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“Arrest me, for I have run away!” Fugitive Slave Hunting and the Priorities of Roman Law Enforcement

Much scholarship on Roman criminality and public order has focused on the pre-modern, non-institutional nature of crime control and the limited scope of state involvement in rectifying crimes (*e.g.*, W. Nippel, *Public Order in Ancient Rome*, 1995). Moreover, the empire as a whole lacked any sort of consistent, specialized police institution similar to modern police forces. In provincial communities, various public and private servants and magisterial attendants did in fact carry out certain restricted police duties, and at times imperial officials used soldiers to encourage public order. But Roman policing was minimal in many areas, and fractured along different levels of command which rarely coordinated with one another.

One clear exception to this general picture, however, can be found in the Romans' keen interest to recover runaway slaves. Cicero tried desperately to recapture his trusted *servus* Dionysius, and while on his way to Cilicia intended to go to great lengths to apprehend one of Atticus' slaves (*Fam.* 13.77, 5.9-5.11; *Att.* 5.15). Augustus later boasted that in the course of returning stability to the Republic, he returned 30,000 runaways to their masters for punishment (*RGDA* 25; *cf.* Dio 49.12.4f). Pliny's Bithynian correspondence with Trajan likewise reveals the concern that slaves must not illegally escape their servile condition (*Ep.* 10.29f, 10.74).

The most striking evidence, however, is found in Justinian's *Digesta* 11.4, where those who harbor fugitive slaves are treated much like abettors of bandits. This same chapter also brings to light a *senatus consultum* which requires landowners and magistrates to cooperate in the search for runaways. The jurist Ulpian further cites two second-century imperial letters (one from Marcus Aurelius and Commodus and another from Antoninus Pius), which specify that provincial governors, local magistrates, and soldiers posted in the provinces must all cooperate to help owners regain their fugitive slaves. Moreover, a careful process of active investigation, detention and recovery is laid out, which also details the involvement of the varying levels of state police power – from petty municipal servants to the Roman urban prefect or provincial governor. In addition to the legal evidence, an episode from Petronius' *Satyrical* (§97f) merits attention, for it aptly illustrates one form of the very process described in *Dig.* 11.4.

Aided by a handout presenting the relevant texts, this paper shows that the Romans' pursuit of fugitive slaves defies many assumptions made by modern scholars in their limited estimation of Roman policing. Besides offering grounds for a reassessment of Roman policing, the paper also highlights the consistent anxiety that members of the Roman elite felt towards their slaves. While some treatments of Roman slavery barely mention runaways, Keith Bradley was quite correct in noting that fugitive slaves are almost an obsession in the sources (*Slavery and society at Rome*, 1994, pp. 129f.). Concern over the economic threat posed by defection of slaves is detectable in the fugitive slave laws of several slaveholding societies, from the Old Babylonian Empire (Code of Hammurabi #15-18) to ante-bellum America. Runaway slaves were also seen

to be a detriment to the standing of elite individuals, from the Roman senator Cicero, to George Washington, who tried to use his presidential *auctoritas* to recover his wife's escaped slave, Oney Judge.

For the Romans, intolerance for fugitives led some *domini* to brand or tattoo suspect slaves, or to force them to wear humiliating iron collars, inscribed with messages such as, *t(ene) m(e) q(uia) f(ugi)*: "Arrest me, for I have runaway!" (*ILS* 9454). The concern over fugitive slaves is what led to novel, more ambitious policing measures, highlighting Roman society's determination to uphold the dichotomy between "slave" and "free."