

# Buying a Slave in Roman Britain. The Evidence from the *Tabulae*<sup>1</sup>

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The problem of the legal usage of wooden tablets (*tabulae*) by the Romans was recently analysed in depth in *Legitimacy and Law in the Roman World*, a book written by the American scholar Elizabeth A. Meyer<sup>2</sup>. The main purpose of this paper is to show how valuable the analysis of legal epigraphic sources can be to Roman law studies generally.

In his famous book, the English legal historian, Sir William S. Holdsworth said: “It is always difficult for the legal historian, or, indeed, for any historian, to reconstruct the atmosphere of the period with which he is dealing. From a study of statutes, decided cases, and textbooks we can get a record of what things were actually done. Courts with a certain jurisdiction were established and began to function, the lawyers were educated and organized, and conducted their practices in a particular way, legal rules were originated and developed in certain directions. But it is difficult to get from these authorities an account of how the men of any given period did these things, a picture of the men themselves, or an impression of the contemporary background and the actual scene; and without such an account or such a picture or such an impression our history of events and movements and technical doctrines is a very lifeless story<sup>3</sup>”.

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<sup>1</sup> This article is an extended version of a paper given during the 65th session of SIHDA in Liège in September 2011. I would like to express my thanks to all participants in the discussion who commented on my paper. I would also like to express my thanks to Professor Thomas G. Watkin for his comments on the preparation of the final English text.

<sup>2</sup> E.A.MEYER, *Legitimacy and Law in the Roman World. Tabulae in Roman Belief and Practice*, Cambridge 2004.

<sup>3</sup> W.S.HOLDSWORTH, *Charles Dickens as a Legal Historian*, New Haven 1929, p.3.

What, then, can we do as legal historians to avoid that “lifeless story”? A solution to that problem lies in the number of sources that we use during our research. As we get further into the past their number decreases. For those who deal with pre-Justinianic Roman law, for instance, we may say that they are virtually deprived of any signs of life. Discovery of any new, even very small, fragment of a classical or postclassical imperial constitution or opinion of the jurist is surely an incredibly important event. We could observe such a stir some years ago when it was announced that a few fragments of the Codex Gregorianus had been identified by the English historians Simon Corcoran and Benet Salway<sup>4</sup>.

It is obvious that any hopes of making amazing new academic discoveries based only upon the traditional Roman law sources are doomed to disappointment. Modern Roman law studies need to give greater attention to other, semi-legal sources. Within that number we may rank all kinds of epigraphic testimonies of Roman legal practice that can be found all around the former territory of the Roman Empire. There are not only the papyri that have been researched in depth for many decades, but also wooden writing tablets, mural inscriptions or lead curse tablets. On curses, relevant studies have been undertaken from at least the late 19<sup>th</sup> century, but their results are rather enigmatic for a wider Romanistic audience.

What can new epigraphic sources tell us about ancient Roman law? The opposition of *Sollen* and *Sein* (in German jurisprudence) or *law in books* and *law in action* (in Anglo-American jurisprudence) is well-known to all lawyers. This legalistic contrast, however, is not only a characteristic of modern law, but existed since the very first legal regulations were introduced by the rulers of the first organised social communities. What we may find in most of the traditional Roman law sources is also what may be described as “what law ought to look like”. Those sources do not tell us much about the practice of law. Epigraphic sources, however, are first-hand documents that illustrate that practice. They are not contaminated with the opinions of the jurists or the decisions of the emperors. They are simply silent

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<sup>4</sup> S.CORCORAN, B.SALWAY, *A Lost Law-Code Rediscovered? The Fragmenta Londiniensia Anteiustiniana*, ZSS 127 (2010), pp.677-678, idem, *Fragmenta Londiniensia Anteiustiniana: preliminary observations*, Roman Legal Tradition 8 (2012), forthcoming.

witnesses of the law-in-action from before two thousand years ago. Their study may help us discover the full story of legal life.

The history of Roman Britain has been well-researched by generations of archaeologists and historians. It is strange, however, that the law of that province has never been a popular subject of academic study. It is easy to find a reason for that. Traditional Roman law sources contain only a few testimonies that illustrate the effectiveness of Roman law in Britain. Archaeological findings, however, have increased the available area of exploration. As well as mural inscriptions that are especially useful in reconstructing the history of administration in Roman Britain<sup>5</sup>, equally important are the wooden tablets. Their number is still not large, but we can already try to analyse some of them. The issue of purchasing slaves is well attested in a few tablets and it is a good place to start the exploration of law of Roman Britain<sup>6</sup>.

Slavery was a common social institution in antiquity. All ancient civilizations recognised a group of people whose rights were severely limited by law or custom<sup>7</sup>. When the Romans arrived in Britain in 43 A.D. slavery was already known among the native (Celtic) inhabitants of the island. Celtic slavery differed from Roman slavery. It is hard to determine, however, to what extent slavery was a common institution in Celtic society. Roman authors describe Celtic slavery, but a clear picture of that institution cannot be created from those sources. Julius Caesar, for example, wrote in his *De bello Gallico* that the wealth of the Celtic aristocracy was reckoned upon the number of slaves and clients that were kept by them<sup>8</sup>. A little later, Caesar informs his readers that if a patron died some of his clients and slaves were

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<sup>5</sup> See especially A.R.BIRLEY, *The Roman Government of Britain*, Oxford 2005.

<sup>6</sup> As to Roman law in Roman Britain see E.BIRLEY, *Law in Roman Britain*, in ANRW, II. B.13, Berlin–New York 1980, pp.609-625 and L.J.KORPOROWICZ, *Roman Law in Roman Britain. An Introductory Survey*, Journal of Legal History 33.2 (2012), forthcoming. Some additional information may be found also in J.LIVERSIDGE, *Britain in the Roman Empire*, London 1968, pp.303-305 and D.A.THOMAS, *Origins of the Common Law. Part 1: The Disappearance of Roman Law from Dark Age Britain*, Brigham Young University Law Review (1984), pp.563-598.

<sup>7</sup> For a general overview of the subject see recently K.BRADLEY, P.CARTLEDGE (eds.), *The Cambridge World History of Slavery. Vol. 1. The Ancient Mediterranean World*, Cambridge 2011.

<sup>8</sup> Caes., *De bello Gall.* 6.15.2.

burned with him on the funeral pyre<sup>9</sup>. Realistically, however, that is pretty much all that is known about Celtic slavery<sup>10</sup>.

The arrival of the Romans in Britain caused major changes to the daily life of the Britons. The most visible of those changes was the creation of urban centres, beginning with London or more specifically Londinium<sup>11</sup>. Soon after the conquest London started to evolve into a large mercantile city. Its geographical location destined it to become the most important city of the island. The function of a provincial capital city was entrusted at first to Camolodunum (modern Colchester) but this ended soon after the Boudicca revolt and the function was transferred to Londinium. It is uncertain what the actual status of Londinium was. It is generally accepted, though, that the city obtained municipal status, just like Verulamium (modern St Albans) already in the 1<sup>st</sup> century A.D. The grant of municipal rights may be linked with the foundation of a capital city in Londinium<sup>12</sup>.

As mentioned above, London was the predominant commercial centre of the island. The heart of all commercial transactions was London's forum<sup>13</sup>. The wooden tablets found nowadays by archaeologists are evidence of the transactions concluded there<sup>14</sup>. Apart from purely banking operations, like loans<sup>15</sup>, the London forum was used also as a slave-market. One tangible piece of evidence of its

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<sup>9</sup> Ibidem, 6.19.4.

<sup>10</sup> It is hard to determine anything certain upon those scanty sources. The vividness of the slavery among Celts may be indirectly proved by the early medieval sources. One of the legendary ancestors of the Irish medieval rulers was known as Eochu (Eochaid) Mugmedon what can be translated as the "lord of slaves", see O.PATTERSON, *Slavery and Social Death. Comparative Study*, Cambridge, Mass. 1982, p.141. A.R. Birley comments also that there is considerable evidence showing the practice of selling slaves to Rome by Britons before the Roman conquest, see A.R.BIRLEY, *The People of Roman Britain*, Berkeley-Los Angeles 1980, p.145.

<sup>11</sup> J.S.WACHER, *The Towns of Roman Britain*, Barkley - Los Angeles 1975, p.80.

<sup>12</sup> Ibidem, pp.80-82. As to the status of Roman London see A.SELKIRK, *What was the status of Roman London*, *London Archaeologist* 7.12 (1995), pp.328-331.

<sup>13</sup> London's forum was located in the area which is now occupied by the modern centre of the financial transactions of the United Kingdom - the City of London.

<sup>14</sup> R.MERRIFIELD, *London. City of the Romans*, Berkeley-Los Angeles 1983, p.96.

<sup>15</sup> About banking and bankers see J.ANDREAU, *Banking and Business in the Roman World*, Cambridge 1999, especially pp.30-49.

functioning thus is a wooden tablet found around 1927 in the bed of the river Walbrook<sup>16</sup>. The text of the tablet reads as follows:

*Outside: Londinio  
L. Vita(l) Ad s.*

*Inside: Rufus callisuni salutem epillico et omi  
bus contubernalibus certiores vos esse  
credo ne recte valere si vos indi  
cem fecistis rogo mittie omnia  
diligenter cura agas ut illam puel  
lam ad nummum redigas ...*

The tablet was probably found in Lothbury in the bed of the river Walbrook. It was then purchased by a private collector. In 1948 the tablet was bought by an insurance agent from Harrogate who presented the tablet to Prof. Richmond. Afterwards the tablet was deposited in the British Museum. The date of the drawing up the tablet is uncertain. Although, Richmond suggested that it may be from the 1<sup>st</sup> century A.D., he added also that “it is not intended by these comparisons [i.e. to the tablets from the reigns of Neron and Domitian] to confine the London tablet rigorously to the first century<sup>17</sup>”. Later, Painter extended the possible dating to 160 A.D.<sup>18</sup>.

On the front of the tablet it is easy to read the word ‘Londinio’ and beneath an abbreviated L and then the broken word “Vital...”. The inside part of the tablet was translated by Richmond as: “Rufus, son of Callisunus, greeting to Epillicus and all his fellows. I believe you know I am very well. If you have made the list, please send. Do you look after everything carefully. See that thou turnest that slave-girl into cash...”. The analysis of the text shows clearly that Rufus who was the son of man named Callisunus sent a letter with orders to his servants, quite probably slaves. The direct addressee of the letter was the slave in charge named Epillicus. The most controversial, but at the

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<sup>16</sup> I.A.RICHMOND, *Three Roman writing-tablets from London*, *Antiquaries Journal* 33 (1953), pp.206-208, J.W.BRAILSFORD, *Roman Writing-Tablets from London*, *British Museum Quarterly* 19 (1954), pp.39-40, K.PAINTER, *A Roman Writing Tablet from London*, *British Museum Quarterly* 31 (1966-1967), pp.101-103, H.CHAPMAN, *Letters from Roman London*, *London Archaeologist* 2.07 (1974), pp.174-175, R.MERRIFIELD, *London*, pp.98-99.

<sup>17</sup> I.A.RICHMOND, *Three Roman*, p.208.

<sup>18</sup> K.PAINTER, *A Roman*, p.101.

same time the most interesting of those considerations is the last phrase from the tablet: “*puellam ad nummum redigas...*”. The correct interpretation of the tablet is made difficult due to the fact that the tablet is broken in that place. In Richmond’s original translation the phrase was interpreted as “See that thou turnest that slave-girl into cash...”. In such circumstances, we may assume that Epillicus was ordered to sell a girl who belonged to Rufus. As K. Painter and H. Chapman mentioned, however, that that translation is not the only possible one. According to H. Chapman “the writer was instructing his London agent to extract the last farthing from a wretched girl debtor by some pressure or other<sup>19</sup>”. This second translation, although interesting, seems to be less likely. It is rather an interpretation of the words and not their translation. The first translation, therefore, is still – in my opinion – more plausible<sup>20</sup>.

It is important also to say, as I.A. Richmond emphasised, that both Rufus and Epillicus were Celts. Rufus’s background is revealed thanks to his patronymic. Callisunus is likely to be a romanized version of some Celtic name. The same may be said about Epillicus whose Celtic name seems to be Epillus<sup>21</sup>. Nevertheless, both men used Latin to discuss their business affairs<sup>22</sup>. Besides, it is definite that Rufus is a Roman name and so we may conclude that he had received his citizenship recently. In such situation the use of Latin by him would be characteristic of every kind of parvenu. If he, however, was already entitled to bring into play his Roman commercial rights (*ius commercii*), an important question arises. What exactly was Epillicus asked to do? An answer on that question may not be found in the tablet referred to, but a helpful comparison and some possible answers may be discovered in another tablet found in the bed of the river Walbrook.

The following tablet was found in 1994 at 1 Poultry, City of London, less than a mile from the location of Epillicus’s tablet<sup>23</sup>. The

<sup>19</sup> Ibid., pp. 102-103, H.CHAPMAN, *Letters*, p.174.

<sup>20</sup> See also R.S.O.TOMLIN, *The Girl in Question: a New Text from Roman London*, JRS 34 (2004), pp.49-50.

<sup>21</sup> I.A.RICHMOND, *Three Roman*, p.208.

<sup>22</sup> See however MATTINGLY’S opinion (*An Imperial Possession. Britain in the Roman Empire*, London 2007, p.296) about using Latin in Roman Britain.

<sup>23</sup> R.S.O.TOMLIN, *The Girl*, pp.41-51, G.CAMODECA, *Cura secunda della Tabula cerata londinese con la compravendita della puella Fortunata*, ZPE 157 (2006),

tablet was made from silver fir and it still contains some remains of wax<sup>24</sup>. The preserved text of the tablet is one of the best examples of a readable tablet that has ever been found in Britain:

*Vegetus Montatni imperatoris Aug(usti) ser(vi) Iucun-  
diani vic(arius) emit mancipioque accepit pu-  
ellam Fortunatam sive quo alio nomine  
est natione Diablintem de Albiciano  
LEG[...] (denariis) sescentis  
ea(m)que puella(m)que de qua agitur sanam tradi-  
tam esse errone[m] fugitivam non esse  
praestari quod si qu[i]s eam puellam de  
qua agitur par[tem]ve quam [evicerit]  
cera quam pe[r geni]um [imperatoris]  
Caesaris scr[ipsit iura]vitaque [...]ARIS*

The content of the tablet was translated by R.S.O. Tomlin as: “Vegetus, assistant slave of Montanus the slave of the August Emperor and sometime assistant slave of Iucundus, has bought and received by *mancipium* the girl Fortunata, or by whatever name she is known, by nationality a Diablintian, from Albicianus [...] for six hundred denarii. And that girl in question is transferred in good health, that she is warranted not to be liable to wander or run away, but that if anyone lays claim to the girl in question or to any share in her, [...] in the wax tablet which he has written and sworn by the *genius* of the Emperor Caesar [...]”.

This tablet is not a letter, like Epillicus’s *tabula*, but a deed of sale of a slave<sup>25</sup>. A philological examination indicates that the tablet was drawn up in late 1<sup>st</sup> or early 2<sup>nd</sup> century<sup>26</sup>. The purchaser of the girl is Vegetus who is a slave himself and he serves under Montanus – an

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pp.225-230, F.REDUZZI MEROLA, *La puella Fortunata: un rêve*, in C.CASCIONE, C.MASI DORIA (eds.), *Fides Humanitas Ius. Studii in onore di Luigi Labruna*, vol. 7, Napoli 2007, pp.4721-4723.

<sup>24</sup> R.S.O.TOMLIN, *The Girl*, p.41.

<sup>25</sup> For other examples of the deeds of sale of slaves see FIRA III.87-89, G.CAMODECA, *Tabulae Herculenses: riedizione delle emptiones di schiavi (TH 59-62)*, in U.MANTHE, CH.KRAMPE (eds.), *Quaestiones iuris. Festschrift für Joseph Georg Wolf zum 70. Geburtstag*, Berlin 2000, pp.53-76, P.ARZT-GRABNER, *Neither a Truant nor a Fugitive: Some Remarks on the Sale of Slave in Roman Egypt and Other Provinces*, in T.GAGOS, A.HYATT (eds.), *Proceedings of the 25<sup>th</sup> International Congress of Papyrology*, Ann Arbor 2010, pp.21-32.

<sup>26</sup> R.S.O.TOMLIN, *The Girl*, p.47.

imperial slave. The imperial slaves were quite an unusual category. In the provinces they worked as clerks associated with provincial administration. They were very often entrusted with the finances of the province. Many of them were direct subordinates of the equestrian procurators of the province. Thanks to that they were able to amass small fortunes for their own use<sup>27</sup>.

Further it is stated that the girl Fortunata, “or by whatever name she is known”, was bought by Vegetus using the *mancipatio* form of acquiring ownership (*emit mancipioque accepit*). According to the rule emphasised by Gaius in the middle of 2<sup>nd</sup> century A.D., however, *mancipatio* was only available to Roman citizens:

Gai.1.119

*Est autem mancipatio, ut supra quoque diximus, imaginaria quaedam venditio, quod et ipsum ius proprium civum Romanorum est*<sup>28</sup>.

Despite Gaius’s assertion, cases where slaves were subjects of *mancipatio* appear in Roman sources<sup>29</sup>. The interpretation of the sources, however, is very difficult. We may detect two contrary opinions about *mancipatio* performed by slaves – a positive one and negative one<sup>30</sup>. It is certain that in its original form *mancipatio* was

<sup>27</sup> For more about imperial slaves in Roman Britain see A.R.BIRLEY, *The People*, p.145, and D.MATTINGLY, *An Imperial*, p.295. Generally about imperial slaves see K.R.BRADLEY, *Slavery and Society at Rome*, Cambridge 1994, pp.69-70. See also a subchapter devoted to the subordinates of the procurators in Roman Britain in A.R.BIRLEY, *The Roman*, pp.300-301.

<sup>28</sup> Gai.1.119. Now mancipation, as we have already said, is a sort of imaginary sale, and it too is an institution peculiar to Roman citizens (translation: F.DE ZULUETA, *The Institutes of Gaius. Part 1. Text with Critical Notes and Translation*, Oxford 1946, p.39).

<sup>29</sup> Cic., *Ad Atticum* 13.50.2, D.21.2.39.1, FIRA III.88.

<sup>30</sup> At the begin of the 20<sup>th</sup> century the participants of the discussion were L.MITTEIS, see *Ueber die Manumissio vindicta durch den Haussohn*, ZSS 21 (1900), pp.208-210 and W.W.BUCKLAND, see *Mancipatio by a Slave*, LQR 34 (1918), p.372. Ludwig Mitteis believed that *mancipatio* by a slave was always void, while W.W. Buckland stated that ‘the legal efficacy of transactions by a slave rests originally not on any notion of representation but on the unity of the family’. In his opinion all slaves’ transactions were valid as long as they were authorised by the *paterfamilias*. For the analysis of the contrary arguments and the names of their authors see H.ANKUM, *Mancipatio by Slaves in Classical Roman Law?*, Acta Juridica (1976), pp.3-11. See also more recent works: H.ANKUM, *La responsabilité du vendor pour éviction dans le cas de sous-aliénation en droit romain classique*, in L.DE LIGT (ed.), *Viva Vox Iuris Romani. Essays in Honour of Johannes Emil Spruit*, Amsterdam 2002, pp.229-242



designed to be used by Roman citizens. Clear evidence of that usage is attested by the magical or quasi-religious features that can be attributed to *mancipatio*<sup>31</sup>. To participate in the magical formulas of *mancipatio* the parties had to be Roman citizens – adherents of the Roman cults. What happened later, however, is not so certain. Although scholars have presented many plausible answers to the question of slaves participating in *mancipatio*, it is still hard to find a satisfying answer. The Fortunata tablet, in fact, makes those studies even more difficult. Fortunata is the third slave in a chain of non-citizens who are involved in the purchase, after Vegetus and Montanus. According to some scholars, slaves could perform *mancipatio* to the extent that they were empowered to act thus by their masters. In the case of Vegetus and Montanus they should have been authorised by their actual owner – the emperor. Even if the slaves were authorised by some general order, it is hard to believe that the scope of their authorisation allowed them to buy a slave girl. They were eligible to act on behalf of the emperor in financial matters, they could represent him in some administrative affairs, but hardly in the process of purchasing slaves.

In the lines which follow, the parties described the object (*res*) of their transaction. The phrase “*puellam Fortunatam sive quo alio nomine est*” is a traditional description used in the *tabulae emptionis* of slaves<sup>32</sup>. Afterwards, it is stated that the girl belonged to the Gallic tribe known as the Diablintes that inhabited northern regions of Gaul<sup>33</sup>. It is interesting, however, that the parties did not insert into the deed information about the girl’s age. Such knowledge would be

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and F.REDUZZI MEROLA, *Ancora su D. 21.2.39.1, stipulatio duplae e tradition*, in M.GARRIDO-HORY, A.GONZALES (eds.), *Histoire, Espace et Marges de l’Antiquité. Hommages à Monique Clavel-Lévêque*, vol. 3, Besançon 2004, pp.316-321.

<sup>31</sup> For more about the magical features of *mancipatio* see E.A.MAYER, *Legitimacy*, pp.40-43 and K.TUORI, *The Magic of Mancipatio*, RIDA 55 (2008), pp.499-521. About magical features of early Roman law see also G.MACCORMACK, *Formalism, Symbolism, and Magic in Early Roman Law*, TR 37 (1969), pp.439-468, especially 452.

<sup>32</sup> FIRA III.87 ‘*puellam nomine Passiam, sive ea quo alio nomine est*’, FIRA III.88 ‘*puerum Apalaustum, sive is quo alio nomine est*’, FIRA III.89 ‘*mulierum nomine Theudotem, sive ea quo alio nomine est*’.

<sup>33</sup> Caesar mentioned the Diablintes among the followers of the Veneti tribe, see Caes., *De bello Gall.* 3.9.10. As to the origins of Fortunata see an interesting and hypothetical story presented by F.REDUZZI MEROLA, *La puella*, p.4721.

helpful to evaluate the subsequent component of the contractual formula – the price (*pretium*).

After the name of the merchant, which is only partially readable, the parties recorded the agreed value of the girl. It is 600 denarii. In the opinion of R.S.O. Tomlin that price was comparable with other known cases of a slave's sale<sup>34</sup>.

Next, there is a slightly atypical latent defect clause (*ea(m)que puella(m)que de qua agitur sanam traditam esse erronem fugitivam non esse praestari*<sup>35</sup>). The merchant assured Vegetus that the girl was healthy and that she did not wish to wander or escape. In the opinion of G. Camodeca the foregoing clause could have been supplied with an additional reference to the *furtum* or *noxa*. There are no obvious reasons why such additional provisions were not attached to the agreement<sup>36</sup>.

The subsequent lines contain the eviction clause (in R.S.O. Tomlin's edition: *quod si qu[i]s eam puellam de qua agitur par[tem]ve quam [evicerit]*; in G. Camodeca's edition: *quod si qu[i]s eam puellam de qua agitur par[tem]ve quam [quis ex] ea e[vi]cerit*). The merchant assured Vegetus that the girl was not owned either by one owner or by joint-owners. As a result no one was entitled to bring a proprietary action against Vegatus.

The last two lines of the tablet are the most controversial due to the condition of the tablet. According to R.S.O. Tomlin the text in that place contains a formula of validation by reference to the emperor. He based his judgment upon the oath that was found on one of the tablets from Herculaneum. The problem, however, is that the English author believes also that in the final line there should be the vendor's or *fideipromissor*'s guarantee – a typical part of an eviction clause<sup>37</sup>. At this point, R.S.O. Tomlin and G. Camodeca disagree. The Italian

<sup>34</sup> R.S.O. Tomlin, *The Girl*, p.48. See also appendix 10 of R.DUNCAN-JONES, *The Economy of the Roman Empire. Quantitative Studies*, Cambridge 1982, pp.348-350.

<sup>35</sup> For more about the latent defect clause in Roman law see F.DE ZULUETA, *The Roman Law of Sale. Introduction and Selected Texts*, Oxford 1957, pp.46-47.

<sup>36</sup> G.CAMODECA, *Cura secunda*, p.227. It is probable that the parties did not want to add additional provisions to the contract. It was possible for the parties themselves to choose the most appropriate provisions. The edict of the *curule aediles* which was issued to establish definite rules connected with purchasing slaves did not force the parties to use all its directions, see P.ARZT-GRABNER, *Neither a Truant*, pp.21-23.

<sup>37</sup> R.S.O.TOMLIN, *The Girl*, p.49.

Romanist believes that the final lines of the tablet can be edited in a slightly different way. In his opinion, an alternative reading proves that all of the final lines of the tablet contain the eviction clause and that there is no validation by reference to the emperor. In his opinion, the second part of the tablet should look like that:

*ea(m)que puella(m)que de qua agitur sanam tradi-  
tam esse erronem fugitivam non esse  
praestari quod si qu[i]s eam puellam de  
qua agitur par[tem]ve quam [quis ex] ea e[vi-]  
cerit, quo m[i]nu[s] Vege]tum M[ontani imp(eratoris)  
Caesaris ser(vi) [vi]c(arium) eu[m]ve [a]t que[m] ea res*

After that G. Camodeca adds a probable final line, modelled after other known *tabulae emptiois*:

*[pertinebit, habere possidereque recte liceat]*<sup>38</sup>.

The importance of the above tablet for the study of Roman law in Britain is quite astonishing. The tablet itself seems to be proof of a substantial expansion of Roman commerce into the province. The similarities with other tablets indicate that the level of romanization in Britain at the turn of 1<sup>st</sup> and 2<sup>nd</sup> century A.D. was much higher than is usually assumed. It may be said, of course, that this should not be surprising since the tablet was found in London, the capital city of the province and certainly the most romanized of all the towns and cities of the island. But this assertion may be challenged with another tablet. This one was found far away from the urbanised centres of Britain, in the military camp of Vindolanda, attached to Hadrian's Wall.

Vindolanda has been extensively excavated as an archaeological site over the last eighty years. It was the *castra* of an auxiliary unit located in the central part of Hadrian's Wall<sup>39</sup>. Currently, however, Vindolanda is best known for its extraordinary collection of wooden tablets that have preserved the picture of daily life in a Roman frontier fort<sup>40</sup>. Most of the tablets are private letters, military reports and

<sup>38</sup> G.CAMODECA, *Cura secunda*, p.230.

<sup>39</sup> Recently concerning Vindolanda see R.BIRLEY, *Vindolanda. A Roman Frontier Fort on Hadrian's Wall*, Stroud 2009. See also A.R.BIRLEY, *Garrison Life at Vindolanda. A Band of Brothers*, Stroud 2002 and A.K.BOWMAN, *Life and Letters on the Roman Frontier. Vindolanda and Its People*, London 2003.

<sup>40</sup> The tablets are published in the following volumes of the series *Tabulae Vindolandenses*: A.K.BOWMAN, J.D.THOMAS, *Vindolanda: The Latin Writing-tablets*,

accounting lists. The condition of many tablets prevents scholars from editing them properly. Many tablets have survived only in a very fragmentary way. Still, the picture of the daily life of the Romans in northern Britain that emerges upon the analysis of the tablets is extraordinary.

In quite a large number of the tablets it is possible to discover some legal issues. Octavianus, for instance, asked his brother Candidus for a small loan (*ita rogo quam primum aliquit (denariorum) mi mitte*<sup>41</sup>). Elsewhere, the author of a partially preserved tablet mentions a sale of grain (*de brace qu.. adscribis vendendam adhuc mem...em*<sup>42</sup>).

In that great depository there is also a tablet that fits into the foregoing discussion about slaves in Roman Britain<sup>43</sup>. The tablet has not been published in any *corpora*. It is known only thanks to some short notices<sup>44</sup>. As the tablet is not published, it can be denominated only by its inventory number – 974. The tablet's condition is not bad, however, and at least one other text was written on the same tablet and the traces of both texts are hard to separate<sup>45</sup>. The upper part of the text is mostly unreadable. It is just possible, and that not without many difficulties, to reconstruct the lower lines:

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London 1983, A.K.BOWMAN, J.D.THOMAS, *The Vindolanda Writing-tablets (Tabulae Vindolandenses II)*, London 1994, A.K.BOWMAN, J.D.THOMAS, *The Vindolanda Writing-tablets (Tabulae Vindolandenses III)*, London 2003. Volume four of the series was published recently in two separate instalments: A.K.BOWMAN, J.D.THOMAS, R.S.O.TOMLIN, *The Vindolanda Writing-Tablets (Tabulae Vindolandenses IV, Part 1)*, *Britannia* 41 (2010), pp.187-224 and *The Vindolanda Writing-Tablets (Tabulae Vindolandenses IV, Part 2)*, *Britannia* 42 (2011), pp.113-144.

<sup>41</sup> Tab.Vind. II.343.

<sup>42</sup> Tab.Vind. II.348.

<sup>43</sup> I would like to express my special thanks to Alan K. Bowman (Brasenose College, Oxford) for his consultation upon that tablet.

<sup>44</sup> E.BIRLEY, R.BIRLEY, A.BIRLEY, *Vindolanda Research Paper n.s. Vol. II. The Early Wooden Forts: Reports on the Auxiliaries, Writing Tablets, Inscriptions, Brands and Graffiti*, Hexham 1993, pl. XXI inv. 974, A.K.BOWMAN, R.S.O.TOMLIN, *Wooden Stylus Tablets from Roman Britain*, in A.K.BOWMAN, J.M.BRADY (eds.), *Images and Artefacts of the Ancient World*, Oxford 2005, pp.11-13, M.M.TERRAS, *Image to Interpretation. An Intelligent System to Aid Historians in Reading the Vindolanda Texts*, Oxford 2006, pp.48 and 104-105. The tablet is also mentioned, although not commented upon in E.A.MAYER, *Legitimacy*, p.177 n.37.

<sup>45</sup> A.K.BOWMAN, R.S.O.TOMLIN, *Wooden Stylus*, p.11.

*Batauorum due meo Bello-  
uaco ser(u)um nomine Verecun-  
du(m) ciu(e) Ambianis et dedi per-  
missione(m) et uecturas (over uecturas) ...  
triginta quinque et eum  
ser(u)um nutriui annos  
dece(m) quinque*

The text has been translated as: "... of the Batavians(?)...my fellow-citizen of the Bellovaci [name and verb lost] a slave called Verecundus, citizen(?) at Amiens. And I have given permission and travel-expenses(?)...thirty-five; and I have kept that slave fifteen years<sup>46</sup>". As A.K. Bowman and R.S.O. Tomlin wrote, the editing and the translation are incomplete and they should be regarded as "work in progress<sup>47</sup>".

Originally it was suggested that the text is a legal document, probably a deed of sale of a slave. This interpretation has not been abandoned, although, it cannot be effectively proved. Later, another idea emerged. The last phrase (*et eum servum nutriui annos dece(m) quinque*) can be understood as a part of a manumission formula. This idea is supported additionally by the interpretation of the only word which was readable in the upper part of the tablet – *vicesima*<sup>48</sup>. This may suggest a reference to *vicesima libertatis (manumissionum)* – a 5% tax paid by the masters of freed slaves<sup>49</sup>.

Nevertheless, the finding of a tablet connected with a slave in northern Britain is a quite clear sign of the importance of institution of slavery in the island. It shows also that the purchase of slaves was not confined only to large urban centres<sup>50</sup>. According to A.R. Birley the purchase of slaves took place right in the borderlands where Roman

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<sup>46</sup> Ibidem, p.13.

<sup>47</sup> Ibidem.

<sup>48</sup> Ibidem.

<sup>49</sup> K.R.BRADLEY, *The vicesima libertatis: Its History and Significance*, Klio 66 (1984), pp.175-182, S.GÜNTHER, *Vectigalia nervos esse rei publicae. Die indirekten Steuern in der Römischen Kaiserzeit von Augustus bis Diokletian*, Wiesbaden 2008, pp.95-126.

<sup>50</sup> Concerning the development of the Roman community at the British frontier see recently M.McCARTHY, *Social and Dynamics on the Northern Frontier of Roman Britain*, Oxford Journal of Archaeology 24.1 (2005), pp.47-71.

soldiers acquired slaves from Celtic merchants from behind Hadrian's Wall<sup>51</sup>.

Purchasing slaves in Roman Britain is known to modern Roman legal science solely because of the wooden tablets that survived to our times to be dug out of the mud of the beds of rivers or the foundations of soldiers' barracks. To understand them is extremely difficult. They do not help us to answer particular questions; rather they cause new questions to arise. The analysis of a single tablet does not widen our horizons, but the continuation of their study, the analyses of new tablets that are found regularly by archaeologists, with time may provide interesting results.

As to Roman Britain itself, the analysis of the three wooden tablets has a surprising importance. The tablets are not only a visible sign of the effectiveness of Roman law in Britain, but it also shows that (1) Latin was part of the daily life of the inhabitants of the island already at the end of 1<sup>st</sup> century A.D., (2) Celts were eager to participate in Roman-styled businesses, (3) slavery was an institution which was present not only in the cultured southern part of Britain, but also in the "barbaric" northern regions and (4) commercial relations were not restricted solely to those from within the provincial territory, but foreign merchants were part of the mercantile community of Roman London.

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<sup>51</sup> A.R.BIRLEY, *The People*, p.146. For a Roman military officer in Britain to own a slave was quite a common practice. Most of the slaves were probably purchased by soldiers who were already in Britain. Frontier life was conducive to such an opportunity. Such practice is attested in the passage by Pomponius's included in the Digest (D.49.15.6). According to Pomponius, the centurion Cocceius Firmus owned a slave woman. She was sentenced to work in the salt mines for some minor crime. While she was at the mines, she was kidnapped by foreign bandits. Later, she was repurchased by Cocceius Firmus and, according to the rules of law, she returned to her previous condition. At the end of the passage, Pomponius mentioned that Cocceius Firmus was to be refunded by the imperial treasury, see more E.BIRLEY, *Marcus Cocceius Firmus: An Epigraphic Study*, Proceedings of the Society of Scotland 70 (1936), pp.363-377 [= E.BIRLEY, *Roman Britain and the Roman Army*, Kendal 1953, pp.87-103] and A.WACKE, *Pomponius Dig. 49.15.6: Ein Kriminalfall um Menschenraub und Lösegeldzahlung aus dem nördlichen Britannien*, in A.PALMA, *Scritti in onore di Generoso Melillo*, vol. 3, Napoli 2009, pp.1473-1503.

But Britain's involvement is now starting to be subject to greater attention: these stories are beginning to nudge their way into the public consciousness too. The Whip is, in fact, one of several British slavery narratives to get a high-profile airing. The Whip is far from the only story making it to the stage either – in fact, there's a welcome wave of work by black British creatives looking at Britain's colonial legacy. Selina Thompson's fantastic play salt., in which she recounts a journey she took in a cargo ship, retracing one of the routes of the transatlantic slave triangle, was seen at Edinburgh and then the Royal Court last year and has recently toured Canada and New York. Phoenix Dance Theatre's new show Black Waters explores the Zong massacre through contemporary dance. Slave-catchers apart, Roman law forbade the harbouring of fugitives, so slaves on the run were always in danger and if caught could be savagely punished. To many therefore it must have made sense not to risk life and limb by running away, but to carry out acts of wilful obstruction or sabotage that harmed slave-owners' interests at minimal risk to themselves. Slaves, for example, might steal food or other supplies from the household. Those in positions of responsibility might falsify record books, and embezzle money from their owners, or arrange for their own manumission (setting free). O A Roman woman being attended to by her slaves as she gets ready for the day. In this picture, how does the domina look as if she is feeling? Considering that these same slave women may have been taking care of the domina since birth, how might she actually have interacted with the ancillae? A bust of Tiro, the slave of Cicero. What was his relationship with his master like? Why might Cicero have had a bust of him made? A visit to the British Museum to learn about ancient gardening and cooking artifacts from the first to fourth-century Roman-Britain. Terracotta askos (flask with a spout and handle over the top) | Roman | Early Imperial, Augustan | The Metropolitan Museum of Art. Froehner, Wilhelm.