Pliny the Younger, Letters VII.32

The manumission of Junian Latins.

Name of the author: Pliny the Younger
Date: 107 CE
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Category: Roman

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Title of work: Letters
Reference: VII.32

Commentary:
Pliny the Younger (Gaius Plinius Caecilius Secundus) was born in 61 or 62 CE, at Como, in an equestrian family. His uncle, Pliny the Elder, adopted him when his father died, and ensured that he received an education in rhetoric. Pliny thus studied under Quintilian, as well as other prominent teachers. His cursus honorum is mainly known thanks to inscriptions and to the information later given in his correspondence (on Pliny’s career see PIR² P 490; Zehnacker, Pline le Jeune, Lettres. Livres I-II, p. xii-xvii). After having received the latus clavus around the age of 17 years old—which opened to him the possibility to start a senatorial career—, Pliny served as tribune in Syria in either 81 or 82 CE. On his return to Rome, thanks to Domitian’s support, Pliny was quaestor (89 CE), tribune of the plebs (92 CE), praetor (93 CE) and finally praefectus aerarii militaris, namely one of the three prefects in charge of supervising the military treasury (94-96 CE). During the first part of Nerva’s reign, Pliny seems to have been side-lined for a time before becoming praefectus aerarii Saturni again in January 98 CE, that is the year when Trajan was nominated ordinary consul after having been adopted by Nerva. Pliny remained prefect of the military treasury until the 1st September 100 CE when he became suffect consul. It is at this occasion that he pronounced the traditional thanksgiving speech to the emperor, a speech that he then rewrote before publication and which is now known as the Panegyric of Trajan. Then, Pliny had to wait for ten years before the emperor appointed him as governor (his official title was that of legatus Augusti pro praetore consulari potestate) of Bithynia and Pontus. Pliny was probably sent in the province between 110 and 112 CE (about the dating Alföldy, “Die Inschriften”). This appointment was exceptional because this province was a public one, and it was traditionally governed by proconsul of praetorian standing. The brutal stop of his correspondence in book X indicates that Pliny must have died in Bithynia in 113 CE.

The main debate about Pliny’s correspondence is about the status of the letters. Some scholars have considered that the letters are genuine, namely that they correspond more or less to the letters sent by Pliny, even if some of them have been partially rewritten and embellished so as to be published. In a totally different perspective, scholars have defended the idea that these letters would be only exercises of style, namely fictive letters sent to dedicatees (see the bibliographic survey in Aubrion, “La ‘Correspondance’ de Pline,” p. 315-323; Cugusi, Evoluzione e forme, p. 213-218). Nowadays, the dominant historiographical trend refutes this hypercritical attitude. Thus, Pliny must have selected among his letters those which were the most elegantly written, letters he then adapted for publication (see Pliny, Letters I.1; see Zehnacker, Pline le Jeune, Lettres. Livres I-II, p. xxii-xxiv).

The most arduous point of Pliny’s correspondence is of course the date of publication of the various books, and of each of the letters. In his letter-preface to Septicius, Pliny admits that the letters he gathered are not presented following the chronological order (Pliny, Letters I.1). The second important point is that ten years approximately passed between the events narrated in the first book and those in the ninth – following Adrian Sherwin-White’s dating, the first book could be dated between 96 and 98 CE and the ninth between 106 and 108 CE (see Sherwin-White, The Letters of Pliny, p. 27-28, 41). Since the nineteenth century, the question of the date of publication of the various books has been dividing scholars. Theodor Mommsen’s thesis defending the idea of a publication book after book, and the idea that the letters followed a chronological order, has been definitely challenged. It is thus commonly admitted that Pliny’s Letters were published by groups of books (whose repartition remains debated between scholars), and that inside each book the letters are rarely disposed following the chronological order (one major study refuting Mommsen’s thesis is Otto, Zur Lebensgeschichte). Aesthetical reasons (such as the necessities of variatio or the necessity to organise the letters symmetrically around a “pivotal letter”) must have played a crucial role during the composition of the various book (these ideas are summed up in Zehnacker, Pline le Jeune, Lettres. Livres I-II, p. xxvi-xxvii).

The letter presented here is an excerpt from the seventh book, whose date of publication has been placed around...
107 CE (see Sherwin-White, *The Letters of Pliny*, p. 37-38, 41). At this time, Pliny experienced some kind of transitional period in his public career: he had completed his suffect consulship in 100 CE and he was sent in Bithynia and Pontus only around 110 CE. During this ten years period, he became an augur (that is a priest who was part of one of the major colleges of priests, the college of the Augures, which was responsible of interpreting the auspices, of the inaugurations but also of performing some particular divinatory rites). Pliny became then curator responsible for the bed and banks of the Tiber and also of Rome’s sewer around 104 CE, and he also continued to practice as an advocate.

This letter is thus part of the nine published letters that Pliny sent to Calpurnius Fabatus, the grandfather of his wife Calpurnia, (see *Letters* IV.1; V.11; VI.12; VI.30; VII.11; VII.16; VII.23; VIII.10; about Calpurnius Fabatus see *PIR² C 263*). In *Letters VII.32*, Pliny reacts to a letter previously sent by Calpurnius Fabatus, in which the latter announced that he has just welcomed Calestrius Tiro in Como – Calpurnius Fabatus was from this city and was one of its most important patron. Calestrius Tiro was a frequent correspondent of Pliny and a very close friend. Actually both men received nearly the same charges or magistracies at the same period up to the praetorship (for the detail of his cursus see *PIR² C 222*; Zehnacker and Méthy, *Pline le Jeune, Lettres. Livres VII-IX*, p. 123-124 § 2). Then, Calestrius Tiro was chosen by lot as proconsul of the province of Baetica for the year 107 CE (see Pliny, *Ep. VI.22.7; VII.7.16*). During his travel to Spain, Calestrius Tiro stopped at Como and visited Calpurnius Fabatus. We learn from Pliny’s previous letters addressed to Calpurnius Fabatus that Pliny himself asked him to do a stop at Como so as to do a favour to the grandfather of his wife (*Ep. VII.16 and 23*). Actually, Calpurnius Fabatus wanted that the slaves he had recently freed in presence of friends could be officially freed by the proconsul: “if you really want to liberate lawfully the slaves you recently manumitted in the presence of your friends” (*si voles vindicta liberare quos proxime inter amicos manumisisti; Letters VII.16.4*). In the letter presented here, Pliny announces that Calestrius Tiro actually went to Calpurnius Fabatus’s house and that he officially manumitted the slaves that Calpurnius Fabatus had previously freed in the presence of some of his friends.

This letter is interesting regarding the manumission procedures. First, it is important to recall that one have to distinguish informal manumission – when the master frees his slave before friends or through a letter – from official, legally recognized manumission which could follow three forms: by the rod before a Roman magistrate with *imperium* (rod is called *vindicta*), by will (*ex testamento*) or through the *census*. Informal manumissions existed before Augustus, however it was not recognised in Roman civil law. From a legal point of view, the manumitted slaves remained slaves – even if at the end of the Republican period it became usual to say that informally manumitted freedmen were “protected in a framework of freedom by the aid of the praetor” (Gaius, *Institutes* III.56, quoted in Ando, *Law, Language*, p. 12). Augustus’s legislation on manumission plays an important role in the evolution of the legal status of freedmen and the conditions of informal and official manumission (for a global survey of this legislation see Weaver, “Where have all the Junian,” p. 277-278; Mouritsen, *The Freedman*, p. 80-92; Koops, “Masters and Freedmen,” p. 114-116). The global aim of Augustus’s legislation on manumission was to limit the number of manumissions so as to limit the number of citizens of servile extraction and also to control the existing procedures. To put it briefly, this legislation was composed by three laws:

*The lex Fufia Caninia* of 2 BCE. Its aim was to limit large-scale testamentary manumission and to impose the explicit mention of the name of each freed slave.

*The lex Aelia Sentia* of 4 CE. One of the restrictions was that manumission could not be ordered by slave owners under the age of twenty years without due reasons. In addition, if a slave was freed when he was under the age of thirty years, his manumission was valid only if it took place before a magistrate and only for a due cause (for further details, see Koops, “Masters and freedmen,” p. 115).

*The lex lokia* is the one which is the most interesting in relation to our text. Its dating has been largely debated between Augustus’s or Tiberius’s reign. The most widespread opinion is that the rogation of this lex occurred in 17 BCE and that it would thus be anterior to the *lex Aelia Sentia* (on favour of 17 BCE see Mouritsen, *The Freedman*, p. 86, n. 84; Koops, “Masters and Freedmen,” p. 114, n. 58; for a more neutral position see Ando, *Law, Language*, p. 12-13; in favour of a later dating, under Tiberius in 19 CE see LEPOR notice § 3). According to Clifford Ando’s formulation, the main effect of the lex *lokia* was “the formalization of the protection that the praetor had previously extended on an informal basis to improperly freed slaves” (Ando, *Law, Language*, p. 12; see also Fabre, Libertus, p. 56-59). Following the lex *lokia*, the informally manumitted slaves had a new status, that of Junian Latins, which was modelled after that of colonary Latins – with the exception that they could not make a testament, nor acquire a legacy. They were considered free, but not Roman citizens (on Junian Latins see for instance Sirk, “Informal manumission”; Lopez Barja de Quiroga, “Junian Latins”; Koops, “Masters and Freedmen”). As Henrik Mouritsen rightly recalls, the global aim of Augustus’s legislation on manumission – especially that of *lex Fufia Caninia* and of *lex Aelia Sentia* – was to “cut the number of freedmen”. This is actually highlighted by Suetonius – who was by then a correspondent and a close relation of Pliny the Younger – when he writes: “Besides, as he considered of great importance to keep the people pure and not corrupted by any mix of foreign or servile blood, he was most chary of conferring Roman citizenship and set a limit to manumission”
(Suetonius, Augustus XL.3: Magni praeterea existimans sincerum atque ab omni colluvione peregrini ac servilis sanguinis incorruptum servare populum, et civitates Romanas parcissime dedit et manumittendi modum terminavit). But in reality, these laws must have had quite limited effects. By then, no matter whether the lex Iunia preceded or post-dated the lex Aelia Sentia, it clearly improved the legal position of slaves informally freed (Mouritsen, The Freedman, p. 85-86). However, at the same time, it did also affect the conditions of lawful manumission by restricting them. For example, slaves needed to be over 30 years old, and only children born after they were 30 years old became free.

Augustus’s legal framework concerning freedmen or manumission procedures endured during the whole imperial period, even if some modifications were added. The letter of Pliny presented here is a good example of the permanence of this legal framework. We can see that Calpurnius Fabatus first decided to free his slaves informally, before friends, and that, only after that, they became Junian Latins, he decided to officially manumit them before a magistrate, in this specific case before a proconsul. This second stage of the procedure, called iteratio, is attested in various legal sources such as Tituli ex Corpore Ulpiani 3.4; Ps. Dositheus., Fragmentum Dositheanum de manumissionibus 14; Gaius, Institutes I. 35. In addition, we can find a quite similar procedure in another letter of Pliny’s correspondence, Ep. X.104, written when Pliny was governor of Bithynia and Pontus. In this specific case, Pliny asks the emperor to manumit three Junian Latins over whom Pliny had inherited patronal rights from one of his friends, Valerius Paulinus. Trajan responded positively to his request. This choice can be interpreted as showing that Trajan was more open to the promotion of manumission than Augustus or other men evolving at his time in an aristocratic milieu, who still considered the increasing number of freedmen as a danger for the body of Roman citizens (Mouritsen, The Freedman, p. 292). However, as Egbert Koops recalls, Trajan himself was part of the emperors “who were very careful not to infringe on patron interests” by granting Roman citizenship to Junians (Koops, “Masters and Freedmen,” p. 124).

The most interesting element of this letter of Pliny is certainly his enthusiasm about the fact that numerous (plurimos) slaves had been officially manumitted, and the general statement that this event inspire to him: “For I wish that our native place enlarging itself in all aspects, especially regarding the number of citizens: for this is the strongest mark of honour of a city”. Thus, Pliny seems to depart from the very special case of the grand-father of his wife to present more globally the manumission of slaves as an “unequivocally positive development for the city” (Mouritsen, The Freedman, p. 293). Such an opinion was not self-evident. Actually, more or less at Pliny’s time, some opinions denouncing some kind of “servile peril” – itself deeply connected to the idea of a subversion of the true Romans by foreigners – also existed. One could quote a friend of Pliny the younger, Tacitus, who, in Annals XIV.43-44, reports the speech that a lawyer called C. Cassius would have pronounced under the reign of Claudius. In this speech, C. Cassius argues that slaves must be treated with much more severity, especially since at his time Roman houses welcomed a conluvio (“an impure mix”) of slaves coming from very different nations (nationes) (Tacitus, Annals XIV.44.4). One could also quote Juvenal who, in his third Satire, denounces the fact that Rome was becoming a “Greek city” because of the impressive number of Greek slaves present in the Roman houses. Juvenal’s projection seems certain and despaired: “they are on the verge to become the inwards and the masters of our great houses,” viscera magnarum domuum dominique futuri (Juvenal, Satires III.60-80; both examples are quoted in Sherwin-White, The Letters of Pliny, p. 443). Of course Juvenal’s and Tacitus’ statements fit in with the necessities of their narrative and of the literary genre, but they must also have echoed some contemporary preoccupations. Pliny’s development about manumissions appears thus totally different from these narratives and it shows that both negative and positive views of slaves and manumission coexisted and were variously used according to the contexts and the motivations of the authors (Mouritsen, The Freedman, p. 294). In addition, in many of his letters, Pliny seems to have made efforts to stage himself as being attentive to the fate of freedmen. As Henrik Mouritsen writes, such a “fair treatment of freedmen was a sign of good manners and civilised lifestyle” (Mouritsen, The Freedman, p. 293).

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- adventus
- civis
- manumissus
- occasio
- oppidum
- ornamentum
patria
proconsul

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Junian Latins
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proconsul
Roman citizenship
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