibility that they are formally united in a *collegium*. The dedicator, Titus Flavius Processus, might be taken to be a magistrate (*magister*) or a patron (*patronus*) of the association. “*Collegia* were always also cult associations”.⁶⁰ Were cult associations always *collegia*? The cult of *genii* was demonstrably popular among all kinds of military units and titles,⁶¹ which makes it difficult to believe that formal association necessarily accompanies joint worship.

Even so, another fragmentary inscription (*CIL* VIII 2553 + *AE* 1906, 9 = *ILS* 2438 + addenda) of 199 CE from Lambaesis in Algeria, the base of *legio III Augusta* (see Section V), demonstrates that *capsarii* were members of *collegia*. The inscription reveals an association with a stated membership fee (*scamnarium*) that included *optio valetudinarii* [hospital administrators], *pequarii* or veterinarians, a *librarius* or clerk, and (apparently paying lesser dues) *discentes capsariorum*.⁶² Nutton explains: “Whether they [the *discentes capsariorum*] are the pupils of the hospital orderlies or better still, taking the genitive as partitive, the pupil hospital orderlies, it is clear that they are being taught, and formally taught, for the inscription which records the constitution of this association shows that they are recognized as undergoing instruction.”⁶³

That *capsarii* were organized in a *collegium* argues against their being *milites* because law banned such membership:

Provincial governors are directed by imperial instructions not to tolerate secret social *collegia* and that soldiers (*milites*) are not to form *collegia* in camp. But the lower orders (*tenuiores*) are allowed to pay a small monthly fee, provided that they meet only once a month, lest an unlawful association be created under this guise. And the deified Severus stated in a rescript that this applies not only in Rome but also

⁵⁹ Bates (1912) 137.

⁶⁰ Verboven (2011) 342.

⁶¹ Marcu (2004-2005) 76-77; cf. *RIB* 448 Chester.

⁶² Nutton (1969) 264-265; Davies (1969) 83-84; cf. Breeze (1976).

⁶³ Nutton (1969) 265.

in Italy and the provinces. There is, however, no ban on assembly for religious purposes so long as there is no contravention of the *senatus consultum* which prohibits unlawful *collegia*. (*Digest* 47.22.1 pr, 1 Marcian; tr. A. Watson).⁶⁴

Slaves and freedmen, although they might be wealthy, were *tenuiores* (“lower orders”) in the sociopolitical sense and, hence, were legally permitted to join *collegia*.⁶⁵

Capsarii are soldiers earning basic pay (*immunes*) not hired free workers or contractors or officers.⁶⁶ Hence, their membership in a *collegium* opens the presumption that some *capsarii* were slaves. Slave status finds some support in the attested meaning of *capsarius* as “a slave who carries books (*capsa*)” (*Digest* 40.2.13 Ulpian). The Lambaesis inscription does not reveal the nomina and filiation of the *capsarii* trainees in the *collegium*. However, slave status for *capsarii* is made credible by the fact that a significant minority bear only one name (see Section VI).

The legal status of the other named members of the *collegium* is even less certain. An *optio valetudinarii* may have been a slave and an officer

⁶⁴ Cf. Ginsburg (1940) 150.

⁶⁵ I understand Marcian’s “in camp” to mean that *miles* could not join *collegia* while on active duty, not that they could join associations physically housed outside the camp (see Bendlin (2011) 224). Actually, it appears that “clubhouses” were located within a number of camps (Ausbüttel (1985)). Freedmen and (obviously) slaves had fewer political rights and lower social status than other Roman citizens. The jurists tended to equate *tenuiores* with *humiliores* who ranked below the *honestiores* “those who are more honorable” (see Bendlin (2011) 233-235).

An inscription (*CIL* XIV 2112) from the Italian town of Lanuvium dated to 136 CE provides a definitive illustration of participation in a *collegium* by “lower orders”. This inscription, the bylaws of the *Collegium Dianae et Antinoi*, states that slaves might belong and, like free members, they had to pay a membership fee and annual dues; if manumitted, a member slave was expected to contribute “an amphora of good wine” to the association (Bendlin (2011)). Also, an inscription (*RIB* 1436) from the fort of Haltonchesters on Hadrian’s wall in Roman Britain which mentions one Hardalio (“busybody”) (or perhaps Hardalionis) is attributed to the *collegium conser(vorum)* “association of fellow-slaves” (Birley (1980) 146: [*D(is) M(anibus)*] / [...] / *Hardalio(n)is (servo) / collegium / conser(vorum) / b(ene) m(erenti) p(osuit)*). The members of this *collegium* may have been the slaves of civilians or the personal slaves of soldiers or public slaves of the army or slaves of public slaves of the army but they were not free soldiers (compare Ginsburg (1940) 152 with n. 13). More to the point is that the slaves forming the military bodyguard of several emperors (the *corporis custodes*), were organized “as a *collegium Germanorum* with *curatores* and so on is similar to that found elsewhere in the *Familia Caesaris*” (Weaver (1972) 83).

⁶⁶ Perea Yébenes (1999) 300.

or, as suggested by Davies,⁶⁷ he may be a “supernumerary *optio* of the same standing as an *optio* in a century, who has been put in charge of a hospital.” The case for the veterinarians being slaves is stronger because, “There are a dozen epigraphic examples of *pecuarius* or *pequarius* in a legion, several of whom have the additional title of *miles*”.⁶⁸ The *pecuarii* in the *collegium* do not receive the status of *miles* “soldier” (see Section VI).

Note the inscription (*RIB* 156 + add. = *ILS* 2429) of Julius Victor from Bath:

Julius Vitalis, armorer of the Twentieth Legion Valeria Victrix, of 9 years' service, aged 29, *natione Belga*, with funeral at the cost of the *collegium fabricensium*, he lies here (tr. modified from Malone (2006) 165).

“The style of the dedication would appear to indicate a first century date, although the absence of a *praenomen* is unusual ... The *cognomen* is widespread but well illustrated in the Gallic provinces”.⁶⁹ Probably the *praenomen* is absent because the armorer was a *peregrine* and quite possibly a public slave (see Section VI).

In 194 CE a dedication was made by a *tesserarius* of *legio XIII Gemina* in honor of the *collegium quaestionariorum* and for Ceres, Minerva, and the Genius loci.⁷⁰ The financial role of the *quaestor* has already been noted. The *tesserarius* is usually identified as an officer who distributed passwords on small tiles (*tesserae*). However, this “original” meaning “does not clearly appear in every occurrence of the position, even when the term retains its military nature. Thus, *P. Oxy.* I 43, ii, 21 (dated to 295 CE) contains military records giving an account of supplies, chiefly of fodder, provided to various troops and officers. There is no mention of either *tessera* or a watchword”.⁷¹ Hence, it is possible that the *tesserarius* mentioned is a public slave.

There are inscriptions from Lambaesis in North Africa which seem to include free men as members of *collegia*. *CIL* VIII 2557 (= *ILS* 2354 = *FIRA* III 34) dated to 203 CE establishes entrance fees and payments to

⁶⁷ (1969) 85 with n. 11.

⁶⁸ Davies (1969) 88 with n. 53.

⁶⁹ Malone (2006) 165.

⁷⁰ Weber (1980) 615, 620.

⁷¹ Solieman (2012) 715.

members in cases of travel, death, and demotion. The membership includes

the horn players of Legion III Augusta, Loyal and Avenging: Lucius Clodius Secundus orderly (*optio*), Gaius Julius Felix (reference to 34 more names) ... (tr. Campbell (1994) 138, no. 231).

The two listed members have *cognomina* common among slaves, Secundus and Felix. However, both bear the *tria nomina* indicating they are Roman citizens. On the other hand, the inscription ends with the names Ceninis, Antoninus, Filinus, and Marcus who are additional members who arguably are slaves based on their one-namedness (see Section VI). A second Lambaesis inscription (*ILS* 9100 = *AE* 1898, 108, 109) dated to the third century CE establishes payments for the (“generously paid”) members/founders of a *collegium* of the personnel of the record office of Legion III Augusta:

Lucius Aemilius Cattianus, chief clerk (*cornicularius*) and Titus Flavius Surus, registrar (*actuarius*), and also the clerks (*exacti*)... whose [42] names are recorded below... (tr. Campbell (1994) 138, no. 232).

I am unsure how to classify the *cognomina* Surus (a Thracian name) and, especially, Cattianus. A third Lambaesis inscription (*CIL* VIII 2554 = *ILS* 2445) of the third century CE involves an association of *optiones* with generous pay and generous payments that is “under the supervision of Lucius Egnatius Myron, treasurer” (tr. Campbell (1994) 139, no. 233). Myron is a Greek name meaning perfume.

The bearing of *tria nomina* by the explicitly named members of the *collegia* taken together with the reference to generous payment supports that they were free soldiers (or even hired employees or independent contractors of the army). Although this is possible, I do not believe that the “generous payment” refers to what the members collected as an enlistment bonus or from selling themselves into public slavery.

It has not been demonstrated that Roman soldiers in *collegia* are necessarily public slaves. However, there are grounds for suspecting that *capsarii* and perhaps some other specialist soldiers received permission to form *collegia* because they were the public slaves of the army. The legal ban against *milites* joining *collegia* remains a promising tool for identifying public slaves but, unfortunately, the evidence so far uncovered is ambiguous. One troubling element should be noted, the soldiers Lucius Clodius Secundus, Gaius Julius Felix, and Lucius Egnatius Myron appear to be *liberti* but are not so designated.

V. AUGUSTI VERNAE IN LEGIO III AUGUSTA

Some soldiers carrying out financial duties in their military units possess (non-military) nomenclatures demonstrating that they are public slaves. Thus, inscriptions from Lambaesis reveal a financial department (*officium*) in *legio III Augusta* including slaves (*Augusti vernae*) and freedmen (*Augusti liberti*). Concerning *vernae*, note that when the title is used with an occupational designation, as in the present cases, it arguably means *slave of the occupation*, not *houseborn slave*.⁷²

Let us review the membership of this financial department during 198-211 CE. The freedman Inventus served as *tabularius* (*AE* 1956, 123). A *tabularius* is an accountant. During the rule of Septimius Severus, the slave Cassius served as *dispensatore legionis III Augustae* (*CIL* VIII 3289 + p. 1741). A *dispensator* is a steward who manages funds and carries out transactions.⁷³ An inscription from Theveste is dedicated to a *vicarius* named Aesop by Adventus who describes himself as *verna ex dispensatore legionis III Augustae* (*CIL* VIII 3289). From Lambaesis, we have an Adventus (likely the same individual) who is identified as *augusti verna dispensator legionis III* (*CIL* VIII 3288) and as *ex dispensatore* (*CIL* VIII 3291).⁷⁴ *Ex* means “out of” or “from within” so it is reasonable to understand that Adventus was formerly the *dispensator* (perhaps he was awaiting promotion⁷⁵ or possibly that he was on detached service. That Adventus was a slave-owning slave (an *ordinarius*) is indicated by the *vicarius* Aesop in the Theveste inscription and by one from Lambaesis (*CIL* VIII 3291) in which he refers to his slave (*servus*) Hyginus. A final example is provided by an epitaph from Rome (*AE* 1973, 83) revealing an unnamed *augusti verna dispensator legionis III*.

Most recently, Le Bohec⁷⁶ cites, and seems to support, the interpretation advanced by Pflaum⁷⁷ that these financial personnel were attached to the district of the legion. However, the inscriptions display freedmen and slaves who identify not with the territory or even with the financial department in which they worked but explicitly with an army unit. Per-

⁷² Nielsen (1991) 222, 230 with n. 35.

⁷³ Carlsen (2013) 194.

⁷⁴ Christol (1990) 896-897; Gascou (1969) 545-550.

⁷⁵ Cf. Rankov (1990) 179.

⁷⁶ Le Bohec (1989) 194-195.

⁷⁷ Pflaum (1978) 60-61.

haps their aim was to identify themselves with their unit's district, which was not possible because the province of Numidia was established only in about 202 CE. There are indeed precedents for the identification of financial personnel, (*dispensatores* and *tabularii*), including *augusti liberti* and *augusti verna*, with provinces. (e.g. *CIL* X 7584, *CIL* III 251, *CIL* II 1085, *CIL* III 7127⁷⁸). On the other hand, the identification of financial personnel with an army unit is not restricted to North Africa. Two inscriptions from near Cologne (Colonia Claudia Ara Agrippinensium) identify a *dispensator* with *legio I Minervia* (*IKöln* 270 = *AE* 1974, 449 = *AE* 2000, 999) and with *legio VI Ulpia Victrix* (*AE* 1984, 664 = *AE* 2004, 958 = *AE* 2004, 969a). The *dispensatores* could instead have chosen to identify with a Roman colony. Further, although this may be a close call temporally, it seems that the establishment of the province of Numidia antedates some Lambaesis inscriptions.⁷⁹ If so, then there would be no need for circumlocution: the slave and freedmen financial personnel could have identified with their province had they wished to.

There is a more basic weakness in the Pflaum/Le Bohec hypothesis. Provincial governors had jurisdiction over legions but no Imperial policy singles out specific kinds of army units (financial, medical...) for identification only with the host province. The motivation for the district-identification hypothesis is the conviction that slaves could not legally serve in the army. However, as argued earlier the ban applied to army service by *privately owned* slaves. There is no breakdown in the army's chain of command due to the employment of *publicly owned* slaves and that emperors and municipalities routinely relied on public slaves demonstrates that Roman society harbored no intrinsic or generalized prejudice against their employment. Hence, my understanding is that whenever slaves are identified with an army unit they are publicly owned slaves serving in that army unit.

The designation of the financial slaves of *legio III Augusta* as *Augusti* suggests the emperor legally owned them.⁸⁰ Soldiers (e.g. *beneficarii/stationarii*) were placed under imperial or urban jurisdiction⁸¹ and, in the two-way traffic, imperial civil servants were placed under military jurisdiction. The possible long-term nature of the service is demonstrated by

⁷⁸ Cited by Christol (1990) 898-899.

⁷⁹ Gascou (1969) 548-549; Cherry (1998) viii with n. 4.

⁸⁰ Le Bohec (1992) 108-109.

⁸¹ Dise (1997).

the self-designation of the *dispensator* Adventus as *ex dispensatore legionis III Augustae*. (Why refer to “former” in the case of short-term service?) The name of the governor served by a *beneficiarius* was incorporated into his titlature or else he identified himself as a member of the *officium consularis*.⁸² The important point is that the soldier was identified by means of his relationship with the governor not by his (continuing) army enrollment. However, *lixae*, *calones*, and *capsari* are not linked to the emperor and probably they were legally owned by their army units.⁸³

VI. ONE-NAMEDNESS AND OTHER INDICATORS OF SPECIALIZED LEGIONARY SLAVES

Service as *miles* in a Roman legion was legally open only to citizens who were freeborn. However, there is a clue pointing to public slave status of a legionary *frumentarius*. A (possibly altered) inscription of the earlier first century CE (*CIL* III 3835 = *RINMS* 8) on an altar of Ceres (goddess of grain and the *annona*) found outside the town of Emona (present Ljubljana, Slovenia) reads: *Cereri sac(rum) / Vibius frumentarius / leg(ionis) XV vol⁵to suscept/o, f(aciendum) c(uravit)*.⁸⁴ That the legionary Vibius has only one personal name — he lacks the *praenomen* that would be expected for a Roman citizen — is not necessarily a signal that the inscription is a clumsy or jesting forgery (of the 17th century!) but rather it probably signals that the *frumentarius* Vibius is a slave of his legion.⁸⁵

A modicum of direct support for this identification is the one-namedness of a handful of individuals who are clearly slaves and explicitly serving in

⁸² Dise (1997) 277, 281.

⁸³ Apparently, some slaves serving in temples were owned by municipalities while others were owned by the temples. Thus, according to Riel (2003) 89 n. 88 (cf. Riel (2001) esp. 294-295), C. Julius Optatus, Septimius Asclepius Hermes and Flavius Constantius “were former *servi publici* ceded to municipal sanctuaries, upon their manumission, they became freedmen [*liberti*] of their divine masters, receiving simultaneously the *nomen* of the city that controlled the sanctuary where they served.” On the other hand, in the vicinity of Capua a *liberta* of Diana named Rufa has no stated relationship to any municipality: *M. Orfio M. f. Fal. Rufa Dianaes l(iberta) sibi et coiuci (!) suuo (!) fecit* (Dessau, *ILS* as 3523; Riel (2003) 89 n. 88). Rufa was probably owned by the cult of Diana Tifatina.

⁸⁴ Šašel-Kos (1995) 241-243; Spaeth (1996) 25-26, 40-42, 47-48.

⁸⁵ Compare Baillie Reynolds (1923) 168; cf. Section IV.

legio III Augusta (see Section V): Cassius *verna dispensatore* and probably Ursinus *arcarius* (*CIL* VIII 3289e p. 1741); Adventus *verna dispensatore* (*CIL* VIII 3288, VIII 3291). Also one-named is Aesop the *vicarius* of Adventus (*CIL* VIII 3289) and Adventus' (personal?) *servus* Hyginus (*CIL* VIII 3291). These results are somewhat weakened by the one-namedness of Inventus, *Augusti libertus tabularius* (*AE* 1956, 123). However, Inventus had certainly been a one-named slave and possibly he had served as a one-named soldier.

Strong testimony connecting one-namedness with public slavery is provided by the *corporis custodes* (or *Germani*), the emperor's personal bodyguard under the Julio-Claudian family. That these soldiers were slaves as attested by genitival forms of the rulers' name followed by "*corpore (corporis) custos*" (or in the reverse order) and by their membership in a *collegium Germanorum* with *curatores* (*CIL* VIII 4337, 4340, 4341, 4345, 8803).⁸⁶ The *Germani*, as noted by M.P. Speidel, are characterized by "single Greek names and division into *decuriae*, both consistent with their servile recruitment."⁸⁷

More generally, scholars have employed one-namedness in inscriptions as an indicator of current slave status.⁸⁸ A postulate underlying this identification model is that for the individual the subjective value of expressing his freedom/citizenship in a monumental (e.g. tombstone) inscription is very high relative to the material cost of expressing it by including (in abbreviated form) his full name with filiation.⁸⁹ The

⁸⁶ Weaver (1972) 83; Speidel (1979) 121 n. 11.

⁸⁷ Speidel (1979) 121.

⁸⁸ Mouristen (2011) 139 n. 96; Schumacher (2010) 33, 39, 43; cf. Aubert (1994) 221-222)

⁸⁹ Schumacher applies his status identification model to private *vilici*, *actores*, and *dispensatores*. He acknowledges several exceptions but maintains, "Where additional criteria are lacking though, I shall follow the traditional reading and assume slave status in the case of a single name only..." (Schumacher (2010) 33). Obviously, the assumptions underlying Schumacher's model would apply equally to public slaves generally and to army slaves in particular. Weaver (1972) 83 comments on the "hazardous" nature of reaching conclusions about the status of individuals based on the parts of their names appearing in inscriptions: "For instance, a single personal name often, perhaps usually, points to slave status especially if the name is of Greek derivation, but not always and certainly not by rule. A single name is not an indisputable proof of slave status" (cf. Aubert (1994) 155, 221-222). I would rephrase Weaver's conclusion: Single named individuals are slaves by rule but the rule is fallible. The most probable exception is that, using our present example, the one-named Vibius is a freedman of his military unit — that is, Vibius had first been his unit's one-named public slave (see further below). One-namedness among freedmen is derivative of slave status.

reasoning is especially cogent for freedmen⁹⁰ but also those who had always been free would not wish to risk being identified as slaves. As every scholar knows, one-namedness is hardly an infallible status indicator as there will be situations in which free individuals would choose to identify themselves or others by *cognomen* alone. For example, freedmen choosing to commemorate patrons (former owners) would be inclined to recall/simulate emotional ties (render *obsequium*) by mentioning only their slave name. In familial inscriptions *ingenuus* children might have only one name.⁹¹ However, such facts of life call for a probabilistic determination of a person's status not for nihilism. Bruun observes: "Scholars often assume that such a person [an *Einnamig*] was a slave."⁹² The reason for this assumption is certainly not that they believe it is infallible. The reason is that in studying epigraphic sources scholars have become aware that individuals independently known to be slaves are much more likely to be cited with only one name than independently known free persons.⁹³ Unfortunately, I am not aware that any scholar has actually quantified this difference in likelihood.

Actually, while the gentilicium *Vibius* is sometimes found on the eastern coast of the Adriatic, slave status is supported by the finding: "Vibius was often used as a single (*peregrine*) name or even as a cognomen precisely in Noricum and some parts of Pannonia, and must evidently have concealed an autochthonous name".⁹⁴ In short, as a *peregrine*, "Vibius" had only one name when he entered the legion.⁹⁵ Further, the connection between *peregrini* and *frumentarii* is made obvious by the fact that the latter were headquartered in Rome's *Castra Peregrina*.⁹⁶ Also, Vibius' interest in Ceres is reasonable given his job-title and a connection made in (the damaged) *CIL* VI 3340 between supply duties and *frumentarii* serving in *Legio II Italica* (Baillie Reynolds

⁹⁰ Aubert (1994) 286.

⁹¹ Visočnik (2110) 234.

⁹² Bruun (2014) 608, citing Solin (1996).

⁹³ See, for example, Bruun (2014) 613 with n. 35.

⁹⁴ Šašel-Kos (1995) 242.

⁹⁵ The normal nomenclature of an unenfranchised *peregrini* is name, patronymic and *origo*. The name forms utilized in military diplomas suggest that in official documents enfranchised *peregrini* bore natural filiation like freeborn citizens. Thus in 110 CE, Novantico son of Adcobrovatus from the city of the Corieltauvi at Leicester became upon enfranchisement M. Ulpius Adcobrovati f. Novantico and Longinus son of Saccus from the city of the Belgae at Winchester became M. Ulpius Sacci f. Longinus (Mann (2002) 228, 230 with *CIL* numbers and many additional examples).

⁹⁶ Baillie Reynolds (1923) 168; Rankov (1990).

1923). A final point of support for the veracity of the inscription is that a second inscription (*CIL* III 10769) confirms the presence of the 15th legion at Emona. To conclude, Vibius is most probably a *peregrine* who entered (volunteered for?) Legion 15 as a slave.⁹⁷

This is not to say that *frumentarii* were necessarily one-named slaves. Thus, a tombstone from Rome is inscribed:

To the spirits of the departed Marcus Ulpus Quintus of Nervia Glaevi (Gloucester), *militi frumentarius* (*mil . fr.*) of *legio VI Victrix*, Callidus Quietus his colleague had this made... (*CIL* VI 3346 = *ILS* 2365; tr. Ireland (2008) #114, 93 as modified; Dobson & Mann (1973) 202-203).

This individual bears the *tria nomina* of a citizen (with an imperial *gentilicum*) and designated *miles frumentarius*. Not all tombstones identify the deceased as *miles frumentarius* but there are other examples. A tombstone from Rome commemorates:

T. Flavius Pap(iria tribu) Valerianus, Oesco, mil(es) fr(umentarius) leg(ionis) V Mac(edonicae) (*CIL* VI 3342).

Despite the dangers inherent in relying on individual “cherry-picked” inscriptions, there are grounds for suggesting that *frumentarii* were divided between slave and free soldiers. One wonders whether their duties (food/provision suppliers vs. couriers/spies) were the same.

One-namedness in inscriptions also provides a tool for unlocking the status of legionary noncombatants producing goods as well for those providing services. Thus, a tile perhaps dating to the first or second century CE bears the stamp: *leg(io) XX V(aleria) V(ictrix) I sub Logo pr(incipe?)* (*RIB* 2463.58; Holt & Chester). “The Twentieth Legion Valeria Victrix, under Logus, *princeps*.” Malone explains: “The *cognomen* [Logus] is Greek and more usual among slaves and freedmen than as the name of a soldier. The title *princeps*, if not indicating the centurial rank of Logus, is perhaps to be understood in the sense of an *ad hoc* commander of a detachment, presumably here the men charged with the production of these tiles.”⁹⁸ Arguably, Logus is a legionary

⁹⁷ Note also an inscription from Ostia (Regio II, Insula VII) dedicated by two brothers, Optatianus and Pudens, to the Genius of the Castra Peregrina. The brothers are both *frumentarii* and one-named. Names ending in *-ianus* are familiar among municipal and imperial slaves (Weaver (1972)). The inscription is available for download at: <http://www.ostia-antica.org/regio2/7/colonna.htm>.

⁹⁸ Malone (2006) 122.

(noncombatant) soldier *and* a public slave assigned by his military unit to oversee tile production.⁹⁹

Turning again to the medical personnel, Bader¹⁰⁰ found intact inscriptions attesting to 86 names of Roman army doctors (*medicijiatros*) of which, by my calculation, 19 (or 22%) have only one name as opposed to bearing the *tria nomina* (43) or *duo nomina* (24).¹⁰¹ Consider, for example, the votive inscription of Veturius, a one-named legionary bearing the appellation *medicus legionis*. The inscription, from the left shore of the Danube dated to the late second or early third century CE, reads: [V]etu[ri]us m[ed]icu[s le]g[on]is I It[alicae] [l]ibente] a(nimo) v[otum] s[olvit] (CIL III 6205 = ISM V 170; as expanded by Aparaschivei (2012) 108, 118, no. 4). It appears also that three of seven *capsari* had one name.¹⁰²

CONCLUDING OBSERVATIONS

There are sound theoretical and practical reasons for expecting that slaves, skilled and unskilled, performed a variety of public services for the Roman armed forces. Nevertheless, it is a challenging task to identify the army's public slaves in the available sources. The literary, legal, and epigraphic evidence analyzed above does not always permit a unanimous verdict. The main findings of this preliminary study are summarized below. Much more evidence remains to be uncovered.

Some evidence allows for the possibility that *lixae* and/or *calones* might be privately owned slaves or free soldiers or even civilians. However, a preponderance of the evidence, consisting of direct statements (literary and epigraphic) and logical inferences from context,

⁹⁹ However, influenced by the fact that Logus is the name of a slave or freedman, Warry (2010) 137) takes the word *fecit* as being implied and proposes the translation, "The Twentieth Legion, Valeria Victrix (made) under Logus, princeps." Thus, Warry (2010) 137) understands that Logus is not a soldier but rather the manager of a tile-works that contracted with *legio XX*.

¹⁰⁰ (2014) 48-49.

¹⁰¹ But compare Bader (2014) 50. For examples of enslaved civilian doctors including the one-named Atimetus of Augusta Emerita (and his student Nothus) and probably Glycerus from Rome, see Edmondson (2009) 117-119, 122.

¹⁰² Bader (2014) 50 with nn. 41, 42. In evaluating these findings it must be recalled that a man listed with only one name might actually be free but also, against Bader's assumptions about nomenclature, a man with the *duo nomina* might actually be a slave (Aubert (1994) 155). Indeed, the civilian doctor Ianuarius Domiti Percaue, from the territory of Augusta Emerita, died a *servus* (CIL II 5389; Edmondson (2009) 122.

demonstrates that the armed forces owned slaves designated as *calones* and *lixae*. These *servitia castris* were responsible for providing the armed forces with logistical and commercial services.

Moreover, an inscription records the discharge as a *libertus* named Iulius Saturio Iuli from the *auxilia*. This individual had been a slave of his military unit although the nature of his service is unknown. Very strong evidence also demonstrates the embedding of slaves skilled in finance in the command structure of a Roman legion based in Lambaesis, North Africa. In this case, unlike for *calones* and *lixae*, the slaves were probably owned by the Emperor rather than by their military units.

Indirect evidence pointing to the presence of public slaves is provided by membership of noncombatant soldiers in *collegia* — illegal for *militēs* — as well as by an analysis of one-namedness. *Capsari* “hospital orderlies,” whose very name suggests slave status, belonged to a *collegium* as did other mostly lower ranking soldiers termed *immunes*. There is good reason to believe they were public slaves. Again, membership in a legion required a soldier to be a Roman citizen but inscriptions reveal the presence of legionaries bearing only one name instead of the expected *tria nomina*. The one-named soldiers are arguably slaves of their military units. Additional epigraphic evidence gives credence to a conclusion that some army doctors (*medicus legionis*) were public slaves.

The army had public slaves but how were they acquired? The texts do not indicate that they were typically prisoners of war or victims of kidnapers. Tacitus (*Annals* 2.62) provides valuable insight:

There he (Catualda) found the long-accumulated plunder of the Suevi and camp followers (*lixae*) and traders (*negotiatores*) from our provinces who had been attracted to an enemy’s land, each from their various homes, first by the freedom of commerce, next by the desire of amassing wealth, finally by forgetfulness of their fatherland (tr. Church & Brodribb).

Here we find free persons from Roman provinces (hence *peregrini*) who wished to become *lixae* in a foreign land. Again, and more specifically, Festus defines the *lixae* as “those who follow the army *quaestus gratia*” (“for the sake of profit”) (Festus *apud* Diac [ed. Lindsay] s.v. *lixa*; cited by Roth (1999) 96). As already noted, a preponderance of the evidence portrays *lixae* as public slaves. Taken in this light, Tacitus’ report and Festus’s definition jointly raise the possibility that the desire for eventual citizenship combined with large monetary gains led provincials to volunteer for public slavery in Rome’s armed forces.

During their army service, public slaves might acquire valuable civilian/governmental skills (clerical, artisanal, and commercial). Did individuals volunteer for slavery in the army in order to receive training as, for example, doctors? I will return to this problem in a future article.

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