3

The Republican Background and the Augustan Setting for the Creation of Junian Latinity

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Introduction

It is part of the historian's craft not only to tell what happened in the past, but also to explain why it happened. When it comes to a legal enactment or statute, historians therefore usually try to reconstruct the objectives of those who drafted it, to identify their motives. This approach has regularly been applied to the laws that created and expanded Junian Latinity (i.e. the *leges Iunia et Aelia Sentia*), with inconclusive results. Part of the reason for this is that we must rely on sources, such as Suetonius or Cassius Dio, that are chronologically far removed from the point in time when these laws were passed. We do not have any statement on the topic by Augustus himself, not even an indirect mention in the *Res Gestae Divi Augusti*; consequently, the door is open to speculation. The method adopted in the present chapter is somewhat different. Without entirely discarding the information given by our sources, we will focus on the content of the laws and their implications, within a very specific historical context, namely a late period of the Augustan Principate, from c. 7 BC to AD 4, but also taking note of a kind of prologue, the late Republic.

Thus, besides taking account of the contributions of the (later) source material, there are two chief axes to this chapter: the contents of these laws and the historical context. As regards the former, the following discussion will rely heavily on what has been said by Pellecchi in the preceding chapter, as well as on the more general comments made in the Introduction to this volume. It is thus assumed here that the reader is familiar with the main features of the statutes and the legal sources for them. As regards the latter, the argument presented here is, perhaps surprisingly, different from that offered by Pellecchi, who champions a late(r) date for the *lex Iunia*, after the *lex Aelia Sentia*. I say 'perhaps surprisingly' because both our contributions appear in one and the same volume. But as just summarised, the following discussion explores the *historical* context that drove the enactments here discussed, in order to understand in this way the legal changes – and the dates of the statutes – in their contemporary socio-political settings. As will be seen, this socio-political setting supports, in my view, an early date for the *lex Iunia*, before the *lex Aelia Sentia*.

A Short Review of the Historiography

The development of the historiography on the 'Junian' question is a complex issue that cannot be summed up in a few pages: it receives full discussion in the sequel to the present volume to reflect on past and present approaches and future openings. Here, I will concern myself with the different explanations scholars have propounded for the laws themselves, including also the *lex Fufia Caninia*. Both issues are obviously related to each other, but the problems pertaining to the manumission laws of Augustus call for a more precise focus on the social policy of the first Princeps.

First and foremost, for much of the twentieth century, the dominant explanation for the Augustan laws was that their aim was to limit manumissions, i.e. to reduce their frequency in absolute terms. The intention, it was thought, was to preserve the racial purity of the Roman people from the intrusion of people of Eastern origin who would eventually corrupt it. This was Duff's opinion, based on conclusions reached earlier by Frank. Duff even rejected the idea that the institution of *anniculi probatio* was intended to increase the number of citizens, claiming that this would have required not just one child, but more than one. In fact, in his opinion, the aim of this measure was strictly to limit the number of manumissions, suggesting that, by making it seemingly easy for Junian Latins to become Roman citizens, Augustus tried in effect to alert slave-owners to what was assumed to be an undesirable possibility, so that they would liberate fewer slaves.[1] This hypothesis, which sees the Augustan laws as restrictive in aim regarding manumissions, acquired considerable traction when it was adopted by Last in the corresponding chapter of the *Cambridge Ancient History*.[2] Subsequently, the idea has continued to be defended, both in its original form, i.e. with an emphasis on racial purity, as well as in a diluted form, avoiding the term 'race', but insisting on the protection of the Roman people as a declared aim of the legal innovation.[3]

In an article published in 1966, Atkinson paved the way for a different approach. In her opinion, the sources that inform us about Augustus' motives, i.e. Suetonius and Cassius Dio, and which focus on the idea of preserving the purity of the Roman citizen body, are both tainted by the prejudices of their own days. Atkinson argued that Augustus was, in contrast, pursuing a totally different goal, shown by the fact that he rewarded with Roman citizenship those Junian Latins who had at least one child, through *anniculi probatio*. Augustus' intention, according to Atkinson, was not to limit the number of manumissions, but instead to ensure the necessary manpower for army recruitment, through child-bearing incentives tied to the acquisition of Roman citizenship.[4]

[1] Duff 1928, 82, with Frank 1916. See the fuller discussion of the historiographical developments in López Barja, Masi Doria and Roth forthcoming.

[2] See esp. Last 1934, 434: 'Together these laws [i.e. the *leges Fufia Caninia* and *Aelia Sentia*] cannot have failed to secure a drastic reduction in the number of persons alien both by culture and by blood.'

[3] For the former, see, for instance, Rodríguez Álvarez 1978, 169–70: 'Esta idea de preservación de la raza [. . .] es a nuestro juicio la que preside de una forma constante toda la política de Augusto en materia de manumisiones.' For the latter, see, for instance, Richardson 2012, 160–1 (on the reasons for the passing of the *lex Fufia Caninia*): 'fears that excessive use of manumission might pollute the purity of the Roman people'; see also Eck 2007, 108–9.

[4] Atkinson 1966, 365: 'The *Lex Iunia* was looking forward to the establishment of a new source of recruits for the city troops (in the first instance) and, in the second generation, for the legions'; cf. Robleda 1976, 156.

Although it cannot be said that Atkinson's proposal has met with unanimous agreement, the truth is that the idea of seeing the Augustan laws as purely limiting manumissions has gradually lost its force.[5] Indeed, it cannot have been their aim, for not even the manumission of 'dangerous' slaves was forbidden; if freed, they simply became *dediticii*. In recent years, historians have preferred demographic explanations or, in any event, have stressed that Augustus intended not to limit access to the citizen body but, rather, to regulate it.[6] In some cases, the intention has been to maintain both perspectives simultaneously. For example, for de Dominicis, the *lex Iunia* was both generous and restrictive: generous, because by granting full rights to the manumitters over the Junians' inheritance, it encouraged manumission, but at the same time restrictive, because the manumission was no longer revocable, and the former slave-owners would therefore grant it with greater caution.[7]

In a way that is, shall we say, secondary to this series of interpretations that have dominated the twentieth century, other scholars have recently focused on the economic dimensions of the statutes. One argument suggests that the aim of these laws was to allow patrons to make better use of their freedmen in profit-making activities: slave-owners could use informal manumission to put out capital and secure its safe return, together with the profits made.[8] A related argument has foregrounded the economic benefit for the masters-cum-patrons in potentially being able to charge twice for manumission, if the freed slaves, now Junian Latins, sought citizenship through iteration, i.e. a second manumission at the hands of their (now) patron.[9] A third variant of this line of thought (the one I myself prefer) emphasises the patrons' rights to their freedpersons' inheritance, which were considerably enhanced by the combined action of the *leges Iunia et Aelia Sentia*.

Thus the historians' chief approaches to these crucial laws. There are, moreover, two very important methodological points that need emphasis before proceeding to the analysis of the republican background for the Augustan reform. First, in my view, it is a mistake to propose a single explanation as common to all three laws, which, in fact, obey a logic of two different kinds. Thus, the *lex Iunia* seeks to solve a serious problem that had caused unrest in the past among the plebs of Rome, i.e. a problem caused by informal manumissions, and affecting those cases in which the will of the master to free the slave is clearly expressed, but without following any of the three established procedures (*vindicta*, *censu*, *testamento*).[10] The law regulates the slave-owner's

[5] López Barja 1998, 140: 'there was no attempt to limit manumission in absolute numbers'.

[6] Demographic: for example, Mouritsen 2011, 87: 'A central motivation behind many of the new provisions appears to have been population growth.' Regulatory: for example, Treggiari 1996, 896: 'Though the Fufio-Caninian law may have reduced the number of manumissions, the rest of his legislation blocked only criminal ex-slaves and made access to citizenship easier for others. He [i.e. Augustus] wanted to regulate, not to stop the talented and energetic.'

[7] De Dominicis 1973.

[8] See Sirks 1981. I consider as overly contemporary the opinion of some scholars who believe that the aim of these statutes was to reduce the competition between freedmen and free commoners in small-scale trades and crafts. For this view, see, for instance, Schumacher 2001, 295; Schipp 2017, 16. Indeed, it is not at all clear why Junian Latins should have been less successful competitors than enfranchised freedpersons.

[9] See Roth 2010b, with earlier bibliography.

[10] Discussion of the issues caused by informal manumission in the period is in López Barja 2007, 37–40.

expressed volition. In the case of the *lex Iunia*, then, the law does not interfere with the will of the *dominus*, but, rather, the statute gives it a certain official sanction. By contrast, the *leges Fufia Caninia* and *Aelia Sentia* constitute the first cases in Roman history of the intervention of the public power in the private sphere of relations between slave-owners and their slaves. From now on, the former can no longer grant freedom to as many slaves as possibly desired in their will, nor reward a potentially unlimited number with Roman citizenship if they do not meet the new legal requirements, especially if they are not of the required age. As with the new statutes pertaining to marriage (i.e. the *leges Iuliae*), the emperor interferes through the *leges Fufia Caninia* and *Aelia Sentia* in the previously private business of Roman citizens, depriving them of the almost absolute power they had hitherto enjoyed vis-à-vis slave manumission. Seen in this way, the *beneficium* of Roman citizenship upon manumission became the shared gift of private citizen *and* Roman emperor, to the former's slaves. It follows that in contrast to the *lex Iunia*, the *leges Fufia Caninia* and *Aelia Sentia* do not simply support the volition of the slave-owner; rather, those two laws *interfere* with the slave-owner's volition. This has to be borne in mind in any contextualisation of the three laws here discussed.

My second point arises in fact from the first one. In essence, it is of course entirely reasonable to assume that the laws under scrutiny here expressed the point of view of the slave-owners, and that these laws responded therefore to what we moderns think were the reasons why they manumitted their slaves. But the distinction stressed in the previous paragraph between the different operating logics of these laws complicates matters. In my view, Augustus had his own axe to grind, irrespective of – and in fact in contradistinction to – the motivations of private slave-owners: he did not try to satisfy only the ambitions and expectations of his subjects, but sought to advance an imperial policy. With these two sets of preliminary yet critical considerations regarding the statutes' fundamental logic clarified, this chapter can progress to outlining its argument on the motives behind the legal innovation, seen against the republican background.

The Republican Background

In Book 3 of the *Institutes*, Gaius explains the origin of Junian Latinity; he does so only in brief, noting that he has already dealt with the matter before, in another passage, which we cannot read because it corresponds to an unhappy gap of twenty-four illegible lines in the Verona manuscript, in paragraph 1.21. We must therefore make do with this later brief summary, in which Gaius reminds the reader that the driver for the law is to be found in the situation of freed slaves whose freedom had hitherto been protected by the praetor,[11] which enabled them to live in a kind of freedom; the *lex Iunia*, then, turned these individuals into Latins, by assimilating them to the Latins of the Latin colonies: I refer of course to our famous passage *Inst.* 3.56 – the text of which is given in full in this volume's Introduction.

Even less full is the information that we find in the *liber singularis regularum* of pseudo-Ulpian, also with a gap in the most inopportune place, since it only tells us that

[11] We are not told the reason for this praetorian protection.

'today' these freed slaves are free by virtue of the *lex Iunia*, and that those who have been freed *inter amicos* are called Latins:

> hodie autem ipso iure liberi sunt ex lege Iunia. Qua lege Latini sunt nominati inter amicos manumissi.
>
> but today they are legally free, according to the *lex Iunia*; by this law those freed in the presence of friends are called Latins.[12]

We are luckier with the *Fragmentum Pseudo-Dositheanum*, which faithfully follows the text of Gaius, because this part has been better preserved. Here we can read that in the past some slaves lived in a state of freedom in accordance with the will of their master, but that if the latter tried to reduce them again to slavery, the praetor intervened and did not allow it. To these, that is, to those who were manumitted *inter amicos*, the *lex Iunia* gave a freedom of their own, equating them with the Latins of the Latin colonies.[13]

From these three fragmentary texts it can be inferred that the *lex Iunia* addressed a problem of a certain gravity, posed by those slaves who had not been 'correctly' manumitted – i.e. who had been informally manumitted, the term used hereafter – but who lived in a state of de facto freedom, with the consent of the owner and under the protection of the praetor. The problem must have been particularly serious in Rome itself, since we are only told about the praetor, but not about what was happening in the provinces or even in the rest of Italy. Clearly, the number of slaves in this precarious situation must have been high enough to attract the attention of the legislator when the time came. Thus, although there is little evidence, we should never lose sight of this essential fact: the main objective of the *lex Iunia* was to solve a serious problem pertaining to or arising from those manumitted slaves who lived as free men, even if they were still slaves in the eyes of the law; any other motive we wish to attribute to the drafter of this measure can only be secondary – a crucial point, also made by Pellecchi in Chapter 2. Unfortunately, the texts mentioned above do not give any precise chronological indication: they only provide a summary description of the situation that existed prior to the *lex Iunia*, but they do not specify when the praetor had begun to protect these informally manumitted slaves. Nevertheless, we have enough information to suspect the origin of the problem and to be able to place it in a broader context.

To begin with, in 58 BC Clodius passed into law the free distribution of grain to the plebs to help with ongoing food scarcities, giving to his lieutenant Sextus Cloelius full

[12] Ulp. *Reg.* 1.10; the translation is my own.

[13] The reference is to *Fragmentum Pseudo-Dositheanum* 5–6: 'Antea enim una libertas erat et manumissio fiebat vindicta vel testamento vel censu et civitas Romana competebat manumissis: quae appellatur iusta manumissio. Hi autem, qui domini voluntate in libertate erant, manebant servi; sed si manumissores ausi erant in servitutem denuo eos per vim ducere, interveniebat praetor et non patiebatur manumissum servire. Omnia tamen quasi servus adquirebat manumissori, velut si quid stipulabatur vel mancipio accipiebat vel ex quacumque causa alia adquisierat, domini hoc faciebat, id est manumissi omnia bona ad patronum pertinebant. Sed nunc habent propriam libertatem qui inter amicos manumittuntur, et fiunt Latini Iuniani, quoniam lex Iunia, quae libertatem eis dedit, exaequavit eos Latinis colonariis, qui cum essent cives Romani liberti, nomen suum in coloniam dedissent.'

control of the *annona*.[14] The situation, however, very quickly worsened, because of the grain shortage suffered during that summer (but also very probably because the law did not set a limit to the number of recipients, or clearly specify the personal circumstances of those who were to receive the handout).[15] In September of the following year, 57 BC, when the situation was threatening to get out of control, Sextus Cloelius was replaced by Pompey (under the *lex Cornelia Caecilia*).[16] The consequences of Clodius' grain distribution law had been immediate, given that it improved on earlier schemes by offering the grain entirely for free to the recipients. In consequence, Pompey had to deal with a sudden increase in the number of manumissions, made with the sole aim of benefiting from the distribution, as Cassius Dio reports:

> While these men kept up their conflict, Pompey, too, encountered some delay in the distribution of the grain. For since many slaves had been freed in anticipation of the event, he wished to take a census of them in order that the grain might be supplied to them with some order and system. (tr. Cary, LCL)[17]

It is likely that many of the cited manumissions were carried out without abiding by the established legal procedure; consequently, once the 'freedman' had received his ration of grain, his owner could, whenever desired, rightfully reclaim him as a slave, an abuse so flagrant that it caused the praetor to intervene: these were probably the bulk of the slaves described by Gaius and the *Dositheanum* as 'qui domini voluntate in libertate erant auxilio praetoris'.[18] We do not know exactly what the situation was immediately before the *lex Clodia*, but it is likely that the recipients had been only 40,000 under the *lex Terentia Cassia* of 73 BC.[19] This number increased to an unknown extent with the *lex Porcia*, in 62 BC;[20] the distributed grain was still not free, which means that the incentive for informal manumission was greater now under the *lex Clodia*.[21] Clodius may have cast the net as widely as possible because he wanted the handout to cost so much money that the public treasury would be exhausted, thereby leaving Caesar's agrarian policy without the necessary funding.[22]

[14] Cic. *Dom*. 10.25, with Ruffing 1993.

[15] The key source is Cic. *Dom*. 10.26.

[16] Brief discussion is in Vervaet 2020, 155.

[17] Cass. Dio 39.24.1: 'Οὗτοί τε οὖν ἐμάχοντο, καὶ ὁ Πομπήιος ἔσχε μὲν καὶ ἐν τῇ τοῦ σίτου διαδόσει τριβήν τινα. Πολλῶν γὰρ πρὸς τὰς ἀπ' αὐτοῦ ἐλπίδας ἐλευθερωθέντων, ἀπογραφήν σφων, ὅπως ἔν τε κόσμῳ καὶ ἐν τάξει τινὶ σιτοδοτηθῶσιν, ἠθέλησε ποιήσασθαι.'

[18] Gai. *Inst*. 3.56; *Frag. Dos*. 5.

[19] On this point, see Garnsey 1988, 212.

[20] The precise nature of the *lex Porcia* (possibly in fact a *senatus consultum*) is not clear.

[21] Unconvincingly, Rising 2019, 192–3 argues for a drastic increase resulting from Cato's measures in 62 BC. In his view, the number of recipients would have increased to 300,000 during the next thirteen years, and Clodius' law would have had very little impact. Regardless of whether the law was indeed a law or a *senatus consultum*, it is likely that the measure was temporary: see Pina Polo 2021a.

[22] For the idea that the objective of Clodius was to hinder the development of Caesar's *lex agraria* of the previous year, see Manni 1940; Fezzi 2001b, both of whom point out that in April 56 BC the Roman Senate had to provide *in re frumentaria* 40 million sesterces to Pompey (see Cic. *QFr* 2.6.1). Fezzi 2001a makes a good case for an opposition between Clodius' objectives (to maintain the plebeians living in the city through his *lex frumentaria*) and those of Caesar (to settle many of them in the countryside with his *lex agraria*).

Faced with these difficulties, Pompey then proceeded to make a detailed investigation. He prepared a census (*apographe*) that was in all likelihood limited to the population living in Rome, in order to eliminate the names of those who did not rightfully qualify for the handout; among these were presumably the above mentioned informally manumitted slaves. But the lists that had been prepared and deposited in the temple of the Nymphs on the Campus Martius, where the *memoria publicae recensionis* was kept, were destroyed by a fire. Clodius and his followers are to be held responsible for the arson, if we are to believe Cicero's repeated claim:[23] they sought to destroy these lists (we may assume) so that every freedman, whatever his personal status, even those who were still slaves according to the law, gained access to the *frumentum publicum*.

A few years later, in January of 52 BC, as a candidate for the praetorship, Clodius made several proposals prepared specifically to benefit freedmen. At least, this is what Cicero states in his speech in defence of Milo for murdering Clodius, in which he tries very hard to present the victim as an evil man who was a threat to the Republic. Cicero of course sought to render Clodius' assassination at Bovillae on 18 January in 52 BC acceptable, in order to achieve the acquittal of his client. There are two very vague references, in which Cicero is clearly not interested in going into detail regarding Clodius' plans, but merely aims at presenting him to the judges in the most unfavourable light possible. In the first case, Cicero states that 'laws' (*leges*) were prepared in the house of Clodius that would have placed all Romans under the control of their own slaves, a phrase that is difficult to understand and which Asconius interprets as follows: if approved, Clodius' bill would have distributed the freedmen's votes in all of the tribes, including the rural ones, which until then had been reserved for the freeborn.[24] The change in tribal affiliation would have had dramatic and very negative consequences for the voting of the *comitia*, altering the distribution of power. It is not the first time that Cicero resorts to this kind of exaggeration, since in 55 BC he had already described with great drama the attempts to distribute the freedmen among all the tribes, which he considered a threat to the *res publica*.[25] The second case is equally mysterious, but with the added difficulty that we do not have the help of Asconius, who does not comment on it. This is a new Clodian law, which would have made 'our slaves his [i.e. Clodius'] freedmen'.[26] It is tempting to think that this law sought to favour precisely those slaves whose precarious freedom the praetor had been protecting, i.e. those we know of from Gaius and the *Dositheanum*, thus forming a sort of precedent for the *lex Iunia* (even if we may presume that Clodius would in fact have

[23] Cic. *Mil.* 73; *Har. resp.* 27.57; *Cael.* 78 (where the accused is Sextus Cloelius). For discussion, see Nicolet 1976.

[24] Cic. *Mil.* 87: 'incidebantur iam domi leges quae nos servis nostris addicerent', with Asconius (52C): 'Significasse iam puto nos fuisse inter leges P. Clodi quas ferre proposuerat eam quoque qua libertini, qui non plus quam in IIII tribubus suffragium ferebant, possent in rusticis quoque tribubus, quae propriae ingenuorum sunt, ferre.' Schol. Bob. *De aere alieno Milonis* fragm. XVII (ed. Hildebrandt 156, 15) says more or less the same.

[25] Cic. *De or.* 1.38; cf. López Barja 2022.

[26] Cic. *Mil.* 89: 'lege nova, quae est inventa apud eum cum reliquis legibus Clodianis, servos nostros libertos suos effecisset'; cf. Favory 1978/9; Loposzko 1978/9.

conferred on them full Roman citizenship). It is easy to see how, in the highly charged rhetoric of the orator, these informally manumitted slaves would become 'Clodius' freedmen', not because they actually were, but because they owed their new status as freedmen to him, given that until that moment, according to the law, they were still slaves. If we are to believe Cicero, Clodius had already promised freedom to some slaves on a previous occasion, a mention that could also refer to informally manumitted slaves (almost in anticipation of the proposals in 52 BC); or it may be nothing other than a simple invention of our orator.[27]

With all the restraint required by the scarcity of our sources and by the intense prejudice against Clodius that motivated Cicero, we can conclude that the problem of these slaves *in libertate*, which probably already existed before, was considerably aggravated following the *lex frumentaria* of Clodius in 58 BC, because the free grain distribution encouraged many Romans to informally free some of their slaves, so that they could be fed at the expense of the treasury. In the ensuing years, Clodius continued to favour this policy, perhaps because the large number of informally freed slaves made them a useful instrument for keeping a significant part of the urban plebs under his control.

Other *popularis* politicians, however, refused to go along with this strategy. Notably, in around 47 BC, Sallust advised Caesar to deprive the urban plebs of these handouts and to distribute the monthly rations of grain throughout the colonies and municipalities, among those veterans who had returned to their homeland after long years of service.[28] Caesar himself was not in favour of following the 'open door' policy for one and all that Clodius followed. We do not know if the grain distributions continued during the Civil War, although it is likely that there were many difficulties in maintaining these and that they were often interrupted, from the beginning of the conflict in 49 BC. Maritime traffic must have been severely affected (at least while Africa was in Pompeian hands, between August 49 and April 46 BC, it is very unlikely that any number of ships could sail from African ports to provide food for Rome), affecting in turn the grain supply, and the money available was primarily used to pay troops. When a certain stability was finally achieved, once control of Egypt and Africa was recovered, and Caesar decided to resume distributing grain to the urban plebs, he did so not in a disorderly manner, but following the example of Pompey and his census of 56 BC. Consequently, after the crushing victory at Thapsus, in a moment of exaltation and, hence, in the context of the fourfold triumph over his enemies, Caesar undertook a specific census, limited to residents of Rome – a *recensus*, which did not follow the usual procedures. Thus, Suetonius reports that it was done by neighbourhoods and taking as reference points the owners of the *insulae*:

> Recensum populi nec more nec loco solito, sed vicatim per dominos insularum egit atque ex viginti trecentisque milibus accipientium frumentum e publico ad

[27] Cic. *Att.* 4.3.2 (SB 75, November 57 BC) accused Clodius of 'vicatim ambire, servis aperte spem libertatis ostendere'.

[28] [Sall.] *Ep. Caes. Sen.* 1.7.2. Much of the discussion has centred on the authenticity of these letters to Caesar: see Pina Polo 2021b.

> centum quinquaginta retraxit; ac ne qui novi coetus recensionis causa moveri quandoque possent, instituit, quotannis in demortuorum locum ex iis, qui recensi non essent, subsortitio a praetore fieret.
>
> The *recensus* of the people he conducted in neither the usual manner nor the usual place, but street by street, through the owners of the apartment blocks; and he reduced the number of those who received grain at the public expense, from three hundred and twenty thousand to a hundred and fifty thousand. To prevent anyone ever causing tumults on account of the *recensus*, he ordered that the praetor should every year fill up by lot the vacancies occasioned by death, from those who were not enrolled in the *recensus*.[29]

As the text makes sufficiently clear, the result of this *recensus* was a drastic reduction in the number of beneficiaries, from 320,000 to only 150,000. We do not know where the first figure comes from, although it is tempting to attribute it to the census taken by Pompey in 56 BC. Perhaps the fire at the temple of the Nymphs did not have as devastating an effect as Cicero would have us believe or, at least, despite the damage, the final figure for those entitled to participate in the distributions was recorded. Yet, Caesar did not want the number to grow, but for it to remain fixed from then on; we will see that this did not happen and that Augustus had to face the same problem again. As we will also see, he succeeded by following a procedure like the one deployed by Caesar: first, a local census, in Rome, which greatly reduced the numbers, and after that, the *numerus clausus*.

Our sources agree in attributing the bulk of the reduction in the number of the recipients to casualties in the Civil War, which only makes sense if we accept that the military implication of the urban plebs was higher than usually believed.[30] Nevertheless, modern interpretations of this evidence have preferred a different explanation. Thus, while van Berchem accepted the implications of the ancient sources at face value, he considered that half of the total reduction of 170,000 corresponded to people who had been illegally inscribed in the list.[31] With Brunt the approach developed significantly: 'war casualties were not severe' in the city of Rome; therefore the presumed increase in the number of recipients before the Civil War, noted above, was assigned to widespread fraud; in particular, Brunt pointed to those who had been informally manumitted.[32] Given that according to Roman law, these informally manumitted slaves were still slaves, Caesar would have been in a position to erase their names from the list. This explanation, which underestimates war casualties in favour of

[29] Suet. *Iul.* 41.3. Special thanks to Michael Crawford for the English translation.

[30] Liv. *Per.* 115; Plut. *Vit. Caes.* 55.5–6; App. *B Civ.* 2.102; Cass. Dio 43.21.4. Even if he was convinced that the bulk of the legionaries belonged to the *plebs rustica*, Brunt 1971, 381 duly registered three references to recruitments in the city of Rome or its vicinity (Caes. BC 1.14.4; Cic. *Phil.* 10.21; Cic. *Fam.* 11.8.2). To these should be added [Caes.] *B. Hisp.* 31.9. Brunt's view relied on the assumption that most of the urban plebs were freedmen, who were ineligible for the legions; cf. now López Barja 2022.

[31] Van Berchem 1939, 22.

[32] Brunt 1971, 381. This idea had already appeared in his seminal paper of 1962, and is still in the edition of 1988: Brunt 1988, 243, 245, 250.

a gigantic fraud, has become the standard view on this issue.[33] Even when scholars do not speak of fraud, they assume that Caesar excluded all freedmen from the handout.[34] But this view is untenable, because it depends on a grossly exaggerated estimation of the number of freedmen in Rome: few scholars would accept today that almost half of the *plebs frumentaria* were freedmen.[35]

In my opinion, we should return to van Berchem's view and accept that war casualties were responsible for the biggest part of the reduction, while acknowledging that some fraud occurred. Several groups can be mentioned as included in the rounded-up figure, such as the 80,000 Roman citizens who were sent to colonies abroad,[36] as many of them were surely inhabitants of the capital city. It is very likely that both the very rich (the property owners or *domini insularum*) and the very poor were also excluded from the *recensus* – the latter simply because lacking a domicile they could not be counted (this had also happened in the census conducted by Pompey in 56 BC).[37] Consequently, soldiers killed or missing in action, house owners, and those sent to new colonies, were probably the groups that made up the vast majority of those eliminated by the *recensus* of 46 BC. Even so, informally manumitted slaves should probably also be mentioned: notwithstanding our inability to ascertain their numbers, and even if we do not accept that they can have made up the bulk of the numbers eliminated from the grain handout, they were certainly a sizeable group in 46 BC. Thus, at least in the city of Rome, and over time, they could not simply be ignored, not least because politicians could use them as an instrument to achieve their own objectives. Whatever the precise figures, given the circumstances that our sources portray, we must start from the assumption that the risk of social unrest was very real.

The *lex Iunia*: The Date of the *lex*

The situation outlined above provides a new context for understanding the Augustan measures that are the subject of this chapter. In short, it seems evident to me that Augustus found the solution to the problem. He could not leave the danger of social unrest to grow out of control, precisely when its connection with the corn dole was apparent and the emperor was committed to solving this issue once and for all. In other words, the historical context provides both the rationale and the (most likely) date for the *lex Iunia*.

As we have seen, the social group that legal sources place at the origin of the *lex Iunia* (i.e. the slaves who *domini voluntate in libertate manebant*) grew exorbitantly and began to cause serious problems as a result of Clodius' *lex frumentaria* of 58 BC.

[33] Virlouvet 1995, 168–9, 184; Giovannini 2004, 199; see also Scheidel 2004, 14 ('Caesar's sharp cut suggests the possibility of widespread fraud and corruption in previous years'); Courrier 2014, 355.

[34] See, for instance, Mouritsen 2011, 121.

[35] Mouritsen 2011, 121–2 allows for the possibility that, out of the 170,000 excluded, 90,000 were freedmen and that an indeterminate number of the 80,000 Roman citizens sent to colonies were also *liberti*. Further discussion is in López Barja 2022.

[36] See Suet. *Iul.* 42.1.

[37] See Lo Cascio 1997; Tarpin 2002, 117–18.

Pompey was then faced with a drastic increase in informal manumissions, and it seems that Clodius sought the support of these slaves who lived in de facto freedom, protected by the praetor, promising them, in 52 BC, to resolve their precarious condition by giving them protection by law. Then, in 46 BC, Caesar adopted a policy contrary to that of Clodius, expelling them from the *recensus* and therefore also from the distribution of grain. Augustus soon had to face the same problem: the *frumentatio* encouraged large-scale manumission. This was commented on by Dionysius of Halicarnassus, who singles out, among several 'immoral' motives for granting freedom to slaves, specifically that many owners did it only with the intention of having their slaves included in the corn dole:

> Some are freed in order that, when they have received the monthly allowance of wheat given by the public or some other largesse distributed by the men in power to the poor among the citizens, they may bring it to those who granted them their freedom. (tr. Cary, LCL)[38]

Suetonius agreed with Dionysius on this point but added an important detail: he says that the manumitted slaves had become Roman citizens, the implication being that they were not informally manumitted, a detail left unclear in Dionysius' account; but Suetonius also commented that Augustus refused to accept these new citizens for the corn distribution.[39] As is often the case with Suetonius, the lack of a precise date obscures the issue. All the same, everything seems to indicate that already at that time Augustus had announced that the distribution would benefit Roman citizens exclusively, causing an increase in formal manumission, i.e. manumissions carried out by the consul or the praetor.

We have no proof that anyone would want, as Clodius had done, to now seek the support of the *morantes in libertate*, but we do know that the urban plebs could show their discontent in a forceful and violent way. In the year 22 BC, M. Egnatius Rufus, as aedile, used his own slaves to put out a fire in Rome, a gesture that made him very popular. He became praetor two years later, and tried, in 19 BC, to present himself for the consulate, but was prevented from doing so, because the two statutory years between magistracies had not yet passed. This caused serious disturbances in Rome, and eventually brought about his execution.[40] Importantly for present purposes, the episode shows that even in Augustus' time some believed that they could base their political career on the support of the urban plebs. Indeed, the case makes it difficult to believe that the issue of those who had been informally manumitted could remain unresolved for long, especially when the problem of *frumentationes* – i.e. the uncontrolled increase in the number of those who received the grain for free every month – had not yet found a definitive solution, which would happen in 2 BC, as we will see later on.

[38] Dion. Hal. *Ant. Rom.* 4.24.5–6: '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'.

[39] Suet. *Aug.* 42.2: 'cum proposito congiario multos manumissos insertosque civium numero comperisset, negavit accepturos quibus promissum non esse'.

[40] The chronology of the events is not entirely clear. Discussion is in Richardson 2012, 109; see also Vell. Pat. 2.91.3, 92.4 (*florentem favore publico*), with Cass. Dio 53.24.4–6, 54.10.1–2; Suet. *Aug.* 19.1.

The historical context is one reason why we should date the *lex Iunia* in the Augustan Principate, but it is not the most important one. In my opinion, a careful reading of the texts involved leads us to the conclusion that the *lex Iunia* is earlier than the *lex Aelia Sentia* of AD 4, even if it does not definitively prove it.[41] The alternative hypothesis (as presented by Pellecchi in Chapter 2) holds that the *lex Aelia Sentia* conceded the status of *morantes in libertate* to those slaves under thirty years of age manumitted without *iusta causa*. Yet it is very difficult to understand how the *lex Aelia Sentia* could have envisaged a certain kind of matrimony – which was assumed by the *anniculi probatio* provision – for people who were then simply slaves living in de facto freedom.[42] The main argument in favour of this alternative view is the name of the law as given by Justinian – the *lex Iunia Norbana*. But Justinian's officials did not always get it right. In fact, we know of some cases in which they were mistaken, and the same could also have happened this time. Perhaps the law had only one name, as was the case with the *lex Quinctia de aquaeductibus* from 9 BC, which was named solely after the consul T. Quinctius Crispinus (who had Drusus as his colleague). In sum, Justinian's officials may have wrongly added a second name – i.e. Norbana.[43]

But there is in fact a third option, which allows to accept both the name Norbana *and* a date before the *lex Aelia Sentia*, namely that it was a tribunician law, presented by two tribunes of the plebs, hence *Iunia Norbana*. Attributing this law to tribunes of the plebs makes sense, for its aim was to solve a nagging problem, that of the *morantes in libertate*, which affected the plebs greatly. It is true that most tribunician laws bore just one name, but there are exceptions, such as the *lex Acilia Rubria de cultu Iovis Capitolini*, which was a plebiscite with two proponents (M. Acilius Balbus and C. Rubrius Publilius).[44] Tribunician is also the mysterious *lex Mamilia Roscia Peducaea Alliena Fabia*, or the well-known *lex* of the ten tribunes from 52 BC which allowed Caesar to file his candidature for the consulship while still in Gaul. Another example is the *lex Plautia Papiria* of 89 BC, on the granting of Roman citizenship to honorary members of Italian communities.

Unfortunately, we cannot test this hypothesis, for only very few tribunes are known for this period. We have only six names between 32 and 2 BC,[45] when the total

[41] For a detailed discussion of the argument, see Balestri Fumagalli 1985, claiming that the *lex Iunia* was passed earlier than the *lex Aelia Sentia*. For the opposite view (*lex Iunia Norbana*, under Tiberius), see Venturini 1995/6; Pellecchi 2015, in addition to Chapter 2 in this volume.

[42] Cf. Venturini 1995/6, 232, who holds (with Ulp. *Reg.* 3.3) that the *lex Aelia Sentia* transformed these *servi minores*, when manumitted *vindicta*, into *servi populi Romani* (assuming that the anonymous epitomator subsumed these under the term *servus Caesaris*). Venturini, however, refuses to accept the very same source in the part where it claims that according to the *lex Aelia Sentia*, a *servus minor*, when manumitted by will, became a Latin (*ideoque Latinus fit*). This contradiction means that we would need to accept that in the same paragraph the drafter has mixed up two different chronological horizons: in the first case, he was supposedly referring to the moment the *lex Aelia Sentia* was passed (without noticing later developments), while in the second, he is describing the juridical facts of his own time.

[43] Recently, Bisio 2020, 107–8 has also argued that the Justinian commissioners were wrong about this law, even though he dates it to AD 15 (when C. Norbanus Flaccus was consul and M. Iunius Silanus *consul suffectus*), since in his opinion it must, in any case, be later than the *lex Aelia Sentia*.

[44] See Rotondi 1912, 315.

[45] See Kondratieff 2003.

of those who held this magistracy was perhaps 300, that is, assuming that a majority of the ten posts were filled every year (although this could not be achieved in some years, such as between 16 and 14 BC and in 12 BC).[46] It is true, as Pellecchi observes in Chapter 2, that after Augustus assumed the *tribunicia potestas*, as a logical consequence, tribunes of the plebs might have stopped using their right to present new laws to the plebs; but there is no firm evidence on this.[47]

An indirect argument in favour of my hypothesis can be found in the very famous passage of Dionysius of Halicarnassus commenting on the practice of manumission in contemporary, i.e. Augustan, Rome. Here, Dionysius defends his view that the link between manumission and citizenship (established, according to him, by Servius Tullius) should be maintained, but with some modifications. The solution, in his opinion, would be simple – i.e. to expel from the citizenship those who are deemed unfit, under the pretext of sending them to a colony:

> After which, they [i.e. the censors] should enrol in the tribes such of them as they find worthy to be citizens and allow them to remain in the city, but should expel from the city the foul and corrupt herd under the specious pretence of sending them out as a colony. (tr. Cary, LCL)[48]

This is certainly similar to the content of the *lex Iunia*, for this law converted some of the manumitted (i.e. those who have been informally liberated) effectively into *Latini coloniarii*: they were assimilated to those Roman citizens who were sent out to found new (Latin) colonies. There is a difference, though: the *lex Iunia* made use of this legal fiction with regard to those slaves who had been informally manumitted; Dionysius suggested this measure, on the other hand, for those slaves whose conduct was below expectations, 'the foul and corrupt herd'. When this measure was eventually approved, in AD 4 by the *lex Aelia Sentia*, they were not sent to a fictional colony; rather, their status was transformed into that of *dediticii*.[49] It is plausible that when Dionysius was writing (in the years before 7 BC) these ideas were common knowledge in senatorial circles and therefore subject to discussion, but eventually modified. The recently published *lex municipii Troesmensium* teaches us that senators wrote *commentarii* with ideas that four years later could find their way into a law.[50] The same procedure was perhaps followed in our case. In the discussions among senators about slavery and manumission, the idea of a fictional *colonia* could have filtered into some of these *commentarii*, and later, somewhat transformed, into the law. Therefore, this testimony can allow us to conclude, albeit tentatively, that the *lex Iunia* was a tribunician law passed later than 7 BC (i.e. the year Dionysius' *Roman Antiquities* was published), but probably not many years after that date.

[46] For 16 BC, see Cass. Dio 54.16.7; for 12 BC, see Cass. Dio 54.30.2.

[47] See Pellecchi in Chapter 2: p. 61, n. 26.

[48] Dion. Hal. *Ant. Rom.* 4.24.8: 'ἔπειθ' οὓς μὲν ἂν εὕρωσιν ἀξίους τῆς πόλεως ὄντας, εἰς φυλὰς καταγράψουσι καὶ μένειν ἐφήσουσιν ἐν τῇ πόλει· τὸ δὲ μιαρὸν καὶ ἀκάθαρτον φῦλον ἐκβαλοῦσιν ἐκ τῆς πόλεως εὐπρεπὲς ὄνομα τῷ πράγματι τιθέντες, ἀποικίαν'.

[49] Detailed discussion of the status is in Bisio 2020, 142–66. For an exploration of the status in the literary universe of the early imperial period, see Roth 2011.

[50] AD 5–9: 'commentarius ex quo lex Papia Poppaea lata est', with Dion. Hal. *Ant. Rom.* 55.4.1; Eck 2016.

The *lex Iunia* and the Corn Dole

In the year 5 BC, the emperor gave 60 denarii apiece to 320,000 people as a celebration for his adopted grandchild Gaius' coming of age.[51] This amount would provide for one year of corn on a 5 modii per month basis (estimating a cost of 1 denarius per modius, 5 x 12 months = 60). Three years later, Augustus repeated the gift. The occasion was his adopted grandchild Lucius' coming of age.[52] Again, he gave 60 denarii per person, but the crowd this time was not 320,000 people, but 'a little more' than 200,000. The name of the group receiving the corn also changed: in 5 BC, it was the *plebs urbana*, but now, in 2 BC, the group is referred to as the *plebs quae tum frumentum publicum accipiebat*. Augustus had taken the radical measure of fixing a limit to the number of people receiving the corn dole. As Cassius Dio said, from that moment onwards, the number was no longer 'indeterminate'; this 'closure' was probably preceded by the *recensus* Augustus conducted using the *vicus* as the unit, as we know from Suetonius, but, as is so frequent in his case, without a date.[53] This *recensus* was instrumental in the huge reduction in numbers: around 100,000 people disappeared from the lists between 5 and 2 BC: not as many as those eliminated by Caesar, but still a substantial figure. Augustus surely knew of the problem Pompey had faced in 56 BC and that he himself had also experienced, associated with the increase in manumissions.[54] Viewed against this backdrop, it is now possible to see that, in order to avoid riots and disturbances, he took three interconnected measures in a very short time span: first, the *lex Iunia*, which gave a juridical status to all those *manentes in libertate*, while simultaneously excluding them from the Roman citizenship; second, the *recensus*, where these Junian Latins (as well as many other people) were not included in those eligible for distributions of corn (which allowed for a dramatical reduction in the figures, as we have just seen); and third, the limitation of the *plebs frumentaria* to a number that was meant to be stable for the future. This seems a logical course to follow, but unfortunately, we have no sources to confirm this chain of events. We only have an annoyingly vague reference in Cassius Dio corresponding to the year 2 BC:

> on one occasion, when the people [. . .] gathered together and were asking that certain reforms be instituted and had sent the *tribunes* to Augustus for this purpose, the emperor came and consulted with them about their demands; and at this all were pleased. (tr. Cary, LCL, my emphasis)[55]

Annoyingly, Dio does not say what problems the tribunes wanted to address, but we may guess that the *frumentationes* were at the top of the list.

As we have seen, in the three cases (Pompey in 57, Caesar in 46 and Augustus in 2 BC) the chain of events was similar: the free distributions of corn caused a huge surge in the number of manumissions, which forced some sort of *recensus* to lower the

[51] See *RGDA* 15.2.
[52] See *RGDA* 15.4.
[53] Suet. *Aug.* 40.1: 'Populi recensum vicatim egit.'
[54] See Suet. *Aug.* 42.2.
[55] Cass. Dio 55.9.10.

alarming figures of recipients (which were considerably reduced as a result), followed, finally, by the 'closure' of the list. (The 'closure' was not attempted by Pompey, as far as we know.) The decision over who was to be included in the list must have been a very delicate matter; it was made not by throwing lots, but by excluding those who seemed unfit for the dole. The *lex Iunia* implemented a very cautious solution, namely that of excluding informally manumitted slaves from the list of recipients while giving them a legally defined status in exchange. It is difficult to estimate how many of the 100,000 excluded were Junian Latins, but it was probably less than half, if we bear in mind the likely number of freedmen who lived in Rome (not more than 100,000, according to the highest estimates).[56]

The evidence so far reviewed suggests that, from the outset, Junian Latins were excluded from the free distribution of corn because they were not Roman citizens. It is necessary now to comment on the view that the beneficiaries of the corn dole were of *freeborn* status only. In particular, Virlouvet has claimed that freedpeople who were Roman citizens were excluded from the *frumentationes*, because, in her view, being freeborn was a requisite for those who participated in the corn dole.[57] But the evidence seems to support the opposite conclusion, namely that any (male) Roman citizen, either freed or freeborn, could participate. The evidence can be summed up as follows, under three headings.[58]

1. The testimony of Persius. Persius (5.73–6) states the following: 'What we want is true liberty; not by that kind is it that any Publius enrolled in the Veline tribe becomes the possessor of a ticket for a ration of mangy spelt. O souls barren of truth, you who think that one whirling can make a Roman citizen!' (tr. Ramsey, LCL).[59] The scholiast explains this passage by saying that it was customary in Rome that all those who became Roman citizens upon manumission participated in the corn dole among other citizens.[60] Virlouvet thinks that the scholiast was ill-informed and that Persius was not necessarily talking about a freedman.[61] However, the explanation given by the scholiast to the verses seems the most likely: 'whirling' (*vertigo*) is a direct reference to the turning around of the slave in the ceremony of manumission *vindicta*, which made slaves into Roman citizens (*Quirites*), something that is rarely attested.[62] In short, according to Persius, freedmen were not excluded from the public handouts.

[56] Morley 2013, 42.

[57] Virlouvet 2009, 2–3. Following the interpretation of Virlouvet, Bisio 2020, 66 argues that the *lex Aelia Sentia* imposed on the patron the duty to feed his freedmen, and that failure to do so was punishable by the loss of *operae* and in particular of inheritance rights – citing Digest 38.2.33 (Modestinus) – precisely because Augustus had forbidden freedmen to participate in the *frumentationes*.

[58] In the same vein, see Lo Cascio 1997, 18, n. 49: freedmen were included in the distribution.

[59] 'Libertate opus est. non hac, ut quisque Velina/ Publius emeruit, scabiosum tesserula far/ possidet. heu steriles veri, quibus una Quiritem/ vertigo facit!'

[60] *Schol Pers.* (*ad loc.*): 'Romae autem erat consuetudo ut omnes qui ex manumissione cives Romani fiebant in numero civium Romanorum frumentum publicum acceperent.'

[61] Virlouvet 1995, 224–6.

[62] See my earlier comments in López Barja 2007, 22.

2. The Digest evidence. In several passages from the Digest, a freedman is given a *tessera* for the corn dole as a testamentary gift, which makes little sense if freedmen were categorically excluded from the handout.[63] Virlouvet argues that the gift was not the *tessera* but money, the estimated value of the *tessera*, but this is clearly not what the texts say.

3. Epigraphic evidence. On some tombstones from the city of Rome the fact of having received *frumentum publicum* is mentioned. This is a small corpus of only fourteen inscriptions (not including the inscriptions related to the *vigiles*), where twenty-nine people are mentioned: six *ingenui*, one freedman and twenty-two *incerti*. Despite their small number, we find one freedman in this select group, Ti. Claudius Aug. lib. Ianuarius, which means that they were not automatically excluded, although Virlouvet sees this as an exceptional grant.[64] For the rest, we have three *ingenui* (*tria nomina* with filiation)[65] and three others who say they are *ingenui* or members of a *tribus ingenua*. According to Virlouvet, in these latter cases, they proclaim their free-born condition precisely because this was a *conditio sine qua non*.[66] However, it cannot be ruled out that they mentioned their *ingenuitas* for an entirely different reason. For example, fifteen of these twenty-nine people carry a Greek *cognomen*, which may be taken as evidence of a freedman social milieu: perhaps the men who proclaimed their freeborn status insisted on displaying it to differentiate themselves from these freedmen. We may also take recourse to a hypothesis put forward by Panciera: in analogy to what happened in Oxyrhynchus (Egypt), Panciera suggested that people entitled to the corn dole were distributed into several different lists – one for the *ingenui*, another for *liberti*, and so on.[67]

[63] Digest 5.1.52.1 (Ulpian): 'Si libertis suis tesseras frumentarias emi voluerit, quamvis maior pars hereditatis in provincia sit, tamen Romae debere fideicommissum solvi dicendum est, cum apparet id testatorem sensisse ex genere comparationis.' But see also Digest 32.35pr. (Scaevola): 'patronus liberto statim tribum emi petierat'; further Digest 31.87pr. (Paul).

[64] Virlouvet 2009, 56, with no. 13 = *CIL* VI, 10223: Ti(berius) Claudius Aug(usti) lib(ertus)/ Ianuarius, curator/ de Minucia die XIIII ostio XLII, et/ Avonia Tyche uxor eius/ Pituaniani solaria de sua/ impensa/ fecerunt. Virlouvet concludes that 'il prouve que l'accès au privilège frumentaire était loin d'aller de soi pour un affranchi, même pour un affranchi impérial'. But we can read nothing of this sort into the inscription, only that Ianuarius was an imperial freedman and had access to the corn dole.

[65] Virlouvet 2009, no. 14 = *CIL* VI, 10224b; no. 15 = *CIL* VI, 10225 = 33991; no. 19 = *CIL* VI, 2584. There is also a fourth case, likely to be an *ingenuus*, for the child, with *tria nomina*, but without filiation, belonged to a *tribus rustica*, Oufentina: Virlouvet 2009, no. 11 = *CIL* VI, 10221.

[66] Virlouvet 2009, 56. The three inscriptions are:
[1] Virlouvet 2009, no. 10 = *CIL* VI, 10220: D(is) M(anibus)./ L(ucio) Aurelio Tycheniano,/ L(ucius) Aurelius Stephanus pater,/ filio dulcissimo et pientissi/mo bene merenti, feci(t) titulu(m)./ [T]ycheni-anus dicit: 'fatis ab/[r]eptus hic iaceo; reliqui tri/[bu]m ingenuam, frumentum/ [publi]cum et aenatorum/ [---; quicun]que leget, nolo/ [experiatur luc]tum sic/ [ut pater expertus est]'.
[2] Virlouvet 2009, no. 18 = *CIL* VI, 10228: D(is) M(anibus)./ Eutycheti filio,/ qui vixit annis VI,/ diebus VI, incisus/ ingenu(u)s qui accepit/ congiarium (denariorum) C; fecit pater be/ne merenti.
[3] Virlouvet 2009, no. 23 = *AE* 1998, 285: D(is) M(anibus)./ L. Ploti[o] Liberali,/ ingenuo frumento publico,/ collactaneo L(ucii) Ploti(i) Sabini,/ pr(aetoris) candidati, sodalis Titialis/ Flavialis,/ posuit Florentia/ Domitilla.

[67] Panciera 1998.

In short, Persius, the texts of the jurists, and the inscriptions all point in the same direction, in accordance with what has been argued here. To this we can add that two other passages explicitly state that freedmen could participate in the public distribution of grain. The first is a very obscure and difficult text, belonging to the so-called *Sententiae Hadriani*, in which the emperor Hadrian is furious with the complainant, because he considers his request immoral. Apparently, the complainant had obtained the condemnation of his freedman to the quarries, under the *lex Aelia Sentia* (supposedly for ingratitude, but the text does not say so), but now he intends to collect the *congiarium* that pertains to the unfortunate man. It is not clear why the sentence was handed down by the *praefectus aerarii*, and this is possibly an error, as it was the *praefectus urbi* who dealt with complaints against ungrateful freedmen. Nor do we understand the brutality of the punishment, although it is difficult to judge, since we do not know what the offence was. In any case, the emperor rejected the request, leaving us, however, with evidence that is indicative of the right of a freedman (a Roman citizen, evidently) to take part in the *congiarium*.[68] That said, we must of course also bear in mind that these *Sententiae Hadriani*, if they really incorporated actual decisions by the emperor, have been substantially altered by textual corruption and rhetorical invention.[69]

Fortunately, we have another text that adds clarity. Referring to the Jewish community living in Rome on the other side of the Tiber, Philo notes that 'most of them were Roman citizens emancipated. For having been brought as captives to Italy they were liberated by their owners and were not forced to violate any of their native institutions'; Philo adds a comment regarding Caligula's tolerance vis-à-vis the Jews in Rome, noting that 'he neither ejected them from Rome nor deprived them of their Roman citizenship'; finally, Philo notes that 'in the monthly doles in his own city when all the people each in turn receive money or corn, he never put the Jews at disadvantage in sharing this bounty' (tr. Colson, LCL).[70] In short, although he certainly had a 'political agenda', Philo testifies that, in Caligula's time, the freedmen who were Roman citizens (even those of Jewish origin) were part of the *plebs frumentaria*.[71]

As we have already seen, in 2 BC, Augustus created the *plebs frumentaria* with a *numerus clausus*, but this does not mean that the creation of Junian Latinity was rendered useless. A larger number of citizens through manumission would have implied lower chances when casting lots to get a *tessera* for the grain handouts; this, in turn,

[68] *Sent. Hadr.* §2: 'Per libellum petente quodam, ut suum libertum perderet, quem ante tempus iussu praefecti aerarii secundum legem Aeliam Sentiam in lautumias miserat, et modo <cum> congiarium eius peteret, Adrianus dixit: "Quid quaeris perdere hominem et congiarium auferre, ex quo iam vindicatus es? Improbus es".' I have reproduced the text as in Flammini *Hermeneumata*, which has minor differences with Goetz 1892, 31–2. See Lewis 1991, 275, who suggests that *praefectus aerarii* can be a corruption for *praefectus Aegypti*. In *Sent. Hadr.* §10 (Goetz 1892, 35) a woman appears before the emperor whose son is entitled to the *congiarium*: in the Latin version, she is described as 'Latin' (but without indicating if she is a freedwoman or not), while in the Greek version she is termed a Roman ('ἀπεκρίθη ἡ γυνὴ Ῥωμαικὴν αὐτὴν γεγονέναι').

[69] See Lewis 1991, 280.

[70] Philo *Leg.* 23.155–8: "Ρωμαῖοι δὲ ἦσαν οἱ πλείους ἀπελευθερωθέντες· αἰχμάλωτοι γὰρ ἀχθέντες εἰς Ἰταλίαν ὑπὸ τῶν κτησαμένων ἠλευθερώθησαν, οὐδὲν τῶν πατρίων παραχαράξαι βιασθέντες ἀλλ΄ ὅμως οὔτε ἐξῴκισε τῆς Ῥώμης ἐκείνους οὔτε τὴν Ῥωμαϊκὴν αὐτῶν ἀφείλετο πολιτείαν . . . οὐ μὴν ἀλλὰ κἀν ταῖς μηνιαίοις τῆς πατρίδος διανομαῖς, ἀργύριον ἢ σῖτον ἐν μέρει παντὸς τοῦ δήμου λαμβάνοντος, οὐδέποτε τοὺς Ἰουδαίους ἠλάττωσε τῆς χάριτος [. . .]'.

[71] For a careful analysis of Philo's testimony, see Ben Zeev 2016.

would have increased the level of social unrest in the city of Rome. Moreover, famines were not uncommon when some sort of food rationing was introduced, which very likely benefited only Roman citizens.[72] Seen in this light, the *lex Iunia* can be understood as seeking a solution for the *morantes in libertate* without unduly increasing the size of the *plebs frumentaria*, which Augustus was absolutely committed to keeping within manageable limits. In sum, by a simple stroke of the pen, Augustus was able to exclude a certain number of freedmen from the corn dole, while giving them at the same time something in return: a legally defined status.

The Laws Limiting *patria potestas*: *Fufia Caninia* and *Aelia Sentia*

Apart from the legal sources, we have no direct mention of the *lex Iunia* in our evidence; for the other two laws of interest in this chapter, we have some famous passages that try to explain the objectives they sought. In the first place, Suetonius, referring to Augustus, makes the following well-known statement:

> Not content with making it difficult for slaves to acquire freedom, and still more so for them to attain full rights, by making careful provision as to the number, condition, and status of those who were manumitted, he added the proviso that no one who had ever been put in irons or tortured should acquire citizenship by any grade of freedom. (tr. Rolfe, LCL)[73]

Suetonius here refers to two types or degrees of freedom, one that is complete (*iusta*) and the other that is not, in what is an indirect reference to the *lex Iunia* or perhaps the *lex Aelia Sentia* itself, given that those who are *in dediticiorum numero* live in some kind of freedom, however minimal it may be. Taken literally, the passage is very sparse in information; it only dwells on the case of these so-called *dediticii Aeliani*, referring in a generic way to the 'number and condition' of those who have been manumitted, but does not tell us the reason why Augustus took the relevant steps. However, the passage is embedded in a paragraph in which Suetonius explains that Augustus' policy on citizenship had been very restrictive, because he wanted to prevent the people from being corrupted by servile or foreign blood: 'Considering it also of great importance to keep the people pure and unsullied by any taint of foreign or servile blood, he was most chary of conferring Roman citizenship and set a limit to manumission' (tr. Rolfe, LCL).[74] The testimony of Cassius Dio coincides with this in general terms:

> Since also many were freeing their slaves indiscriminately, he fixed the age which the manumitter and also the slave to be freed by him must have reached and

[72] See, for example, Cass. Dio 55.26.2, 55.31.4, for the years AD 5 and 6.

[73] Suet. *Aug.* 40.2: '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.'

[74] Suet. *Aug.* 40.2: 'Magni praeterea existimans sincerum atque ab omni colluvione peregrini ac servilis sanguinis incorruptum servare populum, et civitates Romanas parcissime dedit et manumittendi modum terminavit.'

> likewise the legal principles which should govern the relations of both citizens in general and the former master towards slaves who were set free. (tr. Cary, LCL)[75]

We have seen already in the Introduction to this volume how these and similar passages have been interpreted by earlier scholarship in a racial fashion. For present purposes, it is by contrast important to highlight that unlike Suetonius, Cassius Dio does not focus on slaves who have behaved badly, but rather on other aspects of the *lex Aelia Sentia*, such as the respective ages of master and slave, even if he also emphasises Augustus' concern for preserving the citizen body unharmed. In the last of the four 'books' (*biblia*) that Augustus left to serve as a guide for Tiberius and the general public after his death, there was, according to Cassius Dio, a recommendation that 'they should not free many slaves, lest they should fill the city with a promiscuous rabble' (tr. Cary, LCL).[76] Paradoxically, however, our author also mentions a speech by the emperor in AD 9 in which, defending the measures taken to increase the birth rate, he proclaims as follows: 'Do we not free our slaves chiefly for the express purpose of making out of them as many citizens as possible?' (tr. Cary, LCL).[77] Since these are two apparently contradictory statements and messages, it is tempting to attribute one of them (or both) to the rhetoric of Cassius Dio, but it cannot be precluded that both coexisted peacefully in the mind of the emperor: manumission is good for Rome, as long as it is done with due caution and restraint; it involves the creation of new citizens and therefore new soldiers, both for the navy, the *vigiles* or the *auxilia* (in the case of freedmen) and for the legions (in the case of their descendants).

Importantly, Augustus was not the first to establish rewards for freedmen who had children. In the census of 169 BC, freedmen with a son over five years of age were enrolled in all the thirty-five tribes, instead of being confined to the four urban ones, a form of reward which in some way equated them with *ingenui*, but which coexisted with deep prejudices against them because of their past enslavement.[78] Against this backdrop, the discourse surrounding the Augustan laws emerges as yet another example, albeit a particularly significant one, of the ambiguity with which the Roman elite perceived the challenge posed by the integration of manumitted persons into the citizenry.

To our dismay, neither Suetonius nor Cassius Dio makes any direct reference to the *lex Fufia Caninia*, and the limits this law established for testamentary manumission. The law was passed in 2 BC, coinciding therefore with the creation of the *plebs frumentaria*. It is difficult to know if we can establish any kind of relationship between these two events, because we do not know what the transitory provisions of the law were; in other words, we do not know what measures were applied to wills drawn up before this date, but which were opened later, that is, whether or not the restrictions imposed by the *lex Fufia Caninia* applied to them. On the other hand, Dionysius of Halicarnassus

[75] Cass. Dio 55.13.7: 'πολλῶν τε πολλοὺς ἀκρίτως ἐλευθερούντων, διέταξε τήν τε ἡλικίαν ἣν τόν τε ἐλευθερώσοντά τινα καὶ τὸν ἀφεθησόμενον ὑπ᾽ αὐτοῦ ἔχειν δεήσοι, καὶ τὰ δικαιώματα οἷς οἵ τε ἄλλοι πρὸς τοὺς ἐλευθερουμένους καὶ αὐτοὶ οἱ δεσπόται σφῶν γενόμενοι χρήσοιντο'.

[76] Cass. Dio 56.33.3.

[77] Cass. Dio 56.7.6.

[78] See Livy 45.15.1–2.

reveals the concern that there was at that time, in some circles, over what was seen as a hypocritical display of false generosity at funerals enabled through sizeable testamentary manumissions.[79] Clearly, a moral stance that challenged the 'luxury' that characterised some funerals was one of the main reasons for the law, but perhaps not the only one.[80] Gardner and Sirks have proposed an explanation for the law that seems a little too complicated to my mind. They focus on the consequences for patronal rights that testamentary manumission had in cases when the testator had no children or else the heir was an *heres extraneus*.[81] A far simpler explanation is that the law attempted to avoid a substantial reduction in the number of slaves transmitted in the will of their owner, because this would negatively affect the interests of the legal heir(s): not patronal rights, but instead the squandering of the inheritance; that was the real danger. The most likely background then is to be seen in the deceased's desire to have a splendid funeral, with many manumitted slaves attending, facilitated by the fact that the required manumissions through the will would not cost the deceased anything. It is notable in this context that the emperor Justinian mentioned the case of slaves who were deceived into thinking that they had been liberated in their owner's will; they attended the funeral with the *pilleus*, only to find out later that they were still slaves.[82]

As for the *lex Aelia Sentia*, although it regulated various aspects of the relationship between the freed slave and the former owner, as far as manumission was concerned, it enacted two critical provisions: these are worth reiterating here. First, it provided that a person under twenty years of age could not manumit any of their slaves except for *iusta causa*. Second, it provided that a slave who was freed before the age of thirty (and without *iusta causa*) became not a Roman citizen but a Junian Latin (this is assuming the anteriority of the *lex Iunia*). To understand the reasons for the law, approved in AD 4, the first thing we must do is place it in the context of the reforms that were introduced in AD 4–9. Overall, the aim of these reforms was to provide stability to the Augustan regime when the succession to the throne could already be anticipated, as Dalla Rosa has outlined.[83] As is well known, in February AD 4, Gaius Caesar died and Tiberius was adopted by Augustus. A *lectio senatus* followed, but this time it was carried out not by Augustus himself (as on the other three occasions that preceded this one) but by a senatorial commission.[84] Furthermore, Augustus completed a peculiar census, limited only to Italy and to people with assets valued at least at 200,000 sesterces.[85] The following year, control over the elections was handed over to the senatorial and equestrian *ordines* through the quite complex system known as *destinatio* (via the *lex Valeria Cornelia*).

[79] Dion. Hal. *Ant. Rom.* 4.24.6.

[80] There is therefore a clear connection between this Augustan law and the so-called Falcidian Fourth, established by a *lex Falcidia* in 41 or 40 BC. On the dating of the Falcidian law to 41 BC, which depends on Cass. Dio 48.33.5 and Hieron. *Chron. ad ann.* 42 (p. 152 Helm), see Broughton 1952, II, 372; cf. Rotondi 1912, 438, who situates the law in 40 BC.

[81] See Gardner 1991; Sirks 2012.

[82] *CJ* 7.6.1.5 (AD 531); on this issue, see Chapter 9 below, pp.195–6.

[83] See Dalla Rosa 2018.

[84] Cass. Dio 55.13.3, with Suet. *Aug.* 37.1. The role of the senatorial commission explains why the *lectio* is passed over in silence in *RGDA* 8; cf. Cooley 2009, 139.

[85] So reported in Cass. Dio 55.13.4.

Seen against this backdrop, the *lex Aelia Sentia* emerges as being situated in the context in which Augustus sought to bring stability to the regime and prepare for the succession. Since the issue of the *plebs frumentaria* had been settled and the vote of the freedmen no longer posed a threat (because the people had stopped participating in the elections), it was now necessary to address the venerable identity between freedom and Roman citizenship that had surprised Greek observers so much. To this end, the law was adopted, in my view, with a threefold objective: to protect citizens; to improve the inheritance rights of patrons; and to restrict *patria potestas*, i.e. the power of owners over their slaves, which included the right to grant the *beneficium libertatis*. As for the protection of the citizens as a whole, the testimony of Suetonius and Cassius Dio, noted above, should be sufficient, if interpreted not in racial or moral terms, but as an ideological measure with the aim of putting Roman citizenship at the top of a long scale of statuses.[86] However, it is not easy to understand why it was decided to use age as a criterion in the *lex Aelia Sentia*. It is easy to understand that 'dangerous' slaves were taken away from the city of Rome and excluded forever from Roman citizenship. But the age requirement for slaves is not a moral criterion, but a purely objective one, with no automatic relation to the merits that the slave may demonstrate or the slave's general conduct. The various allusions that we find in the sources to the age of thirty do not help much either. We know, for example, that Augustus reduced to thirty the minimum age required for judges of the *decuriae*, which was previously thirty-five.[87] In addition, the *tabula Heracleensis* set the minimum age for a magistrate in a colony, *municipium* or prefecture at thirty.[88] It could be thought, in view of these two examples, that a certain level of maturity was required on both sides when it came to manumitting, in order to achieve the desired citizenship. However, slavery is not a novitiate, but on the contrary, a factor of corruption that does more harm the longer it lasts.[89] This renders the 'maturity' thesis difficult. It seems then rather that the aim was essentially to cover a lot of ground. The legislator chose precisely a relatively mature age with the intention of excluding a large number of slaves from Roman citizenship, knowing that early manumission was a very common practice. In the case of the slaves, moreover, this meant for them that many of their children would be born Latins, and hence without the franchise (thereby boosting the number of those who could be encouraged to accomplish one or other state-desired activity). In practice and effect, the aim was to exclude a large number of slaves from (formal) manumission, without pausing to analyse the circumstances of each case. Conversely, the objective was clearly not to check or reduce the number of manumissions (only the regulation concerning owners below twenty years of age could have had an impact on the figures, which surely was not great), but to control the access of the former slaves into the citizen body.

As for inheritance rights, the prohibition for the informally freed of making a will was certainly the work of the *lex Iunia*, to prevent that the recognition given to the

[86] Mouritsen 2011, 91–2; and very much in the same vein, recently Veldman 2020, 47–8.
[87] Suet. *Aug.* 32.3.
[88] *RS* I, no. 24, ll. 89–93.
[89] On the idea of 'early manumission', see Wiedemann 1985.

manentes in libertate led to financial harm for their (former) owners. However, it should be remembered that in the case of the *lex Iunia* the slaves that fell under its provision were those who would otherwise have died as such, i.e. as slaves. Now, with the *lex Aelia Sentia*, the affected individuals became freedpersons who, by becoming Junians, saw their capacity to bequeath their patrimony to their descendants annulled.[90] The strategy culminated in another law, the *lex Papia Poppaea*, in AD 9, which improved patronal rights over the inheritance of *enfranchised* freedmen whose assets exceeded 100,000 sesterces: it would no longer be enough for them, as it had been until then, to have one child *in potestate* to exclude the patron from the inheritance; from now on, they had to have at least three.[91] If we view these three laws together (*Iunia*, *Aelia Sentia* and *Papia Poppea*), we can see that, in the presence of a situation in which some moderately wealthy freedmen begin to appear, the response of the legislator was to increase the patron's rights over the inheritance: this was clearly the concern, rather than the creation of a legal mechanism that enabled business associations between freedmen and their manumitters, favoured by some scholars.[92]

The third objective of the Augustan laws was to put limits on *patria potestas*. When the military aristocracy of the Republic had given way to a service aristocracy, its authority in the private realm was seriously compromised.[93] The new legal regulations deprived the owner under the age of twenty of the full capacity to free their slaves, something that surprised even Gaius, because the provision assumes that a man over fourteen can make a will, appoint an heir and institute legacies, but not manumit slaves until he is twenty.[94] If he were of the required age, he could not freely manumit either, because the law establishes limits as to the number of slaves who could benefit from his generosity. Similarly, it is no longer in his power to grant Roman citizenship to slaves under thirty years of age. In short, through these laws, we can observe a dense network of prohibitions and rules that seriously limit *patria potestas*. From now on, the power to convert a slave into a Roman citizen would no longer be exclusively in the hands of the master – who would henceforth 'share' this power with the emperor. Consequently, the *beneficium libertatis* was integrated into the *beneficium Principis*. If nothing else, this shift entailed a significant symbolic message regarding the role (and power) of the emperor in Roman society, with particular regard to the power relations between the emperor and his peers, i.e. the members of the Roman elite.

Conclusion: From Law to Everyday Life

The impact of the infringement on slave-owners' powers over their slaves that the Augustan laws at the core of this chapter represented must have been acutely felt in terms of the elite's understanding of the citizen's rights, powers and, in short, freedoms.

[90] Masi Doria 2018.
[91] Gai. *Inst.* 3.42, with Masi Doria 1996.
[92] See López Barja 2010, 329. Note also the comments by Pellecchi on the relationship between a Junian Latin's *bona* vis-à-vis *operae* in Chapter 2: pp. 74–5.
[93] I have written elsewhere on this topic: López Barja 2020.
[94] Gai. *Inst.* 1.40.

The kind of discourse pertaining to Junian Latinity that is included in Pliny's correspondence and discussed by Roth in Chapter 8 is a relic of the resulting socio-cultural transformation. But not only did the Augustan innovation send a powerful symbolic message that mainly affected the Roman upper crust, it had much further reaching consequences, as the laws were applied across the Roman Empire, of course with the effectiveness that can be expected from a society with a limited bureaucracy such as Rome. This is an important dimension of the matter, which underscores the need to give the topic centre stage to enhance our understanding of Roman imperial society and history more broadly. The noted far-reaching consequences can be seen in several instances in our source material that demonstrate the impact of the Augustan legal programme on everyday life. Indeed, the evidence we have in this regard is abundant and varied. For example, an Egyptian form for drawing up wills specifies that the testator is aware that the limits set by the *lex Fufia Caninia* cannot be exceeded and that fugitive slaves must also be included in the calculations.[95] Several *senatus consulta* were also approved in order to prevent fraud against this law;[96] although we cannot specify either their content or their date, it is clear that the government did not intend to let the statute become a dead letter. As for the *lex Aelia Sentia*, we know of several declarations of birth made, it is said, in accordance with the provisions of this law as well as the *lex Papia*.[97]

It is in fact possible to tentatively propose the inclusion of another source in this list, i.e. the so-called Riccardi fragment. Its origin is unknown; the fragment received its name as a result of being built into a wall at the Palazzo Medici Riccardi, in Florence (as shown on this volume's cover), although it was bought in Rome in 1600. The second column, of interest to the present inquiry, reads as follows:

> s[it, c]uius de ea re cogni[tio erit---]/ eius c(oloniae), ita uti lege Aeli[a --- cautum]/ est, d(ecreto) d(ecurionum) ad pr(aetorem) de ea re refer[to isque pr(aetor) proponere)]/ edicere debeto eam r[em---]
>
> [may be,] whoever [shall have] *cognitio* concerning that matter [---] of that colony, as is [prescribed ---] in the *Lex Aelia* [---], by decree of the decurions [is to] raise that matter with the praetor [and the praetor] is to be obliged [to publish] and to announce that [matter---].[98]

According to Crawford, this is the fragment of a colonial charter, possibly (judging from the letter forms) of the Augustan period. In his edition, Crawford rejected seeing here

[95] *P.Hamb.* 1, 72 = *CPL* 174 = *ChLA* XI 496: 'cum autem' sciam ṃiḥi non licere per testamen̤tuṃ [plus -ca.?-] / quam quob(⋆) in lege F̣ufia{ṃ} Caninia · conprehensuṃ [-ca.?-] / sit · manu̯[mittere], r̥o̥go, he̥r̥e̥s · karissi̯me(⋆) ·, ṃanuṃ[ittas -ca.?-] / ei n(on) obstet fugitiv̥o̥rum · servorum · <m>eorum numer̥[us -ca.?-]'.

[96] See Gai. *Inst.* 1.46.

[97] *CPL* 148: 'nomina eorum qui e lege Pap(ia) [P]opp(aea) et Aelia Sentia liberos apud [s]e natos [scil. the praefectus Aegypti] sibi professi sunt)'. See also *P.Mich.* 3.169: 'lex Aelia Sentia et Papia Poppaea spurios spuriasve in albo profiteri vetat'; *P.Mich.* 7.436: 'atque se testari ex lege Aelia Sentia et Papia Poppaeae quae de filis procreandis latae sunt nec potuisse se profiteri propter distrinctionem militiae'.

[98] *RS* I, no. 34: col. II (text and translation), with *RS* II, plate X.

a reference to the *lex Aelia Sentia* because the relevant supplement appears too short to fill the gap, and because the role of the praetor in a colonial manumission procedure is not clear. The first problem, that is, the space to be filled by the supplement, can be solved, as suggested by Moreau, by reading (in line 2) *ita uti lege Aeli[a Sentia s(enatus) ve c(onsultis) cautum]*.[99] As to the second, I think that Crawford's objection provides a key to the solution, which is the role of the praetor in this context. My hypothesis is to see here a reference not to manumission, but to *anniculi probatio*.[100] In Gaius' text, the married couple themselves must appear before the praetor or provincial governor;[101] yet the law may have envisaged a different procedure. This is what we gather from the case of Venidius Ennychus, where we have, first, the decurions' decision, which was communicated to the praetor, and then the latter's edict (according to the cryptic *TH2* 89).[102] The same procedure appears also behind the Riccardi fragment: first the decurions' decree, of which the praetor was subsequently notified, who was then to issue the corresponding edict. The *cognitio* briefly mentioned in the preceding line in the Riccardi fragment can equally be explained in the same fashion. Maybe the law required the local council to conduct some investigation into the circumstances of marriage before reporting to the praetor in Rome.

The above considerations suggest that we may have here a hint at least that the provisions of the *lex Aelia Sentia* concerning *anniculi probatio* were written into some colonial charters to communicate the procedures to the local magistrates. In fact, we already know that some other regulations of the *lex Aelia Sentia* were introduced in the municipal charters of Spain: chapter 28 of the charters known from Salpensa and Irni, dated to the age of Domitian, states that manumission by a slave-owner below the age of twenty is permitted only if the decurions approved of the *iusta causa*. The Spanish charters do not mention provisions regarding slaves below the age of thirty: the fact that the slave's age is irrelevant proves that a municipal Latin could not 'create' a *Junian* Latin. It is reasonable therefore to think that colonial or municipal charters of Roman towns from Augustus onwards, on a regular basis, incorporated some of the contents of the *lex Aelia Sentia*, in a similar way as the *Gnomon* of the *Idios Logos* in Egypt did – the details of which are discussed in a dedicated chapter in the present volume's sequel. If this is correct, we may no longer consider these Augustan laws as primarily imbued with symbolic value rather than practical effect, for these provisions were transposed to local charters: these charters and similar evidence thus offer a tiny glimpse of the real-life application of the legal innovation that created a status, and that promoted associated practices, which were as significant in antiquity as they are marginalised in modern scholarship. This mismatch is the motivation behind this chapter and the volume as a whole.

[99] Moreau 2014.

[100] In the same sense, see Troiano 2019. I was not aware of this article when I elaborated my hypothesis, and I would like to thank Professors Camodeca and Urbanik for having brought this article to my attention. Moreau 2014 believes that the fragment dealt with the manumission of public slaves, but as far as we know the *lex Aelia Sentia* did not include any regulations on that topic.

[101] Gai. *Inst*. 1.29.

[102] Discussion is in Camodeca 2006b.