

3 The Patron-Freedwoman Relationship in Roman Law

Roman lawmakers and jurists established a framework for the post-manumission relationship between freedpersons and their ex-owners, delineating the rights and responsibilities of each party. Romans understood this affiliation as a form of patronage – a relationship based upon the reciprocal exchange of goods and services between individuals of unequal status.¹ The specific duties of patron and freedwoman had been dictated largely by custom in the early Republic, but were increasingly formalized and regulated under classical law.² Freedwomen owed their former owners gratitude, respect, and economic compensation, which they demonstrated by attitude, testamentary bequests, and tangible services. In return, patrons were expected to provide financial assistance and general support to their ex-slaves.

The most important difference between the patron-freedwoman relationship and other forms of patronage was its compulsory, rather than voluntary, nature. As a requisite to manumission, Roman lawmakers *required* freedwomen to remain in a legally defined position of obligation and deference for their entire lives. Patrons could excuse themselves from certain responsibilities, but they too could never completely extricate themselves from this relationship. As a result, manumission created a persistent and lasting bond between patron and freedwoman.

Some historians have interpreted the expectations of lifelong deference and service built into the patron-freedperson relationship as a repressive mechanism for socially degrading ex-slaves. Accordingly, they conflate “patron” with “upper-class” and represent freedpersons as a separate, socially distinct group, defined by their continued submission and service to their social betters.³ However, this view is difficult to sustain

when one considers that by the late Republic it was quite common for freedpersons to be patrons themselves. Freedpersons existed at every socioeconomic level in Roman society. While the patron-freedperson relationship was certainly hierarchical and a public manifestation of an individual's servile background, it would be erroneous to assert that the *primary* purpose of these legally defined responsibilities was the social subjugation of an entire category of people.

More recent scholarship has focused on elements of socialization and social control built into the patron-freedperson relationship. Andrew Wallace-Hadrill argues that Romans designed this obligatory relationship to help integrate freedpersons into wider society. He concludes, "As a citizen, the ex-slave is a full member of Roman society; yet his membership is in some sense conditional, mediated through his patron who continues as a sort of sponsor."⁴ Expanding upon these ideas, Jane Gardner reasons that the ongoing connection with a citizen *familia* was an essential mechanism for social integration for ex-slaves because it gave these new citizens "some points of attachment within the existing society."⁵ For Wallace-Hadrill and Gardner, the legal relationship between patron and freedperson was significant on a societal level not merely for the work that it accomplished, but more importantly for its manifestation of an essential bond between the two individuals. This chapter contributes to this line of scholarship by exploring the patron-freedwoman relationship in Roman law, and how social and economic concerns shaped specific rights and responsibilities – the constitutive components of these "points of attachment."

Even though the patron-freedwoman relationship would have manifested itself in a variety of forms in practice, the legally defined structure of general rights and responsibilities can provide modern scholars with important information about elite Romans' conceptions of female honor, respectability, and citizenship. Lawmakers and jurists struggled with two critical and often conflicting issues when considering the specific terms of this relationship: patrons' right to benefit from the manumission of their slaves and freedwomen's capacity to achieve the respectability and social honor required of female citizens. Romans steadfastly believed that individuals who chose to manumit their slaves deserved some compensation for their loss of property and labor.⁶ Given that Roman law permitted patrons to exploit their freedpersons, it was

essential for lawmakers to establish boundaries in order to maintain a separation between freedwomen and female slaves. It is unsurprising then that two central issues for jurists were a freedwoman's sexual integrity and her ability to form marriages, which were defining aspects of the iconic Roman woman – the *matrona*.⁷ In establishing the legal guidelines for the ongoing relationship between patrons and their ex-slaves, jurists attempted to craft a framework of rights and responsibilities that would not impair a freedwoman's capacity to establish herself as a respectable Roman matron.

FREEDWOMEN'S OBLIGATIONS TO PATRONS: GENDERED FORMS OF *OBSEQUIUM* AND *OPERA*

Prior to the second century BCE, most freedwomen's daily lives may have been very similar to those they had experienced as slaves.⁸ A recently manumitted woman would have likely continued living with her patron and performing the same type of open-ended service for his household. Modern scholars have noted how the domestic, agricultural economy of early Italy likely compelled freedpersons to remain in “a kind of dependent symbiosis” with their patrons, performing the same duties they had completed while in bondage.⁹ The most useful source for discerning the types of duties imposed on freedwomen prior to the late Republic is commentary found in the *Digest*:

Hoc edictum a praetore propositum est honoris, quem liberti patronis habere debent, moderandi gratia. Namque ut Servius scribit, antea soliti fuerunt a libertis durissimas res exigere, scilicet ad remunerandum tam grande beneficium, quod in liberos confertur, cum ex servitute ad civitatem Romanam perducuntur. (1) Et quidem primus praetor Rutilius edixit se amplius non daturum patrono quam operarum et societatis actionem, videlicet si hoc pepigisset, ut, nisi ei obsequium praestaret libertus, in societatem admitteretur patronus. (2) Posteriores praetores certae partis bonorum possessionem pollicebantur: videlicet enim imago societatis induxit eiusdem partis praestationem, ut, quod vivus solebat societatis nomine praestare, id post mortem praestaret.

This edict has been put forward by the praetor for the purpose of regulating the respect that freedpersons ought to have for their patrons. For, as Servius writes,

in former times [patrons] were accustomed to make very harsh demands on their freedpersons, naturally for the purpose of repaying the enormous benefit conferred on freedpersons when they are brought out of slavery to Roman citizenship. (1) And indeed Rutilius was the first praetor to proclaim that he would not give a patron more than an action for services and partnership, namely, if he had pledged, so that if a freedperson did not show respect to his patron, the patron would be admitted to partnership [in his goods]. (2) Later praetors promised patrons *bonorum possessio* of a fixed part [of the freedperson's property]; for clearly the idea of partnership led to an offer of the same share with the result that what the freedperson was accustomed to offer in the name of partnership while alive, he or she gave after his or her death (*Dig.* 38.2.1, Ulpian).

This passage suggests that at one time patrons could have imposed stringent obligations on their freedpersons, maintaining a considerable degree of control over both their labor and their finances, but that this condition was subject to later revision.¹⁰ There does not appear to have been an attempt to regulate legally the behavior of freedpersons vis-à-vis their patrons, but rather an underlying belief that *fides* imposed a moral obligation of respect and dutifulness on ex-slaves.¹¹

Lawmakers in the late Republic and early Empire developed a more precise body of legal regulations and penalties governing the patron-freedperson relationship. Around the year 118 BCE, the praetor Rutilius introduced an edict ostensibly designed to lessen the labor and financial burden levied on freedpersons by allowing patrons to exact only services specified in agreements contracted at the time of manumission.¹² While the extent to which this edict actually reduced the amount of labor performed by freedpersons is debatable, given that there was little to stop patrons from contracting for considerable obligations, it reinforced an important distinction between slave and freed. Instead of the constant and perpetual service required of slaves, freedpersons were liable only for specific duties established by pledge after manumission. By the end of the Republic, jurists had placed even more limitations on the types of labor and financial services that patrons could require from their freedpersons, most notably by invalidating the *societas*, an agreement where a patron received a portion of a freedperson's income.¹³ Lawmakers transformed freedpersons' financial obligations to their ex-masters from open-ended service and attendance to a discrete set of duties and

contracted labor. The format of these obligations came to resemble the work of free persons rather than the service of slaves.

Modern scholars generally classify the obligations of freedpersons in the classical era into two main categories: *obsequium* (general respect) and *operae* (labor and services).¹⁴ *Obsequium* is a blanket term used primarily by modern scholars to describe a wide range of prohibitions and duties designed to ensure freedpersons' proper treatment of their patrons.¹⁵ While there is some dispute over strict definitions, all agree that during the Principate, Roman law required freedpersons to demonstrate a general attitude of respect, gratitude, and loyalty to their ex-masters.¹⁶ Jurists concentrated primarily on the litigious restrictions and financial responsibilities of freedpersons when describing the details of such behavior. Freedpersons could not levy criminal charges or any legal action that might discredit their ex-masters.¹⁷ Furthermore, the law forbade freedpersons to give evidence against their patrons, either of their own volition or under the compulsion of the court.¹⁸ *Obsequium* also required freedpersons to support their ex-masters in times of need, which included providing financial assistance and serving as a guardian for a patron's children.¹⁹ In the surviving legal sources, there is only one example that explicitly mentions a woman's conduct. Papinian decided that a freedwoman was not ungrateful (*ingrata*) if she practiced her profession (*arte sua ... utitur*) against the wishes of her female patron (*Dig.* 37.15.11).²⁰ Within the different manifestations of *obsequium* described in the legal sources, the ideas of reverence and gratitude are foundational qualities for the expected behavior of freedpersons toward their patrons.

After the establishment of the *lex Aelia Sentia* in 4 CE, patrons had the ability to bring formal legal action against freedpersons who violated the prescribed standards of respectful conduct. In addition to failing to adhere to the requirements outlined, insults, physical attacks, and failure to support patrons in times of need were actions worthy of legal proceedings for ingratitude.²¹ Depending on the offense, punishment could have included financial reparations in the form of cash or extra services, physical castigation, and temporary exile. Even reenslavement was an option for serious violations or repeat offenders.²² The threat of legal action helped to enforce standards of respectful behavior for freedpersons in their relationships with their ex-masters.

There was also a reciprocal element to *obsequium*, in that Romans expected patrons to demonstrate proper behavior toward their former slaves. The jurists mentioned two specific requirements imposed on patrons. Patrons needed to provide appropriate support for freedpersons in times of need. The *lex Aelia Sentia* cancelled contracted obligations owed by the freedperson if a patron failed to provide maintenance (*alere*).²³ Perhaps most importantly, Roman law forbade patrons to treat their freedpersons as slaves.²⁴ The surviving legal sources do not explain the nuances of such a prohibition, but one example condemned patrons who chastised their freedpersons with whips or rods – the archetypal punishment for slaves (*Dig.* 47.10.7.2, Ulpian).²⁵ In these rulings, lawmakers expected patrons to respect the new status that they had bestowed upon their ex-slaves, and to help them succeed as citizens.

Given the expectations of deference and service, the demands of *obsequium* could potentially injure a freedwoman's status and reputation. While Roman law normally prohibited freedwomen to initiate legal action against their patrons, it allowed them access to the *actio iniuriarum* (legal action for insult) in order to redress severe damage to their honor. As was discussed in Chapter 1, the charge of *iniuria* originally had covered only physical assaults, but by the late Republic it encompassed interference with personal rights and verbal insults, which caused injury by lowering the estimation of the victim in the eyes of others.²⁶ Roman law further held that individuals suffered injury not only from transgressions against them, but also from offenses toward a spouse or those in their *potestas*.²⁷ There was not a standard or discrete list of acts that caused *iniuria*; the existence of *iniuria* was contingent upon factors such as the relative status of the parties and the nature of their relationship.

In the case of freedpersons and their ex-masters, Ulpian ruled that only the most serious of affronts by patrons (*si atrox sit iniuria*), such treating their freedperson in the manner of a slave, warranted legal attention.²⁸

Praeterea illo spectat dici certum de iniuria, quam passus quis sit, ut ex qualitate iniuriae sciamus, an in patronum liberto reddendum sit iniuriarum iudicium. Etenim meminisse oportebit liberto adversus patronum non quidem semper, verum interdum iniuriarum dari iudicium, si atrox sit iniuria quam passus sit, puta, si servilis. Ceterum levem cohercitionem utique patrono adversus libertum dabimus

nec patietur eum praetor querentem, quasi iniuriam passus sit, nisi atrocitas eum moverit: nec enim ferre praetor debet heri servum, hodie liberum conquerentem, quod dominus ei convicium dixerit vel quod leviter pulsaverit vel emendaverit. Sed si flagris, si verberibus, si vulneravit non mediocriter: aequissimum erit praetorem ei subvenire.

Furthermore, it is relevant that the insult that someone suffered be specified, so that we may know from the nature of the insult whether an action for insult should be granted to a freedperson against his or her patron. For it is necessary to remember that an action for insult is not always given to a freedperson against his or her patron but only at times when the insult which he or she suffered was heinous, for example if he or she was treated as a slave. We will absolutely allow a patron the limited punishment of his or her freedperson, and the praetor will not allow a freedperson to make a formal complaint that insult was suffered unless the heinousness [of the insult] moves him; for the praetor ought not to tolerate a former slave, now a freedperson, complaining because his or her master verbally abused him or her, or because the master moderately chastised or corrected him or her. But if the chastisement was done with lashes or rods, or if the patron seriously wounded the freedperson, it is eminently right that the praetor support the freedperson (*Dig.* 47.10.7.2, Ulpian).

Formal accusations were not easy to make, as freedpersons required the approval of the praetor to initiate any legal action against their patrons.²⁹ The unstated correlative to this opinion on *iniuria* was that Romans permitted patrons to treat their freedpersons in ways that might be injurious to others because of the unique nature of their relationship.

The issue of *iniuria* became more complicated when a married freedwoman was involved.

Quamquam adversus patronum liberto iniuriarum actio non detur, verum marito libertae nomine cum patrono actio competit: maritus enim uxore sua iniuriam passa suo nomine iniuriarum agere videtur. Quod et Marcellus admittit. Ego autem apud eum notavi non de omni iniuria hoc esse dicendum me putare: levis enim coercitio etiam in nuptam vel convici non impudici dictio cur patrono denegetur? Si autem conliberto nupta esset, diceremus omnino iniuriarum marito adversus patronum cessare actionem, et ita multi sentiunt. Ex quibus apparet liberos nostros non tantum eas iniurias adversus nos iniuriarum actione exequi non posse,

quaecumque fiunt ipsis, sed ne eas quidem, quae eis fiunt, quos eorum interest iniuriam non pati.

Although the action for insult is not given to a freedperson against his or her patron, the husband of a freedwoman can have an action in respect to her against her patron: for when a wife suffers insult, her husband is regarded as bringing an action for insult in his own name. Marcellus admits this. But I have made note on him that I do not think that this must be prescribed concerning every insult; for why should a patron be denied the mild chastisement or verbal reproach – so long as it is not lewd – of even a married woman? But if she is married to a freedman of the same patron, then we should admit that an action for insult is absolutely unavailable to the husband against the patron. And many feel this way. From all this it is clear that our freedpersons are unable to avenge against us with an action for insult, not only insults which they themselves endure, but also insults endured by people in whom our freedpersons have an interest in their not suffering insult (*Dig.* 47.10.11.7, Ulpian).

Under Roman law a husband could suffer *iniuria* from insults directed at his wife and therefore was allowed to initiate proceedings in his own name. So, according to Marcellus, a freedwoman's husband could take legal action on the basis that he suffered personal insult from a patron's conduct toward his freedwoman. In such cases, the husband initiated legal proceedings in his own name, not in the name of his wife.³⁰ However, if a freedwoman's husband was also a freedman of her patron, he could not bring an action for insult, falling under the same legal restrictions as his wife. Marcellus's decision was a simple extension of the general rule regarding freedpersons and the *actio iniuriarum*: There was nothing to prohibit a husband from initiating legal action against an individual who was not his patron, even though the standards of *obsequium* prevented his wife from initiating her own action against the same person.

Ulpian, in turn, attempted to qualify the opinion of Marcellus by reasserting patrons' *right* to berate their freedwomen verbally and physically punish them.³¹ He believed that patrons should be able to employ mild chastisement (*levis coercitio*) or verbal abuse (*convici dictio*) against their freedwomen, provided that it was not lewd (*non impudici*, *Dig.* 47.10.11.7). Both of these behaviors would be unacceptable if directed at freeborn citizen women. *Coercitio* could imply physical punishment,

an aspect that seems emphasized by the word's oppositional placement to "verbal abuse" (*convici dictio*).³² In a preceding passage (*Dig.* 47.10.7.2, quoted earlier), Ulpian described appropriate *coercitio* as mildly striking or verbally correcting (*leviter pulsaverit vel emendaverit*) an individual. *Convicium* was a specific legal term, defined by the jurists as shouting that was against good manners and aimed at someone's disgrace or unpopularity (*quae bonis moribus improbatum quaeque ad infamiam vel invidiam alicuius spectare*, *Dig.* 47.10.15.5–6, Ulpian quoting the praetor's edict and Labeo). Furthermore, this abuse must have been loud (*vociferatione*) and public (*in coetu*).³³ Ulpian agreed with earlier jurists that *convicium* was clearly *iniuria* (47.10.15.3; cf. Gaius 3.220), but not in the case of a patron correcting his or her freedwoman. However, the jurist qualified his statement by explicitly declaring lewd (*impudicus*) language as wholly unacceptable behavior in every respect. According to Ulpian, Roman law guaranteed patrons' license to address their freedwomen in ways that could be construed as offensive and demeaning if directed at other citizen women. But it strictly prohibited conduct that threatened freedwomen's sexual honor.

The format of Ulpian's opinion suggests that he considered the *actio iniuriarum* to be of particular relevance to women. In addition to the main statement quoted previously, the jurist added that a freedman's wife could also bring action in her own name in response to insults toward her husband (*Dig.* 47.10.11.8).³⁴ However, in legal opinions that concerned freedpersons of both sexes, jurists generally subsumed freedwomen under the masculine-neutral term *liberti*. It is significant, then, that Ulpian used the husband of a freedwoman as the principal actor in his example, including the wives of freedmen in the follow-up statement.³⁵ The structure of this opinion implies that even though the law technically applied to spouses of either sex, this particular question of *iniuria* was primarily associated with freedwomen and their husbands. It is also important that in both the opinion considering married freedwomen (*Dig.* 47.10.11.7) and the opinion considering freedpersons in general (*Dig.* 47.10.7.2), Ulpian mentioned verbal abuse (*convicium*) as acceptable conduct for patrons. Only in the passage considering married freedwomen did he feel the need to prohibit lewd discourse explicitly. Again, this ruling would have technically applied to freedpersons

of both sexes; the explicit mention in the opinion considering married freedwomen highlighted a particular concern.

The legal analysis of the relationship between *obsequium* and *iniuria* suggests two conclusions. First, despite the fact that patrons possessed license to address their freedwomen in ways that could be construed as offensive and demeaning if directed at other women, conduct that transgressed, or even blurred, the line between freedwoman and female slave was strictly prohibited. Second, at least one jurist believed that a patron's conduct meant something different when it involved a married freedwoman, not so much because it could adversely affect the woman's honor, but rather because it could injure the status of her spouse. Jurists protected patrons' authority so long as it did not infringe on a new citizen's right to respectability or the honor of her husband.

Obsequium itself was not necessarily an attempt to restrict or infringe upon the status of freedwomen, as it was an intrinsic aspect of relationships between individuals of unequal power. It is certainly significant that family members were subject to comparable rules of *obsequium*. This is not to say that patrons would have treated their freedwomen and their female relatives in the same manner, or would have expected the same displays of reverence. Rather, it is evident that lawmakers and jurists envisioned the obligations of freedpersons and the obligations of kin to be structurally similar. Roman social norms required children to express reverence and gratitude to their parents and imposed similar legal restrictions. Furthermore, jurists did not construe potentially insulting or injurious behavior between family members as meeting the standards of *iniuria*. Ulpian declared that, in cases of *convicium*, an action for insult would neither be given for or against heirs (*Dig.* 47.10.15.15). As in the case of patrons and freedpersons, the law allowed parents to treat their children in a manner unacceptable for other Roman citizens. Given the parallel to relationships between kin, it seems likely, then, that *obsequium*, and the potentially insulting conduct it condoned, was not designed to degrade freedwomen as members of the Roman community, but instead signified their close – and hierarchical – affiliation with their patrons.

Jurists had similar concerns about the satisfaction of *operae* and its potential effect upon a freedwoman's reputation. *Operae* were tangible services that freedpersons commonly performed for their ex-masters after manumission. Literally, *operae* were a specific number of days' work

(*diurnum officium*) that freedpersons promised to provide to their patrons as recompense for their freedom.³⁶ By the classical period, this labor was neither automatically owed nor limitless, but rather a “voluntary” contractual obligation.³⁷ While *operae* were not necessarily part of the manumission process, jurists considered them a common and “natural” obligation.³⁸ They divided *operae* into two loosely defined categories: trade services (*operae fabriles*) and official duties (*operae officiales*).³⁹ Patrons could require freedpersons to offer *operae fabriles* in the trade (*artificium*) that they had taken up after manumission so long as the services were honorable and without risk to life. The law also obligated patrons to consider a freedperson’s age, status, health, needs, and way of life when determining the type and extent of the labor. Contracted services that infringed on any of these considerations were not to be rendered.⁴⁰ The jurists did not define *operae officiales* in any detail, but the surviving evidence suggests that the duty included some form of personal attendance and service.⁴¹

Jurists understood the goal of *operae* primarily to be serving one’s former owner rather than producing profit. Roman law recognized an individual’s right to obtain recompense from the manumission of a slave, and *operae* created a structured means for patrons to financially exploit their freedpersons. However, jurists eschewed a purely capitalistic view of *operae*, limiting patrons’ ability to hire out the labor of their freedpersons to third parties.⁴² This suggests that, from the perspective of Roman law, providing service to one’s ex-master was an essential component of this requirement.

There are no examples of distinctive female *operae* in the ancient sources, but it seems most likely that freedwomen also provided services in the form of professional labor and personal duties. Support for the former is found in a legal opinion of Callistratus, who forbade patrons to demand *operae* in the form of sexual duties from a freedwoman who was a practicing prostitute (*Dig.* 38.1.38.pr). In this example, the jurist essentially prohibited a patron to acquire a freedwoman’s professional labor as contracted services. Such a restriction was necessary only if patrons were accustomed to receiving the professional labor of freedwomen as *operae*. Therefore, it follows that feminine *operae* could have taken the form of any type of nonsexual professional labor common among women in Roman society.

The opinion of Callistratus lends insight to types of forbidden *operae* and the separation between free and servile labor. The case of a patron demanding sexual favors as *operae* served as an example of services that were forbidden because their performance caused the disgrace (*turpitude*) of the freedwoman.⁴³ If performing these services disgraced a professional prostitute, then they certainly must have disgraced other freedwomen as well. However, as the freedwoman in this example was earning her living as a prostitute, there is no reason to assume that her patron could not solicit her as a paying client. Furthermore, there was nothing to stop a patron and freedwomen from engaging in sexual affairs on their own. Male slave owners had nearly unrestricted sexual access to their female slaves, and continued relationships between patrons and their freedwomen were common and even encouraged. It seems, then, that the main concern of Callistratus was not the performance of the sexual act itself, but rather the imposed obligation to provide sex. To establish freedwomen as female citizens with honor, it was necessary for jurists to distinguish the patron from the master.⁴⁴ While Roman law protected an ex-owner's right to demand labor in exchange for manumission, jurists limited the scope of these services in order to preserve personal integrity and social propriety.⁴⁵

In addition to classifying certain types of services as improper, Roman law indicated several situations where the performance of *operae* in general would be unseemly for a freedwoman. In his commentary on the Augustan marriages laws (the *lex Iulia et Papia*), Paul noted that when a freedwoman turned fifty, she was no longer obligated (*non cogitur*) to perform *operae* for her patron (*Dig.* 38.1.35.pr). Paul's opinion gives little insight to the reasoning behind this ruling, which does not appear to have had a male parallel.⁴⁶

The jurist Hermogenian further ruled that if a male patron or his male descendants gave consent to the marriage of a freedwoman, they were no longer owed services.⁴⁷

Sicut patronus, ita etiam patroni filius et nepos et pronepos, qui libertae nuptiis consensit, operarum exactionem amittit: nam haec, cuius matrimonio consensit, in officio mariti esse debet. (1) Si autem nuptiae, quibus patronus consensit, nullas habeant vires, operas exigere patronus non prohibetur. (2) Patronae, item filiae et nepti et pronepti patroni, quae libertae nuptiis consensit, operarum exactio non denegatur, quia his nec ab ea quae nupta est indecore praestantur.

Just as a male patron, so too his son, grandson, and great-grandson, if they have consented to the marriage of a freedwoman, lose the exaction of services: for the woman to whose marriage a male patron has consented ought to be in the service of her husband. (1) If, however, the marriage to which the male patron has consented has no validity, the patron is not prevented from exacting services. (2) The exaction of services is not denied a female patron or likewise the daughter, granddaughter, or great-granddaughter of a patron who has consented to the marriage of a freedwoman, because the performance of services for these individuals is not unseemly for a married freedwoman (*Dig.* 38.1.48).

The primary justification for this ruling was that a married freedwoman should be in the service (*officium*) of her husband rather than her patron. This was not merely an issue of time conflict, in the sense that a woman would not have the ability to satisfy her duties as both a wife and a freedwoman.⁴⁸ Jurists had no reservations about married freedwomen fulfilling promised *operae* for female patrons, and there is no indication that the types of services performed for female patrons were in any way different from those owed to male patrons. The issue was not the tangible set of duties associated with the roles of wife and freedwoman, but instead the condition of owing service to two different men: husband and patron. Moreover, it was specifically the performance of *operae* that was potentially problematic, rather than the complete set of obligations that freedwomen owed to their patrons.⁴⁹

Later in the passage, Hermogenian suggests that the performance of *operae* for a male patron by a married freedwoman could be unseemly (*indecore*) for both of them. Obviously gender mattered in this ruling, as the male patron–freedwoman relationship was problematic in a way that the female patron–freedwoman relationship was not. Given this, the most logical assumption is that the perceived unseemliness derived from some infringement on the freedwoman’s sexual honor.⁵⁰ Indeed, jurists indicated that the obligation to provide *operae* to one’s patron conflicted with the status of being a wife.⁵¹ Being in a current state of marriage was central to the cancellation of *operae*, as most jurists believed that male patrons could renew their demand for services if a freedwoman ceased to be married, or if the marriage became void.⁵² Furthermore, patrons were able to seek financial compensation for *operae* owed before a freedwomen’s marriage, but not the completion of the

services themselves.⁵³ Such a decision suggests that the issue lay in the actual performance of *operae* rather than the material liabilities of this service, such as the loss of time or capital. The obligation to perform *operae* was problematic because it kept a married woman in the service of a man other than her husband. It warrants repeating that jurists were not willing to curtail the rights of patrons by universally eliminating all services upon a freedwoman's marriage, but only when a male patron lent his consent to the union.⁵⁴

Finally, Romans released a freedwoman from the obligation of *operae* if she attained a social status (*dignitas*) where it was not appropriate for her (*inconueniens*) to perform such services.⁵⁵ The jurist did not elaborate on the details of such a *dignitas*, most likely leaving the matter open to interpretation in individual cases. Wolfgang Waldstein believes that the most likely cause for a woman's rise in *dignitas* was a high-status marriage.⁵⁶ If so, then the automatic cancellation of services for women who married men of high rank suggests that Roman jurists were primarily concerned with how the performance of *operae* affected the status of a freedwoman's husband rather than that of the freedwoman herself.

Performing obligatory labor for one's former owner reenacted the master-slave relationship in a way that the other responsibilities of freedwomen did not. However, the jurists' unwillingness to cancel *operae* for all freedwomen – or even all married freedwomen – suggests that any status loss resulting from the performance of these services was not an insurmountable challenge to a woman's honor. The obligation to provide *operae* only appears to have become unavoidably injurious when the freedwoman achieved a certain level of *dignitas*, at which point Roman law ended the contract *ipso iure*. Clearly, there was some concern about a married woman's submission to a male authority other than her husband. But so long as the services themselves were not disreputable, jurists were unwilling to deny patrons completely the right to exploit their female ex-slaves.

There was some tension between the structured, legally defined service of a freedwoman to her former master and her ability to function as a respectable Roman matron. Romans expected all freedwomen to continue to demonstrate reverence to their ex-owners. The law mandated the terms of this respectful behavior, which jurists conceptualized both as a general attitude and as a set of required and prohibited actions.

Policymakers devised these guidelines to ensure that patrons would not suffer ingratitude from their ex-slaves, but in doing so they also sanctioned patrons' right to treat their freedwomen in a manner inappropriate for other citizens. Furthermore, Roman law allowed patrons to demand professional and personal labor from their freedwomen as recompense for their freedom. Jurists recognized that these expectations of deference and service could blur the line between freed and slave and therefore attempted to protect a freedwoman's ability to maintain a level of honor and respectability required of female citizens.

GUARDIANSHIP (*TUTELA*) AND INHERITANCE RIGHTS (*BONA*)

From the time of the Twelve Tables, Roman law placed freedwomen into the guardianship (*tutela legitima*) of their male patrons after manumission.⁵⁷ Roman lawmakers established the *tutela mulierum* ostensibly to protect a woman's economic interests and to safeguard a family's wealth for its agnatic descendants.⁵⁸ Accordingly, *tutores* oversaw a woman's financial and legal affairs; doing so did not necessarily involve direct administration, but generally consisted of lending approval (*auctoritatis interpositio*) to certain transactions that could potentially diminish the woman's estate. These transactions included entering into marriage *cum manu*, promising a dowry, alienating *res Mancipi*, formally manumitting slaves, and creating a will.⁵⁹ In most cases, a *tutor legitimus* was the nearest male agnate, whom Roman law appointed as guardian when no other testamentary provisions had been made. Because of the close family relationship, Romans considered a *tutor legitimus* to have more of a personal stake in the financial affairs of his wards than other types of guardians. As a result, unlike other types of guardians, a *tutor legitimus* could not be compelled by law to lend his approval to desired transactions.⁶⁰ Thus, naming male patrons as *tutores legitimi* of their former female slaves not only gave them significant influence over their freedwomen's financial conduct, but also highlighted their perceived personal stake in these affairs.

Roman law protected a patron's possession of the *tutela legitima*, even to the point where the efficacy of the office was severely diminished.

There was no way for a freedwoman to extricate herself from her ex-master's guardianship completely other than by his death. And upon the death of a patron, *tutela legitima* automatically passed to his male descendants.⁶¹ Guardianship could be passed from a patron to his underage son, despite the fact that the son could not legally impose his own authorization (requiring a *tutor* himself) and therefore was unable to fulfill his legal responsibilities.⁶² Moreover, a freedwoman could not petition for a new *tutor* to replace an absent patron.⁶³ Gaius noted that in these situations, a freedwoman could apply to a magistrate to obtain another guardian temporarily in order to satisfy a specific, time-sensitive objective, such as collecting an inheritance or assembling a dowry for marriage. However, he stressed that this was an interim measure and that the right of guardianship remained preserved for the male patron or his son (I.176–181). Only when a patron died without any male issue could a freedwoman apply to the magistrates for a new permanent guardian.⁶⁴ The fact that Roman law protected a patron's right to serve as *tutor*, even when he could not satisfy the basic requirements of the position, unambiguously indicates the significance of this patronal right.⁶⁵

According to later jurists, the Twelve Tables also guaranteed a patron's ability to inherit the entire estate of a deceased freedperson if there were no will and no direct heirs (*sui heredes*).⁶⁶ The law treated a freedperson's estate exactly like that of a freeborn citizen and did not accord the patron any special privilege or entitlement to inherit.⁶⁷ Instead, the earliest Roman lawmakers identified the patron as the final individual in an established line of agnatic succession, and as a result, the existence of either a will or *sui heredes* meant that a patron received nothing. According to Gaius, this decision to make patrons heirs also provided the legal foundation for conferring upon them *tutela* over their freedpersons (I.165).⁶⁸ Since the Twelve Tables made agnates heirs and granted guardianship to them in cases of intestacy and the absence of *sui heredes* as a general rule, the older jurists (*veteres*) assumed that the code also meant to grant guardianship to patrons when it named them heirs.

While the Twelve Tables did little to guarantee that a patron would gain a share of a freedman's estate, it effectively positioned a male patron to inherit from a deceased freedwoman. According to Roman law, a woman did not possess *sui heredes*, and therefore, a patron would

automatically be the first in line to succeed to the estate of an intestate freedwoman. Furthermore, since a woman required the official approval of her *tutor* to create a will, a male patron could legally dismiss any document that did not name him as an heir. It appears that jurists considered exercising this testamentary authority a reasonable and appropriate action. Gaius wrote that, during this era, a male patron could not suffer *iniuria* in such an inheritance case because it was his own fault if a freedwoman's will failed to name him as an heir (3.43). The implication is that male patrons deserved to receive a share of their freedwomen's estates, and that exerting their influence as *tutores* was an appropriate means to achieve this. Yet at the same time, the complete power that male patrons possessed over the estates of their freedwomen arose not because they had any special patronal authority, but rather because Roman law devalued the legal relationship between a mother and her children and severely restricted a woman's ability to create a will in general.

During the late Republic, the praetor's edict recognized the unique position of patrons by granting them greater inheritance rights against the claims of heirs who were not biological descendants of freedpersons.⁶⁹ The edict guaranteed male patrons or their male descendants one-half of a freedperson's estate if the freedperson died intestate or left a will naming only heirs other than natural children.⁷⁰ This decision indicates a developing opinion among Roman lawmakers that patrons should be *entitled* to a share of their freedpersons' estates. Gaius wrote that the praetor's edict cured an injustice (*iniquitas*) by allowing patrons to inherit ahead of adoptive children or wives *in manu* (3.40–41). It is likely that this entitlement was in part understood as financial compensation for loss incurred by freeing one's slaves.⁷¹ From a strictly legal standpoint, this new regulation did little to affect situations involving freedwomen, since they still lacked *sui heredes* and the agency to validate their own wills. Yet it is reasonable to assume that the sense of patronal entitlement conveyed in this edict lent even stronger moral authority to male patrons who used their guardianship of freedwomen to shape testamentary distribution.

The next significant piece of legislation, the *lex Papia Poppaea* (9 CE), further extended the inheritance rights of patrons by giving them an automatic share of large estates owned by their freedpersons

and bolstering the testamentary claims of female patrons. This law guaranteed patrons a share of a freedperson's estate worth more than 100,000 *sesterces*, regardless of the presence of a will or natural heirs. Only freedpersons who had three or more biological children could exclude their patrons from inheriting.⁷² The *lex Papia* also increased the rights of female patrons, giving them a stronger claim to the estates of testate freedwomen.⁷³ Roman law not only continued to increase the ability of patrons to obtain a share of their freedpersons' estates, but also increasingly distinguished patrons as entities apart from familial successors – as individuals who deserved to inherit on the basis of their decision to manumit a slave.

The *lex Papia* also provided the means for freedwomen to escape the near-total control that patrons had held over their financial management from the time of the Twelve Tables. The law released freedwomen with four children from *tutela mulierum*, giving them the right to create wills under their own *auctoritas* and thus exclude their patron from inheriting the entire estate.⁷⁴ This concession to freedwomen was not a statement about their particular situation inasmuch as it expressed the wider goals of the Augustan social legislation, which lawmakers designed to encourage the production of legitimate children.⁷⁵ At the same time, this law highlighted the significance of the patron-freedwoman relationship by only requiring freedwomen to have three children to escape guardianship of an individual other than a patron.⁷⁶ Lawmakers were reluctant to exclude patrons altogether, and the *lex Papia* still guaranteed patrons a share of their wealthy freedwomen's estates proportional to the number of surviving children.⁷⁷ It was not until the *senatus consultum Orphitianum* of 178 CE that the children of a freedwoman received the right of intestate succession ahead of their mother's patron.⁷⁸

Lawmakers in the Principate continued to ensure that patrons retained solid control over the economic affairs of their freedwomen, which was a striking deviation from a more general tendency among jurists to dilute the potency of *tutela mulierum* constraining the transactions of freeborn women. By this time, jurists had clearly recognized that women were capable of managing their own financial concerns.⁷⁹ Gaius noted that Romans commonly attributed the existence of the *tutela* to the light-mindedness (*animi levitas*) of women but remarked that this belief was unsubstantiated. He firmly asserted that he found no reason why women

who had reached the age of maturity needed to be in guardianship (I.190; cf. I.144).⁸⁰ Women in *tutela* could compel any guardian other than a *tutor legitimus* to lend his approval to transactions by applying to the magistrate.⁸¹ Furthermore, a *lex Claudia* (generally attributed to the emperor Claudius) abolished the agnatic guardianship of women, ostensibly because of the declining influence of agnatic relatives and the weakening of the *tutela* in general, and effectively ended *tutela legitima* in all cases except those involving freedwomen; the law continued to classify male patrons as the *tutores legitimi* of their female ex-slaves, protecting their influence and control over their freedwomen's finances.⁸² Despite changing views toward women and the role of *tutela mulierum*, Roman lawmakers ensured that patrons would still possess a measure of economic control over their freedwomen. While the economic interests of the guardian had always influenced the institution of the *tutela*, the situation in the early Principate represents a conscious effort by jurists to protect patrons' economic interests vis-à-vis their freedwomen.⁸³

The evolving nature of both patrons' role in the guardianship of freedwomen and their rights as inheritors indicates the desire of Roman lawmakers to protect patrons' ability to continue to profit from their ex-slaves. In the early Republic, lawmakers inserted patrons into the existing system governing the affairs of women by categorizing them as de facto agnatic relatives. Since freedwomen lacked agnatic relatives under Roman law, patrons were the first in line to administer and inherit freedwomen's estates. What changed over time was not the control that patrons wielded over freedwomen's property, but rather the basis upon which they exercised these rights. By the late Republic, jurists increasingly indicated that former owners should be entitled to a share of their freedpersons' estates as *patrons* rather than as substitute agnates. To a large extent, jurists understood this privilege as recompense for individuals' willingness to manumit their slaves.

While the transforming terms on which patrons exercised their rights to freedwomen's property did little to affect the already limited financial and testamentary abilities of freedwomen, they reinforced the legitimacy of patrons' administration. During the Principate, the perceived entitlement of patrons remained in place, and jurists even codified beliefs of patronal entitlement by explicitly protecting patrons' control of freedwomen's affairs and their right to share in the estates

of the deceased. Here, freedwomen's rights to property began to lag noticeably behind those of freeborn women; when the Augustan legislation curbed the authority of the agnates and the power of the *tutela* over kinswomen began to weaken, freedwomen benefited substantially less from this transition than their freeborn counterparts. This growing separation between the economic rights of freed and freeborn female citizens should not be read as an attempt to marginalize freedwomen, but rather as an indication of Roman lawmakers' desire to protect the exploitative nature of patrons' relationship with their ex-slaves.

MARRIAGE AND CONSENTS TO MARRIAGE

The issue of marriage consent pertained to freedwomen and their male patrons more than their counterparts because of two factors: Freedwomen were also under the *tutela* of their male patrons, and it was more common for freedwomen to marry their male patrons than for freedmen to marry female patrons.⁸⁴ The marriage of a freedwoman was an important concern for lawmakers because it could significantly alter her economic relationship with her patron. Marriage could lead to the cancellation of *operae* and the birth of legal heirs, which would decrease the share of funds available to patrons after her death.

Acting as *tutores* for their female ex-slaves, male patrons possessed a degree of influence, both official and informal, over the marital affairs of freedwomen. Most notably, women in *tutela* required their guardian's approval to enter into marriage *cum manu* because of the transfer of authority and property rights involved. A freedwoman's marriage *cum manu* would require leaving the *tutela* of her patron and entering the *potestas* of her husband.⁸⁵ In these instances, Roman law required the official approval of male patrons/*tutores* for the unions to be valid. Even in cases where Roman law did not require the official consent of *tutores* to sanction a marriage, the general authority of the *tutela* gave them informal influence over freedwomen's marital affairs. Marriages *sine manu*, which became the default form of matrimony by the imperial era, did not require the official consent of *tutores*.⁸⁶ However, the personal and financial relationship between a freedwoman and her *tutor*, which would continue through her marriage, could have conceivably

given male patrons the necessary leverage to influence individual marital plans.⁸⁷

At the same time, Roman law forbade male patrons to deprive freedwomen of the right to marry in general. Legislation created during the reign of Augustus expressly barred patrons from denying freedwomen the right to contract valid marriages. The *lex Iulia de maritandis ordinibus* (18 BCE) released a freedwoman forced to swear an oath not to marry from her vow if she desired to contract a proper marriage (*nuptias ... recte*).⁸⁸ In his commentary on the *lex Aelia Sentia*, Paul stated that patrons could not compel their newly manumitted freedwomen to swear oaths (*adigere iureiurando*) never to marry (*Dig. 37.14.6.pr*).⁸⁹ Furthermore, the jurists believed that any stipulations placed on freedwomen limiting their ability to marry, such as requiring a set amount of time before marrying or establishing categories of eligible spousal candidates, also violated the spirit of this law.⁹⁰ Patrons who compelled freedpersons to swear an illegal oath lost their patronal authority over these individuals, including the right to succeed upon intestacy.⁹¹ Roman lawmakers and jurists prioritized marriage as a right of newly freed ex-slaves, even to the point that they were willing to curtail patrons' personal authority and economic rights that they otherwise aggressively guarded.

The assumption underlying these laws was that some patrons might attempt to impede the marriages of their freedwomen in order to preserve the financial benefits they received from their ex-slaves. An example from the *Satyricon* alludes to the financial stakes of a freedwoman's marital status. During his famous dinner, Trimalchio listens to an *actuarius* read out the day's financial accounts, which include the divorce of one of his freedwomen as an individual entry (53).⁹² Unmarried freedwomen could neither escape their obligation to provide *operae* nor produce legal heirs, who would reduce patrons' shares in estates.⁹³ The *lex Aelia Sentia* substantiates the existence of the latter goal, as it expressly forbade patrons who knowingly forced such an oath to succeed to the estate of an intestate freedwoman.⁹⁴ The law suggested that the patron no longer would have access to the funds he sought by preventing the birth of legitimate heirs.

The loss of promised *operae* was another possible consequence of a freedwoman's marriage, but the issue is complicated by the question of patronal consent. As was mentioned previously, Hermogenian declared

that male patrons who consented to the marriage of a freedwoman (*qui libertae nuptiis consensit*) lost the right to exact *operae* (*Dig.* 38.1.48.pr). The verb *consentire* implied an active act of granting approval rather than an absence of censure.⁹⁵ Furthermore, this consent does not seem to have been a routine formality. Ulpian remarked that if a patron was an *impubes*, his consent must be ratified by his *tutor* in order to be valid (*Dig.* 38.1.13.4).⁹⁶ While a patron certainly could voice his or her disapproval of a freedwoman's marital plans, the exact meaning and implications of granting "consent" are not clear. There is no indication in any of the legal sources that a patron's consent was necessary to validate a freedwoman's marriage.⁹⁷ Most likely, the marriage was valid, but the freedwoman was still obligated to perform any *operae* owed to her patron.⁹⁸ Paul pursued this idea to its logical extreme, ruling that if a freedwoman had two patrons and married with the consent of one, the other retained the right to her services (*Dig.* 38.1.28.pr). Even though there was some tension between the roles of wife and freedwoman, jurists were reluctant to cancel services outright, prioritizing the need for patronal sanction.⁹⁹

The main assumption underlying the issue of patronal consent was that marriage was an essential aspect of being a free Roman woman. Although Roman law allowed slave owners to set strict terms of conduct for both before and *after* manumission, jurists explicitly denied manumitters the right to stipulate oaths for nonmarriage. While patrons had the ability to refuse to lend their consent to a particular union, they could not actually prevent their freedwomen from marrying. Furthermore, jurists did not grant freedwomen any choice in this matter. It is certainly reasonable to presume that some female slaves would have voluntarily given up their ability to marry if the alternative meant remaining in a state of perpetual servitude. Instead, jurists presented slave owners with two choices: allow freedwomen the right to marry or else continue to keep them in bondage. This ruling suggests that Roman jurists firmly associated female citizenship with possessing the capacity to marry.

There was an important exception here: A male patron possessed more control over a freedwoman's marital abilities if he was the one marrying her or if he had been married to her in the past. Roman law not only permitted male patrons and freedwomen to marry, but also

endorsed such unions by granting exemptions to the manumission age minimums established by the *lex Aelia Sentia*.¹⁰⁰ Jurists even upheld the right of male patrons to compel freedwomen to swear oaths (*adigere iureiurando*) to marry them as a condition of their freedom so long as they actually intended to wed.¹⁰¹ In these cases where a woman was manumitted for the purpose of marriage (*matrimonii causa*), she would have been returned to slavery if she did not fulfill her obligation within six months or if she became the wife or concubine of another man.¹⁰² Although, after manumission, a patron could not coerce his freedwoman to marry him against her will, it was well within his power to establish a situation where marriage was the only alternative to slavery.¹⁰³

Roman law had little power actually to compel individuals to marry or to halt separations, but it could prevent freedwomen from forming new marriages without the consent of their patrons. Any freedwoman who had married her patron needed his consent to divorce and to marry again.¹⁰⁴ In his commentary on the *lex Iulia et Papia*, Ulpian quoted the law as reading, “Let there be no power of creating divorce for a freedwoman who is married to her patron” (*divortii faciendi potestas libertae quae nupta est patrono, ne esto, Dig. 24.2.11.pr*). However, the jurist noted that this law could not actually undo a separation or divorce, since the dissolution of marriage was a matter of *ius civile*.¹⁰⁵ Rather, this law prevented freedwomen from marrying other individuals if their patrons did not lend approval (*invito patrono*).¹⁰⁶

The fear of manipulation and abuse – namely, that a female slave would promise marriage in exchange for manumission, only to leave her patron-husband at the first opportunity – clearly guided jurists’ opinions on this subject. Those patrons who were not involved in a manumission decision, such as individuals fulfilling a *fideicommissum*, had no need for protection because the female slave’s freedom had already been resolved. Marcellus remarked that such a manumitter did not deserve the rights of a patron because he merely conferred to the freedwoman a benefit that was already owed (*Dig. 23.2.50.pr*).¹⁰⁷ Jurists also insinuated that a freedwoman’s obligation to her patron strengthened his control over the marriage. For example, several jurists had considered whether or not a freedwoman could dissolve her marriage with a patron who was being held in captivity. Normally, a marriage was dissolved if a husband was captured in battle. However, in the case of a freedwoman whose patron/

husband was taken, some jurists believed that marriage persisted because of the respect (*reverentia*) the freedwoman owed her patron.¹⁰⁸

The legal privileges bestowed upon respectable concubinage indicate an idealization of unions between patrons and their freedwomen, which may also explain why lawmakers and jurists protected the limited patronal rights to consent to marriage. Roman law treated concubinage as a conjugal relationship akin to marriage, both characterized by monogamy, cohabitation, and intent to form a union. From the perspective of the jurists, concubinage was a legitimate and respectable institution, one that allowed partners deemed inappropriate for marriage because of inequalities in their social status to form an honorable relationship.¹⁰⁹ The Augustan legislation on marriage and adultery complicated jurists' understanding of "respectable concubinage" by classifying as *stuprum* any extramarital sexual affair with a freeborn woman or freedwoman who was not a prostitute, procuress, or actress. As a result, jurists needed to reconcile the gap between the preferred concubine for elite males – a respectable woman who lacked the *dignitas* to warrant marriage – and the category of women exempted from *stuprum*; in doing so, jurists examined three categories of women as potential concubines: a freeborn woman, the freedwoman of another man, and one's own freedwoman.¹¹⁰ While there appears to have been significant debate over whether or not concubinage with a freeborn woman or the freedwoman of another man conflicted with the Augustan law of *stuprum*, even the most conservative jurists agreed that concubinage with one's own freedwoman was an honorable relationship.

Moreover, jurists referenced concubinage between a male patron and his freedwoman as the preeminent example of a respectable union. Ulpian used this case to illustrate when a woman retained the title *matrona* after entering into concubinage (*Dig.* 48.5.14(13).pr). Similarly, the jurist Marcellus held that a concubine possessed the honorable status of *mater familias* only if she was a freedwoman living with her patron (*Dig.* 23.2.41.1).¹¹¹ As in marriage, a freedwoman in concubinage with her patron was exempted from the performance of *operae*.¹¹² Finally, a famous opinion by Ulpian reads:

Quae in concubinatu est, ab invito patrono poterit discedere et alteri se aut in matrimonium aut in concubinatum dare? Ego quidem probo in concubina adimendum

ei conubium, si patronum invitum deserat, quippe cum honestius sit patrono libertam concubinam quam matrem familias habere.

Can a woman who is living in concubinage leave her patron without his consent and enter into marriage or concubinage with another man? Indeed I think that a concubine should be deprived of the right of marriage if she leaves her patron without his consent, under the circumstances when it is naturally more respectable for a patron to have his freedwoman as a concubine than as a wife (*Dig.* 25.7.1.pr).¹¹³

In this opinion, Ulpian argues that a patron should have the same rights of consent to marriage over a concubine as over a wife. This opinion is a logical extension of the rules governing the patron-freedwoman relationship, treating concubinage – a more respectable conjugal option in cases where partners possessed unequal social status – as akin to marriage. Perhaps more importantly, Ulpian's decision ultimately prioritized concubinage – a position of less social status – over that of wife, which is significant given the importance that jurists placed on the ability of freedwomen to marry. Jurists elevated concubinage between a patron and his freedwoman, closely associating it with marriage. Furthermore, their analysis suggests a general idealization of conjugal unions between patrons and their freedwomen.

CONCLUSION

Roman lawmakers established an exploitative relationship between patrons and their ex-slaves that nonetheless allowed freedwomen to maintain the honor and respectability required of female citizens. It is difficult, if not impossible, to ascertain the effectiveness of these regulations and their success in protecting the rights of these new female citizens. Yet this legal relationship is important because it established an ideal model for exactly how manumitted slaves could achieve the status and respectability required of female citizens.

There were two clear goals driving laws and legal opinions. First, lawmakers and jurists believed that patrons were entitled to certain benefits because they voluntarily chose to manumit their slaves. Second,

they needed to protect freedwomen from status loss and degradation in order to ensure that they could achieve their newfound social standing. These two goals could easily come into conflict. Given that Roman law permitted patrons to exploit their freedpersons, it was essential for lawmakers and jurists to establish boundaries to separate freedwomen from female slaves.

The legal rules that limited patrons' authority over their freedwomen are important because they inform modern scholars about Roman attitudes on female respectability and its role in defining citizen status. Despite their limited involvement in the actual process of granting freedom or determining which slaves were to be freed, Roman lawmakers imposed a set of rights and responsibilities on both patrons and freedwomen that framed social understanding of the meaning of both manumission and citizenship. Perhaps even more interesting than the fact that Romans believed that female slaves could become respectable female citizens was that this transition occurred within a continued hierarchical – and, one could even argue, servile – relationship with their ex-masters. The legal evidence suggests a prevalent belief in the integrity and importance of this connection; the ongoing relationship between female slave/freedwoman and master/patron was a real bond with significant social meaning. Like the master-slave relationship, the patron-freedwoman relationship was fundamentally characterized by the latter's obligation, deference, and service. However, jurists changed the meaning of this relationship, even though it retained a similar form, by changing the specific rules governing interaction and obligation.

Providing compensation for patrons was a primary goal of forming such a compulsory and enduring relationship. Roman lawmakers and jurists recognized that patrons had voluntarily forfeited their property by choosing to manumit their slaves. The obligations imposed on freedpersons placed these individuals in a position of limited economic servitude, where they owed cash or labor services to their ex-masters. In addition to financial gains, enforced clientage could serve both personal vanity and political aims by increasing the size of a patron's retinue.¹¹⁴ The personal benefits underlying compulsory patronage are unquestionably important, but the considerable legal effort given to defining the structure of this relationship also suggests a larger social purpose behind such an intricate and persistent bond.¹¹⁵

Most importantly, patrons provided necessary “points of attachment” that allowed freedwomen access to the citizen community. Roman lawmakers clearly envisioned the patron-freedwoman relationship in the structure and form of a quasi-familial bond. This was most evident in the names of freedpersons, who received the *nomen gentilicium* of their ex-masters upon manumission. The types of rights and responsibilities possessed by patrons and their freedwomen resemble in many ways the relationships among family members. The duties of *obsequium*, the role of the *tutor*, and the limited influence over a woman’s marital abilities were all fundamental and defining aspects of connections among kin. This is not to say that Romans actually considered the patron-freedwoman relationship to be on a par with relationships of actual kin; there would have been many key differences. However, it is significant that Roman lawmakers chose to structure the patron-freedwoman relationship in such a manner.

Integrating freedwomen into the citizen community involved patrons not only providing a social link, but also refraining from degrading conduct. Behavior that blurred the line between freedwoman and slave – such as sexual obligations, servile punishments, and oaths not to marry – was strictly prohibited. Conduct of this type placed freedwomen in a state incompatible with female citizenship. Other potentially problematic issues, such as the tension between *operae* and duty to one’s husband, became more complicated as jurists attempted to mediate the rights of patrons, the reputation of freedwomen, and the honor of their husbands. Even though there would have been many different nuances to patron-freedwoman relationships in practice, the legally defined structure of general rights and responsibilities illustrates how Romans’ conceptions of female honor and respectability shaped manumission as a citizen-building process.