CHILDHOOD, CLASS AND KIN IN THE ROMAN WORLD

EDITED BY SUZANNE DIXON

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CONTENTS

ILLUSTRATIONS AND TABLES

Figures

Maps

Plates

Tables

ACKNOWLEDGEMENTS

The idea for this book originated in the wish to pay tribute to Professor Beryl Rawson's contribution to Roman social history. Versions of Chapters 6, 7, 9 and 12 were delivered at a special seminar organised by Kathryn Welch and Suzanne Dixon at the University of Sydney in February 1999, and versions of all except Chapters 1 and 2 were included in a special-purpose volume presented to Beryl on that occasion. Both the seminar and the presentation volume included a number of other contributions on a range of topics reflecting Beryl Rawson's own extensive interests and the inspiration she has imparted throughout her career. It is a career that continues to flourish and I was very pleased that I was able to persuade her to contribute to this volume, which represents a specific section of the original tribute. The book is therefore not a *Festschrift* in the usual sense, but a selection of works which stands in its own right as a contribution to the field which Beryl Rawson has done so much to establish, encourage and publicise. Her own interest in the history of childhood, and in the status issues revealed by the inscriptions of Rome and its surrounds, began with the dissertation she wrote as Beryl Wilkinson at Bryn Mawr College in the US, under the direction of Professor Ross Taylor. Since then the lower classes, the family and childhood have become established topics of study for Roman historians, but this was not always the case. Beryl Rawson herself branched out into other areas, particularly those concerned with Cicero and Pompey the Great, but in the 1980s she returned in a more concentrated way to the topics on which she had published significant articles some years earlier.

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ABBREVIATIONS

Classical scholars use a standard set of abbreviations in referring to ancient works, for example 'Plin. *Pan.*' (Pliny the Younger's *Panegyric* of the emperor Trajan), to journals and to commonly used reference manuals (which typically have very long titles). To assist the reader, many of the modern works and journal titles, normally reduced to code among classical insiders, have been spelt out in the entries below.

Contributors were asked to explain some ancient references and to translate the names of key texts at first citation in their individual chapters, but since as usual in scholarly works a number of ancient texts only required one mention it proved too cumbersome to do this comprehensively and consistently. Generally speaking, if a work was referred to frequently in a particular chapter, the standard abbreviation was used after initial explanation. The 'Index of ancient sources' at the back of the book therefore gives the standard abbreviation after the name of the author, for example '(St) Augustine, *Civitas Dei, Civ.Dei*'. The list of abbreviations below is primarily a guide to collections of coins, inscriptions and so forth, but also includes the less obvious ancient works, as in *CJ* for *Codex Iustinianus*, a compilation of responses by emperors to petitions from their subjects.

Standard journal abbreviations are listed in *l'Année philologique* and online at http://www.chass.utoronto.ca/amphoras/revues.txt. Readers may wish to refer to the *Oxford Classical Dictionary* (any edition) for additional guidance.

AAVV   *(Autori vari) Antiche Stanze* (1996). *Un quartiere di Roma imperiale nella zona di Termini. Museo Nazionale Romano Terme Diocleziano, Roma, dicembre 1996–giugno 1997*, ed. M. Barbera and R. Paris, Giorgio Mondadori, Rome.

AE   *L'Année épigraphique* (first published 1888), an annual listing of inscriptions.

ANRW   *Aufstieg und Niedergang der römischen Welt* (1972) eds H. Temporini and W. Haase, Berlin: de Gruyter.

BMC   *Coins of the Roman Empire in the British Museum* vol. 3 (1966), London.

C.   Cohen, H. *Description historique des monnaies frappées sous l'Empire romain* (1880), Paris.

CIL   *Corpus Inscriptionum Latinarum*, a standard edition of Latin inscriptions (first published 1876), Berlin.

CJ   *Codex Iustinianus.*

CTh.   *Codex Theodosianus.*

Dig.   *Digesta Iustiniani* (1877) ed. T Mommsen; parallel translation in *The Digest of Justinian* 4 vols (1985) ed. A. Watson, Philadelphia.

FIRA²   *Fontes iuris Romani Anteiustiniani* 3 vols, 2nd edn (1968–9), ed. S. Riccobono *et al.*, Florence.

ICUR   *Inscriptiones Christianae urbis Romae* vols 3–4 (1956–1964), eds A. Silvagni and A. Ferrua.

IG   *Inscriptiones Graecae.*

ILS   *Inscriptiones Latinae Selectae* (1962) ed. H. Dessau, Berlin.

IPO   *Inscriptions du Port d'Ostie* vol. 2 (1951–2) H. Thylander, Rome.

LTUR   *Lexicon topographicum urbis Romae* vol. 2, D–G, ed. E. M. Steinby (1995) Rome: Edizioni Quasar.

NS   *Nuove scavi.* Series.

OCD   *Oxford Classical Dictionary* 3rd edn (1996) ed. S. Hornblower and A. Spawforth, Oxford: Oxford University Press.

RE   *Realencyclopädie der klassischen Altertumswissenschaft* (first published 1894).

RG   *Res Gestae*: the achievements of Augustus.

RIC   *The Roman Imperial Coinage* (1923–1994), ed. H. Mattingly and E. A. Sydenham, London: Spink.

SHA   *Scriptores of the Historia Augusta* (literally, 'Writers of the Augustan History', also known simply as '[the] *Historia Augusta*'): a pastiche of lives of later emperors. Authorship of many lives is dubious and still controversial.

Strack   Strack, P. *Untersuchungen zur römischen Reichsprägung des zweiten Jahrhunderts* vols 1 and 2 (1931, 1933), Stuttgart.

TLL   *Thesaurus Linguae Latinae.*

1

THE 'OTHER' ROMANS AND THEIR FAMILY VALUES

Suzanne Dixon

Women and children last?

This collection of articles is a contribution to ongoing scholarly debates about Roman social history. We hope that it will also appeal to intelligent lay readers without talking down to them or compromising professional standards of caution and precision.

Domestic topics are now firmly on the historical agenda, and their general appeal is not in doubt. Family, marriage and childhood are universal features of human society, and the public appetite for tabloid, documentary and pop-sociology treatments suggests that all such features are perennially of interest. Academe should be able to cater to that interest. It has something special to offer – popular treatments, in emphasising moral decline from an idyllic past and the sameness of 'human nature', often distort the great dynamism of social institutions. To say that something – the family, for instance – is universal does not mean that it is uniform. Or static. Childhood and the family have been variously interpreted at different times and in different places. If we are prepared to learn from them, experts can put this variability into perspective and enable us better to assess the prospect of change in our own societies.

In the ancient world, childhood, class and kin interacted with each other as they do in the modern. For good or ill, class still pervades many aspects of life today. Its impact on modern childhood has been amply demonstrated by the BBC TV series *7 Up*, which has struck a chord worldwide. Many governments, treating the notional egalitarianism of some twentieth-century societies as an amusing historical aberration, are trying to urge us all into a 'global' era in which we once more take for granted the economic extremes and social

divisions of earlier epochs. In this book we explore some of the ways in which class – and status – affected ideas and realities of kinship and childhood in the highly stratified Roman world.

There should be no need to justify to any of our potential audiences the inclusion of Roman children, slaves, the free lower classes, élites and families all in the same volume. But we are all profoundly influenced by labelling, and the reality is that long-standing academic distinctions between public and private, however inappropriate to classical antiquity, continue to dominate our stock classification of topics and therefore to divide our audiences. Academe has now generally moved on from older notions of what constitutes history, one consequence being that Roman political history has long since faded (relatively speaking) into the scholarly background; yet both publishers' catalogues and lay readers continue to equate 'history' with personalities, warfare and politics, which means that anything else becomes a marked category requiring an explanatory epithet – art history, social history, legal history, economic history. The process is not, of course, logical or consistent. The Struggle of the Orders, Gracchan land and debt reforms, slave revolts and Augustus' 'pro-family' legislation were always incorporated in the traditional *Boys' Own Annual* narrative of Roman history that otherwise blithely excluded the servile and lower classes, women and children.

Even within academe, 'history of the family' is seen as the proper repository for matters concerning women and children, while Roman class and status are assumed to be about adult men. Ramsay MacMullen explicitly excluded family and marriage from his 1974 book *Roman Social Relations*, although it was designed to fill in many of the existing gaps; to treat rural and provincial areas, and those social groups whose perspective had been neglected in most historical works on the Roman Empire. The last half-century has seen an explosion of publications on slavery, the free lower classes, life-stages (especially childhood), women and gender relations in the Roman world. But it has not united potential audiences. Perhaps people are discouraged by the long trips they would have to make to different parts of a university library to find books on these apparently discrete topics. Yet (to state the obvious) slaves and free people alike could be male or female, children or adults, all with parents, children and siblings of their own. Roman family studies originated with 'prosopographical' reconstructions of senatorial careers and marriages. As products of 'mixed' marriages between slave and free

parents, children named in epitaphs can furnish historians with a key to the implications of status categories (Weaver 1986).

The sources historians use can also become territorial dividers, separating epigraphers (who specialise in inscriptions) from legal historians reliant on the selective Christian compilations of earlier Roman law, such as Justinian's *Digest*. The fact that the historians of classical antiquity themselves wrote about Gracchan land reforms and Augustan legislation promoting marriage and parenthood explains the inclusion of such matters in the traditional curriculum. Indeed, the training of ancient historians continues to privilege such texts. But confining oneself to any given source or genre both limits and skews the reader's perspective on the 'evidence'. Each type of source has its own problems of interpretation and, at best, throws light on only a minute part of any topic. Examining ideologies of gender, or determining whether Romans had a concept of childhood, for example, soon sends the text-based historian to art. In this volume we see repeatedly how the evidence of different sources tells different stories. Janette McWilliam (Chapter 5) contrasts literary statements about mourning the deaths of babies with the evidence of epitaphs; Paul Weaver (Chapter 6) contrasts the rules of the law on which slaves could be freed and how status transmitted to children with those revealed by sepulchral inscriptions.

Both topic- and source-based divisions are wholly artificial, no more than a convenient device for scholars wanting to focus on areas of their own expertise and for cataloguers subject to practical constraints. They should not be allowed to harden into ways of thinking that blind us to obvious connections and questions that might widen our understanding of the Roman world. The reader perusing the Contents page of this book should bear in mind the arbitrariness of the editorial decision to consign to 'Kin' rather than to 'Class' a mother–daughter sculptural group expressing the aspirations of prosperous freed slaves (Michele George, Chapter 11).

The conventional divisions are not just habit. Experts have a healthy respect for genuine problems. There are plenty of traps for the unwary. Combining topics and sources is a complex business. There is, in the last analysis, no substitute for thorough training in reading ancient sources in the original language, then using linguistic and analytic expertise to assess their value as evidence. The Roman social historian needs not only a traditional classical training but also an informed and critical understanding of social institutions and issues.

The fact that a historian – even a historian with the necessary (if

insufficient) technical skills in reading Latin and Greek – may have children and a family does not automatically make him or her an expert on family matters, particularly in a foreign culture. The traditional practice of compiling references on a given topic is an important starting-point, a potential database, but it is indecent to expose such collections in public in their raw, or nude, state. They should not appear in print until they have been dressed with appropriate critical analysis. There can be no excuse for treating epitaphs from the ancient world as simple sources *per se* for Roman demography or residential groupings, or for presenting as self-explanatory *evidence* references to (what is only possibly) the same institution from the Italian stage of the early second century BCE and from Christian papyri from Roman Egypt five centuries later. A word-search is not finished scholarship. The authors in this volume go well beyond such preliminaries, analysing the impact of social institutions with the help of sophisticated source criticism which allows for the bias, genre-emphasis and exclusions of the evidence examined. But we are not wholly pessimistic and over-cautious. Some chapters offer innovative ideas about how far we might press the sometimes terse or enigmatic yield of inscriptions or buildings. Others explore literary works in a novel way, to throw light on the incidental testimony and assumptions of dreams, for example, or on changing ideas about the proper age for parenting and the suitability of sex in old age.

Most of the contributors to this volume were trained in an empiricist tradition of attention to detail. Over the years, they have learnt to address larger questions, to approach more types of evidence and to rethink their approaches to familiar sources. The perceived tension between the 'big picture' approach and scholarly caution never quite disappears. As with the eternal compromise between accuracy and fluency in translation, each scholar weighs up the competing requirements and makes a subjective decision. In the last analysis, judgements about the success of individual efforts will vary and controversy will continue (Martin 1996). Novelty will inevitably draw criticism, often tinged with territorial defensiveness. Non-classicists – even those of the stature of Foucault or Goody – collect broadsides when they include classical Greco-Roman culture in broad histories of European kinship, marriage and sexualities, but brilliant 'outsiders' can often shake up our ideas to good effect, sometimes opening up whole new areas of scholarship.

It *is* possible to combine scrupulous care and brilliance, to cross-pollinate disciplines by moving judiciously between genres, regions and historical periods, without oversimplifying the issues or 'dumbing

down'. The proof lies in landmark studies, some of them bearing directly on the topics of this book: Hopkins' monumental 1978 treatment of slavery and the transformation of the Roman economy; Saller and Shaw's groundbreaking 1984 computer simulations of Roman demography based on epitaphs; Evans Grubbs' 1995 analysis of the impact (or non-impact) of Christian doctrine on inherited Roman law and on social expectations of marriage. We all benefit when the broad sweep is well done.

The specialist scholars who drew on their current researches to contribute to this volume were not expected to cover all three areas, childhood, class and kin, but they have shown a readiness to transcend their designated categories. They were asked to consider common questions of reading, representation and perspective and, in particular, to open up their own specific observations to more general concepts of life-stage, status and kinship. Their approaches vary: legal positivism, comparative sociology, active reading and thick description all feature. Issues of exclusion, skewing and representation have emerged naturally from attempts to compare and combine diverse types of source. From the expert reconstruction of specifics, the authors all contribute to the 'big picture' not only of Roman social mores but of wider issues of kinship, class and the life-stages.

Roman childhood, class and kin in context

Status, age, kinship and gender are prime organising principles of any known society. Our title begs the vexed question of the value of 'class' as a key to Roman society, since ties of patronage sometimes linked the different social strata, and inherited rank (though requiring renewal in each generation) could outweigh wealth. Legal status categories, dividing free and slave, provincial and Roman, were not necessarily reflected in wealth and prestige ratings.

Our book has its own exclusions and emphases. Most of us concentrate on Roman Italy and the first two centuries of the common era or CE, which largely coincide with the early Roman imperial period, but some contributors, notably in Chapters 4, 10 and 14, compare pre-Christian and Christian approaches. In the first section, 'Childhood', we see how children were represented in state propaganda, in dreams, in the law and on urban tombstones. For both emperors and dream-interpreters children served as symbols, expressing political and personal hopes for the future. But the historian can make use of such sources for more than their intended

purpose: the public sculpture examined by Beryl Rawson in Chapter 2 and the dream manual of Artemidorus analysed by Keith Bradley in Chapter 3 also yield incidental information as to what constituted childhood in Roman (adult) eyes and on the typical pursuits of children in antiquity. Mireille Corbier (Chapter 4) reviews a range of sources to explore Roman attitudes to babies and to the incorporation of children into society in both Italy and Egypt. She argues that, although the two are often combined by scholars, we need to distinguish between child 'exposure', the subject of legal rules, and child 'abandonment', a practice treated by literary sources which reveal rather different social norms. *Pace* Boswell (1988), she points to significant differences – and some interesting similarities – between the abandonment of children in antiquity and its equivalents in later western Europe, where Christian precepts held sway.

It is not only archaeologists who use mortuary commemorations for an insight into attitudes to different social groups. Like childhood and gender, death is a physical given which gains its social meaning from cultural elaboration. Corbier points out that the Roman child who had not formally been raised up by the *paterfamilias* could be discarded as a non-person who had not acquired a full social personality. Birth into a group is only the beginning or potential of a person's admission to that group. In many cultures, the commemoration of dead children is distinguished by special rules. They may not be commemorated at all. Some moderns have read the practice of exposure as an index of a low valuation on infant life in classical antiquity, but Romans of the Italian peninsula were relatively attentive to the memorials of their child dead, particularly in towns. Janette McWilliam (Chapter 5) explores the possible connections between social status, urban location and the commemorations of those who died as children. She finds interesting differences in the approaches of town élites and groups such as freed slaves as to where and how they present the loss of their child dead to the community about them. We are reminded that funerary rituals are for the living as well as for the dead, and that children can represent many things (hopes for future security or social advancement, an assertion of continuing high status) above and beyond their own individual characteristics.

In the second section, 'Class and Status', Paul Weaver (Chapter 6) and Suzanne Dixon (Chapter 7) consider how we might reconstruct lower-class families, slave and free, from their memorials, most of them just brief inscriptions. Names are an important guide to status in Roman sources. The names of freeborn Roman citizens

were distinctive, consisting for men of three parts, for women of one (later two). When featured on an inscription, such names frequently included what experts call 'filiation', that is, the formula 'son/daughter' (*filius/filia*) followed by the father's first name or *praenomen*, for example *Marci*, 'of Marcus'. Slaves' names could also furnish further information by giving the owner's *praenomen* ('slave of Marcus'), and freed slaves, *libertini*, would typically take the 'gentile' name of their citizen owner or patron, retain their own name and include a reference to the owner or ('patron', *patrona*, *patronus)*. Wherever possible in this volume, Latin terms have been explained and quotations given in English. Because of the importance of names for status discussion, whole Latin inscriptions (with translations) have been incorporated in the text of Chapters 6, 7 and 10. Unfortunately for us, epitaphs were very formulaic and usually brief. We must acknowledge the limitations of names as status indicators, because practice was not consistent. Indeed, some practices raise important questions about the social realities of status and the 'rules' of naming, or nomenclature. Chapters 6 and 7, while not playing down the problems, highlight methodology as a means of 'pressing the evidence' – iconographic, inscriptional and legal – to afford us a glimpse into the lives and links of those most mysterious ancient denizens, the free poor.

This group is also discussed by Andrew Wallace-Hadrill (Chapter 8) but in a different way. He uses architecture and historical analogy to consider the living conditions of the poor and their wealthy patrons in Rome, and the use by an increasingly central government of housing 'reform' to control the urban populace. He and Suzanne Dixon (Chapter 7) both conclude that the distinction between free and slave, one fundamental to legal status, was more blurred under the living and working conditions of the lower classes in the capital, people who shared dwellings and workshops in life and brief memorials in death. But this mixture, typical of the Roman republican period, was modified by the building programmes of successive emperors. Wallace-Hadrill argues that urban beautification tended to reduce Rome's tradition of mixed commercial/residential, noble/poor housing, and that this was no coincidence.

Fiona Crowe (Chapter 9) takes us out of Italy to the limits of the Empire, in a review of burial and status in provincial Roman Britain. She analyses archaeological debates about the principles governing the disposal and commemoration of women and children in burial grounds over a period ranging into the Christian era. She cautions against overdetermining gender as a factor and argues that it needs

to be offset by regional and status issues. Differential burials could be read in many ways, perhaps indicating the importation of male rural workers or the special standing of some particular group quite independently of either age or gender.

Our third section, 'Kin', concentrates on the meaning of that other fundamental cultural construct of kinship and its elaboration in epitaphs, sculpture, legal and social prescriptions and Christian thought. Hanne Sigismund Nielsen (Chapter 10) argues that Roman women were described rather differently by pagan and by Christian husbands, although both employed conventional, idealising epithets. Michele George's expert analysis of a mother–daughter sculpture (Chapter 11) sets this in iconographic context in order to explore representations of femininity, status and childhood. In a wide-ranging review of ancient and modern societies, Hugh Lindsay (Chapter 12) then highlights Roman concepts of kinship and the roles of children – not just young children – in family groups by means of one cultural institution, adoption, and its emphasis on the role of the adult citizen male. He reminds us of the need to set aside the inappropriate associations we ourselves might bring to the study of an ancient 'equivalent' of a modern institution like adoption. The laws governing Roman inheritance tax provide Jane Gardner (Chapter 13) with a means of determining notions of what constituted kinship from the social and state perspective, and what obligations flowed from those concepts. Tim Parkin (Chapter 14) explores attitudes to marriage and its purpose and to prejudices about sex between older couples. He reveals some interesting developments from pre-Christian to Christian times, many of them unexpected.

Roman legal and social constructions of childhood and kinship are explicitly addressed in some chapters (McWilliam, Weaver) and implicitly in others (George, Crowe). Gender is crucial to some chapters (Dixon, Sigismund Nielsen) and embedded in others (Gardner, Lindsay). Corbier, Sigismund Nielsen and Parkin address the varied impact of Christianity on childhood, gender and kinship. Class and status are necessarily invoked at every stage.

It is a cliché that winners conquer the archives. Historians are ultimately dependent on the evidence people leave behind them, and we can only lament how little trace has been left in the historical record by Roman slaves, the free lower classes and women and children of all status groups. In life these groups together greatly outnumbered those élite Roman males who, as we have already noted, left a disproportionate legal and literary imprint and who tended – as is the way

of dominant groups – to be poor observers of their social 'inferiors'. As authors, most of these men introduced women, children and the lower classes into their narratives only to make a point, usually a moral point, which reduced the group invoked to a rhetorical status such as 'the youth of today'. They also took it for granted that their presumed gentlemanly audience understood the social context of any references in their letters and essays to their own childhood or family life. They therefore left out a mass of information crucial to foreigners like ourselves, looking back from an altogether different era and culture. That is a standard difficulty, and one faced particularly by social historians as compared with social anthropologists, who can observe the settings of their informants. Many of the scholars represented in this collection, who have already elsewhere explored the more mainstream sources, focus here instead on archaeological evidence and on the epitaphs, imperial responses to petitions (rescripts), contracts and lawsuits preserved in papyri which together cover a much wider social range.

As I said at the beginning, we hope that this book will reach students of the family and Roman society, scholars and the broader reading public. That is not an easy balance to achieve, and contributors have varied in the extent to which they have been able to make their material accessible. Although references to modern works in foreign languages and quotations in Latin have been kept to a minimum, it has been neither possible nor indeed desirable to exclude them altogether. The authors have naturally wished to offer their findings to fellow specialists and to include the necessary evidence to justify their insights, but they have also tried to open up their treatments to non-experts by minimising (or translating) technical terms and by explaining the issues clearly. The index is specifically designed to help the non-expert reader to check terms. My own thumbnail sketches below of relevant scholarly trends, particularly as reflected in publications in English, are intended to help the lay reader and undergraduate student relate the contributions of this volume to the accumulated body of scholarship and to existing debates. They are not comprehensive. Notes refer the interested reader to other bibliographic guides.[1]

Childhood[2]

Historians of childhood still need to position themselves on the questions raised by Ariès' 1962 claim that childhood is a modern invention and that children in past ages were viewed as potential or

mini-adults. Scholarship has moved on since then, exploring the many functions performed by children in families and trying to recover the emotional relations between parents and children of past eras.

One of Ariès' arguments rested on the iconographic representation of children in the past as miniature adults. Although there were such images in the ancient world, it is easy enough to demonstrate accurate Roman depictions of children's bodies and a corresponding enjoyment of childish features and even, in some cases, an interest in children as individuals, not simply as extensions of the family and sources of labour. Ariès' assertions were valuable because – although they have generally been refuted for the Roman case – they forced scholars to consider questions which might not otherwise have occurred to them.

Historians have generally approached Roman parent–child relations via standard literary works, supplementing their yield with inscriptions to dead children. Both sources present particular problems of interpretation. The growth of publications on the iconography of Roman childhood has been one of the most welcome developments in scholarship on this subject. Now even text-based historians can approach the subject of such representations in the confidence that experts have made the material accessible to them. Roman children were depicted not just on grave-markers but also on public monuments – sometimes as patrons and magistrates, whose status was not mitigated by their extreme youth (McWilliam, Chapter 5), sometimes as symbols of imperial largesse and concern for the future of the free poor of Italy (Rawson, Chapter 2).

Childhood is continually being redefined in the modern world, especially in the wealthy West. In antiquity, too, the law and social expectation had a great impact on children's prospects and responsibilities. Literature on education, especially rhetorical education, has served as a guide to ancient expectations of the élite Roman boy (Dixon 1988). Studies of apprenticeship documents from Roman Egypt and occasional iconographic representations of children at work reveal the variety of tasks expected of young children from the mass of society (Bradley 1985b). Documents recording the sale of slaves and inscriptions encoding family histories tell us that – in spite of legal assertions to the contrary – it was common for very young slave children to be separated from their mothers by sale (Rawson 1966; Bradley 1984). Wet-nursing contracts and legal decisions from Roman Egypt reveal the use by poor parents of child exposure as a means of family limitation, but also the fact that some thought it

worthwhile to rescue such children for various purposes: labour, sale or even marriage into the foster-family (Corbier, Chapter 4).

Expectations which parents entertain of their 'children', including those adopted or fostered, are not confined to childhood. Inheritance and adoption procedures reveal some of the functions performed by the younger generation in Roman society, such as continuing the family name and maintaining or improving its status and material goods (Lindsay, Chapter 12; Gardner, Chapter 13).

Class[3]

The class distinctions of post-industrial Europe had their equivalents in the ancient world, but the legal distinctions between slave and free, Roman and provincial citizen dominated issues of status within the developed Empire.[4] The free were further divided into those who had been born free (*ingenuiae*) and those slaves who had subsequently been freed or 'manumitted' (*libertini* masculine, *libertinae* feminine). The domination of surviving records by the ruling senatorial élite extended beyond literary and legal texts to public inscriptions and statues. For a long time, even those scholars interested in studying the lower classes tended to scour élite authors for their views about artisans, slaves and provincials. It is eternally frustrating to know in principle that peasants and agricultural labourers must have been the most numerous element in the population of the ancient Mediterranean, while recognising in practice the impossibility of retrieving their lives from surviving sources. Italian peasants figure frequently in literary sources as the traditional ideal, while free day-labourers are objects of suspicion, but reliable information on either of these overlapping groups is rare in the extreme. The urban poor – also constructed as a moral category by élite authors – have left more traces; scholars have been able to amass data from inscriptions (especially epitaphs around the city of Rome from the early imperial period), the law, and from grave and shop reliefs in an effort to determine the status and frequency of named occupational groupings.[5]

There have always been more works written on slaves than on the free poor, again a reflection of ancient source emphasis. Issues explored by different scholars, often in response to the preoccupations of their particular era and society, include the supposed 'nationality' or 'race' of slaves, the mix of slave and free in the ancient workforce, the overuse of slaves for specialist agriculture in Italy, the

apparent concentration of slaves (and freed slaves, *libertini*) in certain occupational groups in Rome itself, and points of contrast or similarity between the slave systems of Rome and those of the Americas and West Indies of the eighteenth and nineteenth centuries (see for example Taylor 1961; Joshel 1986). The 1960s interest in 'majority history', and the influence of Professor M. I. Finley at Cambridge University, both boosted the study of Roman slavery and there was an upsurge in publications on the subject throughout the 1960s and 1970s. These tended to concentrate on its role in the ancient economy, or else on philosophical views about an institution which gains some of its exotic appeal from the erroneous assumption that it does not exist in the modern world (Finley 1960; Vogt 1974). Marxist scholars were interested in the impact of the slave mode of production on class relations (Carandini and Settis 1980). More recent studies of slavery have shifted the emphasis from the institution to the people. Joshel (1992) and Bradley (1994) have attempted the difficult task of deducing slaves' own perceptions of the world and their relation to it. The ways in which freed slaves represented themselves and their family members, particularly through funerary monuments, have also attracted scholarly interest (Zanker 1975; Kleiner 1977).

The academic spotlight has thus ranged across a number of status issues, but, whether treating the free poor, slavery, freed slaves, upper-class investment and land capitalism or mass movements, most scholars have until recently tended to exclude women and children.[6] In this respect they have followed the lead of Ramsay MacMullen's important 1974 study of the rural and provincial masses of the Roman Empire, which explicitly excluded kinship and in effect (perhaps unconsciously) ignored gender and life-stage. The understandable need to limit the area and sources of any study offers a partial explanation as to why women, children and the family continue to be afterthoughts, if indeed they are thought of at all, but scholars seem also to be influenced by conventional demarcations such as economy versus kinship; and perhaps many (not all of them male) quite simply forget about women and children, much as male authors did in antiquity.[7]

But economics and the personal cannot so readily be separated. Ambivalence pervaded slave-free relations in the ancient world. Another reminder of this has emerged from a recent contribution to the ongoing debate over whether Roman owners consciously bred slaves from their existing stock or imported them from outside (via purchases derived ultimately from war and piracy or brigandage). In

contravention of the advice in economically rational manuals, many slave-owners apparently manumitted female slaves who were capable of further child-bearing (Herrmann-Otto 1994: 286, 400). Legally slaves were equated with livestock, but in practice owners, while given to demonising or stereotyping both slaves and freed slaves as a group, often responded to them individually, as human beings. Not all slaves were part of huge élite establishments. Some worked along-side free and freed colleagues (Joshel 1992), some were intimately involved in the care and nurture of free children (Joshel 1986; Bradley 1985a), some were freed to marry their owners. They were, in the last analysis, people – people who could not only interact with their free owners in various capacities but could also themselves become free.

Slave children could gain a special place in the affections of owners and indeed the whole household. Certain Latin terms associated, particularly in epitaphs, with some children and young people, continue to puzzle scholars. Did *uerna* designate a slave born in the household? (Weaver, Chapter 6.) Were all *alumni* foster-children, unwanted babies rescued from exposure? (Rawson 1986b.) Were most of them slaves? (Corbier, Chapter 4.) Were *delicia/deliciae* sex-slaves, or merely household favourites? (Sigismund Nielsen 1990.) Such questions expose the artificiality of hard-and-fast distinctions between childhood, class and kin. Beryl Rawson and Paul Weaver have repeatedly united these three topics in pioneering studies of slave and lower-class family groupings and the implications of such groupings for social mobility in the Roman world.

It is hardly surprising that inscriptional and legal sources have been so important to understanding such issues. Epitaphs occasion-ally provide miniature family histories through the status indicators in the names of their members, which document their emergence from slavery to freed and even freeborn status (Rawson 1966). Slaves could be freed and provincials could become Roman citizens after they had produced children. Roman legal responses to the (histori-cally unusual) possibility of such mobility and of 'mixed' marriages serve as important sources, reflecting the practice and ideology of kinship and the implications of the formal status categories. Jurists needed to clarify which men enjoyed that uniquely Roman paternal power *(patria potestas)* over their children, for it had important implications for the validity of contracts, wills and even marriages concluded by Roman citizens of all ages who had living (citizen) fathers. Free children recovered from exposure and reared as slaves

could pose complex problems of competing rights if parents attempted to reclaim them later in life (Corbier, Chapter 4).

Custom and the law distinguished the civic entitlements of the freeborn from the freed, and extended some limitations to the next generation (Treggiari 1969; Gardner 1993; Weaver 1997).[8] Serving soldiers, forbidden legal marriage for the first two centuries of the imperial period, commonly contracted unions with local women (not necessarily citizens); hence children born during their period of service figure in legal judgments in a jurisdiction which extended a certain leeway to soldiers.

Issues of class and status are not confined to Chapters 6 to 9 in this volume, but are raised also by Corbier (Chapter 4) in relation to child exposure and abandonment; by McWilliam (Chapter 5) on the differing styles of commemoration of children and their roles in urban social systems; by Crowe (Chapter 9) on the factors affecting inclusion in Romano-British burials; and by George (Chapter 11) in analysing commemorative sculptural conventions.

Kin[9]

Works on family and marriage – which overlap with works on childhood, slave families and household slaves concerned with child care – have flourished in the past twenty-five years. Studies of the Roman family and marriage shifted in the 1980s from earlier legal and ethnographic preoccupations with the lifelong power (*patria potestas*) of Roman fathers over their legitimate children, and comparisons of Roman ceremonies and institutions with those of other Indo-European cultures past and present. The series of volumes edited by Beryl Rawson (1986a, 1991a; Rawson and Weaver 1997) mark the stages: the cautious comparison of legal and literary evidence, supplemented by inscriptions, to reconstruct the core family residential group (the preoccupation of the 1980s) yielded to studies of Roman family dynamics. Earlier beliefs in the multi-generational household were overtaken by the widespread (but not universal) conclusion that Roman families lived in nuclear units. Interest in the emotions of family members (influenced by such works as Lawrence Stone's 1977 *Family, Sex and Marriage in England, 1500–1800*) stimulated historical research on married love and relations between parents and children. These ultimately acknowledged the difficulty of reconstructing past emotions and opted instead for identifying and elaborating social ideals such as marital harmony and parent–

child affection (Saller 1988; Dixon 1988, 1991; but see now McWilliam, Chapter 5).

The volume of publication has diminished somewhat since the prolific 1980s, but recent works on widowhood (Krause 1994) and concubinage (Friedl 1996; Arjava 1999) show that there is still a great deal left to say about kinship and marriage in Roman society. Some of the most interesting current work is on late antiquity and develops issues raised in the 1990s by Arjava (1996) and Evans Grubbs (1995) around the Christian transformation of western Europe and its impact on dominant practices and ideologies. The ancient Mediterranean and the Roman Empire embraced a huge range of ethnic, religious and social groups which few classical scholars have been able to take fully into account. Moves are now afoot to pool the findings of scholars of Greco-Roman, Christian and Jewish families and households. The old barriers, based on language, source and topic specialisation, are still there, but they are gradually yielding to a wider sense of scholarly sharing.[10]

Students of the family know that it is a universal but infinitely flexible phenomenon which touches on most other aspects of life: relations between the classes, the sexes and the generations. Scholarship can illuminate many of the constructions of childhood, class and kin which have affected past and present societies. Although scholars have their own moral viewpoints and bring personal and cultural perspectives to their work, they can still provide an important counter to the typical moralising of insider statements about these charged subjects. There are limits, particularly for historians dependent on the imperfect records left by past generations who also moralised and prophesied about the youth, servants and families of their day. Roman historians understand that some questions will never be answered definitively: how Roman children were regarded, both socially and individually, and how they themselves perceived the adult world; how slaves formed families and how they viewed the free families they served or the loss of their own kin through slavery; how strong the basic legal distinction between slave and free was among the poor, where the different categories lived and worked side by side; how accurately social institutions like the commemoration of the dead or legal patterns of inheritance reflected the realities and perceptions of kin obligation or personal affection.

We have become more open-minded and generous about learning from each other. Conferences and studies in related fields, planned for the near future, will result in yet more publication in

these newly active fields and extend into new areas and approaches. The old bar between visual and written evidence has lifted and the reluctance of classical scholars to include Christian material or information from late antiquity is being overcome. The provinces are gradually getting as much scholarly attention as Roman Italy.[11]

Politicians and others engaged today in public debates about community and personal relationships are fond of invoking concepts such as 'traditional family values', usually without either defining them or explaining the basis for such claims about the past (Dixon 1995). I would like to think that such expressions reveal an appreciation of the importance of history and the realisation that history means more than just changes of government. As the various chapters of this book demonstrate, there is nothing new about social engineering, reassignment of biological parenthood, legal intervention in parents' and children's rights, widespread laments about today's youth or clichés about selfish marriages. Augustus' 'pro-family' legislation and changing notions of the newborn child's 'right to life' are only two of the issues explored in this volume which have something to offer the modern reader. Childhood, family and status continue to be topics of great public interest as we move into the twenty-first century. Let us hope that some of the generalities of the future might be informed by those who have taken the trouble to check the conclusions of experts. We have done our best to make them available.

Notes

1 Shelton's 1998 [1988] collection of texts in translation, grouped under headings, includes many quotations relevant to the issues discussed in this book. Garnsey and Saller (1987) is a good guide to the issues.

2 For more detail on the issues and bibliography, see Dixon 1988: 104–14 and 1992a: 98–132, and Corbier 1999c. Huskinson 1996 and Rawson 1997a and 1997b provide guides to Roman conventions for visual depictions of children. Forthcoming books by Rawson on the iconography of Roman childhood and by Sigismund Nielsen on kinship and childhood in Italian epitaphs (as well as literature) are eagerly awaited.

3 On slaves and slavery, see Hopkins 1978, Wiedemann 1981, Bradley 1984 and 1994. MacMullen 1974 and Garnsey and Saller 1987 are the best guides in English to 'other' status of the Roman Empire, Gardner 1993 on the range of citizen status. Other works on Roman class and status are highly specialised and, as noted below, few include considerations of kin, age-stage relations or gender. But see Kampen 1981 on women's occupations and their representation; Herrmann-Otto 1994 and Joshel and Murnaghan 1998 on women and slavery.

4 The distinction between patrician and plebeian, crucial in the early Republic (traditionally dated from 509 BCE), had lost its legal and political significance by 367 BCE and had primarily sacral overtones in the period under discussion in this volume. But see Lindsay (Ch. 12) on Publius Clodius Pulcher's adoption into a plebeian family.

5 E.g. Gummerus 1913; Park 1918; Maxey 1938; De Robertis 1963; Joshel 1992.

6 Works on these aspects of status include Shatzman 1975, Finley (ed.) 1976 and subsequent collections on Roman socio-economic issues, edited by Garnsey and Whittaker and published by the Cambridge University Press, which originated in seminars at Cambridge University. See Martínez Lacey 1995 on popular uprisings.

7 Earlier exceptions include Rawson 1966, Treggiari 1975 and 1976.

8 Freed (male) slaves were not eligible for the highest office and the status of decurion; freed women slaves could not marry senatorials, for example. On the special status of imperial slaves, see esp. Weaver 1972.

9 Andreau and Bruhns 1990, esp. vii–xxii, provide an excellent overview of the issues of the 1980s. See also Dixon 1992a, 1994; Rawson 1997c.

10 Professors David Balch and Lin Osiek, organisers of the December 2000 Lilly Endowment conference on Early Christian Families, have deliberately brought together archaeologists and historians concerned with biblical, Greco-Roman, early Christian and Jewish families.

11 The fifth international Roman Family Seminar organised by Michele George, to be held in Canada in 2001, will focus on the provinces.

Part 1

CHILDHOOD

2

CHILDREN AS
CULTURAL SYMBOLS

Imperial ideology in the second century

Beryl Rawson[1]

Images of children first appear on extant monuments of Roman Italy in the latter half of the first century BCE (Rawson 1997a, 1997b).[2] Even when allowance is made for the element of chance in what survives, the change in emphasis – or, better, the extension of range – in public and private art and commemoration is striking. What remains of Roman sculpture, coinage and inscriptions of the republican period is a record of public life, political and military, rather than private; and it records individual, élite, male Roman citizens rather than the families, women, children and members of lower classes whose representations become more frequent during the first two centuries CE. This increased representation must reflect a change in sentiment, a greater sensitivity to the presence and roles of wider sections of society. But it also reflects emperor's recognition of the value of children as symbols of their concern and care for all their people, especially as *pater patriae* ('father of his country').

By the time that Augustus accepted *pater patriae* as a title in 2 BCE, the term could evoke the happiness and prosperity of the whole country (its *felicitas*): both *plebs* and senate sponsored the offer.[3] He had declined a previous offer, made shortly before by just the *plebs*, but he accepted the one that was made on behalf of the whole people. He emphasised this unanimity in his own account, *Res Gestae*, 'Achievements' (*RG* 35), specifying that he was given the title by the senate and the equestrians and indeed the whole Roman people (*senatus et equester ordo populusque Romanus uniuersus*). The offer and the timing were no doubt well orchestrated.[4] Augustus had

already provided for the *plebs* of Rome with six *congiaria* ('handouts': originally distributions of grain but now more usually money) and in 2 BCE, newly endowed with the title *pater patriae*, he gave a seventh (*RG* 15). In this year, in August, he dedicated the temple of Mars Ultor, 'Mars the Avenger', a temple originally vowed by the dutiful (adoptive) son to avenge the death of his father Julius Caesar. But by 2 BCE the military standards recovered from the Parthians had been placed in the temple, transferring its focus from personal to public and thus highlighting Augustus' provision for his people of peace, security and national pride. On this occasion he also provided them with spectacular entertainment in the form of a gladiatorial show and a naval battle on the Tiber (Velleius Paterculus 2.100.2–5; Cassius Dio 55.10).

The temple of Mars Ultor, in the new Forum of Augustus, became the site for important public ceremonies, many to do with war and peace and military triumphs. It was also to be the official place for recording those youths who had had their coming-of-age ceremony, those who had exchanged the embroidered garb of boyhood (the *toga praetexta*) for the toga of manhood (the *toga uirilis*) and who were now to be entered on the list of Roman citizens (Cassius Dio 55.10). In 2 BCE Augustus' younger grandson Lucius, by now one of his adoptive sons, came of age and Augustus held the consulship for one last time in order to preside over the celebrations. Lucius Caesar, aged 15, his older brother Gaius Caesar, 18, and their younger brother Agrippa Postumus who was only 10, took a prominent part in the cavalry display associated with the dedication of the temple. There was a special role for boys and youths in this display, including the 'Troy Game' (*lusus Troiae*) for young males of leading families. As *pater patriae*, then, Augustus presented himself as a father taking care of his people in many ways; pre-adult boys were part of the display and ideology of hope for the future.

Most of Augustus' successors took on the title *pater patriae* but did not imbue it with all the symbolism that Augustus did. It was under Trajan, about a century later, that the title again became associated with generosity and concern for the whole people; this time, concern for the young extended far more widely than under Augustus. Pliny the Younger gave voice to this imagery in 100 CE, in his speech of thanks as consul to the emperor Trajan (*Panegyric* 21–2). He represented Trajan as unwilling to take the title at his accession in 98 CE and delaying until he felt worthy of it. Trajan had already announced benefits for the people before he returned to Rome from Upper Germany, and by the time he arrived in Rome in 99 CE

all elements of the population felt motivated to welcome him – old and young, male and female, hale and ill. Once he had taken on the title of *pater patriae* his relationship with his people was represented by Pliny (*Pan.* 21) as that of a father with his children.[5]

That this image of Trajan was not merely flattery or a figment of Pliny's imagination, but a more integral part of the symbolism cultivated by the emperor himself, is shown by the projection of a generous, protective father figure in other media. Some legal judgments and legislation under Trajan improved the position of sons and daughters – many of them of young ages – *vis-à-vis* fathers and guardians.[6] Children and values associated with them have an important place in imperial art under Trajan, for example on the arch at Beneventum and on coinage.

A particular series of coinage which focuses on children and on Trajan's paternal and protective role is that commemorating the *alimenta* scheme. *Alimenta*, literally 'nourishment', refers to a scheme to provide government funds for the support of children via interest on loans to farmers, described in more detail below. This scheme is illustrated in all three media of imperial art, legislation and public programmes, and is the main focus of this chapter. There has been some debate about the extent to which Trajan and other emperors can be seen to have been directly responsible for programmes and pronouncements during their reigns.[7] The emphasis on particular policies and values under Trajan seems to me sufficiently consistent and differentiated from the past, however, to warrant seeing them as 'Trajanic', or at least characteristic of 'government headed by Trajan'.

Trajanic ideology might seem to be inspired by that of Augustus, not only in the exploitation of the role of *pater patriae* but also in the use of legislation and art. The reign of Augustus is often identified as a turning-point, particularly in association with his pro-family legislation of 18 BCE and 9 CE and the visual imagery on the Altar of Peace (*Ara Pacis*) which was dedicated in 9 BCE. But some private monuments recording families date from a little earlier,[8] and it is likely that Augustus, with his finely tuned sense of the public mood, developed for his own purposes some trends already under way in Roman society. Certainly, children did henceforth have a prominent role in the imagery of his reign. His young grandsons, Gaius and Lucius, adopted as his sons in 17 BCE, were highly visible: they appeared on his coins,[9] there were many statues of them (Kleiner 1992: 72–4), and they took a prominent part in public ceremonies such as the Troy Game. Other children had a privileged role in ceremonies such as the

Ludi Saeculares, and they were allocated their own section at the theatre.[10] Visual representations of the Aeneas legend came to give Aeneas' son Ascanius a prominent role, providing a kind of 'holy family' in the three generations of Anchises, Aeneas and Ascanius.

Successive emperors had given children a role in their official imagery, but this role had been largely dynastic.[11] In the second century, children acquired a wider part to play in imperial policy and publicity. This was, as noted above and below, a period when children's interests were more explicitly addressed in legislation and legal discussion. Childhood was a stage of life recognised and sympathetically portrayed on funerary monuments, especially those representing a person's life-cycle. On second-century coinage a strong continuing theme, one which focused on children, was the *alimenta* scheme and associated projects. Ever since Augustus, emperors had increasingly taken on the role of benefactor and patron. It is significant that from the early second century it was children (and their support) who were the focus of a favoured form of patronage.[12]

Private alimentary schemes, providing funds for the support of children in Italian municipalities, had existed in the first century, but were much less frequent than other forms of patronage and benefaction. It was only in the second century that government schemes were developed for the provision of public loans to Italian farmers, the interest on which would fund allocations to boys and girls in local families.[13] Much has been written on the *alimenta*, but mainly on the mechanics of the scheme and its economics.[14] The aim here is to highlight the ongoing importance of this and allied programmes in the projection of imperial values and ideology.[15] For three-quarters of a century some of the most attractive and pervasive visual images projected by at least four emperors focused on these schemes. There is an almost unbroken series of coinage in all metals (bronze, silver and gold) advertising them, and complemented by handsome sculptured monuments. The nature of Roman coinage, with its detailed titles and other legends, its varying dies and changing types, and its issue in three metals, allows a close study of the development of these programmes and their presentation.[16]

Nerva had taken an active interest in agrarian matters during his short reign (96–98), and Pliny the Younger (*Letters* 10.8) referred more generally to his generosity (*munificentia*). One of the earliest coins struck in Nerva's reign bore the legend *ANNONA AVGVST(i)* ('the emperor's grain supply').[17] It was a *sestertius*, and

although issued by the senate it undoubtedly reflected imperial policy and perhaps expressed the senate's pleasure in this aspect of Nerva's interests. The type, showing the personified Annona and Ceres facing each other across a garlanded altar with a *modius* (grain-measure) on it, and a ship's prow in the background, was not new. It had been used on *sestertii* by Nero (with the legend *ANNONA AVGVSTI CERES*) and then Domitian (with the legend *ANNONA AVGVST*). Both of these emperors had taken an active interest in securing Rome's grain supply. It was on Nero's coins that Annona first appeared, holding a cornucopia; and this matches well with Nero's development of the port of Ostia and his encouragement of the grain trade. Domitian's various coin types referring to the grain supply include Annona. His attempt to restrict vine-plantings in Italy and the provinces in favour of grain was not successful (Suetonius, *Domitian* 7), and it was left to his successors to try to find other means of improving Italian agriculture. Trajan's *alimenta* scheme was more complex than previous ones, and the linking of agricultural loans with child support was innovative. The need to ensure a continuing supply of young farm labour was surely an element in this.[18]

Although Nerva had allotted funds for various forms of public assistance, his reign was not an extravagant one and he set up a commission for reducing public expenditure.[19] Trajan's reign gives an immediate impression of greater liberality, partly because it was much longer, hence distributions of various kinds were more numerous, and partly because the emperor made a great display of the wealth which he brought back from his wars and shared widely with his soldiers and people.

A *congiarium*, a distribution of money rather than grain, to the people of Rome had become expected at the accession of a new emperor. Trajan paid part of the promised donative to his troops very promptly, at his accession but before he returned to Rome from Germany (Pliny, *Pan.* 25.2). His first *congiarium* was probably announced promptly too, but the actual distribution seems to have been delayed until he returned to Rome in 99 and could preside personally. The coins recording the first *congiarium* show a distribution scene, with the emperor presiding.[20] They can be dated to no later than 99 (through the title *COS II*) but not the very beginning of the reign because of the title *P(ater) P(atriae)*, which Trajan refused for some time to accept. It is likely that this coin coincides with the actual distribution. Pliny's description of a typical *congiarium* day (*Pan.* 26) gives the impression that Trajan arranged the distribution on his

triumphant return to Rome, having already fixed all the administrative details.[21] Pliny contrasts Trajan's practice with that of former emperors, whose route through the city had been lined with people soliciting imperial generosity, especially parents thrusting their children forward to try to attract the attention of the emperor in their favour. Trajan did away with the need for such scenes, which offended his sense of human dignity: *tu ne rogari quidem sustinuisti* ('you could not bear even to be asked'). Before the children even saw him, he had given instructions that their names be inscribed on the list for distributions. This would have heightened the joyful and confident expectation of his arrival back in Rome and the celebrations which accompanied his virtually triumphant (but modest) procession into and through the city.

Trajan's second and third *congiaria* are also recorded on *sestertii*, and were almost certainly distributed at his two Dacian triumphs in 103 and 107. The type (Plate 2.1) on both these coins is the same, although it is clear that different dies were used. The type is similar to that of Trajan's first *congiarium* coin, with the emperor seated on a high platform, a distributing officer seated on a second, lower platform, one citizen standing on that platform receiving the distribution and another climbing the steps to the platform. A figure which appears to be Liberalitas is in the background.[22]

The similarity between these distribution scenes and some of Trajan's *alimenta* coins suggests that the coins bearing these scenes are the earliest in the *alimenta* series: the *alimenta* was first conceived as another kind of public distribution, and Trajan himself appears on those coins. Pliny's speech of the year 100 lumps together *congiaria* and *alimenta* as incentives for families to have children and focuses on the emperor as donor (*Pan.* 28.7). Later, when the scheme was more firmly established, a new type was evolved that no longer featured Trajan himself and the relationship between agriculture and the *alimenta* was made more explicit. This helps give a relative chronology for the early *alimenta* series, although it is not possible to date many of the coins to one definite year. This series belongs to 103–111: probably, as argued below, 103–104. In the next series, for the years 111 and 112–117, this order, distribution types followed by Annona types, can be confirmed.

The *alimenta* programme was already in operation by the year 101.[23] As the first Dacian war occupied Trajan from 101 to 102, most of the preparations for the alimentary programme must have been made by 100, and it would seem from Pliny's *Panegyric* that it

Plate 2.1 Reverse of bronze coin (*sestertius*) of Trajan : distribution scene (*congiarium*) to citizens.

Source: American Numismatic Society 1944.100.44701.

was already being carried out in that year.[24] On the evidence of Trajan's titles, none of the *alimenta* coins can be earlier than 103. Thus one of Trajan's earliest works after coming to Rome as emperor was to work out the details of the *alimenta* programme and see it established before he set out for the war in Dacia; when he returned to Rome, not only did he give a *congiarium* which was recorded on the coinage but his other act of liberality, one by now well established in Italy,[25] was also celebrated on coins. These must belong to the short period in 103–104 between military campaigns. If, as I propose, the *alimenta* programme was one of Trajan's major personal achievements, it is unlikely that he left it to the senate's initiative to record it on coins in his absence. If he did not take the opportunity in 103–104 to publicise his programme, he must have left it until 107, when he was next in Rome.[26] The earlier date is preferable, both because the programme had already been in operation for some years and because the variety in *alimenta* types indicates a spread over several years rather than a crowding into a briefer period. It might even be possible that Trajan had coins (bronze) of this new type to take with him when he marched north in 104, to be used for supplies and pay in parts of the country where the *alimenta* scheme was in operation.

Plate 2.2   Reverse of bronze coin (*sestertius*) of Trajan: the emperor with Italia and two children.

Source: BMC 872, © The British Museum.

The coins which I suggest are the earliest *alimenta* issue are the *sestertius*, the *dupondius* and the *as*[27] which show Trajan seated on a curule chair, holding a sceptre (sometimes eagle-tipped) in his left hand and extending his right hand towards Italia, who stands holding her right hand over one child standing at her side, and carrying another child on her left arm. The legend *ALIM(enta) ITAL(iae)* is in the exergue (Plate 2.2). The concept of this type, with Trajan seated on a curule chair, extending his right hand in a gesture of liberality, is similar to the *congiarium* types (as in Plate 2.1); and though the legend is one which covers the whole period 103–111 it is likely that this type is the earliest of the *alimenta* series.[28]

The only other *alimenta* type which might belong to this early date is the one on a *sestertius* (Plate 2.3), a *dupondius* and an *as* (*BMC* 869, 918; Strack 405 [= C. 8]; *RIC* 2.459), showing a graceful female figure, Annona, with crown of grain-ears, standing holding a cornucopia in her left hand and two ears of grain in her right hand which is extended over a boy who stands at her side. The legend *ALIM(enta) ITAL(iae)* is in the exergue. This type shows a clear development of thought from the previous one: originally, the children of Italy felt the immediate benefit of the emperor's *alimenta* scheme, but after some years the harvest would be

Plate 2.3   Reverse of bronze coin (*sestertius*) of Trajan: Annona and
boy.

Source: American Numismatic Society 1001.1.23070.

beginning to show its good effects too, so Annona as a figure of agri-
cultural prosperity is introduced.[29] Thus I would place this type later
than the previous one, but its definite date within the period 104–
111 is impossible to fix. The type recurs on *sestertii* of 111[30] and of
the period 112–114, as well as on *dupondii* and *asses* of 112–114
with a number of slight variations in die; so it is consistent with the
more developed concept of the scheme.

After 107,[31] *alimenta* types appear on gold and silver. This
reflected the mineral wealth made available to Rome by Trajan's
conquest of Dacia; and the emperor may well have wanted to reach a
wealthier section of the population with his gold and silver coins, to
publicise his work and to encourage well-to-do individuals to follow
his example.[32] The *aureus*[33] was struck before the *denarius*, and it
showed (Plate 2.4) Trajan standing, roll in left hand, stretching out
his right hand to two children, a boy and a girl, who stand before
him: the girl stretches both hands up to the emperor, the boy his
right hand; in his left hand he too holds a roll. The legend *ALIM.
ITAL.* is in the exergue.

An *aureus* of this type can be dated definitely, from its obverse
legend, to the year 111. In the same year a *denarius* was also issued
bearing this type.[34] In the following years (between 112 and 117)

Plate 2.4   Reverse of gold coin (*aureus*) of Trajan: the emperor with two children.

Source: American Numismatic Society 1958.214.13.

denarii were put out bearing the legend *ALIM. ITAL.* in the exergue and the type of Annona with a child, which had appeared on the bronze mentioned above (Plate 2.3). There are a number of differences in die:[35] for example, Annona's right hand is sometimes at her side, sometimes held out over the boy's head, and the boy does not always hold a roll; but the type is basically the same. This time we can be sure that the relative order of the types is that proposed for the bronze coinage earlier, the distribution scene before Annona type.

Closely associated with the *alimenta* types are those on the coins bearing the legend *REST(ituta) ITAL(ia)* in the exergue. This legend appears on both gold and bronze in the period 103–111. The main type is that of Trajan standing holding an eagle-tipped sceptre or a roll in his left hand, and with his right hand raising the kneeling figure of Italia, who holds a globe in her left hand. Between them are two children (probably a boy and a girl) who stand facing the emperor with hands outstretched (Plate 2.5).[36] Italia wears a towered crown symbolising the towns of Italy, which is where children were receiving the *alimenta* grants. Some of the *alimenta* coins also emphasised this aspect of the policy, whereas the Annona types of the *alimenta* coins emphasised equally the benefit to agriculture.

Plate 2.5   Reverse of gold coin (*aureus*) of Trajan: the emperor with
Italia and two children.

Source: BMC 404, © The British Museum.

The two aspects are closely connected, and through them Trajan
might well make some claim to the restoration of Italy.

This interconnection can be seen in the imagery of Trajan's arch
at Beneventum, dedicated in 114 (Kleiner 1992: 224–9 and fig.
190). The scene in Plate 2.6, taken from the arch's passageway,
shows the children of the towns (represented by four goddesses in
the background), with their fathers, receiving largesse from Trajan.
On the 'country' façade – the side facing away from Beneventum –
the children are associated with the prosperity of Italy, with Trajan
presenting two children to Italia and Mars. The analysis by Currie
(1996) discusses the politicisation of children's bodies on the arch
(and on Trajan's column at Rome), and points out that the arch con-
tains the first known monumental representation of the Seasons in
childish form, as *putti*: 'it was now the male child's body rather than
the adult woman's body that was the prime denoter of a perpetual
and natural cycle' (Currie 1996: 175). On a marble base or altar
from another Italian town, Tarracina, there are two sculptures, one
of a boy and one of a girl, each grasping the emperor's hand in the
same gesture as on some *alimenta* coins, and an inscription honours
Trajan's *prouidentia*, 'foresight', the quality by which he provided
for the welfare of all of Italy.[37]

Plate 2.6   Passageway of Trajan's arch, Beneventum: distribution
scene, Trajan to parents and children.

Source: Photograph Alinari 11496.

The type of the *REST. ITAL.* coins is repeated on a *dupondius* of
the same period with the legend *ROMA REST(ituta)*. Although the
alimenta did not benefit the citizen children of Rome they were
admitted by Trajan to the benefits of the *congiarium*, apparently
without any age limit.[38] The benefits of the *congiarium* and the
alimenta are spoken of together by Pliny (*Pan.* 26–8), as a general
policy of assistance to the poor. He describes Trajan as 'the public
parent through his gift of rearing'.[39] The only incentive for the poor
to raise families is a good emperor (*bonus princeps*). Pliny says that
the poor are not influenced by the huge rewards and penalties of the
Julian [i.e. Augustan] laws designed to encourage the wealthy to
have children. But they will be inspired to raise children in the hope
of a better life for them: *alimenta*, *congiaria*, and especially freedom
(*libertas*) and security (*securitas*). It is noteworthy that *libertas* and
securitas recur frequently on Hadrian's coinage and are even more
characteristic of his reign than of Trajan's.

Trajan's encouragement of family life is reflected in some of the
coins dedicated to the women of the imperial household. Three such
women were celebrated on the coinage: Plotina, Marciana and

Matidia (Trajan's wife, sister and niece). Various virtues were invoked on the coins. Plotina had no children by Trajan, and is not represented on any of the Pietas coins. She is associated with Pudicitia, Felicitas, Vesta and Fides.[40] Marciana, however, had a daughter, Matidia ('the Younger'), who became virtually 'first lady' after the death of the other two, and one of her daughters, Sabina, was to become the wife of the next emperor, Hadrian. In a series of coins with the reverse legend *PIETAS AVGVST(a)*, Matidia is shown in different poses with two children. Where the children are standing, they look up and raise their hands towards her in the gesture of entreaty. The children are sometimes identified as Sabina and the Younger Matidia (e.g. *RIC* p. 301), but the type is probably more general than this, recommending to parents the fulfilment of their private duties to their children, just as the emperor, the *pater patriae*, has attended to their interests on a public basis. The coins were issued in all three metals, so would reach all sections of the people.[41]

Annona appears not only on *alimenta* coins connected with the Italian grain supply but also with a ship's prow that represents the grain supply from abroad. A type very like Annona which appears on one gold issue under Trajan probably represents Liberalitas (*BMC* 174; C. 475). A female figure stands inverting and emptying with both hands a cornucopia. It is an isolated type under Trajan, but Hadrian was to use it on some of his Liberalitas coins. From the legend on Trajan's coin, it appears to belong to the same period as the Annona *aureus*, between 103 and 107, and probably either to 103 or 107, in both of which years Trajan was in Rome. In those years there were a number of acts of liberality which might well be celebrated on a coin of this type.

Hadrian issued a long series of Liberalitas coins, from the year 118 – his first year in Rome as emperor – to 138, the last year of his reign. Liberalitas is often used synonymously for *congiarium*. The earliest types are distribution scenes similar to Trajan's *congiarium* types, but from about 120 or 121 there is evidence of considerable experimentation, which leads to progressive simplification of detail. The simplest type, the generalised Liberalitas (without a number denoting a specific *congiarium*), refers to Hadrian's wide programme of assistance and benevolence throughout the Empire, rather than to a specific distribution to the people of Rome. What Trajan had done for Rome and Italy Hadrian did for the rest of the Empire, extending his liberality to almost every province, making them all sharers in the benefits of the Empire. At the end of Hadrian's Liberalitas series the

emperor's figure reappears, focusing attention on the source of these distributions. The series is spread at frequent intervals over the whole reign, at first only in bronze but eventually in all three metals. The coins were thus designed to reach a very wide audience. He had had to conciliate public opinion at the beginning of his reign because of the irregular circumstances of his proclamation as emperor, and he had to keep his generosity before people's attention during the long years of his provincial travels.

Hadrian struck no coins celebrating the *alimenta* by name. There was, however, an early *sestertius* (*BMC* 1160–1; *RIC* 2.411) in 119 which was very similar to one of Trajan's *alimenta* types. On it Hadrian, who is seated, extends his hand to a standing woman who holds one child on her left arm and her right hand out over a second child at her side. The exergue legend is *LIBERTAS RESTITVTA* ('freedom restored'), and the female figure has been taken to be Libertas,[42] but, in view of the similarity to Trajan's coin,[43] I find it preferable to take her as Italia. Toynbee (1934) has shown how the legend can be reconciled with an *alimenta* significance by taking *libertas* in the sense of *securitas*, the right of the Italian people to live free and secure from the terror of poverty through the generous gift of the *alimenta*.[44] The only similar type with this legend is on Vespasian's bronze of the year 71 (*BMC* 549). On it Vespasian, standing, extends a hand to raise a kneeling female figure; in the background is Roma in military dress; the legend is *LIBERTAS RESTITVTA S. C.* The date and the associated representation of Roma make an identification of the kneeling figure as Libertas likely for this coin. But Libertas is normally represented with the cap of freedom (the *pileus*) and often holding a sceptre. The largely political resonances of Liberty, which applied in republican and early imperial times, could still be invoked by Vespasian after a period of civil war. But by Hadrian's time it is the social and economic overtones, not inconsistent with autocracy, that are dominant.

The *alimenta* programme continued under Hadrian, and he is reported to have even extended Trajan's grants.[45] The exact nature of the increase is not certain. It may refer to the increase in the amount allotted,[46] or it may refer to Hadrian's raising the age limit to 18 for boys and 14 for girls (Ulpian, *Dig.* 34.1.14.1). He had a wideranging programme of public assistance, and the link between child support and agriculture was not as close on Hadrianic coins as it had been under Trajan. Many aspects of Hadrian's assistance were clearly aimed at encouraging the raising of families. He liberalised the status of children born of mixed-status unions, [47] and allowed soldiers'

children some access to their father's property despite the fact that serving soldiers could not legally marry.[48] Women who had earned the rewards of child-bearing (the *ius liberorum*, 'right of children')[49] were further rewarded by the *senatus consultum Tertullianum*[50] with improved rights to inherit from their intestate children who predeceased them. Hadrian provided financial assistance specifically for women;[51] his help to bankrupt senators, who had lost their wealth through no fault of their own, was proportionate to the number of children they had (SHA, *Hadrian* 7.9); and he protected children's rights of inheritance (ibid. 18.5). Even when a father had been proscribed, his children were allowed to receive one-twelfth of his property (ibid. 18.3), although legislation provided for the confiscation of all property of executed or exiled persons (*Dig.* 48.20.1, Callistratus). Both Trajan and Hadrian took measures to protect the rights of children under guardians, and other legislation was concerned with the support of a child born after the divorce of its parents (*Dig.* 26.7.12, Paul; 25.3). Dio (69.23.3) reports that one advantage of having children was that if a father had to be punished his penalty was lightened by Hadrian in proportion to the number of children he had. It is easy to see why Pietas took on an enhanced role in Hadrian's ideology.

The Pietas type used on Hadrian's coins is similar to that found on the Matidia *sestertius* under Trajan: Pietas stands holding her hands out over the heads of the two children who stand one on either side of her. Hadrian's wife Sabina is on the reverse.[52] This type occurs only on bronze coins (*sestertii* and *dupondii*) under Hadrian; but again it is associated with one of the women of the imperial household.

Hadrian's generosity to various parts of the Empire is recorded on the great series of Province coins and those recording *ADVENTVS* ('arrival') and *RESTITVTOR* ('restorer'). Italy is treated in the same way as the provinces on these: again the 'levelling' process. A *RESTITVTOR* coin which refers to the blessings conferred not just on any one province, but on the whole world, is that with the legend *RESTITVTORI ORBIS TERRARVM* ('for the restorer of the world') (*BMC* 1211–14). It belongs to about the year 120. It bears a considerable similarity to Trajan's *REST. ITAL.* coin (Plate 2.5), even to the woman's towered crown, but this time there are no children represented. Hadrian's programme of relief for the world was not so securely anchored to child support. The early date of the coin is significant: it is the announcement of a policy, a project which he was to carry out in the course of his travels through the Empire. The

Plate 2.7   Reverse of gold coin (*aureus*) of Antoninus Pius: distribu-
tion scene, Antoninus to parents and daughters.

Source: BMC 324, © The British Museum.

culmination of this policy is seen in the types of the later series such
as the various *RESTITVTOR* coins (soon after 134). Hadrian con-
ferred benefits on the diverse parts of the Empire according to their
special needs (e.g. fine buildings and libraries for Athens, agricul-
tural benefits for Africa). His measures were not only more system-
atic and of a longer range than those of most of his predecessors, but
they looked to the interests of the whole Empire: beyond the Rome
of early emperors and beyond the Italian peninsula to which Trajan
had devoted the *alimenta*. The introduction of children into impe-
rial ideology had brought these 'other' Romans into greater public
prominence in the first century; their visibility was extended, in both
public and private spheres, in the second. Trajan broadened the
imperial perspective from the city of Rome to Italy; Hadrian wid-
ened it still further, to embrace other Romans, beyond Italy, in the
provinces.

According to biographers of later emperors the *alimenta*
programme continued at least into the early third century.[53] Coinage
after Trajan does not explicitly refer to it, however. It was no longer
an innovation; it had been absorbed into a wider range of benefits
and was by now to some extent taken for granted.[54] Special initiatives
for children were, however, widely advertised. One such was the

Plate 2.8   Relief from Rome (Villa Albani), from the reign of Marcus Aurelius: procession of girls (towards empresses in a distribution scene).

Source: Photograph Alinari 27546.

puellae Faustinianae ('the Faustinian girls') scheme. To honour his wife Faustina the Elder when she died, Antoninus Pius set up, under this name, a foundation to support girls. Marcus Aurelius later extended this to honour his own wife Faustina the Younger after her death (SHA, *Antoninus Pius* 8; *Marcus* 26). On gold and silver of Antoninus Pius, the emperor is shown in a distribution scene for parents and their daughters (Plate 2.7). On the obverse is the title of the deified empress, *DIVA FAVSTINA*, and her temple (*RIC* 3.397–9). From another coin (bronze, *RIC* 3.1149) we can see that on the frieze of Faustina's temple Antoninus was represented in a distribution scene. New names of children were inscribed on the distribution lists for public grain (*frumentationes publicae*) to honour Faustina the Younger; and the marriage of Lucius Verus with Marcus Aurelius' daughter Lucilla was the occasion of another new enrolment of boys and girls on these lists. An inscription from Rome (*CIL* 6.10222) commemorates the 6-year-old Sextia Saturnina who had been 'inscribed on the lists of public grain of the deified Faustina the Younger'.[55] A pair of fine marble reliefs from Marcus Aurelius' reign depicts two processions of girls, apparently *puellae Faustinianae*, approaching two women presiding over a distribution scene (Plate 2.8). These women are usually identified as Faustina the Younger and Lucilla.

For most of the second century, then, children were an important element in the promotion of the ideology of imperial generosity and care for the population. That ideology was promoted through many

activities and diverse media, but nothing was more persuasive than the display of concern for children. This concern was conveyed not only through specific programmes but also through the visual impact of sculpture in prominent public places, and coinage of wide circulation. The emperor was *pater patriae*, the father of his country, and by looking after families through their children he looked after both the present population and future generations. It is no accident that Prouidentia is one of the important virtues attributed to the emperors of the second century. In 146 Antoninus Pius celebrated the 900th anniversary of the foundation of Rome, and many Romans must have looked forward confidently to a long continuation of the 'eternal city'. By making children such an important element in their promotion of Rome, emperors gave Romans reason to expect that their grandchildren might see the celebration of their city's millennium.

Notes

1   I offer warm thanks to the contributors to this volume (and to Suzanne Dixon for much work as editor), and to the many colleagues who conspired to give me such a memorable day in Sydney in February 1999, particularly Kathryn Welch.

2   Kleiner (1992) provides a detailed survey of Roman sculpture. Rose (1997) has an excellent discussion of commemorative iconography in the late Republic and the period 31 BCE to 68 CE, with particular emphasis on the dynastic aspect.

3   Suetonius, *Augustus* 58, claims to be quoting the exact words of the senator who spoke on behalf of *plebs* and senate: *perpetuam felicitatem rei publicae et laeta huic <urbi> precari existimamus; senatus te consentiens cum populo Romano consalutat patriae patrem* ('we consider that we are asking for unbroken prosperity for our country and happiness for this city of ours; the senate, in agreement with the Roman people, hails you as father of our country'). Earlier, Horace (*Odes* 1.2.50) had used the term 'father' (*pater*) of Octavian/Augustus, but in the context of ending civil war and avenging the murder of Julius Caesar and the Parthians' defeat of Roman armies.

4   As pointed out by John Carter in his *Commentary* on Suetonius' biography of Augustus (1982: 180), on whose note I draw here.

5   *ut cum ciuibus tuis quasi cum liberis parens uiuis!*

6   Responsibilities of guardians: *Dig.* 41.4.2.8 (Paul), 27.1.17.6 (Callistratus), 26.7.12.1 (Paul); of fathers: *Dig.* 37.12.5 (Papinian) re demands of *pietas*, 49.16.4.12 (Arrius Menander).

7   Sherwin-White (1962) concedes a significant role to Trajan in the correspondence with Pliny, his commissioner in Bithynia (Pliny, *Letters* book 10). He is more cautious in his 1966 commentary (536–46) but still allows for some role. Wallace-Hadrill sees the 'virtues' on imperial coinage of the second century as more a response of 'the imperial machine' to 'the mood of the times' and 'the educated élite' (1981b: 313). In a discussion of the persuasive function of

coinage, he writes (1986: 84) that 'one of the values of imperial coin types to the historian is the evidence they offer of the nature of the state as contemporaries perceived it'. See also Levick 1982 on propaganda and imperial coinage. A pattern of regular usage of some 'virtues' emerges from the time of Trajan (Fears 1981: 910–24), and the 'foresight' or 'providence' of the emperor is referred to by the noun *PROVIDENTIA* on coins and the adjective *prouidentissimus* in literature and inscriptions. From the time of Hadrian the virtues Liberalitas, Indulgentia, Patientia, Pudicitia and Tranquillitas (Generosity, Indulgence, Patience, Modesty, Peacefulness) are innovations and Pietas is used beyond the dynastic context of the first century. Pietas is a multi-layered concept, involving duty to gods, country and family. See Saller 1991a: 146–51, especially on reciprocal obligations between father and children, and also Nielsen, Chapter 10 below.

8   E.g. the relief of the Seruilii family, 30–20 BCE: see fig. 9.1 in Rawson 1997a.

9   E.g. with mother Julia in 13 BCE and as *principes iuuentutis* ('leaders of youth') in 2 BCE (Rawson 1997a, figs 9.3 and 9.4). Rose argues (1997: 15) that the two male heads on the coin of 13 BCE are those of Augustus and Agrippa, against the common identification of Gaius and Lucius and against his own former view.

10 At the *Ludi Saeculares* or Secular Games of 17 BCE three choruses, each of seven boys and seven girls, sang the hymn (*carmen saeculare*) written specifically for the occasion by the poet Horace. Concerning seats at the theatre, see Suetonius, *Augustus* 44.

11 Well detailed for the Julio-Claudian period in Rose 1997. See also Rawson 1997a: 217–19, 223; 1997b: 76–8.

12 But Woolf, in his valuable discussion (1990: 227), sees the choice of beneficiaries as 'capricious' and 'arbitrary' and believes that the *alimenta* 'could be the product of … a whim'.

13 It is possible that the emperor Nerva initiated the *alimenta* scheme at the end of the first century, but the term *alimenta* dates from the reign of his successor Trajan.

14 E.g. Eck 1979, Duncan-Jones 1982, Patterson 1987. Veyne (1957, 1958) focuses mostly on details of implementation, but he does recognise the new spirit and pro-Italian thrust of Trajan's scheme. Bossu (1989) rejects economic rationalist explanations of the aim of the scheme, seeing it as a manifestation of the emperor's *liberalitas*. Woolf (1990) develops the discussion valuably in the context of the ideology of food-giving and municipal patronage and sees the importance of the focus on Italy. Most recently, Eck (1999) has placed the *alimenta* firmly in the context of Trajan's special concern for Italy.

15 I originally delivered a paper on this topic as a Summer Fellow at the American Numismatic Society (ANS) in New York in 1960. I am grateful to the ANS for their hospitality and for the rich resources made available to me that summer. I have built on that experience in succeeding years, using Roman coinage to illustrate political, social and ideological purposes and correlating it with other forms of iconography to illuminate periods and issues not well documented in literary sources. I am glad of this opportunity to return to the *alimenta* topic.

16 For those unfamiliar with numismatic terms: the **legend** is the words and letters on the coin; the **type** is the picture; the **field** is the main central part of the **flan**, on either side of the type; the **exergue** is the bottom space where extra lettering is sometimes added. **Obverse** and **reverse** correspond to our head and tail. The **die** was the engraved piece of hard metal used to stamp designs on a series of

coin flans. Bronze/copper coins come in three denominations: *sestertius*, *dupondius*, *as*.

17 E.g. *BMC* 101; C. 12, 13; *RIC* 2.52, 68, 78. Coin numbers are given for the emperor under discussion.

18 Modern scholars are sceptical about the success, and even the purpose, of the agricultural aspect of Trajan's *alimenta* scheme. See references above. Duncan-Jones (1982: 294–300) rejects cheap credit for farmers as a purpose of the scheme, pointing out that 'engaging money in land was the normal method of securing a permanent revenue for a perpetual foundation'.

19 Pliny the Younger, *Letters* 2.1.9, *Panegyric* 62.2; Dio 68.2.3.

20 E.g. *BMC* 712; *RIC* 2.381. Cf. the slightly later type in Plate 2.1.

21 Pliny's account (*Pan.* 25.3) indicates that there had been some delay between the edict announcing the *congiarium* and the actual payment. He refers to some substitutions made on the original list of eligible citizens, and he praises Trajan for making the payment even to people to whom it had not been promised.

22 E.g. *BMC* 767–70. Cf. Currie 1996: 178 and fig. 26 for Liberalitas on Trajan's arch at Beneventum. The tripod on the coin is a new element. Some authorities associate the tripod and torches with the insignia of power.

23 *CIL* 9.1455 is a detailed inscription of that year, found at Ligures Baebiani (near Beneventum), recording the working of the scheme in that area.

24 Cf. Dio 68.5.4, which probably refers to grants already made in 99.

25 The other major alimentary inscription, from Veleia, probably belongs to the year 104 (*CIL* 11.1147). Duncan-Jones lists over fifty Italian towns where the state scheme operated (1982: 340). See below re the altar at Tarracina, datable no later than 102.

26 Hill (1970: 36–9) allocates the first *alimenta* coins to the period 107–11 on grounds of portraiture and typology. Eck (1979: 150) accepts Hill's dating but can find no good explanation for such a long delay in exploiting a major programme on the coinage.

27 E.g. *BMC* 870–2; *RIC* 2, p. 278.

28 If we reject Nerva's *TVTELA ITALIAE* type, this is the first personification of Italy, as distinct from Rome, on Roman coinage. (The Nerva coin has been rejected as false, e.g. by Mattingly, *BMC* 3, p. 21, and by A. Merlin, who discusses it in his 1906 article 'La grande bronze de Nerva', *Revue numismatique* 4, 10: 298ff.) For a discussion of this, and the one brief republican use of Italia, see Toynbee 1934: 106–16. The importance which Trajan attached to the development of Italy reflects his broader concept of the Empire, involving more than just the narrow interests of Rome; and Hadrian extended this further by his attention to the provinces, raising them to an equal footing with Italy.

29 Or so the propaganda would have it. For scepticism amongst modern scholars about the agricultural success of the scheme, see n. 17 above. Woolf (1990: 225) points out that the reality of an agrarian crisis is not so relevant to ideology as is the perception of a crisis. As he says, such crises were seen by Romans as *moral* crises; thus the *alimenta* scheme was 'a moral response'.

30 For 111: Vatican coin, *BMC* p. 203; for *sestertii* of 112–114: *BMC* 973–4; for *dupondii* and *asses*: *BMC* 996, 1006–7. The roll in the boy's left hand may signify the education benefits made possible by the *alimenta*; or it may simply be a certificate of eligibility.

31 In accordance with Strack's division of the period 103–11, accepted also by *BMC* lx.

32 Trajan required all candidates for senatorial office at Rome to invest one-third of their money in Italian land: Pliny, *Letters* 6.19. For private alimentary schemes in Italy, see Duncan-Jones (1982: 341).

33 *BMC* 378–80; *RIC* 2.93.

34 *Aureus*: *BMC* 88; C. 16; *RIC* 2.230; *denarius*: Paris coin, *BMC* p. 88.

35 *BMC* 468, 470–1, 469, 472–3; *RIC* 2.459–60.

36 Bronze: C. 327, 179, and a Vienna coin cited in *BMC* p. 203; gold: C. 326, *BMC* 404. Cf. *RIC* 2.105, 106, 470, 472, 473.

37 Eck 1980; Woolf 1990: 224. Another sculptural scene, usually taken to refer to the *alimenta*, appears on one of the marble panels known as the *anaglypha Traiani*. The early Hadrianic date of these (Seston 1927) is now commonly accepted. On one of these a woman, accompanied by two children, faces a seated emperor in a composition similar to the distribution types of *alimenta* coins. The background details depict parts of the Roman Forum, but its place in the whole panel is a kind of transition between a Roman scene and imperial benefactions to the rest of Italy (Torelli 1982: ch. 4).

38 *Ab infantia*: Pliny, *Panegyric* 26. Suetonius relates (*Augustus* 41) that Augustus admitted small boys to the *congiarium* although it was not usual to admit anyone less than 11 years old (cf. Dio 51.21.3.). See Corbier, Chapter 4 below, on upper and lower age-limits for alimentary schemes.

39 *Panegyric* 26: *parentem publicum munere educationis*.

40 These are respectively the personifications of Modesty and Good Fortune, the goddess Vesta (who presided over the domestic hearth and the flame which protected Rome), and the personification of Loyalty.

41 Bronze: *BMC* 1088–9; silver: C. p. 103 no. 12, *BMC* 660–4; gold: *BMC* 659. Cf. the similar type issued by Hadrian with Sabina's portrait on the reverse (Rawson 1991b: pl. 2b).

42 *RIC* p. 322, where Mattingly and Sydenham consider that the reference is either to Hadrian's refusal to accept bequests from men who had children surviving, or to his ruling that the offspring of mixed-status marriages should be free if the mother was free.

43 A slight variation of the type has the woman setting her foot on the step of the platform: *BMC* 1162.

44 Toynbee (1934: 110) presents the argument of Seston 1927.

45 *Pueris ac puellis, quibus etiam Traianus alimenta detulerat, incrementum liberalitatis adiecit* (SHA, *Hadrian* 7.8).

46 The *Historia Augusta* (SHA, *Hadrian* 17.5) refers to Hadrian's generosity in general in extravagant terms, saying that he surpassed every king: *omnes reges muneribus suis uicit*.

47 Treggiari 1991: 46–9, with sources including Ulpian, *Tituli* 3.3.

48 A bilingual (Greek and Latin) letter of Hadrian, in *FIRA²* 1.78.

49 By Augustus' legislation freeborn women who bore three children, and freedwomen who bore four, earned greater rights of inheritance and transmission of property and were freed of guardianship.

50 Gardner (1986, 1998), Dixon (1988) and Treggiari (1991) all discuss the s*enatus consultum* and give legal references. In 178 the *senatus consultum Orphitianum* gave children priority in inheriting from their mothers. The trend

towards legally recognising the mother–child bond in matters of property had
been growing since the first century.

51 SHA, *Hadrian* 7.11: *ad sustentandam uitam.*
52 *BMC* 1875, 1876, 1898–9; Rawson 1991b: pl. 2b.
53 E.g. SHA, *Pertinax* 9. 3, *Diadumenos* 2. 10. Eck (1979: 150–6) discusses other
    evidence, mainly epigraphic, for the continuation of the *alimenta* and similar
    programmes until soon after the middle of the third century.
54 Cf. the importance and visibility accorded the Child Endowment scheme in
    Australia in the 1930s, when it was new and unique, *vis-à-vis* the diversity of
    child support schemes now in operation.
55 *INC(isae) FR(umento) PVBL(ico) DIV(ae) FAVST(inae) IVNIOR(is).* For
    Verus and Lucilla, see SHA, *Marcus* 7.

3

CHILDREN AND DREAMS

Keith Bradley

> Seeing a child play with dice, knuckle-bones, or counters is
> not bad, since it is customary for children to be always
> playing.

So Artemidorus of Daldis in a section of *The Interpretation of
Dreams* (3.1) explaining the significance of dreams of games of
chance. Artemidorus' treatise is a remarkable document, not simply
because of the inherent appeal of the vast repertory of dreams it con-
tains, but because the dreams and the meanings Artemidorus
ascribes to them reveal a social universe rarely encountered in a work
of classical literature. The book exposes the population of the high
Roman Empire in a unique way, introducing every conceivable
social type – not just the broad categories of men and women, mas-
ters and slaves, the rich and the poor and those in between, but a
multiplicity of specific figures as well: the tax-collector, priest,
prostitute, goatherd, sophist, innkeeper, shopkeeper, juggler,
dancer, seafarer, donkey-driver, moneylender, cook, beekeeper,
fruit-farmer, beggar, philosopher, poet, criminal, midwife,
labourer, doctor, soldier, painter, and so on. The list of those who
people Artemidorus' pages, either as dreamers from whom he had
collected dreams or as social types drawn on to explain their signifi-
cance, is almost limitless.

The dreams themselves Artemidorus had gathered from all across
the Mediterranean, and they were dreams people really had
dreamed. Their meanings, moreover, Artimidorus sets out with clin-
ical dispassion. *The Interpretation of Dreams* therefore is not so
much an expression of one individual's personal views and ideas, in the
usual manner of a work of literature, as a record of social attitudes and
conventions widely shared and understood in the era of the Antonines.

Its practical intent as a manual for explaining the meaning of dreams to all kinds of dreamers would otherwise fail.

As my opening quotation suggests, children figure prominently in the work. Accordingly my object here is to give some indication of the contribution Artemidorus' book makes to the history of children and childhood in antiquity, and to celebrate in so doing a subject which Beryl Rawson has done so much to illuminate.

Let me begin by illustrating the high value that is constantly assumed in *The Interpretation of Dreams* to attach to children. According to Artemidorus many dreams might portend the birth of a child, an event that is always regarded as a positive good. Two examples illustrate the point. First (1.44):

> If a man dreams that he has been cut open and that he sees his inward parts, each according to its nature and in its proper place, it is auspicious for a childless man or for a poor man. For the former will see children of his own; the latter possessions of his own.

And second (1.51):

> To till, sow, plant, or plough is propitious for those who intend to marry and for those without children. For the field is nothing other than a symbol of the wife; seeds and plants are symbols of children; wheat, of sons; barley, of daughters; pulse, of miscarriages.

Children, moreover, are taken in Artemidorus' book to be the natural fruits of marriage (2.7), and nurturing them is as fundamental a social practice as worshipping the gods (1.8). Children are an adornment to their mothers, like jewels (2.5); they are missed if absent (1.26), and they are to be forgiven when they misbehave, at least if infants (1.13). Children provide legitimate blood descendants (1.33, 3.17), they symbolise all the bonds of kinship (4.29), and serve as memorials to their fathers (2.49, 2.61). Their importance to families implicitly conceptualised as tightly knit units whose members are highly interdependent becomes self-evident.

There is, however, a clear disparity between the value attached to boys and that attached to girls, boys receiving the greater favour. A son might be regarded as a man's most valuable possession (1.4), or as a particular ornament to him: so for example, 'a son embellishes a father just as a beard embellishes a face' (5.47). He takes nothing

from the patrimony (1.15), and he will in time become a pillar of the household (2.10). A daughter, on the other hand, will depart from the household when she marries and will have to be given a dowry. She thus diminishes a man's estate (1.15, 1.78, 3.41) and stands as a general symbol of indebtedness (1.15). In sum, 'Male children mean good luck. Female children mean bad luck' (4.10).

The high esteem in which children are held in *The Interpretation of Dreams* is not due to sentimental idealisation. Childhood is a time for play, certainly (cf. 1.55), and children are viewed as innocents who will tell the truth because they have not yet learned how to lie (2.69). They will not even fear those who are insane (3.42). But child- ren are expected none the less to obey their parents, in the way that wives are expected to obey their husbands or slaves their masters (1.24; cf. 1.48), which means that from the moment of their birth children enter a strongly patriarchal and rigidly hierarchical family structure their arrival in the world can in no way disturb. All that stands before them is the prospect of learning their place and their responsibilities in the structure, their chief duty, eventually, being to care for their aged parents (1.26). Hence it is that 'The stork is especially auspicious for the procreation of children because of the assistance that stork children give to their parents' (2.20). Further, despite their importance to the family, children are constantly characterised as burdens who bring their parents an abundance of woe:

> To dream that one has or sees young children, especially new-born infants, when they belong to the dreamer, is bad for both men and women. For it signifies cares, griefs, and anxieties over some important matters, since it is impossible to raise children without them. Indeed, there is an old saying that clearly makes this point. It goes as follows: 'A fear or a grief forever is a child to his father.'
>
> (1.15; cf. 1.44, 3.27, 4.10)

Children can be symbolised by fetters (2.47), and can themselves be symbols of 'anxieties and vexations' (2.30). The high value that attaches to children in society at large in Artemidorus' work is thus offset by an equally prevalent and realistic (rather than pessimistic) assumption that children exact a certain toll from their parents.

Childhood in *The Interpretation of Dreams* is presumed to be a distinct stage of life, a point perhaps best illustrated by the way Artemidorus will sometimes attach a special significance to children's

dreams. Thus for example in a section on dreaming of growing a beard he states (1.30): 'For a very young child … [the dream] signifies death because the beard has come before its proper time,' and in a section on dreaming of wrestling he maintains (1.60):

> It is auspicious … if a child dreams that he has thrown a man in wrestling. For he will accomplish great things beyond all expectation. But it is not auspicious for him if he is an athlete. For the dream indicates that he will not be permitted to compete with the other boys.

Infants, at least, are clearly thought of in non-adult terms: they are dependent on others for food, incapable of making decisions for themselves, of working, marrying and having sexual intercourse, of walking or running (1.13); they are weak (1.16), they stumble everywhere, speak imperfectly (1.13), and in their immaturity they can even be conceptualised as closer to the aged than to men and women in their prime (4.19). Older children, by contrast, are ready to learn the alphabet (1.53) – education, though expensive, is agreed to be a universal good (4.2) and Artemidorus recognises that even a poor man might find himself spending for his son's schooling (1.78) – and once the educational process is complete children, other people's children anyway, can come to symbolise great expectations (1.15):

> Seeing the children of others … is good, whenever they are handsome, graceful, and have an aura of youthfulness. For it signifies the advent of prosperous times, during which there is even more hope of accomplishing and concluding something satisfactorily. For the youths who are at present ineffectual, once they are educated, will have the ability to accomplish something.

Eventually, indeed, a son becomes capable of earning money for his father (2.59).

Childhood therefore is a distinct stage of life, but from a modern point of view it can seem a stage very brief in duration and perhaps one to be passed through as quickly as possible: adulthood was achieved, it might be thought, as early as the age of fourteen – though not every medical expert agreed (2.70) – and sexual activity from the age of ten is not unthinkable (1.78). A girl in Artemidorus' world is to be married off as soon as she is ready for sex (1.78).

General attitudes and assumptions apart, *The Interpretation of Dreams* contains any number of incidental details reflecting aspects of everyday social behaviour and practice. Occasionally Artemidorus includes an item of specific cultural relevance, remarking for instance on the tattoos carried by the children of noble Thracians (1.8), and sometimes he refers to particular local circumstances, mentioning for instance dreaming fathers who had taken their sons to compete at Olympia (5.75, 5.76). More commonly, however, he refers to universal norms of behaviour. Thus infants have their hands bound (1.13), and are laid on the ground when swaddled (1.13, 1.18). They can be cared for by childminders such as the nurse, a conventional figure in society (1.41), or a slave foster-father of the type who is seen raising a child whose mother has died in childbirth (5.85). Balls, skittles and hoops are mentioned as typical children's toys (1.55), familiar to all, and so too the common customs of referring to children as 'imprints' (*typoi*) of their parents (2.45) and addressing sons colloquially as 'suns' (*hēlioi* 2.36). Parent and child are habitually understood to greet each other with a kiss (1.29), a mother might expect to arrange her daughter's marriage (2.65), and adult sons are actually seen fulfilling the responsibility of taking care of their older mothers (1.79).

Again, however, Artemidorus' picture of social reality is not without its more sober side. He recognises that some children are illegitimate, the fruits of adultery (2.7, 3.25), and that others might be the issue of a slave-owner by a slave woman (3.30). A free child might simply be led away, without question, into slavery (4.72), another might have to bear the stigma of having a prostitute for a mother (5.67), and some may have only one parent to raise them – as when a man loses his wife and has to be both father and mother to his offspring (1.16). In turn, and in time, a daughter may have to keep house for her father when her mother dies (1.78). Furthermore, parents may marry more than once, and children can scarcely expect much affection from the stepmother or stepfather who suddenly and abruptly enters their lives (3.26). Also, real tragedies arise in family life – a genuine if unintended case of incest between mother and son (5.63), for instance, or even worse: 'A woman dreamt that she was drunk and danced in a chorus to honour Dionysus. She killed her own child who was three years old' (4.39).

It happens that Artemidorus collected many examples of children's deaths, and he gives them a great deal of attention in *The Interpretation of Dreams.* A woman gave birth to triplets, all girls: they survived less than a month (5.12). A man lost his daughter while

he was away travelling (5.17). Another father lost his son when the boy fell into a river and drowned (5.22). A woman had to send a message to her husband, away on civic business, to say that their youngest child, a son, had succumbed (5.50). A mother buried two sons, though their deaths were separated by a long interval (5.60), while another endured seven pregnancies and lost all her children while they were still in swaddling-clothes (5.73). A father lost two sons when they were murdered by bandits who attacked them in the country (5.84).

Artemidorus recorded these events because the children's deaths had all been foretold by dreams. But to a modern reader his anecdotes serve as reminders that it was common in antiquity for children to die before their parents (cf. 1.33), and that the prospect of losing children was something with which parents constantly had to contend. The predictability of child death did not mean that a father might not be consumed by grief when he lost his son (1.2), but it is because untimely death took children in antiquity so frequently, perhaps, that Artemidorus interprets so many dreams as portents of their loss: his interpretations, that is to say, must surely be taken to reflect something of the anxiety with which parents always had to live in an age when no easy assumptions could be made that any child would survive to maturity. Thus to dream of a woman losing her breasts (1.41), of a small boy turning into a man (1.50), of a father having sex with a son younger than five years old (1.78), of fellatio with one's mother or an infant (1.79), of thunderbolts (2.9), of 'burning ceilings, lintels, and balconies' (2.10) – these are just some of the dreams that Artemidorus can take to signify the death of the dreamer's children. On occasion the outcome of a dream lies in doubt: 'A schoolteacher dreamt that his five-month-old son spoke distinctly and articulately. Some people expected the child to die. But he lived, as do many other children after this dream' (4.19); or again (2.18):

> If a pregnant woman dreams that she is giving birth to a fish, the early dream interpreters say that her child will be mute. But I have observed that the dream means that the child will live for only a short time. Many women have also given birth to stillborn babies.

Whatever the interpretation, the loss of children really was observable all the time, and Artemidorus evidently knew it.

Other, less fateful, parental anxieties might be detected in dreams.

To see a child dancing in a dream is a sign that the child will become deaf and dumb and have to depend on gestures for communication (1.76); to see the sun disappearing in a dream is usually a sign that the dreamer's children will go blind, if not die (2.36); to see a son afflicted with scabies means that he will live a life displeasing to his father (3.47). Yet dreams might also portend success, and so perhaps sometimes brought parents reassurance: 'Garlands of date-palm and of olive … indicate children who will live a full life because they are evergreen. The date-palm signifies a son; the olive, a daughter' (1.77). Certainly Artemidorus knew of children who had made the transition to adulthood successfully, as their fathers' dreams had indicated that they would: he speaks for example of a son who became a famous diviner (5.47), of two brothers who respectively became a great athlete and a renowned shipmaster (5.74; cf. 5.57), and in an illustration of how the same dream might have different meanings to different people in different circumstances (in this case the dream of a pregnant woman giving birth to a snake), he refers to children who grew up variously to become a famous orator, a priest, a seer, an adulterous rake, a thief, a fugitive slave, and a paralytic (4.67). The results may not always have been stellar, but many children did survive the rigours and dangers of childhood.

The three themes that I have highlighted from *The Interpretation of Dreams* – the high social valuation of children, the distinctiveness of childhood as a stage of life, and the fragility of children's lives – are subjects which have been much emphasised in the modern age, as scholars have sought to recover something of the experience of childhood in antiquity and of the place and role of children within the family. *The Interpretation of Dreams* adds a little more to the overall picture, and especially, I think, to knowledge of the strong sensitivity to children felt in society (detectable in so many other sources – Plutarch, for example), in which hopes for families' futures were always combined with fears of families' failures.

In my view, however, the chief value of *The Interpretation of Dreams* lies in the connection it establishes between this clear consciousness of the social importance of children and the broad cross-section of society that the work puts on display – a cross-section made up of heterogeneous characters of the sort I listed at the beginning. It is not often, after all, that the level of 'ordinary people' such as the beekeeper or the labourer can be reached in ancient history through a literary work. What this connection implies is that the attention to children so apparent in *The Interpretation of Dreams*, together with what I have termed the parental anxieties that

were so much a part of that concern, were experienced throughout society as a whole and were not simply a feature of the life of the socially élite, as literary sources generally, and necessarily, tend to suggest.

Further, the value of Artemidorus' work has a geographical as well as a social dimension. Artemidorus had travelled through many places in pursuit of material for his book – across Asia, the islands, Greece and Italy – so *The Interpretation of Dreams* is one example of a Greek historical source from the high Roman Empire where the problem of having to decide whether it is 'Roman' or 'Greek' does not really arise. The attitudes towards and assumptions about children, often hard-headed, are taken to be of relevance everywhere, and the meanings of dreams involving children are to apply no matter where their dreamers come from, even if individual circumstances might affect their interpretation. In Asia, Artemidorus had collected dreams in cities such as Daldis, Ephesus, Smyrna, Laodicea, Pergamum, Cyzicus, Perge and Miletus; in Greece he had visited at least Corinth, Cyllene and Olympia; in Italy perhaps Puteoli and unquestionably Rome itself.

The high premium placed on children that is so evident in Artemidorus' remarks can thus be seen as characteristic of Roman imperial society at large, no matter how diverse and differentiated, both socially and geographically, that society was. One way of course in which the importance of children to society manifested itself was through the obligation that fathers felt to prepare their sons for adult life. It should not be surprising consequently that the Greek Artemidorus, like a master craftsman instructing his apprentice (cf. 4 pr.), looked to his own son to become an interpreter of dreams, and wrote his book in part to provide the boy with the benefits of the vast knowledge that he himself had accumulated from his exploration of the world of Rome.[1]

Note

The standard edition of Artemidorus is the Teubner (1963) R. A. Pack ed. *Artemidori Daldiani Onirocriticon Libri V*, Leipzig.

   In my essay I have quoted from, and often paraphrased, R. J. White (1975) *The Interpretation of Dreams, Oneirocritica, by Artemidorus. Translation and Commentary*, Park Ridge, New Jersey, and as background reading I have found particularly helpful the following: R. A. Pack (1955) 'Artemidorus and his

waking world', *Transactions and Proceedings of the American Philological Association* 86: 280–90 (where a comment on the pessimism of child-rearing may be found); S. R. F. Price (1986) 'The future of dreams: from Freud to Artemidorus', *Past & Present* 113: 3–37; J. Annequin (1989) 'Rêver c'est vivre: du songe de l'esclave à la réalité de l'esclavage chez Artémidore', *Index* 17: 139–54; L. H. Martin (1991) 'Artemidorus: dream theory in late antiquity', *The Second Century* 8: 97–108.

Also pertinent are M. Foucault (1986: 4–36) in 'The care of the self', *The History of Sexuality* vol. 3, and J. J. Winkler (1990: 17–44) in *The Constraints of Desire*. Reacting to the two latter, G. W. Bowersock argues in *Fiction as History: Nero to Julian* (1994: 77–98) that because Artemidorus' references to dreams of incest cannot be confirmed by independent evidence and because he wrote for an élite audience, *The Interpretation of Dreams* as a whole cannot serve as a guide to social norms and attitudes. In my view, this is to confuse, on the one hand, the dreams recorded with the events the dreams contain, and to disregard, on the other, the enormous range of people referred to in the book whose dreams Artemidorus, and others like him, expected to interpret (there is no point otherwise in including the dreams of those of low estate). P. Cox Miller (1994), *Dreams in Late Antiquity*, offers a semiotic study of dreams in their ancient cultural context. On Plutarch and children, see K. R. Bradley (1999: 183–96), 'Images of childhood: the evidence of Plutarch', in S. B. Pomeroy ed. *Plutarch's Advice to the Bride and Groom and A Consolation to His Wife*.

4

CHILD EXPOSURE AND ABANDONMENT

Mireille Corbier

The topic of infant abandonment in western Europe is one well served by scholars of the early modern and contemporary eras. For earlier periods, a possible historian might seem to be John Boswell, whose work *The Kindness of Strangers* (1988) purports to cover the incidence of child abandonment from antiquity to the Renaissance. But Boswell may not be an ideal choice. To highlight his avowed intention, which is to make sense of a complex of social practices that could not be justified by duress alone, he uses the example of Rousseau, who abandoned no fewer than five children,[1] but this frame of reference is ill chosen. There are fundamental, demonstrable differences between the Roman world and mediaeval and early modern western societies. And Boswell's book, which is not grounded in a critical source-basis, displays the major flaw of equating texts of diverse nature and different epochs, consciously taking literature as a reflection of its society.

The guideline of this chapter is to be the distinction between abandonment and exposure. Harris (1994) recommends the term 'exposure', a translation of the Latin *expositio*, but its blanket use fails to distinguish the characteristics of abandonment. This distinction lies at the heart of the crucial differences between Roman and Christian societies of the West, and the legal and cultural substratum on which the two concepts of exposure and abandonment are posited.

Study of the topic poses problems of method (Corbier 1999c: 1257–60) which I shall arrange in two principal groupings. An essential preliminary, to avoid lumping together fictions, rhetorical exercises, imaginary laws, Christian pamphlets and so forth as direct evidence of social reality, is a rigorous collection and classification of

the documents, in terms of their type, their status and level of reality versus representation. But even apparently 'objective' texts like the imperial rulings collected in the legal *Codices* pose multiple problems of transmission, interpolation and use out of context. In a bilingual empire, Greek and Latin terms do not always have precise equivalents. Witness Pliny the Younger's correspondence with the emperor Trajan on *threptoi* in the eastern province of Bithynia-Pontus.

Moreover, the documents that we have reflect a world of great ethnic, legal and social diversity. We must aim at precision. Who are the subjects of our study? Citizens or slaves? The masses or the élites? Rome (and Italy), or other regions, all with their own traditions, or the Empire as a whole? In what period? It is best to avoid the pitfalls of universalising language. Child exposure was a long-standing Greek custom, but other peoples, whether incorporated in the Empire or on its periphery, notoriously behaved quite differently from the Greeks or Romans in this sphere: thus the Egyptians, Jews and Germans.[2] In the first century, Jewish intellectuals (Philo of Alexandria, Flavius Josephus) affirmed their distinctiveness with the assertion that exposure was contrary to Jewish culture.

I would like, therefore, to define what 'exposure' meant to a Roman citizen, not forgetting that exposure was also practised in diverse regions of the Empire by free men who did not enjoy Roman citizenship until the Edict of Caracalla (*Constitutio Antoniniana*) of 212 CE brought unity to personal legal status, though without unifying the practices and concepts which underpinned them. I shall also consider the fate of those exposed children who had the good fortune to survive. But exposure cannot be separated from procedures of legitimation distinctive to Roman culture. If, then, the figure of the Roman citizen *pater* is currently associated with the prerogative to rear (or not to rear) his child, we need to revise received wisdom on the stages of a child's acceptance.

Acceptance of the child: from biological birth to social birth

Since the Renaissance, both historians and jurists, and then anthropologists following their lead, have held that recognition was expressed immediately following birth by the Roman father (or by someone else acting in his name, if he were absent) in a ritual and cultural gesture consisting in his 'raising up' (*tollere*, *suscipere*) the newborn child from the ground to signify the baby's entry into the family group. This commonly held view was recently challenged,

however, by Thomas Köves-Zulauf (1990: 1–92), who cast doubt on the gesture itself. He deduced from his collection of sources and their minute analysis that the expression *tollere/suscipere infantem* does not refer to a specific ceremony involving the father. The confusion has arisen from modern failure to distinguish the gestures of the *midwife* (*obstetrix*) – laying the newborn on the ground so that he can emit his first cry, examining him to determine his fitness, then lifting him to sever the umbilical cord – from the paternal decision to accept the child into the family. It was the midwife who enjoyed the support of a specialised divinity, Leuana (Tertullian *Ad nat.* 2.11; Augustine *Civ. Dei* 4.11), for raising the child up from the earth. Thus Leuana severs the symbolic link with the paternal figure which western cultural tradition accorded to her.

The first sign of the child's acceptance seems in fact to have been the instruction to feed the baby. Though not included among examples of his erratic behaviour, Claudius' decision (Suet. *Claud.* 27.3) to expose his daughter – presumed to be the product of adultery – was at odds with his previous order to give her the breast. And the ritual of 'raising up' receives no more support from iconography than it does from the extensive array of written texts which Köves-Zulauf presents for reconsideration. The scene symbolising birth which features on sarcophagi from the beginning of the second century is the first bath of the newborn (accorded the expressive term *sanguinolentus*, 'bloody', by the late legal sources), a scene also associated in Roman art with representations of the infancy of Dionysos and Achilles. Long since identified as such, this scene nonetheless remains poorly understood at times. It is with the first bath that iconographers suggest linking the presentation of the newborn to his mother to be found on a sarcophagus – restored and of doubtful authenticity – in the Louvre (Baratte and Metzger 1985: no. 5). This bath belongs in a series of scenes[3] recalling the life of the deceased, and, by the frequent presence of the Fates in the rear, underlining the inexorable character of destiny, which it traces from its beginning. On this Louvre sarcophagus, the mother, leaning on her left elbow, is represented in the same sad and pensive attitude both after the birth (right) and at the foot of the death-bed (left).

In contrast, the image of a child breast-fed by his mother under the watchful gaze of the father, followed by another of the child in the father's arms, which figure on the celebrated sarcophagus of M(arcus) Cornelius Statius, also preserved at the Louvre, is not a scene directly linked with birth (Baratte and Metzger 1985: no. 3). Yet a recent study proposes the possibility of interpreting the latter as

a representation of 'the symbolic act of *tollere liberos e terra*' (Huskinson 1996: 111).

The idea of 'raising' one's child(ren) is in accordance with a terminology still in use in many European languages (*élever*, *allevare*, 'to raise'), as is, by extension, that of (in the case of parents) 'accepting' or (in the case of carers) 'receiving' children. But whether *tollere/suscipere infantem* (or *liberos*) usually contains this moral sense, or just signifies 'having children', modern juristic discussion of whether the ritual had a legal consequence (causing the child to pass into *patria potestas*, paternal power) or simply a social significance is no longer really pertinent.[4]

By the same token, gender studies lose a good case with the disappearance *ipso facto* of the variant of the commonly held view (Thomas 1986: 198) that relies on the example cited above of the future emperor Claudius. According to this variant, the ritual would not have been the same for a boy as for a girl, a son being received into the family through the gesture of 'raising up', a daughter simply being put to the breast. To be sure, Roman society had other gender-based distinctions, not least the date of the 'lustral day': the eighth for girls, the ninth for boys.

After the birthday (*dies natalis*), a date celebrated lifelong and even observed in commemorative rituals, the 'lustral day' (*dies lustricus*), which linked the purification of the newborn and its naming (Festus 107–8 Lindsay; Macrobius *Sat.* 1.16.36), assumes importance as a rite of passage that until now has been insufficiently acknowledged in an historiographic axis of ritual presumed to begin with *tollere liberos.* This day is mentioned by Tertullian, along with the assumption of the manhood toga, engagement and marriage, among 'family festivals'.[5] Leaving aside the disputed interpretations of multiple rites, some of which have been taken up in Christian baptism (L. and P. Brind'Amour 1971, 1975; Tels-De Jong 1960), the lustral day marked the entry of the child into the family and society. A Roman epitaph (*CIL* VI.20427 = *ILS* 8480) commemorates a mother who died following childbirth after her child had received its name (*puero nato et nomine imposito*).

A small group of documents also referring solely to the bestowal of a name confirms that social birth began on the lustral day. In effect, the state recognised the existence of the child from the *nominis impositio*: in accordance with article 56 of the Flavian municipal law of Spain, conserved in the Malaga inscription, concerning the method of choosing between two otherwise equally qualified candidates on the basis of the number of children each had.

In this reckoning dead children were also included, but only if they had died after the assignment of a name. Two children who died after receiving their names counted as one living child (D'Ors 1953: 20–1). Nor were children who died 'after the name-day' (*post nominum diem*) forgotten in the statement of parents' rights of succession that was based on the number of their children.[6] A ruling on birth registration attributed in the *Historia Augusta* (*Vita Marci* 9.7) to Marcus Aurelius provided that this should take place within the thirty days following the acquisition of a name.[7] Conversely, the unnamed child – specified as being less than nine days old – is seen to have a particular (inferior) status under Salic law, which punishes the murder of a newborn baby less severely if the crime takes place before he or she has been named.[8]

For a Roman, the choice of name was never irrelevant to the child's destiny. In the case of the future emperor Nero, the malicious suggestion by the then emperor Caligula, that his sister's son should be given the name of Claudius (his great-uncle, who was present at the naming ceremony), served as an omen of the child's later adoption by Claudius, whose names he then received (Suet. *Nero* 6). For Ausonius, the name of Pastor, allegedly chosen due to the chance effect of a flute heard soon after his grandson's birth, became an omen of the brevity of this grandson's life, as fleeting as the note blown from a flute (*Parentalia* 11.5–8).

In contrast with modern practice, the declaration of birth, attested for Roman citizens under the Empire, was distinct from the assignment of a name and came after it. This formality is known from a restricted number of documents, the interpretation of which is still disputed, notably birth certificates of legitimate children of Roman citizens copied on tablets from the register held by the offices of the Egyptian prefect (Schulz 1942–3; Montevecchi 1948; Lanfranchi 1951; Lévy 1952: 454–63; Haensch 1992: 283–90); Apuleius's reference (*Apol.* 89) to the declaration of his wife Pudentilla's birth; passages from the *Historia Augusta* (*Vita Marci* 9.7–8; *Gordiani* 4.8) attributing a reform in this area to Marcus Aurelius and mentioning the birth declaration of the son of Gordian I, under the name of Gordianus; a fragment of the jurist Scaevola, preserved in the *Digest* (22.3.29.1), which considers the declaration made by a woman (repudiated by her husband during her pregnancy) of her son as 'illegitimate' (*spurius*); private documents, authenticated by witnesses, drawn up for soldiers' children in Egypt in the hope of obtaining Roman citizenship for them on their fathers' discharge; and now the birth declaration of a little girl preserved on a papyrus.

Long known but only recently identified following Burkhalter (1993), the Latin papyrus *PSI* 1183 has turned out to be the declaration of the birth of Pompeia Nigra, daughter of the veteran Lucius Pompeius Niger, which took place after 45 CE, the year in which the veteran received Roman citizenship for himself and his children from the emperor Claudius.

Let us review what is certain in this dossier. The practice of declaring the legitimate birth of Roman citizens (of both sexes) was instituted under Augustus and not under Marcus Aurelius. It entailed registration of the names of the father and mother, of the father's patrimony and of the child's name (three names, *tria nomina*, for boys; two for girls) and date of birth. According, at least, to the *Historia Augusta* passage informing us of a delay of thirty days for the declaration, for Roman citizens this delay would date not from birth but from the bestowal of a name (*nominis impositio*). At the end of the second century, a case reported by the jurist Scaevola dealt with the declaration of a newborn child as *spurious* by his mother who, in the case of illegitimate birth, was entitled to pass on to him her citizen status. The births of Roman citizens were registered at Rome with the *praefecti aerarii Saturni*, in the provinces with the governor – in Egypt, with the prefect (as the surviving birth certificates confirm). These declarations were temporarily displayed in a public venue. A rescript of Gordian III, dated 239, however, affirms that 'failure to register children does not make those who are truly legitimate illegitimate, nor do entries in the registers, if they actually were made, introduce outsiders into the family'.[9]

The little Roman's integration into the family and society, first signalled by being fed at the breast, took place at a family party, in the course of which the child received the name which (under the Empire) was then declared at the 'registry office'. Unlike Christian baptism, this family festivity took place on a date determined by tradition – there was no reason to bring it forward. The child who did not survive his first 'week' (by Roman reckoning) had no legal existence. The different times for bestowing a name on girls and boys (eight and nine days respectively) aroused Plutarch's curiosity. In his *Roman Questions* (102) he felt bound to advance several explanations in turn, ranging from speculation about the differential development of male and female children to Pythagorean gendered numerology (cf. *Quaest. Rom.* 2). Before the loss of the umbilical cord, which according to Plutarch occurred usually on the seventh day, 'the child is more like a plant than a human being'.

This intermediate period of eight to nine days, during which the

newborn has not yet been accorded social status and can therefore still be exposed, will lose its significance with the advent of Christianity and the notion that the child has a soul *before* birth, a soul which must be saved by baptism – from which arose the practice of baptism immediately after birth in cases where the child's survival was in doubt.

The right of exposure

Even if the ceremony of the father's 'raising up' the child at birth, long judged pivotal, is cast into doubt, it was still the *pater* – where there was one – who had the right to decide whether to rear the newborn baby or not. We know nothing of the familial or social pressure (as distinct from legal sanctions) which could be brought to bear on the father/grandfather. While the Roman citizen could not 'recognise' as his any children born outside marriage or from adultery, he was not legally obliged to rear all the children born to his lawful spouse. Such freedom contrasts strongly with two constraints operating on the father in the Christian societies of western Europe: in the first place, the presumptive paternity of children born within marriage as children of the mother's husband, by an application of the formula *pater est quem nuptiae demonstrant* ('the father is the one indicated by marriage'), which had been simply enunciated by the jurist Paul on a question of procedure (*Dig.* 2.4.5); in the second place, the strong pressure brought to bear on the 'natural' father, if a bachelor, to legitimise the child by marrying the mother, or, if already married, to provide the child with maintenance.

At Rome, since the father was the only one with the power to decide *not* to bring up the child, a posthumous legitimate child born after its father's death therefore had to be reared. Similarly, a child born after its parents' divorce belonged to the father and, in principle, would have to be restored to him (the standard recourse to the services of a wet-nurse would have facilitated this transfer of the newborn). But the cases reported by the jurists attest the risks incurred in practice by the child born after divorce: one such child was declared illegitimate (*spurius*) by his mother who, exploiting the father's absence at the time of birth, was thereby able to liberate the child from paternal power (Scaevola *Dig.* 22.3.29.1); another was exposed by his mother who nonetheless (though secretly) never lost sight of him until his father's death, when she caused him to reappear (*Dig.* 40.4.29). Fatherless children could of course be exposed by either the mother or her parents.

By contrast – and the imperial jurists are quite clear on this – paternal power, a direct consequence of birth from a legitimate wife, could be exercised independently of any act of acknowledgement and was not even extinguished (at least in their time) by the child's exposure. The Roman *paterfamilias*'s 'right of life and death' (*ius vitae necisque*) which has long been associated with the concept of legal paternity is still being mentioned in a Constitution of 323 of the emperor Constantine (*CTh.* 4.8.6 *pr* = *CJ* 8.46.10), but the ambiguous usage in the late Latin of the perfect passive *permissa est* ('it was/is permitted') here provides equal support both for the validity of the law at that date and for its opposite – the preferred solution of numerous modern authors. The compilers of Justinian's time (the sixth century) who transcribed the text were at pains to make it clear – by their modification of the tense of the verb *erat permissa* and by the addition of the adverb *olim* ('in earlier days') – that, for them, the right of life and death over children was a thing of the past.

While, then, the 'right of life and death' has long been presented as the corollary of paternal power (*patria potestas*), the sources have never provided grounds for a *ius exponendi* or 'right of exposure', an invention of certain modern legal scholars who have opened the way for contrasting opinions: for some, the right of exposure would flow from the right of life and death, for others, it would run parallel with it – both schools deriving it from *patria potestas*. Still others would argue that exposure would not arise from *patria potestas* any more than would infanticide, but from sanctioned social practices.[10] But, from this perspective, when did that cease to be the case?

The first *attested* example of the Roman state requiring parents to rear their children (with what success we do not know, for later texts bear witness to the persistence of exposure) emanates from the emperors Valentinian, Valens and Gratian in 374: 'That each nurture his progeny'. Exposure is forbidden by law: that is the object of the edict promulgated on 5th March and addressed to Probus, western praetorian prefect in charge of Illyricum, Italy and Africa, although without specifying the penalty for transgression (*CJ* 8.51.2). This text is often paired with an edict by the same emperors addressed to the same praetorian prefect and posted at Rome a month earlier, on 7th February, which defines the murder of a small child as a sacrilege (*piaculum*) subject to capital punishment (*CTh.* 9.14.1).

In reality, the interpretation of these two oft-cited texts is somewhat delicate: the first poses problems of attribution and of content,

since the second part of the document – concerning owners and patrons and depriving them of any right over the children whom they have abandoned to the charity of others – resurfaces in an edict of Honorius and Theodosius II, dated 19th March 412 (*CTh.* 5.9.2); the second is divorced from its context and the infanticide condemned in it could well be concerned with magical practices. It would therefore be unwise to accord an absolute value to the date of 374 and to assign to that year alone and to the emperor Valentinian the first ban on infanticide and, in consequence, on exposure.

But if the father has the power to refuse his child the status of legitimacy, neither is the newborn's right to life recognised. Tertullian's proclamation at the end of the second century of the child's right to life even before birth, *homo est et qui est futurus* ('he who will be a human being also *is* one' *Apol.* 9.8), contradicts contemporary custom. Conversely, the doctor Soranus of Ephesus, practising at Rome at the beginning of the second century, proposes a rigorous inspection by the midwife of the newborn baby, laid on the ground, to judge its capacity to live before making the decision on whether or not to rear it – without however giving any details on what to do in the case of a negative: infanticide or exposure (Soranus *Gyn.* 2.5, CUF edition). Seneca's reference (*De Ira* 1.15.2) to the drowning of 'feeble and deformed' (*debiles monstrosique*) children is insufficient basis for us to determine whether this practice was systematic, although from our point of view it does establish that it was permissible. This freedom is in absolute opposition to the recognised right to life of the newborn child in later western societies, which not only never legalised, but always positively condemned the practice of infanticide, whether by mother or by father: the child's right to life does not depend on its parents.

Exposure: the practice

Since exposure is cited in our literary sources in a generic, almost theoretical way, its material circumstances are rarely referred to except in those comedies and novels which create intrigue from the motif of belated nition of an exposed child. The historic examples all seem to emanate from Suetonius and can be counted on the fingers of one hand: the two repudiated products of adultery in the Julio-Claudian family, and the cases of the two celebrated 'grammarians' (*grammatici*) of the first century BCE, only worth recording because of a peculiar twist of fate.[11] A strict grandfather, Augustus

forbade the rearing of the child born of his granddaughter Julia's adultery after the pronouncement of her condemnation and banishment.[12] Claudius had the baby girl whom he believed to be the child of one of his freed slaves cast naked on her mother's doorstep. Marcus Antonius Gnipho, born free in 'Gallia' (in fact Gallia Cisalpina, northern Italy), exposed and rendered a slave, was freed and educated by his 'fosterer' (*nutritor*). Caius Maecenas Melissus, born free at Spoleto but exposed due to his parents' falling out, benefited from higher studies thanks to his 'fosterer' (*educator*) and was presented as a gift to Maecenas: 'Although his mother reclaimed liberty for him, he preferred his current condition to his true status.' But Melissus was soon freed, and won the favour of Augustus. The few foundlings who appear in Egyptian papyri are mentioned purely from the viewpoint of those who rescued them. We shall return to them in due course.

Some of the recorded motives for exposure are timeless: physical handicap, poverty, family size, presumed illegitimacy, parental dissent. A passage of Cicero (*Leg.* 3.19) gives grounds for the belief that the law of the Twelve Tables granted immunity to anyone who exposed a deformed child. The use of exposure as a form of protest, however, seems peculiar to Roman society – it constituted a reproach to the gods by means of a refusal to rear certain babies on the occasion of a public bereavement perceived as particularly unjust. Suetonius (*Calig.* 5) assures us that the announcement of the death of Germanicus, the dearly loved crown prince and father of Caligula, provoked this reaction in 19 CE. The practice, virtually unparallelled outside Rome itself, has perplexed historians. It has recently been likened to *devotio* and interpreted as social suicide in response to a situation of 'anomy' (Versnel 1980). In a protest against Nero's murder of his mother Agrippina minor, a newborn child would have been exposed in the middle of the forum with a sign reading 'I am not rearing you for fear you might kill your mother' (Dio 61.16.2, Xiph.).

Another notable feature distinguishing Roman society from later periods is the lack of specific places designed for abandonment and of charitable institutions for recovering abandoned children. In western Christian culture, abandonment, tolerated as an undeniable social necessity, normally took place in secret, in front of churches. In eighteenth-century France the invention of the turntable actually made it possible to deposit a child directly inside a charitable institution without being seen. The intervention of these institutions reconciled the obligation imposed on parents to rear their children with

the reality of abandonment, whereas abortion and infanticide were both condemned by the Church and punished by the state. In Italy, a pioneer in this field, the foundation of great establishments like the Santissima Annunziata of Naples (in the fourteenth century) or the Innocenti of Florence (in the fifteenth) marked a turning-point in the system of care.

Historians have been struck by the 'perverse' effects of these institutions, whose existence effectively constituted an inducement to abandonment. On the one hand, the money paid by hospitals to wet-nurses could encourage a mother to abandon her child, in order subsequently either to reclaim it or to take on another as a paid wet-nurse. On the other, abandonment also became effectively transformed into an instrument of demographic regulation. Recent works have documented a diverse range of such practices in Europe: in Tuscany, at the end of the eighteenth and at the beginning of the nineteenth centuries, families reared one, two or three children, according to their economic capacity, then systematically abandoned any subsequent newborns; in the cities of Italy and Portugal in the nineteenth century, *temporary* abandonment of legitimate children was commonly utilised by parents in order to adapt the size of their family to their needs. Recognition tokens proliferated in the hope of one day recovering the child – or perhaps to demonstrate that that was one's intention (Hunecke 1991: 51–7; Delille 1999: 364).

Can we find parallels for these practices in the Roman world? To begin with, what do we know about the sites of abandonment? The accusation hurled by Christians such as Minucius Felix (*Octavius* 30.2) against pagans, that they exposed their children to savage beasts and birds of prey, is merely an exaggeration designed to condemn both exposure and infanticide without attempting to distinguish between them. On the contrary, exposure seems in fact to have been practised in public venues (Paul *Dig.* 25.3.4) and, judging by theatrical works at any rate, in daylight.

According to most modern scholars, the explanation offered by the epitomator Festus (105 Lindsay) for the name of a column described as *lactaria* and situated in Rome in the *forum olitorium* (*lactaria columna in foro olitorio dicta, quod ibi infantes lacte alendos deferebant*, 'the *columna lactaria* in the Forum Olitorium, so called because they would bring babies there to be fed with milk') could refer to a traditional site of abandonment. Was the 'milk-giving' column, then, a place where newborns were exposed to public pity? Or was it, more simply, a place where Romans who wished to entrust

their child to a 'salaried' nurse would go to find a suitable candidate? (See Bradley 1991: 31 n. 26.) In the 'Campo dei Fiori' of the period one would expect to find a choice of wet-nurses, rather than a site of abandonment. Internal elements invite us to choose between the two hypotheses: the use of the gerundive *alendos*, 'to be fed, nurtured', implies the intention of putting the grammatical object, 'children', to nurse, a reading confirmed by the specifying *lacte*, 'with milk'; in addition, the verb *deferre*, apparently translated by many modern editors as 'to abandon', does not have this meaning. In fact, if one follows up the sole text cited by the *Thesaurus Linguae Latinae* in support of the meaning 'abandon', it proves to be about entrusting Jupiter to nurses and not about abandonment.[13] Nor are the usages of *deferre* in relation to the newborns attested in Plautus and Terence concerned with abandonment.[14] The adjective '*lactaria*' itself ('which gives milk'), reinforcing the expression '*lacte alendos*' ('to be nurtured with milk'), can alone make sense of the passage, since the wet-nurse is sometimes called *nutrix lactaria* (*CIL* VI.27262). In view of the state of the documentation, restricted to a lexicographer's definition, it seems to me better to admit that the sucklings that someone 'brought' to the *columna lactaria* were more likely to be delivered to a wet-nurse than abandoned to public charity at the foot of the column.[15] That does not of course preclude the possibility of a specific place or places elsewhere being used for abandonment.

Those rare documents which do give a location for exposure allude to the 'dump'. Thus Juvenal, in his satire on (married) women, speaks of 'supposititious children often collected from foul dumps to deceive husbands' (*Sat.* 6.602–3). This needs to be read with the following lines (604–5): '[and I say nothing of] the pontiffs or Salii, frequently obtained from those dumps, who will bear the name of the Scaurii in an imposter's body.' Dio of Prusa's near-contemporaneous assertion in his fifteenth discourse, that distinguished Athenians were not all their mothers' own sons, reflects the same male fantasy of child substitution and the same critique of female cunning.

In Egypt – at least after the administrative document of the second century CE, the *Gnomon of the Idios Logos* – exposed children who had been taken care of were assumed to have been collected 'from the dump' (*ek koprias, apo koprias*), a public place which would have been quite frequented.[16] The same association of the rubbish-dump and newborn slaves figures in wet-nursing contracts initiated by those who took care of such children and in other documents

linked with slaves nursing. This is the basis of the identification, generally accepted since Paul Perdrizet's 1921 article, of numerous bearers of copronyms in Roman Egypt as foundlings.[17] The identification has rightly been challenged by Sarah Pomeroy (1986) because of the great range of status categories of the individuals concerned. A satisfactory explanation of this usage has recently been proposed on the basis of anthropological parallels: it could be that these names were deliberately chosen by parents to deflect the evil eye from newborns (Hobson 1989: 163–5; Masson 1996). This interpretation is still largely unknown, so that some authors seem to have attempted to reconcile the traditional reading of this nomenclature with Pomeroy's observations, linking the copronym with exposure in an earlier generation. It would be better in my view to dispense altogether with any attempt to introduce this onomastic element, which is not native to Egypt, into studies of exposure. We should cease to regard copronyms as evidence of the frequency of exposure in the Hellenised milieus of Egypt – the Egyptians themselves enjoyed the reputation of rearing all their children.[18]

In Plautus's *Cistellaria* (549, 552), and later on in Longus' novel *Daphnis and Chloe*, abandonment is located in the 'hippodrome' or in the 'grotto of the Nymphs'.[19] These texts, however, inspired by Greek models, are hardly reliable evidence for Roman realities.[20] Is it reasonable to infer from the employment by such works of a dramatic 'recognition' device, based on tokens left with the child, that it was normal practice to leave such tokens with exposed Roman children?[21] In the last analysis, all the early evidence for recognition tokens belongs to the realm of fiction.[22]

A notable change in favoured sites of abandonment from the fifth century is revealed by conciliar Acts and imperial legislation: canon 51 of the second Council of Arles refers to abandonment in front of a church; in 541, Justinian's *Novel* 153 lists churches among the most likely places of abandonment. This also suggests transition with a background of continuity, the legal changes not being perceived by the interested parties as absolute.

The Roman world did not develop charitable institutions for children in need, any more than it did for adults or the elderly. In the absence of special arrangements by the father or the mother (or both parents) with a wet-nurse or a foster-family to whom the child had been entrusted, slave-traders and slave-breeders probably answered to such children's needs. High levels of infant mortality concentrated the risks in the very early years. Far from being intended for abandoned children, the alimentary foundations (*alimenta*) instituted in

Italy by individuals and emperors from the first century and of which we have some attested examples in the provinces, had as their explicit object financial relief for children reared by their parents, not for orphans. The age limit for payment of the subsidy is often specified, normally as the age of puberty according to Roman norms, two years later for boys than for girls. But usually we do not know the minimum age from which children could benefit. A foundation of Hadrian, belonging to the city of Antinoopolis in Egypt, which he had just founded, restricted eligibility to the children of Antinoopolitan citizens (who were not usually Roman citizens) whose birth had been declared within thirty days:[23] eligibility apparently dated from the time of the declaration. The only private alimentary foundation which specifies the age of admission, from Sicca Veneria, Le Kef in modern Tunisia (*CIL* VIII.1641 = *ILS* 6818), gave it as three years, according to Roman inclusive reckoning[24] (two by our system) – in any case after weaning.

Imperial constitutions directed at Africa and Italy from two centuries later, when Constantine, inspired by Trajan, revived the practice of state assistance – apparently awarded on a case-by-case basis – reveal parents identified as needy or applying for help to enable them to rear (*educare*) their child and, explicitly in this case, babies.[25] At the beginning of the fifth century, with Augustine's reference (*Letters* 98.6) to 'consecrated virgins' taking in exposed children, we encounter again the beginning of practices linked to Christianity and destined for further development.

How are we to determine whether exposing a newborn child, even if legal, was as 'commonplace' as is often stated? We need to recognise that, for the Roman epoch, the most frequently cited documents directly attesting to the practice come from Egypt and, before the 'Antonine Edict' of 212, do not affect Roman citizens. There are the sections of the *Gnomon of the Idios Logos* and the other papyri already mentioned, the existence of copronyms and, above all, a private letter written in the year 2 BCE, continually cited and perhaps overvalued by historians as evidence. In it, a husband named Hilarion who has departed for Alexandria on business tells his sister and wife Alis: 'If you give birth [before my return], bring him up if it is a boy. If it is a girl, expose her.'[26] But let us not forget that we are here in a Hellenised environment.

The same scenario surfaces in Ovid's poetic work *Metamorphoses* (9.666–797) as the prelude to the metamorphosis of Iphis into a young man. His mother had passed 'him' off as a boy so as to be able to bring up her little girl against the father's wishes. Apuleius

introduces the same plot into the world (also Greek) of the novel (*Metamorphoses* 10.23). Once more we have a work of literary fiction in which the differing outlooks of father and mother serve as a dramatic device. A husband leaving on a trip recommends to his wife that, if she bears a daughter, she leave her immediately to die. Maternal love is stronger than wifely obedience. The mother hands the child over to neighbours whom she entrusts with her upbringing. In due course, she takes her son into her confidence, partly to get him to provide his sister with a dowry but also for fear of an incestuous love arising between brother and sister. The argument about possible incest resurfaces in Tertullian, as in other Christian authors, as a ground for condemning exposure.[27]

So, to the question of how common and wide-ranging the practice of exposure was, we can only respond as follows: over the centuries, whatever its precise legal basis, the exposure of newborn babies in Rome was perfectly legal and socially acceptable. Even after that ceased to be the case, exposure apparently continued to be practised. But nobody can state its extent. I would certainly hesitate to give dimensions of scale, as Harris (1999), for example, attempts to do.

The baby rescued from exposure

Towards the middle of the second century, the sophist and philosopher Favorinus of Arles, apostle of maternal breast-feeding, unhesitatingly likened the child handed over to a wet-nurse to the exposed child, who 'diverts his love and affection towards whoever nurtures him' (Aulus Gellius *Attic Nights* 12.1). This comparison indicates, even if it was not Favorinus' main purpose, that in his day exposure was not necessarily a death sentence; the exposed baby could be retrieved and reared by outsiders. In this sense, exposure resembles modern 'abandonment'.

Who, then, was expected to take on exposed children, if the father and mother had made no arrangements to entrust them to others? It was left to individuals or slave-merchants. The child rescued by a third party had a chance of survival, albeit a limited one and more limited than that of other newborns. But, in a slave society – and this remains the fundamental difference from the societies of the Christian west – the exposed child had the greatest chance of becoming a slave. The parents could not fail to aware of that. So the parallel suggested by Boswell (1988) between ancient exposure (*expositio*) and mediaeval *oblatio* has been strongly challenged.[28] *Oblatio* ('oblation', dedication by parents of a young child to a monastery) was

self-evidently different from the anonymity of abandonment; in addition, it involved young children, not newborns, and it also seems to have been practised particularly by the upper classes. But more important still for our purposes, it resulted in a status regarded as superior, that of a monk, whereas exposure most often led to slave status. Anita Guerreau-Jalabert notes rather that, among the various forms of child transfer known in the Middle Ages, oblation is the one which most closely resembles adoption in antiquity.

Whether freeborn or not, exposed children were reared *de facto* in the status accorded them by the people who had effected their rescue. This right is confirmed by a late text (*CTh.* 5.9.1, under Constantine) which evokes, alongside the possibility of rearing the newborn as a slave (*seruus*), that of rearing him as a 'child' (*filius*), unlikely in the classical period. The declamatory exercises attributed to Quintilian may employ the figure of the exposed child reared by his 'fosterer' as a substitute child (pseudo-Quintilian *Declamationes minores* 278, 358, 372, 376), but according to the scarce sources we have at our disposal, servile status seems to have been the most common. The famous correspondence between Pliny the Younger and Trajan (*Epistles* 10.65 and 66) furnishes grounds for the belief that this was precisely the case in Bithynia-Pontus and neighbouring provinces at the beginning of the second century of our era for provincials who, at that time, were *peregrini* and not Roman citizens. The precise terms of the two letters bear close analysis: Pliny speaks of 'the status (*condicio*) and maintenance (*alimenta*) of those called *threptoi*'. Trajan uses no noun – neither the Greek *threptos*, the Latin *alumnus* nor any other – but designates the children in question by a periphrasis of scrupulous legal precision: 'those born free and exposed, then taken up (*sublati*) and reared (*educati*) by certain persons in slavery'. The emperor then pronounces the law: 'the right of claiming restoration of free status cannot be denied to those for whom it will be requested on a ground of that type'. Nor must that freedom be redeemed at the cost of upkeep (*Ep.* 10.66). The text does not mention parents explicitly, nor does it specify who might make the application. Being slaves, the interested parties could not make it themselves. Modern commentators therefore often speculate that those making the request are the parents.

As we have seen, Suetonius, a contemporary of Pliny and Trajan, provides a similar background for the infancy of two foundlings who had enjoyed an exceptional fate in the first century BCE in that they both became famous 'grammarians'. The mother of one was the *assertor libertatis*, the champion of his free status. Thanks to higher

education, both children, born free (*ingenui*), had regained their freedom indeed after having been reduced to slavery, but with the inferior status of freed slaves (*libertini*). In the rhetorical context of mutilations inflicted on exposed children to make them into beggars (the *Controversiae* of Seneca the Elder 10.4) there is no doubt of these children's servile status, but from this single text we learn nothing of the reality of such practices at Rome. We have here no more than a declamatory exercise in which mutilations are invoked to support the most paradoxical arguments.

It is plausible that foundlings reared by third parties constituted one of the sources of slaves. The idea has frequently been put forward.[29] Concrete cases of 'foundlings' reared as slaves are attested in Egypt by wet-nursing contracts and other documents. One papyrus from Oxyrhynchos describes a matter judged by the *strategos* in 49 CE:[30] Pesouris retrieved a little slave from the rubbish dump and put him to nurse at the home of Saraeus, who had just weaned her own little boy. On the death of the little slave in his second year, Pesouris reclaimed the surviving boy-child, affirming that this was his slave and that the dead child had been the son of Saraeus. The *strategos* decided in Saraeus' favour, citing a certain resemblance of the child to his mother. A contract of sale from 362 CE concerns a female foundling retrieved by a couple and nursed by the wife herself. The couple brought her up in the hamlet where they resided and sold her for two gold coins to an artisan in the village.[31] Publication of this document has revived discussion about the preferential exposure of girls, a topic more readily envisaged than proven, and its impact on the male/female ratio in Egypt (Bagnall, 1997).

In reaction to these practices, imperial legislation of the first centuries tended to assist freeborn children who had lapsed into slavery to recover their liberty, if proof could be plausibly produced, probably by a third party, the *assertor libertatis*. The judgement from which Saraeus benefited also attests the concern of the authorities to prevent the loss of liberty by a child who might have had the right to it. A significant change intervenes with the reign of Constantine (*CTh.* 5.9.1). A legal ruling guaranteed rights to the child to the person who had recovered it, against the rights of the father or owner who had exposed it. This law may have helped the child's chances of survival, but it thereby deprived the foundling of any hope of eventually recovering its original freeborn status. In contrast, by a constitution of 529 (*CJ* 8.51.3), Justinian granted free status to all children who had been retrieved in this way, whether born of freeborn (*ingenui*) parents, freed slaves (*libertini*) or slaves.

This generous measure amounts to confirmation of the persistence of the practice of exposure, which was now in principle illegal. In 541, *Novel* 153 reaffirmed the right to liberty of newborn slaves who had been exposed, against any attempt on the part of their owner to recover them.

In fact, Roman parents probably did not consider exposure a form of 'infanticide', even if late Roman legal texts and some modern authors equate the two. The newborn would have been swaddled, not naked, when exposed. In literary works, at least, the swaddling-clothes play an important role in recognitions, and Suetonius' insistence on Claudius' initiative in having the baby deposited 'nude' at the mother's door is interpreted as revealing an incongruity.

If we credit the constantly cited passages from Seneca the Elder (*Controversiae* 9.3) and Quintilian (*Institutio Oratoria* 7.1.14 and 9.2.89) or pseudo-Quintilian (*Declamationes minores* 278), exposure was not even considered a definitive form of 'abandonment', since the father could always reactivate his rights over the child if he repaid the expenses of the child's upbringing. But these rhetorical exercises, dwelling on debates which set the rights of the natural father (*pater naturalis*) against those of the 'fosterer' (*educator*), are at odds with the (later) response of the emperor Trajan to Pliny (*Epistles* 10.65 and 66) on this point, for his guidelines assure restitution of their rightful status – their restoration to their own parents is not mentioned – without financial compensation, to foundlings of free birth recovered and reared as slaves. Two centuries later, by contrast, a rescript of Diocletian and Maximian (*CJ* 5.4.16) considered an intended marriage by a foundling (who had thus conserved her status) to the son of her 'fosterer' and, at the same time, the possibility of opposition from her biological father. The emperors determined that the father could not exercise his veto without repaying the costs of the girl's upbringing.

Whatever the position was *vis-à-vis* reimbursement, the interest of these texts lies in their testimony to the fact that the question of the biological father's rights over the child he had himself abandoned continued to be raised, as did the (far juster) issue of his rights over the child of whom his ex-wife had fraudulently deprived him.

Reliance on the texts alone would entangle us in contradictions which would be difficult to resolve. If 'exposed' children of free birth could recover their freedom without any recompense to those who had brought them up, who would have had any interest in running such a risk? It is tempting to speculate that practices varied according to social context. Most of the examples cited in the literary or legal

sources concern children of comfortably well-off or upper-class parents who, even if they did not rear their offspring themselves, still never entirely lost track of them, always reserving the possibility of reclaiming them in due course. Such parents seemingly knew how to manipulate the possibilities offered by a *patria potestas* which, taking effect from birth, lasted for the whole of the *pater*'s lifetime and transformed children in power (*filiifamilias*) into 'natural heirs' (*sui heredes*) at the moment of his death. The mother who had, after being repudiated by her husband, exposed his son knew how to retrieve the inheritance of that son's father for her boy and, with the help of the paternal grandmother, to have him recognised as the heir (Scaevola, *Dig.* 40.4.29). In a somewhat different case, a father whose son had been declared illegitimate (*spurius*) by his mother was not unaware of his child's existence; on the contrary, he knew how to reassert *potestas* over his son when, after the mother's death, the son became able, by an application of the *senatus consultum Orphitianum* of 178 CE, to enter into his maternal inheritance and through this device to transmit it to his father. In the case of the girl exposed as a baby who was intended by her 'fosterer' for marriage to his own son, perhaps the only thing which could dissuade her real father from interfering in the marriage arrangement (in order to reclaim the young woman and have her contract a marriage of his choice?) was the threat of having to part with a considerable financial compensation. But the majority of abandonments must have involved other social levels and in many cases resulted in lifelong slavery for the children concerned: the likelihood of reclamation by their families was, if not nil, at least very low.

The 'sands of Egypt' have preserved concrete examples of practice via, notably, the aforementioned sale of the little girl, the judgement of the *strategos* and wet-nursing contracts. What of Italy and the western provinces? Can we identify 'foundlings' in the surviving sources from those regions? The word *expositus* never appears in inscriptions from the west and, unlike 'Esposito' in modern Italy, it did not become a surname. There is no reason to identify as *expositi* all the 'nurtured' who appear in epitaphs under the title of *alumni* and, more rarely, of *nutriti*.[32] Even those who really were perhaps foundlings were never recorded as such in epitaphs. Others, such as the sucklings commemorated by their wet-nurses, were definitely *not* foundlings. Thus one little *nutritus et vernac(u)lus* and an *alumnus* named Oecogenes were manifestly 'born in the household' (*CIL* IX.495 and 1805), whereas the young slave Olympas, born in Pontus, characterised not only as a simple slave (*seruus*), but as the

alumnus of his master (*AE* 1969/1970, 128), was neither a *uerna* nor an *expositus*. The most celebrated *alumnus* of Latin literature, little Glaucias, whose memory has been preserved by Statius and Martial thanks to the (literary) genre of the 'consolation' (Statius *Silvae* 2.1; Martial 6.28 and 29), was definitely born a slave of the household. The poet Statius' imagination has Glaucias passing directly from his mother's womb into the hands of his master and 'fosterer' who (an odd midwife) was thus the first to hold him. If the majority of *alumni* were not foundlings, however, the exposed children rescued and reared as slaves who benefited in their master's house from the status of *alumni* – certainly an ambiguous one, but relatively favourable – were still probably a rarity.

Conclusion

The practice of exposure can crystallise the attitudes of romanised and Roman societies towards newborn babies. The rejection of the child by exposure takes place before it is regarded as having attained full human status and integration in the family. We cannot overemphasise this intermediate phase, so foreign to our own conceptions.

The crucial role of the father at the moment of his children's birth (which he does not attend), or the birth of his slaves' children, is notable. The decision to 'rear' and to 'nourish' the newborn baby rests with him. Whenever exposure is attributed to a woman, as in the case of the divorced mother who exposed her newborn instead of sending it to its father, the mother seems not to have lost sight of her child. In fictive and historical narratives alike (male) authors chose to present paternal and maternal attitudes to abandonment as opposed. The story of abandonment recounted by Apuleius in his *Metamorphoses*, like Suetonius' biography of the 'grammarian' Melissus, is represented as a clash of wills between mother and father. In the first case, the mother spurns infanticide and actually sees to it that her daughter is rescued by neighbours; in the second, the mother attempts to restore freeborn status to her exposed and subsequently enslaved son. Apuleius' *insita matribus pietas* is clearly our 'mother love'.

Exposure sends us back to legal principles – the freedom accorded the father, or to both parents, to refuse to rear their child – and to a hierarchy of status categories (including slavery) which are common to Roman and other ancient societies but which sharply distinguish Roman society from the European society that was to be gradually shaped under the influence of Christianity in the course of the

second millennium. The institutional framework of exposure is therefore radically different from that of abandonment as we now understand it, as a voluntary renunciation by the parent(s) of the rights and responsibilities which the birth of a child imposes, in the name of an absolute right to life for the newborn.

And yet as a means of regulating the number of children a family estimates it can rear, or as a method of rejecting the illegitimate, the *practice* of exposure has more than one point in common with both early modern and contemporary abandonment. In the last analysis, too, an opening is left for a change of heart, for the possibility that parents can recover at a later date the child they originally chose not to rear and restore that child's free status, even if this implies the obligation to reimburse the 'fosterers' – who are always individuals and never an *ad hoc* institution – for the expenses they have incurred. Comparing and distinguishing are two complementary steps. We need to distinguish what merits distinction in order to compare what merits comparison. For us, Roman society is at the same time both alien and familiar.

Notes

1 These children, whom he had with Thérèse, were all placed in orphanages. The relevant passage of Rousseau's *Confessions* serves as the epigraph to Boswell's book.
2 Diod. Sic. 1.80.3 (Egyptians), 40.3.8 (Jews); Strabo 17.2.5 (Egyptians); Tac. *Germania* 19.6 (Germans) and *Hist*. 5.5.3 (Jews).
3 Amedick 1991, Huskinson 1996, esp. 10–11 and 111–12.
4 For a synthesis of the discussion, see Capogrossi Colognesi 1990.
5 *De idolatria* 16, 1: *solemnitas ... nominalium.*
6 Ulpian, *Regulae*, 15.2; 16.1a = *FIRA²* 2.278.
7 The meaning of the *Vita Marci* passage has sometimes been misinterpreted. Roman citizens had to declare *natos liberos*, i.e. the birth of children (*liberi*), not their 'free' newborn.
8 Eckhardt ed. 1969: 213; text S, 33.5; Dagron 1994: 123.
9 *P. Tebt*. ii.285 = *FIRA²* 3 no. 90 = J. H. Oliver (1989) *Greek Constitutions* no. 280, with English translation.
10 Bibliography in Fayer 1994: 179, n. 196.
11 *Div. Aug*. 65.4, *Claud*. 27.3, *Gramm*. 7 and 21.
12 Augustus did this by virtue of his authority and not from *patria potestas*, which he exercised neither over the mother (daughter of the deceased Agrippa) nor over the newborn child.
13 The *TLL* reference is to a fragment of an author of the Augustan era, Hyginus 'the astronomer', cited in n. 14.
14 *TLL* V.1, 314–15. Hyginus *Poet. Astr*. 2.13.3; Plautus *Casina* 43, *Cistellaria* Arg. 5 and 169; Terence *Andria* 507.

15 I mention purely for noting Palmer's suggestion (1997) that the column might be a betyl linked to the cult of Mercurius Sobrius. Libations of milk would have been offered to the god in accordance with semitic rite.

16 Sections 41 & 107 of the *Gnomon of the Idios Logos.* See also Section 92.

17 Copronyms are names formed from the root *copr-.* The Greek word *kopros* designates excrement and dung.

18 Strassi (1997) also takes the view that copronyms were not connected with exposure, but offers other (perhaps less convincing) explanations: that these names might have been adopted for their Greek character by Egyptians indifferent to their meaning, or alternatively could have been allocated contemptuously by officials to Egyptians eager to take a Greek name.

19 A natural temple consecrated to the god Pan: Ion was abandoned in a cave sacred to Pan on the slopes of the Acropolis and subsequently transported by Hermes to the front of the temple of Apollo at Delphi. Euripides's *Ion* has given rise to a number of scholarly investigations, notably Loraux (1993), on the theme of exposure and recognition in the Greek world with the aid of identifying signs (in this case, from the mother, the basket, gold serpents and swaddling-clothes).

20 The models include New Comedy, e.g. Menander's *Epitrepontes,* and tragedy, e.g. Euripides's *Ion.*

21 *Daphnis and Chloe* has double exposure and double recognition motifs. The value of the *gnôrismata* of both babies gives grounds for the presumption (subsequently confirmed) that each is of high birth.

22 See Hänle 1929: 129–30 for comprehensive examples.

23 *Pap. Lugd. Bat.* VI.33, dated 151 (Van Groningen [ed.] 1950). On the age limits for *alimenta* eligibility, see also Rawson, Chapter 2 above, esp. n. 37.

24 One example: the young [Minicia Marcella] whose death Pliny announces in *Ep.* 5.16 had not, according to him, attained the age of 14; the girl's epitaph, *CIL* VI.16631, gives her exact age: 12 years, 11 months, 7 days.

25 *CTh.* XI.27.2 (322 CE: *cum educatio nascentis infantiae moras ferre non possit*; 'since the rearing of the new-born infant cannot brook any delay'); *CTh.* XI.27.1 (329 CE, according to Seeck). See Pharr 1952: 318 for full translation.

26 *P. Oxy.* (*The Oxyrhynchus Papyri*) IV.744 – English translation in Rowlandson 1998: no. 230.

27 Tertullian *Apol.* 9.18; Justin 1 *Apol.* 27; Minucius Felix *Octavius* 31; Clement of Alexandria *Paed.* 3.3; Lactantius *Div. Inst.* 6.20.

28 See Guerreau-Jalabert 1999: 273–4; De Jong 1996, notably p. 5; Corbier 1999c: 1268–9.

29 It includes e.g. Biezunska-Malowist 1977: 19–21; Straus 1988: 853; Motomura 1988; Harris 1999: 73–4.

30 *P. Oxy.* I.37 – English translation in Rowlandson 1998: no. 91.

31 *P. Kellis* 8 – text in Worp ed. 1995: no. 8; English translation in Rowlandson 1998: no. 212.

32 The earlier confusion of these categories by some modern authors has now convincingly been dispelled by recent works – e.g. Rawson 1986b; Nielsen 1987; Corbier 1990a and 1992.

5

CHILDREN AMONG THE DEAD

The influence of urban life on the commemoration of children on tombstone inscriptions

Janette McWilliam[1]

Throughout many cemeteries in Italy in the early Empire, a number of children were commemorated with a memorial that was not only permanent, but was also inscribed with an age at death. This age at death indicated clearly that they had died before reaching adulthood. The aim of this study is to examine why people made the deliberate choice to record the deaths of certain children in this way; to explore the socio-cultural implications of this phenomenon for Roman society as a whole; and, more specifically, to consider and assess the possible effect of proximity to urban centres on patterns of commemoration. Although these memorials are to and for children, it must be borne in mind that the children themselves were not responsible for producing them. Do the memorials tell us more about their creators than they do about those to whom they were dedicated?

This chapter is based on a study (McWilliam 1994) of a sample of funerary inscriptions taken from several areas throughout Italy, where children, boys and girls, received a permanent epitaph with an indicator that placed them under the age of 14.[2]

Generally, the inscriptions used in this study date from the first to the late second and early third centuries CE.[3] Most are very simple and cannot be dated precisely, perhaps only to within a single century or occasionally to the reign of a certain emperor. Comparison with larger studies (Saller and Shaw 1984; Shaw 1984 and 1991;

Joshel 1992; Rawson *et al.* forthcoming) can assist evaluation and counter possible warping from the chronological spread, especially when comparing variations between *regiones.*

I readily acknowledge the importance of both context and audience in assessing funerary inscriptions (Eck 1984: 133 n. 34; Hope 1997), but information about the type and placement of tombs is not always available and it is clearly impracticable to attempt to track down and date each individual inscription, particularly as most archaeological settings are now lost.

My sample here includes inscriptions collected primarily from the *Corpus Inscriptorum Latinarum* (*CIL*), the standard *corpus* of Latin inscriptions, from the following Augustan regions or *regiones* of Italy: **Regio I**, Latium, including Rome (*CIL* 6)[4] and Ostia (*CIL* 14 and *IPO*, Thylander 1952); **Regio II**, Apulia (*CIL* 9); **Regio VII**, Etruria (*CIL* 11); and **Regio VIII**, Aemilia (*CIL* 11). I chose these areas on the basis of their geographical location (see Maps 5.1 and 5.2), hoping to test urban/rural and cultural differentiation throughout Italy, but it has to be acknowledged that conclusions about urban/rural and cultural differentiation must be qualified at this stage, because some areas such as Rome and Ostia have been more heavily excavated than other parts of Italy.

The inscriptions selected all contain an age at death. Since the addition of an age at death on a funerary memorial was not universal practice, the decision to include a number specifying a particular age was therefore a deliberate act on the part of the commemorator. In the case of a child, the dedicators must have wanted the deceased to be remembered as an individual who died as a child rather than as an adult. I have examined 13,587 pagan inscriptions from the *regiones* listed in Table 5.1. Of the total body of inscriptions (that is, including all funerary inscriptions with and without ages at death) the number dedicated to children looks relatively small, registering at 6.3 per cent. 2,747 of the memorials, or 20 per cent, were to individuals (adults and children) who were also commemorated with an age at death. Significantly, of this sub-group, 856 (31 per cent) were dedicated to children under 14 years of age. Thus one third of all inscriptions with an age at death were to children.

Burial in Roman society was an important public concern, and some people went to great lengths to secure a proper burial for themselves (Hopkins 1983: 201–56). Yet there seems in some circles to have been a degree of ambivalence towards children, especially those who died at a very early age. *Infantes* who died before the age of 40 days are thought to have been buried in the niches of walls

Map 5.1   Italy: sites discussed in chapter 5.

in early Rome,[5] and babies who had not teethed were apparently not cremated (Juvenal 15.139–40; Pliny *HN* 7.16.72). There are references in authors such as Seneca (*Brev. Vit.* 20.5) and others writing much later (Servius *Ad Aen.* 1.727 and 6.224; Servius *Dan.* 11.143) to the nocturnal burial of very young children by torchlight.

Map 5.2 Italy: regions from the time of Augustus.

Speculation by these authors about the function of the torches includes the suggestion that it was to abate the children's fears (Seneca *Herc. Fur.* 849–74); to dispel pollution (Servius *Ad Aen.* 11.143); or to prevent the household from going into mourning over the death of an *impubes* (Servius *Dan.* 11.143).

Until children were named on the *dies lustricus* (eight or nine days after birth for boys and girls respectively), they were considered impure and not members of the household, even if the *paterfamilias* had raised them up (*tollere*) after birth.[6] But a child who died after the *dies lustricus* was still not guaranteed proper burial rites. In discussing Rome under the kings, Plutarch wrote that Numa Pompilius had rationed the degree of ritual mourning for infants.[7] Later Roman law also recommended that no ritual mourning be accorded children who died within the first twelve months of their lives.[8] Only limited amounts of ritual mourning could be undertaken for children between the ages of 1 and 3.[9] These regulations may have been designed to help Roman society come to terms with the frequency of premature death,[10] but they did not prevent the idea of grieving and grief on a personal level from developing into a powerful literary *topos* or set-piece.

Literature, particularly letters, produced by the upper classes in both the late Republic and the early Empire contains numerous directives against public displays of personal grief, particularly over the loss of young children. Seneca repeatedly castigated such 'self-indulgent' behaviour in his friends (*Ep.* 99.1–3), arguing that mourning was a process that should be reserved for intimate friends rather than children of unknown promise (*Ep.* 99.2–3 and 7–14). The philosophical line was that the death of a son or daughter as a young child should be treated as a character-building exercise, allowing the parent to learn how to control personal grief.[11] According to Cicero, those people who were able to accept untimely death as a universal occurrence were more equipped to bear the loss of a small child. Such people did not even mourn babies.[12] Pliny the Younger conceded (*Ep.* 5.16.1–8) that the reaction of his friend C. Minicius Marcellus Fundanus to the death of his daughter Minicia Marcella did not reflect his wisdom and learning, and commented elsewhere (*Ep.* 4.2), in less sympathetic mode, on the excessive mourning of his adversary Regulus over the death of his son.[13] Nero was denigrated by Tacitus not only for deifying his baby, who had survived for less than four months, but also for his excessive and immoderate mourning for the child (Tacitus *Ann.* 15.23).

These examples, ranging over Greek and Latin literature, suggest that the loss of a child commonly resulted in expressions of great personal grief, in spite of overt condemnation of the practice by members of the male literary élite. That the act of public grieving provided ammunition for the praise or condemnation of someone according to an ideal Roman standard is well illustrated by both

Pliny and Tacitus in the above examples. Although Pliny's friend C. Minicius Marcellus Fundanus exhibited grief which breached the acceptable code of behaviour, it is his enemy Regulus who bears the brunt of Pliny's judgement. Likewise, Nero is judged by Tacitus to have fallen short of the mark.

It is an indisputable fact that children, especially those under 12 months of age, were under-represented in funerary monuments (Hopkins 1966: 252–3 and 1983: 225; Burn 1953: 4). Can the epigraphic evidence of this study expand this picture any further? In all the areas surveyed, the use of an age at death on inscriptions occurred for at least 15 per cent of the population commemorated with a permanent memorial (see Table 5.1): 407 inscriptions out of 2,064 (20%) from *Regio II* (Apulia); 134 out of 816 (16%) from East of Ostia in *Regio I*; 381 of 2,552 (15%) from *Regio VII* (Etruria); and 186 of 1,245 (15%) from *Regio VIII* (Aemilia). Of the 2,747 individuals commemorated with an age at death, 856 were children under the age of 14 years. Of these 856, 782 have inscriptions suitable for analysis.[14] These constitute the sample group under analysis after the initial statistics have been established.

Three-quarters of the 856 children commemorated were in *Regio I*, namely those from the Vatican cemetery (Toynbee and Ward Perkins 1956), from *columbaria*, Ostia and the area East of Ostia.[15] The greatest concentration of commemorations (42%, or 271 out of 653 children) was found at Ostia (Table 5.1). Rome had the third largest proportion of dedications (33.5%), falling just behind the area East of Ostia (35%, or 47/134 children). In *Regio II* only 26 per cent of the inscriptions with age at death were to children (104/407); in *Regio VIII* the percentage was a little lower still (22%, or 40/186 children). The smallest proportion of commemorations to children was found in *Regio VII* (17%, or 63/381 children).

Of the 856 usable examples of commemorations to children, 500 were set up for male children and 282 for female children (Table 5.1), a ratio of 1.8 males to 1 female.[16] When male versus female preference was studied in relation to age, it was found that in all age groups bar the 13- to 14-year-olds (Table 5.2), males were commemorated with a permanent memorial more often than females. On the whole, male and female children below 5 years of age appear to have been more often commemorated with an age at death in the larger urban centres of Rome and Ostia (Table 5.2). Of the 349 children discovered under the age of 5 years, 75 per cent (261

Table 5.1 Distribution of inscriptions, percentages, totals and sex ratios by *regio*.

Area	No. of settlements (inc. towns)	Total number of inscriptions	Inscriptions with age at death	Children under 14	% of inscriptions with age	Male	Female	?	Sex ratio
Regio I									
Rome: Vatican cemetery		46	12	5	42 } 33.5	4	—	1	—
Rome: *columbaria*	1	4,200	974	326	33 }	200	101	25	198
Ostia: *IPO*		625	150	51	34 } 42	21	22	8	95 } 179
Ostia: *CIL* 14	1	2,039	503	220	44 }	138	67	15	206 }
East of Ostia	17	816	134	47	35	25	17	5	147
Regio II	51	2,064	407	104	25.5	60	36	8	167
Regio VII	48	2,552	381	63	16.5	29	26	8	111
Regio VIII	23	1,245	186	40	21.5	23	13	4	177
Totals	141	13,587	2,747	856	31	500	282	74	177

commemorations) were from these two centres.[17] In the 5–9 age group, 70 per cent of commemorations to children were again from Rome and Ostia.[18] Even allowing for the small size of the sample, *Regio II* had a significantly higher proportion of commemorations for this age group than either *Regio VII* or *VIII*. Rome and Ostia were similarly dominant in the 10–14 age range, where approximately 64 per cent (101/158) of inscriptions were from these two areas.[19]

It is clear from the available evidence that children were more likely to be commemorated on a permanent monument that included their age at death in the urban centres of Rome and Ostia. In the other *regiones* children from all age-brackets had a fairly even chance of representation in death, with the exception of *Regio II*, Apulia. Here, children over the age of 5 years appear to have had a much greater chance of being commemorated in death than younger children. At Rome and Ostia it was also more common to commemorate children who died in their first year: of the twenty-five *infantes* from the entire sample, twenty-two were from Rome and Ostia.

The majority of children commemorated with an age at death were of undifferentiated free status (*ambigui*),[20] that is, they were not *servi*[21] at the time of death but could have been either freed (*liberti*),[22] or freeborn (*ingenui*)[23] (Table 5.3).[24] This type of inscription usually recorded the *nomen* of the child but lacked distinguishing status indicators. Such children appeared in more than half the inscriptions found, that is 418 out of 782 children (53.3%).[25] Children who were of servile or likely servile origin accounted for just under a quarter of the commemorations,[26] while those who were *liberti*[27] or possible *liberti*[28] appeared on 8 per cent (59/782 children) of the stones. Another 3.8 per cent of the children (30/782, 14 males and 16 females) may have been freeborn (*ingenui?*).[29] A further 10.5 per cent were marked clearly as freeborn,[30] including three children (all male) who were commemorated as *spurii*, that is, they were freeborn but illegitimate.

A fairly wide cross-section of the Italian community chose to commemorate the death of their children with an inscribed memorial and for the majority of them status indication was not of primary importance. The largest number of children designated as either slave or freed came from *columbaria* in Rome, with the majority of the remaining group found at Rome and Ostia. This is hardly a surprising discovery given that the majority of individuals buried here were dependants of the big wealthy households of Rome, including

Table 5.2 Distribution of children by area, *regio*, age and sex.

Age	Male								Female								Sex ratio
	Vat. Colum. cem.	Ostia IPO	Ostia CIL	R.I	R.II	R.VII	R.VIII	Total	Vat. Colum. cem.	Ostia IPO	Ostia CIL	R.I	R.II	R.VII	R.VIII	Total	
0–1	0	3	8	1	0	1	2	17	0	1	1	2	0	0	0	7	243
1–2	1	2	15	3	3	1	2	49	0	2	5	6	2	1	2	30	163
2–3	0	2	17	2	5	6	0	59	0	4	5	1	4	3	1	22	268
3–4	0	2	10	3	4	0	2	45	0	3	11	3	4	1	0	38	118
4–5	1	2	19	2	2	4	5	53	0	2	6	0	6	2	2	29	183
Total	2	11	69	11	14	12	11	223	0	12	28	12	16	7	5	126	177
5–6	0	1	14	2	7	3	1	47	0	2	5	2	0	1	0	17	276
6–7	1	2	9	2	8	2	4	44	0	1	3	1	1	3	0	14	314
7–8	0	2	8	2	3	3	0	28	0	0	5	0	5	4	1	24	117
8–9	0	1	9	0	6	3	1	30	0	3	9	0	0	2	1	19	158
9–10	0	1	8	2	4	1	0	31	0	1	3	0	7	2	0	21	148
Total	1	7	48	8	28	12	6	180	0	7	25	3	13	12	2	95	189
10–11	0	1	6	1	6	1	3	25	0	0	4	0	0	1	1	12	217
11–12	0	0	3	1	3	2	0	21	0	0	5	1	0	1	2	15	140
12–13	0	2	4	3	7	2	3	36	0	1	2	0	5	1	2	17	212
13–14	1	0	8	1	2	0	0	15	0	2	3	1	2	4	1	17	88
Total	1	3	21	6	18	5	6	97	0	3	14	2	7	7	6	61	159
Total								500								282	177

Note Unusable: Vatican cemetery (1); columbaria (25); Ostia *IPO* (8); Ostia *CIL* (15); *Regio I* East of Ostia (5); *Regio II* (8); *Regio VII* (8); *Regio VIII* (4).

Table 5.3 Sex ratios by age range.

Location	Age groups			
	under 1 year	*aged 1–4*	*aged 5–9*	*aged 10–14*
All areas	243	173	189	159
Regio I: Rome	67	216	215	177
Ostia	550	200	172	141
Area east of Ostia	50	100	267	300
Regio II	—	87.5	215	257
Regio VII	—	171	100	71
Regio VIII	—	220	300	100
Rawson *Alumni*	200	170	110	120
Bellemore and Rawson *Alumni*	—	217	187	225
Hopkins, Rome	123	128	133	109
Modern Italy, 1961	127	116	136	159

the imperial family, who were able to utilise this type of burial site, and that within this particular community being a slave or freed slave (*libertus/libertinus*) would not have carried any stigma; rather, it gave them the opportunity for participation in public self-representation. As the legal age for manumission in the early Roman Empire was 30 (Gai. 1.17, 36–47), it is not remarkable that children of freed status received the lowest amount of dedications in the overall group. Special manumission for young children outside Rome may have been less frequent because of the difficulty of obtaining the necessary magistrates. We are told that in some areas of the Empire even eligible slaves over 30 generally had to waylay a *praetor* or *proconsul* in his travels or on his way to the theatre or baths (Gai. 1.20; cf. Pliny *Ep.* 7.16) in order to secure manumission.

Only one of the thirty children from the *columbaria* designated as *liberti* was listed as an imperial freed slave, 5-year-old Aurelius Felix, son of another imperial slave. We do not know why the child was manumitted, or whether the manumission occurred before or after his death.[31] Given the high level of mortality amongst children, manumitting them formally at young ages may not have been a high priority. Weaver (1972: 100) found that forty-two out of 173 imperial slaves (24%) commemorated with an age at death were manumitted

before the age of 30, but seldom before the age of 11 and then only in exceptional circumstances (Weaver 1972: 101). The rarity of such honours for young children in the imperial *familia* suggests that the children freed outside this privileged body were either cases of 'pathetic' manumission, the child being freed on his or her deathbed (Weaver 1972: 99), or that they had been freed informally. The savings (*peculium*) of children manumitted at an early age would have been insignificant and, as Weaver points out, the gesture was probably a simple expression of affection.

No burial-markers for children of the senatorial order were discovered, although several children were listed as holding honorific decurionates or religious offices in local governments (*CIL* 9.8; 24; 223; 307; 4.306; 341; 432; 2170). Further, only one child was clearly designated as being of equestrian status (Ostia *CIL* 14.341). In Rome, this may be due in part to the selectivity of the material studied: only the *columbaria*, group memorials unlikely to house élite remains, and the Vatican cemetery were analysed. However, as we see below, the élite may have chosen not to utilise the burial sites on the outskirts of cities for members of their own families.

Children under the age of 14 had no legal avenue for ensuring proper burial for themselves without the intervention of an adult such as a parent or guardian. Some form of direct recognition of the dedicator(s) responsible for the creation of the burial memorial was found in three-quarters of the inscriptions (586/782).[32] The dedicator was named or else indicated by relationship to the child, such as mother or father. In 70 per cent of inscriptions (547/782) we find both elements; in thirty-nine out of 586, commemorations had the dedicators' names but not the relationship between dedicator and deceased. In two damaged inscriptions, one from the *columbaria* and one from *Regio I* East of Ostia, the relationship was not clear. Of those inscriptions which include the relationship between dedicator and child, 82 per cent (445/545) were set up by one or both natural parents. This accords with the findings of Saller and Shaw in the 1980s, that between 75 and 90 per cent of inscriptions found among the different civilian populations of the areas of the Empire influenced by Roman culture were set up by members of the nuclear family.[33] In many cases the children of this study died at young ages, and there would have been a reasonable chance that at least one parent was alive to commemorate their death. However, for slave children and perhaps even some of the freeborn poor, dislocation of this nuclear family group did occur. Slave children belonged to their owners rather than to their parents,

and other children might have been fostered out or apprenticed because of the economic circumstances of the family (Bradley 1985b; Dixon 1999). Amongst both dedicators and dedicatees all status groups were represented, from *servi* to *ingenui*, although in the maj ority of cases no status indicators were included.

Thus in the majority of cases it was natural parents, even those of slave children, who were predominantly responsible for the erection of epitaphs to children under the age of 14. For a large section of people in Roman society who were still living at the time of their child's death, the ability to establish a close family connection upon a tombstone was important. When, however, people other than the biological parents chose to commemorate the death of a child they usually made no reference to those responsible for biologically creating that child. Foster-parents, exceptionally, did sometimes commemorate *alumni* alongside biological parents,[34] but when L. Octavius Primigenius, for example, set up a memorial for his 9-year-old patron L. Octavius Hermetis (*CIL* 6.7867) he made no acknowledgement of Hermetis' parents. Perhaps Primigenius had been granted his freedom on the death of the boy's parents because of his role in ensuring the child's future care. However, Primigenius did not think it important to mention his relationship to the biological parents. Similarly, the stepmother of M. Octavius Aerius made no reference to her husband, the boy's natural father, let alone to his natural mother (*IPO* A10).

On memorials not set up by parents, what was of prime importance was the link between dedicator and dedicatee, rather than the relationship between dedicator and parents, or even, in the case of slaves, dedicator and the owner of the child. In addition, information provided on an epitaph could sometimes give data pertaining to either the dedicator and his or her personal circumstances, or to the aspirations that dedicators, including biological parents, had held for the child had he or she lived. For example some dedicators included their own occupations on memorials for children,[35] while others attributed occupations or important positions in society to the children themselves, some of whom were very young.[36] This behaviour suggests that commemorating a child could be an avenue for advertising the standing of the dedicator(s) as well as a medium for showing the potential the child had exhibited before death.

The death of a child could be manipulated in these ways to anchor a position in the social network of one's local community. In the inscriptions of the upper classes, by contrast, it was the family name

and the tradition of achievement and participation at the top end of the social order that was of importance. Thus the absence of inscriptions for children who belonged to the upper classes may be due in part to the different emphasis placed here on the funeral and burial ritual. Greater prestige could be gained from, for example, the spectacle of the funeral procession of a prominent family member who had been a consul.[37] Further, if the location for the celebration of festival rites was a family tomb there would be no need to emphasise the death of children when those who had actually achieved greatness were buried in the same tomb.[38] Perhaps, also, during the Empire the upper classes preferred to use tombs on their estates away from large towns to bury their dead.[39] Although not his biological child, Erotion, the *verna* of Martial, was buried in the grounds of his estate.[40] The inscribed urn of Minicia Marcella, mentioned above, was found in the family tomb at Monte Mario outside Rome (*ILS* 1030). Several children of the Plautii were commemorated in the family tomb beside the Anio river near Tivoli.[41] The tomb of the distinguished Verginius Rufus was located on his estate near Alsium in Etruria,[42] and Meiggs argues (1973: 456) that senators and high-level local magistrates of Ostia preferred to organise burial sites further out of town (Meiggs 1973: 456). It appears, therefore, that within Rome and Ostia particularly, a memorial set up to a child was as much an expression of the dedicator's place within the social network as it was a recognition of the child and his or her place in society. To those outside the immediate community, even residents of the same town, such information would have been of little importance or relevance.

As signalled above, upper-class literary commonplaces (*topoi*) offer a view of death and young children that is in some ways at odds with the evidence of tombstone inscriptions. The very existence of epitaphs labelling individuals specifically as children indicates that people did not always follow either such legal guidelines as might have applied or what the upper classes promoted amongst themselves as accepted ideal behaviour. Yet taking the trouble to erect a permanent burial-marker for a child (and for many members of Roman society this would have involved considerable expense) implies a strong motivation for doing so. Emotional attachment to children was an important motivational force, and should not be forgotten (Dixon 1992a: 128–9), but was it the prime motivator in the majority of cases?

Of course the upper classes were also attached to their children; Roman literature furnishes many examples of affection shown

towards them (Dixon 1988: 110–12; 1991, esp. 109–10), and children, including infants, are described affectionately by many Roman authors who show an appreciation of their characteristic activities and their importance to parents (see, for example, the smiling babies of Virgil *Ecl.* 4.60; Catullus 61.212–21). People other than parents also became fond of children. As mentioned above, Erotion, a favourite *vernula* of Martial who died before her sixth birthday, was buried in Martial's 'little field' somewhere on his property. Martial stipulated in his poem that any future owners of his property were to ensure that the proper annual respects were paid to Erotion at her grave,[43] and wrote with great affection of her childish prattle and playfulness (5.34.7–8). Suetonius (*Gaius* 7) claimed that Livia dedicated a statue disguised as Cupid in the temple of Capitoline Venus to one of Germanicus' children who died in childhood (*iam puerascens*), while Augustus had another placed in his bedchamber and used to kiss it fondly whenever he entered the room. The letters of Pliny (e.g. 3.7 and 16; 4.19; 5.16 and 18; 6.26; 8.11), Cicero (*Ad Att.* 1.10.6; 7.2.4; 12.6a.2) and those between Fronto and Marcus Aurelius (*Ad Marc.* 5.42 [57]; *Ad Amic.* 1.12) all contain affectionate references to children. Varying degrees of affection towards children are also expressed in epitaphs, in rather formulaic ways (very 'sweet' or 'dear'),[44] but such formulae presumably meant something to those who chose this manner of commemoration (Dyson 1992a: 18).

Why does the evidence exhibit such differing opinions? Children, especially the very young, did not qualify generally as candidates for full mourning or perhaps even for burial. Yet there are ample instances of such children being accorded these rites, and of the feelings of deprivation and distress over their loss. Some schools of thought believe that this whole area must remain speculative because of the nature of the evidence (Dixon 1988: 114; 1992a: 99–100), while others agree that failure to mark the death of a child was probably more bound up in socio-economic factors than in lack of feeling for that child (Hopkins 1983: 220–4). The explanation can, however, be taken a step further.

Children, particularly *infantes*, were generally considered non-members of the community until they had undergone a series of rites of passage (Wiedemann 1989: 179). To become counted among community members was largely a cultural phenomenon, and the level and age of entry were governed by socio-cultural circumstances rather than by law or even by what appears as 'universal' custom in the literary sources.[45] We therefore need also to examine the factors

that governed varying social and cultural types of behaviour. As a means of establishing social roles and modes of behaviour, Morris (1992) has applied to classical antiquity, particularly mortuary practice, Geertz's model of ritual action. Morris argues that it was through ceremonies such as funerals that the Greeks and Romans constructed and debated the meanings of their worlds. Social structure, as a set of internalised but constantly renegotiated roles and rules, is an artefact of symbolic knowledge.

In Roman society death was not only very much a reality of life, but in the physical setting, particularly of the larger urban centres, it was dominant. This is evident not only from the many cemeteries and tombs that lined the roads outside these urban settlements, but also in the public ritual behaviour that accompanied the death of a person within the community. Cities of the dead were located along the roads leading into the majority of Italian towns (Toynbee 1971: 48–9; Hesberg 1994). Juvenal's suggestion (*Sat.* 1.170–1) that the ashes of those who lay along the Flaminian and Latin Ways could be a suitable theme for satire implies that the reference conjured up a range of images in the minds of his audience. As Rome and Ostia were the largest urban centres in Italy, their cemeteries were impressive from the point of sheer quantity alone. These permanent monuments made of non-perishable materials represented a wide spectrum of social classes, from the majesty of Augustus' mausoleum, through to the *columbaria* that housed the remains of slaves and free alike (Richardson 1992: 351–2; Toynbee 1971: 113–18; Hopkins 1983: 206). Rich Romans spent vast amounts of money, relative to the wealth available in their society, on burial and the creation of this type of lasting memorial. Similarly, those further down the social scale, even those who could not claim full citizen status such as slaves and freed slaves, took particular care whenever possible to provide for their burial (Kleiner 1977: 17–19).

The evidence indicates that, with the possible exception of Christian communities which lie outside the timeframe of this study, the children of slaves and freed slaves in the larger urban centres tended to commemorate both their own children and themselves with a permanent memorial in death more often than did other sections of the population (Hopkins 1983: 211–14). These trends were also affected by a combination of physical characteristics that dominated urban centres. The great number of people inhabiting Rome and Ostia caused considerable overcrowding. On the whole, living conditions were cramped and the physical presence of death must have been noticeable to a large proportion of the population. Infant and

child mortality was extremely high, especially in the larger towns. Many of the rituals associated with death were also influential in the commemorative process: the social recognition of children as a part of this process was sometimes important.

Juvenal's *Third Satire* depicts Rome as a crowded, noisy city with a cosmopolitan population.[46] It was also a city where there was great danger from collapsing buildings and fire.[47] Although our evidence is scant for the very poor, it is believed that the majority of town-dwellers lived in *insulae* (Packer 1971; Barton 1996), multi-storeyed dwellings that provided living space and communal areas for a range of social groups.[48] For those who could afford it, there was a varied range of housing available,[49] from the large houses and apartments of the upper classes down to more modest apartments within the *insulae* (Packer 1971; Hermansen 1978; Wallace-Hadrill 1991: 204–6). Death on the streets in a city the size of Rome was very visible, whether from a load of Ligurian marble spilling on to the crowd (Juv. *Sat.* 3.254–67) or in the spectacle of a funeral procession heading to the outskirts of the city to bury the dead.[50] Warnings and edicts were inscribed in stone forbidding the dumping of corpses or the burning of bodies within the city limits,[51] and apart from the exceptions granted to selected persons and emperors,[52] by law all burials had to take place outside the city (Cic. *De Leg.* 2.23 [58]). As Juvenal poignantly illustrates (*Sat.* 3.249–67), the crowded nature of the city of Rome made it possible to die alone and anonymously without even the most basic of burial rites:

> See that smoke produced by those who crowd for the dole: there are one hundred guests, each followed by a kitchen servant. Corbulo could scarcely convey so many large dishes and other implements which the unhappy servant carries on his head, fanning the flames as he runs along. Freshly patched tunics are torn. A long fir-tree, recently felled, is brought along in a cart, and another is transported in a wagon. They sway with their great height and threaten the crowds. For if the axle breaks and the Ligurian marble aboard spills like a landslide down a mountain, what will remain of the crowd? Whose limbs and bones will be found? The crushed body of the poor wretch disappears completely, like his soul.
>
> Meanwhile safe at home the household is busily washing dishes, stirring the fire with bellows, making noise with greasy scrapers, filling flasks and preparing the linen. While

each slave is hurrying to perform his allotted task, their master now sits on the riverbank, a new arrival, shuddering at the ferryman. Unhappy man, he has no copper in his mouth and no hope of crossing the muddy abyss.

While Juvenal's satiric picture is obviously exaggerated, it is easy to imagine that it was possible to die anonymously on the streets of Rome. For those individuals who did not have a family boasting important office-holders and benefactors, it became important to commemorate death, even the death of a child if this was economically viable, in order to escape anonymity and to leave a lasting record of one's life.

Perhaps another important influence was the tradition of the mass grave. *Puticuli* are thought to have been used for the casual disposal of the poor without cremation in the late Roman Republic.[53] It is thought that similar informal inhumation cemeteries existed outside many Italian towns in the second and first centuries BCE until they were replaced by mass cremation in the first century CE. (Morris 1992: 42). There is evidence from Rome and Ostia that during the period of the Empire a number of very simple burial plots were squeezed in amongst the larger tombs. Some people were buried in large wine *amphorae* that had been split in half to cover the corpse. Others were cremated and their ashes placed in smaller containers whose necks projected above the ground to mark the grave (Hopkins 1983: 211; Nock 1972: 606–7). These graves may have been distinguished at one time with perishable markers of cloth or painted wood. Although such graves were a far cry from the permanent tombs with their funerary reliefs and inscribed epitaphs, they were more individual than the *puticuli* could ever have been. They would also have allowed relatively poor people some participation in ceremonies surrounding the dead. The same sense of community participation and pride could not have been experienced at the site of a mass grave. The growth of *columbaria* and burial clubs reflects this desire for community participation and recognition, too. Studies have shown that the iconography of funerary memorials allowed a dialogue to be established between the commemorator of a memorial, the deceased, and the community at large (Kleiner 1977, 1987; Hesberg 1994).[54] Thus whether one came from a distinguished background or not, it seems that it was important socially to be able to mark one's death in some way, or at least to show that one was able to commemorate someone else.

Many of the rituals surrounding Roman public life may also have

had a great influence on promoting the importance of sharing in the burial process. The ability to participate in all facets of the death ritual above and beyond burying or cremating a body properly became a mark of social prestige. Although no complete description of a Roman funeral exists today, many literary references allude to the treatment of the dead by the upper classes (Flower 1996: 91–126), particularly the imperial family. A state funeral (*funus publicum*) could be awarded to any benefactor of the state, male or female. All citizens were invited to it. It involved considerable pomp and ceremony. Augustus is known to have given a public funeral to his freed slave and tutor Sphaerus, and in CE 32 the senate decreed one to Lucius Piso (Toynbee 1971: 55–6). In many cases these lavish funerals must have left a strong impression on the inhabitants of Italy, most notably in Rome itself; for example, the impact of the deaths of Drusus and Germanicus, who both died away from Rome, was felt by people all over the Empire, especially those who saw their bodies being taken back there.[55] Local communities also honoured members of the imperial family. Gaius and Lucius Caesar were commemorated at Pisa (*ILS* 139–40).

Funerary processions of the élite frequently included ancestral *imagines* as well as living relatives and many other mourners. Children often gave funeral eulogies, and the overwhelming emphasis of the whole display was on family lineage and social achievement. Although it is not entirely clear how children perceived death, they did take part in funerals[56] and other religious functions.[57] This, coupled with the promotion of children, the family, and traditional morals through visual vocabulary created initially by Augustus, was a strong determinant of the funerary imagery of a large section of society (Zanker 1988, esp. 265–95), particularly that of freed slaves, *libertini* (Zanker 1988, esp. 202–5; Kleiner 1977 and 1978: 767–76).

Influence might also have come from festivals associated with the dead. These were in effect public holidays,[58] when the law-courts were closed and no public business was transacted (Toynbee 1971: 64). The *Parentalia*, the main festival of the dead, was held from 13–21 February. The last day of the festival was reserved for public ceremonies, while the remaining were private celebrations held by the family (Dixon 1992a: 136–8). During the festival, relatives and friends would bring gifts to the graves (Toynbee 1971: 63). At the semi-official festival of the *Rosalia* flowers were laid on the graves of family and friends.[59] At these occasions economic distinctions would have been paramount.

In sum, while funerals and burial consisted of an integrated set of rituals by which the living dealt with the dead, for many they were also a source of social standing and individuality.[60] To be able to perform the necessary ceremonies at the particular festivals associated with the dead before a permanent epitaph, regardless of whether this epitaph belonged to a family member, friend or young child, would have been perceived as a mark of social standing and ritual correctness. *Columbaria*, for example, show evidence of the provision of areas where people could celebrate the rituals held on these festival days. Tombstones were thus not only memorials for the dead but also existed to serve the living. Often the dedicators of these monuments would include their own name and relationship to the deceased, and in many cases used *sibi* ('for themselves') in the inscription as well, to commemorate themselves while they were still alive.[61] For a considerable section of the population in urban centres, particularly those of Rome and Ostia, the decision to commemorate death with a tombstone was a cultural act structured by many physical elements of their surroundings.

Individuality and community status could be achieved among the multitude of a crowded city, but the crucial distinction between élite and masses was always maintained. Consider Tacitus (*Ann.* 16.16):

> Just as the nobly born are distinguished in the mode of their burial from the vulgar dead, so, when history records their end, each shall receive and keep his special mention.

For many people, it was not the wider community encompassing the élite of which they wished to become a part, but the community of their peers and associates where they could make a meaningful mark. Initially, the middle and lower classes may have been influenced by élite fashion.[62] It was more likely to have been a combination of the factors discussed above, however, which had the greatest impact on other sectors of urban society. In addition, the commemoration of death was a social act not governed by law. A child in these circumstances could be granted entry into the community through commemoration in death, even if the true benefit was gained only by those who erected the memorial.

The commemoration of children was more common in urban settings than it was in the smaller towns and rural areas of Italy. It was also a practice influenced by the physical setting occupied by towndwellers, and by the social pressures and expectations of their immediate community. Writers such as Cicero or Seneca, for example, who recommended that young children should not be mourned or

accorded proper burial rites, or like Plutarch, who invoked archaic forms of Roman law, were writing for a particular audience who demanded a very conservative and traditional content in their material. Their writings were expected to conform to traditional *topoi*. These upper-class authors did not set out to construct a true reflection of everyday events and attitudes and cannot be taken as literal examples of everyday practice, even within their own restricted social group. For a large section of the community, marking the death of a child brought a chance of recognition, even if this recognition was limited to their own immediate communities or *familiae*. Although these children had only lived for a short time they stood for hope and achievement. And they offered an avenue of response to influential imperial ideology, in that their births showed that their parents had fulfilled an important social function of married life. Including an age at death proclaimed loudly that this was the grave of a child and suggested that the dedicators had been looking towards the future of Rome and Italy: death alone had ended their hopes prematurely. Indicating that a child died at a young age thereby allowed a variety of desires and emotions to be expressed by certain members of Roman society, especially the *libertini*, who might otherwise have been excluded from participating in a very important part of that society, the death ritual.

Notes

1   The material in this study is taken from a much larger project. Findings about inscriptional trends will eventually be checked against the completed Rawson, Weaver and Gallivan Project and iconographic aspects of children's funerary commemorations will be explored in detail.

2   This chapter therefore concentrates on children who were considered *impub(er)es* in accordance with the legal definition of male puberty (14). For comparison purposes, I have included girls up to the age of 14, although 12 was the notional age of puberty for girls (Gaius *Inst.* 1.196–7). The majority of girls in Roman society outside the upper classes did not marry until their late teens (Shaw 1987: 43–4). Precision about age-stage is difficult because the Romans did not use a specific vocabulary corresponding with the modern sub-groups of newborns, infants, toddlers, young children and adolescents. Manson, for example, has shown the ambiguity that exists in the literary usage of *infans* (literally one who does not speak properly) or *infantia*. Both these terms could be employed to describe either children up to the age of 7 or (sometimes) adults, while the terms *puer/puella* ('boy/girl') could be applied to a very wide age span (Manson 1983: 150–3). Latin funerary inscriptions seldom employed these terms, and tended not to utilise the diminutives of size or quality commonly found in literature, for example, *parvula/us*, *parva/us* or *pupa/us*

for a baby, and *puerulus/puellula* for a small boy or girl (Manson 1983: 150–1). Specifying the age (by number) was the preferred method of a dedicator interested in the child's precise life-stage.

3   Some collections were dated a little more narrowly; for example, the study of the Vatican cemetery published by Toynbee and Ward Perkins (1956) covering the pagan cemetery in use from around 125 CE to the late second/early third centuries CE (Toynbee and Ward Perkins 1956: 56); Thylander's 1952 collection of Ostian inscriptions, hereafter *IPO*, covering the Isola Sacra and Portus is largely dated to the second century CE. None of this material was earlier than the reign of Trajan, 98–117. Inscriptions from several of the dovecot-shaped group memorials (conventionally termed *columbaria* by Roman historians) from around Rome published in *CIL* 6 also contain material that has been dated to the first and second centuries CE, especially those *columbaria* belonging to members of the imperial family, e.g. *CIL* 6.3926–4326 (*Monumentum Liviae*); *CIL* 6.4327–413 (*Monumentum Neronis Drusi*); *CIL* 6.4414–80 (*Monumentum Marcellae*).

4   Inscriptions for the Vatican cemetery in Rome included are from the collection of Toynbee and Ward Perkins (1956).

5   Wiedemann 1989: 179; Shaw 1991: 77; Bremmer 1983: 98 based on Fulgentius *Exposito sermonum antiquorum* 560.7.

6   Rawson 1991a: 12. See again the discussion in the preceding chapter and compare Plutarch's comment that the newborn child was at this stage more like a plant than a human being (*Quaest. Rom.* 102 [*Mor.* 288C]).

7   Plutarch *Numa* 12 = *FIRA* 1.12. Compare his claim that in Roman Greece in his own day it was not customary to provide children with proper burial or any form of burial cult – see *Mor.* 612A (consolation to his wife).

8   This perhaps refers to the *toga pulla*, the toga customarily worn to show that a person was in mourning (Stone 1994: 13).

9   *Frag. Vat.* 321 (Ulpian) = *FIRA* 2:536; Néraudau 1984: 195–6.

10 Cf. Plutarch *Mor.* 612A–B (consolation to his wife).

11 Seneca *De Prov.* 1.4.4–6; Marcus Aurelius 's suggestion in *Med.* 12.26, that the philosophical man should pray that he has no fear of losing his child rather than praying that his sick child will not die, foreshadows a later Puritan commonplace.

12 Cicero *Tusc. Disp.* 1.93. Cicero's comment on the premature birth of his own grandson reflects concern only for his daughter Tullia – *Ad Att.* 10.18.1 (19 May 49 BCE).

13 Contrast the tolerance Pliny extends to his friend Fundanus' extravagant funeral expenditure (Pliny *Ep.* 5.16.7 and 9) with his contempt for Regulus' excesses and the imputation that Regulus' show of grief is insincere, a bid for attention. For a satiric treatment of parental grief, see Lucian *Diolog. Mort.* 12–15 on the excessive displays of sorrow, particularly by the parents, at the funeral of a young man.

14 See again n. 2 above.

15 Although only a small section of *Regio I* was analysed (approximately 1300 km², with nineteen sites, including those at Ostia and a small section of Rome), this area produced by far the greatest number of children: 649/856 (76%). Table 5.1 shows the percentage of child inscriptions by area: Vatican cemetery (Toynbee and Ward Perkins 1956) 42%; *columbaria* 33%; *IPO* 34%; *CIL* 44%; East of Ostia 35%.

16 The sex ratio is based on the number of males per hundred females. A sex ratio of 100 would imply equal numbers of males and females.

17 A further 7% of inscriptions were from the area East of Ostia (23 inscriptions); *Regiones II, VII* and *VIII* accounted for only 19% of the commemorations collectively, *Regio II* 9% (30 inscriptions), *Regio VII* 5% (19 inscriptions), *Regio VIII* 5% *(16 inscriptions)*.

18 191/275 inscriptions. 4% (11 inscriptions) from the area East of Ostia. Collectively the three remaining *regiones* contained only 26% of commemorations: *Regio II* 15% *(41 inscriptions), Regio VII* 8% *(24 inscriptions), Regio VIII* 3% (8 inscriptions).

19 Area East of Ostia, 5% (8 inscriptions); *Regio II* 16% (25 inscriptions); *Regio VII* 7.5% (12 inscriptions); *Regio VIII* 7.5% (12 inscriptions).

20 I feel that *ambigui,* rather than the conventional *incerti* ('uncertain'), better describes the children of undifferentiated free status. That they are not slaves is certain. Whether they were entitled to full or partial citizen rights is uncertain. Some of these children may have been freeborn (*ingenui*), but that cannot be established from the existing evidence and so they, too, must be categorised as *ambigui.*

21 *Servi* are children born of slave parents and whose status was recorded on their epitaph by one of the following methods: the use of the term *servus/a* or *delicatus/a*; use of the possessive genitive; or the term *verna*, homeborn slave. Children who were only named with a *cognomen* are classed as probable slaves, '*servi?*'.

22 Children classed as *liberti* are those commemorated in their epitaphs as being the *libertus/a* of a particular patron or who were simply referred to as *libertus/a*. Children who are classed as *liberti?* are those who were commemorated along with their parents or their father and clearly have a different *nomen*. Parents and fathers may have been *servi*.

23 Freeborn children are those commemorated with filiation and/or tribe or who were peregrine. Freeborn illegitimate children, *spurii*, were sometimes commemorated with *sp.f.* (*spurii filius, filia*, child of an unknown father*) in place of the normal filiation marker.

24 A significant proportion of these children may also have been Junian Latins (Weaver 1990).

25 418/782 children (53.3%). This group comprises *ambigui* (395 children, 252 males and 143 females) and *alumni ambigui* (22 children, 16 males and 6 females).

26 190/782 children (24%). *Servi* (39 children, 28 males and 11 females); *servus alumnus* (1 male child); *vernae* (32 children, 25 males and 7 females); imperial *verna* (1 female child); children likely to have been slaves (117 children), *servi?* (109 children; 74 males, 35 females); 8 *alumni servi?* (5 boys, 3 girls).

27 *Liberti*: 40 children (24 males and 16 females); *vernae* with more than *cognomen*: 11 children (7 males and 4 females); 1 male imperial freed slave.

28 *Liberti?* 7 children (1 male and 6 females).

29 *Ingenui?* are children of two parents of different *nomina* who bear the *nomen* of their father.

30 82/782 children. *Ingenui* (78 children: 47 males including one *alumnus* and 31 females); 4 peregrine children (2 males and 2 females).

31 *CIL* 6.6.7778. Weaver (1972: 101 n. 2) suggests that the status indicator given to Aurelius Felix may have been inserted in error.

32 586/782 commemorations, or 75%. That is, only 25% of inscriptions did *not* feature the dedicator.

33 Saller and Shaw 1984: 134–6. Their study differed from this one in that it encompassed took in all ages, as well as inscriptions which did not include an age at death. But see Martin's critique (1996) and Rawson's response (1997c).

34 For example *CIL* 6.5528; 14.932; 11.207 (Ravenna); 11.2981 (Tuscana). In several of these inscriptions the natural and foster-parent(s) shared the same *nomen* and may have been members of the same *familia*. Just as burial clubs became a mechanism for ensuring a proper burial, a system in some *familiae* may have functioned whereby those able to support a child financially assisted those not so well off, especially if they had no children themselves. In return they would have an heir, or, in the event of the child's death, a chance of immediate recognition within their immediate community on the memorial set up for the child. The same reasoning may also hold for group inscriptions.

35 The majority of these dedicators were *servi*, *liberti* or members of the armed forces. For example Protogenes, who commemorated the deaths of his three sons, was an imperial *aurifex* (goldsmith), *CIL* 6.3950; Faustus, father of C. Iulius Eutyches was an *a manu* (secretary skilled in taking dictation) of Livia, *CIL* 6.4448. A number of children were commemorated as *vicarii* (*CIL* 6.6398, 7754; 9.70; Weaver 1972: 200–6. In other words, they belonged to the *peculium* of another slave. Dedicators with military backgrounds also tended to display their titles upon the memorials they set up for children and other adults, for example *CIL* 9.1049, 2115; 11.352; 14.2269, 2274, 2289. There were also a number of cases where the owners or patrons of *servi* or *liberti* were listed on the memorials without acting in the role of dedicators. For example, although 12-year-old Tauriscus had no dedicator upon his inscription he was commemorated as the slave of Sostenis and the *libertus* of Germanicus Caesar (*CIL* 6.4401; see also 6.6248, 4448, 4809, 5236, 6574).

36 13-year-old Melior was the *verna* and apprentice *calculator* of the *praeceptor* Sextus Aufustius Agreus (*CIL* 14.472). The dedication claimed that Melior, a child of outstanding potential, had acquired great expertise despite his young age. 12-year-old *Pagus* was a skilled jeweller (*CIL* 6.9347). Other examples include three girls aged 13, 12 and 9 who were *ornatrices* (dressers) (*CIL* 6.9728, 9726, 9731). The 4-year-old *libertus* L. Ancius Felix was commemorated as a *vertarius tenuarius* (maker of light clothing) (*CIL* 6.6852); others were recorded as entertainers and acrobats, also at young ages, e.g. *CIL* 6.10158. A group of children, all from *Regiones I* and *II* were commemorated along with their 'honorific' titles, including that of *praefectus fabrium* (*CIL* 9.223), *praetor primus* of the *sacra Volkani* in Ostia (*CIL* 14.306); and M. Cornelius Epagathinianus was member of the town council at Ostia and patron of the boatmen's guild (*CIL* 14.2). For other examples, see *CIL* 14.302, 1067.

37 It is believed that the famous republican tomb of the Scipios was covered with narrative paintings that included the funerals of leading family members (Mansuelli 1979: 52).

38 As Eck (1997) shows in his study of inscriptions set up to the élite, it can be difficult to tell in some cases whether an inscription was funerary or not. If the élite were setting up epitaphs, statues or busts to their children, they may not have attached an age at death or any other funerary indicators.

39 In a forthcoming study I discuss other alternatives for upper-class commemoration of children.

40 Martial 10.61. As discussed below, Martial requests that annual respects be paid at Erotion's grave by any future owners of the property.

41 *CIL* 14.3605-8; Eck 1997: 81. The tomb of the distinguished Verginius Rufus was on his estate near Alsium in Etruria; cf. n. 42 below. Eck (1997) discusses the difficulties involved in pinpointing upper-class tombs.

42 Pliny *Ep.* 6.10, where Pliny laments the fact that nine years after Rufus' death the tomb was still unfinished and no inscription accompanied his ashes.

43 Martial 10.61 See also the poems of consolation written by Statius: *Silvae* 2.1, a consolation written to Atedius Melior on the death of his *alumnus*; *Sil.* 2.6, a consolation written to Flavius Ursus on the death of his favourite young slave; *Sil.* 5.5, a lament written on the death of his adopted *infans*. All these children were treated as surrogate sons. See esp. *Sil.* 5.5.79.

44 Terms such as *dulcissimus/a* (e.g. *CIL* 6.5780; 9.1973; 11.25; 14.1181); *pientissimus/a* or its variant *piissimus/a* (e.g. *CIL* 6.7937; 11.2540, 2611; 14.1329); *bene merenti* (e.g. *CIL* 6.4859; 9.1240; 11.2534; 14.870); *carissimus/a* or its later variant *karissimus/a* (for example, *CIL* 6.5313; 11.2055; 14.932; *IPO* A279) or combinations of the above and other terms (for example *CIL* 6.7778; 9.1240, 1948; 11.655; 14.1009) were frequently found upon inscriptions, cf. the more elaborate epitaphs (for example *CIL* 6.5305; 9.1973; 11.207; 14.472, 1731). See Sigismund Nielsen 1997 and her chapter (Ch. 10) in this volume.

45 I use the term 'community' as a collective rather than focusing merely upon the citizen community, because I wish to encompass slaves and freed children in my analysis.

46 See esp. Juvenal *Satirae* 3.13–16, 58–83 (foreigners); noise and crowding 3.212–45; Martial 5.22, 12.57; Horace *Ep.* 2.2.65–86. Although this cannot be taken as a literal description of Rome in the second century CE, Juvenal's description does give some indication of life in a large city in the ancient world. See Braund 1989.

47 For the threat of fire, Juvenal *Sat.* 3.1–27 and cf. Tacitus *Ann.* 15.38–44; on collapsing buildings, Juvenal *Sat.* 3.1–27; 3.164–222.

48 Ulpian *Dig.* 9.3.5.1–2 makes reference to patrons, clients and slaves in the one dwelling. See also Hermansen 1982 on common areas in the *insulae* of Ostia; Dixon (Ch. 7) and Wallace-Hadrill (Ch. 8) in this volume on Rome.

49 Wallace-Hadrill (1991: 218) mentions advertisements of housing for equestrians.

50 See Servius *Ad Aen.* 6.224; Varro *De Ling. Lat.* 5.166 (funeral couches); Persius 3.103–18; Martial 8.75.

51 See for example *CIL* 6.31614, 31615; Gordon and Gordon 1957: 77–9; Hopkins 1983: 210.

52 Cicero *De Leg.* 2.23.(58); Trajan, whose ashes were placed in the base of his column, in the centre of Rome; Dio Cassius 68.16.3; 69.2.3.

53 Bodel 1994 (1986); Davies 1977: 17; Hopkins 1983: 208; Morris 1992: 42. Some scholars now doubt whether the *puticuli* of the Esquiline Hill were those of antiquity. Early in the first century BCE the senate had the area buried under tons of rubble. A site next to it was then used for the same purpose – Morris (1992: 42) feels that this area could be the bone yard mentioned by Horace in *Sat.* 1.8 – until the whole area was turned into a garden by Maecenas in 35 BCE.

54 Funerary iconography on the memorials of children will be addressed in a forthcoming study. See also George, Chapter 11 below.

55 Drusus: Tacitus *Ann*. 3.5; Suetonius *Tib*. 7.3; Dio Cassius 55.27; Germanicus: Tacitus *Ann*. 3.4; 2.82–83.

56 Sons are known to have walked in funeral processions with their heads covered, and daughters with their faces veiled (Servius *Ad Aen*. 3.407; Plutarch *Quaest. Rom*. 14 [*Mor*. 267A]). Women, even very young girls, were dressed in mourning colours, black during the Republic and white in imperial times (Daremberg and Saglio 1877–1919, vol. 1 pt 2: 1391). Children of the upper classes sang a dirge at the funeral of Augustus (Suetonius *Aug*. 100). For other examples of upper-class children singing at public occasions (for example, the *Ludi Saeculares*) and of the ceremony of the *Lusus Troiae* where groups of boys engaged in mock battles on horseback, apparently instituted by Augustus, see Wiedemann 1989: 182–3. Nero apparently took part in these games at a fairly young age (Suetonius *Nero* 7).

57 For example the children depicted on the *Ara Pacis* (Kleiner 1978: figs 3, 4, 5, 6, 8 and Plates 11.3 and 11.4 in this volume). Juvenal provides evidence for the participation of children in household religious rituals. *Pueri* were apparently in charge of placing garlands and soft turf on shrines to Jupiter and the *Lares* (*Sat*. 12.83–92). Juvenal also refers to a rural festival where a baby, still at its mother's breast, was present (*Sat*. 3.176). Thus children probably accompanied their parents or other friends and relatives to festivals and other public activities from a very early age.

58 Occasions throughout the year where the dead were commemorated by funerary meals eaten at their tombs by their relatives and friends included their birthdays and the *Parentalia* and *Lemuria*, the two annual festivals of the dead. Provision could also be made for the lighting of lamps at graves on the *Kalends*, *Ides* and *Nones* of each month (Toynbee 1971: 51 and 63).

59 Some have associated the ceremony with tradesmen's or worker's *collegia*, but others believe it was celebrated more generally. See Lattimore 1962: 137–41; Toynbee 1971: 63; Dixon 1992b.

60 Morris (1992) applies to the ancient world the standard modern sociological view of funerary rituals as a means by which the living deal with the dead and gradually separate themselves from them. He illustrates how funerals can be broken down into stages or a series of rites of passage which allow people to become in death what they have often not been in life (1992: 9–30, esp. 9–10).

61 For example, *CIL* 6.4742, 4950, 6644, 7700, 7284, 7493, 7974, 8075; 9.1401, 1697; 11.169, 220, 1025, 3166, 3273, 3615, 3852; 14.596, 734, 808, 918, 1725, 1731, 1799, 2522.

62 Senatorials and equestrians began to use lavish tombs from about 100 BCE, but from 30 BCE onwards favoured much simpler family tombs organised around modest family altars on family estates rather than in Rome (Morris 1992: 43).

Part 2

CLASS AND STATUS

6

RECONSTRUCTING LOWER-CLASS ROMAN FAMILIES[1]

Paul Weaver

An article by Beryl Rawson which appeared in *Classical Philology* in 1966 in the then unfashionable field of 'the Roman family' and its role in the social history of Rome, under the title 'Family life among the lower classes at Rome in the first two centuries of the Empire', demanded – and received – careful reading (Rawson 1966). It occasionally ventured into the then also untrodden field of the '*Familia Caesaris*' and calmly and, some would say, courageously grasped the thorny issues of slave-born Roman society. At what age, for instance, and under what circumstances could manumission (freedom from slavery) be obtained? Why were so many slaves in Rome set free at so early an age? How could you tell from personal names alone whether a particular individual was slave, freed or freeborn? And why in such a status-conscious 'slave' society did the vast majority not use any form of status indication, especially those who had their names on tombstones? Then came the question of slave families 'broken' by sale or other forms of transfer, and the problem of the 'marriage' of male slaves with freeborn women. There was even mention of Junian Latins. All of this involved immense control, in particular of two massive categories of source material, one epigraphic, especially the thousands of funerary inscriptions (*sepulcrales*), the other legal, especially the *Institutes* of Gaius and the fifty-book compilation of Justinian's *Digest*.

Many of the difficulties associated with these issues go under the heading of methodology. The legal rules are reasonably clear, but those of 'sepulchral' epigraphy still leave a wide field open to speculation. Indeed, important questions remain: what are the rules of

sepulchral nomenclature? Who makes them and why? Who agrees to follow them? Reconstructing lower-class Roman families from this material is a particular challenge. To illustrate the problems and uncertainties, I take four examples: to begin with, two simple typical first/second century CE *sepulcrales*, found in the Classics Department Museum collection at the Australian National University in Canberra; then two more complicated ones, taken from the repertory of the *Familia Caesaris*, slaves (and freed slaves) of the emperor and his immediate connections.

1 ANU Classics Department Museum 71.04a = *CIL* 6.26409

> *d. m.*
> *M. Seruilio Gemello*
> *uixit annis VIIII m(ensibus) II d(iebus) XXVII*
> *fecerunt parentes Stephanus*
> *et Fortunata filio piissimo*
> *sibi et posterisq(ue) eorum*

> 'To the spirits below. To Marcus Seruilius Gemellus
> ["Twin"]. He lived 9 years, 2 months, 27 days.
> His parents Stephanus and Fortunata set it up for their
> beloved son, for themselves and for their descendants.'

The family relationships here are crystal clear – father, mother and son, a simple nuclear family. As the parents also inscribe the monument to themselves and their descendants (*sibi posterisque*),[2] the 9-year-old M. Seruilius Gemellus, despite bearing a personal name meaning 'twin', may well have been their only surviving child. As usual in the *sepulcrales*, we cannot be certain that we have the full complement of siblings, whether deceased or still living. But why does the form of his name differ from that of his parents? That too should be clear. Provisional Rule One of Sepulchral Nomenclature affirms that, 'In the absence of other evidence to the contrary, a single name without status indication implies slave status.' Provisional Rule Two is equally categorical: 'Three names (*tria nomina*, i.e. *praenomen*, *nomen gentilicium*, *cognomen*) and you're in – you're a Roman citizen'; (one less name for women (normally no *praenomen*).)[3].

How then can Gemellus be a Roman citizen while his mother

(indeed also his father) is still a slave? In that case he would have been born a slave himself. Was he formally manumitted by the (unnamed) owner of his mother, presumably an M. Seruilius? The problem then is the *age* of Gemellus. At 9, he falls short by over twenty years of the minimum 30 years required by the Augustan *lex Aelia Sentia* of CE 4 as one of the three conditions for formal manumission (Gaius 1.17).[4]

The list of exceptions (or approved *iustae causae*) provided by that law for formal manumission under 30 is heavily concentrated on family and personal relationships within the household, i.e. that of the owner (*dominus*) of the slave, and includes natural blood- or foster-relationship with the *dominus*; a supervisor of children of the household (*paedagogus*), an intended spouse or business agent (*procurator*) of the *dominus*. None of these can or is likely to apply in this case, with the possible exception of a foster- or adoptive relationship with the unnamed *dominus/patronus*. But if this is a case of formal under-age manumission involving Roman citizenship, the absence from the record of the foster- or adoptive parent, or of any term such as '*alumnus*' to indicate such a relationship, is critical. The most likely scenario is informal manumission (which could occur at any age) and the resulting Junian Latin status, which carried with it freedom, *libertas*, but not citizenship, *civitas* (Weaver 1990: 275–304; and see Rawson and Weaver 1997: 55–72 on the children of Junian Latins). Informal manumission of young children, perhaps in the face of impending death so that they can die in freedom (so-called 'pathetic' manumission), is commonplace in the sepulchral inscriptions.

It emerges from this simple case that Rule Two above (i.e. *tria nomina* = Roman citizenship) is defective, seriously so if Junian Latins lurk untraced in large numbers in the *sepulcrales*, as I think they must. With over 65 per cent of freedmen/freedwomen in Rome and Italy on funerary inscriptions recorded as having been manumitted under 30 years of age, and thus *potential* Junian Latins, i.e. non-citizens using the *tria nomina*, they represent a large undetected black hole at the heart of the 'slave' society that is Rome, at least in urbanised Roman society.[5] The figures are 35 per cent for those manumitted under 20; in the western provinces, 40 per cent under 30 (Alföldy 1972: 107–13; but see Garnsey 1981: 361ff.). These figures, indeed, are minimum figures; they understate the proportion *actually* freed under 30, as age at manumission, of course, must be lower than age at death. The use of *tria nomina* by *Latini Iuniani* (and by extension by *Latini* in general) is already clear from Pliny, *Letters* 10.5.2, 10.11.2, and especially 10.104 (cf.

8.16.1, 7.16.4 for his views on informal manumission; Weaver 1990: 279–81 on Pliny's *Letters* as evidence).

Whether Rule One (i.e. single name = slave status) is equally fragile is much more problematic. It is enough to observe that it is not always the case that a single name, even one of Greek derivation, implies slave status, nor should the rule be applied automatically. A single name as shorthand for *tria nomina* has to be allowed for in many contexts, some of them sepulchral. This is obviously the case with those with status indication who are thus known to be freeborn or freed, such as the *Augusti liberti*, of whom nearly a thousand, or up to one-third of the total, do not record their imperial *nomen* or *praenomen*. But private individuals without any form of status indication – the *incerti* – amount to at least two-thirds of the persons in the epitaphs from Rome. Among these the number of the freed and also freeborn who omit both *praenomen* and *nomen* cannot be determined, but should not be discounted.[6] If this applied in the inscription discussed above, a quite different and much simpler conclusion could be reached – M. Seruilius Gemellus could be a Roman citizen child of citizen parents named M. Seruilius Stephanus and (Seruilia?) Fortunata.

2 ANU Classics Department Museum 71.04b

d. m.
Antoniae Saturnina[e]
Sempronia Epictesis fecit uernae suae
lib(ertis) libertabus
posterisq(ue) eorum

'To the spirits below. To Antonia Saturnina. Sempronia Epictesis set it up to her *uerna* and to her male and female freed slaves and to their descendants.'

This simple epitaph on the reverse side of the tablet bearing (1) above remained modestly turned to the wall in a Scottish castle for many years, escaping notice till it was acquired by the Australian National University and first published in the ANU Classics Department Museum publication, *Antiquities* (Canberra, 1981: 118). It has the curiosity that it is inscribed upside-down in relation to the epitaph on the obverse side of the stone. While the reuse of a marble

slab on both sides for epitaphs is not unusual, I have not previously encountered any inscribed upside-down.

Provisional Rule Three of Sepulchral Nomenclature states: 'The term *uerna* indicates that a person so named was of slave birth reared within the household.' It is regularly taken to denote a favoured category of slaves, 'home-bred', not bought or otherwise acquired, for example by bequest, legacy or inheritance. Sometimes the relationship was closer still, when such *uernae*, as with foster-children (*alumni*), seem to be regarded as substitute children of the master of the household. The term was sometimes retained after manumission in the combination *libertus/liberta et uerna*, involving dedications by the patron/former owner, thus illustrating the wider network of the household (*familia*), which was inclusive of both slaves and ex-slaves, rather than just the nuclear or cognate family of the same blood. It would be natural, therefore, indeed a standard requirement, for the manumitted *uerna* to have the same *nomen* as his/her patron.[7]

In this case, unusually, the *nomina* differ. There is no direct indication that Antonia Saturnina is in fact a freedwoman nor, if she were, that she is/can be the freedwoman of Sempronia Epictesis. We are faced with the possibility either that she was the *liberta* of someone else in the *familia*, an unnamed Antonius, perhaps the husband of Sempronia Epictesis, or that Saturnina, although a supposedly favoured *uerna*, was yet unsentimentally sold or otherwise transferred to another master while still a slave – a candidate for membership of a 'broken' family, if her mother, who must have been a slave within the *familia*, were still living. One is not comfortable with either of these alternatives. The first would seem to be ruled out by the use of *suae* in the phrase *uernae suae* which with the formula *lib(ertis) libertabus posterisq(ue) eorum* should refer to Sempronia Epictesis, the dedicator, and to her own *uerna* as well as her freedmen, freedwomen and their descendants. The second alternative of the 'broken' family does not sit well with the favoured status of Saturnina which the existence of this very dedication would lead us to assume is the case. Is it possible that *uerna sua* here does not have a slave connotation at all? (Cf. Rawson 1986b.)[8]

More challenging still are cases where we have clues that help us to penetrate briefly into aspects of private family life, such as remarriage, that lie hidden behind the formulaic façade of burial notices, and, where the records are not just personal names and age data but include indications of status and occupation and some dating criteria (factors which are conspicuously absent from most of the sepulchral

inscriptions), to speculate on the more public processes of status and career advancement. For this purpose, examples from the repertory of the *Familia Caesaris* are the most promising.

3 *CIL* 6.1963 = 5180 = *ILS* 1948

(a) *C. Iulius Diui Aug. l.*
 Niceros Vedian(us) acce(n)s(us) Germanico Caisar(i) cos et
 Caluisio Sabino cos
 Iulia L. f. Helice
 uix(it) an(nis) XX

 'Caius Julius Niceros Vedianus, freed slave of the Divine Augustus, attendant to the consul Germanicus Caesar and to the consul Caluisius Sabinus. Julia Helice, daughter of Lucius, lived 20 years.'

(b) *C. Iulius Aug. l. Amaranthus*
 sibi et Iuliae C. l. Clarie et
 Iuliae C. l. Mercatillae
 delicio meo
 Iulia Euheteria
 Helices mater

 'Gaius Julius Amaranthus, freed slave of Augustus, to himself and to Julia Clarie(s), freed slave of Gaius and to Julia Mercatilla, freed slave of Gaius, my darling. Julia Euheteria, mother of Helice.'

Both parts of this inscription, from the large *columbarium* in the *uinea Codiniorum* in Rome excavated in 1852, are similar in design and lettering, and the first line of each links to form one continuous line in larger letters. The two parts are closely connected, probably, though not necessarily, put up at the same time.

The family relationships are: in (a) Iulia Helice is wife of C. Iulius Diui Aug. l. Niceros Vedianus; and in (b) Iulia Euheteria is wife of C. Iulius Aug. l. Amaranthus and mother of the Iulia Helice from (a), who is freeborn with filiation (*L. f. = Luci filia*, daughter of Lucius).

Helice's father is not specified, but can be either Amaranthus or an unnamed previous husband of Iulia Euheteria. Iulia Claria and Iulia Mercatilla are both slave-born and, although acknowledged in

the family dedication, cannot be sisters of Helice. It is clear from the dedication by Amaranthus *sibi et … delicio meo* and from the status indications *C. l.* that they are his freedwomen, not Euheteria's. The *praenomen* 'C.' – not '*(Gaiae)*' or '*L.*' – would exclude Euheteria as a patron.

Freeborn status of the wives of the two *Augusti liberti*, Niceros Vedianus and Amaranthus, is certain for Helice and possible, even probable, for Euheteria, despite her Greek *cognomen* (cf. Helice). This brings up the question of *freeborn* women (*ingenuae*) marrying imperial freedmen, which is not a problem in the case of a second marriage by a freedman after manumission, but is quite different legally from forming informal unions with imperial slaves 'marrying' for the first time before manumission, under the age of 30. Helice is freeborn with filiation *'L. f'.*[9] This reveals that her mother Euheteria was either an *ingenua* or a *liberta* at the time of her daughter's birth. Where does this filiation come from? If Amaranthus was the father and still an imperial slave, his daughter would have been of illegitimate birth and her filiation, if any, should be *Sp(urii) f.*; if he was already an imperial freedman, her filiation would have been *C. f.*, not *L. f.* The *praenomen* L(ucius) cannot derive from him. It may have come from her mother's father if Euheteria was freeborn, or from her patron if she was a freedwoman. If the latter is the case, she cannot be from the imperial *familia* at all, unless freed by Lucius Caesar prior to his death in CE 2, when she would have been in her early teens (see below). She could be a former slave of a non-imperial L. Iulius, but in view of her marriage to a freedman of the emperor Augustus and her daughter's similar marriage and freeborn status, this is less likely. The simplest and most likely possibility (but no more than that) is that Iulia Euheteria is freeborn, like her daughter. The absence of filiation or status indication from her name is in contrast with the freed indication given for Amaranthus and the two other Iuliae mentioned in (b).

As for her daughter Helice, this was, I suspect, the child of an earlier marriage of Euheteria to a L. Iulius, whether he was freeborn or freed by that time, and Helice's filiation derives from her father. An early first marriage of Euheteria when she was already of free status at the time her (first?) child was born, enhances the likelihood that she was freeborn herself, that the marriage was a *iustum matrimonium* and all three members of the family were Roman citizens by birth. If she was a freedwoman, she would need to have been already manumitted at the time of her first marriage, presumably well under the legal age of 30, and indeed under 20 – a Junian Latin, perhaps?

Further consideration of the age data below might confirm this. The somewhat perfunctory manner in which she is referred to in dedication (b), not as the wife of Amaranthus, but simply as mother of Helice (*mater Helices*), also could point to an earlier marriage. On balance, then, the evidence suggests freeborn status for mother as well as daughter.

Further conclusions can be drawn from the chronological data in the inscription about the lives of these two couples. Ages at birth, marriage, manumission and death are all involved. In (a) Niceros Vedianus is named as having been an official attendant (*accensus*) to Germanicus Caesar when consul in CE 18, and also to Caluisius Sabinus when consul in 26. This part of the inscription, and probably the whole of it, could not have been erected before CE 26 at the earliest. Helice, on the assumption that (a) was inscribed reasonably soon after her death at the age of 20, was thus born at the earliest in CE 6. If she did not marry before she was 14 years old, this could not have taken place before CE 20. There is no mention of children in her dedication. Her husband, Niceros Vedianus, on the other hand, was a former slave of Vedius Pollio, an equestrian and a close friend of Augustus, to whom he bequeathed many of his slaves when he died in 15 BCE (Dio 54.23).[10] Niceros was thus born not later than 15 BCE, more likely earlier, and was thus at least twenty years older than his wife. Perhaps twenty-five years might be nearer the mark, as Niceros Diui Aug. l. had been manumitted before Augustus' death in CE 14. If his manumission occurred at the regular age of 30, he would have been born sometime before 16 BCE. He married his freeborn wife, then, at the comparatively late age of 35 or older, in all likelihood not a first marriage in his case either.

If Helice was born in CE 6 or later, her mother Euheteria's birth can be placed fifteen to twenty years earlier, not later than 10 BCE. Euheteria's husband, C. Iulius Aug. l. Amaranthus, was freed by Augustus, hence by not later than CE 14. Assuming manumission at the regular age of 30, he could have been born about the same time as his son-in-law Niceros or earlier, by 17 BCE, thus making him five to ten years older than his wife Euheteria. To be the father of Iulia *L. f.* Helice he would need to be still an imperial slave and Euheteria freeborn, as Helice's filiation cannot derive from him but must come through her mother (see above). If he was the first and only husband of Euheteria and not a second husband, then their marriage would have to fit into the narrow and closing window of opportunity between CE 6, the earliest date for her birth, and CE 14, the latest date for his manumission. The alternative for C. Iulius Aug. l. Amaranthus

is that he was freed by the emperor Gaius, i.e. not before CE 37 and at least twenty-three years later than his son-in-law Niceros, with other chronological dislocations which we need not consider.

In summary, we have here, I believe, two imperial freedmen manumitted perhaps late in the reign of Augustus, married to two freeborn women, mother and daughter, both with the same *nomen* as their husbands. From the *praenomen* Lucius in the daughter's filiation *L. f.* it is doubtful whether the family of the two wives had any close connection with the imperial Iulii. The implications of this for the marriage pattern of imperial slaves and freedmen are twofold:

1   Marriages of freeborn women (*ingenuae*) with *Augusti liberti*, especially if second marriages in the case of the latter, occur from the beginning of the Principate, and must have been seen as quite normal. In the case of *Caesaris serui* also, with their increasing official role and status, we can expect that some, perhaps even many, of their first marriages would also have been with *ingenuae*. These marriages would, in the course of nature, take place before the slave husbands were freed at the age of 30 or soon thereafter. This is the beginning of a marriage pattern which was fully apparent by the middle of the century (Weaver 1972: 95–161) and was a major trigger for the *senatus consultum Claudianum* in CE 52, which in certain circumstances imposed penalties on freeborn women in *de facto* relationships with others' slaves (Weaver 1972: 162 ff.).
2   With marriages between imperial freedmen and women with the same *nomen* it cannot simply be assumed that these are within the imperial *familia* itself, nor that the wives are themselves imperial freedwomen. They may be freeborn daughters descended from imperial freed slaves. Under the Julio-Claudian emperors at least, they may also be freeborn Iuliae and Claudiae from the numerous families with the same *nomina* but not related to the imperial dynasty.

This innocuous-enough epitaph, typical of many in the *Familia Caesaris*, has led us to speculation on another relatively impenetrable phenomenon in lower-class Roman families, namely remarriage. Like Junian Latinity, the social significance of this is potentially very large, if we could but solve the clues hidden in the *sepulcrales* and identify individual cases with more confidence. The methodological problem, however, is to agree on appropriate standards of proof in questions of lower-class status.

Finally, an example from the mid-second century of an 'extended' family, or household, including freedmen.

4 *CIL* 6.8518

> *d. m. | T. Aelius Aug. lib. Aelianus | a frumento*
> *cub(iculariorum) Caesar(is) n(ostri) stat(ionis) I | Folia[e]*
> *Chresime coiugi | karissimae et dulcissimae bene merenti | cum*
> *qui* [!] *uixi annis XX | sine ulla quaerella et sibi et | filis*
> *Chresimo Aug. lib. adiutori offici commentari kas(trensis) et |*
> *Aphrodisio Caesaris n. uern(a)e adiutori offici tabulari*
> *kas(trensis) et | T. Aelio Zosimo et T. Aelio Eutycheti et | T. Aelio*
> *Erasto conlibertis T. Aelio A[r]temi[dor]o et | T. Aelio Erasto*
> *iuniori et T. Aelio Aca[--]o et | Folio Alcide et Folio Eutycheti et*
> *Foliae Tertiae et | Aeliae Fortunatae et Aeliae Nice lib(ertis)*
> *libertabu[s] | utriusque sexus posterisque eorum. | Hoc*
> *monumentum heredem non sequetur. | Si quis autem boluerit* [!]
> *uendere siue donare infer[et] | fisco Caes(aris) n(ostri) HS I*
> *m(ille) n(ummum) item collegio pontificum HS IV [m(ilia)*
> *n(ummum).]*

'To the Gods of the Underworld. T. Aelius Aelianus, freedman of the emperor, officer in charge of the First Station of the department responsible for provisioning the staff of the Imperial Bedchamber, [erected this monument] to Folia Chresime, my dearest and sweetest devoted wife with whom I lived in harmony for twenty years, and to himself and his sons, Chresimus, freedman of the emperor, assistant in the Record Office of the Imperial Court, and Aphrodisius, house-born slave of the emperor, assistant in the Accounts Office of the Imperial Court, and to T. Aelius Zosimus and T. Aelius Eutyches and T. Aelius Erastus, fellow freedmen, [and] to T.Aelius Artemidorus and T. Aelius Erastus the younger and T. Aelius Aca[--]us and Folius Alcides and Folius Eutyches and Folia Tertia and Aelia Fortunata and Aelia Nice [and] to their freedmen and freedwomen of either sex and to their descendants. This monument will not follow to the heir. If anyone wishes to offer it for sale or as a gift, he shall pay to the Imperial Treasury 1,000 sesterces and likewise to the College of Priests 4,000 sesterces.'

The fifteen persons named fall into two groups:

1   The 'nuclear' family of T. Aelius Aelianus, his spouse Folia
    Chresime and their two children, Chresimus (an imperial freed-
    man whose *cognomen* is derived from his mother Chresime) and
    Aphrodisius (an imperial slave *uerna*, i.e. born in the imperial
    household).
2   Eleven others, all with *nomina* the same as those of either Aelius
    Aelianus or Folia Chresime, constituting the *familia* of which
    Aelianus is head.

The *praenomen* and *nomen* of Chresimus are omitted in line 8, pre-
sumably to avoid repetition because they are the same as his father's,
i.e. 'T. Aelius'. As an imperial freedman, Chresimus would not nec-
essarily have the same *praenomen* and *nomen* as his father, unless
they were both manumitted by the same emperor. In this case, if
there was a twenty-year age gap between father and son emperor,
Chresimus could easily have been been freed by Marcus Aurelius.
The omission is all the more noticeable because 'T. Aelius' is
repeated six times in full in the names that follow. Also omitted is the
praenomen of Folius Alcides and Folius Eutyches in line 13, perhaps
because their female patron, Folia Chresime, did not have one her-
self. Her father or patron, however, depending on her status, would
normally have supplied one in such a case.

The term *conlibertis* in line 11 following the names of the first
three in the second group, T. Aelius Zosimus, T. Aelius Eutyches
and T. Aelius Erastus, could possibly be taken to mean that they are
fellow imperial freedmen with Aelianus, but they are without the
imperial status indication *Aug. lib.* and without any occupational
titles. More likely they are freedmen of Aelius Aelianus and fellow
freedmen with one another, together with the eight names that
follow. The omission of *et* after *conlibertis* – the only time it is not
used to connect any of the fifteen names in the dedication – may
have been inadvertent rather than imply that the last eight names
were added to the list separately.

The epitaph is erected by the head of the household, Aelianus, a
freedman of the emperor Antoninus Pius, for his wife, himself, his
sons and the eleven freedmen and freedwomen in the *familia*. It is
primarily dedicated to his deceased wife Folia Chresime, to whom he
was married for twenty years. The sepulchral invocation *d(is)
m(anibus)* does not necessarily imply that any of the others, includ-
ing Aelianus, the dedicator of the monument to himself (*sibi*), is

already dead. No age-at-death, for instance, is recorded for his two sons. It simply lists all those members who had right of access to the family/household *columbarium*. The epitaph includes the customary legal restrictions on the inheritance, sale or other disposal of the funerary monument together with the financial penalties incurred in case of infringement.

Surprisingly, like the dog that did not bark in the Sherlock Holmes mystery, no *slaves* of the household are included. Is this because slaves did not have access to the *columbarium* (unlikely), or because none died as slaves, or because it was normal practice in the household for them to be manumitted early, i.e. informally, and thus to become Junian Latins, as in the cases of Pliny's relatives and friends discussed above? Note that among them there is not only a T. Aelius Erastus in the first group of three *conliberti*, but also a T. Aelius Erastus '*iunior*' in the second group of eight. The latter is presumably younger, but the relationship between the two, if any, is unstated.

The only slave out of the fourteen commemorated is in fact Aelianus' own son Aphrodisius who is an imperial slave *uerna* holding a junior clerical post in the *ratio castrensis* in the imperial palace on the Palatine. Imperial slaves in the administrative service were not normally manumitted under the age of 30. His brother Chresimus *Aug. lib.* ('freed slave of the emperor') on the other hand, although holding a similar post in the same service as his brother, did formally become both an *Augusti libertus* and thus a *ciuis Romanus.* He was, presumably, the elder brother. This illustrates the longer tenure of individual posts by slaves and freedmen in the imperial service, when compared with senatorial and equestrian careers. It also shows the advantage of having one's father already in the service. By this time in the second century, slave-freedman jobs in the administration had become a virtual closed shop, with recruitment coming predominantly from within the *familia Caesaris.*

There are more serious problems, however, with Folia Chresime, the wife of Aelianus. She has the distinctly non-imperial *nomen* 'Folia'. Yet her children were born as slaves (*uernae*) within the imperial household. There are several possible explanations. She may have been of slave origin herself and her children, born as slaves, were *subsequently* acquired by the imperial household (Rawson 1966: 78–81). Or she herself may have been originally born within the imperial household and, after the birth of her children, she was sold or otherwise transferred to another owner and manumitted outside it, while her children remained slaves in the imperial *familia*. If,

on the other hand, she were freeborn, in the post-Hadrianic period under a revised provision of the *SC Claudianum* she should have had the same status as her children, who in this case remained slaves (Weaver 1972: 156–69; Boulvert 1974: 307–10).

Her marriage with Aelianus lasted for twenty years. If her imperial freedman son Chresimus was over 30 at the time the monument was dedicated by Aelianus she must have died some years earlier and even before either of her sons gained employment in the imperial administrative service in Rome, much less reached the minimum age for gaining their freedom. We can guess that her age at death would be in her mid- to late thirties and that Aelianus himself, with a son aged 30 or over, would be about fifty. It is ironical to observe that Aphrodisius, the younger son of the head of the household, with a post in the imperial service, is the only one in the whole group to remain a slave.

Finally, in this lower-class 'family' context, it is worth noting the silent social conventions. The names of the eleven in the second group are carefully arranged in order of gender and precedence. The eight freedmen of either *nomen* come before those of the three freedwomen. The six *liberti* of T. Aelius Aelianus, all with *tria nomina*, come before the two *liberti* of his wife Folia Chresime, both of whom lack a *praenomen*, but the three *libertae* come in the reverse order, the wife's preceding the husband's. One can only speculate on the ages at which all these were freed, including T. Aelius Erastus *iunior*. They scarcely could have been freed or died in this order. This suggests that the whole inscription was put up at the one time. The inscription itself, if erected twenty years or more after the manumission of Aelianus, could easily date from early in the reign of M. Aurelius. Thus, T. Aelius Aelianus' younger son, Aphrodisius Caesaris *n. uerna*, if he survived to be manumitted, would have had the name 'M. Aurelius Augg. lib. Aphrodisius'.

Notes

1   Editor's note: This chapter deals with fundamental issues of interpretation in using epitaphs as sources for Roman family life, particularly among the lower classses and families of 'mixed' status. The discussion involves detailed analysis of Roman and other names, for which the full text of each Latin inscription is essential. That should not deter the non-expert. Paul Weaver's discussion is clear. He explains the basis of his reasoning in every case. It may help to know that 'filiation' is the reference to a father, e.g. *M. f.* (= *Marci filius/filia*, 'son/daughter of Marcus') which is generally taken to refer to the free birth and Roman citizen status of the person so described. More information on naming

conventions (nomenclature) appears in Chapter 1 and in the text of this chapter.

2   The extended and more usual formula is *sibi et libertis libertabusque (suis) posterisque eorum*, 'including the freed members of the *familia* and their (*eorum*) descendants'. When the freedmen and freedwomen are omitted intentionally, because there weren't any, or for some other reason, *sibi posterisque suis* is occasionally found. Where the omission may be inadvertent or for reasons of space, the usual *sibi posterisque eorum* occurs. The present case seems to fall betwixt and between. If the dedicators are both slaves, the 'freed' formula might be felt superfluous and the omission deliberate. On the other hand, the double connective *et … q(ue)*, 'both/and … and' is redundant and points to inadvertent omission, as does *posterisque eorum*, leaving open the possibility that the dedicators are not of slave status.

3   The three male names would be typically of the form Gaius (C) Iulius Niceros, a female name might be Antonina Saturnina. A freed slave would take the *gentilicium*, or gentile name (Iulius or Antonina in these examples) from the former owner and add to it his or her own name, e.g. Niceros, Helpis as a *cognomen*. But as emerges below, these 'rules' are not absolute.

4   The two other conditions were that the slave must be the Quiritary property of the master and that he/she must be set free by lawful and statutory manumission (*iusta et legitima manumissione*), i.e either *uindicta*, before a magistrate, usually the praetor in Rome or the governor in a province; or *censu*, entry on the census list (obsolete); or, most commonly, *testamento*, by the owner's will. All three conditions must be met at the same time; if one of them is lacking, the slave being manumitted will become a (Junian) Latin.

5   Elsewhere in this book *liberti/libertini* have been referred to as 'freed slaves' rather than the conventional but problematic 'freedmen', but the terms 'freedmen' and 'freedwomen' have sometimes been been retained in this chapter. The gender of the people under discussion is clarified in each case.

6   On the question of race mixture based on the proportion of the population of Rome who were of slave origin compared with those who were freeborn, see the celebrated article of Taylor (1961). Iiro Kajanto, the doyen of the Finnish school of classical onomastics, in his massive but overly mechanistic study *The Latin Cognomina* (1965), came to conclusions diametrically opposed to those of Taylor. He was rightly taken to task by Rawson in her important review of his book (Rawson 1968). For a brief account of the controversy, see Weaver 1972: 83–6.

7   On the range of meanings of *uerna* and its cognates, see also *Oxford Latin Dictionary*, fasc. viii, 2037–8; Chantraine 1967: 170–1.

8   Of the *uernae* analysed by Rawson (1986b), 133/564, or nearly one-quarter, have a *nomen*; in 100 of these cases this is shared with one or both foster-parents or master/patron. It is not clear how many, if any, of the remaining 33 have a *different nomen* from either of the above.

9   If we had only the second part of the inscription (b), we might have been tempted to assume (wrongly) from her single name, under Rule One, that Helice was born a slave and that her mother Euheteria must also have been a slave at the time of her birth and is now a freedwoman (*libertina*), no doubt an Imperial freedwoman of Augustus without status indication. The formal name used in (a) shows that neither is the case. It was unnecessary to repeat this in full in (b).

10 Cf Chantraine 1967: 339–40 (nos. 326–31) for other Vediani in the *Familia Caesaris*.

114

7

FAMILIA VETURIA

Towards a lower-class
economic prosopography

Suzanne Dixon

The involvement in dye-shops of individuals bearing the gentile name 'Veturius/a' was noted by Helen Loane in her 1938 study of commerce in the city of Rome and by Susan Treggiari in her 1979 study of women's occupations (Loane 1938: 6–7; Treggiari 1979: 71–2). The gentile name of the manumitting owner was taken by male and female freed slaves who could in turn pass it on to their own legitimate freeborn children (in the case of fathers) and to their freed slaves (in the case of men and women). The recurrence of the 'Vetur-' gentile stem in inscriptions from Rome and its surrounds therefore raised the possibility that some unknown Veturius or Veturia had regularly trained slaves in a trade which these slaves maintained following manumission.

There is another example of inscriptions implying the existence of a *familia*, or body of slaves and freed slaves attached to a particular establishment and involved in a particular line of work. Occupational titles attached to members of the Statilii Tauri *familia* commemorated on the *monumentum Statiliorum* at Rome indicate a high level of expertise and specialisation in aspects of cloth production which has aroused the interest of scholars investigating the involvement of senatorials in trade. The parallels between the Veturii and those associated with the Statilii Tauri, however, are limited by the nature of the inscriptions and by the kind of workplace that they imply. Little as we know about the 'original' Veturii, we can be confident that they were less elevated socially than the distinguished Statilii Tauri. An upper-class owner's corporate memorial such as the *monumentum*

Statiliorum (*CIL* 6. 6213–6640) is, we know, statistically likely to favour certain job categories from within the extensive *familia* of current and former slaves and to emphasise the relationship to the owner-family. The epitaphs of the Veturii and their *familia* are more widely scattered, their subjects more likely to be characterised by the overlapping categories of family, co-workers and patrons/owners.

Inscriptions 1–4 below exemplify the possibilities and limitations of epigraphy as a source. All four inscriptions were commissioned by women, all feature at least one person of the Veturii name, all show some connection with cloth production or sale.[1] They appear to focus on men and women trained in dyeing and other aspects of textile processing involved with small family shops – 'Mum-and-Dad businesses', in Australian parlance. These shops or *officinae* seem to have been the training-ground of slaves, one or two of whom might subsequently be freed and deemed worthy of inclusion in a group memorial. The inscriptions only occasionally indicate the location of the workplaces. These workshops might have been owned outright or rented by the principal named Veturii with capital investment from their former owners (Skydsgaard 1976; Fabré 1981: 337–42).[2]

Taken together, the inscriptions suggest certain trends, none of which can be asserted with any confidence. The process of piecing together lower-class connections and their economic implications is dependent on probability and inference. This is a feature it shares with the 'prosopographic' studies of an earlier generation of scholars (notably Munzer, Gelzer and Syme) who pioneered research on the careers of senatorials and illuminated the roles of marriage and patronage in forging political links within the ruling nobility. They were able to use consular lists and scattered literary references. In trying to retrieve the economic and kin-based activities of the lower classes we are dependent on brief personal epitaphs and occasional references on shopfronts.

1 *CIL 6. 37 820*

This tablet of travertine stone was commissioned by Veturia Fedra, who describes herself as a *purpuraria* (dyer or dealer in red- or purple-dyed cloth).[3] In it she commemorates her former owner Decimus Veturius Diogenes (himself the freed slave of another Decimus, a *praenomen* which recurs among the Veturii of *CIL* 6)[4] as well as her *collibertus* (fellow freed slave) spouse of twenty years, Nicepor, and their shared *libertus* or freed slave, Philarcyr[os].

V D VETVRIVS D L DIOG
Θ D L NICEPOR
V VETVRIA D L FEDRA
DE SVA PECVNIA FACIVND COIR
SIBI ET PATRONO ET CONLIBERT
ET LIBERTO
NICEPOR CONLIBERTVS VIXIT MECVM ANNOS
XX
PVRPVRARIA MARIANEIS
VIV D VETVRIVS Ↄ L PHILARCVR

'Decimus Veturius Diogenes (living), freed slave of Decimus and Decimus Nicepor (deceased), freed slave of Decimus. Veturia Fedra (living), freed slave of Decimus, arranged the erection of the monument with her own money for herself and her patron and fellow freed slave and her freed slave. Nicepor, my fellow freed slave, lived twenty years with me, a purple-dyer/dealer in the Marian district. Decimus Veturius Philar[gyros?], freed slave of Decima Veturia.'

The text is interesting for what it does and does not tell us. The *patronus* (manumitting former owner) Diogenes has pride of place, but it was probably Nicepor's death which occasioned the monument, since all others commemorated were still living at the time, as indicated by the letters V (*VIVIT*, 'he lives' or similar) by their names and, conversely, the Greek Θ ('dead', from a cognate of *thanatos*). Although Veturia employs the common marital formula *VIXIT MECVM ANNOS XX* of her union with Nicepor, and their joint ownership and manumission of Philargyros strongly implies that they were married (whether *de iure* or *de facto*), she characterises him not as a spouse but (twice) as her *conlibertus*, lines 5 and 7. This feature, like the grouping of their common patron and their common freed slave in the memorial and the mention of their location immediately after Veturia's own occupation, suggests that work is indeed the bond being stressed (Joshel 1992: 136,140).[5] Perhaps they all worked in a dye-shop in the Marian district – probably a street near the Marian monuments on the Esquiline.[6]

2 *CIL* 14. 2433

This marble statue base, found in a vineyard on the Via Appia, was commissioned by one Plutia Auge. It commemorates her fellow

freed slave Plutius Eros, 'a *purpurarius* in the Tuscan quarter', as well as Veturia Attica, whose relationship to the couple is not specified.

> L PLVTIO L L EROTI
> PVRPVRARIO DE VICO TVSCO
> PLVTIA L L AVGE
> FECIT SIBI ET
> VETVRIAE C C L ATTICAE

> 'To Plutius Eros, a purple-dyer/dealer from the Tuscan quarter, freed slave of Lucius Plutus. Plutia Auge, freed slave of Lucius Plutius, set it up for herself (and Eros) and for Veturia Attica, freed slave of Gaius and Gaius.'

Eros and Auge, like Nicepor and Fedra in (1) above, were *colliberti* – this time freed slaves of a Lucius Plutius. Veturia Attica/Attice cannot have been freed by either of them or by their patron, but by two Veturii. The interconnections of the group are not explained, but we seem once more to have here an *officina* run by a couple, with the assistance of dependent labour. An alternative reading would be that they constitute a group of three freed artisans operating a business together. The reference to Eros as a *purpurarius* who operated 'in the Tuscan quarter' suggests that, in this example, too, shared work is the focus of the epitaph. The appearance of a Veturia reinforces that possibility, given other associations of Veturii with dyeing. Job titles are rare in epitaphs, artisan/*tabernarii* job titles a very small subcategory of that group, and within it, such titles applied to women are an even greater rarity. It is, moreover, unusual for husband *and* wife to be accorded a job title within the same dedication.[7] I am not therefore inclined to see as significant the lack of a job descriptor for Auge and Attice. In this monument the emphasis is on Eros. But even after all these qualifications, the reference to Eros' job rather than his likely relationship with Plutia Auge and the inclusion of Veturia Attica would most readily be explained by a common economic bond.

3 *NS* 1922, 144

This marble block, probably part of a larger sepulchral monument from the Via Praenestina, features another pair of *colliberti* – Veturius Atticus and Veturia Tryphera, freed slaves of one Decimus

Veturius. It, too, was commissioned by the woman, acting 'in accordance with her judgement'.[8]

> D VETVRIVS D L ATTICVS
> PVRPVRAR DE VICO IVGAR
> VETVRIA D L TRYPHERA
> ARBITRATV:

> 'Decimus Veturius Atticus, purple dyer/dealer from the Iugarian quarter, freed slave of Decimus Veturius. Veturia Tryphera, freed slave of Decimus, in accordance with her judgement.'

Once more we have reference to a workshop location – this time in the Vicus Iugarius.[9] Once more we meet the combination of Veturii and dyeing. The truncated *PVRPVRAR* here, following Atticus's name, probably refers only to him and stands for *PVRPVRARIVS* rather than the plural *PVRPVRARII*, but the workshop is likely in either case to have been a family business. The probability is that the *colliberti* were a married couple, but this is not mentioned either. The conjunction here of the gentile 'Veturius' with the *cognomen* 'Atticus' echoes the 'Veturia Attica' of (2), but it is one of those puzzling coincidences which – like the recurrent *praenomen* 'Decimus' – leads to unproductive laments that we do not have enough examples or information about relative dates and original sites to lead us to illuminating conclusions about wider networks.

4 *CIL* 6.9489

Deutera, former slave of one Gaius Veturius, commemorated the *lanarius* Cafurnius Antiochus on this truncated stone block.[10]

> C CAFVRNIVS
> C L ANTIOCHVS
> LANARIVS
> VETVRIA C L
> DEVTERA
> MONVMENTVM
> FECIT SIBI ET SVEIS
> IN FRO P XV IN A P XX

'Gaius Cafurnius Antiochus, freed slave of Lucius Cafurnius, wool-worker [*lanarius*]. Veturia Deutera, freed slave of Gaius Veturius, set up the monument for herself and her family. Fifteen feet across, 20 feet deep.'

There is no reference to Veturia Deutera's occupation nor, in the wording, to her precise relationship with Antiochus. In this case, however, the written text is supplemented by the semi-relief depiction of a sheep and two joined hands (Plate 7.1). Joined hands can signify a contract or treaty, but are very commonly the symbol of marriage, as in iconographic representations of wedding ceremonies. It could be that here they signify marriage and the sheep the work of the *lanarius* husband Antiochus.[11] We do not know precisely what a *lanarius* did, only that his job was connected with the processing (or sale) of wool.[12] It looks as if we have here yet another tantalising association of a Veturia with some aspect of the textile trade. The reference to *SVEIS* in line 7 would normally be taken to apply to her children (presumably those of Antiochus as well) but this is not spelt out.

The yield is meagre: just four inscriptions, each featuring someone with the name 'Vetur-', each with a workshop identification or job descriptor, each with a link to the sale or processing of cloth,

Plate 7.1   Stone block depicting clasped hands, a sheep and text (*CIL* 6. 9489).

Source: Courtyard, Collegium de propaganda fide, Rome.

each featuring freed slaves. Their links with each other are not always made explicit. Even when they are – as in Fedra's convenient summary (to herself, her *patronus*, her *collibertus* and their *libertus*), many questions remain unanswered. In none of the inscriptions is the term *coniu(n)x* (spouse) used, in only one does the commissioning woman describe herself by an occupational term – and, as we have seen, doubt has been thrown on that one example. The inclusion of (apparently) non-kin towards the end of inscriptions (1) and (2) reinforces the impression that the unit commemorated is a workshop with an artisan couple at the core, supplemented by trained, probably dependent labour.

The overall picture is of a proliferating group, probably originating in a specialist business before branching out into independent or subsidiary shops in Rome, with ties being cemented by marriage, sometimes within the ranks of fellow dyers or others connected with the cloth trade, like the *lanarius* Antiochus of (4), and by further patronage created by the owners/managers through training their own slaves in the trade and then freeing them, like Philargyros in (1). Our microcosm thus corroborates wider trends noted within scholarship on epigraphy and the Roman economy: the persistence in Roman commercial life of the small-scale workshop with a mix of slave, free and freed who worked side by side and maintained collaborations into the next generation;[13] the social and legal acknowledgement of the continuing ties between *liberti/libertae* and their former owners,[14] and the tendency to intermarriage within the former *familia*.[15]

Perhaps to these known trends we may add a possibility familiar from other periods of history: marriage within the trade.[16] Consider (4), with its symbolic representation of marriage and the family livelihood. Even with the written and pictorial text, unanswerable questions arise about Deutera's role. Was she, like the daughter of an eighteenth-century Kappelmeister or mediaeval baker, the transmitter of an occupational tradition rather than a practitioner? That would seem an unlikely luxury in the Roman context. The traditional association of women with textile production, the certainty that female slaves were retained for their value to their owners, that it was the skilled slaves who were most likely to be manumitted – all these factors combine to forge the probability that the *libertinae* Veturiae took a dowry of commercially valuable skills with them into married life after manumission.

Such speculations are ultimately unprovable. The explicit yield of the four inscriptions is characteristically meagre and problematic. But scholars have now become aware that silences and exclusions are

part of what we need to 'read' in any text.[17] We know only too well that not all jobs were mentioned in inscriptions as a whole, that not all groups of Roman society were commemorated in writing and that even those epitaphs which have survived fall into diverse subgenres, with varying emphases and exclusions: large family tombs typically stress certain kin and marital relations, some individual memorials record a *libertinus*' municipal aspirations (e.g. as a *sevir Augustalis*), and the statue of a senatorial male is most likely to record his public career.[18] Peasants scarcely appear in our surviving records, and children and the freeborn poor are under-represented.[19]

Joshel's 1992 study has shown us that certain artisan (*tabernarii*) commemorations stressed shared work over status, patronal and marital links. We are still disentangling the complex codes governing references to work, gender, kinship, marriage and patronal relations in the commemorative inscriptions of Roman Italy. We do, however, know enough to be as wary of over-hasty negative generalisations and simplistic readings as of over-ambitious conclusions which read too much into epitaphs and the like.[20] Failure to assign a specific title like *purpuraria* or the omission of *coniu(n)x* cannot be read simply as the absence of the role of worker or wife in the unit commemorated, any more than a commemoration by a friend precludes the possibility of other commemorations by kin.

Consider again the case of Veturia Deutera. She appears in (4) as dedicator (*FECIT*, line 7), and by inference as wife of Antiochus and mother of their children. She is not explicitly described as a worker (as women celebrated by workplace sometimes are), as a wife (as women commemorated by their husbands usually are), or as a mother (as she normally would be if the children implied in *SVEIS*, line 7, had set up the memorial).

Genre conventions largely determine what is included or emphasised in epitaphs, as in other records, literary and non-literary alike. Expense does not seem to have been a limitation in this case. It is more likely to have been a matter of what was appropriate to a particular setting. If Deutera was a partner in a family business, her concern as commemorator did not require any reference to the roles she or the children might occupy. We have already noted that 'occupational inscriptions' are an uncommon subgenre of commemorative inscriptions. The mention of her husband's occupation therefore places this memorial in a special category, with its own code(s) of appropriate references and exclusions.[21]

The conventions determining 'couple' dedications are complicated. In general, freed slaves were more likely than freeborn workers

to include references to their work in their commemorations, but the women associated with conjugal or family dedications from these social groups were typically characterised not by their work but by their family roles and female virtues (Kampen 1981: 128–9; Treggiari 1979: 78–9). The suppression of the female worker's representation could apply even when women commissioned the dedications, as we see above in (2), (3) and (4). In (1) and (3), however, the commissioning women stress their economic contribution and independence: *DE SVA PECVNIA*, 'with her own money', (1: line 4); *ARBITRATV*, 'in accordance with her judgement', (3: line 4). Similarly, those who commissioned (2) and (4) declare their roles to the viewer with *FECIT SIBI ET* …, 'She made it for herself and …'(2: line 4; 4: line 7).[22] Fedra, the only one to accord herself an occupational title, also highlights her role as (joint) patron. These women, then, were not unduly limited by feminine self-effacement *per se*, but by the requirements of the particular type of memorial.

The intermittent invisibility of women's commercially oriented work affects iconographic representations as well. Men who were proud to portray themselves as workers showed their wives in the more leisurely, ladylike settings favoured by their social 'betters'.[23] But the trend is not absolute in either written or visual representations. Kampen notes the contrast between depictions of a midwife or saleswoman and that of the woman artisan. Joshel's observation of *colliberti* couples' omission of their (presumed) marital relationship from the dedication reinforces the conclusion that the emphasis will depend in large part on the purpose and nature of a particular source, even within the overall genre of the epitaph or the subgenre of the 'occupational inscription'.[24]

To test the legitimacy of our conclusions, we need a thorough understanding of the protocols of these dedications. We are only just beginning to map them. Joshel's study makes a persuasive case for slave and freed slave memorials typically emphasising shared work over patronal relations. Yet our small sample invokes both, and strongly implies ties of marriage and kinship, all apparently interconnected with the world of work and commerce. The spheres are not entirely separate.

We cannot tell if the small workshops conjured up by our epitaphs were owned by the low-status commemorators themselves or operated on behalf of a 'big' family of former owners, or former owners of earlier generations.[25] The inclusion of the patron Diogenes in (1) above might indicate that he retained the couple Nicepor and Fedra in his workshop or a branch shop. Or it could indicate that they took

him into theirs as he aged, in the style of a family business in which the older generation eventually retires and hands over to the trained successors. Or it might indicate no more than conventional and affectionate gratitude to the patron who had provided them with a trade and freedom.

Perhaps most frustratingly, the terse inscriptions, difficult to date, do not allow us to trace family transmission over successive generations. We can only speculate about the likelihood of these Veturii and their mates training their children, as well as their slaves, in the family trade. Highly probable, but not actually attested. In reading the inscriptions, we rely on names, job titles and status indicators when we have them, supplemented by what we know of epigraphic protocol and comparable situations. There are no absolute principles of interpretation, just very general trends which, like the conventions of nomenclature, provide a rough guide to interpretation of the fairly enigmatic memorials of the lower classes.

We have seen that these inscriptions do not present a detailed narrative so much as snatches from life stories. As is often the case, closer study of a particular source yields complexities – rather than the hoped-for answers – about lower-class family life, marriage patterns, the ancient economy, social mobility and ties between the status groups. The main clue available to the modern reader attempting to trace links is the same one employed by prosopographers of senatorials, the *gentilicium* (in this case, 'Veturius' or 'Veturia') borne by the freed slave and passed on to their children and freed slaves in turn.

More than a century after Mommsen headed the staggering *CIL* project of collection and publication, we are still working towards the best way of approaching Roman inscriptions. We can turn them into graphs and tables but never into a detailed information bank of the modern type. They are nonetheless – with all their limitations, and our own in approaching them – a rich and rewarding source for majority history, a welcome (if frustrating) glimpse of the world inhabited by the respectable lower classes in Rome.

Notes

1 Professors J. Jory and P. Weaver have both challenged the female instigation of inscription (1) in informal communications. See below for discussion of their objection.
2 Cic. *Clu.* 178 has the example of a *patrona* (the wicked Sassia) who established a slave doctor in just such a shopfront business.

3　Scholars differ on the work of *purpurarii* – e.g. Mancini 1922 *NS*: 144; Loane 1938: 76; Treggiari 1979: 71. In fact, as with many occupational titles, particularly those with an -*arius/a* ending, it is not clear whether the person so described specialises in production or sale of the particular good – see Le Gall 1969: 125. Sometimes the product itself is uncertain, as in the case of the *lanarius* in (4) below. See now Dixon (forthcoming).

4　A crude count of the Veturii listed in *CIL* 6.5864–5 yields eighteen Decimi Veturii, although the *praenomen* Decimus is considered relatively unusual.

5　I would qualify Joshel's argument about the paramount stress on work (over personal or patronal) relationships, with the reservation that patronal links are also strong in this memorial and that the marriage bond is highlighted by the wording and the size of the lettering in line 7. Barbieri's reading (*ILLLRP* 809) of *PVRPVRARI* instead of *PVRPVRARIA* (line 8) has been adopted by DeGrassi (1963: 13.2), but seems to be supported by gender assumptions rather than by the spacing of the letters – see Joshel 1992: 211 n. 16; Treggiari 1979: 71. Professor Jory suggested that *COIR* in line 4 must mean 'They came together' (*COIRVNT* for *COIERVNT*) rather than *COIR*[*AVI*] for *CVRAVI*, 'I saw to [the monument's erection]', but there are several examples of this usage, e.g. *CIL* 6.1329, 2219, which I culled from Professor Jory's own *Epigraph* database. Cf. *ILS* 5318, 5346, 5348, which have similar constructions using the abbreviation *COIR*, but also the full words *COIRAVIT/COIRAVERVNT*, e.g. with *faciundum.*

6　Gatti's suggestion, cited in the *CIL* entry. Dessau on *ILS* adds a little to this. Nobody seems to take seriously Vaglirei's suggestion (*NS* 1907, 209) of a Corsican location.

7　Treggiari 1976: 98. Cf. Huttunen 1974: 48–9 on the rarity of 'double references' to occupation – i.e. that of both dedicator *and* deceased – in the same epitaph. Although I have not collected figures on this aspect, my own reading confirms Treggiari's conclusion, which is borne out by the few epitaphs in this paper. Treggiari (1979: 78) estimates that fewer than one per cent of Latin lower-class epitaphs cite artisan (*tabernarii*) jobs at all, and the number of women so characterised is tiny.

8　= *ARBITRATV* (line 4). That is, the form of commemoration was left to her discretion as heir rather than being imposed by explicit instructions in the will of the deceased (Mancini *NS* xix, 1922: 144). The duty of attending to the disposal of the dead and the appropriate funeral rites normally fell to the heir (Crook 1967: 135).

9　According to Mancini (*NS* 1922: 144), who draws on Festus (*Ap. Paul. Diac.* 104) this central district, extending from the ridges of the Capitol to the Porta Carmentalis, derived its name from its proximity to the altar of Iuno Iuga.

10　This monument is discussed briefly by Larsson (1997), and Professor Michele George kindly drew my attention to its treatment by Zimmer (1982: 121). The rectangular stone piece (too small to be part of a sarcophagus) has the appearance of being cut from a larger monument. My autopsy impression is confirmed by the text of *CIL* 6.14044 (which I know from the published version, but have not seen *in situ*):

   C CAFVRNIVS
   C L ANTIOCHVS
   VETVRIA C L
   DEVTERA
   IN FR P XV INAGR P XX

It is described by Dessau (following Lovatti) as a *cippus* found originally near the Porta Latina. Nobody seems to have linked the two peices, as far as I can see.

11 *Pace* Davies 1985. Compare the Romano-British wedding ring in the British Museum for disembodied, linked right hands as a symbol of marriage (Dixon 1992a: 168 pl. 3) and on the symbolism cf. Zanker 1975: 288; Kleiner 1977: 23–5; Stupperich 1983.

12 *Lanarii* (also *lanarioi*, *eriourgoi*) appear in numerous inscriptions, sometimes with specifying adjectives – *lanarii purgatores* (cleansers?), *lanarii pectinatorii* (carders), *lanarii carminatores* (dyers), for example. But there is no agreement about the job of those *lanarii* recorded without an adjective. See Larsson 1997; Dixon (forthcoming). Cf. Waltzing 1895–1900: 2.153, 4.94–5 for the various *collegia lanariorum*. Jones (1974) [1960] assumed and Moeller suggested (1969) that the unqualified *lanarii* might have been weavers.

13 On the size and composition of workshops in Rome, see MacMullen 1974: 97–8; Loane 1938: 76–7; Joshel 1992, e.g. 139–41. On Egypt, see Calderini 1945 and Biscottini 1966: 60–90, esp. 63–5. Jones (1974) [1960] discusses small textile-producing workshops on p. 357, but elsewhere (356–60) notes variations of scale, esp. in the later Empire.

14 See above all Treggiari 1969 (*Freedmen*) and Fabré 1981, esp. books II and III. Crook (1967: 191–2) usefully summarises the legal ties.

15 See Flory 1978; Fabré 1981: 163–209. Cf. Huttunen 1974: 132–5 on how to analyse shared *gentilicia* within libertine families.

16 E.g. Clark (1968 reprint: 160–3) on marriage and trade links within the ranks of English craft guilds in the 17th century; Treggiari 1979: 83 n. 26 on 5th-century rules concerning admission to bakers' guilds (*CTh.* 14.3.21).

17 E.g. Skinner (1987: 3) on 'controlled inference' as a means of retrieving non-dominant groups from the 'gaps and silences' of the historical record; Joshel 1992: 3–23.

18 See Shaw 1991 on age and gender as variable factors in epitaphs, esp. his comments on pp. 67–8; on the tombs of *libertini* see Zanker 1975; on family monuments in the Augustan period, Kleiner 1977; for the emphasis on shared work, Joshel 1992. See also Zanker 1988: 276–8, esp. on the tombs of fig. 219 for the municipal aspirations of libertine *Augustales* and their visible funerary tokens; Kleiner 1992: 33–8 on republican statues and portraits of upper-class men; 1992: 301–8 on Antonine sarcophagi.

19 Ross Taylor 1961, Huttunen: 1974: 187–8, Joshel 1992: 183–6 on the (apparent) over-representation of slaves and freed slaves in the occupational inscriptions of Rome. See again Shaw 1991 on children, and Scheidel 1995–6 on the lack of reliable data on rural workers, in spite of the poetic and rhetorical invocations of peasants as a group.

20 Huttunen's confident assumption that women and minors were 'people who very seldom had an occupation in ancient society' (1974: 52) is at odds with his caution on p. 49 about drawing conclusions from the absence of a job indicator in an inscription. Compare the examples of children's occupations in Chapter 5 above. It is inevitable that standards change over time and the oversights of the pioneers become apparent to their successors – witness Tenney Frank's 1917 comments about 'race mixture', and Maxey's (1938) literal reading of legal references to attest artisan job categories.

21 Huttunen reckoned that only 10% of the range of inscriptions he sampled from *CIL* 6 had an occupational title (1974: 48). Cf. Joshel 1992: 17, 188–9. All

those who study such inscriptions specialise in certain subgroups and have their own methodological exclusions – e.g. Huttunen excludes poetic, fragmentary, Greek and Jewish entries from his sample of every fifth epitaph in *CIL* 6 (1974: 16–17); Joshel's target group of 1,262 men and 208 women (1992: 16) excludes public officials and members of the imperial family's households. Weaver concentrates on the imperial *familia*, most notably in his 1972 classic. The four inscriptions of this sample typify two aspects of the 'occupational inscription' genre: they come from Rome and its surrounds and are skewed by over-representation of freed slaves (see Chapter 6).

22　Cf. *CIL* 6.37.826 in which Cameria Iarine appears to describe only the men in the small family workshop as *vestiarii*, *tenuarii* ('fine tailors'?). The use of masculine endings for mixed-gender groups can make such terms ambiguous. Cf. *libertini, vestiarii* (*CIL* 6.33.920) and *gemmarii*, 'gem-workers' (*CIL* 6.9435), and see *Dig.* 50.16.40 on the legal application of the term *servus* to both sexes.

23　Kampen 1981: 130–6; 1993: 125–6 (repr. 1982 article) on visual representations of women artisans.

24　Joshel 1992: 140–2, but Joshel also acknowledges the complexity of 'couple' dedications (1992: 136).

25　Loane (1938: 76–7) regarded these Veturii as either setting up independent shops after initial training in the 'large dyeing establishment' of an *ur*-Decimus Veturius, or else operating branches or franchises on his behalf. Treggiari (1979: 71–2) suggests other possibilities.

8

EMPERORS AND HOUSES
IN ROME

Andrew Wallace-Hadrill [1]

It is still possible today to stand at the top of the via in Selci just before
the Piazza di San Martino ai Monti, on the exact course of the ancient
Clivus Suburanus, and look across at the three storeys of a house
façade of the high Roman Empire: at the base, five pilasters of great
blocks of travertine supporting the brickwork of a vaulted portico,
above which range the blocked arches of two rows of windows. You
can still pick out these five travertine pillars on the fragments of the
Marble Plan of the city of the early third century (Rodríguez-Almeida
1980: 82–92, tavs IX, X). You can make out, too, that before it
became church property, eventually the convent of Santa Lucia in
Orpheo, the building served as one of the magnificent apsed halls
characteristic of late antiquity (Krautheimer 1937, *Corpus Basilicarum*
II: 186–90; Guidobaldi 1986: 188–92). You can pursue the mediaeval
toponym and recognise the proximity of the ancient *lacus Orphei*, an
ornamental public fountain duly listed in the fourth-century regionary
catalogues of the city and also identifiable on the third-century marble
plan. The *lacus* stood a few metres uphill in front of the church of San
Martino ai Monti. And you can read that epigram of Martial (7.61.1–
10) in which he bemoans the struggle of climbing up the Clivus
Suburanus, through the dirt and noise and confusion of passing
wagons laden with building stone (on their way down, doubtless,
from the quarries at Tivoli to the non-stop imperial building works of
the Forum), and imagine the precise position of the house of his
friend and patron the younger Pliny – this, too, identifiable on the
marble plan.[2] So present is the urban texture of antiquity; almost sub-
merged in the later structures of a city which knows no ruptures in its
continuity of habitation, yet still detectable to the seeing eye.

We are faced here with a paradox: the private housing of the city of Rome is *potentially* better known than that of any other city of the Roman Empire, including Pompeii or Ostia or Timgad. It is better known because it enjoys a unique convergence of types of evidence: repeated discussions in the literary sources, which in both general and specific terms repeatedly underline the central role which private housing played in the public life of the metropolis; an abundance of inscriptions, including hundreds of names on lead piping; official records, both maps and lists, of a city administration which identified detailed knowledge of the location of its inhabitants as a fundamental instrument of control (the Regionary Catalogues); and then the endless archaeological fragments of ancient structures buried beneath a city which has changed through time by continuous modification and accretion, embalming fragments of its own origins.[3]

And yet, despite all this rich evidence, the private housing of ancient Rome is poorly understood, patchily published, and enormously underestimated as an aspect of the ancient metropolis. Another example: the *insula* at the foot of the steps to Santa Maria in Aracoeli, exposed by Muñoz in the fascist clearances of the late 1920s. This is the only apartment block surviving from the Roman Empire where you can still stand on the fourth floor with virtually all the structures of a string of *cenacula* (the garrets of the poor) preserved around you. Ostia has nothing like it. Yet the monument is technically unpublished and is known only through a rushed narrative in Muñoz's *Campidoglio* (1930: 30, 45–52) and a useful discussion, nearly forty years later, by Packer (1968–9).[4]

So many of the monuments of Rome are technically unpublished that we may waste our breath lamenting. But I think we are dealing here with a special case, an image of the Imperial City that goes subconsciously deep: of a city of massive monuments, of awe-inspiring public structures, an image that defies the sordid particularity of private domestic buildings, best left to minor sites such as Pompeii and Ostia. How else do we explain the wanton destruction, as late as 1948, of an entire neighbourhood that emerged during the reconstruction of Termini station and the Piazza dei Cinquecento?

Perhaps I would not complain so bitterly if it were not for the resurgence of interest in precisely this aspect of Rome: the magnificent *Antiche Stanze* exhibition (*AAVV* 1996*) which pieced together the lost Termini insulae*; Carandini's work (1988, 1990a, 1990b) on the Palatine; Rodríguez-Almeida's brilliant reconstructions (1970–1, 1975–6, 1980) of the marble plan; Coarelli's inspired juxtapositions of ancient sources and fragmentary archaeological evidence (e.g.

1998); Pavolini's attention to transformations from high Empire to late antiquity;[5] Guidobaldi's excellent synthesis (1986, 1993, 1999) of the grand houses of late antiquity with their apsidal halls. But the more good work that is done, the more conscious we become of the shortcomings of the past. We are still desperately short of a synthesis that looks at patterns of houses in their urban context across time. The articles on *domus* in Steinby's *Lexicon topographicum* (*LTUR* 1995) are no substitute: indeed, I share Bruun's disappointment (1997: 394–5) over an apparent list of 545 houses, occupying 195 pages, which nevertheless misses out a large part of the archaeological evidence because it defies the straitjacket of an alphabetical listing by house-owner, and is much inflated by 220 entries dependent on lead pipes which may, after all, have supplied baths, warehouses (*horrea*), fulleries, gardens (*horti*) or *insulae* ('blocks') rather than households/town houses (*domus*).[6]

Above all, I want to argue, the problem is the lack of a research agenda. It is not enough to excavate houses just because they are there, for instance, as so often, under churches, or to list them alphabetically because they are mentioned. All the worst faults of antiquarianism are here, compounded by a snobbism that concentrates on the houses of the rich and powerful because these are better decorated and more spectacular. But domestic structures are fundamental for understanding any city, let alone one of maybe a million souls. We need to understand the relationships of public and monumental structures to the domestic ones in which they were set; the relationships of great houses to small, of the world of work to the world of leisure, of houses and apartment blocks to shops and bars and workshops and storehouses and baths; to learn the ways in which domestic forms articulated social relationships, and above all to read in the changing urban texture of streets and domestic structures the long-term transformations of power and social structures. A house is never just a pile of bricks: it is a tool for shaping relations between human beings.

Genoa: urban order and social order

To help define an agenda, it is valuable to look sideways at case studies of urban change in other Italian cities. Genoa may be taken to exemplify what is met with in many Italian cities, and what I see as the underlying tension of the city of Rome: a tension between the jumble of private houses in winding streets, competing for access to central space, and the grand rectilinear structures and straight, wide

boulevards imposed by central authority. Genoa's narrow streets take the unwary modern visitor by surprise: in the oldest quarters, like that of Santa Maria in Castello, the casual tourist is reduced to an intruder, infinitely threatened by the narrow streets and towering houses that seemed to join above. The threat is not a new one, imported by the immigrants and drug-dealers who hang furtively in knots at the street corners. The threat is age-old: these streets are made deliberately to exclude the stranger, to render territory impenetrable and controllable on a micro-level. Here, thugs and their bosses have always ruled.

That instinctive sense of being on someone else's patch is in fact something that has been meticulously documented and splendidly researched. Mediaeval Genoa was built by, and run by, its family clans, its *consorterie* or *alberghi* (Heers 1974/1977). Mediaeval Genoa had no public piazza, and no seat of government. The only piazzas are the slight widenings in the street network around which the houses of a clan are grouped. The *albergo* is a quasi-kin group, of many heads of family who if not by birth, then by legal pact agree to share the same name and hold property and interests in common. Fiercely competitive, they need their defences; the tower, as in *Roma turrita*, is the symbol of this family power. The central places, called *contrate* or *curie*, of which the Doria stronghold in the Piazza San Matteo is the classic example, are the meeting places of the clan. Round it are the multiple family units: the *domus magna* of the head of the *albergo*, the lesser *domus* and *domunculae* of the other members (Poleggi 1985).

When the monopoly of the clans was broken in the early sixteenth century by the reform of Andrea Doria, one can identify an architectural parallel: a marked rupture in the aspect simultaneously of the street plan and of the architecture of the houses of the nobility. The Strada Nuova is the symbol of this new order. Broad (relatively) and straight, it is lined with the Renaissance *palazzi* of the new nobility. This is a nobility of property, not of clan-control; hence there are no shops, no clutters of lesser dwellings. The broad street spells accessibility: what matters now is to be in the first *rollo* of houses suitable for the entertainment of public visitors, princes, cardinals and ambassadors (Grossi Bianchi and Poleggi 1980).

Genoa seems to me to offer a helpful model in two ways. First, it illustrates with especial clarity how the contrast between a city of narrow, winding streets and one of broad boulevards is not just a matter of aesthetics, or advances in architectural and construction technique from the Middle Ages to the Renaissance, but is one of

social, political and economic structures that simultaneously define the structure of the domestic unit and the relationship between the domestic unit and the state. Second, Genoa is a model of good research: between the study of documents in archives and of architectural remains still standing, it has been possible to put together an astonishingly detailed account of the transformations of the city.

This is not to say that the model of Genoa should be applied directly to ancient Rome. It does, of course, apply in part to mediaeval and Renaissance Rome, and here too, in contrast to antiquity, the profound impact on the urban fabric of changing structures of power, and of competition between powerful families, has been demonstrated (Connors 1989). The point is rather that patterns of streets and changing types of housing ought to tell us about changing power structures in ancient Rome, and that we must learn to bring together our documents and our archaeological fragments with these questions in mind.

Working hypothesis

Without, then, simply transporting Genoa into antiquity, we may articulate a fairly obvious working hypothesis. There is a fundamental shift in type of state from republic to empire. The republican state depends on the resolution in a central arena of the competing interests of powerful families, which embed their power in ties of dependence (*clientela*). These ties may, by this hypothesis, have had a local and topographic expression in the pattern of housing, with clusters of dependants around the powerful households. The street pattern is therefore agglomerative, based on multiple nuclei. Public monuments are erected by individual families, and therefore rather than forming part of an overall framework of a state-controlled public sector, are dispersed and embedded in the private sector. Imperial power, by contrast, drawing its power at urban level from popular support, is concerned to impose overall urban designs, parade routes, and arenas for displays of power. It is concerned to break down the local power of powerful families and mobilise support at local level for the state. Irregular street patterns and clusters of local power are no longer tolerable: all must be controlled at a central level.

Like any model, this is of course too simple. Many elements need to be nuanced; and the transition from republic to empire is a long and slow one, starting long before Augustus, and still not complete long after. But there may be enough in it to be worth pursuing.

Republican streets

First, let us think about street plans. The idea that the urban image of republican Rome was somehow unworthy of a capital city is a recurrent one. The rebuilding of Rome after the Gallic sack, with its supposed lack of supervision and planning, was blamed for the absence of straight streets, the lack of correspondence between street system and sewer system, and for an urban layout 'more like a squatters' settlement than a properly planned city' (Livy 5.55). Early in the second century the Macedonian courtiers of Philip V were sneering at the aspect of a city 'not yet embellished in either its public or private spaces' (Livy 40.5.7); indeed, in the middle of the first century Cicero contrasted the excellent layout of Capua in its plain with that of Rome, 'set on hills and valleys, raised up on suspended upper flats, with narrow tracks not broad boulevards' (*De Leg. Agr.* 2.96).

The old Rome of narrow, winding streets can still be seen in the Severan marble plan. A notable example is the street pattern around the Porticus Liviae, where old winding lanes that follow the natural contours of the hills, like the Clivus Suburanus itself, are abruptly interrupted by the rectangular regularity of the Porticus. Since we know that the Porticus replaced a private house, the luxurious complex of Vedius Pollio, we have a quite clear dating on the pre-existing street pattern. Augustan propaganda stresses the odious luxury of Vedius Pollio – Augustus replaced private luxury with public magnificence (Ov. *Fast.* 6.639–44). But it is also worth bearing in mind that a rich house in the midst of the maze of the Subura could represent a powerbase and a threat.

On the other hand, republican Rome was certainly not all winding streets. A sequence of brilliant conjectures may allow us to recapture a fragment of the Vicus Patricius, the prestigious republican street that led up along the fold between Quirinal and Esquiline, on a line followed by the modern via Urbana. A well-known fragment of the marble plan of Rome that shows side by side three substantial houses of rectangular plan, seemingly of *atrium* construction, with fauces flanked by shops, has been convincingly located on the Vicus Patricius. Still surviving into the Severan age, these houses surely went back to the late Republic. On the opposite side of the road, the map shows an *atrium* house on a far more impressive scale. It was precisely here, as Coarelli has recently shown (1998), that in 1848 was found the frieze consisting of ten scenes from the Odyssey, now held in the Vatican and known as the Esquiline Odyssey frieze. It is evident that these scenes are only a fragment of a complete Odyssey

cycle, which in its entirety has been calculated to have comprised up to a hundred such scenes. Each is framed between the columns of a false portico, and they surely formed the back wall of an enormous porticoed complex. The frieze represented only the upper part of the decoration of the wall: below was a painted calendar. As Coarelli brilliantly demonstrates, distinctive pre-Julian features of the calendar give a date before the 40s BCE.

The Vicus Patricius looks more like the Strada Nuova of Genoa than its mediaeval centre. But what is the date of this layout? Is it an old element of republican Rome, sitting alongside the winding alleys, or does it represent a new image, perhaps of the early second century BCE? This is the sort of question which excavation driven by a research agenda might begin to answer.[7]

Much more complex is the question of noble housing around the Forum. Carandini's excavations (1988, 1990a, 1990b) have demonstrated powerfully the continuity of grand housing at the foot of the Palatine from the sixth century to the first. But the game of identifying the names of house-owners in the late Republic distracts from the question of context. Was this an exclusively senatorial residential area, and if so, when did that become the case? Guilhembet's thorough study of the locations of senatorial housing in the late Republic shows how favoured locations for the houses of the political class cluster densely around the Forum: the Palatine hill leads by a long way, followed by the Forum area itself, the Velia, the Carinae, and a small scatter on the Quirinal, Viminal and Caelian (Guilhembet forthcoming). Areas for which no senatorial presence under the Republic is attested include on the one hand the Aventine, with its traditional plebeian connotations (not to mention its distance from the centre) and the Capitoline, a taboo on which was justified by the legend of Manlius Capitolinus and the destruction of his house after his failed tyrannical coup (Livy 6.20.13).

It is easy to project back the Ovidian image of the Palatine occupied exclusively by noble houses with their wide-open front doors (*Met.* 1.900).[8] Yet I draw attention again to accounts of the Forum itself in the late Republic. The image offered to us of the third century BCE Forum is still that of the piazza of a market-town, surrounded by private houses and ordinary shops cheek by jowl with the temples and ancient sacred places. In the fires recorded by Livy, a variety of shops, private houses, and public buildings like the *atrium regium* were burned. Butchers' shops (*lanienae*) are particularly remarked on: the presence of a *laniena* allows Verginius to 'save' his daughter from the unwelcome attentions of the *decemvir* Appius

Claudius (by killing her with a butcher's knife from a nearby stall), and still in the early second century (Livy 3.48.5) the house of Scipio Africanus has a butcher's shop at its door until it is demolished to make way for the Basilica Sempronia (Livy 44.16.10). Varro regards the replacement of such *lanienae* by bankers (*argentariae*) as the first step towards the increase in dignity of the Forum (*Ap. Nonius* 532). If, then, there is any progressive 'purification' of the central zone that pushes back the traces of grubby commerce, it is a long struggle, and I doubt one needed to walk many paces from the Forum to find commerce again (cf. Morel 1987).

Imperial streets

It is this world – where commerce and grand residences intertwine – that we need to tease out more perceptively, in order to understand the housing patterns of the Republic. What changes does the Empire bring? The imperial will to order and control is beyond doubt. Fires provide both the excuse and the occasion for changing the face of the city. First-century BCE Rome is seen as a city of fires and of building speculators like Crassus. Strabo describes the city under Augustus as a city of continuous building, thanks to ceaseless collapses, fires and sales, adding that a sale was as good as a collapse thanks to the desire to develop (5.C235).

Speculative development was now controlled, within limits. Strabo reports that Augustus imposed a limit of 70 feet on the height of properties facing public roads as a measure to control fires (ibid.). Much more extensive are the controls imposed by Nero after the Great Fire of 64 CE: maximum heights are further reduced to 60 feet, streets are widened and provision is made for open areas (i.e. piazzas); porticoes are added to give protection to the fronts of *insulae*; provision is made for an abundant public water supply, ensuring that this is not diverted for private purposes; the use of fireproof materials in construction, particularly stone from Gabii and Alba, is imposed, and party walls are banned on property boundaries (Tacitus *Ann.* 15.43). Later emperors continue to reinforce or modify such rules.

It sounds like a revolution in the urban fabric, and contrasts are drawn between the winding streets of Rome as rebuilt after the Gallic sack and Nero's new Rome (Tacitus *Ann.* 15.43) to such an extent that it is suggested that Nero deliberately burnt the city because he was 'offended by the ugliness of the buildings and by the narrowness of the winding roads' (Suet. *Nero* 38.1). But was post-Neronian Rome a city of broad boulevards, shaded porticoes and

well-planned, regularly constructed blocks? Only in part. Half a century later, Juvenal was still complaining about being blocked and crushed by traffic stuck in the narrow winding roads (3.237).[9] The marble plan, as we have seen, reveals a continuing alternation between well-planned regular areas and the old jumble of winding streets and irregular property plots. Similarly, we may note that in the Campus Martius, effectively a greenfield site developed seriously for the first time under Augustus, while the public monuments are regular enough, immediately behind the Theatre of Balbus the street pattern disintegrates into irregular plots.

One important point we can learn from the surviving archaeological evidence is how successfully imperial housing adapts to the irregularities of the city. Certainly there were regular blocks of the Ostian type, such as the Hadrianic blocks now lost beneath the Galleria Colonna (Gatti 1961, 52–3) or the interesting development of three strips under the Via dei Maroniti (Lissi Caronna 1985, Astolfi 1998). But the best preserved specimens adapt to the lie of the land. The *insula* beneath Santa Maria Aracoeli is squashed against the irregular contours of the hillside, though it makes a regular enough pattern of shops and *cenacula*.[10] The block incorporated in SS Giovanni e Paolo is doubly irregular, following the Clivus Scauri up a steep incline and narrowing at the top to a wedge-shape.[11] The similar pattern of windows implies a distribution of space in its first phase not unlike that of the Aracoeli block. Finally, the *insulae* beneath Termini squeeze into an irregular wedge caused by the angle of the Servian wall. Yet the architect generates an elegant town house (*domus*) in the top triangle, a bath complex and *fullonica* (dyeing and cleaning shop) below, and *tabernae* (small workshops) to the side. The common drains imply that this is all a single development, and we note how the grand house could own and dominate the surrounding properties, with their potential for profit (*AAVV* 1996).

Imperial knowledge

Imperial control of the city goes far deeper than mere building regulations. Even if some of the old street plan survived, and *insulae* fitted into the irregular contours of the landscape and the old pattern of streets, they did so under the knowing eye of central control. Nicolet (1991) has taught us the political importance of geographical and topographical knowledge. In this last section I wish to draw on the marble plan and the regionary catalogues in a different way,

not as a source of knowledge for us, but as the outcome of the imperial will to know. This imperial will to know and control the city, zone by zone, neighbourhood by neighbourhood, street by street, house by house was the mechanism which enabled a megalopolis of (in all probability) a million souls to survive. The speed and extent to which the situation changes from that of the Republic, which is almost innocent of such control, is astonishing.

There is no need here to elaborate on the importance of Augustus' division of the city into *regiones* (districts) and *vici* (quarters), and his use of the *vicomagistri* as a building-block of local support. What I wish to emphasise is the astonishing levels of central knowledge of the urban fabric on which these divisions are based. Caesar as *dictator* makes the crucial innovation by taking a census of the city, 'not in the usual way and place, but by neighbourhoods through the owners of blocks of property'.[12] Not only is minute local knowledge of the population a basis for control of the corn dole, but of the whole administrative system of the city. Take Augustus's *vigiles*, distributed systematically in their seven cohorts across the fourteen regions. Those barracks became an important part of the new urban landscape (Rainbird 1986; Sablayrolles 1996). And with the barracks goes knowledge on the part of the local commanders of the *vigiles*, who have legal power of entry into every apartment in their zone, to ensure that the inhabitants are maintaining the requisite buckets and firefighting equipment (Paul, *Dig.* 1.15.3.4). Power to enter implies knowledge of the housing stock: not just *vicus* by *vicus*, or *insula* by *insula*, but *cenaculum* by *cenaculum*. This whole need for knowledge instantly converts the *dominus insulae*, and with him his doubtless freedman or slave agent, the *insularius*, into a key figure: not a mere landlord, but the person responsible for keeping the local administration informed about who was living on his property, and responsible to a measure for their conduct and security – the negligence of the *insularius* was punishable by severe flogging. This building agent was part of a system of information and control.

The direct outcome of the new administrative need to know is the production of the two documents which reveal to us most vividly the city at this micro-level: the marble plan and the regionary catalogues.[13] The main marble plan that survives may be Severan, but earlier fragments confirm what must otherwise be inferred, that there were detailed maps of the city from at least the reign of Augustus. It would be no surprise to learn that a map of the city was one of the outcomes of Agrippa's aedileship of 33 BCE: his concern with mapping the Empire shows the same mentality. The monumental display

of the map in marble is the secondary product of documentation that must have been held on paper both centrally and at a local regional level. It is the product of a gigantic, and necessarily continuous, work of surveying. We may reflect too on the extraordinary fact that the marble plan of the city represents internal boundaries within properties, however inadequately. Such knowledge is normally the privilege of archaeologists, and beyond the scope of local authority surveyors.

Maps are unusable without accompanying lists. What can the regionary catalogues tell us about the extent and limitations of imperial knowledge of the city? Debate still rages over what relationship the fourth-century regionary catalogues bear to official lists: positions range from the optimistic belief in a virtual transcript of an official document to the sceptical dismissal of the documents as a product of hyperbolic rhetoric, intent on magnifying the importance of the city through bogus statistics.[14] The debate fails to acknowledge that on the one hand the production of a regionary catalogue would be inconceivable were it not for the generation of the information through official census-taking at local level, and on the other that the information available officially must have been very much more extensive and detailed, and constantly changing over the course of time. What we have is at best a summary, with all the inaccuracies to which such a summary is subject.

But for all their inadequacy, the regionary lists allied to the fragmentary plan give us a feel for the texture of the city not possible for any other centre in antiquity. What do they take notice of, and what does that tell us about the interests of the official compilers? After the *vici* are listed the various buildings and facilities of each region. Private houses predominate: *insulae* in their tens of thousands, and a far lower figure, below 2,000, of *domus* (to the definition of '*insulae*' and '*domus*' we will return). *Horrea*, warehouses for the storage of grain or other commodities, are enumerated separately: the numbers are fairly low, on average less than one per *vicus*. Bakeries, *pistrinae*, run at similar levels. Facilities to do with water are more common: over a thousand *lacus* represent the main distribution points of water at local level, while the high figures, not far short of a thousand, for baths, *balinea*, remind us that the monumental imperial *thermae* only formed part of a dense provision, largely privately owned, of bathing facilities. To these details, repeated region by region, the summaries add two further global totals, whether reliably or not, for public latrines (*latrinae*) and for brothels (*lupanaria* – cf. Jordan 1874).

A comparable list for a modern London or Rome might be

expected to give all sorts of details we miss here: the number of public houses or bars is often regarded as a vital statistic; and then one might expect to learn how many shops, businesses and factories or other places of manufacture there were. It is certainly not that Rome was short of shops and bars: wherever one looks on the marble plan, the streets are lined with single-room units opening directly on to the streets, a clear sign of commercial premises. But the Roman category system is different. The point is not an analysis of use of space, but of units of property (Lo Cascio 1997; Coarelli 1997b). The principle of Roman law that ownership of the soil implies ownership of everything above it is the condition that makes it unlikely that the shop by itself is ever a unit of property. The failure to enumerate businesses and places of manufacture equally implies the situation we meet in Pompeii or Ostia: that commerce and production are integrated with the housing stock, not a distinguishable category. If exception is made for warehouses and bakeries, this is because these are structurally distinctive units; though it is also of course relevant that the state interested itself directly in grain stores and bakeries in order to maintain the food supply of the city (Rickman 1980: 206). Brothels, if the official lists really took cognisance of them, may also reflect an official interest, since the state imposed taxes on prostitutes and required their registration before the *aediles* (Suet. *Gaius* 40). *Latrinae*, after Vespasian's introduction of tax on urine (Suet. *Vespasian* 23), will fall into the same category.

We are dealing, then, with units of property as declared by their owners to the administrative apparatus of the state. That is important to bear in mind when considering the most vexed feature of the lists, the numbers of *domus* and *insulae*. Numerous passages in the sources make clear that '*domus* and *insulae*' represent an exhaustive expression that covers the housing stock, indeed most types of private property: so in the great fire of CE 64, Tacitus declares that an incalculable number of *domus*, *insulae* and temples were burned (*Ann.* 15.41), while Suetonius says – more precisely – that apart from an immense number of *insulae*, many *domus* of republican heroes with their attached spoils of war were lost (*Nero* 38.2). Every private building, then, is either a *domus* or an *insula*, and each had an identifiable *dominus* who could declare the residents to the census, or, as Tacitus goes on to explain, collect the subsidies for rebuilding offered by Nero (*Ann.* 15.41).

Vast difficulties have been caused by the definition of *insula*.[15] The reason is simple: the order of numbers given by the lists both for Rome as a whole (between 44,000 and 46,000), or for individual

regions, when divided into the available ground area give plots so small that they are impossible to reconcile with the original meaning of the term, an 'island' of construction standing free of any other building. On the various calculations of total area available for private building, the average *insula* of the lists cannot have been much larger than 200 m^2, while some regions (especially VIII and X) are so densely packed that the average falls to as little as 75 m^2 (Guilhembet 1996). The marble plan is enough to confirm that the average free-standing block of construction was very much larger. But equally, it is no solution to suggest that the units counted must have been individual apartments, or entrance doors, for this conflicts with any known meaning of the word *insula*. The solution must be that *insula* carries precisely the meaning of a unit of property seen in the passages above, and constantly met with in the legal texts of the *Digest*.

Whether that is enough to rescue the reliability of these figures as an official census of property in Rome in the fourth century CE is another matter. But too many hopes have been hung on these figures. If the aim is, as it has been for many scholars, to calculate the number of inhabitants of the city,[16] then it must be said that since there is no way of calculating the number of inhabitants per unit of property without access to those statistics which Caesar generated, we can learn nothing. Perhaps more significantly, we can learn something about the *texture* of the city in its aspect as a series of properties. By comparing the blocks of property mapped on the marble plan, or those actually excavated, with the implied high number of units of property, we can see that holdings must have been progressively subdivided from the moment of their unitary construction: that, from the known patterns of Roman inheritance, and the strong instinct to spread legacies wide, is probable enough.

This in turn has implications not just for private residence but for how the city worked commercially: a multiplicity of landlords seeking to maximise the profit of small holdings of exceptionally valuable urban property. It was a commonplace that rents at Rome were extortionate – for Juvenal, enough reason to flee the city: at Sora or Fabrateria or Frusino, a house could be bought for the annual rent of a dark garret in Rome (Juv. 3.223–5). High rents brought the best returns available on an investment – were it not for the accompanying risks of fire (Aulus Gellius *NA* 15.1). But if the figures in the regionary lists are anything to go by, such holdings must have been small and broken up. It is not a world in which the supermarket or the large centre of production had a chance to take off, but it was

ideal for the small businessman, the individual entrepreneur in pursuit of quick profit and a cosy niche in a snobbish society. That is a reading amply confirmed by the thousands of funerary memorials to and by freed slaves or *libertini*.[17]

Conclusion

Can the Genoa model, then, help us to understand the transformations of Roman housing? Only, I suggest, if we import certain modifications:

1   Republican housing. We know far too little about republican patterns of housing, and about how aristocratic power embedded itself topographically. We cannot say whether the archaic *gens* (clan) was even partly like the Genoese *albergo*. By the third century BCE, the *gens* had surely transformed itself. It is a major frustration not to be able to trace how noble power of this period maps itself on the city landscape. But I do suggest that the winding streets that survived so tenaciously into the Empire were not just a casual product of natural topography, and certainly not a product of Roman ineptitude, hasty rebuilding after the Gallic sack, but were an expression of a social formation.

2   The transformation of the city that reaches its peak with Augustus has its roots in the whole 'Hellenistic' period of the last two centuries BCE. With the extraordinary adaptability that characterises ruling classes that succeed in hanging on to power, the Roman nobility transforms itself into a group that relies on the expenditure of vast imperial profits on competitive display in the domestic arena, coupled with public benefactions. I suggest that it is only in this period that the Palatine and Forum area becomes such a crucial focus for senatorial residence and competitive display, that senatorials live like Renaissance princes in the Strada Nuova, that they begin to find the winding streets in the old city vexatious and start to hanker after monumentalisation.

3   Empire brings a marked shift. Discussion moves away from noble houses: anyway, they are swallowed up by the imperial palace. The public preoccupation is with order and safety. The most visible outcome is a pattern of straight streets and regular brick and concrete *insulae*. These greatly assist imperial control; but in the end, it makes little difference whether the town plan is orthogonal or follows its historic paths. What really matters is

an extensive system of imperial *knowledge*: property censuses, guard posts for *vigiles*, accurate and extensive surveying, and a capillary system of local dignities and responsibilities in the *vici* and their *magistri*. We are looking at a society where what matters is not social ties but property rights. The function of government is to know the boundaries of private property in detail, to curb the irresponsible speculator, and to guarantee to each his own – *suum cuique*. That *suum cuique* is worth having, because Roman rents are sky-high. Our impression of the Romans is often of wealth accumulated at the top of society; but my impression of the city is one of ownership fragmented among tens of thousands.

4   Only with the late Empire, the withdrawal of the imperial presence from the city, and the disintegration of the system of knowledge and control, does the power of the rich élite reassert itself. I suggest that many of the problems we have with the fourth-century regional catalogues are due to the collapse of efficient surveying and census-taking. They possibly freeze, rather undependably, a picture from a century before. In fact, as archaeological evidence confirms, *insulae* are being knocked together into grand houses, and the élite are reasserting themselves. This urban landscape is then transformed by the power of the Church.

Meanwhile, there is much to be done. We need to gather together the vast and scattered body of excavations of domestic sites across the city. We need to return to, re-analyse, and above all publish what has already been excavated. We need to return to these questions with a more clearly formulated research agenda that asks questions about the city as a whole, not just individual monuments. We need to exploit the unique potential of stratigraphic investigation for revealing cultural changes over time. We need to look at the *Forma Urbis* again, not for identifying and locating the particular, but for understanding general contexts, how things fit together. It is a large undertaking, which will require the effort of many scholars. But I think it will prove worthwhile.

Notes

1   A form of this argument was originally presented in a paper at a seminar held at the German Archaeological Institute at Rome, and my thanks go to Paul Zanker and other participants in the seminar for their observations. Part of the

material derives from a chapter in a forthcoming volume on Rome as metropolis edited by Elio Lo Cascio, to whose encouragement I owe my growing interest in the housing of imperial Rome. A particular word of thanks is due to Diana Rowell, who licked the bibliography into shape.

2   The topography of this, and other areas, has been pieced together by Rodríguez-Almeida 1980, 1970–1, 1975–6, 1987. See also Carettoni *et al*. 1960.

3   These become daily more accessible and well-known, via the City of Rome website *Capitolium* which enables the public to 'visit' famous buildings of the historic centre via the internet.

4   Jordan (1874) published the *Notitia regionum* and *Curiosum urbis Romae*. In addition, see Guilhembet 1996 and Hermansen 1978.

5   Pavolini *et al*.1993, esp. 448ff., with reference to the conversion of two Flavian *insulae* on the Caelian to the *Domus* Gaudenti.

6   *LTUR* 2 (Steinby 1995 = *Lexicon topographicum urbis Romae*), under '*Domus*', 22–217. Since the precise meaning of *insula* is explored below, it is only loosely translated here as 'block'.

7   Traces of late republican houses on the Vicus Patricius are visible under the church of S. Pudenziana. See Terenzio 1931: 188–91; Petrignani 1934, esp. 23–35; Coarelli 1997b: 265, 288–90.

8   *plebs habitat diversa locis.* Cf. Eck's argument (1997b) for a separation of senatorial housing into the Empire.

9   Cf. the passage translated in Chapter 5 above (Juvenal *Sat.* 3.249–67).

10 See again Muñoz 1930, Packer 1968–9 and cf. Coarelli 1997a: 50–1, Claridge 1998: 232–4.

11 See Colini 1944: 164–82; Coarelli 1997a: 251–5; Claridge 1998: 313–17.

12 Suet. *Jul.* 41.3: *nec more nec loco solito, sed vicatim per dominos insularum.* Nicolet (1987) underlines the significance of Caesar's innovation.

13 See again the references at the beginning of the chapter, esp. Jordan 1874, Guilhembet 1996, Hermansen 1978.

14 See Hermansen 1978: 131–8 for a sceptical approach and subsequent overview of the major arguments; Coarelli 1997b for the regionaries as acceptable data for statistical analyses.

15 See for example Hermansen 1978: 129–31; Calza 1941; Lugli 1941–2; Guilhembet 1996, esp. ch. 9 and accompanying footnotes; Lo Cascio 1997; Coarelli 1997b.

16 See for example Packer 1967; Duncan-Jones 1992; Parkin 1992.

17 The frequent representation of *libertini* in *CIL* 6 (with specific reference to occupational inscriptions) has been addressed recently by Joshel (1992). Cf. Chapter 7, this volume.

9

WOMEN, BURIAL DATA AND ISSUES OF INCLUSION

The problems and potential of Romano-British cemeteries

Fiona Crowe

Over the last decade and a half gender studies in archaeology have moved us far beyond simple discussions of male and female identities based on fixed assumptions regarding sex and gender identities. Gender is now understood as the result of diverse social processes, continually being negotiated and renegotiated, culturally specific but mutable, changing throughout the life-cycle and connected to biological sex to different degrees in different societies (e.g. Moore and Scott 1997; Moore 1988: 7, 25; Nordbladn and Yates 1990: 224–225; Ortner and Whitehead 1981: 1; Sorenson 1992: 32). But if one were interested in beginning a search into the ways in which women were represented in the burial record by examining skeletons biologically determined as female, what would one encounter? While this chapter can in no way address all the questions posed by the evidence, it can at least explore briefly the pitfalls and potential of such a search.

Britain is particularly attractive for such a study because it has been subjected to intensive archaeological excavation over many years and has arguably the best collection of mortuary data for any of the Roman provinces. That said, the difficulty of interpreting burial material is notorious. Mortuary archaeology is very much a science of abstract endings. Burial marks the last stage of a person's physical existence; it is the last thing that happens to them and it is usually also the last opportunity the living have of interacting with the dead. As such, burial is both a means of social communication and a highly

symbolic act or programme of acts, the meaning of which has a great deal to do with the experiences shared by the deceased and those doing the burying.

Understanding such communication and breaking into complex codes of ritual practice is further complicated by the nature of those burials that have survived. From the Romano-British burial record we shall endeavour to assess the extent of the problems associated with the data. These problems in turn raise many questions as to how we can or should use the available evidence for our specific purpose: to explore some of the ways in which women in Britain may have negotiated their identity and responded to cross-cultural contact during the Roman occupation.

The nature of the evidence

The data presented in Figure 9.1 represent the remains of some 12–13,000 individual burials, both inhumations and cremations, from the Iron Age and Romano-British periods (English Heritage database 1995). Such a number constitutes a potentially informative sample with which to discuss those burial practices that may provide possible insights into past communities. However, there are some very clear biases in the material. There is a definite proclivity in the recovery of material geographically from the southern areas of Britain and chronologically from the later Romano-British period. In addition, the recovery of burials from urban sites, particularly the larger towns, is clearly at variance with what we know to have been predominantly scattered, rural settlement patterns in the Iron Age and Romano-British periods.

Even if we acknowledge that the number of known burials will increase with continuing excavation, such a situation highlights the fact that the majority of those who died in Britain in either period have left no visible remains. To illustrate the dimensions of the missing population it is useful to estimate the number of deaths that is likely to have occurred over the Romano-British period. If we take Frere's (1993: 303) conservative population estimate of three million and assume a pre-industrial life expectancy of 30 years at birth, around forty million people died over a period of 400 years.[1] For the Iron Age in central southern Britain, Wait (1986: 90) has used the evidence from Danebury as a model for calculating the likely population represented by the burial record. Assuming that Danebury maintained a stable population of around 250–300 over its 200-year occupation (Cunliffe 1983: 106), then only 6 per cent of its inhabitants
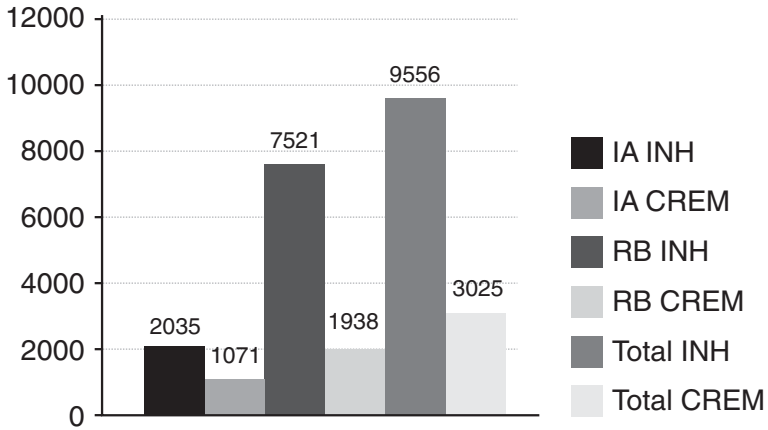
Figure 9.1   Number of Iron Age and Romano-British burials.

are represented by the burials excavated there (Wait 1986: 90). Extending this hypothesis, it would appear that perhaps only 5 per cent of all the dead of central southern Britain in the pre-Roman Iron Age alone have left any trace. Clearly we are missing a great many burials. This limits the authority with which distinctions made between the buried can be identified and interpreted as a reflection of the organisation and structure of the living communities from which they were drawn. It means we must be cautious.

Since any theories based on the mortuary data at our disposal are therefore reliant on no more than a tiny percentage of the population that actually died over the period, it follows that the burial rites and practices on which we base our investigation of past societies may themselves simply define minority groups within the greater population. Whether variables within these mortuary groups really represent distinctions made between people or whether they simply reflect the workings of chance in the survival and discovery of remains is yet another unknown factor.

Additional obstacles lie in the poor preservation of skeletal material over wide areas of Britain, and in the fact that many excavations of Britain's burials were carried out in the eighteenth, nineteenth and early twentieth centuries, when excavation techniques were relatively unsophisticated and records much less detailed than their modern equivalent. This and the fact that many excavations have not yet been fully published means that inevitable gaps in information hamper our capacity to interpret the evidence confidently.
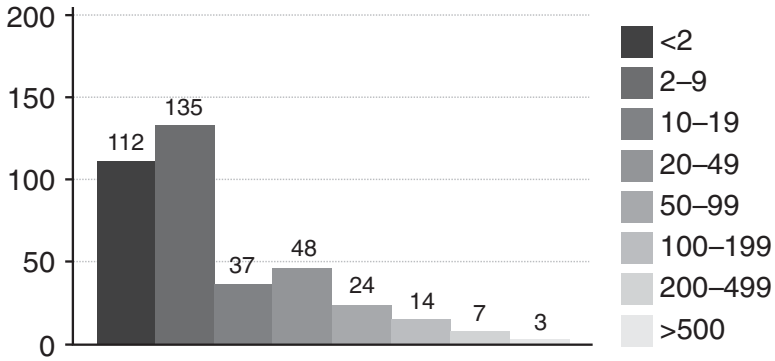
Figure 9.2   Number of burials per burial site.

Inhumation in Britain

British inhumations present particular problems of analysis since few if any burial grounds contain a statistically significant number of burials. Figure 9.2 demonstrates this problem. We see that the majority of sites often have only one to two burials; a small number get into double figures, even fewer into three figures. In addition, many of the larger burial grounds have been only partially excavated and may not therefore accurately and wholly represent the demography and burial customs of the community from which they were drawn.[2]

Not only are the statistical samples small, but the vast majority of the excavated population of the Iron Age and Roman period remain unsexed. That obviously makes assessing the situation of women over the occupation period even more difficult. Scholars have at times been tempted to comment on the comparative numbers of males and females represented in burial traditions, but the material on which they have based their conclusions is dangerously flawed. To give some indication of the problem, Figures 9.3 and 9.4 illustrate the numbers of males to females and unsexed inhumation burials recorded in the catalogues of Whimster (1981) and Philpott (1991). Although the results presented in figures cannot be exact reckoning, they do beg caution.

The problems of the burial data must make us pause before we turn to the sex ratios and statistics that will let us formulate or support general theories concerning women over the period. However, these problems also pose some interesting questions in themselves
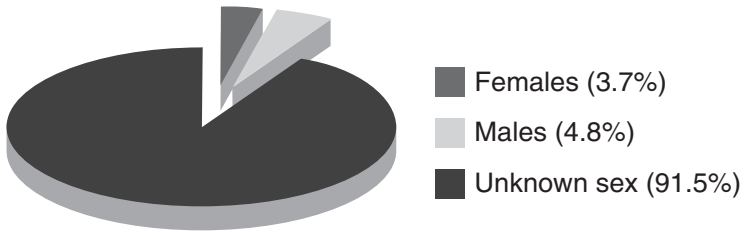
Figure 9.3　　Sexing Iron Age burials.
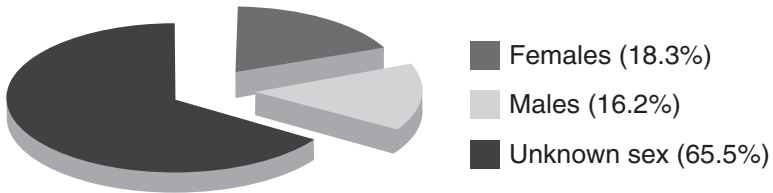
Figure 9.4　　Sexing Romano-British burials.

about the processes of inclusion and exclusion at work in burying communities. That is, while circumstances of survival or excavation may mean that many burials are lost to us, or remain unsexed, those burials we do have indicate that certain choices about burial were at work in communities. In the Romano-British period, some of these choices involved who was included in the new regime's visible burial rites, and which aspects of the new material culture were attached to different sexes and groups within the burying community. Exploring how these choices might have been made enables us to examine some of the possible ways in which women were included in, or excluded from, the process of cross-culturalisation.

One way of determining such inclusion or exclusion is to look at a cemetery where there can be enough accurate skeletal sexing to present a clear discrepancy between the numbers of males and females buried there. There could be a number of candidate cemeteries for the Roman period. For example, males seem to outnumber females in towns such as Cirencester (2.3:1, McWhirr, Viner and Wells 1982); York (Trentholme Drive 4:1, Warwick 1968); Ancaster (1.55:1, AML Report 93–89); Winchester (Lankhills 1.6:1, Clarke 1979); and Colchester (Butt Road 1.2:1, Crummy, Crummy and

Crossan 1993). Males were also in the majority in rural settlements such as Maiden Castle (1.5:1, Wheeler 1943); Frilford (2.6:1, Harding 1987); and Cranborne Chase (4:1.3, Hawkes 1947).

Trentholme Drive, York

As a case study Trentholme Drive, York, presents a particularly clear example of male-dominated sex ratios. While this cemetery is only one of several that surrounded one of the largest Roman towns outside London, it is also the only one that has been extensively excavated. Excavations at the site revealed burial traditions of a population that used it from approximately CE 140 until the end of the fourth century. The burial ground contained the remains of approximately 392 individuals, of whose burials 290 were inhumations. Eighty per cent of the burials were male and only 3.5 per cent were those of children under 5 years of age (Addyman 1989: 252). Although it was clear at the time of excavation that the burials recovered did not represent the total population once buried in the area, it is not thought that sex and age ratios would be considerably altered by further finds (Warwick 1968: 33). At Trentholme Drive over the entire period we find sex ratios steady at 4:1.

Some explanation of this imbalance is provided by the excavators who assume that the cemetery was largely populated by the garrison soldiers of York (Warwick 1968: 147). However, other explanations are possible and worth considering, and some attempts can be made at suggesting the social significance of the females selected for burial at this site.

On the evidence of bone analysis it seems that the people buried at Trentholme Drive were brought up on a healthy diet and plenty of exercise. On the other hand, going by the testimony of the burial assemblages the excavators of Trentholme Drive considered them to have been among the poorer inhabitants of York. These citizens may have been among the labouring population of the town. The evidence of rheumatism in nearly all skeletons over the age of 30 is an indication of repetitive strain and wear on muscles and bones (Wenham 1968: 159–60).

We know very little of those who occupied the actual site in the Vale of York before the Roman fortress was built. It does seem clear that, unlike for example Poundbury, no significant native settlement was already established there. Given, however, that in the territories of the Brigantes and the Parisi over which the fortress held sway there was a long-established and wide distribution of Iron Age

roundhouses and field systems (Spratt 1982: 189; Jones 1986/87: 41), it may be that the individuals buried in the cemeteries around the ever-growing city include those drawn in from these scattered rural communities. It is quite possible that expanding Roman towns sought a manual workforce from such local populations and that male workers were the main targets. In that case the greater numbers of men than women moving into town would be attested by their dominating sex ratios in the cemeteries. Such a reading of the evidence would explain the male-dominated sex ratios of towns such as Ilchester, Ancaster (1.6:1) and Cirencester (Butt Road, 2.2:1) which cannot be explained away as military establishments.

There may also be other evidence that those buried in the Trentholme Drive cemetery adopted certain aspects of the Roman culture while rejecting others. Although the burials here appear to subscribe to certain aspects of ritual practice in accord with what is known of Roman practice, other aspects appear at variance. Graves, especially in the last 200 years of use, seem to have frequently intercut one another and disturbed the previously interred (Wenham 1968: 34). In some cases the articulated parts of bodies indicate that the disturbance occurred before the flesh had completely decayed. We need to ask what is going on here outside York. Roman law was very clear on how the dead should be treated and attitudes to the nature of the deceased. Burials had to be outside the boundary of the city, which was defined. Consider Caesar's reference to the boundary at Urso as being marked by the plough. In many cases, including York, town walls made the distinction quite obvious (Harries 1992: 57). Hadrian found it necessary in the second century CE to reiterate this law by imposing heavy fines both on those who had disobeyed it and on magistrates who had overlooked the offence, and affirmed that the offending corpse must be ousted from its illegal rest (*Dig.* 47.12.3.5, Ulpian). Trentholme Drive adheres to Roman rules, implying a familiarity with and acceptance of Roman law. Yet under Roman law also, once the corpse of a Roman was properly clear of the living it was sacrosanct and was not to be disturbed (*Dig.* 47.12.4, Paul). Moreover the Romans were quite clear on the pollution incurred by improper contact with the dead. To judge by the laws repeatedly passed to safeguard the quick passage of bodies out of towns, the fear of contamination was a real concern (*Dig.* 47.12.3.4, Ulpian).

The disarray of the Trentholme Drive burials and their apparent disregard for the previously interred may suggest that less than full observance was being paid to the ruling regime's sense of propriety.

The belief of the buriers was clearly different here, its emphasis on a single point in time at which the deceased was given what was considered a proper conclusion to life. They appear to have considered that the act of burial was sufficient in itself for the purposes symbolised in it, and that no further action on the part of the living was required. The disturbance of subsequent burials may suggest that graves were not marked; there is therefore nothing to suggest that any continued contact with the dead took place. This would indicate that the Roman ceremonies involving visiting the family dead, such as the *Lemuria* and *Parentalia*, were not practised (Ovid *Fasti* 2.533ff; Hopkins 1983: 233). All the indications are that those buried in this cemetery at York were not following the complete dictates of Roman burial custom. The other implication is that Roman officialdom did not care what the local population did as long as they buried their dead outside the city, and that those who were buried there were a people practising a hybrid ritual of native and Roman practices.

It may be, too, that distinctions made in the burial treatment of males and females within the community attest to some form of Romanisation being targeted more at adult male members of the community than at females. The male-dominated sex ratios of Trentholme Drive may suggest that more males than females had been converted to an outward expression of sympathy with the dominant regime and were hence buried in formal cemeteries. This argument is postulated on negative evidence, but the exclusive character of Trentholme Drive as a burial ground may offer it some support.

The most obvious evidence of this exclusiveness is the unaccountably low number of infant and child burials, a situation that the excavators can explain only with the suggestion that most infants and children were not buried in this cemetery. In addition, any children and most adolescents who were buried here were given a crouched inhumation rather than the adult extended form. Trentholme Drive is by no means unusual in this practice of burying infants and children outside cemeteries (Scott 1991, 1992; Mays 1995). Not only does this imply a possible system of status differentiation based on age, it also implies that native burial traditions coexisted with imported traditions and could be used to differentiate status.

As far as women are concerned, the inclusions and exclusions apparent in the burial practices of the Romano-British period provide us with an opportunity to examine the degree of female participation in outward acceptance of the Roman regime. They should also enable us to look into the ways in which women were involved

in signifying the manipulation, acceptance or rejection of old and new cultural practices within their communities. Moreover the innovations and tensions apparent in the burial practices of the Romano-British period provide us with a wealth of opportunity for studying how the negotiation and manipulation of burial symbols might express identity, belonging and social division.

Urban burial: the women of Lankhills

Continued discovery and excavation of burials in Britain may prove that in the countryside proportionally fewer people received inhumation (Esmonde Cleary 1992: 36) and that the 'invisible rites' that appear to have pervaded the Iron Age continued throughout the Roman period. This may mean that urban burial grounds show a greater potential than rural ones for revealing what distinctions were made between buried members of a community.

Cemetery analysis has been extensively employed to explore social organisation within past communities. However, it is by its very nature an ambiguous pointer to the social realities of the past. Burial is both a utilitarian act of hygienic disposal and a vehicle for expressing a whole range of cosmological, religious and social beliefs. Burial may serve to categorise the individual buried by marking a status achieved or imposed during life (Tainter 1977: 331–2; Binford 1971: 21). Alternatively, burial may be required to equalise or disguise rank and status (Wason 1992: 69). In some cases burial may completely reverse or invert the status of the deceased (Hodder 1982: 141, 146; Okely 1979: 87). Alternatively it may be used to demonstrate either acceptance or rejection of a dominant regime, or the ideology of the buriers (Barrett 1990; Hodder 1982; Morris 1987).

Different rites of burial may be used within a single community to distinguish individuals or groups. These distinctions may be based on such innate qualities as sex and/or age, or on less easily detectable divisions such as achieved status, hereditary status or membership of a particular social, religious or occupational group within the community (Binford 1971: 14, 22; Peebles 1971: 69). The form of burial may even be determined by the cause of death (Humphreys and King 1981: 9). Belief will play a major part in burial practices, but is itself rarely detectable in the archaeological record (Morris 1992: 17).

In a homogenous community differences in burial treatment may define divisions in roles, beliefs and status. In a mixed community,

however, multiple burial practices may operate as a result of ethnicity. Comparing grave treatment in a burial ground therefore relies on establishing the number of ethnic influences at work in it and trying to assess the degree of integration or assimilation over time. Thus burial practices may demonstrate combinations of intrusive and local customs and so hamper attempts to detect status through a comparison of variables within a single rite. They may also indicate that ethnicity was defined in the past less by biological or geographical origin, more by ideas of affiliation, which may have changed over time or been held in common with several others (Amory 1994: 2–4; Hedeager 1993: 123). As a consequence, differences between burials will only signify certain choices made by the buriers about which aspects of identity and affiliations of the deceased to emphasise in death.

Any apparent differentiation between individuals and groups in the burial record may only allude to a single aspect of the deceased's persona. Such differentiation implies that choices are made by those carrying out the burial as to which elements of the dead person's status were most significant at the time of their death. Investigation of women's status in the burial record is therefore limited to identifying any differences deemed relevant at the end of each individual's life. At the same time, identifying these differences provides a means of distinguishing various ways in which women's roles were communicated and given significance in their communities. What must be investigated is not so much their relative rank as the extent of their participation in the various social codes which negotiated or defined their identity by formulating means to differentiate them, not only from males but also from each other.

One cemetery that offers an opportunity for an informative case study is the one at Lankhills, Winchester. This lies 500 metres from the north gate of Roman Winchester on the road to Cirencester and forms part of the town's northern cemetery. A detailed report and catalogue of findings was published by Clarke in 1979 and laid claim to recording and analysing the largest datable collection of late Roman objects ever recorded in Britain. Through vertical stratigraphy and the coin and pottery evidence, the burial ground has been dated to the fourth century CE, and further separated into four overlapping areas based on the dating of individual graves (all dates CE and approximate): (i) 310–70/90, (ii) 350–410, (iii) 370–410 and (iv) 390–410 (Clarke 1979: 113–22).

The cemetery was found to contain the skeletal remains of 451 individual burials, 409 of which were complete enough to undergo

skeletal analysis. A recent re-examination of the skeletal material revealed that of the 219 skeletons that could be sexed here, 103 were males and 116 were females. Age was estimated for 409 individuals and showed that all age groups were represented, from infants under one to mature adults. Superficially the distribution of the sexes and age groups throughout the cemetery appears on the whole to have been random and even, so there seems little ground for reading any prevailing marginalisation of women in any period from their positioning in the cemetery.

While extended inhumation in wooden coffins within single graves was the standard form of burial in the cemetery, there was some variation in grave-form and treatment. Variations included the size, depth and orientation of graves; the presence of stepped graves and burial enclosures; seven cremations; six graves containing multiple burials; and seven burials in which the head appeared to have been deliberately removed. No age or sex seemed particularly targeted for treatment that departed from the norm, although it does appear that the infant group was less often provided with coffins, fourteen of the twenty-five being placed directly into the ground.

In 248 of the Lankhills graves there were accompanying goods in some form; this applied to approximately 60 per cent of identifiable women's graves and around 67 per cent of men's. Again, while no age group appeared to be excluded from the provision of grave goods, children were less likely to be accompanied by them, with only 51 per cent receiving goods compared to the top figure of 67 per cent of men (Clarke 1979: 147). Goods deposited in graves included vessels, coins, personal ornaments, equipment and animal bones.

Closer inspection, however, reveals a number of features of the cemetery that may be clues to a better understanding of the divisions among members of its population and the possible bases for these. Distinctions do appear to have been made between individuals and groups within the community and the explanations apparently go beyond age or sex.

The presence of four burial enclosures in the cemetery stands out: it suggests that the inhumations associated with these enclosures were differentiated from those of the rest of the interred population. However, the features themselves represent only a starting-point in the closer investigation of social structure. The burial enclosures may be seen as an obvious departure from the norm, linked to a series of variations which provides some inkling

of processes that might have both bound and separated members of the community.

Burial enclosures (Features 2, 6, 38 and 40)

Each of the enclosures consists of a gully in rectangular form that almost completely surrounds one or more graves. The investigators of the site have suggested (Clarke 1979: 97) that the gullies were the bedding trenches of hedges that enclosed the graves while allowing access at their eastern end.

In Area (i) of the cemetery, Feature 2 consists of a gully which surrounds a single grave (Grave 100, *c*. CE 330–70), the occupant of which was a female aged between 17 and 20 interred in a wooden coffin. The coffin itself did not contain any grave goods, but above it in the grave-fill was found a pile of personal ornaments, the positioning of which suggests careful placement. The ornaments consisted of three bronze bracelets, an iron bracelet, a jet bracelet, two ivory bracelets, a glass pin, the head of a second glass pin and fragments of a glass bowl (Clarke 1979: 36–7). A post-hole near the entrance of the enclosure may have meant that the site bore some sort of marker (Clarke 1979: 96).

Nearby, Feature 6 enclosed three graves, those of two adults and a child. The deepest and most central one (Grave 150, *c*. CE 325–35) contained the coffined body of an adult whose sex was possibly male, and who was accompanied by a bird within the coffin and a pottery flagon outside it (Clarke 1979: 44). Grave 103 (*c*. CE 310–30), a relatively shallow grave, contained an unsexed adult without grave goods whose coffin could not be confidently identified (Clarke 1979: 36). The child's grave (Grave 253, *c*. CE 310–30) was also shallow and no grave goods were associated with it.

In Area (iv), the latest phase of the cemetery, Feature 38 enclosed the coffined skeleton of a male aged between 20 and 25 (Grave 408, *c*. CE 390–410). Again, no objects were placed in the coffin, but there were two pewter bowls in the grave-fill (Clarke 1979: 85).

In the same general area Feature 40 contained two graves, only one of which contained a skeleton. Grave 400 appears to have been a cenotaph, its coffin empty apart from five coins that dated it to *c*. CE 390–400. However, the skeletons of two dogs were interred in the earth above the coffin, one of which was dismembered (Clarke 1979: 82; MacDonald 1979: 108–9). Grave 427 (*c*. CE 400–410) cut Grave 400 and contained the decapitated skeleton of a male of

between 20 and 25 years. The head of the skeleton was placed to the right of the knees and held a coin in its mouth (Clarke 1979: 86).

In some way, then, these structures indicate that their occupants had acquired by the time of their death an identity that required them to be set apart from their fellows in the burial ground. Further, by virtue of the fact that they were enclosed by what was probably a vertical structure, these graves must have created visual foci in the burial landscape. Entrances left in the circuit of the enclosure also suggest that at some time it was appropriate that the living enter the area. All of this suggests that these graves played a continuing role in the lives of those for whom they held significance.

That the enclosures should include a female (Grave 100) and a child (Grave 253) makes it seem likely that the identity achieved or awarded these individuals was not based on sex or age. The fact that there appears to be a 3:1 ratio favouring men for enclosure should not be considered significant given the uncertain sex of Grave 150 and the unknown sex of Graves 103 and 400.

The enclosure trenches appear to have respected previous graves in all cases (Clarke 1979: 98ff.). That could mean simply that the trenches respected those graves that were visible. Alternatively, it could be that those previously interred were considered important enough to merit being left undisturbed, in which case the graves specially marked by a boundary were arguably of higher status than the surrounding ones, but not so high that they could be permitted to disturb previous burials. In turn, all of the graves clustering about the enclosures and cutting across their boundaries respect the space about the principal graves within them.

The spatial distribution of graves around the enclosures may also indicate that burial close to the focal graves was desirable for some reason. This is most obvious in the case of Features 2 and 6, where burials of subsequent individuals might denote a system of differentiation demonstrated by association and proximity. This is reinforced by a concentration around Feature 6 of step-graves that distinguish their occupants from the rest of the buried population.

Seventeen step-graves located west of Feature 12 are characterised by diminishing width from the surface in a series of steps. Wood fragments recovered from the 'steps' of Grave 208 and grave goods found on a level with steps in Graves 172 and 188 suggest that the steps supported wooden boards on which grave goods were stood. It is also possible that the boards created a grave-chamber. These more elaborate graves were provided for five men, four women, five adults of indeterminate sex and three children (Clarke 1979: 134).

While the link between the step-graves and the enclosed graves in the Areas (i) and (ii) is only very tentative on the basis of spatial distribution, it would appear that a fairly narrow corridor of eleven or twelve such graves extends between and beyond Features 2 and 6. The age and sex of the grave-owners also suggest that a particular section of the Lankhills community was identifying itself as different. This difference cut across age and sex and defined a subset of the wider community.

It is possible that the clustering about Features 2 and 6, the provision of step-graves and the cross-cutting of sex and age that marks them implies an emphasis on the family unit, but the scatter of sexes and ages in the rest of the cemetery has militated against the identification of discrete family groups as normal practice. It could be that only certain families in the society warranted more elaborate burial treatment or could ensure family plots. Or the variation in burial treatment could signify some other distinction that necessitated a special burial.

At this stage, then, we have the possibility that while all members of the community, regardless of age or sex, were equally entitled to an undisturbed rest, some members were deserving of differential treatment. Within this special group, both sexes and children as well as adults were represented. Those buried in enclosures also held a position in death that had an enduring aspect, so much so that their graves constituted a physical symbol of that status in the landscape with which others wished to be associated. In the earlier phases of the cemetery this desire to be associated is more plainly seen to include being buried close to the enclosed burials. However, in all phases the provision of entrances to the enclosures indicates that the dead buried there, male and female, continued to attract the company of the living.

If this is a feasible reading of the evidence then it would appear from the variation in grave-form and spatial analysis that the society of Lankhills contained several categories of people. The presence of child graves among the more elaborate grave-forms suggests further that whatever it was that set these people aside, it was not achieved by the accumulation of status.

Grave goods and social differentiation

It is possible to discern further links between the graves, and these may also indicate differentiation between groups within the community. Investigators have been struck by the nature of objects which

appear in the cemetery at Lankhills, in particular objects of silver (eight finger-rings, six coins, a strap end, three pins and a plate), pewter (six vessels), glass (twenty-four vessels and an assortment of beads and some gaming counters) or ivory (eighteen bracelets).[3] There also seems to be a clear association between those who are buried with such items and those demarcated by other forms of grave treatment. The most obvious link occurs with Graves 100 and 408, each also enclosed. The distribution of graves with these objects begins parallel with Feature 2 and moves in a corridor up to and beyond Feature 6.

There is no clear correlation of these objects with sex and age. They appear with two adult females, seven adult males, nine unsexed adults and eleven children. On the face of it, it would appear that the provision of a distinct category of grave goods, like the provision of step-graves or burial within an enclosure, was not determined by the sex of the individual. Whatever the distinction was, women seemingly bore its insignia as readily as men. This does not imply that women were not distinguished from men in their roles and social positions during their lifetimes, only that they were given equal access to the symbols of a distinct group in death. It does, however, imply that under certain conditions, or on certain occasions, women, like men, either occupied high status positions or were responsible for advertising and defining their existence.

What also stands out is that whatever the status being advertised it would appear that it was not age-exclusive, for children were apparently deemed to have as much entitlement as adults to bear distinctive status items. This may be interpreted as signifying a group within the community who not only advertised their status by the sacrifice of wealth into the grave, but whose lineage was considered an equal part of that status from the outset of their childhood.

The personal ornaments which are characteristic of a group within the burial ground form a category of items which were associated with the appearance of the wearer and as such had a visual message to convey within the wider dialogue of social identity. Sorensen (1992) has argued the importance of appearance as an essential social experience and medium, providing 'a direct and visual communication about the identity and belonging of an individual, and … a means of learning social roles'.

Independent skeletal analysis of individuals at Lankhills has shown that where the sex of adult skeletons was determinable, necklaces were exclusively associated with females and knives and belt fittings with men. There is thus a case at Lankhills for seeing certain

aspects of gender identity as being communicated and reinforced by costume within a particular subsection of the buried population. We cannot say for certain that the association of these different items with unsexed child skeletons indicates the same dichotomy between the sexes, but some connection is being drawn which seems likely to have communicated some affiliation between individuals in each category.

Distinctions between females?

This line of investigation begins with the fact that of the fifty-seven graves containing personal ornaments, nineteen (33 per cent) are associated with infants and children, including a 9-month-old baby (Grave 450). If bracelets and necklaces are synonymous with females and knives and belt fittings with males, then seventeen of the minors were females and one male. Against the total figure of thirty-eight females identified in this way we see that approximately 45 per cent were children under the age of 10. Children receive as many items of personal ornament as adult females, if not more. This raises some questions about the status being identified by the burial treatment.

The personal ornaments interred with children are in some cases obviously too large for a child to wear (Graves 155, 333) or include too many items to be worn at one time (Graves 183, 336, 337, 323). This might suggest that the necklaces and bracelets were not usually worn in life by female children but were appropriate items of feminine display within the funerary ritual. It may also mean that within a certain status group females who died before a certain age or before a certain mark of maturity were buried with personal ornaments. The consequences of this are again twofold: either the status of the child is being inverted in death to resemble that of an adult female, or the status of the adult female is being inverted to that of a child.

The association of child and adult female might indicate that, rather than sex or membership of a certain group, some aspect of social identity is at work in the burial process. The child–adult association may identify women who died before bearing children, or those who died in childbirth. Either situation could link an otherwise physically adult female to the status of a child, by insinuating either that she was not adult until she gave birth, or that by dying in childbirth she took on the status of the infant. If this is a feasible reading of the evidence then we might press the point to suggest that child-bearing was an important point in a female's life, defining her

maturity, taking her out of her childhood and away from the different status which that implied.

Alternatively, the fact that personal ornaments associated with female burials and children are most often associated with skeletons aged above 4 years but below 30 must also alert us to ways in which life-stage affected the emphasis on gender identity. It may well be that the line between mature and immature female was drawn differently from comparable modern concepts of child and adult.[4] Likewise it is also possible that in the community represented by these burials, emphasising gender in death was more appropriate at certain stages of life than at others. This is not to say that infants and older women were rendered genderless, only that their gender identity in death was a less important factor to emphasise.

The implication of these suggested interpretations of burial assemblages is that other graves in the neighbourhood of those associated with personal ornaments belong to people from the same social group who did not however meet the requirements for receiving personal ornaments. If this is the case, then the provision of personal ornaments may have signified an aspect of society of more general significance in the community, one irrespective of social rank or ethnicity.

If we accept the possibility that the enclosure burials define a distinct status group and that the special-status objects within them, or within graves closely associated with them, emphasise that status, then it may be possible to see that, whatever personal ornaments signified, they did not alter the special status of the individual buried with them. In this case Grave 100 and Grave 408 share the same status but the female in Grave 100 was further defined by her death at a particular stage in her life. This might imply that the status marked by personal grave goods did not subordinate the female but rather acknowledged the loss of her potential. The variations in the number of ornaments placed in the graves and the material of their manufacture may also represent rivalry between members of the same status group.

Affiliation

Whether the female and male groups are directly related to each other as a single, distinct group is not possible to determine, although Clarke has tried (1979: 295, 365). Both sexes are associated with a group which distinguished aspects of the deceased's persona through costume, but the conclusion that they were a single

160

intrusive group goes beyond the interpretation of the small sample of graves we have in which the distinctions occur. In addition, rather than concluding that the difference in grave goods simply made distinctions on the basis of sex, it is more feasible that a far more complex process of social distinction was at work. It is likely that the Lankhills cemetery represents a community that made use, through the opportunities of the urban environment, of all the symbols available to them in order to distinguish both status and affiliation within and across many status categories.

This last point may be further elaborated by considering the fact that within Lankhills other distinctive rites were accorded the dead. Chief among these was the provision, in 144 graves that cut across all ages and sexes, of hobnail boots (Clarke 1979: table 28). Sometimes they constitute the only grave goods, but at times they are found in conjunction with other objects, including eighteen graves that contain personal ornaments (Clarke 1979: table 19). Clarke's argument (1979: 164) that hobnails do not in fact signify affiliation between members of the community relies on treating other goods as the most significant deposit and the hobnails as subordinate in significance. However, once we recognise that Lankhills is unique among urban centres in the fourth century for its quantity of hobnail boots (Philpott 1991: 167), the occurrence of hobnails in so many graves at the site does assume significance. Hobnails may *ipso facto* have denoted an association with the more rural practice of accompanying the dead with footwear. In that event we have a further distinction between members of the Lankhills community, based not on sex but on affiliation.

This aspect of burial practice is one most associated with rural areas and may indicate the presence in Lankhills of a movement of rural people into the area of Winchester that supplied the cemetery (Millett 1992: 142). So, regardless of sex or age, yet another distinction in the community may have been one made between rural, urban and immigrant populations.

Conclusion

The burial remains of Roman Britain provide us with flawed data. The gaps are many. We must dismiss the idea that either cremation or inhumation were the normative rites for most communities. Likewise it must be realised that the burials we do have on record often indicate various processes of inclusion and exclusion at work within burying communities. These processes must make us look all the

more carefully at distinctions made between those who were selected for a visible burial rite within discrete cemeteries. When interpreting through skeletal remains the evidence for ways in which women may have negotiated their identity it is essential to explore alternatives, to see a society as a multi-layered apparatus in which they negotiated their places by different methods. Seeing that a society distinguished between male and female is only one way of seeing. What we should see is that the society made distinctions between females and females, females and males, children and adults, groups of children and adults, individuals and groups of individuals. By dismissing the hope that the burial record will provide any definitive answer to the roles and status of the past we free ourselves to explore a multitude of ways in which women (and children) were signified and may have participated in the construction and preservation of diverse social structures.

Notes

1 In the third edition of his *Britannia* Frere estimated, with the assistance of Fowler (1983: 32–6), that this was the total population for Britain at the end of the second century AD. Some would argue for a higher figure, up to five or six million for the total Romano-British population and several million for the Iron Age (Millett 1992; Salway 1981: 544; Smith 1977: 55).

2 Additional difficulties arise from the fact that the larger inhumation cemeteries excavated often form only one of several as yet unexcavated burial grounds surrounding the towns they serviced. Such is the case, for example, with Colchester, Dorchester, Winchester, Cirencester and to some extent even York. Due to the biases of excavation in general the wealth of information to be gained from comparing burial treatment across phases of settlement and between what may have been distinct groups of people cannot be fully explored. Without this knowledge deductions based on male to female ratios, distribution of age groups, questions of ethnicity, segregation, exclusion and change remain as speculative as they do in partially excavated cemeteries.

3 Clarke 1979: 19, 437–39; Harden 1979: 209; Brown 1979: 206.

4 For a fuller discussion of age and burial practices see Gowland (forthcoming, a and b).

Part 3

KIN

10

THE VALUE OF EPITHETS IN PAGAN AND CHRISTIAN EPITAPHS FROM ROME

Hanne Sigismund Nielsen

Dis manibus Mammulae vixit annis xiii Marcia Hellas filiae piissimae posuit

'To the memory of Mammula who lived 14 years. Marcia Hellas dedicated this epitaph to her very dutiful (*piissimae*) daughter.'

(*CIL* 6.21910)[1]

This inscription is a typical example of the pagan Roman pattern of commemoration in imperial Rome. The following is equally typical of the Christian Roman pattern:

Aureliae Bonifatiae coniugi incomparabili verae castitatis feminae quae vixit ann xxv m ii dieb iiii hor vi Aurelius Ampliatus cum Gordiano filio

'To Aurelia Bonifatia an incomparable wife (*coniugi incomparabili*), a woman of true chastity (*verae castitatis feminae*) who lived 25 years, 2 months, 4 days and 6 hours. Aurelius Ampliatus dedicated this memory together with their son Gordianus.'

(*ICUR* 7445)[2]

Even though there are no iconographic Christian symbols in this epitaph there can hardly be any doubt that Aurelia Bonifatia and her family were Christians. The epithets used by her husband to

characterise her are as typically Christian as that used by the pagan Marcia Hellas to characterise her 14-year-old daughter is typical of pagan dedications to sons and daughters.

The aim of this chapter is to show what a comparative reading of a representative sample of, respectively, pagan Roman and Christian Roman epitaphs might reveal about changes in personal *mores* (at least on a normative level) in the changeover from paganism to Christianity. Such indications are to be found primarily in the epithets used to characterise the commemorated. But before exploring the implications of the differences between pagan and Christian uses of epithets, we need to consider two factors: the physical context of the epitaphs, and the terms of relationship found in the pagan and Christian epitaphs in Latin from the city of Rome.

A mass of inscriptions – pagan as well as Christian, most of them epitaphs – have survived from antiquity till now, but for the most part their original whereabouts are unknown (Sigismund Nielsen 1996). This lack presents the historian with some serious problems of method. The epigraphic material from Rome as we know it from *CIL* 6 and *ICUR* must, without this information, be considered fragmentary. We do not know, for example, whether members of the same biological family group or corresponding primary relationship group were normally commemorated together, on different inscriptions but placed next to each other. It seems *a priori* very difficult to draw any definite conclusions about the structure and character of primary relations in imperial pagan and Christian Rome on the basis of the epigraphic material without knowing the original physical location of the inscriptions. Furthermore, it seems highly probable that there must be significant differences between inscriptions placed on family tombs and designed as a social display for every passer-by to read, and small slabs put up in a dark subterranean *columbarium* or catacomb. Anyone who wanted to see an inscription in a *columbarium* or a catacomb had to be equipped with a lamp and to know exactly where to look. These factors must have influenced dedicators when they were deciding what to write on an epitaph.

Pagan inscriptions from Rome come primarily from three types of tomb. There has already been mention of the (usually underground) *columbaria*, intended as burial chambers for select slaves and freed slaves of the aristocratic families at Rome, or as a cheap but decent way of obtaining a personal burial for persons of limited means. Then there were family tombs, containing the burials of one household. Finally we have single-grave tombs, usually commemorating just one individual. Only a few epitaphs from these three

types of grave are still *in situ*. However, the editors of *CIL* 6 indicate that approximately 10 per cent of the inscriptions of that volume come from the large *columbaria* outside Rome (*CIL* 6. 3927–8210).[3]

For Christian epitaphs from Rome the situation is different. Before the third century the Roman Christians had developed no pattern of commemoration of their own, which makes it impossible for us to distinguish the earlier Christian epitaphs from pagan ones. Most of the pagan inscriptions at Rome date from somewhere between the first and third centuries. That leaves us with a time gap between the two materials. And as it is next to impossible to date pagan inscriptions precisely it is not – for the time being – possible to say whether there was a development in the use of epithets in the pagan material, or whether it was the Christians who were innovative. I tend to believe that they were, because the pagan material is very consistent, but nothing can be proven with certainty. It will, however, be necessary in future research on this subject to take into account the increasing concern for the individual that can be traced in pagan Roman literature, particularly during the second century.

Another important point is that the overwhelming majority of Christian epitaphs stem from the huge network of catacombs surrounding Rome. That is, the majority of Christian inscriptions can be directly compared with pagan inscriptions from *columbaria*, but not with any type of pagan surface burial. It should, however, be emphasised that the habit of burying in catacombs was confined to Rome and a few other places in the Empire. It is therefore important to emphasise that in general any direct comparison between the pagan and the Christian epigraphic material from Rome should be made with the utmost care, simply because the differences in physical context are too profound.

Table 10.1 shows the differences between pagan burials and Christian catacomb burials from the city of Rome with regard to the distribution of terms of relationship attached to the person commemorated. A sample of pagan epitaphs from *columbaria* in Rome is included for the sake of comparison. The distributions below are, for pagan Romans, based on an analysis of a representative sample: 3,179 epitaphs from *CIL* 6, commemorating a total of 4,506 individuals, including self-commemorations.[4] For the Christian Romans, the distributions are based on an analysis of all readable epitaphs in volumes 3 and 4 (NS) of *ICUR*, from the catacombs of Callistus and Domitilla, that is, 991 epitaphs commemorating 1,089 individuals, again including self-commemorations.[5]

Table 10.1 Percentage distribution of relationship terms for those commemorated.

	CIL 6 (n = 4,506)[a]	Columbaria in CIL 6 (n = 451)[b]	Catacombs, ICUR (n = 1,089)[c]
Term of relationship	25% (1,136)	46% (210)	65% (704)
No term of relationship	16% (724)	6% (26)	6% (65)
Self-commemoration	21% (932)	16% (73)	13% (139)
Spouse	15% (677)	12% (53)	13% (139)
Son/daughter	5% (245)	4% (18)	1% (5)
Parent	3% (147)	2% (10)	1% (11)
Sibling	1% (32)	1% (3)	0% (3)
Other family	3% (144)	2% (10)	1% (6)
Foster-child	1% (31)	1% (3)	0% (0)
Relationship of fosterage	2% (108)	2% (8)	0% (1)
From patron to patron	4% (170)	4% (20)	0% (3)
Slave/freedman from same household	1% (53)	2% (11)	0% (0)
Other relationship	2% (107)	1% (6)	0% (3)

Notes Bracketed figures refer to the number of commemorations, not epitaphs.
  a from 3,179 epitaphs.
  b from 355 epitaphs.
  c from 991 epitaphs.

There is a strong emphasis on the close family in all distributions, but note the almost total absence of non-familial relationships in the Christian material compared with that from *CIL* 6, where 13 per cent of all those commemorated were ascribed a term denoting relationship, indicating that they were not related through kinship to the dedicator of the inscription. In the Christian material, by comparison, very few of those commemorated belong to this category.

Two other notable differences in the Christian record as compared with the pagan equivalent, between the material from *CIL* 6 and that from *ICUR*, are the high percentage of commemorated persons with *no* term denoting relationship, and the low percentage of self-commemorations. It has been suggested that the reason for the high percentage of those commemorated without a term of

relationship could be found in the Christians' lack of interest in worldly relationships, for they mention age and otherwise characterise their dead with epithets almost as frequently as the pagans do (Shaw 1984). There may, however, be a simpler explanation.

If we compare the percentage distribution of relationship terms from the inscriptions from *ICUR*, the *CIL* 6 in general and the *columbaria* from *CIL* 6, it is apparent that the early Christians had actually changed their habit of commemoration by emphasising relationships other than those found in *CIL* 6. This fact has nothing to do with the underground location of the catacomb burials, but evidently the omission of terms of relationship in commemorations was related to the type (and therefore location) of memorial. The percentual difference in the number of commemorations devoid of any term denoting relationship between the *columbaria* inscriptions from *CIL* 6 and the inscriptions from the catacombs is obviously significant, but so are the equivalent differences between *CIL* 6 generally and the *columbaria* inscriptions. Further, the percentages of self-commemorations are in agreement for the *ICUR* material and the *columbaria* inscriptions, while in *CIL* 6 generally they are much higher. To my mind there can be no doubt that the underground location of Christian remains significantly affected the decision to include a term denoting relationship in the commemoration(s). I find it important to take this into consideration when analysing and comparing the pagan and Christian material from Rome.

While it is extremely important to keep in mind that the Christians had definitely changed their habits of commemoration, it is also clear from Christian literature that this outward expression did not necessarily reflect the reality of relationships. Quasi-kin relationships still played an important role in the fourth and fifth centuries, no less important than among pagans. I will only refer to a few examples, but many can be found. In trying to persuade Heliodorus to leave his family and join him, Jerome wrote:

> Your widowed sister clings to you today with loving arms; the homeborn slaves (*vernulae*) in whose company you grew to manhood, cry 'To what master are you leaving us?' Your old nurse and her husband (*gerula* and *nutricius*) who have the next claim to your affection (*pietas*) after your own father, exclaim, 'Wait for a few months till we die and then give us burial.'
>
> (*Letter* 14.3)[6]

Homeborn slaves, nurses and their foster-children play an important role in both pagan literature and epitaphs but are virtually absent from Christian epigraphic material, while still obviously playing an important role in Christian lives. Jerome's examples seem to be have come directly from daily life. It is interesting to see how inscriptions mirror the ideal of the close family unit, while the reality, at least in households like the ones Jerome depicts, apparently remained the same as in pagan times and as reflected in pagan inscriptions.

As shown in Table 10.1, there is a marked emphasis on the commemoration of spouses, sons and daughters in both the pagan and the Christian epigraphic material from Rome. Why this is so is suggested by the distribution and choice of epithets in the two materials.

Until now I have concentrated on differences in the physical location of pagan and Christian epitaphs in Rome and the importance of these differences for the composition of epigraphic text. I have also dealt briefly with the terms of relationship found in the material. We come now to the subject proper of this chapter: the epithets found in each type of epitaph, pagan and Christian. Table 10.2 shows the distribution of epithets in the *CIL* 6 sample in general, in the *columbaria* epitaphs in *CIL* 6, and in the Christian epitaphs from the catacombs, where 'n' in each case refers to the number of epithets.

The numbers behind the percentages of the distribution of epithets in *columbaria* are small and the distribution therefore less reliable, but it is evident that the epithets of pagan *columbaria* are in accord with *CIL* 6 as a whole, whereas there are significant differences in this respect between the pagan material as a whole and the Christian epitaphs from the catacombs. It is obvious that the emphasis in both the pagan and the Christian material falls on very few epithets and that therefore just these few are found frequently, but both choice and frequency of use differ between the two materials overall. *Bene merens* and *dulcis* are the epithets most frequently found in both pagan and Christian epitaphs. In third place in the Christian material we find *innocens*. This is very interesting, since this epithet is found in only three cases in the sample of 3,179 inscriptions from *CIL* 6 that I have compiled: that is, very infrequently.

Another interesting characteristic of the Christian material is the relatively heavy emphasis on virtuous epithets: *virgo*,[7] *castus*, and *pudicus*. All these are very infrequent in *CIL* 6. It is not surprising to find epithets emphasising the Christian virtues of the commemorated: *sanctus, fidelis* and *religiosus*. But note that *pius* is only used very infrequently, whereas in *CIL* 6 it is one of the most frequent.

Table 10.2 Percentage distribution of epithets for those commemorated (raw numbers in parentheses).

Epithet	CIL 6 (n = 2,220)	Columbaria in CIL 6 (n = 137)	Catacombs in ICUR (n = 394)
Bene merens	30% (663)	35% (48)	33% (130)
Dulcis	12% (262)	9% (13)	19% (76)
Carus/a	12% (257)	7% (10)	5% (20)
Pius/a	10% (226)	7% (9)	1% (3)
Optimus/a	5% (113)	4% (5)	—
Sanctus/a	2% (52)	3% (4)	2% (8)
Incomparabilis	1% (31)	—	1% (4)
Innocens	0% (3)	—	6% (24)
Virgo	—	—	3% (10)
Fidelis	—	—	2% (7)
Castus/a	—	—	1% (5)
Pudicus/a	—	—	1% (5)
Religiosus/a	—	—	1% (3)

Note Shows the distribution of epithets in the CIL 6 sample in general, the *columbaria* epitaphs in CIL 6, and the Christian epitaphs from the catacombs.

On the other hand I have not seen any epitaphs in *CIL* 6 where *pius* is used primarily to say anything about the religious belief of the individual being commemorated; it is always employed to emphasise the dutiful affections of blood-relationships (Parkin 1992). It might have been expected that Christians would also use *pius* in this worldly sense – one in which it is indeed found in early Christian literature.

In this context it is primarily relevant to concentrate on the more morally loaded epithets, since these are the ones that tell us about the ideal *mores* of the dedicators of epitaphs, both pagan and Christian, and which may serve to suggest the conception of an after-life among pagans and Christians alike. Among the pagans the most important epithet in this category is *pius* – in the epitaphs, most frequently seen in its superlative form of *pientissimus*. This epithet is restricted to close blood-relations. Quasi-familial relationships and spouses are only infrequently called *pientissimi/ae*. *Pius* is a word

loaded with connotations of fundamental importance to the Romans' understanding of themselves and to our understanding of the Roman mind. *Pietas* was a reciprocal feeling with connotations not of obedience, but of affectionate dutiful devotion.

It is difficult, if not impossible, to measure affection. It is much easier to estimate the consequences of a possible feeling. *Pietas* seems always to have involved action or expectations of action, and frequently to have concerned economic support, whether for parents or for children. This aspect was very important. In old age, many parents, particularly from the lower economic strata of society, must have been totally dependent on help from their children. There was another aspect of *pietas*, however, associated with this economic one, but at the same time part of the religious sphere, especially as far as death and mourning were concerned. It was still possible to get a decent burial even if you had no family, as long as you had enough money to become a member of a burial club (*collegium*), but in many cases, especially in very small and hence often poor households, it must have been absolutely necessary to have relatives to ensure a proper burial and commemoration.

A very high percentage of those commemorated who are characterised as *pientissimi* – 62 per cent (141/226) compared with the general norm of 34 per cent (1,301/3,782) in *CIL* 6 – also carry an indication of age at death. This is not accidental. The emphasis here is clearly on the young. Sons and daughters constitute the majority of those commemorated as *pientissimi*. They had generally lived long enough to give their parents an expectation that their children would survive them. In ancient Rome the probability of dying soon after having survived the first fifteen years of life was comparatively low, though still high by modern standards (Parkin 1992). Therefore it would not be unnatural if parents who lost sons and daughters at this age experienced their loss as much more painful than had the child died at an earlier age when chances of survival were still small. This implies that parents who lost older children simultaneously lost the possibility of support in old age and, eventually, of being buried. In their dedications they are doing for their deceased children what those children should have done for them, but still call them *pientissimi*. It is an interesting reversal of roles and probably reflects the parents' feeling that their sons or daughters would have behaved with dutiful affection, had they only lived long enough.

To my mind it is evident that the use of the epithet *pius* in epitaphs refers to behaviour towards close blood-relatives on *this* side of death and not to any expectations of an after-life (Nielsen 1997). As

far as the pagan epitaphs from Rome are concerned, I find it very difficult, on the basis of the epithets, to identify any concern with life after death. From literary and archaeological evidence we know that there was a strong belief that the dead lived a shadow-life in or near their tomb, and that on special occasions their relatives made offerings to them and had meals with them on their grave.[8] The pagan epitaphs, however, are not revealing in this respect. I will not claim that pagan thoughts about an after-life are never found on epitaphs, but they certainly are very rare.

Quite the opposite situation is seen in the Christian epigraphic material. Here there is a strong emphasis on the attitude and *mores* of the deceased. The pagan notion of *pietas* normally characterised relationships between people. The term is rarely used to characterise a person's relationship to the gods, although there are a few examples.[9] Although the epithet *pius/pientissimus* is found in Christian literature in connection with dutiful feelings and actions, both towards other people (as in Jerome's letter to Heliodorus quoted above) and, more importantly, towards God, yet Roman Christians who dedicated inscriptions obviously chose not to use it.[10]

Dulcis, 'sweet', is a another typical children's epithet, one found in both the pagan and the Christian material. But in the Christian material we find another epithet used for children: *innocens*. Of the commemorated *innocentes* in the Christian material, 68 per cent (17/24) bear an indication of age at death[11] – much greater than the general norm for this material, which is 31 per cent (316/1,024 excluding self-commemorations). And apart from two old men (66 and 69 years respectively), all commemorated *innocentes* with an indication of age are children.

The essential meaning of *innocens* is 'not harmful' or 'without guilt'.[12] For Christians, the guilt that an *innocens* lacked was original sin, brought into the world by the fall of man. Only through baptism was it possible to be relieved of this guilt. An infant who died before being baptised could not obtain salvation.[13] I believe that this is why it became essential to characterise children as *innocentes* in the Christian epitaphs. To my mind there can be no doubt that the relatively high number of young persons commemorated in the *ICUR* material are characterised as *innocentes* in order to inform readers of their epitaphs that they had been baptised and thus had obtained salvation after their death.

The remaining epithets in the Christian material, in inscriptions and literature alike (and remarkable for their heavy representation in epitaphs commemorating women) all have clear religious and/or

moral connotations. These are the epithets that most clearly mark the differences between pagan and Christian normative morals. Christian literature gives a good insight into the ideals of the Church; epitaphs provide us with an insight into the minds of those who dedicated them. See for example this very characteristic commemoration:

> Aurelius Abundantius dedicated this memorial to his incomparable wife (*virginia*) of perfect innocence and admirable chastity Aurelia Melitia. She lived with her husband (*virgineus*) 9 years, 3 months and ? days, and lived 23 years, 11 months and 20 days. She was buried in peace 17th January.
>
> (*ICUR* 9673)[14]

Wives are – for obvious reasons – not commemorated as virgins, but are frequently characterised in Christian epitaphs by epithets emphasising their chastity and high morals, together with *virginea* (a term denoting relationship and used with both masculine and feminine endings) instead of the more traditional *coniunx* or 'spouse', indicating that the wife or husband was still a virgin when she/he married. The Latin fathers are in most of their writings preoccupied with the moral behaviour of their fellow Christians, notably their sexual *mores.* Total continence was – according to them – to be preferred, and virginity is emphasised by all authors as the most holy and honourable state of human life.[15] The idea that life would bear fruit in heaven a hundredfold for virgins, sixtyfold for sexually continent widows, and thirtyfold for married women is developed on the basis of *Matthew* 13.8.[16] Jerome writes in his letter (123.9) to a young widow that she can gain her sixty points in heaven if she remains continent and unmarried, but nothing if she remarries. The ideal differences between those who lived in wedlock and those who lived as consecrated virgins are overwhelming. It must have been next to impossible for a Christian married couple adhering to the teaching of the Church not to have felt guilty. Women especially must have felt guilty. The fall of mankind was the fall of woman. Christian literature provides us with numerous examples (e.g. Augustine, *Sermon* 318 [PL 38.1439]; Jerome, *Epist.* 130.8). The aim of marriage was the procreation of children,[17] and the main blame lay with the wife if anything else happened sexually between her and her husband,[18] although the husband – as the head of woman – was expected to set a good example by leading a chaste life

himself.[19] The examples from sermons and other literature may seem bizarre to us, but are all of them typical of Christian literature of the time. The question is, of course, how the Christian man and woman in the street responded to these moral ideals. Marriage had been *liberorum creandorum causa* in pagan Rome, too, but unlike the Christians, the pagans had honoured the married woman – the *matrona* – and not set her below virgins and continent widows in esteem.

The Christian ascetic women we meet in literature belonged primarily to the aristocracy of Rome,[20] and it would have been impossible without the information from epitaphs to know whether the ideals of innocence, chastity and continence referred to in sermons and letters ever reached beyond the circles of the aristocratic intelligentsia. On the basis of the distribution of relationships and age in the epitaphs and, most importantly, the epithets used, it seems safe to conclude that the moral teaching of the Church did produce an impact on the man and woman in the street – at least at the normative level.

I suggest that the preference for the epithet *innocens* in dedications to young children, the over-representation of wives in the Christian epigraphic material and the morally loaded epithets used to characterise them should together be interpreted as evidence of the concern of Roman Christians in general about their salvation. Parents who lost a child could at least claim to have been responsible parents because that child had been baptised; husbands commemorating wives affirmed through their choice of epithets that they had lived a virtuous married life in chastity. It would not be surprising if this new Christian concern with personal salvation also influenced the Christians' concept of family and close kin relationships.

Notes

1 All translations of epitaphs are my own. Since the Latin of epitaphs is often not in accordance with Latin literature, some of my translations are free in order to convey the meaning of the text.

2 *ICUR* refers to the collection of Christian inscriptions from Rome and surrounds edited by Silvagni and Ferrua (1956–64).

3 See *CIL* 6.3926–8210. Ancient historians and epigraphers conventionally use the expression *columbaria* (singular *columbarium*) to describe the dovecot-shaped memorials which held the cremated remains of a number of dead, but the Latin term was not used of these memorials in classical antiquity.

4 355 epitaphs from the *CIL* 6 sample (mentioning 451 commemorated individuals) stem from *columbaria*. For 'self-commemoration', see n. 5 following.

5 Some of the categories comprising all commemorated in the materials analysed need an explanation: 'Self-commemoration' indicates that the dedicator of the epitaph has included him- or herself in the commemoration. It was by no means unusual for a dedicator to specify that a memorial was for the deceased and for her/himself, *sibi* (which can also be plural = 'for themselves'). 'Other family' includes all kin relations except spouses, sons/daughters, siblings and parents. 'Foster-child' only includes fosterers' dedications to foster-children, while 'relationship of fosterage' includes all other dedications where fosterage is the basis of the relationship. In this group we find dedications to foster-brothers/sisters (*conlactanei*) and to fosterers (*nutrices, nutritores*).

6 *Nunc tibi blandis vidua soror haeret lacertis, nunc illi, cum quibus adolevisti, vernulae aiunt: 'Cui nos servituros relinquis?' Nunc et gerula quondam, iam anus, et nutricius, secundus post naturalem pietatis pater, clamitat: 'Morituros expecta paulisper et sepeli.'* See also Jerome *Ep.* 54.13–15. In the following quotations from early Christian writings, I have used Schaff's translations (from the 1991–8 reprint) with some adaptations of my own. When they seemed unclear I have either brought the translation into agreement with the Latin text or given my own translation.

7 *Virgo* is here categorised as an epithet, since it is treated as such in the epitaphs.

8 See Toynbee 1971 and Baldassare *et al.* 1990. On the duty to bury a deceased person, see *Dig.* 11.7.

9 For an interesting example of the gods' *pietas* towards human beings see Betz 1960.

10 See e.g. Augustine *Sermo* 72a: *tunc enim ordinate et pie amas parentes, quando deo non praeponis parentes: qui amat – domini verba sunt – qui amat patrem aut matrem plus quam me, non es me dignus.* Note the emphasis of the statement *domini verba sunt.* ('So, love your parents in a proper and dutiful way as long as you do not prefer your parents to God: he who loves – these are the words of God – his father or mother more than me is not worthy of me.')

11 I am aware of the slight numbers behind the percentages, but believe that the tendency I have suggested would be confirmed if more Christian Roman epitaphs were included.

12 See TLL s.v. (1701.49): *non nocens: deest culpa vel peccatum.*

13 See Augustine, *Enarrationes in psalmos* 50.10: *Si infantes omni modo innocentes sunt, cur matres ad Ecclesiam cum languentibus?* … [The infant is speaking] *'… sed ego in iniquitate conceptus sum, et in peccatis mater mea me in utero aluit. Praeter hoc vinculum concupiscentiae carnalis natus est Christus sine maculo, ex virgine concipiente de Spiritu Sancto.'* ('If small children were born innocent, why do mothers run to the church with them when they are ill [to have them baptised]? … [The infant is speaking] "… I was conceived in injustice, and my mother nourished me in sin in her womb. Christ was born without this stigma of carnal desire by a virgin who conceived by the Holy Ghost."') See also Augustine, *Ep.* 194.7: *iste infans de fidelibus coniugatis ortus, laetitia parentum susceptus, matris vel nutricis somnolentia suffocatus fit exsors expers suorum fidei; ille infans de sacrilego stupro nascitur, crudeli timore matris exponitur alienorum misericordia pietate colligitur, eorum christiana sollicitudine baptizatur, fit aeterni consors et particeps regni.* ('The child born to good Christian parents and raised in happiness by them but suffocated by accident by the mother or the nurse when asleep will always stand outside and [in death] never take part in his family's faith. But the child born as a result of unholy adultery, exposed because

of his mother's evil fear and then saved by the compassionate charity of strangers who because they were good Christians saw to it that he was baptised, that child will forever be part of the kingdom of God.') See also *Sermo* 165; *De civitate dei* 22.22.

14 *totius innocentiae et mire castitatis incomparabili Aur Melitiae virginiae sue Aur Abundantius fecit q vixit cum virgineo suo ann viiii mens iii d xxi … et vixit annos xxiii mens xi d xx, d xvi kal fe in pace*

15 See Jerome, *Ep.* 22.15: *Et quidem molestias nuptiarum et incerta coniugii de domestico exemplo didicisti, cum soror tua Blesilla aetate maior, sed proposito minor, post acceptum maritum septimo mense viduata est. O infelix humana condicio et futuri nescia! Et virginitatis coronam et nuptiarum perdidit voluptatem. Et quamquam secundum pudicitiae gradum teneat, tamen quas illam per momenta sustinere aestimas cruces spectantem cotidie in sorore, quod ipsa perdiderit, et, cum difficilius experta careat voluptate, minorem continentiae habere mercedem? Sit tamen et illa secura, sit gaudens: centesimus et sexagesimus fructus de uno semine castitatis* ('You have at least learned from a case in your own family the troubles of wedded life and the uncertainties of marriage. Your sister Blesilla, before you in age but behind you in declining the vow of virginity, has become a widow but seven months after she has taken a husband. Hapless plight of us mortals who know not what is before us! She has lost, at once, the crown of virginity and the pleasures of wedlock. And although as a widow the second degree of chastity is hers, still can you not imagine the continual crosses which she has to bear daily seeing in her sister, what she has lost herself; and while she finds it hard to go without the pleasures of wedlock, having been less rewarded for present continence? Still she, too, may take heart and rejoice. The fruit which is an hundredfold and that which is a sixtyfold both spring from one seed, and that seed is chastity'). See further Ambrosius, *De virginitate* 1.6.25–27; Augustine, *Sermo* 208.1.

16 See Augustine, *De civitate dei* 15.26; Jerome, *Commentarii in evangelium Matthei* 2.

17 See Augustine, *De moribus ecclesiae catholicae et manichaeorum* 1.1336: *tu feminas viris suis, non ad explendam libidinem, sed ad propagandam prolem, et ad rei amiliaris societatem, casta et fideli obedientia subiicis.* ('You subject women to their husbands in chaste and faithful obedience, not to gratify passion, but for the propagation of offspring, and for domestic society.')

18 See Augustine, *De bono conjugali* 11.12: very frank advice to married couples on what was – and especially what was *not* – allowed in bed.

19 See Augustine in *De adulterinis coniugiis* on marital continence (2.20.21).

20 The letters of Jerome are of special importance. They inform the reader primarily about the lives of very wealthy aristocratic ascetic women in Rome.

11

A ROMAN FUNERARY MONUMENT WITH A MOTHER AND DAUGHTER

Michele George

A unique funerary monument of a togate girl and her mother (Plate 11.1) is a particularly appropriate subject for a chapter in a collection which originated as a homage to Beryl Rawson, whose contribution to the study of Roman children has been so significant (Rawson 1986b, 1991b, 1997a). Belonging to the Palazzo dei Conservatori collection of the Capitoline Museum in Rome, the piece has recently been brought out of storage and displayed again in the refurbished former hydroelectric plant at Montemartini, which now serves as an additional gallery for the museum.[1] The monument, commonly thought to represent a mother and daughter, is rendered in standing relief and was probably designed for display on a tomb façade.[2] Originally a male figure of a husband and father (now missing) probably stood on the left, as suggested by the inclination of the woman's body and by several parallel reliefs with a similar composition, such as the group of parents and a small girl now in the Villa Doria Pamphilj (Plate 11.2).[3] They belong to the corpus of funerary monuments of freed slaves (masculine *libertini*, feminine *libertinae*) who were depicted in standing reliefs like these or in bust reliefs.[4] This form of commemoration was most popular among *libertini* from the middle of the first century BCE to the early Julio-Claudian era, and enjoyed brief revivals in the Flavian, Trajanic, and Antonine periods. Dated by their hairstyles, the girl's *toga exigua* and the mother's stance and proportions to the middle of the first century BCE, the Conservatori group falls into the earliest category of such monuments and, despite the now absent male figure, is one of the best preserved of the standing relief type. A brief consideration of the

Plate 11.1   Mother and daughter monument, Palazzo dei Conservatori,
Rome.

Source: DAI neg. 36.1234.

group reveals its singularity and the crucial role that children played in these reliefs as vehicles for parental self-representation.

Mother and daughter

Clad in a tunic and *palla*, the figure of the mother is characteristic of the Roman *matrona* as she is commonly represented in late republican art and on this type of monument in particular. Her head is veiled and her left hand is by her face, as if about to cover it in the gesture of *pudicitia*, the symbol of wifely chastity and *pietas* (Kleiner 1977: 162–4). Her modesty is reflected in her lack of jewellery and in the simplicity of her hair, which is plainly dressed, pulled up into a ponytail on the top of her head and fixed with a band.[5] Her face is the portrait of an individual, but is rendered in the highly idealised manner typical of representations of married women of means, who are usually shown gazing into the distance without expression (or unsightly wrinkles).[6] An approximation of the position and costume of her missing husband can be reconstructed from comparable pieces such as the family group from the Villa Doria Pamphilj (Plate 11.2), where the male figure is turned slightly toward his spouse without actually meeting her gaze. In another standing relief in the Terme Museum in Rome – and more often on the bust reliefs – marital harmony is signalled by the gesture of the *dextrarum iunctio*, the joining of right hands.[7] Common to these commemorations is the depiction of the male figures in the *toga*, proof of their newly acquired status as Roman citizens, so that it can reasonably be assumed that the male figure in the Conservatori group was togate as well (Goette 1989). Freedwomen did not have a comparable garment with which to make such a distinct declaration of their status, for although from the republican period on they were entitled to wear the *stola* and *vittae* (gown and hair-ribbons) of the patrician matron, these items appear only occasionally in female sculpture and are therefore not the unambiguous markers of marital status they are sometimes claimed to be.[8] But the presentation of the mother with head veiled (*capite velato*) serves as an equivalent symbol to the *toga*, for in veiling her head with the *palla* she gives public notice that along with the costume of the *matrona* she has assumed the virtues of fidelity and chastity. The change from slave to freedwoman (*libertina*) implied an advance in moral behaviour as well as in status, for Roman women of free status were held to higher moral account than were slaves. In adopting the gestures and fashions used by freeborn matrons, the freedwomen on these reliefs therefore convey their readiness to be judged by the same standards.[9]

Plate 11.2   Couple and girl, Villa Doria Pamphilj, Rome.
Source: DAI neg. 62. 641.

The girl stands at her mother's side, reaching her hip, in a pose which is equally formal and with a direct gaze. Her face too is a portrait, again idealised, suggesting an age of perhaps 5 or 6 years, with none of the fullness of face which so often characterises portraits of young children (Gercke 1968). Her hairstyle is a variation on the so-called 'Scheitelzopf' or top plait, a coiffure which was derived from the portrait conventions of young girls in Hellenistic art. Hairstyles

181

for Roman children in sculptures from the late Republic show the imitation of these Hellenistic models in varying degrees, and the hair of the girl in this relief is a rare example of a very elaborate version (Trillmich 1976). The style involves a braid which is pulled back from the forehead along the centre of the head, crossing at the top with two more braids which are pulled up from the sides by her ears; all were probably fixed at the juncture with a metal band. This intricate arrangement can be contrasted with that of the young girl in the Villa Doria Pamphilj group (Plate 11.2), whose hair is drawn back in a simple bun. More significant, however, is the contrast between the young girl in the Conservatori group and her mother (Plate 11.1). The daughter's ornate style follows a Hellenistic tradition and thus subtly communicates the status and sophisticated taste of her parents; the mother's simpler hairstyle fittingly reflects a matron's propriety. As with other sculptural genres, from the Augustan period onwards we find that hairstyles are taken less often from Greek portraiture and increasingly borrow from the fashions established by members of the emperor's family. For example, in the funerary relief of the Sertorii family, dated to the Tiberian–Claudian period, the portrait bust of the girl has a highly formalised hairstyle of stiff spitcurls which are decorated with pearls and arranged around her face in a style possibly adopted from Agrippina the Younger.[10] As in the Conservatori group (Plate 11.1), the girl here is also shown with a much more elaborate hairstyle than the two older women in the relief. Young girl and adult woman are both therefore portrayed according to the fashions appropriate to their time of life; by acting as a foil, each reinforces the visual impact of the other and serves to emphasise their different social roles.

In its sobriety the mother–daughter group from the Conservatori is typical of the earliest 'freedman' monuments, that is, monuments to former slaves of both sexes, in which social status and family identity are presented in a simple and direct manner. The girl stands fully frontal, her left arm at her side and her right resting in the fold of her *toga*, and in no way engages with her mother. The formality of the pose conveys a greater solemnity than the rather more playful depiction of the family trio in the Villa Doria Pamphilj (Plate 11.2), where the child inclines toward the mother and tugs at her clothing.[11] The informality of the gesture on the Villa Doria Pamphilj relief is matched by the girl's hair, which as described above is just pulled back in a simple bun, and by her clothing, in that she wears a tunic and not the more ceremonial *toga*, while in her hand she holds a bird. These naturalistic details suggest that here a more sentimental

impulse is at work, a desire to convey not only family status but also family affection. In general, however, such gestures are eschewed in favour of a more formal rendering, an effect abetted by the frontality of the compositions which limits the possibilities for interaction between the figures.

The children in these reliefs are rarely shown as infants or toddlers, but usually range in age from 5 to 12 years.[12] It is impossible to know the relationship in gender, in age at death, or in number between the children commemorated in the imagery and the real deceased children whose remains were placed in the family tombs, since the inscriptions which sometimes accompany the reliefs do not provide biographical details. However, older children possibly predominate in the imagery because of the message of free status which was so effectively delivered by the *toga* and which was harder to convey in the costume of a very small child.[13] Furthermore, high mortality rates for very young children possibly reduced their potency as symbols of family prosperity.

Togatae

The most eloquent indicator of status in the Conservatori mother–daughter group, however, is the girl's clothing, for over her tunic she wears a *toga*. Use of the *toga* is most obvious on these reliefs in the male figures, for like their fathers, boys are prominently shown dressed in it. Furthermore, they wear the *bulla*, the locket of metal or leather which signified free birth, indicating a deliberate effort to display social status.[14] In fact, boys are generally shown lifted up to the same height as their parents, in order to ensure that both *bulla* and *toga* are visible. The right to wear the *toga* was granted to adult *libert(in)i*, but was restricted to children of free birth (*ingenui*), who wore the *toga praetexta*, the purple-bordered version of the garment. The sons on these reliefs are hence conspicuously dressed in the badges of civic honour which had been inaccessible to their fathers in their own servile childhoods.[15]

Although the *toga praetexta* is well known as the standard form of dress for freeborn boys, it is sometimes forgotten that it was also worn by freeborn girls until they reached the age of marriage, a custom which probably went back to the early republican period.[16] The common misconception that only boys wore *toga*s is partly due to the relative paucity of togate girls in Roman art.[17] On the 'freedman' monuments boys significantly outnumber girls, probably because sons were a more important asset to a freed slave family than

were daughters. Both carried the family name, but only boys could pass it on to their own children.[18] As a consistent marker of status throughout their lives, the *toga* was more important to the social identity of boys than was any comparable form of dress for young girls. For boys the *toga* was the garment of privilege and promise, and their passage into maturity was observed by the formal exchange of the *toga praetexta* for the *toga* of manhood (*toga virilis*), and the removal and dedication of *toga* and *bulla* to the domestic Lares.[19] For boys the *toga* was a lifelong symbol of citizenship and identity that changed in small but significant ways as they matured or assumed other public roles. Thus the *toga praetexta* was worn once again when they served as magistrates, and the white-chalked *toga candida* when they ran for political office (Stone 1994). On monuments as in life, the widespread recognition of *toga* and *bulla* furnished an easy visual shorthand for indicating family status to the passing viewer.

A girl, however, looked forward to an adult public identity which was tied to a single dimension, motherhood, and to one sphere of influence, the *domus*, and which was signified in dress by the *palla* and *stola* of the *matrona*, garments which represented feminine virtues.[20] Arnobius' allusion to girls who dedicated their togas to Fortuna Virginalis suggests that a ritual existed for girls which parallelled the assumption of the *toga virilis* by boys, signifying in a similar way the symbolic surrender of childhood clothing.[21] Little is known about the custom. Its obscurity may reflect its relative insignificance in the female life-cycle. By contrast, much more is known about the ceremonial attire of the bride (La Follette 1994).[22] Belonging exclusively to a girl's childhood, the *toga* had to be abandoned when she assumed her adult role of chaste wife and mother, for, in an inversion of meaning, it immediately lost its value as a prestige costume, becoming instead a symbol of shame as the *toga muliebris*, the female *toga*, the garment of the adulteress and the prostitute.[23]

The extant instances of togate girls in Roman art confirm without a doubt that the *toga* was the height of formality in juvenile dress for both sexes.[24] The most famous examples are the two young female members of the imperial family on the Ara Pacis Augustae (the Altar of Augustan Peace) who set the standard in sartorial display for well-dressed élite girls of the period (Gabelmann 1985: 522–7). On the south frieze (Plate 11.3), a boy and girl beside Antonia Maior are identified as the children from her marriage to Lucius Domitius Ahenobarbus: Domitius and his older sister Domitia Lepida, who

Plate 11.3   South side, Ara Pacis, Rome.

Source: DAI neg. 72. 2403.

was destined to be the mother of Messalina, wife of the emperor Claudius. Domitia Lepida, who would have been 8 years old at the time of the consecration ceremony depicted on the precinct wall of the altar (13 BCE), wears a tunic and the type of *toga* with the *sinus* and *umbo* which became popular under Augustus.[25] Her hair is neatly pulled back in a roll by her ear and tucked into a bun, but the simplicity of her hairstyle is offset by the three pearls or gems which are draped over her brow and by the chain with a suspended crescent moon which adorns her neck. On the north frieze (Plate 11.4) is another girl wearing the Augustan-style *toga*, but over a Greek *chiton* rather than a tunic, possibly a classicising element of the kind so characteristic of Augustan art. This girl's hair is arranged in the so-called *Melonenfrisur*, parted and combed into long rolls, with a braid at the top which is pulled back and secured in a bun at the nape of her neck. A string of pearls or gems is visible at her forehead and she is also wearing earrings and a necklace. The identity of this girl, who seems younger than Domitia Lepida, is uncertain, but her proximity to Augustus' daughter Julia prompts the suggestion that she is either Vipsania Julia, daughter of Julia and Agrippa, or possibly Agrippa's daughter by his first wife Marcella.[26]

The togate girl on the Sertorii relief (Kockel 1993: M2) projects the desired messages of status and family affection but also adds

Plate 11.4   Detail, north side, Ara Pacis, Rome.

Source: Paris Louvre, MA 1088.

another dimension to the commemoration. Her elaborate hairstyle has already been mentioned, and like her brother she is placed high enough for her *toga* to be visible. Typical of the bust reliefs in this series, she is positioned frontally, but an effort is made to show her interacting with her parents; her mother is putting an arm over her daughter's shoulder, and both parents are handing fruit to the girl and her brother. The offered fruit is a further symbol of that family prosperity so clearly illustrated by the children themselves in their clothing and adornments, and the partaking of it with their parents is a visual metaphor for their worldly patrimony.[27]

Conclusion

The emergence of a group of monuments that were characteristic of the freed slave class differentiated this class and allowed the bold expression of their higher social status. In making this kind of memorial their own, however, they were not original but adapted the forms and stylistic conventions of established modes of élite

commemoration. The bust reliefs, such as the one of the Sertorii family, recall in two-dimensional form the *imagines*, ancestral portraits, and the shield portraits (*imagines clipeatae*) that were the exclusive territory of the highest levels of Roman society.[28] The use by the freed slave class of the portrait genre on these reliefs was therefore a visual allusion to a form of self-representation which in its fullest execution was denied them in reality. The standing reliefs such as the mother–daughter group from the Conservatori (Plate 11.1) imitate free-standing sculpture in the round, which was a common form of élite commemoration in both funerary and honorific contexts (Goette 1989). The composition of these monuments ranges from simple male–female couples and the nuclear trio of parents and child, to the bust reliefs that include not only parents and their children, both young and adult, but also apparently other relatives such as adult siblings. The overwhelming tendency to represent family groupings, rather than single individuals, underlines the desire to demonstrate the new legitimacy of this class and their novel capacity to participate in Roman society in ways which had been unavailable to them as slaves. For individuals who had no recognised ancestors except their former owners, who as slaves could not legally marry, and whose offspring might at any moment be taken from them and sold by their owner for profit, the family was an especially valued institution. Attached to the exterior of house tombs, these family portraits constituted lasting illustrations, on public display, of their subjects' hard-won place in Roman society.[29]

Among the various elements that go to make up these monuments, the children are arguably the most articulate symbols of success, for by their presence they embody both literally and figuratively their parents' accomplishments, and the potential for greater glory in the future. It is these two aspects of status – past achievements and the greatness to come – which are most effectively portrayed through the children. The young girl in the Conservatori relief, with her ornate coiffure, her ceremonial attire and her self-possessed demeanour, is a particularly eloquent example. Her solemn expression and formal bearing speak not only of her childhood, but also of her adult life as a Roman woman. Like her male counterparts, she is simultaneously laden with both the servile past of her parents and the social expectations awaiting her as an *ingenua*.

Notes

1 Braccio Nuovo II 13, inv. no. 2176. Fittschen and Zanker 1983 no. 42, pl. 54; Gabelmann 1985: 516–22, fig. 4.

2 Kockel (1993) puts the piece in an appendix (Anhang 1.9), arguing that it falls between the genres of relief and sculpture in the round.

3 Rawson 1997a, fig. 9.5; for this and other examples, see Kleiner 1977 nos. 64–6; Kockel 1993.

4 Kockel 1993: M2, fig. 111c; see also Zanker 1975; Kleiner 1977; Frenz 1985; Rawson 1997a: 211.

5 Trillmich (1976: 37–8) sees in this hairstyle the *tutulus*, which Varro (*LL* 7.44) describes as peculiar to Roman matrons; however, its relative rarity in extant female portraiture militates against the identification (Kockel 1993: 39–42).

6 For other portraits of Roman women, see the collection of female portraits in Kleiner and Matheson 1996.

7 Standing relief with the *dextrarum iunctio*: Kleiner 1977 no. 65. On the *dextrarum iunctio*, see Davies (1985, esp. 632–5) who argues, it should be noted, that this is not the exclusive meaning of the gesture. Cf. Chapter 7 above, with references n. 11.

8 The right to wear the *stola* and *vittae* was granted to freedwomen before the Second Punic War (Macrobius 1.6.13–14; Sebesta 1994: 49 nn. 36, 37). Kockel (1993: 53) suggests that the textual evidence has been over-emphasised at the expense of the artistic. On the clothing of the *matrona*, see Scholz 1992.

9 Valerius Maximus' collection of odd and sensational examples for the use of orators includes the claim (6.3.10) that in the republican period one Sulpicius Gallus had divorced his wife for leaving the house with her head uncovered. The literal truth of such an anecdote is dubious – motives for Roman divorces were seldom stated or made public until their connection with adultery trials following Augustus' legislation – but the anecdote may nonetheless symbolise a heightened notion of female marital propriety (as in modern media responses to sexual revelations involving public figures) which could find expression in public sculptural representations.

10 Sertorii relief: Kockel 1993: M2.

11 See also a boy on a relief in the Terme museum in Rome, Kleiner 1977 no. 65; Kockel 1993: 18. Although only partially preserved, he too might have been tugging on his mother's mantle. Kleiner (1978: 768) argues that the motif of the tugging child was copied from the Ara Pacis; contra, see Kockel (1993: 153), who dates this relief to the early Augustan period and therefore before the construction of the Ara Pacis.

12 One relief with an infant: see Kleiner 1997: no. 81; Zanker 1975: 293 pl. 27.

13 E.g. the Trajanic altar which commemorates Hateria Superba, the daughter of freed slaves. According to the inscription she died at 18 months, but she is shown wearing a *toga* as a child of 5 or 6 (Kleiner 1987: no. 58; Goette 1989: 159 no. 8).

14 Originally the *bullae* of patrician boys were of gold, while those of freed slaves were leather. On the *bulla* generally, see Palmer 1998; in art, see Gabelmann 1985: 510–4, Goette 1989: n. 42.

15 Artemidorus *Onir*. 2.3, where a slave's dream of purple clothing symbolises freedom.

16 Cf. Propertius 4.11.33: *mox ubi iam facibus cessit praetexta maritis,/vinxit et acceptas altera vitta comas*; F. W. Goethert, *RE* 2.1652; Gabelmann 1985, esp. 517–22. Both girls and boys in *togae praetextae* led the bride to her husband's house in the archaic patrician marriage ceremony of the *confarreatio*, which had virtually disappeared by the first century CE (Treggiari 1991: 21–4). Gabelmann (1985: 520) suggests that girls borrowed the *toga* from boys, but Sebesta (1994: 47) argues that it was always worn by both sexes.

17 Goette (1989: 80–2, 158–9) lists fourteen examples.

18 There are some exceptions to this rule: cf. Chapter 6 above on nomenclature 'rules' and their applicability, and Salomies (1992: 63–80) on élite names taken from mothers. In general, however, the Roman family name was taken from the father.

19 Dedication of *bulla* and *toga praetexta*: Persius 5.31. Ovid (*Fasti* 3.787–8) places the ceremony on 17th March, during the festival of the *Liberalia*. See Dixon 1992a: 134–5.

20 Sebesta 1994; and see again n. 3 above.

21 Arnobius *Adversus nationes* 2.67: *Puellarum togulas Fortunam deferitis ad Virginalem?*; Sebesta 1994: 47.

22 Equally, the lack of information on such a ceremony for young girls might be due to the indifference (or ignorance) of contemporary male commentators when faced with feminine and childish activities which did not directly impinge (as marriage did) on the male world and on rituals involving both sexes.

23 For the *toga muliebris,* contrasted with the *toga virilis*, see Cic. *Phil.* 2.44. Other sources collected in Sebesta 1994: nn. 49, 50; Horace *Sat.* 1.2.63; Martial 2.39, 6.64.4, 10.52; Juvenal *Sat.* 2.68–70; Sulpicia in Tibullus 4.10.3.

24 Funerary monuments from the second and third centuries CE show that the *toga* continued to be used for funerary commemoration (Goette 1989: 80–2, 158–9).

25 Contra see Stone (1994: n. 39) who sees a squared rather than a rounded edge on the draping cloth, and so identifies a *palla* wrapped as a *toga*. It is true that the edge is not as rounded as the one on the *toga* of her brother Domitius; but it is exactly like the rounded edge of the *toga* on the man in the Via Statilia relief (Kleiner 1977: no. 11). The *sinus* is the loose roll of fabric which emerges from under the right arm and falls diagonally over the chest; the *umbo* is the decorative 'knob' of bunched cloth which is pulled up from under the *toga* on the left side (Stone 1994: 17–21).

26 Gabelmann (1985: 522–7). Vipsania Julia was born *c.*19 BCE and would therefore have been 5 or 6 in 13 BCE.

27 For the family life of freed slaves, see Rawson 1966; Treggiari 1969: chs 6 and 7.

28 See Kockel 1993: 14 on potential sources of inspiration for the genre.

29 For tombs as the *domus aeterna*, see Zanker 1975: 276. On slave families, Treggiari 1975; Bradley 1984: ch. 4; Rawson 1986b; Dixon 1992a: 53–5.

12

ADOPTION AND ITS FUNCTION IN CROSS-CULTURAL CONTEXTS

Hugh Lindsay

In any modern discussion of issues relating to family, kinship, and adoption, care has to be taken to avoid the trap of an analysis which understands these terms purely as they apply to our own cultural context. It can be appreciated that a different notion of the operation of family life will also lead to different ideas about the integration and exclusion of outsiders.

The discussion of adoption in a wide range of contexts can help us to appreciate the range of possibilities under differing arrangements over kinship, and help to situate Roman adoptions. Some of the communities reviewed here have a strictly agnatic system (in which inheritance follows the male line) and may superficially seem to bear a resemblance to Rome, at least in this strong emphasis on the perpetuation of the male line. Ultimately, however, even communities with very strict customary procedures tend to find that factors other than mere kinship are important in ascertaining whom they will adopt when their own line is in jeopardy. In all adoptions, what can be seen as the common ground is that adoption creates a fictitious proximate relationship for the purpose of inheritance of wealth, position or both. Different communities with different social and political systems handle such procedures in different ways.

Once a community allows that this is a feasible way of bestowing social personality on the next generation it is clear that purely familial ties are potentially under threat, but a majority of communities still prefer close kin. Although traditional Chinese communities seem to have the strictest regulations about adoption from amongst close agnates, other communities also find that this is the normal

place to look for an heir. However, a conflicting pressure is the desire totally to assimilate the adopted child into the adoptive family, and this tends to make outsiders seem attractive. Totally fictitious arrangements, where the intention is simply to transfer property, and where the motives may be based far more on commercial objectives, can also be found. Here the inalienability of certain types of property in Mesopotamia creates some telling situations.

Goody in his influential article 'Adoption in cross-cultural perspective' (1969, reprinted with some changes 1976) does not include this type of arrangement, but does raise several critical functions of adoption:

> A. To provide homes for orphans, bastards, foundlings, and children of impaired families.
> B. To provide childless couples with social progeny.
> C. To provide an individual or couple with an heir to their property.
>
> (Goody 1976: 68)

These functions may not all be evident in any given community, but they provide us with some guidelines for the scope of adoptive arrangements. The following outline illustrates some of the range of possibilities encompassed in varied cultural and temporal environments.

Mesopotamia

Sophisticated arrangements for adoptions are already to be found in the Code of Hammurabi. These show a close awareness of some of the hazards of the artificial creation of parental bonds. An adopted child could be treated differently from a natural child, or one party could prove ill-suited to the other. It was also acknowledged that there was a danger of maternal deprivation. A child might persist in seeking out its natural father and mother, and consequently have to be returned to them. These provisions amount to an admission of the reality that child and adoptive family might not be mutually suited. Clearly adoptees under the Code are envisaged as infants, and this marks out a major difference from the Roman norm. The Code also encompassed harsh and different rules for those adopted by courtiers (Benet 1976: 23–5).

To summarise, Babylonian adoption only remained valid provided that the adopter treated the child in every way as his own. If

the child persisted in searching out its father and mother, it was returned to its natural parents. Thus the issue of maternal deprivation was acknowledged and dealt with. The only adoptive child who was punished for seeking out the natal family was one adopted by a courtier, since courtiers were prevented by law and sometimes by castration from begetting their own children. Adoption by a courtier was seen as a signal honour, and represented a great leap in status for the child:

> 187 The [adopted] son of a chamberlain or the [adopted] son of an epicene shall not be [re]claimed … 192–193 If the [adopted] son of an epicene states to the father who has brought him up or the mother who has brought him up 'Thou art not my father' [or] 'Thou art not my mother,' they shall cut out his tongue.
>
> <div align="right">(Driver and Miles 1955: 75–7)</div>

Also covered in the Code is apprenticeship and wet-nursing. Boys were adopted by free craftsmen to learn and inherit their trade, but the adoption was invalid if the craftsman did not teach his craft. Because of the age of adoptees, any adopter was likely to have need of a wet-nurse who would be in charge of the child for two or three years. Her conduct was strictly monitored and she was subjected to fierce penalties if the child died under her care.

Initial concerns may have been with perpetuation of the family and its religious rites, but secular reasons can be seen as increasingly important. Under this category we can include continuation of a business or maintenance in old age. Adoption was perhaps still possible for a man who already had a son.

To these more traditional types of adoption in Mesopotamian society, Elizabeth Stone points out, we can add 'fictive' adoption (Stone and Owen 1991: 2–6). This was used as a method of property transfer in a situation where property was theoretically inalienable (Cassin 1938: 1–48). In these cases no parent–child relationship was implied between the two transactors. The fictive adoption texts from Nuzi written in the middle of the second millenium BC serve to transfer real estate. This was to overcome a situation in which fields and orchards could only be disposed of within a very narrow range of close kin.

Stone points out that this sort of use of fictive relationship is itself a sign of a system under siege, and seems to represent an evolution in the employment of adoption. Of course all adoptions create fictive

relationships, but here it appears that traditional adoption practices were serving new functions and fulfilling new societal needs. A contrast can be drawn with the types of adoption described by Goody, which are designed to redress deficits in family make-up and may be termed 'familial' adoptions. In contrast those at Nuzi are primarily motivated by economic concerns and can therefore be termed 'economic' adoptions. These distinctions raised by Elizabeth Stone may be valid, but it is important to remember that Goody's categories have an economic dimension as well. The composition and economic circumstances of an individual family would have had some impact on the decision to alienate property through the dodge attested in the Nuzi texts. Fictitious adoptions are found in Rome, but under very different conditions; the classic example is that of the republican politician Clodius, who used adoption to change from patrician to plebeian status so that he was eligible for the tribunate.

India

Goody warns of the complexity of the Indian situation and the impact of nineteenth-century thinking on interpretation (Goody 1976: 73). Certain general tendencies can be noted, but regional and religious differences must have led to many variations in practice. Thus in communities which frowned upon the remarriage of widows or in other ways curtailed alternative methods of securing succession, we might expect adoption to be more common.

Hindu law shows that the chief aim of adoption was maintenance of the ancestral line (Mayne 1898: 123). An adopted boy should be the closest possible male relative; if feasible, a brother's son. If no male was available, the next best solution was a son of a family following the same spiritual adviser as the adopting family. Here the spiritual connection took the place of the blood tie. Some idea of procedure can be gleaned from the *dharma-sûtra* of Vasishtha (Bühler 1882: 75–6):

> XV.6 He who desires to adopt a son shall assemble his kinsmen, announce his intention to the king, make burnt offerings in the middle of the house, reciting the Vyâhritis, and take [as a son] a not remote kinsman, just the nearest among his relatives.

Interestingly, the adopted son was only partially protected from the birth of subsequent legitimate children, and the same text shows that

in that event his share would be reduced to one-quarter (Bühler 1882: 76):

> XV.9 If after an adoption has been made, a legitimate son be born, [the adopted son] shall obtain a fourth part.

Under the Laws of Manu, twelve types of son were enumerated, and this reveals the emphasis on getting sons by whatever means possible. This did not mean that there was no pecking order – quite the reverse: primacy went to the child born of two spouses of the same caste. An adoptee was also to be of the same caste as the adopter, and should bear a resemblance to or be a reflection of a natural son (Tambiah 1974: 81). It is noteworthy that there is emphasis not merely on a capacity to continue religious duties to the adopter after his decease, but also on identifying a worthy successor to the social personality of the adopter. Of further interest is the exclusion of the adopted son from inheritance through his natal family. This is made quite explicit in the Laws of Manu (Bühler 1886: 355):

> IX.141 Of the man who has an adopted son possessing all good qualities, that same son shall take the inheritance, though brought from another family.
> IX.142 An adopted son shall never take the family name and estate of his natural father.

All this shows the primacy of the family as corporate identity. An outstanding feature of this Indian world is the lack of permeability in barriers between castes. In this system a very careful watch is kept on status.

Oceania

Preference here centres on adopting the child of a relative or friend rather than a child of unknown parentage. Reasons include fear that a child of unknown parentage might have the character flaws of its parents. Such a child is seen as an affront to the kin group through their failure to find their own solution to the child's inadequacies.

The adopter will usually be one of the natural parents' siblings or parents. Oceanic adoption is not characterised by formal legal procedures. Normally it is an individual who adopts, rather than a couple. The adopter is normally married and will often have existing children. Adoption is frequent, and adopters are less fussy over the

physical attributes of the child they get. Sometimes a child is even adopted before it is born. Nevertheless, as noted above, the social attributes of the child's natural parents are of importance to Oceanic adopters. Adoption is not denied on economic grounds and the like; there is no kudos in adopting, no stigma in giving in adoption. It is in fact seen as an act of generosity. Most parents giving up children in adoption are ready, willing and able to keep their children (Carroll 1970: 3–20).

This type of close kin arrangement is not the replacement of one set of parents by another, but a new layer of kinship obligations, and the adoptions are reversible. There is no necessary connection between fostering and adoption. A typical example can be found amongst the Kamano villagers of the eastern highlands of New Guinea. As elsewhere in Oceania, the commonest adoptions do not involve orphans, or providing children for the childless. The norm is for adults with children to adopt children with parents. The adoptee ends up with two rightful homes throughout life, and there is no total severance of ties with the natal family. This may be considered of interest for comparison with Rome, despite obvious differences; the intention of securing access to inheritance of wealth or position may have meant that it was common for an adult Roman, too, to enter an adoption while retaining links with the natal family. Amongst the Kamano, however, children are taken from the natural mother at the earliest possible moment, either immediately, or as soon as they might safely be weaned. The aim of this is to achieve loyalty and commitment to the adopting family. In Rome, substantial financial benefits may have been thought to ensure commitment. In both societies it can be expected that tensions continued to exist between the competing interests of natal and adopting family. Kamano adoptions often involve a demonstration of affection between friends and relatives. An unusual feature is the very private nature of the transactions, although the adoptee is informed of natal identity. The commonest adopters are matrilineal kin, and after adoption the incest taboo against relations with natal kin is operational. More precision on the reasons for the relatively free exchange of offspring amongst the Kamano has proved elusive (Mandeville 1981: 229–244).

Japan

In Togukawa Japan (1600–1800), adoption was regarded as a method of encompassing social mobility in a society in which status

was generally seen as hereditary (Moore 1970: 617). This was particularly the case with samurai families, and has been linked explicitly with the need for fresh blood within the ruling class. It is an exception to more general rules, which seem to have frowned upon social mobility. The following observations will show that it allowed a measure of flexibility in a system which might otherwise have become closed and decayed.

A critical factor was the socio-economic background of the adopted sons in relation to that of the adopting families. Also significant was the impact of adoption on the life and expectations of the adoptees. Firstly, it is clear that the norm was adoption from within the samurai class; there were sometimes differences of status within that class, but it seems to have been rare for adoptees to be taken in from significantly lower status groups. The problem does not seem to have been low fertility throughout the samurai group; rather, that surplus sons from some samurai families were being redistributed through adoption. Nevertheless, biological continuity of samurai families has been considered only a part of the problem. There is also the viewpoint of the adopted son, who through adoption might achieve the status otherwise reserved for his elder brother and thus become head of a samurai family. The adoptee might also be from a family of lower status than the adopter, and this could be a further aspect of his social elevation. Although it was an artificial method of generating continuity within the family, it preserved the outward impression that the samurai class operated on an entrenched hereditary principle. The families who provided adopted sons had the advantage of this alternative avenue of advancement for younger sons, and this helped to alleviate some of the internal pressures for change within the samurai system.

Where an adoptee could not be found from the same stratum as the adopting family, there was a preference for higher-status candidates. Thus if there was social mobility for an adopted son, it was more likely to be to his disadvantage in social terms. This would be offset by the fact that he would in due course become head of the family he was entering. However, it should be underlined that it was normal to remain within the same stratum, and this was encouraged by laws which required the adoption of agnates. If this procedure failed, the next in line were more distant relatives of the same social standing. Other strategies might meet with disapproval. The only real reason for going outside the family was the ill health or incompetence of available family representatives and only after the

possibility of adopting more distant kin had been thoroughly explored would the search extend beyond the lineage.

It is interesting to note some changes brought about by the introduction of Confucian tradition into Tokugawa Japan. The main rival was Buddhism. I. J. McMullen has dealt with differences between contemporary Japanese practice and the Confucian norm, which included the prohibition on non-agnatic adoption. A primary difference between the societies was in the basic unit of Japanese society, the *ie* Chinese Confucian kinship was based on the agnatic principle, and recognised patrilineal descent as the only legitimate means of perpetuating a family line. Therefore adoption of a non-agnatic heir was condemned as immoral. In the Japanese *ie*, the agnatic principle was weaker and the question of succession could be determined in a more flexible manner. Nevertheless, social mobility in Japan was curtailed by the rigid emphasis on hereditary occupation. The *ie* can be seen as a corporate rather than a kinship unit, where value was placed less on perpetuation of blood from father to son than on perpetuation of the family as a corporate group through its name and occupation. Thus in Japan it was at least possible to resort to adoption of a non-agnatic relative – or even a totally unrelated person. The Confucian prohibition would create extinctions of families, and in samurai society this would result in confiscation of hereditary office and emoluments (McMullen 1975: 134–5).

China

The focus on adoption in China is linked to the bias in favour of male heirs. For the childless, and specifically those who have no male heir, a result of this is that both natural and adopted sons have a favoured status; there is a close link with ancestor worship which in this agnatic society is the responsibility of the male heir (Ahern 1973).

Women are not valued in the same way. Since a woman in China is born to leave her natal lineage, this process is in some cases hastened, especially in families where the economic factors are critical. The Chinese custom of daughter-in-law adoption exemplifies this process. A girl may become *sim-pua* or 'little daughter-in-law', with the intention that she should marry her foster-brother or some male member of the lineage into which she has been adopted (Wolf and Huang 1980: 113–14, discussing the period 1845–1945). There is no sign in China that the impact of the agnatic nature of the society is to prevent the adoption of females. In contrast very little is heard of female adoptions at Rome.

Two classes appear in household registers: *sim-pua* and *iong-lu*. The *sim-pua* form required that a family already had a son and declared their intent to marry him to their adopted daughter. Otherwise the girl had to be registered as *iong-lu*. This was regardless of whether or not the family hoped to marry her to a son if they produced one in time.

In Hai-shan, with the exception of girls purchased as servant-slaves, all adopted daughters were called *sim-pua* (Wolf and Huang 1980: 114). Custom drew a distinction between *u thau-tui* and *bou thau-tui*, girls 'with an opposite' and 'girls without an opposite'. This is only an indicator of the fact that they were or were not matched at the moment of adoption. In either case circumstances could change (Wolf and Huang 1980: 115). Effectively this institution was somewhat different from adoption, in that these transactions were a first step towards marriage and granted the girl the status of daughter-in-law. If candidates died before marriage their tablets were installed on the altar as required for a daughter-in-law, and not relegated to a back room as was customary in the case of a daughter.

Ca-bo-kan are the girls referred to as servant-slaves. Villagers would not usually purchase a girl to serve in their own home. They would rather adopt a *sim-pua*, on the grounds that a girl who could marry a son and bear children for the line was more use than one who was good for nothing but household chores. *Ca-bo-kan* was close to the *mui tsai* system in Hong Kong and Singapore. Although apparently a domestic servant with no wages and lacking any personal freedom, a *mui tsai* was notionally regarded by her employer as a family member and he or she was obligated to provide her with board, lodging, clothing and medical attention. Eventually, when she reached marriageable age, she was to be married to a suitable husband. It has thus been seen as a form of female adoption (Wolf and Huang 1980: 117). There is however some question over whether *ca-bo-kan* had an automatic right to marry – was this not rather seen as a generous concession on the part of the family which had purchased rights over the girl's person?

The Roman experience is quite different from the *sim-pua* type of arrangement; women may be betrothed early, but do not (at least in the high-status examples which are known to us) leave the natal home in advance of matrimony. Even then the development of marriage *sine manu* shows that close links are retained with the family of origin, and motives for that development appear to relate to inheritance patterns. The retention of the female close to the family at

Rome is related to her capacity to take from her relatives, especially male relatives (see Treggiari 1991: 37–82, 379ff.).

Clearly in this comparison, the '*sim-pua*' adoptee is drawn from a different social milieu, the world of the marginal Chinese peasant. Nevertheless, the financial considerations which keep a Roman girl who had not entered her husband's or father-in-law's *manus* on marriage so closely linked to her natal family can be related to the fact that Roman males did not see their female relations as naturally extraneous, but rather as powerful adjuncts to political and social advancement. In contrast, the very rapid disposal of the female in China diminishes not just her cost but also the extent to which her natural origin is seen as significant.

Ancient Greece

In spite of the common Mediterranean context which might lead some to expect close comparability between adoptions in Greek and Roman society, it is possible to detect clear distinctions between the two (Lindsay 1998b: 91–110).

One interesting difference from Rome was that in classical Athens an adoptive relationship was no bar to marriage (Harrison 1968: 23). It was common to adopt a son/sons for marriage to a daughter/daughters. It has been thought probable that an Athenian could not adopt a son without so marrying him. Apparently an illegitimate could not legally be legitimated by adoption, again in clear contrast with the Roman situation. In practice it would indeed be difficult to show that an illegitimate was a citizen and hence eligible for adoption (Harrison 1968: 69). Foundlings also presented special problems – the finder of an exposed child might treat it as a slave or free, but had no adoptive rights over it: the reason was that adoption of a minor was a reciprocal transaction between the adopter and the adopted child's father or representative (Harrison 1968: 71).

In Greece as elsewhere there was a close tie between adoption and the making of wills. Homer – to cite the earliest literary example – alludes to the adoption of Achilles by Phoinix (*Iliad* 9.494ff.). Later under Solon (early sixth century BCE Attica) it is clear that a childless man could choose an heir whom he adopted. If he had a daughter, but no son, he could choose for her a husband whom he adopted. In each case the aim is similar to Rome in that it includes perpetuation of family name and family cults.

Adoptions under these circumstances could be arranged by one of three methods:

1 *Inter vivos*, as probably originally contemplated by Solon.
2 Adoptions by will (a development of 1). Here there was a nomination of an heir in a will – a so-called 'testamentary' adoption. The beneficiary was to succeed as adopted son or daughter. There are differences from the Roman context, where such adoptions seem to have required no more than taking an inheritance under the condition of taking the testator's name.
3 When a man died intestate leaving no son, one of his heirs, usually his heir by the rules of intestate succession, could be made his adoptive son posthumously, having to marry the heiress (*epikleros*) if one existed. This act is called *poesis* or *eispoesis* (for the terminology see Harrison 1968: 84; Rubinstein 1993: 1–15). What is interesting here is that a posthumous adoption could be carried out without any requirement for the presence of the adopter.

Qualifications for the adopter and adoptee

As was required for the making of a will, an adopter had to be a male citizen of age, with no legitimate sons alive. It is not clear whether the presence of a son's son also disqualified a candidate. If he had a son or sons who were minors, he could still adopt some other person in a will and the adoption would only take place if the natural son/sons died before coming of age. If there were daughters only, he could adopt conditional on marriage to a daughter. If after adopting a son he had sons born to him, the adopted son was entitled to share the estate with others.

A man himself adopted was thereby disqualified from adopting in certain cases (details are uncertain), but in the event of renunciation of adoption (possible after an heir of his body) he could then adopt provided that he had no other son. Other disqualifications included mental incapacity brought about by madness, senility, drugs, sickness and so forth. Solon had made provision to prevent those who disposed of their property through adoption from depriving legitimate heirs of their inheritance.

To qualify to be adopted, a person had to be of Athenian parentage on both sides. This seems to mean that he had to be child of a union by *engye* (Just 1989: 47–50). Parental consent was required for adoption of a minor. It can be assumed that even a young man of

age could have his adoption vetoed by his father if he was an only son. Daughters could be adopted and thus become *epikleroi*, though this happened less often than the adoption of sons. This is another important difference from Roman practice. It was usual to choose a relative to adopt, but there was no legal ban against adopting a complete stranger. A magistrate who had not rendered his accounts could not be adopted, nor could anyone condemned to *atimia* (loss of civic status), but sons of such people were probably eligible. The focus is largely on the needs of the adopter rather than the adoptee. Since the aim was to provide the adopter with a descendant, in most known cases the subjects are adults rather than very young children. This may partly relate to the idea of providing for old age as well as continuation of the family line.

Ancient Rome

In theory a Roman adoption enabled a testator during his lifetime to select an individual from outside the family group to be his heir and in this way to introduce new blood into the system. The impact of adoption was to create new automatic heirs (*sui heredes*), new agnates and new cognates. As far as succession was concerned, this meant that an adoption could in theory result in a completely new complex of individuals entitled to take possession of the estate, *bonorum possessio* (Russo Ruggeri 1990: 222ff.; Lindsay 1998a: 64–77). Nevertheless in Rome it seems to have been commonest for those chosen for adoption to have been close relatives, such as a brother's or sister's child (Corbier 1991b: 47–78; 1991a: 127–46; Gager 1996: 37–40). In the legal authorities there is little sign of adoption of complete strangers. Those adopted were generally adults and male. A clear advantage in the age factor is that the adopter has the opportunity to engage with the individual before making a final choice.

Categories of adoptee in the Roman system

There are three major types of adoption in the Roman system: adrogation, adoption and testamentary adoption.

Adrogation

An adrogation reduced a man who was a *paterfamilias* or independent person (*sui iuris*) to the status of a *filiusfamilias* or dependent

son. Since it was unconstitutional to deprive a person either of the franchise or domestic independence without his consent, there had to be a formal procedure before the assembly known as the *Comitia Curiata*. Cicero explains how this was managed in his vituperation against procedures employed at the time of the adrogation of his political enemy Clodius:

> As it is an immemorial rule of law that no citizen of Rome shall be deprived of independence or the franchise against his will, as you have had occasion of learning by your own experience, for I suppose that, illegal as your adoption was in all points, you at least were asked whether you consented to become subject to the adrogator's power of life and death as if you were his son; if you had opposed or been silent, and the 30 *curiae* had nevertheless passed the law, tell me, would their enactment have had any binding force?
>
> (*De Domo sua* 29, Loeb translation)

The form in which the law authorising an adrogation was proposed to the legislative assembly is given in the following extract from Aulus Gellius:

> Adrogation is subjection of an independent person with his own consent to the power of a superior, and is not transacted in the dark or without investigation. The *Comitia Curiata,* at which the College of Pontiffs is present, are convened and examine whether the age of the adrogator does not rather qualify him for natural procreation of children, and whether the estate of the *adrogatus* is not the object of fraudulent cupidity, and an oath, said to be framed by Q. Mucius, the high pontiff, has to be taken by the adrogator. Adrogation, the name given to this transit into a strange family, is derived from the interrogation of the legislative body, which is in the following form: 'May it please you to will and covenant that L. Valerius shall be completely by law and statute the son of L. Titius, as if he were born of L. Titius and his wife, and that L. Titius shall have the power of life and death over L. Valerius as a father has over his son. Do you will and covenant as I have said, *Quirites*?'
>
> (Aulus Gellius *Attic Nights* 5.19, Loeb translation)

As can be seen, care was taken over issues such as age of the adrogator and the consent of the person undergoing *adrogatio*. A bachelor was not excluded from employing *adrogatio,* but there was a concern to ensure that financial and other interests of the person adrogated were being taken into account. Since a person adrogated was a *sui iuris,* his adrogation would result in the extinction of his family of origin, and this was not taken lightly. The emphasis in the formula as recounted by Aulus Gellius is on total replication of the role and status of a natural child.

Adoption

Adoptio was the form of adoption used where the person to be adopted was *alieni iuris* (i.e. still subject to the jurisdiction of the *paterfamilias* in his family of origin). Under classical law *adoptio* was an adaptation of the rule of the Twelve Tables that if a father sold his son three times he lost paternal power (*patria potestas*) over him. Each sale was called a mancipation (*mancipatio*). After each *mancipatio* the son would be manumitted, and after the third *mancipatio* the son could be remancipated to his father, from whom the adopter would claim him as his son before the praetor; or else the son would not be remancipated to the father, and the adopter would claim him from the person with whom he was under the third *mancipatio*. An adopted son became a member of the tribe (*tribus*) of his adoptive father. It is not clear under republican law whether the adopted son entered the *gens* (usually translated as 'clan') of his adoptive father. It is however highly likely, since one of the commonest indicators of adoption is change of *nomen*, usually considered to be the main indicator of *gens* in Roman nomenclature.

Testamentary adoption

Although it is mentioned several times in literary works of the late Republic or early Empire, testamentary adoption is not treated in the legal writers and many authorities rightly doubt whether this amounts to much more than a requirement under a will to take the testator's name in order to enter on an inheritance, the so-called *condicio nominis ferendi* (Schmitthenner 1973; Salomies 1992: 7–14). Under this arrangement the beneficiary does not change his tribe (Syme 1984: 397–8).

The impact of a Roman adoption

The main result of an adoption or adrogation at Rome was to place the subject under the *patria potestas* of the adopting *paterfamilias*. He might be adopted either as a son or as a grandson, and legal authorities deal with both propositions. Both of these types of adoption lead to significant changes in the agnatic relationships. With adrogation, two agnatic families are blended into one, while *adoptio* results in a change of status for the adoptee, but he still has a natural father (*pater naturalis*). Those adrogated and adopted take on the mantle of those who are agnates by birth. In each case, although the historical development of the two types of adoption appears to be different, the process results in reduction of legal status, *capitis deminutio minima*. In testamentary cases the question is whether any structural changes are encompassed by taking on the deceased's name (Lindsay 1998a: 77–81). If these were to be considered 'genuine' adoptions, since the adopter is not alive, there would be no *capitis deminutio*. A person who is *sui iuris* will remain *sui iuris*, and one who is *alieni iuris*, will in fact gain the status of a *sui iuris*.

Roman adoptions can thus be seen to conform to certain of the norms detected in other cultures: they keep an emphasis on close kin and seem also to be concerned with questions of caste. The impact of *patria potestas* and the strength of thinking about succession in the agnatic line places adult males at the centre of the stage.

13

NEAREST AND DEAREST

Liability to inheritance tax in Roman families

Jane Gardner

In the year 5 CE Augustus instituted a treasury for the payment of military retirement benefits, the *aerarium militare,* funded by a sales tax or *vicesima* of 5 per cent and by a tax on inheritances by will. The political purpose of this measure needs no comment here. For the administration of the collection of the inheritance tax there is ample evidence in legal and epigraphic sources and in papyri.[1] Almost nothing is known, however, about the extent of liability for it. Who actually paid it – or rather, who was exempt?

Dio (55.25.5) says only that the tax as instituted applied to all beneficiaries from wills except close relatives (τῶν πάνυ συγγενῶν, *tōn pany syngenōn*) and poor persons. On the latter point he appears to be wrong; small estates (whose recipients were themselves most likely to be among the poor) were only granted exemption in the early years of Trajan.[2] The interesting question, for historians of the Roman family, is: who actually had to pay, and whom did Augustus intend to exempt? How close were those regarded as close relatives? On this there is no direct evidence; however, a small amount of indirect information may be extracted from the account in the younger Pliny's *Panegyricus* of the concessions introduced by the emperor Nerva and his adoptive son Trajan, allowing exemption from the tax to certain categories of new citizen who had not previously benefited. Under the law as it applied to existing citizens, according to Pliny, 'domestic' heirs were exempt from the tax but 'extraneous' heirs had to pay. Referring to taxes introduced by earlier emperors, either for the general good or to remove injustices to individuals, he says (*Pan.* 37.1):

> Among these is found the 5 per cent tax, one tolerable and
> acceptable in so far as it affects external heirs, but a burden
> for domestic heirs. Therefore it was exacted from the former
> but waived for the latter.[3]

The problem is to establish what may be meant here by 'domestic'
heirs. Pliny's contrast between *extranei* and *domestici* does not cor-
respond to the terminology of the Roman law of inheritance, in
which all heirs other than those in the deceased's *potestas* (legal con-
trol) when he died are 'extraneous' (Gaius 2.156). In addition, 'do-
mestic' is not only a word of frequent occurrence in Latin but has a
great variety of uses, greater even (since it can embrace the contrast
between 'Roman' and 'foreign') than the corresponding noun
domus (house, household, family, etc.).[4]

Pliny's own usage elsewhere (three times in the *Panegyricus*, and
once in a letter) is varied, and of limited help. At *Pan.* 42.3, the refer-
ence is to the slave *familia* (slaves in the household): he remarks that
Trajan had freed citizens from the threat of being denounced (for
maiestas, treason) by their own slaves, *accusatore domestico*. At 83.4,
there is a rather clumsy compliment to the virtues of the emperor's wife;
Trajan is congratulated on having married wisely and avoided tarnish-
ing a public reputation with 'domestic disgrace' (*domestica infamia*).
Of more relevance, perhaps, to our present concerns[5] is 68.7, where the
emperor is told that, whereas the prying of certain of his predecessors
was unwelcome, if he himself were to penetrate Roman privacy (*secreta
nostra*) he would find admiration and rejoicing, 'the universal topic of
conversation among our wives and children, our domestic altars and
hearths'.[6] Here, the emphasis is on the nuclear family.

Most strikingly, in *Ep.* 5.8.5, the sole occurrence of the word 'do-
mestic' in his letters, Pliny refers to the elder Pliny's writing of his-
tory as a 'domestic model', *domesticum exemplum*, for him to do
likewise. Is it purely coincidental that elsewhere in the letters Pliny,
in speaking of the elder Pliny, his mother's brother, calls him his
uncle, while here, and here only, he refers to his adoptive relation-
ship, *avunculus meus, idemque per adoptionem pater*, 'my uncle and
likewise my father by adoption'? In other words, is Pliny, when
speaking of family relationships, prepared to use the word 'domestic'
of a father, but not of an uncle? This cannot simply be assumed.
However, in *Ep.* 5.8.5 at least, and also in *Pan.* 68.7, 'domestic'
appears to be used of the immediate nuclear family, a meaning sup-
ported by the reference in the latter text to hearths and also to altars,
to the household religion of the *Lares*.

In *Pan.* 37.2, however, Pliny confusingly characterises these 'domestic' heirs as those who have a right to expect unencumbered inheritance on grounds of 'blood, kinship and participation in family rites' (*sanguine gentilitate sacrorutii denique societate meruissent*), a phrase to which it is difficult to attach any precise significance for his time (or indeed for that of Augustus in general). There are three different categories of classification here, all three of much wider application than the immediate family, and although any two of these might overlap, the number of individuals (if any) belonging to all three would have been vanishingly small. *Sanguine* would most naturally be taken as referring to cognates, i.e. blood relatives in both the male and female lines, a category which embraced a large number of collateral relatives outside the immediate family.[7] *Gentilitas*, literally 'membership of a *gens*' (clan, kin group), comes in rather oddly here. Although the right in Roman civil law for members of the *gens* to succeed on intestacy had never formally been abrogated, it was in practice obsolete, having been supplanted by the praetorian rules of succession which admitted cognates after agnates. In any case, by Pliny's time (first century CE), identifiable kinship through *gens*-membership was itself notional, resting merely on the common name and in practice unprovable.[8] *Sacra* might be an oblique reference to household worship (as in *Pan.* 68.7), but in this context the conjunction with *sanguis* and *gentilitas* suggests the wider meaning of hereditary family cults shared among a wider group of relatives.[9] These cults, however, are even less useful as criteria for identifying kinfolk. They had originally in civil law been the responsibility of the dead man's *sui heredes*, his children and (in the male line) the grandchildren and great-grandchildren in his *potestas* when he died, but liability for their performance had progressively been extended beyond the family by pontifical regulations from as far back as 254 BCE, until by 130 BCE anyone who received any part of any estate whatsoever (if more than half that estate was distributed in legacies) was responsible.[10] It looks very much, therefore, as if Pliny's phrase about 'blood, kin and family rites' is no more than an imprecise and archaising rhetorical flourish, appealing to values long since superseded.

Except, therefore, for one reference to the slave *familia*, Pliny's customary usage, so far as one can confidently generalise about it from so few instances, seems to restrict the word 'domestic' to the immediate family, to parents and children. Confidence in this interpretation may be increased by comparing the usage of Cicero in his correspondence. The adjective *domesticus* occurs sixty times in

Cicero's letters, mostly in contexts that do not concern us, either in the sense of 'private' as opposed to 'public', or, more specifically, 'concerning the *res publica*', and occasionally 'internal', i.e. Roman or 'native', as opposed to 'foreign'.[11] Household staff may also be referred to thus, in particular – not surprisingly – *tabellarii*, letter-carriers (*Ad Fam.* 2.7.3; *Ad Att.* 8.14.1).

When referring to the family, however, Cicero, or his correspondent in the preserved letters, uses *domesticus* only of immediate family – children or siblings. So in 62 BCE we find Quintus Metellus Celer using the phrase *domesticus dolor* ('a family sorrow'), apparently in reference to Cicero's alleged criticisms of himself and of his brother (*Ad Fam.* 5.1.2, with 5.2.6–10). Towards the end of Cicero's own long letter of self-justification for his political *volte-face*, written to Publius Cornelius Lentulus Spinther in 54 BCE, he enquires after Lentulus' 'domestic' concerns and in particular the studies of his son, Lentulus junior (*Ad Fam.* 1.9.24). In one letter Cicero even distinguishes a sibling, his brother Quintus, from the closer family; he tells Atticus that he rates Atticus' affection towards him as next only to that of his brother (*fraterno*) and of his immediate family (*domestico*).[12] Most of the occurrences of the word concern his daughter Tullia, either regarding plans for her remarriage,[13] or her pregnancy (18 *Ad Att.* 10.8.9), or, eventually, her death (*domesticum dolorem*, *Ad Fam.* 4.6.2).

In just one place, the word *domesticus* appears in proximity to a mention of a remoter relative; however, it is not actually used *of* that relative. Commenting on the death of his cousin Lucius, his father's brother's son, Cicero tells Atticus (*Ad Att.* 5.1.1):

> *Quantum dolorem acceperim et quanto fructu sim privatus et forensi et domestico Luci fratris* [sc. *patruelis*] *nostri morte in primis pro nostra consuetudine tu existimare potes.*

> 'Your close acquaintance with me enables you, above all, to appreciate the extent of my grief, and of the loss I have suffered both in my public and my private life, at the death of my cousin Lucius.'

Here, however, 'domestic' is used as part of a routine antithesis between private life and public activities, rather than with specific reference to the closeness of the relationship.[14]

Overall, then, Cicero's epistolary usage bears out the impression gained from the few occurrences of the word in Pliny, that

'domestic', when used of family relationships, is confined to parents, children and siblings. But the imprecision of the word and its variety of other uses probably mean it would be unwise for us to rely too much upon such evidence as an aid to determining the extent of the application of Augustus' inheritance tax.

A limited amount of help may be afforded by what Pliny tells us about how far the concessions made by Nerva and Trajan extended within the families of new citizens, since the tax exemptions granted to close relatives in the original *lex Julia* will have extended at least as far (though they may have gone further). New citizens, whether this status was achieved through the exercise of Latin rights[15] or by individual grant from the emperor, were given the following concessions by Nerva (*Pan.* 37.6, 39.1):

1   Bequests from mother to child, or vice versa, were exempt.
2   Sons who had come under their father's *potestas* (namely when becoming Roman citizens)[16] were exempt.
3   Exemption was granted also to bequests within the second degree of kinship, that is between siblings, and between grandparents and grandchildren.
4   An additional concession was made by Trajan, allowing fathers to succeed to their sons, even if the latter had not been previously in their *potestas.* This may have been meant to benefit veteran *peregrini* (non-Romans) and their children, since the conventional wording of their *diplomata* (discharge documents), giving citizenship to them and to existing children, does not include a mention of *potestas* over these children.[17]

The people covered by Nerva's concessions correspond to those who could receive citizenship by Latin rights, as a result of someone's holding a magistracy; the citizenship rights extend over three generations of the office-holder's immediate family.[18] Clause 21 of the *lex Irnitana* gives details:

> *Rubric:* how they may acquire Roman citizenship in that *municipium*:

> Those among the senators, *decuriones* or *conscripti* [councillors or enrolled members] of the Municipium Flavium Irnitanum who have been or are appointed magistrates, as is laid down in this statute, when they have left that office, are to be Roman citizens, along with their parents and wives

and any children who are born in legal marriages and have been in the power of their parents, likewise their grandsons and granddaughters born to a son, who have been in the power of their parents.[19]

(Gonzalez 1986: 182)

These are the same relatives to whom Nerva gives exemption from the tax, and though one cannot speak with confidence about the living arrangements of romanised Spaniards in the Flavian period, this probably takes us beyond the single household. With reference to the original *lex Julia* that instituted the *vicesima*, it is unlikely in the Roman society of Augustus' time that, among the better-off families whom the tax would most concern, such a group of relatives would normally be found living together under the same roof. In literature of the late Republic and early Empire such a familial arrangement is a *topos,* or stock theme, illustrating old-fashioned virtues; Plutarch even thinks it worth remarking that Marcus Crassus and his brothers (who married during their parents' lifetime) continued to go to their father's house for meals. Cicero (see note 12) seems to take it for granted that brothers would live apart – that sons would necessarily have moved away from the paternal home. Married daughters would naturally live in separate establishments.[20] Pliny's *domestici* are therefore not to be taken literally as persons constituting a single household; the contrast is rather between 'family' and 'outsiders'.

We must go further, however. The people to whom Nerva makes concessions are a narrowly defined group, more narrowly than applies to the corresponding levels of kinship in Roman inheritance law. For the new citizens' descendants in the male line, the requirement of their having been brought into *potestas* appears to limit the exemption to the top category of heirs in Roman civil law, *sui heredes*, defined in Gaius 2.156 as any son, daughter, grandson or granddaughter who was in the testator's *potestas* when he died, and contrasted with all other heirs, who, Gaius says, are *extranei*. Siblings born to the same father, who are related as agnates, and cognate relatives up to the second degree (i.e grandparents and grandchildren[21]) are also admitted. The concessions therefore include, in the terms defined by Gaius, both *sui heredes* and some who would be classed as *extranei* in civil law.

When Pliny, however, speaks of the original law as it applied to existing Roman citizens, the *domestici* whom he contrasts with *extranei* cannot refer exclusively to *sui heredes*, but must also include

emancipated sons and their children. Under the praetorian rules of succession which, between *c.*70 BCE and (at the latest) Augustus' accession to power, progressively supplanted the civil law system (Gardner 1998: 20–42), emancipated sons and their children were entitled to inherit on intestacy in the top category as *liberi*, on equal terms with *sui heredes*.[22] In other words they were regarded as equally close to the deceased. There could therefore be no justification for limiting exemption from inheritance tax on bequests to those still *in potestate* and excluding emancipated children.

Some support may also be derived from what detailed information we have of the Augustan laws on marriage and inheritance, the *lex Julia de maritandis ordinibus* (18 BCE), (Julian law on those classes eligible to marry), and the *lex Papia Poppaea* (CE 9) on the ability of husbands and wives to inherit from each other. Though the relevance of *potestas* is not directly mentioned in our surviving evidence, what appears to have mattered was not the existence of children *in potestate* (women did not have *potestas* anyway), but the fact of their having had children – either surviving from a previous marriage, or resulting, including those deceased, from the present marriage.[23]

This, then, would seem to be the *minimum* range of those exempted from inheritance tax by the *lex Julia* – grandparents, parents, sons and daughters (emancipated or otherwise), sons' and daughters' children,[24] and siblings. Can we add any others, and try to define more closely the maximum?

First, if emancipated sons inheriting from their fathers are exempted, then it would be logical to suppose that manumitting fathers were also exempted from paying tax on inheritances from their emancipated sons – and this not only in the light of Trajan's concession, mentioned above. Fathers and their emancipated children, like mothers and their children, were related to each other in the first degree of cognate relationship but, even before the development of cognate succession, the praetor's edict had given manumitting fathers a right of succession to their emancipated children analogous to that given to patrons over the estates of their freed slaves under the civil law – i.e., among the agnates.[25]

Next, cognates in the second degree were probably also exempted among existing citizens. This would include not only grandparents and grandchildren but, in addition to brothers and sisters by the same father (agnates), perhaps also those by the same mother (cognates – not included among the exemptions for new citizens because of the *potestas* requirement). Brothers and sisters by the same mother but different fathers would not have belonged to the same *familia*

(and were very unlikely to have belonged to the same *gens*), and so under the old civil law of inheritance they would not have had any rights to inherit from each other. However, by the time of the *lex Julia* the idea of cognate inheritance was well established, having been introduced to the praetor's edict at some time between *c.*71 BCE and 66 BCE.[26]

How far, if at all, the exemptions extended beyond the second degree is uncertain. Comparison with the exemptions from the penalties laid on the unmarried and childless by the Augustan laws on marriage and inheritance, the *lex Julia de maritandis ordinibus* and the *lex Papia Poppaea*, is unhelpful. It is probable, though again the evidence is far from conclusive, that these Augustan laws allowed the unmarried and the childless to receive inheritances from relatives within the sixth (or in one instance seventh) degree of relationship.[27] However, it is highly unlikely, for more than one reason, that the exemptions from inheritance tax extended anything like as far as that.

The purpose of the marriage laws was to encourage marriage and the production of children, and the unmarried and childless were given an incentive to comply through the threat of being unable to benefit from the testamentary generosity of their friends. This was evidently held to be a significant deterrent. In the second century BCE the social practice of dispersal of the bulk of an estate in legacies was already widespread, and legislation was beginning to be drawn up against it (Dixon 1985). The wisdom of extending the exemptions as far as the sixth degree, only one degree short of what was regarded as practical for the purposes of reckoning intestacy under praetorian rules (see note 7), might appear questionable, since this still permitted dispersal among a large number of people – in theory as many as 448 (*Dig.* 38.10.10.17, Paul) – even when they were unmarried and childless.

In fact the framers of the Augustan marriage laws had to keep in sight not just one aim, but two. After two generations of civil war a pressing need was perceived to restock the Roman governing élite; this meant not merely keeping up their numbers by physical reproduction, but ensuring that there were enough people of sufficient wealth. This second aim led to the establishment, under Augustus, of a minimum property qualification for senators, starting in 18 BCE and eventually set at one million sesterces.[28] Paradoxical though it may seem, however, reconciling the two aims was perhaps better achieved by *widening* the range of exemptions among the unmarried and childless than by narrowing it. Wide exemption would have

tended to disperse estates only if there were a superabundance of relatives up to the sixth degree eligible to take bequests. This appears to have been far from the case, which meant that restricting the range too narrowly would have resulted in too many estates becoming vacant and going, not to cognate relatives, but to the Treasury.

The history of law on wills and gifts under the Republic indicates that similar problems had faced law-makers in previous generations. The pontifical regulations already mentioned, the *lex Cincia* of 204 BCE restricting gift-giving among the living to relatives up to the sixth degree, and several laws on testamentary inheritance, the *lex Furia* restricting legacies to relatives up to the seventh, together with subsequent laws, the *lex Voconia* (169 BCE) and *lex Falcidia* (40 BCE) reserving a minimum proportion of estates for heirs,[29] together indicate a readiness to dissipate property outside the family which is explicable only if there were a chronic shortage of heirs in the immediate family. The development of the law of intestate succession in the late Republic to admit cognates (remoter agnates[30] and blood relatives outside the agnatic descent line) and emancipated children (Gardner 1998: 15–46) points the same way; in generation after generation, it appears, there was a lack of direct heirs and a diversion of estates to other branches of the family. In these circumstances, given the tendency of the élite to marry people of like condition, the wider the limit for exemption was set, the less the chance of the estate falling vacant, and the more wealth remained within that level of society as a whole. The primary purpose of the marriage laws was not to increase the revenue to the Treasury, but to replenish and stabilise Roman society in general, and to develop and sustain the governing élite in particular. It was therefore in the general interest for these laws to adopt a broad concept of 'family'.

In contrast, the *lex Julia de vicesima hereditatum* (Julian law on the 5 per cent tax on inheritances), which imposed a new tax, was intended specifically to produce revenue for the Treasury. The sensible thing, therefore, would be to maximise the number of those liable to tax and to minimise exemptions. Since there was a good chance that the succession might in the event fall to remoter relatives, for want of immediate heirs, fiscal interest urged that only *close* family, indeed the closer the better, should be exempt. The concession is therefore unlikely to have been extended anything like so widely as the sixth degree exempted under the marriage laws.

We saw some reason above to believe that exemption from tax was allowed to 'family' at least up to the second degree of cognation, whether or not they were members of the same *familia* – that is,

including emancipated children and siblings by the same mother but different fathers. Did any remoter relatives benefit? And were husband and wife – who were likely to be either not related, or, if at all, only remotely[31] – required to pay tax on anything they inherited from each other?

In the absence of direct evidence we can only hazard a guess at the amount of weight attached to the respective claims of law and of sentiment. The extent to which by this time these two clashed should not be overestimated. The insistence of Roman law on the separateness of the property of husband and wife (Treggiari 1991: 366–74) might seem to tell in favour of the tax being exacted, but on the other hand both in law and in life expressions of marital affection were accepted as commonplace, even expected, evidenced by gift-giving and bequests between spouses[32] and especially by the value attached to *pietas*, which was demonstrated not only between marital partners (and their relatives) but also between parents and children.[33]

In particular, where there were children of a marriage the legal separateness of the *familiae* of husband and of wife was partially broken down. There was a very strong social expectation that some of a mother's property would ultimately go to her children, and by the time of Augustus this had already to some extent hardened into a requirement, in that children had a claim (though not as yet the foremost claim) both on a mother's intestate inheritance, and even against her will – the 'complaint of unduteous will'[34] – if she was thought to have been insufficiently mindful of them. Also, property left by a husband to his wife was not simply dispersed outside his *familia,* but was expected, and frequently earmarked in various ways, to go in due course to their children.[35] The likelihood, therefore, is that bequests between husband and wife were not subject to inheritance tax.

Whether relatives beyond the second degree were exempt, however, is another matter. It is highly likely that tax had to be paid on inheritance between cousins, whether agnatic (children of two brothers), or not agnatically related at all, as was the case with cousins who were the children of a brother and a sister, or of two sisters. These were related in the fourth degree (*Dig.* 38.10.10.15) and had in common only two of their total of four sets of grandparents.

Whether bequests between third-degree relatives, that is, uncles or aunts (maternal or paternal) and their nephews or nieces, were tax-exempt is also uncertain, but seems possible. There is very little evidence on which to base an assessment of the strength of family

attachment between such relatives. Saller (1997) has argued that lin-
guistically based anthropological theories about the Roman percep-
tion of kinship lack adequate basis in literary sources, where the
terms *amita*, *matertera*, *patruus*, *avunculus* (paternal/maternal
aunt, paternal/maternal uncle) either occur too seldom, or too neu-
trally, to justify the attribution to them of stereotyped roles in the
Roman family, still less to warrant any opposition between the sup-
posed roles of paternal and maternal uncles (Hallett 1984).

In legal texts, likewise, the only significant differentiation is in the
law of succession, where only the paternal uncle is agnatically related
to the nephew or niece. That he *was* an agnate, however, ranking
next after the deceased's own siblings, makes it unlikely that he was
required to pay inheritance tax. As for maternal uncles, what little is
known or can be inferred about Roman attitudes suggests that senti-
ment would have been against the imposition of the tax upon them.

By the end of the Republic, as we have already seen, inheritance
through cognates had assumed greater importance and been
accorded legal recognition in the praetorian rules of succession. This
perhaps reflects the importance attached to family relationships,
those by blood, rather than those of *familia*, based solely on legal
kinship. Similarly the development of the *querela inofficiosi
testamenti*, 'complaint of unduteous will', attests the feeling that
blood relationship constituted a moral claim to share in the inheri-
tance of certain cognate relatives. One of the earliest attested exam-
ples, from about the middle of the first century BCE, is of a claim by a
son, previously given in adoption to his (presumably maternal) uncle
but now apparently legally independent, against the will of his natu-
ral father, Marcus Anneius Carseolanus, to whom he had become,
because of the adoption, only cognatically related.[36] At about the
same period there is also a probable reference to the use of the com-
plaint by a mother against her son's will; this case was pleaded by
Asinius Pollio (Quint. *Inst. Orat.* 9.2.9 and 9.2.34–5).

Further evidence of the strength of family sentiment, towards
maternal as well as paternal relatives, may be found in the – admit-
tedly scanty – evidence available for adoptions under the Republic.[37]
Only about three dozen in all (some of them perhaps merely testa-
mentary designations, rather than real legal adoptions, but neverthe-
less relevant as indicating family feeling) can be fairly certainly
identified, most of them among the senatorial élite, with a few
equestrians. Eleven of the senatorial examples, and two of the eques-
trian (the son of M. Anneius, mentioned above, and, a famous
instance, Cicero's friend Atticus) were adopted by relatives, two of

them paternal relatives, namely an uncle[38] and a father's cousin.[39] Six of the senatorial examples were adopted by maternal relatives, four of them by their maternal uncles,[40] as also were Atticus and, probably, Anneius junior. These examples come from the wealthiest sector of Roman society. Our sources are in the main content merely to state, or to imply, the fact of the adoption without discussion of its motives, though concern for transmission of property is the most obvious of these, especially for testamentary 'adoptions'. This type of adoption had no legal effect on personal status and amounted to no more than a requirement that the beneficiary take the testator's family name, whereas regular adoption took the nephew, for example, out of his father's *familia* into that of his uncle. The same was true of any adoptee, whether related or not, but, small though the sample is, it may be held that there is an apparent preference shown for certain close relatives This provides striking testimony for the perceived closeness of the family relationship between uncles – maternal as well as paternal – and their siblings' children.

Under the Empire, hardly any individual adoptions can be securely attested outside the imperial house, most suggested identifications resting merely on the shaky basis of nomenclature (Salomies 1992; Salway 1994). There is therefore no possibility of establishing whether adoptions, either in general or between close relatives, tended to increase or decrease after the introduction of the Augustan inheritance tax. If an intended heir was outside the limit of exemption from the tax, to adopt him as a *filius* could ensure him tax-free inheritance. This may perhaps have been a motive, for instance, for the adoption of the younger Pliny's friend Voconius Romanus by his stepfather (Pliny *Letters* 10.4; cf. 2.13.4); but this does not suffice to establish why the elder Pliny chose to adopt his young nephew Caecilius. If inheritance from maternal uncles was taxed, he would of course have been doing young Caecilius an extra favour by making him his son; but there are other possible motives, such as the simple desire to preserve his family name.

On balance, however, the evidence of republican sentiment suggests that Augustus' contemporaries would not have been happy with a tax that hit inheritances from uncles – or, indeed, from aunts.

Aunts are mentioned in literary sources for the Republic less often even than uncles, but when they are it is usually with a suggestion of intimate involvement in family affairs. One may speculate, for instance, on how much influence aunt Aemilia had on the choice of one of the four sons of her brother L. Aemilius Paulus for adoption by her own son P. Scipio; she left the boy, her nephew and adoptive

grandson Scipio Aemilianus, a large fortune (Polybius 31.26; Cicero *De Off.* 1.12.1). Cicero's early acquaintance with the orator Lucius Crassus may have owed something to the latter's close friend Lucius Visellius Aculeo, who happened to be married to Cicero's maternal aunt; a certain closeness between the families of the two sisters is perhaps implied.[41] Cnaius Magius of Larinum appointed his sister Magia's son Oppianicus as substitute heir, should his own expected posthumous child not be born. Magia would have been that child's maternal aunt, and Cicero expects the jury to take it as a black mark against her husband Oppianicus that Cn. Magius did not appoint him as *tutor*, 'guardian' (Cic. *Pro Cluentio* 33). Overall, then, aunts seem as likely as uncles to have been generally regarded as really close relatives, and inheritances from them as likely to have been exempt from tax.

This, then, I suggest, was the extent of exemption from the *vicesima hereditatum* – bequests from relatives up to the third degree of relationship, in both the paternal and maternal lines, and regardless of emancipation, as well as those between husband and wife.[42] For some of these, justification may be found in Roman law; for others, in what we may infer from literary sources about Roman sentiment. Together, they may shed a little light on Roman ideas as to what constituted their 'close' family.

Notes

1 References in Rotondi 1966 (1912): 457; G. Wesener *RE* VIIIA 2471–7; Kreller 1970 (1919): 395–406. And see Corbier 1977: 227–34.

2 Pliny *Pan.* 40: *carebit onere vicesimae parva et exilis hereditas*, 'a small and meagre inheritance will be free from the burden of the 5 per cent tax'. Attempts to establish the minimum value of estates for exemption have been unsuccessful; Gilliam (1952) criticises earlier proposals, but does not succeed in providing a convincing alternative.

3 *In his vicesima reperta est, tributum tolerabile et facile heredibus dumtaxat extraneis, domesticis grave. Itaque illis irrogatum est, his remissum.*

4 For the range of meanings of *domus,* see Saller 1994: 74–101.

5 Wesener remarks (*RE* VIIIA 2472) that though 'domestic heirs' in *Pan.* 37.2 could include slaves freed and instituted as heirs (the *necessarius heres,* 'necessary heir', instituted to avoid the stigma of debt failing upon the deceased: Gaius 2.153–4), they are to be disregarded in the context.

6 *quos omnium cum coniugibus ac liberis, quos etiam cum domesticis aris focisque sermones.*

7 Those comprised are comrehensively listed in *Digest* 38.10; for legal purposes attention was paid only to cognates up to the seventh degree, since that represented in practice the possible extent of the relationship, given the limitations of the human lifetime (*Dig.* 38.10.4, Modestinus).

8 Gaius 3.17; Gardner 1998: 16 n. 20, 25–33.

9 Cf. Cicero *De Officiis* 1.55. Little is known of these cults; for what they may have comprised, see De Marchi 1896/1975.

10 Cicero *De Legibus* 2.48–53; Gardner 1998: 201, 213.

11 For example, *Ad Fam.* 8.14.3: *in dissensione domestica*, 'in civil conflict'; or, concerning Asia, *Ad Quintum fratrem* 1.1.34: *neque belli externi neque domesticarum discordiam calamitatem*, 'neither foreign war nor strife at home'.

12 *Ad Att.* 1.17.5: *amoris vero erga me, cum a fraterno amore domesticoque discessi, ubi primas defero*, 'in affection towards me, leaving aside my brother and my own home circle, I give you first prize'. Here, however, *domestico* may bear the literal sense of those physically within the same household; brothers, as Cicero observes in *De Officiis* 1.54 (see n. 21 below) customarily form separate households.

13 *Ad Att.* 5.13.3, 5.21.14 and probably also 5.17.4.

14 One may compare also Cicero's hierarchical account (*De Officiis* 1.54) of social evolution, through various grades of increasingly remote relationship: (2) husband and wife, (2) children, (3) the common household, (4) brothers and (5) first and second cousins, who go out to other houses, (6) relatives by marriage.

15 Helpfully described in clauses 21 and 22 of the Flavian municipal law: Gonzalez 1986: 154.

16 The sons of those becoming citizens through Latin rights, from communities like Irni, had already been *in potestate* under their local law, which followed the forms of Roman law (*lex Irnitana* clause 93; Gonzalez 1986: 180). Their medium-level change of status, *capitis deminutio media* (Gaius 1.162–3), cancelled the *potestas,* which was, however, automatically reinstated (Gaius 1.95); those acquiring citizenship by special grant from the emperor required also a special grant for their children to be brought under their *potestas* (Gaius 1.93–4). *Capitis deminutio media* also meant that previous cognatic relationships were no longer recognised; one of Nerva's concessions was to restore them automatically (*Pan.* 39.2).

17 *Pan.* 38.2 with 38.7; Bruns (7) 98 is an example of a diploma of Flavian date. Less likely possibilities are: (a) sons, already emancipated under their own local law, who therefore did not acquire citizenship through their father's magistracies, and then held office themselves – surely a rare occurrence; or (b) a blanket grant for all cases where sons had become citizens independently of their fathers, by special grant from the emperor.

18 Though, as is clear from the *lex Irnitana* clause 21, the grandparents might be either the parents of the magistrate, or the magistrate himself and his wife, so in theory four generations might be involved. The wording of the clause does not seem, however, to admit to citizenship the brothers of a magistrate who was himself still *in potestate*.

19 Translation M. Crawford. R: *Quae ad modum ciuitatem Romanam in eo municipio consequantur. Qui ex senatoribus decurionibus conscriptisue municipii Flaui Irnitani magistratus, uti hac lege comprehensum est, creati sunt erunt, ii, cum eo honore abierint, cum parentibus coniugibusque ac liberis, qui legitimis nuptiis quaesiti in potestate parentium fuerint, item nepotibus ac neptibus filio natis, qui quaeue in potestate parentium fuerint, ciues Romani sunto.*

20 Gardner 1998: 67–74; Plutarch *Crass.* 1.1, chronologically the latest of the *exempla* (stock examples).

21 That is, for those receiving citizenship under Latin rights, either the ex-magistrate's own parents, and his children *in potestate,* or, for new citizens in general, the man and his wife and their sons' (but not their daughters') children.

22 Though Pliny does not say so, the sons of new citizens who were emancipated after the family acquired citizenship, who had the right to inherit on intestacy as *liberi*, were presumably also exempt from the tax, since what mattered was not that they remain *in potestate*, but that they *had been* brought into power when they became citizens.

23 Ulpian *Reg.* 14.1, 15.1–3, 16.1a; Treggiari 1991: 69–71; and the provisions discussed by Corbier in Chapter 4 above.

24 The children of sons succeeding to their grandfathers as *liberi*, and to their grandmothers as cognates, and those of daughters succeeding to both grandparents as cognates.

25 On patrons, see Gaius 3.41; on manumitting fathers, *Dig.* 37.12.1.

26 The *terminus ante quem* is given by Cicero, *Pro Cluentio* 165; Gardner 1998: 27–34.

27 Ulpian *Reg.* 16.1; *Frag. Vat.* 214, 216–17; see discussion in Wallace-Hadrill 1981a: 73–6.

28 Dio 54.17.3, 26.3, 30.2; Wiseman 1971: 66–7.

29 On pontifical regulations, see Cicero *De Legibus* 2.48–53 (n. 10 above); *lex Cincia*, Crawford 1996: 741–4; *lex Furia, lex Voconia, lex Falcidia*, Gaius 2.224–7; Gardner 1998: 214–15.

30 In civil law, the inheritance was offered only to the agnate (or agnates, if there were several of equal degree) nearest to the deceased; if they did not take it up, it passed straight to the *gens* (Twelve Tables 5.4, *Dig.* 26.4.9; Buckland 1963: 368). The limitation, perhaps intended to restrict dispersal of the patrimony, would be self-defeating if there were a shortage of agnates (Gardner 1998: 27–8, 219–20).

31 The *lex Cincia* of 204 bce, which allowed valuable gifts only between cognates up to the sixth degree, seems to presuppose that exogamy, rather than endogamy, was the prevalent practice among the propertied classes, a view supported, for the late Republic, by Wiseman (1971: 53–4). For the *lex Cincia,* see Crawford 1996: 741–4.

32 Treggiari 1991: 366–74, and, for bequests, 383–393.

33 Saller 1994: 104–14, Gardner 1997: 35–6; on funerary epigraphy, see Treggiari 1991: 242, Nielsen 1997: 193–8.

34 Dixon 1988: 47–60; Gardner 1986: 183–90; on funerary epigraphy, Treggiari 1991: 242; Nielsen 1997: 193–8.

35 Saller 1991b: 41–3; Treggiari 1991: 383–6.

36 Val. Max. 7.7.2, which appears to predate the introduction of the praetorian clause *unde liberi*, which allowed emancipated children equal rights of intestate succession with *sui heredes* (Gardner 1998: 36–8). Maternal uncle: had the adopter been his paternal uncle, the claimant, unless emancipated, would still have been agnatically related to his father and with a superior claim to the rivals, who were merely cognates.

37 Prévost 1949: ch. 1; Russo Ruggeri 1990: 72–86; Shackleton-Bailey 1976: 81ff., esp. 81–4; Gardner 1998: 138–43.

38 The younger son of C. Claudius Pulcher was adopted by Appius Claudius Pulcher (consul 54 bce).

39 Q. Caecilius Metellus Celer (consul 60 BCE), the son of Nepos (consul 98) and adopted by Celer (tribune of the *plebs* 90 BCE).

40 Marcus Marius Gratidianus (tribune of the *plebs* 87), nephew of Marius, was adopted by his other maternal uncle, Gaius Marius; the others were Lucius Minucius Basilus (praetor 45 BCE, and formerly Marcus Satrius), Gaius Rabirius Postumus, son of an equestrian *publicanus* Gaius Curtius, and Marcus Iunius Brutus, adopted by Quintus Servilius Caepio. A possible fifth was the consul of 77 BCE, Mam.Aemilius Lepidus Livianus, if, as believed by Syme (1986, stemma XIX), he was originally the son of Marcus Livius Drusus (consul 112) and a Cornelia.

41 Rawson, E. (1991: 26).

42 Whether patrons had to pay tax on property received from their freed slaves is unknown, but seems unlikely, since in the civil law of succession they ranked as quasi-agnates (see n. 25 above).

14

ON BECOMING A PARENT IN LATER LIFE

From Augustus to Antonio Agustín via St Augustine

Tim Parkin[1]

This is a study of the terms of the Augustan marriage legislation that determined the ages by which men and women were expected to produce children, relating these ages to a passage from St Augustine which has up till now, as far as I am aware, passed unnoticed by social and legal historians.

To set the scene briefly: by the terms of the Augustan marriage legislation, *caelibes* (that is, persons unmarried as defined by the laws) were usually incapable of taking either inheritances or legacies from any testator. Married persons who had no children, *orbi*, could normally take no more than one-half of either inheritances or legacies. Restrictions were also placed on the capacity of inheritance between husband and wife. The Augustan marriage laws, it should be remembered, laid down strict definitions of 'proper marriage', *matrimonium iustum*: apart from questions of relative status, the crucial concept was that marriage in accordance with the Julian–Poppaean Law (*secundum legem Iuliam et Papiam Poppaeam*) was undertaken 'in order to produce [legitimate] children' (*liberorum procreandorum causa*). By the original terms of Augustus' laws, such marriage was apparently defined within certain age limits: 25–59 years for men, 20–49 for women. Below the lower or above the upper ages, individuals were not legally required to be married or to have children in order to enjoy the benefits associated with such states, nor were they liable to the penalties associated with *caelibatus* and *orbitas*. The dispensation for old age subsequently disappeared,

though later it was partly restored. Its history merits closer study. Our evidence comes largely from passages in the *Epitome* of pseudo-Ulpian (16.1.3–4):[2]

> Sometimes husband and wife can receive from each other the entire inheritance, if, for example, both or either of them are not yet of the age by which the law requires children, that is, if the husband is less than 25 years or the wife is less than 20 years of age; also if both have in the course of their marriage exceeded the ages set as limits by the *lex Papia*, that is, the husband 60 years, the wife 50 … A man who has conformed to neither law within his sixtieth year, or a woman who has not done so within her fiftieth, although after this age exempt according to the laws themselves, will still be liable to the standing penalties by reason of the *senatus consultum Persicianum*. But by the *senatus consultum Claudianum* a man over 60 who marries a woman under 50 will be treated just as if he had married while under 60 years of age. But if a woman over 50 is married to a man under 60, the marriage is styled 'unequal', and by the *senatus consultum Calvisianum* it is ordered that such a case is of no avail in the taking of inheritances and legacies. Therefore on the woman's death her dowry will lapse [and will go to the *fiscus*].[3]

Not a very long passage, but an important and detailed one which requires close scrutiny.

The terms laid down by the *leges* concerning inheritance between spouses relate only to *orbitas*; there is no mention of *caelibatus*, since the focus is on rights of testation between *married* couples. If *either* partner is under or *both* are over the set ages, the couple may enjoy complete capacity between each other. It is only the later part of the passage that deals with questions of marriage as well as of child-bearing. It emerges that the ages of 20 and 25 years were the minimum ages after which children, not marriage, were 'required'. Whether these were the ages after which marriage was also expected is open to question (it is perhaps worth remarking that Augustus and Livia were married, in January 38 BCE, when the former was in his twenty-fifth year, the latter her twentieth or twenty-first; for neither, of course, was it a first marriage). It would be logical that the ages by which marriage was expected were at least a year or two lower than those for the beginning of child-bearing.

In the fifth century Sozomenus, the Christian historian – and, it should be noted, lawyer – in discussing the legislation and its aim to increase the population of Rome, mentions the age of 25 years in the context of those *unmarried*.[4] Yet undue emphasis should not be placed on this passing statement; it may merely be an interpretation of the terms of the law as we ourselves have them, and in any case most of Sozomenus' brief discussion focuses on *orbi* rather than *caelibes*. The view expressed as early as 1829 by Schilling[5] that the *lex Iulia* set up the ages of 20/25 for marriage and that the *lex Papia* initially instituted other, lower ages for child-bearing, the two becoming amalgamated under Severus, finds no support in pseudo-Ulpian; it is based on Tertullian's rhetoric (*Apol.* 4.8, written *c.* AD 197):

> As for those absolutely absurd Papian laws, which require people to have children at an earlier age than the Julian laws require them to be married, did not that most valiant of emperors, Severus, clear them out only yesterday, for all their old age and authority?[6]

It is difficult to imagine them staying on the books quite so long if such an absurdity as Sozomenus alleges were true – though absurd laws may sometimes have a long history (Dixon 1985).

Let us turn now to the amendments made to the original measures of the Augustan legislation. By a *senatus consultum* (senatorial decree) of the reign of Tiberius, men from the age of 60 years and women from the age of 50 were now liable to the 'perpetual penalties' (*perpetuae poenae*) of the original laws if they had failed to satisfy the statutory requirements before reaching those specific ages.[7] What is more, presumably, people who married after these ages were henceforth not regarded as having married *secundum legem Iuliam et Papiam* and as such did not enjoy the benefits usually conferred on married couples, for the simple reason that such marriages in old age were not regarded as having been undertaken *liberorum procreandorum causa*.

A Claudian *senatus consultum*, however, partially reversed this by allowing a man from the age of 60 years who married a woman under 50 to enjoy the privileges of legitimate marriage, since from such a union there was considered to be some chance of issue.[8] This is what Suetonius (*Div. Claud.* 23) means when he says that Claudius 'nullified a clause added to the Papian–Poppaean law by Tiberius which had implied that men in their sixties could not father children.'[9]

Tiberius had implied, by the terms of the *senatus consultum Persicianum*, that no children could be born from a marriage when the man was aged 60 years or more or the woman was at least 50; Claudius allowed for the fact that a man of 60-plus could father a child if his wife was under 50 years of age. The exact date of Claudius' amendment is uncertain: perhaps it was around the time of the emperor's marriage to Agrippina early in CE 49.[10] The Suetonian passage may not be as clear as it could be, but I think the interpretation given here is the only plausible one: Claudius reversed Tiberius' measure, but did not return totally to the terms of the original Augustan legislation – a man of 60 or more years who failed to marry or who married a woman of 50 or older was still liable to the penalties, whereas under the Augustan legislation he had not been.[11]

Pseudo-Ulpian then refers to a third *senatus consultum* which emphasised the fact that a marriage where the woman was 50 or over and the man under 60 was held to be *impar*; such a union – where spouses might have been of similar ages – was considered incapable of producing children. The history of scholarship on this particular *senatus consultum* is of some interest. The MSS of pseudo-Ulpian actually read *Calvitiano*, but most editors have amended the text to *Calvisiano* (cf. also the *actio Calvisiana*, *RE* 3.1409–10). The emendation was first suggested by Antonius Augustinus (Antonio Agustín, archbishop of Tarragona in the sixteenth century) (1584: 203), and not, as is usually said (e.g. by Huschke in his edition of 1874), by Perizonius, who adopted Augustinus' reading without comment (Perizonius 1679: 160, 163). Furthermore, most scholars have dated this *senatus consultum* to the reign of Nero, or more precisely to 61 CE.[12] This is entirely unfounded and derives, I believe, from a misunderstanding of some early scholarship.

Senatus consulta of the imperial period were almost always named after one or both of the presiding consuls at the time, or of the reigning emperor. No consul in CE 61, or indeed at any time under Nero, was named Calvisius; the Calvisius who was friend of Junia Silana and prosecutor of Agrippina, and who returned from *relegatio* in CE 59 (Tacitus *Ann.* 13.19–22, 14.12), was probably never a consul – he may not even have been a senator. The spurious dating to CE 61 can be traced back at least as far as Hänel (1857: 54), who dated the *senatus consultum* to that year but with an asterisk to reflect uncertainty and with no supporting evidence of any kind. I think it was haphazardly assigned to this year by Hänel on the assumption that it was Neronian, but this very assumption seems to me to rest on a misunderstanding of earlier scholarship. Jacobus Gottlieb Heineccius

(1681–1741), long before the days of proper prosopographical enquiry, merely noted that the name Calvisius is more likely than Calvitius 'since the *cognomen* "Calvisius" is very common under Nero and subsequent emperors' (Heineccius 1726: 123).[13] The editors of Heineccius *et al.* (1841: 250 note m) state that Heineccius in his commentary of 1726 assigned the *senatus consultum* to the reign of Nero, but in fact, of course, Heineccius did no such thing. Yet the error seems to have persisted. Astolfi (1996: 43) appends a question mark to the dating of CE 61, but incorrectly states – citing Heineccius – that Perizonius believes the *senatus consultum* cannot be dated to before the reign of Nero; in fact Perizonius made absolutely no comment about the date.

It seems to me that we should not even assume that the *senatus consultum Calvisianum* post-dates the Claudian one; the fact that pseudo-Ulpian mentions the Calvisian ruling last is no guarantee of actual chronological order. In terms of simple logic, indeed, there is no reason why the *senatus consultum Calvisianum* could not have preceded the *senatus consultum Persicianum* of 34 CE, since it is in effect a modification of the existing law of 9 CE. What then of our Calvisius? Possible candidates, holding the consulship in the century following the legislation of 9 CE – though of course it may be a Calvisius about whom we know nothing – include Gaius Calvisius Sabinus (*consul ordinarius* 26), [Publius Calv?]isius Sabinus Pomponius Secundus (*consul suffectus* 44), Publius Calvisius Ruso (*cos. suff.* 53) and his two sons Publius Calvisius Ruso (*cos. suff.* 79) and Publius Calvisius Ruso Iulius Frontinus (*cos. suff.* 84?), and Publius Calvisius Tullus Ruso (*cos. ord.* 109). One *senatus consultum*, concerning new arrangements for the hearing of cases of *repetundae*, may have been named after a Calvisius, but is too early to be relevant; it is mentioned in the *Cyrene Edicts* (5.74–144) and dates to 4 BCE, when Gaius Calvisius Sabinus was *consul ordinarius* (Volterra 1969: 1063–4 no. 69; Talbert 1984: 438 no. 11). The only Neronian *senatus consultum* of which we know that relates to the terms of Augustus' marriage legislation is one mentioned by Tacitus (*Ann.* 15.19 = Volterra 1969: 1070 no. 120; Talbert 1984: 443 no. 62), concerning fraudulent adoptions; this bears no relation to the matter discussed by pseudo-Ulpian and in any case dates to 62 CE. The only *senatus consulta* which can be dated to 61 CE (see Volterra 1969: 1070 nos. 117–8; Talbert 1984: 443 nos. 61–2) concern quite different matters and have nothing to do with a Calvisius.

That the *senatus consultum Calvisianum* in fact predates the Claudian amendment finds some support in the *Gnomon of the Idios*

Logos, which also provides further evidence for the measures of the *lex Papia* and of its later amendments, at least in the context of Roman Egypt.[14] Married couples, where the man was over 60 and the woman over 50 years old, could not inherit from one another: the dowry brought to such a marriage was confiscated by the *fiscus* (*Gnomon of the Idios Logos* 26). The statute here mentions only Latin women, but the rule probably applied more generally; note too that the ages as stated in the *Gnomon* ('over 60' etc., rather than '60 or over') are slightly different from those in the passage from pseudo-Ulpian, but such imprecision is quite common, even in a legal context, and it is clear from *Gnom. Id. Log.* 27–8 that the rules affected men and women *from* the ages of 60 and 50 years respectively, rather than only those *over* these ages. At any rate, such marriages were regarded in the same light as 'illicit' marriages (*matrimonia illicita*). The *senatus consultum Claudianum* is not followed: it is expressly stated (*Gnom. Id. Log.* 25) that the dowry brought by a woman under the age of 50 to a husband over 60 is also confiscated by the state. The *senatus consultum Calvisianum*, on the other hand, does operate (*Gnom. Id. Log.* 24): the dowry of a woman over 50 years of age who is married to a man under 60 years of age is after death confiscated by the *fiscus*. The *Gnomon*, as we have the text, derives from the second century CE, but fragments of sections survive on papyri which show that the rules were also in operation in the first century, apparently at least as early as the reign of Tiberius.[15] It seems to me that this lends support to the notion that the *senatus consultum Calvisianum* predates the *senatus consultum Claudianum*, though other reasons may also be adduced for the fact that the *senatus consultum Claudianum* is not followed (see Besnier 1949: 116, reviewing earlier discussions). At any rate, plausible dates for the Calvisian measure are 26 and 44 CE.

To return to the main theme: Augustus' basic premise – that only marriages undertaken for the procreation of legitimate children were *iusta* and that for this reason the marriage of people of or over the ages of 50 (in the case of women) or 60 (in the case of men) years did not conform to the aim of the laws – can be seen in operation in a particular case where a mother, herself too old to bear any more children, married a *senex* (Valerius Maximus 7.7.4). In her will she omitted all mention of her sons (with whom she had quarrelled) and instead left her estate to her new husband. The sons appealed to Augustus, who promptly reversed the terms of the will, forbidding the husband to inherit the estate or take the *dos*, 'because the marriage had not taken place for the purpose of procreation' (*quia non*

creandorum liberorum causa coniugium intercesserat).[16] Such a marriage, in other words, was considered *impar* even, it would seem, before the Tiberian *senatus consultum*; as pseudo-Ulpian implies, the original Augustan measures applied to those who exceeded the age limits *in the course of* their married life (*in matrimonio*), not to those who contracted marriage after these ages. Valerius Maximus treats this particular woman with scorn for having married an old man *'cuius pollincto iam corpori marcidam senectutem tuam substravisti'* ('for whose already embalmed corpse you have offered your scrawny senility as an underlay'). Such an attitude was apparently not uncommon in Roman times.

An interesting further piece of evidence is provided by a fragment of Seneca, where he most wittily (says Lactantius) applies Roman law to the great god himself:

> So why is it then that Jupiter, who is depicted among the poets as most lustful, has ceased to raise children? Is it because he has become a sexagenarian and the *lex Papia* has placed a restraint on him? Or has he obtained the right of three children? Or finally has it come to his mind 'that you may expect from another what you have done to someone else' and does he fear that someone may do to him what he himself did to Saturn?[17]
>
> (Seneca '*in libris moralis philosophiae*', *frag.* 119H
> *ap.* Lactantius *Inst. Div.* 1.16.10)

The implication here, not to be taken too literally, is that the state imposed fetters or penalties on 60-year-old men. This clearly reflects the *senatus consultum Persicianum* of 34 CE, by which the penalties of the *lex Papia* continued to apply to men of 60 and over, and women of 50 years of age and over, who had failed to fulfil the requirements of marriage and child-bearing by these ages. But the Senecan passage, like the *Gnomon*, appears not to recognise the amendment made by Claudius (the *senatus consultum Calvisianum* is not relevant in this context). This fragment, therefore, may pre-date the Claudian amendment.

What is certain – but is often overlooked – is that neither the Augustan laws nor the later amendments ever forbade or nullified, but only discouraged, such cases of *impar matrimonium*. A senator could, if he so chose, marry a freedwoman, a 70-year-old woman could marry a 20-year-old man – it was simply the case that such married couples could not enjoy complete capacity to inherit from

one another or from others, no matter how many children, if any, they had. It was not until 410 CE that these restrictions were lifted.[18]

Such then is the evidence that we have for the legal restrictions placed on the marriage of elderly people. The basic reasoning was that aged couples were incapable of producing children, as 'required' by the Augustan legislation, and were therefore not originally penalised for not having children (or, in the case of aged individuals who were single, widowed, or divorced, for not being married). Within a short time, however, they did become liable to the penalties incurred through *orbitas* and *caelibatus*. To what degree these ages, of 60 years for men, 50 for women, reflect the reality of contemporary life, namely in notions of the age of fertility in both males and females, I must leave for discussion elsewhere. Space also precludes a survey of the picture to be derived from classical literature regarding marriage and sexual intercourse in general among elderly people; it must suffice to say here that the overall feeling appears to have been that in old age sexual activity is limited and, in some cases, a fit object for ridicule and disgust as being unnatural: *turpe senilis amor*.

But if the image of an active sexuality in old age was viewed with some disdain and scorn in ancient times, the ideal of an aged married couple was not, at least not before late antiquity. The notion of the husband and wife together in old age, spending their last years united in tranquil 'retirement', is not frequently encountered but when it is – almost invariably among the upper classes – it tends to warrant a positive depiction. Such was the hope expressed for himself by Pliny the Younger, and by Martial, not usually so optimistic regarding old age, for two of his friends.[19] This ideal, realistic perhaps for some (one is reminded of the so-called *Laudatio Turiae*, for a married life of forty-one years), was originally fostered by the *lex Iulia et Papia Poppaea*: a wedded couple of or over the age of 50/60 years were freed from liability to the penalties involved if they were childless, and instead could enjoy complete capacity to inherit from each other. But the subsequent *senatus consultum* under Tiberius in effect penalised elderly married couples who were still childless, with the only hope of relief – for the man at least – coming from the remarriage of the husband to a younger wife, as allowed under the *senatus consultum Calvisianum*.

This brings us at last to St Augustine. Less than a decade after the abrogation by Honorius and Theodosius in CE 410 of the terms of the *lex* dealing with capacity between husband and wife, Augustine was considering the marriage of Abraham and Sarah and, specifically,

the birth of their son Isaac. Abraham and Sarah, according to the Bible (*Genesis* 17.17, 18.11–12; cf. *Romans* 4.19), had this child when Abraham was 100 years old and Sarah 90. As Prudentius observed not very many years before Augustine, Sarah was amazed to discover that she was pregnant at her advanced age (*Psychomachia*, preface: 47–8). The perplexity was not hers alone. On several occasions in 418–19 CE Augustine pondered the question of whether parents in their later years could in fact produce children. According to some *medici*, states Augustine, a *senior vir* cannot produce offspring by a *senior mulier*, even if she is still menstruating, though he may father a child by a young woman. And a woman *provectioris aetatis* ('of quite advanced age') who is still menstruating cannot become pregnant by an older man but can by a *iuvenis* (*Quaest. in Gen.* 35; cf. *De Civ. Dei* 16.28).

Augustine returned to the topic in 421 CE – when he was himself 67 years of age – in his *Contra Iulianum Pelagianum* in which, among much else, he attempted to answer the Pelagian argument that God used a miracle to produce lust (*libido*) in the case of Abraham and Sarah (3.11.21–3). Julian the bishop of Eclanum, supporting the Pelagian view that physical lust in itself is a natural and good thing, taunts Augustine with being a Manichee (which he once was) and as espousing the view that lust is an evil and has been so through eternity. Julian rejects the doctrine of original sin and asserts the moral indifference of *concupiscentia* and *libido* as natural desires. Augustine, on the other hand, asserts that the primary purpose of marriage is the procreation of children.[20] Hence, perhaps, his interest in the Augustan legislation of some 400 years previously.

The Pelagian argument, that God in effect performed the work of the devil (in Manichean terms) by inducing Abraham and Sarah to have intercourse through lust, is answered by Augustine with the statement that what God had produced was not lust but *fecunditas*. Quite apart from the theological implications, of most interest here is the statement Augustine makes in this context concerning the age of fertility. As in his work of a few years earlier, Augustine maintains that an older woman who is still menstruating can bear children, but only by a younger man, and that an older man can father children, but only by a younger woman, not by an older one even if she is still menstruating. He then develops the argument, noting that in the days of Abraham people lived much longer than they do in his own time. A woman of 90, he says, cannot now produce a child by a man of 100 years; instead the combined ages of the couple cannot exceed 100 years:

Moreover in accord with the extent of time nowadays, in
which people live for a much briefer span, they are said to be
able to reproduce if it is within 100 years for both husband
and wife. If indeed the years of both added together should
exceed 100, it is asserted thus that they cannot produce chil-
dren, even if the wife is still fertile, and it is possible for
women who are still menstruating to become pregnant by a
young man; so it has been laid down by the law that no one
should have the rights attached to having children, unless
when the years of both have been calculated and added
together, they are shown to have passed 100.[21]

(*Contra Iulianum Pelagianum* 3.11.22)

Several points here require consideration.

First, the idea that, for a couple to be capable of producing chil-
dren, their combined ages cannot exceed 100 years is hardly accu-
rate. In the case of a man of up to 60 or 70 years and a woman of 30
to 40 years reproduction may be possible, but once the woman's age
exceeds the mid-forties this is no longer usually valid. It may act as a
rule-of-thumb, presupposing that the husband and wife are of
approximately the same ages, and this Augustine recognises
(*fluentibus adhuc muliebribus*). On the other hand, *etiamsi fecunda
sit mulier*, she cannot bear a child by a husband who is, by implica-
tion, over 60 years of age (taking 40 years as the average age of
menopause, though it could be higher, in which case the age of the
husband by the terms of this rule correspondingly decreases).

Second, and more significantly here, Augustine applies the 100-
year rule to the context of law, and he must have the Augustan legis-
lation in mind, at least in its later form. The 'right of children', *ius
liberorum*, which remained in use down to the time of Justinian, was,
according to Augustine, only granted to those couples whose com-
bined ages exceeded 100 years. Migne (*Patr. Lat.* 44.714) asserted
that *non* should be inserted in the final clause between *centum* and
transisse, which would give the meaning: 'so it has been laid down by
the law that no one should have the rights attached to having chil-
dren, unless when the years of both have been calculated and added
together, they are shown *not* to have passed 100.' This is perhaps
correct, but even then the passage makes little sense. There is no
concrete testimony that grants of the *ius liberorum* were ever
restricted to certain age groups, unless an enactment, perhaps
around the time of Augustine, enforced this, for which there is no
evidence. Before the age of 60 years, grants of the *ius* were certainly

made, to enable childless individuals to enjoy the benefits bestowed on those with children under the terms of the law. From the age of 60 years onwards, grants would originally have been unnecessary (except perhaps in matters of prestige) until the change made to the Augustan legislation by Tiberius, by which men of 60-plus and women of 50-plus years became liable to the penalties of the *lex Iulia et Papia Poppaea* if they had no legitimate children. But at no time were such grants expressly restricted to those under or over a certain age.[22]

One option is simply to dismiss Augustine's statement as wrong, or at least highly inaccurate. But it is also possible that his statement reflects the reality of his time and the popular interpretation of the Augustan legislation arrived at by his day. This would certainly reinforce the notion, common to pagan and Christian tradition alike, that a great disparity in age between husband and wife was regarded as something scandalous, especially if a wife was older than her husband. It was widely assumed, apparently, that the younger man in such a scenario must have money on his mind and be, in effect, a *captator*. A wealthy old woman, according to an anonymous poem in the *Anthologia Palatina* (11.425), 'is a rich tomb'. Apuleius (*Apol.* 91.5–8) implies that an old widow can only secure a young husband by offering a substantial dowry.[23] If one assumes, as perhaps Augustine himself did, that on average a husband would have been ten years older than his wife, then his rule-of-thumb is not so far off the mark. Furthermore, the Augustan legislation itself might be taken to imply, with its limits of 60 and 50 years in the case of men and women respectively, that such an age gap is both normal and respectable.

We noted earlier that the limitations on inheritance for couples married without children were removed in 410 CE. Yet the doubt concerning 'late' marriages clearly continued even after this date, and misconceptions arose. In a rescript of 531–2 CE (*Codex Iustinianus* 5.4.27) we find the simple but seemingly erroneous statement that marriage 'between males and females older or younger than 60 or 50 years of age' (*inter masculos et feminas maiores vel minores sexagenariis vel quinquagenariis*) had been expressly prohibited by the Augustan legislation. Justinian here abrogates this, but in fact such marriages should have been no more prohibited in the sixth century than in the first. That such marriages were previously considered *impares* was recognised (cf. *Codex Theodosianus* 6.58.12, AD 532), but, as we have noted, this did *not* mean that such *nuptiae* were ever *prohibitae*.

Yet the coincidence of apparent error with Augustine's statement is worthy of note. Is it possible that in these two solitary – and, it must be said, widely separated in time, place, and context – citations, we have an indication of not simply a social convention but also of a legal reality, namely that the Augustan marriage laws, as they survived after the time of Honorius, came to penalise, or at least frown upon, the marriage of aged couples?

Notes

1 Beryl Rawson's work on the Roman family has been seminal. She has also given me great encouragement, not to mention inspiration, in my own research. As a token of my gratitude, I would like to dedicate this study to her.

2 The text is that of Schulz. On authorship and date, see especially Honoré 1982: 107–11, and most recently Mercogliano 1997. Whoever was the author (and it was probably not Ulpian), our principal text providing evidence of rules of age in the Augustan legislation was almost certainly written, in the form we now have it, within two decades of the abrogation by Constantine in CE 320 of major terms of the original legislation relating to celibacy (*CJ* 8.57.1 = *CTh.* 8.16.1; Evans Grubbs 1995: 118ff.). Regarding these rules of age in the Augustan legislation, there is very little scholarship; discussion in the standard studies simply paraphrases the *Epitome* (and is not always accurate): see, e.g., Csillag (1976: 81–5); Zabocka (1986: 384–8); Mette-Dittman (1991: 152–3); Astolfi (1996: 41–8).

3 *aliquando vir et uxor inter se solidum capere possunt, velut si uterque vel alteruter eorum nondum eius aetatis sint, a qua lex liberos exigit, id est si vir minor annorum XXV sit, aut uxor annorum XX minor; item si utrique lege Papia finitos annos in matrimonio excesserint, id est vir LX annos, uxor L ... qui intra sexagesimum vel quae intra quinquagesimum annum neutri legi paruerit, licet ipsis legibus post hanc aetatem liberatus esset, perpetuis tamen poenis tenebitur ex senatus consulto Persiciano. sed Claudiano senatus consulto maior sexagenario si minorem quinquagenaria duxerit, perinde habebitur, ac si minor sexaginta annorum duxisset uxorem. quod si maior quinquagenaria minori sexagenario nupserit, 'inpar matrimonium' appellatur et senatus consulto Calvisiano iubetur non proficere ad capiendas hereditates et legata [dotes], itaque mortua muliere dos caduca erit.*

4 Sozomenus *Hist. Eccl.* 1.9 (*PG* 67.881–4 = *GCS* Sozomenus 20). On Sozomenus' treatment of the marriage legislation, see also Evans Grubbs 1995: 130–1.

5 *Bemerkungen zur römischen Rechtsgeschichte* (Leipzig, 1829: 300–3); quoted by Jörs (1882: 11–12 n. 2). Cf. also Astolfi 1996: 2, 24, 337.

6 *nonne vanissimas Papias leges, quae ante liberos suscipi cogunt quam Iuliae matrimonium contrahi, post tantae auctoritatis senectutem heri Severus, constantissimus principum, exclusit?*

7 *Senatus consultum Persicianum:* Volterra 1969: 1066 no. 88; Talbert 1984: 440 no. 33. The MSS read *Perniciano*, otherwise unknown, and the reading of the Dutch scholar Perizonius (Jakob Voorbroek, 1651–1715), *Persiciano*, has found widespread acceptance, referring to the *consul ordinarius* of 34 CE,

Paullus Fabius Persicus (Perizonius 1679: 156–7; *PIR²* F 51; *RE* 6.1831–5; Hänel 1857: 41; incorrectly dated to 33 ce by, *inter alios*, Riccobono 1950: 152). The Tiberian date is supported by the Suetonian passage that we shall presently discuss.

8 *Senatus consultum Claudianum:* Volterra 1969: 1068 no. 104; Talbert 1984: 441–2 no. 50.

9 *capiti Papiae Poppaeae legis a Tiberio Caesare, quasi sexagenarii generare no possent, addito obrogavit.*

10 Claudius turned 60 on 1 August ce 51, the year of his fifth consulship. Hänel (1857: 50) dates the *senatus consultum* to ce 49.

11 The opposite interpretation (demolished at some length by Perizonius 1679: 154–63 but resuscitated, without reference to Perizonius' arguments, by Jörs 1882: 12–13 n. 4) takes this passage to mean that under the *lex Papia* men aged 60 years or over were considered incapable of reproduction, and that this was first reversed by Tiberius and then restored by Claudius. This reading not only implies impossible twistings of the word order in Suetonius' sentence (in fact Jörs wanted to amend the text, a suggestion Perizonius had already vigorously opposed two centuries before), but ignores the legal evidence.

12 .Reign of Nero: see Humbert 1972: 156; Wallace-Hadrill 1981a: 75. For ad 61: see Lenel and Partsch 1920: 19; Riccobono 1950: 15; Volterra 1969: 1070 no. 116; Kaser 1971–5: 1.320 n. 15; Zabocka 1986: 388, 396. Talbert (1984: 451 no. 144), wisely breaking with tradition, leaves the *senatus consultum Calvisianum* undated but suggests it may belong to 44 or 53 ce.

13 *quum Calvisiorum cognomen sub Nerone et eius successoribus sit frequentissimum*

14 See also Lenel and Partsch 1920: 18–22; Besnier 1949: 102–7, 114–17; Riccobono 1950: 149–55; Astolfi 1996: 46–8.

15 For a first-century (*c*.31–42 ce?) edition of sections 35–41 of the *Gnomon*, see *P. Oxy.* 3014.

16 One thinks also of Pliny *Letters* (*Ep.* 6.33), the unusual (*exempli raritate*, 6.33.1) case of Attia Viriola whose octogenarian father disinherited her ten days after he had fallen in love and remarried; Pliny argued the daughter's case and perhaps exaggerates its significance (*amplissima causa*, 6.33.10) somewhat.

17 *quid ergo est quare apud poetas salacissimus Iuppiter desierit liberos tollere? utrum sexagenarius factus est et illi lex Papia fibulam imposuit? an impetravit ius trium liberorum? an tandem illi venit in mentem 'ab alio expectes alteri quod feceris' et timet ne quis sibi faciat quod ipse Saturno?*

18 *CJ* 8.57.2 (= *CTh.* 8.17.2); in the same rescript the need to apply to the emperor for the *ius liberorum* was removed (*CJ* 8.58.1 = *CTh.* 8.17.3, though the *ius* endured). It is still quite common to read that the Augustan legislation, through its later amendments, prohibited marriage for the elderly. Note, most recently, Hunink (1998: 283 n. 15) on Apuleius' *Apologia*. The case of Pudentilla is, in any event, quite irrelevant in this context.

19 Pliny *Letters* 4.19.5; Martial 4.13.9–10. For an elderly couple note, e.g., *CIL* 8.12613 (= *ILS* 1680, Carthage; probably late 1st/early 2nd century ce) for a man who died at age 102, his wife at age 80. Further material in Parkin 1997: 136–7.

20 For an excellent introduction to the background, see Chadwick 1986: ch. 10. Note also Brown 1967: 340ff., esp. 390–1 and, on Augustine's views on marriage, Clark 1986.

21 *pro modo autem nunc temporis, quo longe breviore spatio vivunt homines, intra centum annos amborum coniugum generare posse dicuntur. si vero in summam ducti amborum anni centenarium numerum excesserint, sic asseverantur non posse filios procreare, etiamsi fecunda sit mulier, et fluentibus adhuc muliebribus possit ex iuvene; ut iure fuerit etiam constitutum, ne quisquam ius liberorum haberet, nisi cum amborum anni computati et simul ducti centum transisse docerentur.*

22 Note *CTh.* 8.17.1 (Arcadius and Honorius, ad 396): *sancimus, ut sit in petendo iure liberorum sine definitione temporis licentia supplicandi, nec implorantum preces aetas vel tempus impediat, sed sola miseris ad poscendum auxilium sufficiat desperatio liberorum* ('we sanction that there should be the unrestrained privilege of supplication in petitioning for the *ius liberorum*, without any limit of time, and neither *age* nor time should debar the prayers of those persons who implore [the emperor], but despair alone of having children should suffice to unhappy parents for requesting assistance'). This shows that age was not relevant, but it may also imply that the question had been raised.

23 Cf. Aristophanes *Lys.* 595–7; Plautus *Most.* 281; Martial 9.80 (etc.); Juvenal 1.39; Lucian *Rhet. Praec.* 24; Treggiari (1991: 96–7, and see also 102–3); Saller (1994: 223); Krause (1994: 133–8). Martial 13.34 is characteristically blunt on the sexual boredom to be endured by a man married to an *anus coniunx*; cf. Varro *De Ling. Lat.* 7.28 for more humour. Cicero *Pro Scaur.* presents the case of a Sardinian, Aris, married to a 'rich, old, ugly wife' whom he detests *propter foeditatem* (5.8; cf. 4.6: 'it is well known that her ugliness was on a par with her old age') but whom he cannot divorce because of her dowry; she is found hanged in mysterious circumstances. Stobaeus *Flor.* 22.5.109–17 collects Greek literary references on the theme of age disparity between spouses.

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INDEX OF ANCIENT SOURCES

GENERAL INDEX