THE POSITION OF FREEDMEN

IN THE EARLY ROMAN EMPIRE

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Carol Eark
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In the early Roman Empire, the generosity of Roman law allowed slaves to obtain freedom easily by purchasing it with their own earnings (peculium) or through manumission performed by their masters. Liberation of slaves was so common an occurrence that ex-slaves formed a large class of freedmen, or libertini, who ranged from humble, illiterate menials to men of high intelligence, literacy, energy and ambition.

Freedmen were a prominent feature of social life in the early Empire, not only because of their huge numbers but also because of their political and economic influence on society. A few occupied positions of great power in the imperial bureaucracy. Well-known examples of such men were Callistus, Pallas and Narcissus, who, holding the three great secretariates among them, were able to juggle with offices, governorships, pardons and punishments, in Claudius' name. But the great majority of freedmen engaged in and were dominant in the businesses, trades, and crafts of the city. They were the managers of a great part of the economy, however humble some of their pursuits might have been.

This thesis deals with the legal, social and economic position of this majority of freedmen. It proposes to show how they fared in Roman life, in consequence of their status as freedmen. Its scope includes only ordinary libertini, formally freed by a Roman master under normal conditions.
The term libertini here applies only to actual ex-slaves and not their sons,¹ who were considered ingenui, or freeborn.

Before proceeding to a discussion on freedmen themselves, it is necessary, first, to trace the origin of slaves, since the source of slaves is that of freedmen, and also to describe briefly some of the conditions which existed at that time.

In the late Republic, when Rome was extending her empire through military conquest in Spain, Gaul, Africa and the East, thousands of war captives poured into Rome and Italy as slaves. For example, one campaign in Epirus yielded 150,000 slave captives. Also, after the defeat of the Aduatuci, Caesar claimed to have sold 53,000 Gauls into slavery. This influx of slaves had altered the make-up of the population of Rome so greatly that in the Empire, Lucan called Rome a city filled with the scum of every nationality.

Manumission of many of these slaves was prevalent at the beginning of the Empire. This was due in part to the lack of any real barrier to the granting of liberty and in part to the Stoic doctrine of the fraternity of man, for, when master and slave were considered brothers, frequent manumission was bound to be the result. In addition to philosophical considerations, there were a variety of reasons which motivated masters to bestow freedom on their slaves. Some masters freed their slaves so that they might have a large retinue of freedmen accompanying them to the city and applauding their speeches and literary recitations. Others, on their deathbed, freed their slaves so that a crowd of
grateful freedmen might attend their funeral. But gratitude and genuine affection also moved masters to manumit their slaves. Many a slave owed his freedom to the fact that he had faithfully served his master for many years. Also, a master's love for a female slave might result in her liberation, so that he could take her as a wife, since unions between bond and free were not legally recognized.

Augustus endeavored to check the increasing numbers of freedmen by restrictions on manumission by will in the Lex Fufia Caninia (2 B.C.) and by lifetime acts in the Lex Aelia Sentia (4 A.D.), so that foreign slaves might not "pollute the Roman race." The imposition of a 5 per cent tax \( (\text{vicesima libertatis}) \) on manumission by the Lex Aelia Sentia failed to discourage manumissions, which continued nevertheless, on a wide scale. For, from the tax paid on manumissions between 30 to 50 B.C. we may estimate the number of freedmen to have been about one half million, which probably did not include those informally manumitted.\(^2\) The proportion of freedmen to the entire population seems to have been about three-fourths, according to Lily Ross Taylor's study of urban epitaphs.\(^3\) Miss Taylor believes that this is an incredible figure and that it can not be an accurate reflection on the make-up of the entire population. Notwithstanding the inaccuracy of such statistical evidence, it at least gives us some idea of the numbers of the class with which we are dealing.

Formal manumission granted not only complete freedom but also citizenship to the slave. A slave properly manumitted
by the rod, i.e., before a magistrate, by will, or by a Roman master, and not in violation of Augustan legislation, became a *civis Romanus libertinus*, in contrast to the *ingenuus*, or freeborn citizen. But, although he was a citizen, the freedman was not on entire equality with the freeborn in the areas of public, private and criminal law.

In private law the position of freedmen was essentially on the same plane as that of the freeborn. They shared many of the rights and fell under many of the same laws which held for the freeborn. They had the capacity to contract civil marriage (*ius conubii*) and the right to acquire property, make contracts, and make and take under a will (*ius commercii*).

In general, it was recognized that they came under the same laws of the family which applied to freeborn citizens. The freedman was recognized as the head of the household and, as a consequence of the right of marriage, he held the *patria potestas*, the power of life and death, over the members of his family. The only peculiarity in his position arose when he redeemed his wife and children from slavery. In this case, he would be their patron, in addition to being a husband and father. On the other hand, the son, if he freed his father, became his patron. Evidence of this is found on a number of inscriptions which bear the words *patrono et filio*, and *patri et patrono*.

But more important than these things was the freedman's relationship to his former master. Manumission did not allow him to turn his back on his former master and to break completely
with his past. He still found himself under his former master's authority, which was enforceable and which was generally thought unwise to disobey. The relation of patron to freedman was not considered to be like that of master over slave. Rather, it was thought to approximate that of father over son. From this relationship there followed many duties and obligations which were owed to the patron. These put the freedman at a serious disadvantage when he entered society. They were of three kinds, the obsequium et officium, opera, and bona.

The obsequium and officium, terms which are not easily defined, usually meant the respect and various small services which a freedman owed to his patron. In the Republic, they were only a moral obligation expected of freedmen, but in the Empire they were judically sanctioned by the Lex Aelia Sentia. This law confirmed the subordinate position of the freedman to his patron and reinforced it by fixing a punishment on ungrateful freedmen, for it was felt in the Senate that the obedience and duty which they owed in their servitude ought to continue in their condition as freedmen. This was a strict law, aimed at preserving the rights and protecting the dignity of the patron, at a time when the traditional relationship between patron and freedman was breaking down.

The obsequium and officium were the legal expression of the filial relationship of freedman toward his patron. The patron became his legal father. Accordingly, the freedman was bound to treat his patron with the same respect a son owed his father. The obsequium was in actuality a list of
of prohibitions designed so that the freedman might not infringe on his patron's rights. Just as a son might not bring charges against his father, so also the freedman might not bring legal actions, civil or criminal, against his patron, unless he secured special permission first from the praetor. And if the freedman did commit an offense against his patron, it was considered all the more grave because of the family-like relationship between them.

Two marriage laws, the Lex Iulia de adulteriis and the Lex Iulia de maritandis ordinibus, both of 18 B.C., seem to be an application of the obsequium. Under the former law, a patron, if he discovers his freedman in the act of adultery with his wife, may kill him on the spot. However, if the patron is the offender, the freedman does not have this same right. Under the latter law, a freedwoman who deserts her patron-husband cannot marry another person without his consent. These laws point out the subordinate position of freedmen and the dependence of freedwomen on their patrons.

Various services due the patron came under the term officium. These could include the duties of guardian, tutor, or companion to the children of the patron. Also, carrying out the duties of client or assuming the domestic position of treasurer (dispensator) or guardian (curator) may have been considered part of the officium. By tradition the freedman was also bound to give aid to his patron in case he fell in need. In the time of the Antonines, this tradition received legal sanction because it was apparently being ignored.
From the first century B.C. and onward, when a new type of freedman appeared, who was an independent and wealthy man, disregard for the *obsequium* and *officium* must have become more frequent, for the newly-rich freedman was not to be hampered by an irksome duty of a by-gone age. To him the idea of the patron as a legal father must have been quite distasteful.

Instances of the disregard for the *obsequium* and *officium* have been recorded by the historians. Suetonius tells us that the Emperor Claudius reduced to slavery freedmen who neglected to show proper *obsequium* and *officium* to their former masters. During Nero's reign, according to Tacitus, there was a debate in the Senate on ungrateful freedmen. Some senators felt that emancipation should be an irrevocable act. Others felt that former owners ought to be given the right to annul the emancipation of an undeserving freedman, since, they said, a manumitted slave ought to keep his freedom by the same obedience which had earned it. As to what action was taken on this, we do not know since Tacitus does not give us the result of the debate. But the measures taken must be judged ineffective, for they could not prevent the old relationship between patron and freedman from deteriorating.

In later times, harsh punishments were used to keep freedmen "in their place." Hadrian sentenced violators of the patron's rights to hard labor in the mines. And in the time of the Antonines, a non *obsequens* was condemned to beating by
rods. If a freedman insulted or abused his patron, he might be admonished for his first offense, but sent into exile for a subsequent offense. If the freedman attacked, conspired against or informed on his patron, which were considered very grave offenses, he could be sent into forced labor in the mines.9

In addition to these obligations, operae, or services, were a moral duty which was strengthened by oath (iureta promissio liberti) at manumission. An opera, a day's work, seems to have been thought of as a specific quantity, a dandum, not a faciendum.10 As these services were often of great economic value, the shrewd patron found that he could profit in two ways if he manumitted, for example, his slave-physician. Not only could he then receive free doctoring, which was exacted as a condition to freedom, but also, he was relieved of the responsibility of the slave's support. But the patron was not allowed by law to make excessive demands and the operae had to be suited to the age, status and training of the freedman.11

The operae were time-consuming and proved to be a serious burden to those freedmen who hoped to rise in society and to engage in independent activity. Fortunately for them, however, there were means by which they might be exempted from the operae. One means was by having children. At a time when the decline in the population was a serious problem, a provision in the Lex Iulia de maritandis ordinibus offered as an inducement to produce children, release from the operae
to a freedman who was the father of two free children. Another means was service to the state through engaging in the grain trade. Since there was a scarcity of grain in Rome because of long droughts, Claudius resorted to every possible means to bring grain to the city. He deemed a freedwoman who built merchant ships for this purpose, to have the privileges allowed a mother of four children.\textsuperscript{12} These privileges meant exemption from the \textit{tutela} (which will be discussed below) and consequently, immunity from \textit{operae}. It is also probable that freedmen in the grain trade were granted immunity.\textsuperscript{13} At any rate, women could more easily be freed of these services. The right to \textit{operae} of a \textit{liberta} was lost by the patron's marriage or concubinage with her, by her marriage to another, with her patron's consent, and by her reaching the age of 50. Apparently, it was thought that she had enough domestic responsibilities and that it would have been unreasonable to demand other services from her.

The last of the freedman's obligations to his patron was that of \textit{bona}, or goods. As stated in the Twelve Tables, the patron's obligation to his freedmen was the \textit{tutela}, which stood for the protection and guidance which he held over freedmen below the age of puberty and all freedwomen regardless of age.\textsuperscript{14} This carried with it the right to the property (\textit{iura in bonis}) of freedmen and freedwomen dying intestate. This right was regarded as a sort of compensation for loss of the freedman's services.\textsuperscript{15}

The patron's rights were protected by rules annulling
transfers of property which were frauds in intent or effect. But, as the obligations in the freedman-patron relationship were not all one-sided, the freedman's rights were also protected by laws which ended the patron's right to bona if he evaded his duties or breached his trust, for example, by re-enslaving his freedman or exacting an oath from him not to marry or have children.

The subject of legal claims to the property of libertini by patrons was one to which the jurist Gaius gave much attention. The reason for this becomes clear when we recall how large the number of freedmen was in the Empire. And the fact that many of these were wealthy and held positions of influence and power, made succession to their property a matter of great importance.

As freedmen could have no relatives other than children, legislation was mainly concerned with the extent to which a freedman's children could exclude the patron and the patron's relatives from the property. In the Republic, the freedman's heirs, if they were the actual descendants, could limit the patron's claim to one half of the estate. However, the rules governing a freedwoman's legacy were slightly different, since she was always under her patron's tutela. Her patron had total claim on her estate unless he authorized her to bequeath it to someone else.

These laws were revised by the Lex Papia Poppaea (9 A.D.), an elaborate plan which varied the rights of succession according to sex, wealth and number of children of freedman
or patron. This law aimed at raising the birth rate by offering certain privileges to those with children and by penalizing those who were without children.

In respect to wealthy freedmen, the law enlarged the rights of the patron. If the estate was worth 100,000 sesterces or more, the freedman, whether testate or intestate, had to have three actual descendants to exclude the patron. Otherwise, the patron shared equally with the remaining one or two descendants.\(^{16}\)

The freedwoman, if she was in \textit{legitima tutela}\(^{17}\) of her patron or his children, could be released from the \textit{tutela} by the right of four children.\(^{13}\) She thereby had the right to make, even without her patron's permission, a will, which was considered legally valid. But the law still protected the patron to some extent, for there was due him a share of her legacy proportionate to the number of children she had at the time of her death. Thus, if she had four children, a fifth of the estate went to her patron, but if she outlived all her children, her entire estate succeeded to him.\(^{19}\)

In marriage matters, freedmen were protected from the interference of their patrons. This was not the case, however, for freedwomen, since they were always in the tutelage of their patrons, as has been mentioned earlier. Legally they could marry anyone whom they wished and could not be compelled to marry their patron. But if a patron disapproved of his freedwoman's marriage, he could at least discourage her from it. For if she married without his consent, she
would not be released from the *operae*.

Another area in which freedmen suffered inequality was criminal law. They were in some cases denied a fundamental right of Roman citizens, that of exemption from torture. They could be questioned under torture during the investigation of crimes of which they were suspected. However, because of the peculiar family-like relationship between freedman and patron, no compulsion could be used to make them give information against their patron if he was on trial, except probably for *maiestas*.

This exception was inconsistent with the patron's right of *obsequium*. But torture was nevertheless permitted by some emperors who were so suspicious of possible conspiracies that they were willing to modify their conservative policy in regard to the freedman and patron relationship.

Besides these disabilities in private and criminal law, freedmen experienced some important limitations in public law. They were denied full participation in matters of state. They did not enjoy the *ius honorum* and were barred from the equestrian orders, the magistracies, and consequently the senatorial order, except by special grant (*natalium restitutio*) of the emperor. Even the sons of freedmen were declared inadmissible to knighthood under Tiberius' reign. But later, the Emperor Claudius relaxed the restriction by allowing freedmen's sons to be adopted by knights and thus to work their way into the Senate. Nero, however, upheld the old system, and thus only grandsons of freedmen, with a few
exceptions, became fully equal to the freeborn in political rights. 21

In other spheres of public life, the military and religious, freedmen constantly came up against disabilities. They found the highest and most honorable offices closed to them and thus they were compelled to play subordinate roles. In military service they were excluded from the legions, the praetorian guard and the urban cohorts, except occasionally in critical situations, 22 when the requirement of free birth for eligibility was disregarded. On the other hand, they were allowed to belong to the auxiliary troops (auxilia) of these; they might also join the cohortes vigilum, the police and fire brigade, or the fleet.

In religious life, freedmen were not permitted to enter the College of Augurs and the other Roman priesthoods, in which membership was a high distinction, except that of the Bona Dea. But they could take on the humbler tasks of attendant, messenger or custodian of a Roman temple. The sentiment of the Roman citizen was that if a freedman wanted to become a priest, he should serve his own foreign deities, such as the Great Mother, Mithras, Cybele or Isis, which were recognized by the state. It did not matter to the Roman that faith in the old gods was declining at this time 24 and that there was need for priests to fill these positions because of the serious and irksome restrictions which the offices imposed on their priests. 25 He still did not consider it right for foreigners to sacrifice to Roman gods and he jealously
guarded what he held to be a strictly Roman right.

Such was the legal position of freedmen. As we have seen, they were limited not only by obligations to their patron but also by disabilities in their rights as citizens. In addition to these legal restrictions, freedmen had to contend with many unwritten prejudices in their social life, where they found themselves on a distinctly lower plane in comparison to the freeborn.

The stigma of having passed through slavery remained constantly with freedmen. Even in the matter of names, this was evident. First, they were not allowed to record the name of their tribe. In general, only those of free birth had this right. Next, in what they must have considered a final and lasting humiliation, they were revealed as ex-slaves by the inscription on their tombstones of their patron's name. Last, the cognomen, the freedman's original name which was retained as a surname, might often have been an indication of servile background.

The first two were not very serious disadvantages. They did not affect the freedman in everyday life but came to light only in legal documents and inscriptions. However, the cognomen was the name by which the freedman was known and which he had to reveal in social and business activities. There were attempts by freedmen to rid themselves of a servile-sounding name, so that they might pass for freeborn citizens. One instance of this was Lucius Crassicius Fasicles, a grammarian, who successfully changed his surname to Pansa.
Another was the object of Martial's gibe, Cinnamus who shortened his name to Cinna. But such attempts could not be successful unless the patron lived far away or was deceased.

Inequality was manifest even in the matter of dress, although it was only a minor distinction. They wore a toga as other Romans did, but were also required to wear a pilleus, a close-fitting cap, in token of their liberation. It is not known for certain whether they wore it all the time. But, as it probably was part of a ceremonial dress, it is likely that they had to wear it only on special occasions, such as in processions when they attended their patron as his clients or at his funeral.

Prejudice against freedmen is clearly evident in the attitudes of the freeborn toward intermarriage with them. Ingenui looked on the mixture of servile blood into their own "pure" blood with aversion. Considering free birth the only kind that mattered, they scorned marriage with those of servile birth. This sentiment reveals a characteristic of a caste society in which birth determined to a great extent an individual's social standing.

In the Republic, this prejudice was so strong, especially in the upper classes, that it was tantamount to prohibition. But in the Empire, mixed marriages took place frequently between men and women of the same social level. Augustus, in accordance with his plan to raise the birth rate, officially recognized intermarriage between the classes, prohibiting it only between freedmen and those of senatorial family. He
thus removed an obstacle to marriage and sanctioned what seemed to have been a common occurrence.

Marriage between patrons and freedwomen frequently took place. But marriage between female patrons and freedmen was much frowned upon because it set the rights of patron and those of the husband in opposition; such marriages occurred despite social disapproval, but they were not of as great frequency as the reverse. In the 2nd century A.D., Septimius Severus forbade marriages between female patrons and freedmen entirely. 30

Although intermarriage received legal sanction, it still did not receive social acceptance in the upper classes. In a remark by Ulpian, it was considered "more decent" 31 for a patron to take his freedwoman as a concubine rather than as a wife. Concubinage was felt to be an excellent means by which citizens could accomplish the aim of producing children for the state without compromising their dignity. This practice was so well-accepted that the law, while it penalized those of senatorial rank who married libertines by stripping them of their rank, always allowed them concubinage.

The caste division is also manifest in the seating arrangement and food at dinner parties. Juvenal in his fifth satire writes about the dinner party of a wealthy and proud host, Virro. Three groups were present there: a few rich men like the host, the host's freedmen, and a few clients. The dependents are invited not out of true hospitality but out of a sense of duty. The shabby treatment they receive

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testifies to this. The host and his rich friends receive the best food, served by chosen servants, while the dependents receive inferior food, with poor and insolent service. This picture is not an exaggeration. Pliny the Younger in his Epistles\textsuperscript{32} wrote that the rich used to have two-level dinners. But, he himself, a moderately rich man, used to eat the same food and sit at the same table as his guests, whether they were free or freed, rich or poor, famous or obscure.

In the legal and social position of freedmen there are evident the two essential characteristics of a caste society: 1) "a sentiment against intermarriage; 2) the practice of judging individuals on the basis of their group membership rather than on their individual merits."\textsuperscript{33} But, when we turn to the economic position of freedmen, we see that Roman society was not a pure caste structure, because freedmen had opportunities to rise in society and were able to control and change their economic position. The economic sphere was the only one in which a freedman was judged on his personal merits and not on his group membership, and thus he could succeed if he had the ambition and ability.

A freedman might stay in his patron's household where he might either remain in the same position he had as a slave or rise to a more responsible position. But many freedmen who were ambitious and preferred independence, ventured out on their own. Since their civil status barred them from the senatorial and equestrian orders, the regular army and the old Roman priesthoods, they turned to banking, commerce, industry,
entertainment, or the liberal professions, which were all open to them. They performed useful functions in these fields, by providing the necessities and luxuries for the city.

Freeborn citizens considered these occupations beneath their dignity and would have no part of them. They considered it more honorable to live in idleness on the dole or as a hanger-on to some rich patron rather than to earn a living. The only occupations they deemed worthy for a gentleman were agriculture and direct service to the state. This attitude was a remnant from Republican times when each citizen considered himself part of the government. The aloofness of those in city trades and professions to public affairs was annoying to patriotic Romans. But farmers who did not take part in public affairs were thought to have a legitimate excuse since they lived far away from the city and could not be expected to travel the long distance. Moreover, it was agriculture, not business, that produced brave and vigorous warriors who could do service to the state. Later, prejudice against industry, trades, crafts and similar occupations became more intense after slaves filled their ranks and thus gave them a servile association. Such was the prejudice that gave the freedman his opportunity.

The majority of freedmen lived in modest circumstances as artisans, shopkeepers, craftsmen. But some managed to rise rapidly to wealth, especially in banking and commerce, the most lucrative pursuits. An example of such a man was Trimalchio, a self-made millionaire, whom Petronius in the Satyricon
draws as a caricature of the type. Trimalchio had attained wealth through trade. Despite a severe setback on his first cargo venture, he tried his luck again, loading his ship with wine, bacon, beans, perfumes and slaves. This time his fortune was good and he made 10,000,000 sesterces on one voyage. He then turned from commerce to agriculture. After he had bought his former master's estate and had increased its value several times, he retired from business and began to finance freedmen. He boasted that when he died, he would leave an estate worth 30,000,000 sesterces.

The "wealth of freedmen" became proverbial at Rome. Pallas, Claudius' financial secretary (a rationibus) possessed the sum of 300,000,000 sesterces, which was further increased by a decree of a subservient Senate which voted him the sum of 15,000,000 sesterces along with other honors. Also, Demetrius, Pompey's freedman, is said to have left 4,000 talents and C. Caecilius Isidorus left an estate of 4,116 slaves, 3,600 oxen, and 257,000 head of sheep and goats.

The ostentation, tastelessness and vulgarity of the upstart freedman also became proverbial. Trimalchio is typical of this sort. He boastfully paraded his millions. He lived in lavish splendor, in an attempt to imitate aristocratic tastes. But, being a foreigner, he lacked the cultural traditions of the Roman aristocrats and succeeded only in gaining for himself a bad name for his disgusting display of wealth.

Freedmen might gain wealth, but this could never get him social equality with the freeborn. Freeborn Romans might
have envied the freedman's economic position. But the poorest among them still considered himself superior to the richest freedman by his free birth alone. Freedmen were reminded that servile birth is no birth at all. Martial tells Diodorus, who is obviously a rich freedman, that no matter how sumptuously he celebrates his birthday, no one considers him born.35

In this examination of the position of freedmen, we have seen how they suffered many handicaps in private and public life. But the fact that they were also granted privileges and rights reveals a mixture of attitudes toward them. These attitudes might be classified as conservative, utilitarian, and humanitarian.

The conservative attitude of the government and people shaped the position of freedmen in many areas of their lives. It was particularly evident in the law, which to some extent mirrored popular sentiment. At a time when the state was recovering from civil war and was experiencing an influx of foreigners, the crumbling of old Roman institutions and customs was considered a real danger. It was felt desirable to keep these old traditions alive to show that Roman society was still flowing in a familiar channel. Accordingly, the government tried to renovate and strengthen the traditional relationship between freedman and patron, which was falling into decay. The moral obligation of the freedman was made a legal one and it became a punishable crime if he neglected the obsequium and officium.
As the government wanted to preserve the caste division between freedmen and freeborn, it passed laws that made entrance into political and old priestly offices dependent on free birth, *ipso facto* barring freedmen from them. In an attempt to keep the old aristocracy intact, Augustus defined the freedman's position even further by forbidding him to intermarry with those of senatorial family, but allowing him this with others of free birth.

The social attitudes of the freeborn toward the freed were also essentially conservative in character. Freeborn Romans tended to support the *status quo*. They also tended to hold their own social group in high esteem and to reject everyone else who did not belong to it. This is evident in their prejudice against freedmen. Their feeling of innate superiority over even the richest or highest-ranking freedman was a conservative sentiment mingled with jealousy of freedmen's success, wealth, and influence. But one of their prejudices unwittingly had a beneficial effect on the freedman's position. As has been discussed earlier, the prejudice of freeborn Romans against manual labor and business was what enabled a freedman to rise in society.

Roman conservatism, however, was not entirely insensitive to the pressing needs of the moment. It was flexible enough to yield to utilitarianism, when the situation arose, and reverence for old traditions was not allowed to stand in the way. The government recognized that freedmen could fill certain needs for the state. It realized too that it had to
offer them privileges to induce them to do service to the state. These inducements, such as exemption from *operae* to freedwomen who engaged in the grain trade and probably also to freedmen in this service, generally led to a loosening of the filial bonds between patron and freedman and deprived the patron of some of his traditional rights because the government felt that this was necessary to achieve its ends.

Another utilitarian consideration was the rapid decline in the Italian population, which was one of the most serious problems of Augustus' reign. To revitalize society, Augustus devised a plan to encourage the procreation of children, by extending certain privileges. Freedmen were granted exemption from the *operae* if they had two children and freedwomen if they had four. Also, in the Lex Papia Poppaea, Augustus made the question of the rights of succession to a freedman's property dependent on the number of children of patron and freedman.

Last, the humanitarian attitude made some advances, small as they were, in the improvement of the position of freedmen and lightened their burdens to some extent. Stoic ideas, and in particular the doctrine of the brotherhood of man, permeated the aristocracy and inevitably influenced some of the legislation. Some laws recognized freedmen as human beings who ought to be treated justly. For example, the patron was not allowed to exact at *manumission* a burdensome oath that would make his freedman his debtor for life, nor an oath for him not to marry or have children. Also, the freedman must not be treated as a slave; the patron must provide for him in
time of need and there were other protections.

These three attitudes each had a part in shaping the position and helping the ascent of freedmen. But, from the standpoint of human relations, the humanitarian attitude was the most significant. For neither conservatism nor utilitarianism, because of inherent limitations, was able to deal with freedmen as human beings. Conservatism, on the whole, did not improve the position of freedmen, for by its very nature it resisted change. However, in the one instance when it did help their ascent, it came about unintentionally. It is well worth noting that utilitarianism did much to better the position of freedmen, but, as there was always an ulterior motive involved, it considered freedmen mere instruments towards an end, rather than persons. But enlightened humanitarianism went beyond this. It based its actions on the universal laws of Stoicism, those of the equality of the human race and the dignity of man. Through the influence of these principles, there came about the prospect of a better future for freedmen.
NOTES

1 Gaius, i.11: 'Ingenui sunt qui liberi nati sunt; libertini qui ex iusta servitute manumissi sunt.'


5 A. M. Duff, Freedmen in the Early Roman Empire, pp. 39-40.

6 Ibid., p.40.

7 Suet. Claud. 25.


9 Duff, op. cit., p. 42.

10 William Buckland, A Textbook of Roman Law, p. 89.

11 Ibid., p.89.

12 Suet. Claud. xix.

13 Duff, op. cit., p. 46.

14 Gaius, i.165.

15 Buckland, op. cit., p. 33.

16 Gaius, iii.42.

17 It was a tutela called legitima because it was accepted by interpretation as though it had been introduced by law.

18 Gaius, i.194.

19 Ibid., iii.44.

20 Duff, op. cit., p. 63.

21 Ibid., p.67.

22 Ibid., p. 66, n.2.

23 Ibid., p. 142.

24 Ibid., p. 129.


27 Duff (*op. cit.*, p. 55) says that the *cognomen* was "the most tell-tale evidence of a man's servile extraction." For a different view, see F.R.C. Weaver, "Cognomina Ingenua: A Note," *Classical Quarterly*, 1964.


29 vi.17.


31 Dig.xxv, 7, pr, 'honestius,' cited by Cambridge Ancient History, *vol.x*, p. 449.

32 ii.6.


34 Mart. v.13.6: 'libertinas opes'.

35 Ibid., x.27.4: 'Nemo tamem natum te, Diodore, putat.'
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