

**Republican liberty and the notion of economic independence in the first century BC:
Livy and the issue of debt-bondage***

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I

The Roman Republic was characterised by a commonly shared notion of liberty understood as a status of non-subjection to the arbitrary will of either a foreign power or a domestic group or an individual.

In Rome during the Republic a citizen possessed political liberty if he was protected by a matrix of rights that safeguarded his life's choices against the imposition of an alien will, thereby allowing him to conduct his life at his own volition. Rather than the incarnation of liberty itself, these rights were the institutional means through which the status of political liberty was established and preserved from the domination of the ruling class, rather than from their interference. They represented the legal bulwark that protected the status of liberty and allowed citizens to conduct their lives in the pursuit of their freely chosen goals, unobstructed by magistrates or groups wielding political power. By protecting the action of the individual from the exercise of arbitrary power, these *iura*, presented in our sources as the true foundations of Roman liberty, allowed the individual to perform an action as a matter of right rather than grace. These were the rights to *suffragium*, *provocatio*, all the powers of the tribunes of the plebs (*auxilium*, *intercessio* and the *ius agendi cum plebe*), and included the rule of law¹.

However, contrary to what happens in other ancient societies,² in the extant Republican sources, the right to one's economic independence, whatever juridical form this may take (from protection of one's own work to protection of one's own property), does not appear to be one of the fundamental rights that would guarantee the liberty of an individual.

The relation of mutual interdependence between the idea of liberty and the condition of economic independence seems intuitively correct; after all, one cannot be free, in a Republican sense, from the arbitrary coercion or interference of someone else, unless one is able to sustain oneself economically, or to put it the other way around, one will be always under the control or dependence of someone else if unable to provide for oneself.

However, when we look at the historical sources at our disposal, the issue is not so straightforward and requires further examination. My principal concern in what follows is with three questions: the extent to which, if at all, *libertas* in its main articulation predominant in the late Roman Republic entails the notion of economic freedom; the historical reasons that have given rise to the Republican peculiarity of this relation, and, in conclusion, its implications for the wider Republican theory of liberty.

* I would like to thank you Lisa Eberle and Peter Garnsey for interesting exchanges and comments on issues raised by this paper.

¹ Arena 2012, pp. 47-9.

² See the essays by von Dassow and Stökl in Arena 2018 and as well as the discussion in Arena 2018, 649-51. For a very thought-provoking discussion on the topic see Graeber 2011, esp. 198-209.

Thus, my aim is threefold: I hope to show first that, although they are logically connected, there is not a direct (definitional) relation between the idea of liberty and a status of economic independence; second, that the historical reasons behind this absence must be found in the Roman conceptualisation of the notion of debts; and finally, that this sheds light on the relation between the concept of distributive justice and the dominant Republican theory of liberty.

Although in the last ten years or so the analysis of ancient Republicanism has experienced a powerful revival, this specific issue has not attracted much attention in recent scholarship³. While in the past, Chaim Wirszubski and Joachim Bleicken had rejected this association between liberty and economic independence, Peter Brunt, in his excellent essay on Republican *libertas*, has most explicitly introduced this possibility. He states that ‘the various measures of relief for the poor ascribed to plebeian leaders of the early Republic, or promoted by Flaminius’ agrarian distributions, and by the Gracchi and their successors, were at least products of that *libertas* which could be identified with popular sovereignty⁴. ‘But,’ he asks, ‘is there ... [a] possibility that distributions of land and grain or relief of debtors were actually seen as enhancing or creating liberty?’⁵.

When we turn to our ancient texts, although conditions of social distress are often loosely associated with a lack of liberty, almost nowhere in our sources do we find a direct correlation between the idea of *libertas* and a status of economic independence. Roman politicians, such as Tiberius Gracchus, are reported to have advocated land distributions to the Roman people so that they could have a share in what belonged to them and it is not implausible to imagine, as some scholars have done, that this was carried out in the name of the principle that people should be free to dispose of their own. Equally, in the case of grain distributions, Gaius Gracchus claimed that the resources of the empire should be distributed to the very people who helped to build it, and again it is not farfetched to envisage that, as Brunt does, one of the claims put forward in support of this Gracchan reform was that it freed the people from dependence on bounties of the great families. However, as Brunt himself recognised, this is not tantamount ‘to show that *libertas* could connote economic independence,’ but, he insists, ‘we must recall how little the sources preserve the sentiments to which *populares* appealed’⁶.

When thinking about Roman liberty, I too have thought that the right to ownership of property was undoubtedly one of the rights of which Roman citizens held to be essential to an independent life. However, as I observed, nowhere in our sources does the notion of the right to property appear explicitly in direct connection with the idea of liberty as a definitional element of Roman citizenship⁷. If, on the one hand,

³ A full discussion of the issue is absent, for example, in Connolly 2015 and Atkins 2018.

⁴ Brunt 1988, p. 346-47.

⁵ *Contra* this view see Wirszubski 1959, pp. 44-45 and Bleicken 1972, p. 35, n. 58.

⁶ Brunt 1988, p. 348.

⁷ On the concept of property see Garnsey 2007, esp. pp. 192-195 and 2017. Cf. Atkins 2018, pp. 43-49 on property and rights.

during the Republic, the Roman citizens did hold the right to own property, on the other, the holding of this right did not define their status of Roman citizens, but rather it acted as a precondition for its existence⁸.

However, as I have already observed, in the Roman Republic the right to ownership does not appear as one of those rights whose enshrinement in law secured the citizens' status of liberty. The Roman Republican members of the civic community secured their ability to enjoy life as free citizens by being protected from external domination in certain fields of their life⁹. This included, for example, protection from abuses by those in power as well as their ability to make political choices which would allow them not to be fully dominated by members of the elite. It seems, however, that in an economy where compensation for labour did not stem from profit and wages, coercion to work did not arise from labour contracts, and commitment to labour did not spring from corporate culture¹⁰, the ability to provide for themselves or, more broadly, to be economically independent, was not articulated as one of the citizens' basic liberties, that is those deemed by society as necessary to guarantee the enjoyment of a full life.

As Lorenzo Sabbadini has shown, 'the attempt to make property ownership integral to republican liberty was essentially an innovation of seventeenth-century England'¹¹. These authors struggled to establish the precise nature of the relationship between the notion of liberty as self-ownership and holding private property as an indispensable feature of liberty, since, as rightly Sabbadini points out, 'on the question of whether and in what sense defending private property is conducive to liberty the Digest is silent'¹².

The fundamental question that remains so far not fully explored concerns the historical reasons for this silence. As in the history of the Republic the specifications of these liberties were frequently the result of the struggle for power by marginalised groups, the question is why by the first century BC the right to economic independence did not figure amongst that set of rights that guaranteed the citizens' liberty.

While the institution of the *peculium*, the form of property in possession of those *in potestate* (children, wife *in manu*, slaves) shows the absence of a clear demarcation between the status of liberty and the condition of economic independence, the group of the *nexi* (also in its later permutations of the *obaerarii* and the *addicti*) who, because of their inability to repay their debts had ended up in a condition akin to that of slaves, *prima facie* attests the direct correlation between the idea of liberty, invoked by them, and the (in)ability to provide economically for oneself. However, when the claims of the *nexi*, as reported by Livy, are explored, it becomes apparent that those in this condition demanded the right to self-ownership, rather than the right to ownership over 'the external things of this world' (tangible property or the service provided by their own work)¹³. In the account of our ancient sources, they appear unable to differentiate the abstract

⁸ Arena 2012, p. 50. On the historical origins and development of the right to property see Kaser 1956; Capogrossi Colognesi 1981; 1999; 2000; 2002; Du Plessis 2015.

⁹ On traces of conception of internal domination see Arena 2011.

¹⁰ Verboven and Laes 2016, pp. 6-13.

¹¹ Sabbadini 2013, p. 21.

¹² Sabbadini 2013, p. 21. Cf. Cic. *off.* 2.73, cf. 1.21 for Cicero's view about protection of property as the aim of the commonwealth.

¹³ Willian Blackstone in 1766, cited in Garnsey 2017. For the distinction between the notions of ownership and property see Garnsey 2017.

notion of labour, which should have been protected by the establishment of a law, in turn guarantor of their liberty, and the labourers themselves¹⁴.

The reason behind this inability, I argue, lies in the Roman way of thinking about the relations of debts within the conceptual framework of *fides*. The Romans thought of debt in terms of gift-exchange that took place within a relation of mutual trust. Within this context, it follows that calling for the abolition or relief of debts would have been tantamount to undermine *fides*, that is one of society's foundational values, and this in turn would have shaken at its very roots the notion of justice, for which the upholding of *fides* was essential. Thereby, calling for the abolition of debts and implicitly a re-thinking of their condition in economic terms would have been an act detrimental to justice, on which the society was founded, but would not have been a matter of liberty.

It follows that the Republican theory of liberty, as born out of the struggle between patricians and plebeians in the political culture of the late Republic, did not elaborate the right to economic independence as one of the basic liberties of Roman citizens, and, thereby, does not make an explicit contribution to the question of if and, if so, how wealth should be distributed.

II

The strongest argument in favour of an absence of a direct (definitional) correlation between the idea of liberty and a status of economic independence is provided by the institute of the *peculium*, the financial allowance that a father gave a son in his *potestas* and, even more striking for the present argument, a master gave his slave¹⁵. The *peculium* could take the form of a sum of money, a commercial business, or a small property that a master granted his slave for his use, free disposal, and augmentation. Stemming originally from the intention to provide slaves with enough economic independence to develop a profitable business in the interest of the family group and his head, the *peculium* was technically the master's property, who in fact was legally liable for debts and obligations created by his slave in transactions with a third person¹⁶. However, the *peculium* remained separate from the rest of the patrimony and retained a distinct character. The slave had the right to administer the separate funds or business and dispose thereof through various

¹⁴ Finley 1973, p. 65-71.

¹⁵ In the field of foreign relations, an important category where the relation between liberty and economic independence is discernible is the establishment of the *civitates liberae ac immunes* alongside *civitates liberae*. The latter designate provincial cities free from interference by the provincial governor, while de facto subjected to taxation, and therefore endowed with a form of liberty, while economically dependent on Rome. The *civitates liberae ac immunes* added the explicit additional privilege of immunity from taxation to a sort of political autonomy, granted by Roman concession (*lex data*). For a general taxonomy of provincial cities see Garnsey - Saller 1987, p. 28. Ferrary 1988, p. 215 on the basis of Cic. *Verr.* II. 3. 13 considers the category of *sine foedere immunes civitates ac liberae* in Sicily as de facto only *immunes*. *Contra* Badian 1958 and Pinzone 1999.

¹⁶ On *peculium*: Buckland 1908, pp. 187-238; Žeber 1981; Kirschenbaum 1987, pp. 31-88; Watson 1987, pp. 9-101; Pesaresi 2008 and 2012; Bürge 2010; Mouritsen 2011, pp. 174 ff.; Aubert 2013. On the issue of liability and the *actio de peculio et in rem verso* see de Ligt 1999, pp. 205 ff.; Aubert 2013. For an excellent overview on all these issues see Gamauf 2016.

transactions, till a law of Justinian conceded formally the *libera administratio peculii*, which enabled the slave to dispose of the funds almost like an owner¹⁷.

Slaves could increase their *peculium* through business transactions, personal earnings due to their specialist skills, or even through borrowing, and, most interestingly for the present argument, could use it to buy their own freedom¹⁸.

Although, as Mouritsen argues, self-purchase was not a right, it was a distinctive possibility as well as a historical reality¹⁹. At the very beginning of the second century BC, a theatre audience at Rome could be present at a Plautine exchange on stage, where a group of men, who once had been slaves, could rebuke Agorastocles, most probably their former master, for, in their opinion illegitimately, rushing them up: ‘we aren’t bound (*obnoxii*) by what you love or hate. When we paid money for our freedom, we paid our own money, not yours (*nostrum ... non tuum*). We ought to be free (*liberos nos esse oportet*). We don’t care about you, so don’t believe we are bond slaves to your love. It’s more appropriate for free men to walk through the city with measured step; whereas I believe it to be right for slaves to run in a hurry²⁰.

If these freedmen of Plautus’ comedy were successful in buying their liberty using their own money, the old shepherd Tyrus in Virgil’s first Eclogue could lament that freedom came late to him since for a long time, as a result of his poor sales of meat and cheese, he had not earned enough money to buy his own freedom (*nec spes libertatis erat, nec cura peculii*)²¹.

Alongside Dionysius of Halicarnassus who, in the mode of the *laudator temporis acti*, laments the current way in which slaves earn money to buy their own freedom²², Rome attests the practice of self-purchased liberty also through the unique institution of the *servus suis nummis emptus*²³. This was a slave who gained his liberty through the involvement of a third party who would buy him by using the slave’s own money and would then set him free, giving rise, as Garnsey has noted, to the rather interesting social figure of a freedman without a patron²⁴.

Although its frequency is disputed, this sort of evidence, to which a number of inscriptions and other literary attestations could be added, provides us with a window into a world where a slave was endowed with a form of economic independence.²⁵

¹⁷ Wacke 2006 and Heinemeyer 2013, 125-131.

¹⁸ At times, the *peculium* could be indeed increased by payment, when the slave had specialist skills, as in the case of actors, see Plin. *NH* VII. 128. Book 15 of the *Digest* attests to the possibility for a slave to borrow money.

¹⁹ Mouritsen 2011, p. 171. The current scholarly dispute on the topic concerns its frequency as opposed to the actual occurrence of the phenomenon. For different views at this regard see, for example, Hopkins 1978, pp. 118 and 126 and Watson 1987, on the one hand, and, on the other, Mouritsen 2011, pp. 161-162.

²⁰ Plaut. *Poen.* 519-525.

²¹ Verg. *eccl.* 1. 32. Mouritsen 2011, p. 162.

²² D.H. *ant.* II. 68: Dionysius of Halicarnassus complains that, once upon a time, most slaves received freedom as a gift for good conduct, and the few who paid for their freedom had earned the money through honest and respectable work. However, he laments that, in his own time, slaves buy their freedom with money obtained through crime and prostitution.

²³ Heinemeyer 2013.

²⁴ Garnsey 1981, p. 198.

²⁵ Mouritsen 2011, pp. 159-80.

Although technically the *peculium* could be withdrawn by the master, this happened rarely and was frowned upon – and even when slaves were sold, it was common practice to let them take the *peculium* with them.

It follows, therefore, that in Republican Rome there was not a firm demarcation between the status of *libertas* and the condition of economic independence.

III

However, the category of the so-called *nexi*, or debt bondsmen, *prima facie* appears to corroborate the link between the status of liberty and the condition of economic independence, since, as a result of their inability to provide economically for themselves, these free men fell into a status (de facto) akin to slavery.

Our sources, despite their differences in emphasis, present an homogenous picture of the events, where the *nexi*, free men fallen into debt bondage, are described as fighting for the abolition of *nexum* in the name of liberty and this desired outcome, sanctioned by the passage of the *lex Poetelia* in either 326 BC or 313 BC, is styled, in the words of Livy, as the rebirth of freedom in Rome²⁶.

However, although the *nexi* fought against their status of servitude that resulted from their economic dependence on the creditors advocating the value of liberty, their successful struggle to abolish the *nexum* did not yield an elaboration of the right to protect one's own work and property as one of the basic liberties of Roman citizens. It rather resulted in the establishment of the tribunate, a magistracy inviolable, open only to plebeians, and endowed, importantly, with the right to help (*ius auxilii*). The reason for the absence of this codification as one of the guarantees of liberty, I argue, lies in the conceptual framework of the claims put forward by the *nexi* as reported by our later sources.

The exact nature of the *nexum* is highly controversial²⁷. Even the Romans of the late Republic were unsure of its precise nature. In his *de lingua Latina*, Varro shows that a considerable degree of uncertainty on its exact features was already widespread in the second half of the first century BC. Reporting different juridical opinions on the relation between *nexum* and *mancipium*, Varro states that '*nexum* is derived from this cash which is tied through the scales and does *neque* 'not' become *suum* 'one's own/independent [of this obligation]'. He then goes on to explain: 'A free man who 'bound' (*nectebat*) his labour in slavery for money which he owed, until he could pay, is called *nexus* 'bondsman'²⁸.

²⁶ On the first secession of the plebs, the establishment of the tribunate and its relation to debts crisis Cic. *rep.* II. 58-59; Sal. *hist.* II. 11; Liv. II. 23.1-31. 7-8; D.H. *ant.* V.63.1-67.3; v.70.1-5; vi.22.1-29.1; vi.34.1-44.3; VI. 83. 4-5; D.C. IV fr.17; Zon. 7.13-14.

²⁷ The topic has been discussed at length in modern, in particular juridical, scholarship. For the most recent and lucid contribution on *nexum* see Lerouxel 2015 with an excellent bibliography of previous studies.

²⁸ Varro *ling.* VII. 105, trans. De Melo forthcoming and comm. ad loc., pp. 561-562. The other attestations on *nexum* are the XII Tables (I. 5 and VI. 1) and Festus p. 160L and 162L. Cf. Cic. *de orat.* III. 159 and *Mur.* 3.

It is important to observe that, although the *nexus*, bondsman, is portrayed in shackles and chains and is subjected to *infamia*, which implies the loss of political rights and a different treatment under the law²⁹, he is not a slave to all effects. He is a Roman citizen, who retains the civic right to protect his person against abuses from those in a position of power as well as the right to make a contract³⁰. It follows that, technically, in exchange for the money he receives, the debtor does not transfer himself, as Roman law did not acknowledge such a principle as self-manicipation³¹. Rather, to rectify his failure to fulfil his obligation to repay his loan, the debtor provides, strictly speaking, his labour³².

However, in the account of Livy which I shall follow here, it is apparent that the socio-economic condition of the *nexi* was exacerbated by the creditors' abuses of their position of domination against the persona of the debtors/*nexi*.

Although he equates the *nexi* of the fifth century BC to the *addicti* of his own time, that is debtors de facto not expected to repay their debt to defaulters under court judgment, by re-elaborating material found in the annalists as well as, most probably, in plays staged at the *ludi scaenici*, Livy created a continuous historical narrative, which he placed in a contemporary setting³³. Playing a crucial role in the formation of Roman cultural and political identity of his time, not the least through public reading of his work, Livy framed the requests of the *nexi* in terms of liberty as self-ownership, articulated within social relations of mutual *fides*.

While the war against the Volsci was imminent, Livy tells us, 'the citizens were at loggerheads among themselves, and internal dissensions between the Fathers and the plebs had burst into a blaze of hatred, chiefly on account of those who had been bound over to service for their debts (*civitas secum ipsa discors intestino inter patres plebemque flagrabat odio, maxime propter nexos ob aes alienum*). These men complained loudly that while they were abroad fighting for liberty and dominion they had been enslaved and oppressed at home by fellow-citizens (*fremebant se foris pro libertate et imperio dimicantes domi a civibus captos et oppressos esse*), and that the freedom of the plebeians (*libertatem plebis*) was more secure in war than in peace, amongst enemies than amongst citizens'³⁴. This resentment, which was growing spontaneously, was further ignited

²⁹ This refers technically to the *addicti* with whom the *nexi* of old are often confused. Kaser 1956, pp. 235-254.

³⁰ Liv. II. 24. 6; VIII. 28. 4; D.H. *ant.* XVI. 9; Val. Max. VI. 1. 9

³¹ Ogilvie, 1965, pp. 296-7.

³² XII Tables, VI. 1. Most recently see Bernard 2016 for the interesting reading that '*nexum* was not equivalent to default, nor was it created only at the point of a defaulting loan, but it was at its basis a simpler form of exchange: labour for property'.

³³ On the difference between *nexi* and *addicti* in Livy see Brunt 1988, p. 285. Richard 2005, pp. 118-19 on the actual impossibility of the *nexus* to repay his debt and the overall historical authenticity of the elementary facts. On Livy as historical source see Raaflaub 2005, esp. pp.22-23 and Ogilvie, 1965, p. 298. Garnsey 1988, p.167 arguing in favour of the historical accuracy of the narrative on debts and related famine from Cato's claim that the *annales maximi* contained information on famines.

³⁴ Cf. D.H. *ant.* VI. 63. 1-67. 3 for a similar line of argument: the people in the Forum are reported to have asked 'what advantage shall we gain by overcoming our foreign enemies if we are liable to be hauled to prison for debt by the money-lenders, or by gaining the leadership for the commonwealth if we ourselves cannot maintain even the liberty of our own persons?' (*μηδὲ τὴν ἐλευθερίαν τοῖς σώμασι φυλάξαι δυνήσομεθα*).

by the calamity of one individual³⁵. Covered in filth and emaciated, a valiant soldier told the crowd around him (as though it was an assembly, Livy tells us) that ‘during his service in the Sabine war not only had the enemy’s depredations deprived him of his crops, but his cottage had been burnt, all his belongings plundered, and his flocks driven off. Then the taxes had been levied, in an untoward moment for him, and he had contracted debts. When these had been swelled by usury, they had first stripped him of the farm which had been his father’s and his grandfather’s, then of the remnants of his property, and finally like an infection they had attacked his person, and he had been carried off by his creditor, not to slavery, but to the prison and the torture-chamber (*postremo velut tabem pervenisse ad corpus; ductum se ab creditore non in servitium, sed in ergastulum et carnificinam esse*). As a result, a might uproar followed throughout the entire city. “Those who had been bound over, whether in chains or not, broke out into the streets from every side, and implored the Quirites to protect them’ (*Nexi vincti solutique se undique in publicum proripiunt, implorant Quiritium fidem*)³⁶. In response to the crowd, who ‘displayed their chains and other hideous tokens’ (*at in eos multitudo versa ostentare vincula sua deformitatemque aliam*), and at the news that the Volsci were about to attack again, the consul Servilius ‘then confirmed his speech by a proclamation (*contioni deinde edicto addidit fidem*) in which he commanded that no one should hold a Roman citizen in chains or durance so that he should not be able to give in his name to the consuls, and that none should seize or sell a soldier’s property so long as he was in camp, or interfere with his children or his grandchildren (*ne quis civem Romanum vinetum aut clausum teneret, quo minus ei nominis edendi apud consules potestas fieret, neu quis militis, donec in castris esset, bona possideret aut venderet, liberos nepotesve eius moraretur*). When this edict had been published, the debtors (*nexi*) who were present at once enlisted, and from every quarter, all over the City, they hastened from the houses where their creditors no longer had the right to detain them (*cum retinendi ius creditori non esset*), and rushed into the Forum to take the military oath³⁷.

However, when Appius rendered Servilius’ *fides* hollow (*ut collegae vanam faceret fidem*),³⁸ Servilius ‘declared that it was impossible to deceive the commons any longer; the consuls would never have a single soldier unless a public guarantee were given: liberty must first be restored to every man before arms were given him, that he might fight for his country and his fellow-citizens, not for a master’ (*Cum ad nomen nemo responderet, circumfusa multitudo in contionis modum negare ultra decipi plebem posse; nunquam unum militem habituros ni praestaretur fides publica; libertatem unicuique prius reddendam esse quam arma danda, ut pro patria civibusque, non pro dominis pugnent*)³⁹

³⁵ On the theatrical quality of this episode see Ogilvie, 1965, p. 298, who argues that early lawyers had invited this episode as case-history to illustrate the working of the XII Tables. On the issue of public consumption of prose literature, such as Livy’s historiography, see, more recently, Wiseman 2015, esp. pp. 129 ff. Cf. Cic. *Tusc.* III. 26. On the fundamental historicity of the events, despite the colourful embellishment of some anachronistic details, see Cornell 1995, pp. 266-267.

³⁶ Liv. II. 23. 7-8. Cf. D.H. *ant.* VI. 26 and Cic. *rep.* II. 58.

³⁷ Liv. 2.24.6. Cf. D.H. *ant.* 6.27-9.

³⁸ Liv. 2.27.1

³⁹ Liv. II. 28. 7.

Still, not only did Servilius' plans come to nothing,⁴⁰ but the plebeians had to wait till the passage of the lex Poetelia in 326 BC (or 313 BC) for the abolition of *nexum*⁴¹. 'In that year,' Livy tells us, 'the liberty of the Roman plebs had, as it were, a new beginning; for men ceased to be imprisoned for debt' (*eo anno plebei Romanae velut aliud initium libertatis factum est, quod nequi desiderunt*)⁴².

The episode that sparked the legislative innovation was yet again represented by the creditor's attacks on the physical person of the son of his debtor, a handsome boy, whose beauty had ignited the creditor's lust. When rejected, in fact, the creditor flogged the young man with impunity as if he was slave. Indignant, the people reacted to the events and began to fight, so Livy tells us, in the name of liberty: 'a great throng of people, burning with pity for his tender years, and with rage for the shameful wrong he had undergone, and considering, too, their own condition and their children's, rushed down into the Forum, and from there in a solid throng to the Curia. The consuls were forced by the sudden tumult to convene the senate; and as the Fathers entered the Curia, the people threw themselves at the feet of each, and pointed to the young lad's mutilated back'. They wished to be free, and the liberty for which they fought, so they articulated in their claims, was the liberty of their *corpus*, their own person. When eventually they succeeded in their intent, the lex Poetelia was passed, according to which, 'none should be confined in shackles or in the stocks, save those who, having been guilty of some crime, were waiting to pay the penalty; and that for money lent, the debtor's goods, but not his person (*corpus*), should be distrainable'.

Thus, in line with their previous claims, a law was carried out which guaranteed the free status of the debtor's person. Sparked in Livy's account by the treatment of the beautiful *nexus*, who, not being formally a slave, could not have been flogged with impunity by his creditor, this law recognised that only the goods of the debtor and not his person should be distrainable⁴³.

Most interestingly, the first unrest caused by the condition of the *nexi*, which had given rise to the so-called first secession of the plebs on the Sacred Mount, or, if one follows Piso, on the Aventine⁴⁴, was satisfactorily concluded on both parts by the establishment of the tribunate of the plebs.

As Livy tells us, thanks to Agrippa Menenius the people changed their mind and 'steps were then taken towards harmony, and a compromise was effected on these terms: the plebeians were to have magistrates

⁴⁰ Interestingly, our sources do not mention the problem of debt and debt-bondage after the first secession till the fourth century BC., when again it returns as one of the main causes of plebeian discontent: see, for example, Liv. VI. 14. 4 (the case of a centurion); Liv. VI. 14. 10 (Marcus Manlius who pays for the centurion's freedom and gives his estate for sale so that plebeians are not carried into slavery); cf. App. *Ital. fr.* 9. Most interestingly, Manlius took up the cause of people's debt because he thought that debt was a sharper problem because 'it not only threatened poverty and shame (*non egestatem modo atque ignominiam minentur*) but terrified the free man with the thought of shackles and imprisonment' (*sed nervo as vinculis corpus liberum territent*). For an understanding of this problem see Cornell 1995, p. 267. For the contemporary wave of debt legislation in many Greek communities see Bernard 2016, p. 320.

⁴¹ Livy VIII. 28 attributes the law to the consul C. Poetelius Libo Visolus in 326 BC; Varro (*ling.* VII. 105) assigned it to the dictatorship of Poetelius' son in 313 BC. As Bernard (2016) rightly observes, the context of the law is most likely historically correct as both dates attempt to reconcile the available information with the Fasti. It is important to note that this law abolished solely the institutionalised form of *nexum* and only defaulting debtors under court judgment could be placed in bondage, see Hölkeskamp 1987, pp. 159 ff.

⁴² Liv. VIII. 28. 1. See also D.H. *ant.* XVI. 5. 1; Varro *Ling. Lat.* VII. 105; Cic. *rep.* II. 34.

⁴³ See also Ps-Quint. *decl.* 3. 17; Val. Max. VI. 1. 9.

⁴⁴ On this, see most recently Mignone 2016, pp. 17-47.

of their own, who should be inviolable, and in them should lie the right to aid the people against the consuls, nor should any senator be permitted to take this magistracy' (*agi deinde de concordia coeptum concessumque in condiciones ut plebi sui magistratus essent sacrosancti, quibus auxilii latio adversus consules esset, neve cui patrum capere eum magistratum liceret*)⁴⁵.

As long noted, this historical account is marked by a conspicuous curiosity, that is the incongruity between, on the one hand, a struggle that arises from a condition of socio-economic distress, conducted under the battle cry of liberty from *nexum* and, on the other, its conclusion, political in nature and contentedly accepted by all parties involved, the establishment of the tribunate of the plebs⁴⁶.

If Tim Cornell is in arguing that it was not in the plebeian interest to abolish *nexum*, as the alternative punishment for those insolvents would have been death or slavery abroad⁴⁷, it seems that the adopted political solution to the pressing economic issue was, at close inspection, respondent to the plebeian requests as reported by later sources.

IV

Analysing the arguments that Livy attributes to the plebeians, we observe that when fighting for the abolition of debts in the name of liberty, the plebeians are represented as demanding the right not to be under the *dominium* of anybody else⁴⁸. Their claims, however, are not limited to their right of not being under someone else's *dominium*, or, to put it the other way round, the right of being their own *domini*, but rather more specifically encompass the field over which their very *dominium* should be exercised.

The important point they make, in fact, is that they need to be protected in their own person, as in their view it is their *corpus* that it is affected by the exercise of the domination of the creditors. As the soldier whose vicissitudes ignited the so-called first secession of the plebs states, the spiral of the debts and usury had attacked his very person like an infection, while the other *nexi* who joined him in the forum lamented their condition by showing their chains and *deformatas*, that is they showed how this condition of being *nexi* had affected their physical state. As our sources report, those who had fallen into debt-bondage claim to have been oppressed and treated as slaves and sustain their right to be protected in their status of Roman citizens.

The liberty they invoked and eventually, according to Livy's narrative, gained in 326 BC, was actually power, but power over themselves, not over other objects, or property, independently of themselves. They

⁴⁵ Liv. II. 33. 1.

⁴⁶ Contrary to the narrative in Cicero and Livy, D.H. *ant.* VI. 83 .4-5. and VI. 88. 3 seems to suggest that the debtors were released from slavery as part of a compromise proposed by Agrippa Menenius. Drummond 1989, p. 214, interprets this as a later addition to clarify the conclusion of the conflict.

⁴⁷ See Cornell 1995, p. 267.

⁴⁸ On the issue of speeches in historiography see Laird 1999; Marincola 2007; Pausch 2010. On Roman liberty as a status of non-domination or dependence see Pettit 1997; Skinner 1998; Arena 2012 and 2018; Atkins 2018b.

asked for *dominium* over themselves, that is they asked for protection of their own person, guaranteed by the legal recognition of their power over themselves.

It follows that by invoking self-ownership, rather than ownership over external objects, whatever form these might take (labour, land, money, or businesses), the plebeians whose condition had been sparked by aggravated socio-economic circumstances were not in a position to articulate a request for protection of their economic independence in terms of liberty⁴⁹.

They asked and fought for self-ownership as a guarantee of their liberty and argued that their personal liberty would have secured, in turn, the liberty of the commonwealth. This, in fact, would have allowed them to serve in the army and, thereby, protect the civic community from external domination as well as providing domination over the others⁵⁰.

By doing so, the plebeians did not tackle the socio-economic causes that affected them. As Finley put it, 'they were citizens reclaiming their rightful place in the community – for themselves alone, not for the genuine few chattel slaves who had been brought from outside into Athens and Rome at the time'⁵¹.

By framing their struggle in terms of self-ownership, the plebeians laid the foundations for its political conclusion: the establishment of the tribunes of the plebs, who, in line with the plebeians' request, were endowed with the right to protect Roman citizens in their own person as one of the basic Roman liberties.⁵²

V

It seems, therefore, that Finley was correct when claiming that the ancients failed to distinguish between the abstract notion of labour-power and the actual worker providing labour services⁵³. In the case of the conflict between the creditors and the *nexi* as represented by our later sources, it seems clear that, on the one hand, the creditors did not distinguish between the abstract notion of labour and the physical person of the labourer, whom they treated in a manner akin to that of a slave as their rightful dues for the debtor's failure to repay them. On the other hand, the *nexi* too did not distinguish between the idea of labour they offered their creditors and their own person, on the protection of which they focused their demands.

These considerations, however, entail the further question of why this articulation of the debt problem of the *nexi* did not yield an elaboration of the right (or, at least, did not lead to a campaign for the establishment of the right) to economic independence as one of the basic Republican liberties. In other words, it begs the question why the plebeians, in their Livian representation, did frame their claims in terms

⁴⁹ For the development of the right of ownership see Garnsey 2007 and 2017.

⁵⁰ Liv. II. 23. See also D.H. *ant.* v. 65. 5.

⁵¹ Finley 1973, p. 67, see also Finley 1981, 150-66.

⁵² Cf. Richard 2005, p. 120.

⁵³ Finley 1973, pp. 65-71, who emphasises the extent to which also the Roman jurists found difficult to make this distinction. On contracts see Mayer-Maly 1956; Fiori 1999; du Plessis 2012. On the problematic association between wage-labour and slavery see Lis and Soly 2012, pp. 54-98; Verboven 2014.

of self-ownership, rather than in terms of rights to protect their economic independence, that would in turn guarantee them the ability to conduct their life at their will⁵⁴.

The reason, I argue, lies in the Roman understanding of debt as *ingens fidei vinculum*⁵⁵. It is, in fact, to *fides* that Livy refers when discussing the dynamics of power exchange during the struggle of the orders over the issue of the *nex*⁵⁶.

As Eberle convincingly argues, ‘the Romans cast borrowing and lending as part of ongoing relationships of gift giving: the giving and procurement of loans was one of the main *beneficia* that a Roman could bestow on and receive from others who took part in this in gift exchange’⁵⁷. The conceptualization of debt within this framework was, crucially, based on a relation of mutual *fides*.

Fides, which was in origin connected to the verb *credere*, signified the credit that one gives in recognition of the abilities and position of another in society as well as the possession of such abilities and position that yields this recognition⁵⁸. Casting this notion in terms of trust, the most common English translation of *fides*, this idea seems to encapsulate, on the one hand, the trust in the person who bestows the *beneficium*, that he is in the position of doing so and will do so at the time of need, and, on the other, the trust in the person who receives it, that he has the disposition of returning it and will certainly do so⁵⁹. Most importantly, a relation informed and sanctioned by *fides* was considered binding on both parties involved⁶⁰.

It follows that *fides* was a fundamental value that governed societal relations and established mutual obligations amongst members of the civic community, while reinforcing the structural inequality present in society. Within the wider context of a culture whose societal interactions are governed by the *modus operandi* of gift exchange, the bestowal of *beneficia* was predicated upon the *fides* of the beneficiary, that is on his fidelity to the promises and agreements made, that he would remember to bestow gifts in return and would do so at the appropriate moment. Tying people together by a sentiment of reciprocal trust, *fides* was not simply any part of the ethics of gift exchange, but, as Eberle has argued, it acted as the precondition for participating in gift exchange in the first place⁶¹.

Although provided with a wide range of connotations in Roman legal institutions and social life, in the first century BC the most conspicuous sense of *fides* is *credit*⁶².

⁵⁴ Most recently, Vasaly 2015, pp. 102-103 emphasises the lack of an effective plebeian voice as one of the causes, which led to uproar and riot as opposed to agitation for particular measures.

⁵⁵ Liv. VIII. 28. 8.

⁵⁶ See, for example, Liv. II. 23. 8; II. 24. 6; II. 27. 1; II. 28. 7; II. 30. 1; II. 31. 11; VI. 34. 2. On *nexum* and *fides* see Imbert 1952 and Freyburger 1986, pp. 164-166.

⁵⁷ Eberle forthcoming. On an anthropological reading of Roman Republican society along the line of gift-exchange see Verboven 2002, pp. 116-182 and 333-336; Rollinger 2014, pp. 315-335; Coffee 2016.

⁵⁸ Fiori 2008 with a discussion of the development of this concept in Christian thinking.

⁵⁹ Verboven 2002, pp. 39-41; Rollinger 2014, pp. 108-115. On *fides* more in general see Helleguarc’h 1963, pp. 23-40; Freyburger 1986 and 1999.

⁶⁰ On the source of the binding powers of *fides* Schulz 1934, pp. 151 ff.; Kunkel 1939, p. 5; Freyburger 1986, pp. 319 ff. Lombradi 1961, pp. 133 ff. underlines the ‘power’ of the given word as binding force of a relation of *fides*.

⁶¹ Eberle forthcoming. On the role of *fides* in relation between members of the community Freyburger 1999.

⁶² Cic. *Man.* 19; *leg. agr.* I. 24; II. 8; *Mur.* 49-51; *Cat.* II. 8; 17-22; *fam.* V. 6. 2; Sall. *Cat.* 16. 4; 21. 2; 28. 4; 33. See Freyburger 1986 and Fiori 2008.

In the dominant discourse of the late Republic, this value, informed by Greek philosophical concepts, gained a prominent moral dimension and became closely linked to the notion of justice⁶³. ‘The foundation of justice’, Cicero states in the *De officiis*, ‘is good faith, that is, truth and fidelity to promises and agreements (*fundamentum autem est iustitiae fides, id est dictorum conventorumque constantia et veritas*)’⁶⁴.

Nothing, in Cicero’s opinion, could have been more detrimental to the commonwealth than the abolition of debt, which had been agitated for so many times in the course of the Republic: ‘and what is the meaning of an abolition of debts, except that you buy a farm with my money; that you have the farm, and I have not my money?’, Cicero argues in the *De officiis*, ‘we must, therefore, take measures that there shall be no indebtedness of a nature to endanger the public safety (*quod rei publicae noceat*). It is a menace that can be averted in many ways; but should a serious debt be incurred, we are not to allow the rich to lose their property, while the debtors profit by what is their neighbour’s. For there is nothing that upholds a government more powerfully than its credit; which cannot possibly exist, unless the payment of debts is enforced by law’ (*nec enim ulla res vehementius rem publicam continet quam fides, quae esse nulla potest, nisi erit necessaria solutio rerum creditarum*)⁶⁵.

The fundamental point, which Cicero elaborates in the *De officiis*, is that *fides*, also in its connotation of credit, is at the foundation of the commonwealth. As he had previously put it in the *Pro Sestio*, the *fundamenta otiosae dignitatis*, which should be the aim of all good men who wish to live in an harmonious commonwealth, are ‘religious observances, the auspices, the powers of the magistrates, the authority of the Senate, the laws, ancestral custom, criminal and civil jurisdiction, credit (*fides*), our provinces, our allies, the renown of our sovereignty, the army, the treasury’⁶⁶.

It follows that those who, posing as friends of the people, agitate for abolition of debts, undermine the very foundation of the commonwealth, destroying both *concordia* and *aequitas*. As Cicero argues in the *de officiis*, ‘they who pose as friends of the people, and who for that reason either attempt to have agrarian laws passed, in order that the occupants may be driven out of their homes, or propose that money loaned should be remitted to the borrowers, are undermining the foundations of the commonwealth: first of all, they are destroying harmony (*concordia*), which cannot exist when money is taken away from one party and bestowed upon another; and second, they do away with equity (*aequitas*), which is utterly subverted, if the rights of property are not respected. For, as I said above, it is the peculiar function of the state and the city to guarantee to every man the free and undisturbed control of his own particular property’⁶⁷.

By not respecting what belongs to each individual, this policy of remission of debts subverts the idea of justice (*aequitas*)⁶⁸. ‘Injustice’, Cicero argues, ‘is fatal to social life and fellowship between man and man. For, if we are so disposed that each, to gain some personal profit, will defraud or injure his neighbour, then

⁶³ On this dimension of *fides* also in Livy see Freyburger 1986, pp. 157; 164-6.

⁶⁴ Cic. *off.* I. 23.

⁶⁵ Cic. *off.* II. 84.

⁶⁶ Cic. *Sest.* 98.

⁶⁷ Cic. *off.* II. 78-79.

⁶⁸ Cic. *off.* II. 85 where the duty of the true guardians of the commonwealth is to ensure that ‘every man keeps his own by the justice (*aequitas iuris et iudiciorum*) of law.’ On *aequitas* and private property, see Arena 2012, pp. 153-161 and Straumann 2016, pp. 185-190.

those bonds of human society, which are most in accord with Nature's laws, must of necessity be broken. Suppose, by way of comparison, that each one of our bodily members should conceive this idea and imagine that it could be strong and well if it should draw off to itself the health and strength of its neighbouring member, the whole body would necessarily be enfeebled and die; so, if each one of us should seize upon the property of his neighbours and take from each whatever he could appropriate to his own use, the bonds of human society must inevitably be annihilated. For, without any conflict with Nature's laws, it is granted that everybody may prefer to secure for himself rather than for his neighbour what is essential for the conduct of life; but Nature's laws do forbid us to increase our means, wealth, and resources by despoiling others⁶⁹. By appropriating something that belongs to one's neighbour, men act against justice and the laws of human society (*ius humanae societatis*), which are in accord with Nature⁷⁰.

It follows that, in the intellectual world of the late Republic, conceiving debt as a *beneficium* received out of *fides* framed the debate about abolition (or relief) of debts in terms of justice, not liberty. As part of the ethics of gift exchange, the condition of the *nexi*, debt, and its potential cancellation, could not have been thought about or, better, argued about, in economic terms. If one had done so and thereby advocated the abolition of *nexum* in those terms, he should have been prepared for his behaviour to be described as unjust and being exposed to the accusation, legitimate to his very eyes, of subverting current social relations, exemplified and corroborated by the practice of reciprocal gift-exchange.

This historical reconstruction sheds light on an important aspect of the Republican theory of liberty, as also propelled in its modern permutations. If, in a society governed by a culture of gift exchange, within the ethical framework of *fides*, liberty is conceived as *dominium* over the self, that is as self-ownership, protected and guaranteed by a matrix of rights (of which the rights of the tribune of the plebs, including the right to *auxilium*, are very important components), it follows that this Republican theory of liberty remains silent about the notion of distributive justice⁷¹. Born in the historical consciousness of the Romans out of the struggle between patricians and plebeians, this way of conceptualising liberty did not tackle the question of how wealth was to be distributed amongst the members of the civic community.

However, in Republican Rome, distribution of wealth was not only a socio-economic issue, rather went right to the heart of the notion of political power. The timocratic structure of the *comitia centuriata*, in charge of electing the highest Republican magistrates, enacting legislation, and till the end of the second century BC, acting as a jury court, is very much a case in point. An agreement between the highest census classes was sufficient for a decision to be reached and for the lower census classes to be excluded from the decision making process⁷².

Informed by Greek philosophical principles, from the second century onwards, the Romans began to question the adopted criteria for wealth distribution and, although this may have had repercussions on the

⁶⁹ Cic. *off.* III. 21-22.

⁷⁰ Cic. *off.* I. 21. Cf. D.H. *ant.* V. 66 on the debate on cancellation of debt recalls Cicero's account in the *De officiis* on land distribution and why it would be unjust to deprive people of what is theirs. On Cicero and property see, recently, Garnsey 2009.

⁷¹ On the economic dimension of modern Republicanism see Gourevitch 2011.

⁷² Arena 2017.

way in which liberty was articulated, it was not discussed in terms of liberty. It was rather a question of justice.

As a result of the way in which by the late Republic liberty was conceptualised in Rome within the historical framework of the struggle of the orders, this idea of *libertas* did not engage directly with the question of distributive justice. It was, if one wishes to put it this way, an incomplete theory of liberty. It was a liberty that was guaranteed by a number of civic and political rights, such as, for example, the *ius provocacionis*, the right to *suffragium*, and the tribunician *ius auxilii*, but did not include the right to economic independence.

Bibliography

- Arena 2011 = Valentina Arena, 'Roman sumptuary legislation. Three concepts of liberty', *European Journal of Political Theory*, 10, pp. 463-489.
- Arena 2012 = Valentina Arena, *Libertas and the Practice of Politics in the Late Roman Republic*, Cambridge-NewYork.
- Arena 2017 = Valentina Arena, 'Roman reflections on Voting Practices: also a Pythagorean Affair,' in *Cultures of Voting in Pre-modern Europe*, ed. by S. Ferente, L. Kunčević, M. Pattenden, London: Routledge, pp. 20-38.
- Arena 2018 = Valentina Arena, 'Ancient History and Contemporary Political Theory: the Case of Liberty', *Liberty. An Ancient Idea for the Contemporary World? Ancient Liberties and Modern Perspectives*, ed. By V. Arena, Special issue of *Journal of History of European Ideas* 44.6., pp. 641-657.
- Atkins 2018 = Jed W. Atkins, *Roman Political Thought*, Cambridge.
- Atkins 2018b = Jed W. Atkins, 'Non-domination and the libera res publica in Cicero's Republicanism', *Liberty. An Ancient Idea for the Contemporary World? Ancient Liberties and Modern Perspectives*, ed. by V. Arena, Special issue of *Journal of History of European Ideas* 44.6., pp. 756-773.
- Aubert 2013 = Jean-Jacques Aubert, 'Dumtaxat de peculio. What's in a *peculium*, or Establishing the Extent of the Principal's Liability', in *New frontiers. Law and Society in the Roman World*, ed. by Paul J. Du Plessis, Edinburgh, pp. 192-206.
- Badian 1958 = Ernst Badian, *Foreign clientelae. 264-70 a.C.*, Oxford.
- Bernard 2016 = Seth Bernard, 'Debt, Land, and Labor in the Early Republican Economy', *Phoenix*, 70, pp. 317-338.
- Bleicken 1972 = Jochen Bleicken, *Staatliche Ordnung und Freiheit in der römischen Republik*, Kallmünz.
- Brunt 1988 = Peter A. Brunt, *The Fall of the Roman Republic and Related Essays*, Oxford.
- Buckland 1908 = William W. Buckland, *The Roman Law of Slavery. The Condition of the Slave in Private Law from Augustus to Justinian*, Cambridge.
- Bürge 2010 = Alfons Bürge, 'Lo schiavo (in)dependente e il suo patrimonio', in Homo, caput, persona. *La costruzione giuridica dell'identità nell'esperienza romana. Dall'epoca di Plauto a Ulpiano*, ed. by Alessandro Corbino - Michel Humbert - Giovanni Negri, Pavia, pp. 369-391.
- Capogrossi Colognesi 1981 = Luigi Capogrossi Colognesi, *La terra in Roma antica: forme di proprietà e rapporti produttivi*, vol. I, Roma.
- Capogrossi Colognesi 1999 = Luigi Capogrossi Colognesi, *Proprietà e diritti reali. Usi e tutela della proprietà fondiaria nel diritto romano*, Roma.
- Capogrossi Colognesi 2000 = Luigi Capogrossi Colognesi, *Cittadini e territorio. Consolidamento e trasformazione della civitas Romana*, Roma.
- Capogrossi Colognesi 2002 = Luigi Capogrossi Colognesi, *Persistenza e innovazione nelle strutture territoriali dell'Italia romana. L'ambiguità di una interpretazione storiografica e dei suoi modelli*, Napoli.
- Coffee 2016 = Neil Coffee, *Gifts and Gain. How Money Transformed Ancient Rome*, Oxford.
- Connolly 2015 = Joy Connolly, *The Life of Roman Republicanism*, Princeton.
- Cornell 1995 = Timothy J. Cornell, *The Beginnings of Rome. Italy and Rome from the Bronze Age to the Punic Wars (c 1000-264 BC)*, London.
- de Ligt 1999 = Luuk de Ligt, 'Legal History and Economic History. The Case of the *actiones adiecticiae qualitatis*', *RHD*, 67, pp. 205-226.
- von Dassow 2018 = Eva von Dassow, 'Liberty, bondage and liberation in the Late Bronze Age', in V. Arena (ed.), *Liberty. An Ancient Idea for the Contemporary World? Ancient Liberties and Modern Perspectives*, Special issue of the *Journal of History of European Ideas* 44. 6; pp. 658-684
- De Melo forth. = Wolfgang D. C. de Melo, Varro, *De lingua Latina, Introduction, Text, Translation, and Commentary*, Oxford.

- Drummond 1989 = Andrew Drummond, 'Rome in the Fifth Century II. The Citizen Community', *CAH* VII.2, Cambridge, pp. 172-242.
- Du Plessis 2012 = Paul J. Du Plessis, 'Theory and Practice in the Roman Law of Contracts', in *Obligations in Roman Law. Past, Present, and Future*, ed. by Thomas A. J. McGinn, Ann Arbor, pp. 131-157.
- Du Plessis 2015 = Paul J. Du Plessis, 'The Law of Property', in *The Cambridge Companion to Roman Law*, ed. by David Johnston, Cambridge, pp. 175-98.
- Eberle forth. = Lisa P. Eberle, 'Debt, Death and Destruction in Roman Law and Politics during the Middle and Late Republic', in *Debt. The first 3000 years*, ed. by John Weisweiler, Oxford.
- Ferrary 1988 = Jean-Louis Ferrary, *Philhellénisme et impérialisme. Aspects idéologiques de la conquête romaine du monde hellénistique, de la seconde guerre de Macédoine à la guerre contre Mithridate*, Rome.
- Finley 1973 = Moses I. Finley, *The Ancient Economy*, Berkeley-Los Angeles-London.
- Finley 1981 = Moses I. Finley, *Economy and Society in Ancient Greece*, .
- Fiori 1999 = Roberto Fiori, *La definizione della locatio conductio. Giurisprudenza romana e tradizione romanistica*, Napoli.
- Fiori 2008 = Roberto Fiori, 'Fides e bona fides. Gerarchia sociale e categorie giuridiche', in *Modelli teorici e metodologici nella storia del diritto privato*, ed. by Roberto Fiori, vol. III, Napoli, pp. 237-259.
- Freyburger 1986 = Gérard Freyburger, *Fides. Étude sémantique et religieuse depuis les origines jusqu'à l'époque augustéenne*, Paris.
- Freyburger 1999 = Gérard Freyburger, 'Les religions à mystères dans l'Empire romain', in *Religions de l'Antiquité*, ed. by Yves Lehmann, Paris, p. 247-347.
- Gamauf 2016 = Richard Gamauf, 'Slavery. Social Position and Legal Capacity', in *The Oxford Handbook of Roman Law and Society*, ed. by Paul J. du Plessis - C. Ando - K. Tuori, Oxford, pp. 386-401.
- Garnsey 1981 = Peter D. A. Garnsey, 'Independent Freedmen and the Economy of Roman Italy under the Principate', *Klio*, 63, pp. 359-71.
- Garnsey 1988 = Peter D. A. Garnsey, *Famine and Food Supply in the Graeco-Roman World. Responses to Risk and Crisis*, Cambridge.
- Garnsey 2007 = Peter D. A. Garnsey, *Thinking About Property. From Antiquity to the Age of Revolution*, Cambridge.
- Garnsey 2009 = Peter D. A. Garnsey, 'Cicero on property', *Agricoltura e scambi nell'Italia tardo-repubblicana*, eds. by Jesper Carlsen and Elio Lo Cascio, Bari, pp. 157-66.
- Garnsey 2017 = Peter D.A. Garnsey, 'Property and its Limits. Historical Analysis' in *La propriété et ses limites / Das Eigentum und seine Grenzen*. Congrès de l'Association Suisse de Philosophie du Droit et de Philosophie Sociale, Université de Genève / Kongress der Schweizerischen Vereinigung für Rechts- und Sozialphilosophie, 26. September 2015, Universität Genf, ed. by Bénédicte Winiger - Matthias Mahlmann - Sophie Clément - Anne Kühler, pp. 13-38.
- Garnsey - Saller 1987 = Peter D. A. Garnsey - Richard Saller, *The Roman Empire. Economy, Society and Culture*, Berkeley-Los Angeles.
- Gourevitch 2011 = Alex Gourevitch, 'Labor and Republican Liberty', *Constellations*, 18, pp. 431-454.
- Graber 2011 = David Graeber, *Debt. The First 5000 Years*, New York.
- Heinemeyer 2013 = Susanne Heinemeyer, *Der Freikauf des Sklaven mit eigenem Geld - Redemptio suis nummis*, Berlin.
- Hellegouarc'h 1963 = Joseph Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la République*, Paris.
- Hölkeskamp 1987 = Karl-Joachim Hölkeskamp, *Die Entstehung der Nobilität. Studien zur sozialen und politischen Geschichte der Römischen Republik im 4. Jh. v. Chr.*, Stuttgart.
- Hopkins 1978 = Keith Hopkins, *Conquerors and Slaves*, Cambridge.
- Imbert 1952 = Jean Imbert, 'Fides et nexum', in *Studi in onore di V. Arangio-Ruiz nel XLV anno del suo insegnamento*, vol. I, Napoli, pp. 339-363.
- Kaser 1956² = Max Kaser, *Eigentum und Besitz im älteren römischen Recht*, Köln.

- Kirschenbaum 1987 = Aaron Kirschenbaum, *Sons, Slaves, and Freedmen in Roman Commerce*, Jerusalem-Washington.
- Kunkel 1939 = Wolfgang Kunkel, 'Fides als schöpferisches Element im römischen Schuldrecht', in *Festschrift P. Koschaker zum 60. Geburtstag überreicht von seinen Fachgenossen*, II-III. *Römisches Recht. Andere antike Rechte und Nachleben des römischen Rechts*, Weimar, pp. 1-15.
- Laird 1999 = Andrew Laird, *Powers of Expression, Expressions of Power. Speech Presentation in Latin Literature*, Oxford-New York.
- Lerouxel 2015 = François Lerouxel, 'Bronze pesé, dette et travail contraint (*nexum*) dans la Rome archaïque (VI^e s.-IV^e s. a. C.)', in *La main-d'œuvre agricole en Méditerranée archaïque. Statuts et dynamiques économiques. Actes des journées «Travail de la terre et statuts de la main-d'œuvre en Grèce et en Méditerranée archaïques»* (Athènes, 15 et 16 décembre 2008), ed. by Julien Zurbach, Athènes-Bordeaux, pp. 109-152.
- Lis - Soly 2012 = Catharina Lis and Hugo Soly, *Worthy Efforts: Attitudes Towards Work and Workers in pre-industrial Europe* Leiden and Boston.
- Lombardi 1961 = Luigi Lombardi, *Dalla Fides alla Bona Fides*, Milano.
- Marincola 2007 = John Marincola, 'Speeches in classical historiography', in *A Companion to Greek and Roman Historiography*, ed. by John Marincola, vol. I, Oxford-Malden, pp. 118-132.
- Mayer-Maly 1956 = Theo Mayer-Maly, *Locatio conductio. Eine Untersuchung zum klassischen römischen Recht*, Wien.
- Mignone 2016 = Lisa M. Mignone, *The Republican Aventine and Rome's Social Order*, Ann Arbor.
- Mouritsen 2011 = Henrik Mouritsen, *The Freedman in the Roman World*, Cambridge.
- Ogilvie 1965 = Robert M. Ogilvie, *A Commentary on Livy, Books I-V*, Oxford.
- Pausch 2010 = Dennis Pausch, '«Und seine Worte waren ungefähr die folgenden: ...». Reden in der antiken Geschichtsschreibung zwischen Verwendung und Problematisierung', in *Fremde Rede - eigene Rede. Zitieren und verwandte Strategien in antiker Prosa*, ed. by U. Tischer - A. Binternagel, Bern-Frankfurt am Main, pp. 35-57.
- Pesaresi 2008 = Roberto Pesaresi, *Ricerche sul peculium imprenditoriale*, Bari.
- Pesaresi 2012 = Roberto Pesaresi, *Studi sull'actio de peculio*, Bari.
- Pettit 1997 = Philip Pettit, *Republicanism. A Theory of Freedom and Government*, Oxford.
- Pinzone 1999 = Antonino Pinzone, 'Civitates sine foedere immunes ac liberae. A proposito di Cic. II *Verr.* III 6, 13', *MediterrAnt*, 2, pp. 463-495.
- Raaflaub 2005 = Kurt A. Raaflaub, 'The Conflict of the Orders in Archaic Rome. A Comprehensive and Comparative Approach', in *Social Struggles in Archaic Rome. New Perspectives on the Conflict of the Orders*, ed. by Kurt A. Raaflaub, Oxford-Malden, pp. 1-46.
- Richard 2005 = Jean-Claude Richard, 'Patricians and Plebeians: The Origins of a Social Dichotomy' in *Social Struggles in Archaic Rome. New Perspectives on the Conflict of the Orders*, ed. by Kurt A. Raaflaub, Oxford-Malden, pp. 107-127.
- Rollinger 2014 = Christian Rollinger, *Amicitia sanctissime colenda. Freundschaft und soziale Netzwerke in der späten Republik*, Heidelberg.
- Sabbadini 2013 = Lorenzo Sabbadini, *Property, Liberty and Self-ownership in the English Revolution*, PhD Diss. Queen Mary, University of London, London.
- Schulz 1934 = Fritz Schulz, *Prinzipien des römischen Rechts*, München.
- Skinner 1998 = Quentin Skinner, *Liberty before Liberalism*, Cambridge.
- Straumann 2016 = Benjamin Straumann, *Crisis and Constitutionalism. Roman Political Thought from the Fall of the Republic to the Age of Revolution*, Oxford-New York.
- Stökl 2018 = Jonathan Stökl, 'Proclaim liberty throughout all the land unto all the inhabitants thereof! Reading Leviticus 25:10 through the centuries', in V. Arena (ed.), *Liberty. An Ancient Idea for the Contemporary World? Ancient Liberties and Modern Perspectives*, Special issue of the *Journal of History of European Ideas* 44. 6; pp. 685-701

Commented [NB1]: Non sono certo sia questo il contributo citato, perché ce ne sono altri dello stesso anno sul medesimo tema.

- Vasaly 2015 = Ann Vasaly, *Livy's Political Philosophy. Power and Personality in Early Rome*, New York.
- Verboven 2002 = Koenraad Verboven, *The Economy of Friends. Economic Aspects of amicitia and Patronage in the Late Republic*, Bruxelles.
- Verboven 2014 = Koenraad Verboven, 'Attitudes to work and workers in classical Greece and Greece and Rome. Reflections on Catharina Lis and Hugo Soly, Worthy efforts: attitudes towards work and workers in pre-industrial Europe (Leiden and Boston: Brill),' *TSEG* 11.1, 2014, pp. 67-87
- Verboven and Laes 2016 = Koenraad Verboven - Christian Laes (eds.), *Work, Labour, and Professions in the Roman World*, Leiden-Boston.
- Wacke 2006 = Andreas Wacke, 'Die libera administratio peculii. Zur Verfügungsmacht von Hauskindern und Sklaven über ihr Sondergut', in *Sklaverei und Freilassung im römischen Recht. Symposium für H. J. Wieling zum 70. Geburtstag*, ed. by Thomas Finkenauer, Berlin, pp. 251-316.
- Watson 1987 = Alan Watson, *Roman Slave Law*, Baltimore-London.
- Wirszubski 1950 = Chaim Wirszubski, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate*, Cambridge.
- Wiseman 2015 = Timothy P. Wiseman, *The Roman Audience. Classical Literature as Social History*, Oxford.
- Žeber 1981 = Ireneusz Żeber, *A Study of the peculium of a Slave in Pre-Classical and Classical Roman Law*, Wrocław.