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P. R. C. WEAVER

Where have all the Junian Latins gone? Nomenclature and Status in the Early Empire

I. Introductory

There is no need here to rehearse the importance of personal nomenclature and of onomastics in general, nor of its vital link with epigraphy, for the social history of the early empire. Much of the primary material for this history is epigraphical and an uncomfortably high proportion of this evidence consists of just names – the names of persons. From the point of view of methodology the study of Roman personal nomenclature occupies a crucial position.¹ One striking problem in this field is the conflict between the legal and the epigraphic evidence on the question of the age at manumission of slaves.

In Roman law the conditions for formal manumission, by which a slave from the early first century A. D. became a Roman citizen, are succinctly set out in Gaius 1.17: the slave must be over 30 years of age, he must be the Quiritary property of his master, and he must be set free by lawful and statutory manumission (*iusta ac legitima manumissione*). All three conditions must be met together: if any one of them is lacking, the slave in question will be a <Latin>. As to what constitutes formal and statutory manumission there are three methods: *vindicta*, manumission before a magistrate, usually the praetor in Rome or the governor in a province, which took the form of a fictitious lawsuit in which the claim of liberty was uncontested; *censu*, entry on the census list, restricted to males and obsolete from the early 1st century A. D.; *testamento*, by the owner's

¹ This paper was presented substantially in its present form at a conference on Greek and Latin epigraphy held at the University of New England, Armidale, New South Wales in September 1989. It is part of a larger study of the relationship between Roman personal nomenclature and legal and social status in the early empire, supported by the Australian Research Council and profitably pursued at the Institute for Advanced Study, Princeton, N. J. during 1986/87. In particular, it arises directly out of a discussion on the status of children of freed parents at a conference on the Roman family held in Canberra in July 1988, to appear in: *Marriage, Divorce and Children in Ancient Rome*, edited by BERYL RAWSON (Oxford U. P. 1990). I am grateful for the comments and criticism of those who have tried to come to grips, without necessarily agreeing, with the argument presented, in particular KEITH BRADLEY, JOHN CROOK, ROBERT DEVELIN, PAUL GALLIVAN, BERYL RAWSON, RICHARD SALLER, SUSAN TREGGIARI, GODFREY TANNER and PETER WILKINS.

will, the most frequent method, going back to the XII Tables (Cf. Ulpian, Tit. 1. 6–9; 23).

Exceptions to these conditions concern the minimum age at manumission. The lex Aelia Sentia of A. D. 4, which introduced the condition that slaves manumitted under 30 should not become Roman citizens, also provided an exception for those under 30 to become Roman citizens «if freed *vindicta* after proof of adequate motive for the manumission before a council» (*apud consilium iusta causa manumissionis adprobata*: Gaius 1.18). This is formally more restricted than the *vindicta* procedure itself, as it requires not only the presence of the appropriate magistrate but also, in Rome, a *consilium* of five senators and five *equites*, sitting on fixed days (not at any time [*semper*], as with *vindicta*) and, in the provinces, besides the governor, a *consilium* of twenty assessors (*recuperatores*) who must be Roman citizens, sitting on the last day of the assizes (*ultimo die conventus*: Gaius 1.20). Given these constraints, it is pertinent to note that in Gaius 1.19, the list of approved *iustae causae* for regular manumission under 30, while it does not appear to be exhaustive or restricted in a formal sense, is heavily concentrated on family and personal relationships within the household, such as a natural son or daughter, a natural brother or sister, foster-child (*alumnus*), children's teacher (*paedagogus*), an intended wife or business agent (*procurator*). In the category of regular manumission by will (*testamento*) of those under 30, the only surviving exception to the lex Aelia Sentia is when a slave is freed and left heir by the will of an insolvent master (Gaius 1.21; Ulpian, Tit. 1.14), as an *heres necessarius*, in order to avoid the disgrace of intestacy and posthumous insolvency. Failure to qualify under any of these exceptions resulted in informal manumission and (Junian) Latin status for the enfranchised slave.

The lex Aelia Sentia, thus, clearly and explicitly limited the scope of regular, formal manumission for slaves under the age of 30. These restrictions were severe and remained in force throughout the period Augustus to Justinian, apart from a modification by Constantine who introduced formal manumission, apparently without age restriction, in church in the presence of the Christian congregation.

In the epigraphic evidence, on the other hand, the age data on the epitaphs reveal manumissions on a massive scale below the age of 30, below 20, and even below 10 years. Figures compiled from Rome, Italy, the western and Danubian provinces show that of those recorded on funerary inscriptions over 65% of freedmen and freedwomen in Rome and Italy had been manumitted under the age of 30, and nearly 35% under the age of 20. In the provinces the proportions are lower, but even here as many as 40% were freed under the age of 30.² Even these figures understate the proportion actually freed under 30 etc. as age at manumission must be lower than age at death – by how much it is impossible to

² ALFÖLDY (1972), 107 ff., esp. 111 f.

say.³ It is clear that, for many groups of urban slaves, early or very early manumission was quite common, not to say normal.

II. Junian Latins

But the question then arises: what kind of manumission? Formal or informal? Formal manumission, i. e. *vindicta*, *censu* or *testamento*, or *iusta causa manumissionis apud consilium adprobata* under the *lex Aelia Sentia*, conferred both freedom (*libertas*) and Roman citizenship (*civitas*). If both parents had satisfied the conditions, the subsequent children were freeborn citizens (*cives Romani ingenui*) under the *potestas* of the father; if only one parent was a citizen, the children followed the status of the mother at the time of their birth and, if citizens, were *sui iuris*. Informal manumission, on the other hand, i. e. *inter amicos*, *per epistulam*, or, after the *lex Iunia*, under the age of 30, gave *libertas* and *Latinitas* but not *civitas*.⁴ The children born subsequently were *Latini/Latinae*, if mother or both parents were informally manumitted.⁵ This must have been so in a large number of cases where one or both parents were manumitted early. By the procedure known as *anniculi probatio* a Junian Latin marrying a *Latina* or *civis* before seven adult Roman citizen witnesses, expressly for the purpose of begetting such children, might later go before the praetor or provincial governor with a child one-year old, prove his case and thus acquire citizenship for himself and, where necessary, wife and child.⁶ These twin formal ceremonies may not have been as regular as is often supposed; their least effect was to delay citizenship by at least two years for the parents; for the child it would not matter; from early childhood he/she would be a *civis*.

³ ALFÖLDY's method and the sweeping conclusions he drew from this data about the status of freedmen in general have been roundly criticised, especially by GARNSEY (1981), 361 ff.; cf. HOPKINS (1978), 115 n. 30, 127 n. 63. Although it is obvious that the epitaphs are not a random sample and typical of all slaves, they are probably more representative of ex-slaves than is often allowed, although biased towards the households of the wealthy. Cf. SALLER & SHAW (1984), 127 f.

⁴ Gaius 3.56. Although informally manumitted, *Latini Iuniani* had legally recognised patrons (id. 3. 57 ff., 72). Quintilian (7.3.27), on the question of definitions and the distinction between slave and free, mentions as properties of a free man the *tria nomina* and tribe: *propria liberi, quod nemo habet nisi liber, praenomen, nomen, cognomen, tribum*. The list is not exhaustive: it does not include filiation or the freed-indication. Despite the inclusion of tribe, which certainly indicates Roman citizenship, and despite the view under the Republic that citizenship and freedom were closely linked (cf. Cicero, Caec. 96; Dom. 77; see TREGGIARI [1969], 237), a *liber* is not necessarily a *civis*. It is one of the purposes of this paper to estimate how many *liberi* were in fact *cives Romani*.

⁵ Gaius 1.80. Up till Hadrian there was some doubt whether the child of a Junian Latin husband and a Roman citizen wife was born a Roman citizen or Latin, after Hadrian in all such cases the child was born a Roman citizen. Cf. 1.30.

⁶ Gaius 1.29; Ulpian 3.3.

Such an avenue to citizenship, together with others listed in Ulpian 3.3,⁷ applied mostly to individual Latins one or two at a time and were not automatic. They required sometimes lengthy qualifying periods, investment of capital, and official approval. It should not be assumed that all or most *Latini*, whether under or over 30, easily passed along this route in minimum time. By far the commonest method of formal manumission was by will (*testamento*), restricted as to number by the *lex Fufia Caninia* of 2 B. C., but still capable of producing 100 new citizens at a time.⁸ This route was not available to slaves under 30, except in the comparatively rare case where it was to provide a *necessarius heres* for an insolvent testator to avoid intestacy.⁹

The main effect of informal manumission and Junian Latin status, apart from possible avoidance of the manumission tax, was on inheritance. The estates of Junian Latins went to their manumitters as if by right of *peculium*.¹⁰ That is, although during their lifetime Junian Latins enjoyed *libertas* and *commercium* (and thus had access to the Roman courts) but not *conubium* (reserved for *cives*), after death they were treated as if they had been slaves and their whole estate went to their patron, not to the deceased's children who were totally excluded. The children of Junian Latin parents were thus the principal losers.¹¹ This would have produced two different sets of financial incentives: one for Junian Latins to convert their status to citizenship as soon as possible, if only to gain the right to make and take under a will; the other for patrons not to press forward with citizenship, at least till the age of 30, when most slaves could be formally manumitted in any case. Children of Latins born after the informal manumission of their parents and still themselves of Latin status, would be illegitimate *Spurii filii*.

⁷ *Beneficio principali, liberis, iteratione, militia, nave, aedificio, pistrino . . . quae sit ter enixa*. Cf. Gaius 1.32b–35. *Iteratione*, i. e. repetition of manumission by the quiritary owner without the original defect, would in the case of those who were Junian Latins due to having been originally manumitted under 30, be restricted to those who had now reached the age of 30 (Ulpian 3.4; Gaius 1.35). Hence they do not concern us here.

⁸ Gaius 1.42 ff.

⁹ GARNSEY (1981), 362 misreads the texts: Gaius 1.21 states: *minor triginta annorum servus manumissus potest civis Romanus fieri si ab eo domino qui solvendo non erat testamento eum liberum et heredem relictum . . .* Cf. Ulpian, Tit. 1.14. Even this case was restricted in application to the provisions of the *lex Aelia Sentia*, not to any other statute or decree Dig. 28.5.84 pr. (Scaevola): *si non lex Aelia Sentia, sed alia lex vel senatus consultum aut etiam constitutio servi libertatem impediatur, is necessarius fieri non potest, etiamsi non sit solvendo testator*. See BUCKLAND (1908), 546.

¹⁰ Gaius 3.56: *iure quodammodo peculii bona Latinorum ad manumissores ea lege pertinent*.

¹¹ Justin. Instit. 3.7.4: *... cum Latinorum legitimae successiones nullae penitus erant, qui licet ut liberi vitam suam peragebant, attamen ipso ultimo spiritu simul animam atque libertatem amittebant*.

III. The Evidence of Pliny's Letters

In the absence of any form of personal nomenclature belonging peculiarly to Latins, it is difficult to identify them in the inscriptions, much less to be able to even guess at their number, either absolutely or in relation to formally manumitted ex-slaves. Some useful evidence, however, is provided in Pliny's Letters. Several among his relatives and friends were quite ready to manumit informally: Calpurnius Fabatus (7.16.4), Antonia Maximilla (10.5.2), Valerius Paulinus (10.104). Even Pliny himself is not completely hostile to the idea: 8.16 is at best ambiguous¹² and in 10.104 he does not ask Trajan's *beneficium* for all the Latins he has inherited from Valerius Paulinus, contenting himself with naming only three. By good fortune we are given their full names: C. Valerius Astraeus, C. Valerius Dionysius, C. Valerius Aper. That is telling – as Junian Latins they already have the *tria nomina*, for Pliny would not have been so tactless as to anticipate Trajan's answer or take it for granted by giving their future names as citizens, if these were different from the ones they already had. As *Latini Iuniani* they take the *praenomen* and *nomen* of their patron as do formally manumitted *liberti cives Romani*. The same usage emerges from Ep. 10.11.2, where Pliny asks Trajan for the *ius Quiritium* for L. Satrius Abascantus, P. Caesius Phosphorus and (P?) Ancharia Soteris, and less clearly, from Ep. 10.5.2: Antonia Harmeris (?) as the informally manumitted freedwoman of Antonia Maximilla.¹³ These examples confirm for freedmen what is conjectured with increasing confidence for *Latini* and also *peregrini* in the fleets, the *auxilia* and even the provincial *municipia* in Spain and elsewhere, that use of the *tria nomina* without tribal indication does not necessarily imply Roman citizenship.¹⁴ Tribal indication certainly does indicate Roman

¹² Ep. 8.16.1: *facilitas manumittendi (videor enim non omnino immaturos perdidisse, quos iam liberos perdididi)* clearly refers to slaves under the age of 30 (*immaturos*) and mentions only freedom (*liberos*) which need not imply *civitas*. Reference to *ius Quiritium* is not appropriate here. In the absence of any obvious *iusta causa* for early formal manumission, despite SHERWIN-WHITE (1966), 467, I suggest that here Pliny has informal manumission in mind. Probably in most cases of pathetic manumission, that was the only option available at short notice.

¹³ 10.5.2: *rogo des ius Quiritium libertis Antoniae Maximillae, ornatissimae feminae, Hediae et Antoniae Harmeridi*. SHERWIN-WHITE (1966), 568, assumes that the *nomen Antoniae* must have dropped out before the *cognomen Hediae*; and that the obscure *Harmeridi* conceals a *cognomen* derived from the common *Hermeros* (*Hermeris*?). Mommsen's conjecture *Agathe-meridi* for *Antoniae Harmeridi* is rather desperate and designed to eliminate the *nomen Antoniae*.

¹⁴ See most recently and convincingly, MÓCSY (1986), 446, 459, 462 f. Cf. FORNI (1979), 209, 228; not so clearly, HOLDER (1980), 51 ff. The particular form of the *tria nomina* varied from one kind of unit to another and depended on the administrative practice favoured for enrolment of recruits. Especially telling is the use of *signa* of the type *L. Antonius Leo q(ui) et Neon Zoili f.* CIL X. 377 = ILS 2839. Cf. FORNI (1979), 208 n. 16.

This is not the place to take up the hypothesis of MILLAR (1977), 406, 486, 630–5, that in the sources <Latins> everywhere refer to Junian Latins and that in the municipal communities free-

citizenship; filiation only indicates free birth (*ingenuitas*), whether of citizen or peregrine parents. As *liberti* of their patrons, *Latini Iuniani* could use the freed-indication if they wished. But that does not in itself, any more than *tria nomina*, identify the bearer as a formally manumitted ex-slave and Roman citizen.

The procedure for converting Junian Latin to Roman citizen status was formal and required the presence of a Roman magistrate with *imperium* i. e. praetor or consul or a provincial governor.¹⁵ The opportunities for such conversion were evidently far greater in the city of Rome than in the rest of Italy and in the provinces where only one day of the *conventus* was set aside for such applications. For those resident in Italy the services of a governor on his way to his province could sometimes be called upon as a favour. Cf. Pliny, Ep. 7.16.3–4, where he hopes to be able to persuade his long-time friend Calestrius Tiro on his way to Baetica as proconsul to diverge from his route at Ticinum in order to manumit formally (*vindicta*) freedmen recently manumitted (*inter amicos*) by Pliny's wife's grandfather Calpurnius Fabatus. Such manumissions came within the voluntary but uncontentious exercise of *imperium* permitted to a proconsul outside and on his way to his province.¹⁶ But the same jurisdiction was not allowed even to the proconsul's legate, although with delegated *imperium*, outside his province.¹⁷ Residents in Italy, however, who wished to manumit their slaves formally, but could not have them presented to the praetor in Rome had the inconvenient alternative of themselves attending the court of a provincial governor and going through the formal procedure there, involving a *consilium* of, presumably, twenty *recuperatores*.¹⁸ It is also to be remarked that among the <many methods> available to Junian Latins to acquire Roman citizenship during the lifetime of their patron, all, other than the personal intervention (*beneficium*) of the emperor, including *anniculi probatio* and *iteratio*, require presence at the court of a praetor, consul or provincial governor – obviously much easier for those in Rome than elsewhere – and those avenues added subsequent to the period of Augustus are all for services, financial or otherwise, to the city of Rome and at least imply residence there.¹⁹ In Egypt the prefect was specifically empowered to grant formal manumission (*vindicta*) by a constitution dating back to Augustus.²⁰ The Gnomon of

born citizens were either Roman citizens or *peregrini*, there being no such category as *cives Latini*, except to observe that, if this were the case, there must have been in these communities, in addition to Junian Latins, vast numbers of *peregrini* who also used the *tria nomina* to name themselves and each other.

¹⁵ Gaius and Ulpian mention only *praetor/praeses/pro consule* for this purpose: Gaius 1.20, 29; Ulpian 3.3.

¹⁶ Cf. Dig. 1.16.2 pr. (Marcianus).

¹⁷ Ibid. 1.16.2.1: *apud legatum vero proconsulis nemo manumittere potest, quia non habet iuris dictionem talem.*

¹⁸ Dig. 40. 2.15.5 (Paulus).

¹⁹ Gaius 1.28, 32 b ff.; Ulpian 3.3.

²⁰ Dig. 40.2.21 (Modestinus); Gnomon 21.

the *Idios Logos* also makes it clear that the provisions of the *lex Aelia Sentia* and the *Lex Iunia* were alive and well in that province; amongst its concern to distinguish the various status groups in the population for taxation purposes, the *Gnomon* is alert to the importance of (Junian) Latins (§ 22–26) and the need carefully to define formal (νομίμη) manumission emphasising the minimum age of thirty.²¹

All in all, it cannot be assumed, at least from the legal sources, that those informally freed in the Italian *municipia* could easily acquire the *ius Quiritium* as a matter of routine.²²

IV. Some Inscriptional Evidence from Rome

It is obvious that a large number of Junian Latins must lurk unidentified among the sepulchral inscriptions, that favourite ground for the study of status, nomenclature and the Roman family. Is it possible to seek them out with some degree of probability or must they be abandoned as necessarily unidentifiable?

Despite the intractable nature of the material and the obvious methodological hazards, I have thought it worthwhile at least to make the attempt, however inconclusive might turn out the results. The question at issue is important.

The most convenient quarry is the *sepulcrales* from Rome which do at least provide enough examples on which to base some general conclusions. The Roman inscriptions are also the most suitable for the present discussion, as they emanate from a social setting that is the most favourable for the granting of formal manumission, especially at an early age, given the greater accessibility of the emperor, and the magistrates required by law to grant it. If informal manumission was at all widespread in Rome itself, it would not be difficult to argue that it was practised proportionately on an even greater scale throughout municipal Italy, not to mention the provinces.

I have made a separate detailed study of 300 families from Rome, where at least one parent is an ex-slave and where at least one child is recorded. They are taken in sequence from the *sepulcrales* of CIL VI, supplemented from the more recent volumes of *Année Epigraphique*, especially 1966–1985. The number 300 is chosen simply as a round figure of sufficient size to carry conviction but not too large to guarantee censure under the principle that «too much research is a waste of time». The study takes the status of at least one parent in each family as known and focusses on determining the status of the children as being for the most part at present unknown. As usual with the funerary inscriptions, they cannot be pre-

²¹ *Ibid.* 19, 21; cf. 20, 22; cf. A. M. DUFF, *Freedmen in the Roman Empire* (1928), 233 ff.

²² It is even surmised by SHERWIN-WHITE (1973), 330, that outside Rome manumission procedures of any sort were not readily available and that hence Junian Latinity would be the prevalent status of those freed both under and over 30 years.

cisely or even approximately dated, within say even half a century, and thus no chronological treatment of development in the use of status nomenclature is attempted. It is probably true to say that the great bulk of this material derives from the first two centuries of the Empire.

Included: Inscriptions where (a) at least one parent is stated directly by use of freed status indication, e. g. *M(arci) l(ibertus)*, or is known indirectly, e. g. by use in the appropriate relationship of terms such as *libertus/a*, *patronus/a*, *contubernalis*,²³ to be of freed (ex-slave) status; and where (b) at least one son or daughter is named in sufficient detail for the form of nomenclature (including status indication where given) to be clear, as well as the filial nature of the relationship.

Excluded: (1) Inscriptions involving any relationship within the *familia Caesaris* (i. e. *Augusti liberti: Caesaris servi* etc.) because of the exceptional nature of this group and because the concept of Junian Latinity is not generally applicable to it.²⁴

(2) Where the filial relationship is not explicit or clear, e. g. where the terms *mamma* and *tata* (15 326, 18 450, 20 603) are the only evidence of a family relationship and could refer to foster-parents.²⁵

(3) Where the names of parent(s) or child(ren) are too fragmentary to indicate the form of status indication used, if any, (e. g. 35 088).

The material is divided into three groups on the basis of the status of the children recorded:

- A: Children who are *freeborn*, further subdivided into two categories (A1) children with filiation and tribe, who are Roman citizens: e. g. 11 485: *L(ucius) Allius L(ucii) f(ilius) Pom(ptina tribu) Speratus* and (A2) children with filiation but no tribe, who are freeborn, but not certainly Roman citizens, i. e. they could be freeborn *Latini*: e. g. 11 083: *L(ucius) Aemilius L(ucii) f(ilius) Iustus*.
- B: Children who are *slave-born*, again subdivided into two groups, viz. (B1) children with freed indication, who have been freed either formally or informally: e. g. 10 507 a: *Acilia P(ublii) et) O(mulieris) l(iberta) Restituta* and (B2) children who have single name only and, as they also have at least one parent of freed status, are presumed to be still slaves: e. g. 10 683: *Stepha-*

²³ In the sepulchral inscriptions, it is accepted that *contubernalis*, *contubernium* etc. is used to signify that at least one partner had been of slave status at some stage of the union. Hence the relevance of these terms to freedman families. See WEAVER (1986), 145 f.; cf. RAWSON (1974), 293 ff.; TREGGIARI (1981), 42 ff.

²⁴ See WEAVER (1972), 98 f.

²⁵ Accepting for this purpose the argument of DIXON (1988), 146 ff. (cf. 19, 32, 124, 133, etc.) that *mammae* and *tatae* are possibly foster-parents of young children and therefore not a reliable indication of family relationship between natural parents and their children. An exception is made for 25 276 (Group C).

nus and *Epaphra*, who erected a tombstone to their *pater carissimus L. Aelius L. l. Eros Asiaticus*.

- C: *Incerti/ae*, i. e. children who use the *tria nomina*, or at least *nomen* + *cognomen*, without any indication of status, who must be either freeborn or freed, but cannot still be slaves: e. g. 10693: *Aelia Valeria*, daughter of *Aelia Prima* who is *lib(erta) et co(n)iu(n)x* of *P. Aelius Eutactus*.

Only 55 out of the 300 families record more than one child, of which 47 have two children and only a further 8 have three. In no case are more than three children recorded. This gives a total of 363 children altogether.

On this basis the 300 families and 363 children are grouped as follows:

Table I

Group	Families %	Children			
		M	F	Total	%
A Freeborn Children					
(1) With filiation and tribe	22 (7.3)	24	—	24	(6.6)
(2) With filiation only	31 (10.3)	26	14	40	(11.0)
	53 (17.7)	50 (78)	14 (22)	64	(17.6)
B Slave-born Children					
(1) With freed indication (or equivalent)	96 (32.0)	59	46	105	(28.9)
(2) With single name (presumed slaves)	43 (14.3)	37	24	61	(16.8)
	139 (46.3)	96	70	166	(45.7)
C <i>Incerti/ae</i>					
Children with <i>tria nomina</i> only i. e. either freeborn or freed	108 (36.0)	80	53	133	(36.6)
Total	300 (100)	226 (62)	137 (38)	363	(100)

The balance between the sexes of the children in Table I shows a recorded predominance of sons over daughters of 62:38, or close to the 60:40 ratio which is the normal distribution between the sexes found in slave-born society and in the lower social strata generally in the world of the sepulchral inscriptions. This is indeed very close to the ratio observed for all children of parents belonging to the *familia Caesaris*.²⁶ We can be confident that our sample is sufficiently representa-

²⁶ For details, WEAVER (1972), 172 f. Contrast the very abnormal distribution between men and women with formal Imperial status indication in the *familia Caesaris* – a mere 4% for Imperial *libertae* and *servae* from Rome as against 96% men.

tive of the Roman inscriptions. The greatest variation occurs among the freeborn children (Group A: 78% males:22% females), where, naturally enough, daughters with tribal-indication are not found; the smallest variation is among slave-born children (Group B 58% males:42% females). It is interesting to note, however, that among the parents, no such differentiation between the sexes is recorded 208 (M) to 232 (F), i. e. 47:53%. This does not cast doubt on the assumption that there was an imbalance between the sexes in Roman society at large – it takes roughly an equal number of male and female parents to produce children. Perhaps it does show that there was no discrimination against recording women on family tombstones where they existed in the first place.

On preliminary analysis, Table I reveals:

- (i) that a maximum of 16.8%, or one in six, of the children born to parents at least one of whom is freed can still be of slave status at the time of their death or when their inscription was erected (B2); and
- (ii) that a minimum of 6.6% (A1) are certainly of Roman citizen status (filiation + tribe).

That leaves over three-quarters (76.6%) of all children in our sample who use *tria nomina* with or without filiation (but not tribe) who may be either freeborn or freed. Children of Junian Latin status could occur in both categories, depending on whether they were born to parents who were themselves Junian Latins or as yet not manumitted at the time of birth of the children. Particular attention, therefore, needs to be paid to the age-data of the children, especially age-at-death figures where recorded, and, secondly, at the status of parents at the time when each inscription was made, especially differences in status between individual sets of parents.

Group A: Freeborn Children

A1: Children with filiation and tribe (Roman citizens)

(22 families; 34 parents named; 24 children, all male)

Although as many as 26/34 of the parents named in this group specifically use the freed indication – a higher proportion than in other groups – and thus advertise, as it were, their ex-slave status, only one-third of the children belong to the urban tribes, usually associated with freedmen, and then only to Palatina (4) and Collina (4), and none in the two inferior urban tribes Suburana and Esquilina. The other 16 children are distributed in ones and twos over a further 8 rural tribes: Claudia (1), Pomptina (1), Galeria (2), Sabatina (1), Sergia (1), Scaptia (1), Voturia (1) with the exception of Quirina (8) which contains as many children as are registered in all the urban tribes put together. It may be coincidental that Quirina is the tribe of the Claudian and Flavian emperors, as none of the *nomina* of the families involved show any connection with the Imperial family or of closely related families. *Sp(urii) f(ilius)*, indicating illegitimacy where the

praenomen *Sp.* differs from that of the father, occurs in three instances, all, curiously, in the Collina tribe. Freeborn children with filiation but no tribe (A2) who belong to families in this group are in three instances daughters, who could not use a tribal indication in any case (11 530/1, 12 133, 22712), and only one son (12 133). This last family is noteworthy in that three children are named, all freeborn, the first mentioned also with tribal indication (plus one freedman foster-parent, *tata*), dedicating to two ex-slave parents with freed indication, whose *nomina* differ: Apisius/Oscia. The children all take the *nomen* of the father who must have been formally manumitted, so that all the children were born subsequently and are citizens. No ages are given.

The ages-at-death of the children in Group A1 range from 26 to 1 year as follows: 26, 24, 22, 21; 19, 17, 14, 13, 12; 9, 8, 8, 6 (?), 1. Those of the parents from 65 to 32, viz. 65, 65, 55, 45, 32. In one instance (11 530/1) the son, *P. Ambivius P. fil. Qui. Hermes*, dedicates to his parents who died aged 65 (67?) and 55 respectively and his sister aged 19. However, these ages are consistent with children born after their parents' formal manumission at the regular age of 30 or thereabouts. Another *P. Ambivius* on the same inscription (11 530) died aged 26, with a freed woman, *Ambivia Agathe*, who also died aged 19, and who appears to be his sister. Whether his sister or not, she is the first sign of very early manumission, under 20 years in fact.

A2: Children with filiation only

(31 families; 54 parents named; 40 children: 26 M, 14 F)

The 21 ages-at-death of the children range from 31 to 1 year for sons, and 16 years to 11 months for daughters. Sons: 31; 25; 19, 19, 18, 14, 13; 9, 8, 5, 4, 4, 3, 2, 1; daughters: 16, 13, 10; 8, 2, 11 m. All but two are under 20 and half under 10 years. Two other daughters mentioned in the previous group (A1) died aged 19 and 17 (11 530/1, 22712). Ages for parents are scarce: (16 400) *Cornelia L. lib. Hedone*, d. 44, whose son, *L. Cornelius L. f. Primus*, died aged 4. Nothing remarkable about this family, whose father was *L. Cornelius Primus, coniunx* and *patronus* of Hedone. But the other instance is more specific and again disturbing: (11 083) *Apustia O. l. Priscilla* (d. 24) has a son *L. Aemilius L. f. Iustus* (d. 5) whose death preceded her own by only 80 days. If, as seems likely, Iustus took his *nomen* from his father, who is not named, the marriage would be a *iustum matrimonium* and Apustia Priscilla, who was not the latter's freedwoman, would have had to be manumitted at the age of 19 or earlier. Is this an example of formal manumission, again of a woman under 20 (in which case Iustus would be a Roman citizen from birth) or of informal, converted to formal, manumission by the *anniculi probatio* procedure?

In another nine cases where the *nomina* of the parents differ, it is regular for the freeborn children to take the *nomen* of the father who in 7/9 cases, mostly as a dedicant, also displays the freed-indication, even though twice the mother is

freeborn with filiation (20 268, 28 336). In only one case does the child take the mother's *nomen* where this differs from the father's (34 321); and in this case she is the illegitimate daughter of an illegitimate but freeborn mother.

The conclusion is that use of filiation (apart from *Sp. f.*), with or without tribe, by children in both Groups A1 and A2 is probably an indication of citizen status used also to suggest the formal status of the parents' marriage. However only about one in six (17.6%) of the children under examination actually come into this category. What of the other 82%?

Group B: Slave-born Children

B1: Children with freed indication (or equivalent)

(96 families; 118 parents; 105 children: 59 M, 46 F)

Considerable interest attaches to the frequently recorded age-at-death figures for this group of children. There are 37 examples as follows: sons: 32, 30, 30; 23, 20; 19, 18, 15, 14, 11; 9, 9, 9, 6, 5, 4, 2, 1, 1, 1 (20 exx.)

daughters: 50; 30; 21, 20, 20, 20; 19, 19, 19, 19, 18, 16, 12; 5, 5, 3, 3 (17 exx.)

Only 5/37 (14%), or less than one in seven, died at the age of 30 or more (and were thus manumitted at an even younger age); and only another 6/37 could have been manumitted at the age of 20 or older. Thus at least 70% of these ex-slave children gained their freedom under the age of 20, and as many were freed under the age of 10 as could have been freed over the age of 19.

For the parents in this group, unfortunately, only one age-at-death figure is given: (21 458) Q. *Lollius Felix* (d. 58), whose *filia naturalis idemque* (sic) *liberta* was *Lollia Ionis*.

Children in this group (B1), who are slave-born, cannot be considered for formal manumission under the *anniculi probatio* provision, which applies only to *freeborn* children of Latin parents (Gaius 1.29). In the absence of adequate motive proven before a magistrate's *consilium*, these children should be assumed to be Junian Latins if they died (and had therefore been freed) under the age of 30.

Analysis of the nomenclature of the parents in relation to the ages of the children might throw further light on the status of the latter. A child with freed indication (or its equivalent) was born a slave, and, whether subsequently manumitted formally or informally, originally took the status of his/her mother, who must therefore have been a slave at the time of birth of the children. When both mother and child are subsequently freed, we would normally expect manumission to be granted by the same patron and that the child would take the same *nomen* as the mother, rather than that of the father. A slave child could, of course, be sold or otherwise transferred to another master, as could a slave mother, in which case different *nomina* might emerge upon manumission.

To begin with, there are three cases of early manumission of a child where only one single-name parent is recorded; 14 702: C. *Cestius* ♂. I. *Quietus* (d. 1 yr.),

son of *Pindarus*; 20697: *Iulia O. l. Tarentina* (d. 19), daughter of *Gallus*; 21797: *L. Maecius L. l. Zeno* (d. 20), son of *Phrontis*. The least unlikely (and almost only) explanation for formal early manumission (i. e. under the age of 30) for children in this group would be if the unrecorded mother or father were also patron of the child and proved the case of blood relationship as justification. This might just be an explanation in the cases above, where the patron of the first two, being a woman (O. = *mulieris*), could possibly be the unrecorded mother;²⁷ and in the third case the father. Cf. three further cases (without age-data) where a single-name mother only is recorded, viz. 12907, 19969, 38042; and 28874 (father, *Euangelus*). But the difficulty is that the supposed manumitting parent-patron is not recorded nor does the parent who is actually recorded appear to have been manumitted even though, given the age of two of the children, they would have been well over 30. A much preferable explanation is that the patron was not a natural parent or blood relation and that these children are simply informally freed Junian Latins.

The vast bulk of parents named in our selection, however, use the *tria nomina* or at least record a *nomen*+*cognomen*,²⁸ i. e. they are free, whether freeborn or

²⁷ Parents as patrons of their own freed children need occasion no surprise in relation to fathers as patrons, whether themselves freeborn or slave-born. In order to legitimise their slave-born children, after their own manumission where necessary, fathers would simply purchase, manumit and adopt their illegitimate sons and daughters. Difficulties, however, might seem to arise with mothers as patrons, not only because women cannot adopt (Gaius 1.104: *feminae vero nullo modo adoptare possunt, quia ne quidem naturales liberos in potestate habent*) and because, in principle at least, women *in tutela* cannot manumit without the permission of their tutor (Ulpian, Tit. 1.17) but in particular because mothers who were patrons of slave-born children must themselves be *libertae* as they would have to have been slaves at the time the children were born. On the manumission of a *liberta*, her patron became her *tutor legitimus* as having an interest in her property, an interest which passed to the patron's male descendants. His permission would thus be necessary for her to be able to manumit, but was not to be taken for granted and could be an inhibiting factor. References to freedwomen-patrons occur infrequently in the legal sources (Dig. 40.2.14.1) and more commonly in inscriptions: e. g.: 27210: *Sex. Terentius O. l. Rufus, ann. V. Terentia Sex. l. Arsine patrona*; 28186: *Valeria O. l. Faustilla, v. a. XI. Valeria Q. l. Gnome patrona*; cf. 5294, 7560, 16401, 16435, 27032; *coniugi et patronae*: e. g. 15548, 21657.

(Freedwomen) mothers as patrons are rarer: Dig. 40.2.20.3: (Ulpian, De offic. cos.) *mulieri quoque volenti suum filium naturalem . . . manumittere permittendum esse Marcellus scribit*; 34936: *D. M. Claudiae Soteridi Claudia Iunia matri et patronae benemerenti fecit . . .*; however, in 15124, for the emendation *fil(io) et lib(erto)* proposed in CIL VI ad loc., see note 29 below. The possibility of mother-patrons occurring, both in principle and in practice, does therefore exist. That is not to say that this is the preferred explanation of the cases discussed in this section (cf. pp. 288 f. below) and this is not what is argued here.

²⁸ A few cases without *cognomen* do occur, i. e. *praenomen*+*nomen* or *nomen* only (usually women). The only significance of these is their presumed early date, i. e. late 1st c. B. C. or early 1st c. A. D.

freed (at least one parent in each family must be of freed status as the basis for selection) – 203/208 fathers; 224/232 mothers.

If the father became patron of the child, he would either also be patron of the mother (in which case both parents and child would have the same *nomen*), or have bought the child from the mother's patron and then manumitted (in which case mother and father could have different *nomina*, but the child would have the same *nomen* as the father). In very few of our examples is either of these explanations likely to be persuasive unless the patronal relationship as well as the parental relationship is expressed.

The nearest we can get to such a situation is where the term *verna* is taken to express family relationship and is used in combination with *patronus*, *libertus* or *collibertus*. Examples with age-data are 15 124: *Ti. Cla(u)dus Ianuarius* (d. 15) – mother *Claudia Spectata*;²⁹ 18 453: *Flavia Tyche* (d. 20) – mother *Flavia Capitolina*; 18701: *Fulvia Fatalis* (d. 3) – mother *Ful(via) Sabina*; 20501: *Iulia* ☉. *lib. Helpis* (d. 16) – mother *Iulia Irena*; 24914: *L. Precilius Onesimus* (d. 9) – mother *Precilia Anthusa*; 28 117: *L. Valerius Sollem(n)is* (d. 9) – father *L. Valerius Verus*. In all these cases a foster as well as a patronal relationship can reasonably be presumed and formal manumission at any age under 30 justified on grounds of family relationship. But not elsewhere, e. g. 17 135, where *A. Egrilius Masculinus* (d. 9) is the *verna libertus* of *A. Egrilius Lesbus*, but his father is someone else, *A. Egrilius Privatio*, presumably also a freedman of Lesbus; and 18 951, where *L. Geganius* ☉. *l. Primus* (d. 2 yrs.) is the son of *L. Geganius Acutus* who erected the stone *ben(e)ficio L. Gegani Hilari*, probably Acutus' patron but not of the child Primus. What woman manumitted Primus? His mother is unrecorded, despite three other names on the stone.

Cases where parents and children have both *nomen* and status indication in common should be taken to imply a common patron rather than a parent-patron relationship. Sometimes this is not conclusive, e. g. 35760: *Q. Maenius Q. l. Crescens* (d. 1 yr.), parents *Q. Maenius Q. l. Athenio* and *Maenia Q. l. Paph(i)e*; 14708: *Cestia C. l. Domestica* (d. 21), father *C. Cestius C. l. Nichomachus*; 19541: *L. Hortensius L. l. Menephro* (d. 19) and (sister?) *Hortensia L. l. Lucunda* (d. 5), whose father is *Hortensius L. l. Zoilus*.

Where the mother is the only parent recorded and the patron of the child is a woman, one might be tempted to connect the two and see the mother as patron. The status indication ☉. *l.* is quite common in these inscriptions, sometimes for both mother and child of the same *nomen*, e. g. 24746: *Cn. Pontius* ☉. *l. Vestalis* (d. 30), mother *Pontia* ☉. *l. Helena*; cf. 19 116; sometimes when the child takes the mother's *nomen* when this differs from the father's, e. g. 22926: *Salluvia* ☉. *l.*

²⁹ 15 124, lines 6 ff. read: ... *vir(o) / et lib(erto) bene merenti fe(cit) / mis(era) mat(er) mis(er) filius*. The editor, CIL VI ad loc., proposes in line 6 to read *fil(io)* for *vir(o)*. A more plausible error quadratarii, I suggest, would be *ver(nae)*.

Licentia, mother *Salluvia* \mathcal{O} . *l. Basilea*, father *C. Neronius C. l. Anoptes*; cf. 26399, AE 1972, 21; sometimes when the mother has no status indication, e. g. 26189. But where it matters, i. e. with children manumitted under 30, there is no sign of such a pattern, e. g. 16912: *Domatia L. l. Zosima* (d. 12), mother *Domatia L. l. Leucadia*; 24615: *T. Pomponius T. l. Expectatus* (d. 6), mother *Pomponia T. l. Dicarchis*; cf. 23022 (d. 20), 38770 (d. 11); AE 1977, 80 (d. 5). And what does one do with joint-manumissions, all of which in our collection involve women as one of the joint patrons, e. g. 16660: *Curtia C. et* \mathcal{O} . *l. Nome* (d. 3), mother *Curtia C. et* \mathcal{O} . *l. Marmoris*? It is difficult to accept *Marmoris* as one of the joint-patrons of the 3-year-old *Nome* (who was the other – her unnamed father?) – rather we have here the same joint-patrons for mother and daughter and informal manumission in infancy for the latter. In 12815, the presumed parents of the 4½-year-old *Sex. Aufidius* \mathcal{O} . \mathcal{O} . *l.* cannot possibly be his joint-patron; and the same is unlikely in 34139 for the parents of the 18-year-old *M. Lucceius M. et* \mathcal{O} . *l. Martialis*, whose (freeborn?) sister *Lucceia Posilla* died aged 5. Equally out of the question as parental-patrons are mothers with different *nomen*, of the type 38256: *Cosconia* \mathcal{O} . *l. Chreste* (d. 20), mother *Valeria M. l. Secunda* (the father's name is not given but is in any case irrelevant) cf. 19545, 28947 (d. 23), 19112.

The remaining under-age data do equally little to support the idea of formal manumission. In 17652 and 25703, the children have *nomina* different from both parents and were presumably, while still young, sold as slaves into another household: 17652: *M. Veditius M. \mathcal{O} . l. Glycon* (d. 5), parents *M. Valerius \mathcal{O} . l. Glycon* and *Valeria \mathcal{O} . l. Primilla*; 25703: *Sabidia \mathcal{O} . l. Fusca* (d. 18) and *P. Sabidius Fortun(atu)s*, parents *Faenia L. \mathcal{O} . l. Hilara* and *L. Faenius Malchio*. It is possible that *Glycon* (who has the same *cognomen* as his father) and *Fusca* were treated as *alumnus* and *alumna* by their respective new owners and formally freed early on those grounds. In the absence of any mention of this relationship, this must remain speculation.

Lastly, two children manumitted under age who take the father's *nomen* when this differs from that of their mother: 22136: *Marcia Ge* (d. 19), *colliberta!* of *Peduclania Primit(i)va*, father *L. Marcus Staius*, mother *Peduclania Epictesis*; 24189: *C. Pinarius C. l. [...]* (d. 1 yr. 9 months), father *C. Pinarius Onesi[mus?]*, mother *Ambibia Servanda*. Were the children born into their mother's household and then transferred to that of their father, whose patron subsequently manumitted them informally, or was the mother transferred to another owner after the birth of the children in question? In the case of the fragmentary *Pinarius C. l.* who was freed and died before he reached his second birthday, it looks very much like a case of informal <pathetic> manumission. There was not much time to spare.

I have dwelt at length on this group of children (B1) because they are the largest group whose status can be positively identified and because they present the full range of problems that can arise in this kind of study. The complexity of the

sepulchral material is obvious and is compounded by the fact that it is practically impossible to get a worthwhile chronological fix on individual inscriptions in order to trace any changes in commemorative practice or fashion. Nor is it possible to determine in any meaningful way the status of the parents in this group – whether they were themselves informally manumitted and simply took Junian Latin status for granted as a fact of life, or whether formal manumission and full Roman citizenship was the goal to which they naturally aspired. Before we can attempt to answer that question, we must look, more briefly, at the smaller group of children who are presumed to be still slaves (B2) and the more problematic *incerti* and *incertae* of Group C.

B2: Children with single name – presumed slaves

(43 families; 60 parents; 61 children: 37 M, 24 F)

Children with single name, in the absence of other evidence, are presumed to be still slaves. The same goes also for parents. There is not a single instance, both for children and parents, of specific use of the slave-indication, e.g. *M(arci) ser(vus)*, or even *M(arci) s(ervus)*. The nearest we get is 17395: *Eutactus Crassi* (i.e. *servus*). In cases where *verna* is used in this group, as elsewhere, a parental rather than patronal or dominial relationship is likely, e.g. 23665, 25665. It is quite possible that further *liberti* and *libertae* here remain undetected. The important point is that this group of children represents the maximum number of children who could be slaves. One child in six – 61/363 or 16.8% – seems a very small proportion of children of freed parents to be still slaves at the time mostly of their own death, rather than that of their parents. In this group parents dedicate to their children eight times more often than children dedicate to their parents. Children who die young might naturally be thought the ones who would be preferred for commemoration by their still living parents. This should apply especially to those who survived infancy till adulthood and certainly to those well below the legal age for formal manumission, so that, if anything, we would expect this group to be over-represented rather than the opposite. The pattern of age-data, however, shows little variation from those who were slave born but already freed by the time of death (B1). The main difference this time is that while the figures are about equally divided between those dying under 10 years and those dying between 10 and 20 years, there are none aged 20 or over. The ages are, for boys: 19, 19, 14; 8, 6, 6, 3 (7 exx.); for girls: 18, 16, 15, 12; 9, 7, 7, 4 (8 exx.). The only age given for a parent is 30 years with a daughter who died aged 4 years.³⁰ The parents of children in this group are, not surprisingly, heavily ex-slaves (51/60); what is perhaps surprising is that there are only 5 parents who are

³⁰ 16704: (*Cutia*) *Campestra*, *liberta* of *Ti. Ti. Cutii Zethus et Iustus*, who died aged 30, and whose daughter, *Primigenia verna sua*, died aged 4 years; erected by the joint-patrons *matri et filiae*.

possibly still slaves, and a bare 4 who are *incerti/ae*. Parents still of slave status appear, in fact, only in conjunction with children who can be identified as slave-born, i. e. Groups B1 and B2, but not at all in Group C, where the children use the *tria nomina* of freedom, but give no other indications of status.

The age figures given above, none of which exceed 20, can be taken to reflect the obvious fact that children who died while still slaves would obviously be at an earlier stage of life than their freed counterparts and would thus die, on average, at a younger age. This may be further reflected in the three-children families in this group (3/43 [B2], compared with –/96 [B1] and –/108 [C] respectively) in which all three children died before their parents (21756, 25108, 25792 a). Given that a figure of over 6 children ever born is the reproduction rate for lower-class Roman family survival, there must have been many more early deaths of children while still slaves than is recorded in our sample.

What does emerge increasingly clearly, from the figures presented above, however, is the remarkably high manumission rate for slave-born children not only between 20 and 30 years of age, but at every age below that as well. The age-data for slave-born children under 20 in fact appear to be no different for those who died slaves and those who died free. Early, indeed very early, manumission on a massive scale is the only way of accounting for this. In the absence of positive reasons for formal manumission, the relatively easy informal manumission, rather than formal manumission with its strict attendant procedures, is much more likely to be the explanation, bearing in mind that the *anniculi probatio* procedure is not available for children in this category.

It is time to turn at last to the most problematic group of all, those children who could be either freed or freeborn (Group C).

Group C: Incerti/ae: Children either Freeborn or Freed

(108 families; 174 parents; 133 children: 80 M, 53 F)

The importance of this group for this study lies not only in its size – 36% of all families, almost the same proportion (36.6%) of all children – but also in the very substantial proportion of the population of Rome and Italy as a whole that it represents. Under the early empire, omission of status indication became the norm, rather than the exception, especially among the sub-equestrian classes. This applies to the freed indication as well as the slave indication, and to a lesser extent filiation as well as tribal indication.³¹ The reasons for such a decline in the use of formal status indication are no doubt deeply social and psychological, given that it occurs in such a status-conscious society or at least one which had such a for-

³¹ See esp. TAYLOR (1961), 117 ff., where she estimates the proportion of *incerti* as a whole among the *sepulcrales* as two-thirds of all names. For a critique of TAYLOR, see WEAVER (1972), 83 ff.

malised legal hierarchy of status. The social practice of personal nomenclature here has a particular interest of its own.

In face of the difficulties of analysing motives for the omission of status indication, it is tempting simply to divide this group into freeborn and slave-born in the proportions of the two previous groups studied, i. e. A (freeborn) 18% of total; B (slave-born) 46% i. e. 28:72. This might be partially justified on the grounds that the age-data for children present a similar pattern to those for Groups A and B, and thus reflect a similar set of social facts about status, but without the status indicators. That would perhaps have some validity, if a trend towards omitting status indicators does in fact exist and if the inscriptions of families in Group C are chronologically of a later date than those of Groups A and B. But while a trend to omit status indicators does seem to have existed, at least for freedman families, in the Roman funerary inscriptions, it was well advanced even by the early 1st c. A. D., was by no means uniform and can be traced only in very general terms.³² The datings for the individual names and inscriptions in Group C suggested, for example, by SOLIN (1982) are also so general as to provide no useful chronological clues. There are as many first-century-dates suggested for Group C as for the other groups; indeed no significant chronological differences at all between the groups can be detected. The question of why status indicators were so freely omitted cannot be dismissed as simply a chronological one or even ignored.

First, the age-data for Group C – sons 30; 28, 23, 20, 20; 19, 17, 16, 16, 12, 12, 11, 10; 8, 7, 7, 6, 6, 4, 4, 3, 1, 11 m. (23 exx.); daughters 27, 25, 24, 23, 23, 22, 20; 19, 15, 13, 12, 11, 10; 8, 6, 5, 4, 3 (18 exx.). Only 1/41 died over 30; 11/41 between 20–29; 14/41 between 10–19; 15/41 under 10. This is closer to the pattern for freeborn children (Group A) than for ex-slave children (B1), in that somewhat fewer are recorded with ages 30 or over – 1/41 (2.4%) cf. (A) 1/35 (2.9%); (B) 5/37 (14%). But, apart from the unmanumitted slaves (B2), in all our groups parents record their children dying at similar ages, i. e. mostly under 20 years, and a substantial proportion under 10. Given the normal life expectancy of parents and age difference between parents and children, it would be surprising if it were otherwise. We would have to be thinking of parents aged 45 or more for them to be recording children aged over 25. What is surprising is the number of children of ex-slave parents who are already freed under this age, especially under 20 and even 10, as we have seen in Group C. How many such children can we detect in the *incertilae* of Group C?

Age-data for parents are notably rare in our sample – except for those in A1 and C. There are 8 figures for the latter group – fathers: 85, 72, 70, 45; mothers: 70, 20; two couples who were married for 35 and 14 years respectively. It is in-

³² TAYLOR (1961), 118 f. draws attention to the steady growth of the number of *incerti*. But it is not easy to see how this phenomenon can be utilised in practice for the dating of *sepulcrales*.

teresting that, whereas there is no sign of the common practice of rounding out of ages of children to multiples of 5 and 10 in any of the groups, the opposite is the case where parents' ages are recorded (cf. the Group A1 parents: 65, 65, 55, 45, 45, 32). There are no inscriptions with parents' and children's ages. In three cases of *patronus*=*liberta* parents (28670, 38610; AE 1980, 63), the fathers lack status indication, but, as they died aged 70, 45 and 85 respectively, can be presumed to be citizens and probably freeborn, and the children likewise. But two others invite queries. 19528: *Clodia Quarta*; father *M. Clodius Samnius*, mother *Hordionia M. l. Primigenia* (d. 20 yrs.); father and mother have different *nomina*, but the daughter takes that of the father. Does that necessarily imply *iustum conubium* and citizen status for father and daughter? And what of the mother, Hordionia M. l. Primigenia, manumitted early by the age of 20? Was she an informally freed Junian Latin who subsequently acquired the *ius Quiritium* and *conubium* under the *anniculi probatio* procedure when Clodia Quarta was 1-year old? If so the daughter may simply have been known by her father's *nomen* from the beginning. But, if the mother died as a citizen, does the use of the freed indication in her epitaph dedicated by both father and daughter, but not for themselves, imply that they were not slave-born themselves but freeborn, whether originally Latins or not? I doubt it.

The other example is more instructive. 17116: son *C. Salvius Egnatius Firmus*, father *C. Salvius Eutyches*, mother *Egnatia C. l. Firma*, married 14 years. There is no doubt of the family relationship: *coniugi ... fil(ius) eorum ... matri ...*; and with double *nomina*, derived from both father and mother, here is surely a good case of conversion from informal Latin to formal citizen status, with the deceased dedicatee again carrying the freed status identification. But when the same family appears in 25823, from their nomenclature in this inscription on its own, we would have no reason to suspect them of slave origins at all, except by precarious inference from the Greek *cognomen* of the father, Eutyches. It reads: *C. Salvius / Eutyches sibi et / Egnatiae Firmae / coniugi et / C. Salvio Cosmo Egnatio Firmo / alumno suo fecit*. The wife Egnatia Firma, who is presumably still alive at the time the inscription was erected, is now without freed indication and her son, who takes his *cognomen* Firmus (not of Greek derivation) from her, has now acquired another – Cosmus – as well as another family relationship – *alumnus*. It is clear that the use of status indication, or at least the freed indication, is optional and, if not necessarily arbitrary, possibly dependent on the circumstances of the dedication, whether one is dedicator or dedicatee, alive or dead, in the primary position on the inscription and so on; in other words, it depends on who is exercising the option.

Lastly, in this section: 20144: son *M. Terentius Mysticianus*, father *L. Iulius L. l. Mysticus* (d. 82). Given the age of the father, both father and son are surely citizens. But while the son's *cognomen* is derived from his father, his *nomen* is presumably from his mother. He has no filiation and a different *praenomen* from his father. Was he freeborn or slave-born? One cannot be sure.

Further light might be shed on status indication by the practice of those families who record children from different status groups (A, B, C). There are five examples of children from both Group B1 (freed) and C (*incerti/ae*), i. e. 22047, 24890, 25703, 34139 = 21540 (cf. 21549), AE 1975, 22 (cf. 22759). In all five cases the dedicating parent(s) record the child with freed indication (B1) ahead of the one without any indication of status. The sex of the child makes no difference. The straightforward explanation of this order is that the first child was slave-born, before the parents, or at least the mother, was freed, whereas the second (without status indication) was freeborn. Were the latter in fact citizens rather than Latins? Support for such an assumption comes from 22047: children *P. Mutillius P. l. Botrys* and *P. Marcius Legitimus*, parents *Q. Marcius Flaccillae l. Botrys* and *Mutillia P. l. Didyme*, where the first child, Botrys (slave-born), takes his *cognomen* from his father but, more importantly, his *nomen* from his mother together with a *cognomen*, whereas the second (freeborn) takes his *nomen* from his father, Legitimus, which suggests *iustum matrimonium* has arrived for the parents. Support also perhaps comes from AE 1975, 22, where the first child, *L. Mussius L. l. Verecundus* (d. 30), reached the age for formal manumission, but the second, *L. Mussius Dexter* (d. 28), who did not, could be freeborn. These are balanced, however, by 24890 where the first, *Postumia A. l. Sponde* (d. 19) was freed very early; and 25703, where the same applies to *Sabidia O. l. Fusca* (d. 18) (who was clearly not manumitted by her mother, *Faenia L. O. l. Hilara*). These two were presumably freed informally and were then Junian Latins; but why do they not drop their tell-tale freed indication and have the same form of name as their brothers, who use just the *tria nomina*? Is it simply that, as the primary dedicatee in each case, they have full nomenclature recorded and that there was, in fact, no tale to tell, nothing for their parents to hide. Omission or inclusion of the freed indication was optional. The *tria nomina* are simply less formal and merely confirm free rather than freeborn status. The prevalent use of *tria nomina* without status indication of any kind further contributed to the blurring of the status categories because they are also freely used by Junian Latins who as a class straddled the slave-born/freeborn divide but who individually were either slave-born or freeborn and thus tended to use the status indicators of neither.³³

Lastly, one example of children from both A2 and C, where the seemingly careful order of recording is noteworthy: 17692: *Faenia L. f. Syntyche* (dedicator) to her parents *L. Faenius Carpus* and *Faenia L. lib. Helpis*, then her brothers *L. Faenius Ianuarius* and *L. Faenius Cerialis*, and then her grandmother (on her mother's side) *Faenia L. L. O. lib. Syntyche*, and grandfather *C. Mucius Pietas*.

³³ For further ambivalence in the use of freed indication, cf. 34139 = 21540; children *M. Lucceius M. et O. l. Martialis* (d. 18) and *Lucceia Posilla* (d. 5), whose parents, *M. Luc[c]ei M. l. Optatus* and *Lucceia M. [l.] Hebene*, appear elsewhere (21549) simply as *M. Lucceius Optatus* and *Lucceia Hebene*.

The freeborn dedicator first makes her own status clear and differentiates it from that of her mother and grandmother. But her father, two brothers and grandfather are all *incerti* but, I suspect, not freeborn. She was perhaps the first in three generations to acquire that status.

To turn back to the age-data on children in Group C. If there are significant numbers of slave-born children among the *incerti*, as I think there must be, given that at least one of their parents was also slave-born and that omitting the freed indication after manumission was common practice among them, then the same consequences follow for those who died too young or without proven cause for formal manumission as for the same categories of children in Group B1, considered above; that is, that most of them would have to be Junian Latins. The *anniculi probatio* avenue to citizenship would not apply to them, only to their siblings who were freeborn of Junian Latin parents. There is the further question that, even though we have age-data from only a minority of children in any group, to what extent can we be confident that the same pattern of family and status relationships is true also for those families where no such data are given? Parental longevity, as applied above, would be one factor in favour of the children attaining citizenship status as, even if slave-born, formal manumission was relatively straightforward after they reached the age of 30. Other factors that might apply include the pattern of dedicator and dedicatee, i. e. whether parents dedicate to children rather than the other way round. This will be considered further below.

Children in Group C can be divided into two sub-groups: C1 those whose *nomen* is the same as that of the father; and C2 those whose *nomen* is the same as the mother's, if this differs from that of the father, or if the mother's alone appears.

The justification for such a division is that children who are the result of *conubium* and therefore legitimate should or can be expected to take the *nomen* of their father and are more likely to be citizens. On the other hand, children who are born outside *conubium* follow the status of their mother and would normally take her *nomen*, rather than that of their father. They could be of any status; they could easily be Junian Latins at any age; certainly they are less likely to be citizens. This criterion is particularly significant when the *nomen* of the mother is different from that of the father.

If we add to the 108 families of Group C another 7 from other groups where children of mixed groups occur, we have a total of 115 families. On the basis of parental *nomina* they break down as follows:

(a) Father's and Mother's <i>nomen</i> the same		51	
(b) Father's and Mother's <i>nomina</i> different			
– Children take Father's <i>nomen</i>		13	
– Children take Mother's <i>nomen</i>		<u>7</u>	20

(c) One Parent only known		
– Father's <i>nomen</i> only	18	
– Mother's <i>nomen</i> only	<u>21</u>	39
(d) Others ³⁴		<u>5</u>
	Total	<u>115</u>
Group C1. This comprises (a) 51, (b) 13, (c) 18	=	82
Group C2. This comprises (a) –, (b) 7, (c) 21	=	28
Others: (d) 5	=	<u>5</u>
	Total	<u>115</u>

(C1) This sub-group comprises the great majority of families in Group C (82/115) and, in the cases where the *nomen* of both parents is known and are the same, presents the biggest problems. It cannot simply be assumed that all children in this group are citizens despite their use of *tria nomina*, nor that they, as *incerti*, are more likely to be freed, as TAYLOR and others have tended to argue.³⁵

The clearest case for freeborn and probable citizen status for these children lies in families where the father is patron of the mother and, although in all instances an *incertus* himself, is most likely to be a citizen, whether freeborn or slave-born. Thus 19827: children, *Iulia Urbana* (d. 6), *Iulius Andronicus*; father, *Ti. Iulius Andronicus*, mother *Iulia Fortunata* (*liberta* and *coniunx* of Andronicus). Although assigned to the (early?) 1st c. A. D. by SOLIN (1982), p. 17 A, there is no overt status indication for any member of the family. As formal manumission under 30 is approved for women for the purpose of marrying their patrons, it is reasonable to assume that these patrons are Roman citizens in the first place. In these cases the children will be freeborn citizens, following the citizen status of their father. Another example is 35702: son *Livius Rufus* (d. 10), daughter *Livia Rufa* (d. 12); father *M. Livius Rufus*; mother *Livia Coetonis*, who erected the inscription *patrono et coniungi* and to the children, both of whom take their (freeborn?) *cognomen* from their father. The number of examples in this category is surprisingly large, viz. 10693, 11207, 12339, 12660, 13498, 21853 = 6788 (son *T. Magnius Philostorgus* [d. 12]), 19827 (above), 22137, 23233, 23849, 25485, 34890, 35702 (above), AE 1975, 43; 1977, 15. Against these 15 examples there is only one case of the mother being *patrona et coniunx*, not only a clear case of sexual asymmetry, but also a reflection of the bias against a woman, a freeborn

³⁴ These are cases that fit into no category. They are made up of two families where at least one child takes the *nomen* of neither parent (15548, 25703); another where one child follows the father, the other the mother (22047); another where the child has two *nomina*, one from each parent (17116); and one where the *nomina* are fragmentary. These cases will be discussed individually below where appropriate.

³⁵ TAYLOR (1961), 118 ff.

woman in particular, marrying her own freedman.³⁶ This family has added interest in that the *nomina* of the children are not all the same – 15 548: children *Flavia Threpte*, *Cl(audius) Aphrodisius*, *Cl(audius) Timotheus*; parents *Cl(audius) Eustrophus* and *Claudia Pontice* (dated 2/3 c. A. D. by SOLIN [1982], 1237 B). Given the legal bias against freeborn women marrying their own freedmen, it is *prima facie* likely that the patron-wife, Claudia Pontice, is a freed woman. The Greek-derived personal names of the whole family tend to support this. But the first child, Flavia Threpte, if freeborn, should be a daughter of a previous *iustum matrimonium*, if she took her father's *nomen* and not her mother's. More likely, I think, that both mother and daughter were slave-born and freed separately by different masters. The remaining two children are candidates for slave or Junian Latin birth, unless Pontice had been formally freed early, before the birth of her second and third children.

It is painfully clear that in most, if not all, cases of these Group C. 1 families, in the absence of positive reasons for determining the status of individual *incerti/ae*, certainty is out of reach. We are concerned with degrees of probability or likelihood. In cases where parents are attested or probable *conliberti*, i. e. both freed by the same master, but not necessarily at the same time, it is impossible to decide on the status of children who are *incerti*, even with the aid of age-data. For example, 29 549: daughter *Volusia Euhemeria* (d. 19, but already married to *C. Manilius Uliades*); parents *Q. Volusius Hermes* and *Volusia Athenais* (whose patron was *Q. Volusius Zosimus*, also a dedicatee); the parents must be over 30 and therefore probably long since citizens, whether or not originally Latins. But was the daughter slave-born before her parents' formal manumission, and a Latin at the time of her marriage and death, or were her parents informally manumitted and had they acquired citizenship after the first birthday of their daughter Euhemeria? It is impossible to tell. What is probable, however, but scarcely certain, is that Junian Latin status made its impact on this family at some stage, both for parents and daughter and possibly still did for the latter at the time her epitaph was erected. Take another case, 24 727: daughter *Pontia Thallusa* (d. 11 years); parents *L. Pontius L. l. [Ni]cephor* and *Pontia L. l. Lucifera*. Were the parents already formally freed before the birth of their (only?) daughter. Unlikely. Was Thallusa born a slave and informally freed while a small child? Possibly, but again unlikely – she as dedicatee has no status indication but her parents do. Was she born free but as a Latin? Possibly, even probably. Were they all Latins or citizens at the time of the inscription? Impossible to tell, except that one cannot assert with confidence that they are all citizens.

³⁶ Cod. Just. 5.4.3 (A. D. 196): *coniunctiones odiosas*; Dig. 40.2.14.1 (Marcianus): even a *patrona* who was herself a *liberta* was not encouraged by the law to manumit and marry her own slave unless he was her former *conseruus* bequeathed to her for this express purpose. Cf. WEAVER (1986), 154. For further evidence on the heavy imbalance in favour of male patrons in this marriage pattern, see WEAVER (1972), 179 ff.

We are on firmer ground where the parents have different *nomina* and the children take the *nomen* of the father (8 exx.), e.g. 14598: children *Cn. Cattius Palatinus* (d.7), *Cattia Athenais* (d.10) (relationship unspecified but probably daughter); father *Cn. Cattius Onesimus*, mother *Munia Secunda* (the freed status of at least the mother is inferred from the fact that both parents also dedicate to *M. Munius Germanus colliberto suo*). Unless one proposes *conubium* for Junian Latins, the two children should have been born after the formal manumission of the mother (and of the father as well, if he was slave born) and thus be citizens. Cf. 16703: son *M. Cutius Vitalis*; father *M. Cutius M. l. Verinus*, mother *Divillina Primitiva*; 13416, 23274, 23880 – all with freed indication for the father, the mother being *incerta*. But doubts begin to accrue. In 21264: (son *M. Licinius Herma* [d.16], father *M. Licinius Herma*, mother *Tarquitia Felicula*) the mother, and in 29532 the father, *C. Volusius Inventus*, are identified by the surviving parent as *contubernalis*, a term which, while it does not by any means preclude eventual *iustum matrimonium*, shows that the relationship began when one or both partners were still slaves. If, for instance, in 21264, *Tarquitia Felicula* and/or *Licinius Herma* senior were slave-born with a son who reached the age of 16 years, the chances of the latter having been born while his parents were still slaves or at least informally manumitted must be reasonably high. But why in that case does Licinius Herma junior take his father's *nomen* and not his mother's? The possibility that *contubernium* led to *matrimonium* and perhaps his eventual adoption and legitimization is preferable to Junian Latins following naming practices more appropriate to *conubium* or to imply changing their *nomen* on attaining citizenship. The same applies in 29532. Further doubts arise from 19528, discussed above³⁷ in connexion with parents' age-data. In this case the mother was slave-born for certain, but was freed as *Hordonia M. l. Primigenia* by the time of her death at the age of 20, leaving a daughter, *Clodia Quarta*, who took the *nomen* of her father, *M. Clodius Samnius*. Quarta, of course, although she was co-dedicator with her father, could have been quite young at the time of her mother's death, but her mother would have had to be formally manumitted at a very early age for the daughter to have been born a citizen. Another complication is 15624, where the two daughters of *Claudia Tryphaena* are *Asiatica* (d.13) and *Cornelia Tyche* (d.8). As argued above, both daughters should be prime candidates for citizen birth as their mother's husband was also her *patronus*. He is simply called Felix, presumably (*Claudius*) *Felix*. But the children's names do not suggest citizen birth or that they were indeed daughters of Felix at all, but rather that they were offspring of a previous marriage when their mother was slave in another household. In the remaining families in sub-group C1, four mothers with freed indication have one son each whose *nomen* and *praenomen* cannot derive from her: e.g. 16651: son *L. Vallius Ossucu*[...]; mother *Curtia C. l. Ca*[...]; cf. 15834,

³⁷ P. 293 above.

16 399, 38 593. No fathers are recorded. The patron or joint-patron of the other three mothers were women, thus excluding the unnamed fathers as patrons.

Lastly, we come to sub-group C2: children who take the mother's *nomen* when this differs from that of the father (5 exx.); those whose *nomen* differs from their father's, but their mother is not known (2 exx.); and those whose *nomen* is the same as their mother's, but their father is not known (21 exx.). Although the total in C2 is only 28, compared with 82 for C1, most of the latter is made up of parents with same *nomen* – 51/82 – discussed at length above. In the categories where the two groups are directly comparable, and where preference for one parent over another is discernible, the numbers are closer, i. e. different *nomina* of parents: 7 children follow mother (C2), compared with 13 following father (C1); one parent only known: 21 child-mother families, (C2), compared with 18 child-father families. These figures are too small to generalise from.

Those in the first category, however, do seem to be *prima facie* examples of children of Latin status, e. g. 26 514: daughter *Sextilia Polla* (d. 3); mother *Sextilia Mysa*, father *M. Iunius Maximus*. As the parents are *contubernales*, and thus one or both slave-born, the daughter's *nomen* indicates that they did not have *conubium* at the time she was born. The mother is unlikely to have been a citizen or over 30 at that time; the daughter was either slave-born and manumitted early as a Junian Latin or freeborn to a Junian mother and thus of the same status herself. It is arguable that the *anniculi probatio* procedure did not ensue in the two-year period before Polla's death as she herself was not given her father's *nomen* nor did her parent's avoid the tell-tale *contubernalis*. A similar pattern is followed in 14 241/4: daughter *Calpurnia Pia* (d. 20); mother *Calpurnia Phido*, father *T. Vatinius Felix*. Again the slave-born context of the whole family is revealed by the repeated use of *contubernalis*, once by the father of the mother, and again by the daughter's husband who is simply called *Charito* and thus, as all the others have *tria nomina*, presumably still a slave. In this case it is quite unlikely that she is a freeborn citizen; if she is a slave-born *incerta* who died aged 20, she is almost certainly a Junian Latin. In a third example, 27 228: daughter *Terentia Primitiva*; mother *Terentia Thallusa*, father *L. Cominius Felix*; the mother is slave-born and the daughter most probably likewise, cf. 13 726, 20 018; 20 144, 35 295.

The possibility remains that in a good number of cases the children were freeborn as Junian Latins. If it was, to put it mildly, not uncommon for slave-born children to be informally manumitted at any age, there is little reason to deny the same opportunity to their slave-born parents, despite the comparative lack of age-data for this. The widespread practice of informal manumission must have resulted in the birth of many children as Junian Latins to Junian Latin parents. A good deal thus hangs on the main avenue to citizenship for such families, the *anniculi probatio* procedure. I have argued above (p. 280) that this was not as straightforward, automatic or readily available, especially outside Rome, as has been generally supposed. Slave-born children with freed indication cannot come

into this category.³⁸ Nor would any of those slave-born children who still lurk among the *incerti*. Age-data alone in this situation are not sufficient to distinguish between the slave-born and the freeborn. But as all such data indicate ages below 30, the case for Junian Latin status for any such children who were slave-born is strong. Possible candidates are children with the same *nomen* as their slave-born mothers, where the father is not on record. But in several instances the ages of the children indicate that the surviving mother must be over 30 and thus potentially a citizen. Examples are: 14577 (d. 23), 22675/6 (d. 24), 24890 (d. 16; prior slave-born sister d. 19), 25808 (d. 15), 26265 (d. 23), 28113 (d. 17), 29560 (d. 27), AE 1975, 22 (d. 28; prior slave-born brother d. 30). From other examples the opposite conclusion might be drawn: 16185 (child died aged 3), 25377 (d. 11 months), 27799 (d. 4).

What conclusions can be drawn from this brief look at the *incertilae*? On what basis, if any, can the children of Group C be assigned to the categories of free-born or slave-born, Junian Latins and/or citizens? It becomes increasingly difficult simply to assume, much less to build a positive case for, *iustum matrimonium* and citizenship on grounds of either nomenclature or age-data for many parents and children in this group. The normal <marriage> pattern in slave-born society at Rome is for slave to <marry> slave from within the same *familia*.³⁹ This is borne out by the fact that much the largest number of parents in Group C are attested as both having the same *nomen* – 51/74 (69%) or in slightly more than two out of every three families where the *nomina* of both parents are known, bearing in mind that at least one parent, and usually both, are indicated to be slave-born. On its own this proves little about the status of the children who are simply classed as *incertilae*. But whether or not the *tria nomina* (or equivalent) of these children conceal slave-born or freeborn, citizens or Junian Latins, they cannot all by any means denote citizens tout court. Once admitted as normal nomenclature for Junian Latins, the *tria nomina* open wide a door to admit the *incerti* to Latin status as readily as to Roman citizenship. From the Augustan period onwards, or at least from the date of the *lex Iunia*, the use of the *tria nomina* by those now formally recognised as Latins may well have contributed largely to swelling the ranks of the *incerti*. This form of nomenclature became equally the preserve of the freed and the freeborn from all classes of sub-equestrian Roman society.

In quantitative terms a distribution of Group C children into freeborn and slave-born in the same proportions as those from Groups A and B, whose status is known, i. e. 18:46, (in percentage terms 28:72) is not justified. Firstly, the children of Group B2, who are still slaves, should be discounted from the slave-born side, i. e. 17% of total, producing a balance of 18:29, or roughly two freeborn

³⁸ See discussion on children from Group B1 above.

³⁹ See, e. g. WEAVER (1972), Chap. 11, pp. 179–195.

children for every three ex-slave children. Secondly, the prevalence of informal manumission of slaves at ages under thirty would tend to increase the number of Junian Latin parents from the slave-born section of slave society, and thus produce a higher number of Junian Latin children who were freeborn but not born as citizens. This in turn would reduce the number of slave-born children of slave-born parents. It is difficult to say whether these factors increased or decreased significantly from generation to generation in the first and second centuries A. D. It is perhaps worth hazarding a guess that the overall supply of slaves from all sources remained relatively constant during this period,⁴⁰ and that the drift of slave-born parents to freeborn children in each generation would be roughly balanced by the newly imported enslaved slaves, thus maintaining a constant pool of slave parents. Manumission, whether formal or informal, was primarily an urban phenomenon, practised in both forms, we may assume, in Rome as much as, or more than, in other cities in Italy. We might therefore be justified in arguing that the *incerti*, in the *sepulcrales* of the city of Rome, far from containing mostly persons of slave birth, as far as children of families are concerned, are made up of the freeborn at least as much as of the slave-born. Let us say, conservatively, that the proportions are about equal.

Junian Latins will, of course, appear in both sectors. Among the slave-born, as in Group B1, Junian Latin children cannot readily qualify for citizenship, even in Rome, until they reach the age of 30. The age-data for these children are almost entirely under that age. As over half of the remaining dedications without age-data are by parents to children, the same can reasonably be assumed for the children of that group as well. More than half of this sector are thus likely to be still Junian Latins at death; let us assume two-thirds, to one-third who may have gained citizenship by age or for other reasons. On the other hand, in the freeborn sector, the reverse is not so likely to be the case. Junian Latin parents of slave birth when they progress to citizenship after the age of 30 do not thereby confer citizen status on their freeborn Junian Latin children. It is only the *anniculi probatio* procedure that has this effect. This, of course, would normally happen during the infancy of the child. We have no idea how regularly this happened in practice. But given the legal formality and the two separate stages of the procedure, both before marriage before witnesses, and at least two years later before the praetor, it could not have been exceptionally easy, even in the city of Rome, certainly not as easy as is usually assumed, and much less so in the *municipia* of Italy. In Rome the scale of the procedure, the thousands that would be involved and the demand on the time of magistrates, if they had to be personally present, all need to be contemplated. Even if we allow that two out of three of all freeborn Latins in Rome progressed to citizenship by acquiring the *ius Quiritium* on the initiative of their parents or by any other method, including the emperor's

⁴⁰ Cf. BRADLEY (1987), 48 ff.

benefaction, we are still left with a breakdown of the children of Group C into Junian Latins and Roman citizens in about equal numbers.

V Conclusion

Let us try to sum up the results of the foregoing discussion first of all in quantitative terms, paying particular attention to the Junian Latins. Table I, in summary, divides the children of at least one ex-slave parent into freeborn (A), slave-born (B), and *incerti* (C), as follows: A: 18%; B: 46%; C: 36%.

Group A comprises 7% (A1) who must be freeborn, and 11% (A2) who are probably freeborn.

Group B comprises 29% (B1) who must be slave-born but are freed; and 17% (B2) who are slave-born and still slaves.

Group C comprises 36% who must be either freeborn or freed.

To establish the probable balance between freeborn and freed in this sample we must

(i) exclude from Group B 17% (B2) who are slaves

(ii) separate Group C into two equal parts, viz. 18% freeborn and 18% freed.

Thus we have, in percentage terms from the total sample of 363 children:

(a) freeborn:	18 (A) + 18 (C) =	36
(b) freed:	29 (B1) + 18 (C) =	47
(c) slave:	17 (B2)	= <u>17</u>
	Total	<u>100</u>

What proportion of children of ex-slave parents were born before manumission of parents? (b) + (c) = 64%. Thus it is reckoned from the *sepulcrales* of Rome that nearly two children out of three were slave-born, and one-third were born free. This is a conservative figure for the slave-born as we have sampled only children where at least one parent was freed. (Children where both parents were still slaves, would not contribute to the status question as they must be either slaves or freed, mostly the former, and have been excluded from the discussion.)

The more difficult question is how many children were Junian Latins? These can be either freeborn (i. e. children of Junian Latin parents or at least of a Junian Latin mother who did not obtain citizenship) or slave-born and freed informally, who did not obtain citizenship. Given that many, if not most, of the children in the epitaphs did not live to the age of 30, the legal date for ordinary formal manumission, we can expect a higher proportion of Junian Latins among the children than among their parents most of whom can be assumed to have lived beyond 30.

Among the freeborn 18% from Group A, we should probably allow for the possibility of a small number of Latins among the freeborn with filiation (A2), say 1% as against 10% freeborn citizens. Of the 18% freeborn *incerti* of Group C, as argued above, we should probably allow 6% to be Latins and 12% citizens. Thus of the 36% overall figure for freeborn children, we have

	A	C	
(1) Roman citizens:	17	+ 12	= 29
(2) Junian Latins:	1	+ 6	= <u>7</u>
	Total		<u>36</u>

Among the 29% children with freed indication (or equivalent) from Group B1, given the age structure suggested above, the majority cannot be citizens, say at least 24% Latins as against 5% citizens. Of the 18% slave-born children who are *incerti* from Group C, as discussed above, 12% are likely to be Junian Latins and 6% citizens. Thus of the 47% overall figure for freed children, we have:

	B1	C	
(1) Roman citizens:	5	+ 6	= 11
(2) Junian Latins:	24	+ 12	= <u>36</u>
	Total		<u>47</u>

Thus, in percentage terms, from the total sample of 363 children, we get:

(1) Roman citizens:	29	+ 11	= 40
(2) Junian Latins:	7	+ 36	= 43
(3) Slaves:	17		= <u>17</u>
	Total		<u>100</u>

We thus arrive at a conclusion that, among the *sepulcrales* of Rome, of those with freed parents there are at least as many children who died with the status of Junian Latins as those who ever gained Roman citizenship. One cannot, of course, place much reliance on the actual percentage figures reached. One main object has been to indicate in a more systematic manner than hitherto the order of magnitude of the Junian Latin problem in a class of family that predominates in the Roman inscriptions. The quantitative methods used are undoubtedly subjective and speculative but, *faute de mieux*, do I believe, have some validity.

The primary assertion is that the *tria nomina* in the inscriptions are not proof of citizenship, only of free status and, whether or not used by *peregrini*, were certainly, without status indication, the normal form of personal nomenclature for Junian Latins. Next, without relying unduly on the usual factors of average age at marriage and average age at manumission (which latter now loses some of its relevance), is the estimate of the proportion of freeborn to slave-born children of freed parents – a maximum of one child in three of those surviving beyond one year is freeborn. This attempts to take into account all recorded children born to parents marrying at any age, whether formally or informally freed.

The final question is how many such freeborn children would be eligible to stand for office or be elected decurions in municipal elections. We must exclude the freeborn Junian Latins. These are almost all to be found among the *incerti*. Thus fewer than one surviving child in three, more likely one in four, would qualify as freeborn citizens. Even if only about 40% of these were girls, we are left with a mere 16% of children of freed parents, or about one in six who are to form the spearhead of the upwardly mobile children of freedmen into municipal

politics in each generation. In reality the situation we have been examining in the capital is the most favourable possible for the formal manumission of slaves and especially for the conversion of Junian Latin to citizen status. Even this rate is far too low to sustain a rate of penetration into the municipal elites of Italy on the scale proposed by recent scholars. In the *municipia* themselves opportunities were undoubtedly fewer. That freeborn decurions of freed descent did present themselves in some numbers is not to be doubted. How special are they in the freedman family? Are they, for instance, mostly the children resulting from a different pattern of slave-freed marriages than the one we have been primarily considering. Were they, for instance, the offspring, not of slave marrying slave within the *familia*, but rather of second or later marriages of freed with freeborn, between partners who are both already citizens at the time of marriage? No attempt has been made to pursue such an investigation here. It also would have formidable methodological difficulties, not least in identifying second marriages at these social levels. The advance into the municipal elite of individuals of freed descent must have been much slower and on a much smaller scale than has been suggested. Freedman descent in this context could well mean the third or fourth generation.

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Bibliography

- ALFÖLDY, G. (1972), Die Freilassung von Sklaven und die Struktur der Sklaverei in der römischen Kaiserzeit, *Riv. Stor. Ant.* 2, 97–129.
- BRADLEY, K. R. (1987), On the Roman slave supply and slavebreeding, in: *Classical Slavery*, ed. M. I. FINLEY, London, 42–64.
- BUCKLAND, W. W. (1908), *The Roman Law of Slavery*, Cambridge (repr. 1970).
- DIXON, S. (1988), *The Roman Mother*, London/Sydney.
- FORNI, G. (1979), L'anagrafia del soldato e del veterano, *Actes du VII^e Congrès international d'épigraphie grecque et latine*, 1977, Bucarest 1979, 205–28.
- GARNSEY, P. (1975), Descendants of freedmen in local politics: some criteria, in: *The Ancient Historian and his Materials*, ed. B. LEVICK, Farnborough, 167–80.
- GARNSEY, P. (1981), Independent freedmen and the economy of Roman Italy under the Principate, *Klio* 63, 359–71.
- HOLDER, M. A. (1980), *The Auxilia from Augustus to Trajan*, Oxford.
- HOPKINS, K. (1978), *Conquerors and Slaves: sociological studies in Roman history I*, Cambridge.
- MILLAR, F. (1977), *The Emperor in the Roman World (31 BC–AD 337)*, London.
- MÓCSY, A. (1986), Die Namen der Diplomempfänger, in: *Heer und Integrationspolitik*, eds. W. ECK and H. WOLFF, Cologne, 437–66.
- RAWSON, B. M. (1974), Roman concubinage and other de facto marriages, *TAPA* 104, 270–305.
- RAWSON, B. M. (1986), The Roman Family, in: *The Family in Ancient Rome: New Perspectives*, London/Sydney, 1–57.
- SALLER, R. P. & SHAW, B. D. (1984), Tombstones and Roman Family Relationships in the Principate: Civilians, Soldiers and Slaves, *JRS* 74, 124–56.
- SHERWIN-WHITE, A. N. (1966), *The Letters of Pliny: a historical and social commentary*, Oxford.
- SHERWIN-WHITE, A. N. (1973), *The Roman Citizenship*², Oxford.
- SOLIN, H. (1982), *Die griechischen Personennamen in Rom: Ein Namenbuch*, 3 vols., Berlin/New York.
- TAYLOR, L. R. (1961), Freedmen and freeborn in the epitaphs of Rome, *AJPh* 82, 113–32.
- TREGGIARI, S. (1969), *Roman Freedmen during the late Republic*, Oxford.
- TREGGIARI, S. (1981), *Contubernales* in *CIL* 6, *Phoenix* 35, 42–69.
- WEAVER, P. R. C. (1972), *Familia Caesaris: a social study of the emperor's freedmen and slaves*, Cambridge.
- WEAVER, P. R. C. (1986), The status of children in mixed marriages, in: *The Family in Ancient Rome: New Perspectives*, ed. B. RAWSON, London/Sydney, 145–69.

