Joseph C. Miller Memorial Lecture Series

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Gratitude for Freedom: Men, Women, and the Looming Possibility of Re-Enslavement in Ancient Rome

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Introduction

The Roman historian Tacitus describes a debate that supposedly took place in the Senate in 56 CE during the reign of the emperor Nero. The question at hand: should patrons be given the ability to have freed persons re-enslaved if they were not showing the proper gratitude and respect.[1] As Tacitus describes it, the majority of the senators supported this measure, but the deliberative body decided to seek the opinion of the emperor before making a formal pronouncement. Nero, however, hesitated to support the proposal right away and turned to his closest confidants for advice. Their opinions were split. Those in favor of the proposal argued that the insolence of some freed men had grown to such levels that they acted as if they were the equals of their patrons, mocking their opinions and even threatening physical blows.[2] These counselors declared that the existing penalties for such impropriety – fines and exile from the city of Rome – did little to deter this inofficious conduct, making re-enslavement a necessary next step. Whereas patrons and freed persons might be on equal judicial footing in existing legal actions, this new measure would give patrons a special "weapon" that could not be disregarded.[3] The supporters' argument (as transmitted by Tacitus) concludes: "It was no burden for the manumitted to retain their freedom by the same compliance by which they had acquired it. But those clearly

1 *Ann.* 13.26–27. In using "freed person" instead of the more conventional "freedperson," I am following scholars in seeking to "disassociate" the identity of an individual from the status of being a *libertus/a*. See Sinclair W. Bell, Dorian Borbonus and Rose MacLean, eds., *Freed Persons in the Roman World: Status, Diversity, and Representation* (Cambridge: Cambridge University Press, 2024): 13. However, I use "freedperson," "freedman," and "freedwoman" when translating or paraphrasing ancient authors.

2 The Latin text here is corrupt. My reading follows that of Woodman (and others) who accept *insultarent* in place of the transmitted *consultarent*. See Tacitus, *The Annals*, trans. Anthony J. Woodman (Indianapolis: Hackett Publishing Company, 2004): 257, 387; Georg Alexander Ruperti, *Commentarius in Taciti Annales* (London: T. Davison, 1825): 339–40.

3 *Ceteras actiones promiscas et pares esse: tribuendum aliquod telum quod sperni nequeat* (*Ann.* 13.26).

caught out in crime would deservedly be dragged back to slavery, so that dread might constrain those whom kindness had not changed."[4]

Those advisors opposing the proposal did not dispute this assessment, agreeing that the behavior of some freed persons warranted this level of retribution. However, they warned that granting patrons a blanket ability to have their freed persons re-enslaved would create a catastrophic rift between the statuses of freed and freeborn Roman citizens. This would be particularly problematic because freed persons and their descendants occupied a wide range of important civic roles. The counsellors continued that patrons must bear some of the responsibility for the poor behavior of their freed persons since they were the ones who evaluated the character of an enslaved individual and granted them manumission; but once freedom was bestowed, it should not be taken away.[5] In the end, this second view prevailed, the emperor withheld his approval, and the measure failed. Nonetheless, Nero appears to have allowed reenslavement as a possible punishment on a case-by-case basis for trials involving ungrateful freed persons brought before the Senate.[6]

The iniquity of ingratitude (*ingratia*) in general and the person of the ungrateful freed person specifically were frequent topics of discussion for moralists, politicians, and jurists in ancient Rome. The Latin virtue *gratia* might be translated as "goodwill," "favor," "kindness," or "gratitude," explaining a particular state of mind related to the performance of a *beneficium* ("service," "kindness," or "benefit") by one person toward another.[7] A common conceptualization of ingratitude in Roman

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4 *Ann.* 13.26 (*Nec grave manu missis per idem obsequium retinendi libertatem per quod adsecuti sint: at criminum manifestos merito ad servitutem retrahi, ut metu coerceantur quos beneficia non mutavissent*.) Translation from Tacitus, *The Annals* (trans. Woodman).

5 The advisors noted that patrons had the ability to grant "informal" manumission (i.e., freedom with the status of a Junian Latin), where they could retain more power over formerly enslaved persons.

6 On the Roman Senate operating as a lawcourt, see Richard J.A. Talbert, *The Senate of Imperial Rome* (Princeton: Princeton University Press, 1984): 460–87; John S. Richardson, "The Senate, the Courts, and the SC de Cn. Pisone patre," *Classical Quarterly* 47, no. 2 (1997): 510–18.

7 See Koenraad Verboven, "Friendship Among the Romans," in *The Oxford Handbook of Social Relations in the Roman World*, ed. Michael Peachin (Oxford: Oxford University Press, 2011): 408–09; David Konstan, "The Joy of Giving: Seneca *De Beneficiis* 1.6.1," in *Paradeigmata: Studies in Honour of Øivind Andersen*, ed. Eyjólfur K. Emilsson, Anasta-

literature relied on the idea of an unfulfilled transaction, where one individual received a *beneficium* and failed to offer an appropriate response to the benefactor. Thus, one who demonstrated a lack of *gratia* by failing to respond reciprocally was *ingratus* – "ungrateful." As an example, in the first sentence of Book 3 of his essay *de Beneficiis*, the philosopher Seneca declares that all peoples of the world know that it is shameful not to offer gratitude after receiving something beneficial.[8] And as Seneca notes elsewhere in his treatise, ingratitude is especially concerning because it serves as a gateway to other vices.[9]

Roman freed persons received what many ancient authors would come to construe as the ultimate *beneficium*: freedom from enslavement *and* membership in the citizen community.[10] Formerly enslaved individuals were deemed "ungrateful" if at any point over the course of their lives they failed to demonstrate *gratia* to their patrons by offering the appreciation and dutifulness warranted by the gift of manumission. Thus, Roman freed persons owed a debt that could never be fully erased. As the senatorial debate recounted by Tacitus reveals, the stakes for defaulting on repayment could be quite high, including a return to enslavement.

Roman law drew a sharp distinction between the statuses of enslaved and free, marked primarily by the former's classification as property owned by another human being.[11] This division was reinforced in cul-

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sia Maravela and Mathilde Skoie (Athens: The Norwegian Institute at Athens, 2014): 173–74; Miriam Griffin, "*De Beneficiis* and Roman Society," *Journal of Roman Studies* 93 (2003): 92–94.

8 3.1.1 (*Non referre beneficiis gratiam et est turpe et apud omnes habetur*.); cf. Sen. *Ep*. 81.32; Cic. *Off*. 1.48. For an analysis of Seneca's views on ingratitude in general, see Anna Lydia Motto and John R. Clark, "Seneca on the '*Vir Ingratus*'," *Acta Classica* 37 (1994): 41–48; Griffin, "*De Beneficiis*": 99–106.

9 *Ben*. 1.10.4; 7.27.3. This belief is echoed by other moralists. For example, Valerius Maximus condemns an ungrateful person for deliberately choosing "wickedness" (*scelus*) over "dutiful conduct" (*pietas*, 5.3.3). Accordingly, Cicero deems the expression of one's *gratia* to be the most important of all duties (*nullum enim officium referenda gratia magis necessarium est*, *Off*. 1.47).

10 On the characterization of manumission as a *beneficium*, see Pedro Lopez Barja De Quiroga, "El beneficium manumissionis, la obligacion de manumitir y la virtud estoica," *Dialogues d'histoire ancienne* 19, no. 2 (1993): 47–64.

11 On the complex and nuanced legal status associated with enslaved individuals' classification as human property, see William W. Buckland, *The Roman Law of Slavery: The*

tural texts that depicted citizen and slave as contrasting figures, not only in terms of their legal condition but also in their character and conduct. Indeed, popular accounts explaining the elimination of debt-bondage in ancient Rome, where the labor of citizen youths was held as surety for family debts, suggest that the practice, with its pronounced power imbalance, was deemed problematic because it muddled the line between being free and enslaved.[12]

Yet somewhat paradoxically, this line was frequently crossed, often with apparent simplicity and ease. Most significant was the longstanding practice of manumission, whereby individuals freed enslaved persons under their control. While it is impossible to speak precisely to its frequency, manumission was not uncommon in the Roman world.[13] Both Roman law and literature depict it as a widespread and rather mundane occurrence (although it should be noted that only a very small percentage of enslaved individuals likely would have possessed the opportunity or the means to attain freedom). Perhaps even more striking, those freed by Roman citizens received citizenship themselves, possessing rights and abilities on par with those of most freeborn Romans.

The permeable line was also bidirectional, as it was possible for free Romans to become enslaved. While Roman law in the classical era technically prohibited Romans from enslaving their fellow citizens, there was nothing to stop other peoples from enslaving Romans.[14] For exam-

Condition of the Slave in Private Law from Augustus to Justinian (Cambridge: Cambridge University Press, 1908): 1–12; Martin Schermaier, "Without Rights? Social Theories Meet Roman Law Texts," in *The Position of Roman Slaves: Social Realities and Legal Differences*, ed. Martin Schermaier (Berlin: De Gruyter, 2023): 1–24.

12 Livy 8.28; V. Max. 6.1.9.

13 There has been much scholarly debate about the frequency of manumission in ancient Rome. For a brief summary, see Matthew J. Perry, *Gender, Manumission and the Roman Freedwoman* (New York: Cambridge University Press, 2014): 193 n. 54. Yet, even at the lowest estimated levels, manumission would have been a visible and familiar institution, especially in urban locales.

14 Noel Lenski, "Slavery in the Roman Empire," in *The Palgrave Handbook of Global Slavery Throughout History*, ed. Damian A. Pargas and Juliane Schiel (Palgrave Macmillan, 2023): 88–92; Henrik Mouritsen, *The Freedman in the Roman World* (Cambridge: Cambridge University Press, 2011): 10. Lenski also calls attention to the de facto license to enslave freeborn infants exposed after birth (Lenski, "Slavery": 90–91). In addition, Roman authorities increasingly used particular forms of enslavement as criminal penalties during the imperial era. On the distinct legal status of *servi poenae*, see Aglaia

ple, defeated soldiers might be enslaved by their enemies, or travelers might be captured by pirates and sold into bondage, and so on. While these scenarios would have been highly improbable for the vast majority of Roman citizens, they nonetheless highlighted the fact that one's status as free or enslaved was not necessarily static. At least in theory, any free individual might become enslaved and any enslaved person might become free. However, the odds of traversing this exceptionally consequential line were not the same for all; the debt imposed on those manumitted from bondage made their freedom more precarious than that of their fellow Romans. Showing gratitude for freedom was crucial to remaining free.

The figure of the ungrateful freed person and the perpetual indebtedness associated with manumission provide valuable insight into the institution of slavery in ancient Rome and its seemingly inextricable relationship to citizenship. Manumission, while bringing tangible benefits to some enslaved persons, ultimately existed for the benefit of enslavers.[15] It not only served as an incentive for compliant service but also provided a means to create a subordinate Roman citizen – a new potential asset for the manumitter. The animated discourse on the ingratitude of freed individuals and the looming possibility of re-enslavement highlight just how significant manumission was not only to individual Romans but also to the institution of Roman slavery in general.

McClintock, "*Servi poenae*: What Did it Mean to be 'Condemned to Slavery'?" in *The Position of Roman Slaves: Social Realities and Legal Differences*, ed. Martin Schermaier (Berlin: De Gruyter, 2023): 187–201.

15 Hopkins stressed that manumission was more the product of the self-interest of slaveholders than any general benevolence, an argument echoed by Patterson in his comparative study of world slavery. See Keith Hopkins, *Conquerors and Slaves: Sociological Studies in Roman History*, vol. 1 (Cambridge: Cambridge University Press, 1978): 99–132, esp. 131–32; Orlando Patterson, *Slavery and Social Death* (Cambridge, MA: Harvard University Press, 1982): 293–94. For an examination of individual motives behind manumission, see Mouritsen, *Freedman*: 141–59.

The Patron-Freed Person Relationship in Roman Law

According to both custom and law, manumission resulted in a compulsory, life-long relationship between freed persons and their patrons based on mutual, but not equal, ministration and support. Originally, it seems that freed persons were expected to provide ongoing, open-ended service for their patrons. The orator and philosopher Cicero went so far as to describe the authority that patrons once possessed over their freed persons as akin to that of enslavers.[16] A significant turning point occurred in the late second century BCE, when the praetor Rutilius limited patrons' ability to demand labor from formerly enslaved individuals other than specific obligations contracted at the time of manumission.[17] Ulpian, a later jurist, commented on this edict, writing:[18]

> *Hoc edictum a praetore propositum est honoris, quem liberti patronis habere debent, moderandi gratia. Namque ut Servius scribit, antea soliti fuerunt a libertis durissimas res exigere, scilicet ad remunerandum tam grande beneficium, quod in libertos confertur, cum ex servitute ad civitatem Romanam perducuntur.*
>
> This edict has been put forward by the praetor for the purpose of regulating the *gratia* which freedpersons ought to have for their patrons. For, as Servius writes, in former times [patrons] were accustomed to make very harsh demands on their freedpersons, naturally for the purpose of repaying the enormous *beneficium* conferred on freedpersons when they are brought out of slavery to Roman citizenship.

Ulpian, citing his predecessor Servius (who wrote in the first century BCE), characterized manumission as an "enormous *beneficium*" for which

16 *QFr.* 1.1.13 (*quibus [libertis] illi quidem non multo secus ac servis imperabant*).

17 Details about the content of the edict only survive in later juristic commentaries. Modern scholars usually identify the author as P. Rutilius Rufus, who was praetor in 118 BCE (thus establishing the date for the edict). On the dating of Rutilius's praetorship, see T. Corey Brennan, *The Praetorship in the Roman Republic*, vol. 2 (Oxford: Oxford University Press, 2000): 742.

18 *Dig.* 38.2.1.pr.

patrons in the past sought repayment by making "very harsh demands," a phrase that, echoing the statement of Cicero, suggests a considerable amount of control over freed persons' labor and lives.[19] Somewhat paradoxically, Roman authorities expected freed persons to continue working on behalf of their former owners in order to satisfy the vast debt accrued in exchange for their liberty.

According to Ulpian, the purpose of Rutilius's edict was to regulate the *gratia* expected of freed persons. The praetor changed the status quo by allowing patrons to require freed persons to provide labor only for a set number of days (called *operae*) established by pledge at the time of manumission.[20] Roman law treated *operae* as a voluntary obligation, which aspiring freed persons offered in exchange for – and theoretically in gratitude for – their manumission. However, it bears noting that owners were under no obligation to offer freedom to enslaved individuals and could simply refuse manumission unless they received a satisfactory pledge. So, in reality, the promise of *operae* was not necessarily as voluntary as the law maintained, given that the only certain alternative to a demand for such a pledge was to remain enslaved.

Over the decades after the edict of Rutilius, Roman lawmakers added even more restrictions on the precise types of financial and commercial services that patrons could require from formerly enslaved individuals.[21] These modifications clearly represent an effort to demarcate the finite obligations of the freed person, given "voluntarily" in exchange for manumission, from the continuous servitude and indigence of the enslaved. Theoretically, once a freed person had completed the established number of *operae*, he or she would have fulfilled the obligation to provide labor to his or her patron.

In addition to any such pledged labor, Romans also believed that freed persons had an enduring responsibility to demonstrate *obsequium*, a general attitude of respect, deference, and loyalty, toward their

19 Cf. *Dig.* 1.1.4, where Ulpian again refers to manumission as a *beneficium*.

20 Rutilius also allowed for the establishment of a *societas*, an arrangement whereby a patron received a portion of a freed person's income for life. However, this type of obligation appears to have been invalidated in the first century BCE (*Dig.* 38.1.36.pr, Ulpian).

21 Jane F. Gardner, *Being a Roman Citizen* (London: Routledge, 1993): 25–28.

patrons.[22] While this obligation could require some degree of work or service, jurists envisioned it as something distinct from the more economically oriented *operae*; *obsequium* characterized the perpetual bond between freed persons and their patrons.[23] Both women and men were subject to the expectations and constraints of *obsequium* and *operae*, although gendered assumptions about labor and social roles would have shaped specific expressions of these duties.[24]

A key underlying principle of *obsequium*, as outlined in Roman law, was that freed persons must refrain from inflicting harm upon their patrons or their patrons' families. What constituted "harm" was left rather open by jurists; two of the more common examples were verbal and physical abuse – both of which were mentioned in the senatorial debate described by Tacitus. It is telling that while Roman law protected all citizens from physical injury and insult, it treated a greater range of actions as "harm" when inflicted upon one's patron. In other words, certain acts considered acceptable (or at the very least "not illicit") under most circumstances were deemed to be legally injurious if committed

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22 Ancient authors often associate *obsequium* with *pietas* ("dutiful conduct"). See Gardner, *Being a Roman Citizen*: 23–24; Richard Saller, *Patriarchy, Property and Death in the Roman Family* (Cambridge: Cambridge University Press, 1994): 105–06; Mouritsen, *Freedman*: 61–65.

23 Modern scholars have debated about the origins and evolution of the patron–freed person relationship over the course of the Republic. See Susan Treggiari, *Roman Freedmen during the Late Republic* (Oxford: Oxford University Press, 1969): 68–71; Gardner, *Being a Roman Citizen*: 23–28 for a summary of this discussion.

24 Modern scholars have long debated both the purpose and the strenuousness of freed persons' duties to their patrons and the extent to which they might be considered abusive and repressive. It is clear that within the constraints set by the law, many different types of relationships existed between freed persons and their patrons, some harsher than others. At the same time, freed persons were free Roman citizens, and Roman law generally protected their independence and civic rights. The extent to which this theoretical legal protection may have affected and shaped the lives of individual freed persons is unknown. For an analysis and examples of the patron–freed person relationship, see Cameron Hawkins, *Roman Artisans and the Urban Economy* (Cambridge: Cambridge University Press, 2016): 132–36; Perry, *Gender*: 69–95; Mouritsen, *Freedman*: 52–54, 224–26; Gardner, *Being a Roman Citizen*: 23–28; Wolfgang Waldstein, *Operae Libertorum: Untersuchungen zur Dienstpflicht freigelassener Sklaven* (Stuttgart: Franz Steiner, 1986): 19–42; Georges Fabre, *Libertus: Recherces sur les rapports patron-affranchi à la fin de la république romaine* (Paris: École française de Rome, 1981): 217–65; Alan Watson, *Rome of the XII Tables* (Princeton: Princeton University Press, 1975): 104–10; Treggiari, *Roman Freedmen*: 68–81.

by freed persons toward their patrons. In addition, freed persons could not levy criminal charges against their patrons or initiate any legal action that might bring their patrons shame (*infamia*).[25] The law forbade freed persons from giving evidence against their patrons, either of their own volition or under the compulsion of the court.[26] Lastly, *obsequium* required freed persons to aid their patrons in times of need, which included providing financial assistance and serving as a guardian for a patron's children.[27] The different manifestations of *obsequium* that appear in legal opinions do not represent a comprehensive list of obligations, but are instead a set of examples (often taken from real-life incidents) that highlight the gratitude and reverence expected of freed persons.[28]

An illuminating case study appears in a legal opinion written by the jurist Papinian regarding the rights of freed men injured by their patrons.[29] As an exception to the prohibitions outlined above, a freed man was allowed to initiate legal action if he suffered serious injury at the hands of his patron. Papinian explicitly mentions a patron having an adulterous affair with his freed man's wife as an example of such a heinous injury. Nonetheless, the jurist hesitated to condone a freed man killing his patron if he caught him in the act, which was a prerogative granted to husbands under the Augustan *lex Iulia de maritandis coercendis*. Papinian concluded that if a freed man was obliged to show care for

25 Gai. *Inst.* 4.46; *Dig.* 37.15.2, Julian. In his opinion, Julian clarifies that this prohibition does not simply apply to cases where a patron may suffer the legal penalty of *infamia*; the possibility of being shamed in popular opinion was enough. Perhaps unsurprisingly, the law explicitly excepted cases of treason (*maiestas*, *Dig.* 48.4.7.2, Modestinus).

26 *Dig.* 22.5.4.pr, Paul. The jurist Callistratus indicates that this prohibition is due to the reverence (*reverentia*) owed to patrons by their freed persons (*Dig.* 22.5.3.5).

27 *Dig.* 25.3.5.18–26, Ulpian; 25.3.9.pr, Paul; 37.14.19.pr, Paul.

28 Roman law also required patrons to act appropriately toward their freed persons. Here, jurists focused on two particular issues: patrons were required to provide support to freed persons in times of need (e.g., *Dig.* 37.14.5.1, Marcellus) and not to treat their freed persons as if they were enslaved. The jurists do not explain all of the nuances of the second issue, but one opinion condemned patrons who punished their freed persons with whips or rods (the archetypal punishment associated with slavery, *Dig.* 47.10.7.2, Ulpian).

29 *Dig.* 48.5.39(38).9.

his patron's reputation, he was obliged all the more to show care for his patron's life.[30]

Most illustrative of the significance of *obsequium* and the perceived indebtedness it implied was Romans' willingness to punish those freed persons who failed to adhere to its standards. Patrons may have possessed the authority to discipline their freed persons extra-judicially for small matters of undutiful conduct, although no specific details survive.[31] In more acute cases, patrons had access to the standard legal action for *iniuria*, the charge covering both physical injury and verbal insult. Indeed, juridical discussions on the law of *iniuria* frequently address confrontations between freed persons and their patrons. Roman law formally distinguished between standard *iniuria* and serious (*atrox*) *iniuria*, with the latter warranting a harsher penalty. Jurists argued that the classification of an act as "serious" derived not only from the extent of the injury, but also from the context in which it occurred. In one example, Ulpian cited the Augustan-era legal scholar Labeo, declaring that an injury would become more serious if it was inflicted upon a magistrate, parent, or patron.[32] The underlying assumption is that certain individuals warranted increased respect, which transformed a lesser offense into something more grievous.

The "Ungrateful" Freed Person and the Question of Re-Enslavement

In 4 CE, the Roman people, at the instigation of the emperor Augustus, passed the *lex Aelia Sentia*, which addressed several issues related

30 […] *nam cuius famae, multo magis vitae parcendum est.* Cf. Marcel Morabito, *Les réalités de l'esclavage d'après le Digeste* (Paris: Annales Littéraires de l'Université de Besançon, 1981): 192 n. 477.

31 Two legal opinions on theft suggest that smaller offenses should be punished directly by the patron rather than through formal legal action (*Dig.* 47.2.90(89), Paul; 48.19.11.1, Marcianus).

32 *Dig.* 47.10.7.8.

to manumission and the status of formerly enslaved persons.[33] This appears to have included the establishment of a new formal charge of "ingratitude," which patrons could bring against their freed persons in response to inofficious acts.[34] Indeed, the third century CE jurist Paul defines an "ungrateful freedman" as one "who does not show *obsequium* to his patron or refuses to administer his patron's affairs or the tutelage of his son."[35] Given the existence of the law of *iniuria*, which would have already covered most, if not all, of these offenses, the creation of a brand new legal action focused on the relationship between patrons and freed persons suggests increased attention and concern. The immediate motivations prompting this new legislation are not evident, but several modern scholars have suggested that the political turmoil of the previous century and the growing power of individual freed persons may have amplified tensions and exacerbated conflicts.[36] Following the *lex Aelia Sentia*, a patron seeking redress for inofficious conduct would present their case to a magistrate in order to initiate a court trial.[37] The standard penalties for freed persons convicted of ingratitude included financial reparations, in the form of cash or labor, physical chastisement such as flogging, and exile; the magistrate hearing the case was supposed to

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33 For the scope of the *lex Aelia Sentia*, see Luigi Pellecchi, "Legge Aelia Sentia sulle affrancazioni," in *Lepor: Leges Populi Romani*, ed. Jean-Louis Ferrary and Philippe Moreau (Paris: IRHT-TELMA, 2007).

34 In an opinion exploring the meaning of the word "heir" (*heres*), the jurist Paul provides a brief example that happens to speak to this provision of the *lex Aelia Sentia*. He writes (*Dig.* 50.16.70): "Likewise in the *lex Aelia Sentia*, a son, as the 'next heir' is able to bring a charge of ingratitude against his father's freedman […]" (*Item in lege Aelia Sentia filius heres proximus potest libertum paternum ut ingratum accusare* […]). See also *Dig.* 40.9.30.4, where Ulpian mentions a charge for ingratitude in his commentary on the *lex Aelia Sentia*.

35 *Ingratus libertus est, qui patrono obsequium non praestat vel res eius filiorumve tutelam administrare detractat.* (*Dig.* 37.14.19).

36 Arnold M. Duff, *Freedmen in the Early Roman Empire* (Cambridge: W. Heffer & Sons, Ltd., 1958): 37; Gardner, *Being a Roman Citizen*: 42–43; Salvatore Sciortino, "Un'ipotesi sulla revoca della donazione per ingratitudine del liberto," *Teoria e storia del diritto privato* 15 (2022): 4–8. Wilinski suggests that one goal of the new law was to protect freed persons from excessive retribution at the hands of their patrons by limiting the penalties that patrons might impose without state intervention. See Adam Wilinski, "Intorno all' '*accusatio*' e '*revocatio in servitutem*' del liberto ingrato," in *Studi in onore di Edoardo Volterra*, vol. 2 (Milan: A. Giuffrè, 1971): 563–65.

37 *Dig.* 1.12.1.2, Ulpian; 3.3.35.1, Ulpian.

assign a punishment appropriate to the severity of the offense.[38] Yet, as the later senatorial debate shows, many – at least among the Roman elite – will come to believe that these penalties did not do enough to deter undesirable behavior, and will argue in favor of re-enslavement as an available punishment.

There is some evidence of patrons seeking to re-enslave their freed persons even before the decision of Nero. In 50 BCE, Cicero, in a letter to his friend Atticus, announces his plans to return two of his freed men to bondage.[39] Little is known about the first individual, or his purported transgressions against his patron; Cicero only describes him as a laborer (*operarius*) and a considerable scoundrel (*sed tamen ne illo quidem quicquam improbius*). The second freed man was Chryssipus, a learned man tasked with supporting Cicero's son who allegedly abandoned his charge while they were travelling together.[40] Cicero complained that he was willing to look past minor infractions, such as petty thefts, but deemed the desertion of his son to have been a particularly heinous act. He reported to Atticus his plan to follow the example of a certain praetor by the name of Drusus, who had successfully re-enslaved one of his freed men for failing to swear a promised oath of service.[41] Drusus seems to have argued that the individual had never actually been manumitted, citing the absence of a qualified witness to the ceremony, most likely one acting in the role of *adsertor libertatis* ("the proclaimer of liberty"). The *adsertor libertatis* played a critical role in the manumission process, formally declaring in the presence of a magistrate that the enslaved indi-

38 *Dig.* 1.12.1.10, Ulpian; 37.14.1, Ulpian; 37.14.7.1, Modestinus. It seems likely that the *lex Aelia Sentia* did not provide re-enslavement as a general penalty for ingratitude. See Sciortino, "Un'ipotesi": 9–10.

39 *Att.* 7.2.8 (SB 125).

40 For Cicero's depiction of Chryssipus, see Susan Treggiari, "The Freedmen of Cicero," *Greece & Rome* 16, no. 2 (1969): 199.

41 Scholars identify Drusus as M. Livius Drusus, who served as consul in 112 BCE (see Brennan, *Praetorship*: 817 n. 5). Roman jurists contested whether oaths sworn by enslaved individuals were legally binding (e.g., a promise to provide *operae* in exchange for freedom). Venuleius notes that some owners made enslaved individuals swear an oath so as to bind them through a sacred duty (*religio*) and then had individuals swear a second official oath after manumission (*Dig.* 40.12.44). It seems likely that the freed man had promised services to Drusus but then allegedly refused to swear an official oath later.

vidual was actually a free person.[42] Scholars have suggested that Drusus may have created a legal loophole by acting in the role of both the *adsertor libertatis* and the supervising magistrate, which he later asserted to be improper and thus grounds for invalidating the procedure.[43] In the absence of a valid manumission ceremony, it was as if the individual had never been removed from the state of slavery. Unfortunately, little else about the matter is known, apart from the fact that Atticus appears to have endorsed Cicero's plans.[44] The actions of Drusus and Cicero seem to indicate the absence of any formal legal mechanism to return an ungrateful freed person to slavery, as their arguments were grounded in the idea that a lawful manumission had never taken place.

Cicero's account suggests a popular belief that the grant of freedom was in some sense conditional, and that those freed persons who showed themselves (at least in the eyes of their patrons) to be unappreciative and unworthy should be returned to bondage. If our understanding of the legal stratagem employed by Drusus and Cicero is correct, then the ability to re-enslave an individual by these means would have been possible only for a small percentage of the Roman elite – and even then, only sporadically over their political careers, when they held annual magistracies. Yet, one wonders if some knowingly took advantage of such opportunities, hoping to use the dubious legality to their advantage.

After the rise of the Principate, there are examples of emperors using their unique political authority to have freed persons returned to bondage. Suetonius offhandedly mentions that Claudius, who reigned from 41 to 54 BCE, supposedly ordered the re-enslavement of certain freed persons who were "ungrateful and those about whom patrons issued complaints."[45] Perhaps relatedly, a later jurist commented that Claudius

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42 On the process of *manumissio vindicta* and the role of the *adsertor libertatis*, see Tristan Husby, "Recognizing Freedom: Manumission in the Roman Republic" (PhD diss., CUNY Graduate Center, 2017): 104–15.

43 Husby, "Recognizing Freedom": 116–17; Mouritsen, *Freedman*: 55; Alan Watson, *The Law of Persons in the Later Roman Republic* (New York: Oxford University Press, 1967): 191–92.

44 *Att*. 7.2.5.

45 *ingratos et de quibus patroni quererentur revocavit in servitutem* (*Cl*. 25.1). Suetonius follows with the enigmatic statement that Claudius refused to allow the advocates for these ungrateful freed persons to bring suit against their own freed persons. This sug-

had re-enslaved a freed man because the man had prompted informers to raise questions about his patron's legal status.[46] Then, stemming from the senatorial debate in 56 CE, Nero granted to the Senate the ability (or codified an already existing practice) to have freed persons re-enslaved when judging cases regarding their purported inofficious conduct.

By the late second century CE, re-enslavement appears to have become a standard judicial punishment for freed persons convicted of ingratitude. A constitution attributed to the Emperor Commodus reads:[47]

> *Imperatoris Commodi constitutio talis profertur: 'Cum probatum sit contumeliis patronos a libertis esse violatos vel illata manu atroci esse pulsatos aut etiam paupertate vel corporis valetudine laborantes relictos, primum eos in potestate patronorum redigi et ministerium dominis praebere cogi: sin autem nec hoc modo admoneantur, vel a praeside emptori addicentur et pretium patronis tribuetur.'*
>
> A constitution issued by the Emperor Commodus reads thusly: 'When it has been proven that patrons have been mistreated due to the insults of their freedpersons or struck by a serious blow, or abandoned while suffering in poverty or sickness, first the freedpersons must be returned to their patrons' control and compelled to perform service for them as if they were masters. If, however, these freedpersons are not admonished

gests that Claudius refused to let those who dared to defend individuals deemed to be ungrateful to bring charges of ingratitude against their own freed persons.

46 *Dig.* 37.14.5.pr, Marcian. It is impossible to discern from these sources whether the patrons themselves had initiated legal action and Claudius supported the punitive measures, or if the emperor had simply punished the freed persons after learning of their inofficious behavior. The historian Cassius Dio wrote that Claudius punished a freed man who dared to bring a legal suit against his patron (60.28). He also recorded that Claudius despised enslaved and freed persons who had conspired against their patrons during the reigns of his more tyrannical predecessors. The emperor ordered many to be killed and handed over others to their patrons for punishment (60.13.2). Dio later depicted Emperor Nerva commanding similar executions after succeeding Domitian (68.1.2.). Cf. Dig. 49.14.2.6, Callistratus; *Cod. Iust.* 9.1.21, 423 CE.

47 *Dig.* 25.3.6.1, Modestinus. On the possible legal implications of the constitution of Commodus, see Pietro De Francisci, "La revocatio in servitutem del liberto ingrato," in *Mélanges de droit romain dédiés à Georges Cornil*, vol. 1 (Ghent: Vanderpoorten and Société an. Recueil Sirey, 1926): 308–10.

by this, then they should be sold to a buyer by the presiding magistrate and the funds given to their patrons.'

The emperor, in formulating his constitution, drew upon familiar examples of misconduct to identify the ungrateful freed person: disrespectful behavior, physical harm, and a lack of support in times of need. He then outlined a two-step punishment for convicted offenders. First, they were to provide labor for their patrons. Here, the use of language such as "power" (*potestas*) and "master" (*dominus*) is telling as it signifies a servile – or quasi-servile – relationship between the two individuals rather than an arrangement between two citizens. However, this penalty seems to have been something less than full re-enslavement, if only because the law recognized that some of these individuals might continue to demonstrate inofficious behavior; in such case, these were to be re-enslaved by the state and sold to a new owner. In the same vein, the jurist Ulpian judged that freedpersons who struck their patrons should be sent to the mines, presumably now enslaved.[48]

It seems as if the utilization of re-enslavement as a penalty for ungrateful freed persons continued to grow, since a century later, in 294 CE, the Emperors Diocletian and Maximian felt it necessary to declare: "Freedom, once given, cannot be rescinded on the sole grounds that *obsequium* was not shown."[49] This ruling suggests a desire to curb the practice of re-enslavement for smaller violations of the standards of *obsequium*, implying that a freed person's transgression had to be serious enough to result in a loss of freedom. This standard, however, seems to have been reversed by the subsequent emperor, Constantine, in 320 CE,

48 *Dig.* 1.12.1.10, Ulpian; 37.14.1, Ulpian.

49 *Solo obsequii non praestiti velamento data libertas rescindi non potest* (*Cod. Iust.* 7.16.30). Cf. *Dig.* 4.2.21.pr, Paul; *Cod. Iust.* 6.3.12, 293 CE; 7.9.23, 293 CE. Some scholars have suggested that the emperors' ruling was more about the necessity for evidence rather than about evaluating the severity of the offense. Yet they acknowledge a possible link between the gravity and provability of an offense. See Manlio Sargenti, "Constantino e la condizione del liberto ingrato nelle costituzioni tardo imperiali," *Atti dell'Accademia Romanistica Costantiniana* 8 (1990): 182; Silvia Schiavo, "Sulla *revocatio in servitutem* dei *liberti ingrati* in alcuni rescritti tardoclassici," *Tesserae iuris* 3, no. 2 (2022): 114–16; cf. Dario Annunziata, *Sedula Servitus: Sulla 'revocatio in servitutem' in Constantino* (Naples: Jovene Editore, 2020): 69.

who ostensibly made re-enslavement a regular punishment for ingratitude, even in cases where the offence was minor.[50] Rather than the compulsory sale of the ungrateful freed person as directed by Commodus, Constantine had the patron resume ownership. This practice would continue for centuries, as evidenced by Justinian's *Institutes*, which used the re-enslavement of ungrateful freedpersons as a key example that illustrated the loss of civil rights.[51]

Ingratitude in Marriage

One particular relationship highlights the perceived indebtedness of freed persons and the constraints of these obligations on their freedom: the marriage between a freed woman and her patron. Perceived power differentials grounded in gender assumptions underscored Roman attitudes toward marriages between freed persons and their patrons. Both Roman law and social mores strongly discouraged relationships between freed men and female patrons, casting such relationships as unseemly. The primary exception seems to have been the case where an enslaved woman who had gained her freedom later purchased and manumitted her partner.[52] Conversely, it was extremely common to see marriages between male patrons and their freed women across a spectrum of statuses. Roman law encouraged and facilitated such unions by granting exemptions to certain regulations, effectively creating a legal sub-category of manumission: manumission for the purpose of marriage.[53]

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50 *Cod. Iust.* 6.7.2. Many legal scholars have viewed Constantine's legislation as a turning point for the use of re-enslavement as a punishment for ingratitude, especially in terms of the normalization of the penalty and the frequency of its use. On the possible changes this legislation wrought to legal processes related to the accusation of ingratitude, see De Francisci, "La revocatio"; Sargenti, "Constantino"; Kyle Harper, *Slavery in the Late Roman World, AD 275–425* (Cambridge: Cambridge University Press, 2011): 485–89; Annunziata, *Sedula Servitus*; Sciortino, "Un'ipotesi": 19–23.

51 *Inst. Iust.* 1.16.1; cf. *Cod. Iust.* 6.7.4, 426 CE, *Nov*. 78.2.

52 For example, *Dig.* 40.2.14.1, Marcian. See also Judith Evans Grubbs, "Marriage more Shameful than Adultery: Slave-Mistress Relationships, 'Mixed Marriages,' and Late Roman Law," *Phoenix* 47 (1993): 125–54.

53 See Katherine Huemoeller, "Freedom in Marriage? Manumission for Marriage in the Roman World," *Journal of Roman Studies* 110 (2020): 123–39.

Patrons technically could not force a freed woman into marriage, but it was well within their power to demand marriage as a requisite for manumission.[54] As in the case of *operae*, patrons could not compel marriage; a promise to wed was something "freely" given in exchange for – and in gratitude for – freedom.[55] When a woman was explicitly manumitted for the purpose of marrying her patron, she was to be re-enslaved if she did not complete her marital pledge within six months or if she entered into a union with another man.[56] In addition, whereas classical Roman law allowed a married woman to unilaterally initiate a divorce, any freed woman who married her patron needed to obtain his consent to divorce and remarry.[57] Similarly, several jurists considered whether or not a freed woman would be permitted to dissolve her marriage with a patron who was being held in captivity, which again was standard practice for women under the law at the time. While opinions were split, some jurists argued that the marriage should persist on account of the reverence a freed woman owed to her patron.[58] And much like the obligations of *obsequium*, jurists closely linked patrons' legal authority over a freed woman's marriage rights to the decision to manumit. They declared that a patron who had married a freed woman that had been manumitted due to a binding trust could not prohibit her from divorcing him and remarrying another since he, as an executor compelled to act, had not actually granted her the *beneficium* of manumission.[59]

Roman jurists undoubtedly developed these measures to maintain the existing power dynamic between patrons and freed women. The underlying anxiety was that an enslaved woman would promise marriage in exchange for her freedom, only to leave her patron/husband at the first opportunity. Hence the stricter constraints placed on the free-

54 *Dig.* 37.14.6.3, Paul.

55 If a freed woman did not promise marriage prior to manumission, a patron would be unable to compel her to wed (*Dig.* 23.2.28, Marcian, 23.2.29, Ulpian).

56 *Dig.* 40.2.13, Ulpian; 40.9.21, Modestinus.

57 *Dig.* 23.2.45, Ulpian; 24.2.11.pr.–2, Ulpian.

58 Ulpian disagreed with this assessment, arguing that captivity was akin to death under the law. He believed that a freed woman with a captive patron/husband should be allowed to remarry without his explicit consent, just as she would if her patron/husband had died (*Dig.* 23.2.45.6).

59 *Dig.* 23.2.50, Marcellus; 24.2.10, Modestinus.

dom of freed women married to their patrons. This concern about the faithfulness of freed persons, as well as the fear of ingratitude, is perhaps best illustrated by a particularly fascinating case study: the funerary altar of Junia Procula.

The commemorative monument was built by the parents of Junia Procula, a recently deceased young girl.[60] At the bottom of the front side of the altar, there is an inscription:[61]

> *Dis Manibus*
> *Iuniae M(arci) f(iliae) Proculae vix(it) ann(is) VIII m(ensibus) XI d(iebus) V miseros*
> *patrem et matrem in luctu reliquid fecit M(arcus) Iuniu[s]*
> *Euphrosynus sibi et [[... ....]]e tu sine filiae et parentium in u[no ossa]*
> *requ(i)escant quidquid nobis feceris idem tibi speres mihi crede tu tibi testis [eris]*
>
> To the divine shades of Junia Procula, daughter of Marcus, who lived eight years, eleven months, and five days. She left her wretched father and mother in grief. Marcus Junius Euphrosynus made (this altar) for himself and for [name deleted]. Allow the bones of the daughter and parents to rest in one place. Whatever you have done for us, may you hope for the same for yourself. Believe me, you will be a witness to yourself.

This is a touching statement made by the grieving father and mother, honoring their beloved daughter who had died just before her ninth

60 The marble altar measures 99 cm (height), 63 cm (width), and 51 cm (thickness). It was discovered in Rome near the Via Flaminia in the sixteenth century CE. Kleiner dates the altar to c. 80 CE based on the hairstyle and use of the running drill; see Diana E.E. Kleiner, *Roman Imperial Funerary Altars with Portraits* (Rome: Giorgio Bretschneider Editore, 1987): 134. On the altar and its two inscriptions, see Huemoeller, "Freedom in Marriage": 123–27; Jason Mander, *Portraits of Children on Roman Funerary Monuments* (Cambridge: Cambridge University Press, 2013): 168 (#44); Judith Evans Grubbs, "*Stigmata Aeterna*: A Husband's Curse," in *Vertis in usum: Studies in Honor of Edward Courtney*, ed. Cynthia Damon, John F. Miller and K. Sara Myers (Munich: K.G. Saur, 2002): 230–42; Kleiner, *Roman Imperial Funerary Altars*: 132–4 (#23).

61 *CIL* 6.20905.

birthday – unfortunately something that was all too common in the Roman world. What makes this memorial unusual is that at some later point, the name of Junia Procula's mother was deliberately scratched out, effectively deleted from the monument.

A possible explanation for this erasure can be found on the back side of the altar, where the following curse was inscribed:

> *Hic stigmata aeterna Acte libertae scripta sunt vene/nariae*
> *et perfidae dolosae duri pectoris clavom et restem*
> *sparteam ut sibi collum alliget et picem candentem*
> *pectus malum comburat suum manumissa gratis*
> *secuta adulterum patronum circumscripsit et*
> *ministros ancillam et puerum lecto iacenti*
> *patrono abduxit ut animo desponderet solus*
> *relictus spoliatus senex e[t] Hymno ⌜e⌝ade(m) sti(g)m(a)ta*
> *secutis*
> *Zosimum.*
>
> Here the eternal marks of infamy have been written for the freedwoman Acte, a poisoner, and a treacherous, deceitful, and hard-hearted woman. [I bring] a nail and a rope made of broom so that she may bind her own neck and boiling-hot pitch to burn her evil heart. Manumitted free of charge, she cheated her patron, following an adulterer, and she stole away his servants—an enslaved girl and a boy—while her patron was lying in bed, so that he despaired, an old man left alone and despoiled. And the same marks of infamy to Hymnus, and to those who followed Zosimus.

Most scholars assume that the author of the curse was Marcus Junius Euphrosynus, the father of the deceased Junia Procula, and that Acte was the girl's mother, whose name was deleted from the front side of the monument.[62] It seems likely then that Euphrosynus had manumit-

[62] Graf believes that Euphrosynus had died and that his heirs, believing Acte to be his murderer, wrote the curse; see Fritz Graf, "Victimology or: How to Deal with Untimely

ted and married Acte, but that Acte, sometime after the death of their daughter, left her husband. In the curse, Euphrosynus communicates his feelings of betrayal, describing Acte as "treacherous" and "deceitful," ultimately characterizing her as a devious malefactor: a poisoner, adulterer, and thief.[63] Of particular note is the inclusion of the word *gratis* to describe the manumission. It can be translated as "free of charge" or "freely given." It is also based on the same word in Latin (*gratia*), as the "gratitude" that a freed person was supposed to demonstrate toward a patron – and what an ungrateful freed person lacked. Dedicators rarely used the phrase manumission *gratis* in inscriptions, which suggests a deliberateness on the part of Euphrosynus.[64] This word choice highlights both the "gift" granted to Acte by her patron and her continued debt to him, a debt that she failed to honor. Marcus Junius Euphrosynus, in his eyes, had been cheated by an ungrateful freed woman.[65] Of course, Acte's perspective on the matter almost certainly would have been quite different. Nothing is known about her experiences while enslaved and her relationships with Euphrosynus and other members of the household named in the curse. Now married to her enslaver and unable to divorce him without his consent, Acte's only option to escape the union – and the patronal authority wielded by her husband – was to be "ungrateful" and to flee.

Death," in *Daughters of Hecate: Women and Magic in the Ancient World*, ed. Kimberly B. Stratton and Dayna S. Kalleres (Oxford: Oxford University Press, 2014): 399–400.

63 The word *venenaria* ("poisoner") could be understood literally, perhaps even going so far as to suggest that Acte had murdered their daughter, or figuratively, as in one who inflicted harm through malicious actions or speech. It could also suggest the use of supernatural forces (i.e., a "sorcerer"), possibly in aid of Acte's "deception" of her patron. See OLD, *venenarius* and *venenum*.

64 I have found only one other reference to manumission *gratis* in *CIL* 6 (02211).

65 Huemoeller explores how Euphrosynus' expectations of marriage and family life may have motivated his manumission of Acte (Huemoeller, "Freedom in Marriage": 128–9).

The Debt of the Roman Freed Person

It is clear that the figure of the ungrateful freed person provoked particular anxiety in Roman society.[66] Arguably the best example of this concern was the creation of a legal action, specifically for ingratitude, under the *lex Aelia Sentia*, which was somewhat extraneous given patrons' personal powers of correction and the broad scope of the existing law of *iniuria*. Furthermore, surviving conversations about the re-enslavement of problematic individuals – such as the letters between Cicero and Atticus, and Tacitus' record of the senatorial debate – speak to the perceived threat to the status quo posed by ungrateful freed persons. A critical number of Romans seem to have viewed the gratitude inherent in *obsequium* as something vitally important to the wellbeing of their world.

The growing concerns about and the increasing regulation of ungrateful freed persons in the first century CE were taking place against the backdrop of broader discussions about the significance of gratitude to Roman social and political relationships. Rhetoricians had begun to consider the use and value of an apparently hypothetical legal charge of "ingratitude" (an *actio ingrati*) in declamation exercises.[67] Seneca appears to have responded to this device in *de Beneficiis*, which he wrote sometime between 56 and 64 CE.[68] As mentioned earlier, the philosopher begins Book 3 of his treatise with a detailed assessment of the value of gratitude and its importance as a core Roman virtue.[69] He then,

66 Charles Manning writes that "one could argue that the relationship of freedmen with their former patrons was an almost obsessive concern of the first century, a concern that was heightened by some noticeable instances of ingratitude, real or imaginary" (Charles Manning "*Actio Ingrati*," *Studia et documenta historiae et iuris* 52 [1986]: 69). Mouritsen also calls attention to the use of a contrasting trope in the discourse: the faithfulness of the "good" freed person (Mouritsen, *Freedman*: 60–65).

67 Sen. *Contr*. 2.5, 9.1; [Quint.] *Decl. Min*. 333, 368; cf. Quint. *Inst*. 7.4.37–38. See Stanley Frederick Bonner, *Roman Declamation in the Late Republic and Early Empire* (Berkeley: University of California Press, 1949): 87–88; Manning, "*Actio ingrati*": 63–64; Neil W. Bernstein, *Ethics, Identity, and Community in Later Roman Declamation* (New York: Oxford University Press, 2013): 78–82, 94–95.

68 On the dating and social context of *de Beneficiis*, see Miriam Griffin, *Seneca on Society: A Guide to de Beneficiis* (Oxford: Oxford University Press, 2013): 91–96.

69 On the possible declamatory and philosophical influence on Ulpian's characterization of manumission as a *beneficium*, see Serena Querzoli, "Il beneficium della manumisio nel pensiero di Ulpio Marcello," *Ostraka* 18 (2009): 203–20; J. E. Lendon, *That Tyrant,*

somewhat surprisingly, follows this introduction with an argument for why an action for ingratitude, such as the one discussed by declaimers, should not become an actual offense tried in law courts. Seneca claims that such a law would discourage and degrade acts of beneficence and, in the end, foster the growth of ingratitude.[70]

Seneca asserts that a significant contributing factor to the failure of the hypothetical *actio ingrati* was the challenge posed to one sitting in judgement of such a case. He writes:[71]

> *Ingrati actio non erat iudicem adligatura sed regno liberrimo positura. Quid sit enim beneficium, non constat, deinde, quantum sit; refert, quam benigne illud interpretetur iudex. Quid sit ingratus, nulla lex monstrat; saepe et qui reddidit, quod accepit, ingratus est, et qui non reddidit, gratus.*
>
> A suit for ingratitude could not have imposed tight constraints on a judge, but would have had to give him unrestricted authority. For there is no clear agreement about what a *beneficium* is, let alone about how big it is. The generosity of the judge's interpretation makes a difference. No law can indicate what counts as an ungrateful person; sometimes even the person who repaid what he was given is ungrateful, while the person who did not repay is grateful.

For Seneca, the value of a *beneficium* and its reciprocal response were dependent on both the context of the exchanges and the mindsets of both parties. As a result, he maintains that judicial decisions regarding these cases would ultimately be subjective and arbitrary, something that is conceptually at odds with contemporary legal practice.[72] All in all, these

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Persuasion: How Rhetoric Shaped the Roman World (Princeton: Princeton University Press, 2022): 125–28.

70 3.6–17.

71 3.6.7. From Seneca, *On Benefits*, trans. Miriam Griffin and Brad Inwood (Chicago: University of Chicago Press, 2011).

72 At the heart of the issue was the perceived incompatibility with the formulary system, which required judges to evaluate the facts of a case against a brief conditional statement (*formula*) established by the praetor. For a detailed analysis of Seneca's reasoning, see Nicole Giannella, "The Cost of Ingratitude: Freed Persons, Patrons, and Re-Enslavement," in *Freed Persons in the Roman World: Status, Diversity, and Representa-*

conclusions are perhaps unsurprising given that the focus of the work is the relationships between aristocratic Romans, including, it might be implied, the emperor himself.[73]

What Seneca deliberately does not mention anywhere in his treatise is that a legal action for ingratitude already existed at that time: the charge that patrons could bring against their freed persons, as established by the *lex Aelia Sentia* in 4 CE. And even more than simply ignoring this existing law, Seneca effectively erases it when he declares that no people, apart from the Macedonians, have a legal action for ingratitude.[74] For Seneca and his audience, the intrinsically hierarchical patron-freed person relationship was something fundamentally different than that which existed between elite Romans. The gratitude expected of freed persons was not necessarily the same as in other cases, and, as such, Seneca's concerns about judicial license and the degradation of beneficence do not appear to have been relevant.[75] Indeed, a complaint voiced by some in the senatorial debate of 56 CE was that under the contemporary laws (which included the action for ingratitude established by the *lex Aelia*

tion, ed. Sinclair W. Bell, Dorian Borbonus and Rose MacLean (Cambridge: Cambridge University Press, 2024): 143–52; Griffin, *Seneca on Society*: 212–13.

73 Manning argues that Seneca, within this context, was articulating a view on *ingratia* that he would take as an advisor to Nero (Manning, "*Actio Ingrati*": 62–67); cf, J. E. Lendon, *Empire of Honour: The Art of Government in the Roman World* (Oxford: Oxford University Press, 1997): 159. The unspoken context seems to be the actions of recent emperors who had begun to compel wealthy individuals to bequeath a portion of their estate to the imperial coffers, often using the language of (in)gratitude (Tac. *Ann.* 2.48.2; Suet. *Tib*. 15.2; *Gai*. 38.2; Dio 60.6.3). Explicitly criticizing the practice may have hit too close to home, given that Nero ultimately adopted the tactics himself (Suet. *Ner.* 32.2; Dio 59.15.2).

74 3.6.2 (*excepta Macedonum gente non est in ulla data adversus ingratum actio*). Giannella suggests that Seneca's reference to the grant of citizenship as a *beneficium* (3.9.2) may have been a reference to the condition of freed persons (Giannella, "The Cost of Ingratitude": 150), cf. Griffin, "Seneca on Society": 213.

75 Since Seneca wrote his treatise during the ongoing discussion in the first century CE about the ungrateful freed person (and near in time to the senatorial debate about re-enslavement in 56 CE), scholars have debated the extent to which *de Beneficiis* may be a response to contemporary practices. Manning believes that Seneca did not write with the ungrateful freed person in mind, but that those discussing the matter may have found his ideas regarding ingratitude to be relevant (Manning, "*Actio Ingrati*": 69–72). Giannella takes this even further, seeing the influence of contemporary debates and practices on Seneca's views regarding the hypothetical legal action for ingratitude (Giannella, "The Cost of Ingratitude": 151–52).

Sentia), the legal positions of freed persons and patrons were essentially too similar. They argued that to successfully maintain the proper social order, patrons required a "weapon" that would effectively give them an advantage.[76] Apart from debates about the penalty of re-enslavement, there appears to have been little popular unease regarding either the performance of *obsequium* or the prosecution of ungrateful freed persons.

Both the obligations imposed upon freed persons under Roman law and the concerns voiced regarding their possible ingratitude speak directly to the conception of a unique debt created by manumission. On its most basic level, this debt was grounded in the economic reasoning of enslavers. Choosing to free an enslaved individual was, from the perspective of Roman authors and lawmakers, a financial transaction at its core, with the manumitter willingly relinquishing claims to ownership of his or her property. By the reasoning of this obscene calculus, patrons had given their freed persons a tangible gift by transferring to them the value of an enslaved individual. Moreover, their largesse bestowed not only freedom but also Roman citizenship, two benefits whose worth was beyond calculation. The idea of manumission as a gift voluntarily given was critical to Roman understandings of the legal relationship between patrons and freed persons. For example, consider the following declaration by the Emperor Caracalla in the early third century CE:[77]

> *Non est ignotum, quod ea, quae ex causa fideicommissi manumisit, ut ingratum libertum accusare non potest, cum id iudicium extra ordinem praebeatur ei, qui voluntate servo suo libertatem gratuitam praestitit, non qui debitam restituit.*
>
> It is well known that a woman, who manumitted a slave on account of a legal trust, is later not able to accuse the freedman of ingratitude, since that action is given to an individual who voluntarily bestows freedom freely given upon her slave, not one who makes good an obligation.

76 Tac. *Ann.* 13.26 (see n. 3 above).
77 *Cod. Iust.* 6.7.1 (214 CE).

The emperor's use of the repetitive terms "voluntarily" and "freely given" emphasize the intentional decision to manumit made by some owners, as compared to the woman who was compelled by the law to free an individual in the process of executing a binding trust.[78]

Debt carried with it a moral obligation; the proper response, as the earlier quote from Seneca highlighted, was for freed persons to offer their patrons something of equal or greater value in return. It might be argued that failure to do so indicated not simply a lack of manners, but a moral deficiency. The Roman author Valerius Maximus calls attention to this ethical element when he recounts the tale of an Athenian who stripped his ungrateful freed man of his freedom. This example almost certainly illustrates the charge of "desertion" (*dike apostasiou*) in Athenian law, which could be used against freed persons who did not fulfill certain obligations toward their patrons.[79] However, manumission did not confer citizenship in classical Athens, and the patron's words regarding citizen virtue most likely reference the Roman values of the author and his audience. Perhaps relatedly, Valerius Maximus was in the process of writing in the early first century CE when discussions regarding the punishment of ungrateful freed persons among the Roman political elite were beginning to intensify.

> *Age, quid illud institutum Athenarum, quam memorabile, quod convictus a patrono libertus ingratus iure libertatis exuitur! "Supersedeo te" inquit "habere civem tanti muneris impium aestimatorem, nec adduci possum ut credam urbi utilem quem domui scelestum cerno. abi igitur et esto servus, quoniam liber esse nescisti."*
>
> Consider another, quite remarkable, institution of Athens, where an ungrateful freedman convicted by his patron was deprived of his right

78 Cf. Barja De Quiroga, "El beneficium": 52–57.

79 The obligations of freed persons in Athens were even more nebulous than the Roman expectations of *operae* and *obsequium*. Individuals found guilty under a *dike apostasiou* could be re-enslaved. See Stephen C. Todd, *The Shape of Athenian Law* (Oxford: Oxford University Press, 1993): 190–92; Rachel Zelnick-Abramovitz, *Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World* (Leiden: Brill, 2005): 274–92.

> of freedom. [The patron] says, 'I cease to regard you as a citizen, you the undutiful appraiser of so great a gift, and I am not able to be persuaded to believe that you, whom I see to be wicked toward your household, are beneficial to our city. Therefore begone and be a slave, since you do not know how to be free.'

In his statement, the patron asserts that the undutiful freed man did not appreciate the gift bestowed upon him: not only his freedom from bondage but his citizen status as well. He declares that one who behaves in a such a dishonorable way toward his own household – that is, toward his patron – is of no use to the community and is thus to be returned to servitude.[80] A similar articulation of ingratitude can be found in a much later source from 423 CE. The constitution issued by the emperors Honorius and Theodosius II describes ungrateful freed persons as those who have failed to be "mindful of the freedom given to them" and have once again taken up the "depravity of a slavish character."[81] The prevailing view expressed in these ancient sources was that freed persons owed much to their manumitters; ingratitude was deemed morally problematic because it meant that a sizable debt was not being repaid, and thus that the freed person did not truly appreciate the value of the gift received. Furthermore, authors construed this lack of appreciation and gratitude as being both "slavish" in nature and detrimental to the community as a whole. Accordingly, they used the supposed moral failings of a freed person to justify the loss of citizenship and freedom. In other words, the status of freed persons as free Roman citizens was contingent on their maintaining an obsequious relationship with their patrons.

Yet, for all the talk of gifts, debts, and moral responsibilities, it is impossible to ignore the anxiety about power dynamics that permeates accounts involving ungrateful freed persons. To start, there was a significant difference between the debt wrought by the *beneficium* of manumission and the sort discussed by Seneca: the debt of the Roman freed

80 2.6.6. According to Valerius Maximus, the Massilians of his own day maintained a similar practice, allowing a "master" to re-enslave a freed person on the grounds of "deception" (*deceptus dominus*) up to three times (2.6.7).

81 *Con. Iust.* 6.7.3 (*si illi datae sibi libertatis immemores nequitiam receperint servilis ingenii*).

person could never be fully repaid. Roman law structured the obligations of *obsequium*, and the particular hierarchical relationship it engendered, as a lifelong commitment. Perpetual debt ensured perpetual inequality. Returning to the debate in the Roman Senate discussed at the beginning of this lecture, Tacitus writes that senators were in favor of granting patrons the ability to have their ungrateful freed persons, with their mocking and physical threats, re-enslaved because these individuals were acting as if they were the equals of their patrons. The current standards of enforcement were not sufficient, since patrons and freed persons were allegedly on the same judicial footing under the existing laws. Patrons needed a special "weapon" through which the power hierarchy would be maintained.[82] And while the proposal was defeated, ostensibly to protect the unitary essence of Roman citizenship itself, penalties for ingratitude, including the looming threat of re-enslavement, remained for those who challenged the power dynamic. In the end, the question at hand was not whether such punishments were appropriate, but rather how exactly these punishments were to be wielded and deployed.

The Status of Freed Persons: The Tension between Protection and Exploitation

The perpetual indebtedness associated with freed persons and the gratitude it required highlight a critical tension in Roman custom and law, one between the protection and the exploitation of the formerly enslaved. One of the most consistent trends visible throughout Roman history is a commitment to the practice of citizen manumission: freeing (at least a few) enslaved individuals, granting them citizenship, and protecting their core citizen rights, even at the expense of individual patrons' interests.[83] This commitment is clearly present in legal and political discus-

82 *Ann.* 13.26 (*Ceteras actiones promiscas et pares esse: tribuendum aliquod telum, quod sperni nequeat*); cf. Giannella, "The Cost of Ingratitude".

83 On the link between manumission and citizenship and its significance in the Roman world, see Matthew J. Perry, "Manumission, Citizenship, and Acculturation in the Roman World," in *The Oxford Handbook of Greek and Roman Slaveries*, ed. Stephen

sions regarding the figure of the ungrateful freed person. Many juridical opinions sought to explain how specific conduct by freed persons did not in fact constitute ingratitude, even if it contravened the desires of their patrons. For example, lawmakers declared that formerly enslaved individuals were allowed to reside wherever they pleased and were permitted to hold the occupation of their choice.[84] The jurist Papinian explicitly declared that a freed woman practicing a profession against the wishes of her patron was not to be considered ungrateful (*ingrata*).[85] Moreover, patrons were not allowed to forbid a freed woman from getting married.[86] These examples suggest that legal authorities attempted to protect freed persons' core rights as Roman citizens, as some patrons sought to exert additional control by pushing the boundaries of what *obsequium* required.[87] And perhaps most tellingly, the primary motive attributed to the opponents of blanket re-enslavement in the senatorial debate described by Tacitus was a concern that such a measure would create two categories of freedom, essentially making freed persons and their descendants second-class citizens.

The evidence discussed in this lecture has shown how assumptions about gratitude, service, and deference permeated the legally defined relationship between patron and freed person. While this relationship was hierarchical in nature, it was not designed to be inherently servile or degrading, as it closely paralleled relationships between other citizens, most notably a father and his emancipated child.[88] A Roman father

Hodkinson, Marc Kleijwegt and Kostas Vlassopoulos (Oxford: Oxford Academic, 2016), https://doi.org/10.1093/oxfordhb/9780199575251.013.10.

84 *Dig.* 37.14.2, Ulpian; *Cod. Iust.* 6.3.12, 293 CE.

85 *Dig.* 37.15.11, Papinian.

86 *Dig.* 37.14.6, Paul; *Cod. Iust.* 6.4.4.5, 531 CE. Based on Paul's opinions, it appears that patrons once had the ability to exact a binding promise not to marry as a condition for manumission, but the power of such oaths was diminished by Augustus' marriage legislation.

87 In theory, the praetor was supposed to protect freed persons from being re-enslaved unlawfully by their patrons (*Frg. Dosith.* 5). A statement made by Ulpian about patrons using the law for "revenge" (*vindicta*) may speak to such efforts (*Dig.* 4.1.6). See Wilinski, "Intorno all'"accusatio"": 566–69.

88 There are many examples of this parallelism. For example, Quintilian comments on the restraint required of orators litigating cases between a parent and a child, due to the respect owed to the former, and compares this to the situation of a patron and a freed person (*Inst.* 11.1.66). Similarly, the compilers of Justinian's *Digest* entitled Book

possessed complete financial and legal power over his children so long as he lived, unless he formally released them from his paternal authority, which was called emancipation. A formal relationship remained between the two individuals in Roman law, and like freed persons, the emancipated son owed his father respect and gratitude for the gift of "freedom" that he had been given.[89] The jurist Ulpian highlighted the structural similarity between these legal relationships when he wrote: "The person of the father and the patron should always be regarded as honorable and sacred to the child and freed person."[90] As in the case of freed persons, Roman law forbade children from initiating lawsuits for *iniuria* and fraud against their parents.[91] And parents, like patrons, could bring legal charges against their children for disrespectful or negligent behavior, including insult and physical injury. For example, Ulpian wrote: "If a child insults his mother or father, whom (s)he is obliged to honor, or lays impious hands upon them, the urban prefect will punish the offense, which pertains to public virtue, in proportional measure."[92] The jurist justified punishment on the grounds that ingratitude and disrespect hurt not only the parent but Roman society writ large, which is quite similar to language regularly used in characterizations of the ungrateful freed person.[93] By the mid-fourth century CE, it was possible to have emancipation revoked and the child returned to paternal power. An imperial constitution declared: "Disobedient sons, daughters, and other descendants, who have injured their parents by either harsh mockery or the pain of any sort of serious insult, these the laws wished to punish with the loss of their undeserved freedom through the revocation

37 Section 15, "On the *Obsequium* Provided to Parents and Patrons" (*De obsequiis parentibus et patronis praestandis*).

89 See Jane F. Gardner, *Family and Familia in Roman Law* (Oxford: Clarendon Press, 1998): 6–113, esp. 75–78.

90 *Dig.* 37.15.9 (*Liberto et filio semper honesta et sancta persona patris ac patroni videri debet*).

91 *Dig.* 37.15.2.pr, Julian; 37.15.5; Ulpian; 48.2.11.1, Macer.

92 *Dig.* 37.15.1.2 (*Si filius matrem aut patrem, quos venerari oportet, contumeliis adficit vel impias manus eis infert, praefectus urbis delictum ad publicam pietatem pertinens pro modo eius vindicate*).

93 The Emperor Severus Alexander ruled that parents were allowed to bring charges even against children-in-power (i.e., non-emancipated children) if they persisted in inofficious conduct (*Cod. Iust.* 8.46.3, 228 CE); cf. Quint. *Inst. Orat*. 7.6.4–5.

of their emancipation."[94] As in the case of the ungrateful freed person, emancipated children must prove themselves to be worthy their freedom (in this case, their release from paternal power) by demonstrating proper reverential behavior; failure to do so marked an individual as being undeserving of the gift that they had been given. Respect, devotion, and dutifulness were core virtues in Rome's hierarchical society and defined the proper relationship between household members of differing statuses.[95] In this regard, freed persons were not all that different from their fellow citizens.

Despite these conceptual and structural similarities, there were several key distinctions between the situation of formerly enslaved individuals and freeborn Romans, distinctions that had the potential to impact the lives and liberty of freed persons in a wholly unique way. In practice, the display of gratitude and respect demanded from freed persons did not always look the same as that required from children, and jurists clearly distinguished between the two. Moreover, unlike the emancipated child, a freed person's obligations persisted past the death of his patron, with the debt passing to the patron's heir. Most importantly, the "freedom" achieved by an emancipated child was substantially different from the freedom from bondage wrought by manumission. Accordingly, a return to paternal power was a much, much less severe – and permanent – penalty than re-enslavement, which relegated an individual once again to the status of owned property, lacking in both liberty and personal rights. Given the stakes of the gratitude expected from them, freed persons were not as free as their fellow citizens to be "ungrateful."

According to both Roman custom and law, manumission created a sizeable debt for freed persons that could never be repaid fully. In exchange for their freedom and citizenship, freed persons were obliged to demonstrate gratitude, deference, and respect toward their patrons in all facets of their lives. Those who failed to meet these standards were liable to punishment from both their patrons and the Roman judicial

94 *Cod. Iust.* 8.49 (*Filios et filias ceterosque liberos contumaces, qui parentes vel acerbitate convicii vel cuiuscumque atrocis iniuriae dolore pulsassent, leges emancipatione rescissa damno libertatis immeritae multare voluerunt*, 367 CE).

95 Saller, *Patriarchy*: 102–32.

system, up to and including re-enslavement. Evidence from legal sources demonstrates how this indebtedness permeated and shaped freed persons' legal status and rights as citizens, and alludes to the various ways that formerly enslaved individuals may have experienced their obligations. However, it is difficult, if not impossible, to speak to individual realities, which must have been quite varied. The constraints on a freed person's liberty due to their assumed indebtedness are perhaps most apparent in the case of the marriages between freed women and their patrons. A freed woman manumitted expressly for the purpose of marriage, or simply a woman who had chosen to marry her patron, faced substantial restrictions to not only her freedom in general but also to her social and economic abilities as a Roman citizen due to the power granted to her patron regarding divorce, remarriage, and the devolution of property.

There are few concrete details in the surviving sources about the application of these rules governing the relationship between patrons and freed persons in Roman society. The number of cases of ingratitude brought against freed persons and how often penalties such as re-enslavement were imposed cannot be known. What is clear is that for centuries, Roman authorities believed this to be a vital topic worthy of extensive attention and discussion. The evolution of the legal action for ingratitude over the course of the imperial era and the apparent increasing demand for re-enslavement as a viable penalty suggest both a growing desire on the part of patrons to exert greater control over the political and economic abilities of their freed persons, and a willingness on the part of Roman authorities to entertain this objective. Moreover, Seneca's concerns about the dangers of litigating ingratitude, which purposefully ignore the obligations of freed persons, are nowhere to be found in these contemporary discussions. Instead, as the senatorial debate in Tacitus indicates, the primary concern – at least among elite Romans – was that the existing laws did not do enough to compel obedience.

From my perspective, two things stand out about how authors and lawmakers constructed and maintained both the meaning and the performance of freed persons' indebtedness. The first is an ever-present commitment to limiting the exploitative power of patrons when necessary

to protect freed persons' abilities to live as Roman citizens. The second is a similarly ever-present commitment to propagating the hierarchical relationship between patron and freed person. While at times these two goals may have been at odds with one another, they were both critical to the value ascribed to manumission in Roman society.

Manumission was an integral part of the centuries-long institution of Roman slavery, serving as an incentive for desired conduct and as a means of bolstering a patron's political and economic power through freed persons' work as agents, business partners, and spouses.[96] The amount of attention dedicated by both legal and literary authors to the figure of the ungrateful freed person reveals just how important manumission was to the institution of Roman slavery. The practice of freeing enslaved individuals and granting them citizenship endured for centuries because it served the interests of enslavers. For manumission to function as intended, both the freed person's citizen status and the power hierarchy between patron and freed person needed to be sustained. The debt assigned to the Roman freed person served both of these purposes, maintaining the preexisting dynamic in a decidedly citizen-like manner.

Freed persons who failed to recognize their debt to their patrons threatened the desired power dynamic and, according to the espoused tenets of Roman society, needed to be corrected—and, if necessary, returned to bondage. This sentiment does not appear to have been contested among Roman authorities. However, in the interest of preserving the delicate balance between exploitation and protection that governed the lives of freed persons, more extreme penalties such as re-enslavement needed to be applied judiciously. It is to this end that authorities seemingly rejected re-enslavement as a blanket power granted to patrons and instead committed the punishment of ungrateful freed persons to state authorities. The permeable boundary between being free and enslaved in the ancient world meant that freedom was never guaranteed, but the debt resulting from manumission and the looming possibility of re-

[96] See Koenraad Verboven, *The Economy of Friends: Economic Aspects of Amicitia and Patronage in the Late Republic* (Brussels: Latomus, 2002): 227–74; Mouritsen, *Freedman*: 217–24; Perry, *Gender*: 54–6; Huemoeller, "Freedom in Marriage".

enslavement meant that the freedom of Roman freed persons was a little less free and a little less secure.[97]

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[97] In this sense, the patron–freed person relationship in ancient Rome offers an example of strong "asymmetrical dependency" currently being considered at the Bonn Center for Dependency and Slavery Studies. See Julia Winnebeck et al., "The Analytical Concept of Asymmetrical Dependency," *Journal of Global Slavery* 8, no. 1 (2023): esp. 7–8.

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According to the Roman jurist Gaius, the foundational divide (*summa divisio*) in the law of persons was that all individuals were either free or enslaved. From a legal perspective, there was no greater distinction in status for human beings. Nonetheless, this clear-cut division was traversable, as individuals regularly moved between these conditions. This lecture explores the permeable boundary between freedom and enslavement through the lens of gratitude and obligation, particularly through the figure of the "ungrateful freed person." There was a prevalent cultural assumption that manumitted individuals were perpetually indebted to their former enslavers, making the release from slavery something less than a full ascension to complete autonomy. Roman law granted patrons the ability to bring a formal charge of ingratitude against any of their freed persons who violated prescribed standards of respectful conduct, potentially resulting in a range of penalties, including re-enslavement. Ultimately, the intertwined notions of gratitude, debt, and liberty help to explain the enduring modes of both citizenship and slavery in the Roman world.

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