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RUNAWAY BEES AND SNAILS: SERVILE FLIGHT IN VARRO'S *DE RE RUSTICA* 3*

This article offers a reassessment of Varro's treatment of servile flight in his *De Re Rustica*. It analyses and contextualizes the pervasiveness of juridical echoes of slave runaways in Book 3, in a section on snails and bees. It thus suggests that the topic of slave flight is not neglected by Varro, as previously assumed. Varro presents the tangible prospect of slaves escaping from the estate in animal disguise. By revealing the apparent obscurity with which servile flight is handled by Varro, the article also shows the centrality of this concern in the minds of Roman slave owners – detectable even in a text on the ideal management of agricultural estates, where the topic does not belong.

Keywords: Roman agricultural writing, Varro, slave management, runaway slaves, legal discourse, snails, bees

Introduction

Runaway slaves are at the forefront of discussion in the manuals of modern estate- and slave-owners. A few lines from James Henry Hammond's plantation manual, composed in the mid-1850s in the American South, illustrate this well:[1]

The following is the order in which offences must be estimated and punished: 1) Running away, 2) Getting drunk or having spirits, 3) Stealing hogs, 4) Stealing, 5) Leaving the plantation without permission, 6) Absence from the house after horn blown at night, 7) Unclean house or person, 8) Neglect of tools, 9) Neglect of work.

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[1] J. H. Hammond, *Plantation Manual* (South Carolina, 1857–1858), 21. Hammond is not an isolated case: a quick overview of the pervasiveness of the enslavers' concern with servile management and discipline in the Antebellum South alone can be gained from J. Breeden, *Advice among Masters: the Ideal in Slave Management in the Old South* (Westport, 1980).

The highest punishment must not exceed 100 lashes in a day not severely given and only in extreme cases.

Curiously, this detailed approach to servile discipline – and the pre-eminence taken up by servile flight within it – is not detectable in the works of the Roman agricultural writers Cato, Varro, and Columella.[2] This absence is all the more surprising, since these three writers' treatises contain a myriad of practical information concerned with the running of rural villa estates[3] where servile labour was a staple from the mid-Republican period onwards.[4]

Allegedly the least and most systematic treatises among the three, Cato's *De Agricultura* and Columella's *De Re Rustica*[5] contain respectively no discussion (Cato) and an exploration of slave management which basically ignores punitive discipline (Columella).[6] Wedged between them, in terms of both chronology and size, is Varro's *De Re Rustica*, which bears a series of distinctive features: structured as a set of three dialogues (with a philosophical and satirical flavour), it is

[2] E. Dal Lago and C. Katsari, 'Ideal Models of Slave Management in the Roman World and in the Ante-Bellum American South', in E. Dal Lago and C. Katsari (eds.), *Slave Systems: Ancient and Modern* (Cambridge, 2008) 187–213, exaggerate the scope of the Roman agricultural writers' overt discussion of punitive discipline.

[3] The scholarship on the topic is vast. Notable contributions on diverse aspects of Roman agriculture include K. D. White, *Roman Farming* (London, 1970); M. S. Spurr, *Arable Cultivation in Roman Italy c. 200 B.C.–A.D. 100* (London, 1986); D. Flach, *Römische Agrargeschichte* (Munich, 1990); U. Roth, *Thinking Tools. Agricultural Slavery Between Evidence and Models* (London, 2007); J. Carlsen, *Vilici and Roman Estate Managers until AD 284* (Rome, 1995); A. Marzano (ed.), *Villas, Peasant Agriculture, and the Roman Rural Economy. Proceedings of the 19th International Congress of Classical Archaeology. Vol. 17* (Heidelberg, 2020); M. Feige, *Landwirtschaftliche Produktionsanlagen römischer Villen im republikanischen und kaiserzeitlichen Italien* (Berlin, 2021). Note also that recently the works of Cato, Varro, and Columella have been recognized for more than their mere practical dimension: see esp. S. Diederich, *Römische Agrarhandbücher zwischen Fachwissenschaft, Literatur und Ideologie* (Berlin and New York, 2007); G. Nelsestuen, *Varro the Agronomist: Political Philosophy, Satire, and Agriculture in the Late Republic* (Columbus, 2015); C. Reitz, 'Columella, *De re rustica*' in E. Buckley and M. T. Dinter (eds.), *A Companion to the Neronian Age* (Oxford, 2013), 275–87; and C. Reitz, '*Auctoritas* in the Garden: Columella's Poetic Strategy in *De Re Rustica* 10' in E. Formisano and P. van der Ejik (eds.), *Knowledge, Text and Practice in Ancient Technical Writing* (Cambridge, 2017), 217–30. For discussion of legal dimensions, see D. Kehoe, *Law and the Rural Economy in the Roman Empire* (Ann Arbor, 2007), albeit focused on farm tenancy (not the management of enslaved field labourers).

[4] For historical conceptualizations of slavery on the kind of estate discussed by the Roman agricultural writers, see esp. K. Hopkins, *Conquerors and Slaves* (Cambridge, 1978), 106–11, and Roth (n. 3), 1–24. For productive areas other than agriculture on the rural estate, see Roth (n. 3), 53–118.

[5] But see also W. Richter, *Gegenständliches Denken Archaisches Ordnen. Untersuchungen zur Anlage von Cato De Agri Cultura* (Heidelberg, 1978) for an argument on the coherent organization of Cato's *De Agricultura*.

[6] It is a long-noted fact that Columella elaborates the matter of servile management more than his Republican precursors. See, e.g., Roth (n. 3), 12–24, discussing the differing scope of the agricultural writers' textual engagement with diverse aspects of slave management.

also a text very much influenced by the juridical discourse.[7] As Nelsestuen notes, from the very start of Varro's manual, 'the staged process of dialectical exchange – including the seemingly pedantic squabbling, citation of previous agronomists, and emergent consensus – with a view to exploring the bounds of *agri cultura* smacks of the sort of conceptualizing characteristic of the late republican juristic tradition.'[8] This latter, legal aspect in particular would suggest a broader interest in questions regarding servile 'crime and punishment' on the estate, given the centrality of this theme to legal discussion in general.

However, at the junctures where one would expect the issue to be addressed, Varro is silent. He only deems a few topics worth mentioning when considering slave labour all round. Following some pronouncements on the preferable character and traits of the enslaved, including with regard to the enslaved overseer (the *vilicus*, *Rust.* 1.17.4),[9] Varro recommends the implementation of a system of rewards to enhance the labour force's productivity (1.17.5–7). There follows advice concerning the necessary number of enslaved labourers according to the size of the estate and the nature of the crops the estate-owner desires to grow (1.18). Apart from a brief mention of the whip (recommended merely when words cannot achieve the same results, at 1.17.5),[10] only the tiniest glimpse of disciplinary issues is revealed in Varro's treatise in a seeming aside regarding the ethnicity of the enslaved: the purchase of too many from the same region, he claims, might lead to 'domestic quarrels' (*offensiones domesticae*, 1.17.5).[11] Varro does not touch upon running away in this obvious context. At 1.16, as he praises the highest profitability of a farm where no time is wasted (being located in a neighbourhood where all kinds of services are at hand), he merely forbids leaving the estate, profusely reiterating however this provision in a handful of lines (1.16.5):

[7] On the role of legal discussion and thought in Varro, see generally A. Cenderelli, *Varroniana: Istituti e Terminologia Giuridica nelle Opere di M. Terenzio Varrone* (Milan, 1973).

[8] Nelsestuen (n. 3), 61. See also P. Stein, 'Justice Cardozo, Marcus Terentius Varro and the Roman Juristic Process', *Irish Jurist* 2 (1967), 371, on the overlaps between grammarians (including Varro) and jurists in terms of interests and approaches.

[9] For the Latin lexicon of the farm personnel, see M. G. Bruno, *Il Lessico Agricolo Latino* (Amsterdam, 1969), 162.

[10] Interestingly, the whip is associated with the *vilicus*, rather than with the estate-owner.

[11] The expression 'domestic quarrels' is borrowed from Hooper and Ash's Loeb translation from 1934. In my view, however, there might be more than little disagreements at stake, since Plato (*Leg.* 777b–d) already warned that the ethnic homogeneity of slave populations renders them more prone to revolt.

Itaque ideo Sasernae liber praecipit, ***nequis de fundo exeat praeter vilicum*** *et promum et unum, quem vilicus legat;* ***siquis contra exierit, ne impune abeat; si abierit, ut in vilicum animadvertatur.*** *Quod potius ita praecipiendum fuit,* ***nequis iniussu vilici exierit, neque vilicus iniussu domini longius, quam ut eodem die rediret, neque id crebrius, quam opus esset fundo.***

And so Saserna's book establishes that **no person shall leave the estate except the overseer**, the steward, and one whom the overseer may designate; **if someone leaves, contravening this rule, he shall not go unpunished, and if he does, the overseer shall meet punishment**. But this rule should have rather been stated thus: that **no one shall leave the estate unless ordered by the overseer, nor the overseer unless ordered by the master, for more than a day and more frequently than it is necessary for the estate**.[12]

The richness of detail and the almost redundant character of the passage insinuate the possibility that the pressing issue of slave runaways (*fugitivi*) is at stake here, also considering that, in the mind of the jurists, there is a strong association between the countryside and the phenomenon of servile flight (*fuga*).[13]

Mere possibilities aside, this article will show that slave flight is actually dealt with by Varro, albeit in the discussion of the behaviour not of humans, but of animals. Runaway slaves are far from being neglected in Varro's manual: we have simply been looking for them in the wrong places. As will be seen, Varro approaches the topic in the third book of his *De Re Rustica*, in sections concerned with snails and bees, where he embeds the discourse on servile flight through the means of legal innuendoes. After exploring the noted innuendoes, the context for Varro's dismissive approach and use of juridical echoes will be explored briefly in the Conclusion to this article: rather than difference, there emerges broad similarity between the literary preoccupations of ancient and modern estate- and slave-owners regarding servile discipline, and in particular flight, arising from their comparable roles.

1. Snails and bees at large

Hammond's list of servile offences is opened by running away and contains two items (namely nos. 5 and 6) which could be considered variations of the same offence. The American enslavers' fixation with

[12] Translations of Varro's text are mine, unless otherwise stated.

[13] See *Dig.* 11.3.1.2 but also the longer, more detailed pronouncements at *Dig.*11.4.1–2, 11.4.3 and 21.1.17.8.

their human chattel roaming independently emerges as crucial and there is an obvious set of reasons for it. Running away is a uniquely servile crime: it cannot, in principle, be committed by free people. Most importantly, then, by physically removing themselves from the proximity and control of their masters, runaways pose the biggest threat to the rights claimed by the slave-owner – both modern and ancient.

That servile flight was in fact a more serious concern for Roman estate- and slave-owners than what Varro's above-cited prohibition on leaving the estate suggests can be deduced from his discussion of two rather different species: snails and bees. Thus, although fugitives lack a proper mention in the sections regarding slave management, and slaves rambling around are not explicitly singled out in the passage quoted above, the vocabulary of runway slaves (*fugitivi*) is oddly applied to some of the animals discussed in the section on *pastio villatica*.[14] This denomination indicates the husbandry to be practised in or around the *villa* (3.2.13) and is the sole topic of Book 3.[15] It entails the following categories: aviaries (*ornithones*, at 3.6–11),[16] animal-hutches (*leporaria*, at 3.12–16), and fishponds (*piscinae*, at 3.17). For present purposes it must be noted that the animals in the animal-hutches are divided into

[14] The Romans' proneness to link slaves and animals has been abundantly acknowledged: see, for instance, K. Bradley, 'Animalizing the Slave: the Truth of Fiction', *JRS* 90 (2000), 110–25, although mostly focused on the asinine transformation at the core of Apuleius' *Metamorphoses*. However, several parallels can be drawn specifically between runaway slaves and the animals of the animal-hutches (*leporaria*). To start with, Festus (460L) claims that runaway slaves are called deer because of their swiftness; see G. Gianni, 'The Goddess Feronia and the Enslaved Communities in Republican Roman Italy. An Epigraphic and Literary Analysis', *Historia* 72 (2022), 24, for brief discussion. Subtler analogies are found in the discussion of the second group of animals kept in the *leporaria*, as will be seen, but possibly also of those raised in fishponds (*piscinae*). At 3.17.4, Varro discusses fish in a sanctuary in Lydia that would flock during sacrifices and over which cooks could lay no right (*sic hos piscis nemo cocus in ius vocare audet*). This recalls the fact that owners who brought and left their slaves at sanctuaries forfeited the right to reclaim them, as recorded in Claudius' provision (*Dig.* 40.8.2; Suet. *Claudius* 25.2). Sanctuaries could have thus been a place of refuge for runaway slaves, as was the case also in Greek society. This connection could stand on the basis of an explicit parallel drawn by Varro between sick slaves and sick fish at 3.17.8.

[15] It has been ascertained that Varro challenges his readers with satirical allusions on Late-Republican social and political life. Book 3 is seen as the biggest repository of these, being set in the *Villa Publica* of the Campus Martius, which can easily be seen as a metaphor for the *res publica* (state) as C. M. C. Green, 'Free as a Bird: Varro *De Re Rustica* 3', *AJPh* 118 (1987), 427–48, illustrated, followed by L. Kronenberg, *Allegories of Farming from Greece and Rome* (Cambridge, 2009), 73–129, and Nelsestuen (n. 3), 170–210. While Green and Kronenberg disregard the practical advice given by Varro, Nelsestuen (n. 3), 208, rightly underlines that the satirical comments simultaneously provide a viable model of farming and agricultural production.

[16] Focusing on birds, Green (n. 15), 443, claims that the ornate aviary described by Varro to be 'a small city-like structure for bird-citizens', now hostages in Octavian's birdcage. However, as will be seen, the *res publica* described in *De Re Rustica* 3 comprised slaves too; indeed, it is stated, at the beginning, that the public villa (*villa publica*) belongs to both citizens (*cives*) and other men (*reliqui homines*, 3.2.4).

two sub-groups, the former including hares (3.12), boar and deer (3.13), and the latter comprising snails (3.14), dormice (3.15), and bees (3.16).

The *pastio villatica* is a topic for which, as Nelsestuen reminds us, 'the technical precepts are keyed to the perspective of an owner (*dominus*) and not the actual fowler or servile caretaker'.[17] This tone does not differ from that of Book 2, but in the third dialogue there is a more marked emphasis on the estate-owner's gain, i.e. the profit that can be generated through this activity (3.2.13–18),[18] combined with an associated insistence on the creation of proper infrastructure. For each category of animals, apposite accommodation is discussed. However, as noted by Spencer, when it comes to the second group of animals kept in the animal-hutches, to which snails and bees belong, the most apt natural landscapes are furnished with some mark-ups which 'redefine the natural world in human terms'.[19]

Importantly, this category of animals also needs to be kept enclosed, as specified repeatedly in the dialogue – in contrast with, for instance, the birds in the aviaries, for which care is taken toprevent the opposite problem of other animals penetrating the cages.[20] To underscore the point, while *cura* (care) is brought up for birds (3.9.2) and fish (3.16.32), for snails, bees, and dormice, Varro resorts to the term *custodia* (safeguard) to explain how to tend to them (3.12.2).[21]

There are, thus, several thematic allusions to the prevention of flight, which prepare the ground for Varro to go one step further still: he in fact also applies the terminology of specifically servile delinquency to snails and bees, to which we must now turn.

2. Snails and the *fugitivarius*

In *Rust*. 3.14.1, to introduce the discussion on snails, Axius downplays the task, claiming that looking after them cannot be extremely

[17] Nelsestuen (n. 3), 193.
[18] As noted also by Kronenberg (n. 15), 102.
[19] D. Spencer, *Roman Landscape: Culture and Identity* (Cambridge, 2010), 83.
[20] E.g. *Rust*. 3.6.5, 3.7.3, 3.9.6, and 3.9.14.
[21] For the use of *custodia* in relation to slaves, see Columella, *Rust*. 1.8.11; Livy 24.37.6; Gaius, *Inst*. 1.13; for *custodia* and runaway slaves, see *Dig*. 6.1.21.*pr*, 13.6.18.*pr*, and 50.17.23.*pr*. The term is associated with the restraining of movements in Plin. *Ep*. 10.19.1, *Dig*. 1.18.14.*pr*, 28.3.6.7, and 47.18.1.*pr*.

demanding (*neque magnum molimentum esse potest*).[22] Appius dissents: the job is not as straightforward (*simplex*) as it is believed. To explain, he adds the following:

Nam et idoneus sub dio sumendus locus cochleariis, quem ***circum totum aqua claudas****, ne, quas ibi posueris ad partum,* ***non liberos*** *earum, sed ipsas quaeras. Aqua, inquam,* ***finiendae, ne fugitivarius sit parandus****.*

An apt place must be chosen for snails, under the open sky, which you would **entirely enclose with water**. If you do not do it, when you put the snails to breed, you would have to look **not for the young snails**, but for the old ones. **They have to be shut** in with water, **so that a runaway-catcher is not needed**.

In a few lines, the need of snails to be enclosed is addressed twice and their flight is recorded as likely if this preventive measure is not taken, making it necessary to allocate to someone the task of preventing this.[23] What is more, the 'snail guardian' is termed *fugitivarius*, a rare Latin word designating the person in charge of searching for enslaved individuals at large.[24]

Only fragmentary evidence on this figure is available,[25] but the fact that the juridical evidence is more abundant than the literary evidence marks this term as technical. Barring Varro's passage, the only other appearance of the *fugitivarius* (runaway-catcher) in a non-juridical context occurs at Flor. *Epit.* 2.7.7 In his discussion of the first so-called Sicilian slave war, Florus presents the rebellious slaves as

[22] In *De Re Rustica*, Varro makes contemporaries of his and imaginary characters (with eloquent names) interact. Axius is one of the protagonists of the dialogue constituting Book 3, along with Appius and Merula, who intervene later. The first name expresses the obsession with profit that Axius shows, the second one clearly recalls bees, while the third one links to birds, which Merula discussed earlier. A prosopographical study of the real interlocutors of Book 3 was accomplished by J. Linderski, 'Garden Parlors: Nobles and Birds', in R. I. Curtis (ed.), *Studia Pompeiana et Classica in Honor of Wilhelmina E Jashemski. Vol. II* (New Rochelle, 1989), 105–28. This practice of pairing animals and men through onomastics reinforces the points made in this article.

[23] Notably, similar remarks are absent, for instance, in Pliny's treatment of snail breeding at *HN* 9.173. There is no mention of this concern in Books 4 and 5 of Arist. *Hist. An.* either.

[24] See F. Guizzi, 'Professionisti e No: il "Fugitivarius"', in A. Guarino and L. Labruna (eds.), *Synteleia Vincenzo Arangio-Ruiz 1* (Naples, 1964), 239. For discussion of the recovery of runaway slaves in regard to policing and public order, see C. J. Fuhrmann, *Policing the Roman Empire: Soldiers, Administration, and Public Order* (Oxford, 2012), 21–43.

[25] I. Ruggiero, 'Il Maestro delle Pauli Sententiae: Storiografia Romanistica e Nuovi Spunti Ricostruttivi', in C. Baldus, M. Miglietta, G. Santucci, and E. Stolfi (eds.), *Dogmengeschichte und Historischenidividualität der Römischen Juristen – Storia dei Dogmi e Individualità Storica dei Giuristi di Roma. Atti del Seminario Internazionale (Montepulciano 14–17 Giugno 2011)* (Trento, 2012), 485–531, contains a detailed summary of the scholarship on the topic. Occurrences of the term are limited to the five instances mentioned in the article.

pursuing praetorian generals who had abandoned the battlefield, in a curious (and disgraceful) reversal of role:[26]

Itaque qui per fugitivarios abstrahi debuissent, praetorios duces profugos proelio ipsi sequebantur.

Thus, those who should have been run after by runaway-catchers, went themselves after praetorian generals who had fled from the battlefield.

In Florus' description, the unruly slaves who escaped from their masters, instead of being chased by a *fugitivarius*, become themselves *fugitivarii*, pursuing the Roman deserters.

Here, Florus clearly intends the *fugitivarius* to be a runaway catcher, i.e. a slave catcher, similar to what happens in the juridical sources which, however, paint this figure in a more ambiguous way. In the three juridical provisions where the *fugitivarius* appears,[27] the possibility of him being hired by masters to recover their runaways is juxtaposed to that of *fugitivarii* also providing their services to slaves plotting their escapes.[28] Whichever side the *fugitivarii* might decide to take, their specific relationship with enslaved runaways is undeniable. This makes it extremely likely that Varro – also due to the witty nature of his writing – would have exploited this lexical choice as a means to hint at servile delinquency, while discussing (of all animals) snails.

A further comment, which closes the section on snails, corroborates this point. While describing the fattening of snails, Appius advises to enclose them in jars for this purpose (3.14.5):

Has quoque saginare solent ita, ut ollam cum foraminibus incrustent sapa et farri, ubi pascantur, quae ***foramina habeat, ut intrare aer possit; vivax enim haec natura***.

[26] For detailed discussion of this war and its sources (as well as the so-called second Sicilian slave war), see now P. Morton, *Slavery and Rebellion in Second-Century BC Sicily. From Bellum Servile to Sicilia Capta* (Edinburgh, 2023).

[27] Despite the lack of an explicit mention, *fugitivarii* seem implicated in *Dig.* 48.15.2.1–2 too.

[28] In *Pauli Sententiae* 1.6.a.1, a slave bought from a *fugitivarius* cannot be manumitted before ten years in case the prior owner does not agree on this. The aim of this proviso was probably to avoid collusion between *fugitivarii* and *fugitivi* to gain money and freedom respectively. The remaining appearances of the *fugitivarius* also cast a suspicious light on him. In *Dig.* 19.5.18, Ulpian shows that relationships between *fugitivarii* and masters might involve an intermediary, perhaps as an additional guarantee to the enslaver. In *Codex Theodosianus* 10.12.1.1, *fugitivarii* are put on the same footing of people hiding runaways, demonstrating that they might have actually aided servile escape attempts.

Snails, too, are often fattened as follows: a jar for them to feed in, containing holes, is lined with must and spelt – it should contain holes in order to allow the air to enter, for the snail is naturally hardy.[29]

The use of jars is neglected by Pliny (*NH* 9.174), but Appius elaborates on this matter, explaining also why they are furnished with apertures for air. Given that *enim* normally introduces the reason for a previous statement, most translations, like the one cited above, suggest that holes for air (*foramina*) are needed because the snails are long-lived or resistant. There is no immediate connection between fresh air and hardiness. However, the term *vivax* is not without ambivalence, as it can also mean 'energetic'. Appius' sentence, then, starts making more sense: since snails are hardy, but also fast and lively, the jars must have holes which allow air circulation and basic needs – hence small ones to prevent escape on the part of the snails.[30] This interpretation finds corroboration in a passage by Columella (*Rust*. 8.7.1–2), who, when discussing the fattening of hens, mentions narrow coops with holes termed as *foramina* on each side, for their head and tail respectively, so that they can eat and expel food once digested.[31] The acknowledgment of this nuance of *vivax*, then, expands the humorous idea of these quintessentially slow animals being prone to flight which started with the mention of the *fugitivarius*.

Varro's bringing up of the *fugitivarius* did not go unnoticed. However, the slave-catcher's presence has been interpreted as 'a mild but thoroughly characteristic joke of Varro' by Lloyd Storr-Best,[32] and by Flach as something added by Varro jokingly ('scherzhaft');[33] Cardauns, similarly, sees it as a marker of Varro's wit and good humour ('dicacitas und hilaritas'): to him, the author is simply projecting human feelings onto animals for comic effect.[34]

[29] Hooper and Ash's Loeb translation.

[30] For the use of *vivax* as 'vigorous' and 'energetic', see Gell. *NA* 5.3.4, Apul. *Flor*. 21.4, and Quint. *Inst*. 2.6.4.

[31] *unum quo caput exseratur, alterum quo cauda clunesque, ut et cibos capere possint et eos digestos sic edere ne stercore coinquinentur*. At *Rust*. 8.17.6, Columella also brings up the use of small *foramina* to stop the flight of fish (*fuga piscium*), while at 9.13.14 he recommends to shut in bees every three days in spring to not tire them, so that they might fill up the hive with offspring instead of honey; to do so, the exits of the hives must be shut, adding some little holes (*foramina*), from which the bees cannot exit.

[32] M. A. Lloyd Storr-Best, *Varro on Farming* (London, 1912), 318.

[33] D. Flach, *Varro. Über die Landwirtschaft* (Darmstadt, 2002), 261.

[34] B. Cardauns, *Marcus Terentius Varro. Einführung in sein Werk* (Heidelberg, 2001), 27.

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Varro is probably trying to do more than snatch a laugh. At the very least, it is a bitter laugh which alerts readers to the risk of potential escape of the human chattel to which snails are equated.[35]

That slaves and their potential flight are alluded to in Varro's discussion of the *pastio villatica* will be clarified as we move our attention to another category of animals to which he applies the vocabulary of runaway slaves, namely bees.

3. When bees become *fugitivae*

The lengthy section 16 of *De Re Rustica* 3 is entirely devoted to bees. Their nature and keeping is expounded by Merula and Appius. It is the former who, dispensing advice on the delicate matter of transferring bees, asserts the following (3.16.21):

***Si** e bono loco **transtuleris eo, ubi idonea pabulatio non sit, fugitivae** fiunt.*

If you move them from a good place to one **where there is no sufficient pasturage, they become runaways**.

It is more than understandable that these insects, in the absence of adequate food provisions, become tempted to fly away. Varro could have expressed this concept in many other ways, yet he decides to characterize the bees as *fugitivae*, which instantly creates an association with servile flight.[36]

[35] More links between snails and enslaved labourers can be found in 3.14.4, where Appius describes briefly their varieties. Three main species are singled out: the very small ones from Reate, the massive ones from Illyricum, and the medium-sized ones from Africa. The preference accorded to these three geographical areas can be associated with the development of Roman slaving: enslaved labourers were indeed sourced first from just outside Rome, soon also from across the Adriatic, and Africa, tying in with broader trade network developments. On the geographical remit of the Roman slave trade, and its historical development, note especially W. Scheidel, 'The Roman Slave Supply', in K. Bradley and P. Cartledge (eds.), *The Cambridge World History of Slavery. Volume 1: the Ancient Mediterranean World* (Cambridge, 2010), 303: 'The origins of newly captured slaves shifted with the geographical spread of Roman imperialism: peninsular Italy down to the end of the third century BC; northern Italy, the Iberian peninsula, the southern Balkans, North Africa, and western Anatolian the second century BC; Gaul, the central Balkans, Anatolia, and the Levant in the first century BC; Britain, Germany, Dacia, and Parthia from the first century AD onwards. In addition, large numbers of slaves were purchased from beyond the Roman frontiers.' See further V. W. Harris, 'Demography, Geography and the Sources of Roman Slaves', *JRS* 89 (1999), 62–75, and Harris, *War and Imperialism in Republican Rome, 327–70 BC* (Oxford, 1979), esp. at 59, n. 4, for discussion of enslavement in Roman Italy, drawing on the account of Livy; also A. Gonzalès, 'Provenance des Esclaves au Haut-Empire (*Pax Romana* et Approvisionnement)', in *Routes et Marchés d'Esclaves (Besançon 27–29 septembre 2001)* (Besançon, 2002), 65–82, for further contextualization, even if concerned in the main with the imperial period.

[36] While bee-keeping is not addressed by Cato, it is worth comparing at least Columella's treatment of bees, which occupies Book 9 in almost its entirety. The need for the insects to be

As in the case of snails, this pronouncement has not been ignored. However, Guiraud simply labels it as very interesting ('fort intéressant'), adding that this exemplifies Varro's rather imaginative way of presenting things.[37] On the other hand, Green, who stressed the pun *liberos-fugitivarius* in 3.14.1 – explaining that even snails, as wild animals, will try to gain back their natural freedom – states that the same applies to bees here.[38] As these examples suggest, the link between the word choice and the topic of servile delinquency is missing in the modern discussion and, therefore, needs now to be singled out and explained. Instead of having an exclusively metaphorical or philosophical connotation, I contend that this second veiled reference also allows Varro to insinuate the topic of runaways.

As the need of a *fugitivarius* for snails – the slow animals *par excellence* – would have made the reader smile, the parallel between bees and the enslaved fugitive, created by the use of the term *fugitivae*, would have initially had the same effect. First, these insects are industrious and soldier-like: Appius describes their primary concerns as food, dwelling, and labour (*cibus*, *domus*, and *opus*, 3.16.5), while at 3.16.9 he portrays them working and sleeping, in a continuous cycle, just like in an army (*ut in exercitu*). The emphasis on the army clearly differentiates the bees described by Appius (3.16.4–9) from the figure of the labouring yet sleepy slave, and even more so from that of the stereotypically lazy one.[39] When Merula takes the floor, however, at 3.16.10–38 (where one finds

enclosed, which Varro applies to all the animals in the *leporaria*, does not appear in Columella, who prescribes the realization of not too high a wall around the hives, unless one is afraid of thieves (*Rust.* 9.5.3). That said, Columella's bees might also plan on *fuga* (9.8.4); their young ones escape (*effugiunt*), if they are not checked on by a keeper (*curator*, 9.9.1), while at 9.9.4, when about to fly away, bees are described as *eruptionem facturae*. *Eruptio* (breaking out) and *fuga* occur again in 9.12.1, along with the participle *fugiens* (running away) 9.12.2, as the bees' behaviour in spring is given attention. The most striking similarity is found at 9.10.3, where the kings of the bees fighting among each other are discussed; the cutting of their wings is equated to the application of fetters (*compedes*), a necessary measure to prevent them from wandering around, behaving like *errones* (wanderers). The *erro* will be discussed below. For the role of animals in Columella, see generally T. Fögen, 'All Creatures Great and Small: on the Roles and Functions of Animals in Columella's *De Re Rustica*', *Hermes* 144 (2016), 321–51. However, note also that humans *working in fetters* is not what the texts often cited in support of this practice actually imply, including in Varro: see U. Roth, 'No more slave gangs: Varro, *De re rustica* 1.2.20–1', *Classical Quarterly* 55.1 (2005), 310–15, and 'Men without hope', *Papers of the British School at Rome* 79 (2011), 71–94.

[37] C. Guiraud, *Varron. Économie Rurale. Livre III* (Paris, 1997), 96.

[38] Green (n. 15), 439.

[39] Appius' words are reminiscent of the more elaborate discussion on bees in Verg. *G.* 4.1–280. Servile enlisting was prohibited as shown by *Dig.* 49.16.11. This is not to deny the ancient, including Roman, practice of enlisting slaves in the army in times of military emergencies, discussed for instance in Morton (n. 26), 160–4; but this practice does not comply with the literary figures here discussed.

the lines on *fugitivae* bees), the tenor changes dramatically. His longer account is focused on the profit that can be made from bees and reveals them as dominated by self-interest and the idea of the survival of the fittest.[40] Their health should be preserved from illness (3.16.20) and the dangers of heat, cold, or rain (3.16.37), echoing part of the agricultural writers' provisions on food, clothing allowances, and health care. Moreover, the bees can be manipulated and lured to new homes with the use of attractive substances (3.16.30), they fight and indulge in mead, almost getting drunk (3.16.35), so the beekeeper must supervise and intervene regularly.[41] Merula's insects appear much less virtuous and more akin to idle and trouble-making slaves, but the identification between bees and *servi* is fully thrown into relief yet through the legal sources.

Notably, given the highly lucrative nature of bee-keeping, preoccupation with their ownership kept lawyers very busy, as Frier has shown.[42] The feature that disturbed them the most was the bees' peculiar nature: despite being juridically recognized as wild they had a habit of going and coming back which made them in some way tamed. Pliny solved the issue by claiming that these insects have an intermediate nature (*mediae inter utrumque naturae*, *HN* 8.220).

Such an ambiguity, however, could not have been accepted by the jurists. To them, there was only one bipartition of juridical significance regarding animals: wild (*ferae*) and domesticated (*mansuetae*).[43] Thus, Gaius, after claiming that bees have a wild nature, and that they are one's property only after they have been shut in one's hive (*Dig.* 41.1.2), adds the following (*Dig.* 41.1.5.5):[44]

[40] See Kronenberg (n. 15), 126, who, however, understands the bees as a polemical response to Cicero's *De Re Publica* where they constitute an ideal society.

[41] The bulk of Varro's discussion of bees is clearly reminiscent of Aristotle's *History of Animals*, a matter which deserves further exploration in its own right. For an account of the Greek echoes in the treatment of bees in Latin literature, see B. G. Whitfield, 'Virgil and the Bees: a Study in Ancient Apicultural Lore', *G&R* 3 (1956), 99–117.

[42] B. W. Frier, 'Bees and Lawyers' *CJ* 78 (1982–3), 105–14. See also Frier, 'Why did the Jurists Change the Law? Bees and Lawyers Revisited', *Index* 22 (1994), 135–49, for a complete account of the juridical discussion of the issue.

[43] The latter are treated as any other kind of property (our ownership over them continues even when we lose possession of them, and we are liable for the damages caused by them). The former are *res nullius* (things which belong to no one) when in the wild, and our ownership starts when we have physical control of them (*occupatio*), ending when we lose it.

[44] *Pavonum et columbarum fera natura est nec ad rem pertinet, quod ex consuetudine avolare et revolare solent. Nam etapes idem faciunt, quarum constat feram esse naturam . . . In his autem animalibus, quae consuetudine abire et redire solent, talis regula comprobata est, ut eo usque nostra esse intellegantur, donec revertendi animum habeant, quod si desierint revertendi animum habere, desinant nostra esse et fiant*

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[Gaius, *Common Matters or Golden Things, Book 2*] The wild nature of peacocks and doves is of no moment because it is **their custom to fly away and to return; bees**, whose **wild nature** is universally admitted, do the same . . . In the case of these animals which habitually go and return, the accepted rule is **that they are held to be ours so long as they have the instinct of returning** [*revertendi animum*]; but if they lose that instinct, they cease to be ours and are open to the first taker. They are deemed to have lost that instinct when they abandon the habit of returning.

An analogous ambiguous nature, in juridical writings, is the one pertaining to enslaved people, who are juridically seen as objects (*res*), despite possessing an undeniable human nature, also recognized by the law.[45] Borrowing Buckland's words 'what struck them [i.e. the jurists] was that a slave was a *res*, and for the classical lawyers, the only human *res*'.[46] This nurtured a debate on this troublesome property, which has agency and is ultimately unpredictable, mirroring its resistance to strict classification. It is also curious that the category of animals to which bees are ascribed belongs to the possessor as long as they show the intention to return, described as *animus revertendi*.

Among the many issues that Roman jurists debate regarding runaway slaves, the very definition of fugitive occupies several lines in the Digest.[47] In *Dig.* 21.1.1, concerning the Edict of the Aedile on selling, Ulpian specifies that it is illegal not to inform the prospective buyer about the previous *fuga* of an enslaved individual. This legal duty spurs the jurists to explain when a *fugitivus* can be described as such. The infamous label curiously leverages on the willingness, i.e. the inclination (*affectus animi*), of the enslaved when escaping (*Dig.* 21.1.17.3):[48]

[Ulpian, *Curule Aediles' Edict, Book 1*] 3. And we find in Vivian that a **fugitive is to be so determined from his attitude of mind** (*ab affectu animi*) **and not merely from the**

occupantium. Intelleguntur autem desisse revertendi animum haberetunc, cum revertendi consuetudinem deseruerint.

[45] In *Dig.*1.5.3, Gaius contends that 'men are either free men or slaves' (*omnes homines aut liberi sunt aut servi*). For modern discussion of numerous aspects that characterize the complexity of the 'human thing' in Roman law, see M. Schermeier (ed.), *The Position of Roman Slaves. Social Realities and Legal Differences* (Berlin, 2023).

[46] W. W. Buckland, *The Roman Law of Slavery* (Cambridge, 1908), 3.

[47] Fugitive slaves occupy the entirety of *Dig.* 11.4, but also surface at many other junctures. See, for instance, *Dig.* 1.15.4, where hunting down fugitives and returning them to their owners is enumerated among the key duties of the praefect of the city guard (*praefectus vigilum*). Runaway slaves also abound in *Dig.* 47.2, which is focused on theft (since fugitivi are juridically seen as thieves of themselves, see *Dig.* 47.2.61), and in Book 48 (e.g. *Dig.* 48.3.14.7, 48.15.2.1, 48.15.2.2, 48.15.5, 48.15.6.1, 49.16.4.14).

[48] *Item apud Vivianum relatum est fugitivum fere ab affectu animi intellegendum esse, non utique a fuga . . . Haec ita, si eos fugisset et ad dominum venisset; ceterum si ad dominum non venisset, sine ulla dubitatione fugitivum videri ait*.

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fact of his flight . . . All this applies to those who, having fled, return to their master; but, says Vivian, if they do not return, then they are unquestionably fugitives (*fugitivum videri ait*).

The attitude of the enslaved, and not the mere act of running away, is thus considered distinctive. This point is elaborated also in *Dig.* 21.1.17.14, where, if the enslaved returns home, and is thus not shown as actually willing to escape, he is to be considered simply a wanderer (*erro*), not a runaway:[49]

[Ulpian, *Curule Aediles' Edict, book 1*] . . . if we wish to be accurate, **we define a wanderer** (*erronem*) **as one who does not indeed run away but frequently indulges in aimless roaming and, after wasting time on trivialities, returns home at a late hour**.

The insistence on this *animus revertendi* for bees cannot but remind us of the *affectus animi* as an indispensable feature for the proper definition of the enslaved human on the run.[50]

In the light of Varro's extraordinary learnedness, there is little doubt that coincidence is not a good explanatory tool here. Rather, Varro's choice of vocabulary and treatment of matters regarding *servi* under a section on untamed animals, which shall be kept enclosed, clarifies that the possibility of servile flight is contemplated by him, even if he decides not to dwell explicitly on *fuga* and the means to handle it.

Conclusion

By now, it has become clear that Hammond's obsession with servile flight is very much shared by his predecessor Varro. The question of why the latter takes such a counterintuitive approach needs to be asked, however briefly.

One may assume that Varro could have indeed tackled the matter of *fugitivi* openly (and possibly more efficiently), as Hammond did centuries later; but the reason he does not do so lies in the fact that, although the *De Re Rustica* has been long (and unjustly) dismissed as a purely prescriptive text, this treatise does not give an account of the

[49] . . . *Sed proprie erronem sic definimus: qui non quidem fugit, sed frequenter sine causa vagatur et temporibus in res nugatorias consumptis serius domum redit*.

[50] The link between *fugitivarii* and bees in the juridical discussion is briefly touched upon in D. Daube, 'Doves and Bees', in *Droits de l'Antiquité et Sociologie Juridique. Mélanges H. Lévy-Bruhl* (Paris, 1959), 69.

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Roman rural economy *as it was*, but rather *as it should have been*. Writing an idealistic manual, Varro applies at one level a rosy veneer to the reality of the Roman estate. On an estate which is thoughtfully managed according to his precepts, there is no need to discuss servile discipline openly: it is simply a problem that does, literally, not come to the fore.

And yet, servile *fuga* is such a pivotal worry that it creeps out also in the depiction of the idyllic estate, and the façade cracks in unexpected places, when dealing with the *pastio villatica*. Varro's snails and bees are used to epitomize the fast-legged and idle human runaway – a contradiction in terms, seemingly innocently and jokingly brought up, but which exposes the realities of slave-owning that stood behind the seemingly unspoiled picture of Varro's manual.

That Varro ends up dealing with servile runaways is only evident to those who can detect the relevant legal echoes: while for modern readers these are not so conspicuous at first sight, Varro's peers (his original readership) would have easily picked up on the runaway allusions too – given that the related concerns were always lurking in the back of the Roman slave-owner's mind (as the juridical discourse illustrates sufficiently). That being so, it does not surprise that between fugitive snails and bees, Varro inserts dormice in a fashion that also speaks to the issue of slave management. Notably, the rodents are no runaways though, because if well kept, they move in predetermined routes: they stick to the side channels made by the potters in the jars where they are fattened – getting the illusion of free movement while actually being trapped (3.15.2).[51] This, too, would have probably resonated with Varro's contemporary readers and their thinking about slave management.

What Varro was after in writing in this manner may elude us forever.[52] However, we can be in no doubt that his choice of putting

[51] Roman enslavers were deeply concerned about their slaves adhering to the pre-determined routes that they created for them. As S. Joshel, 'Geographies of Slave Containment and Movement', in M. George (ed.), *Roman Slavery and Roman Material Culture* (Toronto, 2013), 108, put it '(s)laveholding writers, too, indicate that slaves moved around the farm out of the control of their owners, and their movements hint at an alternative geography to that mapped by the manuals and by the apparent order of rural architecture. In literature and law especially, we glimpse a "rival geography" of paths, woodlands, and places of refuge.' It is also notable that, when not fattened, Varro's dormice are kept in specific places called *gliraria* (from *glis*, dormouse). These are areas circumscribed by a wall with a smooth surface, so that the animals do not creep out of these (*ne ex ea erepere possit*, 3.15.1). This feature seems to resonate in Columella's depiction of the *ergastulum* (a space in which slaves were confined, although its nature is controversial), which has narrow high windows, so that any slaves therein cannot reach them with their hands (*Rust.* 1.6.3).

[52] The reading of Varro's work in the already mentioned Nelsestuen (n. 3) demonstrates fully that the agronomist is a deep satirist.

fugitivi and *fugitivarii* in the animal world, where they do not belong, is a demonstration that servile runaways were always a central tenet of the Roman estate-owner's mind.

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