CHAPTER 1

Introduction
Approaching Roman freedmen

Adding another volume to the ever-expanding mass of scholarly literature on the ancient world requires some justification. But in the case of the Roman freedman[1] there does seem to be a surprising gap; for although most works on Roman history or culture make passing references to freedmen in some context or other, few of them have tried to grasp the nature of Roman manumission and its wider function within Roman society. Attempts to deal comprehensively with the question of Roman manumission are relatively rare, a notable exception being Keith Hopkins' chapter in *Conquerors and Slaves*.[2] Moreover a general synthesis of the Roman freedman, covering both republic and empire, has never been ventured, and the last book-length treatment of the imperial period was Duff's problematic work of 1928. By contrast, the republic is much better served with Treggiari's fundamental monograph (1969) and Fabre's detailed study of the patron–freedman relationship (1981). Most dedicated studies have dealt with specific, often highly technical aspects of manumission, particularly the legal ones, or with individual groups of freedmen, above all those of the emperor.[3]

The apparent reluctance to tackle the phenomenon as a whole merits closer consideration. For once the reason cannot be lack of evidence, since few groups in Roman society are more fully documented or covered by such a diverse range of sources, legal, literary, epigraphic, and documentary. In fact, the sheer scale of the evidence may have militated against a synthetic approach, not least in the current age of increasing academic specialisation.

[1] Throughout this study 'freedmen' will be used as convenient shorthand for both men and women, and unless otherwise stated it covers freed persons of either gender.

[2] Hopkins (1978). Valuable syntheses were outlined by Bradley (1984a) 81–112; Andreau (1993); Los (1995), all anticipated by Strack's perceptive article from 1914.

[3] The essential studies of Roman slave law remain Buckland (1908) and Watson (1987). For the imperial freedmen see Chantraine (1967); Boulvert (1970), (1974); Weaver (1972). Much scholarly attention has also been paid to the *Augustales*, for which see chapter 7.

But part of the explanation may also be sought in the one factor which also makes a reassessment of the subject so much more urgent, namely the ambivalence about freedmen still discernible in much of the modern scholarship. Since the first serious studies of slavery and manumission appeared in the nineteenth century, the freed slaves have been approached with a certain unease, which might explain some of the neglect they have suffered.

The modern image of the Roman freedman has rarely been a flattering one. In the nineteenth century Wallon presented a thoroughly negative vision of manumission, and Mommsen associated the freedmen with the corruption of the Roman plebs.[4] To Warde Fowler manumission led to 'the introduction into the Roman State of a poisonous element of terrible volume and power'.[5] The most notorious denunciation, however, remains Duff's still widely used monograph whose main thesis is the contention that race-mixture, following large-scale manumission of slaves, diluted the old Roman stock and eventually caused the fall of the Roman empire. His work is littered with racial, ethnic, and social stereotypes,[6] and while his contemporaries may have queried the nature of the freedman's negative influence, they tended to agree on the end result. Thus, Gordon argued the damage done to Roman society from manumission was moral rather than racial.[7] She declared that even 'Deserving slaves would not have been free from the vulgarity of outlook which was one of the worst evils of the empire, and the canker of slavery would have remained.' 'They were not responsible for the evils of Roman civilisation, however much they may have helped to intensify them.'[8] Importantly, her disparaging comments on freedmen contrast with a positive view of Roman slaves, typically regarded with much greater sympathy.

This position might seem contradictory but already in 1847 Wallon had provided the key to reconciling them. As a staunch abolitionist and

[4] Wallon (1847) 2.385–438; Mommsen (1875) 3.511–12. [5] Warde Fowler (1908) 232.

[6] Duff's racism was far from unique, cf. e.g. Meyer (1913) 6, who referred to 'der dem Orientalen eigenen Gerissenheit und Skrupellosigkeit', and 'orientalischer Geriebenheit und Frechheit', 59. Barrow (1928) 208–29, 215, described Rome falling 'victim to the insidious poison of Oriental languor, which rouses itself only to domineer'. Last (1934) 429, 464, used expressions such as 'uncontrolled contamination' and 'infiltration of foreign blood'. See also Frank (1916).

[7] Gordon (1927) 182: 'The inferiority of the servile element did not lie in its racial character.' She later took issue with 'vulgar prejudices' against Orientals, referring to saints Paul and John as exceptions to the stereotype: (1931) 77. Her disavowal of racism was not entirely consistent, however, since she also assumed that freeborn aristocrats naturally had more dignified features than the vulgar-looking freedmen: (1927) 181; cf. Mouritsen (1996) 140.

[8] Gordon (1931) 77, also speaking of the 'moral handicap of servile origin', and the 'moral taint which would cling about the descendants of freedmen': (1927) 182.

opponent of contemporary slavery in the New World, Wallon denounced ancient slavery as inherently evil, but precisely for that reason he also saw it as degrading to those subjected to it.[9] The paradoxical result was that although enslavement was unjust, releasing people from it posed a danger to society because of its corrupting effect on those who had endured it. This logic was, as I shall argue, directly inspired by the Romans' own perception of freedom and virtue and has informed the views of scholars such as Mommsen, Warde Fowler, and Gordon who condemned both slavery and its victims.[10] Thus, Gordon declared that, on the one hand, the descendants of slaves were 'the victims of an ancient and cruel wrong', but on the other hand slavery 'must have too often tended to debase and vulgarise' the character of the slave. 'These evil influences affected the family life of his offspring', and through manumission they would seep into free society. The notion of the 'damaged' freedman recurs in more recent works on Roman social history, e.g. in references to their 'unprincipled energies', which supposedly stemmed from the corrupting influence of masters and patrons.[11] Therefore, although the blame may have shifted, the freedman is still seen as a dangerous figure whose impact on society is accepted as a legitimate source of concern.

This approach would explain the language often used to describe manumission. Thus, even sober accounts like that of Treggiari could refer to the 'infiltration of the Roman population by foreigners' and the 'libertine blood in the veins of the Roman people'.[12] Other scholars have written in similar terms about the corrosive effects of manumission.[13] Apparent in this approach is also a tendency to identify with the viewpoint of the master/patron rather than the freedman – in sharp contrast to most slavery studies where it is the slave who provides the emotional and analytical focus. When dealing with freedmen many scholars have slipped into the mindset of Roman slave owners, as illustrated by the casual references to 'deserving' and 'undeserving' slaves, and to 'trivial' grounds for manumission. Some even operate with 'excessive', 'indiscriminate', and 'reckless' manumission

[9] Wallon (1847) 2.426–7, described the corrupted freedman as 'Jeté au sein d'une société viciée elle-même par le mélange de l'esclavage, il y devint plus librement mauvais, plus dangereusement encore.' On his abolitionist stance see e.g. Davis (1966) 32–4. Meyer (1913) 55, noted that the freedmen at Trimalchio's dinner 'bleiben rohen Sklavenseelen'.

[10] Mommsen (1875) 3.511, referred to 'die von der Unfreiheit unzertrennliche Demoralisation'. Warde Fowler (1908) 230; Gordon (1931) 77; cf. Gordon (1927) 182.

[11] MacMullen (1974) 103.

[12] Treggiari (1969a) 231–2, 214. In an echo of Duff she referred to the 'racial purity of Rome', 215.

[13] Ebersbach (1995) 202, referred to the 'zersetzenden Wirkungen der Freigelassenenwirtschaft', in contrast to Strack's positive image of the freedman as 'die frische aufstrebende Schicht': (1914) 28.

of 'unsuitable' slaves as valid historical concepts.[14] The remarkable implication of such distinctions is of course that some slaves ideally should be kept in servitude.

There has been a notable willingness to accept at face value the negative image of the freedman which pervades much of the ancient record. In some cases we may suspect specific political agendas, in others simply conventional snobbery and disdain for upstarts. But whatever the specific motives the result has been a convergence between ancient stereotypes and modern prejudices, which has made the Roman freedman an obvious candidate for a less biased reassessment. Indeed, few social categories would seem more deserving of rescue from what E. P. Thompson famously called the 'enormous condescension of posterity' than the reviled Roman freedman. Despite the general shift in political outlook that has taken place among historians over the last generation, this has not yet happened, for while interest in ancient slavery has increased, the freedman has been only marginally affected by modern concerns for the 'victims of history'. A number of possible reasons may be ventured.

Firstly, historians have been understandably reluctant to appear as apologists for slavery. Putting too much stress on manumission might seem to be introducing a mitigating factor, in effect reducing servitude to a mere phase in the lives of most slaves. This could be seen as playing into the hands of the 'apologetic' school of slavery studies, for which there is a long-standing tradition among ancient historians. Already Meyer insisted on the steady improvement of the treatment of slaves and found that Roman manumission represented a 'generosity . . . that keeps causing astonishment and admiration'.[15] Later Carcopino presented an equally sunny picture, declaring that, 'With few exceptions, slavery in Rome was neither eternal nor, while it lasted, intolerable', since 'The practical good sense of the Romans, no less than the fundamental humanity instinctive to their peasant hearts, had always kept them from showing cruelty toward the *servi*.'[16] Vogt expanded on this view of Roman slavery, although – for specific ideological reasons – he did not pay much attention to manumission.[17]

[14] E.g. Last (1934) 432; Jones (1970) 133; Sherwin-White (1973) 327. Ebersbach (1995) 201–2, thought freedom was given 'oft aus so läppischen Gründen'. Further examples in the discussion of Augustan manumission laws, below pp. 80–2.

[15] Meyer (1924) 186: 'Liberalität . . . die immer aufs neue Staunen und Bewunderung hervorruft.' Also, Behrends (1980) 54, mentioned 'ausserordentlich grosszügig gehandhabten Freilassungen'.

[16] Carcopino (1941) 56–61, 56.

[17] Vogt (1975). The limited attention paid to manumission might seem surprising given the overall tenor of his work, but is explicable in terms of Vogt's immediate concern which was to offer a response to Marxist attempts to present the conflict between masters and slaves as the driving

Alföldy, however, offered the most sustained argument for near universal manumission.[18] Finley famously distanced himself from any attempt to 'humanise' ancient slavery, and this view has since been followed by most scholars – at least outside the German-speaking world.[19] In line with the focus on the suffering of the slave and the inhumanity of slavery, the limitations of manumission are often emphasised as well as the self-interest of owners.[20]

Secondly, the negative image of the freedmen and their evident lack of 'class' solidarity with those left behind in slavery may have made them less obvious candidates for a revisionist history 'from below'. Most often they would have owned slaves themselves, and the fact that they were the lucky ones who escaped slavery and apparently embraced materialist values wholeheartedly has made it difficult to write an 'emancipatory' history of the freedman. In this context it is perhaps symptomatic that the most extensive recent study of freedmen, the work of Fabre, presents the position of the republican freedman as little better than that of a slave, thereby restoring the 'victim status' to the freedman, despite his escape from slavery.[21]

The growing focus on the suffering of slaves and the inhumanity of slavery may therefore have led to a certain lack of interest in manumission. As a result there have been few serious challenges to the conventional view of the freedman. This study is partly an attempt to formulate such an alternative, but the aim goes beyond a mere 'rehabilitation'. The primary ambition is to explore the wider historical implications of such a revision for our understanding of Roman manumission and the freedmen's place in society.

force behind the transformation of ancient society. Vogt therefore put particular emphasis on the humanitarian aspects of the master–slave relationship, which he claimed could be both friendly and affectionate; cf. an unpublished paper delivered by Heinz Heinen at a seminar at the University of Edinburgh, 2007. Viewed from that perspective, manumission was less relevant, since it terminated the owner's *potestas*; indeed it might carry the inconvenient implication that slaves were happy to leave their master's authority. Later studies following in Vogt's footsteps include Waldstein (1986), (2001); Kudlien (1991); Gamauf (2001); Wacke (2001); Knoch (2005). On the apologetic tradition see Horsley (1998) 20–1.

[18] Alföldy (1986a), also showing awareness of the wider implications for Roman slavery, 289.

[19] Finley (1998); Bradley (1984a), (1994); Shaw (1998).

[20] Bradley (1994) 154–65, queried the overall impact of manumission, and Hopkins (1978), followed by Wiedemann (1985) and Hezser (2005) 304–6, stressed that manumission was self-interested rather than charitable, a view anticipated by Strack (1914). Wiedemann (1985) 163, also suggested manumission merely made slavery more acceptable and helped owners sleep with a better conscience.

[21] Fabre (1981). For a critique of this thesis, e.g. D'Arms (1984); Rawson (1993) 231 n. 39. Interestingly, the recent work by Zelnick-Abramovitz (2005) on Greek manumission offers a vision of the freedman's limited freedom and tied status very similar to that of Fabre.

This also involves reconsidering what remains the central legacy of the conventional approach, namely its view of the freedman as an inherently problematic category and potential source of social, cultural, economic, and even racial conflict. This perception has coloured almost all studies of manumission irrespective of their ideological leanings. Indeed the notion has become so entrenched that Vittinghoff could refer to the 'Freigelassenenproblem' as an objective fact, and a standard reference work described the 'slave and freedman-phenomenon' as 'a case history in the problem of incorporating the essential, but unwelcome, new arrival'.[22] Moreover, the freedman does not simply pose a problem but constituted a peculiarly modern one. Economically and socially he is presented as an outsider, trying to force his way into society. A prominent section are seen as 'self-made' men, active in trade and commerce, mobile and entrepreneurial, even forming that most modern of social strata, the aspiring 'middle class', which paved the way for further ascent by their children. As such the freedman emerges as a strangely familiar figure and the world historians have constructed around the stereotypical Roman *libertus* is a recognisably modern one, full of social tension, economic dynamism, and status anxiety. Freedmen have in that respect become the defining figures of the Roman empire, its society and economy.[23]

This vision of Roman society reminds us that the freedman also poses a conceptual problem. It has often been remarked that the former slave entering free society has no modern parallel.[24] To make sense of the figure, modern scholars have therefore typically fallen back on the long-established image of the parvenu, who also happened to be particularly prominent in the age of industrialisation when the first modern syntheses were produced. By shifting the emphasis away from their unique background as slaves onto their position as new citizens and social risers, they have become assimilated to the archetypal category of the 'arriviste'. Manumission could thus be classified under the reassuringly familiar heading of 'social mobility', which also explained the animosity they encountered.

[22] Vittinghoff (1990) 169; Purcell (1994) 654. Strack (1914) on the other hand presented a remarkably positive image of the freedmen and their contribution to Roman society.

[23] The peculiar element of 'modernity' they lend Roman society has gone largely unquestioned. For example, in the debate about the nature of the Roman economy their status as a commercial 'middle class' was taken as proof of the essential modernity of economic structures and practices. Perhaps more surprisingly, later 'primitivist' historians, troubled by the apparent anachronism of this reconstruction, did not query the freedmen's role as a commercial class but chose to focus on their social isolation, which indicated the overall marginality of trade in the ancient economy, e.g. Veyne (1961); Jongman (1988).

[24] E.g. Andreau (1993) 176; Los (1995).

But there is a risk in that we familiarise a phenomenon that was in fact profoundly alien. In order to reconstruct a more authentic – or at least less anachronistic – picture we will have to return to the basic fact that first and foremost they were ex-slaves. It was their servile past that set them apart and defined their place in society. Not simply a person of humble origin, the former slave constituted a category *sui generis*. And it is the concerns caused by the entry of ex-slaves into free society that provide the key to understanding the place of freedmen in Roman society and the reactions they provoked.

The modern parvenu stereotype of the freedman is firmly rooted in an ancient tradition, above all Petronius' *Satyricon*, which presented a very similar image of the former slave. Some of the sentiments about freedmen expressed here are echoed in other sources, e.g. Horace, Martial, and Juvenal, but the ancient record is more diverse than that. The focus on the freedman as upstart has obscured the existence of another, far more positive strand of Roman opinion, represented for example by the younger Pliny. These sources have had relatively little impact on modern perceptions and as a result we are now faced with a fundamental paradox, since the freedman was not a naturally occurring element of Roman society but the product of specific social practices. As a category freedmen were continuously replenished by slave owners who could have chosen not to do so. The apparent litany of problems caused by freedmen becomes incomprehensible when the practice could simply have been curbed or even discontinued. That did of course never happen and throughout the period for which we have any evidence the Romans continued to free large numbers of slaves, irrespective of any publicly stated misgivings, which would indicate that individual slave owners found it personally beneficial. Therefore, given the undiminished popularity of manumission it is not surprising to find Roman authors expressing appreciation for individual freedmen and for the practice in general.

Nevertheless, a prominent section of Roman public opinion remained critical of freedmen, which is puzzling given the consistently high level of manumission. Manumission was, it seems, not just remarkably common but also highly controversial. How do we explain this contradiction? One way to proceed is to look at what might be called the 'discourse' on freedmen and analyse it on its own terms. As many studies have demonstrated, there are fundamental risks involved in using moralising, normative texts to reconstruct the practice of manumission. While the 'discourse' and the 'reality' of course influenced each other in oblique and complex ways, they were by no means identical. Methodologically the two questions should

be separated, not least because any blurring would make it impossible to explain the paradox just outlined, i.e. why the Romans – at least in some contexts – complained bitterly about an institution they could simply have abolished.

For that reason a study of freedmen might logically begin at the same point as the freedman's own personal journey – that is, with slavery and the past which would define him throughout his life. Here we may consider first what it meant to be a former slave, and hence why their entry into free society triggered the reactions it did. It will be argued that the concerns about manumission were essentially moral and ideological rather than socio-economic. And from these particular concerns stemmed the need to define the freedman as a specific type of person, one who was in vital respects inferior to freeborn citizens. Roman *liberti* were in more than one sense 'made', and this 'construction' of the freedman, ideologically, legally, and socially, is the theme explored in the first three chapters of this book, which deal with the 'stain of slavery', the freedman's relationship with his former owner, and his status as a Roman citizen and the particular concerns about rank and authority that gave rise to.

Chapter 5 turns from the 'discourse' to the practice of manumission. Here the aim is first to establish a quantitative framework for understanding the phenomenon, its scale and frequency, which forms the basis for a discussion of the motivation behind the owners' willingness to free what appears to be a very substantial proportion of their slave holdings. In this context it is important to remember that manumission is not specific to Rome but a feature of most slave societies.[25] Comparative studies suggest that manumission was a perfectly normal practice, especially in advanced slave systems where unfree labour was put in positions of trust and required to work independently. In that situation incentives are needed and the most powerful spur is always the prospect of freedom. However, the Romans appear to have freed more frequently than most other slave societies, which might be explained in terms of the anticipated outcome, since in Rome the freedman as a rule remained bound to the patron through a web of moral, social, and economic ties. In effect therefore the owner's authority was redefined rather than discontinued. This also affected the modalities of manumission, particularly the question of payment and testamentary

[25] While in many respects illuminating, comparative evidence presents both opportunities and pitfalls and should be used with caution. Above all it is important to avoid 'homogenising' comparisons, which fill the gaps in our knowledge with reference to 'typical' patterns observed elsewhere. In fact, comparative material frequently highlights what was uniquely Roman rather than revealing universal patterns.

manumission, which will be considered in the following chapters. Finally an attempt will be made to view the practice within the context of slavery as a whole, including the question of sustainability and economic 'rationality'.

Chapters 6 and 7 looks at the place of freedmen in Roman society, beginning with their economic roles particularly in the urban context. This also involves a critical assessment of the common notion that they constituted a kind of commercial 'middle class'. This discussion takes us directly to the question of their public roles and the significance of the *seviri Augustales*, which have been interpreted as a formalisation of this 'middle class'. While the freedman was himself barred from any position of public authority, that did not apply to his son, and the relative success of this group has been seen as a reflection of the social and economic importance of their parents. Finally in chapter 8, as a form of epilogue, an attempt will be made to grasp the identity and experience of being a Roman freedman.

Chronologically the main focus will be on the central period to which most of our sources belong, i.e. between the second Punic War and the early third century CE. The approach will be mostly synchronic, which may raise some eyebrows given the length of the time span covered. However, as will become clear, I believe there were some fundamental constants which allow us to treat the period as a single whole. Thus, I have found no compelling evidence to suggest any major changes to the practice of manumission or the attitudes towards it. Geographically the emphasis is – mostly for reasons of evidence – on the city of Rome and Italy, although material from other parts of the empire will be considered where relevant. Finally it must be stressed that this study is an attempt at producing an interpretation rather than an encyclopaedia of Roman manumission. An exhaustive analysis of all aspects would go far beyond the scope of a single volume. A large number of – not least juridical – issues will therefore have to be treated in less detail and depth than some readers might have wished, while others are mentioned only cursorily. That is inevitable, however, and hopefully the new synthesis will compensate for some of these shortcomings.

CHAPTER 2

Macula servitutis

Slavery, freedom, and manumission

The crossing of basic boundaries is a source of considerable anxiety in most societies, and in the Roman world few distinctions were more fundamental and sharply drawn than that between free and unfree. The jurists divided the whole of humanity into these two basic categories. As Gaius stated, 'all people are either free or slaves', and *libertas* and *servitus* were defined as the direct negation of each other.[1] Moreover, freedom was, like servitude, conceptualised as a natural state. Thus, it was in principle, if not quite in practice, impossible to surrender one's freedom, except in very special cases.[2] As one Roman orator declared, 'What nature gave to the freeborn cannot be snatched away by any injury of fortune.'[3] Roman law thus considered free status inalienable, as illustrated by the prescriptions concerning self-sale. In principle no one could sell himself or herself into slavery, and formal loss of freedom only happened if the buyer believed the person to be unfree, and the person sold himself in order to gain from the sale.[4] This was clearly a muddled compromise between the principle of inalienability and the reality of Roman society, where self-sale might be an attractive option under certain circumstances.[5] Ordinary people, ignorant of the law, may have tried to gain a better life, but the jurists insisted on the essential difference between slave and free, a distinction which an open recognition of self-enslavement would have

[1] Gaius *Inst.* 1.9: 'omnes homines aut liberi sunt aut servi'; cf. D. 1.5.3; 1.5.4 pr. (Florentinus). Also in everyday life this appears to have been a fundamental distinction. For example, in curse tablets asking for divine justice a standard definition of the perpetrator is 'whether woman or man, whether slave or free', e.g. Gager (1992) nos. 95, 96.

[2] Wieling (1999); Söllner (2000); Herrmann-Otto (2001); (2005) 73–4. Enslavement was increasingly used as a punishment under the empire; cf. Millar (1984), who discusses the condemnation to hard labour, *ad metallum*.

[3] Ps.-Quint. *Decl.Min.* 311.4: 'Id quidem quod ingenuis natura dedit, nulla fortunae iniuria eripi potest.' Interestingly, a slave without a master, e.g. through abandonment, did not become free but a *servus sine domino*; cf. Affolter (1913).

[4] Wieling (1999) 15–16, 25–6.

[5] Cf. Ramin and Veyne (1981). Glancy (2002) 80–5, rightly questions the scale of this practice.