

Continuities and Instabilities in the Institution of Slavery in Ancient Rome and in the American South

Rebecca S. Dixon

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of Master
of Arts of History

Middle Tennessee State University
October 22, 2021

Thesis Committee:

Dr. Emily Baran, Chair

Dr. Andrew Fialka

For my sons: Kahlil and Carter

ACKNOWLEDGMENTS

I would like to thank my parents, Dr. Robert M. Dixon and Mrs. Donnie Marie Pickett Dixon, for supporting all of my educational pursuits. I am grateful to you for providing a loving and supportive upbringing, and for introducing me at an early age to the university. Also, I appreciate my sons, Kahlil and Carter, for inspiring me and listening to my ideas. You have been patient, and I am thankful to have you in my life. I am grateful to Drs. Hayes and Newsom for the writing group. To my professor and mentor, who has passed on, Calvin C. Hernton: Thank you for believing in me. I appreciate the support I have been given at MTSU, especially by Dr. Louis Haas and by Dr. Mary Hoffschwelle. I am thankful to Dr. Baran for serving as my chair and for her thoughtful and helpful feedback. Dr. Fialka's class on the Civil War is where my initial research for this thesis began, and I feel fortunate to have taken that course with him and that he so generously agreed to serve on my committee.

Abstract

This thesis is a comparative study that examines continuities and instabilities in violent practices inherent in slavery in the ancient world and in America. In particular, it explores the violence used in maintaining slavery in ancient Rome and in the southern United States, and it argues that the violence, essential to slavery also weakened it. It is concerned with how slave status was acquired and maintained, and the ways violence defined the slave experience. The thesis includes a critical evaluation of the laws and literature of ancient Rome and the American South that pertain to the violence perpetuated against slaves. Using texts that foreground the perspective of the enslaved, the study looks at the problem in ancient Rome and in the American South.

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Chapter 1

Slavery and Violence

Introduction

In his essay, “‘A Wolf by the Ears’: M.I. Finley’s *Ancient Slavery and Modern Ideology* in Historical Context,” Brent Shaw acknowledges the importance of comparative studies in the examination of slavery. He writes, “Because of their proximity to our own age, the American slave systems can provide us with historical details, both on structural aspects of the system and, perhaps more importantly, on the personal experiences of the slaves themselves, that are entirely absent from the Greek and Roman dossier.”¹ Shaw is not alone in his view that comparisons between ancient and American slave systems offer valuable insights into both systems and also into the nature of slavery itself. In agreement with Shaw, this study of slavery and violence extends a long-standing scholarly conversation about the nature of slavery by revealing continuities in the violent practices of slavery in ancient Rome and the American South.

This thesis is a comparative study that examines continuities and instabilities in practices inherent in slavery in the ancient world and America. It explores the violent practices used in maintaining slavery in ancient Rome and the southern United States. It is concerned with how slave status was acquired and maintained, and the ways violence defined the slave experience. The thesis includes a critical evaluation of the laws and literature of ancient Rome and the American South that pertain to the violence

¹ Brent Shaw, “‘A Wolf by the Ears’: M. I. Finley’s *Ancient Slavery and Modern Ideology* in Historical Context,” in *Ancient Slavery and Modern Ideology* by Moses I. Finley (Princeton: Markus Wiener Publishers, 2017), 11.

perpetuated against slaves. It also looks at the problem of slavery in ancient Rome and in the American South through the lens of the slave and slave owner class.

The thesis makes use of primary sources that record both the perspective of the slave and the master. It includes a unique examination of the texts of Terence and Moses Roper to show persistent problems in slave practices. The writings of Cato, Varro, and Frederick Douglass are used to contextualize and affirm the ideas presented in the works by Terence and Roper. The study is limited in its scope to violence in slavery as practiced in the middle period of Ancient Rome and to the enslavement period, with primary attention to the nineteenth century, in the American South.

The study is guided by three primary questions: Are there practices essential to slavery that also have the potential to undermine it in both the ancient world and the New World? Why do such practices continue to be perpetuated in different geographical sites and times? What does the literature of the two periods tell us about such slave practices? Based on my research, I conclude that the answer to the first question is yes; the very practices that define slavery have the potential to undermine it. In particular, the violence that is fundamental to slavery also weakened it. Thus, the institution of slavery is problematic and inherently contradictory.

Sources

Roberta Stewart explains, "Traditional historical documents typically write the slave out of history. That silence is not accidental. Concretely Roman law denied to the slave familial ties, the privilege of military service, and the opportunity for political

participation”² This statement from Stewart’s book on the plays of Plautus and his depiction of slavery points to the problem of sources in studies of slavery in ancient Rome. Primary sources pertaining to slavery are not readily available. Despite the fact that ancient Rome was a slave society, there are few primary sources in which their stories are dominant. Even from the perspective of the slave owner, the presence of the slave is not fully acknowledged. This is curious given that slavery in ancient Rome did not necessary prohibit literacy as was generally the case in the American South. Also, slaves in ancient Rome might be used to perform tasks and jobs that demanded that they be able to read and write.³ Despite the presence of literate slaves, there is little written record from the slaves in ancient Rome. This thesis uses plays by the ancient playwright Terence to satisfy this lack of sources, especially from the slave’s perspective. While Terence’s work, as indicated by chapter two, have been used for many different purposes, there are few studies that discuss the slaves in his plays.

A former slave, Terence’s works are ideal for the purposes of his study. One of the unique contributions of this thesis is its use of his plays to highlight the violent nature of slavery. Beginning in 160, the plays of Terence were performed in ancient Rome. While the slaves in the plays are secondary characters, Terence does give voice to the slaves and allow for an appreciation of the slave’s predicament. In the plays, the violence that the slaves experience is apparent and affirms the insight into the slave’s experience offered by writers identified with the slave owner class, such as Cato and Varro, and the

² Roberta Stewart, *Plautus and Roman Slavery* (Malden, MA: Wiley-Blackwell, 2012), 7.

³ Keith Bradley, *Slavery and Society at Rome* (New York: Cambridge, 1994), 60-63. His entire chapter on slave labor is useful, but, Bradley includes a chart that lists the types of tasks slaves were assigned.

ways in which the law defines the slave experience. As will be evident in chapter two, unlike the manuals of Cato and Varro, written for slave owners, in Terence's plays the slaves are given a voice and when that voice and the experiences of the slave are examined, the problem of violence as a definitive aspect of slavery becomes apparent. Thus, the study shows in part the value of Terence's plays and their usefulness in understanding of the nature of violence for slaves in ancient Rome.

African Americans, unlike Roman slaves, have written themselves into American history in a way that their presence cannot be denied.⁴ African Americans have achieved this despite laws throughout the South that prohibited literacy. Literacy of slaves in the American South was viewed as a dangerous hindrance to the productivity of the slave. Laws against literacy were designed to prevent slaves from literally writing their way into freedom.⁵ In states where there were not laws against literacy, the practice was to prohibit it.⁶ Nevertheless, there is a relatively large body of literature written or recounted by former slaves. Beginning in the late eighteenth century, narratives written by slaves

⁴ In the preface to their textbook on African American history, Darlene Clark Hine, William C. Hine, and Stanley Harrold argue that American history cannot be understood fully until one knows African American history. Darlene Clark Hine, William C. Hine, and Stanley Harrold, *The African American Odyssey* (New York: Pearson, 2018), xxxiii.

⁵ Most notable among the slave codes are the laws against slave literacy. The Negro Act of 1740 is one of the best examples of these types of laws. A. Leon Higginbotham, *In the Matter of Color* (New York: Oxford University Press, 1978), 198. Also see Alan Watson, *Slave Law in the Americas* (Athens, GA: University of Georgia, 1989), 66; Thomas Morris, *Southern Slavery and the Law: 1619-1860* (Chapel Hill: The University of North Carolina Press, 1996), 347-348. Here Morris explains that not all states prohibited literacy through law. Those that did included South Carolina, North Carolina, Georgia, Louisiana, and Virginia.

⁶ Frederick Douglass, *Narrative of the Life of Frederick Douglass*, in *Frederick Douglass: The Narrative and Selected Writings*, ed. Michael Meyers (New York: Random House, 1984), 47. Here, the tradition of keeping a slave illiterate in the United States can be seen in practice rather than the law.

began appearing in print. Assisted by antislavery groups, many of the early narrative were more adventure tales than polemical statements.⁷ Moving into the nineteenth century, the narratives appear to be much more focused, with the writers purposefully revealing the horrors of slavery and refuting claims that slavery was somehow beneficial to the slave or even at times to the slave owner. This study makes use of the body of literature written by former slaves. It foregrounds the violence that was integral to the slave's life.

Writing in the 1830s, Moses Roper recounted his experiences as a slave in the American South and like Terence offers a unique and important perspective on slavery. The violence that Roper witnessed as a slave permeates his narrative. Unlike Terence, there is no subtlety in his account of the violent nature of slavery in the American South. Also, unlike Terence, Roper's work is a polemical statement founded in an ongoing tradition of protest against the inhuman practice of slavery. His testimony is key to advancing the abolitionist cause. His insights into the nature of the violence visited upon slaves are invaluable for the purposes of his study. Roper's narrative is written at a turning point in the abolitionist cause. Many of the very issues Roper wrote about are affirmed in the writings of Frederick Douglass.

⁷ Olaudah Equiano's narrative, of course, is an exception. In the first part of his narrative Equiano refutes the characterization of African societies as savage and without structure. He portrays his people, the Igbo, as highly organized and he describes many of the cultural practices and values that dictate the lifestyle of his people. The second half of the narrative is more reflective of the adventure tales found in some other early narratives. Olaudah Equiano, *The Interesting Narrative of the Life of Olaudah Equiano: Written by Himself* (New York: Bedford/St. Martin's, 1995).

Frederick Douglass is probably one of the most well-known writers of the nineteenth century. The first version of his life story, *Narrative of the Life of Frederick Douglass, An American Slave, Written by Himself*, brought him recognition and a platform upon its publication in 1845, and resulted in his recognition as the “spokesperson for the Race.”⁸ His newspaper, *The North Star*, furthered his notoriety as a spokesperson for the Abolitionist movement. The other versions of his autobiography, *My Bondage and My Freedom* (1855) and *Life and Time of Frederick Douglass* (1892), as well as his speeches, perpetuated and confirmed this title of spokesperson. According to scholars Marion Starling and James Olney, Douglass’s narrative is the standard against which other narratives of slavery are measured.⁹ With his 1845 narrative Douglass was both able to capture the horrific and dehumanizing nature of slavery, and also tell a story that resonated with people invested in the mythology of America. Douglass tells the story of a boy born into an impossible situation who managed to realize his potential, escape, and achieve not only freedom but an intellectual and political advantage. Two of his life stories, the 1845 *Narrative of the Life of Frederick Douglass* and *My Bondage and My Freedom*, reveal the violent nature of slavery, the continuities in Roman and

⁸ This type of terminology, “spokesperson for the Race,” was common during the nineteenth century and early part of the twentieth century. Race was primarily identified with African Americans and the implication was that race was their responsibility. There have been two men to serve in this “position:” Frederick Douglass from 1845-95 and Booker T. Washington from 1895 to 1915. Both men were elevated by their political positions and key public statements. Death ended their tenure as spokespeople. The subsequent prominence of the NAACP in the progress of African Americans toward political and social rights brought an end to this position.

⁹ Marion Starling, *The Slave Narrative* (Washington, DC: Howard University Press, 1988), 277-78; James Olney, “‘I Was Born’: Slave Narratives, Their Status as Autobiography and as Literature” in *The Slave’s Narrative*, ed. Charles T. Davis and Henry Louis Gates, Jr. (New York: Oxford University Press, 1985), 154.

American practices of violence against slaves, and affirm Moses Roper's account of American slavery and violence, which is the central source for this thesis.

Contribution

The contribution of this study is its comparative nature and its use of primary sources by Terence and Roper. Terence has not been examined for his insights into the system of slavery, especially in terms of its violent practices. There are few studies that highlight the significant statements that Roper's narrative makes about the nature of slavery. In addition, the thesis offers insights into violence as a fundamental practice and problem in slavery. As indicated by the historiography, violence appears to be particularly troubling problem in studies of slavery and rarely do scholars foreground the violence that is inherent to slavery. Definitions of slavery focus on the cultural and social isolation of the slave, the origin of the slave, the use of the slave's productivity, and even the types of work the slave performs. Therefore, one of the unique contributions of the study is its focus on violence.

Historiography

In his book, *American Slavery, 1619-1877*, Peter Kolchin describes slavery as follows: "Born in violence, slavery survived by the lash."¹⁰ Generally speaking, definition is one of the reoccurring issues in studies of the ancient world and of the American South. In their discussions, very few scholars are as forthright as Kolchin. The violence that is fundamental to slavery is elusive in the discussions. Instead of beginning with violence, discussions of violence are often found later or couched within a

¹⁰ Peter Kolchin, *American Slavery, 1619-1877* (New York: Hill and Wang, 2003), 57.

discussion of other issues. Even for Kolchin's study, the statement that noted violence as definitive to slavery is found after fifty pages. Thus, the apologetic nature of most studies of slavery is evident. Many of the scholars of slavery in the ancient world have a general statement denouncing slavery. Still, the idea that slavery was a necessary stepping stone or that without slavery the advances in civilization would not be possible are included in such studies. In ancient studies of slavery the issue of definition is foremost. The definition of slavery is a persistent issue because of the debates about the decline of slavery and scholars' desire to distinguish slavery from other systems of labor. While slavery and serfdom have some similarities, most scholars agree that that slavery and feudalism are two distinct systems of labor. Yet, the question of when slavery ends, and serfdom begins is prevalent in the scholarship on slavery in Ancient Rome.¹¹

For American studies of slavery, the trend of denouncing slavery as immoral is not as pronounced in American scholarship on slavery. Scholarship from the nineteenth century and into the twentieth century is defined by its apologetic nature. The studies, whether antislavery or pro-slavery, often included statements that suggested the inherent inferiority and suitability for slavery of people of African descent. Scholars also agreed that slavery was profitable and helped to lay an economic foundation in the United States. In America, the question of slavery's end was not a prominent part of the discussions;

¹¹ The discussion of the end of slavery in Ancient Rome and the tensions between slavery and serfdom or slavery and different forms of labor are a commonly discussed issues found in scholarship on slavery in the ancient world. See Alice Rio, *Slavery After Rome: 500-1100* (New York: Oxford University Press, 2017), 10-14. Stanley L. Engerman, "Slavery, Serfdom and Other Forms of Coerced Labour: Similarities and Differences," in *Serfdom and Slavery: Studies in Legal Bondage*, ed. M.L. Bush (New York: Longman, 1996), 18-67. Keith Hopkins, *Conquerors and Slaves* (New York: Cambridge University Press, 1978), 108-11.

slavery ends with clear laws that outline its end. The legacy of slavery in the form of laws and practices that stem from justification for the enslavement of African people are an area of scholarship, but there is no question about whether those practices are found in slavery or freedom.¹²

Ancient Rome

One of the foundational voices in the conversations about the nature of slavery is Aristotle. Although Aristotle is Greek, not Roman, the Romans had great respect for the philosophical perspectives of the Ancient Greeks. The Aristotelian perspective is that slavery is a natural condition, arising from differences in the abilities of human beings. Aristotle explains, “It is also from natural causes that some beings command and others obey, that each may obtain their mutual safety; for a being who is endowed with a mind capable of reflections and forethought is by nature the superior and governor, whereas he whose excellence is merely corporeal is formed to be a slave.”¹³ This idea, like the apologetic posture, is pervasive in studies of slavery. Historians and scholars studying slavery may not reference Aristotle directly, but allude to his ideas in either justifying or

¹² Leon Lithwick, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Vintage Books, 1979). See in particular his discussion of violence against free Black who failed to be submissive in chapter 6 and his discussion of the Black Codes and apprenticeships in chapter 7. Also see Theodore Brantner Wilson, *The Black Codes of the South* (Tuscaloosa, AL: University of Alabama Press, 1965), 146. There is general discussion of the Black Codes of 1865 and 1866 but Wilson argues that the codes were an extension of social and cultural practices derived from the enslavement period.

¹³ Aristotle, *Politics* (Los Angeles: Enhanced Media, 2017), 8. This is an idea that is also found in Hegel’s *The Phenomenology of the Mind*. Hegel writes, “The master relates himself to the bondsman mediately through independent existence, for that is precisely what keeps the bondsman in thrall; it is his chain, from which he could in the struggle get away, and for that reason he proved himself to be dependent, to have his independence in the shape of thinghood. The master, however, is the power controlling this state of existence.” G.W. F. Hegel, *The Phenomenology of Mind* (Mineola, NY: Dover Publications, 2003), 108-109.

arguing against slavery. This notion of inherent ability is governed not necessarily by race, as in the Americas, but by war, conquest, and also subsequently ethnicity. In the ancient world slaves were often procured through war. In the Transatlantic trade in slaves, war is not the focus. The language in studies of slavery in the ancient world is softened and isolated to the act: to capture.¹⁴ However, like the American South there was an expectation that certain groups would be slaves: Jews, Germans, Greeks, Gauls, and sometimes Africans. In the American South inherent ability is associated by race to white people and the lack of ability to Black people.

Brent Shaw's "Wolf by the Ears" provides considerable insight into the historiography of ancient Roman slavery. He affirms that the historiography on slavery has been apologetic in nature. He notes that prior to the 1950s, scholarship on slavery was defined by moralist and apologetic positions. The title of Shaw's essay refers to a statement written by Thomas Jefferson. Shaw explains that Jefferson was "depicting slavery as a dangerous and bestial force that was both necessary and fatally threatening to the civil society and to the body politic that sustained its existence."¹⁵ Shaw also explains that the statement by Jefferson alludes to a similar metaphor from Roman Emperor Tiberius, reported by the ancient biographer Suetonius.¹⁶ In this reference Shaw

¹⁴ The Transatlantic trade in slaves is not generally associated with war. Certainly, Transatlantic slavery, unlike the internal slave trade, did considerable damage to West African peoples. By depleting the young male population, the Transatlantic slavery trade, unlike the internal trade, left those areas where slaves were taken vulnerable to attack and dramatic changes.

¹⁵ Brent Shaw, "A Wolf," 3.

¹⁶ Shaw, "A Wolf," 4. Roman ruler Tiberius Claudius Nero Caesar reigned from 14-26 CE.

acknowledges a common trend among some historians of ancient slavery of making comparisons between Roman and American slavery.¹⁷

Much of the essay by Shaw is concerned with contextualizing the work of Finley. Subsequently, Shaw spends considerable effort toward outlining historical trends. He explains that eighteenth to early twentieth century studies were marked by tensions between moralists and apologists, both in studies of antiquity and of the New World. Later in the nineteenth century, the study of slavery as a form of labor emerged with commentaries by Marx and Weber.¹⁸ Shaw explains that Finley's work was part of a "modern revival of interest in the study of Greek and Roman slavery" in the 1960s and 1970s.¹⁹ According to Shaw this revival started some years earlier with a general reemergence of interests in slavery studies both in the ancient world and in the modern world in Europe and in the Americas.

Finley's *Ancient Slavery and Modern Ideology* was published in 1980 but is based on earlier lectures on the subject. The legacy of Finley's work is seen in the studies of

¹⁷ Scholars of ancient Rome refer to the American system of slavery, drawing on similarities and difference in the two systems. They also use American examples to clarify for the reader the nature of practices pertaining to slavery. The suggestion is that readers are more familiar with American slavery than other forms of slavery; there are more explicit written accounts of American slavery from the slave's perspective.

¹⁸ Here Shaw is of little help. He explains these schools of thought with little specificity. Karl Marx, Friedrich Engels, and Max Weber's arguments are outlined in brief in several commentaries from the mid to late 1800s. All see slavery as a necessary step in human evolution and see slavery as eventually disappearing. In the case of Marx, slavery is seen as undermining the rights of free laborers, and free laborers are seen as being more efficient than slave laborers. For Weber, slavery undermined technological innovation. Marx and Weber's discussions are largely about slavery in antiquity, especially the idea of slavery as a necessary step in human progress. However, their concerns for free labor are applicable for both Rome and America. Also see David Konstan, "Marxism and Roman Slavery," *Marxism and Classics* 8, no. 1 (Spring 1975): 145-69; Wilfried Nippel, "Marx, Weber, and Classical Slavery," *Classics Ireland* 12 (2005): 31-49.

¹⁹ Shaw, "A Wolf," 5.

ancient slavery that emerged after 1980. In general, the issues of importance outlined by Finley are definition, including Rome as a slave society, sources of slaves, social conditions of slaves, and the end of slavery. Finley addresses to a lesser degree the types of labor performed by the slaves and rebellion. The issues set forth by Finley defined the field. Finley's book is divided into four chapters. The first chapter of the book is devoted to surveying the historical arguments and debates from scholars. The second chapter of the book examines definitions and origins of slavery in the ancient world. The third chapter is most relevant. Here Finley discusses violence. He explains, "One fundamental distinction through much of antiquity was that corporal punishment, public or private, was restricted to slaves."²⁰ In other words not only was violence fundamental to slavery, it is the violence that distinguished the slave's existence from other people's existence. In the last chapter, Finley discusses the decline of slavery.

Finley's work is highly influential and is referenced by many other scholars. Orlando Patterson, Jean Andreau, and Raymond Descat raise many of the same issues pertaining to definition as Finley. Both Patterson's *Slavery and Social Death* and Andreau and Descat's *The Slave in Greece and Rome* emphasize definition.²¹ Patterson's work is a global comparative study of slavery but does contain information on ancient Rome. Of particular interest is the idea that the Romans contributed to a legacy by which the slave is separated from his humanity. He is at once person and slave. This is similar

²⁰ Moses I. Finley, *Ancient Slavery and Modern Ideology* (Princeton: Markus Wiener Publishers, 1998), 161.

²¹ Orlando Patterson does not acknowledge his debt to David Bryon Davis, but the idea of the expansive reach of slave practice founded in antiquity is one found in Davis's groundbreaking work. David Brion Davis, *The Problem of Slavery in Western Culture* (New York: Oxford University Press, 1966). Jean Andreau and Raymond Descat, *The Slave in Greece and Rome* (Madison, WI: The University of Wisconsin Press, 2011), 10-13.

to the point made by Andreau and Descat; they define the slave as having no identity of his own, a type of foreigner, bought (or having the potential to be bought and sold), working for the benefit of the owner. The identity of the slave is determined by the master.

Patterson invisions slavery as a dehumanizing and debasing institution and also acknowledges violence as inherent to it. Patterson explains in reference to a play by Plautus, "Slavery really meant: the direct and insidious violence, the namelessness and invisibility, the endless personal violation, and the chronic inalienable dishonor."²² Much of Patterson's discussion is about definition: what is slavery and what are the fundamental aspects of the institution that are common to cultures throughout the world in which slavery was present. Divided into three parts, in the first part of his book, Patterson discusses the power dynamics that define slavery. The second part of the text explores familiar issues regarding sources, sales, lifestyle, and manumission. The third part of the study is devoted to imperial slaves and why slaves and former slaves were used as staff. Patterson's study is useful in his understanding of slavery as an enduring and fundamentally violent institution.

Unlike Patterson, Andreau and Descat make no direct references to violence in their definition. However, violence is implied by the nature of the slave's relationship to the master; the slave is subject to the master's will, working for his benefit, and with no identity beyond that which is given to him by the master. According to Andreau and Descat, the right of the master to the body of the slave, whether for sex or violence, was

²² Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 2018), 12.

expected and accepted. Slaves could be subject to public whippings, and execution of slaves was to be done in public.

Both Keith Bradley and Noel Lenski provide more detailed accounts of violence in slavery. Bradley arguably has two books that are significant in their contribution to the field: *Slaves and Masters in the Roman Empire* and *Slavery and Society at Rome*.²³ The former provides insight into the experience of the slave during the imperial age in Rome. It includes information on the slave family, freeing slaves, and the relationship of the master to the slave. In particular Bradley highlights the problem of control and the violence the slave master used to subdue the slave. Here Bradley takes a similar view to that of the American historian Kenneth Stampp; he suggests that fear defined the relationship of the slave and master. In both books, Bradley argues that the slave was thought to be most accepting to the authority of the master, when he or she was afraid of the master. Like other authors, Bradley stresses the absolute and unquestionable authority of the master over his slaves. Bradley points out that there were few avenues of recourse for the abused slave. He discusses the various ways in which the master might exercise his authority over the slave, which might include sexual abuse and exploitation. However in *Slavery and Society at Rome*, he expands upon his discussion, noting the violent and dehumanizing nature of slavery that was in some ways sanctioned by slave laws. He describes punishments common to slaves, including flogging, burning, and

²³ Keith Bradley, *Slaves and Master in the Roman Empire: A Study in Social Control* (New York: Oxford, 1987); *Slavery at Rome* (New York: Cambridge University Press, 1994).

racking.²⁴ The slave was expected to submit and obey, and the slave owner had almost unquestioned authority over the slave. There were few opportunities for freedom.

Noel Lenski's "Violence and the Roman Slave" in *The Topography of Violence in the Greco-Roman World*, edited by Werner Riess and Garrett Fagan, affirms the insights offered by Bradley, observing that violence was fundamental to the slave experience. In the essay he details the types of punishments slaves could receive and argues that in contrast to the law there was virtually no recourse for the slave who was abused by his owner.

Peter Hunt's *Ancient Greek and Roman Slavery* provides a general overview of slavery in both Greece and Rome and then employs a topical approach. The study does not appear to be defined by a specific period. The comparative nature of Hunt's book is limited; he treats certain topics in comparison, but others he limits to either Rome or Greece depending on the subject's prominence in the culture. Like other scholars in the field, Hunt laments the lack of sources on slavery in antiquity. He also notes the limited perspective of the sources, with little written from the vantage of the slave. Like Bradley, Hunt treats many of the same topics pertaining to the definition of slavery, sources of

²⁴ Robert Bradley, *Slavery*, 166-167. Bradley lists racking among the forms of punishment but does not describe it. Racking is a form of punishment where the person's body is pulled from both hands and wrists and the ankles generally resulting in dislocation of the joints. In her book *Witch Craze*, Lyndal Roper describes the rack as a punishment by stretching. One method involved the binding of the slave's wrists and attaching weight to the slave's ankles. Then, the body is pulled upward with rope and a pulley. Roper is describing the torture of women accused of witchcraft in seventeenth century Germany. She provides both a visual and a description of the process. Lyndal Roper, *Witch Craze: Terror and Fantasy in Baroque Germany* (New Haven: Yale University Press, 2004), 63; 108. Also see George Riley Scott, *A History of Torture Throughout the Ages* (1940; repr., New York: Routledge, 2005), 168-80. Scott describes different versions of racking. Most of his examples come from the Inquisition.

slaves, sale of slaves, uses of slaves, social conditions, freedom, rebellion, and the decline of slavery. In terms of violence, Hunt begins by acknowledging the fact that slavery is defined by cruelty. He does not have a specific chapter on violence, but he does discuss rebellion and the consequences of rebellion for slaves. In addition he elaborates on the typical punishments for slaves.²⁵

American Slavery

Despite the continual scholarship on slavery and the problem of violence in slavery, there are few secondary studies on American slavery in which violence is distinguished as the main or the prominent subject. Most studies of American slavery have been focused on other issues: trade, transport, profit, numbers, social circumstance, living conditions, and racial identity. There is mention of violence in most slavery studies to some degree, and some studies that highlight the nature of violence in American slavery. In the nineteenth century there are two studies that have proven useful to this study: Theodore Dwight Weld's *American Slavery as It Is* and Frederick Law Olmsted's *The Cotton Kingdom*.

Theodore Dwight Weld was an active member of the anti-slavery movement. His text, first published in 1839, was clearly polemical and designed to foster an Abolitionist agenda. Weld's goal was to show slavery as an immoral and horrific institution. His book, arranged by personal accounts and subjects, includes two relevant sections. Both sections are found under "General Testimony." The first section is "To the Cruelties Inflicted Upon Slaves" and the other is "Punishments." The first section includes general

²⁵ Peter Hunt, *Ancient Greek and Roman Slavery* (Malden, MA: Wiley Blackwell, 2018), 146-14 and 152-53.

information on deprivations and miseries visited upon slaves and the other section describes punishments. It includes different subsections entitled “Floggings,” “Tortures, By Iron Collars, Chains, Fetters, Handcuffs, & c.,” and “Brandings, Maiming’s, Gun-Shot Wounds &c..” Each of these sections presents accounts of the punishments announced by the titles. Thus, the source is useful in understanding the nature of punishment and violence in slavery.

Olmsted’s *The Cotton Kingdom*, based on his explorations of the South and divided by region, was first published in 1861. The book includes discussion of violence in a section focused on South Carolina. “Chapter VI South Carolina and Georgia Surveyed” outlines various strategies for controlling and punishing slaves. The interviewed overseers seem to believe that punishment was necessary, but do not describe the exact nature of punishment. Olmsted testifies that “on the great rice and cotton plantation in South Carolina, that the negroes were treated very hard.”²⁶

In a chapter of Olmsted’s book curiously entitled, “Slavery in Its Property Aspects—Moral and Religious Instruction of the Slaves, Etc” he provides detailed descriptions of floggings and punishments. While Olmsted does not have the Abolitionist zeal of Weld, he states forcefully that far from being a paternalistic institution of honor, the institution of slavery was defined by the desire for profit. He writes:

I was made to feel as I was strongly in my journey, that what we call the sacredness of human life, together with a great range of kindred instincts, scarcely attaches at all, with most white men to the slaves, and also in order to justify the

²⁶ Frederick Law Olmsted, *The Cotton Kingdom: A Traveller’s Observations on Cotton and Slavery in the American Slave States, 1853-1861*. 1861 reprint. (New York: Mariposa Press, 2017): 375.

following observation:—that I found the lives and the comfort of negroes, in the rich cotton-planting districts especially habitually regarded, by all classes, much more from a purely pecuniary point of view than I had ever before supposed they could be; and yet that as property, negro life and negro vigor were generally much less carefully economized than I had always before imagined them to be.”²⁷

Thus, he suggests slave owners, motivated by greed and profit, did not always see a relationship between protecting their investment (the slave) from harm and their ability to make a profit.²⁸

According to Stanley Elkins’ *Slavery: A Problem in American Institutional and Intellectual Life* studies of the institution were sparse. This changed with the publication of Ulrich Phillips’ *American Negro Slavery*.²⁹ Phillips’ work was praised for its “impartial, and at the same time, graphic and spirited account of negro slavery in America.”³⁰ The text, supposedly an account of slavery from an objective and primarily

²⁷ Olmsted, *The Cotton*, 410.

²⁸ Profit from slavery is one of the most prominent, current areas in slave studies. These studies should pay homage to Eric Williams, *Capitalism and Slavery* (Chapel Hill: University of North Carolina Press), 1944. See also John E. Cairnes, *The Slave Power: Character, Career, and Probable Designs* (New York: Carleton, 1862); and Robert William Fogel and Stanley L. Engerman, *Time on the Cross* (Boston: Little, Brown, and Company, 1974). A flawed study, *Time on the Cross* brought widespread recognition to the issue of profit in slavery. There are a number of more recent studies that focus on specific crops, slavery, and profit. See Richard Dunn, *Sugar and Slaves: The Rise of the Planter Class in the English West Indies, 1624-1713* (New York: W. W. Norton and Company, 1972); Jean B. Russo and J. Elliott Russo, *Planting an Empire: The Early Chesapeake in British North America* (Baltimore: The Johns Hopkins University Press, 2012); Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: The Belknap Press, 2013); and Sven Beckert, *Empire of Cotton: A Global History* (New York: Vintage Books, 2014). Also, on slavery and profit but not specific to one commodity, see Edward Baptist *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York: Basic Books, 2014) and Caitlin Rosenthal, *Accounting for Slavery: Masters and Management* (Cambridge: Harvard University Press, 2018).

²⁹ Ulrich Bonnell Phillips, *American Negro Slavery* (New York: D. Appleton and Company, 1918).

³⁰ Tipton R. Snively. “Review of *American Negro Slavery* by Ulrich B. Phillips.” *American Economic Review* 10, no.2 (June 1920): 336-38. Note that publications prior to the 1950s often did not capitalize the word Negro, despite the fact that Negro is being used to identify

economic standpoint, does not adequately address slavery's economic impact on the South or the United States. Phillips is dismissive of the abusive nature of slavery.³¹ His study suggested instead that Africans were naturally inferior and ideal for slavery, and slavery was not as violent as Abolitionist's literature and earlier historians influenced by antislavery efforts proposed. Elkins argues convincingly that Phillips's views of slavery were highly influential and informed studies of slavery for decades.³² This may account for the lack of direct study of the violence. Although Phillips sets the tone for the discourse on American slave studies, his study stands out for its failure to recognize the slave's humanity.

Kenneth Stampp's *The Peculiar Institution* was one of the first major studies to offer a less apologetic view of slavery. While not fully focused on violence, Stampp discusses violence and affirms the argument advanced by this study that the violence had the potential to compel rebellion and not submission. Stampp asserts a point that can be found in Olmsted's study; Stampp argues that the violence administered by the slave holder or those acting on his or her behalf often had to be dispensed in a thoughtful and strategic manner. Stampp is more overt in his discussions of violence than some other authors. He writes:

Slaves ran away to avoid punishment for misdeeds or to get revenge for punishments already received. Most masters knew that it was folly to threaten slaves with 'correction,' for this usually caused them to disappear. An overseer reported the escape of a slave to his employer: 'I went to give him a Flogging for

an ethnic group. Terms identifying other ethnic groups in literature of the period, such as French or English, are capitalized. The suggestion is obvious.

³¹ John David Smith, "The Historiographical Rise, Fall, and Resurrection of Ulrich Bonnell Phillips," *The Georgia Historical Quarterly* 65, no. 2 (Summer 1981):139.

³² Stanley Elkins, *Slavery: A Problem in American Institutional and Intellectual Life* (Chicago: The University of Chicago Press, 1976), 13-14.

not coming to work in due time and he told me that he would not take it and run off".³³

Thus, the very violence meant to compel actually had the opposite effect. Stamppp also was concerned with how slaves were socialized into compliance. He describes various methods of resistance slaves employed. While the dilemmas of slaveholders who faced supposedly lazy and uncontrollable slaves may be exaggerated to lessen the horrific nature of slavery, the point was clear in this chapter: slave owners employed various strategies for controlling slaves that did not always involve violence, but rather a manipulation of the slave.

Stamppp also discusses the slave owner's practice of whipping of slaves as punishment for indiscretions. Here, Stamppp provides some insight into the types of instruments used, for example the rawhide or the cowskin whips.³⁴ He explains, "The whip was the most common instrument of punishment-indeed, it was the emblem of the master's authority."³⁵ This idea was furthered in other discussions of slavery and violence, but also affirmed by slave narratives by Moses Roper and Frederick Douglass.

Similar to Stamppp in their conceptualization of slavery are Ira Berlin's *Any Thousands Gone: The First Two Centuries of Slavery in North America*, *Generations of Captivity*, and Kolchin's *American Slavery: 1619-1877*. Both Berlin and Kolchin emphasize violence as definitive to slavery. Berlin writes, "slavery in American was

³³ Kenneth Stamppp, *The Peculiar Institution* (New York: Vintage Books, 1956), 113-14.

³⁴ Stamppp, *The Peculiar*, 175-176.

³⁵ Stamppp, *The Peculiar*, 174.

“born of a violent usurpation.”³⁶ However, there are distinct differences in their studies. Berlin argues that slaves had some measure of autonomy. He claims, “Slavery, though imposed and maintained by violence, was a negotiated relationship.”³⁷ In his book, *Generations of Captivity: A History of African American Slaves*, Berlin clarifies this point. He points out that despite the dehumanizing nature of slavery, enslaved Africans retained their humanity and formed families, communities, cultural, and religious practices.

Kolchin takes a different perspective on autonomy. He emphasizes violence as definitive to slavery and underscores the types of violence used against slaves were long recognized practices in Western society. Kolchin’s study is not as expansive as that of Berlin but does provide insight into violence. While slaves may have attempted to exercise some control, they were met with various punishments including branding, whipping, and mutilation. Kolchin states that the eighteenth century brought changes in the severity of punishments received by slaves. He attributes this to New World born identity. This meant that there was a familiarity with master and slave that did not exist before.

Kolchin also noted that the antebellum period gave rise to expressions of patriarchal authority from slave owners. During this period, slave masters fostered the notion that slaves were like children in need of discipline and “protection” from

³⁶ Ira Berlin, *Generations of Captivity: A History of African American Slaves* (Cambridge: Belknap Press, 2003), 3.

³⁷ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Belknap Press, 1998), 2.

themselves. This point is similar to Phillips and affirmed by pro-slavery propaganda of the antebellum period that suggested slavery was beneficial to master and slave alike.³⁸

Yet, Kolchin stresses violent punishment continued to be part of slavery, while paternalistic imagery gave the slave holder unquestioned authority.

Sally Hadden's book, *Slave Patrols: Violence in Virginia and the Carolinas*, was surprising in its lack of detailed discussion of violence.³⁹ However, the book focuses on the slave patrols and is helpful in understanding the fear that motivated planters and slaveholders in the South. Hadden underscores the feeling among southern Whites that they had to maintain order and control over slaves. This feeling was especially apparent in South Carolina where enslaved Africans outnumbered whites. This may have been especially true in Virginia and the Carolinas because these areas were the sites of attempted and successful mass slave revolts in the eighteenth and nineteenth century.⁴⁰ This issue of fear and the need for order and stability are key to understanding the Mann case. The Mann Case is reflective of the fears of southern slave owners; in the ruling, the judge underscored the unquestioned authority of the master over his slave.

Like Haden, Vincent Brown's *The Reapers Garden* is concerned with control and fear. Brown's book is largely about death during the enslavement period in Jamaica. However, he does provide insight into violent practices, specifically into the forms that

³⁸Thomas Morris. *Southern Slavery and the Law, 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 14. Also see Stephen Hale, "Letter to the Governor Beriah Magoffin, Governor of the Commonwealth of Kentucky," December 27, 1860, in *Apostles of Disunion*, Charles B. Dew (Charlottesville: University of Virginia Press, 2016), 121.

³⁹ Sally Hadden, *Slave Patrols: Violence in Virginia and the Carolinas* (Cambridge: Harvard University Press, 2001).

⁴⁰ See, for example, the Stono Rebellion in South Carolina of 1766, Gabriel Prosser's attempt in Virginia in 1800, Denmark Vessey in 1822 in South Carolina, and Nat Turner in Virginia in 1831.

punishments took. He reveals that the whipping was frequently used both for punishment and to encourage productivity. Also, he discusses mutilation of the slaver's body as punishment. Like the Romans and Americans, the British were said to have unquestioned authority over their slaves. He suggests that the slave experience was defined by direct and indirect violence that fostered instability. Brown argues that the nature of the labor undertaken in agricultural work, in particular the cultivation of sugar, had a debilitating effect on slaves. He implies that there was a general lack of care for the slave's physical wellbeing. The acts of violence were used as warnings and to deter resistance. Brown explains, "At times, the colonial state even tried to convert the oppositional discourse of the enslaved into narratives of slaveholder power."⁴¹ Other words, they used violence as a means to silence defiance and compel compliance. The displays of violence also were intended as reassuring reminders of the slave owners' power and control. However, while slave owners used violence to subdue the slaves, it did not always have the desired result. Instead, Brown suggests that slaves were encouraged by acts of defiance, even if they failed and would rebel.

Slavery and the Law

The use of legal sources to discuss the institution of slavery has its limitations. Most of the studies in slavery rely on the law as an indication of the values of the society and of the restrictions inherent to the institution of slavery. There are several studies of the ancient world that include insight into slave laws. For the purposes of this thesis, W.W. Buckland's *The Roman Law of Slavery*, published in 1908, and Alan Watson's

⁴¹ Vincent Brown, *The Reaper's Garden: Death and Power in the World of Atlantic Slavery* (Cambridge: Harvard University Press, 2008), 136.

Roman Slave Law, published in 1987, are particularly useful. Buckland's study is referenced by many scholars and aspires to be comprehensive in its appreciation of slave law. Watson's study is more focused than that of Buckland but is useful for its insights into the law as it pertains to punishment.

Published in 1968, Winthrop Jordan's *White over Black* is not specifically about slavery and law in the United States. However, the book contains insights into the relationship between social practices and law. Specifically, Jordan argues the initial slave laws were an attempt at racial coding to distinguish black from white. These distinctions were deemed necessary as the enslaved African population in the colonies grew. Jordan explained, "By 1700 when African Negroes began flooding into English America they were treated as somehow deserving a life and status radically different from English and other European settlers."⁴² These differences were recognized in laws that had been established in the years prior to 1700. Therefore, Black slaves had a special status and their treatment was reflective of it.

One of the first notable studies of slave law in the United States is Jonathan Alpert's "The Origin of Slavery in the United States: the Maryland Precedent." Published in 1970, the article established a trend in writings about slave laws in the United States. An important contribution, Alpert expounds upon the first laws that establish racial and hereditary prescriptions directing the development of slavery in America.

⁴² Winthrop Jordan, *White Over Black* (Chapel Hill: University of North Carolina Press, 1968), 44.

Edmund Morgan's *American Slavery, American Freedom*, published in 1975, is not limited to law. It is a study of slavery in Virginia's and is important in the legal historiography about slavery. Virginia is significant because, like Maryland, it is one of the earliest of the colonial states to provide legal direction for slavery. There are several studies of slave law in American that are useful, including A. Leon Higginbotham's 1978 *In the Matter of Color: Race and the American Legal Process, the Colonial Period* is organized by state. Higginbotham describes laws on movement, punishments for infractions, punishments for attempts at escapes and rebellion. The book also outlines laws regarding freedom and miscegenation. Thomas D. Morris' *Southern Slavery and the Law, 1619-1860*, published in 1996, is divided into four parts and includes laws on race, slaves as property, slaves as person, and manumission. Morris, like Higginbotham, describes violent acts against slaves sanctioned by law. Paul Finkelman's compilation of essays by various scholars, *Slavery and the Law*, published 1998, is divided into four parts and includes essays by Alan Watson, Johnathan Bush, and Judith Kelleher Schafer that address property rights that are relevant to the absolute authority of the slave owner.

With regard to absolute power of the master there are two studies that are significant to the proposed thesis: Mark Tushnet's *Slave Law in the American South: State V. Mann in History and Literature*, published in 2003, and Andrew Fede's *Homicide Justified: The Legality of Killing Slaves in the United States and the Atlantic World*, published in 2017. Mark Tushnet's book specifically addresses the North Carolina law that declares the authority of the master absolute. Fede's book discusses the murder of slaves by their masters and how the law addresses the matter in different parts of the South. It focuses on the killing of slaves in Western societies. His study is

organized primarily by geographical location. He has a chapter on North Carolina slave law. In it he discusses the 1791 law and the 1817 law that made it illegal to kill a slave.

Laura F. Edwards's *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* is not necessarily focused on the absolute authority of the slave master.⁴³ However, she does include a discussion of the Mann Case. Her book is about localized and state law in North and South Carolina in the period following the American Revolution. Edwards discusses various cases that reveal the ways in which institutions and local customs shape the law and lives of people in the Carolinas. Edwards argues in particular that patriarchal authority, especially in relationship to slavery, governs most discussions about law and how to define order.

Sexualized Violence and Slavery

Sexualized violence against enslaved women is one of the few areas pertaining to American slavery that has received considerable investigation. However, Moses Roper does not have a fully realized discussion of sexualized violence but does offer briefly some insight into the problem that he deemed too horrific to discuss in detail. Norrece T. Jones' "Rape in Black and White: Sexual Violence in the Testimony of Enslave and Free Americans," appears in Winthrop Jordan's edited book, *Slavery and the American South*, published in 2003, which provides useful insights into this topic. Jones notes forcefully the lack of scholarship about rape of enslaved African women and the ways in which the violence experienced by enslaved African women took on a sexual nature. Jones joined a

⁴³ Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: The University of North Carolina Press, 2009).

number of primarily women scholars writing about this issue, including Angela Davis, Deborah Gray White, Elizabeth Fox Genovese, and Thavolia Glymph.⁴⁴ Of particular significance is Glymph's *Out of the House of Bondage*. Published in 2008, Glymph's study is unusual because of its focus on female slave owners imparting violence on slaves. Both Jones and Glymph suggests the extent of the practice Ruffin declared law. The slave was in a precarious situation; subject to the caprice of the slave owner.

Structure

This thesis is divided into four chapters. The first is the introductory chapter. It provides a general overview of the topic, thesis, and historiography. The second chapter is on slavery and violence in ancient Rome. It addresses the violent nature of slavery in Rome, with particular focus on the law and Terence's plays *The Girl from Andros* and *The Eunuch*. The third chapter provides insights into violence and slavery in the American South with particular focus on the law, especially the Mann Case, and the narratives by Frederick Douglass and Moses Roper. The last chapter concludes with a comparison of the two different systems of slavery based on their respective uses of violence.

⁴⁴ This issue of female sexual exploitation and violence is not the focus of this study but should be mentioned. There are several extensive studies that directly addressed the issue of violence that is sexualized and gender specific. See Angela Davis, "Reflections on the Black Woman's Role in the Community of Slaves," *The Massachusetts Review* 13 no. 1/2 (Winter-Spring, 1972): 81-100; Angela Davis, *Race, Women, and Class* (New York: Vintage Press, 1983); bell hooks, *Ain't I a Woman: Black Women and Feminism* (Boston: South End Press, 1981); Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: The University of North Carolina Press, 1988); and Deborah Gray White, *Arn't I a Woman* (New York: Norton Publishing, 1985).

Conclusion

In his book, *The Problem of Slavery in Western Culture*, David Brion Davis argues that American slavery was a paradox. Writing in reference to Raynal, Davis posits, “What was more difficult to explain was why a mild domestic slavery had developed into a more brutal system that had spread throughout the ancient world as wealth, power, and enlightenment had increased.”⁴⁵ In his book, *Slavery and Social Death*, Orlando Patterson makes a similar point, noting that slavery existed in most of the advanced ancient civilization. Moreover, Patterson implies that despite supposed human progress, slavery, a system defined by violence continued to exist. While it is not clear why slavery continues to exist, the violence that defines it reveals its paradoxical nature. This thesis foregrounds the violence and by doing so sheds light on the inherent absurdities in the system of slavery. Moreover, in using the writings of former slaves, it advances insights afforded by the perspective of the slave.

⁴⁵ David Brion Davis, *The Problem of Slavery in Western Culture* (New York: Oxford University Press, 1966), 14.

Chapter 2

Violence in Ancient Roman Slavery: The Case of Terence

Introduction

Terence is unique since Terence is the only early Roman dramatist whose work survives in its entirety independent from quotations in later authors.⁴⁶

In this passage, Gesine Manuwald acknowledges the value found in the survival of Terence's work. Unlike many of his contemporaries, Terence's work, available since ancient times, has been the subject of centuries of study, in part because it survived. Terence's dramas have been used as reference point, a means of gaining insight into New Comedy, and as a measure for evaluating the fragmented texts of other writers from the ancient world.

Publius Terentius Afer lived from around 195 to 159 BC. Terence was thought to be born in Carthage and brought to Rome, where he was enslaved by Senator Terentius Lucanus. The senator provided Terence with an education. Noted to be remarkably handsome and intelligent, Terence earned his freedom and rose to be a well-known playwright. Terence's plays, in the tradition of the *Palliata*, began being performed in the 160s BCE.⁴⁷ The plays, like other comedies, were performed at festivals and other major events. There are six comedies by Terence in existence today. Terence's plays were

⁴⁶ Gesine Manuwald, "Cicero, An Interpreter of Terence," in *Terence and Interpretation*, ed. by Sophia Papaioannou (Newcastle upon Tyne: Cambridge Scholars Publishing, 2014), 180.

⁴⁷ The *Palliata* tradition refers to Roman adaptations of Greek plays. See Sanders Goldberg, *Terence, Andria* (New York: Bloomsbury Academic, 2019), 9.

considered to be revisions of the work of Menander. Menander is considered to be one of most prominent of ancient Greek playwrights,⁴⁸ Since Menander's plays for centuries were thought to be lost, Terence also has been recognized as a means for understanding Menander.⁴⁹ In his essay, published in 1931, Roy Flickinger discusses the 1905 discovery of Menander's writing and the subsequent emergence of scholarship on Menander and Terence.⁵⁰ The Flickinger article shows an appreciation of both the ancient scholarship and perspectives on Terence and forecasts future trends in scholarship on Terence. The Flickinger article addresses the major issues of form, character type, language, innovation, and contextual information for other ancient writers offered by Terence's work.

Three prominent writers of the ancient world show the prestige of Terence and the importance of his work in the ancient world: Suetonius, Cicero, and Donatus. Suetonius' biographical essay provides the most detailed account into the background of Terence. Written more than two hundred years after Terence's work appeared on the Roman stage, it is one of the earliest written and surviving explorations of Terence's life and work. The essay on Terence is included in Suetonius' *Poets*. According to Suetonius, Terence's

⁴⁸ This was not unusual. Terence followed the examples of others before him in revising and re-imaging Greek drama. See W. Beare, "The Secret of Terence," *Hermathena*, no. 56 (November 1940): 22. Sander Goldberg, *Constructing Literature in the Roman Republic* (New York: Cambridge University Press, 2005), 1-2.

⁴⁹ Menander lived some centuries before Terence. Born in Kephisia, Greece, around the year 342 BCE and died around the year 291 BCE, Menander became a leading playwright in Athens, Greece and is considered to be an essential and foundation voice in the development of comedy. See Peter Brown, "Introduction," *Menander: The Plays and Fragments* (New York: Oxford University Press, 2001) ix-xx.

⁵⁰ Roy Flickinger, "Terence and Menander," *The Classical Journal* 26, no. 9 (Jun 1931): 676.

attractiveness and talent won him favor with influential men of the time period.⁵¹ Specifically, Scipio Africanus and Gaius Laelius helped to produce Terence's plays.⁵² Suetonius acknowledges the success of Terence's plays, especially the first to be produced on stage, *Andria* or *The Girl from Andros*, and *The Eunuch*, which he noted to have been a financial and artistic success. Suetonius suggested the respect and appreciation of Terence's work by citing various men who praise the work of Terence, including Cicero and Julius Caesar.

Aelius Donatus, writing in the fourth century, focused on the style and language of Terence's works. There is no English version of Aelius Donatus' Commentary on Terence. There were published critical discussions of the commentary in English. Chrysanthi Demetriou's "Aelius Donatus and His Commentary on Terence's Comedies," published in 2014, is one such article. In it he explains that what survives of the commentary written by the fourth century grammarian is not complete. Also, he indicates that some of what has been attributed to Donatus may belong to other writers who wrote in response to his work on Terence.⁵³ Demetriou's discussion of Donatus' insight is primarily focused on performance, with discussion of language and facial expression of characters in the play. He also discusses the issue of appropriate language for the slave characters. Robert Maltbey's "Donatus on 'Appropriate Style'" writes of language used in Terence's dramas, especially that of slave characters. Maltby's essay is

⁵¹ Suetonius, *On Poets* in Suetonius, Volume II (Cambridge: Harvard University Press, 1997), 437.

⁵² Flickinger recognizes Scipio and Laelius as Terence's patrons. See Flickinger, "Terence and Menander," 683.

⁵³ Chrysanthi Demetriou, "Aelius Donatus and His Commentary on Terence's Comedies" in *The Oxford Handbook of Greek and Roman Comedy*, ed. Michael Fontaine and Adele C. Scafuro (New York: Oxford University Press, 2014), 784.

a chapter in Sophia Papaioannou's edited book, *Terence and Interpretation*, published in 2014. In the chapter, Maltby explains stylistic distinctions found in ancient drama and their use in Terence's comedy. His article points out, as did Donatus, that some of the humor is found in attributing high speech to slaves.

Published originally in 1952, George Duckworth's *The Nature of Roman Comedy*, is considered to be a substantial source on New Comedy in ancient Rome. His book includes extensive discussion of the nature of New Comedy and commentary on playwrights Plautus and Terence. Duckworth comments on the use of slaves in Terence's plays in brief, noting that Terence used slaves, but his slaves were not the archetypal clever slaves. Duckworth contends that the clever slaves "are witty, sometimes insolent, often vulgar, usually faithful, but not exceedingly clever. A slave like Parmeno in "Hecyra" ("The Mother-in-Law") derives, not from the traditional intriguing slave, but from the loyal slave like Messenio whom Plautus brings on the stage only when needed."⁵⁴ Duckworth notes that in two of Terence's plays, *The Eunuch* and *The Mother-in-Law*, the slaves were not typical: "He and Parmeno are the result of Terence's desire to present comedies without the usual cunning architectus doli."⁵⁵ Duckworth further argues that even where variations on the clever slave existed, the slave was not rebellious, but always acted in the interests of the master.

⁵⁴ George E. Duckworth, *The Nature of Roman Comedy: A Study in Popular Entertainment* (Norman: The University of Oklahoma Press, 1994), 251.

⁵⁵ Terence, "The Mother In Law." *Terence: The Comedies*, ed. Peter Brown (New York: Oxford University Press, 2006), 59. See George Duckworth, *The Nature of Roman Comedy: A Study in Popular Entertainment* (Norman: The University of Oklahoma Press, 1994), 251.

Duckworth does not discuss the slave character Davos, but he notes that the behavior of the slave may be driven by fear.⁵⁶ Another important contribution of Duckworth on the slave in Roman New Comedy is the point of sympathy. As indicated by various scholars, among them Roberta Stewart, the Romans did not have the tradition of abolitionist or political protest writing on slavery.⁵⁷ Duckworth asserts of the slaves found in the plays by Plautus and Terence, “Yet, these slaves, even more than the normal faithful servants, lack true individuality. They entertain us, they win our interest, but they do not gain our sympathy.”⁵⁸ This is an important point because it provides a marked contrast to the American writings about slavery that were designed to gain political support for a particular agenda.

Published in 1985, Walter Forehand’s book, *Terence*, expands upon Duckworth’s biography on Terence. Forehand speculates that Terence was neither African nor slave, yet there is no alternative story of this life provided by the sources.⁵⁹ According to Forehand, Terence was helped by prominent men in Rome.⁶⁰ In contrast to George Duckworth’s minor questioning of Terence’s background, Forehand makes more forceful and somewhat perplexing speculations about Terence. He accepts that Terence was a slave and North African but refuses the description of him as dark. He states:

⁵⁶ Duckworth, *The Nature*, 251.

⁵⁷ Roberta Stewart, *Plautus and Roman Slavery* (Malden: Wiley-Blackwell, 2012), 11.

⁵⁸ Duckworth, *The Nature*, 252.

⁵⁹ Duckworth, *The Nature*, 56-59. Also see Walter E. Forehand, *Terence* (Boston, Twayne, 1985), 2-7. Forehand’s insights into Duckworth were similar. Both doubted the biography from Suetonius and noted that Suetonius was given to exaggeration. Yet neither doubt the prologues in Terence’s plays. Also of note is the speculation regarding Terence’s former slave status as a problem in slave voice.

⁶⁰ Forehand, *Terence*, 6-7.

One final point concerning nationality has been raised by Suetonius's statement that Terence was "dark-complected" (Latin:fuscus). It has led to the view expressed from time to time that he was a black African. As in the case of similar suggestions about Hannibal, one should note that regardless of whether Terence was of Carthaginian or Libyan descent, he would not have been from areas to the south and east, such as Theiopia, from which black Africans usually came...such physical descriptions have little foundation.⁶¹

Forehand's objections to the description of Terence as "dark" are curious. Forehand appears certain that Suetonius was to be questioned on this one point, but Forehand is accepting of other information provided on Suetonius. The rejection of Terence's darkness is similar to the questioning of his talent as a former slave. Both are indicative of Forehand's biases. Contrary to Forehand's assertion that Terence could not possibly attain the skill and ability with Latin to produce his plays alone, slaves had varying levels of education and occupied varying professions.⁶²

Forehead's rejection of skill based on Terence's slave status and perhaps "darkness" is suggestive of larger problems of sources derived from disempowered groups of people. Moreover, Forehand's contention that Terence could not be dark ignored the presence of so-called Black Africans in the Mediterranean area during the period. Trade routes into the eastern part of Africa existed and "dark" slaves might have

⁶¹ Forehand, *Terence*, 6.

⁶² Buckland, Watson, and Bradley all discuss the various roles of the slave, some of which involved considerable education and training. Information on the roles of slaves can be found throughout Buckland's book and in Watson's discussion is limited, but Bradley gives details about the tasks performed by slaves.. W.W. Buckland, *The Roman Law of Slavery: The condition of the Slave in Private Law from Augustus to Justinian* (Clark, NJ: the Lawbook Exchange, LTD, 2018). Alan Watson, *Roman Slave Law* (Baltimore: The John Hopkins University Press, 1987), 3-4. Keith Bradley, *Slavery*, 57-80.

appeared in both ancient Greece and Rome.⁶³ In Terence's *The Eunuch*, he features one such slave, listed among the characters as "a Black Woman, a slave (non-speaking part)."⁶⁴ Whether Terence was dark or not does not undermine the importance of this work. If he were not a slave, and assumed the identity of a former slave, there might be a problem, but the fact that he gave insights into the slave experience and was witness to slavery makes his contribution worthy. His writings extend our understanding of the slave experience in the ancient world beyond the law. The slaves were secondary characters, yet the plays afford some humanity to the slave where the law does not.

Sander Goldberg's *Understanding Terence*, published in 1986, expands upon the issues introduced in Flickinger's 1931 essay. His book contextualizes the long historiography of Terence. Divided into eight chapters, the book highlights in each chapter a major issue central to scholarship on Terence. Goldberg includes in his book discussions of the historical background of Roman drama, Terence's prologues, the nature of Terence's plays, and the changes in the way Terence and his works have been seen over time. Goldberg addresses the question of Terence's innovation. Goldberg, elsewhere, agrees that Rome borrows from Greece in establishing literary and intellectual tradition; in this book, he clearly notes that there is innovation in Roman Comedic tradition. Goldberg explains, "The comedies that entertained Roman crowds at a festival like the *ludi Romani* bore only superficial resemblance to the Greek plays on which they

⁶³ Mary L. Gordon. "The Nationality of Slaves under the Early Roman Empire," *The Journal of Roman Studies* 14 (1924): 93. Also see Frank Snowden, *Blacks in Antiquity* (Cambridge: Belknap Press, 1970), 186. Snowden, at times, discusses the presence of "Ethiopians" in Carthage.

⁶⁴ Terence, "The Eunuch," *Terence: The Comedies*, ed. Peter Brown (New York: Oxford University Press, 2006), 154.

were modeled.”⁶⁵ Later, Goldberg adds, “Terence had to reproduce the significance of his models using the techniques of his own tradition, and our aims and methods for ‘measuring his success cannot ignore the nature of that task.’”⁶⁶ Moreover, Goldberg clarifies that Terence, as a former slave, is not unusual in the tradition of Roman poets.⁶⁷

Goldberg’s book is helpful in positioning Terence’s work in its original setting and also in understanding the shifts and trends in how Terence’s work has been understood over time. The first chapter explains the setting and standards in which Terence first created his plays. Goldberg reveals that Terence had to compete with other poets of his time in order to gain access to the stage. In this chapter, Goldberg also examines the nature of Terence’s plays, the Greek models, the settings, the characters, and the themes. Goldberg acknowledges Terence’s success in competing with other poets for access to the stage and also the innovations of Terence in his construction of plot and character. Goldberg argues, “Terence, though suggesting Menandrian standards of humor and dramatic focus, remained a Roman dramatist working in the Roman tradition. He may struggle with Roman conventions and stereotypes, but he does not abandon them.”⁶⁸ Goldberg further relates, “Terence had to reproduce the significance of his models using techniques of his own tradition, and our aims and methods for measuring his success cannot ignore the nature of the task.”⁶⁹

⁶⁵ Sander M. Goldberg, *Understanding Terence* (Princeton: Princeton University Press, 1986), 3.

⁶⁶ Goldberg, *Understanding*, 29.

⁶⁷ Goldberg, *Understanding*, 5. Sander Goldberg discusses the Greek foundations for Roman literature at length. See Sander M. Goldberg, *Constructing Literature in the Roman Republic* (Cambridge: Cambridge University Press, 2005) 1-10.

⁶⁸ Goldberg, *Understanding*, 21.

⁶⁹ Goldberg, *Understanding*, 29.

After centuries of celebration, Goldberg reveals that the turn to more negative criticism of Terence in the nineteenth century was a result of the “well-made-play” trend and the veneration of Greek art, as opposed to its Roman counterpart. “An even greater tolerance of loose ends and internal inconsistencies characterizes Roman comedy...the nineteenth-century insistence on structural coherence found a critical problem in plays that ignored logic and probability.”⁷⁰ In the fourth chapter of the book, Goldberg returns to the issue of innovation and addresses the criticism of Terence’s use of characters from other Latin versions of Greek plays and Terence’s response to the critics. Goldberg examines Terence’s defensiveness regarding his use of Roman characters in a Greek play. The accusations and Terence’s response are major issues in most of the critical studies of Terence. The charge is that Terence contaminated the Greek plays by using Roman characters. Therefore, on the one hand Terence is identified by some of his critics as a problem because he had no innovation and borrowed from Menander and his only contribution was its translation and reproduction in Latin. On the other hand, he is criticized because he deviated from the Greek original plays with characters common to another Roman playwright.⁷¹

Sander Goldberg’s 2019 publication, *Andria*, focuses solely on the play, *The Girl from Andros*. He repeats some of his earlier claims and presents some the same ideas from his earlier works, *Constructing Literature in the Roman Republic* and *Understanding Terence*. Goldberg provides background information on dramatic

⁷⁰ Goldberg, *Understanding*, 69.

⁷¹ Goldberg, *Understanding*, 93.

productions in the ancient world. He then discusses the Palliata and the questions of Terence's innovations in drama.⁷² Goldberg's focus in this section of the book is on Terence's use of language and elements of Comedy. In the next chapter, Goldberg explores the structure and the organization of Terence's dramas and the aspects of the drama that were distinctly Roman. Next, Goldberg writes of some of the criticism of *The Girl from Andros*. He includes analysis of Terence's responses to some of the immediate criticism and adjustments and versions of the play. In this chapter, Goldberg writes of various well-known productions of Terence's play. The last chapter is focused on the issue of translation. Goldberg examines how different productions of *Andria* have interpreted the play and translated the Latin play into various languages.

Goldberg does not include extensive commentary on slavery in the play. He does acknowledge the importance of the play, *The Girl from Andros* (*Andria*) as the most celebrated of Terence's plays. Goldberg also notes that Terence's life story, as told by Suetonius, is reflected in his plays and that Terence included North African characters in some of his plays. For example, in *The Girl from Andros*, Sosia, the freeman, is in conversation with Simo in the opening of the play is from North Africa. Goldberg includes an assessment of Davos as the clever slave. Goldberg argues that Davos was not a fully realized clever slave. Davos, according to criticism, did not have the abilities of the clever slave.⁷³

⁷² Goldberg, *Terence: Andria*, 9.

⁷³ The clever slave was often featured in Palliata; yet Terence's slave was not fully realized in this way. See Sander M. Goldberg, *Terence: Andria*, 41. Robert Stewart wrote of the clever slave as a type of trickster figure. See Roberta Stewart, "Who's Tricked: Models of Slave Behavior in Plautus' *Pseudolus*," *Memoirs of the American Academy in Rome*, Supplementary Volumes, 7 (2008), 71.

The book in which the essays by Maltby and Manuwald appeared, *Terence and Interpretation*, is another recent publication. A collection of essays by various scholars edited by Sophia Papaioannou and published in 2014, the book is largely about dramaturgy and did not delve extensively into the issue of slavery in Terence's plays.⁷⁴ The book in many ways responds to Goldberg's directive that Terence's innovation and distinctions should not be ignored. Divided into two parts, the first, "Terence as Interpreter," provides information on Terence's reimagining of New Comedy and his contributions to Roman traditions in drama. The second half, "Interpretations of Terence," provides insight into how ancient scholars and contemporary scholars have interpreted the works of Terence.

Overall, Papaioannou's book is useful in understanding the criticisms of Terence's plays in ancient times and in the present. Some of its authors specifically address the slave characters. For example, Papaioannou examines how Terence uses character types, some of which are slaves, that are found in other ancient dramatic work. Papaioannou's essay is not a commentary on the treatment of the slaves, but insight into characters and action. Manuwald's essay analyzes the various references to Terence's work made by Cicero. Cicero was writing about one hundred years after the plays of Terence were on stage. Manuwald explains that although Cicero's writings include references to Terence and his works, "There is no coherent extended discussion on the merits or drawbacks of Terence's poetry or of particular plays." Manuwald further reveals that Cicero either quoted from the plays of Terence, borrowed phrases from Terence in

⁷⁴ Dramaturgy is the study of the form and language of drama, as opposed to studies that analyze themes and characters.

his own writing, or used similar phrases or expressions as those found in Terence's writing. Manuwald argues that Cicero was an important figure for those scholars of Roman drama; he notes: "Getting a better understanding of Cicero's relationship to early Roman drama is important since he is the main source for this period."⁷⁵ Manuwald underscores the importance of the survival of Terence's writing and points out that Cicero's responses to Terence are important in understanding Roman Literature in its historical context. Manuwald suggests that Cicero was interested in the writing ability of Terence and in Terence as a model for writing, but not necessarily in the content of Terence's plays. He also addresses the issue of authorship. Manuwald contends that there was an "elegance of language" that is "comparable to the speech of orators and politicians of Terence's time."⁷⁶ Therefore, some scholars speculate that Laelius wrote some of the plays by Terence. However, as is discussed by other scholars, Terence addressed these accusations in his prologues.

The importance of Terence's prologues is discussed by several scholars. In his prologues, Terence responds to some of the criticism of his work. The most direct of these assertions is found in the Prologue to Terence's play *The Brothers*:

Since the author has observed that his writings are subject to scrutiny by hostile men, and that his enemies are casting aspersions on the play that we're about to act, he will give evidence on his own behalf...And as for what those malicious people say, that members of nobility help him and constantly collaborate with him in his writing, they think this is a strong criticism, but he regards it as the height of praise that he has found favour with men who have themselves found favour with all of you and with the people...⁷⁷

⁷⁵ Manuwald, "Cicero," 179.

⁷⁶ Manuwald, "Cicero," 185.

⁷⁷ Terence, Prologue, *The Brothers*, lines 1-4 and 15-18.

In the passage from the prologue, Terence not only acknowledges the criticism that interesting speaks to his innovation, but also speaks to the influence and association of his work with these patrons. The point made in his prologue and others is that Terence did borrow character types found in other works and deviated from Menander's works at times. Therefore, Terence showed an innovation for which he was criticized. Also, Terence addressed this association and influence in the prologue. Instead of hiding from it, Terence embraced it and claimed it as a mark of worthiness of his plays. The criticism does appear to be a hypercriticism given that patrons often direct tone, character, and direction of an artistic work.⁷⁸ In addition, the criticism suggested the great competition among dramatist and poets of Terence's time for command of the stage. As Goldberg indicates, Terence had to compete with other artists of the period to present his work at various occasions. Therefore, the production of Terence's work was a recognition of his ability.

There is one recent essay that discusses Terence's plays and the law: Jan Felix Gaertner's "Law and Roman Comedy," published in 2014. In his conclusion Gaertner contends, "The extant comedies of Plautus and Terence, but also some of the literary farces, combines elements of Greek and Roman law and constitute a problematic source for the reconstruction of Attic or Roman Law."⁷⁹ This is a curious claim given that Gaertner then discusses the ways in which the law was used in the literary works. His

⁷⁸ The influence of the patron was not an extraordinary point. For example, in the writings of Harlem Renaissance writings, the portrayals of African Americans were sometimes dictated by the tastes of the patrons.

⁷⁹ Jan Felix Gaertner, "Law and Roman Comedy" in *The Oxford Handbook of Greek and Roman Comedy*, ed. Michael Fontaine and Adele C. Scafuro (New York: Oxford University Press, 2014), 630. On Plautus, Roman Comedic Playwright, see George E. Duckworth, *The Nature*, 46-56.

point appears to be that Terence and other writers conflated Greek and Roman Law and must be understood in this way. Therefore, authors could offer some insights into both systems through their plays, but those insights must be understood in context.

Specifically, he discusses Terence's references to the relationship between the master and his former slave. Gaertner claims that unlike Plautus, "Terence tries to construct a consistent whole and preserves the ethical focus."⁸⁰ Gaertner's discussion, while resistant to the insights into the law offered by Terence, is a useful resource for recognizing the moments in which Terence offers understanding of the law.

Violence in Slavery in Ancient Rome

Historian Noel Lenski writes of slavery: "It is arguable that, in its purest essence, slavery represents the continuous and excruciatingly drawn out application of violence by one human being over another."⁸¹ This passage from Lenski's essay, "Violence and the Roman Slave," forecasts one of the primary concerns of this chapter: violence and the way it is administered. As Lenski points out, in ancient Rome, especially during the late Republic and early Empire, the master had the ability to assert his will however he may choose to do so. Despite restrictions on violence that became increasingly apparent in the law during the years of the Empire, the authority of the master was absolute and affirmed by social order.⁸² The quoted passage from Lenski's essay acknowledges this point.

⁸⁰ Gaertner, "Law," 627.

⁸¹ Noel Lenski, "Violence and the Roman Slave" in *Topography of Violence in the Greco-Roman World*. ed. Werner Riess and Garrett G. Fagan (Ann Arbor: University of Michigan Press, 2016), 275. This point is supported by other scholars. See, for example, Keith Bradley, *Slavery*, 167.

⁸² Buckland, *The Roman*, 36; also see Moses I. Finley, *Ancient Slavery*, 161.

Lenski, in agreement with Buckland, acknowledges, as does Alan Watson, that there were legal limits on the master's authority. In theory, slaves could appeal to the censor if the master was excessive in his abuse of the slave. Also there were limits placed on castration, and the killing of a slave had to be approved by a magistrate.⁸³ Both Lenski and Watson agree that these restraints on the master were not necessarily put into practice. Lenski further reveals that despite restrictions offered by the law, the master had the ability to assert his will onto the slave and his place of power was affirmed by the social order. The law in the form of the Twelve Tables and then later Justinian Law recognized violence as an expected part of slave existence.⁸⁴ W.W. Buckland explains, "During the Republic there was no legal limitation to the power of the *dominus: iure gentium* his rights were unrestricted"⁸⁵ Buckland explains the supposed increase in limits placed on the master's authority was a consequence of the empire's expansion and an increase in number of slaves in Rome.⁸⁶

The statement from Lenski might appear obvious but is significant. He suggests that slavery did not arise out of a natural order but was a consequence of violence. In this

⁸³ Lenski, "Violence," 288-289.

⁸⁴ According to Barry Nicholas, the Twelve Tables were compiled around 451 BCE and were an attempt at written statute and code. Surviving only in fragmented forms, aspects of the original Twelve Tables can be found in Lex Aquila and in the Justinian Code. Barry Nicholas, *An Introduction to Roman Law* (New York: Oxford University Press, 2008), 15-16. Also see Adolf Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia: The American Philosophical Society, 1980), 551. The Lex Aquila, established around the third century, B.C. refers to statutes concerning property in ancient Rome. See Berger, *Encyclopedic*, 547-548.

⁸⁵ W.W. Buckland, *The Roman*, 36.

⁸⁶ However, Alan Watson does not necessarily acknowledge a shift in violence, but does address the slave experience as governed by violence. Watson, *Roman Slave*, 116. Buckland's point makes sense as slaves were acquired through war and captured as Romans moved into new territories. The increasing numbers of slaves meant increasing conflicts and concerns and consequently there was a need for more laws to regulate slavery. See Bradley, *Slavery*, 32-33.

way, Lenski challenges the Aristotelian view that slavery is a consequence of inherent ability.⁸⁷ The Aristotelian view has represented a substantial position in studies of slavery and has been used to justify slavery. Accordingly, slavery was because those who were inferior were being put to use and provided with guidance by superiors. The view suggested that without the dominance of a superior, the inferior person would be a derelict, unproductive, and a problem for the larger society. In the case of Roman slaves, many of whom were prisoners of war, the suggestion was that they were inferior as a consequence of their defeat and that their enslavement was an act of benevolence.⁸⁸ They were allowed to live rather than being put to death. They must live out their lives in service to those who had proven themselves superior by having defeated them.⁸⁹ Moreover, certain ethnic groups were seen as inferior and right for enslavement. Bradley explains that “Romans passed down from generation to generation a stereotyped portrait of the slave as an unscrupulous, lazy and criminous being, and while they thought of certain races, Asiatic Greeks, Syrians and Jews as being born for slavery, and... they thought certain punishments like crucifixion and burning alive were suitably servile.”⁹⁰ Thus, violence, fundamental to slavery, was justified by perceived status.

⁸⁷ Aristotle, *Politics* (Los Angeles: Enhanced Media, 2017), 10-11. Aristotle’s point is also undermined by the varying responsibilities of slaves in ancient Rome. Unlike the United States where slaves primarily did agricultural and domestic labor, slaves in ancient Rome were used for various jobs, some of which required intellectual skill. See Sandra R. Joshel, *Slavery in the Roman World* (New York: Cambridge University Press, 2010), 162-214. Also see Bradley *Slavery and Society*, 57-80.

⁸⁸ Bradley, *Slavery*, 32.

⁸⁹ Bradley, *Slavery*, 32.

⁹⁰ Bradley, *Slavery*, 65-66.

Lenski also adds to the conversation about how to define slavery.⁹¹ His point is that slavery is fundamentally about the dominance of one person over another. This dominance can only be achieved through violence.⁹² Lenski's analysis of the master-slave relationship underscores the absolute power and authority of the slave master over the slave. He provides insight into the nature of the violence through his discussions of whippings and the use of instruments to confine the slave. He acknowledges violence in various forms, including sexual violence against female slaves and the death of slaves either intentional or unintentional. He also points out that violence was required when a slave was giving testimony. Lenski's vision of slavery contrasts with Cato.

The Agricultural Manuals of Cato and Varro

For Lenski the institution was barbaric, but the insights offered by Marcus Porcius Cato were of an institution that offered economic benefit to landowners. Agricultural manuals, like the one written by Cato, have been used in a number of studies of slavery in the ancient world. Given the lack of primary source material on slavery in the ancient world, the manuals have been valuable because they affirm the sentiments regarding slavery found in the law and in the cultural practices of ancient Romans. Cato's manual, *On Agriculture*, written around 160 BCE, provides directives on agricultural work and contains limited observations of slavery. The manual is thought to be a significant achievement as perhaps the first text on farming. Cato's manual clearly

⁹¹ The question of definition is a major thrust of scholars in the field of slave studies. Orlando Patterson, *Slavery*, 1-2; 17-21. N.R.E. Fisher, *Slavery in Classical Greece* (London: Bristol Classical Press, 2003), 1-6. Keith Bradley, *Slavery*, 14; Moses I. Finley, *Ancient*, 104; 136-139; 161.

⁹² Lenski is not the first to make this point, but he foregrounds it and places it at the center of his discussion. Lenski, "The Topography," 275. Also see Keith Bradley, *Slavery*, 167.

shows the value attributed to agricultural work. Yet, with regard to slavery it was curiously lacking. There are only a few references to slaves, but what is stated is subtly suggestive of the violence that was fundamental to slavery. Roberta Stewart explains, “Cato describes an economic relationship in which the master monitored and directed the potentially complicated economic activities of his slave; and the successful slave, under the master’s close scrutiny, promoted the master’s economic interests.”⁹³ Congruent with Stewart’s contention, Cato makes it clear that the slave was only useful if physically capable. “The old and sick slaves,” he indicates, were “superfluous” and “should be sold.”⁹⁴ Furthermore, Cato states of punishment, “Unless the overseer is of evil mind, he will himself do no wrong, but if he permits wrong-doing by others, the master should not suffer such indulgence to pass with impunity.”⁹⁵ Thus, the expectation was that the slave will work for the benefit of the master and if there were behaviors displayed by the slave that undermine the productivity, then the slave should be punished. Furthermore, the punishment was necessary for productivity. In other words, the slave must know the authority of his master and in turn the interests of the master will be satisfied. Moreover, Cato is clear with respect to the overseer, “He should settle all quarrels among the hands; if any one is at fault he should administer the punishment.”⁹⁶ Varro’s “*Rerum Rusticarum Libri Tres*,” or *On Farming*, written more than one hundred years after Cato’s work, extend the insights offered by Cato.

⁹³ Stewart, *Plautus*, 51.

⁹⁴ Cato, *On Agriculture*, 2.7, 19

⁹⁵ Cato, *On Agriculture*, 5.2, 21.

⁹⁶ Cato, *On Agriculture*, 5.2, 21.

Gaius Terentius Varro makes references to Cato's manual in his work but includes greater details on farming and more insight into the use of slave labor. Cato's manual accounts for the number of slaves to be used and the rations to be given to slaves depending on the type of work. However, Varro's insights are less revealing for the common use of slave labor, but more useful for bringing to light concerns regarding slave labor. Varro's discussion suggests the problems inherent in the use of slave labor. Varro points out the unreliability of slave labor. He implies the problem of coercion as a means for production, but also the problem of violence as a means to compel compliance. Varro explains, "With respect to the use of freemen in agriculture, my own opinion is that it is more profitable to use hired hands than one's own slaves in cultivating unhealthy lands, and even where the country is salubrious, they are to be preferred for the heaviest kind of farm work, such as harvesting and storing grapes and corn."⁹⁷ Therefore, Varro implies, as Bradley indicated, that the slave was unreliable. Bradley acknowledges, "Romans passed down from generation to generation a stereotyped portrait of the slave as an unscrupulous, lazy and criminous being."⁹⁸ Therefore, violence was necessary and justified. The slave, having to be compelled to work through violence, was not motivated to perform as a man paid for his labor. However, the suggestion also was that the violence was not as effective as Cato's insight might have suggested. The slave worked begrudgingly, and violence served to compel productivity but also undermined the slave's ability to work.

⁹⁷ Varro, *On Farming*, 1.17.2.

⁹⁸ Bradley, *Slavery*, 65.

The Law and the Nature of Violence in Slavery in Ancient Rome

The law, from the Twelve Tables to the Justinian Codes, affirmed the absolute authority of the slave master over the slave. Accordingly, “Slaves are in the power of their masters, and this power is acknowledged by the Law of Nations, for we know that among all nations alike the master has the power of life and death over his slaves, and whatever property is acquired by a slave is acquired for the master.”⁹⁹ Thus, the law ensured that slavery would be, by its nature, a tenuous institution defined, at its worst, by violence and, at its best, by benevolence. This absolute authority of the master was rarely checked by the law. While some restrictions on the power of the slave owner existed during the period of the empire, the ability of the slave to gain access and intervention was rare.¹⁰⁰ Alan Watson explains, “Slaves had no access to censors or other elected public officials or judges. They had no standing and no legally recognized avenue of approach to anyone in authority.”¹⁰¹ Furthermore, Justinian Law indicated that the slave and animal were in some ways the same. Both are the property of the owner, to be used according to his will.¹⁰² The law also permitted that the slave owner be compensated for

⁹⁹ The Gaius Institute VIII.52 in *Roman Civil Law*, trans S.P. Scott (Clearwater, FL: R.A. Sites Books, 1932), 23.

¹⁰⁰ Both Watson and Lenski discuss the limits of the slave master in Ancient Rome. Watson explains that the slave might appeal to the Censor if he were being abused in an excessive manner, but he suggests that while this in theory was a possibility, the reality was the slave had little access to the Censor. Alan Watson, *Roman Slave*, 117. Lenski discusses the progress made in limits to the abuse of the master. Specifically, slaves might gain sanctuary in the temple of Julius Caesar. From Claudius (10 BC-54 CE) to Constantine (307-328 CE) there were increasing limits on abuse of slaves that included punishment for excessive cruelty, killing a slave, and castrating a slave. Lenski, “The Topography,” 287-290. However, neither author defines what they mean by excessive or extreme violence.

¹⁰¹ Watson, *Roman Slave*, 117.

¹⁰² Ulpain, J 9.2

damage done to his slave by someone else. In this way, the law affirmed that the slave was an object, a possession of the slave owner. His or her humanity was not a consideration in this sense, but the law only considered the possibility of the harm done to the slave owner as a consequence of violence to the slave.¹⁰³

In his book, *Ancient Slavery and Modern Ideology*, Moses Finley refers to “the slaves’ answerability with his body” as a fundamental aspect of the slavery experience.¹⁰⁴ This accountability through the body could take on varying forms that were a distinct part of the slave experience. Notably, Finley acknowledges that “corporal punishment” was peculiar to the slave in ancient Rome, with few exceptions. The slave, when called upon to testify before the law, could only do so under torture. The suggestion was that the slave was unreliable and only through violence could he or she be truthful. This same logic was suggested in the daily maintenance and performance of the slave. Varro affirmed this point in his preference for a hired worker as opposed to the unreliable slave. The slave only functioned in a compliant and productive manner when under duress. Thus was found a fundamental problem in the system of slavery. The very violence meant to elicit in the slave truthfulness, submission, and productive, could render the slave incoherent, resistant, and dysfunctional. Moreover, even the fear of certain kinds of violence had the potential to motivate the slave to act in an unpredictable manner and disrupt the order and power of the slave owner to determine the slave’s behavior.

¹⁰³ Ulpian, J 47.10.15

¹⁰⁴ Finley, *Ancient*, 162.

Keith Bradley extends Finley's discussion in his book *Slavery and Society at Rome*. He explains, "Proprietary rights were absolute, there was nothing the law could do to prevent slave owners themselves abusing their slaves if they wished to do so."¹⁰⁵ Therefore, the authority of the master was unquestioned, and the types of violence varied. Lenski describes some of the instruments of violence that were intended to restrict and subdue the slave.

Shackles, manacles, and coffle chains have been found from Syria to Gaul.... The practice of binding captives is well attested in the high empire.... Chains were also used as means to control those already held in slavery, by preventing flight, restraining aggression, and compelling labor. The most brutal example of this is the chain gang-groups of slaves shackled together by iron angle bans that bit into the flesh as they restricted independent movement."¹⁰⁶

Lenski indicates in his description that the instruments used on slaves were a violation of the body and while seeking to restrain also had the ability to do damage to the slave.

Keith Bradley provides further insight into the types of violence the slave experienced. The violence, especially as described by Bradley, would appear debilitating and thus could undermine the ability of the slave to function in a productive way. Bradley asserts:

The Roman practice of flogging, burning, and racking of the body[was] evident during the central period...The whip (flagellum) was meant to make deep wounds as it struck the flesh, and its thongs accordingly had pieces of metal attached to them, as the beating took place the slave was either hung up, his feet weighted down, or else he stood with his arms tied to a beam across his shoulders. Burning meant applying directly to the body boiling pitch, hot metal plates or flaming torches, while racing on either the little hose or lyre-strings was designed to separate limb from limb.¹⁰⁷

¹⁰⁵ Bradley, *Slavery*, 49.

¹⁰⁶ Lenski, "Violence," 279.

¹⁰⁷ Bradley, *Slavery*, 166-167.

The violence described by Bradley was intended to emphasize the unquestioned authority of the slave owner and also to compel productivity. Lenski furthers this point and adds, “Often, abuse was meted out in mundane and blasé fashion, calibrated to exploit the labor of the slave while slowly grinding his or her body into oblivion.”¹⁰⁸

The torturous punishments described by Bradley were not the only types of violence experienced by the slave. The slave was held accountable through the body in other ways. The expectation that the sexuality of the slave belongs to the master was implicit in the unquestioned authority of the master. This was also understood by the practice of having the child follow the condition of the mother. This practice, incongruent with the patriarchal norms and practices that informed ancient Rome, was thought to logically benefit the slave master and circumvent the problem of paternity. Alan Watson explains, “The basic rule, described as being of the law of nations, that makes the child’s status depend on that of the mother is common-sensical- any general rule that placed weight on the status of the supposed father would give rise to endless problems of proof.”¹⁰⁹ In the passage what Watson terms the law of nations also referred to the practice of matrilineal inheritance of slave status. In other studies and contexts this practice is also referred to as *Partus Sequitur Ventrem* or the child follows the condition of the mother. Watson describes this as common sensical, yet this same common sense was not applied to citizens. For citizens, patriarchal authority and privilege were determining factors and the father’s claims to his children superseded those of the child’s mother. The reality for slave women was that this practice perpetuated the abuse of

¹⁰⁸ Lenski, “Violence,” 283.

¹⁰⁹ Watson, *Roman Slave*, 10.

enslaved women because it made their abuse profitable to the master. However, sexualized violence was not limited in ancient Rome to rape of enslaved women. The popularity of the eunuch meant that male slaves could potentially experience a distinctive type of sexual violence.

The eunuch was a figure found in both ancient Greek and Roman societies. Supposedly used in some cases to guard the virginity of elite girls and women and to prevent sexual abuse, in other cases the eunuch's function was to provide pleasure for his owner. Later in antiquity, the eunuch assumed varying roles that did not necessarily pertain to sexuality. The castration of boys took on different forms that might involve pressing, crushing, or removal of the scrotum, and in some cases the penis itself.¹¹⁰ This was generally done at an early age, and in some cases was intended to prevent the development of a deeper voice and sexuality. However, some eunuchs were castrated shortly after entering puberty and were thought to retain their ability to perform sexually. Accordingly, Walter Stevenson suggests that the eunuch, created through violence, was thought of as an object to be used for sexual exploitation.¹¹¹ Both Buckland and Alan Watson explain that Hadrian "increased the severity of the laws against castration."¹¹² Watson notes that castrated slaves were profitable, and the scholarship indicated that despite increased restrictions, the popularity of the eunuch slave continued.¹¹³ While the

¹¹⁰ Walter Stevenson, "The Rise of Eunuchs in Greco-Roman Antiquity," *Journal of the History of Sexuality* 5, no. 4 (April, 1995): 497.

¹¹¹ Stevenson, "The Rise," 499 and 502.

¹¹² Hadrian was the Roman emperor from 117 to 138 CE. Buckland, *The Roman*, 37; Watson, *Roman Slave*, 123.

¹¹³ Much of the scholarship on the use of eunuchs is on the period after Hadrian's restrictions on the practice of castration. It indicates the eunuch continues to be a favorable slave. See for example Shaun Tougher, "Eunuchs in the East, Men in the West? Dis/unity, Gender and

eunuch may have provided sexual gratification to both men and women without the consequence of pregnancy, the eunuch presents problems. His sexuality can only be used for gratification but not to reproduce other slaves that would benefit the owner. The eunuch in Terence's work underscored how violence might serve as an undermining factor in the system of slavery.

Terence and the Problem of Voice

In the studies of slavery in the ancient world, one of the primary problems is that of sources. Despite general agreement that ancient Rome was a slave society and that slavery allowed for the elevated lifestyle of Roman citizens, the evidence of slavery, especially in the form of first-hand accounts, has been fragmented and lacking in the perspective of the slave. While the law is a good source of information and can provide an understanding of the values and restrictions of the time period, it also has its limits. The law may reflect concerns of a society, but not necessarily practices. The law may reveal the intentions of the lawmaker rather than the people it governs. There are some sources that give voice to the those who own slaves or those involved in the trade, but virtually none that provide insight from the slave.

The absence of the slave's voice in primary sources is a significant problem. Logically, the perspective of the master who benefits from the slave's labor and the slave who was exploited will be vastly different. The Roman playwright Terence has provided a solution to the problem of sources and voice. As a former slave, Terence has an insight

Orientalism in the Fourth Century," in *East and West in the Roman Empire of the Fourth Century: An End to Unity?* ed. Roald Dijkstra, Sanne van Poppel, and Danielle Slootjes (Leiden, Netherlands: Brill, 2015), 147-63.

into the experience of the slave that the law does not provide. In his plays, the slaves are secondary characters, yet the descriptions of their predicaments, especially the references to violence, affirm the what legal practices and the secondary sources indicated about the slave experience and violence. The use of Terence as a source of insight is in keeping with other scholarship of the ancient World. Roberta Stewart's book, *Plautus and Roman Slavery*, uses a similar approach. She explains, "For Roman slavery the lack of an authentic slave voice—that is, one conscious of a group or class identity—may provide evidence for the power of the slave society that fragmented and effectively subordinated the individual identity of slaves in the interests of the masters."¹¹⁴ This position was recognized by slave owners in control and maintenance of slaves. Kenneth Stamp's argument regarding the subjugation and control of the slave reflects this idea. The slave must be made to align himself with the master's interests and to feel that his interests were those of the master and that his existence was tied to safeguarding the master's interests.¹¹⁵ This obliterated the slave's sense of independence; Stamp contends the slaves must ever feel a dependence on the master. This was necessary for control. Moreover, this type of socialization can serve to prevent the slave, even once free, from forming an identity and voice outside of that of the slave master. The slaves Davos and Parmeno, from Terence's plays, both saw their fates as tied to helping fulfill the goals of their masters. Just as Stewart and Stamp indicated, Terence's slaves in most of his plays are made feel this obligation because of the threat of violence. Furthermore, Stewart

¹¹⁴ Roberta Stewart, *Plautus*, 11.

¹¹⁵ Kenneth Stamp, *The Peculiar*, 147. Here in particular Stamp describes a process of socialization of slaves.

notes that the plays of Plautus offered insight into the nature of slavery. While she admits they are not like the autobiographies of former American slaves, the plays provide an understanding of slavery, in particular for Stewart of the master-slave relationship.

The subject of slavery is not generally the central subject of the scholarship. Yet, Terence's work offers important insight into practices pertaining to slavery and violence. Similar to Stewart's use of Plautus, in the present study, Terence's plays serve as artifacts and when placed in the context of law, social practice, and other secondary sources, they can be useful in understanding the nature of slavery and the violence that was a part of the slave's life. The slaves in Terence's dramas are not the center of the drama and neither is it evident that Terence was making any type of political statement through the slaves. However, a close examination of the role of the slaves in his play, as follows in this chapter, is revealing of the nature of violence that was fundamental to the slave experience.

Terence's plays are considered re-imaginings of the Greek playwright Menander.¹¹⁶ However, the plays do affirm the roles of the slave prescribed by the law and the secondary sources about Roman slavery. As New Comedy, Terence's plays provide insight into social problems. Serena Witzke explain, "Despite the Greek origins and trappings of Roman comedy, Romans felt the plays were mimetic of Roman life."¹¹⁷ Moreover, the prologues of Terence's plays reveal that the Latin translation of Menander

¹¹⁶ Most of the plays of Menander have not survived.

¹¹⁷ Serena S. Witzke, "Violence against Women in Ancient Rome: Ideology versus Reality," *The Topography of Violence in the Greco-Roman World*. ed. Werner Riess and Garrett G. Fagan (Ann Arbor: University of Michigan Press, 2016), 263.

was not the only contribution of Terence; in his re-imaginings he made distinctive contributions that were not necessarily found in Menander's plays.¹¹⁸ The social problems addressed by Terence's plays are primarily family issues.

Terence's plays are not direct protests of slavery nor polemical statements in the tradition of the slave narratives of the United States and the Caribbean.¹¹⁹ If there is humor in the satires produced by Terence, it is found in the absurdities of slavery. The value of Terence's work is founded in the agency and voice afforded the slave characters in his plays. While the slaves are secondary and sometimes minor characters, Terence reveals through these characters problems intrinsic to slavery. Most of the problems of the slave characters are tied to violence. The violence, even the threat of violence, is destabilizing. The slave characters are relied upon to find solutions to the problems of the household. While the main point of conflict is generally between the father and son, the slave's predicament in the plays is governed by the conflict. His well-being is tied to resolving the conflicts of his slave owners. As the nature of slavery indicated, the interest of the master is the interest of the slave. This may appear humorous, but the threat of violence to the slave distracts from the humor of the situation. The slave is desperate to find a solution to a problem that seems unsolvable. The realities of violence in the lives of slaves are made apparent by the predicaments in the plays. All of the plays by Terence

¹¹⁸ See the Prologue from *The Girl from Andros*, 9; also see the Prologue from *The Eunuch*, 155-156 in *Terence: The Comedies*, ed. Peter Brown (New York: Oxford University Press).

¹¹⁹ This point also is made by Roberta Stewart. Roberta Stewart, *Plautus*, 11.

focus on this type of conflict; the two most well received and most prominent in their displays of violence are *The Girl from Andros* (166 BC) and *The Eunuch* (161 BC).

The Girl from Andros

Keith Bradley explains, “It was desirable that slaves stand in fear of their masters.”¹²⁰ This fear was intended to socialize the slave into compliance. It was used to promote in the slave an identification with the master. The interests of the master were the interests of the slave.¹²¹ Yet, the fear could also lead to rebellion and an inability to be productive. This is represented in Terence’s play, *The Girl from Andros*. Set in Athens, the play highlights the importance of citizenship and marriage. In brief, the play revolves around the character Simo’s attempt to marry his son, Pamphilus, to a woman of comparable status. Simo believes the marriage will be advantageous to his family. Pamphilus is in love with the younger sister of a prostitute. Pamphilus’ love interest, Glycerium, is a foreigner and deemed by her station in life unworthy of marriage to Pamphilus. However, as the play opened, Glycerium is giving birth to Pamphilus’ son. Caught in the middle of the family drama is the slave Davos. Davos is trapped by his inability to serve the interests of both the father and the son.

There are few methods of violence that Davos is not threatened with in his schemes to bring resolution to the conflicts of his masters. From the very start, the character Simo warns Davos, “If I find out that you’re trying any trickery today over this

¹²⁰ Bradley, *Slaves*, 113. This statement by Bradley is also the name of a chapter in Kenneth Stampp’s *The Peculiar Institution*: “To Make Them Stand in Fear.” See Kenneth Stampp, *The Peculiar*, 141-91.

¹²¹ In discussing the violence that defined the master-slave relationship, he comments, “The flip side of this supreme masterly authority over the life of the slave was the slave’s unconditional responsibility for the life of the master.” Lenski, “The Topography,” 286.

wedding, to stop it happening, or that you're wanting to display how clever you are in that regard, I'll flog you with the whips and send to work at the mill till you're dead, Davos."¹²² The threat of the mill is mentioned twice. After Simo's threat, Davos remarks, "I'm a dead man! Is there any reason I shouldn't go straight off to the mill?"¹²³ Sandra Joshel explains the punishment of being sent to the mill: "Slaveholders could send troublesome slaves to work in a flour mill. This punishment was common enough by the late third and early second centuries BC."¹²⁴ Work in the mill increased the likelihood of injury and death; it also means that the slave was more likely than not under the whip. Peter Brown points out, "For a slave, to be sent to work at the mill on his master's country property was to be condemned to hard labour, since the mills in question were hand-driven."¹²⁵

However, the more likely punishment for Davos would be flogging. Bradley points out, "Physical punishment was taken for granted and largely unquestioned.... Flogging was a widespread punishment for which, it seems little justification was required." Similarly, Lenski argues, "The whip constituted the symbol par excellence of masterly authority, standing in as a veritable metonym for the right of a master to punish or simply abuse his property"¹²⁶ In fact, the whipping, whether private or public, was a punishment reserved for the slave and was indicative of the person's status as slave.

¹²² Terence, *The Girl from Andros*, lines 190-200.

¹²³ Terence, *The Girl from Andros*, lines 590-600.

¹²⁴ Sandra R. Joshel, *Slavery in the Roman World* (New York: Cambridge University Press, 2010), 120.

¹²⁵ Peter Brown, "Notes," *Terence: The Comedies* (New York: Oxford University Press, 2006), 308.

¹²⁶ Lenski, "Violence," 279.

At one point in the play, when all seems lost for the character Pamphilus and he blames Davos, Davos, in jest, states that a possible punishment for him would be crucifixion.¹²⁷ The practice of crucifixion could be used in the execution of rebellious slaves. Lenski clarifies, “One of the most common methods for the execution of slaves was crucifixion.”¹²⁸ The spectacle of the crucifixion was designed to deter and frighten anyone who would attempt to threaten the life of the slave owner. However, Davos’ offenses did not warrant crucifixion. The mention of it by Terence was an allusion to the potential for a violent system to turn on those supposedly in positions of authority. Moreover, Terence may have been alluding to the idea that the violent punishment can become excessive. In other words, the threat of violence did not necessarily foster obedience. Also, the laws and practices suggest the slave master has discernment because of his superior position, but neither the violent punishments nor the reliance on the slave reflect a superior position. The violence and the threat of violence appear gratuitous and for entertainment.

In the end, Davos’ scheming has caught up to him, and he cannot discern a solution. He is unable to perform his duties. The audience in the play is witness to his dysfunction that is caused by the fear of violence. His schemes devolve into panicked action and finally he is bound in preparation for a flogging. The master, Simo, claims from the start to be a good master and instead of punishing Davos himself, he calls for the Dromo. Peter Brown explains, “Dromo is clearly a *lorarius* or ‘flogger’ slave kept to

¹²⁷ Terence, *The Girl from Andros*, lines 620-630.

¹²⁸ Lenski, “Violence,” 286.

administer punishments to other slaves.”¹²⁹ Werner Riess provides clarification: “Masters could delegate the execution of corporal punishment to officials of the city, thus maintaining their own image as moderate slave owners.”¹³⁰ At the start of the play, Simo identifies himself as a master of this sort. Self-congratulatory, he praises himself and tells a slave he freed that he provided a “mild” form of slavery for him.¹³¹

Given Davos’ inability to function in his role as a consequence of the threat of violence that constantly hangs over him, the words of the character Pamphilus are understood in a different light. Pamphilus proclaims out of disappointment in his slave’s failure to solve his problem, “Can I believe this? Can it be true? Can anyone be so perverse that another person’s troubles give them pleasure, and they make their own happiness depend on someone else’s unhappiness. Is that really right?”¹³² This is a curious statement as it seems to be a direct statement about the exploitative nature of slavery. The statement would appear to be part of a polemic but does not progress beyond this moment. As indicated by the passage, the system of slavery itself afforded the privileging of happiness of one group at the expense of another. Davos is not happy at any point in the play. He attempts desperately to find solutions. Thus, Terence’s drama makes clear that the productivity and economy sought through the use of slave did not always render the desired result. The violence necessary to inspire labor can also render

¹²⁹ Brown, Peter, “Notes,” 311.

¹³⁰ Werner Riess, “Introduction” *The Topography of Violence in the Greco-Roman World*, ed. Werner Riess and Garrett G. Fagan (Ann Arbor: University of Michigan Press, 2016), 9.

¹³¹ Terence, *The Girl from Andros*, lines 30-40.

¹³² Terence, *The Girl from Andros*, lines 626-29.

the slave dysfunctional. Thus, slavery inherently was problematic and has the potential to turn on itself.

The Eunuch

The play, *The Eunuch*, reveals further the violence as an inherent problem in slavery. *The Eunuch* is set in Athens.¹³³ In the play the slave, Parmeno, as was the case with the slave in *The Girl from Andros*, attempts to provide information that would be helpful to his master. The play revolves around three conflicts: Phaedria's conflict with Thraso for the hand of Thais; Chaerea's quest to be with Pamphilia; and the quest to restore Pamphilia to her rightful place as citizen.

The title of the play is suggestive of the violent nature of slavery. The eunuch is a person created through physical violence and given to a life of sexual violence. The expectations of the eunuch as slave are ironically in contrast. At once he is a being without sexuality meant to guard the chastity of women, and on the other hand, he is a sexual being used to satisfy women without fear of pregnancy and to satisfy men's sexual desires as well. A figure of abuse, made by violence and supposedly admired for his beauty, yet when the eunuch Dorus is first presented in the play, he is described as unattractive. The character Chaerea proclaims, "What? That hideous fellow he bought yesterday-that old man who's really a woman?"¹³⁴ The appearance of the eunuch Dorus is congruent with the violence and abuse that characterized the life of this type of slave. When Chaerea takes Dorus' place and pretends to be the eunuch, he is believed in part

¹³³ The misogyny that underlines the play was remarkable. This was not the focus of this chapter, but for examples see pages 170, 194, and 199 for examples in Terence's *The Eunuch*. Peter Brown, ed. *Terence: The Comedies* (New York: Oxford University Press, 2006).

¹³⁴ Terence, *The Eunuch*, lines 350-60.

because no one in Thais' household knew Chaerea or Dorus, but also because Chaerea is beautiful. This contrast between the reality of the eunuch and the expectation is suggestive of problems. In other words, there is not a clear understanding of the dangers and consequences of objectifying and exploiting human beings.

When Pamphilia is raped by Chaerea, Thais and her servants are shocked. Yet, Chaerea's description of the role of eunuch suggests the precarious nature of the household in which he is present. He proclaims to Parmeno his envy of the eunuch: "His fellow slave, the height of beauty, he'll see all the time indoors; he'll talk to her, he'll be together with her in one and the same house; sometimes he'll take food with her, and from time or time he'll sleep next to her!"¹³⁵ In his proclamation, the character Chaerea reveals the potential problem of a slave created in violence but used for protection. If Chaerea can pretend to be a eunuch and rape a citizen, why could another slave, especially whose existence is defined by violence, not do the same?¹³⁶ The circumstances of the eunuch and the violence that defined his experience are extraordinary, but violence did define the slave in general and in some cases the violence was exceptional. Thus, the same problem attributed to the eunuch also can be attributed to the slave in general. For the slave was a human being whose status was created and perpetuated through violence. Why would the slave not act in turn with the same violence against the slave owner? In light of this fact, the comments from the character Chaerea before his rape of Pamphilia are understood in a different light. Chaerea

¹³⁵ Terence, *The Eunuch*, lines 360-370.

¹³⁶ A eunuch castrated just after puberty retained their ability to achieve an erection and perform sexually, but not reproduce. See Walter Stevenson, "The Rise of Eunuchs in Greco-Roman Antiquity," *Journal of the History of Sexuality* 5, no. 4 (Apr, 1995): 499.

announces, “Is it an outrage if I’m going to be taken into a tart’s house and get my own back now on those torturers who quite despise us, boys like me, and always utterly torture us —and if I’m going to trick them just as we’re tricked by them? Everyone would think this was treating the women as they deserve.”¹³⁷ The comments are at first seen as misogynistic rantings of a rapist justifying his crime. The same statements also might be attributed to a slave whose existence is very similar to that described by Chaerea. Thus reveals the tenuous nature of slavery and the resentment fostered by a system based in violence, disparagement, and rejection. The violence definitive to slavery, intended to foster obedience, has the potential to undermine itself.

The character Pamphilia also exemplifies the tenuous nature of slavery. Pamphilia is kidnapped as a child and sold into slavery. She is rescued by Thais’ mother, but after the mother’s death, Thais’ uncle sells Pamphilia again. Thais is determined to restore Pamphilia. Thais’ lover purchases Pamphilia as a gift to Thais. While Thais makes arrangements to have Pamphilia united with her brother, Pamphilia is raped by Chaerea. Despite Chaerea’s declaration of love for Pamphilia, in the description given by Thais’ servant, this is not apparent. The character Pythias describes Chaerea’s actions toward Pamphilia as “an audacious deed” and proclaims, “What’s more, the villain, after he’d tricked her, actually tore all the poor girl’s clothes and tore her hair too!”¹³⁸ The fate of Pamphilia is not unusual. As a slave, Pamphilia’s violation could be dismissed and there is no recourse afforded her.¹³⁹ Serena Witzke explains, “‘Rape’ did not exist

¹³⁷ Terence, *The Eunuch*, lines 380-90.

¹³⁸ Terence, *The Eunuch*, lines 640-50.

¹³⁹ Witzke, “Violence against,” 260-62.

concerning slaves: masters could do as they wished with their own property, and anyone else who violated a slave was guilty not of rape but of misusing the property of another citizen.”¹⁴⁰ Pamphilia is only restored through her marriage to Chaerea.¹⁴¹ However, Pamphilia is a citizen and her violation points to one of the problems of slavery in Rome. An institution created in violence, the violence could easily spread to citizens alike and the possibility of claiming freedom without intervention were few. There were not necessarily racial distinctions or markers that would identify one as citizen and one as slave. People from certain places or certain ethnic groups may have been thought of as ideal slaves, but kidnapping was a threat for slave owners and citizens alike.¹⁴² According to Peter Brown, “Kidnapping by pirates was a real danger in the ancient world; the pirates would ransom their victims or (as in this case) sell them into slavery.”¹⁴³ Bradley also provides insight into piracy and kidnapping. He explains,

Piracy within the sphere of Roman influence, finally, must be acknowledged as a major means of generating new slaves. At the beginning of Rome’s central period the pirates of Cilicia were already notorious for the scale on which they conducted kidnapping and trafficking activities: the island of Elos, where they dumped their victims because they knew Roman merchants were waiting there to receive them, is said to have turned over tens of thousands of slaves daily in the early second century BC.”¹⁴⁴

The system of violent upheaval of people through kidnapping meant that the institution could fold in upon itself. In other words, the very people that the institution was meant to

¹⁴⁰ Witzke, “Violence against,” 261.

¹⁴¹ While this may seem improbable, at various periods in Rome history this was a possibility. See Nghiem Nguyen, “Roman Rape: An Overview of Roman Rape Laws from the Republican Period to Justinian’s Reign,” *Michigan Journal of Gender and Law* 13, No.1 (2006): 75-112.

¹⁴² R.H. Barrow. *Slavery in the Roman Empire* (New York: The Dial Press, Inc, 1928), 5-7.

¹⁴³ Brown, “Notes,” 325.

¹⁴⁴ Bradley, *Slavery*, 37.

serve, the Roman citizens, might be undermined by the institution and become slaves. The violence that informed the institution meant that there was the potential threat to the well-being of the citizens and slaves alike.

Like Davos in *The Girl from Andros*, the conflict experienced by the slave, Parmeno, is constant. The brothers Phaedria and Chaerea rely upon Parmeno and he ever feels the threat to his well-being if he cannot satisfy his masters. Parmeno's character, much like that of Davos, are always aware of the threat of violence. He lives in service to his masters, and yet he realizes that if he advises wrong or does not find a reasonable solution he will meet with violence. Even while advising his masters he is aware that there is a danger in the solutions he proposes. He says to Chaerea, "But look here, you'll get the bean; I'll get the shelling."¹⁴⁵ Moreover, the reliance on Parmeno for advice and solutions suggests a fundamental problem in the order. The slave is supposedly an inferior, an instrument, alive but also dead. The fact that he has more wisdom or is looked to for advice from his masters suggests the system could easily be undermined despite the threat of violence. As the actions of Chaerea were discovered it is Parmeno who is threatened. By way of retribution, Pythia, the slave of Thais, deceives Parmeno, telling him that Chaerea has been killed by Pamphilia's brother.¹⁴⁶ Thus, Parmeno believes his own life is at risk. His fear is evident in his discussion with Chaerea's father. He exclaims, "There's no doubt there's a lot of trouble in store for me as a result of this.... I've given myself away and caused my own death."¹⁴⁷ Thus, it is clear that the

¹⁴⁵ Terence, *The Eunuch*, lines 380-90. While the meaning of this statement is not exactly clear, the suggestion is that he feels the threat of violence if the plan does not work.

¹⁴⁶ The punishment of death or castration also were possible punishments for rape of a female citizen during certain periods of Roman history. See Nghiem Nguyen, "Roman Rape," 87.

¹⁴⁷ Terence, *The Eunuch*, Lines 990-1000.

slave has aligned his interests with that of the master. This was the intention of the fear and threat of violence that pervaded the slave's life. Yet, the effect was not one of productivity or inspiration to excel in duty, but a despondency.

Conclusion

The writings of Terence further the insights provided by the law and the secondary sources. They show violence as a necessary and fundamental aspect of slavery. Terence, in particular, suggests in his plays the inherent flaw in the system of slavery. Slavery is defined by violence, a violence necessary for the authority and privilege of the slave owner and necessary for productivity. Yet the violent nature of slavery had the potential to create problems that could destroy the system. The Roman system of slavery, brutal and problematic, survived in part, although in a less prominent form into the medieval period. Slavery resurfaced as a practice by Europeans in the Americas in a prominent and dramatic form. Just as the violence served as a potential problem in the ancient world, it would present itself as a problem in the New World. Slave Law in ancient Rome and works of Cato, Varro, and Terence forecasted some of the problems that will be evident in American slavery. The absolute authority of the master, the exploitation of the productivity of one group of human beings for the economic benefit of another, and the debilitating and undermining effects of violence in the slave order are elements of slavery that continue and are present in New World slavery.

Chapter 3

Violence and Southern American Slavery: The Mann Case and the Narratives of Moses Roper and Frederick Douglass

Introduction

In 1828 in Chowan county, North Carolina, a slave named Lydia was hired out to John Mann. John Mann became dissatisfied with Lydia and began whipping her. Lydia attempted to escape the punishment and ran from Mann. Mann ordered her to stop and when she continued to move, he shot her. Lydia's owner, Elizabeth Jones, pressed charges of assault against Mann. The court found that Mann was guilty and fined him. When the case was appealed to the Supreme Court of North Carolina, Judge Thomas Ruffin reversed the ruling. He claimed that the person hiring out the slave had the same rights as the slave master. The master, according to Ruffin, had complete control over the slave.¹⁴⁸ He determined that the master would act in the best interest and that the owner would be restrained in his or her behavior toward the slave because of moral codes among Southerners and the master's responsibility to the community. These are the factors in the case of *State v. Mann* or "the Mann case."

This chapter examines the case of *State v. Mann* of 1829 and the narrative of Moses Roper to gain insight into the nature of violence in slavery in the United States.¹⁴⁹

¹⁴⁸ *State v. Mann* 2 Devereux 263, December 1829 in *Judicial Cases Concerning American Slavery and the Negro*, vol II: *Cases from the Courts of North Carolina, South Carolina, and Tennessee* ed. Helen Tunnicliff Catterall (New York: Negro Universities Press, 1968), 57. Also, for an extended explanation of the original fine of five dollars and the reversal of ruling by Judge Ruffin see Tushnet, *Slave Law*, 20-30.

¹⁴⁹ *State v. Mann*, 57.

It offers insights into slavery by comparing the slave law with firsthand accounts of slavery. It looks specifically at law and literature in the Carolinas that are reflective of common practices in the institution of slavery in the American South. It places the precedent-setting Mann case in historical context and then reveals the significance of the case to the institution of slavery and the ideologies that informed slavery. The chapter then problematizes the Mann case with the insights afforded by the firsthand accounting of slaves, with particular focus on Moses Roper and Frederick Douglass' narratives. Roper's narrative makes clear that the practices affirmed by Mann were evident in the everyday practices in North Carolina and also in South Carolina. Roper's narrative challenges the underlying assumptions offered by the Mann case. Bringing the texts into conversation reveals that the violence that was fundamental to slavery also served to undermine the institution by inspiring slaves to rebel.

In the United States, the law was not always reflective of the current practices. In some cases, a legal statute took some time to be enacted. Statutes generally reflected longstanding practices by slave owners.¹⁵⁰ The Mann Case is known, not only as precedent setting, but as inscribing into law longstanding beliefs and customs. The case of *State v. Mann*, decided in 1829, calmed the fears of slaveholders in the South. The decision offered by the judge in the case was the standard throughout the South. During the early part of the nineteenth century, slaveholders increasingly became wealthy from

¹⁵⁰ This is true of laws pertaining to race and to inheritance of slave status as well as violence. This point is made by Jonathan Bush. He notes that the practices of slaveholders were not sanctioned by law, but social custom. Later, laws or court decisions affirmed the practices. Jonathan Bush, "The British Constitution and the Creation of American Slavery in *Slavery and the Law*, ed. Paul Finkelman (Madison: Madison House, 1997) 382-83.

cotton production and feared that growing antislavery views might undercut not only their profit but their way of life. Moses Roper affirmed the essence of the Mann decision in his narrative published in the 1830s. However, Roper offered more details about the nature of violence and the limitations of the master.

The Mann Case, Slavery, and Violence

Slave laws in the nineteenth-century United States increasingly restricted and policed the slave as the profitability of slavery peaked with the rise of cotton production.¹⁵¹ In North Carolina, there were statutory laws regarding violence and the killing of a slave, but most decisions were made on a case-by-case basis in court. The Mann case inscribed in law a practice that had long been understood as common among slave owners in the United States. The suggestion from the court's ruling was the authority of the slave master is unquestioned. The Mann case, involving violent action, presented the question of limits on the master's authority when exercising his physical will over the slave. In his ruling, Judge Ruffin proclaimed that the slave master had unrestricted authority over his slaves, acknowledging that violence was not only an expected and accepted aspect of slavery, but also legal.¹⁵² Judge Ruffin's ruling assured slave owners of their authority and their legal right to their property. Yet his decision in the Mann case created problems despite his desire to act in the interest of the slaveholder and foster stability. Based in paternalistic views of the master-slaver relationship, his ruling further placed the slave in a difficult position with no recourse. Ruffin suggested

¹⁵¹Julius Yanuck, "Thomas Ruffin and North Carolina Slave Law," *The Journal of Southern History* 21, no. 4 (Nov, 1955): 462.

¹⁵² Tushnet, *Slave Law*, 11. Also see Andrew Fede, *Homicide Justified* (Athens: University of Georgia), 144.

that if the slave owner acted in an abusive and immoral manner toward his slaves, the community would hold him accountable. Idealistic, self-serving, and duplicitous, this view offered by Judge Ruffin naively placed decisions about morality in the hands of those whose interests were not the human dignity of their slaves, but productivity and profit.

Judge Ruffin was a successful lawyer, banker, and judge of this time. He established himself as a prominent and influential member of North Carolina. He has since the nineteenth century been the subject of study and referenced in scholarship on slavery and the law; one study noted one that a statue of him remains in the North Carolina Supreme Court building.¹⁵³ Greene writes, “Ruffin was revered for his significant contributions to state’s legal doctrines, notably his use of the law to hasten economic progress.”¹⁵⁴ Judge Ruffin was successful in putting into law a practice that was common throughout the South. The parameters established in the *State v. Mann* case were parallel to the practices in Maryland, Virginia, Louisiana, and South Carolina. South Carolina was an outlier among the colonial settlements because it was founded as a slave state. The practice and law in South Carolina whereby the master had unquestioned authority over the slave predates the Mann ruling. The state constitution of 1669 recognized the master’s unquestioned authority over the slave.

According to scholar A. Leon Higginbotham, the law in South Carolina was intended to distinguish the slave from white indentured servants who had some protection

¹⁵³ Sally Greene, “Judge Thomas Ruffin and the Shadows of Southern History,” *Southern Cultures* (Fall 2011): 67.

¹⁵⁴ Greene, “Judge Thomas,” 68.

against abuse. Higginbotham also underscores that the categories “slave” and “Black” were considered in South Carolina to be the same. This point was suggested in the Mann Case. In other words, the law is intended here to make clear distinction between slave and free or quasi-free that also could extend to differences between Black and White people. Black people are slaves, governed by certain practices that recognize the authority of the master, as white, and acknowledge the slave as Black and subordinate.

Ruffin’s decision did not consider the greed and immorality that informed the institution of slavery. In his ruling he explained, “The power of the master must be absolute to render the submission of the slave perfect.”¹⁵⁵ Ironically, he argued that the power dynamics in the master and slave relationship are “a principle of moral right.”¹⁵⁶ The irony of Ruffin’s language was clear; he ascribed morality to immoral behavior. Further, he attributed morality to behaviors that at their foundation are motivated by greed and racism.¹⁵⁷

Ruffin imposes a dynamic on the Mann case that did not exist and thereby suggested in his decision that the authority of the master and that of white men were interchangeable. The case did not directly address the issue of race, but like the codes established in South Carolina by the eighteenth century, slavery was clearly racialized; black people were imposed with the identity of slave, whether free or not. Like the implicit language used in South Carolina’s 1669 Constitution, the Mann case established

¹⁵⁵ *State v. Mann*, 57.

¹⁵⁶ *State v. Mann*, 57.

¹⁵⁷ The racist ideology imbedded in Judge Ruffin’s decision is reflective of proslavery rhetoric. See George Fitzhugh, *Sociology for the South; or, the Failure of Free Society-1854*. <https://docsouth.unc.edu/southlit/fitzhughsoc/fitzhugh.html>.

a power dynamic not just about the master and slave relationship, but about white and black. Black people were not to question the authority of whites; this was suggested because Ruffin changed the nature of the case.¹⁵⁸ The case was not about the master-slave relationship but about hiring out a slave.

Moreover, in changing the nature of the case, Judge Ruffin suggests he is protecting the interests of the slave owner. Yet his judgement does not account for the damage to “property” that was acknowledged by the lower court ruling. The lower court compensated the slave owner, but Judge Ruffin does not. Instead, his opinion suggests a concern with stability and authority of white men as slave owners and Black people as subjects of slave owners. He seemed to imply that this order should be consistently followed whether the white person is in fact an owner of a slave or not. Subsequently, the line of reason suggests that the Black person be treated as slave, whether slave or not. This order was to provide security and stability, but it did not account for the damage caused to “property” by violent action.

The scholarship on the Mann case attempts to contextualize the Mann case and show its relationship to other events during the nineteenth century as well as different court cases. Some of the scholars draw clear connections between the Mann case and other cases involving the death of slaves, but some of the scholarship is focused solely on legal theory.

¹⁵⁸ This idea is presented in more of an explicit manner in *State v. Caesar* of 1849. This case was not determined by Ruffin. *State v. Caesar*, 9 Iredell 391, June 1849 in *Judicial Cases concerning American Slavery and the Negro*, vol. II, ed. Helen Tunnicliff Catterall. (New York: Negro Universities Press, 1968), 132-133.

Julius Yanuck's essay, "Thomas Ruffin and North Carolina Slave Law," and Andrew Fede's *Homicide Justified: The Legality of Killing Slaves in the United States and the Atlantic World* are examples of scholarship that is considerate of slavery politics in North Carolina and the United States in the 1820s and 1830s. Yanuck argues that legal decisions regarding slavery were a response to abolitionist rhetoric and fears about instability. Fede views the Mann Case as establishing a precedent that placed the slave in a tenuous position. He explains:

North Carolina's legislators adopted laws making slave murder a capital crime, but they unambiguously legitimized slave master killings of resisting slaves and killings from moderate correction. And the courts went further, modifying the common law to grant masters special privileges to kill slaves. Only the wanton extremes of violence exhibited by Hoover and Robbins sank to the level of depravity warranting the ultimate punishment.¹⁵⁹

Other scholarship contextualizes Ruffin's ruling in the Mann case, affirming the problematic nature of the case. This is true of Mark Tushnet's *Slave Law in the American South: State v. Mann in History and Literature*. He suggested, like Yanuck, that Ruffin saw the slave master as having a paternalistic relationship with the slave. Thereby, he implies that Ruffin's position was that the slave master would act in the best interest of the slave and the society; for as Tushnet explained, Ruffin's decision was mindful that the supposed stability and security of the society relied upon the unquestioned authority of the master.¹⁶⁰ This implied that Ruffin's ruling was seen as

¹⁵⁹ Andrew Fede, *Justified: The Legality of Killing Slaves in the United States and the Atlantic World* (Athens: University of Georgia Press, 2019), 151. *State v. Hoover*, 4 Dev. and Bat. 365, December 1839. In *Judicial Cases Concerning American Slavery and the Negro*, vol. II, ed. Helen Tunnickliff Catterall (New York: Negro Universities Press, 1968): 85-86. *State v. Robbins*, 3 Jones N.C, 249, December 1855 In Catterall, *Judicial*, 193-194. In the Robbins case, the slave owner Robbins was indicted and convicted in the killing of his slave.

¹⁶⁰ Tushnet, *Slave Law*, 33; also see 51 and 61.

problematic by Abolitionist and contemporary audiences. However, Tushnet argued that Mann's ruling should be considered in the context of economic conditions and societal pressures of the time.

Ruffin claimed, as Tushnet points out, that he was mindful of the limits of the law and that his court could not make rulings that overstepped these limits. This is curious; Ruffin claimed to be constrained by the law, but strangely he was not limited by the facts of the case. Ruffin changed the facts of the case from the authority of employer of the services of another person's slave to make the case about the nature of master-slave relationships, making his discussion of limits questionable. Also, those limits can be viewed as serving the interests of the slave owner but not the humanity of the slave.

Alan Watson suggests the significance of the Mann case. In his discussion, contrasting European slave laws and American slave laws, he explains: "In English America one might almost say that a slave belonged to every citizen-at least he was subordinate to every white."¹⁶¹ Ruffin's ruling was intended to underscore the stations of both black people as enslaved and white people as superior. As Ernest Clark points out, "The primary purpose of the code was to preserve white supremacy."¹⁶²

In some ways, Ruffin's ruling ignored the interest of the slave owner. Based on his ruling, the "property" of the slave owner could be abused and damaged without compensation. Ruffin's ruling was intended not necessarily to protect the economic interests of the individual slave owner but the institution of slavery and the larger

¹⁶¹ Alan Watson, *Slave Law*, 66.

¹⁶² Ernest Clark, "Aspects of the North Carolina Slave Code, 1715-1860," *The North Carolina Historical Review* 39, no. 2 (April 1862): 149.

economic and social interests of white slave owners. The Mann decision relies upon discretion of the slave master. The case of *State v. Hoover* of 1839 calls this into question.¹⁶³ In this case, the slave owner, John Hoover beat his slave repeatedly over a period of time with various instruments, including iron chains. The slave, Mira, was pregnant and not moving and working to Hoover's satisfaction. At the trial, neighbors testified against Hoover. The case was a consequence of Ruffin's ruling in the Mann case. Had Ruffin given in the Mann Case a provision or a qualification on the master's authority, then there may have been the possibility to intercede before Mira's death. However, the law allowed for Hoover's behavior. While Ruffin ruled against Hoover and sentenced him to death, the unusually cruel and reckless behavior of Hoover was sanctioned by the Mann case. Thus, it was clear that even Ruffin's later decisions challenged the ideas espoused in the Mann case. The slave master cannot be relied upon to act morally in the interests of the slave and his community.¹⁶⁴ Yet, despite the example of Hoover, the Mann case revealed the possibility for a horrifically violent environment in the American South. Ruffin was a successful judge, and his rulings and ideas were relied upon and parallel Confederate pro-slavery rhetoric and the beliefs about master-slave relationships throughout the South.

¹⁶³ It is not clear that Mann is referenced in the Hoover Case. In the discussions of violence, Mann and Hoover are discussed, but there are distinctions made between the two cases. Judge Ruffin writes the decision on the Hoover case as well, but his opinion suggests that Hoover is the exception rather than the rule. What is evident in the ruling and in the scholarship is that Hoover's violent behavior was deemed abhorrent. See Fede, *Homicide*, 143-148.

¹⁶⁴ *State v. Hoover*, 4 Dev. and Bat. 365, December 1839. In *Judicial Cases concerning American Slavery and the Negro*, vol. II, ed. Helen Tunnicliff Catterall. (New York: Negro Universities Press, 1968): 85-86.

The Slave Narrative as Source and Weapon

Moses Roper's narrative was distinguished from other narratives because of the prominent descriptions of violence in his narrative, his visual displays of the violence, and the instruments used to administer violence. It also was one of the earliest narratives to reveal the devastating and at times absurd nature of slavery.¹⁶⁵ The intersection of the two texts, the Mann case and the Roper narrative, reveals the nature of violence in slavery. Placing the two texts in conversation provides insight into the nature of violence in slavery in the American South.

Slave narratives, stories written by and about the experiences of former slaves, generally covered experiences and observations from the birth of the slave to his or her escape to freedom. These narratives began appearing in print in the United States in the eighteenth century and continued to be published up until the 1930s when writers in the Federal Writers Project recorded the experiences of former slaves.¹⁶⁶ The narratives included invaluable firsthand accounts of the nature of American slavery. While some of the earlier narratives were more adventure tales than polemical texts, after 1830, narratives published with the support of the Abolitionist Movement began to take on a decidedly more political nature. The narratives most often recounted the severe, violent, and inhumane nature of slavery. The slave narratives challenge the assumptions found in Ruffin's ruling in the Mann case.

¹⁶⁵ Roper's narrative is distinctive in part because of his identity as a quadroon, only one-fourth black, yet considered black. Thus, Roper reveals multiple ways in which the elements that define American slavery are problematic, if not absurd: a racialized system that allows for the creation of racial ambiguity.

¹⁶⁶ For in-depth discussion of the background of slave narratives, see Marion Starling, *The Slave Narrative* (Washington, DC: Howard University Press, 1988).

Frederick Douglass is the author of what most scholars consider to be the most literary and influential of the slave narratives. Douglass was born in Talbot County, Maryland in 1818. He escaped from slavery in 1838 and with the assistance of Abolitionists, he furthered the self-instruction he began as a slave. He became one of the chief spokespersons for the abolitionist cause. Frederick Douglass' 1845 *Narrative* was considered an ideal polemical tool of the Abolitionist Movement because it underscored the violent nature of slavery. Douglass later penned two more versions of his autobiography: *My Bondage and My Freedom* in 1855 and *The Life and Times of Frederick Douglass* in 1881.

In 1899, Charles W. Chesnutt, famed short story writer and novelist, published one of the first biographies on Frederick Douglass.¹⁶⁷ In the biography, Chesnutt praises Douglass as an extraordinary man and begins a long history of studies that advanced a similar view of Frederick Douglass. Like Chesnutt, Marion Starling celebrates Douglass' idealism. Starling began the research for her dissertation on slave narratives in the 1940s. At the time, there was little appreciation of the accounts of slavery written by former slaves.¹⁶⁸ In her study, she acknowledges the primary position of Douglass' narrative. She praises both its literary and historical significance. Marion also explains that Douglass' narrative and the other two versions of his life story, *My Bondage and My*

¹⁶⁷ Charles W. Chesnutt, *Frederick Douglass: A Biography* (Boston: Small, Maynard and Company, 1899).

¹⁶⁸ Accounts of former slaves were gathered by the Federal Works project. However, the point here is about critical attention and scholarship of Frederick Douglass. This discussion does not include the recent trend of looking at Douglass' travels overseas and his appeal in Great Britain. See Laurence Fenton, *Frederick Douglass in Ireland* (West Line: Collins Press, 2014); and Christine Kinealy, *Black Abolitionists in Ireland* (New York: Routledge, 2020).

Freedom and Life and Times of Frederick Douglass, were not readily available in the 1940s.¹⁶⁹ In the 1960s, historian Benjamin Quarles “rediscovers” Douglass with the reissuing of Douglass’ 1845 narrative.¹⁷⁰ Quarles’ biography is one of many biographies on Douglass in the later part of the twentieth century.¹⁷¹ Among them is Williams S. McFeely’s *Frederick Douglass*.¹⁷² Study of the slave narrative in the 1980s were part of a widespread recognition of African-American literature as an acceptable field of study.¹⁷³ Most of the biographies and studies on Douglass were in agreement with Starling’s assessment.¹⁷⁴ Douglass is presented as an ideal and romantic figure. McFeely’s biography, in trend, shows Douglass as exceptional. There are three recent

¹⁶⁹ Marion Starling’s 1946 dissertation at New York University was not published until 1981. Marion Starling, *The Slave Narrative* (Washington, DC, 1981), 322.

¹⁷⁰ Robert S. Levine, *The Lives of Frederick Douglass* (Cambridge: Harvard University Press, 2016); and Benjamin Quarles, *Frederick Douglass* (Englewood Cliffs, NJ: Princeton University Press, 1948). Levine attributes the rise in attention to Douglass in the 1960s to Quarles’ efforts.

¹⁷¹ Levine, *The Lives*, 2016.

¹⁷² William S. McFeely, *Frederick Douglass* (New York: W. W. Norton and Company, 1991).

¹⁷³ There were a number of earlier publications reprinted by African-American authors in the 1980s and there was an increase in the critical attention paid to these authors. Levine mentions *The Slave’s Narrative*, a collection of essays edited by Charles R. Davis and Henry Louis Gates, Jr. There were other significant publications. Among them was Henry Louis Gates’ “Criticism in the Jungle” and his book *The Signifying Monkey*. See Henry Louis Gates, Jr, “Criticism in the Jungle,” in *Black Literature and Literary Theory*, ed. Henry Louis Gates, Jr. (New York: Routledge, 1984), 1-24; and Henry L Gates, Jr, *The Signifying Monkey* (New York: Oxford University Press, 2014). There also was significant attention paid to African American women writers. The prominence of Alice Walker, Toni Morrison, Gayl Jones, and Gloria Naylor affirmed the value of African American literature. Henry Louis Gates’ work at Harvard University and the establishment of the doctoral program in African American Studies at Temple helped to affirm and to perpetuate critical studies of African American culture and literature.

¹⁷⁴ James Onley’s essay, “‘I Was Born’: Slave Narratives, Their Status as Autobiography and as Literature,” appears in the Gates and Davis collection, *The Slave’s Narrative*, published in 1985. Levine credits this article with establishing Douglass’ 1845 *Narrative* as ideal, but this idea was advanced by Starling in 1946 and in the publication of the dissertation in book form in 1981. Starling, *The Slave*, 277.

publications on Frederick Douglass that have received critical praise: Robert S. Levine's *The Lives of Frederick Douglass*, Timothy Sandefur's *Frederick Douglass: Self-Made Man*, and David Blight's *Frederick Douglass: Prophet of Freedom*.¹⁷⁵ Again, these three books expand the view of Frederick Douglass as exceptional. Levine's book has some differences in that he emphasizes Douglass' multidimensionality. Douglass is a different person, depending on the version of his life and his role as slave, writer, orator, politician, and family man.¹⁷⁶ Sandefur's book is focused on the political ideologies that informed Douglass' career. Blight underscores the exceptionalism of Douglass as a man guided by religious and moral vision.¹⁷⁷ Blight's biography is distinguished by the significant context provided and its attempt at a comprehensive portrait of Douglass. Blight includes information on the environment in which Douglass was born and lived, the political dynamics of the period, and Douglass' personal relationships.

Douglass' experiences challenged the notion that violence always compels submission. In the second version of his autobiography, *My Bondage and My Freedom*, Douglass revised and extended the chapter from his 1845 *Narrative*, in which he recounted how he refused to be whipped and thus gained his manhood and mental freedom before escaping to physical freedom.

¹⁷⁵ Robert S. Levine, *The Lives of Frederick Douglass* (Cambridge: Harvard University Press, 2016); Timothy Sandefur, *Frederick Douglass: Self-Made Man* (Washington, DC: Cato Institute, 2018); and David Blight, *Frederick Douglass: Prophet of Freedom* (New York: Simon and Schuster, 2018), xvii-xix.

¹⁷⁶ Levine's argument is similar to that of David Leverenz. See David Leverenz, "Frederick Douglass's Self-Refashioning," *Criticism* 29, no. 3 (Summer 1987): 341-70.

¹⁷⁷ Blight, *Frederick*, xvii-xix. In the introduction, Blight explains his multi-faceted agenda that incorporates some ideas that are similar to previous works on Douglass, among them Douglass as family man, writer, orator, political leader, and advocate. He also explores, like other scholars, the biographies of Douglass, and he emphasizes the influence of the Bible on Douglass' work.

Douglass acknowledges that he was considered to be a “bad” slave and ill tempered. He was sent to a slave breaker, Mr. Covey, whose principal job was to correct insubordinate behavior. Life on Covey’s land, according to Douglass, was one of his worst experiences in slavery. Covey seemed to facilitate his failure, lying in wait to pounce upon the slave when he witnessed a failure to be productive or to “correctly” complete an assigned task. Feeling unwell on one occasion, Douglass was not able to perform his work. Covey beat him, and Douglass ran off to his master to seek help. In his master, Douglass found no sympathy; he was forced to return to Covey and face punishment. However, this time Douglass fought back. Douglass writes:

Well, my dear reader this battle with Mr. Covey- undignified as it was, and as I fear my narration of it is was the turning point in my “*life as a slave*. ” It rekindled in my breast the smoldering[sic] embers of liberty: it brought up my Baltimore dreams and revived a sense of my own manhood. I was a changed being after that fight. I was nothing before: I WAS A MAN NOW...A man, without force, is without the essential dignity of humanity.¹⁷⁸

Douglass makes the same point that George Riley Scott does in his book *A History of Torture*: violence visited upon the slave was debasing and dehumanizing, it marked the person with low status in the society and identified the person as one whose existence was tenuous and without autonomy.¹⁷⁹ The slave was not able to stand up and defend himself. In fact, Douglass explains that a slave might be whipped for the mere suggestion that he believed he could counter the authority of the slave owner or any white man.¹⁸⁰

¹⁷⁸ Frederick Douglass. *My Bondage and My Freedom*, in *Frederick Douglass: The Narrative and Selected Writings*, ed Michael Meyer (New York: Random House, 1984), 150.

¹⁷⁹ Scott, *A History*, 122.

¹⁸⁰ Douglass, *My Bondage*, 152.

Both law and practice in the United States indicated that violence was a fundamental and accepted aspect of slave life. Scott explains, “Whipping was not inflicted upon free men. It was the punishment of the slave, a mark of dishonour [sic] and degradation so profound that the average Roman preferred death to scourging.”¹⁸¹ He further explains, “The owner was vested with very nearly absolute power, the life of a slave, often enough was punctuated by continual punishments of the most cruel and brutal nature.”¹⁸² While Scott’s statements refer to ancient Rome, they also could be applied to the American South during slavery. Douglass’ encounter with Covey and his refusal to submit support the argument advanced in this chapter. Douglass’ behavior challenged Ruffin’s assertion. His violent response undermined the stability that Ruffin asserted would come with his ruling. Like the Mann case, Douglass was not challenging his master, but a surrogate master. Douglass defied both Covey and his master’s authority in his actions. Douglass was enslaved in Maryland and reveals that this idea about the authority of the master as unquestioned authority existed outside of North Carolina and South Carolina.

Moses Roper’s Narrative

Moses Roper’s narrative predates Douglass’ and is much more focused on violence. The narrative was first published in England in 1837 and then in Philadelphia in 1838. His narrative provides insights that directly and indirectly counter Judge Ruffin’s ruling in the Mann case. From his birth until his escape, Roper’s story revealed violence was fundamental to Roper’s experience as a slave. The punishments he received as a

¹⁸¹ Scott, *A History*, 46.

¹⁸² Scott, *A History*, 47.

slave were meant to compel compliance and deter him from escape. Roper demonstrated repeatedly that the violence meant to subdue and motivate productivity undermined the authority of his master and inspired rebellion.

Moses Roper was born in Caswell County, North Carolina in 1815. He escaped from slavery in 1834 to New York and later traveled to Vermont and other places in New England.¹⁸³ Fear of capture eventually sent him back to New York and then overseas to England. In England, he was met by abolitionists who supported him in his education and speaking engagements in various English churches about his experiences.¹⁸⁴ Much of what is known about Roper derives from his narrative, *A Narrative of the Adventures and Escape of Moses Roper, from American Slavery*. There is little else written about his life as a slave or as a freeman. His experiences serve as an important record of the violent practices in American slavery and are useful in highlighting that while the violence in slavery was debasing, it also could inspire rebellion.

Roper was sold multiple times and witnessed slavery in four states in the South, but much of his life as a slave was spent in North and South Carolina. Roper revealed that violence and the threat of violence were always with him as a slave. He attempted to escape many times while in slavery, and each time he was brought back, he was met with a form of violence intended to deter him from resistance and make him comply. He

¹⁸³ Ian Frederick Finseth, "Introduction" (to Narrative of Moses Roper), in *North Carolina Slave Narratives: The Lives of Moses Roper, Lunsford Land, Moses Grandy, and Thomas H. Jones*, ed. William L. Andrews (Chapel Hill: The University of North Carolina Press, 2003), 23. Specifically, Dr. John Morrison and Reverend Thomas Price, as noted in the narrative, were of assistance to Roper.

¹⁸⁴ Marion Starling, *The Slave Narrative: Its Place in American History* (Washington, D.C.: Howard University Press, 1981), 108.

included in his narrative drawings of some of the torturous devices that were used to punish him, especially after an escape attempt.¹⁸⁵

Background on Moses Roper's Narrative

There are mentions of Moses Roper's work in studies of slave narratives, but the information is limited.¹⁸⁶ His narrative has received some attention but not the critical attention it deserves as a source of valuable information about the nature of slavery in the southeastern region of the United States. There are no book length studies of Moses Roper and his work. His narrative is mentioned in studies of African-American literature, and there are a few essays that discuss its significance. The essays of Ian Frederick Finseth, Paul Walker, and Martha Cutter are the most deliberate and recent discussions of the significance of Roper's narrative. Roper's narrative is included in William Andrews's anthology of North Carolina slave narratives.¹⁸⁷ In the Introduction, Finseth provides an account of Roper's life that includes some details of his life after slavery. Finseth recounts Roper's experience in England where he received his education and was inspired to write his narrative.¹⁸⁸ Finseth also contextualizes Roper's narrative in the Abolitionist movement and literary traditions of the nineteenth century. He argues that Roper's violent account was intended to shock and inspire a sense of moral outrage.

¹⁸⁵ In this chapter, I have used two different versions of Roper's narrative. The printed one, available in an anthology on slave narratives, I use when quoting from him. This version does not include the sketches. I cite the University of North Carolina at Chapel Hill's Doc South site because this version includes the sketches.

¹⁸⁶ See, for example, Charles T. Davis and Henry Louis Gates, Jr., *The Slave's Narrative* (New York: Oxford University Press, 1985).

¹⁸⁷ Published in 2003, the anthology contains an introduction to Roper's narrative written by Ian Frederick Finseth.

¹⁸⁸ Finseth, "Introduction," 24.

Finseth writes, “For a reading culture nourished on romanticism’s exaltation of the individual and on the dramatic emotionalism of sentimental literature, few spectacles excited keener disgust than that of a vulnerable human body subjected to vicious treatment (lustful or violent or both).”¹⁸⁹

Finseth also discusses the issue of authenticity in Roper’s narrative, in particular the defensive tone of the introductory letter in Roper’s narrative. While Finseth is largely dismissive of questions of authorship of Roper’s narrative, his discussion points to the problem of primary sources and testimony from oppressed people. Just as this is an issue in the ancient world, it resurfaces in the New World. In part, the problem stems from both law and racist beliefs. The law in North and South Carolina prohibited literacy among slaves.¹⁹⁰ Ironically, there is nevertheless a vibrant tradition of slave writing in the United States, yet virtually none in the ancient world where the work performed by slaves sometimes required literacy. Even so, racist beliefs in the United States suggested that African people were intellectually deficient, and therefore could not learn to read and write at a level commensurate with white people. Despite this belief, white Americans of this period found the laws forbidding literacy in slaves necessary. Given that literacy was neither permitted or expected among former slaves, white American readers of slave narratives questioned the authenticity of early Black writing. Consequently, there

¹⁸⁹ Finseth, “Introduction,” 28.

¹⁹⁰ See Higginbotham, *In the Matter*, 200-201; also see William Byrd III, *Against the Peace and Dignity of the State: North Carolina Laws Regarding Slaves, Free Persons of Color, and Indians* (Westminster, MD: Heritage Books, 2007): 231.

generally was some form of statement written by a white person, generally of prominence, assuring the authorship and authenticity of the writing.¹⁹¹

Finseth also provides a limited analysis of the quests and journey motifs in the narrative, but the central focus of his analysis is the impact of Roper's color on his experience. Finseth contends that Roper could have problematized the issues of color and race in a more deliberate fashion.¹⁹² He suggests that Roper might have devoted more space to the absurdity of definitions of race and also slaves. He notes that other writers of the period used the concept of the tragic mulatto.¹⁹³ While Roper does pass in his final escape to freedom, once free, he returns to his identity as a Black man. Unlike the tragic mulatto who finds some level of comfort, yet conflict, in his whiteness, Roper finds none. His whiteness, as a slave, is a source of confusion and resentment. His appearance mocks the system that is defined both by race and the privileging of whites and represents the obvious conflicts of interests. Moreover, unlike the tragic mulatto whose story ends in

¹⁹¹ This is an absurd element found in most of the slave narratives. As pointed out in the last chapter, it is a construction based in the assumption that most white people reading the text, whether sympathetic to the Abolitionist Movement or not, were racist. They could not believe in the intellectual ability of a Black person without a white person's assurance (the latest standard is to capitalize Black, but not white, in scholarship).

¹⁹² Finseth, "Introduction," 31.

¹⁹³ Finseth, "Introduction," 31. The tragic mulatto is generally one plagued by the fact that he or she is neither black nor white. The suggestion is that being both black and white, forbidden by law and custom, supposedly, he or she will meet with a tragic end. The Mulatto generally takes his or her life. This is true of the mulatto character Finseth mentions from Victor Sejour's short story, "The Mulatto." This story was published in 1837, the same year that Roper's narrative first appears. In the story, the tragic figure, Georges, kills himself when he discovers his father is his slave master. See Victor Sejour, "The Mulatto," in *The Norton Anthology of African American Literature*, vol. 1, ed. Henry Louis Gates, Jr. and Valerie A. Smith (New York: Norton, 2014): 296-309

self-destruction, Roper does not end his life. He triumphs over slavery both by escaping and by writing his polemical text against the institution of slavery.

Published in 2011, Paul Walker's essay, "Moses Roper (1815-1891): African American Baptist Anti-Slavery Lecturer and Birmingham Nonconformity," provides insight into diaries that record Roper's presence in Birmingham, England, and the newly discovered evidence about the end of his life.¹⁹⁴ Walker writes of the newly discovered diaries of Reverend Peter Sibree that recorded Roper's visit to Birmingham and his antislavery lectures. According to Walker, the nature of Roper's lectures, largely stemming from his narrative, underscored the fact that American slavery was not a benevolent institution that helped to "save" the "savage" Africans. Roper emphasized the harsh realities of American slavery. Walker also discusses the events of Roper's life after his visit to England in the 1860s. He notes that Roper later returned to the United States, leaving his wife and children in England. He lost contact with his family, working in the United States as a traveling preacher, and died in a Boston hospital in 1891.¹⁹⁵

Published in 2013, Martha Cutter's "Revising Torture: Moses Roper and the Visual Rhetoric of the Slave's Body in the Transatlantic Abolition Movement," contains useful documentation of slavery and Christian metaphors found in the literature of former slaves. The title of the essay promises a discussion of violence, but Cutter's discussion is largely about the Christ-like suffering and character of Moses Roper. The author uses the

¹⁹⁴ Walker notes that his article is an extension of his essay on Roper published in 2007. Paul Walker, "Moses Roper: African American Baptist in Victorian England," *Baptist Quarterly* 42, no. 4 (2007): 296-302.

¹⁹⁵ Paul Walker, "Moses Roper: African American Baptist Anti-Slavery Lecturer and Birmingham Nonconformity," *Baptist Quarterly* 44, no. 2 (2011):112.

illustrations in Roper's text to discuss the ways in which he was not subdued by violence, but rather overcame it through his conversion and Christ-like existence. She references the crucifix and claims, "Roper's text make allusion to the cross of Jesus as he does in the ironic and punning phrase, 'with the intention of getting into the hands of a more humane master.' A more humane Master might be God, or Jesus, himself."¹⁹⁶ Cutter's conclusions in this passage requires some imagination, and it is not clear that the illustration she references is one in the Roper narrative. In her essay, she uses illustrations of slaves being tortured from other texts.¹⁹⁷ This idea of crucifixion is more of an imposition than metaphor.¹⁹⁸

Witnessing Violence in Roper's and Douglass' Narratives

Roper's narrative shows the unquestioned dominance of the master and the dangers evident in the master-slave relationship. Similarly Douglass' narrative affirms Roper's insights into the problems of absolute authority of the slave master that are sanctioned by the Mann case. Both Roper and Douglass suggest that the violence that was fundamental to slavery also undermined it. In the Hoover case, the problems with the Mann case were made clear. Relying on the moral values of the slave master offered little protection for the slave and placed the slave in a tenuous position. Roper further revealed that rebellion and defiance were possible consequences of violence. Violence

¹⁹⁶ Martha Cutter, "Revising Torture: Moses Roper and the Visual Rhetoric of the Slaves' Body in the Transatlantic Abolitionist Movement," *ESQ: A Journal of the American Renaissance*, 60. no. 3 (2014): 387.

¹⁹⁷ Cutter, "Revising Torture," 387. The illustration referenced is from Charles Ball's narrative, not Roper's narrative.

¹⁹⁸ There is no discussion of crucifixion in Roper's narrative. This type of punishment was not common practice in the American slavery. However, there are violent practices that were not mentioned by Roper such as dismemberment and cat hauling that are in a similar vein to the crucifixion.

had the potential to foster a sense of agency in the slave. This is evidenced by Roper's multiple attempts to escape after being punished and in the defiance of Douglass in the face of the slave breaker Covey. Only after the violent confrontation with Covey does Douglass believe he is entitled to freedom. He suggests that because of his defiance of the violence, he is deserving of freedom. Douglass explains, "The battle with Mr. Covey was a turning-point in my career as a slave. It rekindled the few expiring embers of freedom, and revived within me a sense of my own manhood...I felt as I never felt before. It was a glorious resurrection from the tombs of slavery, to the heaven of freedom. My long-crushed spirit rose, cowardice departed, bold defiance took its place; and I now resolved that, however long I might remain a slave in form, the day had passed forever when I could be a slave in fact."¹⁹⁹ Thus, in Douglass' experience is found the opposite of the intention of the slave breaker. The violence does not subdue. It compels resistance, and Douglass suggests that it demands the slave seek freedom.

Roper's inclusion of sketches in his narrative were what make his narrative a distinctively useful text. The drawings, along with an image of Roper, are included in this chapter. Roper's narrative is unique in his use of visuals, which adds to the appealing and fascinating nature of his story. Thus, from Roper the reader was given insight and imagery of the various forms of violence and the instruments used on slaves. Figure 3.1 is a picture of Roper around the year 1840.

¹⁹⁹ Frederick Douglass, *Narrative*, 81.



Figure 3.1 Moses Roper in 1840

Roper was considered to be a quadroon, one-fourth black. The image captured his “whiteness,” which he indicated gave him problems throughout his time in slavery. Roper explains that his father was the son-in-law of his mother’s master and when Roper was born, he looked just like his father. His father’s wife attempted to kill him but was stopped by his grandmother. Soon after his birth, his mother’s master died, and he was separated from his mother when the property of the master was divided. He was sold a number of times. He attributed his repeated sale to his “whiteness.”²⁰⁰ He suggested that the whiteness of this appearance caused slave owners and traders to resent him. Thus, Roper complicated the reliance on the representations of race that were inscribed in law and in practice. Blackness was perceived as a sign of slave status and by extension was seen as justification for violent treatment. Whiteness was associated with freedom and when pain or violence was inflicted on a white person there was a perceived disorder and a need for intervention. Yet, Roper’s whiteness defied this order. He is white, yet also “black” and slave. Roper indicates that the traders in slaves were particularly aware that his color was a problem. He explains, “The trader, Mr. Michael, after travelling several hundred miles and selling a good many of his slaves, found he could not sell me very well (as I was so much whiter than the other slaves were,) for he had been trying several months.”²⁰¹

²⁰⁰ Roper, *A Narrative of the Adventures and Escape of Moses Roper from American Slavery*, in *I Was Born a Slave: An Anthology of Classic Slave Narratives*, vol. 1, ed. Yuval Taylor (Chicago: Lawrence Hill Books, 1999): 493-94.

²⁰¹ Roper, *A Narrative*, 493.

Roper suggests that the violence he experienced was associated with his whiteness. The attempt on his life at birth was one incident, but there were other incidents such as the attempt to alter his skin.²⁰² After being captured following one of his attempts to escape, he was tarred and burned as a punishment and as a means to mark him. “The first thing he did was to pour some tar on my head, then rubbed it all over my face, took a torch, with pitch on, and set it on fire. He put it out before it did me very great injury, but the pain which I endured was most excruciating, nearly all my hair having been burnt off.”²⁰³ In this way, again Roper was punished and was left with distinct marks that would distinguish him from actual “white” people. The violence visited upon the slave is generally intended to mark the slave and identify him as distinctive. Slaves with color were whipped, but the distinct nature of their color was thought to mark them as different and deserving of their slave status. Here Roper is implying that since he had so little color, additional markers were needed to identify him as slave and also as deserving of subordination.

Roper provides insight into the process by which the slave is flogged or whipped. The sketches in his narrative are revealing of it. Figure Two depicts a flogging or whipping. The flogging of a slave involved binding of the slave’s hands, generally above the head, to some object and then whipping. In the United States, the sources generally indicate that slave owners and overseers used two types of whips in this type of

²⁰² This is an interesting contribution on the part of Roper. Some historians have argued that biracial slaves were favored, and this may have been true for some slaves, but Roper counters this argument. His color or lack of color disadvantaged him.

²⁰³ Roper, *A Narrative*, 506.

punishment: the cat-o-nine tails whip and the raw hide or cow whip (see figures 3.3 and 3.4).²⁰⁴ The cat-o-nine is distinctive because of the nine appendages at the end of the whip that left a distinctive mark on the body when used. The cow whip or raw hide whip was generally a basic braided leather whip.

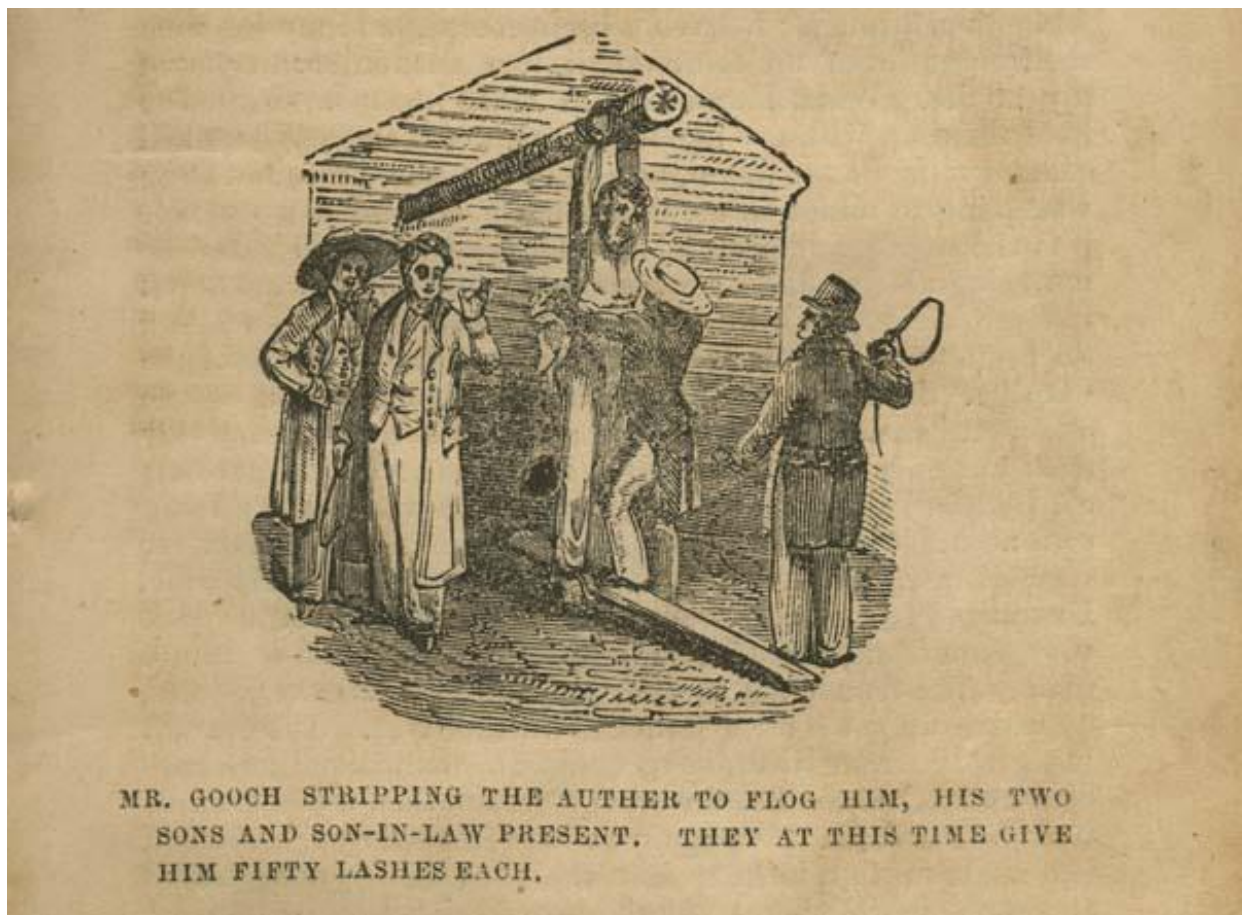


Figure 3. 2 The Flogging

²⁰⁴ Roper does not include pictures of the whips in his narrative.



Figure 3.3 The Cat O' Nine



Figure 3.4 The Raw Hide or Cow Whip

Like Douglass, after having experienced violent punishment, the mere threat caused Roper to take action. Both Douglass and Roper described the stripping of clothing and the binding of the slave, followed by the whipping of the slave by master, overseer, or sometimes another slave.²⁰⁵ The image provided by Roper shows the method employed by his cruelest of masters, Mr. Gooch. The floggings described by Roper sometimes entailed hundreds of lashes (see Roper's depiction in figure 3.2). He first experienced violence when he was sold to Mr. Gooch, a cotton planter in Cashaw County, South Carolina. He remained with Mr. Gooch for nearly a year and a half. Roper stated that Mr. Gooch "flogged me nearly every day, and very severely."²⁰⁶ While working for Mr. Hammans, Mr. Gooch's son-in-law, Roper experienced more flogging for failure to complete tasks in an adequate manner. This led to Roper's first attempt at escape. He explained, "He threatened to flog me for not getting in the fodder before the rain came. This was the first time I attempted to run away."²⁰⁷ Roper explained further, "When the slave runs away, the master always adopts a more rigorous system of flogging; this was the case in the present instance."²⁰⁸ Despite this deterrent, Roper attempted to escape a number of times.²⁰⁹ He states that at one time the punishment for each escape was one hundred lashes.²¹⁰

In his groundbreaking work, *In the Matter of Color: Race and the American Legal Process, the Colonial Period*, Leon Higginbotham reveals the ways in which the law

²⁰⁵ Roper, *A Narrative*, 503.

²⁰⁶ Roper, *A Narrative*, 494.

²⁰⁷ Roper, *A Narrative* 495.

²⁰⁸ Roper, *A Narrative*, 495.

²⁰⁹ Roper does not specify how many times he attempted escape.

²¹⁰ Roper, *A Narrative*, 495.

sanctioned violence as a means to subdue rebellious slaves. Higginbotham describes the law as it pertains to runaway slaves in South Carolina. He notes the law prescribed flogging of some sort as punishment for slaves who attempted to escape. The initial 1712 act stated that the caught slave be put to death. However, this provision was adjusted and the prescribed punishment was “forty lashes” and if the slave attempted to escape a second time, the law indicated he or she “be branded with the letter R on the check.”²¹¹ Higginbotham also explains, “As for males, a third offense warranted being castrated” and if female “mutilated by having her left ear cut off. Finally, for a fifth offense, ‘the cord of the slave’s legs’ would be cut above the heel or the slave would suffer death.”²¹² Mr. Gooch did not brand Roper but did mark him with burns and the flogging Roper received exceeded the forty lashes indicated by the law. While he was not castrated, he was mutilated. Higginbotham further cautions that slave owners who failed to adhere to the law and administer some form of punishment could be fined by the state. He also notes, “One can only wonder whether a master would actually inflict the punishments knowing the result might affect the slaves’ usefulness and value upon subsequent resale.”²¹³

In the case of North Carolina, the law provided a similar punishment of slaves. A 1741 statute states, “That when any Runaway Servant or Slave shall be brought before any Justice of the Peace within this Government such Justice shall, by his Warrant, Commit the said Runaway to the next Constable, and therein also order him to give the

²¹¹ A. Leon Higginbotham, Jr., *In the Matter*, 176-77.

²¹² Higginbotham, *In the Matter*, 177.

²¹³ Higginbotham, *In the Matter*, 177-78.

said Runaway so many lashes as the said Justice shall think it, not exceeding the Number of Thirty-Nine, well laid on, on the Bare back of such Runaway.”²¹⁴ Unlike the South Carolina law, the North Carolina law indicates that the government officials are responsible for at least part of the punishment. It does not provide limits on the slave owners’ ability to punish the slave further.

Not all of the punishments Roper observed were a consequence of escape attempts. According to Roper, slave master flogged slaves for a number of offenses, including attempted escape, not working fast enough, and not completing a task in an adequate manner. Slaves who did not work fast enough or who were at risk of running were made to work under the whip of an overseer or under a driver. Some overseers or masters presented slaves with tasks that were too difficult or impossible to complete.²¹⁵ Douglass affirms the information on whippings provided by Roper. In *My Bondage and My Freedom*, Douglass has a chapter entitled, “Floggable Offenses.”²¹⁶ He offers that slave owners and overseers punished slaves for any number of reasons and some of them may not be directly understood. The mere suggestion of imprudence or a lack of deference might result in violence. Like Roper, if a slave failed to complete a task in a suitable manner, he or she was met with violence.

Most of the violence described by Roper involved whippings. The whippings at times were so frequent that the work of whipping the slave was divided among slave

²¹⁴ Byrd, *Against the Peace*, 28.

²¹⁵ Roper gives an example of this when he is cutting trees around the Catawba River in South Carolina, see page 495 and also when he was moved to do field work burden with a weigh and tied to a female slave see page 496. Note that the spelling of river by Roper is Catauba River.

²¹⁶ Douglass, *My Bondage*, 152-53.

owners and family or overseers. Also, Roper writes of how slave owners and slave traders weighed down the slave with irons and collars. Roper describes devices used to punish slaves such as the bells and the cotton screw (see figures 3.5 and 3.6). None of the violence Roper experienced fostered submissiveness in him. Always his goal was freedom.

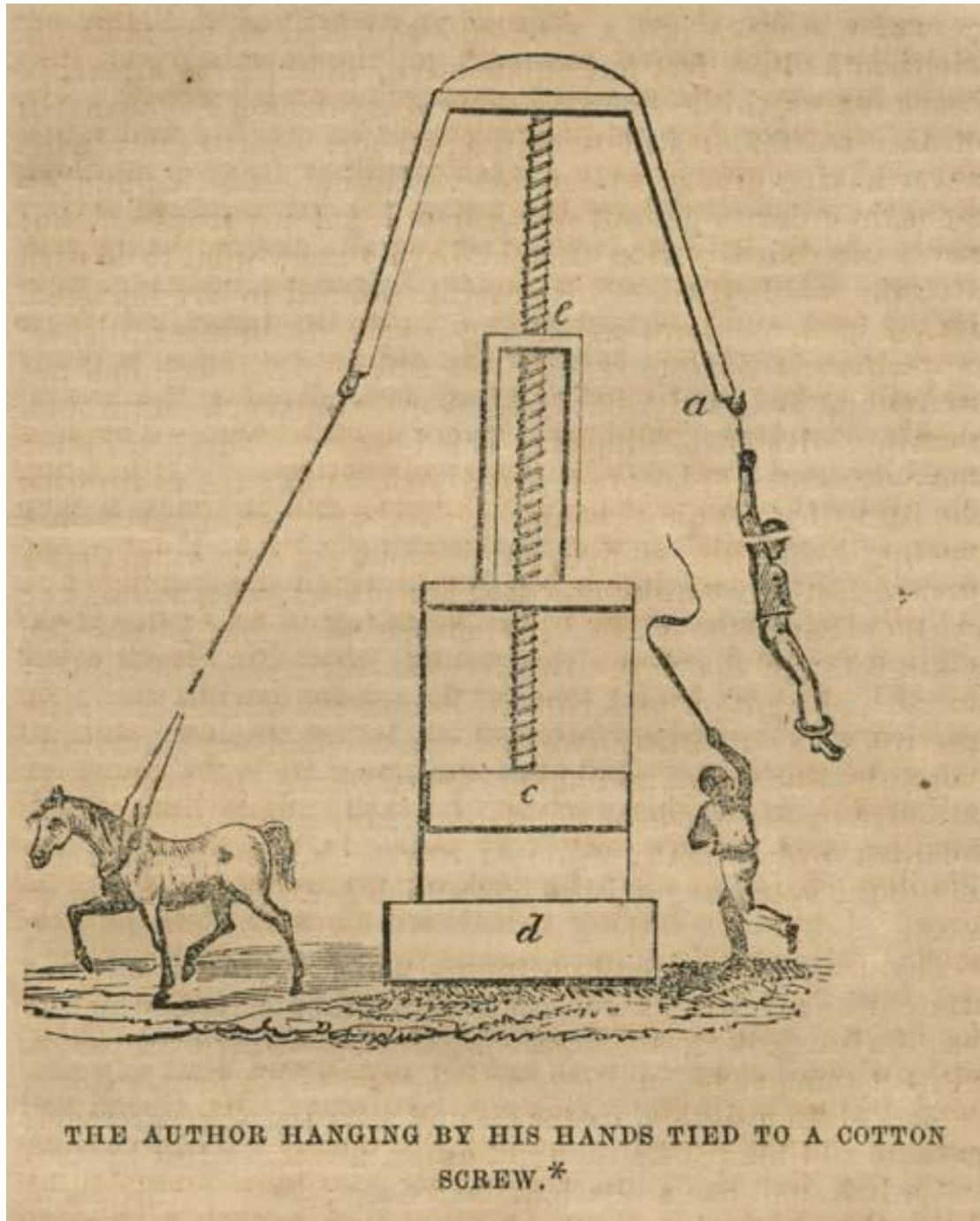
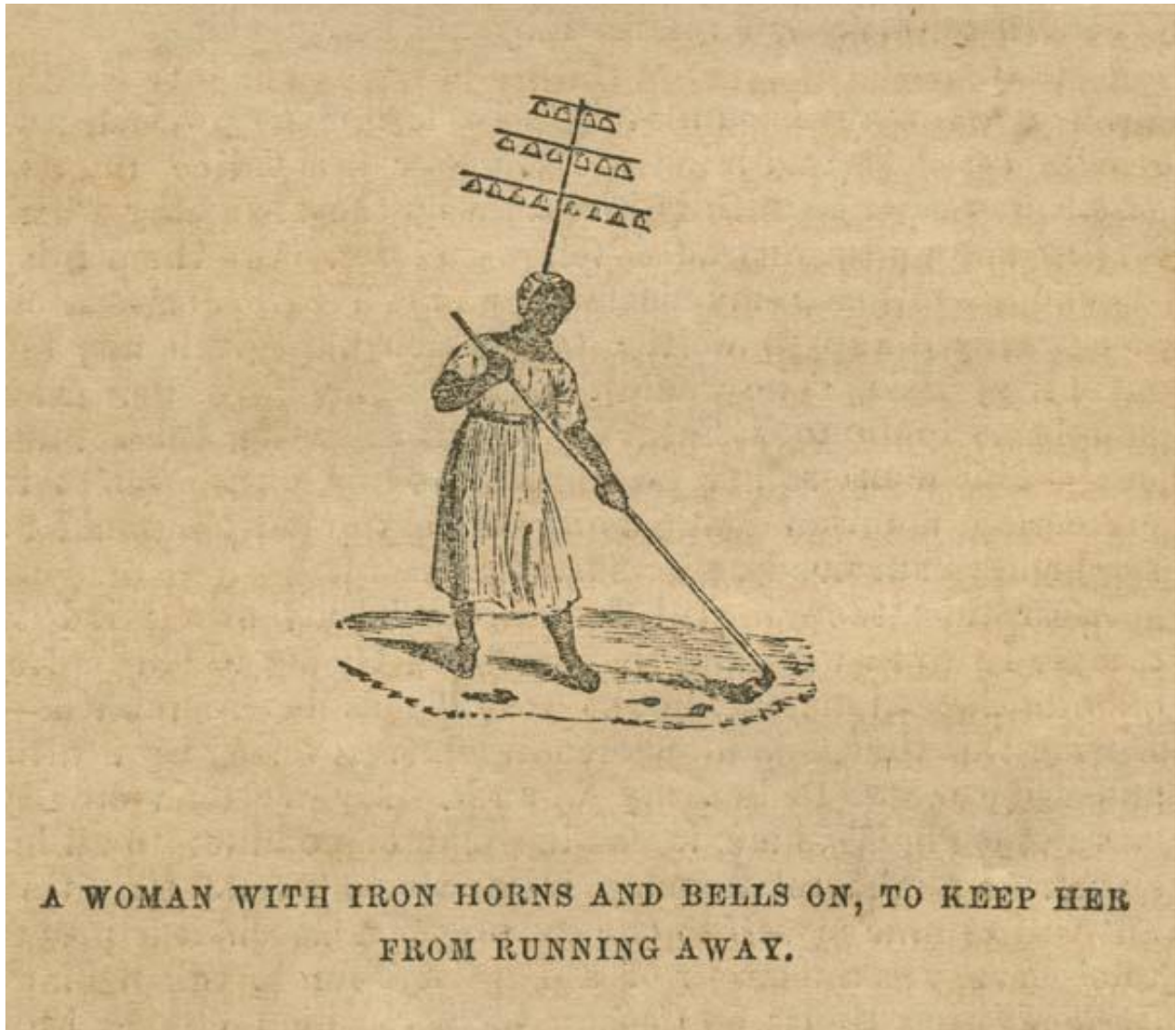


Figure 3.5 The Cotton Screw



A WOMAN WITH IRON HORNS AND BELLS ON, TO KEEP HER
FROM RUNNING AWAY.

Figure 3.6 The Bells

Roper limits his insights to the violence inflicted upon him. He explains that he believes it is his duty to reveal the extreme nature of what he experienced and witnessed. He also notes the violent behavior of the slave owners in the surrounding communities in North and South Carolina. While the whipping of slaves was the most common type of punishment, Roper elaborates on the behavior of one slave owner, Colonel M'Quiller of Cashaw County, South Carolina. Roper describes a common practice of M'Quiller. He explains:

A large farmer...was in the habit of driving nails into a hoghead so as to leave the point of the nail just protruding in the inside of the cask. Into this he used to put his slave for punishment, and roll them down a very long and steep hill. I have heard from several slaves, (through I had no means of ascertaining the truth of the statement,) that in this way he killed six or seven of his slaves.²¹⁷

This is one of many examples by Roper that offer a strikingly insightful look into the gratuitous violence of the slave owner. Roper describes slave owners' cavalier manner toward the lives of their slaves, and how slave owners definitely did not have the best interests of slaves in mind. In contrast, Roper illustrates how greed, expediency, and cruelty were fundamental to slavery. Far from being paternal, corrective, or a deterrent, violence was gratuitous.

Roper included sketches of two devices slave owners used to punish slaves. Figure Three, the cotton screw, was a device used by Mr. Gooch to punish Roper after attempting to escape. Roper describes the cotton screw as "a machine used for packing and pressing cotton" onto which Mr. Gooch "hung [him] up for a quarter of hour."²¹⁸ The other device, figure four, the bells, was also an instrument used by slave owners and

²¹⁷ Roper, *A Narrative*, 498.

²¹⁸ Roper, *A Narrative*, 506.

overseers on captured runaways. The weight of the device, heavy and cumbersome, served to punish but also to make the slave conspicuous, thereby limiting the possibility of escape. Roper explains, “This instrument he used to prevent the negroes running away, being a very ponderous machine, seven feet in height, and the cross pieces being two feet four, and six feet in length.”²¹⁹ Roper observed this device on a runaway slave girl.

Not all of the punishments were depicted in sketches. After Roper was returned from an escape attempt, Mr. Gooch chained Roper by the neck and collar to subdue him; later he described wearing a long chain weighing twenty-five pounds. After one escape in which he managed to cross the Catawba River, Roper describes his return to Mr. Gooch and the realization of the punishment awaiting him. He states, “As we came in sight of Mr. Gooch’s, all the treatment that I had met with there came forcibly upon my mind, the powerful influence of which is beyond description” and he began to beg to be sold.²²⁰ Instead he was met with punishment by Mr. Gooch; hands tied and secured, he was whipped five hundred times. Having spent the night with a forty-pound weight securing him, in the morning he was made to do the work that ordinarily would be done by a horse. He explains, “his cruelty went so far as actually to make me the slave of his horse, and thus to degrade me.”²²¹ He was kept under the whip as he did his work and then chained to a female slave. The female slave whom Roper did not name, was once, like him, a house slave, and had difficulty with field labor. Each time one of them

²¹⁹ Roper, *A Narrative*, 496.

²²⁰ Roper, *A Narrative*, 496.

²²¹ Roper, *A Narrative*, 496.

slowed or failed to do their work in an adequate manner, they were whipped. Thus, Roper was made responsible for another slave's suffering.

Roper was secured by his master with leg irons and an iron collar. These devices were often used in transport of a slave, but in Roper's case, they were used in an effort to subdue him. On at least two occasions, Roper managed to remove the irons and escape. On his recapture, he was questioned by Mr. Gooch; Mr. Gooch wanted to know who assisted Roper in removing the irons. When he would not respond, Mr. Gooch administered the following punishment: "Upon this, he put the fingers of my left hand into a vice, and squeezed all my nails off. He then had my feet put on an anvil, and ordered a man to beat my toes, till he smashed some of my nails off. The marks of this treatment still remain upon me, my nails never having grown perfect since. He inflicted this punishment, in order to get out of me how I got my irons off, but never succeeded."²²² In this passage Roper implied that the violence was gratuitous. It did not serve its intended purpose. It did cause Roper to suffer, but he refused to betray the slave who helped him remove the irons. Additionally, Roper continued in his efforts to escape.

Roper described another incident in which leg and collar irons were intended to restrain and punish him. In this instance he was again chained to a female slave. He explained,

On Monday, he chained me to the same female slave as before...he made us walk round his estate, and by all the houses of the slaves, for them to taunt us. When we came home, he told us we must be up very early in the morning and go to the fields before the other slaves. We were up at daybreak, but we could not get on fast, on account of the heavy irons on my feet. We walked about a mile in two hours, but

²²² Roper, *A Narrative*, 506.

knowing the punishment he was going to inflict on us, we made up our minds to escape the woods, and secrete [sic] ourselves.²²³

Once near the Catawba River, Roper was able to remove the collar irons from the female slave and himself. However, he was not able to remove the leg irons. After finding a slave to remove their leg irons, Roper and the woman separated. Roper was eventually caught by hunting dogs.

Figure seven depicts Roper attempting to avoid being shot after escaping to see his mother. He was soon found out and attempted to escape again when the pursuer shot at him. Roper explains that the law of North Carolina was such that if a slave were called three times and did not respond, the slave catcher or slave owner had the right to shoot. Roper may have been describing the custom; the law did not necessarily indicate that the patroller or slave catcher needed to warn the slave. The law did indicate that “It shall be lawful for any person to apprehend such runaway slave, and in so doing to use all the powers and force which a sheriff may lawfully use in apprehending a felon against whom he has legal process, without incurring any liability to any civil suit, and without impeachment of any crime whatever.”²²⁴ Thomas Morris explains that the expectation was that slaves would comply with the master or a white person in a position of authority and failure to do so would result in punishment.²²⁵ The tension in the law and practice

²²³ Roper, *A Narrative*, 504.

²²⁴ Byrd, *Against the Peace*, 224.

²²⁵ Morris, *Southern Slavery*, 161; 163.

regarding runaway slaves, as with other punishments, lay between recognizing the economic interests of the master as opposed to maintenance of white supremacy.

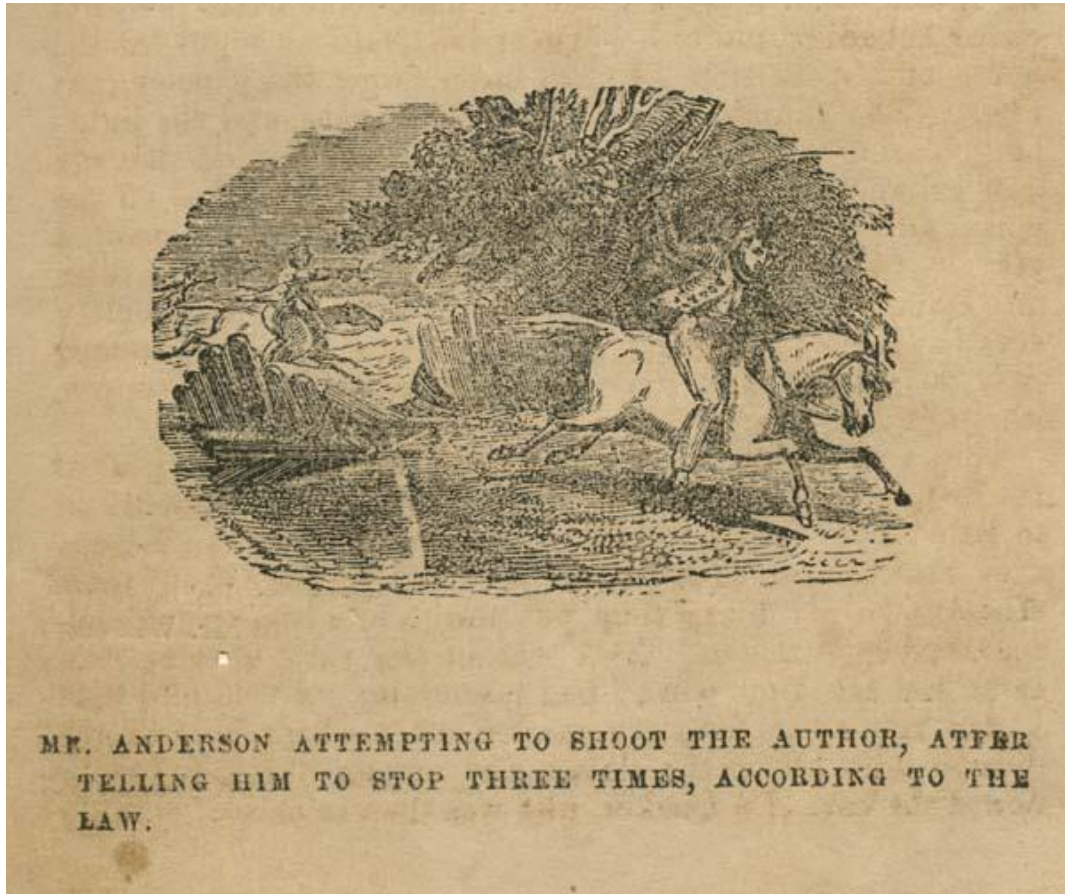


Figure 3.7 Moses Roper attempting to escape

Moses Roper's text implies that early Americans gained comfort from racial distinctions and the qualities they imposed on racial categories. They fostered a sense of security because the order seemed definite and distinctive. Roper undermined this order because his identity was ambiguous. He describes the slave owners and overseers as vile and suggested the violence to be gratuitous. His narrative foregrounds the moral problems inherent in slavery and advances the Abolitionist agenda. The ideas in his narrative suggest a challenge to the moral authority and stability offered by Thomas

Ruffin. While Douglass revealed the immorality of slavery, Roper was more forceful in his presentation of the immorality of slavery. Interestingly Douglass, not Roper, becomes the spokesperson for the Race; Douglass is the clearly identified leader of the African American community. Some of the reasons for this may have to do with ability and appearance; Douglass was considered to be an extraordinarily intellectually gifted and romantic figure (see figure 3.8). Although Roper traveled to England and shared his experiences, speaking about the evils of slavery, he did not achieve the fame or recognition of Douglass. In his narrative Roper repeatedly mentions his color, or rather lack of color, as a challenge for him. His color was discomforting to his enslavers. Higginbotham suggests the problem. He points out that slavery in the Carolinas, especially in South Carolina, was overtly racial. While Higginbotham's point is that the slave owning whites felt that slavery was a necessity, the racialized language makes it clear that they were clearly establishing racial codes and norms. Whites were free and even indentured servants had rights, with restrictions on abusive treatment. However, the law uses the words slave and Negro interchangeably and offers little protection to the slave in his or her relationship to the slave master.²²⁶ Roper's appearance was disquieting for white Americans. The law and practice, as indicated by Higginbotham, made simple distinctions that would allow for stability: white free and black slave. Yet

²²⁶ Higginbotham, *In the Matter*, 163; also see his discussion of protection of indentured servants, Higginbotham, 154-57.

Roper defied this order and this defiance fostered anxiety in a social order and economy that was based in racialized slavery.

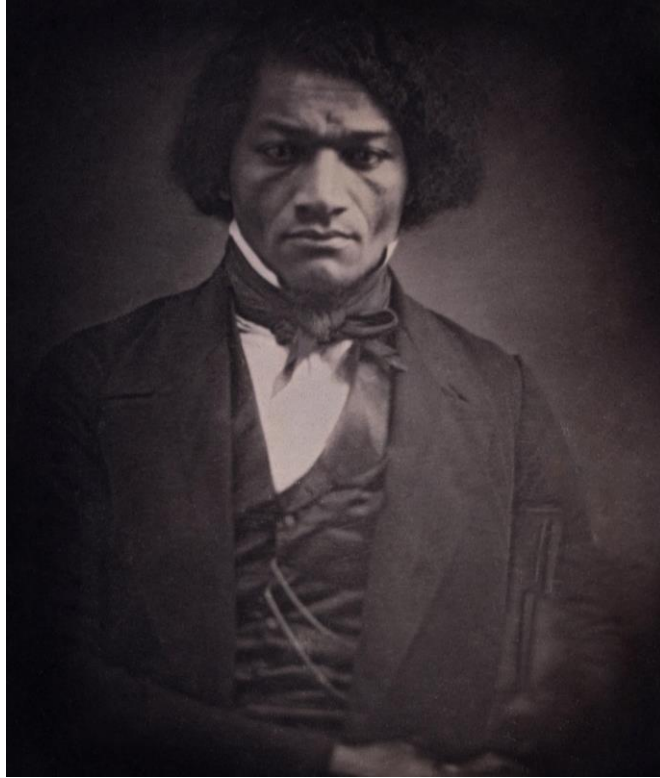


Figure 3.8 Frederick Douglass circa 1840

Moreover, Roper's whiteness was a reminder of the obvious moral issue. Roper did not fully address it, but his whiteness connected him to his father and was an obvious consequence of his father's identity. Roper's father, like the fathers of other slaves including Frederick Douglass, denied him. The violent and abusive experiences that Roper endured could have been prevented had his father intervened. Roper's father, as Higginbotham mentions, was not penalized for his indiscretion with a slave.²²⁷ His

²²⁷ Higginbotham, *In the Matter*, 159.

adulterous behavior was overlooked, while his child was made to bear the burden of his transgression.

Interestingly, Roper claims that he would not discuss violent abuse of female slaves. While there was a female slave that he was tied to as a punishment and he ran at one time with a female slave, he does not fully confront the problems of gender-based sexual violence. He acknowledges the existence of this type of violence, but suggests it is too horrific to discuss. He writes, “Many instances... to females might be mentioned, but are too disgusting to appear in this narrative.”²²⁸ This is extraordinary given the violence Roper endured.

The torment experienced by Roper extended to the emotion and pain of being separated from his mother. This is a common idea in the accounts recorded by former slaves, especially during the nineteenth century. The rise of the internal slave trade encouraged sale of slaves to the lower south. Roper’s sale was motivated more by the discomfort experienced by his master because of his appearance. His sale may also be a consequence of his “difficult behavior.”²²⁹ The circumstances described by Roper of the punishments he endured are difficult to read, and when Roper described his brief reunion with his mother the emotion are apparent.²³⁰ The separation of the mother from her

²²⁸ Roper, *A Narrative*, 498.

²²⁹ Frederick Douglass conveys that slave owners in Talbot County, Maryland, often separated children from an early age from their mothers. Frederick Douglass, *Narrative of the Life of Frederick Douglass* in *Frederick Douglass: The Narrative and Selected Writings*, ed. Michael Meyer (New York: Random House, 1984), 18-19. Charles Ball witnesses the sale south of slaves during the rise in popularity of cotton cultivation in the south. He also describes the pain of being sold away first from his mother and then later from his wife and children. Charles Ball, *Fifty Years in Chains* in *I Was Born a Slave: An Anthology of Classic Slave Narratives*, vol I, ed. Yuval Taylor (Chicago: Lawrence Hill Books, 1990), 266-67, 275, and 289.

²³⁰ Roper, *A Narrative*, 500-01.

children was not an unusual experience in slavery.²³¹ The emotion Roper brought to his brief reunion with his mother and some of his other siblings revealed that this was a significantly painful experience. While no violence was involved in the separation, the act had the same impact as the violence. His separation and longing for his mother were painful and motivated one of his escapes. His reunion with his mother was tearful and painful. When he was eventually caught and forced to separate from his mother again, the sad recollection of the events and his resignation that he would never see her again drove home one of Roper's main arguments that slavery was an immoral institution. His narrative suggests that slavery undermined the family for both slave and slave owner. Roper never fully realized this point, except with regard to his mother. Yet, the denial by his father was an obvious problem. Roper's father denies him and thus, he was slave. Roper bore the mark of his father in his whiteness, a constant burden for him. At one point in the narrative, Roper discusses slave traders who slept with the more attractive female slaves.²³² These men sold the children born from these circumstances.

While Roper refers to the children in relationship to their mothers, the suggestion is clear. Roper implies that the moral fortitude and by consequence authority attributed to the slave owners by Ruffin is a tragedy. There is no moral high ground exhibited by the slave owner. The authority afforded horrific exploitation and oppression of other people. The law and experiences of Roper do not show an appreciation for the slave's humanity, only for the slave as object. While the assumption may be that the laws would

²³¹ Both Douglass and Ball describe their separations from their mothers in the opening pages of their narratives. See Douglass, *Narrative of*, 18-19; see Ball, *Fifty Years*, 1.

²³² Roper, *A Narrative*, 507.

reflect basic property rights and the protection of economic interests of the slave masters, this does not seem to be the case. The law and authors of the narratives indicate that the protection of white supremacy is the foremost objective.

Conclusion

The Mann Case, the Roper narrative, and the Douglass narratives reveal that violence in slavery was expected, normalized, and legally sanctioned because of its perceived necessity. Yet, the legal and experiential texts show that the violence created problems. The Mann case implies an assurance of order in slavery and the authority of the slave owner. Roper and Douglass challenge the stability that is implied by Mann. They reveal that slavery is inherently problematic and contradictory. The current study is limited in its scope to the geographical areas of North and South Carolina, but the problem of violence in slavery and the implications of the Mann Case and the Roper narrative could be extended to other parts of the American South. For example, many of these same practices are described by Charles Ball in Georgia and by Solomon Northup in Louisiana. Slavery was abolished with the Thirteenth Amendment to the US Constitution. However, the legacy of the institution and the implied racial hierarchy and allowances for abuse of people of African descent have continued to have repercussions for the United States long after slavery ended.

Chapter 4

Conclusion

What is understood in looking closely at the texts by Terence and Roper about the nature of violence and slavery? In terms of violence, the ideas of Aristotle and Hegel are relevant to both Rome and American slavery. After discussing the two authors and the implications of their writings at length, it is clear that the statements of Augustine and Hegel have significance in the perpetuation of slavery and the violence that governs it. Hegel writes:

The master relates himself to the bondsman mediately though independent existence, for that is precisely what keeps the bondsman in thrall; it is his chain, from which he could in the struggle get away, and for that reason he proved himself to be dependent, to have his independence in the shape of thinghood. The master, however, is the power controlling this state of existence.²³³

The master is unquestionable and his power absolute. The assumptions of superiority and inferiority are suggested by the roles of the master and slave and act to perpetuate themselves. The treatment of slaves and the justification for the treatment are extensions of these assumed capabilities. Aristotle defines some groups as worthy of enslavement and Hegel implies that once in the position of subordination, the mark of submission holds the slave in a position to be dominated by the master. This is evident in the historiography and treatment of slaves and slave owners. The master is the unquestioned authority and with few exceptions, his authority is not to be questioned. The slave is to live in perpetual fear of the master. This is an idea found in both texts, but the responses to the fear from the slave differ in the text because of the differences in environment.

²³³ G. W. F. Hegel, *The Phenomenology of Mind* (Mineola, NY: Dover Publications, 2003), 108-09.

Therefore, the question of slavery's decline and re-emergence is understood. The positions of dominance and submission are ingrained and self-perpetuate. They have the potential to stigmatize the enslaved long after the acts of dominance and subjugation are performed.

Terence and Roper offer unique perspectives into the experiences of the enslaved. In a system intended to exploit, the perspectives of the dominant and exploiting class are often what is prominent. Not surprisingly, the perspectives of the dominant class do not offer great insight into the experiences of the enslaved nor do they afford the same view of the problems in slavery. Therefore, writings by the enslaved are extremely valuable. In the case of ancient Rome, there are very few sources that allow for this perspective. In the case of the United States, there is a rich tradition of writing by formerly enslaved Africans, but these written records are not without problems.²³⁴ In light of these problems, the writings of Terence and Roper, both former slaves, are helpful in appreciating the experiences of the slave and the problems inherent in the slave system. Both have provided information on the violence that defined the slave experience.

For Terence, the witnessing of the slave experience is not the specific intention of his plays. Yet although his focus is on the familial problems of citizens, he does give voice to the slaves and provides accounts of the problems they faced. Terence is not read in this way by critics, but his decision to give voice to the slave is significant, especially

²³⁴ One problem is that the records are sometimes censored to account for the conservative audience of the period. See for example Mary Prince, *The History of Mary Prince* (Ann Arbor: University of Michigan Press, 1997). See in particular, the introduction to the University of Michigan edition of Prince's narrative. Moira Ferguson, "The Voice of Freedom: Mary Prince," in *The History of Mary Prince* (Ann Arbor: University of Michigan Press, 1997), 28-29.

considering that there are characters in the plays without voice. For Roper, there is a deliberate effort to note in detail violent practices in his experience and in observed incidents involving other slaves.

The differences in the perspectives and insights offered by Terence and Roper are understood as reflective of the different literary and historical traditions that the two writers represent. Terence represents a revival of sorts for Greek dramatic traditions in Roman “attire.” The slaves are there because they are a large part of the social order. By comparison, Moses Roper was part of a long standing and growing abolitionist movement. His writing, like that of other enslaved Africans in the New World, attests to the inhumanity of slavery. One of the conclusions offered by their texts is obviously the rewarding experience of “hearing” the voice of the slave. The other conclusion is that there should be more work done to illuminate the voice of the slave and the profound statements offered by these texts on slavery and its consequences.

Despite Jane Felix Gaertner’s argument that Terence is not the best measure of Roman law, Terence’s text is helpful in understanding the spirit of the law.²³⁵ This is also the case with Douglass and Roper’s texts. They are not, for the most part, citing law and do not reveal the exact laws governing slaves. Instead, the texts present the spirit of the law and allow for how the law manifested itself in the lives of slaves. Thus, in Terence’s plays, without knowing the law, there is an understanding of the unlimited authority of the master over the slave. This is clear in the behavior of the slaves Davos

²³⁵ Jan Felix Gaertner, “Law and Roman Comedy,” in *The Oxford Handbook of Greek and Roman Comedy*, ed. Michael Fontaine and Adele C. Scafuro (New York: Oxford University Press, 2014), 626-30.

and Parmeno. They attempt to adhere to the dictates of the master. It is also clear from the texts that despite the possible intervention of the Census in the abuse of the slave, there is no acknowledgement of this in the plays. No one can save the slave from the punishment he faces if he fails to submit and produce. This is also clear in Roper's text. For Roper, outside of the initial rescue from death as an infant, no one intervenes on his behalf. Even if he does as he is told, violence is a constant reality for him and for others in the community. For Roper the violence is at times gratuitous. The violence is used to elicit obedience and productivity, but also for entertainment. This aspect of the violence would appear at odds with both legal tradition and the economic benefit of slavery. However, this gratuitous and entertaining violence captures the tenuous nature of the slave's experience in the American South.

Theoretically, violence has a practical role in the life of the slave, but the use of violence creates problems and unpredictability. The violence can do harm to the slave and foster an environment that is harmful to the slave, and thus undermine the ability of the slave to be productive. Roman law indicates that "any action which reduced the value of a slave to his owner was an infringement of his property rights. This applied to violence and sometimes insights against as slave, and also to corrupting him in other ways."²³⁶ This would appear logical and yet the reality for the slave is yet again something else. The slave is naturally associated with violence and the expectation is that violence is a part of the lifestyle of the slave. Therefore, anyone might visit violence upon the slave, as the slave is defined by it; it naturally follows him or her. This is the

²³⁶ Thomas Wiedmann, *Greek and Roman Slavery* (New York: Routledge, 1994), 32. Wiedmann is citing *Digest* 11, 3. and from the *Ulpian*, 23, 2.

case in the rape of Pamphila. She is raped not by her master but by Chaerea. There is no recourse. The resolution comes in the form of marriage once it is learned that Pamphila is a citizen. If she were a slave, then what would be the resolution for the injury?

Chaerea's actions show that this is not a concern. The violence itself does serve to injure the slave but is not a consideration.

In the United States, this association of slavery and violence has another layer: race. Thus, the slave is associated with violence, or rather the right to do violence to the slave is understood by his condition. Moreover, the right to do violence to the slave appears to be justified by his difference. The Romans believed that certain groups were right for slavery and consequently, right for violence. However, the stigma of slavery and the subsequent suitability for being treated violently does not carry the same weight as it does in the United States. In the Mann Case, race is not mentioned, but is implied because the only slaves are Black. It is their Blackness that defines them as slave, as the two terms are considered synonymous.

The Mann decision forecast a future of violence for enslaved people long after slavery ended. For the Roman slave, the stigma of slavery, at least as associated with their ethnicity, does not have the same longevity. In part the invasion of German tribes, a group formerly enslaved by the Roman, helped to mitigate the stigma attached to enslaved ethnicities as did the medieval prominence of some ethnic groups enslaved by the Romans. In the United States, this is not the case. African Americans did participate in the Civil War, but unlike the Confederate vision of a republic overrun by Black leaders, the United States remained largely in the hands of white leadership. This meant that the stigma that associated Black people with powerlessness, slavery, and the

imposition of violence remained. Furthermore, the prevalence of Confederates during the Reconstruction and Post-Reconstruction periods established an insidiously racist order in which law and social practice suggested the superiority of whites and the inferiority of Black people. The violence accepted during slavery was accepted in freedom. This apathy toward violence visited upon Black people continues into the contemporary period in the United States.

In her book, *The People and Their Peace*, Laura Edwards argues, “Wives’ and slaves’ subordination with the patriarchal peace gave them legal influence, however circumscribed, by creating connections that made their presence and their problems visible within the localized system. The credit of wives and slaves, which determined their ability to mobilize those networks, was based in the fulfillment of their prescribed roles.”²³⁷ The suggestion from Edwards is that a patriarchal order governed the American South. The authority of the patriarch could supersede the prescription of the law, determining the outcome of legal disputes. Patriarchy suggests a certain order and security. Edwards implies wives and slaves could maintain security, even when accused of committing perceived offenses, by maintaining their roles. This is not necessarily true.²³⁸ In particular, it is not completely true in the case of slaves. Patriarchal order was

²³⁷ Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: The University of North Carolina Press, 2009), 171. Edwards acknowledges increasing court involvement in “crimes” against slaves but fails to account for why this happened. One possible reason is the increased need and value of the slave with the rise of cotton in the late eighteenth and early nineteenth centuries.

²³⁸ While Roper does not provide the best example of this issue, the narrative of Charles Ball does. Ball is a “good” slave. He is dutiful, skilled, and trusted by his masters, but this does not prevent his suffering, nor does it prevent one of his mistresses from giving him a severe whipping after the death of one of his masters. This includes an incident in which he is given 300 lashes with no explanation. See Charles Ball, *Fifty Years in Chains in the Life of an*

evident in both the Roman and American systems and was the expected order in the household. Patriarchy allows for the security of the patriarch but does not allow for the safety or security of those under the command of the patriarch. These people, wives, children, servants, and slaves, under his command, are subjected to his caprice. This is the case in both ancient Rome and in the Americas and is evident in the dramas of Terence and in the narrative by Roper. Therefore, the slave is put in a precarious position.

In the case of Terence, patriarchy is clearly the system in command, for the orders and desires of the men of the household are the ones that dictate behavior and what is acceptable. Rome is governed by a patriarchal rule and the family is the central and organizing unit of the society. The father and husband are in charge of this unit. In both plays by Terence, *The Girl from Andros* and *The Eunuch*, marriage is key to resolution; marriages that are defined in favor of the male citizen's desires. This is clearly the case in the play *The Eunuch*, where Chaerea rapes Pamphilia, believing she is a slave and therefore that he has access to her body. Although the law technically would indicate that what he has done is a crime, since he has corrupted the property of someone else, there would seem to be no consequence for Chaerea.²³⁹ Then, when Chaerea and the other characters discover Pamphila is a citizen, marriage is the proposal to restore her and to

American Slave, in *I Was Born a Slave: An Anthology of Classic Slave Narratives*, vol. 1, ed. Yuval Taylor (Chicago: Lawrence Hill Books, 1999), 259-486. Likewise, Elizabeth Keckley is subject to attempted beatings. She was also dutiful, described as "proud," and therefore beaten, not by her master, but by her master's son and a schoolteacher friend. Moreover, her industriousness as a slave did not prevent her from being sexually abused. See Elizabeth Keckley, *Behind the Scenes or Thirty Years a Slave, and Four Years in the White House* (Chicago: R.R. Donnelly and Sons, 1998).

²³⁹ If Chaerea were held accountable for his actions, he would not be guilty of rape but of corruption. See Serena S. Witzke, "Violence against Women in Ancient Rome," in *The Topography of Violence in the Greco-Roman World* (Ann Arbor: University of Michigan Press, 2016), 261.

bring resolution to the conflict. This resolution of marriage to the rapist is clearly one that benefits male desire, rather than providing justice for the female victim. Pamphilia has no voice. Her part is nonspeaking, and there is no discussion of her desires. In *The Girl from Andros*, marriage also is suggested to be a point of resolution, not just for Pamphilus and Glycerium, but also for Charinus and Philumena. In neither case is the female character (Glycerium or Philumena) consulted. Glycerium's voice is only heard in the background in the play; Philumena has no voice.

With respect to the violence visited upon the slave, staying in role does not spare the slave from violence. In *The Girl from Andros*, Davos attempts to stay within his prescribed role, but in the end he is being prepared for a flogging. In *The Eunuch*, for Parmeno the threat of violence is ever present and while he seeks to act in the interest of his master, there do not seem to be options for resolving his master's dilemma. In addition, the eunuch in the play is created out of violence. He cannot escape violence by playing his prescribed role. His daily experience, like that of the slaves, is defined by violence, but because he is for the most part a sexual object, the imposed violence rises above flogging.

In the narrative by Roper, the voice of authority is male, but again, adhering to the prescribed role of slave does not guarantee security. This is clear from the beginning of Roper's life when the mistress of the household attempts to kill him because of his paternity and appearance. Further, Roper's "white" appearance is cause for his owners to sell him a number of times, apparently preferring "black" slaves. However, Roper is not exactly a compliant slave. Unlike Davos and Parmeno, the threat of violence and witnessing of everyday violence does not deter Roper. Instead it inspires rebellion. Thus

for Terence the problem of violence is debilitating and has the potential to cause dysfunction. In the case of Roper, it fosters constant rebellion.

Edwards' arguments are important because they suggest the continuity of absolute rule and they acknowledge the importance of race. Race plays a significantly different role in the two slave systems. While the Romans may have identified certain groups of people as ideal for slavery, the Americans had clear and identifiable differences between the master and slave. For the Romans, ideal slaves were Greeks, Jews, Gauls, and Germans. Perhaps an African on occasion might be purchased as a pet or a rare possession, yet for the most part there were not distinctive differences in appearance. Depending on the work of the slave, his appearance might be similar to that of the master. Thus, the distinction in the law had to be clear in specifying the limits and the consequences for the slave that did not acquiesce. The authority of the master is unquestioned and where the Romans sought to make clear the limitations of the slave, Americans did not initially do this and even where they did there was ambiguity. The Romans made it clear that they were interested in drawing clear distinctions between the master and slave and thus marking the slave out as one to be denied privilege and freedom, but for the Americans the law in combination with race made this distinction. In early America there were laws that acknowledge the authority of the master and the powerless of the slave. There were laws that clearly indicate the slave can be subjected to violence and denial without penalty for his tormentor, but the exact nature of the violence and the limits on the violence visited upon the slave are not clear.

In Ancient Rome, there is little documentation of slave revolt or escape. The revolts led by Eunus and Spartacus are the most well-known.²⁴⁰ There was nowhere for the slave to go and the consequences of revolt were dire. In the United States, enslaved Africans, like the slaves of ancient Rome, were foreigners in the land on which they worked. Yet, it is the very violence intended to subjugate that inspires them to rebel and escape. In Terence's plays the violence fosters dysfunction. In both Douglass and Roper, the violence encourages dysfunction of a different order. For both Douglass and Roper, the violence encourages not just rebellion, but escape. For Douglass, the idea of escape is conceived in his violent interaction with the slave breaker Mr. Covey, and for Roper the idea of escape was ever present from the moment he received his first whipping. Douglass' eventual escape was well planned and there was some acknowledge of where and how he would escape. For Roper this was not the case; he ran, but at times the exact plan not clear. In other words, Roper faced some of the same problems as the slaves in ancient Rome. One key difference is that in the United States there was organized resistance to slavery, although whether individual slaves like Roper knew about it before escaping is not clear.

Ultimately, slavery is a paradox; it is intended for reasons of productivity and exploitation but the means of gaining power and exploiting the productivity of the

²⁴⁰ Both Eunus and Spartacus have similarities to American slave revolts in terms of the motivations and the consequences. In the case of Eunus, a Syrian slave in Sicily, like the American slave Nat Turner, he used his faith as an inspiration and suggested that his revolt was sanctioned by the divine. The description of the revolt offered by Lucius Annaeus Florus in *Epitome of Roman History* is reminiscent of Vincent Harding's description of Nat Turner's revolt in *There is a River*. See Lucius Annaeus Florus, *Epitome of Roman History*, 2.7. Also see Vincent Harding, *There is a River: The Black Struggle for Freedom in America* (New York: Harcourt Brace and Company, 1981), 94-100.

enslaved compromise the productivity of the enslaved and the slave owner. It is not clear why such a system continues to be present outside of greed and prejudice.

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