

ROMAN WOMEN★

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I

Times have changed for Roman women. To an undergraduate – even a woman undergraduate – reading Greats some fifteen years ago, they were obviously a fringe topic, worth at most a question on the General Paper. There were pictures of dresses and hairstyles, in most of which it looked impossible to move. There were snippets of anthropology from Plutarch, as that a bride had her hair parted with a spear (*Moralia* 285b): entertaining, but about as relevant to the views of a bride in the late Republic as are wearing a veil (to symbolize being under authority) and being pelted with confetti (in hopes of many children) to a bride in the 1980s. There was an account of forms of marriage, with, usually, a panegyric of a Roman matron and a denunciation of the laxity of the late Republic and immorality of the early Empire; and a handful of brief biographies: Cornelia, Sempronia, Arria. This information would be found somewhere around chapter 15 of a general handbook, once the author had dealt with the serious business of life, like the constitution and the courts and education and the army and the provinces. J. P. V. D. Balsdon's book made a difference, since he never forgot that he was writing about human beings, who worried about their children and ran their households and had long days to fill. But the real change came in the 70s, as the Women's Movement – a decade late – got through to the classics. First there was the new perspective offered by general feminist histories, though their scholarship was second-hand and often wild; then articles and books, though still only a few, trying to answer the sort of questions it now seems so odd we did not ask.¹ What did Roman women do all day, besides getting dressed? How did they feel about it? What else could they have done? Were they oppressed, and did they notice? Why do we know so little about half the human race?

The perspective has shifted, and that may bring different pieces of evidence into focus; some of the questions are different too. But it is still not easy to answer them. We are still working with evidence strongly biased towards the upper classes and the city of Rome. The lives of women not in, or in contact with, the senatorial class, can only be guessed at from inscriptions, if someone troubled to put one up. And even within the senatorial class, it was not the women who wrote. They wrote, as always, letters, their conversation might be admirable and their language reflect the purer Latin of a bygone age.² There

survive two letters of Cornelia to her sons, if they are genuine, and an item from Agrippina's memoirs, which Tacitus consulted (*Annales* 4.53); but the only extended work of literature to survive from the period I shall concentrate on, that of the late Republic and early Empire, is the elegies of Sulpicia, and they are not so much a revelation of the inner experience of womankind as a demonstration that women can write conventional elegiacs too.³ Moreover, there is little Roman literature which is concerned with the daily life and experience of particular people: the lives of women tend to be incidental to oratory or history or philosophy or agriculture, or to the emotions of an elegiac poet.

II

What then can be said? There is an obvious temptation to generalize, and to apply pieces of information regardless of time, class, or place. But sometimes the generalizations hold for a wide range of society, and sometimes they can be made more precise. To begin at the beginning: a girl's chances of being reared were less than her brother's. *Patria Potestas*, as the jurist Gaius observed (*Institutes* 1.55) was uniquely strong in Rome, and if a father decided that his new-born child was not to be reared there was no law (before the time of the Severi) to prevent him.⁴ The foundling girls of Plautus' (*Casina* 39 ff., *Cist.* 124) and Terence's (*Heaut.* 627 ff.) standard plots may not be evidence for Roman practice, for they may have been taken over from Greek models which had to find some way of getting well-born girls out of their seclusion to meet well-born boys. But Cicero (*de legibus* 3.19) and Seneca (*de ira* 1.15.2) reveal that deformed babies were exposed (as they still are, though less obtrusively, if the handicap is bad enough), and it was part of a midwife's training to decide which babies were worth rearing.⁵ Healthy but inconvenient babies might also be left to die. Musonius Rufus (p. 80 ff. Hense) in the mid-first century A.D. devoted one of his lectures on ethics to the question whether one should rear all one's children. The rich do not, he says, so that there shall be fewer children to share the family property; Petronius (*Sat.* 116) and Tacitus (*Ger.* 19, *Hist.* 5.5) echo the complaint. Since the law required property to be shared among *sui heredes*, it must have been a temptation. Among the poor, there was no question of splitting up an estate. Pliny (*Pan.* 26.5) praises Trajan's extension of the grain-dole to children:

'There are great rewards to encourage the rich to rear their children, and great penalties if they do not. The only way the poor *can* rear their children is through the goodness of the *princeps*.'

If a family did, from greed or necessity, expose a child, it would

probably be a girl. Dionysius of Halicarnassus, writing his *Antiquities of Rome* (2.15) under Augustus, included a 'constitution of Romulus' which has strong links with first-century thought.⁶ It provides that citizens must rear all male children (except those who are acknowledged by five neighbours to be deformed) – and the first girl. Apuleius (*Met.* 10.23) has a prospective father instruct his wife: 'si sexus sequioris edidisset fetum, protinus quod esset editum necaretur.' (This father, like those who speak now of 'the product of conception', is not prepared to acknowledge the child's humanity.) Some odd facts about sex-ratios make it likely that Dionysius and Apuleius reflect a general tendency. We simply do not hear of spinsters, except the Vestals – and Augustus found it difficult enough to recruit them. (Even they could marry at the end of their term of office, aged 36–40, though they tended not to.)⁷ There is not even a normal word for a spinster. Livy (1.46.7) once used *vidua* as a female equivalent of *caelebs*, and the jurist Labeo (*Digest* 1.16.242.3) claimed that *vidua* can mean 'unmarried woman' as well as 'widow', but it is evidently a forced usage. Unmarried women were young *virgines* – and there were no nunneries for the women who did not marry.

Some families did, of course, raise more than one daughter. The daughter of L. Aemilius Paullus Macedonicus had three daughters and three sons; Appius Claudius Pulcher, cos. 79 B.C., also had three daughters. There is even a Septuma on a tombstone (but it may be a *nomen*, not an indication that she was the seventh daughter). But tombstones in general record many more men than women, and this again suggests that either more males were reared or they mattered more to their families.⁸ Sometimes there is information about a specific group. A list of aqueduct maintenance men and their families (*CIL* 14.3649), found at Tibur, includes two families with two daughters each, but shows a very low proportion of daughters to sons overall. Trajan's alimentary scheme at Veleia supported only 36 girls out of 300 places: this cannot be used straightforwardly as evidence for sex-ratios, since girls got a smaller food-allowance and a family would obviously claim for a boy if it could, but does suggest that there were few families satisfied with daughters alone.⁹ Most impressive, if Dio interpreted it correctly, is Augustus' concession that 'well-born' men, other than senators and senators' sons, might marry *libertinae*. Dio (54.16.2) says there were just not enough women of good family to go round – and if this is true, after several decades of bloody civil war, then people must have been choosing not to rear daughters. But is Dio guessing? The senate, according to him, said that young men were not marrying because of their *akosmia*, their failure to settle down, not because they could not find wives.

There are, of course, other causes than selective infanticide for a relative shortage of women. Many must have died in childbirth, from infection or difficult births, or because they were just too young. Soranus (1.9.34), the second-century A.D. physician whose work was the basis of gynaecology until well on in the nineteenth century, thought fifteen was the earliest suitable age for conception: most gynaecologists now would add three years to that. Child mortality too was alarmingly high, as it has been at all times and places except for some privileged Western countries in the twentieth century. The Augustan laws of inheritance (Ulpian 16) allowed spouses to inherit from each other if they had a child living, or had lost one after puberty, two after age three or three after naming. Girls are usually tougher than boys, but some societies undernourish them, either because they value girls less or because they think (wrongly) that girls need less. Roman governmental schemes like that at Veleia, and several private schemes, gave girls a smaller food-allowance.¹⁰ But these factors have affected other societies which do not show the same apparent shortage of women: so perhaps we do have to come back to parents not rearing girls.

How could they bear it? Even abortion, in this society, is tolerable only so far as we can avoid seeing the foetus as a baby: once the child is born, even for some time before birth, her rights are protected. But the father's right to decide the fate of his own infant probably seemed as obvious as, now, a woman's right to decide about her own body: so infanticide was not made criminal, even though low birth-rate was a persistent anxiety. Besides, Roman parents could not plan their families with much success. Contraceptives varied from quite effective spermicides and pessaries (some are still recommended, *faute de mieux*) to decoctions of herbs (and worse), faith in douches and wriggling, and entirely magical beliefs. The ovum was undiscovered and the relation between menstruation and fertile periods was misunderstood; this is less surprising in that conception can occur before the first menstruation if a girl marries before she reaches puberty. Observers may also have been confused by amenorrhea (failure to menstruate), which is a common reaction to stress and poor diet and which gets a lot of space in ancient medical text-books. Soranus (1.10, 1.19.61) held that the best time for conception was at the end of a menstrual period, when (he says) a women's desire is strongest, and suggested a rhythm method based on this belief.¹¹ No wonder Augustus' daughter played safe, and never took a lover unless she was legitimately pregnant (Macrobius, *Sat.* 3.5). And no wonder abortion was also practised. Doctors used herbal baths, suppositories, and potions first; then purges, diuretics, massage, violent exercise, and hot baths after drinking wine. If these ancient equivalents of gin, hot baths, and jumping

off the kitchen table failed, there seem to have been back-street abortionists using the knitting-needle technique.¹²

Abortion, like infanticide, was not a crime before the time of the Severi, and then the crime was not against the foetus, who was not a person in law, but against the defrauded husband.¹³ Why was it not made illegal before? There was strong feeling against abortion, which was taken to be proof of vanity (Seneca, *ad Helviam* 16.1) or, worse, of adultery (Juvenal 6.592 ff.) on the part of the mother. Perhaps it was simply too difficult to prove deliberate as against spontaneous abortion: Soranus' (1.14) list of causes for the latter make one wonder how anyone ever managed to have a baby.¹⁴

An unwanted pregnancy may yet produce a wanted child, but there were some practices which may have prevented, at least among the upper classes, the emotional bonding of mother and baby. Many mothers did not breast-feed, because it is tiring, but expected to use a wet-nurse.¹⁵ The wet-nurse's own baby had perhaps died, or been exposed, or was expected to manage on some substitute for breast-milk – which last was a major cause of child mortality in the nineteenth century. If Soranus' instructions (2.11.17, 2.12.19 ff.) reflect general practice, the new-born was washed, swaddled, and then put somewhere to be quiet, and to be fed, if at all, the equivalent of glucose (boiled honey and water): Soranus advocated breast-feeding but thought colostrum was bad for babies. So the mother might scarcely have seen the child before the decision to expose it. Poorer people could not afford luxuries of feeling. It may have seemed better to expose the child and hope for the fairy-story to come true and the child to be rescued by some wealthy childless couple. Just occasionally it did. Slavery or a brothel (Plautus, *Cist.* 124) were more likely fates, but even that may have seemed more like putting a child to be raised 'in service', where the chances were better and at least there was food.¹⁶

III

If, then, a Roman girl survived her parents' possible indifference, or resignation, to her death, and if she did not despite their best efforts die anyway, what would her life be like?

If she were a slave, she might have little time with her parents: she, or they, could be sold at any time, and there are epitaphs of very young children who had been freed by someone other than the master who freed either parent. But it may have been a relative who bought out the child, since at least the family was united enough for the epitaph to be made. Some slave families did manage gradually to buy the freedom of spouses and children.¹⁷ What a slave girl did depended on the size and type of household to which she belonged. She was most

likely to be an *ancilla*, which may mean anything from a maid-of-all-work to a lady's maid – obviously the second was a better chance, since she could collect tips and win her mistress' (or master's) favour. She might have special skills: some slave-girls were dressers, hairdressers, dressmakers, woolworkers, and some perhaps worked in small factories rather than for the household stores.¹⁸ Some were childminders (Tacitus, *Dialogus* 29.1), which was a job not regarded as needing skill, or, if they were lactating, wet-nurses.

Some households were brothels, and so in effect were some eating- and drinking-places (*Digest* 23.2.43). A few slave-girls, who had other abilities for entertaining, were trained to dance, sing, and act: there is an epitaph of one, Eucharis, 'docta erodita omnes artes virgo' (*CIL* 1.1214). The most famous was Cytheris, who rose to be Antonius' mistress and to dine with Cicero (*ad fam.* 9.26; *Phil.* 2.69), who was pleasantly shocked.

If a slave-girl were freed, it did not much enlarge the possibilities: she might be a prostitute, a *mima*, or, if she were lucky, a housewife, doing much the same work as an *ancilla* did but in her own home.¹⁹ If she had caught the fancy of someone of high social status, she would be his *concubina* not his wife: it was not respectable to marry a *libertina*, though it had been known to happen even before Augustus allowed it for non-senators.²⁰ Housework was hard: there was spinning and weaving and sewing and mending, cooking and cleaning, and water-carrying and baby-minding. Doubtless one reason for child mortality was the impossibility of keeping a swaddled baby clean on the fourth floor of a tenement with the water-supply at the end of the street. Soranus (2.9.14) said babies should be bathed and massaged once a day; the undersheets should often be aired and changed and one should watch for insect bites and ulceration. It sounds optimistic. If the housewife had learnt a trade before she married – baking, brickmaking, selling vegetables – she would probably go on with it, often working with her husband. The nearest approach to a professional woman would be a woman doctor, or the midwife who was called in for female complaints, though their social status was not high.²¹

Rich girls had to learn to run a household rather than doing its work, but they too had spinning and weaving. By the first century B.C. there were ready-made fabrics for those who could afford them (Columella 12 pr. 9), but *lanificium* was part of traditional devotion to the home and was still, for most women, an essential part of household economy. A bride carried a spindle and distaff (Plutarch, *Moralia* 271f): this is one marriage custom with an obvious relevance. Whether *lanificium* was an enjoyable craft skill or an exhausting chore depended on how much one had to do. Livy's picture (1.57.9) of the virtuous Lucretia,

sitting up with her maids doing wool-work by lamplight, needs to be supplemented by Tibullus' (1.3.83 ff., 1.6.77) of the weary slave falling asleep over her work, and the neglected old woman who has no other resource. Too much woolwork, despite the lanolin in the wool, hardened the hands – a point to bear in mind when choosing a midwife (Soranus 1.2.4). But the custom was kept up by ladies of old-fashioned virtue. There were looms in the *atrium* of M. Aemilius Lepidus when thugs broke in on his admirable wife; Augustus' womenfolk kept him in homespun, though Livia had a large staff of skilled workers.²² *Lanificium*, for ladies, perhaps took the place of the 'accomplishments' – music, drawing, fine sewing – which young ladies of the nineteenth century learnt before marriage and used to fill idle hours after. There were refinements of skill. Cynthia, waiting up for Propertius (1.3.41–2), tried first her 'purple thread' and then her music; Varro (ap. Nonius 239L) said that girls should learn embroidery so as to be better judges of home furnishings. Not everyone had these resources. Ummidia Quadratilla, a formidable old lady, told the younger Pliny (*Letters*, 7.24.5) that, *ut femina in illo otio sexus*, she passed the time playing draughts or watching her mime-troupe.

Little is heard of more intellectual pursuits. There was a chance of picking up some education from parents, brothers, even a sympathetic husband. The younger Pliny and his friend Pompeius Saturninus, who were civilized people, both continued the literary education of their wives (Pliny, *Letters* 1.6, 4.19). Pompeius' wife wrote letters which sounded like prose Plautus or Terence, so pure was their Latin (Pliny was inclined to give Pompeius the credit). Pliny's wife set his verses to music with no tutor but Love, which sounds less promising. Atticus' daughter was still being tutored, by his freedman Caecilius Epirota, when she was a married woman (Suet. *de gramm.* 16). An unsympathetic husband, on the other hand, could make difficulties. Seneca's father (*ad Helviam* 17.3) refused to allow his intelligent wife any more than a superficial study of philosophy – but this, Seneca says, was *antiquus rigor*.

Some girls may have gone to school, at least for primary schooling, and some had private tutors. Pompeius' wife Cornelia had been taught literature, music, and geometry, and had 'listened with profit' to lectures on philosophy – which may mean ethics or physics. She was, Plutarch (*Pompeius* 55.1) reassures the reader, 'free from the distasteful pedantry which such studies confer on young women'. Pompeius' daughter had a tutor for Greek (Plutarch, *Moralia* 737b). Pliny's friend Fundanius had *praeceptores* for his daughter, but he was a progressive: a philosopher, a friend of Plutarch who wrote on the education of women, a pupil of Musonius who argued for equal education for girls.²⁴

These people may be exceptions. Ovid (*Ars Am.* 2.281–2) reckoned that there were some women who could appreciate poetry, but very few (far fewer than would like to).

Some girls learnt music and singing, and the dramatic recitations which rose to a form of ballet and could be very strenuous, but it was not proper for them to aim at a professional standard. Scipio Aemilianus had been shocked, as early as 129 B.C., to find well-born boys and girls at a dancing class; Sallust's Sempronia was far better than she should be; and Horace thought it was part of the rot that grown girls should learn *Ionicos motus*.²⁵

Some women, then, were reasonably well-educated: Quintilian (1.1.6) cites as shining examples Cornelia (mother of the Gracchi), and Hortensia and Laelia who were daughters of orators. Much of the evidence, unfortunately, comes in the complaints of Juvenal (6.434 ff.) and the admiration of Catullus (35) and Propertius (2.13.11), none of whom was chiefly concerned with accurate reporting. But at the age when a boy was going on to the secondary education which trained him in the use of language and prepared him for public life, a girl was entering her first marriage. Fundanius' daughter, so carefully taught, died when she was not yet fourteen: the wedding invitations had already been sent out.²⁶

IV

Fourteen was evidently a proper age for marriage. It was assumed to be the age of menarche, though if a girl had not reached puberty the marriage might well be arranged anyway, and menstruation encouraged by massage, gentle exercise, good food, and diversion.²⁷ The legal minimum age of marriage, as fixed by Augustan legislation which followed Republican precedent, was 12: earlier marriage was not penalized, but was not valid until the girl reached 12. (It followed that she could not be prosecuted for adultery.)²⁸ Some marriages were certainly pre-pubertal. Augustus' own first wife was *vixdum nubilis*, and Suetonius (*Divus Aug.* 62.1) found it worth recording that he sent her back *intacta*. One girl (*ILLRP* 793) was 'taken to her husband's bosom' at 7: perhaps the marriage was not consummated, though Petronius (*Sat.* 25–6) relates (in order to shock?) the defloration of a seven-year-old. By contrast, the daughters of Germanicus were almost on the shelf – *instabat virginum aetas* – when they married. They were 15 and 17 (Tacitus, *Ann.* 6.15).²⁹

Plutarch, not surprisingly, thought that Roman girls married too young, and that Lycurgus was right in ensuring that brides should be ready for childbearing. Romans, he says, were more concerned to ensure an undefiled body and mind (*Moralia* 138e). Evidently they

thought they had to catch the girls young to be sure. Doctors supposed that sexual desires began at puberty, especially in girls who ate a lot and did not have to work;³⁰ society made provision for such desires instead of trying to sublimate them. Epictetus (*Enchiridion* 40) remarks sadly that when girls are fourteen they begin to be called *kuria*, the address of a grown woman: then they see that there is nothing for it but to go to bed with men, and begin to make themselves pretty in hopes. (His solution is for them to learn that men really admire them for modesty and chastity – and then, one supposes, they may go to bed with philosophers.) So marriage at fourteen was, in one sense, practical. But were girls in any sense ready for it? Physically, no: teenage pregnancies were known to be dangerous, and Soranus (1.7, 1.9.42) stoutly disagrees with the school of thought which held that conception is good for you. Emotionally, Roman girls were better prepared than the innocent bride envisaged by Xenophon in the *Oeconomicus* (3.11 ff., 4.7 ff.) who had spent fifteen years seeing, hearing, and saying as little as possible, and whose mother's advice on marriage was simply *sophronein*, 'be good'. Nepos (pr. 6) remarks on one striking contrast between Roman and Greek *mores*: the *materfamilias* was at the centre of the household's social life. Visitors found her in the *atrium* (maybe even doing her woolwork) and conversed with her; she went out shopping, to visit friends, to temples, theatres, and games. Decorum might require her to be suitably dressed and chaperoned, and restrained to the point of discourtesy in returning a greeting, but decorum is not always observed. Probably she had her daughters with her on some of these occasions; she may even have taken them to dinner-parties, though some people thought that girls learnt rather too much when out to dinner.³¹ A society which did not segregate women, and which praised wives for being pleasant company, gave married life a far better chance than did the conventions of classical Athens.³² A fourteen-year-old who had grown up in it, expecting to be grown up at fourteen, might well be reasonably mature. And where the expectation of life was nearer 30 + than 70 +, there was no use in delaying recognized adulthood to 16 or 18.

The pressure of mortality was the underlying reason for early marriage. Tullia, Cicero's cherished daughter, was engaged at 12, and married at 16, to an excellent young man. She was widowed at 22, remarried at 23, divorced at 28; married again at 29, divorced at 33 – and dead, soon after childbirth, at 34. The evidence of inscriptions shows that she was not untypical.³³ So the fathers who arranged the marriages had good reason to start making alliances, and getting grandchildren, fast.

Fathers arranged marriages: but that was not all there was to it. A

father's consent was necessary to the marriage of a daughter in his *potestas*, though he was presumed to have given it unless he explicitly refused. The mother's consent was not relevant. The daughter's consent was necessary, but could be refused only if her father's choice were morally unfit – and, in practice, if she could get relatives and neighbours to back her up (*Digest* 23.2.2.). But, in practice, mothers and daughters might well have a say in the matter. Cicero, admittedly an indulgent father, wondered whether Tullia would accept the suitor suggested by Atticus (*ad Att.* 5.4.1, 6.6.1); Tullia and Terentia presented him with a *fait accompli* and her engagement to Dolabella, though indeed Cicero was out of Italy at the time, and Tullia was a woman entering her third marriage, not a girl of twelve (*ad fam.* 3.12.2). Anyone who reads Victorian novels will have a picture in mind of the complexities of family feeling and economic necessity which affect the choice of a husband – and of how much can be achieved by helpless young ladies and wives without civil rights. But it seems fair to ask whether the character of a *jeune fille* got much consideration. Pliny (*Letters* 1.14) was delighted to find the ideal husband for the niece of Junius Mauricus – or rather, as he puts it, a young man worthy to father the grandchildren of Arulenus Rusticus. Minicius, he says, is of a most respectable family, worthy of that into which he will marry. He has already held office, so they will not have the bother of canvassing for him. He is good-looking: Pliny thinks this deserves a mention (other people evidently would not) as a sort of reward for the bride's virginity. He is also rather well off. A very proper display of feeling, which makes no mention of the girl: she had not met her future husband. Another letter (6.26) congratulates a friend on his choice of son-in-law and his future grandchildren, but says nothing about the expected happiness of the friend's daughter. It may be relevant that nowhere in the *Aeneid* are Lavinia's views on her future husband considered: she does, once, blush (12.64 ff.). A suitable connection for the family is what mattered: in the absence of social mobility and Social Security, a family is too much affected by the marriages of its members to leave them to romance.

An arranged marriage, with goodwill and similar expectations on both sides, may have as good a chance of happiness as a romantic marriage (the divorce rate has now reached one in five). Roman marriages were expected to be happy. Musonius (p. 14) rates the mutual affection of husband and wife above all other ties; Epictetus (*Enchir.* 3.14) constantly uses 'wife and child' as an example of what the wise man would hate to lose (though he should not). In the proscription, according to Velleius (2.67), wives showed greater loyalty than sons or slaves. The husband of the lady known as Turia recorded (*ILS*

8393.50 ff.) his acute distress when she offered him a divorce (they were childless), though he said that marriages as happy and long-lasting as theirs, uninterrupted by death or divorce, were a rarity. Augustus and Livia had one (Suetonius, *Divus Aug.* 99.1). The ideal was long-lived, harmonious, fertile marriage.³⁴ But the death rate was not the only impediment.

Marriages were in the interest of the family rather than the individual, and Roman naming customs seem to reflect the underlying feeling. A British girl has a personal name (or names) and a family name; when she marries she may take her husband's surname, since a wife belongs with her husband not her father, or retain her maiden name to show that she is not a dependent wife. A Roman woman, in a system apparently unique in Italy,³⁵ had only one name, the feminine form of her father's *gentilicium*; she shared it with her sisters and her cousins and her aunts on the father's side, and kept it unchanged through life no matter how many marriages she went through. Of course there had to be devices to stop everyone getting muddled: pet-names (Livilla), public-school systems (Antonia Major and Minor, Claudia Prima, Secunda, and Tertia), sometimes a husband's name (Octavia Marcelli): but we still do not know for certain which of three sisters called Clodia was Catullus' love. We do not know whether it occurred to any such woman to feel more like a token Octavia, a female of the Octavii, than like Octavia who was someone in her own right: but some of the more ruthless divorces, and the general approach to choosing a marriage-partner, do give that impression.

A woman who married *cum manu* did indeed pass out of her father's *potestas* and into her husband's, on a par with his daughter – with two major exceptions. A daughter could not compel her father to anything, but a wife could compel her husband to divorce; and although a husband with *manus* over his wife controlled all that she possessed and inherited, and need surrender only her dowry if they divorced, wives do seem to have kept control over some property (perhaps by sheer force of character or connections).³⁶ A woman married *sine manu*, as seems to have been the norm by the mid-first century B.C., remained in her father's *potestas*, needed his consent to any major financial transaction, and might have her marriage ended by him even against her wish. Spouses had once been exempted from the ban (in the *lex Cincia* of 204 B.C.) on making gifts of property above a certain limit: they came to be forbidden to give each other property except where the wife's gift would enable her husband to reach a required census. Plutarch (*Moralia* 265e) hopefully says that the point of this was to encourage spouses to think of all property in common, not as his or hers; the *Digest*, with more frankness, that it was *ne mutuo amore invicem*

spoliarentur. But who, in a *bene concordans matrimonium*, was being despoiled, except the spouses' families? Marriage *sine manu* allowed a father to keep a close eye on the family money that went with his daughter; and the Augustan adultery laws recognized that his interest in her was stronger than her husband's.³⁷

Divorce could in fact end the commitment of wife to husband very easily. There was no need to prove breakdown of marriage; guilty parties needed to be established only in so far as there might be a financial penalty in the divorce settlement (apparently for an adulterous wife or for the spouse who took the initiative in divorcing). There would, of course, be financial tangles over the repayment of dowry and in sorting out the assets which the couple had managed in common, and these might well be enough to ensure that, among poorer people, marriage contracts would be respected: it is difficult to find clear evidence of divorce at that economic level.³⁸ But legal tangles and massive debts seldom discouraged upper-class Romans, and the financial patterns of marriage *sine manu* suggest that (like some holders of separate bank accounts) they were prepared for a break-up.

It is often suggested that the move from marriage *cum manu* to marriage *sine manu* was prompted by the demands of late Republican women for greater freedom. 'Women of wealth, birth, charm and talent, unfettered by any moral restraint, hungry for animal pleasure or hungry for power – hungry, perhaps, for both.'³⁹ (It is not clear who, besides Sempronia, Clodia Metelli, and Fulvia, comes into this category.) The marriage law of the late Republic is said to have given women exceptional freedom and dignity: 'for the first time in human civilization... a law founded on a purely humanistic idea of marriage, as being a free and freely dissoluble union of two equal partners for life.'⁴⁰ Now marriage either *cum manu* or *sine manu* gave women more hope of release, if the marriage was unhappy, than indissoluble marriage, which was believed to have been the rule in the early Republic. (As always, there were those who thought it was still the best solution to marital problems – especially the problem of how to stop women causing trouble.)⁴¹ And if one's object was to be *sui iuris*, independent but for the nominal control of a guardian,⁴² one's father was likely to release one from his *potestas* by dying sooner than one's husband was, so marriage *sine manu* was a better bet. But it does not appear that women were in a position to make a free choice. A *filiafamilias* could not choose her husband unless she could get round her father; could not divorce him without her father's economic support; and could not prevent herself from being divorced at the instigation of her husband, her father, or his father. She was, indeed, almost her husband's equal in this: he too was subject, at least in theory, to his

father's financial control, required his consent to marry (but could refuse his own) and perhaps to divorce, and could be made to divorce: but sons had, in practice, more scope.⁴³ A woman *sui iuris*, like a man, could make independent decisions, allowing for family and financial constraints. But she had one major disadvantage. If she decided for divorce, she would lose her children, for they belonged to the father's family. Women cannot adopt, says the jurist Gaius (*Institutes* 1.104, 1.155), for not even the children of their own bodies are in their *potestas*.

The father presumably decided who actually looked after the children of broken marriages. Scribonia, divorced by Octavian on the day of her daughter's birth, did not rejoin her until her exile 37 years later. Had they seen each other in the meantime? Livia's children by her first marriage did not come to live with her until their father died and left Augustus as guardian, even though one of them had been born after the marriage ended. Octavia, on the other hand, took both her own and Antonius' children when she was expelled from his house; but then he was at the other end of the Mediterranean and had evidently not made arrangements for them.⁴⁴ But even the possibility of losing the children must have been hard enough to bear: especially, perhaps, in a culture where women had to rely on their sons for the achievement and status impossible for themselves.

It was one of the standard vices of women (as described by men) to gratify their ambitions through their sons. Seneca (*ad Helviam* 14.2) congratulates his exceptional mother:

'You are an example to those mothers who exercise their influence over their children with all a woman's lack of restraint. Women may not hold office, so they gratify their ambition through their sons; they take over their sons' inheritance, exhaust their sons' eloquence in their own interest. ...'

Livia was perhaps an example of this: indulgent towards her husband, she dominated her sons. (Tacitus, *Ann.* 5.1). Admittedly Seneca (*de prov.* 2.5) also describes the reverse problem, mothers who cannot bear to have their children exposed to the hardships of life, but that too can be put down to a determination to gratify maternal feelings. Augustus' half-sister Octavia, a woman who could justly pride herself on her own conduct and her brother's success, and who had other children dependent on her, collapsed utterly when her firstborn Marcellus died (Seneca, *ad Marciam* 2). That was an extreme case, and not to be emulated, but it was nevertheless one of the standard virtues of women (as described by men) to be devoted to their sons. The classic *exempla* were Cornelia mother of the Gracchi, Aurelia mother of Caesar, and Atia mother of Augustus. All had taken unusual

pains over the upbringing of their sons, from breast-feeding and supervised education to (in the case of Atia) fending off lustful older women. The letters of Cornelia reveal just how to put pressure on a son.⁴⁵ Roman moralists, praising these women, did not remark that the result of their devotion was sons with a marked sense of their own importance, even at the expense of the Roman commonwealth. But what other outlet could such women find for their talents and energies?

V

Running a great household might, in fact, be as challenging as many executive jobs, especially if the *materfamilias* concerned herself with investments and *clientes*. The *lex Voconia* of 169 B.C. had tried to prevent women from being left in control of large inheritances, but it applied only where a man entered on the census list for the first class had an only daughter, and even then could be circumvented by leaving the money to a trusted friend who would pass it on.⁴⁶ Many women were extremely wealthy, though families of course differed in the extent to which women managed their own wealth. 'Turia' ran the house and left investments to her husband (*ILS* 8393.38 ff.); Terentia, to judge from Cicero's grumbles about her and her agent, managed her own: they included *silvae*, rented *ager publicus*, a *vicus*, and some tenements.⁴⁷ Sometimes it is not possible to tell whether a woman – for instance, Eumachia (*CIL* 10.810–2), patroness of the fullers and donor of public buildings at Pompeii – was a manager or just an owner. Women could make wills; though technically they were required to 'change family' (a legal formality) before doing so, but the sources never suggest any difficulty.⁴⁸ A widow *sui iuris*, managing her own affairs with only token reference to her guardian and her agnates (or free from *tutela* altogether if she had borne enough children), and old enough (that is, fifty) to escape the obligation to remarry and have more children, was Rome's nearest approach to a legally independent woman.⁴⁹ There cannot have been many such; and there were no career women. What career, after all, was open?

Women did not vote, did not serve as *iudices*, were not senators or magistrates or holders of major priesthoods. They did not, as a rule, speak in the courts: Valerius Maximus (8.3) found only three instances, and becomes quite apoplectic about the one who enjoyed herself and did it again. She seems to have provoked a praetorian ruling that no woman should usurp the masculine role of advocate.⁵⁰ As a rule, women took no part in public life, except on the rare occasions when they were angry enough to demonstrate, which was startling and shocking. Before the debate on the *lex Oppia*, says Livy (34.1.5), 'the married women could not be kept at home by respect for authority, sense of

shame, or the orders of their husbands . . . they even dared to go up to consuls and praetors and other magistrates and ask for their support.' Another demonstration, against the attempt of the second triumvirate to confiscate women's property, was a great success (Appian *B.C.* 4.33). But in general women worked through private influence. On one famous occasion Servilia, in a family conclave which included her daughter and daughter-in-law, claimed that she could get a corn-commission altered so that Brutus and Cassius did not actually have to supply any corn (Cicero, *ad Att.* 15.11). It is not known whether this claim proved true; but this sort of private influence was expected and feared. Governors' wives, if they went out with their husbands, could 'make another Government House' (Tacitus, *Ann.* 3.33); Seneca's aunt deserved praise for having remained in seclusion while her husband was *praefectus Aegypti* (*ad Helviam* 19.6). Trajan's womenfolk were also laudably restrained (Pliny, *Pan.* 83), but the wife of Pontius Pilatus tried (and failed) to influence a judicial decision (Matthew 27.19). Livia claimed that she never interfered in Augustus' concerns, but her scope for action was such that the senate honoured her on her death 'because she had saved the lives of many senators, brought up the children of many, and helped many to pay their daughters' dowries' (Dio 58.2.5).

Women might, then, have considerable influence and interests outside their homes and families, but they were acting from within their families to affect a social system managed by men: their influence was not to be publicly acknowledged. Why were women excluded from public life? The division between arms-bearers and child-bearers was doubtless one historical cause, but the reasons publicly given were different. Women were alleged to be fragile and fickle, and therefore in need of protection; if they were not kept in their proper place they would (fragility and fickleness notwithstanding) take over. As the elder Cato, in a speech expanded, or invented, by Livy (34.1 ff.; *ORF* I.p. 14), said in defence of the *lex Oppia*:

'Our ancestors decided that women should not handle anything, even a private matter, without the advice of a guardian; that they should always be in the power of fathers, brothers, husbands. . . . Call to mind all those laws on women by which your ancestors restrained their licence and made them subject to men: you can only just keep them under by using the whole range of laws. If you let them niggle away at one law after another until they have worked it out of your grasp, until at last you let them make themselves equal to men, do you suppose that you'll be able to stand them? If once they get equality, they'll be on top.'

This naked appeal to male dominance offended the liberals. Livy

composed an answering speech for the tribune Valerius (34.7.7 ff.). Even men, it says, might mind seeing Rome's allies going about better dressed than they are: what then should poor dear little women, *mulierculae*, feel? That is their world, the *mundus muliebris*; they have no magistracies, priesthoods, triumphs, insignia, spoils of war. And there is no danger of their getting out of hand. 'While a woman's relatives are alive, she is never free from slavery, and women themselves detest the freedom conferred by widowhood or bereavement. You should protect them, not enslave them: you should prefer the name of father or husband to that of master.'

Women – touching or menacing – were basically unreliable. They were physically weak and nervous, well-suited for watching over possessions (Columella pr. 12). They were emotional, irrational, and intellectually less capable than men: this *levitas animi* and *infirmitas consilii* made guardians necessary.⁵¹ This argument came to look very silly as more and more women managed their own affairs (Gaius, *Inst.* 1.190), and Stoic philosophers began to challenge its basis. Musonius (p. 8 ff.) declared that women had reason, senses, bodily parts, like men; they too had a natural bent towards virtue; they too would need virtue, and the same virtues as men, to lead decent lives. Women need courage and endurance as much as men do; men should have as high a standard of sexual virtue as women. Musonius makes an interesting comparison here, revealing that the double standard was not just a fear of illegitimate children. A man who goes to bed with a prostitute, he says, need not fear that he is depriving a husband of the hope of offspring – nor was he liable to prosecution – but should consider the horror that is felt when a woman goes to bed with a slave.⁵² Seneca (*ad Marciam* 16.1, *ad Helviam* 16.3) agreed in principle about women's natural abilities: and if he regards his mother only as an exception to the vices of her sex (which were, it seems, unchastity, love of riches, shame at pregnancy, and wearing make-up and see-through dresses), it is equally clear that a male philosopher is an exception to the vices of his.⁵³

Stoic radicalism went only so far. It followed from Musonius' principles that girls should be educated on the same pattern as boys – but not so as to make them unfeminine or give them undue skill in logic-chopping (which was also undesirable for men). They will philosophize as women: the assumption is that they will exercise their virtues in the home, the men as citizens. Boys should not be taught woolwork, nor girls gymnastics, but each sex should do the job for which it is naturally fitted. In principle Musonius (p. 13 ff.) went impressively far:

'Some men, sometimes, might reasonably do the lighter tasks which

are thought suitable for women, and women might do the heavier tasks which are thought more appropriate for men: it depends on physical strength, necessity, or the demands of the time. All human tasks, I think, are common to men and women, and nothing is necessarily exclusive to one or the other sex. But some tasks, obviously, are more suited to one nature, and some to the other.'

Musonius was perhaps influenced by the prospect of exile, in which the Stoic sage and his wife might have unexpected tasks. But public opinion was not with him. People feared, he says (as perhaps Seneca's father feared), that women who did philosophy would get overconfident, leaving the house to mix with men and talk logic (or worse) when they should be at home getting on with the woolwork. Musonius answered (p. 12) that philosophy would not make women neglect their duties, but ensure that they did them better: though Epictetus (ap. Arrian fr. 15) claimed that some women used Plato's *Republic* to justify their promiscuity. One may doubt whether an exceptional women who did go outside traditional sex-rôles would have got a better reception than Fulvia, who was reported as a masculinized monster – and subject to female gusts of passion just the same.⁵⁴ The answer to Musonius might well be Juvenal's sixth satire.

A social system which restricted women to domestic life, and prevailing attitudes which assumed their inferiority, must seem to us oppressive. I know of no evidence that it seemed so at the time. The legal and social constraints detailed above may have frustrated the abilities of many women and caused much ordinary human unhappiness. But there evidently were, also, many ordinarily happy families where knowledge of real live women took precedence over the theories, and women themselves enjoyed home, children, and friends. There were some women who enjoyed the political game, and who found an emotional life outside their necessary marriages.⁵⁵ And there were certainly women who found satisfaction in living up to the standards of the time. They were, as they should be, chaste, dutiful, submissive, and domestic; they took pride in the family of their birth and the family they had produced; and probably their resolution to maintain these standards gave them the support which women in all ages have found in religious faith. But the religious feelings of Roman women, as opposed to the acts of worship in which they might take part, are something of which we know very little. A woman whose child was ill might make, and gladly pay, a vow for his safety: but did she pray for strength and patience while nursing him, and feel that some divine power was sustaining her, or was she supposed to rely on her *virtutes*?⁵⁶

The empress Livia put on a performance of Augustan perfection. Dio (58.2.5 ff.) professes to record her explanation of how she kept

Augustus' love so long. She never had lovers; she went amiably along with what Augustus wanted; she never interfered; and she pretended not to notice his mistresses. Horace (*Odes* 3.14.5) got as near as he dared (since everyone knew she had left her first husband while pregnant with his child) to calling her *univira*, a one-man woman. The senate gave her the privileges of a mother of three children, though her marriage to Augustus produced only a stillborn son. She made her husband's clothes; she combined traditional chastity with modern charm; and she was, within the limits she herself accepted, a woman of great power.⁵⁷ This, presumably, is one picture of the ideal Roman women: and it might be a woman's ideal as well as a man's. The most moving expression of the ideal is in the elegy for Cornelia written by Propertius (4.11), a poem sometimes (though without evidence) regarded as a recantation, since he portrayed his own love as a subverter of standards. Propertius' Cynthia is independent, probably adulterous,⁵⁸ concerned not about house and children but about love-affairs and literature. His Cornelia claims that she has followed the tradition of her family, and her mother (who was Scribonia, Augustus' divorced wife) must approve her. She is *univira*, chaste, and fertile. She is an example to her own children. Her children have survived her, and she has seen her brother consul. She does not say, though it was true, that she has seen her husband consul and censor: perhaps that was not part of her pride in what she was as a representative of her family. But she thinks, though she puts it tentatively, that he will grieve for her and care for their children. It had been a good life.

The son of Murdia, in the age of Augustus, made her a public eulogy. Some of what he said has happened to survive (*ILS* 8394), and, since we should not otherwise know of her existence, may make the best epitaph for the women who did not make the history books.

'What is said in praise of all good women is the same, and straightforward. There is no need of elaborate phrases to tell of natural good qualities and of trust maintained. It is enough that all alike have the same reward: a good reputation. It is hard to find new things to praise in a woman, for their lives lack incident. We must look for what they have in common, lest something be left out to spoil the example they offer us. My beloved mother, then, deserves all the more praise, for in modesty, integrity, chastity, submission, woolwork, industry, and trustworthiness she was just like other women.'

NOTES

* I am grateful to undergraduates, sixth-formers, and their teachers in and around Glasgow who raised questions about earlier versions of this paper; to Dr Jane Gardner for a paper which made me rethink several answers; and to Mrs. M. T. Griffin for many helpful suggestions.

1. J. P. V. D. Balsdon, *Roman Women* (London, 1962); *Arethusa* 6 (1973) and 11 (1978); Sarah B. Pomeroy, *Goddesses, Whores, Wives, and Slaves* (New York, 1975); Mary F. Lefkowitz and Maureen B. Fant, *Women in Greece and Rome* (Toronto, 1977), a source-collection.
2. Cicero, *Brutus* 211; Quintilian 1.1.6; Pliny, *Letters* 1.16.
3. Cornelia, Schanz-Hosius 1. p. 219; Sulpicia, *ibid.* 2. p. 189.
4. Mommsen, *Strafrecht*, p. 636 n. 3.
5. Soranus 2.6.10 (ed. Ilberg, Teubner 1927 = *Corpus Medicorum Graecorum* 4).
6. J. P. V. D. Balsdon, *JRS* 61 (1971), 18 ff.
7. Dio 55.22.5; Aulus Gellius, *Noctes Atticae* 1.12.9; Suetonius, *Divus Augustus* 31.3; Plutarch, *Numa* 10.2.
8. Münzer p. 351–2; *CIL* 1.2 27881; K. M. Hopkins, *Population Studies* 18 (1964–5), 309 ff.
9. Richard Duncan-Jones, *The Economy of the Roman Empire* (Cambridge, 1974), p. 288 ff.
10. Child mortality: J. P. V. D. Balsdon, *Life and Leisure in Ancient Rome* (London, 1969), pp. 85 ff. Girl babies tougher: Soranus 2.21.48. Food schemes: A. R. Hands, *Charities and Social Aid in Greece and Rome* (London, 1968), pp. 113 ff. See the discussion of infanticide by P. A. Brunt, *Italian Manpower* (Oxford, 1971) pp. 148 ff.
11. K. M. Hopkins, *Comparative Studies in Society and History* 8 (1965), 124 ff.; John T. Noonan, Jr., *Contraception* (Harvard, 1965), ch. 1. On conception before the first menstruation, compare Geza Vermes, *Jesus the Jew* (London, 1973), p. 218; on amenorrhea, E. LeRoy Ladurie, *The Territory of the Historian* (English translation, Hassocks, 1979). On the time of conception, even Marie Stopes agreed with Soranus: present-day belief is that conception in the paramenstruum is possible but unlikely.
12. Soranus, 1.19.64; Ovid, *Amores* 2.14.27, *Fasti* 1.621–4.
13. *Digest* 48.19.38.5, 47.11.4; foetus not a person, 35.2.9.1, 25.4.1.1. Tacitus, *Annales* 14.63 does not (*pace* P. A. Brunt, *Italian Manpower*, p. 147) suggest that abortion was a crime against the husband in Nero's time: Octavia was accused of aborting someone else's child, i.e. of adultery. Cicero, *pro Cluentio* 31–2 has to fall back on a law from Miletus.
14. Cf. Pliny, *Natural History* 7.42–3.
15. Gellius 12.1; Tacitus, *Dialogus* 28, *Germania* 20.1. Musonius p. 11, and *ILS* 8541, count breastfeeding a virtue.
16. The fairy-story, Juvenal 6.602 ff.; in real life, Suetonius, *de grammaticis* 7 and 21; inscriptions by grateful foster-children, Balsdon, *Life and Leisure*, pp. 86–7.
17. Beryl Rawson, *CPh* 61 (1966) 71 ff. The *lex Aelia Sentia* (A.D. 4) allowed slaves under 30 to be freed without appeal to a *consilium* if, among other reasons, they were about to die, or a relative wished to free them: Gaius, *Institutes* 1.19.
18. *CIL* 6.3926 ff. (Livia's household), 6213 ff. (the household of the Statilii Tauri). Factories, Columella 12 pr. 1.
19. Susan Treggiari, *Roman Freedmen in the late Republic* (Oxford, 1969), p. 88.
20. *Digest* 25.7.1 pr., 23.2.44; Ulpian 13.1; Cicero, *pro Sestio* 110. See F. Schulz, *Roman Classical Law* (Oxford, 1951), p. 138.
21. J. LeGall, *REL* 47 bis (1970), 123 f. Doctors, *ILS* 7802–5; midwives, Soranus 3.1.3.
22. Asconius, in *Milonianam* 43C; Suetonius, *Divus Augustus* 64.2.
23. S. F. Bonner, *Education in Ancient Rome* (London, 1977), pp. 136 ff.
24. Pliny, *Letters* 5.16; Plutarch, *Moralia* 453d; Musonius pp. 13 ff.
25. Statius, *Silvae* 3.5.63 ff.; Soranus 1.4.23. Dancing; *ORF* 1 p. 133; Sallust, *Catiline* 25.2; Horace, *Odes* 3.6.21–2, with Nisbet and Hubbard, *A Commentary on Horace Odes* 2 (Oxford, 1978), pp. 181–2.
26. Pliny, *Letters* 5.16. The epitaph, *ILS* 1030 says she lived *ann.XII men.XI d.VII*; Pliny that she died just before her fourteenth birthday, which seems to me a more likely time for her wedding (see below).
27. Amundsen and Diels, *Human Biology* 41 (1969), 125 ff.; Soranus 1.4.20, 1.5.25.
28. *Digest* 23.2.4; cf. Dio 54.6.7; *Digest* 23.1.9. Republican precedent, *Digest* 12.4.8; adultery, 48.5.14.8.
29. On the age of Octavia, daughter of Claudius, who is sometimes cited as a pre-pubertal bride, see R. M. Geer, *TAPhA* 62 (1931), 65–7.
30. Rufus ap. Oribasius (ed. Bussemaker-Daremberg), 3. p. 87.
31. Places to go: Ovid, *Amores* 3.633 ff., Tibullus 1.6.15 ff., Martial 11.7. Decorum: Seneca,

Controversiae 2.7.3. Dinner-parties: Ovid, *Ars Am.* 1.565 ff., *Amores* 1.4; Horace, *Odes* 3.6.21 ff., Varro ap. Nonius p. 372L; Suetonius, *Divus Claudius* 32.

32. *ILLRP* 973; *ILS* 8393 line 30; Tacitus, *Annales* 5.1.

33. *RE* Tullius 60; K. M. Hopkins, *Population Studies* 20 (1966), 245 ff.

34. Gordon Williams, *JRS* 48 (1958), 16 ff.; *Tradition and Originality in Roman Poetry* (Oxford, 1968), pp. 370 ff.

35. I. Kajanto, *Arctos* 7 (1972), 13 ff.

36. Marriage-law, J. A. Crook, *Law and Life of Rome* (London, 1967), pp. 100 ff. Divorce by women married *cum manu*, Gaius, *Institutes* 1.137a (against, Alan Watson, *The Law of Persons in the later Roman Republic* (Oxford, 1967), ch. 6); control of property, Gellius 17.6.

37. *Digest* 24.1.1, 24.1.40 and 42; 48.5.23–4. On changing patterns of marriage and parental control, see S. B. Pomeroy, *Ancient Society* 7 (1976), 215 ff.

38. Dowry problems, Cic. *Att.* 14.14.1, *Fam.* 6.18.5; penalties, Cic. *Topica* 4.19 ff., Seneca *Controversiae* 2.7.1. Divorce at a lower economic level, I. Kajanto, *REL* 47 bis (1970), 99 ff.

39. Balsdon, *Roman Women*, p. 55.

40. F. Schulz, *Roman Classical Law*, p. 103. The then state of English divorce law does much to explain this remark.

41. Dionysius of Halicarnassus, *Roman Antiquities* 2.25.4.

42. *Tutela mulierum*: Gaius, *Institutes* 1.190, Cicero, *pro Murena* 27; Schulz, op. cit., pp. 188 ff.

43. J. A. Crook, *CQ* 17 (1967), 113 ff.; Watson, op. cit., chs. 5 and 6.

44. Dio 48.34.3, 55.10.4; 48.44.4–5. Plutarch, *Antonius* 54.2, 57.3.

45. Tacitus, *Dialogus* 28.8–9; Plutarch, *Tiberius Gracchus* 1.4–5, *Gaius Gracchus* 4.3–4; Pliny, *Natural History* 34.31. Suetonius, *Divus Augustus* 61.2; Nicolaus of Damascus, *FGH* 70 fr. 127.

46. Jolowicz and Nicholas, *Roman Law*³ (Cambridge, 1972), pp. 246 ff.; Alan Watson, *The Law of Succession in the later Roman Republic* (Oxford, 1971), pp. 29 ff.

47. Elizabeth Rawson, *Studies in Roman Property* (ed. M. I. Finley, Cambridge, 1976), p. 97.

48. Cicero, *Topica* 4.18; *Digest* 4.5.

49. Fifty was taken to be the age of menopause: Amundsen and Diels, *Human Biology* 42 (1970), 79 ff. Whether the *ius trium liberorum* (*FIRA* p. 457 ff., A.D. 9) was a real incentive to bear enough children to earn freedom from *tutela* would vary with character and circumstances.

50. *Digest* 3.1.5; Quintilian 1.1.6, Appian, *Bellum Civile* 4.33.

51. Gaius, *Institutes* 1.144; Cicero, *pro Murena* 27; Seneca, *Controversiae* 1.6.5; Seneca, *ad Marciam* 1.1; Valerius Maximus 9.1.3.

52. Compare the provisions of the *senatusconsultum Claudianum*, which went against the *ius gentium* by reducing the status of the freeborn mother of a slave's child instead of letting her status determine that of the child. P. R. C. Weaver, *Familia Caesaris* (Cambridge, 1972), pp. 162 ff. argues that its motive was financial.

53. A. Motto, *Classical Weekly* 65 (1972), 155 ff.

54. E. Gabba (ed.), *Appiani Bellorum Civilium Liber Quintus* (Florence, 1969), pp. xliii ff. On women at war, cf. Tacitus, *Ann.* 1.69, 2.55.5.

55. R. Syme, *TAPhA* 104 (1960), 323 ff. = *Roman Papers*, ed. E. Badian (Oxford, 1979), vol. 2 pp. 510 ff.

56. On cults, J. Gagé, *Matronalia* (Paris, 1963); on the appeal of worship other than the established religion, Averil Cameron, *Greece & Rome* 27 (1980), 60 ff.

57. Suetonius, *Divus Augustus* 63.1, 64.2; Tacitus, *Ann.* 5.1. The *ius trium liberorum*, Dio 55.2. Scribonia was less tactful than Livia: Suetonius, *Divus Augustus* 62.1, 69.1. On *univirae*, see Niall Rudd, *Lines of Enquiry* (Cambridge, 1976), pp. 42 ff.: but I do not think the main point (p. 44) was that the *univira* was never divorced. A remarried widow would not be *univira* (see the instances in Seneca, *de matrimonio* 74–7, fr. 13 Haase).

58. Gordon Williams, *Tradition and Originality*, pp. 525 ff.