

The *Lex Junia*, *Lex Fufia Caninia*, and *Lex Aelia Sentia*

Impact and Motives of the Augustan Manumission Laws



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31.07.2020

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Cover image

Altar of the *vicomagistri* of the *vicus Aesculeti* of 2 CE. Rome, Capitoline Museum, Centrale Montemartini, inv. 855. Photo: Petersen (2015) 221.

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Abstract

During the reign of Emperor Augustus three manumission laws were issued: the *Lex Junia*, *Lex Fufia Caninia*, and *Lex Aelia Sentia*. The lack of an obvious identifiable cause for issuing these laws has been the reason for debate among modern scholars for almost a century now. This thesis focuses on the question what the motives and impact of the Augustan manumission laws were and contributes to the debate by going beyond the formulations of the legal texts, by examining how the laws interacted with society, and by exploring the interconnectedness of these laws and the Roman world. The laws did not respond to a clear cause, but were the result of several historical developments, such as Augustus' "restoration" of the Republic. Additionally, I will further the idea that laws aimed to protect Roman citizenship, by connecting this assertion to the transformation of citizenship during the reign of Augustus.

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Acknowledgements

This thesis could never have been written without the help and support I received from a great number of people. First and foremost, I would like to thank my supervisor dr. Saskia Stevens for her guidance, enthusiasm, and helpful feedback. I also want to thank mr. dr. Emanuel van Dongen for being second reader and the time he took to give me valuable insights regarding Roman law during the beginning stages of this thesis.

I also wish to thank Fabienne Maraite, Anne de Hoop, Reinier Langerak, Mischa Piekosz, and Rogier van der Heijden for their help and motivation, and whose feedback and comments have greatly enhanced my research. Last but not least, I am grateful to my parents for their abiding support and encouragement.

Abbreviations

Abbreviations follow the guidelines of the *Oxford Classical Dictionary*, 4th edition. In addition, the following abbreviations are used throughout.

<i>Ad Eccl.</i>	Salvian, <i>Ad Ecclesiam</i>
<i>Frag. Vat.</i>	<i>Fragmenta Vaticana</i>
<i>Gnom. Id.</i>	<i>Gnomon of the Idios Logos</i>
<i>Hist.</i>	Herodian, <i>History of the Empire from the Death of Marcus</i>
<i>MJECL</i>	<i>Maastricht Journal of European and Comparative Law</i>
<i>LIA</i>	Ulrike Ehmig and Rudolf Haensch. 2012. <i>Die Lateinischen Inschriften aus Albanien</i> , Bonn
<i>Rab. Per.</i>	Cicero, <i>Pro Rabirio Perduellionis Reo</i>
<i>Reg.</i>	Ulpian, <i>Liber Singularis Regularum</i>
<i>RBPH</i>	<i>Revue Belge de Philologie et d'Histoire / Belgisch Tijdschrift voor Filologie en Geschiedenis</i>
<i>RIDA</i>	<i>Revue Internationale des Droits de l'Antiquité</i>
<i>Roman Statutes</i>	M.H. Crawford. 1996. <i>Roman Statutes</i> , London
<i>RPC</i>	<i>Roman Provincial Coinage</i>
<i>ZPE</i>	<i>Zeitschrift für Papyrologie und Epigraphik</i>
<i>ZRG</i>	<i>Zeitschrift für Rechtsgeschichte</i>

Introduction

*The Romans [...] receive into the state even slaves, when they have freed them*¹
(Philip V of Macedon SIG³ 543)

The Roman practice of manumission of slaves is something that has fascinated scholars to this day and already puzzled contemporary Greeks in antiquity, because the Romans gave citizenship to the freed slaves and thus made them, in most respects, equal to freeborn Roman citizens before the law. A famous example of this astonishment is Philip V of Macedon, who wrote the sentence cited above in a letter addressed to the Thessalian city of Larisa at the end of the third century BCE. In this letter he used the Romans as a – perhaps extreme – example of how to increase the number of citizens, since in Larisa the number had decreased because of the Social War.² Another Greek who spoke with astonishment about this practice was the historian Dionysius of Halicarnassus.³ He saw the custom in practice, since he had moved to Rome sometime in the last quarter of the first century BCE, where he argued that the manumission of slaves had started out as a noble practice, but had, however, deteriorated into something debased at his time.

The combination of manumitting slaves and granting them Roman citizenship, was a unique Roman practice that dated back to the beginning of the state, according to the Romans themselves. Livy dated it to the first year of the Republic (509 BCE) when the slave Vindicius overheard a conspiracy to overthrow the Republic and prevented it from happening.⁴ He was given money, freedom, and Roman citizenship as a reward. Dionysius dated it back even further to the period of the kings, and ascribed the practice to the sixth king of Rome, Servius Tullius (r. 575-535 BCE), who granted citizenship to freed slaves in order to increase the number of citizens, because a large population, so he said, was essential when aiming for supremacy.⁵ The earliest legal evidence of manumission of slaves comes from the Twelve Tables, which were promulgated in circa 451 and 450 BCE.⁶ The fragmentary contents, found in later sources, suggest that freedmen at that time already held full Roman citizenship and had the right to make a will.⁷ One source, the jurist Ulpian, for example, described this rule as ‘The Law of the Twelve Tables bestows the estate of a freedman who is a Roman citizen, upon his patron if the freedman dies intestate without leaving a proper heir.’⁸

¹ Transl. Bagnall & Derow (2004).

² Bagnall & Derow (2004) 66.

³ Dion. Hal. *Ant. Rom.* 4.24.

⁴ Livy, 2.3-5.

⁵ Dion. Hal. *Ant. Rom.* 4.22.4, 23.4.

⁶ The Twelve Tables have been handed down in bits and pieces through many and different kind of sources; among them Gai. *Inst.*; Ulp. *Reg.*; Valerius Probus; Cic. *Top., Leg., Rep.* All the sources are discussed in: *Roman Statutes*, 555-575. The sources speaking on the part of the Twelve Tables important to this thesis are: Ulp. *Reg.* 29.1; Gai. *Inst.* 3.40; D.50.16.195.1 (Ulpian); *Frag. Vat.* 308, see: *Roman Statutes*, 646.

⁷ *Roman Statutes*, 646-648, see also: Watson (1987) 35; Mouritsen (2011) 68.

⁸ Ulp. *Reg.* 29.1, transl. Scott (1932).

Based on the ancient sources, we can ascertain that during the Republic there was no systematic attempt to alter this practice of manumitting. This changed, however, during the Augustan period. Three laws were issued: the *Lex Junia* (25/17 BCE), *Lex Fufia Caninia* (2 BCE), and *Lex Aelia Sentia* (4 CE).⁹ The *Lex Junia* introduced a new type of freedmen status, *Latini Juniani* (Junian Latins).¹⁰ Junian Latins did not receive Roman citizenship like “normal” freedmen and were more limited in their freedom. The second law, the *Lex Fufia Caninia*, limited the practice of manumission by will (*manumissio testamento*).¹¹ Owners could manumit their slaves after they died by saying so in their will, but after this law was issued the number of slaves being able to be manumitted this way was restricted. A sliding scale indicated what percentage of the total number of slaves one could manumit in a will. Besides *manumissio testamento*, slaves could be manumitted by *manumissio censu* – inscribing the slave in the list of citizens – and *manumissio vindicta* – manumission by going to the praetor or provincial governor; though these two manumission procedures were not limited or altered in any way by the three manumission laws.¹² The last law, the *Lex Aelia Sentia*, included extra rules and more possibilities for Junian Latins – they could strive to become “normal” freedmen and attain Roman citizenship in the process, but they had to meet certain strict requirements. Additionally, the status of *dediticii* (in short: criminal slaves who had been manumitted) was introduced through the *Lex Aelia Sentia*.¹³ The *dediticii* could never become Roman citizens or Junian Latins.

This seemingly sudden change from few laws affecting the practice of manumission and freedmen during the Republic to these three laws being issued within thirty years, has puzzled modern scholars for almost a century now, since no obvious identifiable cause can be found for the installation of them. Scholars have put forward several diverging motives throughout the years. Many of them, such as Treggiari and Koops, have argued that the laws were created because there was supposedly a rise in the number of manumissions in the late Republic and it had caused unrest in society.¹⁴ Similarly, Sherwin-White and others, have argued that the manumission laws were primarily introduced to reduce the overall practice of manumission and by implication to limit the number of freedmen.¹⁵ This line of thought has mainly been taken from Suetonius, who wrote in his work on Augustus:

⁹ A full explanation of the three laws and the implications they had can be found in chapter 2. The exact date of the *Lex Junia* is unknown. See chapter 2 for a full explanation of why it must be of Augustan date (and not Tiberian) and predate the *Lex Aelia Sentia*. Here it suffices to say that the *Lex Aelia Sentia* built on the *Lex Junia*, so it must predate the *Lex Aelia Sentia* of 4 CE.

¹⁰ Legislative sources on the *Lex Junia*: Gai. *Inst.* 1.22-24, 167, 2.110, 275, 3.56, 70; Ulp. *Reg.* 1.10, 3.3, 11.16, 19, 20.8, 14, 22.19, 25.7.

¹¹ Legislative sources on the *Lex Fufia Caninia*: Gai. *Inst.* 1.42-46, 139, 2.228, 239; Ulp. *Reg.* 1.24-25; Paulus, *Sent.* 4.14.1-4.

¹² Gai. *Inst.* 1.17; Ulp. *Reg.* 1.6-10; Cic. *Top.* 10. Masters could also free slaves in informal, non-legal, ways. For informal manumission and the three formal manumission procedures, see chapter 2. For a discussion about whether *manumissio censu* was still in use during the early Empire, see chapter 2.

¹³ Legislative sources on the *Lex Aelia Sentia*: Gai. *Inst.* 1.13-21, 25-35, 37-41, 66, 68-73, 80, 139, 160, 3.5, 73; Ulp. *Reg.* 1.11-14, 7.4, 20.14; D.18.7.4, 26.8.9, 28.5.43, 58, 61, 84, 29.1.29, 37.14.15, 38.2.33, 38.16.3, 40.2.12, 15, 16, 40.4.27, 40.5.34, 40.7.1, 40.9, 45.1.66, 50.16.70.

¹⁴ Treggiari (1969) 245; Koops (2014) 113.

¹⁵ Sherwin-White (1973) 327, wrote Augustus’ legislation ‘sought to lessen the frequency of manumission’. Similarly, Treggiari (1969) 245, spoke of ‘measures to check the rate of manumission’; Lovato, Puliatti & Solidoro (2017) 160, said ‘a limitare le manomissioni’. Koops (2014) 113, said ‘slaves had flooded into Italy on an unprecedented scale’. Starace (2006) 67, ‘fortemente limitative’. Klees (2002) 112, ‘Es war das Anwachsen der Zahl der naturalisierten Freigelassenen [...] die Augustus vor eine reformbedürftige Situation stellten’. Watson (1987) 29, ‘to restrict their numbers’. Kaser & Wubbe (1971) 87, wrote that the reason for the laws was ‘dat

Considering it also of great importance to keep the people pure and unsullied by any taint of foreign or servile blood, he [Augustus] was most chary of conferring Roman citizenship and set a limit to manumission.¹⁶

According to Suetonius, Augustus wanted to make acquiring freedom harder and to make provision as to ‘the number, condition, and status of those who were manumitted’.¹⁷ As such, the laws were aimed at restoring and preserving social stability.¹⁸ These arguments, however, lack credibility as the new laws did not in any way reduce the number of freedmen. In fact, the first law, the *Lex Junia*, must have technically increased the number of freedmen, because slaves who had previously been manumitted in a non-legal, informal way – and who were thus not legally recognized as being freedmen – now became Junian Latins, a recognized civic status before the law.¹⁹

At times, the argument of modern scholars about Augustus wanting to reduce the number of freedmen has descended into xenophobia and sometimes even into racism. The most extreme example of this can be found in Duff’s work from the late 1920s on freedmen in the early Empire. He wrote that Augustus saw that owners of slaves were ‘lightly and thoughtlessly lavishing enfranchisement on low-born Orientals’ and that he had to ‘attack’ this type of manumission ‘to check the process of Orientalization’. He furthermore spoke of ‘clever Orientals’ who were ‘entirely unworthy’ of their liberty. Freeborns had to be protected from their ‘contagious scent’ and ‘this scum of the earth must be prevented from corrupting the time-honoured Italian character.’²⁰ Though still extreme, this work needs to be placed in its context of almost a hundred years ago with a completely different *Zeitgeist*. Less crude and of later date, but still conspicuous, was the remark by legal historian Kaser about Augustus wanting to maintain the ‘Gesundheit’ and the ‘Übergewicht’ of the Italian core population.²¹ Even Treggiari, in her work from the late sixties, spoke of ‘the infiltration of the Roman population by foreigners’ and the effect of freedmen on ‘the racial purity of Rome’.²² Undoubtedly, Treggiari, Kaser, and other authors were influenced by the period they wrote in. More recently Klees has argued in his 2002 article on ‘die römische Einbürgerung der Freigelassenen’, that Augustus issued these laws because of the increase in the number of freedmen, who were unfamiliar with Roman culture and values.²³ Roman warfare and human trafficking had led to this situation, according to Klees, and it is certainly true that ancient complaints about foreigners in Rome were sometimes combined with prejudice against slaves.²⁴ However, there is little ancient evidence for this idea of cultures or nations coming into conflict with each other like this. Besides, as Riggsby put it, slavery was seen as the misfortune of an individual, it was not based on racial or “natural” claims, so why would this

massale vrijlatingen in de mode waren gekomen’. Duff (1958 [1928]) 31, ‘to check these over-lavish manumission’. López (1998) 141, argued that Augustus wanted to end the increase in the number of manumissions that was due to the distribution of grain in 57 BCE.

¹⁶ Suet. *Aug.* 40.3, unless stated otherwise, translations have been taken from Loeb editions. See also Dion. Hal. *Ant. Rom.* 4.24.

¹⁷ Suet. *Aug.* 40.3.

¹⁸ Gardner (1993) 39; similarly Du Plessis (2010) 98-99.

¹⁹ More information on informally freed slaves can be found in chapter 2.

²⁰ Duff (1958 [1928]) 30-34.

²¹ Kaser (1975) 296.

²² Treggiari (1969) 230-231, 215.

²³ Klees (2002) 112.

²⁴ E.g. Tac. *Ann.* 14.44; Noy (2000) 31-37.

suddenly change when a slave was manumitted?²⁵ Furthermore, as I mentioned above, the manumission laws actually increased the number of freedmen and on top of that, marriage and procreation by freedmen were actively encouraged by the third law, the *Lex Aelia Sentia*.

Completely different arguments have also been put forward. For example by Atkinson and Du Plessis, who both argued that the laws aimed to provide recruits for the army by encouraging the extension of the number of citizens.²⁶ However, little evidence for this exists and the only times Augustus positioned freedmen in the legions was during the Pannonian revolt and after the Battle of the Teutoburg Forest.²⁷ Mouritsen has come up with a different approach by not trying to pin-point a specific cause for the manumission laws, but by arguing that it was rather a 'statement of principle'.²⁸ Freedmen as a group, according to him, were the cause of fundamental ideological problems that were insolvable – insolvable because banning this widely used practice was not something Romans would seriously consider. The ideological problems consisted of Romans wanting to keep up the idea of the inherent inferiority of slaves and freedmen in order to distinguish freedmen from themselves. Because legally seen, before the three manumission laws were issued, freedmen were, in almost all aspects, equal to freeborn.²⁹ As such, Mouritsen argued that Augustus' manumission laws were a response to this 'timeless ideological problem'.³⁰ Though Mouritsen's reasoning is stimulating and refreshing, I shall show throughout this thesis that the manumission laws were not introduced in order to maintain the inherent inferiority of freedmen.

In this thesis, I contribute to this debate on the aims of the manumission laws by addressing the following question: what were the motives behind issuing several laws on manumission during the reign of Augustus and what was the impact of these laws on Roman society? I have included the question about the impact of the laws because the extent of their impact presumably says something about the motives of issuing these laws. This thesis naturally focusses on the period of Augustus' reign, but the triumviral period will be discussed as well, as it provides the immediate context of the manumission laws. Furthermore, I sometimes refer to later periods, in order to show the alterations that were made to the three laws, but also to give examples of freedmen and the laws in practice. On top of this, this thesis does not limit its research to one confined area of the Roman world, as freedmen lived throughout the whole Roman world and evidence of the manumission laws has been found from Herculaneum to Egypt.

To answer the research question, I focus on the three Augustan manumission laws and will determine whether the historical context and the changing status of Roman citizenship in the late Republic and early Empire contributed to the motivation to issue the three manumission laws. Previous research, amongst others by Koops, has touched upon the idea of Roman citizenship and how it may have affected the issuing of the three manumission laws, but arguments and explanations have remained cursory.³¹ This thesis furthers this idea by looking into Roman citizenship thoroughly, in order to clarify if and how it influenced the manumission laws. Furthermore, other scholars, such as Treggiari, have tried to find answers

²⁵ Riggsby (2010) 100.

²⁶ Atkinson (1966); Du Plessis (2010) saw this as one of the aims of the laws.

²⁷ Mouritsen (2011) 72.

²⁸ Mouritsen (2011) 82.

²⁹ Mouritsen (2011) 82.

³⁰ Mouritsen (2011) 92, see for his full argument pp 80-92.

³¹ They have often argued that the manumission laws protected Roman citizenship, but have not asked why this protection of citizenship became important at this time: Koops (2014); Kleijwegt (2009); Bradley (1994); Gardner (1993). The only exception I have found is Mouritsen (2011) 88-91.

in specific events, but have not taken into account the full historical context of the three laws.³² In this thesis, I argue that such specific events do not provide the answers to the research question and that it is necessary to look at the broader context. Another aspect I want to add to my research into these three laws is the comparison of them with Augustus' moral legislation. Some scholars, like Mouritsen and Atkinson, have mentioned the moral legislation in their work on the manumission laws, but they have not compared the two sets of laws to each other.³³

Method

Previous research into the three manumission laws has mostly adhered to three methods in attempting to detect their aims. A first method is by scholars, such as Lovato, Puliatti and Solidoro, who have incorporated these laws into manuals of Roman law and then usually discuss them in two to three pages in a very straightforward manner, often including one or two sentences on what the motives behind the laws might have been.³⁴ Others have primarily interpreted the laws by focussing on the historical context and by attempting to pinpoint a clear and defined cause. They mainly use literary sources that mention freedmen and manumission, and sometimes the epigraphy of freedmen. These works rarely focus solely on the manumission laws.³⁵ The disadvantage of these two methods is that they mainly use one type of source and therefore miss information and, in the case of the first method, context. As such, they have not been fully able to determine what the motives of the laws were. Another way in which the manumission laws have been approached is by focussing on only one of the three laws. This has led to critical readings by Sirks, López, and Gardner of these laws and has resulted in valuable insights of individual aspects of them, which have been crucial in interpreting the laws and will be discussed in chapter 2.³⁶

Nevertheless, no cogent and thorough motives have been found so far by modern scholars for the issuing of the Augustan manumission laws. In this thesis I examine the laws both individually and jointly, and incorporate the historical context, in order to go beyond the formulations of legal sources and examine how they functioned in Roman society. Thus, instead of focussing mainly on either the context or the laws, as has been done before, I take a more interdisciplinary approach and examine the interaction between these laws and Roman society, by looking both at how the historical context may have influenced the creation of the manumission laws, but also by examining the way these laws influenced society, in order to detect their aims. The interconnectedness of the manumission laws, the historical context, and society are thus crucial to this thesis. As such, this method will lead to a more complete and exhaustive understanding of the motivations behind issuing these laws. Uncovering a cogent explanation through this method will demonstrate how a more interdisciplinary approach can help to improve research into motives behind Roman laws, because the juxtaposition of Roman law and the historical context can be crucial in determining such aims, as I will show in this thesis. Before moving on to the first chapter it is

³² Treggiari saw two reasons for alarm: 'Clodian gangs in the fifties' and freedmen in high positions during the late Republic: Treggiari (1969) 244-245.

³³ Mouritsen (2011) 84-85, shortly mentioned the possible comparison in their ideological character; Atkinson (1966) 360-361, saw similar goals in both sets of laws to encourage the birth-rate from freedmen; similarly, Kleijwegt (2009) 322-323, looked at Octavian's moral reform, but did not expand on it.

³⁴ Lovato, Puliatti & Solidoro (2017). See also: Du Plessis (2010); Guarino (2001); Watson (1987); Kaser (1975); Kaser & Wubbe (1971).

³⁵ An exception: Atkinson (1966).

³⁶ E.g. Sirks (2013); López (1998); Gardner (1991); Sirks (1983); Sirks (1981).

important to discuss the use of the word 'freedmen' and the use of sources – especially Roman law.

Freedmen

Since I will be using the word 'freedmen' (*liberti*) frequently in this thesis, it is important to clarify some aspects of this term. First of all, the word may seem to imply some sort of group identity: as if freedmen were a uniform group of people who identified themselves as belonging to that same social group. However, there are no ancient sources that can tell us such a thing. The only expression of freedmen status we know of is the use of the status indicator *L(ibertus)* in inscriptions. There must have been rich and poor freedmen, freedmen living in Rome or somewhere in the provinces, freedmen with their own family or without, freedmen whose names have survived in the ancient records and freedmen who we will never know about. It is thus important to remember when using this word that it does not describe a homogeneous group of people, but people who had one thing in common: a servile past. A second important thing to note here is that freedmen means both freedwomen and freedmen. Whenever I refer specifically to either women or men, I will make this clear.

Roman law

As Roman law is a focal point in this thesis, the term 'law' and its relationship with Roman society need some elaboration as well. A law is, to a certain extent, a response to an event, situation or sentiment in society and reflects prevalent economic, social, and moral conditions.³⁷ Laws could have a clearly designated cause, culminate from an indefinite undefined series of events, or respond to a more symbolic problem. They, furthermore, could be part of a moralistic discourse as, for example, the Augustan *Lex Julia de Adulteriis Coercendis* (18 BCE).³⁸ This law punished adultery and made it a public offence, but it should not be taken as evidence for an increase in adultery in the late Republic. The exact relationship between Roman law and Roman society and to what extent they may have influenced each other has been cause for debate, though most (legal) historians 'agree that Roman law reflects society' to some extent.³⁹ The three manumission laws thus likely say something about what was happening in society, even though their answers may not be as straightforward as one might hope. An additional reason to believe that the three manumission laws were important in Roman society and reacted to some kind of problem – whether practical or symbolical – is because of the amount of extended attention they received in the ancient legal sources.

The meaning of *lex* (law) in the first place was that of a statute: a law passed by the qualified legislative organs. Laws were 'what the people order and establish'.⁴⁰ As law developed throughout time, the word *lex* started to include laws issued from other sources that had binding force for all the people. These included the edicts of the magistrates, decrees of the senate, and (during the Empire) decrees, edicts or letters established by an emperor.⁴¹ Laws were usually named after the person(s) promulgating them. The Augustan manumission laws were thus not promulgated by Emperor Augustus himself, but by the consuls of those

³⁷ Pölönen (2016).

³⁸ See chapter 1 for a discussion of this law.

³⁹ An excellent overview of the debate can be found in: Pölönen (2016).

⁴⁰ Gai. *Inst.* 1.3, all translations of Gaius have been taken from Gordon & Robinson (1988).

⁴¹ Watson (1987) 4-5.

years. However, it is hardly imaginable that such invasive laws would have been issued without at least the emperor's consent.⁴²

Sources of Roman law

Some of the most important legal sources for this thesis and the three Augustan manumission laws are works by Roman jurists (*iurisconsulti*). Cicero described their activities as 'to advise, direct the course of a lawsuit, and safeguard a client'.⁴³ Besides these activities some jurists wrote replies or even whole books on law. One of the most essential of these is the *Institutiones* of the renowned jurist Gaius. About Gaius' life almost nothing is known, apart from him being born during the reign of Hadrian. In the second half of the second century CE, he wrote his introductory textbook of legal institutions, which he divided into four books called the *commentarii*. This work has come to us almost fully preserved in a palimpsest of the fifth century, found in 1816 in Verona (called *Gaius Veronensis*) and which was later complemented by some fragments from the late fourth century that were found in 1933 (called *Gaius Florentinus*).⁴⁴ Gaius' fame is to a great extent due to Emperor Justinian who used his work as a main source for his *Digest* and *Institutes* – Justinian actually modelled his *Institutes* on those of Gaius. Gaius discussed all three of the manumission laws in his *Institutes*.

The contemporaries Domitius Ulpianus (Ulpian) and Julius Paulus from the second and third centuries CE are two other important jurists – though their works have been less fully preserved than the *Institutes* of Gaius. Ulpian's *Liber Singularis Regularum* (Book of Rules) and Paulus' – although it is often assumed it was not written by himself - *Pauli Sententiae* (Opinions of Paulus) are important to this thesis. Paulus discussed the *Lex Fufia Caninia* in his work and Ulpian wrote about all three of the laws. Crucial here is that their descriptions and those of Gaius about the manumission laws mostly match.⁴⁵ Another important source is the *Digest* of Justinian from 529 CE, a historical sourcebook of Roman law. This work was written by sixteen compilers who collected fragments from thirty-seven jurists of the classical period.⁴⁶ Justinian had ordered that all ancient books of authority should be read and only the substance should be extracted. Furthermore, all redundancies, outdated rules, and rules already recorded in the *Code* of Justinian had to be removed. The *Digest* contains of fifty books, each divided into thematic sections describing certain topics and all the texts are preceded by the name of the jurist and the title of the work it was taken from. Gaius, Ulpian and Paulus all feature frequently in the *Digest*. Though the only one of the three manumission laws mentioned and described in the *Digest* is the *Lex Aelia Sentia*, since the status of Junian Latins had been abolished in 530/531 CE and the *Lex Fufia Caninia* had been repealed in 528 CE.⁴⁷

Literary and epigraphical sources

The literary and epigraphical sources are crucial in order to understand the context in which the Augustan manumission laws were issued. However, these, like Roman law, come with limitations and often show one side of the story. Literary sources usually show us the elite perspective, which means we miss the voices of the ordinary Romans. Moreover, Roman

⁴² Suetonius seemed to refer to the three *leges* when he said Augustus made and added new provisions to manumission: *Aug.* 40.4.

⁴³ Cic. *De or.* 1.48.212.

⁴⁴ Berger (1991) 504.

⁴⁵ Discrepancies are discussed in chapter 2.

⁴⁶ Watson (1985) *preface*.

⁴⁷ In Justinian's *Institutes* the abrogation of the *Lex Fufia Caninia* and the abolishing of the status of Junian Latins (and *dediticii*) is explained: 1.7, 1.5.3.

authors regularly portrayed freedmen in a negative way, but one should be careful in taking such depictions literally, because they could be – and often were, as I argue in chapter 2 – rhetorical tools. Epigraphical sources show both the elite and non-elite perspective, though they only show what people wanted to portray to the world. On top of that, even though freedmen were present in Roman inscriptions, only a few extant inscriptions give us actual information about the manumission laws. The *Res Gestae* of Augustus is one of the epigraphical sources that is recurrently used throughout chapter 1. Augustus recorded in this monumental inscription his life and accomplishments. As such, this document solely shows what Augustus wanted to portray to his public and does not provide us with a coherent overview of, for example, the triumviral period. Nevertheless, inscriptions and literary sources provide us with information about the historical context. In order to successfully use them throughout this thesis, they will be critically analysed when mentioned.⁴⁸

Chapter layout

The first chapter of this thesis will outline the historical context in which these laws were issued. I will explore Augustus' politics with regards to his intentional break from the triumviral past and the coinciding restoration of the Republic. A case study of the moral laws of Augustus issued in 18 BCE and 9 CE will make clear how law could be used in this context. In the second chapter I will focus on manumission and the manumission laws. This includes the three procedures of manumission, the social position of slaves and freedmen, the three laws, and the impact of the laws. The third chapter focusses on Roman citizenship and new roles which freedmen could attain during the Augustan period. After this a conclusion follows.

⁴⁸ See especially the section ““Good” vs. “bad” freedmen’ in chapter 2, about how modern scholars have often used elite literary sources in connection to the Augustan manumission laws.

Contextualising the Augustan manumission laws

There followed twenty crowded years of discord, during which law and custom ceased to exist [...]. At last, in his sixth consulate, Augustus Caesar [...] presented us with laws to serve our needs in peace

(Tac. *Ann.* III.28)

The quote above has been taken from Tacitus' *Annales* in which he described how legislation after the Twelve Tables had become inequitable, until Augustus presented the Romans with laws after the chaotic triumviral period. In this chapter, the context surrounding the issuing of the three manumission laws will be discussed. Why were these laws created and why at this particular point in time? The portrayal of the chaotic and violent triumviral period of Octavian versus the relatively peaceful time of Augustus will be discussed first, after which I will demonstrate how some freedmen benefited from this period of civil war and unrest. Next, the "restoration" of the Republic will be discussed and in the last paragraph Augustus' moral legislation shall give an insight into how the first emperor made use of laws to support his political programme of restoring the Republic and its moral values.⁴⁹

A clean break from the past

In 27 BCE Octavian transferred his power to the senate and for this he claimed: 'I was named Augustus by senatorial decree'.⁵⁰ This was only the final act of a series of decisions that Octavian had made in the years leading up to this moment. Octavian's role during the triumviral period was not to be forgotten, but his violent and cruel behaviour during those stressful years were. 'Little by little he dissociated himself from his past' and removed himself from his "Octavianic" phase'.⁵¹ The name Octavian and the actions associated with it disappeared and in the place came Augustus, a name and title no violent or cruel behaviour was linked to.⁵²

However, the literary sources that speak of Octavian's negative behaviour during the triumviral period show that Augustus' past was not fully forgotten and his actions left an ineffaceable impression.⁵³ A well-known story about Augustus is that he often fell ill, sometimes so severely he almost died, as for example in 23 BCE. This also happened during the crucial Battle of Philippi in which Octavian and Marcus Antonius fought against Brutus and Cassius.⁵⁴ According to Pliny, Octavian hid away in the nearby marshes for three days;

⁴⁹ With moral legislation I mean the *Lex Julia de Maritandis Ordinibus* (18 BCE), the *Lex Julia de Adulteriis Coercendis* (18 BCE), and the *Lex Papia Poppaea* (9 CE).

⁵⁰ *RGDA* 34, all translations of the *Res Gestae* have been taken from Cooley (2009).

⁵¹ First quotation from: Eder (1990) 102. Second quotation from: Eder (2005) 24.

⁵² The term *Augustus* meant: majestic, august, venerable. Galinsky (2012) 32.

⁵³ Amongst them Suetonius, Appian, and Cassius Dio. See below for examples.

⁵⁴ Another famous battle during which Octavian fell ill was the Battle of Actium.

Suetonius added that he could barely escape after being driven away from his camp.⁵⁵ After having won the battle, due to Marcus Antonius as Appian stressed multiple times, Octavian made up for his embarrassment by savagely attacking the corpse of Brutus and by having his head decapitated and sent to Rome – though it never arrived because the ship lost its cargo due to a storm.⁵⁶ An even more cruel act of Octavian took place during the Perusine war. The city Perusia had surrendered after being starved out, but Octavian allegedly still took vengeance by sacrificing three hundred members of the local ruling classes at the altar of the deified Caesar on the Ides of March.⁵⁷

Other cruel acts of Octavian during that time are amply represented in the literary sources, though the stories may have been exaggerated by the ancient authors. Ancient historians described the triumviral period in general as violent, and a cruel leading character, such as Octavian, suited such an atmosphere. These descriptions of Octavian should thus not immediately be taken at face value. Though Galinsky has argued that such stories would not have ‘taken off’ if there was not some truth in them.⁵⁸ The ancient sources spoke of the aforementioned mutilation of Brutus’ corpse, but also of the response Octavian gave to the request by some of the prominent supporters of Brutus, who asked for burial before their execution. He is said to have responded with ‘The birds will soon settle that question.’⁵⁹ And when a father and son begged for their lives, Octavian bid them to play ‘cast lots or play *mora*’.⁶⁰ However, instead, the father offered to die for his son after which the son took his own life, Octavian looking on while both men died.⁶¹ While it is hard to discern whether Octavian actually said and did such things, he must have been under a lot of pressure during the triumviral period; Octavian was faced with ongoing unrest because of proscriptions and land confiscations, the war against Lucius Antonius (brother of Marcus Antonius) in Italy, and the struggle against Sextus Pompey, who held Sicily and defeated Octavian in battle at sea with the result that he was cut off from Italy and his troops.⁶² In a catalogue of Augustus’ vicissitudes, Pliny described how these events led Octavian to ask his friend Proculeius to kill him.⁶³ As we know now, Proculeius refused to do so.

After this it may come as no surprise that Octavian wanted to portray his past in a different way. Already in 36 BCE, he burned writings containing evidence about the civil strife and thereafter forbade the disclosure of the records of the senate.⁶⁴ But especially the year 28 BCE saw many such acts by Octavian. He melted down eighty silver statues dedicated to him, as he could not accept such an honour, and from the money he obtained he placed golden offerings in the temple of Apollo, but more importantly, Octavian came with a decree and held a *lectio senatus*, which was a revision of the senate.⁶⁵ With the decree Octavian abolished ‘very many illegal and unjust regulations’ he had put into effect during the triumviral period.⁶⁶ Octavian, furthermore, rid or “purged” the senate with the *lectio senatus* of approximately

⁵⁵ Plin. *HN* 7.148; Suet. *Aug.* 13.

⁵⁶ Appian stressing Marcus Antonius’ role: *B. Civ.* 5.14, 53, 58, 59. About Brutus’ corpse: Suet. *Aug.* 13. Galinsky (2012) 32.

⁵⁷ Suet. *Aug.* 15; Cass. Dio 48.14; App. *B. Civ.* 5.48. Eder (2005) 19.

⁵⁸ Galinsky (2012) 35.

⁵⁹ Suet. *Aug.* 13.

⁶⁰ Roman equivalent of rock, paper, scissors: Galinsky (2012) 36.

⁶¹ Suet. *Aug.* 13.

⁶² Galinsky (2012) 35.

⁶³ Plin. *HN* 7.148.

⁶⁴ App. *B. Civ.* V.132. Galinsky, (2012) 63.

⁶⁵ The silver statues: Suet. *Aug.* 52; *RGDA* 24; Eder (2005) 23.

⁶⁶ Cass. Dio 53.2.5. Same tenor in: Tac. *Ann.* 3.28.

two hundred members (of the in total one thousand), who were deemed unworthy and had entered the senate during the civil wars.⁶⁷ Years later, in his *Res Gestae*, Augustus described the triumviral period only in the first few sentences.⁶⁸ In this particular passage, he elaborated on the honours and certain positions given to him by the senate and the people – such as the power of *imperium* (power of commanding an army), and the positions of consul, and triumvir – in order to liberate the state and prevent it from suffering harm. Furthermore, he claimed that he liberated the state from a despotic faction – by faction he meant Marcus Antonius.⁶⁹ However, the bloody wars and his ‘messy manoeuvres’ were cleverly left out.⁷⁰ In the same way, he famously left out much of the Battle of Actium. Such unpleasant details were not befitting Augustus’ account of his life and accomplishments. As such, Augustus made a clean break from the past. This was not accomplished overnight; by taking actions and portraying the past in a certain way he made sure his “transformation” from Octavian to Augustus was complete.

The triumviral period and freedmen

This chaotic triumviral period and subsequently the “transformation” of Octavian seem to have affected the position and status of freedmen. Strikingly, some freedmen attained high political positions during the first and second triumvirates.⁷¹ Positions they had never had before – as far as we can tell from the sources – were now obtained by some of them, for example the position of *duovir*, decurion, and quaestor.⁷² Scholars, such as Duff and Mouritsen, have often dismissed these freedmen in high positions as exceptions.⁷³ Exceptions only occurring in Caesar’s colonies because of the high number of freedmen that were transferred to these colonies, in order to ‘drain the city of the *plebs urbana*’.⁷⁴ However, the epigraphic and literary sources tell us otherwise: not solely freedmen from Caesar’s colonies gained high status, but also freedmen in other places.⁷⁵ In this paragraph, I shall show how freedmen could attain such high positions during the triumviral period. After the triumviral period, the number of freedmen in high positions decreased to the point that only a few freedmen are attested in ancient sources over the next few centuries. Whether this means that the number of freedmen in high positions actually became less after the triumviral period is uncertain, but the *Lex Visellia* (see below) would suggest it at least did after Augustus. On top of this, the Augustan period itself showed an increasing concern for distinguishing between the social classes, which would befit the decrease of such freedmen in high positions.⁷⁶ After discussing the triumviral period and the high positions of freedmen during

⁶⁷ Cass. Dio 52.42; Suet. *Aug.* 35; *RGDA* 8.2. Eder (1990) 103. See Evans (1997), for an explanation of why this *lectio senatus* has been characterized as a purge.

⁶⁸ *RGDA* 1.1-4.

⁶⁹ Galinsky (2012) 31.

⁷⁰ Galinsky (2012) 31.

⁷¹ Solely male freedmen. Roman women in general never attained such positions.

⁷² Evidence of one other time freedmen held high positions comes from Capua, between 111 and 71 BCE. The situation at Capua was unique since there was no local senate or senatorial class and the positions freedmen held had no formal authority, see: Frederiksen (1959); Mouritsen (2011) note 33.

⁷³ Mouritsen (2011) 74-75; Duff (1958 [1928]) 245.

⁷⁴ Mouritsen (2011) 74-75. For the quotation and more on who were sent to colonies, which colonies, why, and elite metaphors surrounding movement of people, see: Jewell (2019).

⁷⁵ See Coles (2017).

⁷⁶ For this increasing concern, see further below in this section, the section on the moral legislation, chapter 2, and chapter 3.

that time, I will take a look at how Octavian, and later Augustus, dealt with freedmen in high positions.

During the Republic, freedmen were probably legally not banned from holding local offices, because the first law explicitly restricting them was only issued during the reign of Tiberius, the *Lex Visellia* of 24 CE.⁷⁷ This law restricted freedmen from ‘daring to assume such honours and dignities as belong to those who are freeborn’ and it specifically mentioned the office of decurion, the local senate, as forbidden territory.⁷⁸ Strikingly, the colonial charter for Urso of 45 BCE, the *Lex coloniae Genetivae Juliae*, actually allowed freedmen to become *duoviri*, aediles, and decurions.⁷⁹ This charter was written under Caesar and was later enforced by Marcus Antonius after Caesar’s death.⁸⁰ But the question remains why freedmen did not hold office before the triumviral period if it was not forbidden by law? Some scholars, such as Klees and Mouritsen, have argued that freedmen had a persisting “stain of slavery” (*macula servitutis*), which caused them to be perceived as at least different to freeborn.⁸¹ This difference between freed and freeborn led to “disabilities”, such as not being able to hold offices or to serve in the legions even though there was no law legally preventing them.⁸² Vermote saw this differently and has proposed that this stain of slavery was not part of daily believe and practice, but that it was the need of the elite to distinguish themselves from freedmen, especially the powerful and rich freedmen, who did not differ in any other objective way from these elites.⁸³ Whether the stain of slavery or the need of the elite influenced the position of freedmen in Roman society is discussed more elaborately in chapter 2; nevertheless, this stain or need seems to have temporarily been set aside during the triumviral period.⁸⁴

Patrons often used their freedmen as confidential go-betweens in the political sphere, for example, as agents when their patron was absent from Rome or as negotiators when their patron was disgraced or in exile.⁸⁵ This role became even more important during the triumviral period, as negotiations between leaders became increasingly more secretive and weighty.⁸⁶ Freedmen were used as intermediaries more than ever; most certainly because they were trusted by their patrons. Philo, freedman of Sextus Pompey, and Hilarus, freedman of Scribonius Libo, for example, were sent to carry confidential letters to the senate, Callias, freedman of Marcus Antonius, had to negotiate a political marriage, and Epaphroditus, freedman of Octavian, was sent to Egypt to prevent Cleopatra from committing suicide.⁸⁷ Such

⁷⁷ *Cod. Just.* 9.21. The *Lex Repetundarum* of 123 BCE did exclude freedmen from the juries at Rome, because jurors had to give the name of their father (legally seen freedmen did not have a father): *Roman Statutes* 65-112 (line 14).

⁷⁸ *Cod. Just.* 9.21, transl. S.P. Scott (1932).

⁷⁹ One section specified that the *duoviri* and aediles could be freed or freeborn; another section stated that a decurion could be impeached, unless the reason was his freed status. See Coles (2017) L2 and L3 for the Latin text and translation of the relevant passages. See *Roman Statutes*, 393-454, for the whole charter (though it misses new fragments found after publication of the work, which are discussed in Coles).

⁸⁰ Coles (2017) 185.

⁸¹ Klees (2002) 91; Mouritsen (2011) chapter 2. The expression *macula servitutis* is often used by modern scholars and has been taken from three Roman legal sources mentioning it: D.40.11.5 (Modestinus); *Cod. Just.* 7.16.9; 10.32.2; see Vermote (2016) for a discussion of the use of this expression.

⁸² Mouritsen (2011) 12.

⁸³ Vermote (2016).

⁸⁴ See chapter 2.

⁸⁵ More examples and an explanation of freedmen as go-betweens in: Mouritsen (2011) 48; Treggiari (1969) 177-192.

⁸⁶ Treggiari (1969) 187.

⁸⁷ Confidential letters: *Cic. Att.* 16.4.1. Marriage: *App. B. Civ.* 5.93. Cleopatra: *Plut. Ant.* 79; *Cass. Dio* 51.11, 13.

roles for freedmen were nothing new. More striking are the cases where freedmen attained high positions in public life.

Many of the freedmen in high positions during the triumviral period were freedmen of the triumvirs themselves or of the leaders of the opposition. One of the first freedmen in high position mentioned in the sources was Meges, a freedman of Caesar, who was a *duovir quinquennalis* somewhere between 60 and 48 BCE in Lissus, Dalmatia.⁸⁸ Caesar was the benefactor of Lissus and Coles has rightly suggested that this must have influenced the people there to elect Meges alongside the freeborn Lucius Gavarius.⁸⁹ The same position of *duovir* was attained by three freedmen of Marcus Antonius in Corinth: Orestes, Theophilus, and Hipparchus.⁹⁰ Sextus Pompey also put many of his freedmen in high positions during the triumviral period. Velleius Paterculus mockingly described Sextus Pompey as ‘the freedman of his own freedmen and slave of his own slaves’ while discussing his ‘piratical’ role and his use of slaves and freedmen.⁹¹ Menas, Menecrates, Apollophanes, and Demochares were freedmen in high positions of Sextus Pompey we know of.⁹² Menas, for example, was a *praefectus classis* (commander of a fleet) for years and controlled Sardinia for Sextus Pompey in 40 BCE.⁹³ The other three were also commanders of a fleet during this period.⁹⁴ About Menas the most is known since he deserted to Octavian in 38-37 BCE, who granted him freeborn status and equestrian rank as a reward; in 37-36 BCE, however, he went back to Sextus Pompey to finally end up deserting back to Octavian in 36-35 BCE, because he was unhappy that he was treated with suspicion by Sextus Pompey.⁹⁵

Other freedmen in high positions included Demetrius, a freedman of Caesar, who controlled Cyprus on behalf of Marcus Antonius.⁹⁶ Licinus, freedman of either Caesar or Octavian/Augustus worked in a whole different area of the Roman world.⁹⁷ He was procurator of Gaul up until Augustus visited in 16 or 15 BCE. It is uncertain when he had been sent out to Gaul, but according to Seneca he had been there for many years.⁹⁸ Treggiari suggested he had been there since before 27 BCE, because Octavian/Augustus became more careful in choosing who would get certain positions when he became Augustus.⁹⁹ This is an interesting suggestion which is supported by the drop in the numbers of freedmen attaining high positions we know of after the triumviral period – though, as mentioned above, this drop might simply be due to lack of extant sources. The only other freedman we know of, besides Licinus, who held a high

⁸⁸ *AE* (1982) 00765, 00766. See also *LIA* 21, 22; Coles (2017) 113 and 114.

⁸⁹ Coles (2017) 191-192.

⁹⁰ See for Hipparchus below. Orestes: *RPC* I, 1122. Theophilus: *RPC* I, 1129-1131; *Plut. Ant.* 67.7.

⁹¹ *Vell. Pat.* 2.73.1.

⁹² Menas is referred to as Menodorus by Appian. Ancient historians were confused about whether Menas and Menecrates were freedmen of Sextus Pompey or of his father Pompey Magnus: Velleius said they were freedmen of Pompey Magnus (2.73.3) while Appian (*B. Civ.* 3.390) and Suetonius (*Gram. et rhet.* 12) said they were freedmen of Sextus Pompey; Treggiari (1969) 188, preferred Velleius' reading.

⁹³ *App. B. Civ.* 5.56; *Vell. Pat.* 2.73.3; *Cass. Dio* 48.45.5; *Flor.* 2.18.2.

⁹⁴ Menecrates: *Vell. Pat.* 2.73.3; *App. B. Civ.* 5.81; *Cass. Dio* 48.46; *Flor.* 2.18.2. Apollophanes: *App. B. Civ.* 5.84, 105; *Cass. Dio* 48.47.3. Demochares: *App. B. Civ.* 5.83, 84, 105; *Cass. Dio* 49.2.1.

⁹⁵ *App. B. Civ.* 5.80, 96, 102; *Cass. Dio* 48.45.6, 54.7, 49.1.5; *Suet. Aug.* 74.

⁹⁶ What this role exactly entailed is unclear; *Cass. Dio* 48.40.6.

⁹⁷ Cassius Dio (54.21.2) took Licinus to be a freedman of Caesar, while Suetonius (*Aug.* 67) said he was a freedman of Augustus. The confusion is understandable since Octavian had taken Caesar's name after being adopted by him.

⁹⁸ *Sen. Apocol.* 6.

⁹⁹ Treggiari (1969) 190.

position during Augustus' reign was Hipparchus, freedman of Marcus Antonius, who was twice *duovir quinquennalis* in Corinth.¹⁰⁰

Some other freedmen, who were not freedmen of triumvirs or of leaders of the opposition, also attained high positions during the triumviral period. One of them was a freedman named Malchus, who became *duovir* in Curubis, Africa, in 45 BCE.¹⁰¹ The freedman Epicadus was a quaestor in Narona, Dalmatia. Another freedman, Phileros, mentioned in his inscription that he had been an aedile and a prefect in Carthage, Africa, and that he had been *duovir* twice at Clupea.¹⁰² He later moved to Formiae in Italy where he became an *Augustalis*.¹⁰³ A last freedman to add to this list is Monimus. In a decree of 31 BCE by the local *ordo decurionum* of Castrimoenium it was stated that 'he belongs to our order'.¹⁰⁴

Roman freedmen thus became magistrates all over the Roman world during the triumviral period, except in Rome itself. The social hierarchy in Rome was apparently so carefully controlled that no freedman could get through.¹⁰⁵ However, some ancient sources did speak with disdain about a freedman and two slaves trying to attain high positions. Cassius Dio mentioned a certain slave called Maximus, who was caught and taken away by his master when he almost became a quaestor in 39 BCE.¹⁰⁶ While this slave was granted immunity, another slave, who was actually already serving as praetor in 39 BCE, was first freed and afterwards hurled down the Tarpeian rock.¹⁰⁷ His name was Barbarius Philippus and he was actually used as an example by the jurist Ulpian; Ulpian noted that if the people had known Barbarius was a slave, he would have been freed since he held an office appropriate for a free man.¹⁰⁸ However, as Treggiari and Coles rightly commented, this idea was clearly not accepted by Barbarius' contemporaries, seeing that he was hurled down the Tarpeian rock.¹⁰⁹ Another man who was not welcomed with open arms in Rome, was a freedman who held the position of *tribunus militum*. Horace wrote with contempt about this freedman in his fourth epode:

you with your flanks scarred by Spanish ropes and your legs by iron fetters [...] Now he ploughs a thousand acres of Falernian land, wears down the Appian Way with his ponies, and sits in the front seats as an important knight, treating Otho's law with contempt.¹¹⁰

This freedman was identified by the scholia as Menas, one of the freedmen of Sextus Pompey, but Treggiari already thought this was unlikely and now Kirbihler has credibly linked him to the freedman P. Vedius Rufus.¹¹¹ His career as a merchant, military tribune, and knight, seems typical for this unique period of the triumvirates in which such personal journeys of freedmen became possible.¹¹²

¹⁰⁰ *RPC* I, 1134-1137; *Plut. Ant.* 67.7.

¹⁰¹ *CIL* 08.00977.

¹⁰² *CIL* 10.06104.

¹⁰³ More on the role of freedmen as *Augustales* in chapter 3.

¹⁰⁴ *CIL* 14.02466, transl. Mouritsen (2011) 74.

¹⁰⁵ Coles (2017) 182.

¹⁰⁶ *Cass. Dio.* 48.34.4.

¹⁰⁷ *Cass. Dio.* 48.34.4. Hurling down the Tarpeian rock was a punishment restricted to free men; slaves would usually be crucified.

¹⁰⁸ D.1.14.3 (Ulpian). Barbarius Philippus: *Suda* s.v. Barbios Phillipikos.

¹⁰⁹ Treggiari (1969) 62; Coles (2017) 183.

¹¹⁰ *Hor. Epod.* 4. Otho's law allocated the first fourteen rows in the theatre to *equites* (knights).

¹¹¹ Treggiari (1969) 65; Kirbihler (2007).

¹¹² The development of his career is fully explained in Kirbihler (2007).

The freedmen I discussed above tell a few things. First of all that during this unique period of civil wars, political figures, such as Octavian and Sextus Pompey, sometimes chose to employ freedmen in certain high positions. Freedmen had always been trusted confidants of their patrons and were perhaps to be preferred above others precisely because of their patron-freedman relationship.¹¹³ This relationship often consisted of freedmen remaining in a ‘position of intimate dependence’ on their patron and they were bound to certain legal obligations in regard to their patron.¹¹⁴ As such, the proximity to wealthy, well-connected, and high-positioned patrons could lead to high positions.¹¹⁵ As far as the sources can tell us, seventeen freedmen reached high positions during the two triumvirates.¹¹⁶ To compare, six freedmen holding high positions after this period have been attested, ranging from the first to the third century CE. Though, as mentioned above, whether this drop is due to a lack of sources, the *Lex Visellia* functioning, or because of the increased focus on status differentiation during Augustus’ reign is uncertain. Secondly, in contrast to Mouritsen’s argument that freedmen in high positions were exceptions confined to Caesar’s colonies, the sources show that such freedmen were found in other places than Caesarean colonies. These freedmen were thus not merely exceptions due to the composition of those colonies. The freedmen’s patrons seem to have placed them in, or at least allowed them to reach, such high positions.

The position of Octavian’s freedmen and the way Octavian dealt with them in general, seems to have changed with time. The start of Octavian’s career was supported by loyal Caesareans, among whom were many freedmen.¹¹⁷ He furthermore acquired the rights of patron over a large number of rich freedmen, who were previously Caesar’s.¹¹⁸ According to Suetonius, he held his freedmen in high honour and in close intimacy, specifically mentioning Licinus, the freedman who was procurator in Gaul.¹¹⁹ While some of Octavian’s freedmen had reached high positions, this changed when the strife was over and the necessity of using them was eliminated. However, ‘their usefulness behind the scenes continued’; many freedmen were employed to work in financial areas of the Empire, such as handling public money and the evaluation of taxation.¹²⁰ Suetonius, for example, mentioned in the last sentence of his *Life of Augustus* that after Augustus’ death, senators were ordered to consult the freedmen and slaves of Augustus about the financial condition of the whole Empire.¹²¹

Despite Octavian’s, and later Augustus’, good relationship with freedmen, some other instances in the sources show how his stance towards them changed, coinciding with his “transformation” from Octavian to Augustus. Augustus stated in his *Res Gestae* that after a battle he won against Sextus Pompey in 36 BCE, he returned 30,000 runaway slaves to their masters for punishment, after they had taken up arms.¹²² Sextus Pompey had asked freedom for these slaves in return for their help and had actually already received permission from the

¹¹³ More about the relationship between patrons and freedmen and the latter’s duties can be found in chapter 2.

¹¹⁴ For legal obligations towards a patron see chapter 2. Cited from: Watson (1987) 43.

¹¹⁵ Coles (2017) 193, added to patronage: public benefactions and local preferences for trade (in which freedmen often worked) over birth.

¹¹⁶ All seventeen have been mentioned above. That this was truly unique is shown by a calculation of Coles of inscriptions in the *CIL*: freedmen held less than 0.003% of all Roman magistracies: Coles (2017) note 2.

¹¹⁷ App. *B. Civ.* 3.11.

¹¹⁸ App. *B. Civ.* 3.94.

¹¹⁹ Suet. *Aug.* 67.

¹²⁰ Suet. *Aug.* 101. Cited from: Treggiari (1969) 192, see 185-186, 191-192 for examples.

¹²¹ Suet. *Aug.* 101.

¹²² *RGDA* 25.1; App. *B. Civ.* 5.131; Oros. 6.18.

senate for this.¹²³ However, Octavian had other plans, and besides returning these 30,000 slaves, he ordered that the remainder of the slaves, who were not claimed by their patrons, had to be crucified.¹²⁴ This decision must have helped him in creating an image of a responsible and conservative statesman, since it affirmed the established rights of property-owners – slaves were seen as property before Roman law.¹²⁵ However, something Augustus did not mention in his *Res Gestae* was that Octavian himself also had promised 20,000 slaves freedom if they fought against Sextus Pompey.¹²⁶ Another instance that showed a change in attitude towards freedmen was that Augustus, according to Suetonius, never invited freedmen to his formal dinner-parties.¹²⁷ The sole exception was Menas, but only because ‘he had been enrolled among the freeborn after betraying the fleet of Sextus Pompey’.¹²⁸ And while Augustus held many of his freedmen in high honour, when his freedman Polus was convicted of adultery with Roman women of rank, he forced him to take his own life.¹²⁹ These occurrences show that Augustus still employed and interacted with freedmen, but he seems to have become more restrictive. Freedmen worked ‘behind the scenes’, Augustus no longer invited them to formal parties, and in compliance with his *Lex Julia de adulteriis coercendis* of 18 BCE – which made adultery a public offence – his freedman Polus was convicted of adultery.

Leges et iura P(ublicae) R(ei) Restituit

A rare *aureus* dated to 28 BCE shows Octavian on both sides and can perhaps be seen as an epitome of what was to come (figure 1).¹³⁰ The text on the obverse mentioning his consulships, – *imp(erator) Caesar divi f(ilius) co(n)s(ul) vi* – and the image on the reverse of him in toga sitting on the *sella curulis* (magistrate’s chair), show continuation of the Republic, while at the same time he claimed to be the son of a god – *divi f(ilius)* – on this coin.¹³¹ Furthermore,



Figure 1. Aureus from 28 BC. Obverse: head of Octavian. Reverse: Octavian seated on the *sella curulis*. London, British Museum, inv. 1995,0401.1. Photo: British Museum, https://www.britishmuseum.org/collection/object/C_1995-0401-1.

¹²³ App. B. Civ. 5.131.

¹²⁴ App. B. Civ. 5.131; Oros. 6.18.

¹²⁵ E.g. Gai. Inst. 2.14a; Kleijwegt (2009) 322; Watson (1987) chapter 4.

¹²⁶ Suet. Aug. 16.

¹²⁷ Suet. Aug. 74.

¹²⁸ Suet. Aug. 74.

¹²⁹ Suet. Aug. 67.

¹³⁰ Only two of this specimen are known. One in: BM, number 1995,0401.1; the other one is located in the Blackburn Museum.

¹³¹ BM, number 1995,0401.1; Galinsky (2012) 62.

Octavian announced on the reverse that he had restored the laws and rights of the *res publica* – *leges et iura p(ublicae) r(ei) restituit*. Augustus' reign can be said to have been a balancing act between on the one hand making it seem like he was restoring the Republic, while on the other hand wanting to remain in power. This balancing act can be found in different aspects of his reign, some of which I will discuss here, since it gives context to the Augustan manumission laws. Especially the religious and moral "restoration" of Augustus will prove to be meaningful in interpreting the manumission laws.

The balancing act is perhaps best reflected in the rejections of positions offered to Augustus by the senate and the people. The most theatrical example of this comes from Suetonius who mentioned that when the people wanted to elect Augustus dictator 'he knelt down, threw off his toga from his shoulders and with bare breast begged them not to insist'.¹³² Less dramatical, but in similar fashion, Augustus refused to take the office of censor for life, immediately appointing two others, and he declined the offer of holding the consulship for the rest of his life.¹³³ Augustus explained this in his *Res Gestae* by saying that he would not accept and hold any office that was at variance with ancestral practice.¹³⁴ It is clear that Augustus tried to make sure that his position, his role, was not institutionalized in any shape or form since it could cause unrest, create resentment, or perhaps even incite conspiracy.¹³⁵ In order to make sure his reign, his system, was to last, in spite of him holding no official office (apart from elected consulships until 23 BCE), he received unconstitutional powers, such as *maius imperium* ("greater power") and *tribunicia potestas* (the power of the tribune of the people), which were not tied to any office and did not have to be renewed every year.¹³⁶ As such, Augustus also avoided making it seem like he was looking for a successor, because he made sure that Tiberius, and before him Agrippa and to a lesser extent his two grandsons, had similar powers to him while he was still alive.¹³⁷ By doing so, he avoided having to transfer his powers to his successor by will and making his reign look like a monarchy.¹³⁸

Augustus' revival of religion was also a big part of his "restoration" of the *res publica*, which, as I will show, affected freedmen in Rome in a significant way. Augustus started this revitalization by restoring, repairing, and constructing cult places. His *Res Gestae* is full of examples, such as the building of the Temple of the Deified Julius Caesar in 29 BCE, the restoration of eighty-two temples in 28 BCE, and the consecration of the altar of *Pax Augusta* (Augustan peace) in 13 BCE.¹³⁹ Dutiful conduct (*pietas*) towards the gods was an important pillar of the Roman Republic; repairing and building cult places would thus support the idea of the restoration of the Republic.¹⁴⁰ This restoring and building inevitably led to the revival of cults and religious associations and thus to an increase in opportunities for participation, which consecutively provided status and recognition.¹⁴¹ Augustus, for example, revived the neighbourhood cults in Rome. From 12 BCE onwards, neighbourhoods (*vici*) in Rome started

¹³² Suet. *Aug.* 52. A similar description can be found in: Cass. Dio, 54.1.4.

¹³³ Censorship: Cass. Dio, 54.2.1. Consulship: *RGDA* 5.

¹³⁴ *RGDA* 6.

¹³⁵ Gruen (2005) 35.

¹³⁶ *Imperium* meant the military authority of someone and the senate made Augustus' *imperium* superior to others: *maius imperium*. Eder (2005) 26; Gruen (2005) 36.

¹³⁷ Augustus tried to secure his succession via adoption and by sharing the *tribunicia potestas*. Gruen (2005) 38-50.

¹³⁸ Gruen (2005) 50.

¹³⁹ *RGDA* 19, 20, 12; other examples in the *RGDA*: 11, 21. Livy 4.20.7 saw Augustus as founder and restorer of all the temples.

¹⁴⁰ Galinsky (2012) 101; Scheid (2009) 278.

¹⁴¹ Galinsky (2012) 102.

to honour the *Lares Augusti* and the *Genius Augusti* at crossroad shrines, which were the religious centres of the *vici*.¹⁴² When in 7 BCE Augustus redistricted and reorganized Rome into fourteen regions, the majority of the in total 265 *vici* initiated the same type of neighbourhood cult.¹⁴³ The neighbourhood cults were presided over annually by four freeborn or freedmen *magistri* and they were aided by four slave *ministri*.¹⁴⁴ The service seems to have appealed mainly to the lower classes, as the majority of the *vicomagistri* were freedmen and, on top of that, no imperial or influential freedmen seem to have participated.¹⁴⁵ Though wealth may have been a precondition of *magistri*, because most of what is known about them comes from the expensive inscribed gifts to their *vici*.¹⁴⁶

Augustus appears to have been personally involved as he donated new statues of the



Figure 2. The Belvedere Altar of c. 12-2 BCE. Emperor Augustus exchanging two statuettes with vicomagistri. Vatican City, Musei Vaticani, Museo Gregoriano Profano, inv. 1115. Photo: DAI Rome, <https://arachne.dainst.org/entity/1081150?fl=20&q=Belvedere%20altar&resultIndex=1>.

Lares to all neighbourhood shrines. This was mentioned in several inscriptions and depicted on a neighbourhood altar, in which Augustus hands over two little statuettes of the *Lares Augusti* across an altar to two figures (figure 2).¹⁴⁷ The two figures and two others behind him must have been the *vicomagistri*. By restoring religious buildings and reviving and adjusting neighbourhood cults Augustus created stability and continuity with the past and gave lower classes the possibility to participate actively in society.¹⁴⁸

Augustus' aim to restore traditional Roman virtues was also important to the "restoration" of the *res publica*. Romans had the obligation to conduct themselves in a moral and ethical way, like the Romans from an idealised past had done before them.¹⁴⁹ Aeneas, the hero of Virgil's *Aeneid*, was an excellent example of this, since his most important quality was *pietas*: a chief virtue for the Romans.¹⁵⁰ This idea of bringing back

¹⁴² The *Lares Compitales*, the old crossroad gods, were renamed the *Lares Augusti*, in honour of the emperor. Scheid (2009) 296-297; Lott (2004) 101. Robinson (1992) 11-12, believed it to be likely that Augustus' reorganisation increased the number of *vicomagistri* by enlarging their role; based this on *ILS* 6074.

¹⁴³ 265 *vici* mentioned in: Pliny, *HN* III.V.66. Lott (2004) 81; Scheid (2009) 297.

¹⁴⁴ Scheid (2009) 297; Lott (2004) 90; Galinsky (2012) 102.

¹⁴⁵ Imperial freedmen enjoyed a higher social status than "normal" freedmen. Table I in Lott (2004) 92-94, shows the 80 known *vicomagistri* from the reign of Augustus; 60 of them were definitely freedmen, 16 were possibly freeborn, and 4 were clearly freeborn. Lott (2004) 97.

¹⁴⁶ Lott (2004) 90.

¹⁴⁷ The inscriptions: *AE* (1937) 62; *CIL* 06.00456, 30770. The altar is called the Belvedere altar; Lott (2004) 104-105; Scheid (2009) 297. For an oversight of dedications by *vicomagistri* and Augustus, restorations, and other monuments of neighbourhoods in Rome, see Lott (2004) 180-217.

¹⁴⁸ Galinsky (2012) 102. More information about freedmen *vicomagistri* and how we may connect it to the broader context of the manumission laws can be found in chapter 3.

¹⁴⁹ Edwards (1993) 1, rightly mentioned that the 'highpoint of Roman moral virtue was always already situated in an idealised past.' Galinsky (2012) 96.

¹⁵⁰ *Pietas* can be defined as: dutiful conduct and respect towards the gods, one's parents, country, relatives, et cetera. Galinsky (2012) 98.

morals and ethics is best reflected in Augustus' moral legislation, which I will discuss below.¹⁵¹ These laws included rules concerning marriage and adultery and were seen by the Romans as an invasion of personal freedom.¹⁵² They will show why laws could be created and how they could be used in the specific historical context of Augustus' "restoration" and his break from the triumviral past.

Augustus' moral legislation

When the poet Propertius and his lover Cynthia heard that a law was underway which forced marriage and procreation, it caused them 'to weep for many an hour' until they were 'rejoiced' when it got repealed.¹⁵³ They were probably referring to an Augustan law, or proposal, that was in the making during the 20s BCE, but which got abrogated because of the unrest and resistance it caused in Rome.¹⁵⁴ This, however, did not stop Augustus from passing similar laws in 18 BCE: the *Lex Julia de maritandis ordinibus* and the *Lex Julia de adulteriis coercendis*.¹⁵⁵ They were named after Augustus, his *nomen* being Julius, because he was the sponsor and he had used his *tribunicia potestas* in introducing these laws.¹⁵⁶ A third law, the *Lex Papia Poppaea* of 9 CE, introduced amendments to the *Lex Julia de maritandis ordinibus*. This law was named after the consuls of that year, M. Papius Mutilus and C. Poppaeus Sabinus, who Augustus had encouraged to sponsor this law.¹⁵⁷

These three laws, whose contents will be discussed below, are commonly referred to as the moral legislation of Augustus and have been the subject of scholarly discussion for decades; these discussions have not led to a final, decisive answer as to why Augustus implemented them, but certain aspects, such as the moral character of the laws and the multiplicity of dimensions, are generally agreed on.¹⁵⁸ In chapter two, I show that the Augustan manumission laws were of similar character and fit into the same context as the moral legislation. The moral legislation thus provides us with insight into the workings of law in Augustan society. Before describing what the laws entailed, it is important to remark that the *Lex Julia de maritandis ordinibus* and the *Lex Papia Poppaea* were often treated together by Roman jurists as the "*Lex Julia et Papia*"; this means it is sometimes hard to discern whether a certain clause came from one or the other law. When it is clear to which of the two laws a certain rule belonged, this will be mentioned. Here, I will discuss what the laws entailed, why they were implemented and what their impact was on society.

The "*Lex Julia et Papia*" ordained all male citizens to be married if they were between twenty-five and sixty years old and female citizens if they were between twenty and fifty years old.¹⁵⁹ If a spouse died or the couple divorced, they were obliged to marry again, the men immediately, the women after a year in case of death and after six months in case of

¹⁵¹ Moral legislation: the *Lex Julia de maritandis ordinibus* (18 BCE), the *Lex Julia de adulteriis coercendis* (18 BCE), and the *Lex Papia Poppaea* (9 CE).

¹⁵² E.g. Tac. *Ann.* 3.25.

¹⁵³ Prop. 2.7.1-5.

¹⁵⁴ Eck (2019) 80-81.

¹⁵⁵ Only the date of the *Lex Julia de maritandis ordinibus* is certain, but it is commonly thought the two laws were promulgated together; an explanation in: Eck (2019) 81-82. These laws and their clauses are scattered throughout various sources: the *Lex Julia de maritandis ordinibus* was discussed by, amongst others, Gaius, Ulpian and the *Digest*; the *Lex Julia de adulteriis coercendis* was elaborately discussed by the *Digest* in chapter 48. See Bouvrie (1984) notes 8, 9 and 10 for the sources on the moral legislation.

¹⁵⁶ McGinn (1998) 70, 140.

¹⁵⁷ McGinn (1998) 71.

¹⁵⁸ E.g. Mette-Dittmann (1991); McGinn (1998).

¹⁵⁹ Ulp. *Reg.* 16.1. A more elaborate description of these two laws can be found in: McGinn (1998) 70-84.

divorce.¹⁶⁰ The *Lex Papia Poppaea* extended the time women had before having to remarry to two years and one and a half years respectively.¹⁶¹ Even though marriage was compulsory, freeborn citizens were forbidden to marry prostitutes, women convicted of adultery or another crime, procuresses ('Women who prostitute other women for money'), and actresses.¹⁶² Senators, and their descendants to the third degree, were furthermore prohibited from marrying freedwomen.¹⁶³ This presumably meant that these two laws did not forbid marriage between other freeborn and freedmen.¹⁶⁴

These laws not only tried to encourage marriage, but also rewarded procreation. Some of these encouragements and rewards were aimed at freedmen, but they did not centre on them. The *Lex Aelia Sentia* of 4 CE (see chapter 2) on the other hand, focussed on freedmen and actively encouraged marriage and procreation among them. In the case of the "*Lex Julia et Papia*" men with many children seem to have been preferred over their competition with less offspring when trying to obtain office; they were furthermore allowed to stand as candidate for public offices at a younger age than was required by law when they had children.¹⁶⁵ The *Lex Papia Poppaea* rewarded freeborn women with at least three legitimate children with the *ius trium liberorum*. This granted them the right to manage their own property and it released them from guardianship.¹⁶⁶ Freedwomen were granted these same rights if they had four legitimate children.¹⁶⁷ Other privileges consisted of being able to take as many tenths as a married couple had children of the estate of the deceased husband or wife.¹⁶⁸ Another privilege concerned freeborn *patronae* with two or three children who received more rights than before to the estate of their freedmen.¹⁶⁹ A last privilege affected male freedmen with estates of 100,000 sesterces or more and with at least three children: they were now able to exclude their patron from their wills – excluding a patron was quite beneficial to freedmen as will be shown in chapter 2.¹⁷⁰

The marriage laws also included penalties in case they were disobeyed. The most important one concerned hereditary rights mentioned in the *Lex Julia de maritandis ordinibus*:

¹⁶⁰ Ulp. *Reg.* 14.1.

¹⁶¹ Ulp. *Reg.* 14.1.

¹⁶² Quotation from: D.23.2.43.7 (Ulpian), all translations of the *Digest* have been taken from Watson (1985). Ulp. *Reg.* 13.2; D.23.2.43 (Ulpian).

¹⁶³ So this rule reaches as far as the great-grandson and great-granddaughter on the male side of the senator's family. Ulp. *Reg.* 13.1, 16.2; D.23.2.16, 27, 31, 32, 44 (Paulus, Ulpian, Marcellus); Cass. Dio, 54.16.2.

¹⁶⁴ D.23.2.23 (Celsus); Cass. Dio 54.16.2, 56.7.2. The reason, according to Cassius Dio, was that there were more men than women among the nobility and he explicitly stated that freeborn could marry freedwomen (except senators). Bouvrie (1984) 94; McGinn (1998) 72. A passage of Livy seems to imply that marriage between freed and freeborn had been forbidden at least around 186 BCE: 39.19.5.

¹⁶⁵ D.4.4.2 (Ulpian); Cass. Dio 53.13.2, 54.16.1; Gell. 2.15.4. In Cassius Dio's rendering of a speech Augustus gave, Augustus speaks multiple times of prizes, honours, and offices that were offered to men with many children: 56.3.8, 6.5, 8.4.

¹⁶⁶ Women during the Empire were usually under the guardianship of their father or more rarely under the guardianship of their husband. Gai. *Inst.* 1.145, 194; D.27.1.2.2 (Modestinus). Livia was given the *ius trium liberorum* in order to console her after the death of Drusus (9 BCE): Cass. Dio 55.2.5.

¹⁶⁷ Without these rights, freedwomen needed consent of their patron to make a will which meant the patron would certainly be the heir. When a freedwoman had four (or more) children, the heir would get a share equal to her children: thus a fifth part at the most. Gai. *Inst.* 3.44; Ulp. *Reg.* 29.3.

¹⁶⁸ Without children they could only leave one tenth to each other: Ulp. *Reg.* 15, 16; see also McGinn (1998) 73, for a more elaborate explanation.

¹⁶⁹ The rights of a *patrona* with two or three children to her freedmen's will are quite complex: Gai. *Inst.* 3.49-54; Ulp. *Reg.* 19.6-7.

¹⁷⁰ Gai. *Inst.* 3.42.

unmarried persons were now prohibited from receiving estates or legacies unless they were blood related to the sixth degree.¹⁷¹ However, this penalty was only aimed at the rich: men with property of more than 100,000 sesterces and women possessing more than 50,000 sesterces.¹⁷² A freedman with an estate of 100,000 sesterces with less than three children had to leave a half or a third of his estate to his patron.¹⁷³ The unmarried were also punished in a more visible way, as they were not allowed to attend public spectacles and banquets.¹⁷⁴ However, this ban seems to have become less strict since the unmarried were later mentioned to have been given less sought after seats in the theatre.¹⁷⁵ This concern for respecting ranks is also very visible in the Augustan *Lex Julia theatralis* of 20 BCE, which focussed on proper seating arrangements in theatres and amphitheatres.¹⁷⁶ In short, the “*Lex Julia et Papia*” promoted marriage and procreation, but it also emphasized social hierarchy: marriage between higher and lower classes was explicitly forbidden (though freeborn probably were allowed to marry freedmen), the distinction between freeborn women and freedwomen was emphasized, and the unmarried were now literally placed in the back.

The primary aim of the *Lex Julia de adulteriis coercendis* was the punishing of adultery and other forms of extra-marital sexual relations that were deemed improper by the Romans. Especially married women and their lovers received attention in the legal sources.¹⁷⁷ As such, a father was allowed to kill his daughter and her lover under the conditions that the father was a *paterfamilias*, he caught them in the act in his own house or in the house of his son-in-law, and as long as he killed them both without delaying.¹⁷⁸ A husband, on the other hand, was not allowed to kill his wife.¹⁷⁹ However, the husband could choose to kill the lover if the latter was *infamis* (e.g. a convicted criminal, an actor, a gladiator), a prostitute, a freedman of the family, or a slave.¹⁸⁰ If he killed the lover, the husband had to divorce his wife as soon as possible or otherwise he could be accused of pandering.¹⁸¹

Striking about the *Lex Julia de adulteriis coercendis* is that it made adultery a public offence while before this law was issued sexual misconduct was presumably dealt with in the private sphere.¹⁸² Penalties included the confiscation of half of the adulteress’ dowry and one-third of her property and one half of the lover’s property.¹⁸³ Other prohibitions for adulteresses included remarrying and the wearing of the *stola*; instead they had to wear the toga as a symbol of their disgrace.¹⁸⁴ The law on adultery prohibited not solely *adulterium*, but

¹⁷¹ Gai. *Inst.* 2.111, 144, 286; Ulp. *Reg.* 17.1; *Frag. Vat.* 216-218 (requested UB); *Gnom. Id.* 27-30, 32; Cass. Dio 54.16.1, 56.6.5, 7.3, 10.1-2. The sixth degree of blood relationship not specifically attested in the sources, but found in later changes to the law, see: McGinn (1998) 72-73.

¹⁷² *Gnom. Id.* 30, 32.

¹⁷³ Two children meant leaving a third of the estate to the patron, one child meant half; Gai. *Inst.* 3.42.

¹⁷⁴ This is inferred from two later remissions: the unmarried were allowed to attend the *Ludi Saeculares* of 17 BCE and they were allowed to join celebrations in 12 BCE for Augustus’ birthday. Respectively: *CIL* 06.00877 and Cass. Dio 54.30.5.

¹⁷⁵ Suet. *Aug.* 44.2; Mart. 5.41.

¹⁷⁶ See Fagan (2011) 104-116.

¹⁷⁷ A more elaborate description of this law can be found in: Edwards (1993) 37-41 and McGinn (1998) 140-147.

¹⁷⁸ D.48.5.21-25 (Papinian, Ulpian).

¹⁷⁹ Not being allowed to kill the wife: D.48.5.23.4 (Papinian).

¹⁸⁰ Paulus, *Sent.* 2.26.4; D.48.5.25.pr. (Macer).

¹⁸¹ D.48.5.2.2, 6, 25.1, 30.pr. (Ulpian, Macer).

¹⁸² McGinn (1998) 142; Edwards (1993) 39.

¹⁸³ Paulus, *Sent.* 2.26.14. Paulus adds that they were sent to separate islands, but this is disputed; pro: McGinn (1998) 143.

¹⁸⁴ D.48.5.30.1 (Ulpian); Mart. 2.39, 10.52. The toga was worn by female prostitutes.

also *stuprum*.¹⁸⁵ In the context of this law, *stuprum* meant fornication with an unmarried woman who was liable to the law's penalties and *adulterium* meant adultery with a married woman who was also liable.¹⁸⁶ Whether a woman was liable under law depended on her status, which meant that with this law Roman males were now solely allowed to have sexual intercourse outside of marriage with prostitutes, procuresses, convicted adulteresses, slaves, and peregrines who were not wed to Roman citizens.¹⁸⁷ In short, the *Lex Julia de adulteriis coercendis* created a strong connection between appropriate sexual conduct and social status.

These three laws have been interpreted in multiple ways. In case of the two marriage laws, they were, according to Augustan poets, designed to stimulate the birth rate and by extension to secure Rome's military manpower.¹⁸⁸ However, as Wallace-Hadrill rightly mentioned, the laws mainly affected wealthy property owners and not the peasantry from whom main parts of the military were recruited.¹⁸⁹ The discussion on what the purpose was of these two laws has mainly focussed on the question whether it was essentially demographic or moral.¹⁹⁰ But as these laws show, demographic aims could be pursued on the basis of gender and class, thus presenting it in moral terms.¹⁹¹ Whether or not general demographics were affected by these laws is not possible to determine due to lack of demographical sources, but the moral character of them is obvious.

Scholars have generally agreed on this, though they differ in opinion in what way exactly. Galinsky has argued that these laws were in place to make the Roman elite morally superior in order to justify Roman conquest: 'Global leadership entailed moral leadership'.¹⁹² Bouvrie said the emperor wanted to preserve ancient civic morals with these laws and McGinn stated Augustus partly intended to create a 'new, moral elite' and the laws contributed to constructing a moral ideology.¹⁹³ Wallace-Hadrill, by focussing on the inheritance-aspect of the marriage laws, argued that Augustus wanted to stabilize the succession of property via inheritance – and by extension the transmission of status – to advantage the 'family-man' and to discourage the 'adventurer', who was according to the Roman moralists part of the 'great moral decline'.¹⁹⁴ Augustus himself, in his *Res Gestae*, claimed:

By means of new laws brought in under my sponsorship, I revived many exemplary ancestral practices which were by then dying out in our generation, and I myself handed down to later generations exemplary practices for them to imitate.¹⁹⁵

Although all classes were in some way affected by the marriage laws, be it positively or negatively, the laws had most impact on the economic and political elite; the most important

¹⁸⁵ D.48.5.13 (Ulpian).

¹⁸⁶ McGinn (1998) 144.

¹⁸⁷ McGinn (1998) 144.

¹⁸⁸ Prop. 2.7.14; Hor. *Carm.* 3.6.37-41; see also the oration of Metellus Macedonicus which Augustus read to the senate and the people: Gell. *NA* 1.6; Suet. *Aug.* 89.2. See also: Wallace-Hadrill (2009) 251.

¹⁸⁹ Wallace-Hadrill (2009) 251.

¹⁹⁰ Galinsky (1981) argues for moral ideology, but does see both as inseparable; Bouvrie (1984) argues for preserving ancient civic morals; McGinn (1998) says the Romans did not necessarily distinguish between morality and demographics; see note 97 in his work for a more complete oversight of the debate.

¹⁹¹ McGinn (1998) 78-79, gives more examples of instances where morality and demography were combined in Roman history.

¹⁹² Galinsky (1984); Galinsky (2012) 96-99, cited from p.99.

¹⁹³ Bouvrie (1984); McGinn (1998) 82.

¹⁹⁴ Wallace-Hadrill (2009) 267, 268.

¹⁹⁵ *RGDA* 8.5.

penalty – concerning the hereditary rights – was aimed at them and those in or seeking office were affected. This is not necessarily surprising since the elite were seen by Romans as models of morality for the lower classes and the lower classes were supposed to imitate the elite.¹⁹⁶ The *Lex Julia maritandis de ordinibus* and the *Lex Papia Poppaea* showed the tendency to encourage the creation of a moral elite and they supported Augustus' restoration of republican morals in an innovative way.

The *Lex Julia de adulteriis coercendis* matched with this interpretation. With the passing of this law, Augustus also wanted to restore the past: the idealized past in which Roman wives were still chaste. During the twentieth century, Rawson and others have taken this quite literally and argued from a perspective that took the Roman complaints about the increasing amount of adulteresses in the late Republic straightforward.¹⁹⁷ This increase in adultery was mainly associated with women from the elite and more specifically with wives, daughters, and sisters of Rome's senators; think of Clodia, sister of Publius Clodius Pulcher, Fausta, daughter of Sulla, or Julia, daughter of Augustus himself.¹⁹⁸ However, we should be careful in taking such claims literally since there is no way of knowing whether the elite became more adulterous during this time and the law on adultery should not be taken as evidence for this. In accordance, both Cohen and Edwards have rightly argued that ideals and practice were often in conflict with each other; examples of elite adulteresses in Roman literature served as metaphors for the social and political situation.¹⁹⁹ Like the marriage laws, the law on adultery combined the "restoration" of old republican traditions with an innovative approach; in this case the compelled wearing of the toga and turning adultery into a public offence.²⁰⁰ Adding to its moral character, the law on adultery also showed a concern for the distinction between social classes.²⁰¹ Thus, husbands were allowed to kill their wife's lover, but only if the latter was of low social status. And whether women were liable under this law depended on their status. In short, the *Lex Julia de adulteriis coercendis*, like the two marriage laws, tried to restore (sexual) morality by interfering with it through legislation.

The interference into the private lives of Romans with these three laws was met with much resistance; Augustus had to delay his plans for years and change them.²⁰² I already mentioned the unrest in Rome in the 20s BCE, when it became known a certain law regarding marriage and procreation was in the making. Eck has argued that later, in the year 5 CE, a *commentarius* was published, which led to a similar outbreak of unrest in Rome.²⁰³ This *commentarius* was meant to close loopholes of the *Lex Julia de maritandis ordinibus* and to make its regulations stricter. However, other urgent matters, such as fires, floods, and food shortages led to the withdrawal of the *commentarius*.²⁰⁴ Nevertheless, in 9 CE, the *Lex Papia Poppaea* was passed and ended certain circumventions of the *Lex Julia de maritandis ordinibus*, such as getting engaged to very young girls in order to put marriage off indefinitely,

¹⁹⁶ Cic. *Leg.* 3.30-32; McGinn (1998) 72; Wallace-Hadrill (2009) 252.

¹⁹⁷ Rawson (1986) 27. See Edwards (1993) 35-36 for a historiographical overview.

¹⁹⁸ See Edwards (1993) 35 for more examples and for an oversight of modern scholars using these examples as prove of late republican sexual freedom.

¹⁹⁹ Cohen (1991); Edwards (1993) chapter 1.

²⁰⁰ McGinn (1998) 155.

²⁰¹ Edwards (1993) 53.

²⁰² Suet. *Aug.* 34; Eck (2019); Bouvrie (1984) 93-94. See Wardle (2015) on how Suetonius presents Augustus as an emperor who is careful in creating his laws and concerned with social issues.

²⁰³ Eck (2019), he bases this on a new inscription mentioning a *commentarius* connected to the *Lex Julia de maritandis ordinibus* and the *Lex Papia Poppaea*.

²⁰⁴ Eck (2019) 91-92.

while also conceding on some aspects of the law, for example increasing the time for women to mourn their husbands, so as to reduce protest.²⁰⁵ Even though Augustus' efforts to introduce laws on marriage and procreation were met with resistance, he was keen on passing them and succeeded by doing so.

The moral legislation of Augustus has shown us a few things: the emphasis on morality placed within the context of the idealized, chaste Roman past and the focus on creating a moral elite. He attempted to morally reform Roman society and was not stopped by unrest and resistance that went on for years, though twice Augustus had to withdraw laws and wait. This showed his persistence to introduce these laws. In the next chapter, it will become clear that the Augustan manumission laws operated within this same framework. They too showed a concern for morals and social status and were embedded in Augustus' "restoration" of the Republic; something that has been less well recognized than with the Augustan moral legislation.

Conclusion

When Augustus made a clean break from the past, this entailed social and legal changes for freedmen. While during the triumviral period some of them had reached high political positions, during the reign of Augustus freedmen were increasingly distinguished from other social classes – as also slightly seen in Augustus' behaviour towards them and in the moral legislation. Augustus' "restoration" of the Republic, furthermore, proved to be a useful context in which to introduce the highly opposed moral legislation. Chapters 2 and 3 will show how an increased emphasis on social hierarchy, embedded in the context of the clean break from the triumviral period and the subsequent "restoration" of the Republic, greatly influenced the creation of the Augustan manumission laws.

²⁰⁵ Eck (2019) 85, 93.

Manumission and the Augustan manumission laws

*Lucius Servenius Gallus, praetor, declares: '[...] in accordance with the Lex Aelia Sentia, [the town councillors of Herculaneum] had sanctioned the case of Lucius Venidius Ennychus and of Livia Acte, on the grounds that they had a one-year-old daughter born from them at Herculaneum as a result of their lawful marriage, and so since the case in question has been confirmed, I approve that they are Roman citizens.'*²⁰⁶

(AE (2006) 305)

The above cited sentence has been taken from a unique writing tablet, which recorded how one of the Augustan manumission laws was used by two Junian Latins and their daughter in order to attain Roman citizenship. In this chapter, the Augustan manumission laws and their impact on Roman society will be extensively discussed. What did these laws entail, and did they change the position of freedmen? To be able to grasp the meaning of the manumission laws it will be necessary to first discuss the practice of manumission itself and if and how freedmen came into contact with law. This is followed by a critical reading of the Augustan manumission law, the *Lex Junia*, *Lex Fufia Caninia*, and *Lex Aelia Sentia*, after which I will look at later additions to these laws. Examining the position of freedmen in Roman society and the distinction made by elite Roman literary sources between “good” and “bad” freedmen, must then make clear how some modern scholars have been affected by this stereotype in determining the reason for the creation of the Augustan manumission laws.

Manumission

In the introduction, I have already shortly mentioned the three practices of manumission – *manumissio censu*, *manumissio vindicta*, *manumissio testamento* – but they need to be elucidated, especially as one of these practices was curtailed by the *Lex Fufia Caninia* of 2 BCE. Besides these three official ways of freeing slaves, informal methods of manumission existed. Two of the Augustan manumission laws affected these informal methods. Subsequently, the more practical side of manumission will be discussed: the rights of patrons and freedmen, the motives for manumission, and the advantages of being manumitted.

Practices of manumission

The Romans believed that the three formal practices of manumission all existed since the early days of Rome. *Manumissio censu* was linked to the sixth king of Rome, Servius Tullius, *manumissio vindicta* was dated to the beginning of the Republic, and *manumissio testamento* was mentioned in the Twelve Tables.²⁰⁷ Whether these dates are correct is uncertain, but it is

²⁰⁶ Transl. Cooley & Cooley (2014) 214.

²⁰⁷ Dion. Hal. *Ant. Rom.* 4.22.4; Livy 2.5.9; Ulp. *Reg.* 1.9.

generally believed by scholars that these procedures were ancient.²⁰⁸ At the very least, the three practices existed during the late Republic, as Cicero discussed them.²⁰⁹

Manumissio censu, or manumission by census, was the registration of slaves on the census list, which would make them Roman citizens.²¹⁰ Treggiari claimed that masters did not have to be present and that slaves would only need some sort of proof of their masters' consent, but there is no evidence of this.²¹¹ *Manumissio censu* was likely the least convenient of the three procedures, since the census was only taken quinquennial at the most.²¹² It is uncertain whether a slave was manumitted at once by the censor or eighteen months later when the *lustrum*, the purificatory sacrifice made by the censors, was completed.²¹³ Whether this method still existed and was used at the beginning of the Empire is contested. Watson has argued that the census was largely abandoned after 166 BCE, and with it the manumission by census.²¹⁴ However, Kaser, and other scholars, thought it became obsolete during the beginning of the Empire.²¹⁵ Treggiari argued that the practice perhaps survived until at least Cicero, as he still mentioned this practice alongside the other two and discussed it somewhere else.²¹⁶ However, which version is correct does not affect the interpretation of the manumission laws for this thesis, as they did not alter this practice and the practice was presumably unpopular and less practical than the other two methods of manumission.

Manumitting a slave through *manumissio vindicta* was carried out in front of a 'dictator, consul, interrex, [...] or praetor'.²¹⁷ From the time of Augustus and onwards, provincial governors were also allowed to ratify manumissions.²¹⁸ The precise procedure of freeing a slave by *vindicta* is uncertain and somewhat contested. Here, I follow the description accepted by most scholars.²¹⁹ The procedure acquired the cooperation and presence of the slave, the slave's owner, a magistrate and an *adsertor libertatis* – someone who would represent the slave because slaves were unable to do so themselves. The *adsertor* would begin by saying they wished the slave to be free and would touch the slave with a rod (*vindicta*). The owner would make no defence and the magistrate subsequently declared the slave to be free. This procedure may seem cumbersome and formal, but Gaius mentioned that it could be done while the magistrate was on his way to the baths or to attend games and Ulpian painted us a picture of an easy and casual manumission: 'When I was at a villa with a praetor, I raised no objection to a manumission before him, although no lictor was present'.²²⁰ The procedure may perhaps be seen as a 'fossilized mini-assembly'.²²¹

The third practice of manumission was the *manumissio testamento*, manumission by will.²²² Owners could manumit their slaves by putting instructions in their will and using

²⁰⁸ Treggiari (1969) 20; Watson (1987) 24.

²⁰⁹ All three practices: Cic. *Top.* 10. *Manumissio censu*: Cic. *De or.* 1.183.

²¹⁰ Gai. *Inst.* 1.17, 35, 44, 138, 140; Ulp. *Reg.* 1.6, 8; Cic. *Top.* 10; Cic. *De or.* 1.183.

²¹¹ Treggiari (1969) 26-27.

²¹² The taking of the census became more irregular from the 2nd century BCE onwards: Watson (1987) 16.

²¹³ Cic. *De or.* 1.183; Gardner (1993) 8; Treggiari (1969) 25. See also Berger (1991) 386.

²¹⁴ Watson (1987) 24.

²¹⁵ Kaser (1971) 294. Also Wiedemann & Gardner (1991) 145; López (1998) 135.

²¹⁶ Cic. *Top.* 10, *de Or.* 1.183.

²¹⁷ Livy, 41.9.11. See also: Gai. *Inst.* 1.17, 18, 35, 44, 138; Ulp. *Reg.* 1.6, 7.; D.40.2; Plin. *Ep.* 7.16.4.

²¹⁸ D.40.2.7, 17, 21 (Gaius, Paulus, Modestinus); Treggiari (1969) 21.

²¹⁹ Kleijwegt (2009) 321; Gardner (1993) 8-10; Watson (1987) 24-25; Kaser & Wubbe (1971) 86.

²²⁰ Cited from: D.40.2.7 (Gaius); see also 40.2.8 (Ulpian). A lictor was an official attendant upon a magistrate.

²²¹ Gardner (1993) 10.

²²² Gai. 1.17, 35, 138, 2.267; Ulp. *Reg.* 1.6, 9, 2.7; D.40.4. Originally, a manumission by will needed to be ratified by the *Comitia Calata*, but this did not survive for long: Watson (1987) 26; Treggiari (1969) 28.

something along the lines of the formula '*Stichus servus meus liber esto*' or '*Stichum [...] liberum esse iubeo*'.²²³ When owners died, their slaves would be manumitted and become *liberti orcini*, as their patrons were in the *orcus* (underworld); this meant such freedmen had no living patron.²²⁴ However, the children of the deceased patron would inherit the patronal rights to succession and *obsequium* – dutiful respect (see further below).²²⁵ Deceased owners of slaves could also defer the manumission to their heirs via *fideicommissum*: a testamentary request to a legal heir.²²⁶ As such, an heir had to manumit the slave and would become their patron. Unlike the other two manumission procedures, manumission by will could be conditional. A slave, for example, could be freed by will under the condition that they had to pay the heir of the will a certain amount of money or they had to complete certain services before or after manumission.²²⁷ Until they had fulfilled the condition, they would be *statuliber* and remain the slave of the heir.²²⁸

Two informal practices of manumission also existed, besides these three formal methods. If a master manumitted a slave in front of friends (*manumissio inter amicos*) or through a letter (*manumissio per epistulam*), the slave was informally manumitted, but remained a slave under civil law.²²⁹ This meant that the property of informally manumitted slaves would go to their patrons when they passed as being a slave's *peculium* – masters could give their slaves a certain amount of property, called *peculium*, which the slave could use and manage, but it technically remained the property of the master.²³⁰ However, informally manumitted slaves were protected to some extent by the praetor in their personal freedom, or as Gaius explained it: 'they were normally kept in a state of liberty with the praetor's assistance'.²³¹ The main difference between being manumitted informally or formally was that one would not receive Roman citizenship if they were manumitted informally. Obtaining Roman citizenship made freedmen, in most ways, equal to freeborn Roman citizens before the law, and this meant important advantages, which are discussed further below. The reason to manumit informally could be that the master and slave lived in an area where a magistrate was absent and they would repeat the manumission procedure properly when a magistrate did pass by; one example of this was given by Pliny in a letter to Fabatus, to whom he wrote: 'I can easily persuade him [a magistrate] to leave his direct route to pay you a visit, if you really intend to liberate formally the slaves you recently pronounced free before your friends.'²³² Another reason to informally manumit a slave could be that their possessions legally remained the master's property.²³³

Whether freedmen had and needed proof of their manumission is uncertain. In the Roman world, proof of birth, status, or marriage was not compulsory.²³⁴ Copies of birth

²²³ 'Let my slave Stichus be free' or 'I order my slave Stichus to be free': Gai. *Inst.* 2.267; Ulp. *Reg.* 2.7.

²²⁴ D.40.5.4.12, 40.5.49, (Ulpian, Africanus); Gai. *Inst.* 2.266; Kaser & Wubbe (1971) 86; Mouritsen (2011) 51.

²²⁵ Gai. *Inst.* 3.45-48; Gardner (1991) 27; Sirks (2012) 550.

²²⁶ Ulp. *Reg.* 2.8-9; Gai. *Inst.* 2.266; D.40.5.

²²⁷ Ulp. *Reg.* 2.4; D.32.1.30.2 (Labeo); Watson (1987) 25.

²²⁸ Ulp. *Reg.* 2.1-2; D.40.7. Gaius, however, doubted whether the *statuliber* would become property of the heir or whether the *statuliber* did not belong to anyone in the meantime: *Inst.* II.200.

²²⁹ Kaser (1971) 295-296; Sirks (1981) 248. A certificate of informal manumission *inter amicos* from Egypt: *AE* (1904) 00217.

²³⁰ For *peculium*, see: D.15.1.

²³¹ Gai. *Inst.* 3.56. Sirks (1981) 249.

²³² Plin. *Ep.* 7.16. If it was impossible to formally free a slave because there was no magistrate, a master could always free his slave through his will or by asking the emperor for a grant: Plin. *Ep.* 10.104.

²³³ Tac. *Ann.* 13.27; Gai. *Inst.* 3.56; Sirks (1981) 249; Kaser (1971) 296.

²³⁴ All information concerning proofs of status in the next sentences have been taken from Gardner (1986).

certificates and the records of the Junian Latin Ennychus – proving he was married and had a one year old child in order to become a Roman citizen – have been found and show that some Romans did bother to have physical proof.²³⁵ Added to this, slaves who were manumitted through testament may have used that as proof. However, witnesses’ verbal testimonies seem to have been the strongest evidence when the status of someone was ever questioned. For many freedmen, – and people in general – it may then have never been necessary to prove their manumitted status and their citizenship. This meant, for example, that if slaves managed to run away, they could pretend to be freeborn as long as they were not caught.²³⁶ Though, freedmen of the first and second centuries CE may have been recognizable as such during the *manumissio vindicta* and other festive or ceremonial events because of the freedman’s cap – a brimless conical hat.²³⁷ However, Croom has argued that it was unlikely that the cap was worn often besides such occasions because it would draw attention to the freedman’s servile past. Nevertheless, in the ‘small-scale society of early Rome’ most people would have lived their whole lives in the same spot, and relatives, neighbours, and others were presumably well aware of their status and situation.²³⁸

Motives for and advantages of manumission

When slaves were manumitted, they became *liberti* while owners (*domini*) became *patroni*. The relationship between freedmen and their patrons in some ways resembled the relationship of fathers and their sons.²³⁹ Freedmen, for example, had no parents legally speaking, so the patron could be seen as a father figure; someone who had given them “life”. Furthermore, freedmen received, like sons, the *nomen* (and frequently *praenomen*) of their patron. On top of this, Roman jurists were often in favour of protecting the relationship between patrons and their freedmen.²⁴⁰ The relationship could be truly warm and intimate, which we encounter, for example, in the letters of Cicero. These show the affection between Cicero and his freedman Tiro – whom he freed in 53 BCE – but also of other family members with their favourite freedmen.²⁴¹ Patrons from the elite, moreover, placed a remarkable amount of trust in their freedmen, seeing that they, as was shown in chapter 1, oftentimes placed them in the roles of advisors and confidants. However, this image of a perfect, father-son relationship between patrons and freedmen was an ideal, which often did not apply to reality. Many patrons did not measure up to the image of the authoritative *pater familias* who was able to properly guide and control his freedmen; either because they were female, too young, or because they were not freeborn but freedmen themselves.²⁴² Besides many patrons not meeting the ideal, there was also the chance of freedmen throwing a spanner in the works by not accepting their patron’s authority. Strikingly though, no legislation tried to limit the

²³⁵ More on this Junian Latin further below in the section on the *Lex Aelia Sentia*.

²³⁶ Examples of runaway slaves: Bradley (1994) 117-121; Gardner (1986) 10-11. An owner could send slavecatchers after the runaway slave and a slave who was caught could be punished by having to wear an iron collar with name, address, and possible reward inscribed on it: Trimble (2016); Bradley (1994) 127-128.

²³⁷ Croom (2010) 18.

²³⁸ Garder (1986) 14.

²³⁹ Mouritsen (2011) chapter 3; whether a similar relationship existed between freedwomen and their patrons is unsure, as the sources mostly talked about males. Legal sources mostly spoke of freedwomen in connection to them being manumitted in order to marry their patron, see further below.

²⁴⁰ E.g. they could not be forced to give evidence against each other: *Lex coloniae Genitivae* XCV, in *Roman Statutes* 407, 426; D.22.5.4, 2.4.4.1, 2.7.1.2 (Paulus, Ulpian).

²⁴¹ E.g. Cicero’s letters to Tiro when the latter was ill: *Fam.* 16.1-9. More examples and dating of Tiro’s manumission in: Mouritsen (2011) 44-46.

²⁴² Mouritsen (2011) 51.

rights of unsuitable patrons and it did not give patrons much legal power or control over their freedmen, as they were no longer their owners.

Regardless of their relationship, patrons did enjoy certain legal rights and privileges in regard to their freedmen. First of all, patrons had a partial inheritance right concerning the property of their freedmen, but there was a difference between freedmen and freedwomen. In case of freedwomen, patrons, as their guardians, had to approve of the freedwomen's will.²⁴³ This meant the patron could make sure he was included. With the *Lex Papia Poppaea*, however, as shown in chapter 1, freedwomen were released from guardianship if they had four children, which meant the patron would get a share equal to that of her children – thus merely a maximum of one-fifth.²⁴⁴ In the case of a freedman, a patron was entitled to half of his property, even if the freedman had left his patron out. However, having natural children – the jurist Gaius did not specify how many – could help a freedman to exclude his patron from his will. The children and other descendants of a patron had similar rights to the property of the freedmen and -women of a deceased patron.²⁴⁵ This meant that freedmen who had been manumitted through *manumissio testamento* still had to leave part of their property to their patrons' descendants, even though they had no patron in the living world and were *liberti orcini*.

A second right of patrons was that of *obsequium* - dutiful respect. What this actually entailed is rather vague, but in general it meant that freedmen had to treat their patrons and their family with respect.²⁴⁶ *Obsequium* was related to other terms, such as *fides* (loyalty), *industria* (diligence), *pietas* (dutiful conduct), *reverentia* (respect), *modestia* (moderateness), and *officium* (obligingness) – all describing appropriate conduct for freedmen.²⁴⁷ Freedmen were expected to behave in such a way that would not discredit or harm their patron.²⁴⁸ They were, for example, not allowed to accuse and give evidence against their patron in court and only with permission of the praetor could they take their patron to court.²⁴⁹ This, however, worked both ways to a limited extent: patrons were not allowed to testify against their freedmen 'for the near relationship of persons generally destroys the truth of evidence', as the jurist Paulus commented.²⁵⁰ *Obsequium* also entailed that patrons could ask for help and expect help from their freedmen.²⁵¹ If freedmen were not respectful towards their patron, the patron could approach the praefect who would 'subject the freedman to correction according to the seriousness of the complaint'; punishments ranged from floggings and reprimands to being sent to the metal mines.²⁵² Nonetheless, patrons could not reverse manumission and re-enslave their freedmen.²⁵³

The third right was that of *operae* – services. Freedmen could promise before their manumission a certain amount of services to their patrons and confirm this immediately after

²⁴³ Gai. *Inst.* 3.40-43; Ulp. *Reg.* 29.1-2.

²⁴⁴ Gai. *Inst.* 1.194, 3.44.

²⁴⁵ Gai. *Inst.* 3.45-54; Ulp. *Reg.* 29.4-7.

²⁴⁶ Gardner (1993) 23-25; MacLean (2018) 37.

²⁴⁷ MacLean (2018) 37; Gardner (1993) 23-25, was right in noting that *obsequium* was grounded in *pietas*.

²⁴⁸ Watson (1987) 39-40; Mouritsen (2011) 53-54.

²⁴⁹ Gai. *Inst.* 4.46; *Cod. Just.* 6.6.1; Paulus, *Sent.* 5.15.3; D.2.4.10, 22.5.4, 48.2.8 (Ulpian, Paulus, Macer); Watson (1987) 40.

²⁵⁰ Paulus, *Sent.* 5.15.3; D.22.5.4 (Paulus).

²⁵¹ Paulus, *Sent.* 2.32.

²⁵² D.1.12.1.10 (Ulpian). More examples of possible punishments in: Mouritsen (2011) 54.

²⁵³ Re-enslavement was a controversial topic, see Mouritsen (2011) 55-56.; e.g. when the senate, during Emperor Nero's reign, proposed to give patrons the right to annul the manumission of unappreciative freedmen it caused much debate, but in the end Nero decided against it.

their manumission.²⁵⁴ The jurists in the *Digest* extensively treated the subject of *operae* and discussed several aspects, such as what types of services could be asked of freedmen – services could be anything the freedman was capable of, varying from practicing medicine to dancing.²⁵⁵ They furthermore specified that the character of the services and the number of days freedmen had to perform *operae* needed to be reasonable.²⁵⁶ With the right of *operae*, patrons could make sure their former slaves would keep working for them. Though, it is disputed whether *operae* were actually frequently used or whether they were mainly hypothetical scenarios created by Roman jurists due to the complex legal nature of *operae*; the uncertainty stems from the fact that *operae* are virtually absent in non-legal sources.²⁵⁷

Though these three rights must have given patrons a certain sense of security in their relationship with freedmen, they do not fully explain why patrons would manumit their slaves. After all, owners were fully entitled to their slaves' *peculia* and the slaves had to work for their owners; why would one give this up in return for quite vague and less rewarding rights? Several motives existed. A first, and perhaps the most popular, incentive to manumit was due to economic motives. Slaves were expensive: think of food, lodging, and care.²⁵⁸ Even though freeing them would take most of such costs away or reduce them, this also meant owners had less slaves to work for them. At the same time, freedmen were presumably more inclined to work hard and start businesses of their own when they were manumitted, which in turn would make the partial inheritance rights more interesting to the patron. On top of that, the other slaves of the household would presumably be inclined to work hard and obey if they knew they had a chance of being manumitted.²⁵⁹

A short-term economic benefit of manumission would arise when slaves bought their own freedom from their *peculium*; the playwright Terentius described such a case in one of his plays as 'He's [a slave] struggled to save this up bit by bit from his allowance, poor fellow, denying his own pleasures'.²⁶⁰ Another economic incentive to manumit was curtailed by Augustus: the institution of the grain dole. Owners, according to Dionysius of Halicarnassus, Cassius Dio, and Suetonius, manumitted their slaves right before the distribution of grain and as a consequence the number of citizens receiving grain increased; Augustus thus had to take measures to exclude these recently manumitted slaves from taking a share.²⁶¹ One economic downside of manumitting a slave was the five percent tax on manumission; this was five percent of the slaves value that had to be paid to the state.²⁶² The value of a slave probably depended on the "qualities" of a slave, such as age, sex, and traits.²⁶³ Examples of both the master and the slave paying the tax are known.²⁶⁴

A second motive to manumit was to reward individual merit, talent, or good service. Thus Tiro, Cicero's slave, was 'too good for his position [as a slave]' and Suetonius mentioned that the highly esteemed grammarian Lutatius Daphnis was 'bought for seven hundred

²⁵⁴ D.38.1.7.1-3 (Ulpian); Mouritsen (2016) 412-413.

²⁵⁵ See all titles in: D.38.1. Mouritsen (2011) 224-226, argued that *operae* were not often used in reality because of the absence of them in non-legal sources.

²⁵⁶ D.38.1.15, 38.1.16 (Ulpian, Paulus).

²⁵⁷ See Mouritsen (2011) 224-226, for an oversight of the discussion.

²⁵⁸ Cato mentioned masters of farms should sell old and sick slaves: *Agr.* 2.7.

²⁵⁹ Mouritsen (2013) 61; Treggiari (1969) 18.

²⁶⁰ Ter. *Phorm.* 1.1.43-44. See also: Cic. *Phil.* 8.32; Verg. *Ecl.* 1.27; Dion. Hal. *Ant. Rom.* 4.24.

²⁶¹ Dion. Hal. *Ant. Rom.* 4.24; Cass. Dio, 39.24; Suet. *Aug.* 42; Treggiari (1969) 16; Garnsey & Saller (1987) 86.

²⁶² Livy, *VII.* 16.7; Cic. *Att.* 2.16.1.

²⁶³ Temin (2013) 121-122; the Edict of Diocletian of 301 CE contained maximum prices of slaves, see: Salway (2010).

²⁶⁴ The slave paying: Petr. *Sat.* 58, Arr. *Epict. diss.* 4.1.33; the master paying: Arr. *Epict. diss.* 2.1.26.

thousand sesterces and soon afterwards set free'.²⁶⁵ Lucius Voltacilius Plotus and Staberius Eros were furthermore manumitted because of their talent and devotion to literature.²⁶⁶ Dionysius of Halicarnassus thought that the best reason to manumit was because of meritorious conduct.²⁶⁷

A third motive to manumit slaves was because it reflected well on the master of a big and rich household. Mouritsen, by analysing two elite households from Rome, demonstrated how the Roman household and its servants reflected the power, status, and wealth of the master/patron.²⁶⁸ Thus, new slaves would be bought regularly and many of those trusted and working close to the master would be manumitted; the number, quality, and diversity of slaves and freedmen reflected the public image of the master/patron. Manumitting slaves in such large Roman households may not have necessarily relied on the services or talents of individual slaves and economic reasons were irrelevant; it would have depended on the proximity of the slave to the master or whether they could attract the master's attention at the right moment.²⁶⁹

A fourth incentive to manumit concerned freedwomen: male owners could free a female slave in order to marry her. The *Lex Aelia Sentia* stated that manumitting a female slave for the purpose of marriage was a good reason.²⁷⁰ Ulpian added to this that the master had to swear an oath to take the female slave as his wife within six months.²⁷¹

Whether owners decided to manumit their slaves seems to have depended on their personal situations. Rich owners did not have to worry about economic advantages or disadvantages and could choose to free their slaves as a reward, to encourage other slaves to work hard and comply, or to marry. Poorer slave owners would have to weigh the pros and cons of manumitting slaves more closely. The three rights of patrons may have helped in making a decision, however it is important to remember that freedmen were quite independent from their patron before the law, since they were Roman citizens. Thus the relationship between slaves and masters had to be in such a state, that soon-to-be patrons were quite certain the manumission of their slaves would affect them positively, be it emotionally, economically, or in terms of public image.

Manumitting slaves could thus be advantageous to owners, but slaves could also benefit from it. Though first, it is necessary to remark that although Romans freed many slaves, by no means all slaves had a chance to be freed.²⁷² Urban households, for example, seem to have manumitted slaves more often than rural households, because rural slaves may have had little to gain from freedom, as they were probably not trained for any other work than farming.²⁷³ Similarly, slaves working in mines or on big rural estates presumably had little chance of being manumitted, as it was less easy to win the favour of the master, because he would have been generally absent.²⁷⁴ However, the ones that were manumitted must have greatly benefited from it, as it granted them Roman citizenship.

²⁶⁵ Cic. *Fam.* 16.16; Suet. *Gram.* 3.

²⁶⁶ Suet. *Rhet.* 3, *Gram.* 13.

²⁶⁷ Dion. Hal. *Ant. Rom.* 4.24.

²⁶⁸ Mouritsen (2013).

²⁶⁹ Mouritsen (2013) 61-62.

²⁷⁰ Gai. *Inst.* 1.19.

²⁷¹ D.40.2.13 (Ulpian).

²⁷² Mouritsen (2011) 203-204.

²⁷³ Mouritsen (2011) 202; Treggiari (1969) 106-110.

²⁷⁴ Treggiari (1969) 11, 106.

Roman citizenship meant one could own property, including land, make wills, inherit, access the courts, vote, and it included the right of appeal to the emperor. They could furthermore legally marry and pass on citizenship to their children – who would be freeborn and in addition could have a political career.²⁷⁵ As Koops rightly mentioned: ‘citizenship meant full participation in the empire’.²⁷⁶ Although slavery may have given some sense of security to slaves – being fed, having a place to sleep – being freed did not mean losing that security; freedmen would formally enter into the *familia* of their patron and the act of manumission did not end the relationship between freedmen and their patrons.²⁷⁷ Freedmen, furthermore, often kept living in the patron’s household; especially in the bigger households the circumstances were probably better than freedmen could expect outside of it and such big households in many ways represented a ‘miniature society’.²⁷⁸ The new freedmen could have already had children who would remain in slavery if they were born while the parents were still slaves and thus remain in the household, which could have been a big incentive to stay for freedmen; in addition, there would have been relatives and friends of the freedmen.²⁷⁹ In short, being manumitted was beneficial and an improvement of the life of slaves, who all, as Cicero remarked, had ‘hope of liberty’.²⁸⁰

Very different was the situation of informally manumitted slaves; they did not receive Roman citizenship and thus did not have those rights described above. All they had and acquired during their life would belong to their patron once they passed away. Though the fact that the master manumitted the slave – albeit informally – meant the position of the slave changed. The informally manumitted slave was in ‘a state of liberty’ which was protected by the praetor, but it remains unclear to what degree and what this exactly meant.²⁸¹ Further below, the *Lex Junia* will be discussed, which provides more information, as it introduced a new status of freedmen that replaced the status of informally manumitted slaves.

Freedmen and Roman law

Before discussing the Augustan manumission laws, it is important to determine whether Roman law had an impact on freedmen at all, and whether freedmen actually came into contact with and had knowledge of Roman law in general and of the three manumission laws specifically. Few sources mention anything about this, though many freedmen must have encountered the law when they were manumitted by one of the three formal procedures – excluding the informally manumitted slaves. Freedmen would actually have come into contact with legal officials in the case of *manumissio vindicta* and *manumissio censu*. Some knowledge of the law would be of importance to freedmen, as they would know their rights and, on top of that, Junian Latins would know in what ways they could strive to attain Roman citizenship. Some sources show that the Augustan manumission laws did reach at least some freedmen. Take for example the Junian Latin Lucius Venidius Ennychus from Herculaneum; several

²⁷⁵ If they were legally married; the status of illegitimately conceived children was determined at the time of their birth and would take the status of their mother. So if a female slave was freed before the birth of her child, the child would be a Roman citizen: Gai. *Inst.* 1.89; Ulp. *Reg.* 5.10; Paulus, *Sent.* 2.24.1-3.

²⁷⁶ Koops (2014) 105. Though the Stoic Epictetus, a freedman himself, philosophized in his discourses (written down by his pupil Arrian) on how slaves wish to be manumitted, but freedom can be (come) a disappointment: Arr. *Epict. diss.* 4.1.

²⁷⁷ See Mouritsen (2011) 36-65.

²⁷⁸ Mouritsen (2013) 61.

²⁷⁹ Mouritsen (2013) 60-61.

²⁸⁰ Cic. *Rab. Per.* 5.15; see also: Cic. *Rab. Per.* 16; *Phil.* 8.32.

²⁸¹ Gai. *Inst.* 3.56. Sirks (1981) 249.

writing tablets show that he went through the legal steps to attain Roman citizenship according to the regulations of the *Lex Aelia Sentia*.²⁸² A different document from Egypt mentioned the *Lex Aelia Sentia* in a birth certificate of illegitimate twins compiled by their Roman mother.²⁸³ This means there was some knowledge of the manumission laws and this knowledge was not restricted to Rome, where the laws were promulgated. The historian Crawford has argued that, in general, at least statutes must have been widely known in the late Republic and early Empire by the Romans.²⁸⁴ The statutes were read out loud during their promulgation in Rome, which presumably generated directly and indirectly much of the knowledge Romans had. The statutes were furthermore ‘full and repetitious’ leaving no room for uncertainty and there is evidence that inscribed statutes were consulted and copied.²⁸⁵ However, inscribed laws in a permanent form were a highly restricted phenomenon; on the other hand, laws could be displayed on notice boards and archival copies existed.²⁸⁶ Since laws were read out loud when they were issued and they could be displayed in public, they reached at least some people and perhaps dispersed by word of mouth. On top of that, some general knowledge about age-old laws and legal procedures perhaps circulated throughout the Roman world, such as the manumission procedures.

Another way freedmen could come into contact with law, was by going to court – though many issues in the Roman world may have been informally solved without the involvement of legal procedures. Freedmen, like freeborn, could bring lawsuits against others. However, no one, neither freeborn and freedmen, could summon magistrates, priests, parents, and patrons to court.²⁸⁷ Or as the Roman jurist Modestinus shortly put it: ‘Generally, we cannot summon to court, without the order of the praetor, those persons to whom respect is owed.’²⁸⁸ One example comes from Pompeii, where a freedman, Marcus Orfellius Faustus, had brought legal cases against his former freedman friend, Publius Vesonius Phileros; the latter complained about this in an inscription on his tomb and emphasized that he had been proven innocent – though it is unclear what he was accused of by Faustus.²⁸⁹ The fact that the freedman Phileros had been taken to court by Faustus, means that the latter at least had some knowledge of the law. Because, whatever he accused Phileros of, Faustus must have known or thought it was unlawful. When going to court like Faustus and Phileros did, one needed expert help to have a successful litigation.²⁹⁰ Experts were typically from the upper classes and often worked on a patronage basis.²⁹¹ This would mean that freedmen needed to have good connections – through their patron – or, if those connections were weak, money to get representation.²⁹² Besides this, one also needed money to travel (usually to Rome), to pay for lodging, to make up for lost income, and the legal process itself was not free either. Going to court was thus probably more restricted since one would need money and/or connections, something not all freedmen had.

²⁸² AE (2006) 00304, 00305, 00306, 00307. Tablet 00305 quoted at the beginning of this chapter.

²⁸³ AE (1929) 00013; the *Lex Aelia Sentia* is mentioned together with the *Lex Papia Poppaea*.

²⁸⁴ See Crawford (1996) 27-34, about the diffusion of statutes. With ‘statutes’ and *leges* he followed the definition given by amongst others Cicero, *Flac.* 15: ‘what the commons might approve or the people might order’.

²⁸⁵ Macrob, *Sat.* 1.13.21, wrote that Varro mentioned a statute from a bronze tablet; similarly Livy, 7.3.5-8; Dion. Hal. *Ant. Rom.* 4.26.4-5. About copying: Plutarch, *Cat. Min.* 18. Crawford (1996) 32-33.

²⁸⁶ Crawford (1996) 28, there is a frieze that represents people reading from notice boards.

²⁸⁷ See the section ‘Summoning to court’ in the *Digest*: D.2.4; Gai. *Inst.* 4.46; Watson (1987) 39-40.

²⁸⁸ D.2.4.13 (Modestinus).

²⁸⁹ AE (1964) 00160; another inscription on the same tomb showed they used to be friends: AE (1986) 00166a.

²⁹⁰ Riggsby (2010) 78.

²⁹¹ Riggsby (2010) 78.

²⁹² Riggsby (2010) 78-79.

Augustan manumission laws

In this section, I will discuss the three Augustan manumission laws in order to show what they exactly entailed, who they affected, how scholars have interpreted them, and what their aims were. Subsequently, later additions to these laws will be looked at.

Lex Junia

The first of the three manumission laws was the *Lex Junia* of 25 or 17 BCE. This law introduced a new status of freedmen, the Junian Latins, which replaced the status of informally manumitted slaves. Before looking at the contents of this law, it is important to discuss its contested date.

The year in which the *Lex Junia* was promulgated is uncertain. Though most scholars have broadly dated the law to the Augustan period, as pre-dating the *Lex Aelia Sentia* of 4 CE, or more specifically to 25 or 17 BCE.²⁹³ However, some, such as Sherwin-White, have dated the law to 19 CE, under Tiberius.²⁹⁴ The confusion mostly stems from the fact that in the *Institutiones Justiniani* this law is once named the *Lex Junia Norbana*.²⁹⁵ Which could refer to the consul L. Norbanus Balbus of 19 CE – although it could also refer to the consul C. Norbanus Flaccus of 24 BCE. Every other extant source simply mentioned *Lex Junia*, without an added name. Most scholars, including López, have argued that the adding of *Norbana* was a mistake and that the *Lex Junia* was of Augustan date.²⁹⁶ The reason for this is as follows: the *Lex Aelia Sentia* of 4 CE mentioned slaves becoming Latins in certain circumstances; this clause cannot be understood if the status of Junian Latins had not existed by then. This would mean the *Lex Junia* was at least promulgated before 4 CE. More specifically, the law can be dated to either 25 BCE, when M. Junius Silanus and Augustus himself were consuls, or to 17 BCE, when C. Junius Silanus and C. Furnius were consuls. Whether the *Lex Junia* was promulgated in 25 or 17 BCE does not affect the interpretation of the law.

The *Lex Junia* introduced the new status of *Latini Juniani* (Junian Latins). Gaius described this status as follows:

all those whose liberty the praetor protected [informally freed slaves] came to be free and were called Junian Latins: Latins, because the Act intended them to have their freedom exactly as if they were freeborn Roman citizens who came to be colonial Latins through emigration from the City of Rome to Latin colonies; Junian, because they were made free by the Junian Act, even though they were not to be Roman citizens.²⁹⁷

All informally freed slaves became Junian Latins after this law was passed and when owners manumitted their slaves by one of the informal methods (*manumissio inter amicos* and *manumissio per epistulam*) the slave would now become a Junian Latin. Turning informally manumitted slaves into Junian Latins meant they no longer legally died as slaves, which in turn would mean that their property and estates no longer belonged to their patrons, but to their own heirs instead. However, this law prevented this from happening by stating that the

²⁹³ Koops (2014) 114; Mouritsen (2011) 86; Du Plessis (2010) 98; López (1998) 137-138; Weaver (1997) 58-60; Watson (1987) 28; Sirks (1981) 250; Buckland (1970) 534-537, preferred the pre-Aelian date, but remained cautious.

²⁹⁴ Sherwin-White (1973) 332-333; more recently: Lovato, Puliatti & Solidoro (2017) 160.

²⁹⁵ *Inst. Just.* 1.5.3.

²⁹⁶ López (1998) 137-138.

²⁹⁷ *Inst.* 3.56; similar description in: *Ulp. Reg.* 1.10.

property of Junian Latins should go to their patrons ‘as if the Act had not been passed’ and belonged like a *peculium* to their patrons.²⁹⁸ Tacitus rhetorically referred to the freedom of Junian Latins as being ‘held by the bond of servitude’.²⁹⁹ In line with this, the *Lex Junia* did not permit Junian Latins to ‘make a will for themselves or to take under the will of another, nor to be appointed as guardians in a will.’³⁰⁰ Taking under a will meant the ability to take anything as an heir or legatee. However, even though Junian Latins could not accept a legacy as heir or legatee, they could as *fideicommissarius* – meaning a testator could ask their legal heir through will to transfer the inheritance to the *fideicommissarius*.³⁰¹

Junian Latins also had other rights, such as the *ius commercii* (right of commerce); this meant they could own property, conduct business transactions, have contracts, like Roman citizens and Latin colonists, but this would all be treated as *peculium* once they passed away.³⁰² Whether Junian Latins received the right of legal marriage through the *Lex Junia* or the *Lex Aelia Sentia* is uncertain, as Gaius wrote that the right was conferred upon them by the *Lex Aelia Sentia et Junia*.³⁰³ Whichever it was, children born outside of legal marriage always followed the condition of the mother, which meant children would be freeborn Latins.³⁰⁴ In addition to this, it is uncertain whether the *Lex Junia* or the *Lex Aelia Sentia* provided Junian Latins with the chance to become Roman citizens by marrying and having children, but I will treat this *anniculi probatio* (evidence of a one-year-old child) more elaborately in the section on the *Lex Aelia Sentia*.³⁰⁵ Junian Latins could still acquire Roman citizenship if their patrons decided to manumit them again by one of the three formal procedures of manumission.

The aim or aims of this law have been interpreted in several ways by modern scholars. Treggiari posed that the law tried to stabilize the position of the informally manumitted and stop the easy and indiscriminate way in which slaves could be freed.³⁰⁶ Both reasons seem questionable. The first, as Sirks rightly mentioned, because it is doubtful whether this quite humane point of view would lead to the creation of this law.³⁰⁷ The second argument also seems unsuitable, as masters could still free their slaves in the same way as before this law was enacted. López has argued that it aimed to end the increase in manumissions which were due to the distribution of grain.³⁰⁸ However, this was easily solved by Augustus who substantially reduced the number of recipients, as mentioned above.³⁰⁹ On top of that, technically seen, the *Lex Junia* increased the number of freedmen, as the informally manumitted slaves now had a recognized civic status as Junian Latins. I believe this law mainly tried to incorporate informal manumission – which was incomplete and void before civil law – into Roman legislation, and by doing so creating a new civic status, below “normal”

²⁹⁸ Gai. *Inst.* 3.56.

²⁹⁹ Tac. *Ann.* 13.27; see also Salvian, *Ad Eccl.* 3.33.

³⁰⁰ Gai. *Inst.* 1.23, 2.110, 275; Ulp. *Reg.* 11.16, 20.14, 22.3. Though, Junian Latins could be instituted as heirs and accept if they obtained Roman citizenship within a hundred days of the reading of the will: Ulp. *Reg.* 17.1, 22.3.

³⁰¹ Gai. *Inst.* 1.24, 2.275; Ulp. *Reg.* 25.7.

³⁰² Ulp. *Reg.* 19.4; Weaver (1997).

³⁰³ Gai. *Inst.* 1.80. López (1998) 143, in favour of *Lex Aelia Sentia*; Sirks (1981) 260-261, in favour of *Lex Junia*.

³⁰⁴ As long as they were born after the mother became a Junian Latin. Gai. *Inst.* 1.66, 79-80; Ulp. *Reg.* 5.9; López (1998) 147.

³⁰⁵ Gai. *Inst.* 1.29, 31, 66 (said *Lex Aelia Sentia*); Ulp. *Reg.* 3.3 (said *Lex Junia*).

³⁰⁶ Treggiari (1969) 30. Koops (2014) 114, similarly said the law ensured a better protection.

³⁰⁷ Sirks (1981) 258.

³⁰⁸ López (1998) 141, though later in his article he mentioned that the law did not pose any restrictions on the frequency of manumission.

³⁰⁹ See further above in the section *Motives for and advantages of manumission*; Garnsey & Saller (1987) 86.

freedmen and without Roman citizenship; establishing a kind of hierarchy of freedmen. This aim will become more apparent with the *Lex Aelia Sentia*, which came with additions and restrictions to the *Lex Junia* and added another new status of freedmen.

Lex Fufia Caninia

The *Lex Fufia Caninia* of 2 BCE limited one of the three practices of manumission, *manumissio testamento*, by introducing a sort of sliding scale. The law was named after the two suffect consuls C. Fufius Geminus and L. Caninius Gallus of that year.

The law curtailed the number of slaves which could be freed through will. Whereas before, masters could free all of their slaves in this way, the *Lex Fufia Caninia* allowed only a certain portion of a certain number of slaves to be manumitted. So, if a master owned three to ten slaves, he could free up to half that number.³¹⁰ A master with eleven to thirty slaves, was allowed to manumit one third of them. Owning thirty-one to a hundred slaves meant an owner could free one fourth of them. Lastly, masters who owned between one hundred and five hundred slaves could manumit one fifth of them. Freeing one hundred slaves through will was the absolute maximum, even if a master owned more than five hundred slaves. A master with one or two slaves could free them both. Gaius added that a master could not be restricted to releasing a smaller number of slaves than he would have been permitted to release if he had been in the preceding scale: 'It was quite absurd that the owner of ten slaves might lawfully free five [...], but that he who has twelve might not lawfully free more than four'.³¹¹ The *Lex Fufia Caninia*, furthermore, stated that freedom could only be given through will, if the slaves who were to be free were specified.³¹² Ulpian and Paulus both mentioned that this specification had to be the name of the slave.³¹³

What the exact aim of the *Lex Fufia Caninia* was has been debated by modern scholars. This law is the main reason for the argument that the manumission laws had as its aim to reduce the practice of manumission.³¹⁴ However, the *Lex Fufia Caninia* solely restricted *manumissio testamento*; if owners wanted to, they could still manumit all their slaves in one of the other ways during their lifetime, though presumably not in one go, as the other two procedures required more formalities. Another argument has relied heavily on a statement made by Dionysius of Halicarnassus. He wrote that he knew of people who had freed all their slaves through will, in order for them to participate in the funeral procession.³¹⁵ Du Plessis stated that the *Lex Fufia Caninia* tried to prevent this, as it was 'a potential threat to order in disturbed times'.³¹⁶ However, this argument does not hold, because why would the law then also affect smaller households? Four freedmen at a funeral presumably did not disturb anyone. And as Gardner has rightly mentioned, if the aim was to curb the size of funeral processions, they could have simply banned or restricted such processions, instead of manumission through will.³¹⁷

Another argument, amongst others by Sirks, has focussed on the protection of (external) heirs.³¹⁸ An external heir could be anyone outside of the deceased's household,

³¹⁰ Gai. *Inst.* 1.42; Ulp. *Reg.* 1.24; Paulus, *Sent.* 14.4.

³¹¹ Gai. *Inst.* 1.45.

³¹² Gai. *Inst.* 2.239.

³¹³ Ulp. *Reg.* 1.25; Paulus *Sent.* 14.1.

³¹⁴ See the introduction; especially note 15.

³¹⁵ Dion. Hal. *Ant. Rom.* 4.24.

³¹⁶ Du Plessis (2010) 98; similarly: Borbonus (2014) 137.

³¹⁷ Gardner (1991) note 9.

³¹⁸ Sirks (2012); Eck (2019) 84; Atkinson (1966) 371.

which consisted of the descendants of the master.³¹⁹ The law made sure not all, or big portions of, slaves would be freed, which deprived the heirs of the master of slaves, and thus of valuable property. Especially external heirs suffered without this law as they had no rights in regard to the newly manumitted slaves – children of the deceased testator would still have right to succession and *obsequium*. However, the protection of external heirs seems inconsistent with the marriage laws, which were discussed in chapter 1. The marriage laws promoted marriage and procreation, and tried to stabilize the succession of inheritance by encouraging succession to children and discouraging succession to external heirs. Family and children were deemed important; issuing a law that aimed to protect external heirs then seems illogical.

Although the *Lex Fufia Caninia* certainly must have had the effect of protecting heirs to a certain degree, I believe the main aim of the law was different: it forced owners who wanted to manumit through will to select which slaves to manumit and it protected the relationship between freedmen and patrons. The *Lex Fufia Caninia* first of all obliged owners to select who they wanted to free. They could not simply say ‘free all slaves’ in their will, but they had to specify which slaves exactly. This eliminated the indiscriminate freeing of slaves and encouraged careful selection – although the law did not specify what to select on. The law, furthermore, protected the patron-freedmen relationship. When an owner decided to free slaves through will, those slaves became *liberti orcini*. This meant they would be without a patron who could guide and help integrate them into Roman society. Social control of freedmen was important to the Romans. This is shown by the development of penalties when freedmen did not pay dutiful respect (*obsequium*) to their patrons, the ideal of the paternal bond, and the increased inheritance rights of patrons – the *Lex Aelia Sentia* of six years later added the possibility for patrons to formally accuse their freedmen of ingratitude.³²⁰ *Liberti orcini* were without such regulations if their deceased patrons solely had unrelated heirs. Though, even if the deceased patron had children who were entitled to *obsequium* and inheritance, the *liberti orcini* were without a patron who was expected to guide them and have authority over them. So then why did they not abolish *manumissio testamento* altogether and prevent all slaves from becoming freedmen without patrons? Probably because manumission through will was a popular practice and contained several benefits to owners, such as no costs and hopeful, obedient slaves with prospect of manumission.³²¹ In short, the *Lex Fufia Caninia* made sure owners would select more carefully who they wanted to manumit through will, by restricting owners from freeing all, or most, of their slaves; and the law protected the patron-freedman relationship, by reducing the number of *liberti orcini*.

Lex Aelia Sentia

The most elaborate of the three manumission laws was the *Lex Aelia Sentia* of 4 CE. This law created a new status of freedmen – in addition to the *Latini Juniani* of the *Lex Junia* – and added regulations concerning the status of Junian Latins. The law can be securely dated to 4 CE, as it was named after the consuls of that year: S. Aelius Catus and C. Sentius Saturninus.

A first aspect of the *Lex Aelia Sentia* was the creation of the status of *dediticii*. Similarly to the Junian Latins, – who were in part named after the Latin colonists – *dediticii* were named

³¹⁹ Sirks (2012) 552.

³²⁰ Penalties: Gai. *Inst.* IV.46, 183; for the paternal bond, see further above in the section ‘*Motives for and advantages of manumission*’; inheritance rights: Gai. *Inst.* 3.40-44. For the formal accusations of ingratitude, see further below.

³²¹ Gardner (1991) 38.

after *peregrini dediticii*: foreigners who had capitulated after taking up arms and fighting against the Romans.³²² The freedmen *dediticii* were slaves who were manumitted after they had been in chains, branded, subjected to torture for an offence and convicted, had fought in gladiatorial combat with swords or beasts, or had been thrown into prison.³²³ *Dediticii* could never become Roman citizens or even Junian Latins, and they could not make nor take under a will.³²⁴ They were furthermore forbidden to remain in Rome, or within one hundred miles of it.³²⁵ As freedmen, *dediticii* enjoyed ‘the very lowest sort of freedom’.³²⁶

Another important clause of the *Lex Aelia Sentia* prohibited slaves under thirty years to become Roman citizens when manumitted, instead they would become Junian Latins, even if they had been freed by one of the three formal manumission practices.³²⁷ If slaves were over thirty years of age, and were manumitted correctly, they could be freed at any time and become Roman citizens.³²⁸ Junian Latins could still become Roman citizens in three ways. A first way was if the Junian Latins would be formally manumitted again when they were over thirty years of age.³²⁹ A second way was if they were freed by *manumissio vindicta*, after having proven to a committee there was a good reason for the grant of freedom.³³⁰ Good reasons consisted of owners manumitting before the committee their own father, mother, son, daughter, brother, sister, foster-child, teacher, a slave with the intention of making him an agent, or a female slave for the purpose of marriage, but also slaves who had aided their master in battle, or healed them in sickness; examples of good causes were numerous and Paulus added that ‘many services can occur for which it is honourable to grant freedom by a formal decision’.³³¹ The committee who decided whether the cause to manumit was valid consisted in Rome of five senators and five Equites, and manumission could only take place on certain specified days; in the provinces, the committee consisted of twenty assessors who were Roman citizens, and its sessions took place on the last day of the *Conventus*, the judicial Assize or Session.³³²

The third way for a Junian Latin to become a Roman citizen is often called the *anniculi probatio*. This meant a Junian Latin had to marry another Junian Latin – a male Junian Latin could also marry a female citizen or female Latin colonist – and they had to have a one year old child together; they had to prove this before the praetor or local governor by the testimony of seven Roman citizens.³³³ After the magistrate had accepted, they would become Roman citizens. Even if the father died before proving their child was one year old, the mother could still prove their status and she and the child could become Roman citizens; if the mother was not able to prove their status, the child could still do this when reaching the age of puberty.³³⁴

³²² Gai. *Inst.* 1.14.

³²³ Gai. *Inst.* 1.13; Ulp. *Reg.* 1.11; Ulpian added that someone in prison was not “chained”, but did not further explain what the consequences of this were: D.50.16.216 (Ulpian).

³²⁴ Gai. *Inst.* 1.15, 25; Ulp. *Reg.* 20.14.

³²⁵ Gai. *Inst.* 1.27.

³²⁶ Gai. *Inst.* 1.26.

³²⁷ Gai. *Inst.* 1.18; Ulp. *Reg.* 1.12.

³²⁸ Gai. *Inst.* 1.20.

³²⁹ Gai. *Inst.* 1.35; Ulp. *Reg.* 3.4.

³³⁰ Gai. *Inst.* 1.18; Ulp. *Reg.* 1.12.

³³¹ Quotation from: D.40.2.15.1 (Paulus); Gai. *Inst.* 1.19, 39; a patron had to swear an oath to take the female slave he wished to free as his wife within six months: D.40.2.13 (Ulpian).

³³² Gai. *Inst.* 1.20; Ulp. *Reg.* 1.13a; Buckland (1970) 539.

³³³ Gai. *Inst.* 1.29; Ulp. *Reg.* 3.4. Ulpian attributed this procedure to the *Lex Junia*, and Gaius to the *Lex Aelia Sentia*.

³³⁴ Gai. *Inst.* 1.32.

One example of this procedure has been found in Herculaneum: three writing-tablets of the Junian Latin Ennychus and his wife Livia Acte contain a birth declaration of their daughter of 24 July 60 CE, a decree of the town councillors of 25 July 61 CE, and an edict of the urban praetor of 22 March 62 CE.³³⁵ The second writing-tablet is severely damaged, but presumably dealt with the one year anniversary of the child, as it was dated one year and one day after the birth declaration. The last writing-tablet shows they were approved to become Roman citizens.³³⁶

One way in which all the rules described above could be legally circumvented was by appointing a slave sole heir to the master by will and this master was insolvent at the time of death.³³⁷ Even if such slaves were under thirty years of age, or should have been classed among the *dediticii*, they would become Roman citizens. Paulus explained why such an exception was made as follows: ‘the very obligation imposed on the slave makes his manumission proper for approval.’³³⁸ The manumitted slave would be responsible for all the debts the deceased patron had owed.

With the *Lex Aelia Sentia*, owners were restricted in one way: they could not manumit slaves if they were under twenty years of age.³³⁹ This was quite striking, because, as Gaius noted, someone over fourteen years old, ‘despite having capacity to make a will, appoint an heir and leave legacies, he cannot till twenty give freedom to a slave’.³⁴⁰ However, exceptions existed; if owners could show proper cause to manumit before the committee, they could still manumit their slaves through *manumissio vindicta* – either in such a way that the slaves became Junian Latins or Roman citizens.³⁴¹ Proper causes were the same as the ones that made Junian Latins Roman Citizens. Another exception consisted of persons under twenty who had been instituted as heir on condition of freeing a slave; this was seen as a sufficient reason to manumit even though they were officially too young.³⁴²

The *Lex Aelia Sentia* or the *Lex Junia* gave Junian Latins the right to a legal marriage to other Junian Latins and it seems that Junian Latins could also marry Roman citizens.³⁴³ Though Gaius mentioned a disagreement on whether a child would then follow the status of the mother or the father; being born under a legal marriage usually meant the child would follow the status of the father, while a child born outside of legal marriage would follow the mother’s status.³⁴⁴ In case of a male Junian Latin who was married to a female Roman citizen, Gaius was in favour of the child being born a Roman citizen. The *Lex Aelia Sentia*, furthermore, prohibited male Junian Latins from having their children in their power; though if the father attained Roman citizenship, his child would be brought in his power.³⁴⁵

The *Lex Aelia Sentia*, furthermore, strengthened the position of patrons and their children by allowing formal accusations of ingratitude against their freedmen.³⁴⁶ It is uncertain

³³⁵ AE (2006) 00305 (edict of the urban praetor), 00306 (birth declaration), 00307 (decree of the town councillors); Cooley & Cooley (2014) 213-215.

³³⁶ The last writing-tablet (AE (2006) 00305) has been partly cited at the beginning of this chapter.

³³⁷ Gai. *Inst.* 1.21; Ulp. *Reg.* 1.14; D.28.5.43, 56, 58, 61, 84, 40.4.27 (Julian, Paulus, Celsus, Scaevola).

³³⁸ D.40.4.27 (Paulus).

³³⁹ Gai. *Inst.* 1.38, 40; Ulp. *Reg.* 1.13; D.40.1.1 (Ulpian).

³⁴⁰ Gai. *Inst.* 1.40.

³⁴¹ Gai. *Inst.* 1.39, 41; Ulp. *Reg.* 1.13.

³⁴² D.40.2.15.pr (Paulus).

³⁴³ Gai. *Inst.* 1.80.

³⁴⁴ Gai. *Inst.* 1.80.

³⁴⁵ Gai. *Inst.* 1.66.

³⁴⁶ D.50.16.70, 40.9.30 (Paulus, Ulpian); on *liberti ingrati* (ingratiated freedmen) after Augustus: Gardner (1993) 43; Buckland (1970) 423-424.

what the penalties consisted of exactly, though the *Digest* did refer to some punishments. Freedmen could, for example, get whipped, reprimanded or warned, and in case of repeated offence, severer punishments, such as temporary exile, could be used.³⁴⁷ What was seen as ingratitude and the ways in which freedmen were expected to behave have been discussed above in the section on *obsequium*.

Of the three Augustan manumission laws, the *Lex Aelia Sentia* most clearly showed a concern for status differentiation and selection. Most scholars, such as Gardner, have argued that this law had as its intention to introduce some sort of “quality control” to manumission and more precisely to attaining Roman citizenship.³⁴⁸ Even owners were restricted to accomplish this goal; masters younger than twenty years were apparently perceived as too young to make the right judgment and only slaves and Junian Latins with clean records and long periods of service could achieve citizenship. Exceptions were solely made by committees of Roman citizens who judged whether there was good reason. Thus, attaining Roman citizenship became increasingly difficult and formal. Similarly as with the *Lex Junia* and *Lex Fufia Caninia*, the argument that these laws tried to reduce the number of manumissions and freedmen is inaccurate. Owners could still free as many slaves as they wanted, but they were encouraged to choose “deserving” slaves and the slaves would be divided into several statuses, depending on their past life, behaviour, and age.

Though I absolutely agree that the *Lex Aelia Sentia* showed a concern for selection, I believe the main intention of selection was to make attaining Roman citizenship harder. However, not because, as modern scholars such as Klees, have often argued, freedmen in the late Republic were perceived as increasingly “immoral” or “unworthy”, due to the increase in manumissions and freedmen who could not adapt to the Roman culture; Koops even spoke of a ‘cheapened’ citizenship because of ‘non-Roman ex-slaves’.³⁴⁹ This argument has been mostly based on elite Roman literature (see further below) and the idea that slaves were often war captives from many different areas and cultures; however, a great number of slaves in the Republic must have been the result of natural production and many slaves would thus have grown up and lived their whole lives in the Roman world.³⁵⁰ Furthermore, as mentioned in the introduction, there is little ancient evidence for such conflicts between cultures. The three laws aimed to protect Roman citizenship because citizenship itself had changed, as I will show in chapter 3.

Multiple scholars, such as Hirt, have tried to find out whether Junian Latins were numerous among the three types of freedmen. This proved to be a difficult task, as Junian Latins, like freedmen with citizenship and freeborn citizens, used the *tria nomina*. Nevertheless, Hirt and others, have reasonably shown that Junian Latins must have been numerous among freedmen, by looking at legal sources – they extensively described and discussed the status of Junian Latins, even though Junian Latinity was not dealt with in the *Digest* – and at inscriptions; a great number of freedmen who died below the age of thirty must have been Junian Latins after the *Lex Aelia Sentia*.³⁵¹ Because, in accordance with the marriage laws of Augustus, the *Lex Aelia Sentia* encouraged and rewarded procreation by the

³⁴⁷ D.37.14.1, 7, 1.12.1.10, 1.16.9.3 (Ulpian, Modestinus).

³⁴⁸ Gardner (1993) 40; Mouritsen (2011) 84; Klees (2002) 115; Bradley (1994) 157.

³⁴⁹ Klees (2002) 113; Koops (2014) 113-114. See chapter 3 for a discussion of why Roman citizenship became harder to attain.

³⁵⁰ Scheidel (2011) 293.

³⁵¹ Hirt (2018); Koops (2014); López (1998); See also Weaver (1997) for numbers of freeborn Latin children.

anniculi probatio, but it is uncertain whether many Junian Latins had the resources and connections to go through this procedure.

The *Lex Junia*, *Lex Fufia Caninia*, and *Lex Aelia Sentia* were designed to make the attaining of Roman citizenship more difficult and more selective. First, by introducing the new status of Junian Latinity, then by restricting *manumissio testamento*, and lastly by adding several restrictions – such as age limits – and exceptions, think of the *anniculi probatio*. The three laws did not respond to a clear, demarcated problem, but were rather the product of their time; a time in which Augustus focussed extensively on morality. Similarly to the moral legislation of Augustus, which was embedded in morality and the context of the idealized Roman past and which focussed on creating a moral elite, the Augustan manumission laws showed a clear concern for social status and morality; solely “worthy” slaves and Junian Latins would be able to attain Roman citizenship. Modern scholars have tended to explain these laws as a reaction to an increase in freedmen in the late Republic and the risk of “improper” freedmen entering the citizen body.³⁵² However, we should not take these laws as evidence that manumission in the late Republic and early Empire had become ‘debased and sullied’ and that freedmen had become ‘stains that can scarce be washed away from the city’.³⁵³ These laws were part of a bigger context in which morality and social status were emphasized through law – for example the moral legislation – and through the “restoration” of the past, as I have shown in chapter 1. In the end, the three laws would remain in use for centuries until two of them were repealed in the sixth century.

Later additions to the Augustan manumission laws

Several additions were made to the three Augustan manumission laws throughout the centuries. This shows how long the manumission laws remained in use and impacted the procedure of manumission and the status of freedmen. The additions also reveal what was deemed important to change and what aspects perhaps did not work in later times.

Immediately after the reign of Augustus, several emperors added ways in which Junian Latins could attain citizenship. The *Lex Visellia* of 24 CE, for example, allowed Roman citizenship to be achieved by Junian Latins, by serving as a night watch (*vigil*) at Rome for six years; a later statute reduced this to three years.³⁵⁴ Emperor Claudius added that they could become citizens if they built a seagoing ship with a capacity of over ten thousand measures of grain, and this ship – or any replacement – would carry grain to Rome for six years.³⁵⁵ Nero, after the great fire of 64 CE, enacted that a Junian Latin with a property worth more than 200,000 sesterces and who built a house in Rome on which he spent at least half of his capital would receive Roman citizenship.³⁵⁶ And lastly, Trajan decreed that if a Junian Latin operated a mill in Rome for three years, during which he grinded more than one hundred measures of corn each day, he would become a citizen.³⁵⁷

³⁵² Most notably Koops (2014) 113-114; see also Klees (2002) 113; Gardner (1991) 24; Sherwin-White (1973) 327-328; Kaser (1971) 297; Treggiari (1969) 237.

³⁵³ Dion. Hal. *Ant. Rom.* 4.24.4, 6. Similarly, the *Lex Julia de adulteriis coecondis* cannot be taken as evidence of an increase in adulterous women in the late Republic.

³⁵⁴ Gai. *Inst.* 1.32b. More information on *vigiles* in chapter 3.

³⁵⁵ Gai. *Inst.* 1.32c.

³⁵⁶ Gai. *Inst.* 1.33.

³⁵⁷ Gai. *Inst.* 1.34.

Other additions to the laws consisted of, for example, a *senatus consultum* in 42 CE, which modified patronal claims over the property of freedmen.³⁵⁸ A decree of the senate in 72/73 CE granted the right of acquiring Roman citizenship through *anniculi probatio* to Junian Latins who were more than thirty years old when they were manumitted.³⁵⁹ Apparently, this right used to be prohibited to Junian Latins younger than thirty years. In the section on the *Lex Aelia Sentia* I already mentioned the disagreement on whether a child followed the status of a mother with Roman citizenship or that of his Junian Latin father if they were married; under Hadrian this was resolved by ruling in favour of the child becoming a Roman citizen.³⁶⁰ A remarkable change happened in 320 CE, when it was ruled that freedmen with Roman citizenship could be reduced to Junian Latinity on account of ingratitude.³⁶¹ Finally, around 530/531 CE Junian Latinity was abolished, the status of *dediticii* had fallen into desuetude, and in 528 CE the *Lex Fufia Caninia* was repealed by Justinian.³⁶² From then onwards, all freedmen possessed Roman citizenship, without any restrictions, such as age or mode of manumission; though it is possible that all Junian Latins already received Roman citizenship in 212 with the *Constitutio Antoniniana* of Emperor Caracalla – which granted almost all inhabitants of the Roman Empire citizenship.³⁶³

“Good” vs. “bad” freedmen

When writing about Roman freedmen one cannot escape discussing their social position in the Roman world and how Roman literary sources have influenced our perception until today. In regard to the Augustan manumission laws, modern scholars have often resorted to the ancient distinction between “good” and “bad” slaves/freedmen and have used this topos of the “bad” freedman and the number of manumissions of the late Republic as a main reason for creating these laws. However, Roman stereotypes of freedmen were typical of all ages and do not, as I will show, explain the creation of the Augustan manumission laws.

Within Roman literary sources the stereotypes of “good” and “bad” freedmen recur consistently throughout the centuries.³⁶⁴ Especially freedmen as being disobedient towards their patron was a frequently used theme. One of the characters in *Persa*, a play from the third or second century BCE by the Roman playwright Plautus, for example, complained about a certain kind of “bad” freedman:

But that’s how some freedmen are: unless one has opposed his patron, he doesn’t consider himself free enough or useful enough or decent enough, unless he’s done this, unless he’s been rude to him, unless he’s been found to be ungrateful to his benefactor.³⁶⁵

And in his play called *Faeneratrix*, a character mentioned how an ungrateful freedman had said to his patroness: ‘Greetings, Freedom; get a thrashing, Papiria’.³⁶⁶ Such “bad” freedmen were contrasted with “good” freedmen; the playwright Terentius from the second century BCE, for example, had one of his characters praising his freedman for his *fides* (loyalty) and

³⁵⁸ Gai. *Inst.* 3.63-71; example in: Plin. *Ep.* 10.104.

³⁵⁹ Gai. *Inst.* 1.31.

³⁶⁰ Gai. *Inst.* 1.30; Ulp. *Reg.* 3.3.

³⁶¹ *Cod. Theod.* 2.22.

³⁶² *Inst. Just.* 1.5.3; *Cod. Just.* 7.3.1.

³⁶³ Koops (2012) has argued that Junian Latins received a limited citizenship with the *Constitutio Antoniniana*.

³⁶⁴ See Fabre (1981) 232-242, for a full description of the ‘good’ and ‘bad’ freedmen stereotype.

³⁶⁵ Plaut. *Persa* 838-840.

³⁶⁶ Plaut. *Faeneratrix*.

taciturnitas (taciturnity, discretion).³⁶⁷ Examples of both “good” and “bad” freedmen occurred frequently in Cicero’s letters, and the “bad” were often characterized as arrogant, insolent, dishonest, having a lack of restraint, and more.³⁶⁸ Later Roman authors similarly spoke of such “bad” freedmen, like Tacitus mentioning the opinions of Nero’s advisors: ‘insolence, grown harder with liberty, had reached a point where freedmen were no longer content to be equal before the law with their patrons’.³⁶⁹

Freedmen, in addition, often had an effect on the reputation of their patron. Plutarch spoke of how Pompey Magnus, son of Strabo, was accused of having been in illegal possession of public property even though he had proved that most of the thefts had been committed by his father’s freedman Alexander.³⁷⁰ It could even be worse when a patroness was accused of having sexual relationships with men of low social status. Thus Messalina, wife of Emperor Claudius, was accused of sleeping with the actor Mnester, and Agrippina, mother of Emperor Nero, was allegedly having sexual relations with the imperial freedman Pallas.³⁷¹ Seneca the Elder recalled how Cicero had mockingly said: ‘Losing one’s virtue is a crime in the free-born, a necessity in a slave, a duty for the freedman’.³⁷²

Similarly, freedmen could be used by Roman authors to negatively display “bad” emperors; Herodian, for example, spoke of how Elagabalus appointed freedmen and slaves as governors of consular provinces.³⁷³ In contrast, the *Historia Augusta* praised Severus Alexander that ‘he would never enrol freedmen in the equestrian order’.³⁷⁴ Thus freedmen did not always have to be “bad” in order to reflect negatively on their patron and/or the emperor. The main primary source scholars, such as Koops, have used when maintaining that the manumission of slaves came to be seen as problematic in the late Republic, is Dionysius of Halicarnassus.³⁷⁵ His tirade against the manumission of “bad” freedmen is impressive.³⁷⁶ However, as shown above, “bad” freedmen in literary sources were of all times and Dionysius’ account should thus not be taken as evidence for the creation of the manumission laws.

Roman literary sources used this theme of “good” and “bad” freedmen because of a few reasons. They could first of all serve as rhetorical tools to damage or improve the reputation of patrons or emperors, as shown above. But the use of this theme is also closely related to the need of the elite to distinguish themselves from lower classes, such as freedmen ‘who would not by any other objective standard differ from these traditional elites’.³⁷⁷ They were essentially equal before the Roman law. A recent debate about whether or not freedmen had a *macula servitutis* (‘stain of slavery’), which would make them inferior to freeborn, ties into this subject. Scholars, such as Maclean and Mouritsen, have argued that freedmen continued ‘to bear the stigma of their prior condition’ and have mainly based this on three legal texts and on elite literary sources.³⁷⁸ However, Vermote has convincingly shown that

³⁶⁷ Ter. An. 34.

³⁶⁸ E.g. Cic. Att. 8.4; more examples in: Fabre (1981) 238-241.

³⁶⁹ Tac. Ann. 13.26. See also: Ann. 3.36, 15.54; Hist. 1.2, 2.57.

³⁷⁰ Plut. Pomp. 4. See also: Ant. 22.

³⁷¹ Cass. Dio 60.22.5; Tac. Ann. 12.25.1, 12.65.2, 14.2.2.

³⁷² Sen. Controv. 4.10.

³⁷³ Hdn. Hist. 5.7.8. See also, for example, Suet. Claud. 28-29.

³⁷⁴ SHA, Alex. Sev. 19.4.

³⁷⁵ Cited from: Koops (2014) 113. Klees (2002) has used Dionysius of Halicarnassus as the main source of his article.

³⁷⁶ Dion. Hal. Ant. Rom. 4.24.4-6. See also: Suet. Aug. 40.3-4; Cass. Dio 56.33.3.

³⁷⁷ Vermote (2016) 58. See also the section in chapter 1 about freedmen in high positions.

³⁷⁸ Cited from: MacLean (2018) 2. The three legal texts: D.40.11.5 (Modestinus); Cod. Just. 7.16.9, 10.32.2. See also Mouritsen (2011), who has a chapter named ‘*Macula Servitutis*’.

there was no all-encompassing servile stain on freedmen, but mainly Roman elites who wanted to distinguish themselves from freedmen.³⁷⁹ Descriptions of “bad” freedmen are thus not to be taken literally as describing the social position of freedmen in Roman society and as a main reason for the manumission laws.

Conclusion

Manumission, and thus freedmen, were an inherent aspect of Roman society. Owners could have several motives to manumit their slaves; some were economic, others in order to reward individual slaves, it reflected well on rich masters of big households, and male owners could marry their female slaves when they manumitted them. In turn, freedmen attained Roman citizenship, which greatly benefited them. Nevertheless, the *Lex Junia*, *Lex Fufia Caninia*, and *Lex Aelia Sentia* partly altered manumission practices and the status of freedmen. These laws showed a concern for hierarchy, selection, and protection of Roman citizenship, and no longer did all formally manumitted slaves attain citizenship. The reason for these concerns should not be searched in the “immoral” freedman of the late Republic, but in the transformation of Roman citizenship during the reign of Augustus, as I show in chapter 3.

³⁷⁹ Vermote (2016). Similarly, Bell & Ramsby (2012) 9, warned about the ‘need to take a step back from the lopsided literature’ on freedmen.

3

Protecting Roman citizenship

He [Augustus] would more willingly suffer a loss to his privy purse than the prostitution of the honour of Roman citizenship.

(Suet. *Aug.* 40.3-4)

When Livia asked Augustus to grant Roman citizenship to a Gaul, Augustus refused, as cited above, and instead offered to release him from paying taxes in order to protect the honour of Roman citizenship.³⁸⁰ In this chapter, the changing meaning of Roman citizenship during the reign of Augustus will be discussed, as this transformation influenced the creation of the Augustan manumission laws. In the last part of this chapter, I will look at various new roles that were open to freedmen and in which ways these roles fit in with the “new” Roman citizenship.

Roman citizenship

In the last decades, the debate about what the motives of the Augustan manumission laws were, has been stuck on the idea of the laws protecting Roman citizenship from “underserving” slaves and freedmen.³⁸¹ However, as shown in chapter 2, “bad” freedmen were of all times and do not explain the issuing of the three laws. In this section, I look at the transformation of Roman citizenship during the first century BCE and at Augustus’ role in this transformation.

During the first century BCE Roman citizenship gradually evolved from a local status into a universal status.³⁸² Roman citizenship used to be closely connected to the territory of Rome; this meant that if a Roman moved to another state, their citizenship would be forfeited.³⁸³ Likewise, if a foreigner was offered Roman citizenship, it usually meant they had to give up their previous citizenship and move to Roman territory. During the Republic the Roman territory was greatly expanded, but Roman citizenship essentially stayed the same – local. This changed when in the late second century BCE, descendants of Roman settlers in Latin colonies demanded Roman citizenship and later when Italian cities received citizenship under the *Lex Julia* of 90 BCE in order to secure loyalty to Rome.³⁸⁴ However, the first real change to citizenship happened during the triumviral period when more and more people from the provinces were granted Roman citizenship while being permitted to keep their local

³⁸⁰ Suet. *Aug.* 40.3.

³⁸¹ An important exception is Mouritsen (2011) 88-91.

³⁸² Mouritsen (2011) 89.

³⁸³ Mouritsen (2011) 89.

³⁸⁴ Mouritsen (2011) 89; Sherwin-White (1973) 150. Modern scholars have argued about whether the Italian cities started the Social War because they desired Roman citizenship; see for example: Mouritsen (1998), who has argued against this notion.

status.³⁸⁵ One of them was Seleucus of Rhodes, who was granted Roman citizenship and other privileges by Octavian in 41 BCE, including the right to retain his local status and honours.³⁸⁶ This double citizenship during the triumviral period slowly introduced compatibility between Roman and local citizenship. Eventually, holding Roman citizenship no longer meant the need to sever ties with the local community, as, starting mostly with Caesar and his colonies, Augustus massively increased the number of citizens throughout the provincial areas, severing the link between territory and Roman citizenship.³⁸⁷

Besides the increase in quantity of Roman citizens during the first century BCE, Augustus also changed the value and meaning of Roman citizenship from an “active” citizenship to a “passive” citizenship.³⁸⁸ Citizenship used to confer certain privileges – such as being able to vote and to participate in politics – and obligations, like bearing arms and making financial contributions.³⁸⁹ However, under Augustus the vote eventually became meaningless, - Augustus “restored” the vote, but it was useless to citizens out of reach of Rome because there was no ‘system of local voting’ – a “professional” army was created, which limited the obligation to bear arms, and obtaining public positions increasingly relied on appointment by the emperor.³⁹⁰ This meant the privileges and obligations of citizenship became quite nugatory. Passive citizenship, however, did not mean that it was worthless. Augustus transformed Roman citizenship into ‘a form of social dignity’, which made it still valuable and desirable.³⁹¹ No longer was citizenship sought after because of its political significance, but because of its value and dignity.

This transformation of the meaning of citizenship also meant a transformation in expressing Roman citizenship. While citizenship used to be expressed through voting and fighting – actions – now it was expressed through symbols, such as the toga, the Latin language, but also more abstractly through the protection of the dignity of Roman citizenship.³⁹² Or as Wallace-Hadrill rightly put it: ‘it becomes more urgent to define culturally what “being Roman” is about when it is reduced to a socio-legal status’.³⁹³ Consequently, Roman citizenship became part of a hierarchical system of statuses of which citizenship was the highest; status distinction was emphasized.³⁹⁴ This can also be seen by the active encouragement of Augustus. He used citizenship as a reward for loyalty to Rome and gave either Latin rights or Roman citizenship to both individuals and whole communities for rendered services, emphasizing the worth and value of citizenship.³⁹⁵ Moreover, Augustus, as the *princeps civitatis* (“first citizen”), presented himself as the protector of Roman citizenship; he was the one who could either refuse or grant favours, such as citizenship.³⁹⁶ Thus, when Tiberius asked Augustus to grant citizenship to a Greek, Augustus wanted the Greek to first prove he had reasonable grounds; and, as shown at the beginning of this chapter, when Livia

³⁸⁵ Wallace-Hadrill (2008) 443-444; Mouritsen (2011) 89-90.

³⁸⁶ More information on Seleucus and other examples can be found in: Sherwin-White (1973) 296-299; Ferenczy (1982) 1049.

³⁸⁷ Ferenczy (1982) 1046-1053; Sherwin-White (1973) 225; Wallace-Hadrill (2008) 452 has argued that the number of citizens under Augustus increased from four to five million.

³⁸⁸ Sherwin-White (1973) 222.

³⁸⁹ Wallace-Hadrill (2008) 451.

³⁹⁰ Wallace-Hadrill (2008) 451.

³⁹¹ Cited from: Wallace-Hadrill (2008) 452; Sherwin-White (1973) 222.

³⁹² Sherwin-White (1973) 222; Wallace-Hadrill (2008) 452.

³⁹³ Wallace-Hadrill (2008) 452.

³⁹⁴ Mouritsen (2011) 90.

³⁹⁵ Suet. *Aug.* 47.

³⁹⁶ Wallace-Hadrill (2008) 453.

asked citizenship for a Gaul, Augustus did not grant it as he did not want to render citizenship too common.³⁹⁷ In similar fashion, Emperor Claudius took away the citizenship of a provincial when he found out he could not speak Latin, in a dispute over someone's citizenship status Claudius solely allowed this man to wear the toga when he was defending himself in court, and Claudius had executed men who had falsely claimed to be citizens.³⁹⁸

Consequently, the paradox existed of Augustus on the one hand greatly extending citizenship, but on the other hand "protecting" its value. He had to create this kind of illusion of a discriminate citizenship in order to keep it appealing: 'If citizenship was to be worth having, it should not be seen as too easy to come by'.³⁹⁹ Augustus – and his successors – made such an effort to maintain the Roman citizenship, even though its original meaning was lost, because, as Wallace-Hadrill has correctly argued, it fit with Augustus' "restoration" of the Republic, it was a 'reference to tradition', but also because it gave him the power to control citizenship and the distribution of it.⁴⁰⁰

Roman citizenship ceased to be something to strive for in 212 with the *Constitutio Antoniniana*. In this year, Emperor Caracalla granted nearly all inhabitants of the Roman Empire Roman citizenship – whether this included the Junian Latins is unclear.⁴⁰¹ By doing this, Caracalla was able to impose taxes on everyone, but it simultaneously decreased the value of the citizenship: 'Citizenship no longer brought the special privileges or social distinction it had hitherto afforded.'⁴⁰²

Roman citizenship and the Augustan manumission laws

'Considering it also of great importance to keep the people pure and unsullied by any taint of foreign or servile blood, he [Augustus] was most chary of conferring Roman citizenship and set a limit to manumission.'⁴⁰³ This quote from Suetonius can now be read in a different light. The manumission laws did not limit the number of manumissions, but they did show this "chariness" in regard to Roman citizenship. As mentioned before, this observation of Suetonius – but also fragments of Dionysius of Halicarnassus and Cassius Dio – have influenced some modern scholars to believe that the Augustan manumission laws aimed to limit the number of freedmen and the influx of those who were deemed "undeserving".⁴⁰⁴ However, as Mouritsen has rightly noticed, the real concern of the Augustan manumission laws was not with manumission itself, but with access to Roman citizenship.⁴⁰⁵

This concern in regard to Roman citizenship can most clearly be seen in the creation of the two new statuses. The *Lex Junia* and *Lex Aelia Sentia*, as discussed in chapter 2, introduced the Junian Latins, who were young or informally freed, and the *dediticii*, who were guilty of a certain offence. A hierarchy of freedmen was established, of which solely the highest class was granted Roman citizenship. As such, access to citizenship was limited – or at least regulated. In addition, this hierarchy of freedmen triggered the creation of additional rules in order to divide the freed slaves into the appropriately deemed rank.

³⁹⁷ Suet. *Aug.* 40.3-4.

³⁹⁸ Cass. Dio 60.17.4; Suet. *Claud.* 15.2, 16.2, 25.3.

³⁹⁹ Wallace-Hadrill (2008) 453.

⁴⁰⁰ Wallace-Hadrill (2008) 452-453.

⁴⁰¹ Koops (2012) has argued that the *Constitutio Antoniniana* granted a limited citizenship to Junian Latins in order not to upset 'the framework of Roman society'.

⁴⁰² Halsall (2007) 72-73.

⁴⁰³ Suet. *Aug.* 40.3-4.

⁴⁰⁴ See also Dion. Hal. *Ant. Rom.* 4.24; Cass. Dio 56.33.3-4.

⁴⁰⁵ Mouritsen (2011) 88-89.

The highest class of freedmen was only to be attained after selection and assessment. As patrons were the ones in control of manumission they were also affected by these laws since they had to be mature – at least twenty years of age – to be able to manumit their slaves. Freedmen had to be at least thirty years of age and had to be freed through one of the three formal manumission practices, in order to be able to attain Roman citizenship. Exceptions were solely made if there was good reason or if a Junian Latin had a one-year old child and went through all the appurtenant legal steps. The *Lex Fufia Caninia*, furthermore, made sure owners who wanted to manumit slaves through testament had to select exactly which ones. In addition, *dediticii* were completely excluded from the opportunities to attain Roman citizenship, as they were basically deemed criminals and most certainly did not fit in the new dignified Roman citizenship as envisioned by Augustus. One may wonder how many owners would have actually freed their slaves who had been chained, thrown into prison, or subjected to torture; they were probably not numerous. Which may lead to the notion that this lowest status of freedmen was quite symbolical and simply emphasized the idea of “protecting” the Roman citizenship.

This section started with a frequently used quote of Suetonius. However, quotes, such as this one, have often been singled out which makes it easy to overlook other valuable insights in a text. Two of such insights were given by Cassius Dio and Suetonius, right after their more “famous” quotes. Suetonius spoke of setting a limit to manumission, but he also mentioned, a few sentences down, how Augustus made it far more difficult (*‘difficultatibus [...] multo pluribus’*) for slaves to attain citizenship than to attain freedom.⁴⁰⁶ Similarly, of Cassius Dio’s description of the reading of Augustus’ will after he had passed away, the following passage has often been singled out: ‘they [Tiberius and the public] should not free many slaves, lest they should fill the city with a *promiscuous rabble*’.⁴⁰⁷ However, as Mouritsen has rightly remarked, Cassius Dio might have extrapolated this first injunction of Augustus, from the second one, which instructed ‘that they should not enrol large numbers as citizens, in order that there should be a marked difference between themselves and the subject nations.’⁴⁰⁸ As such, the Augustan manumission laws make much more sense in regard to their contents and context.

The Augustan manumission laws thus protected Roman citizenship. Not because the number of manumissions had increased during the late Republic, or because freedmen had become increasingly immoral, but because Roman citizenship itself had changed. The process of manumission had to be seen as discriminatory, in order to maintain the value and dignity of the Roman citizenship, which Augustus wanted citizenship to radiate. In order to attain Roman citizenship, a freedman thus had to meet certain requirements, just like the Greek and Gaul of Tiberius and Livia.

Vicomagistri, Augustales, and vigiles

During the reign of Augustus, freedmen were able to attain new roles as *vicomagistri*, *Augustales*, and *vigiles*. This meant they could participate in religious life on city level. These roles fit in with the transformation of Roman citizenship, which had become increasingly symbolic and promoted ‘a steep hierarchy of statuses’.⁴⁰⁹ Through these roles freedmen were able to gain social prominence within the margins of their status – in contrast to the political

⁴⁰⁶ Suet. *Aug.* 40.3-4.

⁴⁰⁷ (emphasis added) Cass. Dio 56.33.3.

⁴⁰⁸ Cass. Dio 56.33.3; Mouritsen (2011) 88.

⁴⁰⁹ Wallace-Hadrill (2008) 454.

positions some of them attained during the triumviral period, which were described in chapter 1.

A first new role was that of the *Augustales*. The *Augustales* were members of associations (*collegia*), who were committed to the imperial cult. They were mostly present in the western part of the Roman Empire – though not in Rome as Augustus did not allow a cult of the emperor there – and predominantly consisted of freedmen.⁴¹⁰ The main source of evidence on *Augustales* are the approximately 2,500 inscriptions mentioning them, while only one Roman literary source mentioned *Augustales*: the *Satyricon* of Petronius – in which Trimalchio, the extravagant host of a lavish dinner party, and two of his guests were *Augustales*.⁴¹¹ The exact role of the *Augustales* has been debated by modern scholars, but it is clear that they were elected by the local decurions or by other *Augustales*, they had to pay an entry fee (*summa honoraria*) to become a member, and they were usually wealthy.⁴¹² The *summae honorariae* could vary from dedicating imperial statues, holding games, contributing money, the construction of public projects; whichever would fit the needs of the specific town of an *Augustalis*.⁴¹³ The freedman P. Decimius Eros Merula from Asisium, for example, is known to have paid 2,000 sesterces.⁴¹⁴

The debate surrounding the contents of their role has mainly focussed on the question whether it was for the most part honorific or cultic, though most likely it was a combination of both. As *Augustales* were involved in the imperial cult, but also made contributions to their local towns – think of renovating buildings, sponsoring festivals, and contributing financially. The imperial cult was ‘a perfect avenue for broadening participation in public life’ and as local benefactors, wealthy freedmen were able to take part in society and receive status and visibility in their towns.⁴¹⁵ One of those extremely wealthy freedmen was the *Augustalis* Lucius Mammius Maximus (second half of the first century CE) from Herculaneum, whose surviving public dedications make him almost the best-attested person of this town. He dedicated several statues of the Julio-Claudian family, financed the meat and fish market (*macellum*), and funded an unknown public work.⁴¹⁶ Herculaneum’s citizens honoured him with a bronze statue in the theatre (figure 3). Due to his contributions and the statue of himself, he must have been extremely visible in his town.

Augustales who had given extraordinary amounts of money or gifts could receive extra privileges, such as the seat of honour (*bisellium*), the granting of the insignia of a decurion (*ornamenta decurionalia*), or being allowed to appear as civic patrons at games they had sponsored.⁴¹⁷ As *Augustales*,



Figure 3. Bronze statue of Lucius Mammius Maximus, before 79 CE. Naples, Museo Archeologico Nazionale, inv. 5591. Photo: Laird (2015) 224.

⁴¹⁰ Some 85 to 95 percent were freedmen according to Ostrow (1990) 364.

⁴¹¹ Petron. *Sat.* 28-79.

⁴¹² Short overview of the debate: Laird (2015) 7.

⁴¹³ Laird (2015) 6; Ostrow (1990) 365.

⁴¹⁴ Laird (2015) 215-217.

⁴¹⁵ Galinsky (2012) 170.

⁴¹⁶ For more information on Mammius Maximus and an examination of his dedication of the statues, see Laird (2015) 222-234.

⁴¹⁷ Laird (2015) 7-8.

freedmen were thus able to gain great prominence and status in their towns. Whether Augustus himself was actively involved in the engineering of the *Augustales* is unlikely, as there is no evidence of this and because the *Augustales* were no demarcated group: a multitude of local varieties existed. However, at the very least he must have known about them and perhaps, as Galinsky believed, he permitted and encouraged the initiative, while remaining in the background.⁴¹⁸

The *Augustales* fit into the transformed citizenship of Augustus, which embodied dignity and emphasized social hierarchy. The institution of *Augustales*, namely, rewarded behaviour deemed right with social prominence and improvement; this right behaviour consisted of ‘liberality, munificence, and beneficence’.⁴¹⁹ Lamp has convincingly argued, that ‘the importance of giving generously to the community’ was a significant aspect of the Roman citizenship, communicated through visual and material rhetoric in the Augustan period.⁴²⁰ Though this giving had always been important in Roman society, it were usually solely the wealthiest families who had given to the community in the form of civic projects. However, during the Augustan period, the *Augustales* also became important benefactors of local towns. Augustus’ own active role in stressing the importance of giving can be seen in his *Res Gestae*, in which he extensively emphasized his munificence to the Roman people by building temples, theatres, restoring channels, et cetera.⁴²¹ Lamp also mentioned the *summi viri*, statues of Republican heroes, in Augustus’ Forum, who displayed virtues – including beneficence, munificence, and liberality – and were models for emulation.⁴²² Several statues found in Pompeii show close familiarity with statues of the Forum of Augustus, which means that at least in Pompeii the *Augustales* were familiar with Augustus’ rhetoric of giving to the community.⁴²³ In short, this munificence of the *Augustales* embodied the “new” citizenship, which had become a form of social dignity.

As such, the similarities to the Augustan manumission laws also become apparent: being able to climb higher socially when behaving properly. In the case of *Augustales* this meant investing in the town in order to receive social prominence and in the case of slaves and Junian Latins it meant being “deserving” – over thirty years, no “criminal”, good reason – until one was rewarded with Roman citizenship. This once again shows the express concern for social hierarchy in Roman society during the reign of Augustus.

A second role was that of the *vicomagistri*, which was already shortly touched upon in chapter 1 in connection to Augustus’ religious “restoration” of the Republic. The *vicomagistri* presided over the neighbourhood cults in Rome, among them the *Lares Augusti* and the *Genius Augusti*, and usually consisted of lower class freeborn and freedmen – though they were presumably wealthy because many of them are known from their expensive gifts to their neighbourhoods.⁴²⁴ Though *vicomagistri* already existed during the Republic, Augustus changed their role from being leaders of their neighbourhoods to ‘administrative bureaucrats’, focussing on ‘civic religion, imperial honorific, and urban administration’; no longer were they actively “politicking”, as Lott has called it.⁴²⁵ Suetonius mentioned that the

⁴¹⁸ Galinsky (2012) 173; see also Ostrow (1990) 366.

⁴¹⁹ Lamp (2013) 132.

⁴²⁰ Lamp (2013) 131-140.

⁴²¹ *RGDA* 19-23; Lamp (2013) 134-135.

⁴²² Lamp (2013) 135-136. Article on the public life of the *summi viri*: Shaya (2013).

⁴²³ Lamp (2013) 136.

⁴²⁴ Lott (2011) 90. *Magistri vici* were also present in the provinces and depended on the Roman model, though they were not completely analogous.

⁴²⁵ Lott (2004) 127, see his chapter 4 for full account of reforms of Augustus in regard to Rome’s neighbourhoods.

magistri were annually chosen from the plebeians of the neighbourhoods and Cassius Dio added that they were allowed to wear the toga of civic magistrates (*toga praetexta*).⁴²⁶ Though, the wearing of this special toga was restricted to certain holidays and to the own neighbourhood of the *magistri*.

One neighbourhood altar of the *vicus Aesculati* depicts a sacrifice at an altar to the *Lares Augusti* performed by four *vicomagistri* wearing these special togas (figure 4).⁴²⁷ The partly legible inscriptions on the sides of the altar mention the names of two of the *magistri*, who were both freedmen. On the relief, attendants bring forward a sow and a bull for the sacrifice, while the *vicomagistri* stand around the altar. The *toga praetexta* and the right to use lictors made the serving as *magistri* prestigious for freedmen – especially the *toga praetexta*, because it made them appear as freeborn Romans.⁴²⁸ The restrictions of wearing this toga show Augustus' concern with demarcating explicitly between the social classes: solely on specific occasions were they allowed to transgress this boundary in a specific area of the city. Similarly to the *Augustales*, (wealthy) freedmen were thus given an outlet by being able to become *vicomagistri* and as such they could effectively participate in Roman society, in accordance with their social status.



Figure 4. Altar of the *vicomagistri* of the *vicus Aesculeti* of c. 2 CE. Rome, Capitoline Museum, Centrale Montemartini, inv. 855. Photo: Petersen (2015) 221.

A third role freedmen could attain during the reign of Augustus was that of the *vigiles*, night-watchmen. They mainly functioned as firefighters and patrolled during the nights. Fires were a serious problem in Rome: eight have been attested in the sources as happening during the Augustan period.⁴²⁹ Before the institution of the *vigiles* in 6 CE, firefighting had been in the hands of private individuals; Egnatius Rufus, for example, set up a fire brigade consisting partly of his slaves in 26 BCE.⁴³⁰ According to Cassius Dio, the duty of firefighting was then assigned to the *vicomagistri* after the *Forum Romanum* had been set on fire; the *vicomagistri* took their job seriously and worshipped the fire-stopping goddess *Stata Mater* as we can tell from surviving dedications.⁴³¹ However, this was apparently not enough and in 6 CE Augustus created the *vigiles*, consisting of seven cohorts and divided over Rome's regions.⁴³² In the beginning, they were solely composed of freedmen, but later they could be recruited from the other classes as well. The cohorts were commanded by someone of equestrian rank and they

⁴²⁶ Suet. *Aug.* 30.1; Cass. Dio 55.8.7; Lott (2004) 90.

⁴²⁷ This altar is also depicted on the front page of this thesis. More information on and/or pictures of this altar can be found in: Lott (2004) 142-144; Petersen (2015) 220-221; Clarke (2003) 81-82.

⁴²⁸ Lott (2004) 90.

⁴²⁹ Lott (2004) 168.

⁴³⁰ Robinson (1992) 105.

⁴³¹ Cass. Dio 55.8.6-7; Lott (2004) 168.

⁴³² Primary sources on the *vigiles*: Strabo 5.3.7; Suet. *Aug.* 25.2, 30.1; App. *B. Civ.* 5.132; Cass. Dio 55.26.4; D.1.15.1-3.pr (Paulus and Ulpian). See also Robinson (1992) 106-110; Lott (2004) 168.

were paid from the public treasury (*aerarium*). The size of the cohorts has been disputed, but perhaps consisted of 500 men each – based on the size of cohorts of the Roman legions.⁴³³ The patrolling during the night included the use of the nose and the smelling of smoke, which, if we may believe the jokes of Seneca the Younger and Tertullian, had led to some crashed dinner-parties when the *vigiles* smelled smoke; Seneca mentioned a ‘brighter fire’, but luckily ‘not the kind that generally bursts from the kitchen chimneys of the rich and scares the watch [*vigiles*]’.⁴³⁴

The *vigiles*, unlike the *Augustales* and *vicomagistri*, was a job for which freedmen were paid and it does not seem to have given them the same prestige or social prominence as the other two roles. It thus may have attracted the less wealthy freedmen – who could not afford to set up dedications or to repair buildings and who needed payment for their work. As such, at least in Rome, they were given an outlet, as well as the wealthier freedmen. On top of that, this job, perhaps most clearly of the three roles, showed a concern for a hierarchy of statuses, though mainly after Augustus’ reign. During the reign of Tiberius, the *Lex Visellia* of 24 CE allowed Junian Latins to receive Roman citizenship after serving as *vigiles* for six years.⁴³⁵ Shortly after, the senate reduced this to three years of serving. Two things stand out. First of all, that Junian Latins apparently were allowed to serve as *vigiles*. This group of freedmen is, as mentioned in chapter 2, quite indiscernible in the primary sources – apart from the legal sources. Being able to serve as *vigiles* meant they were thus allowed to participate in society as such. Whether this meant they were also allowed to become *Augustales* or *vicomagistri* remains uncertain. A second thing that stands out, is that becoming *vigiles* had become a viable option of achieving Roman citizenship. A Junian Latin did not need to wait until they were thirty years, or to go through the legal steps of proofing good reason; they could now achieve Roman citizenship in quite a short period of time. Once again, by acting or behaving correctly, it was possible to achieve Roman citizenship, in similar fashion to *Augustales* and *vicomagistri* who were able to gain social prominence – instead of citizenship – through appropriate behaviour.

Conclusion

During the reign of Augustus, emphasis was put on distinguishing social classes from one another. The Augustan *Lex Theatralis* of 20 BCE, for example, focussed on proper seating arrangements in theatres and amphitheatres and placed senators in the front, while when Augustus heard that some foreign ambassadors were freedmen, he banned them from sitting in the best seats.⁴³⁶ Senators, furthermore, were prohibited by the “*Lex Julia et Papia*” from marrying freedwomen, and the Augustan manumission laws created a hierarchy of freedmen. This coincides with the transformation of Roman citizenship from an “active” to a “passive” one. The value of this transformed citizenship had to be upheld by creating an ostensible discriminate citizenship even though citizenship was greatly extended throughout the Roman Empire. This concern for distinguishing between social classes and “protecting” Roman citizenship was reflected in the Augustan manumission laws. Even though freedmen were restricted by these laws, new roles were created through which they could gain social prominence or Roman citizenship and actively participate in society.

⁴³³ Short oversight of the discussion in: Robinson (1992) note 83.

⁴³⁴ Sen. *Ep.* 64.1-2; Tert. *Apol.* 39.15.

⁴³⁵ Gai. *Inst.* 1.32b.

⁴³⁶ Suet. *Aug.* 44; Fagan (2011) 105-106.

Conclusion

The *Lex Junia*, *Lex Fufia Caninia*, and *Lex Aelia Sentia* have been at the centre of an almost century-long debate concerning their aims. Answers have ranged from limiting manumission, to providing more recruits for the army, to freedmen causing ideological problems which needed to be solved. However, no cogent motives had been found. Therefore, in this thesis, I have studied what the motives were for issuing these laws and what impact these laws had on Roman society. I have examined the laws both individually and jointly, and have incorporated them into their historical context. The interaction between Roman society, the context and these laws has proven to be crucial in determining what their aims were, because the historical context influenced the creation of these laws and the manumission laws in turn impacted society.

To this end, chapter 1 discussed the – immediately preceding – context into which the Augustan manumission laws were issued. After a long period of civil war and unrest in which some freedmen found their way to high political positions, Augustus made a clean break from (t)his past and set out to “restore” the Republic. Within the framework of “restoring” morality and ancient customs he issued the moral legislation: encouraging marriage and procreation, creating a moral elite, and emphasizing the distinction between social classes. I have argued that this context provided the immediate backdrop for the issuing of the manumission laws and that the increased emphasis on social hierarchy, which influenced the moral legislation to a great extent, also greatly affected the creation of the Augustan manumission laws.

The second chapter argued that the three laws showed great concern for social hierarchy and mainly aimed to make attaining Roman citizenship harder. Freedmen were divided into a three-tier hierarchy of *dediticii*, Junian Latins, and freedmen with citizenship. Roman citizenship could now only be attained when complying and measuring up to strict regulations. I have furthermore argued against the notion of several modern scholars that the manumission laws aimed to protect Roman citizenship from “immoral” and “underserving” slaves and freedmen, which they based on elite Roman literary sources. Such “bad” slaves and freedmen were a recurrent theme in literary sources throughout Rome’s history and this *topos* was often used in order to discredit the reputation of a patron or emperor. “Undeserving” freedmen were thus not the reason the manumission laws aimed to protect citizenship.

In the third chapter, I have argued that the focus of the Augustan manumission laws on distinguishing between the social classes was connected to the transformation of Roman citizenship. Citizenship became passive and in order to maintain its attraction and appeal, citizenship had to be perceived as difficult to attain. As such, the manumission laws made it harder to receive Roman citizenship for freedmen and thus helped to protect the value of citizenship.

This thesis, as mentioned above, has combined the legal sources and their historical context, and has focussed on the interaction between them and between them and Roman society. By means of this method, I was able to contribute to the century-long debate about the motives of the manumission laws, because I have shown that the three laws were

intertwined with the changes occurring in Roman society and that they were part of a response to these changes. Whereas before, scholars often tried to find answers in specific events, I was able to demonstrate that the manumission laws did not have a clearly demarcated cause by incorporating them into their broader context. Chapter 3, for example, demonstrated how the need arose during the reign of Augustus to transform Roman citizenship, which in turn led to a focus on distinction between the social classes. This focus on distinguishing was furthermore supported by my critical reading of the three laws in chapter 2 and by my comparison of the manumission laws to the moral legislation of Augustus. Both bodies of law showed a great concern for social hierarchy – as well as other laws – which indicated that a broader context influenced the creation of these laws: the focus on the moral Roman past and the “new” Roman citizenship.

As such, I was able to deduce what the motives behind the issuing of the Augustan manumission laws were. The three laws, without taking into account their context, mainly made it more difficult to attain Roman citizenship for slaves. By incorporating these laws into their context, it became clear that they were a result of the chaotic civil wars following the First and Second Triumvirates. These civil wars in turn prompted Augustus’s so-called restoration of the Republic. This “restoration” included references to the moral Roman past, which, as Augustus portrayed it, had degraded and needed to be reinstated. Legislation was one way of doing this. Therefore, legislation was introduced that focussed on the distinction between the social classes during the Augustan period. Among them were the moral legislation, the *Lex Theatralis*, and the Augustan manumission laws. The latter, because freedmen had to be addressed as well, as they constituted a large part of Roman society. They had to be put back in their “traditional” position even though the manumission laws clearly deviated from the past. The cause of the Augustan manumission laws should thus not be searched for in specific situations prior to their issuing. Rather, they were part of a response to historical developments which culminated during the reign of Augustus, as Augustus strove to preserve the distinguishing status of Roman citizenship by making it seem like he limited the number of citizens. The manumission process had to be seen as discriminate: only the most “deserving” slaves and Junian Latins would now be able to attain Roman citizenship.

Further research should focus on the interconnectedness of Roman society and Roman law and on the broad connection between laws during the Augustan period. In this thesis, I have already compared the Augustan manumission laws to the moral legislation and I have also mentioned the *Lex Theatralis*, because these laws showed an overarching concern for social status which in turn was connected with Augustan politics. Roman laws were not self-contained, but interacted with society; to what extent and in what ways needs to be examined per law, as this will lead to a broader understanding of both Roman law and Roman society. Oftentimes, legal historians and historians remain within their own field of expertise, but law and society were interconnected and should not solely be researched separately.

Translations

Translations taken from Loeb, unless stated otherwise.

Literary sources

Cassius Dio, *Roman History*

Transl. Earnest Cary. 1914.

Cicero, *De oratore*

Transl. E.W. Sutton. 1942.

Cicero, *Pro Flacco*

Transl. C. MacDonald. 1976.

Cicero, *Pro Rabirio Perduellionis Reo*

Transl. H. Grose Hodge. 1927.

Codex Justinianus

Transl. S.P. Scott. 1932. *Civil Law Including the Twelve Tables, the Institutes of Gaius the Rules of Ulpian, the Opinions of Paulus, the Enactments of Justinian, and the Constitutions of Leo, Cincinnati.*

Digesta

Transl. Alan Watson. 1985. *The Digest of Justinian*, Philadelphia.

Dionysius of Halicarnassus, *Roman antiquities*

Transl. Earnest Cary. 1937.

Gaius, *Institutes*

Transl. W.M. Gordon and O.F. Robinson. 1988. *The Institutes of Gaius*, London.

Historia Augusta, *Severus Alexander*

Transl. David Magie. 1924.

Horace, *Epodi*

Transl. Niall Rudd. 2004.

Livy, *Ab urbe condita*

Transl. Evan T. Sage. 1938.

Plautus, *Faeneratrix*

Transl. Wolfgang de Melo. 2013.

Plautus, *Persa*

Transl. Wolfgang de Melo. 2011.

Pliny, *Epistulae*

Transl. Betty Radice. 1969.

Propertius, *Elegiae*

Transl. G.P. Goold. 1990.

Seneca the Elder, *Controversia*

Transl. Michael Winterbottom. 1974.

Seneca the Younger, *Epistulae*

Transl. Richard M. Gummere. 1917.

Suetonius, *Divus Augustus*

Transl. J.C. Rolfe. 1914.

Suetonius, *De Grammaticis*

Transl. J.C. Rolfe. 1914.

Tacitus, *Annales*

Transl. Clifford H. Moore and John Jackson. 1931.

Terentius, *Phormio*

Transl. John Barsby. 2001.

Ulpian, *Liber Singularis Regularum*

Transl. S.P. Scott. 1932. *Civil Law Including the Twelve Tables, the Institutes of Gaius the Rules of Ulpian, the Opinions of Paulus, the Enactments of Justinian, and the Constitutions of Leo*, Cincinnati.

Velleius Paterculus, *Historiae Romanae*

Transl. Frederick W. Shipley. 1924.

Inscriptions

Edict of an urban praetor, *AE* (2006) 305

Transl. Alison E. Cooley and M.G.L. Cooley. 2014. *Pompeii and Herculaneum: A Sourcebook*, Abingdon.

Local decree of 31 BCE (mentioning the freedman Monimus), *CIL* 14.02466

Transl. Henrik Mouritsen. 2011. *The Freedman in the Roman World*, Cambridge.

Philip V of Macedon (a letter to the city Larisa), *SIG³* 543

Transl. Roger Bagnall and Peter Derow. 2004. *The Hellenistic Period: Historical Sources in Translation*, Malden.

Res Gestae Divi Augusti

Transl. Alison E. Cooley. 2009. *Res Gestae Divi Augusti: Text Translation, and Commentary*, Cambridge.

Bibliography

- Atkinson, Kathleen M.T. 1966. 'The Purpose of the Manumission Laws of Augustus' *The Irish Jurist* 1, 356-374.
- Bagnall, Roger and Peter Derow. 2004. *The Hellenistic Period: Historical Sources in Translation*, Malden.
- Bell, Sinclair and Teresa Ramsby. 2012. 'Introduction', in *Free At Last!: The Impact of Freed Slaves on the Roman Empire*, eds. Teresa Ramsby, Sinclair Bell. London, 1-23.
- Berger, Adolf. 1991. *Encyclopedic Dictionary of Roman Law*, Philadelphia.
- Borbonus, Dorian. 2014. *Columbarium Tombs and Collective Identity in Augustan Rome*, Cambridge.
- Bouvrie, Synnøve des. 'Augustus' Legislation on Morals. Which Morals and what Aims?', *Symb. Osl.* 49, 93-113.
- Bradley, Keith. 1994. *Slavery and Society at Rome*, Cambridge.
- Buckland, William Warwick. 1970. *The Roman Law of Slavery*, Cambridge.
- Clarke, John R. 2003. *Art in the Lives of Ordinary Romans. Visual Representation and Non-elite Views in Italy, 100 B.C. – A.D. 315*, Berkeley.
- Cohen, David. 1991. 'The Augustan Law on Adultery: The Social and Cultural Context', in *The Family in Italy. From Antiquity to the Present*, eds. David I. Kertzer, Richard P. Saller. New Haven, 109-126.
- Coles, Amanda. 2017. 'Between Patronage and Prejudice: Freedman Magistrates in the Late Roman Republic and Empire', *TAPA* 147, 179-208.
- Cooley, Alison E. and M.G.L. Cooley. 2014. *Pompeii and Herculaneum: A Sourcebook*, Abingdon.
- Crawford, M.H. 1996. 'General Introduction', in *Roman Statutes*, ed. M.H. Crawford. London, 1-38.
- Croom, Alexandra. 2010. *Roman Clothing and Fashion*, Stroud.
- Demaille, Julien. 2008. 'Les P. Anthestii: une famille d'affranchis dans l'élite municipale de la colonie romaine de Dion', in *La Fin du statute servile? Affranchisement, liberation, abolition* 1, ed. Antonio Gonzales. Besançon, 185-202.
- Duff, A.M. 1958 [1928]. *Freedmen in the Early Roman Empire*, Cambridge.
- Du Plessis, Paul. 2010. *Borkowski's Textbook on Roman Law*, Oxford.
- Eck, Werner. 2019. 'At Magnus Caesar, and Yet!: Social Resistance against Augustan Legislation', in *The Alternative Augustan Age*, eds. Kit Morrell, Josiah Osgood, Kathryn Welch. Oxford, 78-95.
- Eder, Walter. 2005. 'Augustus and the Power of Tradition', in *The Cambridge Companion to the Age of Augustus*, ed. Karl Galinsky. Cambridge, 13-32.
- Eder, Walter. 1990. 'Augustus and the Power of Tradition: The Augustan Principate as Binding Link between Republic and Empire', in *Between Republic and Empire. Interpretations of Augustus and His Principate*, eds. Kurt A. Raaflaub, Mark Toher. Berkely, 71-122.
- Edwards, Catharine. 1993. *The Politics of Immorality in Ancient Rome*, Cambridge.

- Evans, Richard J. 1997. 'The Augustan 'Purge' of the Senate and the Census of 86 BCE', *Acta Classica* 40, 77-86.
- Fabre, Georges. 1981. *Libertus: Recherches sur les Rapports Patron-Affranchi à la Fin de la République Romaine*, Paris.
- Fagan, Garrett G. 2011. *The Lure of the Arena: Social Psychology and the Crowd at the Roman Games*, Cambridge.
- Ferenczy, Endre. 1982. 'Rechtshistorische Bemerkungen zur Ausdehnung des römischen Bürgerrechts und zum *ius Italicum* unter dem Prinzipat', *ANRW* 2.14, 1017-1058.
- Galinsky, Karl. 2012. *Augustus. Introduction to the Life of an Emperor*, Cambridge.
- Galinsky, Karl. 1981. 'Augustus' Legislation on Morals and Marriage', *Philol.* 125 (issue 1), 126-144.
- Gardner, Jane F. 1993. *Being a Roman Citizen*, London.
- Gardner, Jane F. 1991. 'The Purpose of the Lex Fufia Caninia', *Echos du Monde Classique: Classical Views* 35, 21-39.
- Garnsey, Peter and Richard Saller. 1987. *The Roman Empire: Economy, Society and Culture*, Los Angeles.
- Gruen, Erich S. 2005. 'Augustus and the Making of the Principate', in *The Cambridge Companion to the Age of Augustus*, ed. Karl Galinsky. Cambridge, 33-52.
- Guarino, Antonio. 2001. *Diritto Privato Romano*, Naples.
- Halsall, Guy. 2007. *Barbarian Migrations and the Roman West, 376-568*, Cambridge.
- Hirt, Marguerite. 2018. 'In Search of Junian Latins', *Historia* 67, 288-312.
- Jewell, Evan. 2019. '(Re)moving the Masses: Colonisation as Domestic Displacement in the Roman Republic', *Humanities* 8 (issue 2), 1-41.
- Kaser, M. 1975. *Das Römische Privatrecht* 2, München.
- Kaser, M. 1971. *Das Römische Privatrecht* 1, München.
- Kaser, M. and F.B.J. Wubbe. 1971. *Romeins Privaatrecht*, Zwolle.
- Kirbihler, François. 2007. 'P. Vedius Rufus, père de P. Vedius Pollio', *ZPE* 160, 261-271.
- Klees, Hans. 2002. 'Die römische Einbürgerung der Freigelassenen und ihre naturrechtliche Begründung bei Dionysios von Halikarnassos', *Laverna* 13, 91-117.
- Kleijwegt, Marc. 2009. 'Creating New Citizens: Freed Slaves, the State and Citizenship in Early Rome and under Augustus', *European Review of History* 16 (no.3), 319-330.
- Koops, Egbert. 2014. 'Masters and Freedmen: Junian Latins and the Struggle for Citizenship', in *Integration in Rome and in the Roman World*, eds. G. de Kleijn, Stéphane Benoist. Leiden, 105-126.
- Koops, Egbert. 2012. 'Second-Rate Citizens: Junian Latins and the *Constitutio Antoniniana*', *MJECL* 19, 223-239.
- Laird, Margaret. 2015. *Civic Monuments and the Augustales in Roman Italy*, New York.
- Lamp, Kathleen S. 2013. *A City of Marble: The Rhetoric of Augustan Rome*, Columbia.
- López Barja de Quiroga, Pedro. 1998. 'Junian Latins: Status and Number', *Athenaeum* 86, 133-163.
- Lott, J. Bert. 2004. *The Neighbourhoods of Augustan Rome*, Cambridge.
- Lovato, Andrea, Salvatore Puliatti, and Laura Solidoro. 2017. *Diritto Privato Romano*, Turin.
- MacLean, Rose. 2018. *Freed Slaves and Roman Imperial Culture*, Cambridge
- McGinn, Thomas A. J. 1998. *Prostitution, Sexuality, and the Law in Ancient Rome*, Oxford.
- Mette-Dittmann, Angelika. 1991. *Die Ehegesetze des Augustus: eine Untersuchung im Rahmen der Gesellschaftspolitik des Princeps*, Stuttgart.

- Mouritsen, Henrik. 2016. 'Manumission', *The Oxford Handbook of Roman Law and Society*, eds. Paul J. Du Plessis, Clifford Ando, Kaius Tuori. Oxford, 402-413.
- Mouritsen, Henrik. 2013. 'Slavery and Manumission in the Roman Elite: A Study of the *Columbaria* of the Volusii and the Statilii', in *Roman Slavery and Roman Material Culture*, ed. Michele George. London, 43-68.
- Mouritsen, Henrik. 2011. *The Freedman in the Roman World*, Cambridge.
- Mouritsen, Henrik. 1998. *Italian Unification. A Study in Ancient and Modern Historiography*, London.
- Noy, David. 2000. *Foreigners at Rome: Citizens and Strangers*, London.
- Ostrow, S.E. 1990. 'The *Augustales* in the Augustan Scheme', in *Between Republic and Empire. Interpretations of Augustus and His Principate*, eds. Kurt A. Raaflaub, Mark Toher. Berkeley, 364-379.
- Petersen, Lauren Hackworth. 2015. "'Arte Plebea" and Non-elite Roman Art', in *A Companion to Roman Art*, ed. Barbara E. Borg. Chichester, 214-230.
- Pölönen, Janne. 2016. 'Framing "Law and Society" in the Roman World', in *The Oxford Handbook of Roman Law and Society*, eds. Paul J. Du Plessis, Clifford Ando, Kaius Tuori. Oxford, 8-17.
- Rawson, Beryl. 1986. 'The Roman Family', in *The Family in Ancient Rome: New Perspectives*, ed. Beryl Rawson. New York, 1-57.
- Riggsby, Andrew M. 2010. *Roman Law and the Legal World of the Romans*, Cambridge.
- Robinson, O.F. 1992. *Ancient Rome: City Planning and Administration*, London.
- Salway, Benet. 2010. 'Mancipium rusticum sive urbanum: the Slave Chapter of Diocletian's Edict on Maximum Prices', *BICS* 109, 1-20.
- Scheid, John. 2009. 'To Honour the Princeps and Venerate the Gods: Public Cult, Neighbourhood Cults, and Imperial Cult in Augustan Rome', in *Augustus*, ed. Jonathan Edmondson. Edinburgh, 275-299.
- Scheidel, Walter. 2011. 'The Roman Slave Supply', in *The Cambridge World History of Slavery*, eds. Keith Bradley, Paul Cartledge. Cambridge, 287-310.
- Shaya, Josephine. 2013. 'The Public Life of Monuments: The *Summi Viri* of the Forum of Augustus', *AJArch.* 117 (no.1), 83-110.
- Sherwin-White, A.N. 1973. *The Roman Citizenship*, Oxford.
- Sirks, A.J.B. 2012. 'The Purpose of the Lex Fufia Caninia', *ZGR* 129, 549-553.
- Sirks, A.J.B. 1983. 'The Lex Junia and the Effects of Informal Manumission and Iteration', *RIDA* 30, 211-292.
- Sirks, A.J.B. 1981. 'Informal Manumission and the Lex Junia', *RIDA* 28, 247-276.
- Starace, P. 2006. *Lo statuliber e l'adempimento fittizio della condizione: Uno studio sul favor libertatis fra tarda repubblica ed eta antonina*, Bari.
- Temin, Peter. 2013. *The Roman Market Economy*, Princeton.
- Treggiari, Susan. 1969. *Roman Freedmen During the Late Republic*, Oxford.
- Trimble, Jennifer. 2016. 'The Zoninus Collar and the Archaeology of Roman Slavery', *AJArch.* 120 (no.3), 447-472.
- Vermote, Kristof. 2016. 'The Macula Servitutis of Roman Freedmen. Neque enim aboletur turpitude, quae postea intermissa est?', *RBPH* 94, 131-164.
- Wallace-Hadrill, Andrew. 2009. 'Family and Inheritance in the Augustan Marriage Laws', in *Augustus*, ed. Jonathan Edmondson. Edinburgh, 250-274.
- Wardle, David. 2015. 'Suetonius on the Legislation of Augustus (*Aug 34*)', *Fundamina* 21 (issue 1), 185-204.

Watson, Alan. 1987. *Roman Slave Law*, Baltimore.

Weaver, Paul. 1997. 'Children of Junian Latins', in *The Roman Family in Italy: Status, Sentiment, Space*, eds. Beryl Rawson, Paul Weaver. Oxford, 55-72.

Wiedemann, Thomas and Jane F. Gardner. 1991. *The Roman Household: A Sourcebook*, London.