Politicising Manumission and Freedmen in the Late Roman Republic and the Augustan Principate

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DECLARATION

This thesis is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the Preface and specified in the text. It is not substantially the same as any work that has already been submitted, or is being concurrently submitted, for any degree, diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the preface and specified in the text. It does not exceed the prescribed word limit for the relevant Degree Committee.

ABSTRACT

Enslaved and formerly enslaved persons were an integral part of Roman society. Our surviving sources, however, paint a deeply hostile view of freedmen in particular and this warped representation of reality has often been accepted by scholars without further examination.

This thesis argues that we can only fully understand the socio-political realities of freedmen during the Late Roman Republic and the Augustan Principate by reinterpreting the literary and legal evidence and critically questioning the distorted narratives presented by our biased sources. This reassessment is in line with recent developments in two areas of Roman studies. First, recent work in Roman demography strongly suggests that Romans did not free nearly as many slaves as has often been thought. Second, there is an increasing awareness that many politically active and influential freedmen were attached not only to the traditional political class but also to wealthy patrons outside of the senatorial elite.

By examining each episode in its immediate socio-political context, this thesis shows that very few political actions in relation to freedmen during the Late Republic and the Augustan Principate were concerned with the level of manumission or the number of freedmen in and of itself. Republican legislators were far more interested in wealthy freedmen with wealthy patrons and how they were connected to and mobilised by the political centre. On the other hand, Augustus' legislation was concerned with how to integrate freedmen and their patrons into the imperial regime, both ideologically and pragmatically.

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CITATIONS, TRANSLATIONS, AND ABBREVIATIONS

All ancient texts are cited from the *Loeb Classical Library* except those listed in the Bibliography. The ancient texts are cited in-text according to the *Oxford Classical Dictionary 4th Edition* abbreviations where available or else are cited in an unambiguous abbreviated form. Inscriptional evidence is provided with CIL numbers along with those of major concordances where available. Provincial coins are provided with their RPC numbers from the University of Oxford's *Roman Provincial Coinage* database. Papyri are provided with their HGV numbers from the University of Heidelberg's *Heidelberger Gesamtverzeichnis* database. Extended quotations in Latin and Greek are translated. All translations in this thesis are mine unless otherwise stated.

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INTRODUCTION

Whilst narrating the reign of Servius Tullius, Dionysius of Halicarnassus contrasts the allegedly sensible manumissions of slaves in Rome's regal period and the apparently corrupt manumissions of his own age. Disgusted with the degeneration of the practice of manumission, Dionysius exhorts those in power to check the wanton freeing of undeserving slaves (Dion. Hal. 4.24.7–8).

> In our time this is no longer so, but the matter has come to such confusion and the good [customs] of the Roman state have become so dishonoured and debased, that those who gained their wealth through robbery, housebreaking, prostitution, and all other base methods purchase their freedom with this money and are at once Romans. Others, co-conspirators and accomplices of their owners in poisonings, murders, and crimes against the gods or commonwealth, receive this favour [of freedom] from them. Some [were freed] in order to receive the monthly grain dole given by the public or if some other handout was distributed by the leading men to those needy amongst the citizens, [so that] they then would bring it to those who had given them their freedom. And others [were freed] due to the levity of their owners and their vain thirst for fame. I personally know of some who, after their deaths, allowed all their slaves to become free so that, when dead, they could be called good [men] and that many would follow their funeral biers wearing liberty caps on their heads: amongst those in such processions, as heard from those in the know, were evildoers just out of prison, who had committed [crimes] worthy of countless deaths (Dion. Hal. 4.24.4–6).[1]

Dionysius was certainly not a lone voice of disapproval. Our historical records paint a highly negative picture of formerly enslaved persons in Rome. As the Roman state grew in size and wealth, they report, there was a drastic increase in the number of slaves and freed slaves in Roman society. The ancient authors, seemingly corroborated by the inscriptional evidence, recount an excessive freeing of slaves, particularly during the Late Republic and the Early Principate, which led to urban centres, especially the city of Rome, being overloaded by

[1]'Ἀλλ᾽ οὐκ ἐν τοῖς καθ᾽ ἡμᾶς χρόνοις οὕτω ταῦτ᾽ ἔχει, ἀλλ᾽ εἰς τοσαύτην σύγχυσιν ἥκει τὰ πράγματα καὶ τὰ καλὰ τῆς Ῥωμαίων πόλεως οὕτως ἄτιμα καὶ ῥυπαρὰ γέγονεν, ὥσθ᾽ οἱ μὲν ἀπὸ λῃστείας καὶ τοιχωρυχίας καὶ πορνείας καὶ παντὸς ἄλλου πονηροῦ πόρου χρηματισάμενοι τούτων ὠνοῦνται τῶν χρημάτων τὴν ἐλευθερίαν καὶ εὐθύς εἰσι Ῥωμαῖοι· οἱ δὲ συνίστορες καὶ συνεργοὶ τοῖς δεσπόταις γενόμενοι φαρμακειῶν καὶ ἀνδροφονιῶν καὶ τῶν εἰς θεοὺς ἢ τὸ κοινὸν ἀδικημάτων ταύτας φέρονται παρ᾽ αὐτῶν τὰς χάριτας· οἱ δ᾽ ἵνα τὸν δημοσίᾳ διδόμενον σῖτον λαμβάνοντες κατὰ μῆνα καὶ εἴ τις ἄλλη παρὰ τῶν ἡγουμένων γίγνοιτο τοῖς ἀπόροις τῶν πολιτῶν φιλανθρωπία φέρωσι τοῖς δεδωκόσι τὴν ἐλευθερίαν· οἱ δὲ διὰ κουφότητα τῶν δεσποτῶν καὶ κενὴν δοξοκοπίαν. ἔγωγ᾽ οὖν ἐπίσταμαί τινας ἅπασι τοῖς δούλοις συγκεχωρηκότας εἶναι ἐλευθέροις μετὰ τὰς ἑαυτῶν τελευτάς, ἵνα χρηστοὶ καλῶνται νεκροὶ καὶ πολλοὶ ταῖς κλίναι αὐτῶν ἐκκομιζομέναις παρακολουθῶσι τοὺς πίλους ἔχοντες ἐπὶ ταῖς κεφαλαῖς· ἐν οἷς ἐπόμπευόν τινες, ὡς ἦν παρὰ τῶν ἐπισταμένων ἀκούειν, ἐκ τῶν δεσμωτηρίων ἐξεληλυθότες ἀρτίως κακοῦργοι μυρίων ἄξια διαπεπραγμένοι θανάτων'.

destitute ex-slaves, burdening the Roman state with their reliance on the grain dole and threatening socio-political stability due to their overeagerness to support whichever populist demagogue was willing to champion their cause. The moral outrage of the ancient narratives, typified by Dionysius' comments, has informed much of the traditional scholarly understanding of the socio-political realities of freed slaves in Rome.

Traditional Views

Without a doubt, Rome was one of the largest and most enduring slave societies in human history. Rome and Classical Athens stand as the only two ancient societies that met Moses Finley's criteria for a 'slave society'.[2] Rome, however, differentiates itself from many other ancient Mediterranean societies, particularly those of Classical Greece, in its practice of manumission. Although a Roman freedman suffered some socio-legal obstacles, such as the inability to run for public office or, bar in emergencies, to serve in the legions, he was considered *civis sui iuris* and possessed most rights afforded to citizens, including the *ius commercii*, the *ius conubii*, and the *ius suffragii*.

Due to their importance in Roman society, slaves and freed slaves have naturally caught the attention of scholars. Demographers since the nineteenth century have attempted to reconstruct slave numbers.[3] Adolphe De La Malle suggested that Rome in the late third century BCE had around two and a half million freeborn and slaves each, with a negligible number of freedmen.[4] William Blair estimated that, under Claudius, there were twenty-one million slaves to seven million free individuals, a 3:1 ratio.[5] These excessively high slave counts were quickly rejected and Julius Beloch was the first to put forward the enduring model that a third of the population of Late Republican and Augustan Italy was enslaved (two million out of six million).[6] This model dominated for the better part of the twentieth century, with Peter Brunt, Orlando Patterson, Keith Bradley, and Finley, despite drastically disagreeing on the actual number, all concluding that slaves comprised between 30–40% of the population of Late Republican and Early Principate Italy.[7]

Drawing on certain key pieces of literary evidence, many earlier demographers argued that this high level of enslavement drove the displacement of freeborn, particularly rural,

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[2] Finley 1998, 147–150, cf. Scheidel 2012, 89. See Lenski 2018 for a critique of the 'slave society' model.
[3] For a summary of scholarship on slave numbers in Rome, see Scheidel 2005, 64–66.
[4] De La Malle 1840, esp. 289ff.
[5] Blair 1883, 15–16.
[6] Beloch 1886, 415–418.
[7] Brunt 1971, 124; O. Patterson 1982, 354–358 (Appendix C); K. Bradley 1994, 12; Finley 1998, 148.

Romans and, as a result, the Roman citizen population suffered a catastrophic collapse in the Late Republic (App. *B Civ*. 1.7).[8] Yet, despite this apparent shrinkage of the freeborn population, demographic models constructed out of evidence such as surviving census records, colonisation statistics, and the number of grain dole recipients suggest that the overall citizen body still grew healthily – therefore, the replacement population must have come from somewhere. In his influential work on Roman demography, Brunt argues that frequent manumission was the logical solution: 'the enfranchisement of (…) slaves certainly swelled the size of the citizen body, but this increase only concealed a considerable diminution in the old Italian stock'.[9]

Indeed, Romans were thought to have been very liberal in freeing their slaves. Scholars have pointed to a noticeable increase in the number of inscriptions from Rome from the second half of the second century BCE onwards, in which the status of '*libertus/a'* is recorded. This epigraphical evidence reveals a high proportion of those who declared freed status, particularly in funerary epitaphs, compared to those who were unambiguously freeborn.[10] Scholars have also argued that, based on onomastics, even many of those who did not explicitly state status – *incerti* – were freed slaves.[11] Evidence from the Principate was also used to support such a view: a first-century CE *album* from Herculaneum seemingly suggests that over 60% of the adult male citizenry there were freed slaves.[12] In addition to this, as Géza Alföldy notes, many epitaphs of freed slaves from the early imperial period exhibit rather young ages; therefore, he contends on these grounds that, across much of Late Republican and Early Imperial Rome, it was almost certain that a slave would be manumitted in their lifetime, and rather young, too – often in their 20s or 30s.[13]

The conflux of a high level of enslavement, declining freeborn population, and regular manumission led to a model in which freed slaves were extremely numerous in Roman society by the Late Republic. The number of freed slaves until the Middle Republic was thought to have been relatively negligible. Paul Erdkamp estimates that, prior to the Punic Wars, the Roman citizenry was gaining 1,000 freedmen a year.[14] Howard Scullard similarly

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[8] Brunt 1971; Whittaker 1993, 281ff.
[9] Brunt 1971, 112.
[10] See particularly Alföldy 1972, 107ff.
[11] See López Barja De Quiroga 2018, 270ff. for a summary of scholarship on this point, particularly vis-à-vis Herculaneum.
[12] CIL 10.1403. On the *album* of Herculaneum and its demographic implications, see De Ligt and Garnsey 2012.
[13] Alföldy 1972, 114, cf. Watson 1987, 23, Weaver 1972, Weaver 1990, and J. Harper 1972.
[14] Erdkamp 2011, 64.

approximates that 1,350 slaves were manumitted per year around 209 BCE.[15] Matters rapidly changed after the Punic Wars. In his highly detailed analysis, Brunt determines that the urban population of the city of Rome was around 500,000 in 70 BCE and 750,000 by the end of the Republic, of which 100–200,000 were slaves and around 130,000 were freeborn citizens.[16] This implies that there were between 170,000 to 520,000 freed slaves in the city of Rome at the end of the Republic. In other words, Brunt proposes that the freed population outnumbered the freeborn population. Other relatively contemporaneous scholars largely concur – Jean Dumont estimates that over 50% of Rome's urban population might have been freed slaves even by the mid-second century BCE.[17]

Several pieces of literary evidence, particularly from or about the Late Republic, have also been used in favour of a high count of especially male freed slaves in the City. Upon being rebuked by the crowd when asked by C. Papirius Carbo (tr. pl. 131) for his opinion on the Gracchi's land redistributions, P. Cornelius Scipio Aemilianus famously exclaimed that he was speaking to a crowd '*quibus Italia noverca est*', which has been interpreted to suggest that many attendees at *contiones* were freedmen (Val. Max. 6.2.3). Cicero's declaration in *Pro Flacco* (59 BCE) that '*illarum nationum* (i.e. Eastern) *homines*' often disrupted *contiones* has been similarly interpreted (Cic. *Flacc*. 17).[18] In 58 BCE, so many slaves were allegedly manumitted to be placed onto the grain dole (recently made free by the tribune P. Clodius Pulcher) that Cn. Pompeius Magnus apparently needed to conduct a census just for them; this has also been argued as evidence in favour of a high count of urban freedmen in the Late Republic (Cass. Dio. 39.24, cf. Dion. Hal. 4.24.5).[19]

In his *Eighth Philippic*, delivered in 43 BCE, Cicero states that the State had suffered slavery for six years, longer than what slaves would typically endure; this was used as proof that Roman slaveowners were inclined to free their slaves after six years (Cic. *Phil*. 8.32).[20] Finally, as we have seen, Dionysius of Halicarnassus reports that he personally knew people who mass-freed their slaves in their wills, seemingly suggesting that testamentary manumissions had become very common by the Late Republic, creating masses of poor, patronless freed slaves (Dion. Hal. 4.24.6).[21]

[15] Scullard 1980, 357.
[16] Brunt 1971, 383–387.
[17] Dumont 1987, 57–82, cf. Frank 1916, Purcell 1994, and Purcell 1996.
[18] On this passage and the previous passage on Scipio Aemilianus, see Taylor 1949, 54 and Treggiari 1969, 8.
[19] Treggiari 1969, 16; López Barja De Quiroga 2008, 225; Taylor 2013, 145; López Barja De Quiroga 2023, 85.
[20] Manuwald 2007, 1028–9.
[21] Treggiari 1969, 27; Watson 1987, 29.

In sum, throughout most of the twentieth century, the scholarly consensus has been that Romans, particularly in the final two centuries of the Republic, not only owned substantial numbers of slaves but liberally freed them at rather young ages; this 'excessive' manumission, combined with the fact that the freeborn population failed to reproduce itself and relied on manumissions to replace the population, led to a persistent and influential demographic model whereby freed citizens were so numerous that they outnumbered freeborn citizens. Indeed, freed slaves were thought to have outnumbered free citizens to such an extent that the categories of urban plebeians and urban freedmen were often conflated. In the words of Nicholas Purcell, 'the history of the Roman *libertinus* is the history of the *plebs urbana* and the history of the city, socially, economically, and culturally'.[22]

This 'high count' of manumission and number of freed slaves fundamentally influenced how the role of freed slaves in the socio-political fabric of Rome was interpreted. Scholars of the early twentieth century often viewed the matter in a racial and racist way – the 'excessive' freeing of slaves literally corrupted the Roman body and Roman bloodline; the Roman Republic fell, essentially, due to race mixing.[23] Even when scholars stepped away from such an explicitly racialised lens, the often foreign background of former slaves was still highlighted – the excessive freeing of slaves, who brought with them all kinds of alien religions and cultures, caused serious socio-cultural friction with the freeborn population.[24] Scholars also believed that the tremendous burst of 'excessive' manumissions after Clodius' grain dole reform led to a dramatic increase in the number of freed slaves as slaveowners offloaded the upkeep of 'useless' slaves onto the State; this put severe pressure on the already strained public finances and increased food insecurity, exacerbating all the other issues from which the Republic was suffering.[25]

The most significant issue, however, was political. The fact that freed citizens outnumbered freeborn citizens in the City, if not amongst the entire citizen population, implied that, if unchecked, they could dominate the legislative assemblies. This resulted in an unending series of alleged attempts, from Ap. Claudius Caecus down to P. Clodius Pulcher, of 'populist' politicians trying to redistribute freedmen into more voting tribes in the *comitia tributa* and of 'conservative' politicians restricting them into as few tribes as possible.

[22] Purcell 1994, 662–663, cf. Purcell 1996, 797: 'the city population was in many ways the *plebs libertina*'.
[23] Frank 1916; Duff 1928; Barrow 1928; Last 1934.
[24] Treggiari 1969, *passim*.
[25] Treggiari 1969, 16; Gruen 1974, 436; Crook 1996, 103–104; López Barja De Quiroga 1998, 141; López Barja López Barja De Quiroga 2008, 225.

Furthermore, since the categories of freedmen and urban plebeians were often conflated, any political violence that involved the urban plebeians was automatically assumed to have been caused by freedmen, or at least that freedmen were deeply involved. As such, freed political violence was commonly seen as reaching its zenith in the Late Republic, such as during the Catilinarian conspiracy and the turbulent career of Clodius.[26]

With this multiplicity of problems plaguing the Roman state, caused by 'wanton' manumissions and the 'excessive' number of freed slaves, Augustus seemingly tried to mend the issue with a series of legislative efforts throughout his Principate: *Lex Iunia* (17 BCE),[27] *Lex Fufia Caninia* (2 BCE), and *Lex Aelia Sentia* (4 CE). Most scholars interpreted these laws straightforwardly as attempts to restrict manumission and to reduce the number of freed slaves in Roman society. In the words of Jane Gardner: 'the purpose of [these laws] is evident: namely to preclude the admission to citizen rights of undeserving or undesirable types'.[28] Although there was of course some scholarly dissent, this model of the demography of freed slaves and the subsequent political understanding of freedmen became the dominant, 'orthodox' view for the greater part of the twentieth century.

New Perspectives

Since the 1990s, Walter Scheidel has led the most sustained attack on the older model of slave numbers. Much of the previous scholarship, utilising what he has termed the 'top-down' method, assumes that Roman slaveowners were maximising all possible sources of slave supply. Furthermore, some older demographic models merely followed Beloch's conclusions as an 'anchoring point' without providing further evidence to support the actual numbers reached.[29] Scheidel instead deploys what he terms the 'bottom-up' method, by examining demand and carrying capacity instead of supply.[30]

Examining Roman agricultural handbooks, we see that Roman estate owners during the Late Republic and Early Principate did not regularly rely on large slave workforces.[31] Rather, they typically kept a small, enslaved skeleton crew to keep a farm or estate running throughout the year and hired free labour during busy periods such as harvesting or sowing

[26] Taylor 1949, 54; Levick 2015, 45ff.
[27] The contentious dating of the *Lex Iunia* will be explored further in the corresponding chapter.
[28] Gardner 1991, 22.
[29] See Lavan 2016.
[30] Scheidel 1997; 2005; 2008; 2011; 2012. For a criticism of Scheidel's 'bottom-up' approach, see Lo Cascio 2018, 142.
[31] Launaro 2011, 175–176.

seasons.[32] Cato the Elder, for example, recommends only sixteen permanent workers for a vineyard of 100 *iugera* and thirteen workers for an oliveyard of 240 *iugera* (Cat. *Agri*. 10–11). Columella also cautions against any over-utilisation of slaves, advising the use of free labour whenever possible (Columella, *Rust*. 1.7.6). In urban areas too, the use of slave labour was likely lower than previously assumed: for example, large-scale building projects often used free workers, not slaves.[33]

Furthermore, surviving census records from Roman Egypt in the first to third centuries CE show that only around 11% of the population there were slaves;[34] it is questionable whether Italian slaveowners held four times as many slaves as slaveowners in another relatively prosperous part of the Empire. Even permitting a reasonable increase in slaveholding for the Italian heartland, Scheidel argues for there being far fewer slaves in Roman Italy at the end of the Republic and the start of the Principate than traditionally assumed, both in raw numbers and as a percentage of the total population – around 10–20% of the population of Italy.[35] Scheidel later mildly revised that estimate to 15–25% of the Italian population, and about 10% of the total population across the Roman empire.[36]

Whilst Scheidel's numbers are not universally accepted – Jean Andreau and Paul Descat continue to argue for the higher percentage of 30–40%, for example[37] – they have been deeply influential since their proposal. Hunt tries to mediate between the 'top-down' and the 'bottom-up' counts of slaves by splitting the difference – 25% of the total Roman population.[38] Most current scholars concur with Scheidel's analysis, however.[39] By roughly calculating the number of citizens and free foreigners in the city of Rome, Neville Morley concludes that the remainder (i.e. slaves) likely made up 5–20% of the urban population in the City.[40] In the same volume, Elizabeth Herrmann-Otto establishes what might have been a reasonable replacement requirement for slaves each year – she subsequently concludes that slaves likely made up only around 5–10% of the urban population in the City.[41] Miles Lavan

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[32] Scheidel 2005, 16, cf. Hunt 2018, 59–60.
[33] Holleran 2011, 172–173.
[34] Bagnall and Frier 1994, 70, cf. Scheidel 2012, 89–92.
[35] See Scheidel 2005.
[36] Scheidel, 2011, 289; Scheidel 2012, 92.
[37] Andreau and Descat 2011, 51.
[38] Hunt 2018, 41.
[39] Launaro 2011, 175ff.; Temin 2013, 136; Kay 2014, 178–183.
[40] Morley 2013, 42.
[41] Herrmann-Otto 2013, 73.

allows a lower limit of slave numbers at 6% of Roman society overall in his demographic reconstructions.[42]

Whilst both the 'top-down' and the 'bottom-up' methods are only educated guesses at slave numbers, the former method has far less supporting evidence and the suggestion that slaveowners always maximised supply regardless of demand is economically unsound. Though the true scale of Roman slaveholding may forever escape us, this thesis accepts an estimated slave population between 10–20% of the Italian population by the end of the Republic, and perhaps a similar or slightly higher proportion for the city of Rome, to be a more realistic and defensible model than one that argues for a higher number.

Furthermore, the assumption that Romans regularly and 'excessively' freed their slaves has also increasingly come under attack. In response to the influential works of Alföldy, the overreliance on epigraphical evidence (and all its biases) has been thoroughly criticised. Thomas Wiedemann convincingly argues against the idea of 'automatic' manumission, stating that regular manumission was merely an ideal that was not often followed in practice.[43] In essence, freed slaves may have been over-represented in the epigraphical evidence due to a desire to commemorate themselves in a permanent fashion, possibly driven by their previously enslaved status.[44] The often young ages shown in freed slaves' funerary epitaphs may have been because deaths at the peak of youth were considered particularly tragic and thus more likely to have received some form of commemoration that would survive to the modern day.[45] Indeed, census data from Roman Egypt heavily suggest that female slaves tended to be freed in their forties or fifties, if they were ever freed, rather than in their twenties as suggested by epigraphical records.[46] Finally, it is unrealistic to make arguments about the entire population based on epigraphical records – at best, we could perhaps claim that freedmen may have been disproportionate amongst those who were wealthy enough to leave permanent forms of remembrance, not that they were the dominant social group amongst the entire Roman population. This phenomenon, called the 'freed epigraphic habit', is now a well-studied and acknowledged part of the study of Roman slavery.[47]

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[42] Lavan 2016, 19.
[43] Wiedemann 1985.
[44] J. Patterson 2000, 268–269; Mouritsen 2005, 55ff.; George 2006, 22ff.
[45] Scheidel 2010, 6.
[46] Harris 1999, 71; Scheidel 2005, 7; Scheidel 2011, 308. Columella suggests freeing female slaves only after they had produced at least 3 to 4 children (Columella, *Rust*. 1.8.19).
[47] Woolf 1996; Scheidel 2010, 6; Lloris 2015, 145; Bruun 2015, 483.

Moreover, the bulk of our epigraphical evidence regarding freedmen comes from the second and third centuries CE – we must be wary about assuming that any demographic information we can glean from this period is also applicable to previous centuries. Indeed, pieces of literary evidence from the breadth of Roman history were often deployed to determine the socio-political realities of freed slaves during the Late Republic and the Early Principate, if these two periods can even be conflated, let alone with later or earlier periods. Even then, if we do examine such a range of evidence, we still have numerous literary texts calling into question the alleged regularity of manumission. Columella, advising the reader on how to run a slave workforce, does not recommend manumission even for the overseer (*vilicus*) (Columella, *Rust*. 1.8.5). If a slave became unproductive, such as from illness or age, Cato the Elder suggests selling them, not manumitting them (Cat. *Agr*. 2.7). Similarly, Claudius was furious at slaveowners who abandoned sick or unproductive slaves at the shrine of Aesculapius and decreed that all such abandoned slaves were freed; he further declared that, should slaveowners try to circumvent this by killing the slaves rather than abandoning them, they would be charged with murder (Suet. *Claud*. 25). These pieces of evidence suggest that Roman slaveowners were inclined to abandon or even kill unproductive slaves, not to free them. Even in urban settings, where one might assume a higher level of manumission, it is likely that slaves were still freed far less regularly than presumed.[48] In one of his letters to his wife Terentia when he was in exile, Cicero recommends mass manumission only if his property could not be maintained in his exile and otherwise advises her to free only one slave, Orpheus, who had behaved well enough to warrant freedom (Cic. *Fam*. 14.4.4). Cicero's reluctance to manumit more than even a single slave during a time of extremity strongly questions whether Romans freed slaves as wantonly as previously assumed.[49] Seneca the Younger, in a letter to Lucilius, was struck by the weight of the inexorable progress of time when he saw a favoured slave, Felicio, weathered by old age (Sen. *Ep*. 12.2ff.). Though Seneca might have just been utilising Felicio to make a rhetorical point about ageing, the passage implies that it was not unexpected that even a favoured slave could reach old age and never be manumitted.[50]

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[48] Fitzgerald 2000, 87.
[49] Plutarch mentions one instance in which Cicero allegedly wantonly lavished freedom on a slave, Eros, when he reported to Cicero that a trial in which Cicero had to appear had been postponed for a day (Plut. *Mor.* 205.21). Even if this was a real event, Cicero's singular act of impulsive manumission was so anecdote-worthy that it was still recounted hundreds of years later.
[50] Mouritsen 2011a, 139.

In addition, almost all of our sources complaining about the ‘excessive’ freeing of slaves were written well into the imperial period, and often by those from a Greek background, such as Dionysius of Halicarnassus and Cassius Dio – both these factors should make us think twice before accepting their accounts of manumission and freed slaves in Rome uncritically. I will explore this point further as such sources become relevant.

Indeed, recent scholars have become more cautious about manumission rates. Edward Cohen states that the old model was ‘not mandated by historical sources’.[51] Scheidel does not argue for any exact figures but uses lower rates of manumission, 5–10% of slaves per year, in his various demographic computations. Henrik Mouritsen also refuses to commit to a concrete number, merely concluding that manumission was ‘both very common and very selective’, that ‘there seems to be sufficient evidence to conclude that manumission was very common’, but also that ‘the overall scale remained relatively small’.[52] We once again can only take an educated guess as to the true manumission rate, but the increasing realisation of the ambiguity of our ancient evidence has led to the revised belief that Roman slaveowners likely freed slaves far less regularly than has previously been assumed.

Finally, the reliability of demographic evidence upon which the older models were based, such as literary evidence, Polybian manpower figures, and census data, has been strongly questioned and the model suggesting that the freeborn population was collapsing and required the manumission of slaves to maintain the citizenry, typically called the ‘low count’, is no longer held as defensible in its original form. Recent supporters of the ‘low count’, such as Luuk De Ligt, re-form the theory by allowing for a modest natural growth in the free population.[53] The alternative ‘high count’, advocated most strongly by Elio Lo Cascio,[54] has the population of Roman Italy more than three times as numerous between 70 and 28 BCE than the ‘low count’ suggests.[55] Saskia Hin tries to mediate between the two theories and develops a ‘middle count’, arguing that Republican censuses counted all men *sui iuris* whilst the Augustan censuses counted all citizens *sui iuris*.[56] Of course, all three counts suffer from different problems and none of them dominates our demographic understanding of Rome.

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[51] Cohen 2023, 118.
[52] Mouritsen 2011a, 140–141.
[53] De Ligt 2012, cf. Scheidel 2004, esp. 5ff.
[54] Lo Cascio 1994; Lo Cascio 1999, 164–170; Lo Cascio 2018, esp. 140ff. See also a modified ‘high count’ theory by Launaro 2011, particularly 183ff., who argues for a higher rate of citizens in the provinces.
[55] For some summaries of the recent research into Roman demography, see De Ligt 2012, 5–39 and Hin 2013, 4ff.
[56] Hin 2008; Hin 2013.

None of the revised models, however, argue that the free population declined, but rather that it grew healthily during the Late Republic and was certainly not reinforced purely through manumission.

A high manumission rate would, then, be incompatible with a healthy growth in the freeborn population – if both phenomena were occurring, then we would expect the overall growth of the Roman citizenry to have been extremely high. Comparative demographic studies, however, suggest that Rome's citizenry grew at roughly the same rate as most populations in other ancient empires.[57] In addition, recent research also suggests that the rapid population growth in the city of Rome at the end of the Republic could have been achieved through migration of the rural freeborn and not necessarily through a high influx of slaves and subsequently freedmen.[58] The *album* from Herculaneum, even if it did record accurately a population that was dominated by slaves and freed slaves, likely reflected the situation in coastal, Campanian towns in the late first century CE, which was not necessarily analogous to the city of Rome.[59]

Therefore, our latest research in Roman demography is disinclined to support any of the three fundamental assumptions (high levels of enslavement, high levels of manumission, a collapsing freeborn population) upon which the high count of freedmen in Rome was based. Consequently, most scholars have turned away from former estimates whereby freed citizens outnumbered freeborn citizens. Claude Nicolet suggests that there might have been 200,000 freedmen[60] in the city of Rome by the end of the Republic, out of a possible population of one million.[61] Scheidel further revises the estimate down to 200,000 freedmen across all Italian urban centres in the first century BCE, though he does not provide an estimate for Rome itself.[62] Mouritsen and Morley both offer 100,000 freedmen in the city of Rome as an estimate for the Early Principate.[63] Laurens Tacoma suggests 60,000–135,000 freedmen in the City for the High Empire.[64] Herrmann-Otto argues for an even lower number, 50–70,000

[57] Scheidel 2008, 42–43, cf. Scheidel 2021.
[58] Jongman 2003; Holleran 2011; Erdkamp 2016.
[59] De Ligt and Garnsey 2012.
[60] It is unfortunate that many scholars do not clarify when they use the term 'freedmen' whether they are referring to male freed slaves or all freed slaves. As most scholars are discussing 'freedmen' in relation to the whole population of urban Rome, one presumes that they are referring to all freed slaves. For some studies on manumission and the differences between male and female freed slaves, see Weaver 1972, 99–100, 102, 173, Bagnall and Frier 1994, 71, De Ligt 2012, 73, 143, and M. Perry 2014.
[61] Nicolet 1994, 605.
[62] Scheidel 2005, 78.
[63] Mouritsen 2011a, 121; Morley 2013, 40.
[64] Tacoma 2016, 66–67.

freedmen, in the city of Rome at the start of the Principate.[65] Similarly, Pedro López Barja De Quiroga estimates that there were around 75,000 freedmen in the city of Rome by the Late Republic, which represent around 7.5–8% of his reconstructed total urban population of Rome.[66]

Once we cease to examine our evidence through the lens of a 'high count' of freedmen, we find that much of the literary evidence is more ambiguous than previously assumed. The speeches of Scipio Aemilianus and Cicero are rhetorical and can hardly be viewed as accurate reflections of the demographic situation in Rome. Cicero's claim in the *Philippics* was certainly a reference to the six years since Julius Caesar's crossing of the Rubicon, not a statement about the socio-political reality of freeing slaves.[67] The alleged mass manumissions after Clodius' grain dole reform in 58 BCE, most extensively attested by Cassius Dio, almost certainly did not occur at any noteworthy level, if they happened at all – I will refute Cassius Dio's account at length in Chapter Three. Whilst it is not impossible that some slaveowners mass-freed their slaves in their wills to augment the train of 'grateful' clients attending their funerals, Dionysius simply states that he knew 'some' (τινας) who did this, which reveals little about the actual scale of the practice. Interestingly, Justinian, in his *Codex*, condemns slaveowners who ask their slaves to put on their liberty caps (*pilei*) and pretend to be freedmen at their funerals without actually manumitting them, presumably to display their munificence without diminishing their estates (Just. *Cod*. 7.6.1.5). We remain unsure whether Justinian was criticising a new development or if this had been an enduring issue. Nevertheless, this raises the possibility that, beyond being rhetorical and exaggerative, Dionysius may also have just been mistaken. A more detailed examination of freeing slaves *testamento* will take place in Chapter Four, where Dionysius' picture will be strongly questioned.

There is little doubt that there was a growth in the number of freedmen, perhaps even a relatively drastic increase, over the course of the Republic and the Early Principate. The increased presence of freedmen obviously caused some consternation to certain members of the Roman elite. The rapid increase in the number of inscriptions mentioning freedmen can be explained by the freed 'epigraphic habit' only so much.[68] We have little concrete evidence

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[65] Herrmann-Otto 2013, 73.
[66] López Barja De Quiroga 2022, 381.
[67] Manuwald 2007, 1028–1029.
[68] The Clauss-Slaby database yields three inscriptions with a freed designation whilst the EDR has four prior to 150 BCE. Clauss-Slaby has 93 inscriptions mentioning freed persons dated to between the 150s BCE and 27

to provide anything more than educated guesses. Given that all the base assumptions sustaining the 'high count' of freedmen are shakier than we have previously realised, however, I believe that an approximation that 5–10% of the total population of the city of Rome were freed slaves by the end of the Republic is much more credible than previous estimates that freed slaves formed the majority of the citizen body there. As such, we need to approach the issue of freedmen and politics in the Late Republic and the Augustan Principate with these new demographic reconstructions in mind.

The traditional view, based upon earlier and erroneous demographic models, has created some insoluble contradictions in scholarly understandings of the socio-political realities of freed slaves. Susan Treggiari, in her influential work on Roman freedmen in the Late Republic, concludes that freedmen simultaneously became politically powerful as a distinct social class but at the same time were marginal to the politics of this period.[69] Likewise, freedmen were somehow a core component of the political violence of the Late Republic yet also played a minimal role. Andrew Lintott argues that, by the Late Republic, the poorer elements in the urban plebeians were likely 'split evenly' between 'men of Italian stock' and 'those recently manumitted'. He attributes the growth of Clodius' gangs to this 'developing imbalance between freedmen and freeborn'. Yet, he also concludes that the impact of freedmen 'on the history of violence can only have been marginal' without further elaboration.[70] In addition, the purported large number of destitute freedmen in the Late Republic, combined with an apparent freedom to support whichever 'populist' politician they wanted, seemingly suggests that freedmen must have become largely independent, with their patrons becoming unable or unwilling to exert patronal control or oversight, if such 'independent' freedmen were not patronless entirely.[71] Despite this, arguments were also made that, due to the chaos of the Late Republic and Civil War periods, patrons often could trust no one except their freedmen and their reliance on their freed dependents propelled these

BCE, and the EDR has 102. Whilst there was a rise in the number of inscriptions in general in Italy, the proportion of inscriptions mentioning freed persons to total surviving inscriptions nevertheless rose from less than 6% to almost 35% in the last century and a half of the Republic. There are of course difficulties in dating inscriptions without explicit dates. On dating Late Republican inscriptions, see Salomies 2015, 155ff., particularly p. 156 on the orthographical differences and changing onomastic conventions for freedmen pre- and post-Sulla, cf. Cooley 2012, 409–410.

[69] Treggiari 1969, 162, 168.

[70] Lintott 1968, 88.

[71] Treggiari 1969, 162ff.; Gardner 2002, 29, 42.

former slaves to unprecedented levels of wealth and influence.[72] Naturally, these contradictory conclusions cannot all simultaneously be true.

Similar difficulties remain in interpreting the Augustan manumission laws. Despite almost a century of debate over these enigmatic laws, scholars still have not reached a consensus as to their purpose and rationale, as most attempts to explain them still rely on the old demographic model and thus subsequently assume that Augustus was seriously concerned with the number of freed slaves and the level of manumission in Roman society. As will be shown, none of Augustus' manumission laws reduced the level of manumission or the number of freedmen in Roman society, and may have even increased the number of freedmen in the long run – these laws will be the focus of Chapters Four and Five.

The 'Commercial Elite' and Manumission

Since our new demographic models have now questioned the notion that slaveownership was ubiquitous and manumissions were regular at Rome, we must therefore determine who was owning and freeing slaves. Census data from Roman Egypt suggests that only about 12% of rural households and 21% of urban households owned slaves.[73] Scheidel further shows that the vast majority of slave-owning households in Roman Egypt only had 1–2 slaves. Indeed, the top 1–2% of the population owned perhaps as many as 50% of the slaves.[74] So it must be uncontroversial to state that it would have been the relatively financially well-off that owned the greatest number of slaves and were the most likely to free them. Since we now know slaveowners were not wantonly and dissolutely freeing their slaves on a regular basis, we must determine why a slaveowner would want to manumit: after all, a slaveowner undoubtedly had less control over a slave once the slave was freed; even with certain socio-legal obligations, a freed slave was still a citizen *sui iuris*, with all the protections of that status.

In the earliest records of manumission in the Twelve Tables, the post-manumission relationship was painted as quasi-filial and quasi-familial, with the former owner acting as the nearest agnate relative for inheritance purposes (*Table* V.4–5, 8). The *Lex Pompeia* (50s BCE) counts freed slaves as having committed parricide if they killed their patrons (Just. *Dig*. 48.9.1).[75] It is thus no surprise that one of the most significant motivators of manumission

[72] Treggiari 1969, 165, 187.
[73] Bagnall and Frier 1994, 71.
[74] K. Harper 2011, 23–24; Lavan 2016, 12, and Appendix 24 on p. 37.
[75] See Mouritsen 2011a, 36ff. on the idea of freed slaves being viewed as '*filii sine natura*'.

would have been personal affection.[76] Cicero's letter to Tiro promising to free him is filled with such displays of personal affection (Cic. *Fam*. 16.14). When Quintus congratulates Cicero for manumitting Tiro, he emphasises Tiro's *fidelitas* and equates him to his own freedman Statius (Cic. *Fam*. 16.16).[77] Even in the Principate, the jurist Ulpian states that, ideally, a manumission should be '*ex affectu*' (Just. *Dig*. 40.2.16.pr.). In so saying, manumission purely based on personal affection must have been relatively limited – very few slaves would have had sufficient intimate contact with their owners to be manumitted for this reason alone. Such slaves were likely to have been favoured urban domestics.[78] Inscriptional evidence seen in *columbaria* also suggests this – the majority of freed slaves buried in such family tombs were urban domestics and 'rural' slaves who had held positions of responsibility, implying a level of trust built upon personal connection and affection.[79]

Socio-political rationales – namely, to swell one's *clientele* – also played a part.[80] We have clear evidence that freedmen acted as trusted go-betweens in the political sphere. Cicero recommends L. Livineius Trypho, a freedman of his close friend L. Regulus, to another friend C. Munatius (Cic. *Fam*. 13.60). Ap. Claudius Pulcher (cons. 54) sent his freedman Cilix to bear a letter to Cicero, and the latter pair quickly became friends; Cicero tells Appius to entrust Cilix with any further matters he would wish Cicero to oversee in the future (Cic. *Fam*. 3.1.2). On numerous occasions, Cicero trusted the advice of freedmen, both of others and his own, regarding political matters (Cic. *Fam*. 3.6, 3.8.5, 16.4). Such are a few examples amongst many. These relationships were undoubtedly still based on personal affection and trust: their statuses as trusted confidantes naturally led them to adopt such roles.

Another important reason to manumit came with the expansion of Rome's empire, particularly around the time of the Punic Wars and with the increasing sophistication of Rome's economic and financial structures, when freed dependents started to become invaluable in commercial affairs. A slave or a son under *potestas* could not conduct legal business independently, enter into contracts, or own property and therefore could not be legally held responsible if any issues arose.[81] For much of the Republic, Roman law lacked the concept of 'agency', so any business conducted by a slave, even on behalf of the

[76] Łoś and Chantry 1995, 1031; Incelli 2017, 43.
[77] Though Cicero might disagree with Quintus' assessment of Statius (Cic. *Att*. 2.19).
[78] MacMullen 1974, 92; Mouritsen 2013, esp. 58ff.
[79] Mouritsen 2013, esp. 60; Borbonus 2014, 1, 19.
[80] Duff 1928, 18; Treggiari 1969, 14.
[81] Aubert 1994, 1–3; Cohen 2023, 40.

slaveowner, was not binding. As such, any wronged party would have been left with no legal recourse: the slave could not be sued as he was not legally independent, and the slaveowner could not be sued as he was not technically bound to any contracts that the slave negotiated on his behalf (Just. *Dig*. 50.17.107).[82]

The need to rectify this was recognised and a series of praetorian edicts gradually introduced various *actiones* against slaveowners who acted through dependent agents.[83] The slaveowner became liable up to the worth of the *peculium* of the dependent slave who was acting on behalf of the owner should the business venture fail or debts incurred – though in cases where the slaveowner gave full consent to the venture, or derived a profit from the venture in question, the liability could become unlimited.[84] Such *actiones* protected the other party whilst slaveowners became potentially fully liable for any losses or problems incurred by their slave agents.[85] Although we have clear evidence of the use of slave agents in business dealings, the practice remained legally unideal.[86]

The utilisation of freed slaves in commercial dealings, however, solved many of these issues. A freedman was a Roman citizen *sui iuris*, in control of his own property, and held the *ius commercii*. A slaveowner could first ensure that the slave they were manumitting was trusted and had already displayed business acumen. The former owner could then much more safely invest in such freed agents knowing that, since they were separate legal entities, their own liabilities were limited. At the same time, they could expect a return on the profit by striking formal agreements of *societas* or loans with the freed slaves. Furthermore, the slaveowner might also expect long-term returns, as freed slaves were, in an increasing number of circumstances, legally obliged to leave behind parts of their estate to their former owner when they died. The Twelve Tables required freed slaves who died intestate to leave their estates to their former owners (*Table* V.8); a praetorian edict sometime in the Late Republic changed the law so that freed slaves had to leave half of their estates to their former owners if they had no natural heirs (Gai. *Inst*. 3.41). P. Rutilius Rufus (pr. 118) introduced the *societas Rutiliana* – patrons now had joint ownership of their freed slaves' properties unless the freed slave promised to perform *operae* (Just. *Dig*. 38.2.1.1). Later, Augustus mandated

[82] Kirschenbaum 1987, 4; Aubert 1994, 47, 70ff.; Gamauf 2016, 389; Cohen 2023, 40.
[83] For example, see Just. *Dig*. 14.3.1 and Paul. *Sent*. 2.8.1. On dating these *actiones*, see Aubert 1994, 41–42.
[84] Kirschenbaum 1987, 57, 73; Johnston 2007, 180; Roth 2010, 110; Gamauf 2016, 390.
[85] Tchernia 2016, 27. See Di Porto 1984, 37ff. and Aubert 1994 for some in-depth discussions of which of the *actiones* were unlimited in liability and which were limited, and in what instances.
[86] For a detailed examination of the use of slaves in commercial enterprises, see Cohen 2023, 38ff.

that freed slaves had to leave behind parts of their estates to their former owners until they had three or more children (Gai. *Inst*. 3.42).

Formally, the former owner could retain influence through socio-legal expectations of *operae* and *obsequium*.[87] Informally, freed slaves would have likely maintained a good relationship with their former owners post-manumission in order to access their patrons' social and financial support networks.[88] Whilst it is not impossible that some freed slaves were talented or lucky enough to become socially and financially successful independently, one imagines that this was much easier with continued patronal support. Thus, a slaveowner could use a freed slave in commercial enterprises, with a host of formal and informal incentives and coercive measures to enforce a continued relationship and thus ensure returns whilst limiting liabilities in ways that utilising a slave agent could not provide.

The expansion of Rome's economy also saw the concomitant growth of the subset of the Roman elite that had the greatest interest in financial and commercial endeavours. Koenraad Verboven defines this subset as 'hommes d'affaires de premier rang' – a heterogenous group cutting across a wide range of the upper echelon of Roman society, which, in Verboven's view, set itself in opposition to the dominant ideology of the landed aristocracy due to its commercial and financial interests.[89] Mouritsen terms this group as the *boni*, a term which, rather than being a mere piece of political rhetoric, referred, in his view, specifically to wealthy, elite 'landowners and businessmen' outside of the political or officeholding class who were 'engaged in a variety of financial operations'; this included certain equestrians, Italian *domi nobiles*, *publicani*, and well-off *agricolae*.[90] Mouritsen further contends that this group had 'interests, identity and allegiances' separate from those of the political class and their wealth made them formidable sources of influence in both the *comitia centuriata* and the *comitia tributa*.[91] Caillan Davenport, too, shows that the non-senatorial subset of the equestrian class contained numerous members with commercial interests who, though often apolitical, intervened in politics when they had to 'protect their economic interests'.[92]

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[87] Treggiari 1969, 68ff.; Joshel 2010, 44–46; Mouritsen 2011a, 36ff.
[88] Andreau 1999, 64; Mouritsen 2011a, 224; Hawkins (forthcoming), 4–5.
[89] Verboven 2004, 182–183.
[90] Mouritsen 2023, 1, 39, 46–7.
[91] Mouritsen 2023, 69.
[92] Davenport 2019, 84, 104, 126, 132–133.

For the purpose of this thesis, I will adopt the term 'commercial elite', and will define this as a group that cut across a large spectrum of the upper echelons of Roman society, had strong commercial interests, and thus also the greatest need to free slaves in order to exploit them economically afterwards. This term will broadly capture the 'hommes d'affaires de premier rang' and the *boni* mentioned above, and some others. The top end of this group included some senatorial families who indirectly utilised freed slaves in commercial enterprises, since senators were typically barred from direct engagement in commerce.[93] Cato the Elder, despite all his ideological protestation against commerce, invested money in shipping and created a *societas* with his freedman Quintio, explicitly, as Plutarch puts it, to decrease his liabilities and increase his profits (Plut. *Cat. Mai*. 21.5ff.). Cicero himself utilised Tiro for commercial dealings (Cic. *Fam*. 16.4, 16.19, cf. Cic. *Att*. 1.12). P. Cornelius Lentulus Sura, a consular and a co-conspirator of Catiline, had a freedman, P. Umbrenus, who had business dealings in Gaul (Sall. *Cat*. 40.1–2; Cic. *Cat*. 3.14).

Below senators, businessmen belonging to the equestrian order or to the upper census classes were likely the largest subset of this group, as they were involved in a wide range of commercial enterprises.[94] This group undoubtedly had freed agents and utilised them liberally. Cicero mentions that a highly reputable equestrian, Q. Minucius, had his freed agent, Timarchides, with him in Sicily (Cic. *Verr*. 2.2.69). Cicero, in a letter to P. Lentulus Spinther, recommends to him a businessman, A. Trebonius, along with Trebonius' own freedmen (Cic. *Fam*. 1.3). In Petronius' *Satyricon*, Trimalchio is portrayed as having received a hefty inheritance from his former owner; having become financially established, Trimalchio started investing in his own freedmen and used the profits to purchase land (Petron. *Sat*. 76). Well into the imperial period, Gaius reveals that it was still common to use freedmen as business agents abroad (Just. *Dig*. 40.9.10). Many Italian *domi nobiles* also fell into this group – when Mithridates ordered the massacre of Italians and Romans in Asia, Valerius Maximus specifies that most were businessmen: '*octoginta milia* (…) *negotiandi gratia dispersa*' (Val. Max. 9.2e.3, cf. Cic. *Man*. 7, App. *Mith*. 23, and Cass Dio. 31.101). When Italians gained citizenship after the Social War, this group became deeply politically influential as many of the Italian *domi nobiles* became equestrians or were assigned to the

[93] D'Arms 1981; Andreau 2003; Mouritsen 2011a, 209; Broekaert 2016, 225.
[94] For more on equestrian business ventures, see Verboven 2008, Davenport 2019, Shaw 2020, and Shaw 2022.

first few census classes.[95] The relationship between Roman equestrians, Italian *domi nobiles*, and their freed slaves will be explored in greater detail in Chapters Two and Three.

In addition to such groups, there were members of the urban *plebs media* who were also commercially inclined and thus had a vested interest in Rome's foreign and economic policies, especially if such policies might have impacted on their enterprises. Cameron Hawkins convincingly shows that urban artisans were highly likely to free slaves *inter vivos* and to utilise *operae* as a way to modulate labour depending on market demand.[96] Utilising epigraphical evidence, Hawkins further contends that urban artisans were far more likely to leave their workshops behind to freed heirs, even if they had natural heirs.[97] Andreau reveals a similar phenomenon amongst bankers and financiers.[98] Claire Holleran also shows that shopkeepers were often freed slaves managing the shop on behalf of their former owners.[99]

These analyses match broader theoretical understandings as well. Both Scheidel and Hawkins, though acknowledging certain exceptions, demonstrate that highly skilled activities which demanded the ability to make rapid decisions without constant oversight, such as commerce and finance, required ceding greater autonomy to the agent and thus needed a more complex system of rewards, such as manumission.[100] Wim Broekaert argues that merchants needed agents like freed slaves to operate efficiently in pre-industrial commercialised economies like that of Rome.[101] Indeed, that talented slaves in commercial endeavours were much more regularly freed than in other pursuits has been well-recognised.[102]

This 'commercial elite' certainly cooperated amongst itself. Senators, being barred from direct engagement in commerce, needed a network of non-senators to carry out their financial endeavours. Peter Garnsey notes that even if a large *societas publicanorum* won a contract, it still needed links with other investors, shippers, and traders to fulfil the contract.[103] Hawkins also argues that artisans joined *collegia*, amongst other reasons, in order to have an amplified voice when it came to state contracts or policies.[104] We have clear

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[95] Roselaar 2019, 208ff., 238ff.
[96] Hawkins 2016, 91, 133ff., 147, 154; Hawkins (forthcoming), 10, cf. Groen-Vallinga 2022, esp. 59ff.
[97] Hawkins 2016, 158ff., 196, 204.
[98] Andreau 1999, 61.
[99] Holleran 2012, 32, 44, 227.
[100] Scheidel 2008, 107; Hawkins (forthcoming), 8.
[101] Broekaert 2016, esp. 231ff.
[102] Hopkins 1978, 128; Dumont 1987, 65; Watson 1987, 23; K. Bradley 1994, 159; Schumacher 2001, 292–293.
[103] Garnsey 1983, 122.
[104] Hawkins 2016, 71.

evidence that freedmen had risen to leadership roles in occupational *collegia* in Italy by the late second century BCE – two freed *magistri* from the *collegium* of *laniones* in Rome gave a gift to Fortuna (CIL 6.167=ILLRP 97) and two freed *magistri* from the *collegium* of *mercatores* in Capua erected a commemorative inscription (CIL 10.3773=ILLRP 705). Roselaar offers strong evidence that Roman and Italian businessmen cooperated even before the Italian enfranchisement.[105] Whilst I will not go as far as Mouritsen and claim that this 'commercial elite' formed a distinct, separate class called the *boni*, there was nevertheless a subset of the Roman elite which could contain, but was largely separate from, members of the traditional political or officeholding class, that had significant commercial interests. Since freeing slaves to deploy them as dependable agents in commercial endeavours was one of the most important reasons to manumit, the subset of the Roman elite that was most likely to do so contained those with significant interest in commercial enterprises; they and their freed slaves were deeply invested in Rome's growing economy and, by extension, Roman politics, especially if certain policies or political decisions impacted on trade, taxation and tax farming, financial activities such as lending, or public contracts.[106]

Of course, this outline is merely intended to establish a base for our investigation – the exact relationship between politics, the commercial elite, and freedmen along with the full range of evidence will be examined and developed throughout this thesis.

Methodology and Outline of Argument

This thesis will focus on the political and legislative actions taken in relation to freedmen during the Late Republic and the Augustan Principate. Certainly, other aspects of freedmen, particularly the socio-cultural perspective, have piqued the interest of recent scholars, who have produced fascinating studies on freed burial culture and *columbaria*,[107] freedmen in art,[108] freedmen in comedies and satires,[109] and long-overlooked freedwomen.[110] The political aspect of freed slaves has not been ignored either, with Mouritsen and López Barja De Quiroga being amongst the most prolific scholars on this topic.[111] Much of our current

[105] Roselaar 2019, 70.
[106] See Hölkeskamp 2020, 18ff., esp. 24–26 on the influence of sub-senatorial and non-elite voting groups on Rome's 'political culture' and the 'competition and consensus' of the senatorial class.
[107] Borbonus 2014; MacLean 2018.
[108] D'Ambra and Métraux eds. 2006; Petersen 2006; Bell and Ramsby eds. 2012.
[109] E. Rawson 1993; Stewart 2012; Karakasis 2013; Stürner 2020; Richlin 2020.
[110] M. Perry 2014.
[111] Mouritsen 2005; 2007; 2011a; 2011b; 2016. López Barja De Quiroga 1986; 1995; 2007a; 2007b; 2008; 2010; 2016; 2018; et al. eds. 2023.

research on this aspect, however, has continued to rely on questionable demographic assumptions. This created some insoluble illogicalities in our understanding of the political realities of freedmen.

This thesis will re-examine the politics and politicisation of manumission and freed slaves in the Late Republic and the Augustan Principate. I will refrain from basing my investigation on the fundamental assumption that freedmen were overwhelmingly poor, extremely numerous, largely independent and disconnected from their patrons, and innately inclined towards political violence, and forcibly interpreting all political and legislative episodes during the time period under consideration through this lens. Rather, I will adopt a more neutral starting point and avoid seemingly foregone conclusions. The thesis will instead reinterpret the literary evidence and critically question the distorted narratives presented by our often biased sources, aided where necessary by a broader engagement with the material and juridical evidence. I will examine each specific episode in its individual and immediate socio-political context. This prevents removing such episodes from their unique motivations and contexts, erroneously inserting them into some non-existent overarching narrative which our often much later sources, with the benefit of hindsight, were inclined to do. At the same time, I will also avoid hyperfixating on singular episodes and thus miss possible diachronic connections and fail to realise how and why the politics and politicisation of freedmen may have developed over time.

The thesis will be divided into five substantial chapters. Chapter One will act as an introductory chapter, examining what we know of freedmen in politics from as early as the evidence allows down to 169 BCE. It will focus on the censorships of 230/220 BCE and 169 BCE and argue that these were likely the only two censorial restrictions on freedmen in the *comitia tributa*, introduced by ideologically conservative censors reacting against the growing influence of the commercial elite and their freed clients. Chapter Two will examine the *Lex Sulpicia* of 88 BCE and the *Lex Manilia* of 67 BCE. Although both laws sought to redistribute freedmen into more voting tribes in the *comitia tributa*, these two *leges* were targeted mobilisations of the Roman commercial elite and the newly enfranchised Italians, particularly the *domi nobiles*, with their freed clients, to strip the command in the wars against Mithridates from a senatorial candidate in favour of an extraordinary proconsul who was favourable to these groups; they were not attempts to overwhelm the *comitia tributa* with the sheer volume of freed slaves (which I would argue did not exist to that extent). Chapter

Three will cover the remainder of the Republic to the closing of the Triumviral period, exploring how freedmen were involved, if at all, during the Catilinarian conspiracy, the tribunate of Clodius, and the chaos of the Civil Wars. I will argue that we ought not to conflate the *plebs urbana* with the *plebs libertina* – freedmen largely did not engage in the political violence stirred up by these politicians. The chapter will further contend, based on a close reading of the narratives and evidence from the Civil War and Triumviral periods, that patronal bonds between former owners and freed slaves largely remained strong even in a time of crisis; freed slaves were expected to be, and largely were, loyal to their former owners.

Chapters Four and Five will examine the Augustan laws on manumission – the *Lex Iunia* (17 BCE), the *Lex Fufia Caninia* (2 BCE), the *Lex Aelia Sentia* (4 CE) – along with a brief discussion of the *vicomagistri* and the *vigiles* in each chapter respectively. These two chapters will re-examine the laws by means of a close analysis of the judicial sources and a critical re-evaluation of the historical evidence. Chapter Four will show that the *Lex Iunia* stood unique amongst the manumission laws and did not share similar motivations to the others – it was rather a concession made to the wealthy echelons of Roman society after the backlash to Augustus' *Leges Iuliae* on marriage and adultery. The remainder of Chapter Four will examine the *Lex Fufia Caninia* and Chapter Five will be dedicated to the *Lex Aelia Sentia*. I will show that these laws did little in practice to limit manumission or reduce the number of freedmen because that was not their goal in the first place. Both laws had strong themes of family, the production of children, and positive engagement with the imperial regime. Both laws helped reinforce Augustus' and his regime's commitment to familial, societal, and political stability through a careful balancing of the interests of freed slaves, slaveowners, and the State; they were certainly not 'anti-freedmen', but incentivised freed slaves to participate in Augustus' new imperial order constructively, loyally, and in ideologically acceptable ways.

In sum, I will conclude that these political actions for or against freed slaves in the Roman Republic and the Augustan Principate were not responding to issues caused by excessive levels of manumission, which did not occur. Freedmen did not become politically notable, and certainly not politically 'troublesome', until after the First Punic War with the rapid expansion of Rome's financial interests and the rise of the commercial elite. Politically interested and active freedmen were a small minority of Roman society and largely attached to wealthy members of the Roman elite. We therefore ought to understand the repeated attempts throughout the Republic to control or to expand freed voting rights as reflecting a long struggle in which the political centre tried to influence wealthy slaveowners – especially those outside of the traditional officeholding class – and their freed clients, either to increase or to diminish their political and ideological influence. Augustus, then, was not reacting with concern to the alleged political power of riotous and destitute urban freedmen, but he was also concerned with how wealthy members of Roman society connected with his regime. The Augustan manumission laws should, then, be read as a part of Augustus' broader attempts to reconcile and incentivise wealthy members of the Roman elite, particularly those from outside of the traditional senatorial aristocracy, to support his novel regime by connecting with his Principate in ideologically constructive and acceptable ways. Ultimately, this thesis will reject the distortive portrayals of freedmen presented by our ancient sources and establish a new critical understanding of this fascinating social group.

CHAPTER ONE

FREEDMEN IN THE EARLY AND MIDDLE REPUBLIC (EARLY REPUBLIC–169 BCE)

This chapter will examine the socio-political situation of Roman freedmen from as early as the evidence allows until the Middle Republic, ending with the censorship of 169 BCE. We are unsure when the practice of slavery and manumission began in Rome, though both likely existed since the beginnings of the City, if not before. Under the Republic, there were three legal methods to manumit one's slaves – by enrolling them as citizens in the census (*censu*), by freeing them in front of a magistrate with *imperium*, usually the urban praetor (*vindicta*), or by declaring them free in a will (*testamento*).[112] Dionysius of Halicarnassus attributes the introduction of the *manumissio censu* to Servius Tullius (Dion. Hal. 4.22ff.). Livy ascribes the *manumissio vindicta* to the eponymous slave Vindicius in the first year of the Republic. Vindicius supposedly informed the consuls of a plot by his owners to restore the Tarquinii (Liv. 2.4.5–6). As a reward, Vindicius was manumitted and granted citizenship (Liv. 2.5.9–10). Plutarch further claims (certainly erroneously) that Vindicius was the first of all freedmen (Plut. *Popl*. 7.5). We are uncertain as to how true, if at all, these tales are. They were likely largely fabricated explanations for the creation of two of the forms of manumission.

1.1 The Twelve Tables

The Twelve Tables, promulgated in 449 BCE, reveals the existence of the *manumissio testamento* (*Table* VI.1d, cf. Ulp. *Reg*. 2.1–4). Ulpian, citing the Twelve Tables, refers to a freedman as '*civis Romanus*' (Ulp. *Reg*. 29.1; *Table* V.8). He clarifies that should a freedman die without an heir, the patron inherits the estate (Ulp. *Reg*. 29.1; *Table* V.8). The inheritance of a freedwoman, however, always reverts to her patron, even if the freedwoman has children herself (*Table* V.8, cf. Gai. *Inst*. 3.51). Patrons also held the *tutela* for *liberti* under the age of majority and *libertae* in general (Gai. *Inst*. 1.165, referencing an unknown section of the Twelve Tables).

This relationship between *liberti/ae* and their patrons or patrons' families can be seen as quasi-familial. The patron acted as the nearest agnate relative for inheritance purposes (*Table* V.4–5, cf. Ulp. *Reg*. 26.1). The *tutela* for *liberti*/*ae* was the same as for freeborn children (*Table* V.1, cf. Gai. *Inst*. 1.144–145). The only difference for freed slaves was that

[112] On the three formal modes of manumission, see Buckland 1908, 441ff. and Treggiari 1969, 20ff.

freed female slaves could not pass down their inheritance to their children, whilst freeborn women could.

1.2 The Tax on Manumission (357 BCE)

Freedmen reappear obliquely in Livy's record of the introduction of a 1/20th tax on manumission (*vicesima libertatis* or *manumissionum*) in 357 BCE by the consul Gn. Manlius, which the Senate ratified as it brought in a '*haud vectigal parvum*' to the '*inopi aerario*' (Liv. 7.16.7).

The *vicesima* has been used by numerous scholars to reconstruct slave or freed slave numbers, in the belief that the introduction of a manumission tax must imply that manumissions were happening with enough frequency that taxing it became worthwhile. In 209 BCE, Livy records that the funds raised by the tax were brought out to aid the war effort against Hannibal, with the gold amounting to 4,000 pounds (Liv. 27.10.11). Tenney Frank attempted a reconstruction of manumission rates by utilising the attested cost of ransoms during the Second Punic War, concluding that between 357 and 209 BCE, an average of 1,350 slaves were freed each year.[113] This, by Frank's estimations, suggests that freedmen made up around 5% of the total population of third-century BCE Rome, and slaves 10–15%.[114] Similarly, Andreau and Descat, working on an assumed average slave price of 2,000 sesterces, argue for an average of 1,080 slaves manumitted per year.[115] We cannot be certain, however, how similar ransoms were to the cost of slaves, and Andreau and Descat do not justify their average slave price. Furthermore, as Brunt rightly points out, we are unsure if the *aerarium sanctius* was untouched before 209 BCE, whether it contained all the funds raised from the *vicesima*, or if it was solely funded by the *vicesima*.[116]

Based on the Twelve Tables and the manumission tax, K. Bradley argues that there was a 'significant servile presence' in Rome even by the fifth century BCE.[117] The mention of slaves and freedmen in the Twelve Tables cannot, however, serve as a basis for numbers: their presence in the legal codes does not automatically imply a significant presence in society. We also cannot state with confidence that manumissions occurred with enough frequency that taxing the practice became worthwhile. Since we do not know of slave prices in fourth

[113] Frank 1932, 101, cf. Scullard 1980, 357.
[114] Frank 1932, 102.
[115] Andreau and Descat 2011, 48.
[116] Brunt 1971, 549; K. Bradley 1984, 175–6.
[117] K. Bradley 1985, 2–3, 6, 8.

century BCE Rome, it could be that the tax was worthwhile not necessarily because manumissions were frequent but because slave prices were high, especially since slaves who were freed were likely to have been more talented and favoured than the average slave, and thus more expensive. The issues surrounding the *vicesima* will be discussed further in Chapter Four in the context of the *Lex Iunia*.

As such, we have insufficient evidence to delve into the socio-political reality of freed slaves from this period further, except to conclude that, by the fifth and fourth centuries BCE, *liberti* existed as an identifiable socio-legal group (though of indeterminate size), were considered '*cives Romani*', and continued to be bound to their former owners in a quasi-familial relationship. *Liberti* could own wealth, though we remain unsure how significant this wealth might have been.

1.3 The Censorships of 312–304 BCE

As censor in 312 BCE, Ap. Claudius Caecus introduced a series of reforms, including restructuring the distribution of the voting tribes and raising sons of freedmen to the Senate (Liv. 9.46). His reforms, Livy complains, allowed the '*forensis factio*' to rise to power, cumulating in the election of a son of a freedman, Cn. Flavius, to the curule aedileship in 304 BCE.

> Then the faction of the marketplace, having become powerful in the censorship of Ap. Claudius (who had been the first to pollute the Senate by raising into it sons of freedmen), had elected Flavius as aedile. And afterwards when no one ratified this selection and [Ap. Claudius] had failed to gain the power which he had sought in the Curia, he corrupted the Forum and the Campus by distributing the base [citizens?] of the City amongst all the tribes (Liv. 9.46.10–11).[118]

Diodorus Siculus corroborates that Claudius Caecus enrolled sons of freedmen into the Senate, though he differs on the distribution of citizens into tribes, stating instead that each citizen simply chose the tribe and the census class in which he wished to be enrolled (Diod. 20.36). Plutarch further complicates this episode by stating that this was the first time freedmen gained the vote (Plut. *Popl*. 7.5).

[118] '*ceterum Flavium dixerat aedilem forensis factio, Ap. Claudi censura vires nacta, qui senatum primus libertinorum filiis lectis inquinaverat, et posteaquam eam lectionem nemo ratam habuit nec in curia adeptus erat quas petierat opes, urbanis humilibus per omnes tribus divisis forum et campum corrupit*'.

This reform of Claudius Caecus was rather short-lived and was negated by the censors Q. Fabius Rullianus and P. Decius Mus in 304 BCE (Liv. 9.46.14–15; Val. Max. 2.2.9b). According to Livy, these censors restricted all the '*humillimi*' to the four urban tribes (Liv. 9.46.14). The Senate was so pleased with the outcome that it granted Fabius the title Maximus.

Lily Taylor argues, based on other uses of the word '*humilis*', that Livy is referring to freedmen.[119] Due to this equation of the *humiles* with freedmen, compounded by the mention of freedmen in Plutarch's account, most scholars begin their narrative of freedmen in politics with the censorship of Claudius Caecus, viewing this as the start of a long series of struggles over freedmen voting rights.[120] Livy, however, typically did not use '*humilis*' as a sole descriptor for freedmen: *'eodem anno Cn. Flavius Cn. filius scriba, patre libertino humili fortuna ortus, ceterum callidus vir et facundus, aedilis curulis fuit'* (Liv. 9.46.1) – here '*humili*' is used in conjunction with '*fortuna*' and alongside '*patre libertino*' to describe Cn. Flavius' situation, not independently to refer to a freed status.[121] In fact, no source except Plutarch unambiguously states that this reform regarded freedmen, and his claim that freedmen did not have the right to vote at all until this time is not substantiated by any other historical source.[122] The Twelve Tables already designated freedmen as *cives Romani* by the mid-fourth-century BCE. Plutarch was most certainly mistaken.

Indeed, most scholars have now moved away from Taylor's view. Although differing explanations have been offered, it is highly unlikely that the reform and counter-reform of 312 and 304 BCE targeted freedmen, if they occurred at all.[123] Stephen Oakley suggests that *humiles* simply referred to the 'urban plebs', who benefited the most from Claudius Caecus' various public works.[124] Guy Bradley similarly advocates for interpreting the *humiles* broadly as city residents.[125] Michel Humm believes that the *humiles* referred to citizens too poor to have been enrolled into the army.[126] Janine Cels-Saint-Hilaire argues that the *humiles* were Latins who were originally inscribed in the oldest of the Servian tribes, whom Claudius

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[119] Taylor 2013, 11.
[120] For example, see Taylor 2013, 13ff. and Treggari 1969, 38ff.
[121] J. H. Richardson 2011, 459–460.
[122] Dion. Hal. 4.22.4 explicitly states that, from the inception of the Roman style of manumission, freed slaves enjoyed the same rights and privileges as other citizens, cf. Sherwin-White 1996, 324, Stewart 2012, 120, 125, Isayev 2017a, 137, and Husby 2017, 128.
[123] Staveley 1959, 415; J. H. Richardson 2011, 456–457, 463.
[124] Oakley 2005, 369.
[125] G. Bradley 2020, 339–340, 354.
[126] Humm 2005, 413–414.

Caecus allowed to register into the tribes fitting their residence/locality. She strongly doubts that this group referred to freedmen, whose numbers she believed to have been negligible at the time.[127]

This episode is difficult to understand clearly – accounts of it are filled with anachronistic troubles and fears. It is questionable whether issues of the urban 'mob', demagoguery, or the social climbing of those with slave ancestry were already problematic to the political elite in the late fourth century BCE. Furthermore, this interpretation assumes that freedmen, prior to 312 BCE, were already placed in the four urban tribes in the *comitia tributa* and in the lowest century in the *comitia centuriata*, and that Claudius Caecus redistributed them.

Taylor, following Dionysius of Halicarnassus's account of Servius Tullius, espouses the view that freedmen, from the very onset of the Roman tribal system, were confined to the four urban tribes (Dion. Hal. 4.22.4).[128] Since freedmen would not, at the moment of their manumission, have been in possession of any rural lands and were also exempt from the levy, it would make sense for their tribal and centuriate allocation to reflect that reality. Stewart concurs: freedmen were placed with other landless artisans and shopkeepers into the four urban tribes.[129]

Freedmen having been restricted to the urban tribes prior to 312 BCE, however, is only defensible if Claudius Caecus did redistribute them – if his censorship had little to do with freedmen, then it does not follow that freedmen must only have been in the urban tribes previously. Indeed, apart from Dionysius of Halicarnassus' account, we have no firm evidence that freedmen were restricted to the urban tribes from the beginning. As the Twelve Tables have shown, manumission continues or enforces a quasi-familial relationship between the manumitter and the manumitted. A logical extension would be that a manumitted slave, being part of that *familia*, would have been enrolled into their former owner's tribe. Furthermore, we have no evidence that freed slaves were placed in the last century of the *comitia centuriata*. Dionysius of Halicarnassus makes no mention of where freed slaves were placed in the *comitia centuriata*, except that they were assessed for the census and that their votes were useful for their patrons, implying that this must have been in the centuriate assembly (Dion. Hal. 4.22.4, 4.23.6). Cicero was recommended to seek the support of freed

[127] Cels-Saint-Hilaire 1995, 281ff.
[128] Taylor 1966, 64; Taylor 2013, 11.
[129] Stewart 2012, 129–130, 133.

slaves in his bid for the consulship, which would have been nonsensical had the freed vote been worthless in the centuriate assembly (Cic. *Comm. Pet*. 29).[130] Therefore, I would argue that, at the start, freedmen were placed into their patrons' tribes, as if they were emancipated sons, and were enrolled into whatever census class they appropriately belonged in the *comitia centuriata*, even though they could not serve militarily.[131]

The evidence from the Early Republic is far too tenuous and influenced by anachronistic attitudes to draw firm conclusions about freedmen. There is insufficient evidence, however, to suggest a mass of freedmen already causing social and political problems in Rome by the fourth century BCE.

1.4 The Censorships of 230–220 BCE

I would argue that the politicisation of freedmen began, in fact, in the late third century BCE. In the summary of Livy Book XX, we have a brief account of freedmen being restricted into the four urban tribes.

> Freedmen were reduced to four [of the voting] tribes, the Esquilina, the Palatina, the Suburana, and the Collina, whereas previously they had been distributed amongst all the tribes (Liv. *Per.* 20).[132]

Scholars who follow the view that the censors of 304 BCE had already restricted freedmen to the four urban tribes believe that this was simply a return to those restrictions after an unrecorded reform redistributed them.[133] Despite most current scholars recognising that the central issue in the censorships of 312 and 304 BCE was not freedmen, very little attention has been paid to this passage of the *Periochae* even though it now represents the first explicit instance of a political move to restrict freedmen.

Due to the brevity of this record (and the fact that it is not corroborated by any other historical source), this incident remains a footnote in much of the scholarly discussion.[134] We are also uncertain as to which censor conducted this reform. It has been traditionally ascribed

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[130] We do not know precisely who wrote the *Commentariolum Petitionis* or when it was written – however, there is little dissent from the idea that the *Handbook* was an accurate reflection of Roman electoral and electioneering practices (Tatum 2018, 16ff., 67ff.).
[131] See Forsythe 2005, 319 and López Barja De Quiroga 2007a, 127 for agreements with this view.
[132] '*Libertini in quattuor tribus redacti sunt, cum antea dispersi per omnes fuissent, Esquilinam, Palatinam, Suburanam, Collinam*'.
[133] Feig Vishnia 1996, 44; Taylor 2013, 137–138.
[134] In her otherwise detailed chapter on C. Flaminius and the Mid-Republic, this reform is ignored entirely (Feig Vishnia 1996, 11–48).

to C. Flaminius, whose censorship was in 220 BCE, for no other reason than that he is the only censor to be named in *Periochae* 20.[135]

This initiative is recorded at the end of the summary along with the other censorial activities of this time. The *lustra* were performed three times in the period covered by Livy's Book XX. Based on the dates of Book XXI, these must have occurred during the censorships of Q. Fabius Maximus Verrucosus (the future Cunctator) and M. Sempronius Tuditanus in 230 BCE, C. Claudius Centho and M. Junius Pera in 225 BCE, and L. Aemilius Papus and C. Flaminius in 220 BCE. The *Periochae* only mentions one name, C. Flaminius, but that is after the record of this reform:

> Freedmen were reduced to four [of the voting] tribes, the Esquilina, the Palatina, the Suburana, and the Collina, whereas previously they had been distributed amongst all the tribes.
>
> C. Flaminius as censor constructed the *Via Flaminia* and erected the *Circus Flaminius* (Liv. *Per*. 20).[136]

The author/s of this attempt is thus left ambiguous. Furthermore, C. Flaminius survives in Roman historiography as a deeply divisive figure, usually painted as a populist or at least anti-senatorial.[137] All other attempts to restrict voting tribes for freedmen have been attributed to conservative, pro-Senate politicians. If C. Flaminius was truly the author of this reform, then this discrepancy must be justified. Regardless, we must accept that any of the three pairs of censors may have restricted freed tribal distributions. We will analyse this episode in its historical context to determine why the censors, just prior to the Second Punic War, would have wished to limit the tribal distribution of freed slaves.

1.4.1 Demography of Slaves and Freed Slaves

Rome's victory in the Third Samnite War (298–290 BCE) left Rome indisputably in command of Italy. Several further military successes followed, including the invasion of the Po Valley (285–282 BCE) and the First Punic War (264–241 BCE). Through these conflicts, Rome gained much booty, fertile land, and its first overseas provinces. Acts of mass enslavement were recorded during this time. Between 58,000–70,000 were reportedly

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[135] Marsh 1926, 15; Develin 1979, 275.

[136] '*Libertini in quattuor tribus redacti sunt, cum antea dispersi per omnes fuissent, Esquilinam, Palatinam, Suburanam, Collinam. C. Flaminius censor viam Flaminiam muniit et circum Flaminium exstruxit*.'

[137] See particularly Polyb. 2.21.8 and Val. Max. 5.4.5.

enslaved during the Third Samnite War and at least 100,000 during the First Punic War.[138] This level of mass enslavement was unprecedented in scale. It has been argued that the abolition of *nexum* in 326 BCE also led to increased slaveholding as the Roman elite sought out an alternate source of exploitable labour.[139] Demographers have therefore attempted to estimate the population of Rome in this period based on information such as literary evidence, Polybian manpower numbers, and census data. Willem Jongman suggests that Rome had a population of 250,000 by 225 BCE.[140] Morley offers 150,000 free citizens and 50,000 slaves in Rome in 225 BCE.[141] Whilst it may be impossible to reconstruct accurate numbers, it is highly likely that the overall population and number of slaves and freed slaves in Rome grew over the third century BCE.

Indeed, Livy's account of the Third Samnite War records the first instance of freedmen serving in the Roman army (Liv. 10.21.4). A second instance occurred in 217 BCE after the horrific loss at Lake Trasimene, when freedmen of military age and with children were enrolled with the other urban dwellers of Rome: '*magna vis hominum conscripta Romae erat; libertini etiam quibus liberi essent et aetas militaris in verba iuraverant*' (Liv. 22.11.8). Those under thirty-five were sent to the navy, while those above that age formed two legions to garrison Rome (Liv. 22.11.9). As freedmen were not exclusively targeted for recruitment, we have no idea what proportion of this '*magna vis hominum*' was comprised of *libertini*. We can, however, conclude that during these military emergencies, Roman military-aged men had suffered enough of a depletion that the situation necessitated the recruitment of freedmen. One imagines that the number of freedmen of military age with children must have been in the high hundreds or low thousands, at least, to make enrolling them worthwhile.

1.4.2 Wealth and the Commercial Elite

The influx of slaves, war booty, and land undoubtedly led to an economic boom during this time. By the end of the third century BCE, Rome dominated Italy and the surrounding localities in economic terms.[142] Rome's conquests would have increased the availability of slaves and elite Romans' financial power, which would have led to a rise in economic input and output of agriculture and commerce, all of which would have led to a surge in the

[138] For a summary of acts of enslavement in war during this time, see Scheidel 2011, 294–295.
[139] J. Patterson 2006, 617, cf. Rosenstein 2004.
[140] Jongman 2003, 103.
[141] Morley 1996, 39.
[142] Morel 2007, 503.

demand for slaves and, subsequently, an increase in the number of freedmen.[143] The wealth that flowed in from these conquests, as well as from Rome's economic growth, must also have benefited groups beyond the political class.[144] In 215 BCE, the treasury was so exhausted that the praetor Q. Fulvius Flaccus asked the *publicani* to furnish funds for the State (Liv. 23.48.4ff.). The *publicani* accepted and were able to meet all the needs of the Spanish campaign (Liv. 23.49.1–3). In 214 BCE, the Senate requested the wealthy to supply rowers for one hundred and fifty warships: those worth 50–100,000 *asses*, 1 sailor and 6 months' pay; 100–300,000 *asses*, 3 sailors and 1 year's pay; 300,000–1 million *asses*, 5 sailors and 1 year's pay; above 1 million *asses*, 7 sailors and 1 year's pay; and senators were required to furnish 8 sailors and 1 year's pay (Liv. 24.11.7–8). A second request for sailors was made in 210 BCE. This request was originally refused until the senators offered to contribute funds as well, whereupon the rest of the populace (presumably the wealthy section) followed (Liv. 26.35–36). These requests clearly differentiated the senatorial elite from other wealthy citizens.[145] After the defeat at Cannae in 216 BCE, the Senate enrolled 8,000 slaves into the army out of necessity. Livy does not state from whom they were bought (Liv. 22.57.11). Valerius Maximus also records this but increases the number of slaves recruited to 24,000 (Val. Max. 7.6.1a). Feig Vishnia's argument that these were predominately slaves of senators is shaky – if the Senate could have internally raised these *volones*, then there was little reason why the tribunes had to announce it to the people and establish a commission (Val. Max. 7.6.1a).[146] Clearly, there were numerous slaveowners who were not a part of the senatorial elite by the latter half of the third century BCE.

This commercial elite, beyond the traditional senatorial elite, was evidently becoming politically and economically powerful. In 218 BCE, a plebiscite was passed by the tribune Q. Claudius, supported by C. Flaminius, allegedly the only senator to support the bill, which forbade senators from owning and operating seafaring vessels that could carry over three hundred amphorae (Liv. 21.63.2–5). Scholars have long debated whether this law was beneficial or detrimental to the senatorial class.[147] Filippo Càssola and Marianne Elster argue that this law protected the senatorial class, as it prevented urban merchants from becoming

[143] Morel 2007, 503–505; Harris 2007, 515; Rosenstein 2012, 24.
[144] Davenport 2019, 42.
[145] For a further investigation of this episode, see Lo Cascio 2016, 158ff.
[146] Feig Vishnia 1996, 97.
[147] On the issue of how the support (or rather lack thereof) for this law was presented in the historical record, see Feig Vishnia 1996, 34–36.

senators.[148] Zvi Yavetz and John D'Arms contend instead that this law forced senators to rely on urban merchants to conduct their commercial activities.[149] Davenport suggests that the law may have been sought by equestrians who wanted to prevent senators from competing with them commercially.[150] Regardless, we can see that the growth of wealth and commerce led members of the political elite to legislate around the interests of the growing commercial elite. In 213 BCE, senators discovered that a *publicanus* on whom they were reliant had been committing fraud against the State (Liv. 25.3–4). They feared upsetting the other *publicani* so much that they chose not to prosecute. When the tribunes suggested a fine of 200,000 *asses*, the *publicani* stormed the trial and almost caused a riot. The offending *publicanus* ended up in exile.[151] As Bernhard Linke has argued, C. Flaminius (cons. 223, 217; cens. 220) must have had wealthy supporters in the *comitia centuriata* who were dissatisfied with the Senate for him to have had so much electoral success despite senatorial opposition.[152]

We can see, despite the meagreness of the sources, that there was a growing commercial elite whose members were likely assigned to the upper census classes. They were wealthy enough that a relatively small number of them were able to finance the entire Spanish campaign. They also had large slaveholdings and requesting their help in supplying *volones* or rowers was worthwhile.[153] With Rome's rise as an economic powerhouse in the third century BCE, they started to become politically unignorable.[154]

1.4.3 The Restriction of Freedmen, 230–220 BCE

With this background in mind, we return to the restriction of freedmen in *Periochae* 20. By the late third century BCE, there was undeniably a group of wealthy slaveowners outside of the traditional political class whose interests did not always align politically with those of the more conservative members of the Senate. This culminated in several clashes between the two groups in the closing decades of the third century BCE. By indiscriminately restricting freedmen to the four urban tribes, the main political effect would have been that the proportionate weight of freed votes would have weakened and those who relied on freed support could only have hoped to win a more limited number of tribes in the *comitia tributa*. Whilst this is a possible interpretation, it would imply that freedmen were now considered

[148] Càssola 1968, 215–217; Elster 2003, 189.
[149] Yavetz 1962, 341–342; D'Arms 1981, 32.
[150] Davenport 2019, 43–44.
[151] For a further investigation of this episode, see Bleckmann 2016, 94ff.
[152] Linke 2022, 512.
[153] Rosenstein 2008, 6.
[154] Beck 2022, 356.

politically threatening to the established political class. As I will argue in the following chapter, however, there were no attempts to redistribute freedmen into more voting tribes until after the Social War and the disintegration of the senatorial consensus. A purely political interpretation of this episode, then, fails to explain why no ambitious politician attempted to take advantage of the voting power of freed slaves for over another century, if they had already become influential by this point.

Therefore, in addition to this potential political motivation, it is possible that the censors responsible believed that a significant, if not overwhelming, portion of freed slaves was no longer attached to the ideologically safe, political, landowning class and no longer deserved to be placed in the rural tribes. This matches well when we place this episode within its immediate economic and socio-political context. Whilst members of the Roman elite may have always freed domestic slaves out of personal affection, the economic growth of Rome would have not only led to the expansion of the sections of the elite beyond the senatorial class but also the number of talented slaves who were manumitted to exploit more complex business ventures. All these factors would not only have increased the number of such wealthy Romans and their freed clients but also made them appear increasingly urban and commercialised. Naturally, this would have caused issues for ideologically conservative members of the senatorial elite. The restriction may have even been tangentially connected with the reform preventing senators from operating commercial vessels – it helped to reinforce the idea that, ideologically, the political class ought to be traditional landowners. Our gap in Livy renders any conclusions tenuous, but I suggest that the rise of the commercial elite, along with its increasing levels of slaveownership and freeing of slaves, prompted a pair of conservative censors to restrict freed tribal distributions out of political or ideological concerns, or perhaps both.

1.5 The Censorship of 169 BCE

The next political attack on the voting rights of freedmen occurred in 169 BCE, during the censorship of C. Claudius Pulcher and Ti. Sempronius Gracchus the Elder (father of the famous tribunes).

> (…?) Freedmen had been distributed amongst the four urban tribes, except those with a natural-born son over five years old, those they had ordered to be registered where they had been assessed in the last census. And those, who owned a farm or farms worth over 30,000 sesterces (…?) the right to be assessed was granted. Since this [right?] had been preserved,

> Claudius declared that a censor could not, without a mandate from the people, remove the right to vote from a person, let alone an entire order. Even though he could move his tribe, which would be nothing more than ordering him to change his tribe, he could not remove him from all thirty-five tribes, thus depriving him of his citizenship and freedom, not deciding where to place him in the census but to exclude him from the census altogether. This was the disagreement between the pair. Finally, they made a compromise. All those who had ever been slaves were placed into a single tribe, chosen by lot out of the four urban tribes openly at the Hall of Libertas. The lot fell upon the Esquilina, in which Ti. Gracchus announced that all freedmen were to be enrolled. This act brought great honour to the censors in the Senate. Thanks were voted both to Sempronius for persevering in this fine undertaking as well as to Claudius for not obstructing it' (Liv. 45.15.1–7).[155]

This passage is unfortunately riddled with lacunae. The opening suggests that, by 169 BCE, freedmen were registered in the four urban tribes unless they had a biological son over five years old or rural estate/s worth over 30,000 sesterces. It is unclear what happened in those two cases. For those having a son, Livy states that they were ordered to be registered in whichever tribe they were at their last census. For those with a rural property worth over 30,000 sesterces, a *censendi ius* was granted. What these perplexing exemptions entailed will be discussed further below.

1.5.1 Demography of Slaves and Freed Slaves

Despite the disastrous opening of the Second Punic War undeniably leading to a loss of citizen manpower, Rome's eventual success against Carthage quickly led to a population resurgence. Brunt calculates that the years between 203 and 168 BCE saw a steady 1.3% growth in the citizen population per annum.[156] During this time, Rome cemented its control over the Mediterranean, defeating Carthage, Macedonia, and the Seleucid Empire.

The scale of the continued influx of slaves was unprecedented. Between 201 and 167 BCE, Livy records up to 300,000 war captives enslaved, with 150,000 alone in Epirus (Liv.

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[155] '(...?) *in quattuor urbanas tribus discripti erant libertini praeter eos, quibus filius quinquenni maior ex se natus esset, – eos, ubi proximo lustro censi essent, censeri iusserunt—et eos, qui praedium praediave rustica pluris sestertium triginta milium haberent,* (…?) *censendi ius factum est. hoc cum ita servatum esset, negabat Claudius suffragii lationem iniussu populi censorem cuiquam homini, nedum ordini universo adimere posse. neque enim, si tribu movere possit, quod sit nihil aliud quam mutare iubere tribum, ideo omnibus quinque et triginta tribubus emovere posse, id est civitatem libertatemque eripere, non, ubi censeatur, finire, sed censu excludere. haec inter ipsos disceptata; postremo eo descensum est, ut ex quattuor urbanis tribubus unam palam in atrio Libertatis sortirentur, in quam omnes, qui servitutem servissent, conicerent. Esquilinae sors exiit; in ea Ti. Gracchus pronuntiavit libertinos omnis censeri placere. magno ea res honori censoribus apud senatum fuit. gratiae actae et Sempronio, qui in bene coepto perseverasset, et Claudio, qui non impedisset*'.

[156] Brunt 1971, 61.

45.34.5). Between 297 and 241 BCE, Rome had had an annual mean enslavement rate of 3,330. Between 241 and 202 BCE, this rose to 5,300. Between 201 and 167 BCE, this increased to 8,700.[157] If we include the commercial and peacetime slave trade, Scheidel estimates that 15–20,000 slaves were imported every year during this period.[158] Strabo claims that Delos in the mid to late second century BCE had a turnover of 10,000 slaves a day (Strab. 14.5.2), explicitly connecting this with Rome's wealth after the destruction of Carthage and Corinth. Again, we unfortunately do not know the exact number of slaves in Rome, or the proportion of the population they constituted – but slave numbers likely increased dramatically after the Second Punic War.

Rome itself also grew. Livy records complaints that immigrants were 'burdening the city' (*urbem onerante*) as early as 187 BCE (Liv. 39.3.6). Just a year later, the '*urbis magnitudo*' allegedly concealed the spread of the pernicious Bacchic rites (Liv. 39.9.1). The exact population remains an estimate, but most scholars agree to a sizeable increase.[159] Rosenstein supposes that the population of the city of Rome to have more than doubled from 200,000 in 200 BCE to 375–500,000 by the mid-second century BCE.[160]

1.5.2 Wealth and the Commercial Elite

Rome's victories after the Second Punic War also led to an unprecedented influx of wealth. Livy records an astonishing amount of booty displayed in the three-day triumph of T. Quinctius Flamininus in 194 BCE, including 43,270 pounds of unwrought silver, 84,000 tetrachms, 3,714 pounds of gold, and 14,514 gold coins (Liv. 34.52.4ff., cf. Plut. *Flamin*. 14.1–2). L. Aemilius Paullus Macedonicus' triumph in 167 BCE displayed, amongst other items, 2,250 talents' worth of silver coins (Plut. *Aem*. 32.5). This influx of booty and subsequent control over wealthy overseas provinces allowed the Senate to abolish the *tributum* in 167 BCE (Plut. *Aem*. 38.1, cf. Cic. *Off*. 2.76).[161]

The censors of 275 BCE expelled the former consul P. Cornelius Rufinus from the Senate for having what was considered an excessive display of wealth at the time – ten pounds of silverware (Liv. *Per*. 14). In 161 BCE, the Senate decreed that the '*principes civitatis*' should not display more than one hundred pounds of silverware at dinners (Gell.

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[157] For a summary of enslavement rates during this time, especially as recorded in literary sources, see Scheidel 2011, 294–295, particularly Table 14.2, cf. Welwei 2000, 42–131.
[158] Scheidel 2005, 78.
[159] For a detailed study on migration during the Republic, see Isayev 2017b.
[160] Rosenstein 2012, 260.
[161] See M. Taylor 2023 and Rich 2023 for more on spoils during this time period.

NA. 2.24.2). What was considered 'excessive luxury', at least for tableware, rose tenfold in a century. The censorship of 184 BCE revealed that certain slaves were now worth over 10,000 *asses* (Liv. 39.44.3).

We also see a rise in public works during this time. Three consecutive censorships between 184 and 174 BCE all undertook substantial public works. The censors of 184 BCE (L. Valerius Flaccus and M. Porcius Cato) built cisterns, sewers, and roads (Liv. 39.44.4–7). The censors of 179 BCE (M. Aemilius Lepidus and M. Fulvius Nobilior) were granted an entire year's revenue to contract for public works, which they used to repair temples and to construct a bridge and port on the Tiber (Liv. 40.46.16, 40.51.2ff.). The censors of 174 BCE (A. Postumius Albinus Luscus and Q. Fulvius Flaccus), amongst their numerous other projects, repaved the entire city of Rome (Liv. 41.27.5ff.). Rosenstein counts twenty-one new temples built between 200 and 146 BCE.[162] Since such public works were let out to the *publicani*, this influx of wealth undoubtedly benefited certain wealthy Romans outside of the senatorial elite.[163] In addition, Rome's gradual subjugation of the Mediterranean would have led to more maritime trade, visible through the increasing number of shipwrecks.[164]

During this time the commercial elite continued to grow in influence and, in 169 BCE, visibly clashed with the political elite. The censors of 169 BCE, in addition to their move against freedmen, treated the *ordo equester* very harshly, depriving many of them of their horses (Liv. 43.16.1–2). The *Lex Voconia* was passed in the same year and forbade those worth over 100,000 sesterces from naming women as heirs (Gai. *Inst*. 2.274, cf. Liv. *Per*. 41); although the law was named after a tribune of 169 BCE, Q. Voconius Saxa, John North suggests that this should be viewed as part of the traditionalist censorial backlash.[165] These censors set aside far less money for public works, only half of the amount spent in 179 BCE (Liv. 44.16.9–11). They quarrelled with the *publicani* further, denying all of them of the contracts entered into with the previous censors (Liv. 43.16.2). The Senate supported the censors' decision and the *publicani* were forced to turn to a tribune, P. Rutilius, to support their case. The situation quickly unravelled and led to an '*ingens tumultus*' (Liv. 43.16.9); subsequently, the censors were charged with *perduellio*. Many '*principes civitatis*',

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[162] Rosenstein 2012, 246.
[163] See Bernard 2018, 239ff., esp. Appendix 2: the first half of the second century BCE had almost as many public works as the entirety of the third century BCE (though, we must of course take into account the gap in Livy's text for this period).
[164] A. Wilson 2009, 220.
[165] North 2022, 530. Elster 2003, 374ff. states simply that we know too little to speculate about the law's motives.

presumably senators or *nobiles*, supplicated on the censors' behalf during their trial (Liv. 43.16.14). Despite this, a sizeable portion of the first few census classes voted to condemn. Eight out of the eighteen centuries of *equites* and many of the *prima classis* found Claudius guilty. Gracchus the Elder managed to persuade the others to acquit Claudius. Struggles between the commercial elite and the Senate continued. In 167 BCE, the Senate chose to discontinue the leasing of Macedonian mines and rural estates to the *publicani*, despite the wealth it brought (Liv. 45.18.3).[166]

1.5.3 The Restriction of Freedmen, 169 BCE

With this background in mind, we turn our attention back to the issue of the restriction of freedmen. We are told that, in 169 BCE, there were two exceptions to the restriction of freedmen into the four urban tribes: if the freedman had a natural-born son over the age of five, or he had a rural property or properties worth over 30,000 sesterces.

We first need to determine what is meant by a freedman with a son being assessed wherever he was assessed last: '*ubi proximo lustro censi essent, censeri iusserunt*' (Liv. 45.15.1). We are unsure whether the censors of 169 BCE or a previous pair of censors introduced this exception. Frank Marsh and López Barja De Quiroga lean towards the first possibility.[167] Taylor and Lintott instead argue that a previous set of censors, sometime after 230/220 BCE, introduced these exceptions.[168] John Briscoe, based on the tenses of the verbs, contends that the exception was introduced by a previous pair of censors but the censors of 169 BCE retained it.[169]

In this case, we see that these freedmen were juxtaposed with those who were restricted to the urban tribes, implying that a freedman with a son over five was allowed to be registered in a rural tribe. A freedman who was manumitted without a son would have joined an urban tribe immediately upon manumission. Being assessed into the same tribe as the previous census after his son turned five would have placed him in the same urban tribe. The only logical conclusion would be that a freedman was allowed to register elsewhere once his son turned five. Where he was allowed to register is unfortunately lost. It is possible that he was registered in his patron's tribe (if his patron was rural – otherwise the same issue

[166] Feig Vishnia 1996, 142. North 2022, 529 argues that the Senate must have imagined serious dangers from the *publicani* to forego such an income, cf. Davenport 2019, 46.
[167] Marsh 1926, 18; López Barja De Quiroga 2007a, 127.
[168] Taylor 2013, 139–140; Lintott 1999, 51–52.
[169] Briscoe 2016, 650.

remains), the rural tribe in which he held residence, or any tribe of his choice. The third option would have been rather chaotic. The other two are more likely, though more restrictive. A freedman would either have had a former owner in a rural tribe or else had the wealth to purchase a rural property and emigrate from Rome. This implies that poorer freedmen who could not afford a rural residence or freedmen with urban patrons would not have been permitted to re-register.

The second exception is having a rural farm/s worth over 30,000 sesterces. This is a sizeable amount, enough to place someone into the second class of the census (Liv. 1.43.4; Dion. Hal. 4.16.3).[170] The exception also required rural estates – urban wealth did not count. A *censendi ius* was granted to these freedmen; this likely allowed a freedman to register into the tribe in whose locality he held property.[171] The requirements for rural wealth and children fit with the Roman ideal of what tied one to the *res publica*. Dionysius of Halicarnassus elaborates that, ideologically, it was the wealthy who ought to discuss policy for and defend the *res publica*, as they had the most interests to protect (Dion. Hal. 4.21.2). This wealth, in the eyes of the ideologically conservative, should be rural and land-based.[172] Cato the Elder attacks those that gained their wealth by trade or moneylending; *agricolae* are praised, and Cato claims that the best and bravest men come from farmers, and such men were the least likely to cause trouble (Cat. *Agr*. pr.). Cicero similarly declares that '*nihil est agri cultura melius, nihil uberius, nihil dulcius, nihil homine libero dignius*' (Cic. *Off*. 1.151). The production of children also bound one to the community.[173] Gellius records how Q. Caecilius Metellus Numidicus (cens. 102) urged people to marry and have children, for it was necessary for the survival of the State (Gell. *NA*. 1.6.1–2, 6).

Marsh and López Barja De Quiroga suggest that it was the censors of 169 BCE who introduced these exceptions – though Briscoe notes that this would imply that Gracchus the Elder first introduced a rather lenient redistribution and then, without explanation, changed his mind.[174] Taylor and Lintott both lean towards the censors of 179 BCE, as Livy states that these censors 'changed the voting [system]': '*mutarunt suffragia regionatimque generibus hominum causisque et quaestibus tribus discripserunt*' (Liv. 40.51.9). This is the only attested instance of a voting reform between 220 and 169 BCE and is the best candidate for adding

[170] Lintott 1999, 56ff.; Lo Cascio 2016, 156.
[171] Grieve 1985, 424, 429; Feig Vishnia 1996, 157–158.
[172] Morley 2006, 306, 308; Rosenstein 2008, 1.
[173] B. Rawson 2003, esp. 225.
[174] Marsh 1926, 18; López Barja De Quiroga 2007a, 127; Briscoe 2016, 649–650.

these two exceptions to freed tribal distributions.[175] It is also possible that the '*proximo lustro*' mentioned by Livy referred quite literally to the previous census of 174 BCE.[176]

Claudius' explanation that a censor could not disenfranchise a citizen completely and the subsequent statement that '*haec inter ipsos disceptata*' suggest that Gracchus the Elder wished to remove all(?) freedmen from the citizenry. The eventual compromise was that all freedmen were to be restricted into a single tribe, the Esquilina, and the exceptions where they could be allocated to a rural tribe were rescinded. Other sources do not agree, however – both Cicero and Aurelius Victor claim that the censors of 169 BCE reduced freedmen to multiple urban tribes, not one (Cic. *Orat*. 1.38: '*in urbanas tribus*'; [Aur. Vic.] *De Vir. Ill*. 57.3: '*in quattor urbanas* [*tribus*] *divisit*').

Briscoe, accounting for such discrepancies, hypothesises that a previous set of censors introduced both exemptions. The censors of 169 BCE then agreed to allow all freedmen who held rural property worth over 30,000 sesterces to register in whichever rural tribe they held property and freedmen with a child over the age of five to stay in whichever tribe they were assessed in 174 BCE. Initially, Gracchus the Elder wished to disenfranchise all other freedmen, but the two censors eventually compromised and restricted freedmen, who did not meet the exemptions, to a single urban tribe.[177]

This interpretation does not fit Livy's narrative, which clearly states that all freedmen ('*omnes, qui servitutem servissent*' and '*libertinos omnis*') were restricted to the Esquilina tribe.[178] In 88 BCE, however, the tribune P. Sulpicius redistributed freedmen and our sources suggest that freedmen, at that point, were in all four urban tribes and seemingly none of the rural tribes (Asc. 52C) – implying either that an unknown redistribution between 169 BCE and 88 BCE allowed freedmen to be placed into all four urban tribes again (whilst removing all freedmen from rural tribes) or that Livy made an error. I conjecture that it may even have

[175] Grieve 1985, 429; Lintott 1999, 51.

[176] Keaveney 1987, 101 theorises that the censors of 179 BCE introduced the exemptions and the censors of 174 BCE refused to honour them for freedmen who had reached the requirements since 179 BCE but allowed those who were already in a rural tribe to remain there. Feig Vishnia 1996, 157 by contrast argues that the censors of 179 BCE introduced the exemptions which the censors of 174 BCE continued to honour. Briscoe 2016, 650 contends that *proximo lustro* refers to the censors of 174 BCE – freedmen with a son over five were allowed to be redistributed in 174 BCE but not afterwards, whereas freedmen with property worth over 30,000 sesterces were still permitted after 174 BCE.

[177] Briscoe 2016, 649–650.

[178] Briscoe 2016, 651 justifies this by stating that the use of '*omnes*/*omnis*' was purely exaggerative, which I respectfully do not find convincing. North reconciles this by suggesting that a different urban tribe was selected every year henceforth, which, although explaining the discrepancy between Livy and the other sources, has no firm evidence (North 2022, 530).

been possible that, due to the extreme backlash from their opponents, the censors never carried out this restriction fully, and freedmen remained in the *status quo* set down by the censors of 230/220 BCE, which could explain the discrepancies seen in our sources.

With all these ambiguities, it is difficult to conclude what exactly Gracchus the Elder intended, and why. Regardless, we can firmly state that a pair of censors in the period of 230/220 BCE placed all freedmen into the four urban tribes. Sometime after this, likely during the censorship of either 179 or 174 BCE, freedmen with children over the age of five or rural estates worth at least 30,000 sesterces were allowed to be registered in a rural tribe. The censors of 169 BCE quarrelled over freedmen and restricted their tribal distribution, even though we remain uncertain as to how many tribes freedmen were reduced and which, if any, of the two exemptions were rescinded. Despite the unclarity of the situation, we can still, by analysing this episode in its socio-political context, determine why the censors of 169 BCE might have wanted to restrict freedmen further.

By 169 BCE, none of the issues that likely drove the reform in 230/220 BCE had been resolved. Unprecedented levels of wealth and slaves continued to flow into Rome, benefiting not only the senatorial class but also the commercial elite through public works and commercial opportunities.[179] In 184 BCE, when the *publicani* complained of the severity of the censors, the Senate acceded to their pleas, preventing a deterioration of the situation.[180] Due to the influx of wealth from Rome's recent military successes and overseas gains, both pairs of censors in 179 and 174 BCE let numerous public contracts to the *publicani*, possibly overgenerously. Whilst we remain unsure who introduced the exceptions or the exact nature of said exceptions, it seems that the censors responsible allowed rurally wealthy freedmen or freedmen with children – i.e. ideologically 'safe' freedmen – to be redistributed, an act that North describes as 'unusually generous'.[181] Then in 169 BCE, that year's censors lashed back against the commercial elite, cancelling all outstanding state contracts and reducing freedmen to a limited number of voting tribes. As the Senate refused to support the *publicani* again this

[179] Davenport 2019, 42, 45.
[180] This is the Livian narrative (Liv. 39.44). Plutarch instead states that it was the Senate that tried to rescind the contracts whilst Cato the Elder defended his expenditure, earning him the goodwill of the people (Plut. *Cat. Mai*. 19).
[181] North 2022, 530.

time, the relationship between the commercial elite and the censors became so antagonistic that it led to a riot and the censors' indictment on charges of *perduellio*.[182]

I tentatively suggest that the censors' actions in 169 BCE may have been very similar to what motivated the censors of 230/220: it was a dual political and ideological response to the growing influence of the mostly urban commercial elite and their *clientelae*. Politically, this sought to annul the influence of freed slaves in the *comitia tributa* and drastically curtailed their use by their patrons in that body. Freed slaves may have continued to grow in number due to Rome's economic expansion and were no longer seen in ideological terms as largely attached to the acceptable landed aristocracy or as being freed for the 'correct' reasons but became increasingly aligned with an urbanised and commercialised class and were seen as having been freed to exploit economic opportunities. Indeed, freedmen of some means rose to more commanding positions in the urban social fabric during this time. The first freed *magister* of a *collegium* in Rome was attested in the mid-late second century BCE (CIL 1^2.978=ILLRP 0097).

If we accept Briscoe's interpretation of this event, then Gracchus the Elder was ideologically able to tolerate extremely wealthy and rurally landed freedmen, who were more likely to have been attached to the landed aristocracy, than other kinds of freedmen, who were likely attached to patrons beyond the landed aristocracy or did not gain their wealth in an ideologically acceptable manner. Even if Briscoe is incorrect, and Gracchus the Elder did try to disenfranchise and later restrict all freedmen, this reading largely still stands – freedmen had become sufficiently wealthy, influential, and thought to have been so associated with the urban and commercial class that even those who met traditional standards, such as having children or owning rural estates, were no longer tolerable.

This is far more compatible with the socio-political context – the backlash of 169 BCE was concerned with the 'wrong' people gaining wealth, such as women or freed slaves, or with wealthy Romans who were not earning or displaying their wealth in ideologically acceptable ways; there is little to suggest that the censors of 169 BCE were particularly concerned with the urban poor during their tenure. We unfortunately do not know why the censors reacted so conservatively this year, especially since the previous few pairs of censors were not well-known for being particularly ideologically 'liberal' – the censors of 174 BCE

[182] Davenport 2019, 46: the actions of the censors deeply offended 'non-senatorial equestrians'. North 2022, 526, 532: this year was clearly one of discontent and challenge to 'oligarchic power' and a subsequent conservative backlash.

had expelled senators whom they deemed unworthy. As North hypothesises, the slow and inauspicious opening of the war against Perseus in Macedonia may have driven the censors of 169 BCE to rebuke the upper echelons of Roman society for becoming 'soft'.[183]

1.6 Summary

Much ink has been spilled attempting to reconstruct the demographic and socio-political realities of freedmen in the Early and Middle Republic, despite a near complete lack of evidence. The admittedly meagre evidence does allow us, however, to pinpoint two major episodes where the censors acted against the voting rights of freedmen by putting them into four, then possibly just one, of the voting tribes in the *comitia tributa*.

In both cases, the censorial backlash came amidst struggles between conservative members of the political elite and members of the increasingly noteworthy commercial elite. The sophistication of Rome's economy after the conquest of Italy and its success in the First Punic War led to growing wealth and slaveholdings amongst a wealthy stratum of people who were not members of the traditional political class. The members of this growing group visibly clashed with the Senate in the years surrounding 230/220 BCE, and a tribune even legislated against the commercial endeavours of senators in 218 BCE. It is thus likely that a pair of censors acted against freed slaves as part of this 'crackdown' on the growing commercialisation of Rome.

Even though the rationale behind the censors' attempt to restrict freedmen in 169 BCE is lost, this chapter argues that Gracchus the Elder likely reacted against the censorships of 179 and 174 BCE, which were favourable to the commercial elite with generous government contracts; one of these pairs of censors had even allowed relatively well-off freedmen who engaged positively with the ideologies of the landowning class to escape the tribal restrictions set down in 230/220 BCE. The austere censors ideologically and politically curbed the influence of the commercial elite by restricting freedmen. Freedmen who were not beholden to the senatorial elite had become socially notable enough that this drastic action was deemed appropriate. Whilst the reforms explicitly targeted freedmen, they can only be understood properly within the immediate socio-political context, considering who these freedmen might have been and to whom they were likely attached.

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[183] North 2022, 531.

In 142 BCE, Scipio Aemilianus allegedly had freedmen, who were not only ‘frequenters of the Forum’ but were described as agitators and mobilisers, support his candidature for the censorship.

> For when Appius [Claudius Pulcher, cens. 136] saw men of low birth who had been slaves by the side of Scipio as he burst into the Forum, men who were frequenters of the Forum and who by shouting and soliciting were able to gather a mob and force through all issues, he cried out with a loud voice: “O Paulus Aemilius, groan beneath the earth when you see Aemilius the Crier and Licinius Philonicus escort your son to the censorship” (Plut. *Aem*. 38.3–4).[184]

This moralising and sensationalised episode may have been entirely an invention, as with Valerius Maximus’ record of Scipio Aemilianus rebuking the allegedly freed attendees of a *contio* (Val. Max. 6.2.3). It is no coincidence, however, that the first accounts of a politician relying on or rebuking freed voters came from around this time – freed voters had become politically notable. It is unclear why, throughout the third and second centuries BCE, we do not have any unambiguous attempts to redistribute freedmen into more voting tribes – it is possible that, whilst this class was increasing in political power, championing the voting rights of freed slaves was still not yet worth the odium for the relatively smaller benefit it would have brought. As the senatorial consensus began to splinter in the Late Republic, however, exacerbated by the enfranchisement of Italians, the tensions surrounding the issue of freed tribal distributions intensified.

[184] ‘ὡς οὖν ἐμβάλλοντος εἰς ἀγορὰν τοῦ Σκηπίωνος κατεῖδε παρὰ πλευρὰν ὁ Ἄππιος ἀνθρώπους ἀγεννεῖς καὶ δεδουλευκότας, ἀγοραίους δὲ καὶ δυναμένους ὄχλον συναγαγεῖν καὶ σπουδαρχίᾳ καὶ κραυγῇ πάντα πράγματα βιάσασθαι, μέγα βοήσας: “ὦ Παῦλε,’ εἶπεν, ‘Αἰμίλιε, στέναξον ὑπὸ γῆς αἰσθόμενος ὅτι σου τὸν υἱὸν Αἰμίλιος ὁ κῆρυξ καὶ Λικίννιος Φιλόνεικος ἐπὶ τιμητείαν κατάγουσιν’”.

CHAPTER TWO

FREEDMEN IN THE MIDDLE AND LATE REPUBLIC (169–66 BCE)

After the restrictions placed on freedmen by the censors of 169 BCE, we do not hear of any attempts to disenfranchise them further or to redistribute them for several decades. The next alleged attempt to redistribute freedmen came in 115 BCE, on the part of M. Aemilius Scaurus (cos. 115). Aurelius Victor states that Scaurus dealt with an issue related to the voting rights of freedmen ([Aur. Vic.] *De Vir. Ill*. 72.5); this is not corroborated by any contemporary evidence, however. Cicero only makes an oblique reference to a 'citizenship law' of Scaurus without detailing its contents (Cic. *Orat*. 2.257). Taylor, relying on a letter of Cicero from 54 BCE, which states that his son, Scaurus the Younger (aed. 58), still held sway over rural voters thanks to the positive memory of his father, argues that it was because Scaurus the Elder redistributed freedmen into rural tribes (Cic. *Att*. 4.16.6).[185] Even if Scaurus did pass some form of voting reform, it was unlikely to have redistributed freedmen into the rural tribes, as there was 'another' attempted redistribution in 88 BCE, which means that any attempt of this kind on Scaurus' part must have been undone, for which we do not have evidence. In addition, by the time Scaurus the Younger began his political career in the mid-60s BCE, freedmen were back in the four urban tribes – it does not follow that Scaurus the Younger was able to enjoy rural support because his father spread freedmen more widely in rural tribes, since they were no longer rural voters by that time.

Two highly comparable attempts followed – the *Lex Sulpicia* of 88 BCE and the *Lex Manilia* of 67 BCE. The first came amidst the struggle between C. Marius and L. Cornelius Sulla over the command against Mithridates. The tribune P. Sulpicius (Rufus?)[186] passed a law that redistributed freedmen into all the voting tribes. It was annulled when Sulla marched on Rome in response to him being stripped of the Mithridatic command. This redistribution of freedmen was revived in 84 BCE after L. Cornelius Cinna's death, possibly by Cn. Papirius Carbo. We hear nothing further of this, but the fact that in 67 BCE freedmen seemed again to have been restricted to the urban tribes implies that Sulla likely annulled this as well, when he returned from the east in 83 BCE. Then the tribune C. Manilius, on the last day of 67 BCE, which was the *Compitalia* for that year, tried to resurrect Sulpicius' bill. The Senate voided the law the very next day and Manilius did not try again. These two episodes are, in my opinion, the only two definite attempts to redistribute freedmen during the Republic.

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[185] Taylor 2013, 139.
[186] P. Sulpicius likely did not have the cognomen 'Rufus'. See Seager 1994, 167.

2.1 The *Lex Sulpicia de libertinorum suffragiis* of 88 BCE

We now turn to the first of the two key episodes. The importance of the action of the tribune P. Sulpicius in 88 BCE is often overlooked, as it has usually been seen as just one attempt in a series of freed tribal redistributions, rather than the first unambiguous attempt to redistribute freedmen. Much of the scholarship, following Taylor and Treggiari, has often viewed attempts by politicians (particularly 'populist' tribunes) to redistribute freedmen into more voting tribes as a way of dominating the *comitia tributa*, since there were allegedly so many urban freedmen that, by redistributing them more widely, they could outvote freeborn citizens and push through whatever legislation the politician responsible wanted.[187] I have already argued against assuming that freedmen were largely poor, perpetually un/underemployed urban plebeians with much spare time on their hands.[188] If most freedmen were artisans, shopkeepers, or *procuratores* for members of the wealthy elite, they may not have had much time to attend to political matters unless they directly affected them or their patrons.[189]

Indeed, this thesis largely agrees with the view that most Roman citizens who could have practically voted were those with enough wealth and spare time to do so, especially if they did not live in Rome.[190] Since the physical limitations of the Roman voting areas would have precluded too many attendees, mass mobilising all urban freedmen was entirely unnecessary – even a small subset, well-mobilised, would have been enough to make a difference.[191] We must analyse the initiatives of the Late Republic independent of the assumption that there were so many freedmen who could attend to political matters that this was the sole goal of distributing them into more voting tribes.

[187] Treggiari 1969, 50, 167–168. Taylor 2013, 144–145: 'the votes of freedmen, similarly distributed, would have been particularly useful in legislation, for the urban plebs had far more power in the legislative tribal assembly than they had in the centuriate assembly or even in the tribal electoral assembly when many Italians were in Rome'.
[188] See for example Lintott 1968, 86ff. and Taylor 2013, 141 who use the number of recipients of the grain dole as a basis for freedmen numbers. For a counterargument, see Mouritsen 2011a, 52 and in particular 121–123.
[189] Sall. *Iug*. 73.6; Mouritsen 2001, 36ff., cf. Russell 2016, 187–191. For evidence of the freedmen of the Roman elite being sent away from Rome on errands (often for business), see Cic. *Fam.* 3.1, 3.5, 3.6, 3.7, 3.8, 13.69, *Att.* 6.2, and 11.20, with Purcell 1994, 654ff.
[190] Mouritsen 2001, cf. Mouritsen 2017, 55ff. and Tatum 2018, 17–18.
[191] Voting areas in Rome could only have held a tiny fraction of Rome's voting body (Plut. *C. Gracch*. 3.1). On this, see Taylor 1966, 46, 54, 113, Staveley 1972, 188, and J. Patterson 2006, 355.

2.1.1 88 BCE – A Timeline

A timeline of the events of 88 BCE must first be established before any analysis can be performed, since all the surviving narratives differ slightly. As I will later argue, precisely when Sulpicius put forward the freedmen bill will impact on how we interpret why it was passed. As the first Roman civil war is one of the best-studied periods of Roman history,[192] this thesis will not re-cover much-trodden ground but will home in specifically on the issue of freedmen.

After his disastrous alliance with the tribune L. Appuleius Saturninus and the praetor C. Servilius Glaucia in 100 BCE losing him much political support from across the political spectrum and failing to regain his status in the Social War,[193] Marius was left as a *privatus* and, at least according to all the surviving sources, was eager to regain his glory by taking up a command against Mithridates (Plut. *Mar*. 28–34; App. *B Civ*. 1.55).[194] The Mithridatic command, however, had already fallen by lot to Sulla as one of the consuls for 88 BCE (App. *B Civ*. 1.55; App. *Mith*. 22; Vell. Pat. 2.18). To this purpose, Marius allied himself with the tribune P. Sulpicius, promising the latter support in return for a bill granting him the command in the East (App. *B Civ*. 1.55; Plut. *Mar*. 35; Plut. *Sulla* 8; Vell. Pat. 2.18). The rapid set of events that followed is of particular importance, as the sources are at variance. It is certain that Sulpicius swiftly introduced a set of laws, culminating in the transfer of the Mithridatic command from Sulla to Marius. One or all of these laws caused a period of extreme rioting and the consuls Sulla and Q. Pompeius Rufus tried to quell the disturbances by introducing a cessation of public business (*iustitium* or *feriae*) (App. *B Civ.* 1.55; Plut. *Sulla* 8). This did little to stop the violence, in which Pompeius' own son was killed (App. *B Civ.* 1.56; Plut. *Mar*. 35). Sulla was forced to lift the restriction on public business and left for his army at Nola (App. *B Civ*. 1.56; Plut. *Mar*. 35; Plut. *Sulla* 8). He soon found out that his command had been reassigned, causing him to march on Rome (App. *B Civ*. 1.57ff.; Plut. *Mar*. 35; Plut. *Sulla* 9; Vell. Pat. 2.19).

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[192] For a general analysis of Sulpicius' tribunate, see Mitchell 1975, 197–204, Chapman 1979, 61–72, Lintott 1971, 442–453, and Powell 1990, 446–460. For overviews of Marius and Sulla, see E. Frank 1955, Carney 1961a, Luce 1970, Levick 1982, and in particular Carney's 1961b and Evans' 1994 biographies of Marius, and Keaveney's 2005 biography of Sulla. See also Lintott 1994, Hind 1994, Seager 1994, Konrad 2006, Steel 2013, esp. 91ff., and Von Ungern-Sternberg 2014 for their overviews of this time period. Tatum 2022 also provides a detailed analysis of the year 88 BCE. For overviews of the Social War and its immediate aftermath, see Dart 2014 and Vervaet 2023.

[193] See however Luce 1970, 165–166 on Marius being elected to the augurate *in absentia* in 98 BCE and how this implied that Marius still enjoyed 'significant popularity and political power'.

[194] Luce 1970; Powell 1990, 452ff.; Keaveney 2005, 37.

Livy's *Periochae* records that Sulpicius introduced a whole series of laws all at once, including, at least according to the wording of the epitomiser, what seems to have been a single bill redistributing new citizens (i.e. newly enfranchised Italians) and freedmen into all the voting tribes.

> When P. Sulpicius was the tribune of the plebs, he, instigated by C. Marius, passed pernicious laws to recall exiles, to distribute the new citizens and freedmen across the tribes and to make C. Marius the leader [of the war] against Mithridates, King of Pontus (Liv. *Per.* 77).[195]

In his main narrative in *Life of Marius*, Plutarch does not mention Italians or freedmen at all, though in a passage in *Life of Sulla*, he claims that Sulpicius sold the citizenship to freedmen and foreigners (Plut. *Sulla* 8). Plutarch was evidently aware of the connection between Sulpicius' tribunate and issues relating to the voting issues of Italians and freedmen, though he presented it in a highly sensationalised and biased way.[196] The biographer claims that it was the introduction of the Mithridatic bill that set off the rioting and the subsequent events (Plut. *Mar*. 34–35; Plut. *Sulla* 8). This narrative sequence is very similar to that provided by Velleius Paterculus (Vell. Pat. 2.18.6).

In Appian's much more detailed account, a different timeline is presented. Sulpicius, instigated by Marius, introduced a law that would allow newly enfranchised Italians to be distributed into all thirty-five voting tribes, rather than be restricted to the ten(?) newly created tribes.[197] The matter came to rioting, as, according to Appian, the old citizens feared that the new ones would outvote them (App. *B Civ.* 1.55). As a response to the riots, the consuls Pompeius and Sulla instituted a pause in public business. The rioting instead worsened and led to the death of Pompeius' son (App. *B Civ*. 1.56). Sulla was forced to lift the pause and left for Capua (Nola by everyone else's account) where his army was stationed (App. *B Civ*. 1.56). The Italian bill was passed and immediately another bill transferred the

[195] '*Cum P. Sulpicius tribunus plebis auctore C. Mario perniciosas leges promulgasset, ut exsules revocarentur et novi cives libertinique in tribus distribuerentur et ut C. Marius adversus Mithridatem Ponti regem dux crearetur*'.
[196] On Plutarch's and Appian's sources for this episode and their biases, see Luce 1970, 163, Lintott 1971, 442–443, 445, Powell 1990, 451ff., and Evans 1994, 6ff.
[197] On how the Italians were distributed before Sulpicius' redistribution, see Lintott 1971, 444 and Keaveney 2005, 46. For a summary of the legislative history of Italian enfranchisement around the Social War, see Bispham 2007, 162ff. and Kendall 2013, 208ff., 354ff. It would seem that, at the end of the Social War, the new citizens were assigned to ten (App. *B Civ*. 1.49), eight (Vell. Pat. 2.20.2), or two newly created tribes (Sisenna 17P). These tribes voted last (App. *B Civ*. 1.49). Keaveney 1987, 170 reconciles Sisenna 17P and Velleius Paterculus by theorising that two tribes were created first (possibly by the *Lex Julia* of 90 BCE, or by another law soon afterwards) and the number was raised to eight tribes when the number of enfranchised citizens grew. Roselaar 2019, 232 argues that there is no evidence that these tribes were actually created, but rather that the newly enfranchised Italians were left in limbo, cf. Dart 2014.

Mithridatic command to Marius. The freedmen bill does not appear in Appian's narrative at all.

Despite its absence from Appian's and Plutarch's main narratives, which may have been due to differing authorial agendas,[198] there is little doubt that a freedmen bill was promulgated by Sulpicius, evident by its being recorded in Livy (through the *Periochae*) and there being later references to it in Cicero (through Asconius) (Liv. *Per*. 77; Asc. 64C). The epitomiser of Livy places the Italian, freedmen, and Mithridatic bills in one block. In Asconius too, the freedmen bill was listed as one of the reasons why Sulpicius '*consulum armis iure oppressus* (…) *est*' (Asc. 64C). As such, we can conclude that the bill was passed very close in time to the Italian and Mithridatic bills, and not earlier in Sulpicius' tribunate.

The evidence also suggests that the freedmen bill was a distinct measure. After Sulla departed for the East having annulled all of Sulpicius' measures, Cinna championed the redistribution of Italians in 87 BCE, whereupon he was driven out of the City (App. *B Civ*. 1.65ff.). He took up the matter again when he returned to Rome (Liv. *Per*. 80). A second attempt at the redistribution of freedmen, however, did not take place until 84 BCE, possibly by Carbo after the death of Cinna (Liv. *Per*. 84). Furthermore, in 67 BCE, when the tribune C. Manilius took up the freedmen issue, Asconius explicitly states that he was reinitiating one of Sulpicius' bills: '*hanc eandem legem*' (Asc. 64C). Had Sulpicius introduced the Italian and freedmen redistributions in a single bill, then Manilius would have been required to invent a new bill, as his bill only affected freedmen. It is therefore far more likely that the freedmen bill was a separate and distinct measure, as opposed to being part of the Italian or Mithridatic bills.[199]

W. Jeffrey Tatum contends that Sulpicius had already clashed with the Senate regarding the consulship bid of C. Julius Caesar Strabo, though Sulpicius had no idea how seriously he had antagonised the Senate at the time.[200] Subsequently, and unaware of any senatorial animosity, Sulpicius introduced the freedmen bill, separately though alongside the

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[198] On Appian and his agenda, see Bucher 2007. For Plutarch, see Nikolaidis 2014 and Stadter 2015.

[199] Broughton 1952, 41, Taylor 2013, and Elster 2020, 358, in my opinion erroneously, place the Italian and freedmen bills together as a single measure.

[200] Cicero states that Sulpicius began his career siding with the *nobiles* but lost their support when he and the Senate clashed over the issue of the consulship bid of Caesar Strabo (Cic. *Har*. 43; Cic. *Brut*. 226, cf. Diod. 37.2.12). Mitchell 1975 agrees that this was when the break between Sulpicius and the *nobiles* occurred (i.e. before the Italian bill). Luce 1970, 192 and Powell 1990, 450 argue that Sulpicius was still aligned with the *nobiles* and expected their support in the Italian bill – only after their refusal did he turn to Marius. See also Lintott 1971, 445– 446 and Powell 1990, 453 on a discussion of when Caesar Strabo ran for the consulship (and whether Sulpicius had already broken with the *nobiles* by late 89 BCE or not until sometime in 88 BCE).

Italian bill, explicitly to appease the urban plebs.[201] It was then that violence ensued and Sulpicius realised the extent of the senatorial hostility towards him. After this, Sulpicius turned to Marius who used his equestrian supporters to pass all of Sulpicius' measures.

If Sulpicius did not realise that he had already broken with the *nobiles* until after he introduced his Italian bill, however, then it does not follow that he introduced the freedmen bill alongside the Italian bill, as he would not have expected his Italian bill to have faced such opposition from the *nobiles* that he needed significant comitial support from beyond the senatorial class. Moreover, if Sulpicius was trying to pacify the urban plebs, then his freedmen bill would have only benefited a small subset of them. In addition, if the target was the urban plebs, then Sulpicius could have only hoped to have gained the support of the four urban tribes, hardly enough to win him the vote; and if he already had enough support amongst the rural tribes, he need not have cared about how the urban tribes voted. Lastly, if this bill was purely a tactic to appease the urban plebs, it is then odd why Sulpicius did not drop it when it became clear that his attempt to forestall opposition from the urban plebs did not work and that the urban plebs rioted anyway. It is therefore far more likely that the freedmen bill was introduced slightly later (and possibly alongside the Mithridatic bill) after the period of rioting as a way of gaining the support of patrons in rural tribes, rather than concurrent with the Italian bill and trying to appease voters in the urban tribes.[202]

In sum, in 88 BCE, the tribune Sulpicius, possibly instigated by Marius, promulgated a bill to redistribute newly enfranchised Italians into the existing thirty-five voting tribes in the *comitia tributa*. This led to rioting and the consuls instituted a cessation of public business. The rioting worsened and Sulla was forced to lift the ban and flee to Nola and his army. The Italian bill was passed. Sulpicius then introduced a bill that would redistribute freedmen into all thirty-five voting tribes as well, either very shortly before or alongside a bill to transfer the Mithridatic command from Sulla to Marius. Upon hearing of his loss of command, Sulla marched on Rome and annulled these measures. Sulpicius was soon caught and killed (Liv. *Per*. 77).

[201] Tatum 2022, 560ff.: 'a last desperate effort to obtain control of the city rabble', cf. Taylor 2013, 144.
[202] For an agreement with this view, see Lintott 1971, 453.

2.1.2 Challenging the Traditional View

Upon determining the above timeline, several issues arising from the traditional view – that there were so many urban freedmen that Sulpicius wished to redistribute them into all thirty-five tribes to overwhelm the votes – become immediately obvious.

First, it is unclear why Sulpicius even needed to redistribute freedmen, since at that point he had successfully redistributed Italians, a move which Appian made clear would already give Sulpicius dominance in the *comitia tributa* (App. *B Civ*. 1.55). Considering Sulpicius managed to pass the Italian bill, he presumably had sufficient support amongst the citizenry even before Italians or freedmen had been allocated into all the thirty-five tribes. A simple explanation could be that Sulpicius wanted as much support as he could muster for the Mithridatic bill – the last time an attempt was made to transfer military command to a *privatus* happened in 131 BCE, when Scipio Aemilianus tried to gain the command against Aristonicus. It went poorly and only two tribes voted in favour (Cic. *Phil*. 11.18).[203] Sulpicius naturally wanted additional political support before attempting the Mithridatic bill.

The statement that Sulpicius passed the freedmen bill to gain additional political support is surely uncontroversial – though we must investigate how Sulpicius might have gained political support by spreading freedmen into all thirty-five tribes. Cassius Dio clarifies that freedmen were to be redistributed into their patrons' tribes.[204] This raises further questions regarding the traditional view – if Sulpicius wanted as many freedmen to vote in as many tribes as possible, then numerous other methods would have sufficed, such as redistributing them at the tribune's discretion or redistributing them by lot. The fact that they were being redistributed explicitly into their patrons' tribes suggests that the reality was more complex than just trying to win freed votes. Indeed, it is unclear why anyone, bar extreme ideological opposition to the idea that freed slaves should have weightier votes, would be against this – surely even members of the conservative senatorial elite would benefit from their freed clients having more weighty votes and being placed into their own tribes, where these votes could be more easily monitored and influenced?[205]

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[203] On the unprecedented nature of successfully transferring a *provincia consularis decreta* to a *privatus*, see Evans 1994, 132–133 and Vervaet 2014, 174.

[204] Cass. Dio 36.42.2: 'τῷ γὰρ ἔθνει τῷ τῶν ἀπελευθέρων (…) ψηφίσασθαι μετὰ τῶν ἐξελευθερωσάντων σφᾶς ἔδωκεν'.

[205] See López Barja De Quiroga 2007a, 126, who suggests that senatorial opposition to this method of distribution was because traditional client networks did not exist or did not work as we have assumed, cf. Mouritsen 2001, 3, 68–72. López Barja De Quiroga's assessment, however, still fails to account for why

Furthermore, prior to the first century BCE, issues of freed tribal distributions had been raised by the censors, who had the power to change a citizen's tribe. It remains unclear whether Sulpicius' legislation empowered him to change the tribes himself. Even if it did, and even by a low count of the number of freedmen, one would imagine it would have taken some time to redistribute tens of thousands of freedmen into their patrons' tribes. If the freed citizens needed to wait until the next census to complete their transfer of tribes (for example, it seems that distribution/enfranchisement of Italians was not carried out until 84 BCE at the earliest and was not fully reflected until the census of 70 BCE)[206] then they could hardly have been very useful in voting for the Mithridatic bill. After lifting the ban on public business and before the Italian bill was formally passed, Sulla left for Nola. He had only just arrived at his army before the news broke that his command against Mithridates had been stripped from him. Plutarch's narrative presents Sulla and Marius' legates arriving one rapidly after another at Sulla's camp (Plut. *Sulla* 8–9). Even if the law empowered Sulpicius to conduct a redistribution immediately, the short timeframe between the freedmen bill and the Mithridatic bill (days at most), would have meant few freedmen would have been able to be redistributed in time for the latter.

Moreover, none of the sources or the traditional view satisfactorily explains how a politician could continue to mobilise freedmen after they had been redistributed, and seemingly rest on the assumption that freedmen would be so pleased with their redistribution that they would continue to support the politician responsible unquestioningly. As stated before, however, many freedmen would have been artisans, shopkeepers, or businessmen and that would have kept them busy enough not to have attended to politics regularly unless the issue concerned them or their patrons enough. In his record of Marius' first election as consul, Sallust stresses that the attendance of artisans and farmers at the election was a rare sight, as they had to worry about their own livelihoods (Sall. *Iug*. 73).[207] Cicero records how Catiline failed to rally the urban artisans and shopkeepers, who had their livelihoods to think

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freedmen were to be enrolled into their patrons' tribes and not by another method. For more on the patronal system in the Late Republic, see Brunt 1988, 387, 435ff. and Wallace-Hadrill 1989, 63–88.

[206] Liv. *Per*. 80, 84. Seager suggests that the Cinnan faction promised the Italians citizenship in 86 BCE but did not actually carry out the enrolments as, once in power, it no longer so desperately needed to court their support (Seager 1994, 180–186). This changed in 84 BCE when it became obvious that Sulla would soon return. The census of 86/5 BCE showed only a modest increase from the census of 115/4 BCE (394,336 to 463,000) but the census of 70/69 BCE recorded almost double the previous figure (910 or 900,000). In other words, the enfranchisement of Italians did not seem to have been widespread in the mid-80s BCE, though the Cinnan faction promised to redistribute them (Mouritsen 2001, 81, 118; Keaveney 2005, 101; Tatum 2006, 191; Bispham 2007, 192–193).

[207] Mouritsen 2001, 37–40 on App. *B Civ*. 5.18, cf. Brunt 1966, 24.

about (Cic. *Cat*. 4.17).[208] As Lintott astutely concludes for Ti. Gracchus: 'the political following he acquired during his tribunate (…) could only be converted into a true and permanent *clientela* if it were bound by permanent and tangible benefits which could outweigh any other allegiance';[209] there is little reason why this would not hold in general.

In addition, a series of laws from the 130s to the 100s BCE, starting with the *Lex Gabinia* of 139 BCE, had made voting secret (Cic. *Leg*. 3.34). Whilst there is still debate on how, if at all, these laws changed voting outcomes,[210] there was very little a politician could do to force their supporters to attend the vote or vote in their favour.[211] If Sulpicius needed freedmen, or those who benefited from freedmen being redistributed, to continue to support him, he needed to continue to pass pieces of legislation that benefited them. Moreover, the tribunate often acted as an early stepping stone for a Roman politician's career.[212] It would be most short-sighted if a tribune burnt all his bridges with the most valuable voters in the *comitia centuriata* by courting the 'poor masses of urban freedmen' useful only in the *comitia tributa*, especially if their tribal redistributions might not have taken effect before his year-long tenure as tribune was over.

In sum, the redistribution of freedmen would only provide Sulpicius with additional political power if his subsequent bills continued to benefit freedmen or those who would benefit from freedmen being redistributed. It was highly unlikely to have been, as López Barja De Quiroga suggests, an ideological statement that all citizens should have equal votes.[213] Due to the exigency of the situation, Sulpicius certainly had more pressing concerns than to make a purely ideological statement. Since his subsequent bill was the transfer of the Mithridatic command, the freedmen bill and Mithridatic bill, despite being two separate bills, should be examined together, as Sulpicius expected that whoever would benefit from his freedmen bill must also benefit from his Mithridatic bill enough that pursuing the redistribution of freedmen was worthwhile. In other words, who would have wanted to see

[208] Russell 2016, 187.
[209] Lintott 1968, 177.
[210] On the secret ballot laws, see Yakobson 1992, 48, Yakobson 1995, 426, Flaig 1995, 79, Mouritsen 2001, 75, Montgomery 2005, 91, Lundgreen 2009, 47–53, and Taylor 2013, 141.
[211] Due to the secret ballot laws, even bribery could not ensure legislative or electoral victory. See Yakobson 1995, 441 on Cic. *Verr*. 1.22ff.
[212] Sulla reformed the tribunate explicitly so that ambitious politicians could no longer use it as a steppingstone (App. *B Civ*. 1.100). Marius himself started his career as a tribune (Plut. *Mar*. 4).
[213] López Barja De Quiroga 2007a, 130–131; López Barja De Quiroga 2022, 380–381.

Marius instead of Sulla gain the Mithridatic command, and what was their connection with freed slaves?

2.1.3 The Commercial Elite and Freedmen

With Rome's successful expansion into the Mediterranean, two major issues arose that are of particular concern to this chapter – the continued rise of a commercial elite and the Italian enfranchisement. The late second century BCE saw rapid commercial growth in Asia and areas that would later come under threat by Mithridates. Italo-Roman merchants arrived in great numbers when Delos was made a free port in 167 BCE.[214] Commercial interest in Asia Minor grew further when C. Gracchus (or perhaps some legislation passed shortly before his tribunate) allowed the *publicani* to farm taxes there (Diod. 34/35.25).[215]

Onomastic investigations of inscriptions in areas of the East controlled by Rome during this time reveal a large Italian and Roman presence, though there are still debates as to the exact proportion of Roman citizens to non-Roman Italians there.[216] Regardless, both Roman citizens and non-Roman Italians had financial and commercial interests in Asia.[217] The massacre of Mithridates shows the scale of Italo-Roman operations in Asia by the 80s BCE. Some 80,000 Romans and Italians were reportedly killed, whom Valerius Maximus specify as being there to do business (Val. Max. 9.2e.3). Likewise, when Mithridates' general Archelaus sacked Delos in 88 BCE, some 20,000 people, 'ὧν οἱ πλέονες ἦσαν Ἰταλοί', were massacred (App. *Mith*. 28). The Italian and Roman commercial elite seemed to have cooperated well – we have little evidence to suggest that these two subsets of the commercial elite clashed over political or financial issues.[218]

The Italian part of this commercial elite would certainly have benefited from or even agitated for Roman citizenship in the run-up to the Social War.[219] Becoming Roman citizens

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[214] See A. Wilson 1966, 99ff. for a timeline of the expansion of the activities of Italo-Roman *negotiatores* and others in Delos, cf. Lomas 1996, 52 and Deniaux 2002, 29. For a general discussion on the growth of the Italo-Roman commercial elite after the Hannibalic war, who became a new elite stratum due to 'unprecedented social mobility', see Roselaar 2019, 151–155.
[215] On the *Lex Sempronia de Provincia Asia*, see Badian 1972, 62, 99, Kay 2014, 59–61, Tan 2017, 66–67, 158–159, and Davenport 2019, 65.
[216] See Hatzfeld 1919, particularly 240–242 for the argument that most businessmen and traders were from Oscan- and Greek-speaking parts of Southern Italy, cf. Gabba 1976 and Bresson 2002. See A. Wilson 1966, Cébeillac-Gervasoni 2002, Wallace-Hadrill 2010, 84, and Kirbihler 2016 for counterarguments that many traders came from central Italy and were Roman citizens or Latins. Roselaar 2019, 70 comments that the evidence is not strong enough to make a clear assessment either way.
[217] See CIL 1^2.830=ILLRP 00359 (88 BCE) for a dedication by the '*Italicei et Graecei qui Delei negotiantur*'.
[218] Roselaar 2012, 141ff.; Roselaar 2019, 70; Vervaet 2023, 20.
[219] Mouritsen 1998 famously argues against the idea that Italians wanted citizenship but instead fought for independence. Kendall 2012, 2013 and Roselaar 2019 both disagree with Mouritsen and conclude that there

would not only have lifted from them the burden of much of the taxes required to support their military contingents (the *tributum* was abolished for Roman citizens in 167 BCE)[220] but also allowed them to compete for lucrative state contracts,[221] especially since tax farmers were now established in Asia. They would have had the wealth and time to travel and vote in Rome and thereby sway foreign policy.[222] They could also potentially compete in elections themselves.[223] With the conclusion of the Social War, this influx of new voters was dramatic – the census of 115/4 BCE had 394,336 citizens recorded and the census of 70/69 BCE had 910,000, more than double the number of citizens from before the Social War. Even if only a small fraction of these new voters had the time and means to engage meaningfully in politics, this would certainly have upset traditional voting patterns.[224]

The Italian and Roman commercial elite most certainly had freed clients, who themselves became wealthy and influential. Jean Hatzfeld, in his investigation of Delian inscriptions, finds that out of 221 inscriptions of 'Rhomaioi' with known statuses, 88 are freeborn, 95 are freedmen, and 48 are slaves.[225] Based on an analysis of the names, Kathryn Lomas argues that three slaves and a freedman, the dedicators of an inscription to Jupiter Liber on Delos, had an Oscan-speaking owner (CIL 1^2.2203=ILLRP 0194).[226] The three freeborn and three freed *magistri* of Mercury and Maia were also likely to have been Oscan speakers from central or southern Italy (CIL 1^2.2240=ILLRP 0749).[227] Two freedmen gave the Italo-Romans at Delos a *laconicum* (CIL 1^2.2247=ILLRP 0289). One freedman, with two freeborn and another freedman, dedicated a statue to Maia and was listed first in the inscription, even before the man who seemed to have been his former owner (CIL 1^2.2230=ILLRP 0751). On the Italian peninsula, inscriptions recording '*libertus*' status, prior

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were significant economic and political benefits of Roman citizenship, enough to fight for, cf. G. Bradley 2019, 168ff. See particularly Kendall 2013, 135–136 for the argument that it was the Italian *domi nobiles*, who had significant overseas commercial interests, that had the most to gain from the Roman citizenship and were the primary agitators for it, since they would certainly become equestrians upon being enfranchised, cf. Gabba 1976, Wiseman 1983, 30, and Carlà-Uhink 2017, 331ff.

[220] Kendall 2012, 116; Kendall 2013, 97; Roselaar 2019, 207.

[221] Keaveney 1987, 7–8; Kendall 2012, 117; Kendall 2013, 121, 136, 279; Roselaar 2019, 207.

[222] Dyson 1992, 64, Mouritsen 1998, 97, 169–170, Lovano 2002, 15, Kendall 2012, 118, Lomas 2014, 256, and Davenport 2019, 132–133 all agree that typically it was the relatively well-off, i.e. the *domi nobiles*, that were particularly political interested and active, cf. Cic. *Comm. Pet*. 8, Cic. *Red. Sen*. 28 and J. Patterson 2019, 45–46 on these passages of Cicero.

[223] Mouritsen 1998, 94; Kendall, 2012, 118.

[224] Dart 2014, 3, 46, cf. Cic. *Sull*. 24–25.

[225] Hatzfeld 1919, 247–248

[226] Lomas 1996, 67.

[227] Lomas 1996, 67–68. For further examples of freed *magistri*, see CIL 1^2.2504=ILLRP 759, CIL 1^2.3433=SEG 23, 514, CIL 1^2.2232=ILLRP 750, CIL 1^2.2239=ILLRP 748 – all dated to before the Social War (most in the last few decades of the second century BCE). See also Deniaux 2002, 32ff. for an investigation of the Seii, a Campanian family with members and at least one freedman attested on Delos.

to the first century BCE, centred in certain locations. Large Etruscan cities (Caere and Tarquinii, in particular), cities in Latium and Campania (Capua for example), cult centres such as Praeneste, and Rome all have far greater numbers of freed inscriptions surviving than other locations. It is unclear whether this could be attributed to these locations having more freedmen, having more freedmen who became wealthy enough to leave behind inscriptions, because the freed culture in those locations leaned towards more permanent forms of commemoration, or that these locations simply had more inscriptions survive. Even taking into account the freed epigraphic habit, it would seem that large, wealthy, Italo-Roman urban centres had the greatest number of freed residents who were themselves well-off enough to leave behind a permanent marker of their existence. Whilst Rome outnumbers the other cities in the number of freed inscriptions, it is clear that, prior to the Social War, wealthy and highly urbanised Italian cities, particularly those linked with maritime trade, also had high numbers of slaves and freed slaves.[228]

During the Mithridatic massacres, Appian tells us that freedmen of Italians and Romans were explicitly targeted for slaughter (App. *Mith*. 22–23). Of course, we do not know of the exact numbers of freedmen with Italian owners, but there is nothing to suggest that the patterns of manumission in Italy might have been significantly different from rates in Rome – it might even be possible that Italians were more liberal with manumission, as they were not subject to Rome's manumission tax. In particular, members of the Italo-Roman commercial elite would have had the greatest need for freed clients to act on their behalf in business matters and might have been the subset of the elite with the largest number of freedmen. The Italo-Roman commercial elite had business concerns in Asia and thus a vested interest in how the Mithridatic War was to be pursued. These freed clients of the Italo-Roman commercial elite actively engaged in business alongside their patrons and some became quite wealthy and influential themselves. With the closing of the Social War, the Italian segment of this commercial elite, with their freed clients, were to become Roman citizens and could now vote in Rome's assemblies.

[228] Dyson 1992, 46 correlates the high number of freed inscriptions there explicitly with the growth of the 'new Roman Mediterranean economy'. Crawford 2011, esp. 275ff. provides some additional examples of pre-Social War Italic inscriptions, such as inscriptions in Paelignian mentioning freedmen.

2.1.4 *Lex Sulpicia*: A Revised View

After the disastrous close to his sixth consulship in 100 BCE due to his ill-advised alliance with Saturninus and Glaucus, Marius departed for Asia in 98 BCE. According to Plutarch, Marius ostensibly went for religious reasons but, allegedly, it was so that he would not have to be present for the recall of his enemy Q. Caecilius Metellus (later Numidicus) from exile and in order to stir up a war in Asia (though these supposed reasons likely rose from anti-Marian sources) (Plu. *Mar*. 31).[229] Regardless, when Marius returned, the Senate renewed its interest in Asia. After his praetorship, Sulla was sent to Cappadocia in 96 BCE (Plut. *Sulla* 5). He reorganised the nearby kingdoms and restored Ariobarzanes, King of Cappadocia. Sulla also increased the importance of Asia by raising it to the status of a consular province.[230] After Sulla's return (possibly as late as 93 BCE), he was charged with *repetundae* in an equestrian court, though he escaped the charges not because he was acquitted, but because the prosecutor C. Marcius Censorinus for some reason did not appear at the trial (Plut. *Sulla* 5.6).[231] His successors in the province, the proconsul Q. Mucius Scaevola and his legate P. Rutilius Rufus, restricted the financial activities of *publicani* and equestrians and instituted legal protections for the residents of Asia against *publicani* exploitation (Diod. 37.5).[232] Upon their return in 92 BCE, Rutilius was tried and found guilty of *repetundae* by an equestrian court, much to the Senate's chagrin (Cass. Dio 28.97; Liv. *Per*. 70, cf. Cic. *Fam*. 1.9.26).[233] Subsequently, the slaughter of Italo-Roman businessmen and the start of the war in Asia all but crashed the financial market in Rome (Cic. *Man*. 19).

The 90s BCE thus saw certain conservative politicians interfere with the financial interests of the Italo-Roman commercial elite in Asia. With the conclusion of the Social War, the Italian component of this wealthy and influential elite now potentially had a real say in Roman politics. Both the Italian and Roman commercial elite suffered greatly from the outbreak of the Mithridatic War, and it would be natural that they would seek someone who was ostensibly championing their causes to lead the war against Mithridates, both out of a desire for revenge and for the war to end quickly so that their financial activities in Asia could resume.

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[229] On anti-Marian sources used by Plutarch, see Luce 1970, 163 and Powell 1990, 451, 454.
[230] For the flurry of activities that the Senate undertook in Asia after Marius returned, see Luce 1970, 170–171.
[231] On the trial of Sulla, see Keaveney 1982, 35.
[232] On Scaevola and Rutilius in Asia, see Luce 1970, 169–171 and Morrell 2017, 12–13.
[233] Luce 1970, 171 argues that the Senate actually expected that whomever it selected for Asia would be charged upon his return and wanted someone brave enough to face the 'equestrians' and still be willing to curb the 'excesses' of the *publicani*.

Sulpicius likely wanted the Italo-Roman commercial elite to support the transfer of the Mithridatic command from Sulla – who had previously interfered with or was thought to have interfered with their interests in Asia[234] and, for the Italians particularly, had been a noted commander against them during the Social War[235] – to Marius, a *novus homo* from Arpinum who had strong ties to these new interests; Marius was able to win multiple consular elections without support from conservative members of the political elite (suggesting significant support from wealthy voters in the *comitia centuriata* who were not beholden to the senatorial class)[236] and had close enough bonds with commercial and financial groups that rumours circulated that he was once himself a '*publicanus*' (Diod. 34/35.38).[237] In fact, during the Jugurthine War, it had been the Roman 'equestrians' doing business in Africa that mobilised their networks back at Rome which voted in Marius as consul despite opposition from conservative politicians (Sall. *Iug*. 65.4).[238] At the end of the Cimbrian War, despite opposition (and possibly illegally), Marius enfranchised 1,000 soldiers from Camerinum (Val. Max. 5.2.8; Plut. *Mar*. 28.2), which must have left a positive impression of him in the minds of Italians agitating for citizenship. In other words, both Italian *domi nobiles* and wealthy members of the Roman commercial elite had a vested interest in seeing Marius and not Sulla gain the command against Mithridates. Indeed, both Thomas Mitchell and Lintott suggest that Marius was still popular enough with the equestrians to mobilise them to vote for the *Lex Sulpicia*.[239] Barbara Levick adds Italian support in addition to equestrian support.[240] Thomas Carney proposes, explicitly, the *publicani* as the support group.[241]

As such, I would argue that Sulpicius' freedmen bill must have disproportionately benefited this group. Sulpicius and Marius must have had support from existing citizens for the Italian and freedmen bills, since they were able to pass them in the first place.[242] Their

[234] In addition to what happened in the 90s BCE, Sulla as dictator also ended *publicani* tax-farming in Asia and the equestrian monopoly of the courts. See Capogrossi 2014, 205.
[235] For Sulla's maltreatment of the Italians during the Social War, see App. *B Civ*. 1.46, 1.50, and 1.93–94. After Sulla's return from the East, although he kept his promise not to rescind the tribal distribution of Italians, he also did nothing to carry it out; the census lists were not updated during the years when he controlled the Roman state.
[236] In at least Marius' first (Sall. *Iug*. 73, 84; Plut. *Mar*. 8–9), second (Plut. *Mar*. 12), and sixth consulship bids (Plut. *Mar.* 28.4), he faced opposition from the conservative senatorial elite.
[237] Carney 1961a, 107–108.
[238] See also Sall. *Iug*. 26–27, where Sallust presents the massacre of Italian traders by Jugurtha at Cirta as the spark that triggered the war. Seager 1998, 7.
[239] Lintott 1971, 452; Mitchell 1975, 203.
[240] Levick 1982, 503–508, 506.
[241] Carney 1961a, 107–108.
[242] On Marius' equestrian connections and support, see Sall. *Iug*. 65.4, cf. Lintott 1971, 452, Mitchell 1975, 203, and Seager 1994, 168. Sulpicius allegedly surrounded himself with a group of young equestrians, whom he called his 'anti-Senate' (Plut. *Sulla* 8). On this, see Chapman 1979, 61. See also Vervaet 2023, 106 on a law by

supporters were likely members of the Roman commercial elite who would have greatly benefited from their freedmen being redistributed into their tribes. They might have been friends, allies, and business partners of some of these *domi nobiles* and would have been keen to see those who shared similar financial and political goals gain more political influence.[243] For Italians in particular, it would have been these Italian *domi nobiles* who would have had the means to travel to Rome, possibly with their retinues, to take part in the *comitia*.[244] Now that the Italians finally gained Roman citizenship, their freed clients and future freed slaves would also become Roman citizens. It would be natural for the Italians, particularly those who had already benefited from Sulpicius' citizenship initiative, to wish for their freed clients to have weightier votes, especially since Sulpicius offered to transfer such freedmen into their patrons' tribes. Wealthy freedmen would also have been motivated to attend to increase their own political standing.

If the bill did allow Sulpicius to redistribute tribes immediately,[245] he could have reregistered as many of the Italians and freedmen who attended the vote (both at the voting of the redistribution laws itself, or perhaps immediately before the Mithridatic bill) that he could, which would have provided a powerful incentive to be present. Whilst the sources state that the Italians were spread into all thirty-five tribes, Taylor's detailed examination of these new citizens and communities shows that, when they were finally redistributed, they were placed into the thirty-one rural tribes.[246] Therefore, Sulpicius pushed to have Italians spread into the rural tribes and then put forward a freedmen bill that benefited such patrons further by placing their freed clients into their own tribes, rather than have such freed clients

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Sulpicius to expel men with more than 2,000 *denarii* of debt from the Senate, which Vervaet argues would then open the body to be filled with his equestrian supporters.

243 For connections between the Roman and Italian elite, particularly pre-Social War, see Roselaar 2012, Lomas 2012, and J. Patterson 2012.

244 Mouritsen 2001, 118; Lomas 2014, 256.

245 It remains uncertain if a *plebiscitum* could allow a grant of citizenship or the transference of a tribe to occur immediately or it required waiting until the next census. In 188 BCE, the tribune C. Valerius Tappo passed a law that granted the residents of Formiae, Fundi, and Arpinum the *ius suffragii*. Livy has the tribune state explicitly: '*edocti populi esse non senatus ius suffragium quibus velit impertire*' (Liv. 38.36.7–9). The residents of Formiae and Fundi were allotted into the tribe *Aemilia* and those from Arpinum into *Cornelia*. Livy continues by saying that it was the *plebiscitum* that allowed the redistribution: '*in his tribubus* (…) *ex Valerio plebiscito censi sunt*'. However, the passing of this *plebiscitum* coincided with the censorship of T. Quinctius Flamininus and M. Claudius Marcellus. Livy immediately follows his account of the *Lex Valeria* by stating that the censors subsequently closed the *lustrum* and updated the number of citizens (Liv. 38.36.10). As such, it is unclear if the *plebiscitum* empowered Tappo to perform the distributions himself or he deliberately timed it during the year of a census so that the censors could perform the distributions immediately. Whilst no successful censuses were held between the Social War and the *Lex Sulpicia*, Appian states that the new citizens, then trapped in the few newly created tribes that voted last, 'often' (πολλάκις) found their votes useless, implying that they did take part in some votes even before they were formally distributed in a census (App. *B Civ.* 1.49). On the last point, see Bispham 2016, 91–92.

246 Taylor 2013, 109–117, cf. Crawford 2002, 1131ff. and Crawford 2010, 97ff.

be restricted to the urban tribes with less useful votes. Then Sulpicius introduced the Mithridatic bill, in a short enough time frame that his supporters from the Italo-Roman commercial elite, with their freed clients and retinues, would still have been mobilised and eager in and around Rome to vote for another bill that ostensibly benefited and protected their interests.

Even if Sulpicius needed to wait until the next census for the assignment of Italians and freedmen to their new tribes,[247] he and the Italian cause must have had support amongst some of the old citizenry (possibly the business partners or co-investors of the *domi nobiles*). Indeed, some of the *domi nobiles*, at least, were already present in Rome (as Appian records their clash with some of the old citizens) in order to persuade their citizen allies or sympathisers to support the Italian cause, even if they themselves could not yet meaningfully vote. Championing their cause would also allow Sulpicius to future-proof his career, as the wealthy Italo-Roman commercial elite and their well-off freed clients would have been useful in the *comitia centuriata* later in his rise up the *cursus honorum* (especially since no one in the Marian camp expected Sulla to react the way he did – they obviously expected the redistribution of freedmen and Italians to have lasting benefits for their careers).[248] *Publicani*, equestrians, *domi nobiles*, and freedmen were all singled out in the *Commentariolum Petitionis* as useful voters to court in a consular election (Cic. *Comm. Pet*. 13, 29–31).

Regardless, Sulpicius' bills were short-lived. Sulla promptly marched on Rome, killed Sulpicius, and annulled all his measures. The freedmen issue was not touched upon until the, albeit very brief, revival by Cinna/Carbo in 84 BCE. After Sulla departed for the East, one of his successors in the consulship, L. Cornelius Cinna, raised the Italian issue again in 87 BCE (App. *B Civ*. 1.64). He was expelled from the City due to this, but he successfully returned with Marius and Italian support (App. *B Civ*. 1.65ff.). In the same year, Livy's *Periochae* mentions that the Senate gave citizenship to Italians: '*Italicis populis a senatu civitas data est*' (Liv. *Per*. 80). A census was conducted in 86 BCE. However, the number of citizens recorded was 463,000 – only a modest increase from the previous census. It is possible that

[247] There was a census in 89/8 BCE; the censors were L. Julius Caesar and P. Licinius Crassus. However, the two censors failed to come to an agreement as to how to enrol the citizens (possibly disrupted by the Social War) and closed the *lustrum* without updating the census rolls (Cic. *Arch*. 11). As records of their census do not mention Sulpicius or any violence, it is likely that their 18-month term was already over by the time Sulpicius introduced his Italian and freedmen bills. On the censorship of 89/88 BCE, see Broughton 1952, 32–33 and Suolahti 1963, 449–450.
[248] Dart 2014, 192.

this was a textual error,[249] but also likely that, now that Cinna was in power, he no longer urgently pursued the citizenship issue.[250]

In 85/4 BCE, when it became clear that Sulla would soon return from the East, the Sullan and Cinnan factions began jostling for Italian support by 'finally put[ting] into practice the distribution of new citizens'.[251] In 84 BCE, '*novis civibus senatus consulto suffragium datum est*' (Liv. *Per.* 84), which is rather confusing as the Senate had already given Italians citizenship in 87 BCE. Roselaar provides a feasible interpretation: with Sulla fast approaching, Cinna decided to court the Italians by finally enrolling them into all thirty-five voting tribes,[252] which he could then use as leverage since Sulla might annul their redistribution again upon his return.[253] In a letter to the Senate in 85 BCE, however, Sulla promised to respect the new citizens – 'τοῖς δ' ἄλλοις πολίταις τε καὶ νεοπολίταις προύλεγεν οὐδενὶ μέμψεσθαι περὶ οὐδενός' (App. *B Civ*. 1.77) – which has been interpreted as Sulla promising not to rescind their new distributions.[254] With their tribal distributions safe and Sulla swearing no retribution on them, the Italians no longer had a pressing need to support the Cinnan faction. Carbo, Cinna's surviving colleague in the consulship, must have realised the precariousness of his situation when Cinna was lynched by soldiers who were not willing to fight. Carbo tried to bind Italians to the Cinnan cause by demanding hostages, which the Senate blocked (Liv. *Per*. 84). It must have been in this context that Carbo now redistributed freedmen into all thirty-five tribes as well: '*libertini in quinque et triginta tribus distributi sunt*' (Liv. *Per*. 84). The traditional theory of overwhelming votes in the *comitia tributa* falls apart further in this case. As far as the evidence shows, the Cinnan faction made no use of the freed redistribution in the *comitia tributa*, as no major legislative motions were attempted in the rest of 84 BCE and the remainder of Carbo's consulship. Fearful of losing Italian support, and the support of the existing Roman commercial elite, Carbo tried to court them further by reviving the second part of Sulpicius' tribal reforms: redistributing freedmen.[255]

In summary, a close analysis of the events of 88 BCE and 84 BCE shows that the freedmen bill could not have been about 'overwhelming' votes in the *comitia tributa*.

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[249] See Lovano 2002, 61–62 on the possible corruption of this number in later manuscripts. Brunt 1971, 91–93 discusses the census figures of 86/5 BCE.
[250] Seager 1994, 180–186.
[251] Seager 1998, 17, cf. Vervaet 2023, 116.
[252] Roselaar 2019, 234–235.
[253] Seager 1994, 182; Kendall 2013, 32.
[254] Seager 1994, 183–191; Lovano 2002, 107.
[255] Vervaet 2023, 125, 132, 137.

Sulpicius and Carbo were not overly concerned with the mass numbers of freedmen, many of whom may never have had an opportunity to vote meaningfully. It was not about the number of freedmen, but rather the type of freedmen and who would have benefited from their broader redistribution. Sulpicius and Carbo were likely trying to court a certain subset of valuable voters: the Italo-Roman commercial elite, particularly those with business interests in Asia, who had been allotted to the rural tribes. Sulpicius championed their cause to raise support for the transference of the Mithridatic command and Carbo did so as a final attempt to win over the Italian *domi nobiles* and their Roman citizen allies against Sulla. There is little to suggest that this freedmen bill was 'ideological' or driven by a 'class consciousness', but rather it was an *ad hoc* attempt to raise as much political support and mobilise as many voters as possible for a specific, hitherto unprecedented, attempt at transferring military command from a consul to a private citizen or as a final attempt to rally support against a political enemy.

2.2 The *Lex Manilia de libertinorum suffragiis* of 67 BCE

Sometime after coming into office on the 10th of December, 67 BCE, the tribune C. Manilius, possibly after prompting by a tribune of the previous year, C. Cornelius,[256] resurrected Sulpicius' bill to redistribute freedmen into their patrons' tribes, with all thirty-five tribes being made available (Cass. Dio 36.42; Asc. 45C, 64–65C). The bill was passed, allegedly accompanied by rioting from freedmen and slaves, on the 31st of December, the date of the movable holiday of the *Compitalia* for that year. The very next day, the first day of 66 BCE, the Senate rejected the law, though the sources are vague as to how the Senate did this (Asc. 65C: [the law] *S. C. damnata* [*est*]). Several reasons have been provided. It might have been voided as it was passed *per vim*,[257] or because Manilius did not adhere to the *Lex Caecilia Didia* which required a *trinundinum* to pass between the announcement of and voting on any legislation,[258] or because that day was the *Compitalia* and, as *feriae*, no public business could be conducted.[259] Regardless, the law was voided and Manilius did not try again.

At this point, the narratives of Cassius Dio and Asconius diverge. Asconius states that L. Domitius, a quaestor who resisted with violence Manilius' attempt to pass the law, angered

[256] It is unclear why Cornelius was involved and why he did not just introduce the bill himself. Cicero (through Asconius) stresses the illogicality of the matter and argues that Cornelius had nothing to do with the bill (Asc. 64C).
[257] Lintott 1968, 134, following Asc. 45C.
[258] Lintott 1968, 134.
[259] Lintott 1968, 134; Wiseman 1994, 338.

the '*infima plebs*' but pleased the Senate, suggesting that the '*infima plebs*', whichever subset of voters Asconius might have meant, supported the law whilst the Senate opposed it (Asc. 45C). Cassius Dio, however, claims that 'τὸ πλῆθος δεινῶς ἠγανάκτει' (Cass. Dio 36.42) when it heard about the law on the first day of the new year. Cassius Dio continues by painting Manilius as surprised by his failure and desperate for political support. Manilius tried to blame M. Licinius Crassus and others for the whole affair and, when no one believed him, decided to court the favour of Pompey by offering him the Mithridatic command. In no passage of Asconius is this desperate seeking of support reflected – Asconius neutrally states that Manilius later passed a law that transferred the Mithridatic command (Asc. 65C). Nevertheless, Cassius Dio's presentation of Manilius as bumbling and politically inept remains influential.[260] This chapter will strongly challenge this portrayal.

Moreover, several other aspects of this episode have been overlooked in previous analyses. Manilius could have simply drafted a new law about the voting tribes of freedmen; the fact that he explicitly resurrected Sulpicius' law (Asc. 64C: *hanc eandem legem*) necessitates further analysis. Due to Cassius Dio's narrative, the first and second *Leges Maniliae* are often examined separately. As argued in the previous section, Sulpicius' bills on freedmen and the Mithridatic command were intimately connected. It should also be explored whether Manilius was attempting something similar, especially given his conscious connection with the Sulpician bill. Lastly, there is still the assumption that Manilius was simply trying to mass redistribute urban freedmen to overwhelm votes – the fact that he explicitly tried to redistribute them into their patrons' tribes (Cass. Dio. 36.42) has been given relatively little attention.[261]

2.2.1 67/66 BCE – A Timeline

Whilst the two narratives agree that the law was voided by the Senate the next day, neither provides a reason. Scholars have suggested three possibilities: it was voided because it was passed *per vim*, because it breached the *Lex Caecilia Didia*, or because it fell on the *Compitalia*. Whilst Asconius does use the phrase '*per vim*' (Asc. 64C), he was using it in reference to Sulpicius, not Manilius, though he does state that Manilius rioted with freedmen on the day of the vote. Cassius Dio's narrative, however, does not mention any riots or violence at all. John Ramsay, analysing Cicero's wording in the *De Manilio* (or the *Pro*

[260] Wiseman 1994, 338: 'Manilius did everything wrong'.
[261] See for example Wiseman 1994, 337.

Manilio), a speech delivered in 66 BCE, likely in a *contio*, in defence of Manilius when he was charged with either *repetundae* or *maiestas*, argues that the speech suggests that Manilius dropped his bill without ever having resorted to violence.[262] As such, we cannot be certain that Manilius did use violence to pass the law. On the *Lex Caecilia Didia*, it has been long debated whether a *trinundinum* referred to a period containing three *nundinae* or a period covering three full *nundinae*.[263] In other words, the time permitted between the announcement and the voting of the law could be as short as seventeen/eighteen days, not twenty-four/five. Since tribunes came into office on the 10th of December (Dion. Hal. 6.89), had Manilius announced the law straight away, he need not have necessarily breached the *Lex Caecilia Didia*. The final, and in my opinion most likely, scenario was that the Senate voided the law because Manilius tried to pass it on the *Compitalia*.[264] Lintott and John Lott both argue that it was because freedmen, particularly those who were neighbourhood leaders, would already have been out celebrating, and Manilius used this opportunity to rally urban freedmen and to push through his law.[265] This theory, however, presents several problems.

Firstly, we remain unsure if urban freedmen did, at this point, have a special connection to the *Compitalia*. By the Augustan Principate, *vicomagistri* or *magistri vici*, neighbourhood leaders who played a crucial role during the celebration of the *Compitalia*, could certainly be freedmen, as visible in epigraphical evidence. It is unclear if they could be so before the Principate. Philip V of Macedon, in a letter to the city of Larissa, claimed that Roman freedmen could become magistrates (ILS 8763). This is of course incorrect but could be explained if Philip V confused freed neighbourhood leaders celebrating the *Compitalia* with elected magistrates since the former could wear the *toga praetexta* during the holiday. Some inscriptions reveal the presence of freed *magistri vici/pagi/compiti* in the Late Republic, but most are from beyond Rome and we are unsure of the nature of their roles.[266] It therefore remains unclear if freedmen could regularly become *magistri vici* in Rome under the Republic and, even if we can conclude that the urban populace might have had a special

[262] Ramsay 1980, 333–334. See Ward 1970 and J. Crawford 1994, 33–42 on the trial of Manilius.
[263] See Michels 1967, 197ff. for a summary of the competing arguments in favour of either 17/18 days or 24/25 days.
[264] On public business not being allowed to be conducted on *feriae*, see Varro, *Ling*. 6.30. For more information on voting days, see Michels 1967, 36ff.
[265] Lintott 1968, 81; Lott 2004, 49–50.
[266] An inscription dated to 46 BCE from Pompeii has a list of freeborn and freed *magistri vici et compiti* (CIL 4.60=ILLRP 763). CIL 1^2.2514=ILLRP 704 reveals four freed *magistri* v[e?]*ici* from Rome, dated to the middle of the first century BCE.

connection with the *Compitalia*, I have argued at length that urban freedmen, or freedmen as a social class, cannot be equated with the urban plebeians.

According to Gellius, the *praetor urbanus* announced the exact date of the *Compitalia* nine days ahead of time (Gell. *NA* 10.24, cf. Dion. Hal. 4.14.4). So Manilius would have been well-aware that the day of his voting fell on a day when public business was not permitted.[267] It is unclear why Manilius wanted to force through the law before the new consuls came into office. The new consuls could not bar a legal vote on a piece of legislation from taking place (and the Senate could have simply asked another tribune to veto the whole affair if it desired). Manilius must have also been aware that the Senate would have been very likely to void his law – for example, in 100 BCE the Senate voided Saturninus' land redistribution bill because it was passed after thunder was heard in the Forum and public business should have been stopped; the Senate argued that even though it was voted through it never became law (App. *B Civ*. 1.30). Sulla and Pompeius also tried to prevent the voting on Sulpicius' laws by introducing an *iustitium* or *feriae* (App. *B Civ.* 1.55; Plut. *Sulla* 8). Manilius must have been aware, many days ahead of time, that his law would never have passed (or would have been rapidly voided if it did) if attempted on that day. This may be a plausible narrative if we follow the sources' presentation of Manilius as politically inept and his attempt as ill-thought-out and rash, with him knowingly but foolishly trying to pass a law either without adhering to the *Lex Caecilia Didia* or the *feriae* of the *Compitalia*, desperate as he was in trying to pass a law before the consuls came into office.

Soon afterwards, however, Manilius passed the *Lex Manilia de Imperio Cn. Pompei*. In just a short period of time, Manilius managed to win the support of Cicero (then a praetor) (Cic. *Man*. 69), C. Julius Caesar (Cass. Dio 36.43), four ex-consuls,[268] and the unanimous votes of all thirty-five tribes (Plut. *Pomp*. 30.5).[269] Furthermore, Cassius Dio is unclear why Manilius, if he indeed was so terrified and bereft of support, would attempt such a drastic bill. The *Lex Gabinia de Piratis Persequendis* of 67 BCE had certainly not been without its

[267] Staveley 1972, 145, based on Cic. *Sest*. 129, states that if the original date of voting was no longer feasible, there were a few days afterwards during which the vote could take place without needing to reintroduce the law and wait for a new *trinundinum*.

[268] P. Servilius (cos. 79), C. Curio (cos. 76), C. Cassius (cos. 73), and Cn. Lentulus (cos. 72) supported Manilius' bill (Cic. *Man*. 68).

[269] Though the second *Lex Manilia* was not without its opponents: Cicero had to counter the opposition of Q. Hortensius and Q. Catulus in his speech (Cic. *Man*. 51–52). See also Ward 1970, 546, where he argues that the Senate was able to rally support against the law and it was the '*optimate'* opponents of Pompey that charged Manilius with either *repetundae* or *maiestas* after his term as tribune was over.

opponents and had faced significant pushback even at the vote itself.[270] Whilst L. Licinius Lucullus did see his command against Mithridates partially stripped in 69/8 BCE (Cass. Dio 36.2), his successors Q. Marcius Rex and Man. Acilius Glabrio were consuls for their respective years; Manilius was instead attempting to pass the command to an extraordinary proconsul. The last time this was attempted, Sulla marched on Rome. If Cassius Dio is correct, then Manilius managed to pass what might have been a highly controversial bill with widespread support on extremely short notice without prior consultation with anyone. This hardly seems within the capability of a political inept who allegedly had lost support from across the political spectrum.

It is far more probable that Manilius stayed firm to his original day of voting, despite it now being the *Compitalia*, and therefore the law would never pass, as a conscious choice rather than a rushed decision with little forethought to the consequences. Though it is not impossible that this date was chosen because the *Compitalia* held special importance for urban freedmen,[271] I would argue that Manilius originally introduced the law adhering to the *Lex Caecilia Didia*. When a few days later the *praetor urbanus* announced the date for the *Compitalia* to coincide with the day of voting, either coincidentally or perhaps as a deliberate stalling tactic,[272] Manilius elected to continue to pursue the vote on the *feriae*, perhaps to mimic the *feriae* imposed on Sulpicius, considering his deliberate attempt to revive his bill. This chapter would agree with Jane Crawford in the possibility that Manilius chose this day not because he wanted to pass the law but to place himself deliberately in conflict with the conservative elite as a way of making a name for himself and gaining political support.[273]

It is also improbable that there were no indications of Pompey wanting to usurp the Mithridatic command until Manilius decided upon this course of action as a last-minute and desperate attempt. All the sources are clear that Pompey completed his task against the pirates, with the extraordinary powers granted to him by the *Lex Gabinia*, within the same year – 67 BCE (Liv. *Per*. 99; Plut. *Pomp*. 28.2; Cass. Dio 36.37). He set out, '*nondum tempestivo ad navigandum mari*' (Cic. *Man*. 34), took forty-days to pacify the West (Plut. *Pomp*. 26.4; App. *Mith*. 95), and either an equal number of days (App. *Mith*. 95) or slightly longer at forty-nine (Cic. *Man*. 35) to pacify the East. Cicero provides the clearest timeline –

270 Plut. *Pomp*. 25–26; Vell. Pat. 2.32; Cass. Dio. 36.23ff.; Tatum 2006, 192.
271 Lott 2004, 46.
272 The *praetor urbanus* of 67 BCE was M. Iunius, about whom we unfortunately know little. See Broughton 1952, 143 and Brennan 2000, 449, cf. 752.
273 J. Crawford 1994, 107–108.

Pompey departed in the spring of 67 BCE and had completed his task by mid-summer of the same year (Cic. *Man*. 35). There would have been several months for the news of Pompey's success to reach Rome, certainly by the time Manilius was attempting his freedmen bill. Furthermore, Lucullus had already been partially stripped of his command in 69/8 BCE (Cass. Dio 36.2). Cilicia was given to Rex in 68 BCE and Bithynia and Pontus to Glabrio in 67 BCE (Cass. Dio. 36.14–15; Cic. *Man*. 26). Lucullus' two successors did little, however, as they were allegedly alarmed by the state of the war and largely stayed in their assigned provinces (Cass. Dio 36.17) – it stretches credulity that none of Pompey's allies in Rome, if not Pompey himself, were not already contemplating the possibility of passing the command to him, especially since Pompey was already in Asia. In fact, it was A. Gabinius, the tribune responsible for the *Lex Gabinia de Piratis Persequendis* the previous year, who further eroded Lucullus' command by passing a bill transferring Bithynia and Pontus to Glabrio. Pompey pretending to be 'surprised' and 'wearied' at receiving the command must be rejected; the major sources all claim that this was political obfuscation (Cass. Dio 36.45; Plut. *Pomp*. 30).[274] Plutarch states that as early as 73 BCE, at the start of the Third Mithridatic War, Lucullus was already concerned that Pompey might contend with him over the command in the East (Plut. *Pomp*. 20). Luckily for Lucullus, Pompey was tied up with Sertorius in Spain at the time.

Furthermore, Pompey was still in Cilicia when he received the news that the *Lex Manilia de Imperio Cn. Pompei* was passed and he had been granted supreme command in the East. According to Cassius Dio, Pompey was preparing to go to Crete to confront Q. Caecilius Metellus (later Creticus), after the latter had refused to recognise his overarching command in dealing with the Cretans (Cass. Dio 36.45ff.; Liv. *Per*. 99).[275] So not only had Pompey not had time to return to Italy, but he had also not even departed Cilicia for Crete – presumably he was waiting for the weather to become fit for sailing. According to Vegetius, the sailing season in the ancient Mediterranean in theory opened six days before the Ides of March (Veg. *Mil*. 4.39). In his recent study, however, Oded Tammuz reveals that in practice the sailing season often began earlier, as early as the start of February, if the weather

[274] Seager 1983, 40ff.: Pompey had long desired the Mithridatic command and was simply biding his time for the opportune moment to oust Lucullus fully, cf. De Souza 1999, 176, Keaveney 1992, 120–122, Sherwin-White 1994, 243, and Wiseman 1994, 334, 339.

[275] Metellus was sent to Crete against the pirates in 69 BCE. His command was superseded by Pompey due to the *Lex Gabinia*, which Metellus refused to recognise. Despite Pompey sending legates to take over the island, Metellus refused to heed Pompey's commands and even laid siege to settlements that had already surrendered to Pompey.

permitted.[276] In other words, Manilius promulgated a bill to transfer the Mithridatic command to Pompey, shored up enough support from several leading men of the state and all thirty-five tribes, waited for the required *trinundinum* (since we do not hear of any legislative abnormalities), and had the passing of the bill announced to Pompey all before he left Cilicia.[277] We find a clear parallel with the timeline of the *Lex Sulpicia* – Manilius must have introduced the second *Lex Manilia* very shortly after the first, perhaps within days.

I would argue that Manilius (and Rome in general) would have been well aware of Pompey's success against the pirates, and Rome's lack of progress against Mithridates, by the end of 67 BCE. Given what had happened under the command of Rex and Glabrio (and the fact that Lucullus had been partly stripped of command in 69/8 BCE already), it is not unreasonable that Manilius with other allies of Pompey, and possibly Pompey himself, might have already been considering the transfer of the Mithridatic command, even if this was not yet public knowledge.[278] The rapid speed at which it was introduced and passed suggests this as well. In other words, it is highly probable that the first *Lex Manilia* was attempted with Manilius already considering the second. Thus, a similar line of logic, as reached in the previous section, can be followed here. Manilius wanted to show himself as a champion of those who might have benefited from the redistribution of freedmen into their patrons' tribes. Indeed, if Manilius was already contemplating the second *Lex Manilia* when he was trying to pass the first, then the beneficiaries and supporters of the two *Leges Maniliae* might have been the same subset of voters, and the first *Lex Manilia* was a mobilising tactic and an attempt to rally a certain subset of voters to pass the second, much more important *Lex Manilia* to transfer the Mithridatic command to Pompey.

2.2.2 The Commercial Elite and the *Leges Maniliae*

In neither Cassius Dio nor Asconius are the supporters of the first *Lex Manilia* clearly stated. For Asconius, the bill was passed with rioting '*libertinorum et servorum manu*', and L. Domitius by opposing them angered the '*plebs infima*' (Asc. 45C). For Cassius Dio, Manilius

[276] Tammuz 2005, esp. 155–156.
[277] Utilising Stanford's ORBIS program, I calculated that the fastest journey from Rome to Tarsus in Cilicia took 21 days. With the requisite waiting period due to the *Lex Caecilia Didia*, the absolute earliest Pompey could have received the news would have been mid-February. Magie 1950, 352–353 suggests that Pompey was already across the Taurus by early spring of 66 BCE, implying that Pompey must have received his command very early in the year.
[278] De Souza 1999, 176 argues that Pompey finished his task against pirates so quickly explicitly so that he could take over command in the East, cf. Keaveney 1992, 120 and Sherwin-White 1994, 243.

passed the law after 'παρασκευάσας τινὰς ἐκ τοῦ ὁμίλου', but then the 'πλῆθος' became angry with Manilius after finding out about his attempt (Cass. Dio. 36.42). Cassius Dio claims that no one wanted this law and Manilius lost support from across the political spectrum after his attempt. As just argued, the portrayal of Manilius as politically inept is distortive and his actions surrounding the second *Lex Manilia* reveal a shrewd political actor. We must examine the second *Lex Manilia* to shed some light on the first.

After Sulla's victory in the First Mithridatic War, Italo-Roman businessmen (now all Roman citizens) rapidly returned to Asia (Cic. *Man*. *passim*; Val. Max. 6.9.7).[279] Cicero's *Pro Lege Manilia* clarifies that they would be the greatest beneficiaries of Pompey's assumption of the Mithridatic command. The opening passages of the speech are filled with praise for various subsets of the commercial elite, particularly those with business and financial interests in Asia. Cicero explicitly mentions the danger of the war to those who collect the *vectigal,* whom Cicero calls '*honestissimi viri*' (Cic. *Man*. 4). He continues by drawing attention to the '*mercatores'* (Cic. *Man*. 15). The '*publicani'* were singled out for praise as '*homines honestissimi atque ornatissimi'* (Cic. *Man*. 16–17). Finally, the Roman people were asked to protect Italo-Roman businessmen in Asia: '*homines gnavi atque industrii* (…) *in Asia negotiantur'* (Cic. *Man*. 18). Cicero heavily associates these members of the commercial elite with equestrians and consciously connects himself to them (Cic. *Man*. 4). Pompey's positive connections with the equestrians were lauded by Cicero, who reminds the audience of Pompey's equestrian background, repeatedly stressing that the latter was an '*eques Romanus*' when he celebrated his first triumph (Cic. *Man*. 61), when he was sent to Spain as a proconsul, and when he celebrated a second triumph (Cic. *Man*. 62).[280] After his victory in the East, Pompey permitted *publicani* to expand their activities drastically through the new provinces (though he did rein in some perceived excesses).[281]

In contrast, Lucullus lost his command both due to the fact he had trouble controlling his soldiers (Plut. *Luc*. 34.5, 35.4) and that he acted directly against the financial concerns of

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[279] See CIL1^2.714=ILLRP 362 for an inscription erected by the Athenians, Italians, and Greeks who '*in insula negotiantur*', dated 84/3 BCE from Delos. On the return of businessmen to Asia after the First Mithridatic War, see A. Wilson 1966, 127–128, Ferrary 2002, 146, and Kirbihler 2016, 219–230. See also Roselaar 2019, 238–239 for evidence of Italo-Roman businessmen in Asia in the various letters of Cicero.
[280] Frank 1914, 191. For a further analysis of the popularity of Pompey amongst voters with financial interests in Asia, see Magie 1950, 351.
[281] For a detailed analysis of *publicani* in the East after Pompey, see Morrell 2017, 77ff. For agreements that Pompey supported 'equestrian' business interests, see Badian 1968, 1972 and Shatzman 1975.

the commercial elite in Asia (Plut. *Luc*. 20).[282] After his initial successes, he implemented several changes in Asia, ostensibly for the wellbeing of its residents but against the interests of *publicani* and moneylenders: the interest rate was set to one percent per month, all interest that exceeded the capital was voided, and no lender was allowed to receive more than a quarter of his debtor's income (Plut. *Luc*. 20). This allowed Asia to recover rapidly from Sulla's oppressive indemnities, which had caused the residents of Asia to mortgage out their properties at exploitative rates to Italo-Roman lenders (App. *Mith*. 63).[283] According to Plutarch, those outraged by these acts rallied up political support against Lucullus in Rome: 'ἐκεῖνοι (whom Plutarch names as tax-farmers [τελῶναι] and moneylenders [δανεισταί] earlier) μὲν οὖν ὡς δεινὰ πεπονθότες ἐν Ῥώμῃ τοῦ Λουκούλλου κατεβόων' (Plut. *Luc*. 20.5). Rex and Glabrio did little to win their confidence – they hid in their provinces and did not bring about the conclusive end to the war that the commercial elite had hoped for.[284]

Furthermore, Pompey gained the gratitude of the Italian elite due to his earlier actions. Pompey himself was from Picenum and his father, Cn. Pompeius Strabo, was a *novus homo*. Pompey did not hesitate to expand enfranchisement to gain supporters. For example, his two allies, Cn. Cornelius Lentulus Clodianus and L. Gellius, consuls for 72 BCE, pushed through Pompey's grant of citizenship in Hispania (Cic. *Balb*. 19, 32–33, 38, 51).[285] In 70 BCE, with Pompey as consul, the pair became censors and finally formally enrolled all the Italians.[286] Now that they were at last fully enrolled and distributed, Italian *domi nobiles* became a crucial subset of voters to be courted.

By reviving the Sulpician law, Manilius was able both to incentivise patrons, especially those with rural designations, to come to Rome and vote for a bill that would increase their political influence and to futureproof his career by courting another group of wealthy, valuable voters. The first *Lex Manilia* must have had support from voters in the rural tribes as Manilius was able to pass it before any redistribution of freedmen took place – if he only had freed supporters, he would have only won the four urban tribes. Manilius may have originally intended to pass the law legitimately, but when that proved impossible, he made the best of the situation. Whether the freedmen themselves were actually redistributed or not

[282] Lundgreen 2019, 84, 86, 90–91.
[283] Keaveney 1992, 97.
[284] Frank 1914, 191; Keaveney 1992, 122; Tatum 2006, 192; Davenport 2019, 86.
[285] Seager 2002, 32–33, 35.
[286] Bispham 2007, 420. The pair served as legates during Pompey's campaign against the pirates and Cn. Lentulus openly supported the second *Lex Manilia*. See also Broughton 1952, 126–127.

mattered little, since it was unlikely that many of them would have been redistributed in time for their own votes to be useful anyway. However, he was able to prove that he was willing to promote the interests of the Italo-Roman commercial elite, even risking a clash with the Senate. Manilius thereby ingratiated himself with such members of the commercial elite with rural tribal designations; it was their votes that Manilius sought. Very soon after, whilst this group was still in Rome, he was able to deploy that support in the *comitia tributa* to pass his subsequent bill transferring the supreme command against Mithridates to Pompey, which also ostensibly benefited the Italo-Roman commercial elite.

By comparatively examining the successive Mithridatic legislations, we see the fact that the events of 88 BCE and the events of 67/6 BCE were near mirrors of each other is no coincidence. Both laws regarding freedmen were immediately succeeded by an attempt to transfer the Mithridatic command from a sitting consul/s to an extraordinary proconsul. Both episodes were preceded by conservative politicians acting against the financial and business interests of the commercial elite in Asia. The candidates for command in both cases, Marius and Pompey, were popular amongst that voting base. Both Sulpicius and Manilius chose to redistribute freedmen into their patrons' tribes. These two *leges* must have been attempting to incentivise and mobilise patrons with rural tribal designations, as having their freedmen assigned to their own tribes would increase the proportional worth of their votes, especially if the patrons could trust their freedmen to vote in their former owners' interests.

As such, both the *Lex Sulpicia* and *Lex Manilia de libertinorum suffragiis* should be viewed as attempts to mobilise a subset of the wealthy, commercial elite to increase their attendance to pass a controversial bill initiating an extraordinary transfer of military command in the East. They were unlikely to have been about trying to gain the 'mass' of votes of urban freedmen and were certainly not ideologically motivated class struggles.

2.3 Summary

For decades, the dominant and orthodox view was that freedmen were so numerous in the citizen body that they constituted the majority of the population of the city of Rome by the last century or so of the Republic. As they were all confined, since the censorships of 230/220 BCE, to the four, or perhaps even one, urban tribe/s, the substantial number of freedmen would mean that their individual votes were worth very little in the *comitia tributa*. There were numerous attempts by 'populist' politicians to redistribute freedmen into all of the voting tribes, it has been argued, as their close proximity to Rome would allow them to attend future *comitia en masse*, overwhelming the votes in each tribe and thereby dominating the *comitia* for whichever 'demagogue' redistributed them. They were always re-restricted by more 'responsible' politicians, who were often backed by the Senate. This chapter has strongly argued for a re-examination of this traditional view.

In fact, only two such episodes unambiguously took place: the *Lex Sulpicia* of 88 BCE (with Carbo's revival in 84 BCE) and the *Lex Manilia* of 67 BCE. The remarkable parallel that both laws were introduced by a tribune shortly before (if not concurrent with) a subsequent law to transfer military command against Mithridates has been almost entirely overlooked in scholarship. Moreover, so little time could have passed between the freedmen bills and the Mithridatic bills that, even if the *plebiscita* empowered the tribunes to conduct the redistributions themselves (rather than having to wait for the next census), very few actual tribal redistributions could have taken place. It thus seems improbable that the tribunes needed freed votes to push through their subsequent legislations. Indeed, neither Sulpicius (whose bill succeeded, albeit very temporarily) nor Manilius (whose bill was immediately voided) had trouble passing their subsequent Mithridatic bills in the *comitia tributa*.

There are two further points which have often eluded recent examinations. First, in both cases, freedmen were distributed into their patrons' tribes. The traditional view that the tribunes were merely trying to win the votes of freedmen would allow them to distribute freedmen in myriad other ways, rather than continuing a connection with their patrons. Second, most freedmen, needing to attend to their livelihoods, and perhaps even conducting business away from Rome, would not necessarily have had many opportunities to attend to political matters even if they were redistributed; in addition to needing sufficient motivation, being redistributed would still have disproportionately benefited either those with sufficient wealth and time or those who had patronal support, who could thereby attend a vote despite any potential loss of income, especially if they did not dwell near Rome proper. In other words, these laws were likely concerned with a specific subset of potential voters, rather than the mass of urban freedmen indiscriminately.

This chapter has hence argued that the moves to redistribute freedmen must be seen in the context of the subsequent legislations to change the Mithridatic command – the intended beneficiaries were likely the same in both bills. The bills were particularly beneficial to members of the Italo-Roman commercial elite with business interests in Asia as well as wealthy freedmen who were either attached to such persons or were established enough to have their own interests in Asia, or both. These episodes were not overly concerned with the 'mass' of urban freedmen but were instead aimed at mobilising a very specific subset of elite voters.

CHAPTER THREE

FREEDMEN IN THE LATE REPUBLIC AND TRIUMVIRAL PERIOD (66–30 BCE)

After the two *leges,* our final two alleged attempts to redistribute freed men into more voting tribes are referred to by Cicero's speeches. In 63/2 BCE, Ser. Sulpicius Rufus charged the incoming consul L. Licinius Murena with *ambitus* after he himself was defeated at the elections. In the *Pro Murena*, Cicero attempts to justify Sulpicius Rufus' loss of his consulship bid.[287] Cicero states, amongst other reasons for Sulpicius Rufus' defeat, that the latter was proposing some radical initiatives: '*confusionem suffragiorum flagitasti, **praerogationum legis Maniliae**, aequationem gratiae, dignitatis, suffragiorum*' (Cic. *Mur*. 47).[288] These proposals seriously alienated voters, particularly '*graviter homines honesti atque in suis vicinitatibus et municipiis gratiosi tulerunt*' (Cic. *Mur*. 47).

Subsequently, after P. Clodius Pulcher's death at the hands of the henchmen of T. Annius Milo in 52 BCE, Milo was brought to trial for Clodius' death, where Cicero was one of his defence counsel. Cicero outrageously claims that Clodius was drafting a law that would have turned everyone's slaves into his own freedmen (Cic. *Mil*. 89). It is unclear what, if anything, Clodius attempted with this proposed bill, if this bill was ever seriously proposed and was not merely a rumour Cicero deliberately selected to stress his rhetorical and hyperbolic point that, had Clodius not been stopped, the Republic itself would have fallen.[289]

Sulpicius Rufus' and Clodius' 'attempts' only come down to us through the sensationalised accounts of Cicero, and the pair may have never seriously attempted what Cicero claimed that they did. Both Elaine Fantham and Valentina Arena reveal their confusion about how Sulpicius Rufus' alleged revival of the *Lex Manilia* could have helped his election prospects.[290] Indeed, it is unclear what is meant by a '*praerogatio*' of the *Lex Manilia*, or if '*praerogatio*' is even correctly recorded (it might have been *perrogatio* or *prorogatio*).[291] Arena suggests that this passage is corrupted and the '*praerogatio legis Maniliae*' referred to some proposed reform regarding the *praerogativa centuria* and had

[287] On the *Pro Murena* and the corresponding trial, see Fantham 2013, 6–18.
[288] Wiseman suggests that this reform, which would have 'weaken(ed) [the Senate's] plutocratic bias', was not allowed to go to the vote by the Senate (Wiseman 1994, 353).
[289] Fotheringham 2013, 362–364, cf. Colson 1980, 108–109.
[290] Arena 2006, 77; Fantham 2013, 151, cf. Ferrary 2002, 178.
[291] Gruen 1974, 220–221; Fantham 2013, 60.

nothing to do with freedmen at all, and I am inclined to agree.[292] The issue of Clodius is even more complex and will be afforded a full discussion later in this chapter.

3.1 Freedmen in the Final Decades of the Republic

In the traditional view, it was in the dying days of the Republic that the 'excessive' freeing of slaves reached its peak. Numerous pieces of evidence have been put forward – in addition to those previously examined – to argue in favour of a 'high-count' of freed slaves, particularly of urban freedmen.

Around 55 BCE, Cicero wrote the *De Oratore*. Cicero has Q. Mucius Scaevola (cos. 117) praise Ti. Sempronius Gracchus the Elder for his restriction of freedmen to the urban tribes during his censorship in 169 BCE. Scaevola states that had he not done so, the *Res Publica* would have been no more (Cic. *Orat*. 1.38).[293] Later, during his dictatorship, C. Julius Caesar resettled some 80,000 residents of the city of Rome in various colonies such as Carthage and Corinth (Suet. *Iul*. 42, cf. Strabo 8.6.23); some of these colonists were freedmen, who were typically not included in colonisation initiatives.[294] George Fabre has argued that this was a deliberate attempt to remove poor freedmen, or freedmen with poor patrons, from Rome.[295] Dionysius of Halicarnassus' claim that he personally knew some people who mass-freed their slaves in their wills so that their freedmen could accompany their biers has also been used as proof for 'wanton' manumission in the Late Republic (Dion. Hal. 4.24).[296]

Interpreting these pieces of evidence as supporting the traditional 'high-count' of freedmen falls into the same issues I have discussed in my Introduction – they could be viewed as such only if the starting premise was already that freedmen made up the majority of the urban population of Rome. I have already mentioned the inaccurate nature of Dionysius' account, which I will explore further later in this chapter. Cicero's *De Oratore* was written at a time when Cicero's political influence and autonomy had sharply declined as Caesar, Pompey, and Crassus had reconfirmed their alliance and seemingly reconciled with

[292] Arena 2006, 77.
[293] May & Wisse 2016, 66 interpret this passage traditionally – Cicero was revealing his anxieties about freedmen overwhelming the voting tribes and 'the measure served to limit the political influence of these ex-slaves (many of whom were of non-Roman origin)'.
[294] Osgood 2006, 144.
[295] Fabre 1981, 141; Harrill 1995, 71–72.
[296] Treggiari 1969, 27; Watson 1987, 29.

Clodius.[297] As such, this passage must be read in the context of Cicero's own political anxieties and bitterness at that specific juncture rather than as an accurate reflection of the political demography of freedmen; it was perhaps an oblique attack on Clodius, now backed by Pompey, who might already have been contemplating a bid for the praetorship supported by an alleged proposal to redistribute freedmen (Asc. 52C). Furthermore, Cicero, through Scaevola, was only expressing consternation about the political power of freedmen should they have been redistributed, making no mention of whether it was because they 'outnumbered' other citizens. I have already shown that a politician could still have been interested in a redistribution of freedmen even if they only made up a small proportion of Rome's citizen body.

As for the Caesarian colonies, the prevalent view, following Brunt, is that whilst some of the 80,000 resettled citizens were veterans, the majority were poor urban proletarians (App. *Pun*. 136: 'τῶν ἀπόρων'), likely former slaves.[298] Mouritsen's claim that the Caesarian colonies explicitly permitted freedmen to climb the civic ranks seemingly adds further weight to this theory.[299] In addition, one commonly cited piece of evidence for the 'overwhelming' presence of freedmen in these Caesarian colonies is Strabo's statement: 'ἐποίκους πέμψαντος τοῦ ἀπελευθερικοῦ γένους πλείστους' (Strab. 8.6.23). Since Strabo personally visited Corinth in 29 BCE, he likely would have encountered first-generation colonists – thus, his statement has largely been accepted as accurate. Furthermore, Mouritsen has argued that those who were resettled in these colonies must have been poor freedmen, patronless freedmen, or freedmen with poor patrons, as wealthy and influential patrons would not have wanted to lose their freed slave to an overseas colony.[300] Extrapolating from this information for freed demography in Rome, it apparently confirms two previous assumptions: there were many freedmen in Rome and most of them were poor.

These pieces of evidence, however, are far less concrete than we previously presumed. It is not impossible that Strabo was speaking of those whom he might have

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[297] See Fantham 2004, 9–12 for her assessment of Cicero's political position around and after the conference at Luca. She argues that Cicero realised he lost his freedom of speech and was forced to withdraw into *otium* (esp. Cic. *Att*. 4.5, 4.6), cf. Lintott 2008, 186.
[298] Brunt 1971, 255ff.
[299] See Crawford 1996, 428–429, 446, Mouritsen 2011a, 74–75, and Coles 2017, 185 on the municipal charter at Urso (CIL 2^2.1022=ILS 6087). It states that one could bring a charge that someone was unworthy to hold a colonial post, except if the only charge was that he was freed, implying that one's freed nature would have typically prevented one from gaining a colonial office but did not in this case. Coles 2017, 180ff., however, argues non-Caesarian colonies also allowed freedmen to climb the civic ladder, albeit only by the Late Republic.
[300] Mouritsen 2011a, 52.

encountered most frequently – i.e. the well-to-dos – then mistakenly assumed that the demography of the well-off section of Corinthian society applied to the whole populace. On that point, Appian records that 3,000 were sent to settle Carthage (App. *Pun.* 136).[301] Most scholars have assumed a similar number of settlers for Corinth.[302] Even if all 3,000 settlers of Corinth were freed slaves, that is hardly sufficient to draw conclusions about the nature of the 80,000 colonists sent out in total, and certainly not enough to discuss the demographic composition of the nearly one million residents of Rome.

In addition, the argument that only poor or patronless freedmen were sent out as settlers is unconvincing. Corinth (along with Carthage and some other Late Republican colonies) was specifically chosen as the site of a colony for its ideal location as a port and trade city (Strab. 8.6.20). Carthage, too, is well known for its prime location as a port city. As powerful trade localities, it would have been perfectly sensible for trade or commerce-inclined elite families to station dependents in these new colonies. Julien Demaille's detailed onomastic and epigraphic study of the Italian Publii Anthestii family shows that it had significant commercial interests across Italy, the Greek East, and Asia.[303] It had no hesitation in establishing its freedmen in Roman Corinth, and at least one of the Anthestii, P. Anthestius Amphio, became *duovir*, augur, and aedile at the colony.[304] The first *duoviri* at Corinth were likely Caesar's freedmen – a C. Iulius in 44/3 BCE and a C. Iulius Nicephorus the year after.[305] Marc Antony himself established his freedmen, Theophilus and his son Hipparchus, in Corinth during the Triumviral era (Plut. *Ant*. 67.7, cf. Plin. *HN*. 35.201).[306] They became quite wealthy and successfully climbed the civic ladder (or as Pliny puts it, '*sanguine Quiritium et proscriptionum licentia ditatos*') (Plin. *HN*. 35.201).[307] In Africa, we find M.

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[301] Appian's record of 3,000 colonists was technically referring to an enlargement sent out under Augustus, but Brunt 1971, 261 has shown that most colonies settled by Caesar and Augustus were around 2–3,000 settlers, cf. Engels 1990, 67.
[302] Brunt 1971, 261; Pawlak 2013, 144.
[303] Demaille 2008, particularly the appendix of inscriptions at the end, cf. Coles 2017, 190. See also Pawlak 2013, 144–145, in agreement with Spawforth 1996, on how onomastic analyses of settlers in Corinth show a clear connection with *negotiatores* operating in the Greek East, cf. Millis 2014, 47–49.
[304] AE 1998, 1209 and AE 1950, 20. Demaille dates Amphio's career to sometime between the settlement of Corinth just after the death of Caesar and the *Lex Visellia* of 24 CE which forbade freedmen from holding colonial/municipal magistracies. Coles 2017 dates the start of Amphio's career to 32/1 BCE and argues that Amphio's patron family was established in numerous trading centres with Amphio as a 'part of a network of merchants'.
[305] RPC I, 1116–1117.
[306] RPC I, 1122–1123.
[307] Theophilus was *duovir* at Corinth in 30 BCE (RPC I, 1129–1131). His son Hipparchus also became *duovir* sometime in the last decade of the first century BCE (RPC I, 1134–1137).

Caelius Phileros,[308] who was likely a freedman of M. Caelius Rufus, who had businesses and properties in the province of Africa (Cic. *Cael*. 73); he then remained, possibly at his patron's recommendation, as an *accensus* under T. Sextus, the then governor of Africa. He subsequently rose through the ranks in various towns, eventually becoming an aedile in Carthage; Phileros himself had commercial interests and became a collector of *vectigal*, possibly as a *publicanus*. Amanda Coles provides the most cogent counterargument to Mouritsen, stating that his theory that colonial officials being of freed status was a sign of their low social status was 'counterintuitive', and that freedmen became successful in these new settlements explicitly because of their social, political, and economic connections.[309]

In fact, such freedmen's meteoric rise through the municipal civic ranks and the evidence of their obvious wealth, such as leaving behind inscriptions commemorating their success, hardly make sense if they were poor and patronless. It was rather that wealthy commercial or political elite families took advantage of Caesar's colonial initiatives to establish their freedmen as their agents abroad; these freed agents, thanks to the financial, social, and political capital their patron families could provide, were able to climb the colonial ranks rapidly.[310] Caesar's colonial charters explicitly permitting freedmen to climb the civic ladder in his colonies might even have been an attempt by the dictator to connect with this subset of the Italo-Roman elite. All in all, nothing suggests that the freedmen sent out amongst the 80,000 settlers were predominantly from the poor 'dregs' of urban society, nor that most of those 80,000 were freedmen. Antony Spawforth argues that although many of the settlers might have been poor urban plebeians, the 'wealthy and politically successful individuals' of colonial Corinth were likely freed: '[the colony] in its early years was dominated socially and politically by wealthy men of freedmen stock and by Roman families with business interests in the East, some no doubt of freedman stock themselves'.[311] Benjamin Millis similarly contends that successful colonial freedmen were 'wealthy, successful, and powerful businessmen who had the strong backing and support of similar, but even more successful and powerful businessmen'.[312] Donald Engels, too, states that the freedmen who settled in Corinth 'had distinguished themselves in Italian industry and

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[308] CIL 10.6104=AE 1995, 274. For more on Phileros, see and Le Glay 1990, 624, Osgood 2006, 149ff., and Duncan 2013.
[309] Coles 2017 argues that commercial families sent their freedmen to Corinth both to benefit themselves and to remain competitive against rival businesses, cf. Millis 2014.
[310] Pawlak 2013, 146.
[311] Spawforth 1996, 174.
[312] Millis 2014, 52.

commerce'.[313] In other words, the fact that freedmen were disproportionate amongst the colonial elite cannot be used to determine the overall composition of the entire settler body, and certainly cannot be used to argue that freedmen were extremely numerous and poor in urban Rome.[314]

Following on from our previous discussion, this chapter will re-examine the role of freedmen in the last few decades of the Republic away from the assumption that they were synonymous with poor, urban plebeians, and rather argue that freedmen were not as numerous as previously thought and could have been relatively well-off and closely attached to elite members of Roman society, especially those with commercial interests. This chapter will examine three major episodes. The first will investigate the role, if any, urban freedmen played in the Catilinarian conspiracy. Second, the extent to which urban freedmen were involved in urban violence during the turbulent career of P. Clodius Pulcher. Finally, what we can discover from the portrayal of freedmen during the Triumviral era.

3.2 Freedmen and Urban Violence – the Catilinarian Conspiracy of 63 BCE

This section will first investigate whether the *plebs urbana* as a whole supported Catiline's proposals. We are immediately faced with the issue that the two major contemporary sources, Cicero and Sallust, are both deeply hostile to Catiline.[315] It is thus difficult to sift out Catiline's true aims from the long list of crimes attributed to him. Both authors claim that Catiline promised '*tabulae novae*' (i.e. abolition of debts) and a new round of proscriptions (Cic. *Cat*. 2.8ff.; Sall. *Cat*. 21). Cassius Dio adds land redistributions to Catiline's list of alleged promises but clarifies that Catiline was proposing whatever would gain followers (Cass. Dio 37.30). We thus remain uncertain what Catiline's 'conspiracy' actually intended.[316] The one constant in all the sources is that Catiline proposed '*tabulae novae*'. Debt was certainly an issue in the 60s BCE.[317] Cicero claims that, in his consulship, '*numquam nec maius aes alienum fuit*' (Cic. *Off*. 2.84). As such, we need to investigate how the *plebs urbana* in general and urban freedmen in particular might have viewed *tabulae novae*.

[313] Engels 1990, 67.
[314] Pawlak 2013, 145, cf. Stansbury 1990.
[315] On the biases of Sallust and Cicero, see Levick 2015, 109ff. See particularly Berry 2020 for his argument that Cicero's *Catilinarians* were heavily edited after their delivery to be more self-justifying, and Lintott 2008, 142ff. on how the *Fourth Catilinarian* is 'at best a cento' and 'may be largely a fiction'.
[316] Waters 1970 argues that Catiline might not have even been a participant in the conspiracy until Cicero drove him out of the city, *contra* Philips 1976.
[317] Andreau 1999, 103.

3.2.1 Catiline and Urban Freedmen

To carry out his plan, Catiline allegedly appealed to a wide cross-section of Roman society. Here the sources deviate. Cicero's *Second Catilinarian* lists the six subsets of Roman people that Catiline was supposedly courting – those with great debts, those who wanted power and offices, dispossessed colonists, lazy insolvents, parricides, and the aristocratic friends of Catiline; the urban plebs or its subsections are not mentioned (Cic. *Cat.* 2.18–23). In the *Fourth Catilinarian*, the subsections of the urban plebs appear as supporters of Cicero as he applauds and gives thanks to them – the equestrians, the tribunes, the freedmen, and the shopkeepers (Cic. *Cat*. 4.15–17). The *Second Catilinarian* was delivered in a *contio* to the people, so Cicero was evidently portraying the supporters of Catiline as utterly disconnected from the urban plebs, possibly as a way of ensuring that they did not go over to Catiline's side; it would hardly benefit Cicero to implicate his own audience in the conspiracy.[318] In the *Fourth Catilinarian*, Cicero was presenting to the Senate a unified Rome wholly supporting his consulship against the now openly rebellious Catiline.[319] In both cases, Cicero's political aims at the time of delivery make it impossible to tell, purely from his speeches, whether Catiline did or did not have the support of the urban plebs or urban freedmen.

In Sallust's account, the *plebs urbana* did support Catiline and, once the conspiracy was uncovered and Catiline was driven out of the city, it then switched allegiances to Cicero (Sall. *Cat*. 48). Sallust attributes this to the 'fickle' and 'selfish' nature of the urban plebs, undoubtedly a product of his own prejudice: '*nam semper in civitate, quibus opes nullae sunt bonis invident, malos extollunt, vetera odere, nova exoptant, odio suarum rerum mutari omnia student*' (Sall. *Cat*. 37).[320] Thus, his account is no more trustworthy than Cicero's. Moreover, depending on their rhetorical need, both Sallust and Cicero portrayed the urban populace as a unified group entirely for or against Catiline. It is hardly probable that every subset of the urban plebs acted with such unity. Even if Catiline swung some of the urban plebs to his favour, it was unlikely to have been the entire urban populace.

As such, if Catiline did manage to attach some part of the urban plebs to his cause, to what extent were freedmen a part of this alleged support? Levick, in her biography of Catiline, claims that freed slaves formed a sizeable support group as freedmen would have

[318] Harrison 2008, 98.
[319] Berry 2020, 170.
[320] For some discussions of Sallust's negative views of the '*plebs*', see Mackay 1962, 186, Waters 1970, 206, and Harrison 2008, 100–101.

been worried that their estates might revert to their former owners upon their death rather than be passed on to their children.[321] Similarly, Erich Gruen states that many freedmen initially supported Catiline, for no other reason than that it was the 'destitute and poverty stricken' that supported Catiline the most, of whom freedmen 'constituted no small percentage'.[322] In contrast, Dominic Berry suggests that it was bankrupt senators and indebted rural and urban plebeians that supported Catiline whilst the property-owning class, particularly those engaged in moneylending, would have been heavily against the conspiracy.[323] Edwin Eagle likewise contends that Cicero was rallying certain members of the wealthy elite, particularly the *publicani* and equestrians, against Catiline.[324] Relatively better-off urban residents, such as artisans and shopkeepers, especially if they were freed slaves, would likely have had financial backing from their former owners, making it less likely that they would have fallen into a debt spiral with moneylenders. Ian Harrison concludes that it would have been the free rural poor and impoverished nobles that had the most to gain from *tabulae novae*, not the urban plebs.[325]

After Pompey gained the command against Mithridates in 66 BCE and his subsequent successes, the Asian market reopened to the commercial elite, who had previously suffered greatly due to the Mithridatic War. This group must have contained a significant portion of the major moneylenders, as Cicero states that the start of the Mithridatic War led to a collapse of credit in Rome after this group had lost their investments in Asia (Cic. *Man*. 19).[326] Their freedmen were likely also a part of this large-scale moneylending: in a passage discussing wealth and wisdom, Cicero complains about the 'rich' sending their freedmen to 'plunder' the provinces with usury (Cic. *Parad. St.* 46).

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[321] Levick, 2015, 45. Unfortunately, Levick is mistaken. A freedman's estate only reverted to his former owner if he died with no natural heirs – if he had natural children, his estate would pass on normally (*Table* V.8, cf. Ulp. *Reg*. 29.1). The *societas Rutiliana*, introduced in 118 BCE, did require a freedman to leave half of his estate to his former owner, but only in the instance that he refused to perform *operae*. The right of a patron to claim his freedman's estate even when the latter has had children only came into effect with the *Lex Papia Poppaea* of 9 CE.

[322] Gruen 1974, 427, 435.

[323] Berry 2020, 29 concludes that most of the urban poor would not have been likely to receive loans in the first place, cf. Hutchinson 1966, 16–17, *contra* Harrison 2008, 99. See Kay 2014, 258–9 on the possible existence of small-scale lending.

[324] Eagle 1949.

[325] Harrison 2008, 99. See also Brunt 1971, 143 on the preponderance of freedmen in the artisanal or shopkeeping professions and p. 383 on freedmen forming the 'middle-class'. Yavetz 1963, 495 provides a counterargument, arguing that it was the artisans and shopkeepers who fell most heavily into debt and they were Catiline's primary supporters, only ceasing their support when they heard rumours of a slave revolt, with which they had no intention of being involved.

[326] For a summary of the economic, particularly liquidity, problems after the Social War and the First Mithridatic War, see Crawford 1985, 194, 240–241 and Kay 2014, 252ff.

Once Pompey gained the upper hand, the commercial elite was eager to re-exploit the wealthy East. Such significant monies flowed to Asia that in 63 BCE, just before the Catilinarian conspiracy, the Senate had to place a ban on the export of precious metals from Italy (Cic. *Vat*. 12; Cic. *Flacc*. 67).[327] Philip Kay theorises that some members of the Roman elite even borrowed money in Rome to lend in the provinces at a premium.[328]

There would have been little reason why freedmen attached to this elite class, as a whole, would have supported a proposal that would have greatly disadvantaged their patrons and possibly themselves. *Tabulae novae* would have directly attacked the financial standing of many of the commercial elite. In 89 BCE, when A. Sempronius Asellio, the *praetor urbanus*, tried to interfere with moneylending in favour of the indebted, he was lynched by creditors (Liv. *Per.* 74; App. *B Civ*. 1.54; Val. Max. 9.7.4). Lucullus' defence of the indebted cities of Asia against Roman moneylenders contributed to his removal as the commander against Mithridates (Plut. *Luc*. 20). This subset of the elite had the most to lose from Catiline's *tabulae novae* proposal and their freedmen would certainly not have supported Catiline, especially if they themselves were established commercially thanks to their patrons' financial aid.

We must also consider freedmen who may not have been attached to such prestigious families or successful entrepreneurs. Cicero claimed that the entire freedmen '*ordo*' supported him and not Catiline.

> It is worth the effort, conscript fathers, [for us] to understand the devotion of freedmen, who by their virtue having the good fortune of obtaining their citizenship, consider this to be truly their fatherland, when some who were born here into the highest rank did not consider this to be their fatherland but to be a city of enemies. But why should I speak of this order and these men whom their private fortunes, their common good, and even their very freedom, which [to them] is the sweetest thing, urged to defend the safety of their fatherland? (Cic. *Cat*. 4.16).[329]

In the context of the speech, however, Cicero was listing his supporters and evidently trying to present a unified Rome against a hostile Catiline. The rhetorical mask of this section

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[327] Kay 2014, 257–258.
[328] Kay 2014, 256–257.
[329] '*operae pretium est, patres conscripti, libertinorum hominum studia cognoscere qui, sua virtute fortunam huius civitatis consecuti, vere hanc suam patriam esse iudicant quam quidam hic nati, et summo nati loco, non patriam suam sed urbem hostium esse iudicaverunt. sed quid ego hosce ordines atque homines commemoro quos privatae fortunae, quos communis res publica, quos denique libertas ea quae dulcissima est ad salutem patriae defendendam excitavit?*'

unfortunately renders it useless in examining whether freedmen, as a whole, were as united against Catiline as Cicero claimed.

As previously argued, even if they did not constitute the majority of the urban population as a whole, it seems that freedmen were overrepresented amongst certain subsections of the urban plebs, such as *tabernarii* and *opifices*.[330] Whilst we must discard Cicero's claim that all freedmen supported him and not Catiline due to its bias, his statement that the *opifices* and *tabernarii* cared too much about their livelihoods to risk them in a potential destruction of the City, though still serving a similar rhetorical purpose, contains some truth: '*genus hoc universum amantissimum est oti* (…) *quorum si quaestus occlusis tabernis minui solet, quid tandem incensis futurum fuit?*' (Cic. *Cat*. 4.17).

As Harrison has argued, the *plebs media* was less likely to fall into ruinous debt, as they likely had some form of social backing (such as through professional *collegia*) or patronal backing (if they were freedmen), or both (professional *collegia* might have had elite patrons).[331] Of course, most *collegia* were banned by a *senatusconsultum* in 64 BCE (Cic. *Pis.* 8; Asc. 75C)[332] and were not revived until Clodius' tribunate in 58 BCE. It is possible that some urban freedmen may have fallen into debt as for whatever reason they had insufficient patronal support, were now unable to rely on collegial support,[333] and were also of poor financial standing. Whilst such freedmen might therefore have supported *tabulae novae* and Catiline, this thesis has already argued that such patronless and poor freedmen were likely the exceptions to the rule. Freed artisans or shopkeepers connected to wealthier patrons or those better financially established would have been unlikely to back Catiline, as *tabulae novae* concerned them less. Otherwise, there was little in the rest of Catiline's conspiracy that would have appealed to urban freedmen who were *opifices* or *tabernarii*. In particular, once rumours flew that Catiline intended to set fire to the City and was raising an army to besiege Rome (even if these rumours were false), urban artisan freedmen would hardly have aligned themselves to the conspiracy – it makes little sense why they would

[330] Hawkins 2016, 130ff.
[331] S. Wilson 1996, 2; Kloppenberg 1996, 27; Verboven 2007; Harrison 2008, 106; J. Perry 2011, 508–509; Verboven 2017. We remain uncertain what the role and structure of *collegia* were in the Republic, as most of the evidence for *collegia* comes from the Empire, but it seems that they held some political sway. The *Comm. Pet*., in three different sections, mentions the usefulness of *collegia* in a consular election (Cic. *Comm. Pet*. 3, 30, 32).
[332] Tatum 1999, 117; Harrison 2008, 112.
[333] Verboven 2007, 870–871 discusses various financial support *collegia* might have provided, albeit utilising evidence from the imperial period.

support a movement that might have destroyed their livelihoods. In sum, it was likely that very few urban freedmen would have supported Catiline to any notable degree.

3.2.2 Catiline and Individual Freedmen

The sources on the Catilinarian conspiracy do reveal some important details about the socio-political status of freedmen during these times. P. Cornelius Lentulus Sura entrusted his freedman, P. Umbrenus, who had business dealings in Gaul, to contact the ambassadors of the Allobroges and to try to involve them in the plot (Sall. *Cat*. 40; Cic. *Cat*. 3.14). After the dramatic uncovering of the conspiracy, the other conspirators were arrested. Both Lentulus and C. Cornelius Cethegus promptly rallied their freedmen, amongst other clients, to come and free them. Finally, Catiline had his freedmen by his side as he made his final stand in battle at Pistoria (Sall. *Cat*. 59).

Through a close examination, two interesting points arise. Sallust and Cicero portray this patron-freedman relationship casually. The recorded actions of these freedmen may have been a dramatisation; due to the murkiness of the conspiracy and the hostility of the sources, we cannot be certain that the freedmen of the conspirators did what the sources claim that they did. Based on the matter-of-fact style with which they were presented, however, there is little to suggest that, to Sallust's and Cicero's contemporary readers, this was intended to be viewed as a particularly abnormal relationship. In other words, it seemed normal or even expected that the conspirators' freedmen remained loyal to their patrons until the bitter end and that their patrons entrusted them with important, even seditious, tasks. Freedmen's apparent loyalty to the point of a willingness to commit treason was not portrayed as something anomalous.

It is also interesting that neither Cethegus' nor Lentulus' freed clients (in addition to other friends, freeborn clients, and slaves) were numerous enough to break their patrons out by themselves but rather were required to rally additional support. Cethegus was a senator (Sall. *Cat*. 17) and Lentulus was a former consul (cos. 71) and praetor for the second time in 63 BCE. If the traditional view of freedmen of elite political families is correct, then they should have had more than a sufficient number of freed clients (perhaps hundreds) upon whom they might have been able to call. But in both cases, their clients had to rally additional help. Appian states that they were reinforced by other 'artisans': 'αὐτοῦ δὲ Λέντλου καὶ Κεθήγου θεράποντές τε καὶ ἐξελεύθεροι, χειροτέχνας πολλοὺς προσλαβόντες, κατ᾽ ὀπισθίας ὁδοὺς περιῄεσαν ἐπὶ τὰς τῶν στρατηγῶν οἰκίας ὡς τοὺς δεσπότας ἐξαρπασόμενοι' (App. *B Civ*. 2.5). Sallust is more elaborate:

> The freedmen of Lentulus and a few of his clients were [running] through the various streets in the neighbourhoods [and] stirring up the artians and slaves to come and break [Lentulus] out; some sought out the leaders of the masses, who were accustomed to disturb the State for money. Meanwhile, Cethegus sent messengers to beg a selected and trained [body of] his slaves and freedmen to take the risk, form a mob, gather up arms, and break him out (Sall. *Cat*. 50).[334]

It is unclear when these freedmen gathered additional '*opifices*' or '*duces multitudinum*' whether they tapped into established networks of broader connections or whether they had to rally help in an *ad hoc* fashion. The sources lean towards the latter (*in vicis* (…) *sollicitabant*), though it may have been because the image of them running from street to street added to the drama of the scene. Regardless, their attempt to assemble sufficient help failed. Although Cicero had to increase the guards on the conspirators, in none of the narratives were the freedmen able to gather a large enough crowd to be a serious threat. It would seem that the conspirators' freedmen, even if they had an established network of friends and supporters from other parts of the urban plebs, could not easily or effectively mobilise them. Other members of the urban plebs, lacking a direct patronal connection to the conspirators, remained unmoved. It appears that even for former consuls, their urban freed client networks were smaller than previously assumed of elite families, and their clients' ability to rally other members of the urban plebs was less far-reaching.

3.3 Freedmen and Urban Violence – Clodius

Examining the evidence, it seems that Clodius likely involved his own freedmen in violence during his turbulent career. Asconius claims that he discovered, in the *acta* of 58 BCE, that Pompey was 'besieged' (*obsessus est*) in his house by Clodius' freedman Damio (Asc. 47C). Upon the revival of the *Compitalia* during his tribunate, Cicero states that Clodius allowed his supporter (client?) Sextus Clodius(?)[335] to wear the *toga praetexta* – something permitted for the *magister vici* when leading the festival – which Cicero alleges Sextus had never done

[334] '*liberti et pauci ex clientibus Lentuli divorsis itineribus opifices atque servitia in vicis ad eum eripiundum sollicitabant, partim exquirebant duces multitudinum, qui pretio rem publicam vexare soliti erant. Cethegus autem per nuntios familiam atque libertos suos, lectos et exercitatos, orabat in audaciam, ut grege facto cum telis ad sese inrumperent*'.

[335] It is possible that his name was Sex. Cloelius – in which case, we do not know to whom this freedman belonged, or if he even was a freedman (Shackleton Bailey 1960; 1981).

before: '*qui numquam antea praetextatus fuisset*' (Cic. *Pis*. 8). Since freeborn Roman boys wore the *toga praetexta* until they adopted the *toga virilis*, Sextus Clodius/Cloelius having never worn the *toga praetexta* before implied that he was a freedman, perhaps of P. Clodius himself.[336] Whilst Clodius very likely mobilised his direct freedmen clients, we must re-examine to what extent urban freedmen in general supported Clodius and participated in urban violence.

The urban violence allegedly stirred up by Clodius has long been seen as the epitome of freed violence in the Late Republic.[337] Unfortunately, this view relies on the same erroneous assumption I have discussed for the Catilinarian conspiracy: freedmen were the dominant subsection of the urban plebs and they were often very poor. They were presumed to have formed the majority of Rome's urban institutions, such as the *vici* and the *collegia*. In the words of Lott, 'Roman freedmen (…) made up the rank and file of neighbourhood communities'.[338] Another cohort of supporters commonly attributed to Clodius, artisans and shopkeepers, were allegedly courted as they were also predominantly of freed status.[339] Moreover, the numerous occasions in which Cicero called Clodius' supporters 'bands of armed slaves' were viewed as derogatory attacks on his freed supporters, and Cicero was negatively highlighting their formerly enslaved status. Due to the conflation of urban plebs with freedmen, any violence in which the urban plebs were involved automatically became associated by numerous scholars with freedmen.

Whilst there is little doubt that Clodius rallied the urban plebs on a hitherto unseen scale, an argument similar to that put forward in the previous section is also applicable here: any assumption that freedmen were involved in Clodius' urban violence based solely on now out-of-date demographic models must be rejected. It remains debatable whether Clodius ever relied predominately on poor urban residents as his political support base,[340] let alone the fact that freedmen likely did not make up a large section of that group. This section will argue that very few of his proposals would have benefited freedmen and their patrons explicitly. Even

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[336] Although since Cicero is not above fabricating the socio-legal status of his opponents to make a rhetorical point, we cannot be certain that he is telling the truth. See Lott 2004, 58 for more on Sextus Clodius/Cloelius.
[337] Lintott 1967, 163 argues that Clodius' *operae* 'were composed largely of freedmen and slaves', cf. Brunt 1966, 23. See Tatum 1999, 118 for his argument that Clodius wished to revive and mobilise *collegia* as 'freedmen composed the majority in Rome's *collegia*', cf. Vanderbroek 1987, 161–165.
[338] Lott 2004, 49.
[339] Brunt 1966, 15–16.
[340] For example, see Harrison 2008, 106, 113–114 for his argument that Clodius largely relied on the *plebs media* and not the poorest parts of Rome's urban society.

when Clodius was able to mobilise certain subsets of the urban plebs, of which freedmen may have been a component, they were not mobilised specifically because of their freed status.

In particular, his alleged proposal to redistribute freedmen in the *comitia tributa*, supposedly discovered in his house after his death, will be further examined. These were likely fearmongering rumours with little basis in fact. However, this chapter will explore the hypothetical scenario that Clodius did consider such a proposal seriously and it will show that, even if it were proposed, Clodius likely cared little for overwhelming the *comitia tributa* but was attempting to influence the wealthy voters in the *comitia centuriata*.

3.3.1 Clodius and Urban Freedmen

Naturally, we must first grapple with the issue of our sources on Clodius. Almost all contemporary evidence comes from his political archnemesis, Cicero. Later sources, such as Appian and Cassius Dio, were still heavily influenced by this Ciceronian bias. Rundell insightfully notes that much of the negative portrayal of Clodius in Cicero comes from Cicero's post-exile works and that letters written before his exile paint Clodius with less hostility.[341] As such, Cicero's allegations of Clodian violence become deeply suspect. To give one example, Cicero claims that Clodius used violence to break up a vote to recall Cicero from exile in 57 BCE, although Clodius, at this time a *privatus*, already had two friendly tribunes supporting his cause, Sex. Atilius Serranus Gavianus and Q. Numerius.[342] The pair were delaying the motion, presumably by vetoing the matter. Since they could exercise their tribunician veto, there would have been little need for Clodius to turn to violence unless the Ciceronian camp used violence and intimidation first, perhaps to prevent the tribunes from exercising their veto.[343]

Based on such biased rhetoric, we must approach everything Cicero states about Clodius and his supporters with great suspicion. Cicero regularly claims that Clodius enrolled or deployed 'armed bands of slaves'; these claims were argued to have been attacks on his freed supporters by negatively highlighting their formerly enslaved nature.[344] Such mentions are too extensive to list in full here, but some examples include Cicero exclaiming that he was exiled '*servitio* (…) *concitato*' (Cic. *Sest*. 53; cf. Cic. *Dom*. 5); that Clodius '*servos ad*

[341] Rundell 1979, 302–303.
[342] See Cic. *Red. Pop*. 12; *Sest*. 72; *Pis*. 35. See also Cic. *Att*. 4.2.4 for Serranus trying to veto the restoration of Cicero's house.
[343] Rundell 1979, 320.
[344] Treggiari 1969, 172–174 and esp. 265–266; Mouritsen 2001, 60; Harrison 2008, 112–113.

caedem idoneos emit' (Cic. *Sest*. 95); that '*cum servos tuos, a te iam pridem ad bonorum caedem paratos*' (Cic. *Dom*. 6). Similarly, '*vis enim innumerabilis incitata ex omnibus vicis collecta servorum ab hoc aedile*' (Cic. *Har*. 22, cf. 39).

In particular, after Clodius, early in his tribunate in 58 BCE, repealed the ban on *collegia*, Cicero asserts that a levy of slaves was being held in the Forum (Cic. *Pis*. 23, cf. Cic. *Dom*. 54). Cicero repeats this claim in the *Pro Sestio* with militarised and incendiary language: '*cum vicatim homines conscriberentur, decuriarentur, ad vim, ad manus, ad caedem, ad direptionem incitarentur*' (Cic. *Sest*. 34). Several scholars have convincingly shown that Cicero was merely distorting the fact that urban residents were re-enrolling themselves in *collegia* by exaggerating it as almost an armed slave uprising.[345] It is doubtful if Clodius ever relied on armed bands of slaves – Cicero deployed a similar rhetorical tactic in relation to Catiline.[346] Cicero's portrayal was likely to have been a deliberate attempt to stir up the horrors of the slave uprisings – the revolt of Spartacus was only a decade and a half prior to Clodius' tribunate and would have still been fresh in everyone's memories.[347] In fact, Cicero makes an explicit connection between Clodius and the leaders of slave uprisings: '*Athenionis aut Spartaci exemplo ludos facere maluerit quam Gaii aut Appii Claudiorum*' (Cic. *Har*. 26).

Whilst we can confidently reject the literal interpretation of Cicero's attacks that Clodius regularly used armed slaves, we must grapple with the assumption that they referred to freedmen. This theory, unfortunately, has no basis in the evidence. There is nothing to suggest that when Cicero rhetorically derides Clodius' supporters as slaves, he could not have been referring to freeborn plebeians. In his *In Pisonem*, Cicero hurls abuse at L. Calpurnius Piso Caesoninus (cos. 58), calling him a '*novicius* [*servus*]' and describes him as '*servilis*' (Cic. *Pis*. 1). It seems that, should it serve Cicero's rhetorical purposes, he was willing to even call a former consul and someone from one of the most prestigious families in Rome a 'slave'. As such, we cannot assume that Ciceronian references to 'armed slaves' are evidence for the presence of a mass of freedmen amongst the supporters of Clodius.

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[345] Even Cicero himself admits to this to some extent: '*pro* (…) *nomine collegiorum*' (Cic. *Sest*. 34). See also Rundell 1979, 311 for an analysis of Cic. *Att.* 3.15, where Cicero reveals that, at the time of the revival of the *collegia*, he did not view it so negatively and Atticus even tried to convince Cicero that it would be to his advantage.
[346] See Cic. *Cat*. 4.13, *contra* Sall. *Cat*. 56, where Catiline refuses the help of slaves.
[347] Gruen 1974, 428.

Cassius Dio observes that, in 58 BCE, so many slaves were manumitted in order to be put onto the grain dole (recently made free by Clodius) that Pompey needed to conduct a census just for them (Cass. Dio. 39.24).[348] Dionysius of Halicarnassus, similarly, claims that some freed their slaves so that their new freedmen would give their grain doles to them (Dion. Hal. 4.24). Lott, in particular, argues that Clodius further gained the goodwill of the urban freedmen by destroying the records of their manumission in the Temple of the Nymphs and thus prevented Pompey from shortening the list of grain dole recipients. This goodwill from urban freedmen, Lott continues, was what allowed Clodius to succeed in his election as aedile in 56 BCE.[349]

This view has numerous problems. Chiefly, at this point freedmen were in the four urban tribes – even if Clodius managed to gain their support as an entire social class, that would still have been insufficient to win him an election in the *comitia tributa* without further support from the voters in the rural tribes. Furthermore, Pompey was *praefectus annonae* in 57 BCE, not a position that allowed him to conduct a census (indeed, no successful censuses were held between the years 70/69 BCE and 28 BCE).[350] Whilst it is not unlikely that some slaveowners may have manumitted their slaves because they could no longer afford their upkeep, it is doubtful if the practice was as widespread as Cassius Dio represents.

Brunt hypothesises that if slaveowners were manumitting slaves because they could no longer afford their upkeep, then, logically, they would also not have been purchasing new slaves to replace them and as such there should have been a concurrent decrease in slaveownership.[351] This theory, however, remains hypothetical as we have no evidence to suggest that there was any noticeable decrease in the level of slaveownership or the number of slaves in the Late Republic and Early Principate. Moreover, since Pompey was placed in charge of the grain supply due to a food shortage,[352] it is entirely likely that, even if it happened, this alleged mass manumission was a one-off event in a crisis and not a regular or continual phenomenon.

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[348] Duff 1928, 20–21; Taylor 2013, 145.
[349] Lott 2004, 63–64.
[350] Cassius Dio uses the term 'ἀπογραφή', which does refer to the census, but he is likely mistaken. This more probably referred to a *recensio* of the grain list. Even then, there is no evidence that Pompey had the power to restrict a freed citizen's access to the grain dole purely on the grounds of his freed status.
[351] Brunt 1971, 383–387.
[352] On the grain crisis of 58/7 BCE, see Cic. *Att.* 4.1, Liv. *Per.* 104, Plut. *Pomp.* 49–50, App. *B Civ.* 2.18, Cass. Dio 39.9, and in particular 39.24 for the alleged mass manumission of slaves in anticipation of the grain dole. For a summary of the grain issue from Cicero's exile to Pompey's grain commission, see Garnsey 1988, 201.

Lott and Garnsey have instead theorised that Pompey was attempting to prevent informally manumitted slaves from accessing the grain dole and Clodius burnt down the Temple of the Nymphs, where the census records were traditionally held, to frustrate attempts to distinguish formally manumitted freedmen and informally freed slaves.[353] López Barja De Quiroga makes a similar claim: slaveowners after 58 BCE were informally manumitting slaves so that the latter could obtain the grain dole, only to be re-enslave them afterwards, something Augustus corrected with the *Lex Iunia*.[354]

By the Late Republic, any form of manumission (most common were *inter amicos* and *per epistulam*)[355] beyond the three traditional methods did not legally manumit the slave.[356] According to Gaius, at some point during the Republic, a praetor's edict made it so that such informally manumitted slaves were kept '*in libertatis forma*', though it is unclear what this entailed (Gai. *Inst.* 3.56). These informally manumitted slaves, however, remained legally as slaves (*ex iure Quiritium servos*). The *Fragmentum Dositheanum de Manumissionibus*[357] elaborates only slightly: slaves manumitted, but not by the three traditional forms, remained slaves – '*manebant servi*'. Should their former owner try, '*denuo*', to reduce them back to slavery '*per vim*', the praetor would intervene and '*non patiebatur manumissum servire*' (Frag. Dos. 5).[358] As such, informally freed slaves, not being citizens, could not vote and were not eligible for the grain dole.

The theory that Clodius was responsible for the destruction of the Temple of the Nymphs and that he did so explicitly to protect the identities of informally freed slaves has serious difficulties. First, it is unclear why destroying census records would have prevented Pompey from distinguishing formally freed slaves from informally freed ones. No census was conducted that year, so any slave manumitted *inter vivos* that year (and since the last census)

353 Garnsey 1988, 213; Lott 2004, 63–64.
354 López Barja De Quiroga 2023, 83–85.
355 Gai. *Inst*. 1.41, 1.44; Ulp. *Reg*. 1.10, 1.18. On these two methods of informal manumissions, see Buckland 1908, 444–45, 449–61, 548–51, Roth 2010, 106ff., and Roth 2023a, 2. For two detailed studies on informal manumissions, see Sirks 1981 and 1983.
356 It remains unclear how many slaves were informally manumitted during this time due to a complete lack of inscriptional or literary evidence. It is further complicated by the fact that we remain unsure if an informal manumission was merely a transitory stage (e.g. a slaveowner freed a slave *inter amicos* at a dinner party and performed a formal manumission a little while later) as opposed to a more permanent, alternate form of manumission.
357 This is a fragmentary text from the 2nd or 3rd century CE, possibly originally in Greek and translated into Latin. It may be a summary or a lost part of the works of Gaius the Jurist. See Girard and Senn 1977 and López Barja De Quiroga 2023, 84.
358 It is unclear what actually happened in this case (e.g. would the informally freed slave be formally freed by the praetor) or what would happen if the informally manumitted slave was reduced back to slavery but not '*per vim*'.

must have been manumitted *vindicta*, and we are uncertain where the records of such manumissions would have been kept, if there even were any. Gaius states that a praetor or proconsul could manumit a slave *vindicta* even if he was on his way to the baths and that all that was needed were the declaration of the magistrate and the verbal assent of the owner (Gai. *Inst*. 1.20).[359] As such, regardless of whether the slave was freed or not freed formally, his freed status would not have been recorded in the Temple of the Nymphs until he was registered in the next census. Furthermore, if the destruction of the records prevented Pompey from shortening the list of grain recipients, then it fails to explain how Caesar was able to do this successfully a few years later (Suet. *Iul*. 41). Second, we have no evidence from the ancient sources that there was a mass of informally freed slaves pretending to be full citizens to gain access to the grain dole. Had Clodius truly done this to help slaves usurp citizenship rights, one would think that the ancient sources, especially Cicero, would have been much less ambiguous about the affair. Yet none of them connects the burning of the Temple with questions about the legal status of slaves or freedmen.[360]

In addition, I have argued that most freedmen might have been relatively better off or connected with wealthy members of the commercial elite, which would have shielded them from such pressing poverty that gaining or losing the grain dole was enough to shift their political loyalties away from their patrons to Clodius. It hardly benefited patrons to see their clients live in such a state, which would make whatever economic, social, or political support they could have provided less than optimal. Manumission for the grain dole was thus unlikely to have happened on as large a scale as has been presumed and there is little evidence to suggest that Clodius used his grain dole bill to mass rally urban freedmen.

Having examined how traditional views of Clodius and urban freedmen fall apart under closer scrutiny, this chapter will now approach the question from another angle – would urban freedmen and their patrons have particularly benefited from Clodius' other pieces of legislation and political activities? In the previous chapter, I have shown that Pompey (and to some extent, Cicero) was popular with a particular subset of the voting base – the commercial elite. In a famous passage from the *Pro Sestio*, Cicero defines the *populares* and the *optimates*: the *optimates*, to whom Cicero viewed himself as belonging, contain

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[359] For more in-depth discussions on the *manumissio vindicta*, see Duff 1928, 23–24, Fabre 1981, 16ff., and esp. Mouritsen 2011a, 68–69: magisterial oversight for the *vindicta* was necessary but a slave was manumitted *vindicta* 'with minimal involvement of state authorities'.

[360] Cic. *Cael*. 78 and *Mil*. 73 state that the goal of Clodius' burning of the temple was to destroy the census records but make no mention of slaves or freedmen, cf. Cic. *Har*. 27.

municipales, *negotii gerentes*, and *libertini* (Cic. *Sest*. 97).[361] With Pompey's successes in the East, this commercial elite became wealthier and more influential – most importantly, there is little to suggest why, between Pompey's successes in the East and Clodius' tribunate, this subset of voters would desert Pompey from whose successes their wealth was gained, without good cause.[362]

In the early phase of Clodius' tribunate in 58 BCE, he passed four *leges – de frumentaria, de sodalitatibus, de auspiciis, de censoribus*. Whilst his legislative package may have benefited the urban plebs in general, they largely had little direct impact on Clodius' ability to mobilise and connect with the urban freedmen. Still as tribune, Clodius moved against Cicero, leading to his exile (App. *B Civ*. 2.15ff.; Cass. Dio 38.12ff.). After the orator's exile, Clodius challenged the authority of Pompey by interfering in the affair of Tigranes the Younger; the matter came to violence and M. Papirius, a friend of Pompey and a *publicanus*, was slain (Asc. 47C; Cic. *Dom*. 66; *Mil*. 18, 37; Plut. *Pomp*. 48; Cass. Dio 38.30). After this, Clodius acted more openly against Pompey – an assassination was allegedly attempted, causing Pompey to hide in his house for the rest of the year (Plut. *Pomp*. 49). The following year, Pompey worked on securing the return of Cicero. He mobilised Italian *domi nobiles* to vote for Cicero's restoration in the *comitia centuriata,* where wealthier voters had disproportionate power (Cic. *Red. Sen*. 29; Cic. *Fam*. 1.9.16; Cass. Dio 39.6ff.).[363] Cicero notes that the *publicani* also agitated for his return (Cic. *Dom*. 74, in contrast with *Q. Fr*. 1.4.4, where in the previous year Cicero expresses shock at Pompey's and the *publicani*'s refusal to defend him when he was exiled).

It is debatable whether Clodius temporarily reconciled with Pompey in late 57 BCE to run for the aedileship, but soon after winning that election, the pair were once again enemies. Clodius and his supporters hurled abuse at Pompey during the trial of Milo in 56 BCE (Plut. *Pomp*. 48.7; Cass. Dio 39.18–19).[364] After the 'reconciliation' at Luca later that year, however, Clodius was brought back into the good graces of the three men (Cass. Dio 39.29).[365] Cicero has Clodius in 56 BCE boast that he had the trio behind him as his advisors

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[361] For more on *optimates* and *populares* in Cicero, see Robb 2010, esp. 35–68 for his analysis of these terms in the *Pro Sestio*.
[362] For example, Cicero claims in a letter dated to the early 50s BCE that the *publicani* and the *locupletes* were still favourable to him due to his actions during and after his consulship (Cic. *Q. Fr*. 1.1.6). For a further discussion of Cicero and his equestrian and publican support, see Davenport 2019, 73, 88–89.
[363] See Tatum 1999, 181–182 for the recall of Cicero.
[364] Tatum 1999, 197, 202.
[365] Tatum 1999, 215.

(*auctoribus*) and helpers (*adiutoribus*) (Cic. *Sest*. 40, cf. Cic. *Har*. 47). Clodius seemed to have remained nominally on Pompey's side until the former's death.

As we can see, none of Clodius' pieces of legislation directly helped politically influential freedmen or their patrons. In fact, Clodius on multiple occasions set himself in opposition to Pompey who enjoyed great support from the commercial elite. This thesis would argue that, until Clodius was reconciled with Pompey after the conference at Luca in 56 BCE, Clodius may have been in the same situation as Catiline. His legislation may have spoken to some parts of the urban plebs, certainly, but his antagonising of the group that likely contained the greatest number of politically influential freedmen would mean that Clodius likely did not enjoy widespread freed support during the first few years of his career.

3.3.2 Clodius and the Alleged Proposal to Revive the *Lex Manilia de Libertinorum Suffragiis*

After Clodius' death, Milo was brought to trial for his death, where Cicero was one of his defence counsel. In the published version of the *Pro Milone*,[366] Cicero justifies the killing of Clodius by portraying him as a man who would have destroyed the entire *Res Publica* had he been allowed to live and carry out his political plans. Cicero outrageously claims that Clodius was drafting a law that would turn everyone's slaves into his own freedmen: '*lege nova quae est inventa apud eum cum reliquis legibus Clodianis, servos nostros libertos suos fecisset*' (Cic. *Mil*. 89). This is most certainly sensationalised fearmongering. The actual content of the law was not even specified, and it would be up to Asconius to elaborate that this was most likely a repetition of the Manilian law and allowed freedmen to vote in the rural tribes (Asc. 52C).

Many scholars have accepted this at face value and argue that Clodius was attempting to redistribute the mass of freedmen across all the voting tribes of the *comitia tributa* and thus dominate that assembly, which he then could use to pass whatever additional, 'nefarious' policies he wanted.[367] A closer examination of the episode raises some issues with this view. At the time of his death, Clodius was seeking the praetorship, which was elected in the *comitia centuriata*. It is unclear how a proposed revival of the *Lex Manilia* might have directly helped Clodius' election prospects. It is also unclear how Clodius, in his capacity as

[366] The version of the *Pro Milone* that survives to us is not the version that was delivered, as Cicero was too intimidated by the shouting and threats of violence from the competing bands of Clodius and Milo (Asc. 42C, cf. Cass. Dio 40.54.2, Quint. *Inst*. 3.6.93, Plut. *Cic*. 35). Therefore, we do not know if this invective was even in the delivered version of the speech. See Lewis 2006, 247–248 for more on this.

[367] See for example Lintott 1968, 197 and Lewis 2006, 255.

praetor (should he have won), would have used this to advance his career or his legislative program, as praetors in the Late Republic typically did not legislate – and the *comitia tributa* was more often summoned by a tribune of the plebs, in its plebeian form, the *concilium plebis*, than by a higher magistrate.[368]

Certain alternative hypotheses have been forwarded. Tatum suggests that it was more an ideological statement, as the Claudii famously were champions of freed rights: '[more a matter] of principle than (…) politicism'.[369] This is unfortunately only conjecture; this thesis has shown previously that the electoral reforms of Ap. Claudius Caecus likely had nothing to do with freedmen and that C. Claudius Pulcher rejected the proposal to disenfranchise freedmen entirely because it was not legal, not because he was showing some ideological favouritism towards freedmen. It is thus questionable whether the Claudii were ever 'champions of freed rights'. Tatum also theorises that Clodius may have been trying to codify the status of informally freed slaves, much like Augustus would eventually do with the *Lex Iunia* in 17 BCE; but this is also conjecture.[370] Whilst this would have benefited some freed slaves, surely most patrons would have been displeased with this move, especially those with great influence in the *comitia centuriata*, as it interfered with their private authority over when and how to free their slaves.

In fact, we have no firm evidence that Clodius genuinely attempted this or was even contemplating it, and Cicero may have deliberately selected the most outrageous rumour to stress his rhetorical (and hyperbolic) point that, had Clodius not been stopped, the Republic itself would have fallen.[371] Asconius, subsequently, may have misinterpreted the events and made a baseless connection to the *Lex Manilia*. Nevertheless, this chapter will also consider the possibility that Clodius did propose, in the course of his election for the praetorship, a revival of the *Lex Manilia*.

As argued previously, many freedmen and their patrons, particularly wealthy and influential members of the commercial elite, likely did not initially support Clodius *en masse* due to his hostility to Pompey and Cicero, a pair of politicians traditionally favourable to that voting base. After Pompey, Caesar, and Crassus met at Luca in 56 BCE, Clodius was forced into an alliance with the three men and reconciled with Pompey. Despite this, the three men

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[368] See Tatum 1999, 236–237 on the oddity of a praetor introducing legislation.
[369] Tatum 1999, 235–238.
[370] Tatum 1999, 238.
[371] See Colson 1980, 108–109 and Fotheringham 2013, 362–364: '[Cicero was speaking] in hypotheticals'.

and Clodius did not exert as great an influence on Roman politics as they would have liked. Despite Pompey and Crassus secretly agreeing to share the consulship in 55 BCE, the elections were a mess and the pair had to rely on bribery and violence to stall them for long enough until a friendly *interrex* smoothed matters along, suggesting that Pompey and Crassus might not have been able to win outright in a fair election (Plut. *Pomp*. 52, *Crass*. 15ff., *Cat. Min*. 41ff.; Cass. Dio 39.30–32; App. *B Civ*. 2.17; Vell. Pat. 2.46).[372] The situation remained disorderly in 54 BCE. The trio and Clodius were able to manoeuvre Clodius' eldest brother, Ap. Claudius Pulcher, into the consulship. However, L. Domitius Ahenobarbus[373] was also elected consul and Cato the Younger was elected praetor,[374] neither of whom was friendly to the trio at this time.

53 BCE was a particularly difficult year. Crassus died fighting the Parthians and, in the previous year, Pompey's wife Julia, the daughter of Caesar, had died in childbirth (Cass. Dio 40.44; App. *B Civ*. 2.18–19). The elections for 53 BCE had been fiercely contested and marred with accusations of bribery and violence. Despite the Senate asking Pompey to oversee the elections in his capacity as proconsul, he could not manoeuvre his preferred candidates into office. The consuls of the year – Cn. Domitius Calvinus and M. Valerius Messalla Rufus – finally came into office in July, and they were not on friendly terms with Pompey (Plut. *Pomp*. 54; Cass. Dio. 40.45), eventually siding with Caesar during the civil war.[375] Pompey was once again in a precarious position, with Plutarch describing his reputation at the time as being viewed 'κακῶς' (Plut. *Pomp*. 55). An ill-thought-out plan by a tribune friendly to Pompey to elect the latter as dictator likely exacerbated the matter, as it reminded the people and the Senate too much of the horrors under the Sullan dictatorship (Cass. Dio 40.45–46; Plut. *Pomp*. 54).[376]

It would be natural for Pompey and his allies to seek ways to bolster his position – the death of Crassus necessitated a rebalancing of power between Pompey and Caesar, and Pompey's hold over Roman politics was by no means absolute; he could not put consuls favourable to him into office in 53 BCE, could not guarantee Clodius' success or Milo's loss

[372] Seager 2002, 119ff.
[373] L. Domitius Ahenobarbus was the brother-in-law of Cato and had previously acted against the interests of the trio (particularly against Caesar) (Suet. *Iul*. 23, *Nero* 2).
[374] In 55 BCE, Cato ran for the praetorship and was stopped by Pompey and Crassus, first by Pompey pretending to have heard thunder and halting the election, then by mass bribery. The trio could not stop Cato's successful election in 54 BCE (Plut. *Cat. Min*. 42–44).
[375] See Broughton 1958, 277 on Gn. Domitius Calvinus as a proconsul siding with Caesar and 282ff. on M. Valerius Messalla joining Caesar either in 48 BCE or certainly from 47 BCE onwards, after Pompey had died.
[376] Wiseman 1994, 403–404.

in the upcoming elections, and the attempt to name him dictator was met with much resistance from the people and the *nobiles*.

Milo, at this point, was a serious contender for the consulship and had the backing of many influential politicians, such as Cato and Cicero.[377] Asconius made it clear that, had the *comitia centuriata* swung in favour of Milo for the consulship, Clodius' political future would have been rather bleak (*debilem futuram*) (Asc. 30C).[378] Naturally, Clodius and Pompey needed to ensure support amongst the wealthy voters of the *comitia centuriata*. It is in this context that Clodius, supported by Pompey, may have considered a resurrection of the *Lex Manilia*. By promising to place politically influential and active freedmen into their patrons' tribes in the *comitia tributa*, Pompey and Clodius might have hoped that this election promise would convince such patrons and freedmen to support Clodius' praetorship candidacy in the *comitia centuriata*. As previously argued, Clodius likely lacked widespread freed support in the early phases of his career due to his hostility to Pompey, who drew significant support from the commercial elite and their freed clients.[379] This promise may have thus reconciled Clodius to that support base and made his candidature more palatable to them. Finally, Pompey and Clodius may have hoped that with their newfound political influence in the *comitia tributa*, freedmen and their patrons might aid the Pompeian camp in future legislative ventures.

Due to the hostility and opacity of the sources, it may remain permanently unclear what, if anything, Clodius intended with his freedmen bill. It is entirely possible that Cicero's claims were nothing but hostile and baseless rhetoric. Nevetheless, this chapter hopes to have provided an alternative interpretation that is more logical in the immediate political context, had some proposal to redistribute freedmen been seriously considered by Clodius. It is evident that, despite the three men's new pact at Luca and subsequent alliance with Clodius, they were still not able to exert as great a control over the electoral process as they would have liked – they certainly could not guarantee that the voters would select their preferred candidates automatically, evident by their less-than-stellar performance at the elections in 55–

[377] Tatum 1999, 235. Pompey's preferred consular candidates were P. Plautius Hypsaeus and Q. Metellus Scipio (Asc. 30C, 35C, 48C). Clodius also supported the pair (Cic. *Mil*. 25). On the violence in the lead-up to the elections for 52 BCE, see Seager 2002, 133, with Asc. 30Cff., Cass. Dio 40.46, and Liv. *Per*. 107.
[378] Sumi 1997, 82.
[379] See also Garnsey 1988, 215: Clodius' grain distributions might have undercut grain merchants and upset them, as previous distributions still sold the grain at market price; compare this with Pompey, who astutely courted large-scale grain merchants (Cic. *Fam*. 13.75).

53 BCE.[380] Thus, a proposal to revive the *Lex Manilia* was likely a political manoeuvre to court certain valuable voters – wealthy freedmen and/or their wealthy patrons – in the *comitia centuriata* by promising a subsequent increase in their influence in the *comitia tributa*. It was unlikely to have been an ideological statement. It seems odd that, in the violence and chaos of the elections in 53 and 52 BCE, Clodius would have made an empty ideological statement if it conferred no immediate political benefits. If Clodius did believe in the 'political equality' of freed slaves, it makes little sense that he would only make such a statement now, rather than much earlier in his career, such as during his tribunate. Rather, it would have been a way for Clodius and Pompey to shore up support from a particular subset of the Roman elite in the face of political uncertainty, much like what the Pompeian camp attempted with the *Lex Manilia* itself in 67 BCE. Clodius and Pompey introduced this election promise because it was now politically expedient to do so, not because Clodius always had a special connection to freedmen.

3.4 Freedmen during the Proscriptions and the Triumviral Era

Clodius' proposal to revive the *Lex Manilia*, had it happened, marked the last attempt by any politician to reform the voting rights of freed slaves. Nevertheless, the portrayal of freedmen during the Triumviral era reveals some important information that provides crucial context to the Augustan laws on manumission and freedmen.

3.4.1 Freedmen during the Triumviral Proscriptions

Stories of freedmen defending or betraying their former owners appear most heavily in Appian's record of the Triumviral proscriptions.[381] These tales, he claims, were previously recorded by numerous Roman historians (App. *B Civ*. 4.16). We unfortunately can only guess as to whom Appian was referring,[382] but it is unlikely that Appian fabricated these tales himself.

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[380] Gruen 1974, 147–150: 'the coalition was itself too shaky to institute a permanent ascendancy', cf. Morstein-Marx 2021, 229, 233, and esp. 400.

[381] For a detailed account and analysis of the Triumviral proscriptions, see Hinard 1985, 227ff.

[382] On Appian's possible sources for his work, see Gabba 1971, 139 and Gowing 1992, 33ff. Unfortunately, almost none of the surviving Roman/Latin sources speak much of freedmen in their records of the proscriptions. Velleius Paterculus states: '*id tamen notandum est, fuisse in proscriptos uxorum fidem summam,* ***libertorum mediam****, servorum aliquam, filiorum nullam*' (Vell. Pat. 2.67), though he does not expand on this statement and freedmen do not appear in any of Valerius Maximus' stories of the proscriptions. Elsewhere, Valerius Maximus calls the Athenian institution of allowing a '*libertus ingratus*' to be re-enslaved as '*memorabile*' and notes that the city of Massilia, '*civitas severitatis custos acerrima*', also has the same practice (Val. Max. 2.6.7–7b). When he records how Helvius Mancia Formianus, son of a freedman, spoke out against Pompey, he derides him for having the stench of his father's slavery (*servitutem paternam redolenti*) (Val. Max. 6.2.8). He further ridicules

We, however, remain mindful as to why Appian presents them and why they were recorded as notable tales in the first place. Appian presented them from a combination of shock value and to highlight, in his view, the 'happiness' of the 'current times' – 'ὀλίγα δὲ ἐγὼ καθ᾽ ἑκάστην ἰδέαν, ἐς πίστιν ἑκάστης καὶ ἐς εὐδαιμόνισμα τῶν νῦν παρόντων (…) ἀναγράψω' (App. *B Civ*. 4.16).[383] For Appian, these tales were recorded because, to their contemporary audience, they would have appeared as out of the ordinary.[384]

Appian's tales where freedmen betray their former owners are however surprisingly few. A man called Naso was betrayed by his freedman, described as one of his 'favourites' (παιδικῶν), and so killed him before surrendering to the soldiers (App. *B Civ*. 4.26). Another man, Lucius, entrusted his money to two of his freedmen, described as 'most faithful' (πιστοτάτοις), only to have the pair abscond with his money, leading to Lucius despairingly surrendering (App. *B Civ*. 4.26). Varus hid amongst the marshes near Minturnae before he was arrested and executed – Appian states simply that he fled to the marshes 'δ᾽ ἀπελευθέρου προδιδόντος' (App. *B Civ*. 4.28).

The tales regarding faithful freedmen number slightly more. Vinius's freedman Philemon hid his former owner in an iron chest (App. *B Civ*. 4.44).[385] An unnamed freedman hid his former owner and his son in the family tomb (App. *B Civ*. 4.44). A similar story is recounted later, though in that case, the patron could not stand living in a tomb and left (App. *B Civ*. 4.47). Finally, Ventidius' freedman saved his patron with a clever trick by pretending to deliver him to those pursuing the proscribed, but in reality dressed him as a centurion and some of his slaves as soldiers and they fled across Italy in disguise (App. *B Civ*. 4.46).

Whilst the veracity of these tales cannot be confirmed, we can analyse why these tales might have been preserved. Appian's tales of betrayal are often socially subversive: freedmen

C. Cassius Longinus for relying on a freed slave to bring about his suicide, stating that he did not even have the courage to do it himself (Val. Max. 6.8.4). It is unclear why Valerius Maximus refused to use freedmen for either positive or negative exempla in his tales of the proscriptions, though his obvious personal prejudices against freedmen may have played a part.

[383] On issues of Appian's presentation of the Triumviral period, see Gowing 1992, 254–263 and Osgood 2006, 65–66.

[384] Appian's rationale is very similar to that of Cassius Dio, who was also relating tales he thought 'ἀξιομνημόνευτα μάλιστα' (Cass. Dio 47.10).

[385] Cassius Dio also records this tale, though in his version it was Vinius' wife Tanusia who hid her husband (though still in a house owned by his freedman, here named Philopoemen). The loyalty of Tanusia and the 'clemency' of Octavian are the focus of Cassius Dio's tale, not the freedman. In fact, this is the only mention of freedmen in Cassius Dio's tales of the proscriptions. It is possible that whilst Appian focused on the subversion of social and political mores, Cassius Dio wanted to stress the clemency of Octavian during the proscriptions, and thus had fewer reasons to discuss freedmen. Though one is only able to guess as to the real rationale, it is likely that Cassius Dio's cultural milieu and differing goals from Appian influenced why he included freedmen so little in his tales.

turning against patrons, slaves against their owners, wives against their husbands, or sons against their fathers (App. *B Civ*. 4.13).[386] It was the upheaval in standard social mores and customs that gave the tales a particular moral and emotional impact. Comparing the tales of freedmen either supporting or betraying their former owners, we can clearly see a difference in the kind of stories recounted. For traitorous freedmen, just the act of betrayal was worth recounting. Faithful freedmen, however, were not portrayed as being out of the norm – all the stories of faithful freedmen were recounted because of the ingenious or anecdote-worthy manner by which they protected their patrons; none of the stories portrayed the act of a freedman defending his patron worthy of note in and of itself. In other words, this chapter argues that the tales were recounted because, at that time, it was expected that freedmen would show loyalty to their former owners. A freedman betraying his former owner was presented as shocking and a sign of the times – the destruction and subversion of traditional social mores.[387] The majority of the stories of freedmen during the Triumviral proscriptions support the idea that freedmen's bonds to their patrons likely remained strong during this time.

3.4.2 Freedmen of the Dynasts during the Triumviral Period

Upon hearing of the assassination of Julius Caesar in 44 BCE, Octavian, who was in Apollonia at the time, immediately made his way to Rome. Once in Italy, Octavian began courting the former clients of Julius Caesar. Two groups were particularly highlighted by the ancient sources: Caesar's veterans and his freedmen (App. *B Civ*. 3.11; Cass. Dio 45.3). Appian stresses that one of the major reasons why Octavian wanted his adoption by Julius Caesar formally ratified in the *comitia curiata* was so that he could take over the patronage of Caesar's freedmen (App. *B Civ*. 3.94). Similarly, Sextus Pompeius took over the patronage of Pompey Magnus' freedmen (Vell. Pat. 2.73). He liberally used his father's freedmen as naval commanders – Menodorus/Menas, Menecrates, Apollophanes, and Demochares.[388]

The dynasts entrusted their freedmen with crucial and sensitive tasks. In 44 BCE, Sextus Pompeius used Philo, a freedman of his father, and Hilarus, one of his own freedmen, to carry confidential letters to the consuls Marc Antony and Dolabella (Cic. *Att*. 16.4).

[386] On the sequential structure of Appian's tales of the proscription, see Gowing 1992, 259–260.
[387] Appian's tales of sons, siblings, or wives are also quite similar. Stories of loyal family members were recorded only if they showed loyalty above and beyond expectation (such as demanding to be killed with the proscribed). App. *B Civ*. 4.23–24. records the betrayal of Septimius and Salassus by their respective wives – particularly for the story of Salassus, just the fact that his wife betrayed him was worthy of note.
[388] Treggiari 1969, 187ff.

Octavian sent his freedman Philadelphus to Menodorus/Menas to procure corn and to confirm the latter's defection to him (App. *B Civ*. 5.78). In 30 BCE, Octavian also sent another freedman, Thyrsus, to mollify Cleopatra as he was marching towards Alexandria (Cass. Dio 51.8). Julius Licinus, a freedman of Caesar, remained closely associated with Octavian well into his reign – he was made procurator of Gaul and Treggiari argues that he was likely already managing affairs in Gaul by the Triumviral period (Cass. Dio 54.21, cf. Sen. *Apocol*. 6).[389] Marc Antony sent his freedman Callias as a secret envoy to Lepidus to discuss a marriage alliance behind Octavian's back (App. *B Civ*. 5.93). It seems that at least one freedman of Caesar, Demetrius, worked for Marc Antony and was put in charge of Cyprus (Cass. Dio 48.40). Cassius was accompanied by his freedmen in his army camp at Philippi, as he allegedly asked one of them, Pindar, to slay him after he mistakenly thought that he and Brutus had lost (Plut. *Ant*. 22). These examples show that freedmen remained as close and often talented confidants not only to those who manumitted them but also their heirs. Powerful and wealthy freedmen of the dynasts helped *privati* such as Octavian and Sextus Pompeius in their quests to compete with much more established members of the political elite.

There is little evidence that the bonds of patronage had weakened or that the loyalty of freedmen was easily changeable. The defection of Menodorus/Menas from Sextus Pompeius to Octavian is the best attested but is also anomalous. In Appian's narrative, Menodorus/Menas only defected because other freedmen became jealous of Menodorus/Menas' influence and began to slander him to Sextus Pompeius (App. *B Civ*. 5.78; Cass. Dio 48.45). Despite this, Menodorus/Menas ended up defecting back to Sextus Pompeius with the latter's forgiveness (App. *B Civ*. 5.96; Cass. Dio 48.54). Just before the Battle of Naulochus, he defected to Octavian for the second time; though well-received, he was no longer trusted (Cass. Dio. 49.1). Whilst both Appian and Cassius Dio blame this on Menodorus/Menas' lack of personal fidelity, perhaps due to him being an ex-pirate, neither attribute this to his freed nature in general (App. *B Civ*. 5.96; Cass. Dio 48.54). Apart from Menodorus/Menas, there are only two other instances of a freedman changing sides. Apollophanes, a freedman of Pompey Magnus inherited by Sextus Pompeius, defected to Octavian after Sextus Pompeius' loss at Naulochus (Cass. Dio 49.10).[390] Hipparchus, a freedman of Marc Antony, went over to Octavian after Marc Antony had lost at Actium (Plut.

[389] Treggiari 1969, 190.
[390] Cassius Dio contrasts this with Demochares, another one of Sextus Pompeius' freedman admirals, who instead chose suicide rather than defection (Cass. Dio 49.10).

Ant. 67). It is telling, perhaps, that despite the chaos of the Triumviral civil wars and the mercurial nature of political alliances at that time, we only have three known instances of a freedman abandoning his patron or his patron's heir.

The act of manumission created a powerful bond that was difficult for another to usurp or replace – this may explain the crucial episode of Octavian returning to their owners or executing, after his victory at Naulochus, the 'slaves' who had fled to Sextus Pompeius. Sextus Pompeius had mass-manumitted the slaves who had fled to him,[391] and this manumission was ratified by the Senate in 39 BCE with the Pact of Misenum (App. *B Civ*. 5.131; Cass. Dio 48.36). If anything, Octavian was breaching the social order by reducing Roman citizens to slavery or else executing them without trial. It was a most hypocritical act, as Octavian himself used around 20,000 slaves in his navy (Cass. Dio 48.49). Similarly, Octavian also mass-manumitted his slaves, likely as a reward for their service and to ensure their loyalty just before the crucial battle at Naulochus (Cass. Dio 49.1). According to his *Res Gestae*, he captured 30,000 'slaves' after the defeat of Sextus Pompeius (Aug. *RG*. 25). It makes little sense that Octavian would have been genuinely concerned with the mass of newly created freedmen in and of itself, since he also did the same thing. Rather, it was that Octavian could not have easily usurped the patronage of so many newly created freedmen and their positive connection with the Pompeians, thanks to Sextus Pompeius' manumission of them, made their presence dangerous. With no easy way to win their favour, Octavian removed them from the political scene entirely but was happy to retain as citizens the freedmen he himself had created.[392]

This also explains why the triumvirs promised manumission to any slave who betrayed his owner during the proscriptions – in that case, the act of manumission and the gaining of freedom and citizenship came from the triumvirs, and the slave gained his freedom in a way that utterly broke traditional post-manumission bonds and instead bound the newly-manumitted slave to the Triumviral regime. This is similar to Sulla's 10,000 *Cornelii*, created out of the slaves of his proscription victims (App. *B Civ*. 1.100). In both cases, we can see that it is the act of manumission that created a powerful bond for whoever granted the slave

[391] It is unclear where these slaves came from, but they were likely from the *familiae* of the proscribed (Liv. *Per*. 123).
[392] Compare with Menodorus/Menas – as he was already freed, Octavian tried to bind his loyalty by instead raising him to freeborn status and into the equestrian order (App. *B Civ*. 5.80; Cass. Dio 48.45). One imagines that Octavian was able to do this as an exception to the rule – turning a single freedman into a freeborn must have been more ideologically tolerable than if he had done it *en masse*.

his freedom – in most cases, it was his former owner, but in the Late Republic we see instances of another attempting to usurp that position by granting the slave his freedom through extraordinary means and in ways that broke his traditional relationship with his former owner.

3.4.3 The Freedmen 'Riot' of 31 BCE

According to Cassius Dio, in 31 BCE, just before Actium, Octavian instituted a heavy tax on the freed population of Italy. All freedmen with property worth over 200,000 sesterces in Italy were asked to contribute an eighth of it. The freedmen promptly rioted and Octavian was forced to use his army to quell the violence (Cass. Dio 50.10). A subsequent demand was made of the freeborn(?)[393] for one-quarter of their annual income. This account also appears in Plutarch, though he places the tax in 32 BCE instead: freedmen were asked to contribute one-eighth of their property and freeborn citizens a quarter of their income (Plut. *Ant*. 58). Plutarch also records disturbances resulting from this tax but does not attribute it exclusively to freedmen. After his victory at Actium, Octavian remitted the last yet unpaid quarter of this tax on freedmen, allegedly because he feared their disloyalty (Cass. Dio 51.3). This act of freed violence, if it did occur, represented the last (and possibly only) time when freedmen were allegedly a uniquely identifiable component in urban violence in Roman history.

After the Battle of Mutina in 43 BCE, Octavian had rapidly alienated the traditional senatorial elite by demanding the consulship, in which he succeeded though not without the threat of force (Cass. Dio 46.43ff.; App. *B Civ*. 3.80). Octavian evidently did not trust that he could rely on the Senate's goodwill for long, prompting him to seek peace with Marc Antony and form the Triumvirate (App. *B Civ*. 3.80ff.). Shortly after, the triumvirs proscribed many of their enemies. After Philippi, they then resolved to redistribute land from eighteen Italian cities to settle their veterans (App. *B Civ*. 4.3), a number that Octavian was forced to exceed

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[393] Cassius Dio states that 'οἱ ἐξελεύθεροι' were taxed 1/8th of the worth of their property and 'οἱ ἐλεύθεροι' were taxed ¼ of their annual income. There have been debates about whether 'οἱ ἐλεύθεροι' referred to all free citizens (i.e. freed and freeborn) or only freeborn citizens. J. S. Richardson 2012 argues that the former refers to freedmen and the latter freeborn citizens only, cf. Reinhold 1988. Galinsky 2012 equates the two terms and interprets both as referring to freedmen. Morcillo 2020 is of a similar opinion and argues that the tax was originally on freedmen for 1/8th of their property and this was increased to ¼ as punishment when their armed rebellion was put down. Carter 1970 reconciles the opposing theories by stating that the original 1/8th tax was on freedmen and this was increased to ¼ of the income of the whole population (both freed and freeborn) after the amount raised by the tax was insufficient. Ridley 1980/1, 39–40 provides a summary of the issues surrounding the interpretation here. Based on the narrative difference in how Cassius Dio approaches 'οἱ ἐξελεύθεροι' and 'οἱ ἐλεύθεροι', I believe that the terms refer to two distinct groups – the first freedmen and the second freeborn. This is supported by Plutarch's passage – 'οἱ ἐξελευθερικοί' were demanded one-eighth of their property whilst 'οἱ ἄλλοι' were forced to contribute a quarter of their income.

when it became obvious how much land would be required (App. *B Civ*. 5.22; Cass. Dio 48.6).[394] As Martin Frederiksen has argued, some of Julius Caesar's policies may have already alienated wealthy Italians and possibly the Roman commercial elite.[395] Edward Bispham's epigraphical study shows that, soon after the death of Caesar, Italy was still a patchwork of competing loyalties, with some cities siding with the triumvirs, but some openly naming the Liberators as their patrons.[396] A letter from Cicero suggests that some in municipal Italy were happy at the news of Caesar's death: '*exsultant laetitia in municipiis*' (Cic. *Att*. 14.6). Octavian likely did not have total or widespread support from the onset, as Appian records that, when Octavian arrived in Italy after the assassination of Caesar, many towns received him only lukewarmly (App. *B Civ*. 3.12).[397] Even after the formation of the Triumvirate, this subset of the Italian elite likely supported L. Antonius and Sextus Pompeius until their respective defeats.[398] Both Appian and Cassius Dio state that L. Antonius had the backing of most of the Italian *domi nobiles* (App. *B Civ*, 5.19; Cass. Dio 48.6). Cassius Dio also stresses that the urban population of Rome supported Sextus Pompeius and almost lynched Octavian when he would not make peace with him (Cass. Dio 48.31).

The triumvirs desperately needed money to fund the war effort. A tax was levied on 1,400 of the wealthiest women, which the triumvirs reduced to 400 after much protest from the women (App. *B Civ*. 4.32–34). They then demanded that anyone worth over 100,000 drachmas (i.e. equestrians) regardless of status or nationality lend one-fiftieth of their property to the triumvirs at interest (App. *B Civ*. 4.34, cf. Cass. Dio 47.16). Cassius Dio states that a further tax was levied on all house-owners across Italy: the entire annual rent if leased out, half of that amount if owner-occupied, and half the yearly revenue of land (Cass. Dio 47.14). In 40 BCE, Octavian levied a further tax of twelve and a half *denarii* per slave owned on all slave-owners (App. *B Civ*. 5.67). The people reacted violently and Octavian was pelted with stones when he appeared in public (App. *B Civ*. 5.67–68). Appian claims that 'ὁ δῆμος'

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[394] For a tentative list of the eighteen cities, see Keppie 1983, 63.
[395] Frederiksen 1966, 133–134, 138–139: whilst he refused to enact *tabulae novae*, Caesar's cancellation of rent, interest, and re-evaluation of security may have harmed merchants and moneylenders (Cass. Dio 42.51; Suet. *Iul*. 42).
[396] See Bispham 2007, 457 ff., esp. Appendix 2 for a list of Italian cities who named the Liberators as their patrons. See also Santangelo 2016, 142ff. for a further discussion of anti-Caesar and anti-Octavian sentiments in Italian towns in the aftermath of Caesar's assassination.
[397] Volponi 1975, 44.
[398] Gabba 1971, 148–149. See also J. S. Richardson 2012, 50–51: most of the Italo-Roman propertied class were likely neutral regarding the triumvirs until they were proscribed and their lands confiscated for settlement.

was angry with this, but since this tax only affected slaveowners, surely this must have referred to the relatively well-off members of Roman society.

Prior to the Battle of Naulochus, as we have seen, Octavian gathered some 20,000 slaves for his navy from friends and wealthy members of the people (Cass. Dio 48.49). Cassius Dio reveals that the slaves demanded by the triumvirs were highly unlikely to have been contributed voluntarily (Cass. Dio 47.17, 48.31).[399] At the same time, Sextus Pompeius' blockade of Italy and the actions of the Liberators in the East must have all but destroyed the financial interests of the Italo-Roman commercial elite (App. *B Civ*. 5.67). Meanwhile, the punishing taxes, the forced redistribution of land to settle veterans, and the loss of their enslaved workforce led to, in Emilio Gabba's words, 'a complete disaster for (…) Italian property owners'.[400] The early phases of the Triumvirate thus saw the trio alienate both traditional and commercial elites,[401] whilst Octavian and Marc Antony had to compete among Caesar's more direct clients – veterans and freedmen – for support.

With the defeat of Sextus Pompeius, Octavian started to reconcile himself with the Italo-Roman elite, both traditional and commercial.[402] They received a reprieve from Octavian's brutal wartime exactions with the abolition of certain taxes, the forgiving of amounts still owed to the State, and the release of the *publicani* from outstanding obligations (Cass. Dio 49.15; App. *B Civ*. 5.130).[403] At the same time, Octavian once again had to settle tens of thousands of veterans; Werner Eck notes that Octavian had learnt his lesson and either settled them abroad so that Italians need not fear dispossession again, or, when he did settle some veterans in Italy near Capua, Octavian made sure that he bought the land as opposed to confiscating it and built the city a new water supply as recompense (Cass. Dio 49.14.5; Vell. Pat. 2.81).[404] It may have been also in this context that Octavian returned the 'slaves' captured from Sextus Pompeius's navy, as a way to appease Italo-Roman slaveowners (and executed those whose former owners were no longer alive).[405] At this point, Octavian started

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[399] Rosillo-López 2020, 359.
[400] Gabba 1971, 142: the greatest losers of the Triumvirate were 'i ceti medi municipali' and 'i grandi affaristi', cf. Volponi 1975, 92, 136. See also Suet. *Aug*. 40 – so many equestrians had lost their wealth as a result of the civil war that they feared to sit in their traditional fourteen rows at the theatre.
[401] Welch 2012, 205–206.
[402] Eck 2007, 20; Osgood 2006, 182; Rosillo-López 2020, 354; Ficocelli 2022, 291. See particularly Yavetz 1984, 15ff.: Octavian/Augustus realised that he would never truly have the conservative Republican aristocrats on his side, so he increasingly relied on municipal equestrians for his regime, cf. Syme 1939, 357ff. and Nicolet 1984. See also Eck 2007, 31: it was after the defeat of Sextus Pompeius that Octavian increasingly raised *domi nobiles* into the Senate and other official capacities.
[403] Nicolet 1984, 109.
[404] Eck 2007, 29; Kearsley 2013, 831.
[405] Volponi 1975, 146.

raising Italian *domi nobiles* into politically powerful positions.[406] Josiah Osgood points out that, prior to the Triumvirate, those from consular families held 80% of all consulships, yet during the Triumviral era, only 10 out of the 38 consuls had consular ancestors.[407] Octavian, out of political expediency or perhaps necessity, started to court members of the wealthy and powerful Italian elite who were typically not part of the traditional senatorial class.

Despite this, Octavian's hold over the Italo-Roman elite, traditional or commercial, must have been significantly more tenuous than he would later retroactively portray.[408] In the *Res Gestae*, Octavian/Augustus stresses that, when the war with Marc Antony seemed unavoidable, *tota Italia*, '*sponte*', declared him leader against the enemy (Aug. *RG*. 25). The fact that Bononia, whose traditional patrons were the Antonii, was 'exempted' from the oath implies, however, that the oath was not nearly as '*sponte*' as Octavian/Augustus claimed (Suet. *Aug*. 17).[409] Moreover, it is utterly nonsensical that *tota Italia* wanted Octavian to lead them against Marc Antony/Cleopatra but immediately baulked at the idea of needing to contribute financially to the point of rioting when pressed. In addition, the Senate refused to declare Marc Antony as *hostis*[410] and when it became obvious that conflict was unavoidable, both consuls and a third of the Senate promptly defected to Marc Antony (Cass. Dio 50.2).[411] Whilst Octavian must have realised the need to appease the Italo-Roman elite and taken necessary steps to rectify the situation, his success so far was limited.

When Octavian once again tried to raise money, he levied a tax on wealthy freedmen; Octavian must have thought that the number of Italo-Roman freedmen worth over 200,000 sesterces was sufficient that taxing them was worthwhile. This may have been a myopic idea to appease the freeborn Italo-Roman elite by not taxing them but taxing freed slaves instead.[412] Octavian evidently severely underestimated the wealthy freedmen's resolve and influence. If Plutarch's account is accurate, the upset freedmen caused a pan-Italian revolt and raised enough social unrest that an armed force was required to quell them. Perhaps due

[406] Eck 2007, 31.
[407] Osgood 2006, 257–260, cf. Syme 1939, 243–244. Wiseman 1971 notes that of the praetors, 17% were *novi homines* before 70 BCE, 25% between 69 and 49 BCE, and 35% during the Triumvirate and under Augustus (p. 164), cf. Badian 1990 and Farney 2007.
[408] See Gabba 1971, 139, 147–149, 155–159: Octavian likely had the support of the resettled veterans but almost no one else, cf. Caspari 1911, 231–233 and Galinsky 2012, 52.
[409] J. S. Richardson 2012, 68. See also Osgood 2006, 359 and Kearsley 2013, 829, who argue that it might have only been veterans who took the oath and Octavian presented the oath as if it was done by *tota Italia*.
[410] On this, see Kearsley 1999, 57 and Cass. Dio 50.34.
[411] Syme 1939, 285.
[412] Volponi 1975, 153–154.

to the freedmen's resistance, the money raised was insufficient and Octavian had to introduce a 25% tax on the income of freeborn citizens as well.

After his victory at Actium, Octavian remitted the rest of the taxes still owed by the freedmen, amounting to a quarter of the total amount. According to Cassius Dio, it was because Octavian was suspicious of freedmen (Cass. Dio. 51.3). Since only freedmen worth over 200,000 sesterces were subject to the tax, it must not have been that Octavian feared freedmen in general, but rather that Octavian, no longer as pressed for taxes, now sought to court the favour of wealthy freedmen across Italy. Octavian further improved relations with the Italo-Roman commercial elite by again releasing the *publicani* from any outstanding obligations (App. *B Civ*. 5.130).

It is likely that due to Octavian's actions during the Triumviral period, he did not have the backing of the majority of the freed population who were attached to or were a part of the commercial elite. Octavian's actions, such as his wartime taxes and land redistributions, likely alienated many of the commercial elite and the *domi nobiles*. With the defeat of his last enemy, Octavian needed to reconcile wealthy and influential freedmen and their patrons with his regime.

3.5 Summary

Examining freedmen during the Catilinarian conspiracy, their alleged connection with Clodius, and their portrayal during the Triumviral era, several new conclusions can be reached when analysing the evidence from a fresh angle away from the traditional accounts of freedmen.

During the Catilinarian conspiracy and Clodius' career, freedmen *en masse* likely did not support these individuals as neither had legislative proposals that directly benefited them or their patrons. Catiline never succeeded in connecting with the freed population in general, and Clodius likely only attempted to do so late in his career, assuming that this attempt was not merely a rumour, when he had reconciled with Pompey and needed wealthy and influential supporters in his bid for the praetorship in the *comitia centuriata*.

The chaos of the Triumviral period saw no further attempts to amend the socio-political status of freedmen. Nevertheless, the previous conclusion that freedmen were increasingly disconnected from their patrons and that their loyalties were inconstant is unsupported by the evidence. Records of the Triumviral era show freedmen largely enjoying a close and powerful bond with their former owners; disloyal freedmen are mentioned infrequently and portrayed as anomalous. There is insufficient evidence to suggest that there was a widespread breakdown of patronal bonds during this time.

The evidence continues to support the existence of a large group of wealthy and influential freedmen, likely connected with the Italo-Roman commercial elite. The resistance of wealthy freedmen against the war tax of 32/1 BCE showed the level of their influence and also their discontent with Octavian, especially since they and their patrons likely were the greatest financial victims of his land seizures and taxes, further exacerbated by the disruption of trade and finance due to widespread civil war. By the close of the Triumviral era, however, Octavian had begun to recognise their political importance and sought to reconcile them.

This then strongly impacts on how we ought to interpret the Augustan manumission laws. The last two chapters have shown that there is little to suggest that the political elite, at this point, were genuinely concerned with the number of freedmen in and of itself – rather, the concern was with the kind of freedmen and to whom they were attached. It would therefore be inappropriate to view the Augustan manumission laws as being solely, if at all, concerned with the rate of manumission or the number of freedmen in Roman society – a line of interpretation that has so far caused myriad problems. We must re-examine the Augustan manumission laws in their immediate political contexts to see if we can uncover an alternative rationale.

CHAPTER FOUR

THE AUGUSTAN PRINCIPATE PART I

During his Principate, Augustus initiated three laws that regulated or reformed various aspects of manumission and the socio-political status of freed slaves – these laws will be the focus of the remainder of this thesis:

1. *Lex Iunia* (17 BCE), which ratified informal manumissions and introduced the new legal category of Iunian Latins.
2. *Lex Fufia Caninia* (2 BCE), which limited the number of slaves one could free *testamento*.
3. *Lex Aelia Sentia* (4 CE), which reformed Iunian Latinity, introduced age limits for both the manumitter and manumitted, and created another category of freedmen, the *dediticii*.

These laws were also complemented by two major innovations that disproportionately affected freed slaves at Rome: the reform of the *vici* in 7 BCE and the creation of the *vigiles* in 6 CE.

For well over a century, the purpose of the Augustan manumission reforms has been continuously debated. Such examinations have undoubtedly been hampered by a lack of contemporary evidence and the fact that none of the laws survive in full, merely references to them by much later jurists. The sources that do survive are deeply prejudicial. Suetonius' interpretation is the most famous, depicting the reforms in a proto-racial fashion.

> Thinking it of great [importance] to keep the populace pure from all foreign pollutions and uncorrupted by servile blood, he gave Roman citizenship very sparingly and set a limit to manumission (Suet. *Aug*. 40.3).[413]

Suetonius continues by referencing the creation of the *dediticii* in the *Lex Aelia Sentia*:

> Not contented with keeping slaves away from freedom by [throwing up] numerous obstacles, still more so from a full freedom, [Augustus] carefully looked into the number, condition, and status of those who were freed, and added in addition that no one who had ever been chained or tortured would be allowed to gain citizenship by any degree of freedom (Suet. *Aug*. 40.4).[414]

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[413] '*magni praeterea existimans sincerum atque ab omni colluvione peregrini ac servilis sanguinis incorruptum servare populum, et civitates Romanas parcissime dedit et manumittendi modum terminavit*'.

[414] '*servos non contentus multis difficultatibus a libertate et multo pluribus a libertate iusta removisse, cum et de numero et de condicione ac differentia eorum, qui manumitterentur, curiose cavisset, hoc quoque adiecit, ne vinctus umquam tortusve quis ullo libertatis genere civitatem adipisceretur*'.

Cassius Dio offhandedly mentions that Augustus was concerned with the rate of manumission: 'πολλῶν τε πολλοὺς ἀκρίτως ἐλευθερούντων' (Cass. Dio 55.13). Augustus, in his will, also allegedly cautioned his successors against freeing too many slaves: 'μήτ' ἀπελευθερῶσι πολλούς, ἵνα μὴ παντοδαποῦ ὄχλου τὴν πόλιν πληρώσωσι' (Cass. Dio. 56.33).

Tacitus, amidst his narrative of a discussion in Nero's court of whether the re-enslavement of *liberti ingrati* should be permitted, states that:

> And two types of manumission had been instituted, so that there remained room to change one's mind or for a new benefaction. Those whom a patron had not freed by the rod retained as if the bonds of slavery. Every [slaveowner] ought to consider the merits [of each manumission] carefully and relinquish slowly what, once given, could not be taken away (Tac. *Ann*. 13.27).[415]

As mentioned before, Dionysius of Halicarnassus also laments the state of manumission in his day and exhorts Romans to check the careless entrance of slaves into the citizen body (Dion. Hal. 4.24.4–7).

These interpretations, however, are most certainly incorrect. Suetonius' claim that Augustus was motivated by almost proto-racial reasons can be discarded immediately – the *Lex Aelia Sentia* incentivised freedmen to marry and produce children, including the provision of citizenship to Iunian Latins once they had a child. His second claim that Augustus made it more difficult to free slaves was only true in extremely specific instances, as will be discussed below. Tacitus' statement that Iunian Latinity provided a good middle ground for incoming freed slaves as it was an intermediary stage where they were still in a state of pseudo-slavery (*velut vinclo servitutis*) and that owners had a chance to change their minds is incorrect: slaveowners could largely still free slaves so that they became citizens without needing to go through Iunian Latinity first, not to mention that Iunian Latins were legally free and there were no regular mechanisms to re-enslave them. Cassius Dio's insertion of an anti-freedmen clause in Augustus' will is unsubstantiated by any other source, and almost all scholars agree that it was a fabrication.[416] It is even possible that Cassius Dio was utilising the freedmen issue under Augustus obliquely to attack Caracalla, whose mass-

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[415] '*quin et manu mittendi duas species institutas, ut relinqueretur paenitentiae aut novo beneficio locus. quos vindicta patronus non liberaverit, velut vinclo servitutis attineri. dispiceret quisque merita tardeque concederet, quod datum non adimeretur*'. Tacitus does not make it clear to which two (*duas*) forms of manumission he was referring. Furneaux 1907, 188 and Wuilleumier 1964, 56–57 believe that the '*duas*' were likely referring to *liberti Iuniani* and *liberti cives*.

[416] Atkinson 1966, 357: no other author mentions this statement at all. The 'fourth document' where this clause allegedly came from does not appear in Suetonius and is referenced by Tacitus only weakly.

extension of Roman citizenship in 212 CE would not only have drastically increased the number of Roman citizens but the number of freed slaves as well.[417] As such, Cassius Dio was likely stating what he thought Augustus might have done (or even wished had done) based on his own biased attitudes and his narrative was not an accurate reflection of the mindset of Augustus himself.

We are uncertain what drove our sources to present the Augustan manumission laws in such misleading ways. But it is possible that, after a century of having to contend with imperial freedmen (whose use under Augustus was still in the incipient stages),[418] Roman aristocrats held a different view of freed slaves than their counterparts did at the end of the Republic and in the early years of the Empire.[419] Pliny the Younger, in his *Panegyricus* to Trajan, exalted him for putting freedmen back in their place, which, to him, was considered to be a sign of a good *princeps* (Plin. *Pan*. 88, cf. *Ep*. 7.29 and 8.6 on Pallas the freedman of Claudius and Nero). It is possible that Flavian and later authors retrojected contemporary attitudes to the start of the Principate: good *principes* restrict the 'excesses' of freedmen, Augustus was a good *princeps*, therefore Augustus must have restricted the 'excesses' of freedmen.[420]

The more contemporary Dionysius of Halicarnassus is still problematic. It is clear from this passage that he both disliked freed slaves gaining citizenship and that he was trying to explain Roman manumission to a non-Roman (i.e. Greek) audience. It is possible that to him and his audience's Greek sensibilities, whose cultural background did not approach manumission as the Romans did, any number of slaves gaining citizenship would have been considered 'excessive'.[421] This chapter will show that Dionysius' narrative is not at all useful for reconstructing the socio-political reality.

Furthermore, Suetonius' portrayal of Augustus' attitudes towards freedmen is both contradictory within his own narrative and with the broader evidence. Suetonius reports that,

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[417] Swan 2004, 317–318, cf. Corcoran 2023, 132.
[418] See Eck 2009, 247–248, cf. Talbert 1996, 342.
[419] See Atkinson 1966, 359: Suetonius and his circle disliked the intrusion of 'servile foreigners' into the aristocratic circle.
[420] Conversely, overreliance on *liberti* became a standard criticism of a 'bad' *princeps* (Mouritsen 2011a, 97, cf. López Barja De Quiroga 1995, 327–328).
[421] See Mouritsen 2011a, 29 for his analysis of Polyb. 38.15.10 on how the Greeks viewed freed slaves in their society as a sign of the subversion of social order, and p. 67 on how, to Dionysius' Greek audience, the Roman style of manumission would have seemed 'anomalous'. See Duff 1928, 1, Fitzgerald 2000, 87, Kleijwegt 2009, 319, Koops 2014, 112, and Hunt 2018, 9–10, 12, 123, 135 on the differences between Greek and Roman manumission. For a detailed analysis of manumission in the Greek world, see Zelnick-Abramovitz 2005.

according to Valerius Messalla, Augustus had such a low opinion of freedmen that he would not even dine with them at the same table (Suet. *Aug*. 74). It is highly debatable whether Augustus had such a well-known ideological detestation of freedmen, which he broadcast through his actions and his manumission laws. Elsewhere, Suetonius mentions how Augustus often viewed games at the Circus in the house of his freedmen (Suet. *Aug*. 45). We know that he placed freedmen in positions of great responsibility. Julius Licinus, whom Augustus made procurator of Gaul, is the most famous example (Cass. Dio 54.21)[422] and Augustus entrusted his freedmen Polybius and Hilarion with the accounts of the empire after he died (Suet. *Aug*. 45, 101).[423] When too few candidates were offered for a vacancy amongst the Vestal Virgins, Augustus opened the candidature up to the daughters of freedmen (Cass. Dio 55.22; Suet. *Aug*. 31). In the analysis of the Augustan *vicomagistri* later in this chapter, I will show that many urban freedmen enthusiastically and proactively embraced the Augustan regime. Beyond the City, one freed *Augustalis* in Pompeii, A. Vettius Restitutus, even had a mural of the Battle of Actium in his house.[424] Barbara Kellum argues that this was because Actium and Augustus represented a turning point for the subsequent, 'favourable', treatment of freedmen and freedmen displayed their positive attitudes toward the Augustan regime artistically.[425] There is insufficient evidence to suggest that contemporary Roman freed slaves noted any excessive 'ideological detestation' on Augustus' part.

Of course, deep-seated prejudices against freedmen certainly existed in Roman society in the Augustan Principate and perhaps worsened amongst the senatorial class over the next several decades.[426] We cannot be certain, however, that such views were the drivers behind the laws, even if Augustus also harboured such attitudes privately.

4.1 Modern Scholarship

Scholars of the early 20th century, such as Frank, Arnold Duff, Reginald Barrow, and H. Last, accepted Suetonius' interpretation uncritically and believed that Roman citizenry was being

[422] J. S. Richardson 2012, 129.
[423] Lintott 2010, 83.
[424] Kellum 2010, 189. Due to its limitations, this thesis cannot provide an in-depth analysis of the *Augustales*. For some recent research of this social group, see Ostrow 1990, Vandevoorde 2012, Vandevoorde 2013, Laird 2015, Bruun 2016, Vandevoorde 2017, and Easton 2019.
[425] Kellum 2010, 199.
[426] See, for example, Hor. *Epod*. 4, though this might have just been an attack on a specific person (Mouritsen 2011a, 18).

overwhelmed by 'Oriental blood', which Augustus then sought to stem.[427] As shown above, Suetonius was incorrect, and we can readily dismiss these highly problematic interpretations.

Even when subsequent scholars no longer argued along a racial line, our ancient narratives were largely accepted and scholars argued that the purpose of the manumission laws was to restrict manumission and reduce the number of freed slaves in Roman society.[428] Gardner interprets the Augustan laws very straightforwardly: 'the purpose of these limitations is evident, namely, to preclude the admission to citizen rights of undeserving or undesirable types'.[429] The *Lex Fufia Caninia*, limiting the number of slaves one could free in a will, she suggests, was to prevent the mass manumission of slaves to swell one's ostentatious funerary train and to stabilise society by preventing the 'dramatic loss of capital' from one generation to another.[430] She later examines other Augustan laws and comes to a similar conclusion – the laws were meant to 'maintain stability and harmony in Roman society' by reinvigorating patron-client bonds and incentivising freedmen to settle down and have families.[431]

Interpretations suggesting that the goal of the laws was to stem the rising tide of wanton manumissions soon came under question. The *Lex Iunia*, legitimising informal manumissions, would have created more freedmen, not fewer, which immediately renders this interpretation suspect. In fact, if we are to accept the interpretation offered by our ancient sources, then the Augustan laws were abject failures – we have no evidence that there was a significant decrease in the number of freedmen in Roman society over the Early Principate.[432] Moreover, this would also mean that the laws, if this was truly their purpose, were incredibly poorly written and riddled with loopholes. For example, a slaveowner could have easily circumvented the *Lex Fufia Caninia* by mass-manumitting on his deathbed or simply compelling his heir to free all the slaves via a *fideicommissum*.

Whilst Gardner's later theory that the laws were aimed at stabilising society and renormalising patron-client relations is certainly in tune with the general ideological aim of the Augustan Principate, some issues remain. First, the *Lex Aelia Sentia*, and parts of the *Lex Papia Poppaea* later, provided escapes for freed slaves from traditional patronal bonds, such

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[427] Frank 1916; Duff 1928; Barrow 1928; Last 1934.
[428] See Mouritsen 2011a, 80 for a summary of scholarship for or against this view.
[429] Gardner 1991, 22.
[430] Gardner 1991, 26.
[431] Gardner 2002, 51.
[432] Almost no scholars believe that there were significant changes in the proportion of freedmen or slaves in Roman society for the first two centuries of the Principate (and possibly not until the collapse of the Western Empire, see K. Harper 2011).

as *operae* or *tutela*, once they had had a certain number of children. We also know that Iunian Latins could gain citizenship without their patrons' approval or even knowledge (Gai. *Inst*. 3.72–73; Just. *Inst*. 3.7.4). Finally, as argued in previous chapters, there is little proof that there was a widespread collapse of relationships between patrons and their freedmen in the Late Republic, which needed to be 'repaired' by Augustus.

There was a flurry of alternate theories. Kathleen Atkinson, who places the *Lex Iunia* in 25 BCE, argues that the laws were meant to increase Rome's manpower reserves due to a recruitment shortfall in the previous year.[433] Similarly, Wojciech Kosior contends that the laws, along with the Tiberian *Lex Visellia*, were passed specifically to boost recruitment for the *vigiles*.[434] Numerous scholars have also suggested that, by reducing the number of freedmen, Augustus was trying to limit the number of recipients for the grain dole.[435]

The theory that the laws had the sole aim of reducing the number of free grain recipients, however, would have made the Augustan laws needlessly circuitous. Both Caesar and Augustus could, and did, reduce the number of grain recipients in other ways (Suet. *Aug*. 40.2, *Iul*. 41.3).[436] Creating Iunian Latins also would have had no impact on the grain dole – neither informally manumitted slaves nor Iunian Latins, as they were not citizens, would have been eligible for the dole. Neither the argument that the *Lex Iunia* was meant to boost manpower reserves nor that it was intended to boost recruitment for the *vigiles* can be sustained by a close reading of the law, which I will elaborate upon further below.

With all theories thus far falling apart under closer scrutiny, there was a subsequent move to interpret the laws through an ideological lens instead. López Barja De Quiroga argues, in addition to pragmatic factors, that the laws were deeply ideological, intended to eradicate 'immoral attitudes' – i.e. the excess freeing of slaves.[437] The laws were 'born out of prejudice' and prevented too many slaves from gaining Roman citizenship, something that the creation of Iunian Latinity could stop.[438] This line of argument is similar to that of Mouritsen, who agrees that the laws were ideologically driven and were never meant to have

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433 Atkinson 1966, 366.
434 Kosior 2019.
435 López Barja De Quiroga 1998, 141; Tarpin 2002, 121–122; López Barja De Quiroga 2008, 225; López Barja De Quiroga 2023, 96–97, cf. Treggiari 1969, 16 and Crook 1996, 103–104.
436 See Mouritsen 2011a, 121–122 about using the grain dole as a basis to calculate freedmen numbers (and why it does not work).
437 López Barja De Quiroga 1998, 140. Recently, López Barja De Quiroga has modified his views and revived the theory that the *Lex Iunia* was to reduce the number of recipients for the grain dole (López Barja De Quiroga 2023, 96–97).
438 López Barja De Quiroga 2008, 227.

any practical effect: 'Augustus' legislations may be best understood as a statement of principle rather than a radical attempt to alter current practice'.[439] Marc Kleijwegt, Egbert Koops, and Eline Veldman agree that the manumission laws were to alleviate the anxieties of Roman slaveowners: by creating a 'hierarchy of freedmen' and by ensuring that only those 'worthy' could gain Roman citizenship, the value of Roman citizenship would thus be protected and not be 'watered down' by too many foreign ex-slaves.[440] Although the 'ideology' theory has become the most favoured, I respectfully find it unconvincing. As this chapter will elaborate, these laws absolutely had real-world effects and were not purely ideological statements.

In addition, most current investigations of the Augustan manumission laws suffer from a critical error. The laws are often viewed with the benefit of hindsight as a single package, assuming that they were planned out well in advance with similar motivations and goals to serve some overarching plan. As shown in the Republican chapters, actions for or against freedmen, even when they did have some ideological concerns, were driven by issues caused by their immediate political situation. The *Lex Iunia* (which this chapter will argue below was passed in 17 BCE) and the next manumission law, *Lex Fufia Caninia*, had fifteen years separating them, over what was quite a tumultuous period of the early Augustan Principate. In particular, the *Lex Iunia* stood unique as it did not interfere with the *voluntas domini*, whilst the *Leges Fufia Caninia et Aelia Sentia* did.[441] We should therefore not automatically assume that all of Augustus' manumission laws were to bring some grand plan to fruition but might have been responding to the specific social, economic, or political needs or concerns of the regime at the time.[442]

This chapter and the next will investigate the manumission laws and reforms away from these two erroneous assumptions: that the laws all served the same purpose and that they were motivated, practically or ideologically, by the 'excessive' manumission of slaves. In each section, we will reconstruct the laws to the best of our ability with the available evidence, then examine the socio-political situations surrounding the passing of the laws to see if this analysis can shed some light on why each was passed. Much like the Late

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439 Mouritsen 2011a, 83, cf. 85: '[the laws were] to a great extent symbolic'. See also MacLean 2018, 2–3: the entrance of freed slaves into the citizen body 'raised anxiety' and the manumission laws were 'likely designed to restore a sense of order'.
440 Kleijwegt 2009, 323ff.; Koops 2014, 114ff.; Veldman 2020, 35–36.
441 López Barja De Quiroga 2008, 222; Bisio 2020, 16.
442 See López Barja De Quiroga 2023, 82 for an agreement with this view.

Republic, the Augustan Principate is one of the best-studied periods of Rome. Although this chapter will be taking a chronological approach, it will not belabour episodes well-known in scholarship but will home in on the specific issue of freedmen.

4.2 *Lex Iunia*

4.2.1 Reconstructing the Law

During the Republic, there were three formal methods of manumission: *censu*, *testamento*, and *vindicta*; any other form did not legally manumit the slave. Sometime in the Late Republic, a praetor's edict granted such informally manumitted slaves some limited protections, though such informally freed slaves remained, legally, slaves (Frag. Dos. 5; Gai. *Inst*. 3.56).

The *Lex Iunia* reformed informal manumissions by creating a new category called Iunian Latins. All slaves who were freed informally now became legally free, although they became freedmen with Latin rights instead of Roman citizenship.

> They are called Iunian Latins; Latins, because they were comparable to Latin colonists; and Iunian, because they gained their freedom through the Iunian law, when before they were regarded as slaves (Gai. *Inst*. 1.22, cf. 3.56).[443]

Iunian Latins had the *ius commercii* (Ulp. *Reg*. 19.4). We are uncertain if they had the *ius conubii*. If a Roman citizen father and a Iunian Latin mother had a child, the child followed the status of the mother and became a freeborn Latin (Gai. *Inst*. 1.79). Gaius records how the jurists disagreed as to whether a Iunian Latin father and a Roman citizen mother produced a freeborn Roman or a freeborn Latin (Gai. *Inst*. 1.79ff.). The matter is further muddled as Gaius names the relevant law(s) as the *Lex Aelia Sentia et Iunia*, making it uncertain which of the two laws governed this. It would not be until Hadrian that the issue was finally settled in favour of Roman citizenship (Gai. *Inst*. 1.80). Thus, Iunian Latins likely did not have the *ius conubii* and the children of Iunian Latins became freeborn Latins.[444]

The law stresses that the property of a Iunian Latin still functioned as a slave's *peculium*. Therefore, Iunian Latins could not make wills and their entire estate reverted to their patrons, or the patrons' heirs, upon their death: '*et quasi servorum ita bona eorum iure*

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[443] '*homines Latini Iuniani appellantur; Latini ideo, quia adsimulati sunt Latinis coloniariis; Iuniani ideo, quia per legem Iuniam libertatem acceperunt, cum olim servi viderentur esse*'.

[444] Sirks 1983, 262; López Barja De Quiroga 1998, 137; Pellecchi 2023, 67.

quodammodo peculii ex lege Iunia manumissores detinebant' (Just. *Inst*. 3.7.4, cf. Gai. *Inst*. 3.55ff.). Iunian Latins also usually could not accept inheritances or be named as testamentary guardians (Gai. *Inst*. 1.23–24, 2.110, 2.275; Ulp. *Reg*. 11.16, 17.1, 22.3, 22.8).

The jurists remain contradictory as to whether or how a Iunian Latin could gain full Roman citizenship under the *Lex Iunia*. Apart from imperial grants, the Augustan Principate provided two avenues: *iteratio* (the patron re-manumitting the Iunian Latin with one of the three formal methods) and *anniculi probatio* (having a child reach the age of one). Gaius states that the *anniculi probatio* was introduced with the *Lex Aelia Sentia* (Gai. *Inst*. 1.29, 1.31, 1.80). Ulpian contradictorily attributes this first to the *Lex Iunia* (Ulp. *Reg*. 3.3) and then later to the *Lex Aelia Sentia* (Ulp. *Reg*. 7.4). Town records from Herculaneum help solve this discrepancy. On the 24th of July, 60 CE, L. Venidius Ennychus and Acte declared to the town councillors at Herculaneum that a daughter had been born to them (AE 2006, 306). One year later, on the 25th of July, 61 CE, the town councillors ratified the matter, likely recognising that the daughter had reached one year of age (AE 2006, 307). The town councillors subsequently reported this to the urban praetor in Rome. On the 22nd of March, 62 CE, the urban praetor accepted this and confirmed that the couple and their daughter were now Roman citizens, in accordance with '*lege Aelia Sentia*' (AE 2006, 305). Thus, we can confidently say that Ulpian made a mistake with the earlier passage and the *anniculi probatio* was not a method available to Iunian Latins until 4 CE with the *Lex Aelia Sentia*.

The issue of *iteratio* is equally troublesome. Ulpian states that once a Iunian Latin was over the age of thirty, he could be re-manumitted and become a full Roman citizen (Ulp. *Reg*. 3.4). The age limit of thirty, however, was introduced in the *Lex Aelia Sentia*. Whether *iteratio* was available to Iunian Latins, perhaps with no age requirements, before the *Lex Aelia Sentia* is uncertain. Ulpian elaborates, in two passages on inheritances and the *Lex Iunia*, that should a Iunian Latin be named heir, he had one hundred days to gain Roman citizenship upon the death of the testator, in which case he could accept the inheritance (Ulp. *Reg*. 17.1, 22.3). The implication of this is that the *Lex Iunia* must have contained some mechanism for a Iunian Latin to gain citizenship. Indeed, Gaius does not mention an age requirement for *iteratio* (Gai. *Inst*. 1.35). The paucity of the evidence makes any conclusions tenuous, but *iteratio* was likely introduced with the *Lex Iunia* – the patron had to re-manumit the Iunian Latin in one of the three formal methods for the latter to become a full citizen.[445]

[445] Sirks 1981, 276 argues that *iteratio* existed for informally freed slaves before the *Lex Iunia*, and thus continued to exist for Iunian Latins.

The age requirement was subsequently introduced by the *Lex Aelia Sentia* when it drastically reformed aspects of Iunian Latinity.

In sum, the *Lex Iunia* created a new category of freedmen. All existing and future informally manumitted slaves became freedmen with Latin rights. These Latins had the *ius commercii* but likely not the *ius conubii*. They could neither establish a will nor inherit. Upon death, their entire estate reverted to their patron or the patron's heirs as if it were a slave's *peculium*. Iunian Latins likely could gain Roman citizenship by being re-manumitted by their patrons with one of the three formal methods.

4.2.2 Interpreting the Law

Having reconstructed the law, we can immediately reject some previous interpretations of it. The idea that it reduced, or tried to reduce, the number of freedmen in Roman society does not hold. Previously, informally freed slaves remained slaves – the *Lex Iunia* now turned all informally freed slaves into freed Latins. This would have only increased the number of freedmen (albeit not citizen freedmen), not reduced it.

Atkinson's argument that the aim was to increase manpower reserves for the legions unfortunately also does not hold. Iunian Latins could not serve in the legions, being both freed slaves and non-citizens. Their children likely became freeborn Latins and not freeborn Romans, and thus also could not serve in the legions. Even if they became freeborn Romans, the demographic effects of the *Lex Iunia* would have taken at least a generation to come to fruition. Augustus passing this law to solve a recruitment crisis would therefore have been needlessly roundabout. In times of crises, Augustus could, and did, either reinstitute the draft or demand slaves and free them to have them serve in the legions (Vell. Pat. 2.111; Cass. Dio 55.31). Veldman's claim that Iunian Latinity created a 'hierarchy of freedmen' as an intermediary step between slaves and citizen freedmen is unfortunately illogical;[446] nothing at this point stopped owners from manumitting via the three formal methods and thereby creating a citizen freedman straight away, nor did a Iunian Latin have to stay a Iunian Latin for a certain amount of time before the *iteratio*. The argument that the *Lex Iunia* made citizenship more difficult to obtain, so that the worth of Roman citizenship could be protected, is also unfortunately incorrect.[447] Whether they were informally freed slaves or Iunian Latins, the mechanism for gaining full citizenship was the same before or under the

[446] Veldman 2020, 35–36.
[447] Veldman 2020, 41, cf. Kleijwegt 2009, 323ff. and Koops 2014, 114ff.

Lex Iunia – iteratio by their patron/owner. The *Lex Iunia* did not make it easier or harder for previously enslaved people to gain Roman citizenship.

The law was also unlikely to have been an empty ideological statement, since nothing in the workings of the law would have, even ineffectively, stopped formally enslaved persons from gaining citizenship or stopped owners from manumitting 'too frequently'. Furthermore, Adriaan Sirks' detailed analysis of how the *Lex Iunia* and the *Lex Aelia Sentia* tackled the issue of quiritary and bonitary ownership (i.e. who became the patron in what instance) shows how complex and thought-out the law was.[448] The *Gnomon* of the *Idios Logos* also discusses inheritance rights for Iunian Latins for the benefit of future imperial administrators (Gn. 22, cf. 19).[449] The *Lex Iunia* was evidently intended to have a practical effect and was not just an empty ideological statement.

Using a similar methodology to the examination of the Republican episodes, this chapter will first determine how this law would have affected the interested parties, to see who might have benefited from or been harmed by this law. Then it will place it in its immediate socio-political context to see why Augustus might have wanted to pass this law.

4.2.3 Beneficiaries of the *Lex Iunia*

As argued previously, one of the major incentives as to why a slaveowner might manumit a slave was for commercial reasons. A freedman, being a citizen, would have been able to conduct business legally and independently, thereby shielding the patron from liability.[450] The patron could thus invest money into the freedman or his ventures, hoping for returns either in life, such as through returns on investment or a *societas*, or through inheritance.[451] Before the *Lex Iunia*, an informally freed slave was still legally a slave; even though his estate also reverted to his owner upon death, he could not conduct legal business independently and any debts he incurred or crimes he committed would make his patron/owner liable.[452] Iunian Latinity provided the best of both worlds.[453] A Iunian Latin had the *ius commercii* but his entire estate reverted to his patron or his patron's heirs upon death. Patrons could therefore create a legally separate entity in whom they could invest, but whose estate they would

448 Sirks 1983.
449 The *Gnomon* is an imperial administrative handbook from Roman Egypt, dating likely to the Antonine period (Speidel 2012).
450 Tchernia 2016, 27.
451 Tchernia 2016, 27.
452 Sirks 1981, 269; Mouritsen 2011a, 50.
453 Roth 2010, 111: '[slaveowners] could have their cake and eat it too'.

entirely control.[454] Socially, a Iunian Latin might have been even more dependent on his patron and incentivised to maintain good relations, since there was no other way, at this point, for him to gain citizenship (and thus protect his estate for his own heirs) except through *iteratio* by his patron, who had no financial incentives to re-manumit a Iunian Latin except out of personal affection.[455] This would create a dependent agent more financially exploitable and socially dependent than a citizen freedman. It would be logical that commercially inclined slave-owners might have become more willing to manumit informally after the *Lex Iunia* to take advantage of this.[456]

Furthermore, the three formal methods required the slaveowner to die (*testamento*), be in Rome during a census (*censu*), or be in Rome in front of a magistrate (*vindicta*). The *Lex Iunia*, formalising informal manumissions, would have provided slaveowners operating in the provinces, or those with slaves/informally manumitted slaves operating in the provinces, a way to create a freed dependent agent with the *ius commercii* without needing either the owner or the to-be-manumitted slave to come to Rome. This would further empower patrons as they could much more easily create dependent agents to operate abroad without unnecessary travel or delay.

The heirs of slaveowners also benefited as the estates of Iunian Latins reverted to their patron's family even if the patron predeceased their Iunian freedman (Ulp. *Reg*. 29.4). Furthermore, since Iunian Latins could not inherit, this removed a potential competitor to natural heirs for estates. Though Iunian Latins could inherit if they became citizens within one hundred days upon being bequeathed the legacy, the most logical way for that to happen would have been if their deceased patron formally (re)manumitted them *testamento* (which might have happened even if they were slaves) or the heir, assuming they inherited the patronal rights, performed the *iteratio*. In other words, Iunian Latins could only compete with natural heirs if they were re-manumitted in a way that they always could have been or else were re-manumitted in a manner entirely in the control of the new patron.

Existing informally freed slaves would instantly have had their status formalised and protected – the law was only beneficial to them, since the only downside to the law from their point of view, that their estate acted as a *peculium*, did not change from when they were

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[454] Sirks 1981, 263.
[455] Pliny the Younger, who inherited patronage over some Iunian Latins, requested Trajan to grant citizenship to only three of them (Plin. *Ep.* 10.104–105).
[456] Roth 2010, 114.

informally manumitted slaves. Existing freedmen would have been unaffected except in their capacity as slaveowners themselves. As just argued, the *Lex Iunia* made it easier to create freed dependents, not more difficult – existing slaves might even have hoped to gain freedom more easily. Even if a slaveowner did wantonly free a slave in a rash state of mind (see Mart. *Epig*. 9.87 for one such drunken manumission at a party), the *Lex Iunia* protected the slave so that the slaveowner could no longer regret and revoke the manumission. This did not harm the slaveowner excessively, however, as the Iunian Latin would have been much more dependent on the former owner than a citizen freedman and would have still needed to stay close to their patron and prove their worth in hopes of *iteratio*.

In sum, this law benefitted every interested party, but, in particular, wealthy patrons who needed trustworthy dependents with the *ius commercii*, particularly if both the patron and the slave/freedman needed to operate for extended periods away from Rome, making formal manumissions difficult.[457]

Supporters of the theory that the *Lex Iunia* was intended to reduce the level of manumission raise two points. One is that formalising informal manumissions made such manumissions subject to the 1/20th tax on manumission, the *vicesima*, which would have made patrons think twice before manumitting.[458] Second, now that informally freed slaves became formally freed, patrons might fear losing control of their Iunian Latin freedmen, and thus would give pause before performing informal manumissions.[459]

Both these points would make the law pointlessly convoluted. We are unsure whether previous informal manumissions were exempt from the *vicesima*, as we know almost nothing of the *vicesima* except that it existed.[460] It is unclear what the 1/20th tax was even a proportion of – whether it was of the purchase price of the slave or some other figure, and if the latter, whether the tax was determined by a third party.[461] We also do not know who paid the tax, the slave or the slaveowner. A passage from Petronius and another from Epictetus suggest that the slaveowner paid it (Petron. *Sat*. 71.2; Epict. *Dis*. 2.1.26). An earlier passage of Petronius and a later passage of Epictetus, however, imply that the slave paid it (Petron. *Sat*. 58.2;

[457] Sirks 1981, 270. Pellecchi argues against any 'business' motives in the *Lex Iunia*: he dates the *Lex Iunia* to the reign of Tiberius, however, which impacts on his conclusions about the law (Pellecchi 2023, 67).
[458] Duff 1928, 29, 77; Dominicis 1973, 318, 323; Southern 1998, 151.
[459] Atkinson 1966, 363.
[460] K. Bradley 1984, 176.
[461] K. Bradley 1984, 181.

Epict. *Dis*. 4.1.33).[462] We also do not know when the tax was paid – if it was paid at the point of manumission, then informal manumissions both before and after the *Lex Iunia* might have been subject to the tax; if it was paid at the point when the freed slave was registered in the census, then neither informally freed slaves nor Iunian Latins were subject to the tax as neither were citizens.[463] In short, we do not know how much the tax was, who paid it, or when – forming an argument based on so many unknowns is unsound.

But let us assume that the tax was paid by the slaveowner, payable for Iunian Latins but not informally freed slaves previously, and of an amount that might have given the slaveowner pause. Even in this case, we still have no evidence that the tax ever stopped slaveowners from manumitting slaves or that the Romans ever viewed the *vicesima* as a punitive tax intended to dissuade manumissions. Indeed, we have no evidence of any complaints about the tax or moves to abolish it, except when Caracalla doubled the tax to 10%, which Macrinus reversed (Cass. Dio 78.9, 79.12). It is therefore highly unlikely that Augustus intended the *Lex Iunia* to dissuade manumissions by subjecting subsequent informal manumissions to the *vicesima*.

On the second point, as argued in previous chapters, the belief that patron-freed client relationships were collapsing in the Late Republic is erroneous. We remain unsure how much 'control' a slaveowner lost when their informally manumitted slaves became Iunian Latins, since informally freed slaves were protected to some degree by the praetor's edict anyway; it is highly possible that, in practice, there was no real change. Regardless, if Augustus truly wanted to stem informal manumissions, he could simply have banned the practice outright, recognising no manumissions except those performed by the three formal methods – this move would have been more in line with his moralistic legislative efforts to return Rome to its ancestral *mores* than passing a law ratifying informal manumissions.[464]

Indeed, many scholars have overlooked the radical character of this law, instead stating that the *Lex Iunia* merely codified an existing practice and did little to affect reality.[465] This is contradictory: if the law simply codified practice and had no real impact, then it could not also have been simultaneously trying (practically or ideologically) to reduce informal

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[462] Elster 2003, 16ff. argues that the slave paid the tax and thus the *vicesima* should not be read as a luxury tax on the rich or as an attempt to discourage manumissions financially.
[463] Hin 2008, 210.
[464] Buckland 1908, 444–5 contends that, in the Early Republic, informal manumissions were entirely void and this only changed in the Late Republic.
[465] Sirks 1981, cf. Fabre 1981, 91.

manumissions. Whilst Augustus indeed codified an existing socio-legal status, one cannot deny that this was a radical move: it created a whole new legal category of persons. Such a drastic change in the legal status of slaves or freed slaves had never occurred before; even the previous praetor's edict kept them in legal slavery. In fact, this was the first law to change some aspect of freedmen's status since the *Lex Manilia* in 67 BCE, almost half a century previously. The *Lex Iunia* was a radical law that broke from traditional, conservative Roman socio-political and legal *mores*, rather than reinforced them.

In sum, Augustus, through one of the consuls of 17 BCE, introduced a radical law that reformed the socio-legal status of informally freed slaves. This law was not only complex but was meticulously crafted to benefit almost every interested party. In particular, it greatly benefited commercially inclined, wealthy slaveowners in need of dependents who operated outside of Rome proper. With this interpretation in mind, let us examine the *Lex Iunia* in its socio-political context to see why Augustus might have wanted to enact such a reform.

4.2.4 Dating the *Lex Iunia*

In order for a contextualised investigation of the *Lex Iunia* to take place, we must first determine when the law was passed.[466] For a long time, the law was dated to the reign of Tiberius due to the 'full' name of the law as recorded in Justinian's *Institutiones* – *Lex Iunia Norbana* – matching those of the consuls of 19 CE, M. Iunius Silanus Torquatus and L. Norbanus Balbus (Just. *Inst*. 1.5.3). This dating presents one serious problem, however. Gaius makes it clear that Iunian Latins were called as such because of the *Lex Iunia* (Gai. *Inst*. 1.22, 3.56); but the *Lex Aelia Sentia*, which we can firmly date to 4 CE, reformed aspects of Iunian Latinity. It does not make sense that a law reforming Iunian Latinity could precede a law that created it.

A flurry of explanations followed. The simplest is that the compiler/s of Justinian's *Institutiones* made a mistake. In every other juridical mention of the law, it is called the *Lex Iunia*, without the *Norbana* – Gaius also refers to the author of the law in the singular (Gai. *Inst*. 3.56). Thus, two Augustan possibilities arise: 25 BCE for M. Iunius Silanus, co-consul with Augustus, who was consul for the ninth time, or 17 BCE for C. Iunius Silanus, co-consul with C. Furnius. Most scholars support a 17 BCE dating, though often for no more reason than the fact that 19–17 BCE was the period where Augustus passed the bulk of his *Leges*

[466] For a summary of the scholarly debates regarding the dating of the *Lex Iunia*, see Atkinson 1966, 356–7, Hirt 2018, 288, and Pellecchi 2023, 60ff.

Iuliae. López Barja De Quiroga suggests that the *Lex Iunia* may have been a tribunician rather than a consular law, which confounds our dating further. He argues that the law had a *terminus post quem* of 44 BCE, where Cicero, in his *Topica*, states that there was no way to gain *libertas* as a slave except through the three traditional methods (Cic. *Top*. 10), and a *terminus ante quem* of 7 BCE, interpreting the passage where Dionysius of Halicarnassus urges the censors to expel freed slaves from the City as proof for the existence of Iunian Latinity.[467] Whilst this is possible, we unfortunately know of no tribunes between these dates named Iunius, nor is there sufficient proof that the *Lex* was a tribunician law, nor that tribunes still initiated such drastic laws by the time Augustus took hold the reins of government. As such, this chapter will proceed with the traditional understanding that the *Lex Iunia* was a consular law.

In recent years, there has been a revival of the argument for a post-Augustan dating. Luigi Pellecchi argues that the *Lex Iunia* post-dated the *Lex Aelia Sentia* based on a close reading of Gaius – '*Latinus ex lege Aelia Sentia* (*factus*)'.[468] Johannes Rainer introduces a novel theory that the *Lex Aelia Sentia* created Aelian Latinity, and that Iunian Latinity was not introduced until Tiberius, thus explaining how the *Lex Aelia Sentia* could have contained clauses relating to Latin freedmen when Iunian Latinity did not yet exist.[469] Emanuele Bisio dates the law to 15 CE, when a C. Norbanus Flaccus was the ordinary consul and a M. Iunius Silanus was his successor as the suffect consul, thereby explaining the dual naming in the *Institutiones*.[470] Both later arguments rely on Ulpian, who attributes the *anniculi probatio* to the *Lex Iunia* instead of the *Lex Aelia Sentia*, which 'resolves' the issue that the *Lex Aelia Sentia* granted Iunian Latins the *anniculi probatio* when Iunian Latins did not yet exist (Ulp. *Reg*. 3.3). No other juridical source attributes the *anniculi probatio* to the *Lex Iunia*, however – the *tabula* from Herculaneum clearly states that the *anniculi probatio* was from the *Lex Aelia Sentia*. As discussed prior, Ulpian himself accords the *anniculi probatio* to the *Lex Aelia Sentia* in a later passage (Ulp. *Reg*. 7.4) – it is therefore highly possible that Ulpian (or perhaps a later scribe) made a small error. Paul Weaver's investigation of the passages of Gaius has, in my opinion, definitively proven that such passages were referring to those who became Iunian Latins as they were freed under thirty without *iusta causa*, not because the *Lex*

[467] López Barja De Quiroga 2023, 91–92.
[468] See Pellecchi 2023, 63–64 on Gai. *Inst*. 1.29, 31.
[469] Rainer 2021 argues, essentially, that the *Lex Aelia Sentia* turned any slaves freed formally but without *iusta causa* into Aelian Latins, and the *Lex Iunia* then made slaves freed informally into Iunian Latins.
[470] Bisio 2020, esp. 38ff.

Aelia Sentia created Latinity.[471] Furthermore, Rainer's theory is far too complex and requires us to accept the existence of an entirely new legal category of people, for which we have no evidence. Justinian's *Institutiones* state, explicitly, that there were only three types of freedmen: citizen freedmen, Latins by the *Lex Iunia* (*Norbana*), and *dediticii* by the *Lex Aelia Sentia*; there was no mention of *liberti Latini Aeliani* (Just. *Inst*. 1.5.3). Therefore, I believe that the *Lex Iunia* was a consular law passed under Augustus. Through a careful analysis of the historical context, I will demonstrate that 17 BCE is the more probable date.

<u>4.2.5 The Historical Context</u>

After his victory over Marc Antony and Cleopatra, Octavian returned to Rome in 29 BCE, closing the Temple of Janus and celebrating a triple triumph (Vell. Pat. 2.89; Aug. *RG*. 4; Cass. Dio 51.19; Suet. *Aug*. 22). A census was held by him and Agrippa during which the Senate was partially purged (Cass. Dio 52.42; Vell. Pat. 2.89).[472] Octavian continued holding the consulship down to 27 BCE, when he 'handed back' the Republic, resulting in what is commonly known as the 'First Settlement' (Aug. *RG*. 34; Cass. Dio 53.1ff.).[473] Sometime later that year, Octavian, now Augustus, departed Rome for Gaul, where he remained for the year. In 26 and 25 BCE, his eighth and ninth consulships, respectively, Augustus campaigned in Spain (Cass. Dio 53.22). Here we come to our first possible dating: 25 BCE.

Back in Rome, there were some political difficulties. In 26 BCE, M. Valerius Messalla Corvinus was appointed the first ever urban praefect but resigned only a few days later, claiming constitutional abnormality (Tac. *Ann*. 6.11; Sen. *Apoc*. 10).[474] Abroad in the same year or the year before, Augustus' former friend and first governor of Egypt, C. Cornelius Gallus, took his own life after falling out of imperial favour.[475] These matters might have shaken his regime, but Augustus navigated through them successfully that year, despite his absence from Rome. When it came to 25 BCE, Augustus fell seriously ill in Spain, so ill that he was not even able to return home that year and missed the start of his consulship in 24 BCE (Cass. Dio 53.28). In this context, a 25 BCE dating is very unlikely – Augustus was

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[471] Weaver 1997, 58–59.
[472] Nicolet 1984, 91–92; J. S. Richardson 2012, 82–83.
[473] On the so-called 'First Settlement', see Southern 1998, 111, Levick 2010, 68ff., and Cooley 2013, 185.
[474] Crook 1996: 81–82; J. S. Richardson 2012, 92; Cooley 2013, 333. Tacitus claims that Messalla stepped down as he did not know how to conduct his duties: '*nescius exercendi*'. Seneca instead states that Messalla was ashamed of the (excessive?) authority of the post: '*pudet imperii*'. Crook questions why Messalla even accepted in the first place if he thought it was against the *mos maiorum* – it is likely that it was always meant to have been a temporary appointment.
[475] Crook 1996: 80–81; Levick 2010, 174; J. S. Richardson 2012, 94.

very unwell whilst on campaign abroad and unlikely to have been concerned with an, at least for this time, irrelevant legislative reform. What political crises the regime faced the year before seemed to have been defused even in Augustus' absence. There seemed to have lacked any serious impetus to ask his co-consul to pass this, in my opinion very radical, law whilst he was away. The 25 BCE dating is thus highly unlikely.

After the so-called 'Second Settlement' of 23 BCE,[476] the next few years were also difficult for the still fledgling regime. At the end of 23 BCE, Augustus' heir Marcellus died, throwing Augustus' dynastic schemes into disarray (Cass. Dio 53.30). Sometime between 23 and 22 BCE, Augustus was embarrassed by the trial of M. Primus, proconsul of Macedonia, who claimed that Augustus commanded him to attack the Odrysae, which would have been illegal (Cass. Dio 54.3).[477] Lucius Murena and Fannius Caepio allegedly tried to assassinate Augustus in 23 or 22 BCE (Vell. Pat. 2.91; Cass. Dio 54.3, cf. Suet. *Aug*. 19, *Tib*. 8).[478] Whilst all were found guilty, the jurors were not unanimous – Augustus must have realised that his control over the political situation was more tenuous than he would have liked.[479]

Internal issues during these few years exacerbated matters - the flooding of the Tiber and grain shortages caused significant rioting. The rioters allegedly demanded that Augustus be named dictator; Augustus prudently refused but took on the *cura annonae* (Aug. *RG*. 5; Cass. Dio 54.1, cf. Suet. *Aug*. 52; Vell. Pat. 2.94). Some reforms were undertaken, possibly to control the social unrest. Certain *collegia* were banned once again, likely a revival of a Caesarian law that had fallen into abeyance (Suet. *Aug*. 32, cf. *Iul*. 42). The responsibility for celebrating festivals was transferred from aediles to praetors and subsequently paid for by the public purse. This might have been a way to stop political competitors from using lavish games to gain support.[480]

Late in 22 BCE Augustus left for the eastern provinces. His departure, if anything, made the political unrest worse. The elections in 22 BCE for 21 BCE were marred with violence, to the point that Agrippa had to be sent back to keep the peace (Cass. Dio 54.6). M. Egnatius Rufus, who was aedile in 22 BCE, gained the favour of the voters by starting a firefighting force formed from his private slaves (Vell. Pat. 2.91; Cass. Dio 53.24, cf. Suet.

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[476] On the 'Second Settlement', see Crook 1996, 86–87, Levick 2010, 84ff., and J. S. Richardson 2012, 99.
[477] On the trial of M. Primus, see Levick 2010, 175–176 and J. S. Richardson 2012, 103.
[478] On the difficulty in dating the Murena and Caepio conspiracy, see Raaflaub and Samons 1990, 425–427 and Cooley 2013, 334.
[479] Crook 1996, 87; J. S. Richardson 2012, 103–104.
[480] Lacey 1996, 146–147; J. S. Richardson 2012, 106.

Aug. 19; Tac. *Ann*. 1.10). Augustus counteracted this by setting up a public firefighting force of 600 slaves and transferring their command to the aediles (Cass. Dio 54.2). When a consular spot of 19 BCE was left vacant, Egnatius Rufus submitted his own name to be considered for the vacancy. The sole consul at the time, C. Sentius Saturninus, refused his nomination. Riots and violence ensued, with Egnatius Rufus even allegedly plotting an assassination of Augustus, leading to his and his followers' execution.[481]

When Augustus returned later in 19 BCE, he faced a Rome in a state of turmoil, though one that his regime, despite his earlier absence, was able to weather. A temple honouring *Fortuna Redux* was consecrated in honour of his return (Cass. Dio 54.10). Augustus was voted more grandiose titles and honours, such as supervisor of morality, all of which he refused (Aug. *RG*. 6).

In 18 BCE, Augustus reviewed the Senate and reduced its membership further (Cass. Dio 54.14). The senatorial and equestrian classes were now clearly delineated.[482] Entrance into the Senate now required a wealth level of one million sesterces and the equestrian order 400,000 (Cass. Dio 54.17).[483] At the same time, Augustus promulgated a series of laws, passed most likely through his *tribunicia potestas*, collectively called the *Leges Iuliae* (Suet. *Aug*. 34; Aug. *RG*. 8).

Two major laws, *Lex Iulia de Maritandis Ordinibus* and *Lex Iulia de Adulteriis Coercendis*, were likely passed in 18 or 17 BCE.[484] The laws disincentivised bachelorhood and childlessness and tried to punish adultery further. The laws have been commonly viewed as strongly traditionalist – Augustus himself states that the laws were meant to restore and revive Roman life and institutions (Aug. *RG*. 8). Some other *Leges Iuliae* were passed around the same time. A law *de ambitu* and a law *de luxuria* were passed, possibly in 18 BCE (Cass. Dio 54.16; Suet. *Aug*. 34). Cassius Dio mentions two *Leges Iuliae Iudicariae* reforming the courts, passed perhaps in 17 BCE.[485] In the middle of 17 BCE, Augustus declared a new *saeculum* and celebrated the Saecular Games (Cass. Dio 54.18; Aug. *RG*. 22, cf. Suet. *Aug*. 31). The imperial dynasty was also secured – Gaius was born in 20 BCE and Lucius in 17

[481] On Egnatius Rufus, see Crook 1996, 89ff., Phillips 1997, Southern, 1998, 128–129, Eck 2009, 241, and J. Patterson 2018, 285.
[482] On equestrians under Augustus, see Davenport 2019, 158ff.
[483] On this review and restructure of the senatorial and equestrian order in 18 BCE, see Talbert 1996, 324–325 and J. S. Richardson 2012, 117–118.
[484] On these two well-studied *Leges Iuliae*, see Field 1945, R. Frank 1975, Treggiari 1996, Southern 1998, 145ff., Wallace-Hadrill 2009, and Cooley 2013, 353ff.
[485] On the *Leges Iudiciariae*, see J. S. Richardson 2012, 122.

BCE, both of whom were immediately adopted by Augustus (Suet. *Aug*. 64; Cass. Dio 54.18). Augustus stayed in Rome until 16 BCE, and then left for Gaul, not to return until 13 BCE.

It was amidst this flurry of moralistic *Leges Iuliae*, I would argue, that the *Lex Iunia* was passed. Naturally, this led scholars to interpret the law with a similar lens: either the law was attempting something similar to the marriage and adultery laws by incentivising childbirth, or that it was also ideologically promoting 'conservative Roman morals'.[486] Interestingly, Augustus, for an unclear reason, did not pass this law with his own *tribunicia potestas* as a *Lex Iulia* but asked one of the consuls to pass the law instead. Of course, Augustus must have been consulted over such a drastic reform, if he was not the true instigator behind the scenes – no ancient source attributes his manumission reforms to anyone else. The fact that Augustus asked someone else to pass this freedmen law, however, immediately raises the question of whether we should interpret the law in the same way as the *Leges Iuliae*. As shown before, neither boosting manpower reserves nor a purely ideological statement makes sense as an interpretation for the *Lex Iunia*. Furthermore, at this point, Iunian Latins could not contract legal marriage nor will anything to their children – clauses incentivising Iunian Latins to have children were not introduced until the *Lex Aelia Sentia*. So the *Lex Iunia* could not have been about incentivising the having of children like his other *Leges Iuliae* – in fact, it may have had the opposite effect for Iunian Latins, who would likely have been disinclined to have children since they could not leave them any inheritance.

The *Leges Iuliae* mainly used wills and estates as incentives and punishments, suggesting that they must either have targeted wealthy Romans or at least disproportionately affected them in practice.[487] Often, the punishment for celibacy or childlessness was the loss of the right to inherit (Gai. *Inst*. 2.111, 286–286a; Suet. *Aug*. 34). In fact, Pliny explicitly states that the targets of the laws were the rich: '*locupletes ad tollendos liberos ingentia praemia et pares poenae cohortantur*' (Plin. *Pan*. 26). Tacitus claims that the laws were intended to increase funds to the *aerarium* through financial penalties (Tac. *Ann*. 3.25), and the *Gnomon* suggests that the penalties of the *Leges Iuliae* may have only applied to those worth over 100,000 sesterces (*Gn*. 32).[488]

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[486] Treggiari 1969, 75ff., 189; Southern 1998, 151; López Barja De Quiroga 2008.
[487] J. S. Richardson 2012, 119. Wallace-Hadrill 2009, 251 argues that these laws affected particularly 'substantial property owners and freedmen' and wanted to stabilise transmission of property and status. See also Treggiari 1996, 889: '[the laws paid] particular attention to the wealthier classes'.
[488] Riccobono 1950, 43, 138ff.

Looking at how the *Leges Iuliae*, particularly the one on marriage and the production of children, were received might aid us. Suetonius states that the people refused to submit to the law and describes the situation as a '*tumultus*' (Suet. *Aug*. 34.1). Tacitus speaks of the law in the most negative terms, considering it an unprecedented intrusion by the State into private lives (Tac. *Ann*. 3.28). Cassius Dio suggests that plots even formed against Augustus in response (Cass. Dio 54.15–16). Both Suetonius and Cassius Dio state that it was the wealthy equestrians who clamoured most loudly against the *Lex Iulia* on marriage, eventually resulting in Augustus having to reform it with the *Lex Papia Poppaea*, which he ordered the consuls of 9 CE to pass (Suet. *Aug*. 34; Cass. Dio 56.2ff.).[489] This wealthy section of Roman society remained strong and likely expanded further in the relative peace of the Augustan Principate.[490] Philo commends Augustus' ending of the wars and allowing overseas commercial enterprises to resume as one of his most praiseworthy achievements (Phil. *Leg. ad Gai*. 146). The commercial elite, recovering well after the civil wars, still had a firm hold over state contracts such as tax farming (Tac. *Ann*. 4.6). We know that the consul of 19 BCE, C. Sentius Saturninus, acted with great severity against the *publicani* and then not only rejected Egnatius Rufus' candidacy for the consulship but swore not to recognise the results of the election even if he won (Vell. Pat. 2.92). Velleius Paterculus states that Egnatius Rufus was at the height of popularity during his bid for the consulship, implying that many wealthy voters of the *comitia centuriata* decided to back him as a candidate, only for their hopes to be dashed when he and his followers were executed; indeed, the fact that Egnatius Rufus won the praetorship in 20 BCE, despite his obvious rivalry with Augustus, shows that parts of the wealthy sections of Roman society still held some political sway and were not entirely obsequious to Augustus' regime. In particular, the urban elite and those with commercial interests in the City must have viewed Egnatius Rufus' private firefighting force quite favourably. Saturninus' actions against the *publicani* may have further pushed these members of the commercial elite into Egnatius Rufus' camp. The death of Egnatius Rufus and Augustus' subsequent moral *Leges Iuliae* then angered these wealthy sections of Rome even more.

The years 18 and 17 BCE were a particular high point for Augustus – he had returned to Rome with new honours, reformed the Senate, renewed his powers, re-established his dynastic plans, and felt secure enough in his political position that he passed a sweeping

[489] Southern 1998, 149.
[490] Davenport 2019, 192ff., esp. 203.

series of reforms aimed at returning Rome to its austere ancestral *mores*. These laws disproportionately affected the wealthy parts of Roman society, who, perhaps to Augustus' surprise, protested against the laws so strongly that plots and factions allegedly started forming. Augustus may have even left Rome in 16 BCE because he realised that he was outstaying his welcome and needed to distance himself from the uproar.[491] It was in this context that he asked one of the consuls of 17 BCE to pass the *Lex Iunia*, a radical law rather against traditional Roman socio-political *mores*, but one that benefited all interested parties, particularly the wealthier and commercially oriented sections of Roman society.

The lack of hard evidence makes any guesses as to why the *Lex Iunia* was passed shaky. Taking into account the conclusions reached in previous chapters and the immediate political context of the law, I hypothesise that Augustus realised that he was losing the support of the Roman elite, especially those concerned with commerce, due to his *Leges Iuliae* which relied on financial disincentives and penalties. Therefore, Augustus asked one of the consuls to pass the law as an appeasement tactic to mollify this echelon of Roman society. This law was not passed through his *tribunicia potestas* as it was radical in character and went against the traditionalist message Augustus was trying to send with his moral *Leges Iuliae*. The creation of Iunian Latins ameliorated the lives of those with commercial interests by providing them with avenues to create socio-financial dependents just as commercially useful as citizen freedmen, but whose wealth could be completely controlled. Ultimately, Augustus was attempting to reconcile wealthy slaveowners to his regime by granting them a unique method to exploit their freed slaves commercially whilst also balancing the well-being of freed slaves.

4.3 *Lex Fufia Caninia*

4.3.1 Reconstructing the Law

In 2 BCE, Augustus, through the suffect consuls of the latter part of that year, C. Fufius Geminus and L. Caninius Gallus, passed the *Lex Fufia Caninia*. The law was passed near the end of that calendar year, since we know that Fufius Geminus did not come into office until the 18th of September.

The *Lex Fufia Caninia* restricted the *manumissio testamento* by introducing a tiered system. Slaveowners with two or fewer slaves could manumit as many as they wished in their

[491] Southern 1998, 154.

wills. Those with between three and ten slaves could manumit half, those with between ten and thirty, a third, those with between thirty and one hundred, a quarter, those with between one and five hundred, a fifth, and those who had more than five hundred slaves were not permitted to manumit more than one hundred (Gai. *Inst*. 1.42–43; Ulp. *Reg*. 1.24; Paul. *Sent*. 4.14.4). All the jurists state that the *Lex Fufia Caninia* demanded slaveowners to name explicitly each to-be-manumitted slave (Gai. *Inst*. 2.239; Ulp. *Reg*. 1.25; Paul. *Sent*. 4.14.1). Any slaves not explicitly named, or any named beyond the allowed number, would not receive their freedom (Gai. *Inst*. 1.46). Any attempts to circumvent this, such as writing the names in a circle to confuse the order of manumission, would void the entire testamentary manumission. The *Lex Fufia Caninia* explicitly prevented this as a possible loophole and subsequent *senatusconsulta* closed further unspecified loopholes (Gai. *Inst*. 1.46).

4.3.2 Interpreting the Law

The ancient authors provide some passages upon which much of current scholarship has based a reading of this law. Dionysius of Halicarnassus contrasts the 'virtuous' manumissions of ancient times with the 'wanton' and 'immoral' manumissions of his own day, and complains of the excessive manumission of slaves, particularly in wills (Dion. Hal. 4.24.4–6). He continues by exhorting the Roman magistrates to introduce some control over this 'immoral' practice (Dion. Hal. 4.24.7–8). Gaius the jurist, too, interpreted the *Lex Fufia Caninia* as curbing 'excessive licence' (*nimiam licentiam*) in testamentary manumissions (Gai. *Inst*. 2.228). The idea of slaveowners wantonly mass-manumitting in their wills finds a farcical portrayal in Petronius' *Satyricon*. At the end of his dinner party, Trimalchio had his will brought out and read, declaring that he would be manumitting all his slaves. His slaves were moved to tears and wept as if they were already at his funeral (Petron. *Sat*. 71–72).

Dionysius' work was likely published around 7 BCE and has therefore been assumed to be reflecting the socio-cultural ethos of that time.[492] Due to its proximity to the passing of the *Lex Fufia Caninia*, this has been used to explain the purpose of the law: Augustus, and perhaps the slaveowning class in general, became increasingly troubled with the level of wanton testamentary manumission. This led numerous scholars to interpret the *Lex Fufia Caninia* as either a sincere attempt to curb this practice or an ideological statement warning against it.[493]

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[492] Mouritsen 2011a, 33, 183.

[493] Buckland 1908, 546; Watson 1987, 29; Gardner 1991; López Barja De Quiroga 1998, 141.

Interpreting the *Lex Fufia Caninia* in this fashion has serious issues, however.[494] If excessive testamentary manumissions were perceived as a problem, then Augustus hardly needed to legislate in a way that affected households that owned very few slaves. Furthermore, if the appearance of too many freedmen at a funeral was a sign of excessive *luxuria* and moral decline, Augustus could have simply forbidden or regulated such a practice, rather than reform testamentary manumissions.[495] A similar counterargument can be made against the interpretation that the law prevented the reduction of estates to circumvent taxes and the like[496] – if Augustus was concerned with the breakup of estates, it is odd that the legislation only touched the *manumissio testamento* and not estates in general. Regardless, if this law was truly meant to restrict testamentary manumissions, then it was an utterly ineffective law. Nothing stopped a slaveowner from mass manumitting all his slaves just before he died, or simply requiring the heir of the estate to manumit via a *fideicommissum*; Gaius explicitly states that this law has no impact on any other form of manumission, with which the slaveowner could free as many as he wanted (Gai. *Inst*. 1.44).[497] Justifying its ineffectiveness by claiming that it was simply an empty ideological statement not meant to have practical effects also does not hold – the fact that both the law and later *senatusconsulta* tried to close loopholes reveals that it was clearly intended to have results. Indeed, in his will, Pliny the Younger freed exactly one hundred slaves – the maximum number possible (CIL 5.5262=ILS 2927);[498] Pliny hardly needed to have been so fastidious had the *Lex Fufia Caninia* not had real-world consequences and was not expected to have been followed. We also have a will from Roman Egypt that cites and adheres to the *Lex Fufia Caninia*.[499]

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[494] See particularly Sirks 2013.
[495] Gardner 1991, cf. Veldman 2020, 36.
[496] Atkinson 1966, 369–371; López Barja De Quiroga 2008, 220.
[497] The sixth-century *Epitome* of Gaius in Alaric II's *Lex Romana Visigothorum* does state that if a slaveowner, on his deathbed, tried to free more slaves than the number permitted, even informally, such excess manumissions were voided (Gai. *Epit*. 1.2.3–4). This passage, however, does not appear in the surviving text of Gaius' *Institutiones*. Gaius' discussion of the *Lex Fufia Caninia* in his *Institutiones* does have a significant lacuna – so it is possible that this clause was from Gaius but was lost from the main text. Consequently, we are unsure whether this measure was a part of the *Lex Fufia Caninia*, as this clause is not mentioned by any other jurist, or if it was derived from some later *senatusconsultum* or imperial rescript closing a 'loophole' – indeed, passage 1.2.1 speaks of *manumissio in ecclesia*, which was not a form of manumission until well into the Christian period and therefore could not have been from the original text of Gaius. Iust. *Inst*. 1.7 explains that Justinian abolished the *Lex Fufia Caninia* because it was '*inhumanum*' that the right for a slaveowner to manumit however many slaves they wanted should be denied to them when they died, implying that the *Lex* only affected the dead slaveowner (i.e. in their will) and not the living. This thesis will proceed cautiously and assume, due to a lack of corroborating evidence, that the original *Lex Fufia Caninia* only restricted testamentary manumissions.
[498] On the size of Pliny the Younger's slaveholding, see Duncan-Jones 1974, 24–25 and Gibson 2020, 244.
[499] HGV P.Hamb. 1 72, dated to the second/third century CE.

More importantly, we have insufficient evidence to suggest that *manumissio testamento* was actually a common, perhaps the most common, method of manumission by the Late Republic and Early Empire.[500] Slaveowners refraining from manumitting until they were dead would hardly benefit social stability as it would cause slaves to look forward to their owners' deaths.[501]

Another theory put forward was that the law was intended to prevent the breaking up of estates to the detriment of heirs.[502] It, however, makes little sense why slaveowners would free their entire slave *familia en masse* and leave their heirs with nothing, especially if the inheritors were natural heirs such as children or grandchildren.[503] Trimalchio's marriage with Fortunata produced no children (Petron. *Sat*. 74), which may explain why he would mass-manumit all his slaves since he had no natural heirs he cared about. Similarly, Petronius includes in his narrative a Chrysanthus, '*homo negotians*', who did not seem to have had any children and his closest heir was his brother; but due to some disagreement amongst the pair, he left his estate to an external heir and mass-manumitted his slaves *testamento* (Petron. *Sat*. 42–43). Pliny reveals, in a letter to his grandfather-in-law, that he had no surviving children (Plin. *Ep*. 8.10). It would seem that mass manumitting *testamento* was more likely when there were no direct, natural heirs. Furthermore, if it was meant to protect the estate and prevent the break-up of inheritance, why did the law only target slaves, who were surely a relatively small part of most elite Romans' inheritance packages? The *Lex Fufia Caninia* must have had some other goal in mind than simply restricting the number of slaves being freed *testamento*.

The fact that the *Lex Fufia Caninia* was introduced soon after Augustus' reduction of the number of grain dole recipients to 200,000 earlier that year inspired another theory, that the law was intended to limit the number of potential recipients for the grain dole.[504] For this theory to hold, the number of slaves freed *testamento*, who subsequently relied on the grain dole, must have become notable enough to trouble Augustus. I have already, however, refuted the idea that there were mass-manumissions for the grain dole during the Late Republic, and we have insufficient evidence to conclude that testamentary manumissions producing destitute freedmen had increased to such an extent under Augustus that the *princeps* became concerned about this phenomenon's impact on the grain dole. Whilst the *Lex Iunia* may have

[500] Mouritsen 2011a, 183. See Buckland 1908, 79, 546 for an early proponent of this theory.
[501] Mouritsen 2011a, 181.
[502] Atkinson 1966, 369.
[503] Sirks 2013.
[504] Crook 1996, 103–104; López Barja De Quiroga 2023, 87ff.

increased the number of informally freed slaves, such Latin freedmen were ineligible for the grain dole. Finally, it is illogical why Augustus would pass the *Lex Fufia Caninia* with this goal in mind when he had already successfully reduced the number of grain dole recipients before the introduction of the *Lex*. As such, if this law did have an impact on the grain dole, it was likely an inadvertent outcome and not the main intended purpose.

Two further aspects have often escaped the notice of current scholars. First, the *Lex Fufia Caninia* was highly radical – it was the first law, in Roman history, that interfered with the right of slaveowners to discharge their slaves however they wanted. Second, although on the surface, the *Lex Fufia Caninia* impacted on all Romans, this must not have been the case in practice. Whilst it was likely that only the *plebs media* and above were slaveowners, records from Roman Egypt show that the vast majority of slaveowning households had only one or two slaves, which would have been exempt under the *Lex Fufia Caninia*.[505] In other words, in practice, not only did the *Lex Fufia Caninia* affect just slaveowners, who made up a minority of Roman society, but only those slaveowners with relatively sizeable slaveholdings. Again, we are seeing a manumission law that, in practice, must have disproportionately affected the upper echelons of Roman society.

The theory that the law was aimed at stabilising society not by reducing the number of freedmen overall, but specifically slaves who were freed when their patrons were already dead (*liberti orcini*) appear most plausible, though it requires further expansion.[506] Particularly since, should there have been a direct and natural heir, *liberti orcini* were not patronless – their deceased patrons' heirs would inherit the patronal rights.

Once again, let us examine the natural outcome of the law, as well as the possible ways to circumvent it, and their impact on the various interested parties. If a slaveowner mass-manumitted by will when he had a natural and direct heir, the heir inherited the now-freed slaves as their new patron (Gai. *Inst*. 3.45).[507] The freedmen would therefore have continued to be bound to their previous family, likely someone they already knew. In this case, it seems that even in the rare instance that the slaveowner manumitted all his slaves, this would not be as critical a blow to the heir/s, since the heir/s still wielded patronal authority. If a slaveowner mass-manumitted on his deathbed, unless he was able, whilst dying, to manumit *vindicta* or *censu*, all slaves freed would have become Iunian Latins. Upon death, the

[505] Scheidel 2011, 290.
[506] Gardner 1991.
[507] Mouritsen 2011a, 243.

patronage over such Iunian Latins would have been inherited by the natural heirs and they would also have been incentivised to stay on good terms with the new patrons, since they would have no hopes of gaining full citizenship at this stage except through *iteratio*. If the slaveowner demanded such slaves to be freed by the heir of the estate via a *fideicommissum*, the one manumitting, although technically demanded to do so by someone else, would become the new patron (Gai. *Inst*. 2.266).[508] As such, when there was a natural and direct heir, regardless of whether the slaveowner mass-manumitted via a will, on his deathbed, or via a *fideicommissum*, the heir would become the new patron of the now-freed slaves.

This changes, however, if the slaveowner were to die intestate or without any direct/natural heirs. He may have wanted to mass manumit his slaves to prevent the breakup of his slave *familia* (perhaps even out of some humanitarian feelings), especially if he cared little to what extent external heir/s benefited from inheriting. In instances when one died intestate or only had external heirs, such heirs did not inherit the patronal rights (Gai. *Inst*. 3.48).[509] As such, not only would such an act of mass manumission damage the external heir by depriving them of a slave *familia* and freedmen, but it also harmed the new freedmen. Slaves freed in this matter almost certainly had few personal bonds to the new heir and would have been unlikely to receive any 'patronal' support from these external heirs.[510] Conversely, external heirs had no incentive to utilise or support a freedman with whom they had no personal ties of affection or trust. This would have also caused serious issues where external heirs might have inherited estates, workshops, and the like, without a corresponding workforce, making such inheritances near useless.

Moreover, unless every freed slave also received a generous inheritance, many of these slaves would have had nothing to help them transition to free life except their *peculia*, which one would expect to have been sizeable only for the favourites anyway. Trimalchio, in his dramatic announcement that he would free all his slaves, speaks of only two by name, towards whom he was particularly affectionate, and whom he states would inherit anything in addition to their freedom (Petron. *Sat.* 71). For those who received nothing apart from their freedom, one would imagine that their lives could become rather difficult.[511] Terence has a freed character exclaim that he has no one in the world except his patron (Ter. *Adel*. 455–6). Epictetus hyperbolically describes an unsupported freedman as suffering worse than when he

[508] Waldstein 1986, 162–163.
[509] Gardner 1991, 26–28.
[510] Mouritsen 2011a, 243.
[511] Southern 1998, 151; Mouritsen 2011a, 183.

was enslaved (Epic. *Dis*. 4.1.33ff.). Conversely, Pliny the Younger made sure he set aside over 1.8 million sesterces for the upkeep of his 100 posthumously freed slaves (CIL 5.5262=ILS 2927).

In fact, juridical sources clarify that, in situations where a slave was manumitted *inter vivos*, the slave's *peculium* went with the now-freed slave unless explicitly withdrawn. In testamentary manumissions, however, the now-freed slave did not receive the *peculium* unless the will explicitly permitted the slave to depart with it (Just. *Inst*. 2.20.20; Frag. Vat. 261).[512] In other words, should a slaveowner mass-manumit the slave *familia* with a blanket clause in the will, none of the now-freed slaves would have retained their *peculium*. This, combined with likely a lack of patronal support in cases of external heirs or intestacy, would have potentially created citizen freed slaves with no money and no prospects who might then have caused unwanted social or political friction for Augustus' regime.

It is likely that mass testamentary manumission, in practice, did not impact natural heirs to any significant extent, as it was unlikely that slaveowners would have mass-manumitted when they had direct heirs; even if they did, the direct heirs would inherit the patronal rights. In cases where there were no heirs or only external heirs, by contrast, not only would mass testamentary manumission have deprived these heirs of a slave *familia*, but also left these new *liberti orcini* bereft of patronal support and likely any hopes of ever receiving any. Thus, the *Lex Fufia Caninia* likely restricted the significant breakup of slave *familiae* through mass testamentary manumissions, which were far more likely to occur when there were no natural or direct heirs, to prevent the creation of patronless citizen freedmen with little financial backing or prospects. Any to-be-freed slave must be named and was therefore more likely to have received in addition an inheritance from the patron.

Once we remove the previous misleading assumption that this was a poorly worded law doing little to curb 'excessive' manumission, we can see that the *Lex Fufia Caninia* had complex ideological and practical rationales, intending to balance the concerns of a wide range of interested parties. Natural heirs would have been pleased, even though they were likely not as affected by such a phenomenon in practice. Potential external heirs would have been happy that the law ensured that they would receive a more intact slave *familia*. Even some slaves might have been happy, as they would not be suddenly left patronless with few financial or social prospects. Existing citizen freedmen would not have been affected except

[512] Andreau 2004, 117ff.; Roth 2010, 97ff.

in their capacity as slaveowners. Iunian Latins were also not affected, as the *Lex Fufia Caninia* explicitly regulated the manumission of slaves and made no mention of the *iterationes* of Iunian Latins in a will – presumably, there was no limit. The State also benefited – there would have been fewer patronless, prospectless freed citizens potentially causing socio-political issues.

In so saying, we must not interpret this law as suggesting that mass testamentary manumissions or the number of poor, prospectless citizen freedmen had reached an unacceptable level under Augustus – we have insufficient evidence for either phenomenon. In addition to the practical effects discussed above, this law, most importantly, displayed Augustus' care for the restoration of family and family values: this *Lex* disaproportionately affected wealthy Roman slaveowners who were either not married or without natural heirs by interfering with how they could dispose of their slave *familia* after death.[513] It also stressed Augustus' commitment to socio-familial stability – freedmen ought to be attached in some way to a patron or at least be financially taken care of by their patrons. In other words, although restricting testamentary manumissions, this law was not 'anti-freedmen', but rather controlled how large-scale, wealthy slaveowners, especially those without natural heirs, could discharge their property, in a way that might have even been beneficial for slaves and freedmen.

4.3.3 The Historical Context

After Augustus returned to Rome in 13 BCE, the Senate roll was revised again (Cass. Dio 54.26).[514] Either later that year or in 12 BCE, Augustus was elected as Pontifex Maximus after the death of Lepidus (Cass. Dio 54.27). It seems that his election drew a huge crowd from all over Italy (Aug. *RG*. 10). His fortunes were reversed only days later – Agrippa died from an illness (Cass. Dio 54.28).

Augustus departed once again to Gaul for the next few years. With the death of Drusus in 9 BCE, succession now focused on Gaius and Lucius.[515] Further senatorial reforms, requiring certain days on which the Senate had to convene, were introduced (Cass. Dio 55.3–4; Suet. *Aug*. 35).[516] Sometime that year, there were allegedly conspiracies against Augustus

[513] Sirks 2013 offers a similar line of argument to what I have presented here, though he ultimately focuses on the impact on external heirs rather than the impact on the freed slave.
[514] J. S. Richardson 2012, 132.
[515] J. S. Richardson 2012, 139.
[516] Talbert 1984, 57–58: this was ostensibly to ensure attendance, as senators continued to be further disengaged from the imperial regime.

(Cass. Dio 55.4), leading to a new law allowing slaves to be purchased by the State and examined in cases of *maiestas* (Cass. Dio 55.5). Augustus' powers were renewed in 8 BCE and he completed another census. All the magistrates of that year were charged with *ambitus*, leading to the passing of a law regarding electoral bribery (Cass. Dio 55.5); this might hint at some genuine electoral competitiveness still surviving.[517] He dealt with the German frontier for the rest of 8 BCE, returning in 7 BCE to restructure the urban organisation of Rome. Tiberius celebrated a triumph – the first since 19 BCE, and the Temple of Janus was likely closed (Cass. Dio 55.6). The month of Sextilis was renamed August.

4.3.4 *Vicomagistri*

A slight digression must be made here to discuss the impact of Augustus' urban restructuring of 7 BCE on freedmen in the City. In that year, after a serious fire, Augustus restructured the city of Rome into 14 new *regiones* and possibly 265 *vici* (Cass. Dio 55.8; Suet. *Aug*. 30; Plin. *HN*. 3.66).[518] Although the reform did not explicitly target freedmen, it appears that they were disproportionately involved in the new structure. The evidence for whether freedmen could have become *vicomagistri* or *magistri vici* under the Republic remains unclear,[519] but they certainly could within Augustus' new civil structure.

From the very first year of the restructuring (7 BCE), we already have freed *vicomagistri* attested as dedicating an altar to Mercury Augustus (CIL 6.283=ILS 3665=AE 2004, 183). An Augustan and early Tiberian set of *fasti* was discovered with 49 names of *vicomagistri*, of which 45 are still legible (CIL 6.10286/7=AE 1937, 62). Out of the 45 names, 40 of them had *libertus* designations, 3 were freeborn, and 1, from 16 CE, did not give his status. Without question, freedmen involved themselves in Augustus' urban restructure from its inception, and in great numbers.

Lott states that these *vicomagistri* belonged to the 'lower class of freedmen'.[520] To some extent, this may be true – we have no evidence that, at this stage, imperial freedmen or freedmen belonging to senatorial families became *vicomagistri*.[521] Lott's statement is also somewhat misleading, however. The fact that these freed *vicomagistri* could afford to erect altars, leave behind inscriptions, and present expensive gifts to their neighbourhoods suggests

[517] Jones 1955, 13; Holladay 1978, 884; Purcell 1996, 798; J. S. Richardson 2012, 142.
[518] On the new division of the City, see Lott 2004. On the precise number of *vici*, see Flower 2017, 118.
[519] Lott 2004, 58 is of the opinion that they could not.
[520] Lott 2004, 27, cf. Levick 2010, 145ff.: the *vici* reforms allowed Augustus to control the 'unruly masses' of slaves and freedmen, who were a 'danger to peace and security' and needed 'regulating'.
[521] Lott 2004, 97; Flower 2017, 303.

some level of wealth.[522] We have dedications to Mercury Augustus (CIL 6.283=ILS 3665=AE 2004, 183 and CIL 6.34) and Hercules (CIL 6.282= AE 1978, 13), both of whom Lott elaborates were deities connected with mercantilism.[523] Numerius Lucius Hermeros, a freedman, served thrice as a *vicomagister*, and dedicated altars to Mercury, Hercules, and Venus Augusta (CIL 6.283=ILS 3665=AE 2004, 183; CIL 6.282=AE 1978, 13; CIL 6.272=AE 2018, 48). He eventually took on the cognomen *Aequitas*, which might have been 'awarded' thanks to the care he showed to his commercial constituency at the Forum Boarium.[524] Moreover, if Suetonius is correct, the *vicomagistri* were '*e plebe* (…) *viciniae lecti*' (Suet. *Aug*. 30.1);[525] they must have been well-known and liked neighbourhood leaders, implying some level of influence if not also wealth.

Apart from dedicating inscriptions or altars to protective deities, we have numerous instances of freed *vicomagistri* engaging intimately with the Augustan regime. Many of these gods received dedications with an Augustan appellation, including gods favoured by the imperial house, such as Apollo Augustus (CIL 6.33). There were also direct dedications to Augustus himself (AE 1964, 74a). Most importantly, these freed *vicomagistri* eagerly adopted imperial iconography and symbolism. The best example comes from the *Vicus Sandaliarius* in 2 BCE, where four freedmen dedicated an altar to the *Lares Augusti*, with accompanying reliefs showing the *corona civica* and laurels on the reverse, Victory carrying the *clupeus virtutis* on the left, and two *Lares Augusti* on the right; the front of the altar shows Augustus holding the augural staff with a sacred chicken at his feet, flanked by Gaius(?) and Livia(?) (CIL 6.448=ILS 3614).[526]

A full investigation of this fascinating group unfortunately cannot be undertaken due to the scope of this thesis.[527] Regardless, in this brief digression, we can see that relatively wealthy and influential freedmen in the city of Rome proactively engaged with the Augustan regime and were enthusiastic in their support of it. They disproportionately participated in the new restructuring of the *vici*, dominating the membership of the *vicomagistri* despite, as I have argued in previous chapters, the fact that they made up only a small portion of the city

[522] Veldman 2020, 18.
[523] Lott 2004, 162–163.
[524] Lott 2004, 162–163.
[525] It is unclear if '*lecti*' in this case meant 'elected' (by the locals?) or 'selected' (by a magistrate?). Purcell 1996, 801 suggests that *vicomagistri* and *ministri* were 'appointed' rather than elected. Lott 2004, 90 simply states that both were possibilities.
[526] Lott 2004, 125, cf. Green 2023, 80–81.
[527] For more on the *vici* reforms, see Lott 2004 and J. Patterson 2018.

population. It would therefore be illogical for us to argue that Augustus felt contempt for freed slaves and constantly presented an ideological detestation of freedmen through his actions and his legislative efforts. This is simply incongruent with how wealthy, urban freed *vicomagistri* responded to the imperial regime.

4.3.5 The Historical Context Continued

In 6 BCE, Augustus' heir Gaius took on the *toga virilis* and was elected, despite his young age, as the consul for the following year, causing Augustus to intervene and delay his assumption of office until 1 CE. For still-debated reasons, though possibly related to the meteoric rise of Gaius, Tiberius went into a self-imposed exile to Rhodes the same year (Cass. Dio 55.9; Vell. Pat. 2.99; Suet. *Tib*. 10ff.).[528] Augustus held the consulship in 5 BCE and Gaius was given the title *princeps iuventutis*, with his younger brother Lucius gaining the same honour in 2 BCE. The next couple of years dealt with some minor reforms and veteran settlements.[529]

In 2 BCE, Augustus' influence and position were at their peak. He became consul for the thirteenth (and last) time. Early that year, he was made *Pater Patriae*, a title that brought him so much joy that Suetonius alleged that Augustus received the news with tears in his eyes, beseeching the gods that his goodwill with the Senate and the people might remain this high forever (Suet. *Aug*. 58, cf. Cass. Dio 55.10).[530] The Temple of Mars Ultor and the Forum Augustum were finally inaugurated around the middle of the year, complete with celebratory games (Cass. Dio 55.10; Aug. *RG*. 21–22; Suet. *Aug*. 29). Around this time, Augustus felt secure enough to attempt another restructure of the grain dole – the number of recipients was lowered to 200,000 and the distribution method was to be reformed, but the latter change he dropped after popular discontent (Suet. *Aug*. 40; Cass. Dio 55.10, cf. Aug. *RG*. 15).[531]

Despite being at the zenith of his career, Augustus' imperial household was soon rocked by the monumental scandal of Julia the Elder's affairs (Cass. Dio 55.10; Tac. *Ann*. 3.24).[532] According to Suetonius, Augustus was so ashamed that he could not even show his face in the Senate (Suet. *Aug*. 65). Not only was Julia exiled, accompanied by her mother

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[528] J. S. Richardson 2012, 145–147. Southern 1998, 176 instead argues that Tiberius was sent to settle the East.
[529] Southern 1998, 177.
[530] Augustus, even in hindsight, considered the receiving of this title to be the height of his career, ending his *Res Gestae* with his becoming *Pater Patriae* (Aug. *RG*. 35).
[531] Southern 1998, 177.
[532] On this episode, see Southern 1998, 179, Cooley 2013, 336, and Raaflaub and Samons 1990, 428–430.

Scribonia, several aristocrats were also tried. Iullus Antonius, Marc Antony's son, was even driven to take his own life over the alleged affair (Vell. Pat. 2.100).[533]

In the narratives of all our sources, the scandal is placed after Augustus became *Pater Patriae* and he had celebrated the dedication of the Temple of Mars Ultor, suggesting that the scandal must have broken in the second half of the year.[534] Cassius Dio mentions that one of the accused was a tribune and was brought to trial only when his term was over, which would have been in early December, providing us with a *terminus ante quem* (Cass. Dio 55.10). Velleius Paterculus spoke of the episode in connection with the games held by Augustus and the suffect consul L. Caninius Gallus (Vell. Pat. 2.100). His use of '*eo ipso anno*' makes it unclear if he was talking about the entire calendar year or if he was referring explicitly to the consular period of Augustus and Caninius.[535] Ronald Syme dates the entry of Caninius Gallus as the suffect consul to the 1st of August.[536] On the 18th of September, Augustus resigned the consulship and Fufius Geminus became the suffect consul in his place. Fufius Geminus was in turn replaced, for an unknown reason, by another suffect consul, Q. Fabricius, on the 1st of December. In other words, the *Lex Fufia Caninia* must have passed sometime between the 18th of September and the 1st of December.

2 BCE represented a particular highlight for Augustus' regime. He felt secure enough to attempt another radical restructure of manumission, this time an unprecedented intrusion into the previously private practice of *manumissio testamento* and, for the first time, interfered with the *voluntas domini*. As shown above, the law could not have been an imprudent law intending to curb manumission due to the fear of large quantities of slaves entering the Roman citizen body. Indeed, Lott notes that there were two 'clusters' of dedications and commemorations by freedmen *vicomagistri*: 7 BCE, the first year of the *vici* restructure, and 2 BCE.[537] It would be most illogical that freedmen would have been so eagerly lauding someone who was, at that very moment, denigrating and suppressing them through legislation. Rather, it was a complicated and well-planned law balancing the interests of all parties concerned. It helped to ensure socio-familial stability by minimising the number

[533] It is debatable to what extent a 'conspiracy' actually occurred. Raaflaub and Samons 1990, 429–430 argue it might have been palace intrigue over succession rather than any serious attempt on Augustus' life.
[534] Raaflaub and Samons 1990, 428.
[535] Woodman 1977's commentary suggests this – Velleius Paterculus was highlighting the contrast between when Augustus was showering the Roman people with his liberality and when, at the same time, his own daughter and those who benefited from his *clementia* were acting against him.
[536] See Syme 1986, 88 for the dating of the suffect consuls of this year.
[537] Lott 2004, 123–124.

of slaves that would have become citizen freedmen without patronal links or support, but was not ideologically hostile towards freedmen or manumission in general.

Due to the murkiness of the timeline, we cannot be certain whether the *Lex Fufia Caninia* was passed before or after Julia's scandal erupted, which would be critical for our analysis of whether the law might have been a response to a severe political embarrassment or an entirely independent initiative. Had the *Lex Fufia Caninia* been a response to a shock to the imperial regime, then Augustus was likely utilising this law to restress his and his regime's commitment to socio-familial stability and to reaffirm Augustus' moral authority, particularly over the wealthier echelons of Roman society, at a time when this had been eroded by Julia's scandal. Even if the law passed before the scandal, however, this social legislation was still entirely in line with Augustus' new honorary position as *Pater Patriae* – Augustus took care to stabilise society and utilised his new position as *Pater Patriae* to interfere with a previously private right of *patresfamilias*, especially those without children or nautral heirs.[538] Despite this ideological aspect, the *Lex Fufia Caninia* was clearly intended to have had concrete outcomes: Augustus wanted wealthy, large-scale slaveowners to show care when manumitting slaves *testamento*, not because the *princeps* was anti-freedmen or because Augustus was worried about 'too many' slaves being freed *testamento*, but because he wanted freed slaves to have continued patronal, or at least financial, support when entering the citizen body. In sum, the law further cemented Augustus as the overarching *Pater Patriae* by stressing his commitment to the socio-familial stability of the wealthy echelons of Roman society.

4.4 Summary

By the end of the Triumviral period, Augustus clearly realised the importance of wealthy freed slaves and their patrons, especially those from beyond the traditional senatorial class. Over the first half of his Principate, Augustus reformed aspects of manumission in a way that struck a balance between the desires of the State, the ideological messages of the regime, and the interests of the freed slaves and their former owners.

Unfortunately, many of the current interpretations of the first two Augustan reforms are unsatisfactory. Rather than the laws being so poorly planned and ineffective that they might have been purely ideological statements with no intention of ever having realistic

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[538] See Val. Max. 7.7.3 for another episode supporting this reading – Augustus, explicitly '*patris patriae animo usus*', reinstated a disinherited son who, in Augustus' view, was disowned unjustly.

effects, a closer scrutiny of them shows that the *Lex Iunia* and *Lex Fufia Caninia* were carefully crafted to benefit patrons, freedmen, and socio-familial stability alike. Much as with the issues in the Republic, we find that these two laws disproportionally impacted on or benefited relatively wealthy members of society and their freed slaves. There is little evidence to suggest that the laws were anti-freedmen, nor did they reveal any ideological detestation on Augustus' part, which becomes particularly evident when one examines how freedmen *vicomagistri* enthusiastically embraced his regime.

We have reconstructed the two laws in a way that better highlights their possible purposes. The *Lex Iunia* created a new category of freed slaves that disproportionately benefited wealthy, commercially-inclined slaveowners. The *Lex Fufia Caninia* tried to prevent large-scale slaveowners, especially those lacking natural heirs, from freeing slaves *en masse* via wills and creating numerous freed citizens with no further financial or patronal support. The *Lex Iunia*, however, was likely an entirely pragmatic concession with little by the way of ideological justifications – it was to appease wealthy slaveowners due to the backlash against Augustus' moral *Leges Iuliae*. Once Augustus became *Pater Patriae*, the *Lex Fufia Caninia*, and, as will be shown, the *Lex Aelia Sentia*, gained an undoubtedly ideological dimension that stressed Augustus' paternal authority, even though these laws were still intended to have had real-world applications.

CHAPTER FIVE

THE AUGUSTAN PRINCIPATE PART II

5.1 *Lex Aelia Sentia*

5.1.1 Reconstructing the Law

In 4 CE, the third law reforming manumission was passed – the *Lex Aelia Sentia*. This law was the most complex of all the manumission laws, touching on numerous aspects of manumission and the lives of freed slaves. As a natural consequence, this law has received the most attention from scholars.

Unfortunately, due to its complex nature and the fact that references to it are scattered across the juridical sources, reconstructing the law is difficult. Some clauses we can firmly attribute to the *Lex Aelia Sentia*, either because the jurist in question names the law specifically, or else was writing about it in a work on the *Lex Aelia Sentia*. There are also clauses that, whilst touching on similar issues to parts of the *Lex Aelia Sentia*, cannot be securely attributed to the law, as they came from later imperial rescripts or juridical decisions.

The *Lex Aelia Sentia* set an age limit for both the manumitter and the to-be-manumitted slave.[539] No slave under the age of thirty could become a Roman citizen, even if freed formally, except with proven *iusta causa* (Gai. *Inst*. 1.18; Ulp. *Reg*. 1.12). This affected all forms of formal manumission, even *testamento* (Gai. *Inst*. 1.21, cf. 17).[540] *Iusta causa* includes freeing an immediate blood relative (a natural child, sibling, or parent), an adopted child, a *pedagogus*, a slave to appoint him as a *procurator*, or, in the case of a male slaveowner, a female slave to marry her (Gai. *Inst*. 1.19, 1.39, cf. Just. *Dig*. 40.2.11–15). The manumitter must prove that there was *iusta causa* either in front of a *concilium* comprised of five senators and five equestrians if the manumission was to take place in Rome, or in front of twenty *recuperatores* who were Roman citizens if in the provinces (Gai. *Inst*. 1.20; Ulp. *Reg*. 1.13a). After the *iusta causa* has been approved, the slaveowner then had to manumit the slave formally for the slave to become a citizen freedman. The law did not prevent the manumission of slaves under thirty in other circumstances – they simply became *Latini Iuniani* instead of *liberti cives*.[541] For slaves over thirty, the situation remained the same as

[539] For a detailed examination of these particular clauses, see Sirks 1983, 241ff.
[540] Sirks 1983, 242. Ulp. *Reg*. 1.14 (cf. Just. *Dig*. 28.5.61) provides an exception, whereby a slave freed, even if under thirty without *iusta causa*, by an insolvent owner who named said slave as the sole heir would gain freedom and citizenship.
[541] Sirks 1983, 243: Ulp. *Reg*. 1.12's statement that slaves aged under thirty, if freed without approval from the *concilium*, remained slaves was likely referring only to formal manumissions.

since the passing of the *Lex Iunia* – they became *liberti cives* if freed formally, *Latini Iuniani* if not.

The manumitter now also had to be at least twenty years old to manumit. If they were under twenty, they must prove *iusta causa* in front of the *concilium*, even if they had already obtained approval from their *tutor* or *curator* (Gai. *Inst*. 1.38ff.; Ulp. *Reg*. 1.13; Just. *Dig*. 26.8.9.1). Slaveowners under twenty could not manumit at all, even informally, if they could not prove *iusta causa*. After the *concilium* approved the *iusta causa*, the young slaveowner could then manumit informally to create a Iunian Latin or formally to create a citizen freedman (Gai. *Inst*. 1.40–41).

The *Lex Aelia Sentia* also provided an alternate avenue for Iunian Latins to gain Roman citizenship – *anniculi probatio*. After having a natural child of either gender reach the age of one, a Iunian Latin could apply for citizenship to the urban praetor or the provincial governor and, once approved, gain Roman citizenship for himself, his wife, and his children (Gai. *Inst*. 1.29; Ulp. *Reg*. 3.3). If patrons, when manumitting, demanded their freedmen or women to swear not to marry or have children, they would lose all patronal rights (Just. *Dig*. 37.14.6.pr., 37.14.6.2–3, 37.14.15, 40.9.31–32.pr.).[542] At the start, the *anniculi probatio* was only available to slaves manumitted under thirty years old; by a *senatusconsultum* during the reign of Vespasian, Iunian Latins who were freed after the age of thirty could hence also benefit from the *anniculi probatio* (Gai. *Inst*. 1.31).[543]

We also know from a passage of Gaius that gaining citizenship through *anniculi probatio* did not require the patron's approval or even knowledge (Gai. *Inst*. 3.72). Trajan disliked this 'loophole' and ruled that Iunian Latins who gained Roman citizenship without their patrons' approval would lose the ability to create a will (i.e. their estate functioned as if they were still Iunian Latins and reverted to their patrons' families upon their death). Hadrian, concerned by the '*iniquitas*' of Trajan's ruling, soon rescinded this command (Gai. *Inst*. 3.73). The fact that it took until Trajan to change this clause suggests that this must have been an intended feature of the law, not an accidental oversight.

[542] Mouritsen 2011a, 53.
[543] Mouritsen 2011a, 189.

The process of *iteratio* was also reformed.[544] Whilst Gaius makes no mention of an age limit or needing to prove *iusta causa* for the *iteratio* (Gai. *Inst*. 1.35),[545] López Barja De Quiroga, relying on a passage of Ulpian, argues that the *iteratio* could now only take place once the Iunian Latin had reached thirty years of age (Ulp. *Reg*. 3.4).[546] The introduction of an age limit is likely, otherwise a slaveowner could informally manumit a slave under thirty years of age to create a Iunian Latin, then immediately perform the *iteratio* and turn him into a citizen – this would have entirely circumvented the first part of the *Lex Aelia Sentia*.

The *Lex Aelia Sentia* also created a new category of freedmen – *dediticii*. Any slave who had ever been chained, branded, tortured, fought in the arena, imprisoned, or found guilty of a criminal act became a *dediticius* upon being manumitted (Gai. *Inst*. 1.13–15; Ulp. *Reg*. 1.11, cf. Suet. *Aug* 40.4). Such a freed slave could never gain citizenship or Iunian Latinity (Gai. *Inst*. 1.15, 26).[547] They could not set a will or be named heir in a will except by an insolvent owner (Gai. *Inst*. 1.25; Ulp. *Reg*. 20.14). They were also forbidden from dwelling within 100 miles of Rome; if caught within that boundary, they would be re-enslaved as a public slave, never to be re-manumitted (Gai. *Inst*. 1.27).

The *Lex* also voided manumissions if they were carried out with the intent to defraud a patron[548] or a creditor (Gai. *Inst*. 1.37, 47; Ulp. *Reg*. 1.15). Unfortunately, most juridical passages do not elaborate on what this entailed. The *Digest* provides several 'case studies', where the focus seemed to have been on testamentary manumissions, with many examples dealing with insolvent owners freeing slaves in their wills and making them heirs to heavily indebted estates, which was one of the instances where slaves could become citizen freedmen without needing to have shown *iusta causa* (Just. *Dig*. 28.5.56, 58, 84; 40.7.1; 40.9.16.2–4, 27.pr., 29.pr.).[549] Paulus states that slaves who were freed by an indebted owner in a will were conditionally free whilst the creditor decided whether to 'utilise his rights' (*an creditor iure suo utatur*) (Just. *Dig*. 40.7.1). Similarly, Terentius Clemens clarifies that if a heavily

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[544] See Sirks 1983 for his detailed study on the differences in manumission, *iterationes*, and patronage for quiritary and bonitary owners under the *Lex Aelia Sentia*.
[545] Though this section of Gaius has a lacuna.
[546] López Barja De Quiroga 1998, 145–146, cf. Hirt 2018, 305.
[547] Except if they were freed *testamento* by an insolvent owner who named them as sole heir – only in this case could they gain citizenship upon manumission (Ulp. *Reg*. 1.14).
[548] Defrauding a patron may have been a later insertion post *Lex Papia Poppaea* (9 CE), where it became impermissible for freedmen to manumit their slaves in order to reduce their own worth below 100,000 sesterces, and thus no longer be bound by the new inheritance rules. See Just. *Dig*. 37.14.16 and 38.5, esp. 38.5.1.pr.
[549] This created a *heres necessarius* so that someone was still in legal control of the estate and thus could be targed by creditors – see Weaver 1990, 276.

indebted slaveowner mass-manumitted (either *inter vivos* or *testamento*), then only the manumissions up to the point where there was still enough of an estate to satisfy creditors were accepted, with the rest voided (Just. *Dig*. 40.9.24).[550] This suggests that the *Lex Aelia Sentia* was trying to prevent slaveowners from manumitting slaves in a way that prevented creditors from taking control of the slave *familia* or the estate.

There are also some additional, though nebulous, clauses. The *Lex Aelia Sentia* made *obsequium* legally enforceable and allowed *liberti ingrati* to be punished (Just. *Dig*. 1.12.1.10; 37.14.1, cf. 25.3.6.1).[551] Except in cases of *maiestas*, a freedman required the approval of the urban praetor before he could sue his patron (Just. *Dig*. 48.4.7.2, cf. Gai. *Inst*. 4.46). Should a freedman fail in his '*officia*' towards his patron, a praetor, a proconsul, or similar could verbally chastise him; if the freedman insulted or abused his patron, the penalty was exile; if the freedman physically harmed the patron, he would be sentenced to the mines (Just. *Dig*. 37.14.1). It also appears that, outside of cases of *maiestas*, freedmen and patrons could not be compelled to be witnesses against each other (Just. *Dig*. 22.5.4).[552] Whilst Paulus attributes the right to demand *obsequium* to the *Lex Aelia Sentia*, we remain unsure whether juridical references to what constituted failing *obsequium* and the punishments thereof were referring to the same *Lex* or some other law.[553] For example, the clause preventing freedmen and patrons from being witnesses against each other might have been introduced by an uncertain *Lex Iulia*, rather than the *Lex Aelia Sentia*.[554]

At the same time, the duty of care by patrons towards their freedmen was also formalised. Patrons were expected to support their freedmen financially if the latter became destitute (Just. *Dig*. 38.2.33, cf. 25.3.6.pr).[555] Whilst it seems that this was not enforceable, failure to do so would mean that the patron lost all patronal rights, including claims on the freedman's estate. Whether freed slaves had a similar duty of care towards their patrons is ambiguous. This will be explored further below.

[550] Though Terentius Clemens wrote about this clause in a work on the *Lex Iulia et Papia*, so it is unclear if this specific instance was merely an example though still drawn from the *Lex Aelia Sentia*, or this clause came from a *Lex Iulia* or the *Lex Papia Poppaea*.
[551] Gardner 2002, 41ff.; López Barja De Quiroga 1998, 140; Veldman 2020, 39.
[552] Duff 1928, 38–39; Gardner 2002, 24.
[553] Duff 1928, 37ff.; Gardner 2002, 24ff.; Veldman 2020, 29.
[554] Paulus states that this clause came from a *Lex Iulia* on criminal proceedings.
[555] Mouritsen 2011a, 28, 53.

Operae could, bar certain exceptions, no longer be lent out to a third party: doing so would count as exacting profit rather than *operae* from the freedman (Just. *Dig.* 38.1.25, 27).[556] *Operae* could no longer just be a sum of money, though it seems that a patron could ask for either money or *operae*, as long as there remained the option to perform labour (Just. *Dig*. 37.14.6.1; 40.9.32.1–2). Patrons could not demand their freedmen to perform dishonourable acts, such as gladiatorial combat or prostitution, as part of their *operae*, even if they had done so whilst enslaved (Just. *Dig*. 38.1.16.pr, 38.pr). Finally, patrons were now expected to exact *operae* in a way that minimised the burden on the freedman: this included deducting days of *operae* for travel (Just. *Dig*. 38.1.20.1), paying for food and board during the performance of *operae* if needed (Just. *Dig*. 38.1.18), and not demanding *operae* in a way that ruined the freedman's livelihood, such as exacting *operae* over so many consecutive days that it became impossible for the freedman to earn a living for himself (Just. *Dig*. 38.1.19).

Numerous scholars have viewed these reforms regarding *operae* alongside, if not as a part of, the *Lex Aelia Sentia*.[557] Few juridical records unambiguously connect such reforms of *operae* with the *Lex Aelia Sentia*, however. Both Paulus and Terentius Clemens attribute the clause that *operae* could no longer be just money to the *Lex Aelia Sentia* (Just. *Dig*. 37.14.6.1; 40.9.32.1–2). Julianus does not state which law restricted lending out *operae* to a third party (Just. *Dig*. 38.1.25). Likewise, neither Paulus nor Callistratus name the law that prevented freedmen from performing dishonourable *operae* (Just. *Dig*. 38.1.16; 38.1.38). Paulus cites Proculus regarding the need to deduct travel time from *operae* owed, without identifying the law (Just. *Dig*. 38.1.20.1). How we ought to interpret these disjointed passages will be discussed further in the next section.

In sum, in 4 CE, through the consuls Sex. Aelius Catus and C. Sentius Saturninus, Augustus passed the *Lex Aelia Sentia*. The law introduced an age limit for both the manumitter and the manumitted, with increased government oversight. Iunian Latins gained an additional method of obtaining Roman citizenship – *anniculi probatio*. Another category of freedmen was introduced – *dediticii*. Some further aspects of manumission and the lives of freedmen were reformed and regulated, such as *obsequium*, *operae*, and financial obligations.

[556] The juridical passages are rather confusing – for some elaborations of this point, see López Barja De Quiroga 1998, 139–140 and López Barja De Quiroga 2010, 328. The passages on *operae* also do not clarify whether they only affected *cives liberti* or also *Latini Iuniani*, though Iunian Latins were almost certainly also subject to *operae* and *obsequium* – on this, see Roth 2023b, 17 and Garrido 2023, 115–117.

[557] See López Barja De Quiroga 1998, 139–140, López Barja De Quiroga 2010, 328, and Veldman 2020, 30ff.

The disjointed nature of the surviving evidence, however, makes determining what were clauses in the *Lex Aelia Sentia* and what were later juridical developments difficult.

5.1.2 Interpreting the Law

Early scholars, such as William Buckland and Duff, viewed the law very straightforwardly – it was to reduce the number of 'foreign' slaves gaining Roman citizenship.[558] Later scholars, though no longer viewing the issue through a racial lens, still largely agreed that the *Lex* made it harder for slaves to gain citizenship and thus reduced the total number of freed slaves in Roman society overall. In his commentary on Gaius' *Institutiones*, Edward Poste states that the *Lex* was 'intended to throw obstacles in the way of acquiring Roman citizenship'.[559] Treggiari is of the view that the *Lex* was to stem informal manumissions.[560] Atkinson regards Augustus as fearing the 'invasion of [the] privilege [of citizenship]'[561] and the *Lex Aelia Sentia* prevented young and impressionable slaveowners from freeing 'undeserving' slaves and ensured that recruits for the *vigiles* would be of good quality and not drawn from *dediticii*.[562]

Gardner, too, largely agrees that the *Lex* was to prevent 'undeserving or undesirable' slaves from gaining citizenship.[563] Weaver similarly contends that the law made obtaining citizenship harder.[564] More recent scholars are still of the view that it was motivated by the desire to restrict access to citizenship, though they lean towards the view that it was more an ideological reminder than was intended to have practical effects.[565]

López Barja De Quiroga is a prolific scholar on the Augustan manumission laws and has written extensively on the *Lex Aelia Sentia*. He came to two major conclusions – the *Lex* was to stop 'the entry of servile blood'[566] and to reduce the number of freedmen on the grain

[558] Buckland 1908, 546: 'libertine became a public danger'; Duff 1928, 60ff., 76–77, 188, and 194: Augustus was 'prejudiced against slaves (…) [and] made strenuous efforts to restrict manumission', and so introduced the *Lex* to prevent slaveowners from 'lavish[ing] freedom recklessly among their slaves' as 'constant manumission was breaking down the old relationship between patron and freedmen, (…) oriental freedmen were flooding the *plebs urbana* and (…) the aristocracy was tainted by foreign blood'.
[559] Poste 1904, 25.
[560] Treggiari 1969, 30.
[561] Atkinson 1966, 357–358.
[562] Atkinson 1966, 367–373.
[563] Gardner 1991, 22, cf. Gardner 2002, 39.
[564] Weaver 1997, 62.
[565] Kleijwegt 2009, 322–3: 'during the reign of Augustus, there was a significant concern that manumission and citizenship were awarded to slaves who did not properly deserve it' and that Augustus 'wanted to put slaves and freedmen in their traditional place'; Mouritsen 2011a, 88–89; Koops 2014, 114, 116, 125.
[566] López Barja De Quiroga 2008, 225. Specifically, Augustus wanted to enrol children of freed slaves into the citizen body but not freed slaves themselves (López Barja De Quiroga 2008, 227). Oddly, López Barja De

dole.[567] He also states that the creation of the *dediticii* was a reminder for 'unruly slaves' as they would now know that, should they act criminally, they could never gain citizenship.[568] Ultimately, López Barja De Quiroga argues that the strongest motivation was to create 'an intermediate step to becoming a citizen'.[569] Veldman largely agrees with this view, stating that the *Lex* made obtaining citizenship more difficult and thus ensured that only 'worthy' slaves could join the citizen body.[570]

I have already expounded at length about how the Augustan manumission laws could not have been about trying to reduce the level of manumission in Roman society. The *Lex Aelia Sentia* only provides further evidence of this. Slaveowners under the age of twenty could not manumit at all, formally or informally, without government oversight. If Augustus was truly worried about informal manumissions, or manumissions in general, he could have introduced this clause for all slaveowners. It is also questionable if the *Lex* created an intermediary stage that ensured only 'worthy' ex-slaves gained Roman citizenship – Iunian Latinity had been introduced with the *Lex Iunia* over two decades previously, and, as shown previously, had little to do with creating an ideological hierarchy of freedmen. Finally, for the hypothesis that the *Lex* ensured that only 'worthy' slaves could gain citizenship to be correct, then the long-term effects of the law must have been that fewer slaves became citizen freedmen. This chapter will show below that the opposite must have been true, which shakes the validity of this argument. Let us examine the *Lex* in fine detail, to determine how, if at all, it might have impacted the level of manumission and citizenship.

Quiroga reached the opposite conclusion in 2007c, 175, where he states that the promotion of having children disproves the theory that Augustus did not want 'Rome to be flooded by servile blood'.
567 López Barja De Quiroga 1998, 141.
568 López Barja De Quiroga 2007b, 179, cf. López Barja De Quiroga 1998, 140.
569 López Barja De Quiroga 1998, 160, cf. López Barja De Quiroga 2023, esp. 100ff.
570 Veldman 2020, 35ff., 41, 47.

5.1.3 Age Limit on the Slave

Table 1: Manumitting under the *Leges Iunia et Aelia Sentia*

	Lex Iunia	***Lex Aelia Sentia***
Under 30, Informally	Iunian Latin	Iunian Latin
Under 30, Formally	Citizen Freedman	Citizen Freedman (*iusta causa*)
Over 30, Informally	Iunian Latin	Iunian Latin
Over 30, Formally	Citizen Freedman	Citizen Freedman

Table 2: Gaining Citizenship under the *Leges Iunia et Aelia Sentia*

	Lex Iunia	***Lex Aelia Sentia***
Iunian Latin, Freed under 30	*Iteratio*	*Iteratio* (once thirty) or *Anniculi Probatio*
Iunian Latin, Freed over 30	*Iteratio*	*Iteratio*

Comparing the *Lex Iunia* and the *Lex Aelia Sentia*, we note that the new *Lex* did not impact formal manumissions of slaves over thirty – under both laws, this created citizen freedmen. The new *Lex* also made no difference to informal manumissions – freeing a slave informally, regardless of the age, created a Iunian Latin, just as it had done under the *Lex Iunia*. The only difference between the two laws was when a slave was freed formally under the age of thirty. For the *Lex Iunia*, a formal manumission created a citizen freedman, but under the *Lex Aelia Sentia*, the formal manumission required *iusta causa* to be valid. In this, and only this, specific instance would the *Lex* have logically led to a decrease in the number of formal manumissions. Even then, the law would not necessarily have impacted on the overall level of manumission or the number of freedmen – a slaveowner who wanted to free a slave aged under thirty without *iusta causa* could still do so, just informally.

For Iunian Latins, the main method of gaining citizenship under the *Lex Iunia* was *iteratio*. Under the *Lex Aelia Sentia*, if the slave was manumitted over thirty, the introduction of the law made no difference. Under both laws, a mature Iunian Latin could be re-manumitted formally, at any time, to become a citizen freedman. If the slave was freed under the age of thirty, he could gain citizenship from *iteratio* (once he was over thirty) or after his child reached one year of age (*anniculi probatio*). The freedman could therefore be re-manumitted, a right he already had under the *Lex Iunia*, albeit now with an age requirement, or he could marry and have a child, a new right offered by the *Lex Aelia Sentia*. In other words, a younger freedman now had more methods of gaining citizenship, not fewer.

Therefore, the *Lex Aelia Sentia* made no difference to the level of formal or informal manumissions of slaves over thirty, nor any impact on how frequently these slaves might have become citizens in the long run. The *Lex* may have, in the short run, decreased the level of formal manumissions for younger slaves. In the long run, however, a younger Iunian Latin had more ways, not fewer, to obtain citizenship, including the *anniculi probatio* which the patron could not prevent by any means. Logically, this meant that, in the long run, more former slaves would have gained Roman citizenship, not fewer. This strongly questions the interpretation that Augustus was trying to stem the level of manumission or to make it harder for freed slaves to become citizens.

<u>5.1.4 *Anniculi Probatio*</u>

Younger Iunian Latins were strongly incentivised to marry and have children, and thus gain citizenship through the *anniculi probatio*. One imagines that this was an easier path to citizenship than waiting for one's patron to iterate, especially since, as discussed previously, there was little reason for a patron to re-manumit except out of personal affection, as turning a Iunian Latin into a citizen freedman was only to the patron's financial detriment.

The introduction of the *anniculi probatio* destroys the early scholarly assumption that Augustus feared those with 'servile blood' attaining citizenship – Augustus clearly wished for former slaves to marry and have children. In fact, an Antonine-era papyrus fragment from Roman Egypt states, explicitly, that the purpose of the *Lex Aelia Sentia* was to incentivise the having of children: '(…) *ex lege A*(*elia*) *S*(*entia*) *et Papiae Poppaeae quae de filis procreandis latae sunt*'.[571] This would have helped to boost the number of citizen freedmen and, in the long run, freeborn citizens.

The *anniculi probatio* could also have had an ideological rationale. In Roman culture, the production of children was viewed as a moral and civic duty.[572] Even for slaves, the Romans thought that having children helped bind them to the land and society – Varro

[571] HGV P.Mich. 7 436.
[572] B. Rawson 2003, esp. 225; Parkin 2010, 284.

suggests that slave overseers ought to be married so that they are '*firmiores ac coniunctiores*' (Varro, *Rust*. 1.17.5). Gellius records how Q. Caecilius Metellus Numidicus (cens. 102) urged people to marry and have children, for it was necessary for the survival of the state (Gell. *NA*. 1.6.1–2, 6). Both Suetonius and Livy mention that Augustus cited this speech to justify his marriage laws (Suet. *Aug*. 89.2; Liv. *Per*. 59). Cassius Dio recounts an invented, though very much in tune with Augustan *mores*, speech by Augustus justifying why he was introducing the *Lex Papia Poppaea* in 9 CE – Augustus states that not having children was the worst of all crimes, one which destroyed families, abolished the gods, and betrayed the State (Cass. Dio 56.4ff.). Pliny the Elder applauds Q. Metellus Macedonicus, who had many children, grandchildren, and great-grandchildren attend his funeral, whilst Persius lampoons someone who had no one to carry out his bier except '*hesterni* (…) *Quirites*' (Plin. *HN*. 7.58–60; Per. 3.103–106).

By providing the *anniculi probatio*, Augustus was not necessarily reserving citizenship for 'worthy' slaves, especially not as judged by their former owners, but for freed slaves who engaged with what his regime was trying to achieve. Furthermore, Beth Severy is certainly correct that the *Lex Aelia Sentia* was the most intrusive of all the manumission laws – Augustus overrode numerous aspects of manumission that were previously left in the hands of the individual *paterfamilias*: through this, Augustus usurped prerogatives typically reserved for heads of households and established himself as the ultimate *Pater* of Rome.[573]

We unfortunately do not know how easy it was to exercise *anniculi probatio*. In theory, the *anniculi probatio* only delayed the obtaining of citizenship by slightly under two years, assuming the Iunian Latin married and successfully produced a child in the minimum amount of time. Research does not suggest that freed slaves typically abstained from marriage and children; themes of family, such as lauding a legal marriage and the production of a freeborn child are extremely common amongst freed slaves' grave art and epitaphs.[574] Weaver, through some careful analyses of grave inscriptions and art, argues that Iunian Latins seemed to have had just as many children as citizens or citizen freedmen, if not more.[575]

By a strict reading of the juridical sources, however, Weaver contends that the exercising of *anniculi probatio* in practice must have been extremely difficult – the couple

[573] Severy 2003, 153–154.
[574] Mouritsen 2011a, 142; MacLean 2018, 133ff. Though see Petersen 2006 for a counterargument against the existence of a distinct category of 'freed' art.
[575] Weaver 1991, 188–189; Weaver 1997, 62.

must present their children to the urban praetor to Rome, limiting the availability of *anniculi probatio* to those in or around the City.[576] Furthermore, we only have one known instance of this clause being exercised – that of L. Venidius Ennychus and his wife Acte in 61/2 CE (AE 2006, 305–7). Other *tabulae* from Herculaneum suggest that Ennychus was already freed by 40/1 CE, implying that despite his relative wealth and social connections (he eventually became an *Augustalis*), it still took Ennychus at least two decades to marry and produce a legitimate child.[577] Therefore, it has been commonly argued that very few Iunian Latins ever successfully became citizens – in fact, Weaver asserts that this was an intended outcome by Augustus: manumissions were made easier but the obtaining of citizenship became harder.[578]

On the other hand, Ennychus and Acte merely reported their daughter turning one to the town councillors at Herculaneum who then reported it to the urban praetor in Rome; it did not seem that the couple had to present themselves in Rome as the juridical sources might suggest. If this was broadly acceptable and not an exception, then it might not have been as difficult to exercise this right as it has been argued. Indeed, if Weaver is correct and Augustus wanted more Iunian Latins but fewer citizen freedmen, then it is odd why he introduced *anniculi probatio* at all. As such, I respectfully disagree with the argument that Augustus intended the *anniculi probatio* to have been near impossible to exercise, as it is both illogical with Augustus' overall goal and the fact that we lack sufficient evidence to conclude firmly that exercising *anniculi probatio* was extremely difficult in practice.

Andreau argues that the aim of the *Lex Aelia Sentia* was explicitly to incentivise wealthy Iunian Latins to have children, exercise *anniculi probatio*, and become citizens.[579] Indeed, wealthier Iunian Latins would have been most keen to rush for *anniculi probatio*, since, until they become citizens, they could not bequeath their estates by will. This is certainly in line with the other Augustan manumission laws and the fact that a partial census of the wealthy took place in 4 CE, around the time of the adoption of Tiberius and the passing of the *Lex Aelia Sentia*. Most later imperial edicts offering Iunian Latins citizenship were also aimed at wealthy Iunian Latins, such as Claudius granting citizenship to Iunian Latins willing to operate a vessel able to carry 10,000 *modii* and ship grain to Rome for six years (Suet. *Claud*. 18–19; Gai. *Inst*. 1.32c; Ulp. *Reg*. 3.6), Nero to any Iunian Latin worth 200,000 sesterces who built a house worth at least 100,000 sesterces in Rome (Gai. *Inst*. 1.33; Ulp.

576 Weaver 1991, 185–187.
577 Camodeca 2006, 206, 266–268; Andreau 2012, 21.
578 Weaver 1997, 62.
579 Andreau 2012, 23.

Reg. 3.1), and Trajan to those who milled at least 100 *modii* of grain per day every day for three years (Gai. *Inst*. 1.34; Ulp. *Reg*. 3.1).

We have no evidence, however, that *anniculi probatio* ever had a minimum wealth requirement to exercise – Augustus likely wished for as many younger Iunian Latins as possible to marry and have children, even if, in practice, this clause might have been exercised disproportionately by relatively privileged and financially-established Iunian Latins. Indeed, limiting it to just wealthy Iunian Latins would have contradicted Augustus' image as the *Pater* of all of Roman society. As I will later discuss, Augustus (or Tiberius) later permitted Iunian Latins who served for six years (later three) in the *vigiles* to gain citizenship. Evidentally, Augustus wished for even presumably poorer Iunian Latins to gain citizenship directly from the State. Although the above imperial grants and the lowering of the period of service required in the *vigiles* suggest that Iunian Latins did not exercise *anniculi probatio* as frequently as the emperors would have liked and the imperial regime had to dangle further incentives in front of them, Augustus and the early *principes* clearly wanted Iunian Latins to gain citizenship, if not through having children then by service to the State. Therefore, it is likely that Augustus introduced the *anniculi probatio* explicitly to funnel slaves who were freed young – and thus more likely to have been industrious and talented – into an avenue where they would receive citizenship directly from the State by incentivising them to marry and have children as quickly as possible, and thus binding this aspiring section of society to the imperial regime.

Thus, this particular clause had manifold rationales: it helped to boost citizen numbers in the long run, it incentivised Iunian Latins to marry, produce children, and seek citizenship directly from the imperial regime, and it displayed Augustus' paternal care for family and reproduction.

5.1.5 Age Limit on the Slaveowner

For slaveowners under twenty, the *Lex Aelia Sentia* required government oversight of both informal and formal manumissions. Cassius Dio attributes its introduction to the 'wanton manumissions' of slaves (Cass. Dio 55.13). Based on this passage, numerous scholars have viewed this clause as preventing young slaveowners from dissolutely lavishing freedom on 'undeserving' slaves, particularly on 'devious' slaves who manipulated their young owners into freeing them.[580] This is a needlessly critical view of enslaved persons and embodies the Roman elite view of slaves far too much. Moreover, the previous chapter has already discussed how Cassius Dio's view of freedmen was highly unlikely to have accurately reflected Augustus' attitudes. We must therefore re-examine this clause away from this misleading notion.

Interestingly, this clause would have impacted on a surprisingly large number of Roman slaveowners. Demographic studies suggest that nearly half of Romans would have lost their fathers by the time they turned twenty.[581] This would mean that around half of male citizens, by the age of twenty, were *sui iuris* and could discharge their own property.[582] Up until adopting the *toga virilis* (~fourteen) for a boy, however, or any age for a woman, the citizen slaveowner would have been under the control of a *tutor*. One wonders, then, how frequently *tutores* were approving the reckless manumissions of their wards. Even after a boy was no longer *impubes*, he was still considered a *minor* up until the age of twenty-five. For *minores*, the *Lex* (*P*)*laetoria*, passed some time in the second century BCE, granted special protections if they were taken advantage of in legal or financial matters.[583] The *minor* could request a *curator* to oversee legal or business dealings. A praetorian edict sometime after this (but before the Augustan Principate)[584] expanded this by permitting actions not overseen by a *curator*, which turned out to have been to the detriment of the *minor*, to be reversed – '*in integrum restitutio*' (Just. *Dig*. 4.4, esp. 4.4.1.3).[585] It seems that the requesting of a *curator* was still optional during the Augustan Principate, though by the time of Marcus Aurelius, all *minores* were placed under the care of *curatores*.

To an extent, the traditional interpretation of this clause is feasible: Augustus was displaying his paternal care and authority, overlooking the affairs of young, fatherless Romans, reminding them of austere Roman morals and preventing them from irresponsibly discharging their property. With the guidance of *tutores* and possible oversight by *curatores*, however, would many young slaveowners really have been recklessly manumitting? This

[580] Duff 1928, 32–33; Atkinson 1966, 367–8.
[581] B. Rawson 2003, 226; Vuolanto 2016, 490.
[582] If a slaveowner was still under the *potestas* of his father and held slaves in his *peculium*, he could not manumit without paternal permission; upon manumission, the *paterfamilias* became the patron (Just. *Dig*. 37.14.13).
[583] Schulz 1951, 191. For further analyses of Roman curatorships, see Gardner 2002, 60ff. and Vuolanto 2016, 489ff.
[584] Crook 1967, 116–118; Pettinger 2012, 65.
[585] On the *in integrum restitutio*, see Vuolanto 2016, 489ff. and Bisio 2020, 79.

may fall into the same category as Dionysius of Halicarnassus' complaint about excessive testamentary manumissions – there may have been isolated cases, but it was unlikely to have been a widespread issue.

The '*restitutio*' available to young slaveowners is of particular interest. Gaius states that *minores* could not request the re-enslavement of a freedman, should they regret the manumission, as part of a '*restitutio*' (Just. *Dig*. 4.4.9.6: '*adversus libertatem quoque minori a praetore subveniri impossibile est*'). This was still a thorny issue well into the High Empire. Marcus Aurelius clarifies a case where a *minor* regretted selling a slave with the explicit demand that the slave be manumitted immediately after the sale – the *minor* had only until the manumission to reverse the decision and demand restitution; if the slave had already been manumitted, there was nothing to be done (Just. *Dig*. 4.4.11.1). In this passage, Ulpian records that the main contention was whether those between twenty and twenty-five were eligible for *restitutio* regarding manumitting a slave; he states that he mentioned the age of twenty because a Scaevola in his *Quaestiones* had already discussed this point for those aged twenty (and under?) – this might have been a reference to the age of twenty set in the *Lex Aelia Sentia*. Later emperors reaffirmed this – a freed slave could not be reduced to slavery through *restitutio* even if the owner was under twenty and freed the slave without *iusta causa* (Just. *Cod*. 2.30.3–4); even if the now freed slave had tricked his former *minor* owner into freeing him, he still could not be re-enslaved, merely fined (Just. *Cod*. 2.30.2). The prevention of re-enslavement occurs throughout Augustan legislations – the *Lex Iunia* made it impossible for slaveowners to 're-enslave' their informally manumitted slaves. López Barja De Quiroga and Koops both argue that the *Lex Aelia Sentia* prevented re-enslavement as a punishment for *liberti ingrati*.[586]

As such, it is certainly possible that Augustus included this clause for ideological reasons: the *Pater Patriae* reminding young slaveowners not to mass-manumit their slaves wantonly. One wonders, however, whether this was ever a serious social phenomenon in the first place. Examining it from another angle, it is possible that this clause also protected freedmen. By ensuring that there existed government oversight for young slaveowners, beyond that of the *tutor* and the *curator*, Augustus may have been trying to reduce instances

[586] See Buckland 1908, 423 and Duff 1928, 41 on Claudius allowing the re-enslavement of *liberti ingrati* in select cases, implying that it was not permitted before that. With the exception of Claudius, allowing *liberti ingrati* to be re-enslaved came from imperial rescripts far later in the Empire, which López Barja De Quiroga 1995, 327 and Koops 2014, 111 argue was because the *Lex Aelia Sentia* had explicitly forbidden re-enslavement as a possible punishment for *liberti ingrati*.

where such slaveowners later regretted and tried to void the manumission, which would have caused unnecessary socio-legal frictions for Augustus's new imperial society.

5.1.6 *Operae, Obsequium,* and Financial Obligations

The idea that the *Lex Aelia Sentia* might have protected freedmen sees further support in the clauses reforming *operae*, *obsequium*, and mutual financial obligations. Many of the former investigations of this part of the *Lex* argue that it was to repair traditional patronal bonds – the Late Republic and the Triumvirate era had destroyed traditional patron-freedmen relations. Gardner contends that this, combined with the increasing wealth of freedmen, led to large numbers of freedmen from whom patrons found it more difficult to exact *operae* and *obsequium*; their wealth had caused them to become *ingrati*.[587] This view is largely based on an erroneous assumption that freedmen-patron relations were collapsing in the Late Republic, something already refuted in previous chapters. Indeed, if this was true, we find it odd that Augustus did little about it until 4 CE, rather than much earlier in his Principate. When we step away from this misleading assumption, we find another possible interpretation for this part of the *Lex*.

Indeed, none of the clauses that we can firmly attribute to the *Lex Aelia Sentia*, nor any which we cannot, made it easier for patrons to exact *operae*. Out of the reforms of the *operae*, only the clause that the *operae* could no longer just be a sum of money could we attribute firmly to the *Lex Aelia Sentia* (Just. *Dig*. 40.9.32.1–2). Modestinus elaborates that patrons were demanding money to 'burden' (*onerandae*) freedmen and that a freedman would not be bound by such a demand; should a patron demand it regardless, he lost his patronal rights over the freedman's estate (Just. *Dig*. 38.1.32). Duff speculates that it was to prevent the patron from setting a sum of money so large that it was not feasibly repayable.[588]

We unfortunately cannot attribute the other *operae* reforms firmly to the *Lex Aelia Sentia* – but they all follow a similar line of thinking. Patrons could not demand services from their freedmen that dishonoured them, overburdened them financially, or if the performance of said service would have been injurious to their lives or livelihoods. Ulpian explicitly states that the various *operae* reforms were introduced because, previously, patrons were being

[587] Gardner 2002, 29, 42.
[588] Duff 1928, 47.

excessive in how they exacted *operae*;[589] such reforms were unambiguously intended to benefit freedmen:

> For [the praetor] noted that the labour demanded as payment for freedom had increased excessively in order to oppress and burden freedmen (Just. *Dig*. 38.1.2.pr.).[590]

> Previously patrons were accustomed to exacting the harshest labour from their freedmen (Just. *Dig*. 38.2.1.pr.).[591]

We do not know if all such *operae* reforms were a part of the *Lex Aelia Sentia*, but if they were, Paulus explains that demanding the freedman to swear to perform anything contrary to the *Lex Aelia Sentia* would cause the patron to lose all patronal rights (Just. *Dig*. 37.14.15).

Similarly, the now legally enforceable *obsequium* has often been interpreted as finally putting freedmen back in their place.[592] A different image arises, however, when we compare the *obsequium* demanded of freedmen with that asked of children. Freedmen were expected not to insult, physically harm, bring dishonour to, or act as witnesses against their patrons. This is almost identical to what was demanded of natural children. Children were also expected to show *obsequium*.[593] They were not allowed to insult or physically harm their parents, on pain of punishment (Just. *Dig*. 37.15.1.2). They could not sue their parents without approval from a magistrate (Just. *Dig*. 37.15.2). Fathers and sons typically could not give evidence against each other (Just. *Dig*. 22.5.4–5).[594] The punishment for an 'ungrateful' child was also very similar to that levied against 'ungrateful' freedmen. This parallel can be most clearly seen here:

> The proconsul is permitted to carry out the following: to order [children] to show deference to their parents and [freedmen] to their patrons and their children, to threaten and scare straight *de plano* a son, brought to him by his father, who is said not to be conducting his life in the

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[589] It is possible that, even by the Late Republic, Romans realised that patrons were overexploiting their freedmen with *operae* and some praetorian edicts were already being developed to protect them. See Gardner 2002, 25ff.
[590] '*Animadvertit enim rem istam libertatis causa impositorum praestationem ultra excrevisse, ut premeret atque oneraret libertinas personas*'.
[591] '*Antea* [*patroni*] *soliti fuerunt a libertis durissimas res exigere*'
[592] Kleijwegt 2009, 322; Joshel 2010, 42–46.
[593] For further discussions on *pietas* and *obsequium* of children, see Saller 1994, 105–111, Gardner 2002, 24, and Grubbs 2011, 382–383.
[594] B. Rawson 2003, 223. This might have been introduced by a *Lex Iulia*, as both Paulus and Gaius write about this clause in their works on the *Lex Iulia et Papia*.

> proper [fashion]; similarly he can correct with warnings or castigate with beatings an irreverent freedman (Just. *Dig*. 1.16.9.3; cf. 37.15.9).[595]

The requirement for freedmen to show *obsequium*, and the possible punishments thereof, was not particularly onerous – it was the same as what was expected of natural children.[596] Whilst one could read this clause as putting freedmen 'back in their place', it is also possible that it might have protected freedmen by clarifying what was expected from both parties in terms of *obsequium*. Indeed, Cicero, in a letter to his brother advising him how to be a good governor, complains that some ill-treated their freedmen by oppressing them with demands of excessive *obsequium* and *operae* (Cic. *Q. Fr.* 1.1.13).

The requirement for financial support further supports this interpretation. Modestinus states that it was the *Lex Aelia Sentia* that introduced the demand on patrons to support their freedmen if the latter became destitute (Just. *Dig*. 38.2.33). Other jurists claim that freedmen also had to support their patrons if their patrons became destitute; though it is unclear whether this requirement was a later addition or if later jurists/emperors were elaborating a clause that already existed in the *Lex Aelia Sentia*. In a lengthy passage on this, Ulpian discusses the reciprocal financial obligations that family members owed to each other. He also confirms that patrons and freedmen ought to financially support each other in times of need – for a freedman, this support extended to his patron's parents and heirs (Just. *Dig*. 25.3.5, cf. 25.3.6.pr.). Commodus, in a rescript, declares that a freedman could be compelled to support his patron financially, and that if he refused to do so, could be re-enslaved (Just. *Dig*. 25.3.6.1).

It is, of course, entirely possible for a later imperial rescript to confirm or reinforce an existing legal requirement rather than to introduce a new clause: Claudius demanded that patrons must support their freedmen, despite the *Lex Aelia Sentia* already requiring this (Just. *Dig*. 37.14.5.1). Ulpian's passage strongly suggests that the mutual financial obligations between freedmen and patrons were intended to mimic similar obligations between parents and children, stating that such support was '*ex aequitate*', from '*caritate sanguinis*', and by '*ratione naturali*' (Just. *Dig*. 25.3.5.2, 16). Freedmen, Ulpian continues, ought to support their patrons out of '*obsequium*' (Just. *Dig*. 25.3.5.20). We remain unsure if the *Lex Aelia*

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[595] '*proconsul potest expedire haec: ut obsequium parentibus et patronis liberisque patronum exhiberi iubeat: comminari etiam et terrere filium a patre oblatum, qui non ut oportet conversari dicatur, poterit de plano: similiter et libertum non obsequentem emendare aut verbis aut fustium castigatione*'.

[596] See M. Perry 2014, 78, 83, 94 for more on this (especially for freedwomen).

Sentia demanded a mutual obligation or only a requirement on the part of the patron. If such an obligation was intended to mimic familial bonds, then it would be very odd that Augustus demanded it from patrons but not freedmen – on the balance of probability, the *Lex Aelia Sentia* likely required mutual support. Though if, at this point, it was indeed only one-sided, then the *Lex* unambiguously benefited freedmen – patrons were expected to look after their freed slaves as if they were their natural children. This would also be entirely in line with the reading of the *Lex Fufia Caninia* developed above. The clauses reforming *operae* and *obsequium* were to prevent the overexploitation of freed slaves and to enforce socio-familial stability, not to oppress freedmen.

5.1.7 *Dediticii*

The creation of the *dediticii* is the most perplexing of the clauses. Any slave found guilty of or punished for any crime could now never become a Iunian Latin or a citizen upon manumission and was expelled from Rome. The practical effects of this clause should, logically, have been rather limited; there would have been little incentive for a slaveowner ever to free such a slave. What's more, if Augustus was concerned about slaveowners freeing criminal slaves, he could have simply barred the manumission of such slaves rather than circuitously creating a new legal category of freedmen. We must therefore reach the odd conclusion that Augustus could suffer such 'criminal' slaves to become free, but not that they could ever gain citizenship.

This may be resolved if we contrast what rights and privileges *dediticii* lost compared to Iunian Latins in the *Lex Aelia Sentia*. Citizenship was offered in a way that incentivised especially wealthy and well-connected Iunian Latins to marry and have children. *Dediticii*, on the other hand, gained nothing from manumission except their freedom – they could not amass significant wealth as they lacked the *ius commercii*, could not establish a legal family as they lacked the *ius conubii*, and had little incentive to have children as they could not establish a will. In a way, the ideological interpretation is quite sensible: it portrayed Augustus as caring about the worth of citizenship by contrasting ideologically safe and responsible freedmen by providing them with citizenship whilst barring ideologically unsafe freedmen from ever gaining citizenship – thus, it was more a statement about the worth of citizenship than about freed slaves in and of themselves.

Much like other clauses of the Augustan manumission laws, however, a purely ideological interpretation still has deficiencies. Despite the illogicity of it, *dediticii* were created. Later jurists had to grapple with convoluted problems such as what would happen should a Iunian Latin marry a *dediticius/a*, thinking they were also a Iunian Latin, then trying to claim citizenship through the *anniculi probatio* after the pair produced a child (Gai. *Inst*. 1.67–68; Ulp. *Reg*. 7.4). The inheritance issues of *dediticii* were relevant enough that they were discussed in the *Gnomon* (*Gn*. 20). The *Institutiones* of Justinian mention that, by Justinian's time, the category of *dediticii* had fallen into disuse, suggesting that it was actively utilised previously (Just. *Inst*. 1.5.3).

Constantina Katsari and Enrico Dal Lago suggest that this clause was about gladiators: it was to prevent formerly enslaved fighters from attaching themselves to potential political adversaries.[597] This would be too limited an interpretation – this clause impacted many more ex-slaves than just gladiators, and Augustus could, and did, simply expel gladiators specifically from the City if the occasion called for it (Cass. Dio 55.26; Suet. *Aug*. 42). Furthermore, there was nothing stopping politicians from employing enslaved gladiators.

Pragmatically, there is very little reason why a slaveowner might manumit a criminal slave whilst alive – if slaveowners wanted to rid themselves of an irksome slave, they could simply sell, abandon, or even kill the slave, rather than manumit them. The likeliest scenario would be that the slave was freed *testamento*. The fact that *dediticii* were re-enslaved as public slaves rather than handed back to their former owners should they be caught within 100 miles of Rome supports this reading – their former owners might already be dead. Even if such slaves were freed whilst the slaveowner was alive, Mouritsen is certainly correct in saying that such criminal ex-slaves would have been far less likely to receive continued patronal support.[598]

Gaius reveals that the *Lex Aelia Sentia* prevented *dediticii* from gaining Roman citizenship or Iunian Latinity, suggesting that the law affected informal manumissions of criminal slaves as well (Gai. *Inst*. 1.15). The *Lex Aelia Sentia* introduced the *anniculi probatio*, providing Iunian Latins with a way to gain Roman citizenship, regardless of whether their patrons agreed or not (or even whether they had a patron). Therefore, this clause may have been introduced pre-emptively to close a pathway for criminal ex-slaves,

[597] Katsari and Dal Lago 2008, 544.
[598] Mouritsen 2011a, 34.

who were more likely to have been freed posthumously and left without patronal support, to gain Roman citizenship. The *Lex Iunia* made no impact on the freeing of criminal slaves. The *Lex Fufia Caninia* hence reduced the likelihood of this occurring, since the manumitter had to be selective, making it very unlikely that a criminal slave would have been chosen to be formally freed *testamento* amongst all the other candidates, though nothing at that point stopped a slaveowner from mass-manumitting informally, creating Iunian Latins who might have had criminal backgrounds.

At this stage, the existence of Iunian Latins with criminal backgrounds did not threaten the State. The only way, at that point, for a Iunian Latin to gain Roman citizenship was through *iteratio*. Assuming an heir inherited patronal rights, the criminal Iunian Latin still had to impress the new patron enough for the latter to perform the *iteratio*. If no one inherited the patronal rights, then the Iunian Latin could not become a citizen. Without citizenship rights, the criminal Iunian Latin, even a destitute one who had no patronal links, could not become a burden on or a threat to the State. This new clause from the *Lex Aelia Sentia* subsequently prevented criminal ex-slaves from gaining citizenship either from a formal manumission or from exercising *anniculi probatio*.[599]

We unfortunately do not know to what extent this became a social issue – we have insufficient evidence to suggest that there was a dramatic increase in the number of criminal Iunian Latins or slaves attempting to gain citizenship during the Augustan Principate. It is entirely possible that the consequences of this clause were limited in practice. Nevertheless, this clause broadcast an ideological message: Augustus delineated the kind of former slaves he wanted to partake in his imperial society from the kind that he wished to exclude.

Why Augustus suffered them to be free at all is more mysterious – this may have been pragmatic. As Ulrike Roth astutely pointed out, the moment a slave became punished or chained, he had no further incentive to act well since upon manumission he could only ever hope to become *dediticius*.[600] It is therefore possible that Augustus did not wish to shut all forms of freedom to criminal slaves, which might have driven such slaves to desperation if they knew they could never become legally free. Indeed, Varro and Columella both

[599] The exception that a slave who would have become a *dedicitius* could become a citizen if freed *testamento* by an insolvent owner must have been extremely limited in practice, especially since this clause required the owner to have named no other heirs; even in such rare circumstances, only a single criminal slave could have become a citizen.
[600] Roth 2011.

recommend employing an overseer who rarely used physical punishments like whipping and note that slaves worked better if they felt a sense of hope and security (Varro, *Rust*. 1.17.5ff.; Columella, *Rust*. 1.8.15ff.).

In so saying, we need not necessarily read the creation of *dediticii* in an entirely anti-freedmen light. It would have been unlikely that the kind of slaves, such as agricultural chattel slaves, who were most likely to suffer the kind of punishments that would have turned them into *dediticii* upon manumission, would have been freed anyway. If it was industrious, talented, and urban slaves who were most likely to see manumission, then we must consider Roth's interesting point that the creation of *dediticii* might even have protected slaves.[601] *Dediticii* were useless as dependent freedmen. Having even fewer rights than a *peregrinus*, a *dediticius* could not act as a business agent or an investor on behalf of his patron as he did not have the *ius commercii*. The political support that a *dediticius* could provide must also have been limited, since he could not vote or even approach Rome. Whilst a *dediticius*' estate flowed back to the former owner's family, one must imagine that, without the *ius commercii* and likely no patronal support, the estate would have been rather meagre. As such, Roth theorises that the *Lex Aelia Sentia* restricted slaveowners' prerogative to punish slaves however they wished. The moment a slaveowner punished a slave, such a slave could never gain citizenship or Latinity, making him useless as a future freed dependent.

Therefore, the reason for creating the *dediticii* was likely multi-fold: it displayed Augustus' ideological care for Roman society by removing ideologically unacceptable or dangerous former slaves from society, tolerated such slaves becoming legally free so as to not end all hopes for those who were likely already desperate, and reminded slaveowners to think twice before physically punishing the kind of slaves that Augustus did want to be freed and connect positively with his regime.

5.1.8 Summary

In sum, we find that the *Lex Aelia Sentia* was by far the most complex of the manumission laws with numerous goals in mind. It spurred the creation of more citizens in the long run by incentivising young Iunian Latins to marry and have children as quickly as possible. At the same time, patron-freedmen relationships were stabilised by clarifying privileges and obligations for both parties in a way that aligned as closely as possible to familial bonds. It

[601] Roth 2011, esp. 91ff.

prevented young slaveowners from dissolutely manumitting their slaves, perhaps to present Augustus further as the austere *Pater Patriae* overseeing young spendthrifts, but also likely to prevent young slaveowners from regretting manumissions and trying to re-enslave freedmen.

Slaves who suffered physical punishments could never gain citizenship – this simultaneously displayed Augustus' ideological concerns for the worth of citizenship but may have also protected 'high-status' slaves from suffering arbitrary punishments.

There is very little to suggest that the *Lex* wanted to curb manumission or the number of freedmen in any way. The *Lex* did little to impact the level of informal manumissions and may have increased the number of Iunian Latins in the short term. By introducing more ways for Iunian Latins and their families to become citizens, the law would have increased, not decreased, the number of citizen freedmen in the long run. Augustus provided the state apparatus the ability to grant citizenship to manumitted slaves, as long as the freedmen connected with his regime in ideologically acceptable ways. At the same time, Augustus continued to disincentivise the creation of poor freedmen or freedmen with limited financial prospects by expelling them from Rome and preventing their access to citizenship. The *Lex*, therefore, was about family, production of children, socio-familial stability, and incentivising and binding the loyalty of particularly young and talented former slaves to the imperial regime and what it ideologically stood for. With this interpretation, let us explore why, in 4 CE, Augustus may have wanted to introduce another sweeping law centred around these values.

5.1.9 The Historical Context

After the *Lex Fufia Caninia* of 2 BCE, Gaius departed for the east and successfully settled matters with Parthia (Cass. Dio 55.10a). He was declared *imperator* and, in 1 CE, became consul. His brother, Lucius, was sent west – in 2 CE, however, Lucius died from an illness (Cass. Dio 55.10a); all dynastic hopes now rested with Gaius. In 3 CE, Augustus' powers were renewed – there was no mention of Tiberius, who was still in a self-imposed exile on Rhodes. All came crashing down in 4 CE – Gaius, too, died, either from illness or an aggravated wound (Cass. Dio 55.10a; Suet. *Aug*. 65; Vell. Pat. 2.102). The death took place relatively early in the year – John Richardson dates it to the 21st of February, whilst Andrew Pettinger dates it to the 24th of February.[602]

[602] J. S. Richardson 2012, 163, 246; Pettinger 2012, 52.

Augustus' dynastic plans were now in ruins. People clamoured for the return of Julia the Elder, which Augustus vehemently refused (Cass. Dio. 55.13; Suet. *Aug*. 65.3). Tiberius was quickly recalled from Rhodes and adopted alongside Gaius and Lucius' younger brother, Agrippa Postumus; Tiberius was also forced to adopt his nephew Germanicus (Suet. *Tib*. 15; Cass. Dio 55.13). Of the pair, Tiberius was unambiguously the new heir – he was given powers equal to Augustus and rapidly dispatched to the deteriorating German frontier (Vell. Pat. 2.103–104). The adoption of Tiberius and Agrippa Postumus took place mid-year, five days before the Kalends of July (Vell. Pat. 2.103).

After the adoption of Tiberius, Augustus held a review of the Senate - Richardson argues that it was to rid the Senate of anyone who might have opposed Tiberius.[603] A census was held of those worth 200,000 sesterces or over in Italy (Cass. Dio 55.13). Cassius Dio states that, around this time, Cn. Cornelius Magnus Cinna plotted against Augustus (Cass. Dio 55.14ff.), though this plot likely dates to much earlier, 16–13 BCE, if it occurred at all.[604]

We unfortunately do not know the exact date for the passing of the *Lex* except that it took place during that year's ordinary consulship (i.e between January 1st and June 30th). As Gaius died so early that year and the adoption of Tiberius took place only days before the end of Aelius and Sentius' ordinary consulship, the *Lex Aelia Sentia* was likely passed between those two events when the imperial house was in a state of disarray.

We are unfortunately left in the same difficult situation as for previous laws – there is insufficient evidence for us to make a firm conclusion as to why Augustus may have wanted to pass the law at this particular juncture. Although the passing of the *Lex* was unlikely to have been a coincidence – Augustus surely had, amidst a dynastic and political crisis, much greater concerns than to pass some seemingly irrelevant law if the *Lex* did little to strengthen his regime. Our careful analysis of the *Lex* reveals strong themes of family, reproduction, displaying Augustus' paternal authority, and incentivising freedmen to engage positively with the imperial regime. Augustus wanted to strengthen his ideological standing and restress his regime's commitment to family and family values during a time when his own household was in a state of turmoil – the stability of the imperial family and the imperial regime became ideologically intertwined with the stability of society and the State.[605]

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[603] J. S. Richardson 2012, 167–168.
[604] Crook 1996, 105; Raaflaub and Samons 1990, 427–428.
[605] Dalla Rosa 2018, 89ff.; López Barja De Quiroga 2023, 100.

In addition to this possible ideological reading, the law was clearly intended to have practical effects. When examining the law and the surrounding political activity, we see that the view that Augustus did not want young freed slaves to gain citizenship at all does not hold – Augustus could have either prevented young slaves from being freed entirely, or subjected their manumission to require *iusta causa* but not provided Iunian Latins with the *anniculi probatio*. The introduction of the *anniculi probatio* helped Augustus to bind a large section of young, industrious freedmen directly to his regime by offering them citizenship in a way that required them to engage with imperial ideology but also could not be prevented by their patrons.

Despite this *Lex* likely disproportionately benefitting more better-off freedmen in practice and it also roughly coinciding with a partial census of the wealthy in Italy, the law was promulgated to affect, in theory, all slaves, former slaves, and slaveowners. Augustus clearly wanted to display his paternal care over the entirety of the slaveowning class by ensuring a positive ideological engagement from all interested parties during a time of dynastic turmoil.

This reading developed above for the *Lex Aelia Sentia* gains further support when we examine the *Lex Papia Poppaea* in 9 CE. During the triumphal games thrown for Tiberius, the wealthy sections of Roman society, especially the equestrians, clamoured loudly against Augustus' punitive moral *Leges Iuliae* (Cass. Dio 56.1ff.). The *Lex Papia Poppaea* reformed many aspects of the *Leges Iuliae*, particularly the one regulating marriage and the production of children – as this new law does not technically amend the process of manumission, it will not be subjected to a full examination here.[606] Nevertheless, certain clauses from the new *Lex*, like the *Lex Aelia Sentia*, also strongly incentivised freed slaves to have children utilising a complex system of negative and positive incentives. Freedmen worth over 100,000 sesterces could henceforth only exclude patrons from inheriting parts of their estate after having at least three children (Gai. *Inst*. 3.42). A freedman was released from the obligations of *operae* once he had had two children, or one child reach the age of five (Just. *Dig*. 38.1.37.pr.–1).[607] A freedwoman was released the moment she married or reached the age of fifty (Just. *Dig*. 38.1.35; 38.1.48.pr.). A freedwoman, once she had produced four children, was released from the *tutela* (for freeborn women, the requirement was three children) (Gai. *Inst*. 3.44; Ulp.

[606] For some research into the *Lex Papia Poppaea*, see Field 1945, Waldstein 1986, 161ff., Swan 2004, 225ff., Wallace-Hadrill 2009, and Dalla Rosa 2018.
[607] Duff 1928, 46 suggests that this provision might have been introduced by the *Lex Iulia* then re-confirmed by the *Lex Papia Poppaea*.

Reg. 29.3). Freedmen, thus, were incentivised to obey Augustus' ideological push to have children by being released from traditional post-manumission bonds that otherwise connected them with their former owners.

As Augustus' Principate matured, the *princeps* increasingly interfered with the manumission and post-manumission lives of freed slaves and slowly inserted himself and the State between the freed slave and the former owner in a way that directed the freed slave to seek traditional post-manumission boons, including citizenship, directly from the imperial regime.[608] Augustus clearly wished for as many freed slaves as possible to connect with his regime positively, loyally, and in ideologically acceptable ways.

5.2 *Vigiles*

Though Augustus' hurried amendments to the relationships in the imperial house temporarily solved the issue of succession, other matters only worsened. In 5 CE, whilst Tiberius was still campaigning in Germany, disaster hit Rome: an earthquake struck, the Tiber flooded, and the City suffered a severe grain shortage (Cass. Dio 55.22). The upper classes displayed a curious disengagement with the regime: insufficient numbers of eligible girls were offered for a vacancy of the Vestal Virgins, forcing Augustus to open the candidature to daughters of freedmen (though ultimately the daughter of a freeborn was chosen); no candidates offered themselves up for the aedileship, resulting in Augustus compelling former magistrates to take the role by lot (Cass. Dio 55.22, 24). At the same time, numerous soldiers went 'on strike', demanding better pay and conditions (Cass. Dio 55.23). Due to the deteriorating condition of the frontiers, Augustus acquiesced and created the *aerarium militare*, funded by a *vicesima* on inheritance, to increase the pay for the soldiers (Cass. Dio. 55.24–25).

6 CE was hardly better – Pannonia revolted, which Suetonius describes as threatening Rome almost as much as the Punic Wars (Suet. *Tib*. 16; Vell. Pat. 2.110ff.; Cass. Dio 55.28ff.). Panic coursed through the City and Augustus desperately needed manpower to put down the rebellion: the *dilectus* was revived, veterans were recalled, and a contribution of slaves was demanded from private individuals, whereupon Augustus freed and recruited the slaves into the legions (Vell. Pat. 2.111; Cass. Dio 55.31). The continuing grain shortage was so severe that Augustus had to put the Senate into recess, expel all gladiators and slaves for sale from the City, and pay out of his own pocket a temporary doubling of the grain dole

[608] See Tac. *Ann*. 3.28: through the *Leges Iuliae et Papia Poppaea*, Augustus established the State as the ultimate '*parens omnium populus*'.

(Cass. Dio 55.26). This was exacerbated by fires that destroyed numerous parts of the City (Cass. Dio 55.26). Discontent flared up amongst the population due to the increased taxes and natural disasters; a P. Plautius Rufus was even accused of agitating the people and plotting a 'revolution' against Augustus (Cass. Dio 55.27). Amidst this period of severe socio-political instability, Augustus created the *vigiles*, funded by a 2% tax on the sale of slaves, whose primary duties were to prevent fires in the City and likely also night-time peacekeeping (Cass. Dio 55.26; Strab. 5.3.7; Suet. *Aug*. 25, cf. 30; Just. *Dig*. 1.15.1).[609]

According to Cassius Dio, the membership of the *vigiles* was originally only open to freed slaves and freeborn men were permitted to enrol much later (Cass. Dio. 55.26). Epigraphical evidence corroborates this claim – the first unambiguously freeborn *vigilis* was not attested until the mid-second century CE (CIL 14.4499=AE 1912, 230).[610] Scholars have long debated why Augustus would staff the *vigiles* with only freedmen. The most common explanation is ideological: Augustus was worried about the optics of establishing numerous cohorts of armed slaves but also of the presence of thousands of armed freeborn within the *pomerium*, and so compromised by enrolling freed slaves.[611] Furthermore, the creation of the *vigiles* has also affected the interpretation of the Augustan manumission laws. Both Atkinson and Kosior argue that the *Lex Iunia* and the *Lex Aelia Sentia* were passed with the *vigiles* in mind, by ensuring that the body would be drawn from 'good' ex-slaves and not *dediticii*.[612]

Some issues remain with such interpretations. It is entirely unclear when the imperial regime or the Roman people began to view the *vigiles* in a militarised fashion. Tacitus, listing Rome's military forces, omits the *vigiles* (Tac. *Ann*. 4.5). Robert Sablayrolles notes that it might not have been until the Severan period that the *vigiles* unambiguously adopted a militarised air.[613] Furthermore, armed freeborn were already present in the City. Suetonius mentions that Augustus kept three cohorts in the City (Suet. *Aug*. 49, cf. Tac. *Ann*. 4.5).[614] Whilst it is true that epigraphic evidence reveals that *vigiles* used militarised language to commemorate their service, such as '*miles*', '*veteranus*', '*militavit*' or '*honesta missio*', few

[609] On earlier models of firefighting in the City, see Reynolds 1926, 19ff. and Sablayrolles 1996, 24ff., cf. Rainbird 1976 and Lafter 2001.
[610] Sablayrolles 1996, 50.
[611] Sablayrolles 1996, 34–36.
[612] Atkinson 1966, 368; Kosior 2019, 24ff.
[613] Sablayrolles 1996, 469.
[614] Most scholars believe that these were three of the *cohortes praetoriae* (André 1974, 114; Coulston 2000, 76ff.; Bingham 2013, 69ff.; Coulston 2018, 174ff., cf. Keppie 1996).

to none of these inscriptions can be dated firmly to the first half of the first century CE, let alone to the Augustan Principate.[615]

In other words, we must avoid retrojecting the fact that the *vigiles* became militarised later in the Principate to the Augustan era, and thus argue that Augustus chose to enrol freedmen due to ideological concerns. We cannot be certain that, had the *vigiles* been freeborn under Augustus, they would have been viewed with suspicion as 'soldiers'. Furthermore, as Suetonius and Tacitus reveal, there were already armed freeborn troops in the City, showing that this could not have been as great a concern as some scholars have hypothesised (Suet. *Aug*. 49, cf. Tac. *Ann*. 4.5). Then, ever since 22 BCE, Augustus had used public slaves for firefighting, first commanded by the aediles and then transferred to the oversight of the *vicomagistri*. As such, the argument that Augustus did not want 'armed' freeborn within the City or that he did not want 'armed' slaves to fight fires cannot be sustained.

This issue might be solved by examining the creation of the *vigiles* in its immediate historical context. The Pannonian revolt had drained Rome of its available manpower – even a *dilectus* and recalling the veterans were insufficient; Augustus already had to demand slaves from private individuals to make up for the shortfall. There was likely an insufficient number of available freeborn or slaves to use for an emergency firefighting force, as men able to bear arms were needed with the legions at the frontiers. In fact, even using freedmen was likely insufficient – John Rainbird estimates that the early cohorts of *vigiles* were barely staffed at half capacity.[616] Augustus' choice of freedmen may have been far less ideologically motivated but was simply pragmatic: they were the only source of readily available manpower left in the City.

Furthermore, the theory that Augustus introduced Iunian Latinity and *dediticii* to incentivise 'good' ex-slaves to join the *vigiles* is also questionable. For one, Cassius Dio records that Augustus originally intended the *vigiles* to be temporary and retained them after realising their utility (Cass. Dio. 55.26.5). We are therefore unsure if Augustus was attempting anything, ideological or otherwise, beyond desperately searching for a solution to

[615] See for example CIL 6.32754=ILS 2165 for a freed *vigilis* declaring himself a *veteranus missus honesta missione*. This inscription is uncertainly dated to sometime in the first two centuries CE.
[616] Rainbird 1976, 217, 445; Rainbird 1986, 150.

an immediate problem. Furthermore, this theory only holds if Iunian Latins could serve from the inception of the *vigiles*.

A subsequent law, the *Lex Visellia*, granted Roman citizenship to any Iunian Latin who served in the *vigiles* for six years, which was lowered to three years by a later *senatusconsultum* (Gai. *Inst*. 1.32b; Ulp. *Reg*. 3.5). We are unsure when the *Lex Visellia* is dated, or whether there was only one. Justinian's *Codex* states that the *Lex Visellia* forbade freedmen from holding any magistracies that were typically in the purview of the freeborn; this was particularly important outside of the City, where freedmen were henceforth disallowed from holding municipal and colonial offices (Just. *Cod*. 9.21). This entry makes no mention of the *vigiles*, Iunian Latins, or citizenship, whilst Gaius and Ulpian record only that the *Lex Visellia* granted citizenship but do not mention anything about office-holding.

Most scholars have assumed that there was a single *Lex Visellia* dated to 24 CE, passed by one of the ordinary consuls of that year, L. Visellius Varro, that contained both clauses.[617] Some scholars have, however, noted the disparate nature of these two clauses. Atkinson, Steven Rutledge, and Kosior have theorised that there might have been two *Leges Viselliae*, one passed in 12 CE by the suffect consul C. Visellius Varro that contained the citizenship clause, and another in 24 CE that prevented freedmen from holding magistracies.[618] This is certainly a possible hypothesis, and I am inclined to agree. Regardless, the *Lex Visellia* granting citizenship to Iunian Latins who served for six years was passed after the creation of the *vigiles*. The juridical records are ambiguous as to whether Iunian Latins could serve from the creation of the *vigiles*, or if the *Lex Visellia*, whenever it was introduced, both allowed Iunian Latins to serve and incentivised them to do so with the citizenship offer. Unfortunately, non-juridical sources do not help. The only relatively contemporary source, Strabo, uses the term 'τῶν ἀπελευθεριωτῶν' without elaborating if he was referring to citizen or Latin freedmen (Strab. 5.3.7). Other sources do not mention the legal status of early *vigiles* and postdate the *Lex Visellia* regardless (Sen. *Ep*. 64.1; Petron. *Sat*. 79; Cass. Dio 55.26; Suet. *Aug*. 25). As both Iunian Latins and citizen freedmen used the *tria nomina*, epigraphical evidence also cannot resolve this issue.[619]

[617] For example, see Koops 2014, 123.
[618] Atkinson 1966, 364; Rutledge 2001, 284; Kosior 2019, 33–34.
[619] This was exacerbated by the fact that even *peregrini* seemed to have adopted *tria nomina* the moment they joined the *vigiles* (Sablayrolles 1996, 319).

In other words, we are neither certain whether Augustus intended the *vigiles* to be permanent from their inception nor whether Iunian Latins could serve from the outset. If Augustus initially had no plan to keep the *vigiles* permanently, and if Iunian Latins could not serve at the start, and this was only changed a few years later as it became apparent that there were insufficient recruits, then the theory that Augustus crafted parts of his manumission laws to direct Iunian Latins into the *vigiles*, or that the introduction of the *dediticii* was to prevent certain ex-slaves from entering the *vigiles*, cannot be sustained.

In so saying, should there have been a *Lex Visellia* under Augustus, then it was possible that Augustus not only wanted additional recruits for the *vigiles* but also provided Iunian Latins with another path to citizenship. Sablayrolles' study shows that most *vigiles* entered the service in their late teens or early twenties, making it likely that they were young Iunian Latins freed without *iusta causa*.[620] One would imagine that freed slaves who were relatively well-off would have been more likely to seek marriage and exercise the *anniculi probatio*, rather than to risk their lives serving in a firefighting force. It is therefore more likely that poorer Iunian Latins opted to join the *vigiles* in hopes of obtaining stable employment and future citizenship. We can unfortunately only guess as to why these poorer Iunian Latins were created and by whom – it is possible that a slave was freed informally to circumvent the *Lex Fufia Caninia* and was provided with no further financial or patronal support, or that the Iunian Latin fell on hard times and the patron was unable or unwilling to support the Iunian Latin, despite the risk of losing patronal rights. We remain uncertain as to the exact number of Iunian Latins or freedmen who might have fallen into such poverty – though considering that Augustus had trouble operating the *vigiles* even at half capacity, their numbers were likely limited in the City. Regardless, Augustus was willing to provide even poor Iunian Latins a way to connect with the imperial regime through public service and be provided with citizenship directly by the State, whilst at the same time ensuring that there was another cohort of men in the City loyal to the *princeps* and thereby preventing a repeat of the Egnatius Rufus affair.

Therefore, I would argue that Augustus introduced the *vigiles* in 6 CE as a response to the specific threat of fire in the City during a time of socio-political chaos; the selection of only freedmen as its initial members was likely entirely pragmatic due to manpower issues. Augustus may have intended the *vigiles* to be temporary but decided to keep the corps after

[620] Sablayrolles 1996, 317ff.

seeing its utility. He then tried to boost recruitment with a *Lex Visellia* in 12 CE by incentivising particularly poorer Iunian Latins to join with the promise of stable employment and citizenship through service to the State. There is insufficient evidence, however, to suggest that Augustus had *vigiles* in mind when drafting any of his prior manumission laws and, as such, these laws should not be examined in conjunction with the creation of the *vigiles*.

5.3 Summary

By removing the erroneous starting point that Augustus was concerned with the level of manumission and the number of freedmen in Roman society, we can now understand the *Lex Aelia Sentia* in an entirely different light. The *Lex* did not reduce the level of manumission or number of freedmen in Roman society and, in fact, likely led to more informally freed slaves, more citizen freedmen, and more freeborn children of freed slaves in the long run. This extremely complex law sought to balance the concerns of multiple interested parties whilst taking into consideration both pragmatic and ideological aims, expressing a strong focus on socio-familial stability, the production of children, and positive and constructive connections with Augustus and the State; almost nothing in the law could be unambiguously read as anti-freedmen.

This new reading of the *Lex Aelia Sentia*, then, is much more compatible with its immediate political setting: it was likely as a response to the dynastic and political crisis of 4 CE, as Augustus tried to repair his and his regime's standing by passing a *Lex* that stressed socio-familial stability and incentivised particularly young and industrious freed slaves to seek citizenship directly from the State by marrying and having children as quickly as possible. This reading is further supported by the subsequent *Lex Papia Poppaea*. The law was about socio-familial stability and linking that to the socio-political stability and the stability of the imperial regime that Augustus wished to be seen as championing – it was not about oppressing freedmen.

The creation of the *vigiles* was likely a temporary response to a crisis in 6 CE – after Augustus realised the usefulness of the corps, he made it permanent and likely incentivised poorer Iunian Latins to serve the State and gain citizenship from his regime directly. The offer of freedom and citizenship created strong bonds of gratitude and loyalty. Sulla freed 10,000 slaves of his proscription victims and formed the *Cornelii*, and surviving evidence suggests that these freed slaves happily switched their loyalties to Sulla rather than remain attached to their former families.[621] The Triumvirs offered freedom to slaves who betrayed their proscribed owners, thus ensuring that the newly created citizens broke relations with their previous families entirely. Both Sextus Pompeius and Octavian mass-manumitted slaves who served in the navies to ensure their loyalty before the Battle of Naulochus. With the Pannonian Revolt in 6 CE and the loss at Teutoburg Forest in 9 CE, Augustus enrolled freed slaves into the legions – he, however, demanded or purchased the slaves first and freed them himself before sending them to the frontlines, rather than risk citizens deeply bound by loyalty to someone else be under arms (Cass. Dio 55.31, 56.23; Suet. *Aug*. 25).

After becoming *Pater Patriae* in 2 BCE, Augustus' laws regulating and reforming manumission gained an undeniable ideological flair as he slowly but surely inserted the State into manumission and the post-manumission relationship. This ideological component, however, was not anti-freedmen, nor did this imply that the *Lex Aelia Sentia* no longer had further real-world applications. The *princeps* used this law to broadcast his regime's commitment to socio-political and socio-familial stability because Augustus intended this law to affect those aspects in actuality. He took great care to involve freed slaves in his new imperial society and regime and displayed his paternal care not only to slaveowners but to the formerly enslaved. The Augustan regime carefully balanced the interests of all parties and could even be interpreted as having been rather positive towards freedmen. In all, the *Lex Aelia Sentia* was about socio-familial stability, marriage, the production of children, incentivising freedmen to connect positively with the imperial regime, and displaying and reinforcing Augustus' image as the ultimate *Pater* of Rome.

[621] Treggiari 1969, 171. The 10,000 *Cornelii* disappear from the the historical record after Sulla died – as Seager argues, no one was able to win over their loyalty after Sulla's death (Seager 1994, 203).

CONCLUSION

The study of slaves and freed slaves in Rome has long fascinated scholars. For much of the nineteenth and twentieth centuries, it was largely agreed that Rome not only had a substantial number of slaves but that Roman slaveowners were so liberal with manumissions that freed citizens had come to outnumber freeborn citizens by the Late Republic and Early Principate. This 'excessive' level of manumission caused a whole host of social, economic, and political issues, contributing not insignificantly to the Republic's ultimate collapse. Augustus, then, passed a series of laws and reforms to limit manumission, to reduce the number of freedmen in Roman society, and to relegate them back to their 'traditional' place in society. Scholars soon noticed significant issues with this line of argumentation, which suffered from some insoluble contradictions and illogicalities – attempts to rectify these often created more problems. Freed slaves simultaneously became the core of political violence in the Late Republic but were also tangential to it; they rose to unnatural prominence as patrons lost control of their wealthy and *ingrati* freedmen, but were also propelled into power because elite Romans could trust no one except their freed dependents; populist politicians repeatedly tried to spread them into more voting tribes to overwhelm the legislative assemblies, even though they were relatively few in number. Finally, Augustus' manumission laws were considered so ineffective at achieving their purported aim of restricting manumission and reducing the number of freedmen that we were forced to concede that they must have been nothing but ideological reminders, despite copious evidence confirming that these laws had definite, real-world implications. In this thesis, I advocated a return to the basics in order to solve these conundrums by challenging the fundamental assumptions that have formed the basis of our previous analyses and critically reassessing our literary, juridical, and material evidence.

The late twentieth and early twenty-first centuries have seen renewed interest in this subfield. New demographic analyses largely overturned the traditional understanding of the number of slaves and freed slaves. Far from being the majority of the citizenry in the city of Rome by the Late Republic, Roman freedmen were likely only a small proportion of the residents there. Furthermore, there has been a greater understanding of the social, economic, and political roles played by wealthy Romans who were not a part of the traditional officeholding or political class. This thesis, then, re-examined all political episodes involving freedmen during the Republic and the Augustan Principate. Founded upon our latest research in other aspects of Roman society, I rejected the old dichotomy that freed slaves were either connected to elite senatorial families or else were perpetually poor and disruptive members of the *plebs urbana* and instead analysed freedmen from a new perspective: freedmen were a minority of the total population and not insignificant numbers of freedmen were attached to wealthy and commercially-inclined patrons who could be a part of, but were largely separate from, the traditional political class. With this new approach, this thesis has shown that it is now possible to resolve numerous issues of interpretation that have previously troubled us regarding the politics and political roles of freedmen.

Through a close reading of the sources, I noted that there is little evidence to suggest that freedmen had become politically notable or troublesome before the First Punic War – this is perfectly logical when we consider that commercial exploitation was one of the most important reasons for Romans to manumit their slaves, and large-scale and far-reaching trade and commercial endeavours started in earnest after the conclusion of the First Punic War when Rome gained its first overseas provinces. It is no surprise, then, that the politicisation of freedmen began soon afterwards. In 230/220 BCE and 169 BCE, the censors lashed out against freedmen, reducing them for the first time into four voting tribes, then possibly one. Analysed in their immediate socio-political contexts, we see that both episodes took place during a period when certain conservative members of the political class contended with certain members of an increasingly urbanised and commercialised section of the Roman elite. The censors responsible reacted against the growing wealth and influence of the increasingly urbanised and commercialised parts of the elite and their freed clients, whom they deemed ideologically substandard.

With the enfranchisement of the Italians after the Social War, the socio-political influence of the commercial elite and their freedmen increased exponentially as many financially well-off and politically engaged Italian *domi nobiles* fell into this category and gained the right to vote. We subsequently see the only two definite instances where a politician tried to redistribute freedmen into more voting tribes – the *Lex Sulpicia* of 88 BCE and the *Lex Manilia* of 67 BCE. These attempts were not ideologically driven, class-conscious moves, nor were they about overwhelming the other voters with the sheer number of urban freedmen, which has been exaggerated by scholars. Rather, they were political manoeuvres to court wealthy freedmen with wealthy patrons, especially those with commercial concerns in the Greek East, to vote not only for an enhancement of their own political standing but also to select for the war against Mithridates a commander more sympathetic to the concerns of this new elite cohort.

The senatorial consensus splintered further in the following decades. Freedmen, assumed to have been the predominant component of the *plebs urbana*, have frequently been seen as primary participants in the urban political violence of the closing years of the Republic. A careful reanalysis showed, however, that freedmen rarely, as a class, contributed to urban political violence during this period. Freedmen likely never supported Catiline *en masse*, as his proposals, particularly *tabulae novae*, would not only have failed to appeal to most freedmen and their patrons but positively antagonised them. Similarly, Clodius failed to connect with the freed class as his political programmes largely did not speak to freedmen's or their patrons' interests. The alleged attempt to revive the *Lex Manilia* in 52 BCE, assuming it was not merely a hostile rumour, might have been due to Clodius' need for the support of wealthy voters in the *comitia centuriata* to win the praetorship. As the Republic collapsed into civil war and transitioned into the Triumviral period, there was still insufficient evidence to suggest that there was a widespread collapse of patron-freedmen relationships – manumission typically created a lasting bond of loyalty. There existed still a sizeable cohort of wealthy and politically engaged freedmen, whose anger and influence were felt by Octavian when he ill-advisedly tried to tax them. After his victory over Marc Antony and Cleopatra, Octavian began to reconcile these wealthy freedmen and their patrons to his regime.

By examining the Republican episodes both in their distinct socio-political contexts and within an overarching diachronic narrative, we see a new interpretation of the politics and politicisation of freedmen emerge. Freedmen did not become a concern for certain members of the political class because of their supposed overwhelming numbers. Rather, political actions surrounding freedmen can best be understood as part of a broader struggle between certain conservative members of the political class and the increasingly noteworthy commercialised parts of the elite. Freedmen, then, gained an undeniable 'urban' air, not because they were a predominantly poor, urban proletariat, but because they became to been seen as excessively attached to, or were themselves members of, the commercialised and largely urban-based parts of the Roman elite. As such, attempts to marginalise them from politics were born out of ideological concerns from conservative censors who detested the increasing wealth, and therefore political influence, of this new subset of the elite. Those who attempted to mobilise them were, by contrast, trying to mobilise wealthy members of the commercial elite and their freed clients for very specific legislative goals.

This, then, provides us with a new foundation from which to reassess the Augustan manumission laws. The previously misleading notion that freedmen were so numerous, largely independent, and politically dangerous by the Late Republic and that this necessitated Augustus to restrict manumission and to reduce the number of freedmen in Roman society by means of legislation has in the past led us to numerous illogical and contradictory conclusions. A similar methodology was deployed to discuss these issues: I stepped aside from our previous fundamental assumptions and reanalysed the literary and juridical evidence for the Augustan manumission laws.

The *Lex Iunia* of 17 BCE greatly benefited commercially-inclined slaveowners who needed dependable agents with the *ius commercii* to operate abroad. This was likely to have been a concession made to the wealthy echelons of Roman society after the severe backlash to the *Leges Iuliae* on marriage and adultery. This interpretation solves three conundrums that have thus far troubled scholars – why the *Lex Iunia* was so concerned about protecting the financial interests of the slaveowner, why it was passed at this particular juncture, and why Augustus did not pass it himself as a *Lex Iulia*. This law was a highly pragmatic initiative with minimal ideological justifications.

Once Augustus became *Pater Patriae* in 2 BCE, the remainder of his manumission laws gained an undeniable ideological tone, even though they were evidently still intended to have had practical effects. The *Lex Fufia Caninia*, far from being concerned about excessive testamentary manumissions, which likely neither happened on any large scale nor would the *Lex* have reasonably been able to stop such a practice, rather sought to limit citizen freedmen from being created when they would have had no financial prospects or patronal bonds. This *Lex* reinforced Augustus' paternal authority over Roman society and overrode the *voluntas domini* of wealthy slaveowners, particularly those who did not have natural heirs. The law also stressed Augustus' ideological desire for socio-familial stability: freedmen ought to be attached to patrons or at least be supported financially after the latter's death. This might have been an indirect reaction to the publicising of Julia the Elder's affairs – Augustus needed to repair his image and reassert his regime's commitment to familial and societal stability when his own family was rocked by a scandal that tarnished his ideological standing.

The *Lex Aelia Sentia* of 4 CE likely had a similar motivation. A careful analysis of the juridical sources reveals that this law likely did little to stem manumissions, and may even have, in the long run, created more citizen freedmen, not fewer. On the one hand, the law clarified expectations and obligations for both freed slaves and slaveowners so that the post-manumission relationship mimicked a familial relationship. On the other, Augustus directed young Iunian Latins to seek citizenship directly from the State by engaging with his regime in a positive ideological manner – marrying and having children. Augustus' desire for freedmen to connect positively with his regime can also be seen in the way *vicomagistri* embraced his Principate. Other clauses in the *Lex Aelia Sentia*, such as limiting the right for young slaveowners to manumit or the creation of the *dediticii*, have traditionally been interpreted as anti-manumission and anti-freedmen in character; this thesis, however, has also shown that we can understand these clauses in a more neutral light, where such clauses could have also benefited slaves and freed slaves. Augustus may have passed this law to restress his regime's focus on socio-familial stability at a time when his own imperial house fell into disarray due to the death of Gaius.

My research concludes that we must entirely overhaul our understanding of the politics and political role of freedmen in the Republic and the Augustan Principate. Our new demographic analysis suggesting that freedmen were neither extremely numerous nor disproportionately poor is perfectly compatible with a critical reading of our sources: politically involved and influential freedmen were not a perpetually poor and riotous subset of the *plebs urbana*; rather, they were a social stratum with clear commercial interests, connected to patrons who were likely wealthier and had even more substantial commercial interests. Although motivated by different pragmatic and ideological rationales at different times, the episodes we have examined reveal that the political class was greatly concerned with this subset of Roman society due to the potential influence in politics wielded by its wealthy members. The necessity to connect with this new social class grew in particular in the Late Republic, as the senatorial consensus began to shatter and the enfranchisement of Italians suddenly added many additional voters, powerful in both the *comitia tributa* and the *comitia centuriata* due to their wealth and interest particularly in Rome's economic and foreign policies, to the citizen body. With the end of the civil wars and the establishment of the Principate, renewed prosperity led to a recovery of this class. Augustus then, sought to gain its loyalty through pragmatic concessions, a careful balancing of the interests of slaves, slaveowners, and freed slaves, and incentivising freed slaves to engage constructively with his regime. This thesis, then, reshapes how we should understand freedmen and politics during the time period under consideration, in a way that is more compatible with our new demographic analyses, and which solves numerous contradictions and conundrums that have so far plagued our interpretations.

This re-assessment is supported by, and aims to add to, several other fields of Roman studies. Recent scholarship has led to a more nuanced understanding of the subsets of the Italo-Roman elite beyond the officeholding or senatorial class. Non-senatorial equestrians, Italian *domi nobiles*, and those whom Mouritsen has termed '*boni*' are increasingly understood to have been a class of powerful voters not necessarily beholden to the traditional officeholding class. This thesis, then, confirms that the Roman political class certainly did not have a stranglehold over voting and politics during the Roman Republic. In addition, this did not necessarily mean that its members were forced to rely only on the poor *plebs urbana* or poor freeborn country-dwellers as supporters: the attempts to mobilise freedmen were attempts to mobilise certain moneyed Romans, not the indiscriminate mass of the urban proletariat. Indeed, this dichotomy often presented in debates about the 'oligarchic' versus 'democratic' nature of Roman politics has increasingly come under criticism.[622] My research contributes to broader debates about Roman politics, especially how the non-senatorial elite and sub-senatorial voters engaged in Rome's political culture and interacted with each other in the sphere of political competition and consensus. In particular, this thesis has shown that financial concerns were quite fundamental to when and why this increasingly powerful voting cohort refused to adhere to senatorial leadership. The political influence of wealthy Italians and Romans who were not part of the traditional political class was undeniable and Augustus also tried to connect with this growing social class as a basis of political support: rather than dismissing or oppressing them, Augustus showed freedmen that they were also valuable and valued members of his new imperial world order, adding to the illusion of the 'universal consensus' for his regime.

Though this thesis has focused on the socio-political aspects of freedmen in this period, it also aspires to open avenues of further research or re-examinations of the socio-economic realities of freedmen. I have strongly argued against the idea that patron-freedmen relations were already collapsing by the Late Republic. Several influential works on the

[622] For some examples, see Jehne ed. 1995 and Mouritsen 2001 (oligarchic) and Millar 1998 and Yakobson 1999 (democratic) – for a recent criticism of this dichotomy, see Logghe 2017, cf. Beck 2022, 356. For a comprehensive summary of oligarchic and democratic approaches, as well as recent promotions of the 'political culture' framework, see Hölkeskamp 2019, 14ff., Hölkeskamp 2020, 13ff., and Beck 2022, 347ff. See also Beck 2019 for an in-depth discussion of consensus and competition in Rome's political culture, especially how these factors changed after the Hannibalic War.

Principate, particularly those of Garnsey, suggest that freedmen, particularly wealthy freedmen, were largely independent.[623] My research, then, urges either a re-assessment of this view or a further investigation of the socio-economic factors of the Early Principate (rather than the Late Republic) of why freedmen became more independent as the Principate went on.

The thesis also impacts on our understanding of the historical narratives. I have shown that our ancient narratives have deeply distorted our understanding of freedmen during the time period under consideration – their unanimous hostility to freedmen, however, deserves further analysis. I raised the possibility that the increasing notability and influence of imperial freedmen in the Julio-Claudian period likely led to increased hostility from freeborn members of the elite, who thought it an unacceptable inversion of power that the freeborn had to behave obsequiously to the freed in order to access opportunities in the imperial court.[624] Furthermore, if, as certain research previously mentioned indicates, freedmen did become more independent, or if, as I have suggested, the Augustan manumission laws indeed laid the basis for an ultimate increase in the number of freedmen over the course of the Early Principate, this may also explain why later imperial sources portrayed freedmen in such a fashion – they were reflecting the socio-political realities of their own time and mistakenly (or purposefully) retrojected this pattern to earlier periods. Further research may potentially confirm this hypothesis. This will provide a greater understanding of the development of the socio-political realities of freedmen over the Principate, away from older approaches where the final century of the Republic and the first centuries of the Principate were often viewed as an unchanging monolith as far as freedmen were concerned.

This thesis also has implications for current discussions on the socio-cultural aspects of freedmen. For example, Dorian Borbonus very persuasively argues that the appearance (and rapid disappearance) of *columbaria* tombs was due to freedmen actively embracing the Augustan social and political *ethos* and the ideological messages that the *princeps* was propagating. Borbonus, however, states that freedmen accepted Augustus' 'anti-freedmen' message and became more inwardly focused in their funerary displays as they accepted their lowlier station in life.[625] If, as I have shown, Augustus was not 'anti-freedmen' and freedmen under Augustus did not seem to have interpreted his laws in such a fashion, then this provides

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[623] Garnsey 1981, cf. Vanderbroek 1987, 161–165 and Gardner 2002, 29.
[624] Weaver 1972, 9ff.; Mouritsen 2011a, 103, cf. Boulvert 1970 and Boulvert 1974.
[625] Borbonus 2014, *passim*, but esp. 4: 'the emergence of a non-elite burial culture during the Augustan reign surely mirrors the social and cultural transformation of that period'.

us with a new starting point to explore how freedmen engaged socially and culturally with the Principate.

Ultimately, this thesis has proposed a complete re-assessment of the socio-political realities of freedmen during the Roman Republic and the Augustan Principate. Politically active freedmen did not constitute the overwhelming proportion of the poor urban plebeians but were largely wealthy and attached to wealthy and politically influential patrons. The attempts by Roman politicians to engage with freedmen, positively or negatively, during the time period under consideration were largely concerned with the relationship between the political centre and another elite stratum of Roman society: wealthy slaveowners and their freed clients. This thesis, then, hopes that this reassessment of the lives of freedmen will form a new basis for further research to uncover the lived experiences of enslaved and formerly enslaved persons in Rome.

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