

CONSTRUCTIONS OF THE FAMILY IN LIVY'S *AB URBE CONDITA*

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CONSTRUCTIONS OF THE FAMILY IN LIVY'S *AB URBE CONDITA*

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ABSTRACT

Livy's *Ab Urbe Condita*, a history of Rome from its foundations to his own day, has been the subject of much scholarly analysis and criticism. The 35 extant books are primarily a political and military narrative in the tradition of Roman historiography, written at the end of the period known to us as the Republic and in the early decades of Rome's imperial period (ca. 30 BC--14 AD). What is remarkable about the work is the volume of stories and incidental references to family relationships and family life, particularly marriages and parent-child relationships, which often have little bearing on political or military activities. Throughout the *AUC*, Livy constructs consistent representations of family ideals according to the features of traditional morality that were dominant during his own day, applying them even to periods in which Roman society was likely quite different. His stories include emphatic and vivid *exempla* of traditionally appropriate behaviour between husbands and wives and in sexual behaviour as well as reciprocal duties between parents and their children. The explanations for Livy's keen interest in family relationships lie both in his own background and in the socio-political turbulence of the period during which he matured and began to write his history. During this same period, Augustus rose to political prominence and invoked a similar set of moral values in his programme of cultural renewal, in legislation as well as visual culture. The elements of this programme can be usefully compared to Livy's constructions of family ideology

to further inform and articulate the scope of moral concerns which were of interest to politically and culturally active Romans of the first century BC.

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Introduction

Livy's *Ab Urbe Condita*, a history of Rome from its foundation to 9 BC, comprised 142 books, of which 35 have survived: Books 1-10 and 21-45, ending with the Roman defeat of Macedonia in 167 BC.¹ The work is primarily concerned with military and political history, and for much of it Livy is highly dependent on earlier annalists, both Roman and Greek. Historical context is crucial to an understanding of the *AUC*: the period of Livy's work (approximately 30 BC—AD 14) was contained within an age of complex socio-cultural and political metamorphosis. Over the course of the first century, the Roman Republic, governed on a model of a hybrid aristocratic-democratic state dominated by a senatorial oligarchy, had gradually given way to the rule of a very few powerful men. Finally, after decades of civil strife, the ultimate prize of control over the state and its armies fell to Octavian, who defeated his last major opponent, Marcus Antonius, in 31 at the battle of Actium. As part of the solidification of his political power, Octavian Augustus instituted a wide-reaching program of moral and cultural renewal which included legislation and visual

¹ All dates in this dissertation are BC unless otherwise noted. *Ab Urbe Condita* will hereafter be abbreviated *AUC*. Extant books: Books 41 and 43 to 45 contain lacunae of varying lengths (Brill s.v. Livius, T., 750). We also have the *Periochae*, a set of epitomes of later date which comprise a synopsis of each book (except 136-7). These synopses are useful only insofar as they describe the general contents of all the books, including those which do not survive; Livy's original emphasis, vocabulary, and style, however, should not generally be considered to have been carried over into the *Periochae*, which are of widely differing length and detail. Syme (1959:28-9) is particularly critical of their usefulness.

culture focusing on the promotion of traditional marriage practices, power dynamics within the family, and sexual morality.

The events of the first century had a significant social impact on private citizens: bitter remarks about a perceived degradation of Roman morality accompanied the changes in the agents and execution of political power in the state. For example, themes of family disruption and scandalous sexual behaviour are illustrated in Sallust's monographs, Cicero's letters and speeches, and Horace's poetry, and are also reflected in the historical work of a Greek writer-in-residence at Rome, Dionysius of Halicarnassus.²

None of the aforementioned authors was as close a contemporary to Augustus as Livy, whose lifetime spanned what is now commonly seen as the transition from Republic to Principate. Octavian was born in 63 and Livy in 59; by conventional dating, they died within 3 years of each other (AD 14 and 17, respectively).³ Augustus and Livy had matured in a similar cultural and moral environment, elements of which gave rise to Augustus' apparent concerns about Roman society. He placed imperially-sanctioned emphasis on the ideals of morality and family life, publicly promoting a return to more traditional behaviours and relationships as a key to Rome's survival and growth.

As we shall see, Livy's contemporary socio-historical context also appears

² The various treatments of moral themes by these authors will be explored in Chapter 1.

³ The next chapter addresses the controversy over the conventional dating. On the concern of Livy and Octavian's generation about morality in the state, see Galinsky 1996:281.

to have left traceable effects in his conception and presentation of Roman history. Livy's preface shows that his aim was not merely to record a sequence of historical events. Rather, he was adamant that each of his readers consider the lives and characters of their Roman ancestors and the slippery slope of moral degradation that had occurred since the early Republic. Apparently he hoped his readers, particularly those in a position of political influence which Livy himself lacked entirely, would follow their forebears' *exempla*.⁴ His work teems with his own expression of anxieties over family relations and social order, as indicated by the prominence which he gives to stories and anecdotes concerning the structure and characteristics of the Roman family, and by the consistency of his contemporary moral outlook, which he applies throughout all the books of the *AUC*. Given the vast span of time represented in Livy's history and the differences in the material which characterizes the identifiable divisions of the work, from the legendary regal period of Rome to the more historical middle Republic, this consistency of moral interest and ideology is particularly striking.

There are two main aims in this dissertation. The first is to examine as fully as possible the scope of Livy's construction of family relationships, with

⁴ *Praef. 9: ad illa mihi pro se quisque acriter intendat animum, quae vita, qui mores fuerint, per quos uiros quibusque artibus domi militiaeque et partum et auctum imperium sit; labente deinde paulatim disciplina velut desidentes primo mores sequatur animo, deinde ut magis magisque lapsi sint, tum ire coeperint praecipites, donec ad haec tempora quibus nec uitia nostra nec remedia pati possumus peruentum est.* Livy's *exempla*: One of the most prominent Livian scholars, P.G. Walsh, states: "Livy came to the capital to write his prose epic for a nation at peace, to guide men in their principles of conduct by an appeal to the *mores* of Republican heroes" (1961:4).

particular attention to marriage and parent-child dynamics. This examination will draw on the manner and tone in which he presents historical anecdotes, the degree to which he passes judgment or offers personal commentary, the variety of themes he evokes while presenting these accounts, the emphasis he places on certain stories or themes, his use of evocative vocabulary, and the differences in detail he offers as compared with other extant authors who cover the same historical material, most notably Dionysius of Halicarnassus and Polybius. In particular, it will be important to show whether (and how) Livy attempts to reconcile morally ambiguous themes in famous anecdotes about families and to bring them in harmony with traditional Roman ideals, as well as to demonstrate how he retrojects contemporary ideals onto stories set in the distant past, even though their application to earlier times cannot be historically accurate. Although there have been many useful and illuminating studies of Livy's narrative techniques and thematic interests, his stories and comments about husbands, wives, parents, and children in the context of the family and of Roman society writ large have not yet been collected and analyzed.

An analysis of these themes in the *AUC* would be incomplete, however, without extensive reflection on the significance of the temporal and cultural environment of the historian. The second object will therefore be to set Livy's responses in historical context: that is, to examine the social anxieties as expressed in his work with respect to contemporary events and the sweeping

effects of Augustus' reactions to them in legislation and in his program of cultural, moral, and religious renewal. Part of Augustus' ideology was the assertion that traditional family ideals were essential for a secure state. The *remedia* which Augustus sought for the social ills of Rome are unambiguously stated in his public works and laws; images of all kinds sent messages about the glory of Rome's ancestors and their moral uprightness, while legal changes implied a set of ideals by which Roman citizens ought to live. Livy, as we know, also looked to the past as a source of moral *exempla*.⁵ As a writer, he had the luxury of being able to offer a nuanced and detailed portrayal of these *exempla* through which social anxieties might be expressed. Thus, the purpose of comparing the approaches of the two men to these questions is not to retread tired and disproved notions of Livy's role as a "propagandist" for Augustus. Rather, it is to show how Livy himself constructs paradigms of positive and negative traits of family life in his own voice. In fact, any differences in emphasis and complexity between the imperially-sanctioned representations of family and social relations in law, visual culture, and architecture and Livy's artful recounting of anecdotes and *exempla* simply expose more frailties in the theory that Livy was under any significant influence or pressure from the emperor's

⁵ Chaplin 2000; also see Feldherr 1998: 31-35 for the manner in which Livy constructs his history as a *monumentum* partly by means of *exempla*. Feldherr proposes that this *monumentum* is closely parallel in function to the cultural and artistic projects of the Augustan period.

institutionalization of monarchy and morality.

The first chapter lays out the important groundwork for the dissertation, beginning with an overview of what we know of Livy's life and a summary of the history of Livian scholarship. A discussion of the literary, legislative, and artistic treatment of family life and values in the late Republic and into the early Principate will follow, with particular attention to Augustan contributions to the theme, as a background and contextualization for Livy's work, as well as an overview of the methodologies employed and the resolution of problems associated with the study. The next two chapters each focus on Livy's construction of two categories of family relationships: marriage relationships in Chapter 2 and parent-child relationships in Chapter 3. Chapter 4 combines conclusions from the evidence collected in Chapters 2 and 3 with a close analysis of Augustus' specific responses to the perceived challenges to traditional family ideals at Rome. Here we shall see how and where Livy's and Augustus' approaches and ideologies differ and where they coincide and inform one another. The result will be a contribution to our understanding of the thematic substance of Livy's work as well as the career historian's construction of moral tradition in a socially and politically shifting environment.

Chapter One:

Livy, the *familia*, and Augustan evolution

The exact year in which Livy began to compose his life's work is not positively known, and is a matter of some controversy. According to the most common interpretation, the first book at least was likely published between 27 and 25 based on internal evidence: in 1.19.3, Livy enumerates the occasions on which the doors of the temple of Janus were closed in symbolic recognition that Rome was at peace, and describes the instance occurring in 29 when *Caesar Augustus* marked the accomplishment of peace on land and sea. The *princeps* did not assume the name "Augustus" until January of 27, and Livy does not mention Augustus' second closing of the doors which occurred in 25. As for the end of the *AUC*, the last books were published (*editus*) shortly after the death of Augustus in AD 14 if the superscription on a manuscript of the *Periocha* for Book 121 is correct.¹

¹ Common interpretation: Date of composition: Walsh 1961:2-5, Ogilvie 1965:2. Luce dates the first book between 27 and 25 but states that it or even the entire first pentad may have been written earlier: 1977:5 n.5. See Burton 2000: 430 n.5 for a full bibliography of works in which 27-25 is the given date. 1.19.3: *bis deinde post Numae regnum fuit, semel T. Manlio consule post Punicum primum perfectum bellum, iterum, quod nostrae aetati di dederunt ut videremus, post bellum Actiacum ab imperatore Caesare Augustu pace terra marique parata*. If Book 1 were published after 25 without the reference to Augustus' second closing of the doors of Janus, it would be a highly conspicuous omission. Book 121: The superscription is on the oldest MSS of the *Periochae*: *qui editus post excessum Augusti dicitur* (Walsh 1961:8 n. 1; see also Syme 1959:38-39 on the composition of Books 121-142).

The ascent of Caesar Octavian to preeminence did not end all civil conflict and social turmoil at Rome. However, his exceptional management of the aristocracy and military resulted in a relatively ordered political environment and imparted singular authority to his conspicuous identification with traditional moral ideals. In a practical sense, the events of the first century, in which Augustus was an unavoidably catalytic component, created unique conditions for the scrutiny and contemplation of the relationships between morality and social stability.²

Livy's ambitious chronicle of the *res Romanae* from the earliest founding of the city includes reflective compositions of stories about families, marriages, parent-child dyads, and themes of sexuality and procreation. The subject matter as he represents it is all the more compelling, and worthy of study, given the environment in which he developed his impressions of both historical and contemporary Rome, and the complicating fact that his characterization of every period of Rome's history, whether regal or early to mid-Republican, was without doubt coloured by first-century events.

Livy's background and preparation

We know very little about Livy relative to other writers of his time,

² For Augustus as a "politically exciting idea", see White 1993: 207.

particularly those who were in imperial favour, like Horace and Vergil; we do not even know his cognomen. He was born in Patavium (Padua), a wealthy northern Italian town long since subject to Rome. He appears to have died there as well, but most scholars assume that he did his life's work at Rome.³ The controversy over the dates of his birth and death is linked to the questionable dating in Jerome's 5th-century AD *Chronicon*, which lists the birth of the general and literary patron M. Valerius Messala with Livy's in the year 59. This dating would have seen Messala improbably filling the office of consul at the age of 28 in 31 BC. Furthermore, a passage in one of Ovid's letters proves that Messala died before Ovid's exile in AD 8 and not 12 as recorded by Jerome. Syme has suggested that Jerome confused the similarly-named consuls of the years 59 and 64 (*Caesare et Bibulo* with *Caesare et Figulo*) and that the births of both Messala and Livy belong more properly to the latter year.⁴ The significance of the change

³ The evidence for Livy's birthplace comes from several sources: Quintilian's report that Asinius Pollio mocked Livy's *Patavinitas* (Quint. 1.5.56); Martial's comment that "The land of Aponus is esteemed for its Livy", Patavium being in Aponus (Mart. 1.61.3), and the remark of Asconius, himself a native of Patavium, in a commentary on a speech of Cicero's, referring to *Livius noster* (*In Corn.* 68). The epitaph believed to be Livy's was found in Padua (*CIL* 5.2975). Evidence that Livy lived most of his life in Rome rather than Patavium: Walsh 1961: 4-5, 18 n. 2; for further bibliography of this controversy see Feldherr 1998:28-9 n. 80.

⁴ However, note that at 33, Messala would still have been too young to hold the consulship—perhaps only a technicality in the political iconoclasm of the late Republic. Jerome's entry for the 180th Olympiad (a.A. 1958, 59 BC) states *Messala Corvinus orator nascitur et Titus Livius Patavinus scriptor historicus*. Messala's death by AD 8: Ovid, *Ex Ponto* 1.7.29-30. Syme's adjustment: 1959:40-41; Ogilvie 1965:1. Walsh (1961:1) gives his birthplace "perhaps wrongly" in 59. Luce (1977:15 n.32) states that 64 BC is the more likely date of birth. Oakley (1997:109) mentions Livy's date of death in AD 17 with no further discussion, although he refers to other

is perhaps greater at the other end of Livy's life, since he might then have predeceased Augustus, dying in AD 12 rather than 17. His final books would therefore have been published posthumously if, once again, the superscript to the *Periocha* for Book 121 is accurate. For the purpose of this study, which focuses on the extant books of Livy, this distinction is somewhat less important than the date of the inception of his work, which is itself an intricate issue as we have already seen.

It is likely that Livy was not entirely spared the difficulties of the civil wars of the 40s and 30s. Patavium sent money, weapons, and soldiers to the opponents of Antony in 43 and was oppressed in turn by his partisan C. Asinius Pollio, to whom he entrusted the administration of Transpadane Gaul. However, the war did not seriously affect Padua's reputation for successful commercialism and traditional morality.⁵ We do not know much about the economic position of Livy's family, but White has noted that most of the poets of the Augustan period seem to have been of equestrian status; if the Livii had participated in commerce at Patavium they may have been similarly self-sufficient, allowing Livy to devote

more detailed works on the subject in a note. However, Badian (1993:10-11) entirely rejects the "fraudulent synchronism" of adjusting Livy's dates of birth and death with those of Messala, and reaffirms the traditional dates.

⁵ Patavium during civil war: Cic. *Phil.* 12.10.4; Macrobius 1.11.22. Commercialism and morality: Strabo 3.169, 5.213; Pliny *Epist.* 1.14.6; Martial 11.16.

his time and resources to the study of rhetoric and history.⁶ It appears that Livy was married and had two sons and a daughter, according to his supposed epitaph. He encouraged his son, who had an interest in rhetoric, to read Demosthenes and Cicero, and wrote a treatise for him on style. His daughter married a professor of rhetoric, L. Magius; a comment from Seneca suggests that Magius enjoyed the reflected fame of his father-in-law.⁷

There is no definitive indication as to where Livy received his education, but it is likely to have been at Padua to avoid the civil unrest at Rome. It is apparent that his training in rhetoric was very thorough. The objective of rhetorical historiography, as illustrated by Cicero in his treatise on oratory, was a well-constructed, plausible narrative enlivened by literary embellishment, appropriate to the importance of the subject. Livy's work conforms to this paradigm, and his training is particularly manifest in those books in which his narrative was based on, and can be compared with, the work of the Greek historian Polybius: he deliberately elaborates and intensifies events with dramatic

⁶ White on the economic status of Roman poets: 2003:12. On Livy's social background at Rome, see Syme 1959:50-51. Feldherr (1998:28-30) characterizes Livy as an outsider, which certainly does not preclude his having some material means.

⁷ Encouragement to son and treatise: Quintilian 10.1.39. Sen. *Contr.* 10 *Praef.* 2: *Pertinere autem ad rem non puto quomodo L. Magius, gener T. Livi, declamaverit (quamvis aliquot tempore suum populum habuerit, cum illum homines non in ipsius honorem laudarent, sed in soceri ferrent):* "However I do not think it matters how L. Magius, Livy's son-in-law, declaimed (although he held his own audience for some time, men did not praise him for his own honour, but tolerated him for the sake of his father-in-law)".

detail according to rhetorical tradition.⁸ His knowledge of politics, warfare, and geography were considerably more limited. He does not seem to have served in the army, and the inscription believed to be his epitaph does not mention any political office. There is no reason to believe he received theoretical education in these domains. The identification of historiographical “howlers” resulting from his inexperience and ignorance is a commonplace of Livian criticism.⁹

Livy’s philosophical perspective and preparation guided the construction and focus of his history. For ancient historians, philosophy provided a cosmological framework of logic and physics for understanding the role of the gods in human history and the causes of singular events as well as historical patterns. Livy’s earliest works were probably philosophical dialogues, perhaps modeled after Cicero, whose writing he recommended to his own son. Seneca gives the dialogues high praise, naming Livy among the top three Roman writers of philosophy, and foreshadows Livy’s later literary efforts and interests, stating

⁸ Education at Padua: Walsh 1961:2-4, Syme 1959:50-51. Rhetorical training, Cicero on rhetorical historiography, and comparison to Polybius: McDonald 1957:159-164. Cicero’s treatise: his Antonius, an orator trained in rhetoric, describes how history should be written in *De or.* 2.62-4. Oakley (1997:727-730) also lists some figures of speech which suggest Livy’s rhetorical training.

⁹ Rhetorical, not political or military training: Syme 1959:51, Walsh 1961:4. Marincola notes that Livy avoids stating any technical qualifications for writing history and relies instead on his desire to write as a form of refuge from the present (1997: 140). Examples of military, political, and geographical errors: e.g. McDonald 1957:161, Walsh 1958b. Livy’s failure to do original research: Ogilvie 1965: 6. Epitaph: *CIL* 5.2975: *T. Livius C. f. sibi et | suis, | T. Livio T. f. Prisco f., | T. Livio T. f. Longo f., | Cassiae Sex. f. Primae | uxori.*

that the dialogues are as historical as they are philosophical.¹⁰ Stoicism is the school of philosophy traditionally characteristic of Roman historiography; Livy's treatment of the establishment and growth of Rome and her people in the *AUC* adheres at many points to a neo-Stoic context. Rome's development is aided by impersonal divinities, and the role of the Roman people is to live virtuously and in harmony with the gods in defense of this development. As part of the same determinism that destines Rome for greatness, human vice is inevitably punished.¹¹

As mentioned above, Livy was most likely trained in rhetoric as were other educated Romans of his time, and read annalistic histories, influenced by the work of the Hellenistic historians, rather than antiquarian works.¹² Livy claimed to have read all previous Greek and Roman histories and annals, and as will be discussed below, made direct use of many of them, although his exact method of composition remains somewhat obscure to us for the early books at least. However, he did not universally value the work of his predecessors. The Elder

¹⁰ Philosophical framework: Walsh 1958:355-6. Philosophical dialogues: Seneca *Ep.* 100.9: *Nomina adhuc T. Livium; scripsit enim et dialogos, quos non magis philosophiae adnumerare possis quam historiae, et ex professo philosophiam continentis libros: huic quoque dabo locum.* Recommendation that his son read Cicero: Quintilian 10.1.39.

¹¹ Livy and Stoicism: Walsh 1958: 355-375, 1961:4.

¹² Oakley 1997:3-11; Walsh (1961:21) notes that Livy paid attention to Cicero's writings on the elements of good historiographical writing, which were an amalgam of the qualities of Hellenistic historians.

Seneca informs us that Livy strongly disliked Sallust's brief style. Livy is at times much more expansive than other authors writing on the same topics, as we can often see from comparison with his extant source: for example, while Polybius takes a chapter to describe the siege at Saguntum, Livy's account takes several chapters and includes many of the tragic elements of the *urbs capta*.¹³ Livy was also heir to the traditions of Roman historiography, in which history was largely explained in terms of the moral characters of key historical figures, whose personalities were categorized in simplistic dichotomies of virtue and vice. The historiographical tendency to attribute character to the state itself, and the commonplace that the present is always considered morally inferior to the past, resulted in an inherent pessimism in most Roman historical works, against which Livy's approval of Augustus' programme of moral regeneration is set.¹⁴

The AUC and contemporary reception

Livy's arrival at Rome might have followed the end of Octavian's struggle with Antony in 31 and allowed him to witness the growing power of the *princeps*.

¹³ Livy's reading of earlier annalists: Ogilvie 1965:5. Sen. *Contr.* 9.1.14. On Livy's view of Sallust: Syme 1959:34, 54; Winterbottom (1974)'s Loeb translation of Seneca's *Controversiae*, Vol. 2, 232 n. 1. Suetonius (*Cal.* 34.2) relates an anecdote suggesting that the emperor Gaius very nearly had Livy's bust and works removed from the libraries because Livy was such a wordy and negligent historian (*verbosum in historia neglegentemque*). *Urbs capta*: see below, p. 122. Elements such as reversals of fortune and tragic embellishment were commonplaces of Greek historiography and can be found throughout Livy's text.

¹⁴ Williams 1985: 619-633.

At some point during these turbulent few years, Livy took up the pen in earnest.¹⁵ But determining even the exact date of composition of the early books is problematic. Internal indications such as those at 1.19.3 mentioned above may represent textual revisions after the initial completion of the book. Syme explores at length the possibilities of an early beginning between 31 and 29: if the name *Augustus* is used as an archaic epithet rather than the formal title adopted by Octavian, Book 1 might well have been published before 27. As well, the sentence concerning the closing of the doors of Janus could have been inserted in 29, after the composition of Book 1 and perhaps others. However, the traditional date of *publication* of the first book at least can still be safely placed before 25.¹⁶

Comparing aspects of Livy's life and work with that of contemporary Augustan prose writers is not very fruitful; besides the *AUC*, only Vitruvius' technical writing survives. Livy does not appear to have had any relationship with Maecenas or Messalla, who were patrons to the Augustan poets, but rather a limited association with the imperial family—and then only later in his career.¹⁷

¹⁵ Livy's possible date of arrival at Rome and publication date of first books: Walsh 1961:2-5. Walsh further suggests that the first book was published on its own, since Livy begins Book 2 with another preface.

¹⁶ See Syme 1959:43-47. Traditional dates: Syme 1959: 49, Luce 1977: 5 n. 5.

¹⁷ Vitruvius: Syme 1959: 28, 51. Vit. *De Arch.* was dedicated to Augustus. For Vitruvius' relationship with Augustus and Octavia, see Milnor 2005:115-124. The issue of "patronage" of the arts in the Augustan period is considerably more complex than it initially appears, to the extent that the word "patronage" may be misleading. See White 1993 for full discussion and elucidation of this problem. For relationship with the imperial family late in Livy's

By the time Livy had published Book 109, in which he began to write about the civil wars, Augustus may have had some positive reaction to Livy's work and perhaps to Livy himself: Augustus apparently was good-humoured about his characterization of Livy as a *Pompeianus*, a descriptor he presumably based on Livy's historiographical presentation of the emperor's defeated rival. Reportedly, it did not hinder their *amicitia*. The term suggests familiarity and shared values, but not necessarily an intimate friendship.¹⁸ In addition, Livy is reported to have encouraged Claudius' interest in writing history, perhaps from around AD 8 when Claudius would have been 18, although this single reference may indicate only a conversation or two in passing between Livy and Claudius rather than intensive mentoring. Taken in all, the evidence does not seem to suggest more than a proper but minimal interaction between Livy and the imperial family.¹⁹ It is an important issue, however, as one of the principal controversies regarding Livy's

career see Feldherr 1998:29 n.81.

¹⁸ *Pompeianus*: Tacitus relates that Cremutius Cordus was charged in AD 25 with publishing a history favourable to Caesar's assassins; in his defense, Cordus notes: *Titus Livius, eloquentiae ac fidei praeclarus in primis, Cn. Pompeium tantis laudibus tulit, ut Pompeianum eum Augustus appellaret; neque id amicitiae eorum offecit* (Tac. Ann. 4.34). See White 1993:13-14 on friendships between poets and literary patrons. These relationships should be considered carefully since they are complicated by inequality of status. See also Badian 1993:12 on the limitations of *amicitia*.

¹⁹ Livy's encouragement of Claudius: Suet. *Claud.* 41.1. Claudius at 18: Ogilvie 1965: 4-5. Ogilvie (1965:2) notes that Claudius' writing style is similar to that of Livy. Badian (1993:11-16) is extremely skeptical about the traditional arguments given for Livy's close relationship with the imperial family, which the evidence does not support.

work concerns the extent to which Augustus influenced the content of the *AUC*.

This matter will be addressed below, as well as in Chapter 4.

Livy, like other writers of his day, gave recitations of his work. The *Suda*, a Byzantine encyclopedia, suggests they were poorly attended but were valued by those few who listened.²⁰ However, not all those familiar with his work were appreciative: Quintilian reports that Asinius Pollio mocked Livy's *Patavinitas*. The definition of this term is not completely clear. Quintilian writes of it in the context of Roman, Latin, and foreign vocabulary. He gives no examples of how Livy's style or word choices differed from more urbane writing or why Pollio was so critical, but simply states that he himself considers Italian words to be Roman ones. Syme rejects the idea that the pejorative term referred only to linguistic provincialism, reframing Pollio's comment as a criticism of "the whole moral and romantic view of history", perhaps reflective of Pollio's own practical but bitter acquaintance with politics and his austere, dry writing style. Whatever the full meaning, it seems likely that Pollio meant to highlight Livy's place of birth as a source of literary inadequacy.²¹

²⁰ Recitations: Walsh 1961:6, Ogilvie 1965:4; see Feldherr 1998:29 for a fuller discussion of the *Suda* reference: *Suda* s.v. *Κορνοῦρος*.

²¹ Quint. 1.5.56; Syme 1939:486. On *Patavinitas* see also Feldherr 1998:29-30. Ogilvie (1965:5) is convinced that the context of the quotation from Pollio means that it refers solely to a linguistic criticism. On Pollio's resentful attitude to Augustus and to the transformation of the Republic: Syme 1939:482-6. Pollio's style is described by Tacitus as *durus et siccus* (*Dial.* 21.7). Asinius Pollio's punishing administration of Cisalpine Gaul may also have been the source of

Nevertheless, Livy's work was generally received with approbation by the ancients. No other histories by Roman authors for this period survive; Livy's work appears to have superseded them all. Martial mentioned Livy in an epigram listing famous writers, saying that the area of Aponus, where Patavium was situated, was esteemed for Livy's sake. Tacitus refers to Livy and Fabius Rusticus as *veterum...recentium eloquentissimi auctores*. In the *Suda* reference mentioned above, we are told that Livy's audience, which probably included leading rhetoricians of the day, found advantage in both the beauty of his soul and the eloquence of his teachings.²²

Something should be said here on this topic of Livy's audience: for whom did the historian from Patavium write?²³ There may have been a natural attraction to his work for provincial Italians: his moral ideals and philosophical outlook must have appealed to individuals from a similar background. Certainly his preoccupation with *exempla* cannot have been intended for only the wealthy and powerful to emulate, but for any descendant of the early Romans and any who were heirs to their culture and territory. However, he writes in direct address to

some pre-existing animosity between Livy and Pollio (Walsh 1961:45, Syme 1959:54).

²² Mart. *Spect.* 1.61.3: *censetur Aponi Livio suo tellus*. *Suda* s.v. *Κορνοῦρος*. Livy and Fabius Rusticus: Tac. *Agr.* 10.3-4, where Tacitus describes the geography of Britain and recalls their depiction of the shape of the land. Rhetoricians: Feldherr 1998:29.

²³ Marincola (1997:45-6) notes that Livy expresses a unique desire to write history for his own comfort and solace; we need not assume this is not a genuine sentiment, but it is obvious he also has a wider audience in mind.

his readers that *exempla* are important for “yourself and for the affairs of your people”, suggesting that it is a special duty of state leaders to set a moral tone for those who are individually less influential.²⁴ It is not necessary to suggest that Livy is addressing Augustus or any other particular political leader; anyone in a position of influence might benefit from the hortatory *exempla* in the *AUC*. Beyond these notes, scholarly discussion of Livy’s audience has been vague.²⁵ More recent Livian studies do not so much define the membership of Livy’s audience as they do the connections between the internal and external audiences. Livy seems to “condition” the responses of his reading audience by tailoring the reactions of his internal audience—such as citizens attending political speeches or crowding outside meetings of the Senate—to a particular event.²⁶ It could be deduced at least that Livy’s reading audience has some sociopolitical affinities with the typical internal audience to begin with: they are Roman citizens, active in their political culture, and possessed of an awareness of the key events of Roman history—an awareness that makes the exemplary style an effective rhetorical tool.

²⁴ *Praef.* 10: *omnis te exempli documenta in inlustri posita monument intueri; inde tibi tuaeque rei publicae quod imitere capias, inde foedum inceptu foedum exitu quod vites.*

²⁵ E.g. Jaeger 1998:55: “Livy’s audience can fall anywhere on the sociopolitical spectrum”. Marincola (1997:28-9) does not suggest any particular demographic groups as an audience for Livy, but notes that even the non-literate could enjoy historical readings, and quotes Cicero’s statement that apolitical men of low station could take pleasure in history (*Cic. Fin.* 5.52).

²⁶ Chaplin (2000:50-53), who also cites the work of Solodow and Feldherr.

Modern Livian studies

Much of the reasoned study of Livy over the past century and a half has been concerned with Livy's source material. He himself mentions some authors whose work he has consulted—Valerius Antius, C. Licinius Macer, Q. Aelius Tubero, and Claudius Quadrigarius in the first decade—with greater prominence given to the first two historians. Livy makes use of Polybius from Book 24 onwards, as well as Coelius Antipater and Valerius Antius for events at Rome. His dependency on Polybius, whose work he has transcribed in some places, is particularly heavy in Books 31-45, which deal largely with events in the east. The structure of his history suggests that he followed one source at a time rather than creating a composite of all the works he had read.²⁷

Modern studies of Livy treat not only the extant books—1-10 and 21-45, some of which have come down to us incomplete, out of a total of 142—but also the structure of the entire work as it can be determined from the fragments quoted by other authors and from the *Periochae*, or epitomes of the remaining books.

²⁷ For work on *Quellenforschung*, see, for example: Nissen, H. (1868) *Kritische Untersuchungen über die Quellen der vierten und fünften Dekade des Livius*, Berlin; Klotz, A. (1915) 'Zu den Quellen der vierten und fünften Dekade des Livius', *Hermes*, 481-536 and (1940) *Livius und seine Vorgänger*, Leipzig-Berlin; De Sanctis, G. (1932) 'Livio e la storia della storiografia romana', in *Problemi di storia antica*, 225-47. Named sources: Walsh 1961:115-136, Ogilvie 1965:5-7. Oakley 1997:17 acknowledges that Livy appears to have followed one source at a time for Books 31-45—that is, mainly Polybius—but states that he may well have compiled his sources in the earlier books.

Making allowances for the probable contents of books 11-20, there is an obvious pattern of division in the first 45 books of Livy into pentads and decades according to particular eras of early Rome, but it is considerably more difficult to pin down a neat structure of pentads or decades for the remaining books.²⁸ Syme and Luce suggest a looser interpretation of the length and distinctiveness of Livy's pentads, allowing for an overlap of narrative and emphasis on eras we might not now choose to demarcate in hindsight.²⁹ The division of books is relevant to our study in that the pentads and decades which focus on different periods and arenas of activity also have distinct moral and thematic tones that are reflected in his stories of family life at Rome. It also suggests Livy's care in planning the text as well as his tendency to emphasize certain episodes even at the expense of temporal accuracy.³⁰

Livy's reputation as a historian has varied in the modern era. Negative evaluations of his work generally criticize what are thought to be careless historiographical practices and indiscriminate use of sources. He is thought not to

²⁸ For the *Periochae*, see Luce 1977:8-10 and Walsh 1961:7. Luce 1977:7 suggests the following division of the first 45 books: 1-15, Early Rome; 16-30, The Punic Wars; 31-45, The Conquest of the East. He also summarizes the theories of 5 different scholars concerning the possible points of division in the rest of the work (14).

²⁹ Syme 1959:30: "The events permit different subdivisions; and those most plausible to a modern critic might not have commended themselves to a historian in antiquity". For a detailed study of the structure of the *AUC* see Luce 1977.

³⁰ On arrangement of pentads and Livy's construction: Walsh 1961:5-8.

have checked his sources carefully or verified information even when it seems to have been possible to do so.³¹ One of the particular criticisms of Livy's source use is his heavy dependence on Polybius. The survival of Polybius' text allows us to compare it directly with Livy's work, and it is clear that Livy adapted large sections of it, at times with little variation. For our purposes, however, this reality is fortuitous: it allows for close examination of the family-related stories which are common to both authors, highlighting any differences in expression and emphasis which might be attributed to Livy's particular background and contemporary environment. These comparisons will be included in the analysis of Livy's stories in the following chapters.

Another aspect of Livy's life and writing that has come under criticism and question is the degree of Augustus' influence on the composition of the *AUC*. As mentioned above, Livy appears to have been personally acquainted with Augustus, but the extent of their association may have been exaggerated by modern scholars. Syme referred to him as "Augustus' historian" and stated that he was "on terms of personal friendship with Augustus". This impression seems to come from rather sparse evidence: Tacitus' reference to the *amicitia* shared by the two men is actually the most reliable indication that Livy and Augustus were

³¹ Sources: Walsh 1974:13-14. Luce (1977:xix-xxv) summarizes the criticisms of earlier scholarship. On Livy's "unhistorical attitude towards documentary evidence" and the precedent for this in Roman historiography: Walsh 1961:113.

on good terms, but again, it does not necessarily imply the direct patronage and friendliness that Syme suggests.³² It has been insinuated that Livy's close association with Augustus gave the *princeps* unusual influence on the content and tenor of the *AUC*, characterized as "pro-Augustan".³³

The evidence of the text itself does not particularly support this viewpoint. One example relevant to the discussion of Livy's attitude towards Augustus concerns the proconsul M. Licinius Crassus' request to display military spoils (*spolia opima*) upon defeating the Bastarnae in 29. He cited the historical precedent of A. Cornelius Cossus, a fifth-century military leader who had defeated the king of Veii and to whom Livy ascribed the rank of military tribune.³⁴ Augustus was not keen to share military glory with others. He in turn claimed to have found an inscription on a linen corselet in the temple of Jupiter Feretrius that proved Cossus had been a consul at the time of his command; Crassus, a proconsul, thus was ineligible for the honour of displaying spoils. For his part, Livy recounts Cossus' victory and the consensus of previous records, indicating

³² Syme 1939: 317 (and 486), 464; criticized by Walsh 1974:5. Walsh, along with Badian (1993:9) states that Syme offers a softened view of Livy's relationship with the emperor in "Livy and Augustus" (1959).

³³ Brill s.v. *Livius*, T. 751: "Finally L. allowed himself to be drawn into tendentiously coloured reports by his pro-Augustan patriotism." This discounts Livy's implicit criticisms of autocracy and his particular preferences in the construction of the *AUC*, which will be pointed out throughout our study.

³⁴ Cossus: 4.20.5-11.

that Cossus did not reach the consulship until ten years after his defeat of the king of Veii. He duly records Augustus' discovery at 4.20.5-11, but later refers to Cossus' first consulship in accordance with earlier annalists. He does not make any special effort to bring his narrative completely into harmony with Augustus' evidence.³⁵

The implication that Livy somehow wrote his history with a programmatic eye to matching or replicating Augustan ideology also runs counter to the theories of scholars such as White and Galinsky, who maintain that while Augustan writers may have been motivated to work within the pattern of ideals and cultural reformation sanctioned by Augustus, they simply cannot have composed their works under the direction of an imperial editor. Nor does it seem that Livy was uncritically favourable towards Augustus' autocratic management of the state, if his presentation of the Cossus story is any indication.³⁶ We are ignorant of the style in which Livy characterized Augustus in the missing books, but we can rule out the idea that the entire history was designed in praise of the emperor and his

³⁵ Syme notes that Augustus' pronouncement was a matter of great political importance in protecting his autocracy: 1959:44. He suggests that Augustus himself informed Livy of the development, but there is no evidence that there was necessarily a private notification: Badian 1993:14. There are a variety of opinions as to why Livy did not correct the later reference to Cossus; while Walsh (1961b) suggests it was an intentional omission to discredit Augustus, Luce (1965) and Burton (2000) consider it an accidental omission after Livy inserted Augustus' pronouncement earlier in the text.

³⁶ White 1993:154-5 on the poets and their relationship to Augustus; Galinsky 1996:280-283.

reforms. Where Livy appears to promote the ideals of the Augustan era, it can be argued that he does so not as a sycophantic reaction to Augustus' policies—none of which had taken the form of legislation at the time Livy began to write—but out of his own personal moral convictions arising from his experiences and background, which happen to be similar to Augustus'.³⁷

The emperor's desire for a more stable and more easily managed state may have been the impetus for his promotion of certain forms of social behaviour and relationships. Livy seems to seek after peace and stability for more personal and less political reasons. Livy's construction of ancient Roman historical anecdotes dealing with family and social relationships cannot then be seen in a vacuum. Nor should they, however, be considered merely reflective of Augustus' interests, although he was concerned with matters on the same ideological ground of marriage and childrearing. The earnest works of Livy's historiography and of Augustus' moral agenda are contemporaneous and have an environmental and incidental relationship. Livy's careful interrogation, reconstitution, and recounting of traditional ideals relating to the family can be studied first in their own immediate literary and historical context, and then usefully compared with the cultural messages of Augustan legislation, art and architecture.

³⁷ Woodman 1988:136-8.

The Roman Family in the Late Republic

It is important to establish here, as much as possible, the characteristics of and challenges to the Roman family as they were perceived during Livy's lifetime. The literature, letters, and oratory of the late Roman Republic are littered with unsavoury characters and circumstances in an apparently unstable political and social environment. Some reports are perhaps mere caricature; others may reflect more accurately the contemporary public reaction to notorious events and personages. As is to be expected in a society traditionally concerned with moral rectitude, service to the state, due religious reverence, and distinctions of status and family, the criticisms leveled at political figures in the first century BC often target their familial, sexual, and social indiscretions. Many Roman citizens, especially those of the upper classes, must have been aware of these public affairs and it is likely that some shared the contemptuous opinions expressed by certain authors and politicians. I begin with a catalogue of representative examples.

Traditional gender roles and ideals of marital and sexual behaviour could not be contravened without attracting negative attention. Sallust, writing about the conspiracy of 63, describes the unprincipled women associated with Catiline, and makes particular note of Sempronia: *quae multa saepe virilis audaciae facinora commiserat.... ei cariora semper omnia quam decus atque pudicitia fuit...*

lubido sic accensa ut saepius peteret viros quam peteretur.³⁸ Sempronia displayed attitudes and acts indecorous for a Roman woman, and was a prolific and predatory lover. Notably, although she was a wife and mother, Sallust does not refer to her as a *matrona*. In 62, Publius Clodius (*tr. pl.* 58) created a scandal by disguising himself as a woman and attending ceremonies of the Bona Dea state festival from which men were barred. Cicero remarked to his brother Atticus that the affair was singularly disgraceful.³⁹ Clodius ran afoul not only of religious scruple but also, by dressing in women's clothing and then escaping with the help of a slave woman, the traditional notions of manliness and virtue that were fundamental to political and social reputation.⁴⁰

Clodia, one of Clodius' sisters, had a celebrated affair with the poet Catullus, begun before the death of her husband Metellus in 59. She was rumoured to have poisoned him, and took M. Caelius Rufus as a lover later that year. She was reviled by Cicero in his defense speech *Pro Caelio* (April 56), in which the orator accuses her of hatching a plot to prosecute Caelius. According to

³⁸ *BC* 25:1-3: "She was a woman who had committed many deeds of almost manly daring... Everything was dearer to her than decency and chastity... She was so inflamed by passion that she more often sought out men than was sought out by them."

³⁹ *Cic. Ep. ad Att.* 1.12.3: *P. Clodium, Appi f., credo te audisse cum veste muliebri deprehensum domi C. Caesaris cum sacrificium pro populo fieret, eumque per manus servulae servatum et eductum; rem esse insigni infamia. Quod te moleste ferre certo scio.*

⁴⁰ Note how Livy refers to Appius Claudius as *unum virum*—*id enim plus esse quam consulem* (2.28.4) To him, it is the notion of masculine virtue and strength that makes the politician, and not the other way around.

Cicero, Caelius was being “attacked by the resources of a harlot, and any reasonable man observing the case would say that the woman’s passions ought to be restrained”.⁴¹ He also accuses her of being too familiar and intimate with her slaves. He blames all of Caelius’ problems on “this Palatine Medea”, and throughout the speech brings up the good example of Clodia’s forebears, particularly the honourable behaviour of her female ancestors, and condemns her adulteries for the shame they bring on the whole history of the family.⁴²

Cicero himself did not escape divorce and a rash remarriage. His feelings towards his first wife Terentia were initially warm, but he divorced her in the winter of 47/6, hinting in a letter to Plancius that she had been plotting against him. The possible reasons for his quick marriage to the young Publilia include infatuation, financial benefits, and the desire to improve his relationship with Julius Caesar.⁴³ Whatever the reason, he was soon divorced from her as well after a short and disagreeable marriage. His brother Quintus, for his part, was apparently relieved to be divorced from his difficult wife Pomponia and was not eager for a second match: Cicero writes that “he so abhors taking a wife that he

⁴¹ Cic. *Pro Caelio* 1.1: *adulescentem... oppugnari autem opibus meretriciis; muliebrem libidinem comprimendam putet.*

⁴² Slaves: Cic. *Pro Cael.* 23.57. Medea: 8.18: *hanc Palatinam Medeam.*

⁴³ Earlier feelings: Treggiari 1991: 253-55. Reasons: Shackleton Bailey 1971:202. Terentia suggested infatuation, while Cicero’s faithful secretary Tiro indicated a financial motivation. Shackleton Bailey himself proposes the political explanation.

insists there is nothing better than sleeping alone.”⁴⁴

M. Antonius’ liaison with Cleopatra was the stuff of intrigue and romance in antiquity, as it has been in later periods. His wife Octavia was put away, and he was probably married in some kind of non-Roman ceremony to Cleopatra.⁴⁵ Octavian waited to accost him for his behaviour, at least publicly, until 33 B.C., years after the first liaison occurred and at a time when the triumviral alliance of Octavian, Antonius, and Aemilius Lepidus was in its death throes.⁴⁶ Antony is reported to have responded with an unflattering and crude assessment of Octavian’s own infidelities and promiscuity.⁴⁷ Nevertheless, Antony’s misdemeanor was more egregious for political reasons. Horace, writing after Antony’s defeat at Actium, recreated the trepidation with which some Roman citizens must have viewed the threat of the Egyptian monarch: “A mad queen was plotting the ruin of the Capitol and the destruction of the empire, with her foul band of men filthy with vice”.⁴⁸

⁴⁴ Cic. *ad Att.* 14.13.5: *a ducenda autem uxore sic abhorret ut libero lectulo neget esse quicquam iucundius.*

⁴⁵ Antony refers to Cleopatra as his wife in Suet. *Div. Aug.* 69.

⁴⁶ Suet. *Div. Aug.* 69; Syme 1939:280.

⁴⁷ Suet. *Div. Aug.* 69: *ATu deinde solam Drusillam inis? Ita valeas, uti tu, hanc epistulam cum leges, non inieris Tertullam aut Terentillam aut Rufillam aut Salviam Titiseniam aut omnes. An refert, ubi et in qua arrigas?”*

⁴⁸ Hor. *Carm.* 1.37.6-10: *Capitolio/ regina dementis ruinas/ funus et imperio parabat/ contaminato cum grege turpium/ morbo virorum*; he also refers to her as *fatale monstrum*, “a

In all of these notorious examples, our sources provide evidence of circumstances in which traditionally conservative Roman standards of moral behaviour and social relations were being flouted or contravened in a public way—but perhaps more importantly, they show how contemporary authors treated and disseminated this information, at least in elite circles.⁴⁹ Certain influential citizens were testing the cultural boundaries of family and social relationships, and Sallust, Cicero, and Horace make their disapproval very clear. Their concerns were not limited to marriage relationships. There is a suggestion that Julius Caesar himself was concerned about the low birthrate among the Roman people: as dictator, he gave land to fathers of three or more children (59 BC), with Cicero encouraging him to promote larger families.⁵⁰ These men are not likely to have been alone in their opinions. In the political and personal writings and invective of the late Republic, private indiscretions were fodder for discussion, debate, and disdainful comment. Clearly, this was a time in which it was common for the orators, historians, poets, and politicians of Rome to publicly express anxieties and questions about the place of traditional family dynamics in

deadly monster” (l. 21).

⁴⁹ Badian’s point (1993:17) is well taken: “Could anyone seriously maintain that the disasters of the Civil Wars were due to married women’s having love affairs?” These indiscretions did not in and of themselves cause political catastrophe in the Roman Republic; the public awareness of them, however, indicates some anxiety and emotional reaction to the connection between moral behaviour and political stability.

⁵⁰ Caesar: Suet. *Div. Iul.* 20.3; Cicero: *Cic. De. Leg.* 3.7.

contemporary society. Rome had already suffered in the previous century from civil conflict and violence, and the social trauma that lingered from episodes such as L. Cornelius Sulla's march on and takeover of Rome in 88 was now joined by tensions resulting from the public contravention of conservative and ancestral values.

As the later distribution of political power at Rome shifted towards Octavian Augustus, he confronted a variety of threats to the stable order of Rome under his regime. One subset of these hazards was characterized in moral terms: contemporary attitudes towards marriage, divorce, childrearing, and manumission ran contrary to the traditional *mores* upon which the *res publica* had been founded.⁵¹ We cannot know for certain whether Augustus' public stance on morality reflected his actual observations and personally held beliefs or whether it was motivated by political expediency. Either way, knowledge of some of the notorious cases of social impropriety mentioned above, and the apparent moral flaws of the culture in which they could occur so openly and among members of the upper orders, must have increased Augustus' motivations for promoting a return to traditional Roman values. He expressed responses to the troubled state of marriage and family at Rome not only in public discourse, but later in law and

⁵¹ Aug. *Res Gestae* 8.5: *Legibus novis me auctore latis multa exempla maiorum exolescentia iam ex nostro saeculo reduxi*. Galinsky 1996:129.

visual culture.

Because of our limited evidence, it is very difficult to come up with actual demographic data for this period about family structures at Rome, such as the percentage of marriages ending in divorce, average age at first marriage for men and women, number of children per household, and rates of manumission. Scholars have hazarded some tentative guesses that could conceivably be applied to the first century BC and thus would be relevant to our discussion.⁵² It is also difficult to determine whether or not the changing political and cultural environment of Rome had actually affected Roman social practices during the first century. Scholars also generally agree that the measures taken by Augustus to halt moral decline were ineffective. But the fact remains that his ostensible standpoint on Roman society—shared, as we have seen, by other prominent citizens—represented a significant stimulus to the whole range of cultural and artistic language and discourse because of his political influence and social power.

First, however, what were the conventional family-related values, ideals, traditions, and attitudes shared by Augustus, Livy, and their contemporaries? The main sphere of social order which was the subject of much of Augustus' legislation was the *familia*. As has been pointed out by numerous scholars, the

⁵² There is, as always, the additional problem that these demographic models apply principally to the upper classes. Divorce: Bradley 1991: Ch. 7, "Remarriage and the Structure of the Upper-Class Family at Rome"; first marriage: Hopkins 1965, Shaw 1987; fertility rates: Parkin 1992; manumission: Scheidel 1999:114.

word does not correspond exactly with our English word “family”, but involves a cluster of asymmetrical power relationships between members of a household and its head, the *paterfamilias*. The *familia* was complex and integral to the workings of Roman society, and certain principles and aspects of it should be outlined briefly here.

The traditional familia

The meaning of the term *familia* as used by the Romans depended largely on context. Ulpian provides a wide range of possible legal definitions: it could refer to the household formed by a couple, their dependent children, and their slaves and freedmen;⁵³ more inclusively, it could mean the members of an entire related group, or the collection of individuals who claimed blood descent from the same founder. *Domus*, besides its basic meaning of a physical house, was also sometimes used to refer to members of a family lineage or kinship group.⁵⁴ Cicero comments on the kindred bond, stating that the relationships between husband and wife and parents and children form the seed-bed of the state;

⁵³ Dixon (1988:13, 1992:2) and Rawson (1986:7) claim this is this most common usage.

⁵⁴ Definitions: Ulpian *Digest* 50.16.195.1-5. Context of the use of *familia*: Saller 1984, Bradley 1991:4, Dixon 1992:1-3. Rawson (1997) summarizes the work of Saller and Shaw and criticizes Martin on the subject of the “nuclear” family and the importance of the ties between immediate family members. I have presented here only a brief overview of the definition of these terms; it is a complex topic that has produced a great deal of discussion and scholarship. *Domus* as extended kinship group: an example of the use of *domus* in this more elaborate way is in the phrase *domus Augusta*.

secondary to these are relationships between brothers and sisters, cousins, and so on.⁵⁵

In attempting to discern the more quotidian dynamics of Roman families, scholars have distinguished between the ancient and the modern Western concepts of family structure. The models applied to Roman family life range from the typically extended multigenerational family group to one based on the prevalence of the nuclear family, at least in the upper classes, from the evidence of commemoration practices.⁵⁶ The “complex family, prone to disruption and reconstitution” through death and remarriage, was probably common.⁵⁷ In light of the flexibility of the Roman family and the definitions thereof, the most attractive model seems to be an emphatic nuclear framework, to which were attached other relatives, dependants, and slaves. The picture of common household structures in ancient Rome is complicated by the fact that the members of upper class *familiae* were often spread out among their estates, as is evident for instance from the letters of Cicero and Pliny. Inscriptions commonly reveal families with “a ‘nucleated’ centre surrounded by a spectrum of relations of more or less

⁵⁵ Cic. *Off.* 1.54: *Nam cum sit hoc natura commune animantium, ut habeant libidinem procreandi, prima societas in ipso coniugio est, proxima in liberis, deinde una domus, communia omnia.*

⁵⁶ Saller and Shaw 1984: 137, criticized in Martin 1996:45. The multigenerational or more specifically “joint agnatic household” theory has been largely rejected since Crook 1967.

⁵⁷ Bradley 1993:249.

intimacy.”⁵⁸

Roman Marriage

We may suggest which aspects of Roman marriage and marital roles might be considered traditional by reference to the attitudes of earlier Republican writers such as Sallust, Catullus, and Cicero, as well as to other literary and epigraphic evidence.⁵⁹ The traditional purpose of marriage in the Roman world was encapsulated in the oath supposedly taken by men who appeared before the censors in the Republican period, in which they were asked to declare that they had married *liberum quaerundum gratia*—“for the sake of begetting children”.⁶⁰ Evidence from the Republic suggests that the state was unable to regulate marriage, although it encouraged the practice at least once by a tax on bachelors. Cicero suggests that the state provides for marriage and childrearing and that these are an integral part of living well.⁶¹

⁵⁸ Martin 1996:50, 58.

⁵⁹ Later authors such as Valerius Maximus, Tacitus, and Juvenal also reveal strong sentiments about marriage and morality, but it is methodologically more sound to make use of those sources which predate or are contemporary with Livy.

⁶⁰ Aulus Gellius 4.3.2.; or as it is more commonly referred to, *liberorum quaerendorum causa* (Suet. *Div. Iul.* 52.3). Treggiari 1991:8, 13; Rawson 1986:9.

⁶¹ Tax on bachelors: *Val. Max.* 2.9.1. Living well: *Cic. Rep.* 5.7: *Ad vitam autem usumque vivendi ea discripta ratio est iustis nuptiis, legitimis liberis, sanctis penetium deorum Larumque familiarum sedibus, ut omnes et communibus commodis et suis uterentur.* Cicero’s statement that marriage and children form the *seminarium rei publicae* (*Off.* 1.54) certainly supports this viewpoint. For discussion see Treggiari 1991:57-60.

Marriages, particularly in the upper classes, were often contracted for economic and social benefit; fathers betrothed their daughters to other men to form suitable marriage alliances. Although marriages could thus be tools of social gain and reciprocity, the components of an ideal marriage were not limited to purely mercenary and reproductive goals, but included *concordia* and mutual affection, apparent in documents such as the commemorative inscription known as the *Laudatio Turiae*, in which a Roman husband praises the chastity, loyalty, and resourcefulness of his wife.⁶² Even though marriage may or may not have depended on a concept of romantic love, there is ample evidence for strong affect in Roman marital relationships.⁶³

Property transmission was accomplished through dowry and inheritance, and *tutores*, assigned to widows and orphans in the event of the death of the *paterfamilias*, were supposed to ensure that family holdings were not alienated unwisely. Concerns about the transmission of property are evident in the laws of Augustus penalizing adultery, which might bring into question paternity and rights to succession.⁶⁴ In practice, although women were always supposed to be under the authority of a *paterfamilias* or a *tutor* named by him, this may not have

⁶² *CIL* 6.1527.

⁶³ Romantic love: Bradley 1991: 127-130, 1993: 248; affection in marriage: Treggiari 1991:253-9.

⁶⁴ Dixon 1988:72.

prevented them from transmitting and alienating property if they wished. There is no need to assume that the decision of the *tutor* always ran contrary to a woman's wishes, or that the *tutor* was even always terribly concerned about the direction of succession.⁶⁵

Cicero in particular writes a considerable amount in his personal correspondence on the subject of engagement and marriage. He assures Atticus that he has a vested interest in a good match for his friend's daughter Attica. He was absent from Rome at the time when his own daughter, Tullia, became available for marriage, and leaves the decision in the hands of his wife Terentia and their daughter; in fact, however, he makes his own preferences known and asks Atticus to help with investigating potential mates.⁶⁶ The very fact that Cicero is in a position to hand over the responsibility to others suggests the expectation that a father would be primarily responsible for approving a match. Although we do not have detailed correspondence by other fathers on this topic for this period as we do for Cicero, his handling of the matter cannot be totally out of the ordinary for a man of his status and background.⁶⁷ The choice of a mate was

⁶⁵ Dixon 1988:89: "For free-born women... *tutela* [was] a formal requirement no more onerous than the need to collect witnesses to a signature."

⁶⁶ Attica: *Att.* 13.21a.4; Terentia: *Fam.* 3.12.2; Atticus: *Att.* 6.1.10, 6.4.2.

⁶⁷ On making use of Cicero's letters as evidence for family life, and the limitations of that evidence, see Bradley 1991:177-8, 199-200.

clearly of considerable interest to the family of prospective marriage partners. Certain categories of persons were less desirable for marriage, particularly to the elite: for example, while marriage between free and freed was not illegal, it was considered an inferior choice.⁶⁸

In the last generation of the Republic, a significant number of consulars married more than once, sometimes to women who had been previously married. While the data cannot be overapplied to other socio-economic classes, it demonstrates the willingness of the elite to change alliances and marry for political benefit when needed; it also implies that such behaviour was not always publicly censured. However, some sources which address divorce and remarriage reveal lingering tensions over this issue: Caelius Rufus reports to Cicero that a Paula Valeria has divorced her husband “for no reason” with plans to marry D. Brutus, suggesting that frivolous divorce received negative attention. The continued transmission in the late Republic of examples of *univirae* like Cornelia, whose epitaph was recorded by Propertius years after her death, is noteworthy.⁶⁹ The husband of the ‘Turia’ mentioned in CIL 6.1527 praises his wife, citing her

⁶⁸ Cic. *Sest.* 110. Antony’s marriage to Fabia: McGinn 1998:85-91.

⁶⁹ Bradley 1991:156-173 on marriage, divorce, and family restructuring in the late Republic. Caelius Rufus: Cic. *Ad Fam.* 92.2. Cornelia: Prop. 4.11.36. There was no equivalent idealized status for men to attain by marriage to only one woman; this may be due to the high mortality rate of women in childbirth and the need, therefore, for many men to remarry in order to produce children. Other women are commemorated for having married only once, or being *uno contenta marito*; see Treggiari 1991:234. On the rarity of the *univira* and their religious privileges: Oakley 2005:255.

faithfulness to him and to her family; his refusal to divorce her despite her childlessness suggests the value of male fidelity as well. Although the increasing importance of a woman's ties to her natal family meant she might be moved more readily from one marriage to another for the economic and political advantage of her family, the old ideal of the *univira* remained respectable. Catullus represented his own relationship with Lesbia as a kind of 'quasi-marriage', but expressed it in terms that were associated with parent-child relationships, perhaps because such ties were more permanent than the marriages of his own day which were so susceptible to quick dissolution.⁷⁰

The epigraphic custom of stating that a married woman had taken care of the home and had "spun wool" (*lanam fecit*) further suggests the ideals expected of the virtuous *matrona*, or married woman.⁷¹ The freedmen of the late Republic also commemorated themselves with funerary reliefs depicting husbands and wives in traditional Roman garb (the *toga* and *palla*, respectively), suggesting legitimate marriage, sexual fidelity, and *concordia*. It is likely that freedmen adopted the iconography of the Roman family to confirm their new place within Roman society and demonstrate their acquiescence to its most important

⁷⁰ Catullus: see Vinson 1989.

⁷¹ Claudia: CIL 6.15346; other examples: CIL 6.10230; 11602; Cic. *Ad Fam.* 14.20.

principles.⁷²

Sallust's perspectives on the roles and responsibilities of married women are identifiable in his *Bellum Catilinae*, most famously in the description of Sempronia and her improper and unfaithful behaviour, in which she has been characterized as a female version of Catiline himself.⁷³ The letters, philosophical works, and speeches of Cicero are filled with commentary on the marital behaviour of the men and women with whom he was acquainted, on the ideal characteristics of husbands and wives, and on the importance of marriage in society, as well as on his own marriage. He wrote that a state with excessive liberties would become anarchic and that this disorder would spread to homes, creating a situation in which “wives have the same rights as their husbands”. He also states that a censor should teach men to control their wives, and famously comments on the objectionable behaviour of his brother Quintus' wife Pomponia.

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Parent-child relationships

The Roman *familia* was governed and organized legally by principles of agnation (relations through male bloodlines) and *patria potestas*, with family

⁷² George 2005:42-50.

⁷³ Sall. *BC* 25 and Ramsey (ed.) 1984:135.

⁷⁴ Same rights: Cic. *Rep.* 1.67: *ex quo fit... uxores eodem iure sint*; censor: Cic. *Rep.* 4.6: *sit censor, qui viros doceat moderari uxoribus*. Cic. *Leg.* 3.7. Pomponia: *Ad Att.* 5.1.3-4.

members technically moving into and out of new authority structures while still maintaining affective and even economic ties to cognate kin and birth families.⁷⁵ The ultimate authority was the *paterfamilias*, who might have in his legal control his wife, his dependent children, and slaves. The term *familia* once was a legal term referring to property, and so the term *paterfamilias* is an appropriate title for a man who owns properties of various kinds (which included slaves in the Roman period). Many of the principles surrounding the organization of the family relate to property transmission.⁷⁶ *Patria potestas*, in theory, gave a Roman father full legal, economic, and social control over his children, including *vitae necisque potestas*—the power of life and death. A married woman might also be under her husband's authority, but more commonly in the Augustan period remained in her father's power.⁷⁷ These legal and traditional principles of male dominance were mitigated on many fronts. The most significant factor which softened the practical application of *patria potestas* was the high probability that a Roman reaching the age of 25 would no longer have a living father, due to late marriage

⁷⁵ Dixon 1988:15 gives several examples of natural affiliations being honoured by children who were adopted out, Vestals, and women *in manu mariti*. Mothers who were married *sine manu* were not their children's cognate kin, and yet sons could inherit their mothers' property or benefit politically and socially from the network of relatives on their mother's side.

⁷⁶ Saller 1994:76: "[The] significance [of the term *familia*] lay more in the legal realm than in the social: those *in potestate* (the *sui heredes* [own heirs] of a *paterfamilias* entitled to an equal share of the estate on intestacy) were included, but not the wife who in a marriage *sine manu* continued to belong to her father's *familia*."

⁷⁷ Saller 1994:76.

among males and low average life expectancy at birth.⁷⁸ As well, it has been shown that a man could not arbitrarily punish or execute one of his offspring without incurring severe social condemnation.⁷⁹ Nevertheless, the cultural potency of the *pater* and his authority was strong. It was later applied to Augustus as a ‘father’ and protector of the *res publica*.⁸⁰

Whereas *patria potestas* was legally strict but more relaxed in practice, mothers possessed an authority which, although not supported in the law, was nevertheless real. Because of the role of nurses and other child-minders among the elite, some Roman women may not have had the kind of intimate relationship with their children that is common in many contemporary societies. In fact, Dixon, in her seminal work *The Roman Mother*, has suggested that role expectations for upper-class mothers were similar to those of fathers in their relationships with their children. Even grown men might expect not only to be able to receive support from their mothers, both political and financial, but to continue to owe them obligations of obedience and respect.⁸¹

The evidence about Roman children is limited by the fact that children

⁷⁸ Saller 1994:121; Dixon 1988:31-32.

⁷⁹ Saller 1994: 117.

⁸⁰ Severy 2003:123, 137.

⁸¹ Dixon 1988: Implicit authority: 5; relationship unlike western culture: Ch. 5, esp. 134. Roles similar to fathers: 111; duties of children: Ch. 7 (adult sons) and Ch. 8 (adult daughters).

themselves do not leave records describing their own experiences. We rely on commentary from adult authors about the realm of childhood and the expected behaviours of children, as well as attitudes towards infants. We may also examine literary and archaeological evidence indicating where and how children lived, played, and studied.⁸² The asymmetrical power relationship between a parent (whether biological or surrogate) and child was a social dynamic that shifted throughout the life cycle of the family. Authority, obedience, conflict, affect, responsibility, reciprocity, and inheritance were all important elements of the relationship at one time or another. Some of these aspects were outlined by common cultural expectations and tradition, which find their way easily into literature. Two of the governing principles of the parent-child relationship were *pietas*, perhaps best translated as ‘affectionate devotion’, and *patria potestas*. Although there were ideals attached to both principles, they were not unilateral or monolithic concepts. *Pietas* does not refer only to the deference children ought to show their parents: Saller translates it as “well-wishing duty”—that is, service motivated by affect—and demonstrates that this meaning was current during the Republic.⁸³ We shall see how *pietas* may be applied to relationships characterized

⁸² Children’s perspective unavailable: Wiedemann 1989:2-3. Schooling and education: Wiedemann 1989:2-9, Dixon 1992:117. Games: Evans 1991:166-8.

⁸³ Saller on *pietas*: 1994:105-114. Saller demonstrates that *pietas* was not limited to the obedience of children towards their parents, but comprises a range of affective gestures between individuals (which he terms more generally “affectionate devotion” (1994:227). The ideal of

by responsibility and obedience where there is no blood relationship. *Patria potestas* entailed the legal power of a father over his legitimate children which continued until his death or until their transfer out of his control by marriage, adoption, or emancipation. Fathers had authority over their children in multiple domains, but were also expected to be fair and kind to them and to protect them from harm. Ideally, then, the near-absolute power of the father over his children is tempered by his natural love for them.⁸⁴

Dixon notes that “conflict is as much a part of family life as harmony”. It is a natural outcome of situations in which the child’s ideas, interests, desires, or responsibilities are at odds with the parent’s. It would be a mistake to suggest that such conflicts were always resolved based on the principles of *pietas* and *patria potestas*—that is, that the child would always submit to the parents. Our evidence from the Republic suggests that family negotiations and informal pressure were

pietas towards parents appears in Greek literature, philosophy, and drama, and later in Roman sources: Wiedemann gives examples from Homer, Plato, and Euripides all pointing to the need for children to care for their aged parents in return for their own upbringing (1989:39-40). Saller also rejects previous theories that the affective elements of *pietas* did not develop until the Augustan age (112). Cicero’s *de Officiis*, based on the work of the Stoic Panaetius, affirmed the ethical justice of filial piety and placed great emphasis on a man’s duty to his parents in return for years of rearing and support (Cic. *Off.* 3.7, 1.58; Stevenson 1992:429). Treggiari 2005:9-35 also analyzes Cicero’s defence speeches for the use of filial piety as an indicator of being a ‘good man’.

⁸⁴ *Patria potestas*: Crook 1967: 113-122, Lacey 1986:121-144, Harris 1986:81-95, Dixon 1992:40-41, Gardner 1993:52ff. Protection: It has been suggested that the responsibility to protect came to be included within *patria potestas*: Saller 1994:104. Berger 1953:621 classifies this responsibility as part of the *officium* or moral duties associated with *patria potestas*. This will be explored further below. The ethic of the “ideal benefactor” in fathers as well as father-figures is strong throughout Livy’s work, and explains much of the tension regarding power relationships and social stability in the anecdotes featured in this section: see Stevenson 1992:421-436.

just as useful, and it is through this kind of evidence that we see how Roman parents and children might have been expected to navigate changes in the life course.⁸⁵

Patria potestas technically gave a father the right to put his children to death, as Dionysius of Halicarnassus states:

“The lawmaker of the Romans gave, as they say, all power to a father over his son and for his whole life, whether he chose to put him in prison, to beat him, to keep him bound and in field work, or to kill him, even if the son should be involved in public affairs and even if he should be in the ranks of the highest officials and honoured for his ambition for the state” (*Ant. Rom.* 2.26.4).

Gaius’ famous comment that no men had as much power over their sons as the Romans is of later date, but confirms the titular authority of the *paterfamilias* (*Inst.* 1.55).⁸⁶ Saller’s widely accepted theory, however, suggests a much more benign reality, mitigated by low life expectancy and the resultant likelihood that children would be fatherless by the time they reached adulthood.⁸⁷ As well, the legal and social limitations on fathers for dispensing and bequeathing property

⁸⁵ Conflict: Dixon 1988:179-187 and 1992:138-149; quotation p. 157; Hallett 1984:136-8. Even methods of punishment of children had to be mitigated by the awareness of the child’s future position as heir not only to property and the family name but also to a particular socio-economic status and to civic responsibilities, so conflict had to be handled somewhat more delicately than with simple authoritarianism: Saller 1994:151.

⁸⁶ Dio Hal. 2.26.4.

⁸⁷ Fatherlessness: Saller 1994:121. Saller uses the Coale-Demeny Regional Model Life Tables to estimate life expectancies for the population of ancient Rome, determining that men, who tended to marry at a later age than women would have been less likely to live to control their children as adults.

indicates that there were more important principles than strict *patria potestas*, such as the stability of the state. There were surely social restraints in practice on the *vitae necisque potestas* held by fathers.

Much has been made of the reported exposure of unwanted children by their fathers according to *ius vitae et necis*. It is difficult to know what percentage of children were exposed; the practice was probably more common among the poor and was banned in AD 374. Some exposed infants escaped death by being adopted into households as slaves. The practice may be related to a general conception of children in the ancient world as physically weak and feeble-minded. It is clear that they were highly vulnerable to the temperaments of parents and schoolteachers and, in extreme cases, to conquering armies, by which they would usually be enslaved. The commentary on the parent-child relationship suggested by these characteristics of children emphasizes their need to be protected by their parents.⁸⁸

There is relatively little individualized statuary or extant art featuring children for this period, and genre sculptures on Greek models appeared mainly in

⁸⁸ Exposure: Evans 1991:187-8 and bibliography, 200 n. 14, Dixon 1988:23. Slave adoption: Dixon 1988:19. Enslavement of children in war throughout Roman history: Bradley 2004:304-307. Weakness and vulnerability: Rawson 2003:22: "In literature [children] are not prominent but are sometimes symbols of family life and sometimes of all the defects of immaturity".

the imperial period.⁸⁹ It seems that the funerary commemoration of children along with their parents, which began to appear in the late Republic, had a great deal to do with the desire of the freed population to demonstrate the upward mobility of their families, as in the funerary relief of the Servilii, dated between 30-20 BC.⁹⁰ The depiction of the child alone would show his or her freeborn status, but the connection of the freeborn child with freed parents reflected well on the whole family's future. A coin struck in 61 features the 15-year-old M. Aemilius Lepidus, commemorated for his heroic acts in the Second Punic War by his descendant, Lepidus, the future triumvir. The boy's *bulla* is clearly visible on the coin; thus, although children were representative of weakness in some cases, they could also symbolize promise and valour.⁹¹

We cannot say that children were not valued simply for the joy they brought to their parents: several ancient sources indicate what we would surely call signs of affection between parent and child, even though excessive mourning for a deceased infant appears to have been frowned upon. However, there is no doubt that children were also valued investments for their parents as heirs and as a kind of old-age security—a reciprocity which parents and Roman society in

⁸⁹ Rawson 2003:23-5.

⁹⁰ Rawson 2003:6-7, 20-1, 29-31. Upward mobility: George 2005:39-40.

⁹¹ Rawson 2003: 26-7.

general expected from grown children. The control of property by the older generation has been linked to the expectation of *pietas*, sometimes defined as filial devotion, from children towards their parents.⁹²

Evidence of individual parent-child relationships survives in the form of funerary inscriptions collected from the Roman period (although these are not always possible to date). For sons under the age of about 30 and daughters under about 20, parents are the most frequent commemorators (beyond these ages, men and women are more likely to be commemorated by their spouses). There is also data indicating that men over the age of 50 were about as likely, if not much more likely, to be commemorated by their children.⁹³ These commemorations might also include more information than just ages and relationships: although the so-called *Laudatio Turiae*, a lengthy commemorative inscription by a man to his wife, is usually cited for evidence of a marriage relationship, it may also be mined for references to her relationship with her parents and the consequences of her

⁹² Affection: Cicero (*Att.* 1.18.1) states that his only happiness is in the time he spends with his wife and children; Lucretius (3.895-6) depicts the funeral of a man who will never again return to his home to be greeted by his children. There are also many examples of commemoration by parents and nurses of children who died young, such as Anthis Chrysostome, the “sweet chatterbox” of *CIL* VI 34421. On sentimentality of the Roman family, including children: Dixon 1988:10. Cf. Cicero on those who can easily bear the loss of children and babies: *Tusc. Disp.* 1.93. Manson (1983:151-3) has shown that Latin has no specific word for ‘baby’. Old age security: Dixon 1988:23-24. *Pietas*: Dixon 1988:5. Unpopularity of raising children: Dixon 1988:21-23. Limitations on mourning children: Children under a year old were not expected to be mourned, and there was to be only marginal mourning for children who died before the age of 3: *Frag. Vat.* 321, see Rawson 2003: 346.

⁹³ Data from tables in Saller 1994: 28-32.

childlessness. Her husband praised her for having shown filial duty in seeking justice for the murder of her parents, and for strenuously seeking a fair inheritance from her father's will, which had come into dispute. She also apparently despaired of being able to have children and offered her husband a divorce, which he adamantly refused.⁹⁴ Her devotion to the principle of childrearing was a remarkable sentiment, which may have indicated that other women of her class and period were not typically as concerned with providing their husbands with children. The Augustan laws on marriage and childrearing have been taken as suggestions that the raising of children was becoming unpopular during the late Republic.

The Familia and Augustan Evolution

It is possible to identify several key principles, though mitigated and transformed by demographics and common practice, which informed Roman concepts of the family. First, marriages were undertaken for the bearing and rearing of legitimate children, who were a resource for individual families as well as for the *res publica*. Second, the *paterfamilias* was the ultimate authority in his own household, although a mother also had a certain implicit authority and ideally

⁹⁴ *ILS* 8393. Although the identity of the woman is still in question, the inscription refers to the proscriptions and to both Caesar Augustus and Marcus Lepidus.

the opportunity to help make decisions for her children. Third, individuals demonstrated responsibility for and affect towards family members and particularly towards immediate family members; this ideal was manifested in the form of commemorations, expressions in letters, and legal definitions delineating these relationships, as well as by respectful behaviour from children towards their parents. The famous anecdotes recounted earlier in this chapter show a variety of ways in which some of these principles could be and were upset in the last decades of the Republic.

When Octavian arrived at Rome to claim his patrimony after the assassination of his adoptive father, he stepped into a fray in which social boundaries were being challenged and the limits of political power and influence were being tested and expanded. The precedents of Sulla's dictatorship, special commands offered to promising but underaged military commanders, the capacity for ties of personal loyalty between armies and commanders, the coalition of Caesar, Pompey, and Crassus in 60 BC, and most recently the dictatorship of Julius Caesar had all weakened the constitutional limits on an individual's ability to exercise power in the state. It was, however, not only political connections but moral influence and the support of the people that could put this power in the hands of one man. Specifically, the moral support of the people and championing moral principles were important factors in the establishment of a reciprocal

relationship between Octavian and the people under extralegal conditions.⁹⁵ It has been argued that the relative stability of this reciprocal relationship was instrumental in allowing the governing structures of the Republic to metamorphose into exactly what Rome had abhorred for almost its entire history: a monarchy.⁹⁶

It may be impossible to quantify the degree to which the traditional paradigms of the *familia* were disintegrating in the lives of most Roman citizens during the first century—if, indeed, they really were at all. Our high-profile cases above may simply be notable aberrations in social behaviour or the result of exaggeration by our literary sources. Cicero, Dionysius of Halicarnassus, and Sallust may have suffered from a narrow historical perspective, basing their perception of social decline on insufficient empirical evidence. But the situation at least appeared to be a great enough cause for concern that Augustus passed several laws the purpose of which, at least on a superficial level, was to restore and perpetuate traditional family life, demonstrating his commitment to these ideals. Augustus' apparent interest in moral regeneration is key to understanding the Augustan age, a formative period for Roman society and culture—one which

⁹⁵ Syme 1939:279 noted the need for Octavian, after having gained some control over Rome and Italy, to establish publicly “just cause” for going to war with Antony, which he did on a moral basis.

⁹⁶ See Galinsky 1996:18-20 for a discussion of Augustus' *auctoritas* and its dependence on moral leadership and the reciprocity of the people.

Galinsky calls an “Augustan evolution” rather than a Roman revolution.⁹⁷

Augustus’ perception *per se* is useful to our understanding of the period, but the themes of his programme may also provide some indicators of actual social disruption, such as must have occurred in the equestrian and senatorial orders through deaths during the civil war, proscriptions, and economic reversals.⁹⁸ It will suffice to introduce some highlights of Augustus’ efforts here, but the programme will be analyzed in greater detail in Chapter 4.

The social legislation of Augustus on marriage comprised the *lex Julia de maritandis ordinibus* of 18 BC and the *lex Papia Poppaea* of AD 9. It granted rights and privileges to citizens who married, placed some restrictions on intermarriage between the orders, and penalized adults who remained unmarried and childless after a certain age. The *lex Julia de adulteriis coercendis* made adultery a criminal offence, and allowed a father or husband in some instances to kill both adulterer and adulteress.⁹⁹ Although the rewards and penalties associated with marriage mainly affected the elite, freed slaves were also encouraged to undertake marriage and childrearing in accordance with traditional

⁹⁷ Galinsky 1996:9.

⁹⁸ Cooley 2003: 353.

⁹⁹ Rights: Gell. *NA* 2.15.4; restrictions: *Dig.* 23.2.44, 23.2.23; penalized: Gai. *Inst.* 2.111. Adultery laws: *Dig.* 48.5.6.1, 48.5.13.12, 48.5.35; *Collatio* 4.2.3, 6. Cooley 2003:354 notes that the sources for these laws often combine the two as one body, and it is difficult to extract which parts of the legislation belonged to which specific law.

Roman practice.¹⁰⁰ Augustus' legislation pertaining to family size most conspicuously demonstrates his concerns regarding the rearing of Roman children. Citizens received rewards of various kinds depending on their social rank for producing children under the legislation of 18 BC and AD 9, while those who remained childless were penalized politically and economically.¹⁰¹

In addition, Augustus' program of cultural renewal fostered artistic and architectural projects which emphasized the importance of traditional ideals and morals for the safety and security of the Roman state. For example, on the Altar of Augustan Peace, dedicated in 9 BC to celebrate the pacification of Gaul and Spain, the *familia Augusta* is seen in procession together accompanying the *paterfamilias* Augustus, with *matronae* dutifully participating and cherished children standing close by their guardians.¹⁰² Fertility is celebrated in the image of Tellus (or possibly Pax Augusta) holding two infants on her lap.¹⁰³ The Forum of Augustus, dedicated in 2 BC, was filled with statuary of great Roman leaders, including the honoured ancestors of the imperial family, around the temple of Mars Ultor. This arrangement visually linked the greatness of Rome's conquests

¹⁰⁰ Gai. *Inst.* 3.39-43.

¹⁰¹ Rewards for consuls: Gell. *NA* 2.15.4; for all citizens: Ulp. (*On Rules, in One Book*) 14-16, 18; rewards for women through the *ius liberorum*: Gai. *Inst.* 1.144-5, 190. 194-195c. Penalties: Gai. *Inst.* 2.111, 286a.

¹⁰² e.g. Zanker 1988:159 Fig. 124.

¹⁰³ Zanker 1988:174 Fig. 136.

and the protection and stability of Rome with the bloodline of Augustus.¹⁰⁴

The Familia in Livy's History

Having now established some of the basic principles of traditional Roman morality, and introduced Augustus' handling of them, we turn to Livy's approach to the issues at hand. Livy's history is not an immediately obvious source from which to discover a range of responses to contemporary social anxieties. The *AUC* is largely a military and political history, throughout which Rome's social stability is maintained and increased through militaristic expansion and legislation. Long series of chapters describe marches, fortifications, battles, foreign diplomacy, elections, and other matters which have nothing immediately to do with the Roman *familia*, or in some instances with any kind of social relations at all.¹⁰⁵ However, the 35 extant books are also studded with anecdotes about harsh fathers, devoted mothers, rebellious sons, vulnerable daughters, chaste wives, protective husbands, betrothals, and weddings. Topics such as *virtus*, *castitas* and *pudicitia*, parental authority, and gender roles are integral to

¹⁰⁴ Galinsky 1996:203-207.

¹⁰⁵ On relative lack of interest in social history by ancient historians: for example, see Rawson 2003:4. A later literary sources (e.g. Livy, Plutarch, Appian, Cassius Dio) wrote of early Rome and Italy, sometimes using primary sources: each had his own special purpose, and was a construct of his own age and society, but there is little in these or earlier sources to suggest that children were in the foreground of public or private thought. This does not mean that we cannot extract from Livy's text some contemporary attitudes about children, childhood, and parenting.

the form and thrust of whole sections of his work. His attention to the details and parameters of a range of family relationships suggests an inquisitive mind at work, unavoidably affected by contemporary social issues and problems. The vividness, sympathy, and dramatic voice of the rape of Lucretia, the death of Verginia at her father's hand, the harangue of Spurius Ligustinus, and the repeal of the Oppian law, to name just a few in a long parade of anecdotes, reveal his concern for the moral implications and societal themes inherent in these passages.

Furthermore, Livy's composition suggests that he was thinking of contemporary events and practices even while writing about the past. He often sets his account of early Rome in the terminology and style characteristic of the late Republic, drawing obvious parallels to the political events of the 1st century B.C.¹⁰⁶ It would be odd if Livy's methodology for narrating political history did not also apply to his narration of social relations. Rather, he was likely very keen to establish parallels between the social ills or ideals of the past and those of his own day. It is clear that he believed that the behaviour and family structures which were considered "traditional" and appropriate in his own day were applicable to the society of early Rome. Despite the difference in material

¹⁰⁶ Ogilvie draws frequent attention to this tendency and to specific examples scattered throughout the first 5 books of the history. Ogilvie 1965:19: ASteeped from his youth onwards in the oratory of Cicero, acquainted with the political histories of Sallust, and familiar with every weapon in the rhetorical armoury of current politics, Livy could with ease represent ancient history in the language and vocabulary of his day. He often did so.@

between the legendary stories of the early books and the more recent historical events retold in later decades, Livy's choices of emphasis and interest within the realm of family relationships remain notably consistent. Livy admits in his *Praefatio* that he seeks out the past to save himself from the cares and worries of the present, and urges his readers to note the fall of discipline and morals that has occurred, bringing about a society in which the people can bear neither their ills nor the cure: *haec tempora quibus nec vitia nostra nec remedia pati possumus perventum est*.¹⁰⁷ It is the object of this thesis, then, to describe and analyze Livy's literary construction of family relationships within the context of his narrative as well as contemporary attitudes, and to characterize the ideological convergences and divergences between the *AUC* and Augustus' programme of moral and cultural renewal.

One potential objection to identifying contemporary concerns in Livy's work is that many of the stories on which a construction of Livy's social ideals may be based were written for dramatic effect in the rhetorical style, and that any emphatic writing is driven by good storytelling, and not by concern for traditional ideals of family and social status. Of course, vivid writing and rhetorical emphasis need not be limited to dramatic anecdotes about interpersonal relationships: a battle narrative or a general's harangue may be well-written and

¹⁰⁷ *Pr.* 9.

stirring, too. But if Livy often chose anecdotes about marriage, parents, and children to capture his audience's interest and enliven his history, he must have had evident reasons for believing that these topics were relevant to his own generation. Perhaps one of these reasons was an assumption that the roles and relationships within families and households were a current concern for his readership. His emphasis on *mores* has a purpose beyond a mere need for excitement and variety.¹⁰⁸ In addition, his willingness to admit ambiguity complicates several morally profound stories. His readers must give them serious contemplation rather than be satisfied with a simple resolution.

Certain literary embellishments are also commonplaces in the tradition of Greek historiography—for example, *topoi* in which women or children weep and wail at the walls of cities under attack. Livy himself, as well as his audience, may have read these stock phrases many times before, but it does not necessarily mean that they are reproduced or received thoughtlessly. Keith Bradley's comment restores the narrative validity of these portions of the text: "A topos cannot be a topos, whether in art or in literature, unless it has some relationship to a recognisable and comprehensible reality on the part of the audience for which it is intended".¹⁰⁹

¹⁰⁸ Oakley (1997:7), following earlier scholarly theory, warns us against ascribing too much influence to rhetoric in analyzing historiography.

¹⁰⁹ Bradley 2004:304.

There is no question that the first books of Livy's history cover a period for which historical accuracy is impossible. Livy himself distinguishes between the *poeticae fabulae*, or 'poetic stories' of Rome's mythological beginnings, and the *incorrupta rerum gestarum monumenta*, or 'reliable traditions of history'.¹¹⁰ For the purpose of this study, Livy's historical accuracy is not a cause for much concern; more important is the manner in which he relates anecdotes dealing with the topics of social relations set out throughout this chapter, and the fact that his treatment of family morality remains consistent over the 35 extant books. In fact, in passages considered to be of questionable historical verity we may find even greater evidence of his interest, since Livy manipulates historical details to make thematic and emphatic room for dramatic moments related to family life. For example, Livy combines Coriolanus' campaigns in Italy (2.39) in order to address his mother's confrontation with him at his camp (2.40)—a scene rich in implications about Roman concepts of loyalty to parents, maternal authority, and the role of women in civil or foreign conflict.¹¹¹

Livy's adherence to the composition of his sources is an important but elusive factor in identifying Livy's interests and concerns with respect to the family. Only where Livy's source is extant—Polybius, for books 24-45—will it

¹¹⁰ Livy *Pr.* 6.

¹¹¹ Ogilvie 1965:331.

be possible to compare and contrast the two authors' presentations. Polybius sought to explain the rise of the Roman state over a matter of less than fifty-three years, while Livy's stated purpose in writing his history was to demonstrate the admirable characteristics and deeds of the early Romans for the benefit of his contemporaries. Livy casts stories about family relationships in the shape of his own special interests which were far removed from Polybius' experience, or includes them where Polybius does not. The comparison will not always be possible: later Livian stories may not be represented in Polybius' text simply because the pertinent sections are missing. Where both versions of the same story do exist, however, close reading will show nuanced differences in Livy's adaptation which are relevant to our study. Similarly, Livy's familiarity with Roman mentalities and traditional ideals will result in a different composition from that of Dionysius of Halicarnassus, who offered a political, philosophical, and stylistic portrait of the rise of Rome, but aimed to substantiate his belief that Rome's cultural and historical origins were largely Greek.

Since it is nearly always impossible to compare Livy's work in earlier books to his sources, except where fragments are available, I will generally assume those stories for which we have no extant source to be deliberate, thoughtful compositions on Livy's part, based on the work of his predecessors but ultimately laid down according to his personal choices. There is a certain logic to

this approach in any case: we must consider Livy a fully actualized adult who was discerning in his representation of Roman history.¹¹²

This study will focus on two categories of family relationships: marriages and parent-child relationships. Gender roles are also an important factor in the first category and will be discussed in chapter 2. Obviously, some episodes of Livy's history will require treatment in both of these chapters; the danger that this might be repetitive will be offset by the opportunity to explore the richness of these family relationships from different angles and at different levels of interaction with politics and society.

Some of the stories to be discussed are narrated in a morally ambiguous manner and will raise complex questions about Livy's choice of construction. For example: although Romulus was honoured as the founder of Rome, it is in the literary recounting of his and Remus' conception, birth, rise from obscurity, and eventual struggle for supremacy that Romulus' fratricide must be faced squarely.¹¹³ How does Livy express the dichotomy of duty to family and duty to the *res publica*? The theme arises in accounts of a certain type: that of the military commander or political leader who must discipline his rebellious son for the

¹¹² For Livy's discernment, see Forsythe (1999).

¹¹³ Bannon 1997:164-6.

public good.¹¹⁴ And how does Livy construct Roman ideals about women? His Lucretia properly oversees traditional female domestic duties in the home of Collatinus, but many anecdotes about other women in Roman history praise a certain fierceness of character that is masculine in nature: among them are the story of the young woman Cloelia, who leads her charges in an escape from their captors by swimming to safety, and the wife of the chieftain Orgiogo, who personally avenges her rape by a Roman centurion—unlike Lucretia, who leaves prosecution to her male relatives and assigns herself the ultimate penalty as an example to others.¹¹⁵ It is not necessary to resolve the ambiguity of these stories to educe the ideals which form Livy's moral context: the traditions themselves, applied in new circumstances and situations, are complex. In this way, Livy's history contributes to our understanding of the range of attitudes and behaviours that comprised the character of the family as the Romans perceived it.

¹¹⁴ Livy 2.4, 2.41, 4.28, 8.7.

¹¹⁵ Cloelia: 2.13; wife of Orgiogo: 38.24; Lucretia: 1.58.

Chapter Two: Marriage Relationships

Marriage relationships and betrothals are ubiquitous throughout the *AUC*, even if they are sometimes indicated only briefly. They often appear to be overshadowed by the military and political events of Roman history, blending into the social background of the text, or comprising elements of alliances and intrigues which serve the political history. However, taken individually they function as illustrative *exempla* of moral behaviour according to Livy's historiographical plan, and as a collective they form a body of evidence suggesting contemporary attitudes towards marriage and marriage relationships. Livy's choice of stories communicates a consistent range of idealized expectations concerning marital behaviour throughout the history. The extant books of the *AUC*, therefore, probably do not represent an accurate historical view of marriage customs and sexual mores in the early periods about which he wrote, but rather are indicative of prevailing marital ideals and concerns of the first century. The narrative details of these expressive stories suggest his interest in promoting salutary models of marriage to the people of his own day, particularly following the last decades of the Republic, in which faithful and traditional marriages—contracted and conducted with the approbation of peers and family members—

may have become more rare, and examples of high-profile citizens embroiled in marital fiascoes were a matter of public commentary.¹ To say that Roman marriage was in some kind of “crisis” would be an overstatement; however, Livy’s interest in stories about marriage and Augustus’ legislation pertaining to husbands, wives, and marriages indicate that members of the elite, at least, observed significant problems in the marital practices of the Roman people.

Livy constructs stories portraying appropriate marriage relationships, using the terms and principles associated with traditional marital and sexual ideals. He characterizes the role of these principles in the progress of Roman society and warns against the contravention of marital ideals. By including exemplary stories about weddings, husbands and wives, and sexual behaviour, he encourages the examination of earlier generations which, as he states in his preface, will reveal higher standards of morality. Livy facilitates this scrutiny by adding details of behaviour which are not necessarily relevant to the history itself, but which are significant for the moral context.

Augustus also responded to the state of marriage as he solidified his family’s dominance over the Roman political and social milieu. His spheres of

¹ See Chapter 1 for examples. Syme (1939:444) suggests that the marriages of the late Republic fell short of the ideal and that marriage and divorce were frivolous, that elite women in particular lacked the ability or desire to characterize themselves as *univirae* or as traditional “home managers”, and that their increasing control over property and patronage dissuaded men of the upper orders from marrying their equals.

influence were different from the author's: we see evidence of his approach in oratory, art, legislation, and even in his public appearances. However, the elements of Roman marriage practices which were the focus of his reforms may be usefully compared with Livy's own narrative emphasis in stories about marriage. In this chapter, I examine primarily the marriage relationships in the *AUC* (the related but distinct topics of gender roles and sexual behaviour will be treated throughout). This will include sections on marriage vocabulary in Livy and in earlier authors, the proper traditional conditions for marriage, the practice of intermarriage, marriage alliances, expectations of husbands and wives within the matrimonial relationship, and indications of marital affect.²

Certain episodes will also be compared with the versions produced by Polybius and Dionysius of Halicarnassus, who drew on a common fund of historical and cultural knowledge to demonstrate Livy's particular interest in and attention to the ideals of Roman marriage. One example is especially relevant to this chapter: Dionysius indicates on several occasions how Roman customs had developed from Greek traditions, with a view to educating the Greek public about

² See Ogilvie 1965:19 for the classic discussion of this phenomenon and for use of Ciceronian vocabulary. Walsh 1961:100-109 shows how characters such as Camillus and Scipio were shaped differently from their presentation in earlier authors to bring them more into harmony with quintessentially Roman characteristics. Oakley 1997:115-117 discusses the degree to which Livy exaggerates the moral qualities of individuals in his history.

the traditions of their Roman conquerors.³ He discusses Roman marriage practices as instituted by Romulus at length (*Ant. Rom.* 2.25). He summarizes the laws and social customs associated with Roman marriage, pointing out similarities or differences between these and Greek traditions. Ever the rhetorician, Dionysius writes a didactic passage devoid of the flavour of contemporary Roman opinions or sentiments concerning marriage, lost in a list of ancient laws and conditions. Livy, by contrast, allows the vocabulary and emphasis of his storytelling throughout his history to elucidate marital ideals and appropriate traditional behaviour.⁴

A brief overview of the treatment of marriage in the extant books is appropriate here. In the first two pentads (Books 1-5 and 6-10), marriages loom especially large in the linking of societies and the alliance of families: for example, the marriage of Aeneas to Lavinia, the theft of the Sabine women, the marriage of Servius' daughters to Tarquin's sons, and the marriages of the two Fabii sisters to a patrician and a plebeian respectively. The right of intermarriage between plebeians and patricians is a hotly contested issue. Threats to the proper marriages of Roman women, including the rape of Lucretia, are also alarming and

³ He does, however, appear to be writing for a Roman audience on occasion, such as when he criticizes the faults of modern Roman leaders in opposition to the virtuous Romans of the past such as Cincinnatus: Hill 1961:88.

⁴ Dionysius the rhetorician: Shutt 1935:147-150.

pathetic subjects. In several cases, marital problems are the catalysts for political events and disruptions.⁵

Books 21-30 bring into play the marriage alliances of foreigners, such as the daughters of Hiero of Syracuse and Sophoniba and her two husbands, Syphax and Massinissa. Livy repeatedly emphasizes the vulnerability of the matrons of Rome under the threat of Carthaginian conquest and the role their husbands have in protecting them, and notes the role played by married women at Rome's temples in soliciting divine favour. Scipio holds up his own continence and his commitment to preserve the matronly decorum of his enemies' wives as examples to be followed.⁶

Foreign marriage alliances abound during the wars with Philip and Antiochus in the East, the subject of Books 31-45. The only Roman marriage alliance of note is that connecting the Gracchi to the Cornelii.⁷ Livy highlights in brief episodes the proactivity of several wives who, in some cases, behave outside

⁵ Aeneas and Lavinia: 1.1.6-9; Sabine women: 1.9.9-16; Servius and Tarquin's children: 1.42.1. Intermarriage: 4.1-6. Catalysts: death of Lucretia brings about fall of monarchy: 1.57-9ff.; unhappiness of Fabius' daughter with her plebeian marriage precipitates his promotion of the Licinian-Sextian laws: 6.34.5-10.

⁶ Daughters of Hiero: 24.4.3-4, 24.25.6-7; Sophoniba: 29.23.3ff., 30.12.11-22. Matrons' vulnerability: 21.41.15-16, 22.7.6-7, 26.9.7-8; temples: 26.9.7-8, 27.37.7-10, 29.14.10. Scipio: 26.49.11-16, 26.50.1-14, 30.14.1-11.

⁷ We also hear of the marriage of Spurius Ligustinus to his niece—notable as an example of a peasant marriage (42.34.3-4).

the range of the expected norm for married women. Antiochus' marriage of passion is an object of criticism, while the hazards of extramarital sexual partnerships are personified in Perseus, the illegitimate son of Philip, and in the family acrimony that results. Livy devotes significant space and attention to the debate over the Oppian Law, in which Cato and his opponent, Lucius Valerius, wrangle over the adornment of women and thus their right to social visibility and status, which all realize will affect men's relationships with their wives.⁸

Livy's first books enshrine the principles of marriage in the semi-legendary setting of Rome's dramatic and sometimes tragic early stories. Livy partially characterizes the seven and a half centuries since the founding of Rome by a marked descent into immorality. As Livy works his way towards the end of the wars in the East, he describes (and condemns) widespread inappropriate attitudes towards marriage. He also continues to praise upstanding examples of morality, even when they are taken from stories about non-Roman individuals. It is true that these anecdotes are just a small part of Livy's primarily annalistic, political and military history; some of them also have a strong rhetorical flavour. However, the themes which they convey are central to Livy's purpose in writing,

⁸ Proactive women: the wife of Nabis of Sparta (32.40.10-11), the wife of the chieftain Orgiago (38.24.1-10), the wife of Scipio (38.57.8-9), Faecenia Hispala, the freedwoman lover of Aebutius (39.10.4-8), and Theoxena (40.4.3-15). Antiochus: 36.11.1-2; Perseus: 39.53.3, 40.9.2. Oppian Law: 34.1.1-8.3.

and the anecdotes themselves are given greater meaning and emphasis through choice of language and repetition of ideas, intratextual comparison with other anecdotes, intertextual reference to and use of classical *topoi*, and placement in the text. In this way, Livy implicitly or explicitly defines some of what he considered to be the important characteristics of courtship and marriage.⁹

Given the nature of Livy's work, we cannot expect a systematic account of the institutions and features of Roman marriage and courtship. However, based on his text, we can outline a set of the important elements and attitudes that Livy, and presumably his audience, associated with marriage. This allows us to show how Livy defined a marriage relationship even from the earliest periods of Rome's history, before legal institutions can possibly have been established, and why he criticizes certain marriages or extramarital practices.

As mentioned in the first chapter, Livy and Augustus were very near contemporaries and reached maturity in a similar social and political environment. It is not surprising, then, that some of the themes which receive Livy's attention, such as the proper choice of marriage partner, sexual propriety in marriage, and the purpose of marriage as an environment for rearing children, are the same themes addressed by Augustus in his legislation and in the cultural ideals he

⁹ Walsh 1961:54 notes how Livy turns what might be considered rhetorical commonplaces to more emphatic philosophical purpose; it seems reasonable that he would do the

promoted. However, there are some differences in the presentation of other traditions and ideals brought about by their widely different social and political positions. The concluding chapter will provide an opportunity to place these related themes in the context of the Augustan period and to compare and contrast Livy's methods and means with those of the *princeps*.

Livy's marriage vocabulary

It will be helpful to examine the vocabulary and definitions Livy used in describing the marriage relationship and its partners. The terms are standard words used in similar ways elsewhere in the Latin corpus, but Livy follows patterns of usage according to context within his own work. The terminology itself is indicative of the asymmetrical power relationship between husband and wife which frequently characterizes the woman as the passive object of the marriage, showing that Livy adheres to the traditional construction of the marriage relationship.

same to highlight moral *exempla* and traditional ideals.

The engaged woman (*sponsa*) is promised or engaged (*pacta* or *desponsa est*), or her father betrothes her (*despondere, pollicitari*), to her fiancé (*sponsus*), who is named in the dative case.¹⁰ A man may engage himself into a particular family (*pactus est*), e.g. 4.4.10. At the time of marriage, a man, usually a father, gives his female relative, usually a daughter, in marriage to another man who is named in the dative case (*dare, iungere, coniungere*).¹¹

A woman is taken in marriage by, or wedded to, her new husband: *ducta est* or *ducta in matrimonium, nupta est, iuncta* or *nuptiis iuncta*; the male partner, when named, is in the dative case.¹² This may describe an existing state of matrimony, or a singular event (the start of the marriage). In a more active sense, a man takes a woman in marriage (*ducet, ducet in matrimonium, accepit domum, accepit iunctam matrimonio*). The woman may already be referred to as *uxor* in

¹⁰ *Sponsa*: Verginia, 3.45.7-11; Allucius' fiancée, 26.50.?. *Pacta*: Turnus, to whom Livinia had been promised before the arrival of Aeneas, 1.2.1; Daughter of Monunius promised to brother of Gentius, 44.30.4; *desponsa est*: 26.50 (Allucius' betrothal to Celtiberian woman); 38.57.3-9 (betrothal of Scipio's daughter to Gracchus). *Despondere*: king engages his daughter to Servius Tullius, 1.39.4; Verginius betroths his daughter to Icilius, 3.44.3, 3.47.7; 38.57.3-9 (Scipio's daughter to Gracchus); *pollicitari*: 40.5.10. *Sponsus*: e.g. one of the Curiatii, 1.26.2-4; Icilius, 3.44.7, 3.45.4; Allucius, 26.50.?.

¹¹ *dare*: 23.2.5-6, 30.13.5, 35.13.4, 37.53.13, 38.57.8-9, 42.34.3-4; *iungere*: 1.42.1; *coniungere*: 32.38.3.

¹² *Ducta est*: 1.34.2, 10.23.1-10, 44.30.4; *ducta in matrimonium*: 1.34.4; *nupta est*: 1.47.2-3, 2.4.1, 6.34.5-10, 10.23.1-10, 24.24.2, 24.25.6-7, 30.12.11, 30.14.1-3, 30.15.5-6, 38.57.2, 42.34.3-4; *iuncta* or *nuptiis iuncta*: 4.9.5, 6.34.5-10, 24.24.6. A man cannot be taken into *matrimonium*, since the word means literally a state in which a woman may become a mother (*mater*): Treggiari 1991:5.

this construction.¹³ Occasionally, *coniuges* are joined in marriage (*iunguntur*, also with *nuptiis* or *matrimonio*). In a small number of cases, the verb of marrying takes a female subject: a woman may marry (*nubere*) into (*innubere*) or out of (*ecnubere* or *enubere*) a family or social class. Since the verb *nubere* comes from *nubes* (cloud) referring to the veiling of a woman's face at the time of her wedding, it is never used in Livy with a male as the subject. Constructions in which a woman is the subject of a verb of marrying are more rare in Livy than the other types mentioned above, although when one appears, the formula is standard: *[femina] nubere [viro]*. While the phrase is translated as though the woman were marrying a man, it could just as easily and perhaps more accurately be presented as being married *to* her groom, literally “veiling herself for” him, hence the use of the dative case for the male object of the verb.¹⁴ This is perhaps most clear in the case of the younger daughter of Scipio, whom Livy says may or may not have been engaged and married after her father's death: *desponsa sit et nupserit*

¹³ Active verbs: 3.45.6, 4.4.7, 4.4.10-11, 29.23.3-4, 30.14.11, 39.19.5, 42.12.3-4.

¹⁴ *Nubere*: 4.4.10, 30.15.6-8, 38.57.3-4, 39.19.5, 40.4.3-5. *Innubere*: 1.34.4; *ecnubere*: 4.4.7, 10.23.1-10, 26.34.3. Veil: Treggiari 1991:163. In one instance, Sophoniba is referred to as *nubilis*, of marriageable age. *Enuptio* is the word used for the right to marry outside one's *gens*, given to Hispala Faecenia (39.19.5). On rarity of the use of *enubere*: Oakley 2005:253. *Iungi*: 1.46.7, 26.33.3; *Iunguntur matrimonio*: 1.46.5; *iunguntur nuptiis*: 1.46.9. Three of these references are contained in the story of the marriage of the younger Tullia to the more violent of the sons of Ancus and are thus associated with a negative example of marriage.

(38.57.3).¹⁵ The passive verb paired with the active may suggest the implicit passivity of *nubere*. Occasionally, a marriage is described as independent of the woman altogether: the impressive Hasdrubal is described as having been made son-in-law to Hamilcar Barca.¹⁶

The marriage itself is referred to as a *matrimonium*, *nuptiae*, or *pactio nuptialis* (4.4.8). The right of intermarriage between groups, which will be discussed further below, is referred to as *conubium*, and a marriage with the specific connotation of alliance or a relationship by marriage is suggested by *adfinitas*, an important and common term in a political history. A match, or contract of marriage, may also be called a *condicio* (3.45.11, 36.11.1-2).¹⁷

Elements or customs related to the dowry are *dotalis*, such as the *dotalia dona* of

¹⁵ Standard formula: Treggiari 1991:439. For an earlier example see Sall. *BC* 15.2 in which Aurelia Orestilla is hesitant to marry Catiline. *Nubere* is used with men as subjects in satire, to emphasize unmasculine behaviour: *OLD s.v.* At 4.4.10, it is said that a man may marry *cuique feminae convenisset... nubere*—“whatever woman had agreed to marry [him]”, suggesting that her consent is technically desirable—see pg. 91.

¹⁶ 21.2.3: *gener inde ob aliam indolem profecto animi adscitus*.

¹⁷ *Matrimonium*: 1.1.11, 1.9.14, 1.46.9, 2.4.1, 6.34.5-10, 30.14.1-3, 34.36.5. *Nuptiae* 3.47.7, 4.9.6-10, 27.31.5-8, 29.23.3-4, 29.23.7-8, 30.12.11, 35.47.5-7, 36.11.1-2, 36.15.1, 40.4.3-5, 42.12.3-4, 44.30.4. *Conubium*: 1.9.1, 2, 5, 14; 4.1-4 *passim*; 9.34.5, 9.43.23-24, 23.4.7, 26.33.3, 31.31.10-12, 43.3.1-2, 45.29.10. *Adfinitas*: 1.13.3, 1.49.8-9, 4.4.6, 6.34.5-10, 29.23.3-4, 29.28.7, 33.40.3, 42.29.4. There may be a pithy play on *condicio* at 3.48.8 where the women of Rome wonder aloud if Verginia’s fate constitutes the terms (*condicio*) of having children, that their chastity is the price; the same word has already been used in the context of Icilius’ agreement to marry Verginia. In a detailed construction which fits the complexity of the political situation, Livy writes that the plebs wish to join and mingle in private alliances (*iungi misceri ... privatis necessitudinibus*) with the patricians at 4.5.5.

Scipio to the Celtiberian chieftain (26.50.12); those pertaining to marriage are referred to by the adjective *nuptialis*, as in 1.9.12 (*nuptiale vox*—a wedding shout), *pactio nuptialis* (4.4.8), the metaphorical *faces nuptiales* which Syphax claims destroyed his kingdom (30.14.11), the *nuptiale sacrum* (30.14.1-3) or marriage rite by which Massinissa married Sophoniba, and the poisonous *nuptiale munus* he was forced to give her (30.15.6-8), and the *nuptiales cenae* with which Antiochus appeared to be stuffed (36.17.7-8). Thus Livy appears to make use of *nuptialis* particularly for literary turns of phrases that add a sardonic twist to his stories.¹⁸

Livy designates the partners in a marriage by certain words which seem to be dictated to a degree by context. The word *vir*, of course, means both ‘man’ and ‘husband’, and the meaning is generally clear from context. The vocabulary for wives, however, is more varied. Eighty percent of the instances of the word *coniunx* are in conjunction with *liberi*, in which the wives and children mentioned are not specific individuals, but the collective dependents of the male citizen body. The *coniuges* in Livy refer to married women, perhaps since they are the ancillaries described in relation to, or “joined to”, the male protagonists of most of

¹⁸ There is also a reference to the *lectus genialis*—the bridal-bed (30.12.11), and one instance of the word *maritus* as in *maritas domos* (27.31.5-8).

Roman history.¹⁹ The word never appears in reference to husbands. The other stories in which the word *coniunx* is used for specifically named wives (Hersilia, Tanaquil, Tullia etc.) or wives of named individuals are vastly outnumbered by those which employ *uxor* instead.²⁰

The terms *matrona* and *materfamilias* have variable meanings in the literary tradition. Cicero insists that *materfamilias* is reserved for those women who marry into their husbands' *manus* (Cic. *Top.* 14), but writers both earlier and later used it more loosely, either to refer to an honourable wife regardless of her legal affiliation, or to any dignified woman. On three occasions, Livy uses the term *materfamilias* to refer to a woman not so much in her role as a mother but as a legally married wife. *Materfamilias* may be used to describe the married woman in a private context in relation to her husband and children, while *matrona* is a more public designation.²¹

Likewise, throughout Latin literature, *matrona* may refer to a legally

¹⁹ Eighty percent: 62 out of 78 references. There are also five references to the *coniunx* as wife paired with other family members such as parents or a daughter. *Coniunx*: Treggiari 1991:6.

²⁰ 40 out of 45 uses of *uxor* refer to a specific woman: e.g. Larentia, Lucretia, Volumnia, Attalus' wife, Scipio's wife Aemilia, etc. The other five are in the context of legal decisions or debates about wives: 26.36.5 regarding the financial burdens of the state and the need to limit gold for senators' wives, and the debate over the repeal of the *lex Oppia*.

²¹ Definition of *materfamilias*: Plaut. *Stich.* 98; *Dig.* 50.16.46.1. Cato and Valerius, in their speeches against and for the repeal of the Oppian law, use *materfamilias*: 34.2.1-2, 34.7.3; Demetrius is said to be born of a *materfamilias* as opposed to Perseus, born of a harlot. Public vs. private terms: Treggiari 1991:35.

married Roman woman, or simply imply that a woman honoured by motherhood or potential motherhood is worthy of wearing the *stola*.²² Where Livy uses the term *matrona*, it is frequently in the context of women acting *en masse* for the public good, such as mourning fallen leaders, making dedications to temples, or praying on behalf of the people.²³ When *matronae* are condemned for acts such as poisoning and unchastity, the use of the honourable term serves to highlight their reprehensible behaviour. It is clear that for Livy *matronae* may function as a powerful order of their own, possibly by virtue of being properly married, for the moral and material good of society.²⁴ Where passages in Livy speak of *matronae* entirely independently of their husbands, their roles will also be discussed in the following chapter on gender roles and sexuality.

²² Discussion of the terms *matrona* and *materfamilias*: Treggiari 1991:7, 28, 34-5. *materfamilias* as a term of good character regardless of marriage or children: *Dig.* 50.16.46.1; *stola*: Fest. 112L. The word *mulier*, too, is a flexible term which may in some contexts best translate as “wife” but which also has connotations of sexual experience as opposed to *virgo*. It is notable that in Sallust’s famous description of Sempronia, he notes that she has a husband and children but refers to her only as *mulier* (Sall. *BC* 25.2); in the preceding section in which he speaks more generally of the women associated with Catiline, they too are referred to as *mulieres* even though they have *viros* (*BC* 24.3-4).

²³ Mourning Brutus: 2.7.4; mourning P. Valerius: 2.16.7; accompanying Veturia to stop Coriolanus’ attack on the city: 2.40.1; supporting Verginia: 3.47.1-6, 3.48.8; offering prayers: 5.18.11, 25.12.15, 26.9.7-8; dedications at temples: 5.31.3, 5.52.10, 21.62.7-8; offering gold for treasury: 5.25.8-9, 5.50.7, 6.4.2.

²⁴ Poisoning: 8.18.4-11; adultery: 10.31.9, 25.2.9; perhaps also involvement in Bacchic rituals: 39.13.12-13. Cato is also critical of the behaviour of the *matronae* during the debate over the repeal of the Oppian law, but see comments on Valerius’ counterargument below, p. 123, 138. *Ordo matronarum*: see Treggiari 1991:35, and p. 131, 134 below.

Livy's text, unsurprisingly, verifies previous scholarly conclusions regarding the origin and overall force of words pertaining to marriage. Usually the marriage is described in terms of the woman being given in marriage or being wedded, but also in terms of its advantage to the males involved, and when one individual is joined to or married to another, the woman is the direct object of the verb and the man the indirect object or beneficiary. Livy needs to employ no special style to emphasize the passive role of women in marriage relationships; it is generally built into the language.²⁵ However, marriage also confers respectability and a certain influential power on women who live up to the standards expected of a *matrona*, and on men who should behave appropriately as *viri*. Livy makes these expectations particularly clear, and they will be examined further below.

ASPECTS OF MARRIAGE IN LIVY

Accounts of marriages in Livy's text are generally accompanied by some Degree of detail about the circumstances of the marriage and its partners. Patterns of nuptial and marital behaviour and expectations are apparent, and may be taken

²⁵ For the male-centred presentation of marriage, and the tendency for women to be described in relation to their position within the marriage, see Treggiari 1991:6,8.

to reflect the attitudes of the contemporary readers in whom Livy hopes to find sympathy. Many elements of Roman marriage, as well as those of foreign marriages which are compared to and described in terms of Roman practice, are closely interrelated, and several of his stories comprise multiple themes and elements. It is best to begin with a discussion of the legal and traditional preconditions for marriage and the principles governing marriage choices. These include *conubium*, parental approval, intermarriage, and the appropriate settings for weddings.

Conubium and Intermarriage

Livy begins to characterize the legally and socially appropriate conditions for a proper marriage in the earliest chapters of his first book. He gives two versions of the initial events leading up to Aeneas' marriage: one, in which Latinus and his people were defeated in battle by the Trojan refugees and subsequently agreed to a peace treaty, and another in which Aeneas' story so enchants Latinus that he agrees to a truce before any swords are drawn (1.1.6-10). Either way, the marriage of Lavinia to Aeneas is arranged subsequent to the political alliance. Two points arise from this story: the apparent need for certain conditions to be met before a marriage can take place, and the importance of

marriage alliances (to be discussed under the next subheading).²⁶

The first condition for a marriage was that it be legally possible, that is, that the couple had legal capacity to marry, or *conubium*. *Conubium* existed between Roman citizens, and was granted to Latins and some foreigners. Livy's early use of the term *conubium* is anachronistic, since it is doubtful that such legalistic definitions of intermarriage and citizenship could have existed early in Rome's existence. In his own time, however, there were rules governing *conubium*, including who qualified for it and who did not.²⁷ The offspring of Romans and foreigners to whom *conubium* had not been granted, or between Roman citizens and slaves, would not be citizens themselves. It was most frequently at issue in the early centuries of the Republic when it was among the benefits that were granted to allied Latin cities, giving them increased social status. For one thing, it meant that the marriage was legally valid throughout the

²⁶ Dionysius of Halicarnassus tells the story of this marriage as well (1.60.1), but there is a longer gap between the political coalition and the marriage of Aeneas and Lavinia, giving the impression that the two forms of alliance are less closely associated than they are in Livy.

²⁷ Treggiari 1991:43-49. The sense of Livy's text presumes that some kind of legislation concerning legitimate Roman marriage was among the rules of law given by Romulus to the people of his new city (1.8.1) and that the neighbouring peoples had some equivalent concept of *ius conubii*. Later issues governing *conubium*: at Livy 8.14.10 the Romans removed the rights of intermarriage with themselves from certain Latin cities, presupposing the prior existence of these rights and their continued availability to other cities. The Minician law, prior to 90 BC, decreed that a child's status would follow that of the "inferior" parent (Treggiari 1991:43-46).

Roman state and that children produced by the union would be Roman citizens.²⁸

Livy may not have been able to imagine a world without *ius conubii*. It had, of course, great influence on the initial arrangement of marriages.

Livy describes the period immediately after the founding of Rome as a situation in which the rules of intermarriage formed an obvious barrier between the Romans and other peoples, and to the production of legitimate offspring. He writes that at the time when Romulus took the throne of his eponymous city, the population was in danger of dying out within a generation because of the paucity of women and the lack of *conubium* with other cities and peoples (1.9.1).²⁹ The people of Romulus were not geographically prevented from creating liaisons with other tribes and nations, but did not have the socio-political arrangements in place whereby such liaisons would create legitimate Roman children and add to the population. Romulus sends emissaries to attempt to establish *conubium* with Rome's neighbours, but they refuse haughtily. In Livy's view, proper marriage is regulated by *conubium* and cannot occur otherwise, and thus he assumes *ius*

²⁸ Oakley 1997:339.

²⁹ Eponymous: It is now felt, of course, that Romulus' name was invented from the existing name of Rome: Cornell 1995:70. Population: on this clause in the text, see Miles 1995:185.

Dio. Hal. 2.31.1 provided three possible reasons for the attack on the Sabines: first, that they needed wives; second, that they wanted to provoke a war; third, that Romulus wished to form alliances with neighbouring peoples. Dionysius and Plutarch seem to prefer this last (Wiseman 1983:446) but Livy has the benefits of alliance and intermarriage very closely interlinked as Romulus sent envoys to seek *societatem conubiumque* (1.9.2).

conubii as a limiting factor of intermarriage existed from very early times.³⁰

Although he does not use the term when discussing Aeneas and Lavinia's marriage, Livy projects contemporary associations of marriage onto the distant past: the fact that the political alliance was made before they were joined matrimonially demonstrates an implicit precondition of what Livy would call *conubium*, namely political allegiance.

The theft of the Sabine women presents a unique problem: it is quite clear that the Romans did not have the right of intermarriage with the Sabines. In fact, Romulus tells the women that they were captured partly because of their fathers' refusal to allow intermarriage between the two peoples. However, he also promises them that they will be married and have their citizenship and fortunes in common with their husbands (1.9.14). In Livy's presentation of the story, the women are reluctant and indignant at their capture, but rather than simply forcing them into marriage, Romulus offers them a set of privileges which closely resemble a treaty of common citizenship and alliance. Although no formal treaty could be declared between the Romans and the Sabine women *per se*, the pacifying formula may serve as a way for Livy to legitimize Romulus' "illicit"

³⁰ Under the marriage laws of the principate, senators and their descendants did not have *conubium* with freedmen or freedwomen, for example (Oakley 1997:339).

scheme.³¹

Dionysius of Halicarnassus tells the story in a somewhat similar way; some additional details include Romulus asking his grandfather Numitor and the Senate for permission to enact the plan of stealing the Sabine women and ordering his young men not to violate the women's chastity. When the 683 women are brought to him the following day, he comforts them and declares that they have been seized for marriage and asks them to love their new husbands, but does not specifically offer them citizenship or the joy of children as part of an implicit oath or pledge.³² Dionysius, in keeping with the aims stated in his preface, takes care to make his Romulus point out the venerable ancient Greek practice of marriage theft. For him, the morality and propriety of the enterprise from the Roman standpoint does not seem to be at all in question.³³

³¹ 1.9.14: *illas tamen in matrimonio, in societate fortunarum omnium civitatisque, et quo nihil carius humano generi sit, liberum fore mollirent modo iras et, quibus fors corpora dedisset, darent animos.*

Additionally, the Sabine women themselves understood the relationships of *affinitas* that had been created between their husbands and their fathers because of the children they had by the Romans. By promoting this affinity, the Sabine women exemplified *concordia* between the two peoples and brought about a political alliance and, presumably, *conubium*. Cf. Brown 1995:314-5, Wiseman 1983:446.

Livy notes that the actions of the Sabine women pleased their husbands, parents, and Romulus (1.13.6). His sanctioning of the wives and their loyalty to their husbands places him in close relation to the families of his people, just as Augustus' treatment of marriage seemed to place him as an advocate of the marriages of Roman citizens.

³² Dion. Hal. *Ant. Rom.* 2.30.

³³ Hill (1961:89) finds Romulus' emphasis on the theft as a Greek practice amusing, but also another indication that part of Dionysius' program was to demonstrate that Rome was

Livy notes some other differences between properly and improperly contracted marriages, without explicitly distinguishing between *matrimonia iusta* and *iniusta*—marriages which were valid or invalid under Roman law. Marriage between servile and free classes was clearly problematic. For example, Livy states categorically that Servius could not have been born of a slave mother, or he would never have married the daughter of Tarquin (1.39.4-6). In Livy's view, these were among the fundamental principles of marriage which must have existed in Roman society from the earliest times.³⁴ Dionysius of Halicarnassus, on the other hand, does not feel the need to reconcile Servius' servile birth with his eventual marriage to the king's daughter; he states twice that Servius was the son of a slave woman.³⁵ The pedigree of the Roman kings and of Servius in particular was perhaps not so important for Dionysius as it was for Livy, who emphasizes Servius' honourable nature in contrast to that of his successor.

Livy also addresses the laws governing marriage between classes of citizens in the passage concerning the special dispensation given by the Senate for

essentially Greek in origin. He uses *πνυγάμια* for intermarriage or *conubium*.

³⁴ This example may also reveal Livy's incapacity to imagine a world without slaves, for there is no historical evidence for the widespread use of slavery in such an early period. Ulpian states categorically, *cum servis nullam est conubium* (*Tituli Ulpiani* 5:3-5).

³⁵ Dion. Hal. *Ant. Rom.* 4.6.6. Tarquinius Superbus, challenging Servius for the throne, also accuses him of being the son of a slave-woman and a slave himself: Livy 1.47.10 (where apparently Livy considers it to have been a false accusation), Dion. Hal. *Ant. Rom.* 4.38.4.

the freedwoman Faecenia Hispala, because of her service in exposing the Bacchanalia: among other things, she is permitted to marry a person of free birth and outside her gens, the right of *gentis enuptio*, without causing any offence or disgrace to the man who marries her.³⁶ Marriage to a free Roman citizen was a privilege to be granted for exceptional service; this highlights the importance of marriage in social mobility, not just for men but for women. Indeed, this dispensation in some sense erases one of the most significant aspects of her freed status, making her in at least one respect like a freeborn citizen. In Livy's conception of the story, the senate must have been aware that she was likely to marry Publius Aebutius, and that generosity in this case represented a controlled risk.

Livy recognizes the importance of changes in the application of *ius conubii* over time, particularly the debate and legislation over patrician-plebeian intermarriage among the Romans (4.1-6).³⁷ Intermarriage is a suitable term for marriages between individuals from groups which are considered distinct from

³⁶ 39.19.5. Numerous scholars are quick to note that the romantic story of Hispala and Aebutius must be spurious; [citations] for our purposes, this is not important—the manner in which Livy presents their story, as though it is to be believed, is more significant.

³⁷ Treggiari 1991:43-51 discusses *conubium*, *matrimonia iusta* and *matrimonia iniusta*. In Livy, one indicator of invalid relationships is the illegitimate offspring who are produced from them: the Spanish men who claimed Roman soldiers and native women as their parents do not ask for Roman citizenship or enfranchisement, but rather for a town in which they could live (43.3.1-2).

one another in some way. The groups from which the Romans were distinct varied according to their political alliances, but the patrician and plebeian *gentes* within Roman society were also thought by Livy to have been socially separate from each other from an early period, and unable to marry for a time.³⁸ It seems that some of the early marriages in Livy's history were mixed, where the husband and wife belong to *gentes* which are known from later sources to be from different orders. Examples are Cincinnatus and Racilia, Coriolanus and his wife (or, possibly, Coriolanus' parents), and Lucretia and L. Tarquinius Collatinus.³⁹

Livy recounts the debate in the Senate over allowing patrician-plebeian marriages in 445, at the beginning of Book 4. He writes that the opponents of the law, presumably mostly patrician, considered such intermarriage a contamination of their blood. They state that the mingling of the orders will be like the promiscuity of the beasts and will result in confusion, not only of birth and bloodline but also of family responsibilities such as the *sacra*, religious worship of family deities and ancestors.⁴⁰ This opinion is in opposition to the more sympathetic perspective of intermarriage as a process by which the political and

³⁸ See Cornell 1995:252-8 for discussion of the historicity of the plebeian/patrician dichotomy. Patricians and plebeians could not marry for a period in the 5th century: Treggiari 1991:44 n. 36.

³⁹ Cornell 1995:255.

⁴⁰ Berger 1953 s.v. *sacra*. This reference might refer to *sacra familiaria*, pertaining to a

social resources of two houses may be joined.⁴¹ Canuleius (tr. 445), who supports the motion to legitimize patrician-plebeian intermarriage, counters that no patrician will be forced to marry a plebeian and that men may choose to keep to their own order. The argument of the law's opponents as told by Livy is alarmist and rhetorical; Canuleius' seems clever and draws on controversial events of recent history: "Rape is a patrician habit". Livy does not at any time express the idea that plebeian-patrician marriage is improper or inadvisable; rather, he composes Canuleius' argument with strong elements of free agency and rational law, pointing out that the right to conduct marriages had been everywhere and always a matter of private counsels (4.4.10). Although this book was written before the initial marriage legislation of Augustus, we have seen already in Livy's preface how little faith he placed in laws (if they can be equated with *remedia*) and how at one time at least, the Romans were capable of conducting their own affairs properly without compulsion. It is significant that although Dionysius of Halicarnassus relates some of the events of this year (such as the motion put

single family, or *sacra gentilitia*, rites performed by a *gens* as part of the *sacra publica*.

⁴¹ Livy 4.2.6: *Quam enim aliam vim conubia promiscua habere nisi ut ferarum prope ritu volgentur concubitus plebis patrumque? Ut qui natus sit ignoret, cuius sanguinis, quorum sacrorum sit; dimidius patrum sit, dimidius plebis, ne secum quidem ipse concors.*—"For what effect will intermarriage have except that coupling of plebs and patricians, like the wild beasts, will be common? That a man will be ignorant of his birth, his bloodline, and of what religious ceremonies he is a part; that he will be half patrician, half plebeian, not even at peace with himself."

forward that one of the consuls should be chosen from the plebs), he does not give an account of the debate over intermarriage.

Further expansion of the *ius conubii* is a significant political feature of Books 6-10 during the narrative of the conquest of the Italian peninsula by Rome. As the Romans gained control over the other Latin peoples, they forbade common councils, commerce, and intermarriage between nations. In this way, they were able to control political, economic, and personal alliances between nations and families.⁴²

Although it was permitted for plebeians and patricians to intermarry at Rome after 445, there were still social stigmas and disadvantages placed on these intermarriages, as in the story of the Fabii sisters. The patrician M. Fabius Ambustus is respected both by his own order and that of the plebs because he holds no contempt for them. He marries off his two daughters; the elder to Ser. Sulpicius, and the younger to a distinguished plebeian, C. Licinius Stolo, which wins him even more honour. It is difficult to imagine that Livy is telling us the story of a man who gave his daughter to a real inferior for the sake of public praise; rather, this an instance where we see the close association of noble plebeians and patricians, who might well be of similar means, and thus have good

⁴² See 8.14.10, 9.43.22-4.

grounds for an alliance by marriage. The cultural differences and political inequality between her marriage and her sister's, however, do not go unnoticed by Fabia Minor. Fabius promises his younger daughter that she will soon see in her own home those same honours which she sees in her sister's (6.34.10). Livy is clearly aware of the disruption that could be caused by a marriage that did not meet certain social ideals, even if he presents Fabia's unhappiness in a somewhat comical way; Fabia's shame at dishonouring her sister and her husband with her jealousy also suggests that there should be no unpleasant comparisons in an ideal marriage. We also see once again how Livy uses the disadvantage of a woman to colourfully introduce a new political development at Rome, as he did with both Lucretia and Verginia.⁴³

Livy writes of another Verginia, this one a patrician married to a plebeian, who is shunned from the altar of Patrician Modesty. It was not the case at Rome that a woman took her husband's rank, so Livy and his audience would understand the injustice of this act. She states that *nec se viri honorumve eius ac rerum*

⁴³ Kraus (1991) expounds the similarities between the Fabia story and the narratives of Lucretia and Verginia, demonstrates comic components in the former two stories, and discusses Fabia's stereotypically emotional reaction to her unequal marriage. Piper 1971:27-8 draws a comparison between Fabia and Terentia, who was, according to Plutarch, eager for political reknown for her husband, a *novus homo*.

gestarum paenitere—“she was not displeased with her husband’s offices and deeds” (10.23.7), and thus had no reason to regret marrying him.

Difficulties arising from intermarriage were not limited to those between patricians and plebeians at Rome, but extended to marriages between members of different cities. The conflict between the Campanians and the Romans during the Hannibalic War is especially acrimonious because of the history of military alliance between the peoples against the Samnites in the previous century, as well as their personal alliances. A Roman delegate complains that the Campanians, on whose behalf the Romans had fought the Samnites for decades and whom they had joined to them by treaty, intermarriage, personal ties, and finally citizenship (*foedere primum, deinde conubio atque inde cognationibus, postremo ciuitate*), were the first of the Italians to defect to Hannibal (31.31.10-12). Although intermarriage is named in importance before actual citizenship, it is one of the causes for the Roman objection to the Campanians’ disloyalty.

Books 31-45 include two references to the right of intermarriage between communities or peoples: first, a delegation of 4000 men *novi generis*—“of a new kind”—arrive from Spain, saying that they are the offspring of Roman soldiers and Spanish women, asking for a town in which to live. They and their freed

slaves are permitted to live at Carteia as a colony with Latin status (43.3.1-2).⁴⁴

The other reference occurs at the end of the war with Macedonia, after its division into four districts by P. Aemilius, who then forbids intermarriage between the districts as a method of keeping them disparate and socially isolated from one another (45.29.10). Livy thus recognizes the role of marriages in political dynamics between families and kingdoms, a phenomenon with which anyone living during the triumviral period and the age of Augustus would have been familiar.

Conubium is a Roman concept and as mentioned above implies that certain legal conditions have been met. Like Cicero and the jurists represented in Justinian's *Digest*, however, Livy considers what would have to have been legally invalid marriages nonetheless to be matrimonial relationships, perhaps because the intent to be married (*mens matrimonii* or *affectio maritalis*) was such a strong indicator of marital status in Roman society.⁴⁵ For example, Massinissa makes arrangements for his wedding to Sophoniba, complete with marriage couch (*lectus genialis*); Livy uses all the same terms as he would for a legal Roman marriage,

⁴⁴ Livy has nothing to say here about the moral implications of soldiers' sexual behaviour on extended campaigns; it is perhaps a strange omission, although it was highly important in the case of Scipio.

⁴⁵ Treggiari 1991:49-51. This is a key element of marriage in Roman law: e.g. *non... coitus matrimonium facit, sed maritalis affectio*—"It is not sex which makes a marriage, but the attitude of being married" (Digest 24.1.32.13).

including *nuptias* (30.12.20-21), yet the two partners hail from kingdoms at war with one another and should not be able to marry, which might explain why Scipio refers to Sophoniba as Syphax's wife, and never as Massinissa's (30.14.9-10).⁴⁶ However, by using the terminology of marriage where it may not have seemed totally appropriate, Livy highlights unorthodoxies which ought to be avoided and which may bring disaster when the laws of *conubium* are not followed, applying the social ideology of *conubium* to past history.

Traditional Marriages and Marriage Alliances

What is perhaps more significant in Livy's text than legalistic parameters of valid marriage is the set of traditional ideals associated with socially appropriate or commendable marriages. These include elements of the arrangement, timing, setting, and authorization of the union, upon which the author might feel free to elaborate and comment in his own voice or that of the historical persons involved. In Livy's case, these stories most likely reflect contemporary attitudes about matches and weddings as well, adding more subtle

⁴⁶ See also later Massinissa and Sophoniba as *vir* and *uxor* (30.15.5-7). Sophoniba is sometimes referred to as "Sophonisba"; according to Walbank (1967:426), the version of the name in the best Livian manuscript is Sophoniba, and so I will use this spelling throughout the dissertation. Polybius relates the fact that Syphax and Sophoniba were married as part of an alliance between Syphax and Hasdrubal (14.1.4, 14.7.6); Walbank (*op.cit.*) suggests that Polybius probably also included the story of Sophoniba's marriage to Massinissa and her suicide, although the story does not survive among the fragments of Book 14.

details to our understanding of this fundamental practice and its place in late Republican society.

The consent of both partners is to some degree a moral necessity, even if it is not legally spelled out. Treggiari (1991:83) points out that Roman girls likely experienced social pressures to consent to marriage despite their personal feelings, and this is probably true of any society in which marriages are regularly arranged.⁴⁷ The theft of the Sabine women may seem a strange item to use as evidence of consent in a legitimate marriage. Although Livy presents the Sabine women as clearly upset at the outset of their captivity, Romulus and the pleading, cajoling suitors expend considerable effort to win their affection and trust (1.9.14-16). This indicates that in the author's view, it is appropriate to offer some kind of concession to women's feelings about marriage and attempt to gain their acquiescence.⁴⁸ Later the tribune Canuleius (*tr. pl.* 445) argues, in support of the

⁴⁷ Again, for the subjugation of individual choice to corporate familial needs, see Dixon 1985:353.

⁴⁸ This episode and the ramifications of it will be discussed further below. As mentioned above, Dionysius of Halicarnassus describes Romulus asking the women to cherish their husbands (*Ant. Rom.* 2.30.5), but does not describe the men seeking the women's acquiescence.

bill which would legitimize patrician-plebeian intermarriage, that it is not in the plebeian character to force anyone to marry against his will, and that patricians may keep their bloodlines pure if they so wish whether the law is passed or not (4.4.7-8).⁴⁹

Willingness to marry apparently depended on personal circumstance as well. Among the Greeks, the example of Theoxena, a widow until she married her late sister's husband Poris, is notable. There is no reason given for her initial aversion to remarriage, and her marriage to her brother in law is undertaken *ut in suis manibus liberi sororis educarentur*—"in order that her sister's children might be brought up in her care" (40.4.4) along with the child she apparently bore to Poris. From Livy's text we gather perhaps that it was unusual or notable first that she should avoid marriage and then that she should marry her sister's husband, but there is no hint of censure in the passage. Perhaps the unusual situation allowed her some status as a near-*univira* until the needs of family took precedence.

⁴⁹ The passage is a pointed reference to the attempted theft of Verginia, 3.44-49.

Livy occasionally mentions a period of engagement prior to a couple's marriage, or individuals characterized as being engaged. Although some of the traditions of engagement which existed in the time of Livy may not have been applicable to early Rome, the concept of an engagement need not be anachronistic in his early books. Any period between the agreement to a marriage and the marriage itself could be termed an engagement, whether or not the society in question has specific words to apply to this period or to the state of the participants. Livy demonstrates that the bond between *sponsus* and *sponsa* is not insignificant: Turnus is highly offended when his engagement to Lavinia is broken off by Latinus in favour of the stranger Aeneas, and Icilius anxiously argues with the decemvir Appius Claudius to preserve the freedom and chastity of his bride, Verginia.⁵⁰ However, being engaged was no excuse for maintaining misplaced loyalty, as the story of Horatia teaches. Her brother, Horatius, was one of three triplet Roman brothers chosen to represent their army against another set of three Alban brothers, the Curiatii, similarly chosen. Horatius was the only survivor and

⁵⁰ Turnus: 1.2.1. Ogilvie 1965:40-41 notes that Dionysius of Halicarnassus and Virgil altered this story somewhat, "to mitigate Latinus' discourtesy in rejecting Turnus in favour of Aeneas as suitor for his daughter's hand". In Virgil, Lavinia is not already betrothed to Turnus (*Aeneid* 7.55-57), nor is she in Dionysius of Halicarnassus' account, although his Turnus is upset that Latinus passed over his kinsmen in favour of a stranger (1.64.2). It seems Livy's Latinus does the far greater discourtesy in marrying his daughter to Aeneas, to the detriment of Turnus, *cui pacta Lavinia ante adventum Aeneae fuerat* (1.2.1). Livy apparently saw no need to excuse Latinus' decision. Icilius: 4.44.7 ff. Scipio: 26.50.1-14; public engagement: 38.57.2-6.

victor of the competition, but when he returned victorious, Horatia vocally mourned one of the Curiatii, to whom she had been betrothed. For this act of betrayal, Horatius slew his sister.⁵¹ It seems natural to Livy that engagement was a serious commitment, the scope of which stopped short of legal permanence. Icilius, despite his concern, also states that he will not marry Verginia if she is defiled, and that her father will then have to engage her elsewhere, but until that point he will fight to defend her honour.⁵²

Classical scholars tend to speak of “marriage alliances” in the Greco-Roman world within the context of high-ranking elite families seeking to create significant political bonds.⁵³ The fact is that any marriage could be considered an alliance. Some of the results of a marriage include the formal and public association of two families and the possible sharing of wealth through dowries and inheritances by the new couple, not to mention citizenship and the religious ceremonies, or *sacra*, of the husband’s family. The benefits and consequences of a marriage as recorded in Livy’s history ranged from the personal and humble to grandiose and politically far-reaching, depending on the status of the partners.

⁵¹ Horatia: 1.26.2. See also pg. 143 below.

⁵² 3.45.11: *hoc tantum sciat, sibi si huius vindictis cesserit condicionem filiae quaerendam esse. Me vindicantem sponsam in libertatem vita citius deseret quam fides.*

⁵³ E.g. Dixon 1985:353 ff. Her study did not include discussion of lower-class marriages by reason of lack of useful evidence for her argument.

Livy demonstrates the significant advantages of a good marriage as compared with the disastrous effects of one which is ill-advised or goes sour. In the third and fourth decades, marriage alliances amongst Rome's enemies are of particular concern, but not for purely political reasons: the moral aspect of their matrimonial choices is also a subject of Livy's scrutiny and comment. For Livy, then, this is a topic of some consequence and importance, considering the importance of marriage alliances among the elite in the late Republic, and his choice of expression and presentation is worth noting.

From the outset Livy emphasizes the involvement of relatives in the arrangement of a girl's (or a woman's) marriage, whether the families involved were Roman or foreign, especially in the case of marriage alliances. This ubiquitous element of marriage can be identified in several stories in Livy's text. Again, the first marriage alliance in Livy's text is that of Aeneas and Lavinia. We are told that Latinus forms a marriage alliance with Aeneas by giving his daughter to the Trojan hero, completing their political alliance by means of a domestic one.⁵⁴ By contrast Dionysius of Halicarnassus delays the marriage until after Aeneas' Trojans had fought with Latinus' enemies and established a city (*Ant. Rom.* 1.60.1). There is nothing emotional or romantic about their marriage, and

⁵⁴ 1.1.6-9.

this seems to square with Livy's general presentation of matrimonial relationships, as will be further demonstrated below: sensible marriages do not arise from love or passion, but from social and political expediency (and if love and devotion follow, so much the better).⁵⁵

Livy immediately adds that a child was born to the union, Ascanius (1.1.11). The birth of a child means that a person now exists who is a blood relative of both parents' natal families, and perhaps for this reason seems to act as a kind of "seal" on the marriage, cementing the socio-political relationship between the two families of origin. Indeed, if we take at face value the assertion that marriage existed *liberorum quaerundorum causa*—"for the sake of begetting children", and if we consider the etymology of the word *matrimonium*, the purpose of the marriage is not fulfilled until it produces a child.⁵⁶ By fathering a legitimate child, a man gained an intestate heir and at least some of his property

⁵⁵ Bradley 1993:247-8 demonstrates the precedence of expediency over romantic love in the marriages discussed by Pliny the Younger; Dixon 1985 shows that this was also true of the Late Republic. See also the discussion of love and affect below.

⁵⁶ Sources for *liberorum quaerundorum causa*: Treggiari 1991:8. Livy does not use the exact phrase himself, and in any event the phrase would be used anachronistically in the early books, but there is perhaps a verbal echo of it in the protests of the Roman *matronae* after the death of Verginia at her father's hand to preserve her from slavery and (likely) rape: *eamne liberorum procreandorum condicionem, ea pudicitiae praemia esse?*—"Are these the terms of begetting children? Is this the reward for chastity?" (3.48.8). *Conditio* is used in terms of treaty/agreement, but particularly of a marriage contract: s.v. *OLD*. The definition of *matrimonium* is obviously keyed to the word *mater*. Treggiari 1991:5: "The idea implicit in the word is that a man takes a woman in marriage.... Only a woman can enter into *matrimonium*... a relationship which makes her a wife and mother."

could automatically stay within his patrilineage. This by no means indicates that a marriage without children does not have power to create significant social ties, but a child increases the strength of these bonds in Livy's estimation.⁵⁷ When the Sabine women intercede between their Roman husbands and their Sabine fathers at the brink of battle, Livy's Sabine women plead with both sides, who have become relatives through marriage and who are fellow ascendants of the Sabine women's children (1.13.1-2).⁵⁸ Although the women are themselves wives to the Romans and daughters or sisters to the Sabines, Livy chooses to emphasize the transition they have made from their natal *familiae* to the *domus* of their husbands, as well as the role of the infants and small children who are the joint result of the Roman-Sabine marriages. This plea rouses the compassion of both sides, who agree to a treaty.⁵⁹

Dionysius relates the story of the theft as well, and although the Sabine

⁵⁷ It is also apparent in a later section of Livy. At 23.2.5-6, the Capuan Calavius will not consent to defecting from the Romans because he has children from a daughter of Appius Claudius. At 24.8.11, Q. Fabius objects to Otacilius' election as consul even though Otacilius is the husband of his niece, *and* they have children.

⁵⁸ The literary art of this section is remarkable: as a *περιπέτεια*, see Ogilvie 1965:78-9.

⁵⁹ Piper 1971:26-7 makes some generic suggestions about contemporary models for Livy's presentation of early Roman women; there is no way to prove definitively that Livy himself made the same associations, but in at least one case another author made the connection between a contemporary woman and her ancient counterpart. Lucan 1:114-118 noted that Julia, like the Sabines, could have calmed the rivalries between father-in-law and son-in-law had she lived longer.

women bring their infants out to the battlefield in a classically pathetic gesture of supplianace, he does not share Livy's emphasis on the joint heritage of the children, nor on the affinity between the Sabine fathers and Roman husbands (*Ant. Rom.*

1.45.1-6). Livy's special interest in this story perhaps indicates a firm understanding of the factors which strengthen or weaken a Roman marriage alliance, reflected retroactively in his telling of an ancient Roman story.⁶⁰ The story of the warring fathers- and sons-in-law would have elicited memories of the civil wars of the 1st century, particularly since they were punctuated by the marriage alliances between Pompey and Julia and Antony and Octavia.⁶¹

Later marriages in the first five books also demonstrate Livy's awareness of the factors at work in a marriage choice. Tanaquil of Tarquinii married the grandson of Demaratus of Corinth, then known as Lucumo, and later as Tarquinius Priscus. We are told that Tanaquil was of higher birth and status than

⁶⁰ Miles 1995:191 (see 179-219 for a full discussion of Livy's presentation of the Sabine women). Brown 1995:291-319 shows that Livy develops the story of the Sabine women to demonstrate the importance of family and state *concordia*. To demonstrate the need for women to be active participants in marriage to bring about familial *concordia*, Livy highlights their role in the story in ways that Cicero (*De Rep.* 2.12-14), Dionysius of Halicarnassus, Ovid (*Fasti* 3.167-258, *Ars Amatoria* 1.101-34), and Plutarch (*Rom.* 14-20) do not. Their bravery and extreme loyalty, coming as a result of marriage and motherhood, are a model of how women are to relate to their natal and marital families. Social anxieties (particularly male ones) concerning female familial loyalties and their role in marriage alliances might be soothed by *exempla* such as this one.

⁶¹ The tremendous importance of alliance by marriage of the great families of the late Republic must have been well known to Livy; in particular, he would have known of Pompey's marriages in the Sullan clan, then to Julia, then to Cornelia, the daughter of Metellus Scipio and the significance of these marriages in Pompey's political career: Syme 1939: Chapter 3.

Tarquin and was not accustomed to living below her station, which may be the earliest foreshadowing of the trouble that later women would give because of their unequal marriage alliances.⁶² Unable to bear the indignity, she forgets her innate love for her country so that they might relocate to Rome where she could see her husband rise in rank (1.34.4). A clear consequence of an uneven alliance in which the male has the lower status, at least in the Roman tradition, is the role of female ambition. Ogilvie notes that Tanaquil's characterization is "thoroughly modern" and that she may be modeled after Medea; whether this is Livy's own peculiar characterization of her or a tradition from earlier historians is impossible to say.⁶³

Servius is married to Tarquinius' daughter, enraging the sons of Ancus

⁶² E.g. Tullia and Fabia Minor, 1.46.7

⁶³ Ogilvie 1965:143-4, also 188 with a comment on 1.46.8: "The wish to have a husband worthy of oneself is often uttered by tragic heroines". Tanaquil is inextricably entwined in her husband's rise to political success. Livy writes that once they had established a house in Rome, *L. Tarquinium Priscum edidere nomen*—"they gave out the name of L. Tarquinius Priscus" (1.34.10), suggesting that Tanaquil, too, promoted her husband's name. In the same way, women of the Republic were frequently powerful influences in their husbands' political lives.

who had hoped to be candidates for the royal marriage, who assassinate Tarquinius. Servius himself, having supposedly learned from this consequence of marriage alliance, marries his daughters to the sons of Tarquinius Priscus (his brothers-in-law, so the girls' uncles) to satisfy their desires for honour and status (1.42.1).⁶⁴

Livy notes that the two marriages are mismatched: the more violent member of each pair of siblings is married to the more tranquil of the other pair. However, he turns this strange outcome to the advantage of Roman history, suggesting that Fate prevented the two most destructive souls from being united so that Servius' reign would be lengthened and the traditions of the state might be established (1.46.5). Fate has her own way of bringing events about in favour of Rome, and here the suggestion is that only by fate could such a strange match have taken place, as though no one would have chosen to pair the siblings in this

⁶⁴ The relationships are incestuous; Cornell 1995:123 judges this to be unproblematic because it is common practice within royal families in world history, and Livy does not make any negative comment on the incestuous nature of any marriages in his text. Note that Spurius Ligustinus married his niece with no apparent shame (42.34.3).

way.

Livy has certainly written the elder Tullia, and to a lesser extent Tanaquil, as the unscrupulous women of Greek tragedy. But where Tanaquil's ambition was more or less benevolent, Tullia's is extreme and violent. She speaks ill of her husband and sister and arranges meetings with her husband's brother.⁶⁵ Her language stating her disappointment is strong: better that they should have remained unmarried than to be paired unequally (1.46.7).⁶⁶ The elder Tullia spearheads the murder of their siblings and, we are told, marries the remaining Tarquin *magis non prohibente Servio quam adprobante*—"more with Servius' grudging permission than with his approval" (1.46.9).⁶⁷ This lack of parental approval is yet another indication of the impropriety of the marriage according to the implicit social expectations mentioned above which Livy fosters.

By contrast, parental involvement is a factor in two other stories from the first five books: Verginius betroths his daughter Verginia to a young man named Icilius (3.47.7), while in Ardea, a woman is the motivating force behind the

⁶⁵ Greek tragedy: Ogilvie 1965:143-4, 188. Language: Livy words it in the more condemning fashion: she became accustomed to secret conversations with "another's husband" (*virī alieni*), the recipe for adultery. Cf. 34.2.9-10.

⁶⁶ The Augustan ideals of Livy's time were at variance with the words she uses, *vidua et... caelebs*, and their meaning, as the Augustan legislation promoted early marriage and childbearing particularly for the upper classes.

⁶⁷ See Ogilvie 1965:188-9 for a discussion of similar wording in this section of Livy and Cicero's first oration against Catiline.

marriage of her daughter to a nobleman (4.9.5).⁶⁸ Family involvement is inextricably a main feature of marriage alliances as their purpose is to increase social and political influence and opportunity.⁶⁹ Livy would have been well aware of many of the high-profile marriage alliances of his own day and the need for them to be wisely contracted between elite families, hence perhaps his emphasis on individual marriages formed to meet corporate needs of each person's natal family.

Once again, marriage alliances in the third decade are dominated by those of the Numidian kings to Sophoniba. Hasdrubal marries his daughter to Syphax as part of an alliance (29.23.3-4), and uses that alliance to prevail on him. Livy writes that Hasdrubal fears the alliance will not hold; by means of the girls' blandishments, he urges Syphax to send word to the Romans that he was now joined to the Carthaginians and to warn Scipio not to cross over into Africa relying on earlier promises (29.23.7-8). The marriage alliance was thus powerful enough to provide cause for overruling previous agreements.⁷⁰ Marriage alliance

⁶⁸ This would not have been surprising to Livy, as women in the Late Republic appear to have been involved in making decisions regarding marriage alliances—for example, the female advisors of a woman named Talna (Cic. *Att.* 13.28.4), and Cicero's wife Terentia's involvement in the marriage of their daughter Tullia to Dolabella (Cic. *Fam.* 3.12.2).

⁶⁹ For the involvement of families, and particularly elder relatives, in late Republican marriage alliances, see Dixon 1985:366-7

⁷⁰ Syphax later states he was all but bewitched by Sophoniba's blandishments into forgetting his other ties and agreements: *tum hospitium priuata et publica foedera omnia ex animo*

was at times a precarious bond: Hannibal's wife was a native of Castulo, which was part of the Carthaginian alliance until it defected to the Romans (24.41.7).

This story, and that of the marriage of Sophoniba and Massinissa, will be studied more closely as models at the close of this section.

The variable strength of marriage ties can be seen closer to Rome, as well: Calavius of Capua will not defect from the Romans because he has given a daughter in marriage to M. Livius and has children from a daughter of Appius Claudius (23.2.6).⁷¹ Once again, however, loyalty acquired through marriage alliances may be stretched thin, as it might have been in the case of Syphax: the only obstruction to the Campanians defecting immediately was that the right of intermarriage had mingled many great and powerful families with the Romans (23.4.7).⁷²

By contrast, Q. Fabius states that he will not support the election of Otacilius even though his niece is the wife of Otacilius and they have children

ieicit... ipsa manibus suis nefaria sibi arma aduersus hospitem atque amicum induerit (30.14.11). This is missing in Polybius, as is the original arrangement of the marriage.

⁷¹ Although this statement is part of Calavius' ulterior motives in gaining control of the Senate, the fact is that his marriage alliance with Claudius is a plausible reason for supporting the Romans.

⁷² See also 26.33.3: *eos libertatem sibi suisque et bonorum aliquam partem orare ciues Romanos, adfinitatibus plerosque et propinquis iam cognationibus ex conubio uetusto iunctos.*— "[Campanian nobles] were begging for their liberty and that of their families, and some part of their property, being Roman citizens, and many of them were joined through marriage relations, and now by close blood relations by long-established intermarriage."

(24.8.11). He objects that Otacilius is not fit for the consulship at this time, and he will not use his influence to put such a man in office in time of war. As was noted above, according to Livy's emphasis it appears that the production of children generally strengthens the affinities created by the new marriage.

Marriage alliances might work to definite disadvantage: Heraclia, the wife of Hiero's son Zoippus, is killed because of her association with the royal family when it is decided that none of the dynasty should live (24.26.1-4). Livy condemns the act as shamefully unmerciful, since Zoippus had gone into exile in Egypt and his wife and daughters had done nothing wrong.

Throughout the final 15 books, marriage alliances occur between several royal families in the east, with which these books are principally concerned. First among these is Nabis, the Spartan despot, to whose sons Philip wished to join his daughters as a *pignus futurae amicitiae* – “a pledge of future friendship” (32.38.3). Ptolemy marries the daughter of Antiochus in 193 in an important alliance which Antiochus uses to ward off Roman interference in his affairs in Egypt (33.40.3). The king of Athamania is married to a supposed descendant of Alexander the Great; her brother is enticed by Antiochus to bring Athamania over to his allegiance through his influence with the king and queen, with the suggestion that he might later ascend the throne of Macedonia, being descended from a king (35.47.5-7). Philip makes inroads with the people of Bastarna, and a

noble young man offers his sister to one of Philip's sons, a sign that a political and military alliance was ensured (40.5.10). Perseus marries a daughter of Seleucus and gives his sister to Prusias, both indications of his political influence and acumen (42.12.3-4), while Prusias uses his marriage as a pretext for abstaining from the Roman war against Perseus (42.29.3). Ariarathes, the king of Cappadocia, is joined to the great Roman ally Eumenes by an unspecified marriage alliance and joins the Roman side in the east (42.29.4).

Livy points up the impropriety of a socially unequal marriage when Antiochus contracts a marriage with a Chalcidian maiden of no notable birth. The father, Cleoptolemus, is wary—*inuitum se grauioris fortunae condicioni illigantem*—unwilling to be attached to a marriage contract bringing with it such serious adversity (36.11.1), but we assume that Antiochus' influence was too powerful to resist.⁷³ However, after a winter honeymooning in Chalcis, Antiochus looks back on *infames nuptias*—a shameful marriage (36.15.1), presumably because of the huge difference in rank between himself and his wife. Later, the Roman commander Acilius harangues his troops and mocks Antiochus, who had

⁷³ A fragment of Polybius (20.8) from Athenaeus states that that Cleoptolemus was a nobleman and does not suggest that he was unwilling to allow the couple to marry, nor that Antiochus' behaviour was unseemly. The fragment bears some resemblance to the Livian passage, but the most striking difference is Livy's insistence that the girl was of humble origin. Either Athenaeus has drastically misrepresented Polybius' original text, or Livy is providing the details of the story based on a source other than Polybius with the purpose of depicting Antiochus' unwise marriage.

done nothing more memorable all winter than take a wife for the sake of love from a private home and even from among a lowly family (*amoris causa ex domo priuata et obscuri etiam inter popularis generis uxorem duxit*) and, as a new husband, just as if stuffed from the wedding feast, went out to war (36.17.7-8).⁷⁴ Although apparently aware of the importance of marriage alliances, since he married his daughter to Ptolemy (33.40.3), Antiochus is said to have married a woman of low birth.⁷⁵ Livy emphasizes the connection between personal morality in marriage choices and public duty: Antiochus' lack of self-restraint makes him militarily unfit to meet the Romans.

The joining of the Scipios and the Gracchi is particularly interesting, not merely for the famous branch of that family that would be so well known in the final decades of the 2nd century, but for the causes of the alliance. First of all, it is noted that Scipio's elder daughter was married to P. Cornelius Nasica (38.57.2). Secondly, Livy states that he is not certain whether the younger daughter was married after Scipio's death or during his lifetime. Obviously, the dramatic story mentioned above concerning her engagement works only if the latter is true—and

⁷⁴ Briscoe 1981:235 and Walbank 1979:76 doubt the veracity of this winter of debauchery as described in Livy and Polybius respectively; Walbank 1979:74 notes that Antiochus was in Chalcis only a short time. His suggestion is that this sexualized aspect of the story was an echo of Hannibal's stay in Capua, which would fit with Livy's tendency to stereotype non-Romans.

⁷⁵ Cf. 36.11.1-2, 36.15.1, 36.17.7-8.

this is the version Livy seems to prefer. He elaborates that T. Sempronius Gracchus (*cos.* 177) refuses to allow the brother of Scipio Africanus, L. Scipio, to be led away in chains to that prison into which he had seen P. Africanus leading enemy kings and generals. Nevertheless, Gracchus intends to maintain his enmity towards the Scipios (38.57.3-4). It is thus an act of reconciliation, admiration, honour, and gratitude which the Senate urges Scipio Africanus to perform in betrothing his daughter to Gracchus.⁷⁶

The story of the public engagement contracted by Scipio Africanus between his younger daughter and Gracchus as a sign of good faith between the men is a famous one partly for the high profile and political nature of the marriage, but also for the response of Scipio's wife to the marriage. The engagement is urged by the Senate and agreed to while dining on the Capitoline during a festival. Scipio then returns home and tells his wife Aemilia what he has done.

“When that woman, enraged as a woman would be that she had not been consulted concerning their daughter, had added that even if he had given her to T. Gracchus, her mother ought not to have been barred from the decision making, Scipio was happy that their judgement was so concordant, and told her that she had

⁷⁶ Dixon 1985: 366. This story is not found in Polybius. In fact, Livy relates the story in the context of other comments about Scipio in a short tangent from the previous narrative, based on Valerius Antias, which he picks up again in 38.58. See Sage 1936:201 n. 4; in n. 3 he states that the story is “probably characteristic of the conduct of the Roman aristocracy at this period”.

been betrothed to the man himself’.⁷⁷

The most interesting element in this passage is the apparently traditional role of mothers in making marriage choices for their daughters. Aemilia wishes at least to be consulted and to be a part of making the decision, even though her consent is apparently not legally necessary, nor is it depicted as morally shameful that her opinion was not sought. Scipio feels it is fortuitous for the couple to agree on a marriage match for their daughter, as apparently he and his wife would have done, and so he is able to sidestep the fact that he did not ask her opinion.⁷⁸ Note as well that her involvement in the decision would be by virtue of her motherhood, not her status as Scipio’s wife.⁷⁹

On a humbler note, the old centurion Spurius Ligustinus describes his marriage: “When I first came of age, my father gave me his brother’s daughter to wife, who brought with her nothing but her freedom and her chastity, and with

⁷⁷ 38.57.8-9: *Cum illa, muliebriter indignabunda nihil de communi filia secum consultatum, adiecisset non, si Ti. Graccho daret, expertem consilii debuisse matrem esse, laetum Scipionem tam concordi iudicio ei ipsi desponsam respondisse. Haec de tanto uiro quam et opinionibus et monumentis litterarum uariarent, proponenda erant.*

⁷⁸ Konrad 1989:155-7 has made an interesting amendment to solve the dangling tension suggested by the Latin passage as it stands. *nisi Ti. Graccho daret* would suggest that Aemilia would have wanted to be consulted *unless* Gracchus betrothed their daughter to Scipio, something she thinks would be impossible. This would more fully explain Gracchus’ happiness that they are so much in agreement in a way that the existing passage *si Ti. Graccho daret* does not.

⁷⁹ We will see this episode again in Ch. 3. For the mother’s role in giving her opinion about an engagement see Ogilvie 1965:479 on Livy 3.44.3.

these a fertility, which would be enough even for a rich home”. The endogamous marriage might have served to keep land in the family or could have been an issue of convenience.⁸⁰ In any event, the brother did not apparently have much to give in the way of a dowry, but here the ideals of freedom, chastity, and fertility are valued above material wealth. This fertility is verified by their six children, the two daughters being themselves married.⁸¹

Scipio contrives an alliance in an interesting way when he returns the fiancée of a Celtiberian chief named Allucius: he states that he could have taken sexual advantage of her status as prisoner, and the implication of his discussion with the chief is that her beauty was tempting, but that he would rather have an alliance with the Celtiberian tribe. He even returns ransom money as a wedding present, as though he were somehow *in loco parentis* (26.50). Livy’s presentation of Scipio as a father figure thus extends to his involvement in promoting the proper marriages of his “subjects”—very much like Augustus in the Principate. By contrast, Polybius tells us that the girl was brought to Scipio because of his known liking for women; in this version, Scipio directly connects unbridled

⁸⁰ 42.34.3: *cum primum in aetatem ueni, pater mihi uxorem fratris sui filiam dedit, quae secum nihil adtulit praeter libertatem pudicitiamque, et cum his fecunditatem, quanta uel in diti domo satis esset*. Cousin marriage: Treggiari 1991b: 103-104.

⁸¹ 42.34.4 The marriage broke no incest law: Treggiari 1991:38. This story is also not found in Polybius. For Ligustinus’ status as a *proletarius*, see Sage 1938:389 n. 2.

sexuality with poor generalship, and hands her over to her father (there is no lovesick fiancé in Polybius' account). Polybius' version indicates adherence to certain social norms, recognizing the autonomy of the father over his family, but Livy's story is much more detailed and, as Walbank puts it, romanticized.⁸² Much of the power of Livy's presentation of the story comes from the relationship of trust Scipio forges with the romantic young chieftain and his support of the marriage, from his example of continence, and how he stands to benefit from an alliance with the chieftain.

The social importance of the appropriate choice of marriage partner, the pre-arrangement of the match and the setting of the wedding are all exemplified in Livy's account of the marriages of Sophoniba, the Carthaginian Hasdrubal's daughter, to two Numidian kings, Syphax and Massinissa. These stories are vividly narrated, occurring in an emphatic place at the end of the third decade, and concern some of Rome's greatest allies and enemies, and thus merit special attention. Ties of hospitality between Hasdrubal and Syphax preceded the marriage alliance, as well as a public treaty between the Carthaginian people and Syphax's. Naturally, too, the marriage is conducted with Hasdrubal's full approval and Syphax's eager agreement—so eager, in fact, that Hasdrubal shortens the period of engagement (29.23.3-8). We learn from this chapter that

⁸² Pol. 10.19; see Walbank 1967:219.

there is a certain age at which it was considered suitable for girls, at least, to marry, although it is not clear what that exact age is (29.23.4: *iam enim et nubilis erat virgo*). Syphax is later praised for his marriage to Hasdrubal's daughter (30.13.5) in that he had managed to develop good enough relations to make it possible in the first place.⁸³

By contrast, Massinissa's marriage to Sophoniba is hasty, ill-planned, and unauthorized—not to mention the fact that her marriage to Syphax has in no way been officially dissolved.⁸⁴ Massinissa, allied with the Romans, captures Syphax's camp (although Syphax himself escapes, only to be captured later), and with it Sophoniba, who begs to be protected from Roman hands. Massinissa, captivated, “borrow[s] a bold and shameless plan from love” and marries her (30.12.19). When Scipio's legate Laelius arrives, he tries to tear Sophoniba from the marriage couch, apparently literally, in order to send her to Scipio (30.12.21)—a very

⁸³ Age: Polybius describes Sophoniba as παιδίσκη (14.1.4, 14.7.6). Syphax was praised by the Roman soldiers in order to make their own victory more impressive. Hasdrubal himself, as the son-in-law of Hamilcar, had won his favour by his youth and intelligence (21.2.3). Henry 1979:221-2 suggests that the tradition pinpointed Hamilcar's attraction as sexual in nature and that Livy made some additions to the text to “shed, as he saw it, a better light upon Hamilcar” (222). Henry does not make it clear why Livy would want to reinforce Hamilcar's reputation any more than any other historical personage in his text.

⁸⁴ One other such instance occurs in the east: Philip stole the wife from an Achaean noble, intending to marry her himself (27.31.5-8). He may have used his authority to force a divorce before proceeding. Sophoniba is later told to be *memor patris imperatoris patriaeque et duorum regum quibus nupta fuisset*—“mindful of her father the general and of her country and of the two kingdoms into which she had been married” (30.15.6).

strong reaction, suggesting that Laelius does not consider the marriage valid and sees Sophoniba first and foremost as a Roman prisoner. In this instance, he shows loyalty to the state before respect for the institution of marriage. Massinissa succeeds in having the decision deferred to Scipio. We saw in earlier books the importance of the involvement of family members in contracting a marriage alliance; where it is conducted without the involvement of relatives, as in the case of Massinissa and Sophoniba (30.12.20), the results are less than optimal and Livy's criticism is overt.

When Scipio captures Syphax he learns of Massinissa's rash act. While Livy has Syphax admit to his foolishness in allowing himself to be led about by Sophoniba's blandishments, the jilted husband also says that Massinissa was more foolish to marry her so rashly (30.13.11). Livy's Scipio is markedly unimpressed with Massinissa's behaviour towards the captive woman, marrying her practically on the battlefield and without consulting him or Laelius (30.14.2). He notes that Massinissa was in such a hurry that he married Sophoniba on the very same day he saw her taken captive.⁸⁵ He is particularly upset that Massinissa performed marriage rites at the household shrine of his enemy (30.14.1)—a stark contrast to Aeneas' marriage to Lavinia before his household gods—*apud penates deos*

⁸⁵ *iamque praeceps festinatio ut quo die captam hostem uidisset eodem matrimonio iunctam acciperet* (30.14.1).

domesticum (1.1.9).

After Scipio has explained to Massinissa what would be obvious to the Romans—that a relative of the enemy was to be held captive (and therefore was not eligible for marriage), Massinissa, after much emotional turmoil, provides Sophoniba with the means to escape Roman captivity through death, being unable to keep the first promise *quam uir uxori debuerit*—“which a man owes to his wife” (30.15.5), which was, presumably, to keep her alive and safe.

Livy does not speak much of wedding gifts as part of marriage, but Sophoniba uses the term ironically: *‘accipio’ inquit ‘nuptiale munus, neque ingratum, si nihil maius uir uxori praestare potuit’*—“She said, ‘I accept this wedding gift, nor do I do so ungratefully, if my husband is unable to give anything better to his wife’” (30.15.6). She recognizes the irony as well of having married at her funeral (*in funere meo nupsit*—30.15.7).⁸⁶

Although neither marriage could be met without at least implicit criticism of the Numidian tendency towards rash emotional love, as mentioned below in the section on love and affect in marriage, Syphax’s at least has the character of

⁸⁶ There is a certain echo here of Lucretia: both women utter powerful statements before unhesitatingly committing suicide. It would be difficult to imagine Livy not thinking of Cleopatra’s recent avoidance of Roman capture through suicide. Indeed, Haley 1989:180 suggests that the “Cleopatra type” was a production of Octavian’s propaganda against Antony and the Egyptian queen. Gifts: Weddings gifts, lavish celebrations, and congratulations from foreign embassies are typical features of royal marriages in the east: 32.38.3, 33.40.3, 35.47.5-7, 40.5.10, 42.12.3-4, 42.29.3, 42.29.4.

proper, legal marriage by Roman standards; thus Livy, through the voice of Scipio, heavily criticizes Massinissa's choices.⁸⁷ Other authors add a detail to the story: that Sophoniba was originally engaged, or even married, to Massinissa, and that Hasdrubal broke off the engagement or marriage in order to make an alliance with Syphax. The story then becomes one of wounded honour and shame. Livy appears to have chosen instead to emphasize the short-sightedness of Sophoniba and Massinissa's impulsive marriage, and gives Massinissa no excuse for his behaviour.⁸⁸

Legitimate Roman marriage was the main vehicle by which new Roman citizens of established parentage could be to populate and eventually protect and govern the state. The legality, timing, circumstances, and rationale for marriage were thus vital aspects of private life for the public good. While Livy acknowledges various types of marriages, he promotes ideal settings and choices for the benefit of his readers, for whom issues of marriage and marriage alliance would continue to be relevant into the Augustan period. We shall continue to observe commonalities between the idealized themes of marriage in Livy's work

⁸⁷ For discussion of Numidian passion and Sophoniba's impetuosity as a cultural stereotype, see Haley 1989:171-181 and 1990:375-381.

⁸⁸ Engaged: Dio 17.51 (and Zonaras 9.11), writing in the mid 2nd century AD; married: as per Diodorus Siculus 27.7, writing in the mid 1st century BC. Polybius was a main source for Books 21-32 of Diodorus and thus Walsh 1965:149 seems to think that the tradition is reliable. Livy knew Polybius well but has ignored this tradition. Honour and shame: Haley 1989:174.

and ways in which Augustus authoritatively addressed the same issues in the final chapter.

Spousal Roles and Expectations in Marriage

Roman literature reveals the appropriate elements of spousal behaviour by the author's (or his characters') approbation or reproach towards the actions and choices of husbands and wives. The roles and expectations associated with marriage partners overlap to some degree with those expected from any man or woman, but more specific responsibilities are attached to married persons, as indicated by the way Livy characterizes married men and *matronae*, as well as the ideal relationship between them, with each spouse's role partially defined by his or her relationship to the other.

Along with the rite of marriage came the transfer of the woman from her natal family to her husband's family. Presumably, she would most often reside with her new husband; however, her residence did not determine her legal place in the family. She might still be legally in the power of her father (*in patria potestate*), or placed in the power of her husband (*manus*). A modern academic distinction has been drawn between marriages *cum manu* and *sine manu*, although the ancients themselves did not use these phrases. Rather, a set of traditional legal principles dictated which man, if any, might be responsible for a woman,

primarily to determine succession and the dissolution of property.⁸⁹

Livy did not labor over these specific principles. He has little to say about the transfer of property, women's possessions, or women's inheritance under intestate succession, all legal matters which were not relevant to his broad historical work. However, *manus*, like *patria potestas* and *mancipium*, is one expression of an asymmetrical power relationship between a citizen male and a social inferior. The patterns of authority under which a married woman might live are a more prevalent part of Livy's constructions of marriage.

Livy uses the term *manus* on several occasions in his text, and is also one of few Latin authors who use the term to describe the authority of fathers and slaveowners as well as that of husbands.⁹⁰ Verginia is said to be under the authority of her father—in *patris manu* (3.45.2), and Cato states in his speech against the repeal of the Oppian Law that a woman ought to be under the authority of a father, brother, or husband—in *manu... parentium, fratrum, virorum* (34.2.11). In fact, Livy appears never to use the term solely to refer to the power of a husband over his wife. However, he does employ terms or phrases which

⁸⁹ Treggiari 1991:15-17, Evans Grubbs 2002:20-23. Legal texts include discussions of different types of legal authority or ownership in social relationships (Gaius, *Inst.* 1.48) and methods by which a woman came into *manus* or could avoid it (Gaius, *Inst.* 1.109).

⁹⁰ Treggiari 1991:16. Other authors: Sen. *Contr.* 3.3, *epit.* 1.6.3, *CJ* 7.140.1.2; Just. *Inst.* 1.12.6.

highlight the special authority of a husband: for example, during the debate over the Oppian law, women could not be controlled by *imperio virorum* (34.1.5), and Cato asserts *ius et maestatem viri*—“the rights and dignity of a husband (in the case of our own wives)”.⁹¹ Thus Livy’s use of terminology acknowledges a wide variety of forms of authority over women, including married women, but attributes a certain uniqueness and primacy to the responsibility of a husband for his wife’s social character and behaviour.

Livy’s thematic emphasis on authority demonstrates a pattern similar to the linguistic one outlined above. Married women who are the object of detailed anecdotes in Livy’s history tend to originate from elite or royal families. Thus, they have important social and emotional ties to their fathers as well as their husbands and are subject to influence from both. After being raped by Tarquinius, Lucretia calls a family council to her side which includes her husband and her father and uncle (1.58.5).⁹² The Fabii sisters are clearly well-established within their husbands’ households, but their father is the one who hears the younger

⁹¹ For the *imperium* of a husband, an expression used sparingly in Roman writing, see Treggiari 1991:209. 34.2.1-2: *in sua nostrum matrefamiliae... ius et maiestatem viri*.

⁹² Note that in Dionysius’ account, Lucretia calls a family council, but her husband is not present when she commits suicide, and her emphatic pleading for vengeance is directed towards her father: 4.66-67. While this version seems to emphasize the authority and responsibility of *patria potestas*, and dramatically leaves the entrance of Brutus and Collatinus until after Lucretia’s suicide, Livy’s focus on the family council and on the need for Lucretia’s husband to be present reflects the more nuanced set of relationship dynamics between men and women within the Roman family.

Fabia's complaint about the lesser dignity of her plebeian marriage (6.34.5-11). Hasdrubal prevails on Syphax through his daughter Sophoniba's blandishments (29.23.7-8) while she implores her husband with tears for her father Hasdrubal and her native country (30.7.8-10). The second passage is clearly based on Polybius (14.7.4-6) but Livy emphasizes the politically manipulative element in the relationship between Hasdrubal, his daughter, and Syphax.⁹³

However, the primacy of the husband's authority and influence is still implicitly prevalent. Sophoniba was characterized first as being among the possessions of Syphax, even though she was perhaps more importantly the daughter of Rome's greatest enemy (30.14.9). Most of Cato's speech warns against the problems Roman husbands will experience if the Oppian Law is repealed: their wives will seek out other men to buy them ornamentation if they do not get it from their husbands, and will take every opportunity to control them even more if granted this licence. In our only example of a peasant marriage in Livy, Spurius Ligustinus states that his niece was given into his possession as a wife, along with her freedom and chastity (42.34.3-4). He makes this comment in the context of his own meager possessions and humble life, not as a comment on his greater family connections.

⁹³ Livy states that at this point Sophoniba spoke not as before with *blanditiae*, which were more in keeping with the behaviour of a lover (*amans*) but more desperately: 30.7.8-9.

The interactions flowing from this pattern of male dominance in marriage are what we would expect: women who are obedient to their husbands and who limit their counsel and personal ambition are characterized more positively than those who attempt to advance their husbands' interests in excessively political ways. For example, after Lucretia's harrowing experience at the hands of Sextus Tarquinius, her desire is for her lost virtue to be avenged, and she requests this through the channel of her male relatives as opposed to seeking revenge herself in some manner. Her call for her father, uncle and husband to attend her is similar to the form of a *consilium* and thus echoes proper Roman practice. The whole story of Lucretia is so idealized in many ways that the *consilium* feature might be considered an element which Livy views as proper procedure in a family crisis: the summoning of male authority.⁹⁴

⁹⁴ *Consilium*: Dixon 1985:360, Treggiari 1991:265. Here the author comments on the idea of the "self-regulating family" as espoused and upheld by Dionysius of Halicarnassus (2.25.6) and by Cicero (*Rep.* 4.6). It is perhaps puzzling that there is little mention of Collatinus' grief, but more of the father's bereavement, although this is less the case in Livy than in Dionysius' account.

Viri

A man's role within his family is defined by his position as a son, preferably an obedient one and often also as a *paterfamilias* with responsibilities for his wife and children. The role of fathers will be dealt with in Chapter 3. His specific role as a husband is most often combined with his responsibilities to other family members as representative and protector. However, Livy implies other ideal characteristics of a Roman husband through stories in his history.

One of the most frequently cited responsibilities of the citizen male is to protect his family in battle. Generals haranguing or encouraging their troops often remind them of their wives and children back home. The repetition of this injunction places the active capabilities of the Roman married man in opposition to the vulnerability of his wife, along with his home and his children and parents. Men are encouraged to protect their wives and children in the battle at the Colline gate, which takes place *in conspectu parentum coniugumque ac liberorum* and which Ogilvie rightly notes is an echo of 5.18.11 and also of the women's wailing for Hector at the walls of Troy.⁹⁵ The women and children of Saguntum are at the mercy of the men of their own city, who choose to burn themselves and their

⁹⁵ Encouragement: see also Manlius exhorting his *triarii* (8.10.4). Corvinus warns the rebel Capuan soldiers that their mothers and wives will come to them with dishevelled hair just as

families in their homes rather than submit to the Carthaginians (21.14.4).

Similarly, the women of Abydus are slain along with their children by the men of the town, to avoid their capture and enslavement. Polybius' account of this episode has come down to us in fragments; his interest lies more in laying out at length the events associated with the siege and the geography of Abydus. Livy, however, shows a keen fascination with the psychological sufferings of the people and the madness of their response. It seems from the text the height of emotional torment has driven the men of the city to slay their nearest and dearest—only such dire circumstances would drive a father and husband to commit such acts.⁹⁶

Quintus Fabius Maximus, speaking in the senate regarding the appointment of Scipio to the war in Africa, warns that the Carthaginians will fight more desperately at home *cum euntes in proelium pauida prosequetur coniunx*—“when a frightened wife follows [each of the men] as they go out to battle” (28.42.11); Hannibal is described urging his troops before the battle of Zama by showing them their frightened wives (30.33.11). One phrase which suggests the important theme of the protection of women appears at the very end of a military harangue at the river Ticinus in which Scipio exhorts his troops to fight as though

with Coriolanus (6.40.12).

⁹⁶ Abydus: Livy 31.17-18; Polybius 16.29-35. Psychological suffering: Walsh 1961:178-9, 193-4; Walbank 1967:542-3.

before the very walls of Rome in defense of their wives and little children (21.41.15-16).⁹⁷ Frightened wives and trembling women are part of the *topos* not just of the *urbs capta* but of the *urbs* which is threatened with capture, thus heightening the tension of battle and the importance of male courage to stave off a disastrous outcome.

The treatment of husbands' roles and characteristics continues in the final three pentads. Cato is the conservative voice on behalf of married men in the debate over the Oppian law. At 34.2.1 he suggests that men would have less trouble dealing with their own wives (*matres familiae*) if they had sought to retain the rights and dignity of a spouse (*ius et maiestatem viri retinere*). The verb suggests that these were rights which were previously enjoyed more commonly, at least from Cato's point of view, and which there has been an attempt to remove or mitigate. The word *maiestas* has strong political connotations but is also part and parcel of a man's authority within his family, his *potestas*. Cato further emphasizes how this power has been compromised at home, with men's liberty conquered by female violence, and that this conquest is being spread to the forum, the public domain of men (34.2.2). Cato laments the fact that while their

⁹⁷ Polybius does not mention the deaths of women and children at the siege of Saguntum, or the part of Scipio's harangue in which he tells his troops to fight as though before their wives and children; if he wrote about Fabius' speech, it is not extant. Polybius' Hannibal has his officers remind the soldiers of the sufferings their children and wives will undergo if they are beaten by the Romans (15.11.5).

ancestors did not allow women to conduct even private business and kept them in the power (*in manu*) of fathers, brothers, and husbands, the women of his own day are involving themselves in public business (34.2.11-12).

Among the points raised by Lucius Valerius, in his defense of the repeal, is his assertion that women prefer their apparel and accoutrements to be judged and limited by their husbands, not by the law; *et uos in manu et tutela, non in seruitio debetis habere eas et malle patres uos aut uiros quam dominos dici*—"And you ought to hold them in your authority and guardianship, not in slavery, and to prefer to be called fathers and husbands rather than masters" (34.7.13-14). The dual role of men as *patresfamilias* and as *domini* is suggested here, along with a warning that no man ought to be both husband (or father) and master to his wife (or daughter).

Matronae

The *matrona* or married woman held an honoured place in Roman society, with a certain amount of social and even political influence stemming from her personal reputation and her ability to transmit some property. Along with the honours of her status came expectations and responsibilities, expressed in the standards to which Livy holds the married women of his text. Most of these women are included in the text because of their associations with their husbands;

the foundation myths include a few names of certain women made notable through their important marriage alliances and ancillary roles in early Roman history (e.g. Lavinia, Larentia, and Hersilia). As a collective, the *matronae* of Rome could have considerable political influence, and were important in making propitiatory donatives and prayers to the gods, perhaps because they represent a society in harmony and order, in which many women are married members of productive households.⁹⁸

Ideally, wives were obedient to their husbands' authority, sometimes counseling them, but always occupying the weaker position within the power relationship. Several examples of this were noted above in the section on authority in marriage. Another story has Hersilia, the wife of Romulus, encouraging her husband to forgive the Sabines for their retaliation in order to preserve the peace (1.11.2), but interfering no further in his duties.⁹⁹ Women serve a passive role as objects of intermarriages contracted between kings, leaders of states, and heads of families, as seen above. Their position as decision makers in the home is limited; above we noted that Aemilia was angry that she was not

⁹⁸ Thanks to Keith Bradley for this suggestion. Propitiatory prayers: Ogilvie's note to 5.18.11, in which the matrons pray to ward off the Veientes, he states that the panic at Rome with the scenes of the women on the walls and of public prayer are taken from the *Iliad*, as Hector goes out to battle; yet another instance in which Livy's presentation is influenced by epic and drama.

⁹⁹ A note here from Ogilvie 1.11.1-4: "Hersilia is the personification of *Hora Quirini*, a special property/attribute of Romulus later aetiologically explained as Romulus' wife."

consulted about her daughter's marriage, but it was contracted nevertheless: her role could really have been only as an advisor (38.57.8-9).

The inverse of this ideal involves wives who were excessively interfering in their husbands' domain. These included Tanaquil, who in effect ends up choosing her husband's successor, and lies to the people to calm them following the death of her husband. She is a somewhat mysterious figure whose death Livy does not record. She advises her husband, pushing him towards achievement and honour, counseling him about the character of the boy Servius. Her characterization as a whole was understood by Livy's audience as an essentially foreign and ambitious woman.¹⁰⁰ As Livy tells it, it is Tanaquil who suggests that the young Servius be raised with the family after prodigies appear predicting his bright future. He is eventually betrothed to Tarquinius' daughter, and the sons of Ancus, angry at being overlooked, kill Tarquin (1.40.4). Tanaquil might therefore distantly be seen as the tragic begetter of her husband's demise, and so her ambition and advice to her husband have a grievous end. As characterized by Dionysius, Tanaquil is knowledgeable in Etruscan augury, and affectionately encourages her husband, but is also proactive in encouraging the rearing of

¹⁰⁰ McDougall 1990:27 suggests that Tanaquil behaved in ways which were not much different from "what public opinion was inclined to believe" about aristocratic women, a later example being Livia, who also kept the news of her husband's death secret until she could secure Tiberius' return. It is possible that this account of Livia, told in Tac. *Ann.* 1.5, is patterned after Livy's account of Tanaquil. Ogilvie 1965:144 characterizes her behaviour as un-Roman.

Servius, as well as in placing him on the throne and insisting that he raise and protect her two grandchildren.¹⁰¹

Tanaquil is followed not long after by a much more insidious character, the elder Tullia.¹⁰² Her behaviour has been noted above as being unseemly in a wife, but her ambition is also criticized. She scoffs at her sister who lacks “a woman’s daring”, in this case with respect to promoting her husband’s interests. Livy’s expression here marks his understanding of dramatic character and its effect on his audience; the “woman’s daring” of which Tullia speaks is a key component in tragic heroines and villainesses alike, but the fact that it is Tullia who admires this characteristic should make a reader wary of any woman who displays it.¹⁰³

Royal pride is vilified in the daughters of Hiero, who had ambitions for their husbands and themselves when their father died: Demarata, the wife of Adranodorus, was puffed up *regiis animis ac muliebri spiritu*—“by royal inclinations and a womanly spirit” (24.22.8). The royal wives create royal pride in

¹⁰¹ Dion. Hal. *Ant. Rom.* 3.47, 4.4.

¹⁰² Tullia at one point compares herself to Tanaquil (1.47.6).

¹⁰³ McDougall 1990:28 n.21 points out that this phrase is Tullia’s “subjective view”, and not a socially acceptable trait in women. Piper 1971:27 draws a contemporary parallel between Fulvia and Tullia, Fulvia having involved herself excessively in the military affairs of the day in her ambitions for her husband Marc Antony (on the vilification of Fulvia by Octavian, see Syme 1939:191, 208). Dionysius’ Tullia is still more melodramatic, claiming that she has been unwillingly humbled and her body withered by her husband’s lack of ambition (*Ant. Rom.* 4.29.6).

their husbands (24.25.6-7). Closely related to the pride of the daughters of Hiero is their use of what Livy usually refers to as *blanditiae*, a word commonly used to describe flatteries and enticements on the part of women. Adranodorus is finally persuaded to participate in a coup after being exhausted by the the admonishing words of his wife (24.24.2). All of these efforts cannot match the blandishments and enticements of Sophoniba, used first by her father to cement Syphax's loyalty, and then by herself in an attempt to preserve her liberty at Massinissa's hands.¹⁰⁴

Matrons fulfil the dramatic role of objects for their husbands' protective duties, as has been previously noted. Their helplessness in war is emphasized repeatedly, although they do supplicate the gods as a group in behalf of the citizen body, and particularly the noncombatants. Wives also accompany their husbands in supplications for amnesty; again, they are usually grouped with their children. For example, the Tuscians come to Rome as suppliants with their wives and children (8.37.9). They may also be grouped with children as victims in war: as noted above, the phrase *coniugibus et liberis* occurs very frequently in Livy's text. Alorcius, the legate of Hannibal, promises the Saguntines that they, their wives, and their children will not be violated if they agree to leave Saguntum with two garments each (21.13.7-9).

¹⁰⁴ The women of the royal family at Syracuse do not appear in the fragments of Polybius Book 7, in which these events occur. Syphax: 29.23.7-8, 30.7.8-10, 30.11.3, 30.14.11.

Women are victims in all of the wars in the east. At Abydos they are shut up in the temple of Diana along with freeborn boys, to be killed to avoid capture (31.17.5-8)—an act of madness which Livy compares to the similar fate of Saguntum. In Eretria, attacked by Quinctius, the women's husbands bring them to the citadel for safety before surrendering (32.16.16); the women of the Isiodenses are also shut up in the citadel with their husbands, besieged by Termessus and starved out (38.15.4-5). This material is part of the traditionally tragic narrative of warfare and siege, in which the innocent and helpless noncombatants seem to suffer the most.¹⁰⁵

This helplessness is contrasted, however, with the religious capacities of the matrons as a collective. Livy took care to mention expiations by gender-divided subsets of the population (maidens and matrons in particular). The pious offerings and propitiations by women fulfilling socially and morally acceptable roles, namely virgin chastity or marital fidelity and responsibility, must be considered a religious counterstrike against the abominations of nature and the threat of war to restore order and win the favour of the gods.¹⁰⁶ The Roman

¹⁰⁵ Examples of these elements in tragic siege narrative: Paul 1982:147; on effects of warfare and siege in Livy: Walsh 1961:191-197. See also Isiodenses' wives and children in Pol. 21.35.3.

¹⁰⁶ For the role of the Senate in choosing the nature of religious propitiations (and therefore of reinforcing these socially acceptable roles for women) see Beard and Crawford 1985:34; for women's involvement in religious cult, specifically chastity shrines, as a means of

matrons weep and pray at the advance of Hannibal towards the city, in the hopes that matrons and little children will be kept safe and sound (26.9.7-8). Both sources mention the matrons using their hair to sweep in the temples, although Polybius says they sweep the “pavement” of the temples rather than the altars, as Livy states.¹⁰⁷ Matrons offer prayers at the festival of Apollo (25.12.15), choose twenty-five of their number to make a contribution from their dowries for a golden basin when the Temple of Juno is struck by lightning (27.37.7-10), and give thanks with their children after a Roman victory (27.51.9). While Polybius mentions the Roman celebrations, he does not include the specific participation of women and children (11.3.4-5). When the Idaean Mother, a stone thought to be the mother of the gods and presented by the king at Pergamum, needs to be transported from Ostia to Rome, it is the job of the “best man in the state” (*vir optimus in civitate*) to move her to land and of the matrons of the city to transport her to Rome, hand to hand. Livy tells us that the struggle for *virtus* was still alive and well, for the Senate was to decide who this best man was (29.14.7). Scipio, of course, is the man chosen; he hands the stone to the *matronae primores civitatis*,

promoting good social behaviour, see Pomeroy 1975: 206.

¹⁰⁷ Polybius adds an explanatory note indicating that the matrons of Rome customarily sweep the temple pavements with their hair when the city is in danger—this note is, of course, not necessary in Livy, and in any case it is not likely that Livy is following Polybius closely for the march on Rome (see commentary in Walbank 1967:122ff). Walbank (1967:125) quotes R.M. Henry: “As the hair was the symbol of youth and strength, the act denoted an absolute surrender to

from whom other matrons pass the Idaean Mother hand over hand, all the way to Rome. These “first wives” of Rome may well simply have been wives and mothers of reknowned Roman men, but their moral purity was apparently notable as well, as in the case of Claudia Quinta (29.14.12).

This public behaviour of women in groups suggests a certain commonality of status, to which some authors seem to have given the word *ordo*. It does not appear to be a strictly acknowledged title in the way that the senatorial and equestrian orders were. However, one passage in Livy reveals an interesting reference to a possible *ordo matronarum*.¹⁰⁸ When Verginia is forced to leave the *sacellum Pudicitiae Patriciae* because she, although a patrician, had married a plebeian, she erects and dedicates an altar of Plebeian Modesty in her home and invites the *plebeiae matronae* to worship there in such a way that others will say the cult is kept more chastely and purely than that of the patricians. Only women of proven chastity, married to one man, are permitted to worship there. The comment may be seen as setting plebeian and patrician women against each other, but more specifically differentiates the chaste and the unchaste, as though it were a new “Struggle of the Orders”. Livy then states that soon the cult is frequented

the god.”

¹⁰⁸ 10.23.1-10. Oakley (2005:245) notes that the text builds towards Verginia’s direct speech about the *certamen pudicitiae*.

not only by *matronae* but by *omnis ordinis feminis*, as though the distinction is now between pure and chaste *matronae* and women of lesser morality or of single status, distinguishing them as different *ordines* altogether.¹⁰⁹ It is doubtful that Livy meant the anecdote to be divisive between social classes, but rather the words *certamen virtutis* and *pudicitiae* could be intended to demonstrate an ideal depiction of the early Romans, both male and female, patrician and plebeian, striving with one another in a competitive, not combative, struggle for honours and moral rectitude.

It is perhaps not only in the interest of personal purity but also a matter of state welfare that Roman wives are expected to demonstrate proper sexual behaviour, remaining faithful to their husbands and even avoiding excessive contact with other men. This will not be addressed at length, but a few incidents are worth noting here, particularly since the social ideals promoted by Augustus include sexual propriety. Sextus obtains Lucretia's submission with a threat that demonstrates further layers in the value of chastity: he says he will kill both her and a male slave and lay their naked bodies together so that she may be accused of being slain in adultery (1.58.4-5). This concept seems to be the only thing worse

¹⁰⁹ *Omnis ordinis* should not refer to patricians as they had their own cult, and in any event surely would not "pollute" the plebeian cult by their presence; nor should it refer to prostitutes (Oakley 2005:258). Livy's suggestion is most likely that these other orders are of those women who are not fit to be called *matronae* because they are single, divorced, or unchaste.

to Lucretia than to be raped by Sextus, and in this way he conquers her *obstinatam pudicitiam* (1.58.5).¹¹⁰ She summons her father and husband, each one bringing a close friend (one of whom is her uncle Brutus), and when asked if she is alright, asks rhetorically, “What woman can be well who has lost her chastity?” (1.58.7) She asks for her rape to be avenged and states that she must die for her defilement. Despite protests to the contrary, she then commits suicide, declaring famously that no woman (and perhaps more specifically, no Roman wife) would then be able to be unchaste and plead exemption from punishment by referring to Lucretia as an example.¹¹¹ Livy points out one instance in which *matronae* are convicted of adultery (10.31.9), and one in which a man is accused of it (8.22.2-3). As mentioned above, Claudia Quinta was suspected of adultery but her purity was confirmed by her role in bringing the Idaean Mother to Rome (29.14.12).

In behaviour which is inappropriate to the female gender, there seems at times to be an accompanying accusation of infidelity: consider, for instance, the

¹¹⁰ The implication this section has for ancient attitudes towards slaves will be examined in Ch. 4.

¹¹¹ 1.57.9-1.58.11. Declaration: *nec ulla deinde inpudica Lucretiae exemplo vivet. Supplicio non libero*: “It was widely held that adultery so defiled the woman that any subsequent progeny would themselves be contaminated. Hence the woman had to die” (Ogilvie 1965:225). Chaplin 2000:1 notes that while Lucretia expresses awareness of her own example, she is not cited as such in the later books and fragments of Livy and thus does not quite meet the ideal of the Preface that *exempla* are useful for moral instruction. I feel, however, that in light of the high profile of sexual indiscretions of the late Republic, Lucretia’s unfailing commitment to chastity and willingness to die for it would have been a sobering *exemplum* to Livy’s contemporary audience and is not diminished by the apparent lack of later references to it in his text.

statement that Tullia became accustomed to secret meetings with another woman's husband (1.46.7). Although Livy does not say outright that the two had an affair, the implication of adultery is part and parcel of Tullia's other mischiefs, and ideally, as Livy constructs it, a woman should be free of suspicion in all circumstances. Dionysius of Halicarnassus also emphasizes Tullia's inappropriate sexual behaviour, perhaps going a step further: he writes that after Tullia and Tarquin plot to murder their spouses, they celebrate pre-nuptial rites. He does not make it clear what these rites are, but the sense of improper conduct is obvious.¹¹² Livy also gives an alternate explanation for the myth of the she-wolf who suckled Romulus and Remus by suggesting that their foster-mother Larentia was known as a *lupa*, a she-wolf or prostitute, by the locals. He does not, however, elaborate on this, perhaps so as not to sully the reputation of the boys' upbringing.

The *univira*, a woman who has been married to only one man, is of particular social and religious interest. In this anecdote, previously discussed in context of the *ordo matronarum*, Verginia is especially distraught because she was *uni nuptam ad quem virgo deducta sit*—"married to one man, to whom she had been wed as a maiden" (10.23.5).¹¹³ Livy also states that only *univirae* could

¹¹² Dion. Hal. *Ant. Rom.* 4.30.1: ὁ Ταρκύνιος... τὰ προτέλεια τῶν ἀνοσίων γάμων διαπραξάμενος ἀπέρχεται.

¹¹³ She also states that she feels no shame at having married a plebeian; cp. Fabia minor, who was ashamed to admit her jealousy of her sister's patrician husband.

worship at the altar of Plebeian Modesty which Verginia founded in her own home.¹¹⁴ We are not told whether this status was required of the women who participated in the cult of Patrician Modesty; it is possible that Verginia hoped the plebeian cult would be *sanctius et castiora* because it would only accept *univirae* while the patrician cult was less discriminating. The concept of the *univira* is not emphasized anywhere else in Livy. It is clearly an admirable state, but Livy does not suggest that it is markedly superior to marriage to more than one man in turn, nor do a woman's multiple marriages seem to incur any stigma from him (except where they are the result of illicit activities such as through Tullia's murder of her first husband!). However, Livy states that the cult became polluted not only by the *matronae* but by women of "*omnes ordines*" and eventually declined into disuse. Presumably he means *matronae* who were not *univirae*, or women who were divorced or not married at all, might be seen as critical and indicative of failing moral principles of marriage. The *univira* archetype became complicated in the time of Augustus for reasons which we will examine in the final chapter.

Wives were also expected to fulfil responsibilities at home and generally to remain there, away from the political and social domains of men. Sextus Tarquinius and a number of his friends go to each others' homes one evening to

¹¹⁴ Oakley (2005:247-250) addresses the historicity of the cult of Pudicitia at Rome and suggests that there may be some confusion with the temple of Fortuna, but these details are not

see which wives are prepared to meet them and to be hospitable. Only Lucretia, the wife of Collatinus, is still at home and working and able to greet them. The fact that she was working with her slave girls apparently suggested strongly her chaste nature, although there is no direct proof of it: Sextus assumes it, and so would Livy's audience. In addition, her supervision of her slaves suggests her role in household administration of resources both human and material, another responsibility of an ideal wife.¹¹⁵ Childbearing and rearing was prominent among the responsibilities of wives: Theoxena cared for her sister's orphaned children while raising her own, and Spurius Ligustinus' wife, having remained chaste until marriage, then produced eight children for her husband (42.34.3-4).

The unregulated activities of wives outside the home, therefore, sometimes incur great displeasure and punishment and seem to be symptomatic of disordered society. In 331, 170 *matronae* in the city of Rome are condemned on the evidence given by a slave girl for preparing poisons. It is notable that they are referred to as *matronae*, not merely *feminae*, suggesting that their class and status made their

immediately relevant to the moral tone of the story.

¹¹⁵ *Ibi Sex. Tarquinium mala libido Lucretiae per vim stuprandae capit; cum forma tum spectata castitas incitat* (1.57.10). Pliny (*NH* 8.19) records that a piece of cloth woven by Tanaquil was still in the shrine of Fortuna; Livy does not often refer to artifacts or contemporary relics in his discussions, but he may also have been motivated to leave out such a detail in order to characterize Tanaquil more fully as an ambitious foreign woman. Household administration: Treggiari 1991: 374-6.

crime especially striking (8.18.4-11). Part of the effort to restore order to the city during Hannibal's approach to Rome is to keep the *matronae* off the streets and in their own homes (22.55.6). Cato rails against the public presence of the *matronae* during the repeal of the Oppian Law. He warns the citizens about the mischief that women are getting into, calling after other women's husbands, and he asks if they are more charming (*blandiores*) and seductive in public than in private, and more to other women's husbands than to their own (34.2.9-10).¹¹⁶

An odd event not paralleled by any other story in Livy's extant history is the despoiling of the women of Argos by the Queen of Sparta, Nabis' wife (32.40.10-11).¹¹⁷ Whether it was intended to humiliate the women of Argos, to show the extent of Spartan royal power, or an anecdote emphasized by Livy to suggest the barbarianism of the Spartan elite, it was not an act that could have occurred in a Roman conquest. This strange anecdote brings Book 32 to an abrupt end; whether Livy found it truly shameful or even mildly humorous is difficult to

¹¹⁶ Poisoning: Polybius writes of the efforts to calm the citizens and strengthen the city at 3.118.7, but does not specifically mention the prohibition against matrons being in the streets.

¹¹⁷ *Et Nabis firmato praesidio Argis Lacedaemonem regressus, cum ipse uiros spoliasset, ad feminas spoliandas uxorem Argos remisit. Ea nunc singulas inlustres, nunc simul plures genere inter se iunctas domum accersendo blandiendoque ac minando non aurum modo iis sed postremo uestem quoque mundumque omnem muliebre[m] ademit*—"And Nabis, having strengthened the garrison at Argos and returning to Sparta, since he had despoiled the men, sent his wife to rob the women of Argos. By summoning now prominent individuals, now many women at once joined by clan to one another, and by flattering and threatening them took not only their gold from them, but finally their clothing and every womanly adornment".

ascertain. His account is based on Polybius 18.17.2-5, which is essentially identical. Livy has added the idea of Nabis' wife taking the women's money and clothing not only by force, as Polybius states, but also *blandiendo*, by flattery. As we have seen previously, the word has negative connotations for women in Livy's history, referring to manipulative characters such as Sophoniba.¹¹⁸

There are several examples of women who perform acts that seem outside the feminine ideal, but with positive connotations. Wives could undertake protective or even active roles in their own defense, or that of their children or even husbands. Again, female bravery is an admirable attribute in certain situations, provided it does not interfere with a man's authority. An unnamed woman begs tearfully for the body of Alexander of Epirus (8.24.15) so she may use it to bargain for the lives of her imprisoned husband and children. The Sabine women throw themselves into the midst of combat to plead with their Roman husbands and Sabine fathers, *victo malis muliebri pavore*—"Their womanly terror overcome by their misfortunes" (1.13.1). The women are driven to this daring act by adverse circumstances.¹¹⁹ Lucius Valerius recounts the services done by the

¹¹⁸ The story is probably connected in some way with the badly compressed, probably apocryphal anecdote mentioned earlier in Polybius, about a kind of death machine in the shape of a woman whom Nabis referred to as his wife: Pol. 13.7.1. The special cruelty of Nabis' wife, which Polybius characterizes as even worse than Nabis' own (18.17.3) may be the ultimate origin for the strange story of the mechanical woman (Walbank 1967:420-1). Added details in Livy: Briscoe 1973:246.

¹¹⁹ I share Brown's view (1995:306-310) that Livy promotes the importance of the Sabine

matrons to the state as a class, including their donations of gold during wartime and their religious piety in receiving the Idaean Mother (34.5.9-10). Sophoniba, when she has no other way of escaping Roman capture, drinks the poison sent to her by her husband. Her statement to his messenger is piquant and unforgettable: *hoc tamen nuntia, melius me morituram fuisse si non in funere meo nupsissem*—“Tell him, though, that it would have been better for me to die if I had not married at my funeral.” She then fearlessly (*impavide*) drinks the poison (30.15.6-8). It is not particularly feminine behaviour, as Livy would characterize it; note that other female captives have had to be slain by their husbands. Perhaps Livy’s audience expects no less from the daughter of Hasdrubal.

The wife of the Gallic chieftain Orgiago is among the captives in a Roman camp, whose beauty catches the eye of a centurion. After raping her, he consents to letting her go, the ransom to be delivered at a secret location by night. When he takes her to meet her relatives at the designated spot, she orders them to kill him on the spot (38.24.2-8). Although she does not slay him herself, she brings his severed head to her husband. Before she embraces him, she throws the head of the centurion at his feet and tells her husband, who wonders whose head this was and what was the meaning of this totally unwomanly deed is, about the rape and

women’s active involvement in the story, but also his suggestion that they suppress one feminine characteristic (their fear) to strengthen another more fundamentally positive female quality of

the act she has committed in revenge for her violated chastity. Livy is careful to emphasize, perhaps lest there should be any question of her moral decency, that she preserves the glory of this matronly deed by the sanctity and dignity of her life.¹²⁰ This is yet another example of how Livy may use the term *matronale* to refer to a non-Roman married woman. A fragment of Polybius (21.38.1-7) taken from Plutarch's *Virtuous Deeds of Women* (22) tells the same story but does not use words analogous to *haudquaquam muliebre* or *matronale facinus* to suggest what a woman might or might not do in such a situation and does not emphasize it as such an explicit *exemplum*, although Plutarch states that Polybius had met the woman and admired her greatly.

Theoxena has been mentioned above as having married her brother-in-law in order to care for his motherless children—a decidedly feminine responsibility. Her more masculine act was to preserve her children, her husband and herself from capture by Philip's soldiers. Caught while trying to escape by sea, she offers her children steel and poison; then, embracing her husband as her companion in death, throws herself into the sea (40.4.13-15). It should be noted that in previous

family loyalty.

¹²⁰ 38.24.9-10: *quem priusquam complecteretur, caput centurionis ante pedes eius abiecit, mirantique, cuiusnam id caput hominis aut quod id facinus haudquaquam muliebre esset, et iniuriam corporis et ultionem uiolatae per uim pudicitiae confessa uiro est, aliaque, ut traditur, sanctitate et grauitate uitae huius matronalis facinoris decus ad ultimum conseruauit.*

examples of multiple suicides, husbands are usually responsible for seeing to the deaths of their wives and children; here, the roles are reversed.

Men whom Livy portrays as being especially virtuous are cognizant of the *matrona* and the distinction of her character. Scipio states to an older female captive that he will take even greater care to assure the safety of her young charges: “‘Your virtue and dignity is such that you are mindful of womanly decorum even in hard times.’ Then he hands them over to a man of proven integrity and orders them to be kept safe, not less chastely and modestly than the wives and mothers of guest-friends.”¹²¹ In Polybius, the woman is named as the sister-in-law of Indibilis, a Celtiberian chieftain, and has to spell out her concern for the girls’ chastity, as though Polybius’ Scipio does not understand her initially modest request. He replies that he will treat them like his own sisters and children.¹²² This episode takes place well after the point when it is believed that Livy was relying principally on Polybius’ text, so the difference between Scipio’s responses in the two versions takes on greater meaning. In Livy’s construction of family dynamics, in which sisters and children are more vulnerable to the aggression of older males, wives and mothers are more clearly “untouchable” and

¹²¹ 26.49.11-16: ‘*Vestra quoque uirtus dignitasque facit quae ne in malis quidem oblatae decoris matronalis estis*’. *Spectatae deinde integritatis uiro tradidit eas tuerique haud secus uerecunde ac modeste quam hospitum coniuges ac matres iussit.*

¹²² Pol. 10.18.7-15.

are associated with ideals of respect and admiration.

The language here is also perhaps telling of Roman values concerning married and unmarried women both at home and in war. Maidens captured in war might often be the spoils of the victorious soldiers. Scipio does not instruct his man to treat them like the maiden daughters of guest-friends, but like their wives and mothers. In these ways, Livy's Scipio orders that the women be considered conceptually out of bounds. Whereas Scipio is an *exemplum virtutis*, we may compare his magnanimity with the garrison commander Pleminius' reprehensible behaviour which encourages imitation by his soldiers, as the Locrian delegates tell the Senate when they describe the daily and nightly theft and rape of matrons, maidens and freeborn boys (29.17.14-16).

The evidence strongly suggests a set of principles by which men and women were to conduct themselves in a marriage relationship, relating partially to the asymmetrical power structure which placed husbands in authority over their wives, but also to expectations of reciprocal kindness and protection. Livy's text is not a marriage manual by any stretch of the imagination, but by including small details about the ideal as well as troublesome marriages of Roman history, he supports these principles and expectations. While Augustus did not and could not legislate all marital emotions and behaviour, the ideals suggested by the marriage legislation and other aspects of Augustus' cultural program are generally not out

of keeping with the expectations expressed both in Livy's history and in previous literature and commemorative evidence.

Affect and Love in Marriage

One important aspect of the study of marriage and other relationships in the ancient world is evidence of affect—perhaps best described as emotional bonds which influence behaviour and language. Actual affect between documented historical persons is difficult to determine. What we have are the representations of affect which do not necessarily reflect actual feeling—stock phrases which appear on commemorations, depictions of couples in what appear to be close embraces, etc. In the case of Livy, we encounter the same difficulty that we have already discussed: phrases which may appear to describe or define aspects of Roman relationships could be dismissed as uninformative rhetorical colourings. As always it is best to see what Livy has to say and how he says it.

In anecdotes throughout the first five books, Livy seems to suggest that while affection between husband and wife is usually appropriate, excessively romantic or lustful feelings end in disaster. Horatia's apparent affection for her fiancé takes the form of an emotional outburst upon the announcement that he has been slain by her brother. Here the word love is actually used, although it is spit out by her brother after he kills her: *abi hinc cum immaturo amore ad sponsum*,

perhaps best translated, “To hell with your untimely love for your betrothed!”

(1.26.2) The love itself is not the problem, but Horatia has chosen the wrong circumstances under which to be faithful and chosen the wrong side. She pays for this misunderstanding of love with her life. Dionysius’ Horatius responds with vituperative claims that Horatia is not a virgin and that she hates her family: the story is the same, but as seems typical for Dionysius, it is highly dramatized and drawn out. The description of the scene is thus more detailed, but it lacks a certain didactic impact which Livy achieves with short bursts of direct speech and vividly, though rapidly, sketched scenarios (Dion. Hal. *Ant. Rom.* 3.21).

Romulus’ men attempt to placate the Sabine women after their capture: *accedebant blanditiae virorum, factum purgantium cupiditate atque amore, quae maxime ad muliebre ingenium efficaces preces sunt*—“The women accepted the men’s flattery, who pled that their deed was one of desire and love, which pleas are the most moving to a woman’s heart” (1.9.16). Here, *cupiditas* has the connotation of an irrepressible urge but the men’s appeal is ultimately well-meaning, if perhaps also self-serving. The wording leaves open the possibility that the men are partially or totally feigning feelings of love. It is notable that Dionysius of Halicarnassus uses no such words implying love or desire in his

account of the theft of the Sabines.¹²³ The situation puts the captors in a morally superior position to be contrasted by Sextus Tarquinius and Appius Claudius, who plead more incessantly and forcefully with their victims.¹²⁴ Romulus' followers are also not purely motivated by lust but by the need for intermarriage between their nation and another, whereas the two tyrants are explicitly described as lustful. Furthermore, Lucretia and Verginia are both already committed (married and engaged respectively) while there is no indication that the Sabine women, twice referred to as *virgines* (1.9.10, 13) had any prior matrimonial ties. If there are questions as to the propriety of the theft of the Sabine women, Livy has constructed it in a way that seems to put it in the best possible light.¹²⁵

For all the couples in these books—Aeneas and Lavinia, Romulus and Hersilia, the Tullias and Tarquinius, and the Romans and Sabines—Livy devotes a scant few words to concepts of romantic or matrimonial love. The peace made the Sabine women dearer (*cariores*) to their husbands. The term is one of the more

¹²³ *cupiditas et amor*: Brown 1995:299 notes that the Romans only express love and desire for the Sabines when they are excusing themselves and pleading for cooperation. “[Livy’s] sanitization of the legend fits with the pragmatic, reproductive motive to which he ascribes the abduction.” Ovid, on the other hand, describes the men as lusting after the women before the theft (*Ars Am.* 1.101-102).

¹²⁴ Lucretia: *tum Tarquinius fateri amorem, orare, miscere precibus minas, versare in omnes partes muliebrem animum* (1.58.3); Verginia: *Hanc uirginem adultam forma excellentem Appius amore amens pretio ac spe perlicere adortus* (3.44.4). It is clearly a tribute to their characters that they do not give in to emotional manipulation and flattery.

¹²⁵ The Sabine women are elsewhere referred to as *rapta*, simply “the captive women”.

affectionate words we see in a marriage context in the first five books (1.13.6).

Even Icilius' pleas for his fiancée Verginia are free of professions of love; he will abandon her if she is reduced to slavery (3.45.11).¹²⁶ There is a distinct lack of sentimentality about marriage in several cases: the elder Tullia states that she did not marry for marriage's sake or to endure slavery (1.47.2) and at Ardea, two men vie for the same woman although one is *nulla re praeterquam forma captus*—"interested in nothing but her good looks" (4.9.4).

In 4.40.3 Roman wives along with mothers come into the streets to welcome their husbands home, "forgetful of decorum in their joy, scarcely able to control themselves for happiness" (the word *gaudium* is used twice). The description is one of overwhelming emotion, attributed to women. Notably Appius Claudius was also unable to control his emotions, but it appears from our examples that men, when emotionally unrestrained, are more easily overcome by lust while women are particularly subject to emotional responses based on love and commitment (compare Horatia's grief for her lover).

As Books 21-30 deal with the wars with Carthage and Spain and thus focus more on foreign peoples, the significant love affairs among the great families of Rome's enemies are relevant. They also provide an opportunity to

¹²⁶ This suggests that Livy did not feel that romantic love was prerequisite for marriage.

contrast the unrestrained emotional passions of certain foreigners with the continence of Roman citizens such as Scipio Africanus. Livy does this explicitly and exploits romantic stories for tragic effect and moral commentary.

Hiero's daughters and their husbands have relationships which are characterized by power struggle and intrigue, not *amor*. In one instance, the Celtiberian chieftains Indibilis and Mardonius come to the Roman camp and are reunited with their captive wives and children "with tears of joy". It is not mentioned whose tears these are; the idea that they might be the men's is not inconsistent with the Roman idea that foreign peoples were more given to emotion than courageous Roman males.¹²⁷ In an engagement situation rather than a marriage, a leading man of Celtiberians is said *deperire eum sponsae amore*—"to be madly in love with his fiancée" (26.50.3) who is in Scipio's custody. He is overcome with joy (*perfusus... gaudio*) when she is returned to him.

The marriages first of Hasdrubal's daughter Sophoniba and Syphax, then of Sophoniba and Massinissa most fully typify some of the negative forms of marital love, and so an extensive treatment of these stories is appropriate here. Before the first marriage had taken place, Hasdrubal sensed that Syphax was burning with desire (29.23.4), a powerful but unstable foundation. After the

¹²⁷ Livy 27.17.16. The restoration of the hostages is fully recounted in Pol. 10.34-35, but the deep emotional reaction seems to be an addition by Livy.

marriage, Hasdrubal prevails upon Syphax's assistance while he has the Numidian still burning with his new love (29.23.7), and Sophoniba helps by imploring Syphax *blanditiis, satis potentibus ad animum amantis*—"with pleadings powerful enough for the heart of a lover" (30.7.8). Scipio hopes to be reconciled to Syphax if he becomes satiated with an abundance of love (30.3.4).¹²⁸ This description is more closely tied to sexual love and distracting intimacy. Both wife and father-in-law spur on his love-sickness to their advantage. Although it does seem likely that a strong motivator for Syphax was the sexual liaison resulting from his marriage, Livy never employs the word *libido*, or lust.¹²⁹ Several men in Livy's text, both named and collective, are slaves to their lusts, but Syphax as a Numidian appears also to be emotionally invested as a result of this characteristic of his people. While lust includes lack of control, Livy seems to present overpowering emotional love as an additional kind of weakness. Indeed, Syphax later admits that *illam furiam pestemque omnibus delenimentis animum suum avertisse atque alienasse*—"that wild creature had bent his will with all her blandishments and had driven him mad" (30.13.12). Her emotional or intellectual

¹²⁸ Livy follows Polybius 14.1 closely in writing 30.3. He is specific in stating that Scipio hoped Syphax would be overtaken by *satiatio amoris* (30.3.4); Polybius' use of the phrase (14.1.4: τῆς παιδισκῆς... κόρον ἔχειν) can refer to satiety of love, as it is in Hom. *Il.* 13.636, rather than simply expressing the idea that Syphax was generally tired of the girl.

¹²⁹ See Haley 1990:376-7 on use of the word *venus* in Livy.

effect on him seems to have had more to do with his betrayal of Rome than her physical beauty.

Massinissa is equally helpless when faced with Sophoniba, further confirming the Numidian stereotype. When Syphax's camp is captured by a Roman legion accompanied by Massinissa, she begs him for amnesty. Not only is the heart of the victor drawn to compassion, but he is himself captivated by love (*amore*) as well as physical desire (*venus*) for the captive (30.12.18). Here again the characteristic of the Numidian race is implicitly contrasted with the innate strengths of the Romans, who were expected to be more restrained.

Massinissa promises Sophoniba that he will not allow her to fall into Roman hands, but when he is not able to come up with an appropriate plan, he borrows a bold and shameless plan from love (*amore*) and marries her (30.12.19). Once again, although it seems that Massinissa was captivated largely by Sophoniba's beauty, his emotion is not *libido* but *amor*.¹³⁰

When Scipio enters the scene, Livy stresses the moral comparison between the Roman general and the two Numidians. Scipio hears Syphax's explanation of

¹³⁰ Beauty: *forma erat insignis et florentissima aetas* (30.12.17). His first encounter with her also allowed him to hear her eloquent plea for herself, *propiusque blanditias... quam preces*, "more appropriate to blandishments than to pleas" (30.12.17). *Blanditias* does suggest a somewhat coquettish air, as would be used by a lover. In Livy's version of events, Massinissa succumbs to more than pure physicality. In the east, King Philip is never described in these books as having any emotion of *amor* but rather being enslaved to his *intoleranda libido* (27.31.5).

his downfall at Sophoniba's hands, that he had lost his reason. Scipio is concerned when Syphax says these things not only out of enmity but also with the torments of love (*amor*), seeing his lover (*amata*) in the house of a rival (30.14.1). The emotions stirred up in Syphax disturb Scipio, but apparently he also sees the weaknesses of the flesh involved: he reflects that the beauty of a captive had never struck him as a young man in Spain (30.14.3). He equates love of this kind with purely physical attraction. While Scipio and the two Numidian men are similarly gifted in military leadership, the Numidians' passions and the Roman's asceticism make all the difference.

Scipio takes Massinissa aside to lecture him on his poor choices, and notes that Massinissa has admired Scipio himself for *temperantia et continentia libidinum* (30.14.5). It would suggest that Scipio is more concerned about Massinissa's tendency towards lust, but the only related language he uses in his warning is "*uince animum*"—literally "conquer your spirit" or perhaps "lock your heart away" (30.14.11). In both senses he teaches the Numidian of the need to suppress both physical and emotional desires for the good of the state.¹³¹ Massinissa's groans and sighs from outside his tent when he is faced with turning over Sophoniba (30.15.1-4) are indicative of his feelings (or at least again of the

¹³¹ The good of the state: See Scipio's explanation of why Sophoniba must be handed over to the Romans, especially as she is the daughter of their great enemy Hasdrubal.

Numidian tendency towards emotional outburst), and after Sophoniba is dead, Scipio finds ways to distract Massinissa with gifts and lest he, *aeger animi* (“sick at heart”) do something rash (30.15.9).

From these examples it seems that when love is discussed it is usually bound up or, as Livy appears to see it, tainted with passion. Passion was not requisite or even appropriate for a marriage; as we shall see, an uncomplicated loving relationship may be the ideal.

There are multiple references to marriages in the fourth and fifth decades, but comparatively few marriages characterized by affection or *amor*. We know nothing about the emotional component of the marriages of Ptolemy and the daughter of Antiochus (33.40.3), Gracchus and the daughter of Scipio (38.57), and Ligustinus and his cousin (42.34.3-4), to name just a few. If anything, we learn as we did in the chapters covering the Punic Wars that love, whether romantic, sexual, or a mixture of the two, can be a handicap.

King Attalus, always characterized as faithful and commendable by the Romans, is described at his death as having been *comis uxori ac liberis*—“loving to his wife and children” (33.21.5). Here, the emotional role of love and its attendant responsibilities are of primary interest at the end of his life, with no reference to passion, and the use of the less dangerous term *comis* rather than *amor*. By contrast, when King Antiochus falls in love (*amore captus*) with a

Chalcidian maiden and marries her (36.11.1), it appears that there is a significant physical component to his affection, as he is worn out “by the pleasures which follow wine” (36.11.2), presumably a euphemism for sex and typically understated by Livy, who does not particularly subscribe to sensational writing.¹³² Antiochus later realizes he has gotten nothing but a pleasurable winter in Chalcidia (36.15.1). From the Roman perspective, his romantic investment in his wife is shameful: Acilius tells his troops that Antiochus is weak because he took a wife for the sake of love (*amoris causa*) from a common and obscure family (36.17.7-8). The implication is that he is unfit for war because of his inability to make a wise and profitable marriage alliance.¹³³

Signals of physical affection are rare. We know of Tanaquil embracing her husband (*complexa*) after interpreting his encounter with an eagle to signify his rising political star (1.34.9) but Livy also does not take care to mention her reaction to his death. In fact, she is cool-headed, especially in comparison to the mobs of women who mourn the deaths or supposed deaths of their kin.¹³⁴ While

¹³² Polybius, or rather Athenaeus’ version of Polybius, has more to say about Antiochus’ drunkenness than his new wife, but mentions that Antiochus did fall in love (ἐρασθεὶς) (20.8.2).

¹³³ We might compare this presentation to the characterization of Pompey by Plutarch (48.8, 53) and Valerius Maximus (4.6.4) who was thought to have been derelict in his duties because of his love for Julia. See Dixon 1985:335 on this subject and on happiness in marriage despite a high divorce rate at Rome.

¹³⁴ Ogilvie 1965:161 describes her in rather masculine terms here, adding to the reception of her as an atypical woman. Physical affection: ironically, one of the phrases in a relevant

her steadfastness should be admirable, when matched with her other unwomanly acts it may serve as a strike against her.

There are two depictions of marriage partnerships which seem favourable, suggested by small physical tokens of affect. Although Theoxena marries her sister's widower Poris out of duty (40.4.4), when her death aboard ship is inevitable, she embraces her husband, her companion in death (*virum comitem mortis complexa*) and throws herself into the sea (40.4.15). The embrace is an act of love but also boldness, as she helps physically to encourage their joint suicide. Livy writes that before the wife of Orgiago embraces her husband, she gives him the head of her rapist (38.24.9). The assumption is that the embrace occurred, but any emotional dependency that might be attributed to her because of it is heavily overshadowed by her unflinching act of vengeance.

In these apparently loving relationships, the women are not ambitious, the partners appear to respect one another and all seems to be in harmony with the

Polybian section that refers to affection or loving kindness is the Roman centurion's farewell to Chiomara, whom he had recently raped (21.38.4); see Walbank 1979:151, where he suggests it may be a "sentimental addition by Plutarch".

principles of good marriage ties. There is nothing to contradict the idea that the marriages were contracted sensibly, and each party plays his or her designated role within appropriate bounds. In the early principate, properly contracted Roman marriages meant the possibility of a productive future for Rome's elite families and greater stability for the state. It was not a requirement or even an expectation that couples should be "in love" when they married, but positive behaviour and affection towards one another was no doubt welcome over time.

Livy's presentation of ideal marriages follows certain parameters which have been outlined and exemplified above. He touches on multiple aspects of marriage, such as choice of partner, betrothal, marriage ceremonies, involvement of parents and other relatives, and gender roles within marriage, where traditional and conventional practices receive approbation, and hasty, ill-planned, or improperly conducted marriages are discouraged. While Polybius and Dionysius of Halicarnassus also have some interest in moral behaviour and in mentioning or discussing marriage practices, Livy's presentation suits the specific scope and audience of his work: his anecdotes are dramatically tense and colourful, but not overly lengthy, lending themselves well to memorable stories and characters. Augustus' messages about marriage and morality also promoted traditional behaviour and choices by private example, by artistic representation, and by

legislation. While the tone of his ideology was similar to the moral premises under which Livy worked, the demands of empire and of a changing society forced Augustus to administer his ideology to the empire in a slightly more forceful manner than in Livy's thoughtful, literary demonstrations. In Chapter 4 I will examine Augustus' policies and ideals and compare them to the constructions of marriage in the *Ab Urbe Condita*.

Chapter Three:

Parent-Child Relationships

Like marriage, parent-child relationships are found in every book of Livy's extant history. In the Roman republic and empire, the production of children was a critical measure of the success of families and of the state: without heirs to a family name, a genetic branch ended, as Aemilius Paullus laments (45.40.7-8), and without children reared to adulthood, a people could die out within a generation, as in the situation that supposedly faced Romulus shortly after the settlement of his eponymous city (1.9.1). However, having children was more than a matter of mere genetic survival: children were the primary means of transmitting property and family honour, and seem to have been considered a source of old-age security for their parents.¹

We can therefore learn much from the manner in which Livy presents parent-child relationships in the historical record. Livy usually makes it clear which cases exemplify parents and children living by the ideal order, and which are disturbing anomalies. However, he appears to have an ambiguous, though not apathetic, attitude towards some anecdotes, particularly where there is parent-child

¹ Property, family honour, security: Dixon 1992: 108-110, 115-16; Bradley 1991:116-119 on the need for security particularly among the lower classes; Dixon 1988:23-24. Children transmitted not only the family name and honour but, at least from a literary point of view, its characteristics: hence the collective reputations of families like the Publii Cornelii (the Scipios)

conflict that is not easy to resolve. In a society in which the principles of service and loyalty to the state as well as familial piety were enshrined, Livy presents the stories of men torn between these responsibilities with especially dramatic and tragic flavour. It may not have interested Livy to resolve tensions completely between opposing ideals, but by leaving them unsettled, to illustrate the value of each.² As mentioned above, there is also a continuing theme of characterizing political or military authority in parental terms.

Fathers, mothers, and children each had at least some distinct attributes or roles, so each will be dealt with in turn. Since many of the relevant anecdotes are parent-child interactions, some of the more intricate stories will be addressed twice. The analysis, however, will be different because of the expectations associated with parents versus those associated with children. Each side of the analysis takes place in the context of other stories about parents or about children depending on the relevant perspective.

Livy's text, like the rest of the Latin corpus, does not give us very much in the way of the pre-adult child's own perspective of life, but rather some of the ways in which adults categorized, defined, and described children. By contrast,

and the Appii Claudii.

² Solodow 1979: 251-260 comments extensively on Livy's ability to distance himself from a firm moral conclusion to a story, and cites this as one of his strengths as a moral historian. On the conflict of authorities, between *patria potestas* and the public *auctoritas* of a magistrate, see Gardner 1993: 79-80.

much more is made of the relationships between adult parents and their grown children, and these will comprise the bulk of the material cited and analyzed below. Besides the fact that small children rarely act in any political or military capacity, Livy may also have largely ignored them because of the interests of his probable audience: that is, his educated, elite contemporaries for whom relationships with their grown children as they became politically and financially self-sufficient and assertive will have been important.³

As pointed out in Chapter 1, Augustus made the family and childbearing a matter of state interest. Children became a symbol of political, social and dynastic success in his own family, as we can see from artistic representations such as the *Ara Pacis*. More generally, the production of legitimate children by marriages which followed the rules laid out in the *Lex Iulia de maritandis ordinibus* was intended to secure the senatorial population and its bloodlines, and stabilize property transmission in those families.⁴ He appears also to have communicated philosophies of the importance of child-rearing from emotional, moral, and

³ Child's view of world: Wiedemann 1989:3. There are also relatively few surviving representations of children in material culture from the Republican period (see references to Rawson 2003 below). Audience: Chaplin 2000:52 n. 8 discusses the difficulty of identifying Livy's audience, although as indicated in Ch. 1 he did give public readings.

⁴ Senatorial population and property transmission: Galinsky 1996:136-137. The combination of childlessness in the wealthy classes and the proliferation of legacy hunters who sought inheritance through adoption created an unstable force in the existing distribution of property. Also on elite childlessness: Dixon 1992:113, 119-123.

practical perspectives.⁵ However, Augustus was also willing to override certain aspects of traditional values such as *patria potestas* in pursuit of the *mores* he considered most expedient. But his apparent interest in the ideology and language of the family had a broader significance as it applied to his own relationship with the state. His awareness of the notional power of fatherhood culminated in his acceptance of the title *pater patriae*, conferred on him in 2 BC. Once again, the necessity of finding practical solutions to public matters required Augustus to more fully negotiate moral contradictions in a way that Livy did not, but both recognize the flexibility of such multivalent principles as *patria potestas* and *pietas*.⁶ Livy's approach to the principles of parent-child interaction will be set in the context of Augustus' ideals in the final chapter.

The Role of Fathers

Livy's overall presentation of fathers and their relationship to their children is focused along, but not restricted to, the power differential dictated by

⁵ As in Augustus' reported speech to the equestrians on the joys and responsibilities of parenthood: Cassius Dio 56.1-9, Galinsky 1996:132.

⁶ *Pater patriae*: Suet. *Div. Aug.* 58. The likeness of the authority associated with the political institutions of the Roman state to the principles of *patria potestas* has been demonstrated by Lacey 1986:121-144, and the ethical associations between beneficent, non-tyrannical leaders and fathers were supported by Greek philosophy: Stevenson 1992:421-436. Wallace-Hadrill 1982:45 points out the contrast between the apparently autocratic power of the *princeps* and the outward representation of the emperor's *civilitas* and cooperation with the senate and the people.

patria potestas. The fathers in his stories might show kindness or cruelty to their children at their discretion, but at the risk of judgement by their peers. While still advocating the importance of a father's authority, Livy demonstrates which behaviours are praiseworthy or objectionable within the scope of *patria potestas* and suitable paternal affection through the themes and events he chooses to emphasize. Several stories suggest tension between the notion of a father's power and the expectation that he will show kindness and fairness to his child. Livy also applies the terminology and affective elements of the father-child dynamic to larger social scales to demonstrate the power relationship between generals and their armies or political leaders and their people: those in the possession of authority are to be obeyed and trusted to know what is best for their social inferiors. In this sense, paternalistic power is a significant element of social stability.

As we will see below, the few episodes in Livy in which fathers were involved in killing their children are limited to men whose political capacities forced them to execute their sons; nevertheless, we will address these stories first because Livy does not divorce political or military responsibility from the reality of the father's relationship to his child, and presents such executions as the wrenching outcome of the most tragic and dramatic kinds of conflict between the interests of the state and those of individuals—hence, perhaps, his interest in these

stories, which represent the notional limits of the parent-child relationship.⁷

Vitae necisque potestas

The first situation in Livy's history involving *patria potestas* is in the case of P. Horatius and his children in Book 1. As mentioned in chapter 2, the young Horatius is one of the three brothers chosen as Roman champions to fight the Curiatii. Horatius returns home victorious, only to find his sister mourning her betrothed, one of Horatius' victims. He slays her, and is accused of *perduellio* (treason) and put on trial. His father has the most influence in his defence, stating that in his judgement, his daughter had been justly killed, and that if she had not been, it would have been his responsibility to punish his son by paternal authority (*patrio iure*).⁸

Ogilvie suggests that Horatia was guilty of *proditio* (mourning for an enemy) and that Horatius in turn was guilty of "forestalling the due processes of

⁷ Practical limitations: The necessity of having witnesses for adoption and testation from early on in Roman legal history suggests strongly that social *mores* had a powerful influence on the ability of the father to control the lives of his family members and their property (Crook 1967:119). Executions: Saller 1994:115, 117. Notional limits: Crook 1967:114 notes that the law was sharply delineated from social and moral realities, so that the legal form of *patria potestas* is misleading. Gardner 1993:52-55 believes that recent scholarship has gone too far in restricting the influence of *patria potestas* among the Romans in terms of property and the law; however, in Livy's text we are dealing principally with ideals and notional issues of parental authority.

⁸ Horatius story: 1.26.1-14. For the particular literary art of the story, see Walsh 1961:213 and Solodow 1979:252-260, which further indicate Livy's interest in this anecdote. Defence: 1.26.9: *Moti homines sunt in eo iudicio maxime P. Horatio patre proclamante se filiam iure caesam iudicare: ni ita esset, patrio iure in filium animadversurum fuisse.*

the law by executing a criminal who had not yet been sentenced to death” (1965:114-5), which he calls *caedes civis indemnati*, a kind of *perduellio*. This implies that it was the responsibility of the state to see to Horatia’s execution and not her father’s. Watson, however, denies that mourning for an enemy could be considered a capital crime or that taking the law into one’s own hands was treasonous to the state, and instead postulates that although Horatius could have been accused of *parricidium* (murder) and executed privately by his father, he is charged publicly with treason against his father’s authority over those in his *potestas*—in this case, his father’s right to execute his daughter.⁹ Under this model, we cannot determine what Horatia’s actual crime was, and thus we would have to accept a fairly liberal *vitae necisque potestas*: the elder Horatius states that he judges (*se iudicare*) that his daughter ought to have died for her transgression—in other words, that he might well have killed her himself if Horatius had not anticipated him—and that had her death not been just, it would have been his responsibility to execute his son (presumably for *parricidium*).¹⁰

The elder Horatius does not appear to have been any particular kind of

⁹ Watson (1979) explains that Horatius was charged with *perduellio* so that he would have the right of appeal and so that the responsibility for the verdict would eventually fall on the people, allowing the community to resolve the disparity between Horatius’ heroic acts in battle and the murder of his sister.

¹⁰ Saller has also suggested, after Thomas (1984), that non-magisterial fathers might have their sons executed *in the interest of the state*. Horatia’s death might be seen in this light: her offense may not have been legally treasonous, but indicated split loyalties harmful to family and state stability.

magistrate, so in this example, had Horatius been executed by his father, it would have violated the general principle Saller demonstrates, namely that fathers who were said to have executed their sons generally did so in their offices as magistrates (Saller 1994: 115). The resolution of the story is ambivalent: although he is acquitted, the younger Horatius is asked to expiate his deed by walking under a yoke (1.26.13). However, there is no criticism of the elder Horatius' statement that his daughter was justly killed, or of his comment that it would have been his right to kill his own son if he had been guilty of murdering (rather than lawfully killing) his sister. This story, then, reaffirms the tradition that fathers might kill their children for entirely private reasons, or exact private punishment for public crimes such as that of *parricidium*, without the father actually doing so as part of the narrative.¹¹ Livy outlines the scope of *patria potestas* but introduces mitigating circumstances to emphasize the importance of both filial respect for parents and the moral complexity of justice.

¹¹ Defence and expiation: Solodow 1979:256-7. Another example of a father's powerful potential occurred when Spurius Cassius (*cos.* 486) tried to raise himself as a contender for the monarchy early in the Republic and was punished with the death penalty after laying down his office. Livy tells us that some say his father exacted the penalty in a trial at home, having Cassius beaten and killed and consecrating his *peculium* to Ceres, but suggests that a public trial was more likely (2.41.10). The fact that the son holds *peculium* shows that he is presented as being still *in potestate*, as children in their father's power could not own their own property. Ogilvie (1965:342) notes the totality of the father's control over both the son's life and his *peculium*, and also confirms that the story is fabricated, since the consecration of *peculium* to the temple could only be performed by a consul or tribune, not a citizen acting privately (343). The elder Cassius might also have been argued as having acted in the interest of the state if he had killed his son (Saller 1994:115). Dionysius of Halicarnassus relates this story but states unequivocally that Cassius' father did take him home and execute him (*Ant. Rom.* 8.79). Based on Dionysius' concept of *patria potestas* in its severest form, it is unsurprising that he holds to this tradition.

Dionysius of Halicarnassus relates the same story, but with variations in emphasis. His elder Horatius frankly glories in his son's righteous sororicide, and refuses to bury his slain daughter, celebrating the victory with a feast with little regard for the personal calamity his family has suffered. Dionysius comments that this behaviour is indicative of the cruelty and savagery displayed by the Romans of that day.¹² As in Livy, some of the Roman citizens bring Horatius to trial for shedding the blood of his kin, but his father defends him. Livy's Horatius remarks that even if Horatius had been incorrect in slaying his sister, it would be his own responsibility to deal with his son; Dionysius', however, does not allow for the possibility of legal error, firmly supporting his son's choice to punish his sister and claiming the right to judge his family. There seems to be somewhat less ambivalence about the case in Dionysius' version, although the elder Horatius is asked by the king, as in Livy's account, to make an expiatory sacrifice for the gods.¹³

Another story, one of the most intense and vivid anecdotes in Livy's text, illustrates the potential conflict between a father's responsibilities and political loyalty. The consul Brutus is the first to be forced to administer capital punishment upon his children. His two sons aided in the attempt to reinstate the Tarquinii as a monarchy at Rome; their crime is all the more disturbing and ironic

¹² Dion. Hal. *Ant. Rom.* 3.21.7-9.

because their father was been the great proponent of liberty and elected government. Livy writes of the pitiful scene: *conspicius eo quod poenae capiendae ministerium patri de liberis consulatus imposuit, et qui spectator erat amouendus, eum ipsum fortuna exactorem supplicii dedit*—"It was all the more conspicuous because the consulship imposed on a father the duty of administering punishment to his sons, and fortune made this very man, who ought to have been spared from being a spectator, the exactor of their punishment" (2.5.5).¹⁴ Chaplin (2000: 50-51) has demonstrated the importance of the reaction of the audience within the text, suggesting that Livy used this internal response to prompt his own readers' reactions. At the execution of Brutus' sons, the crowd's attention is focused on the consul's face, highlighting the contrast between personal feelings and public duty: "The father's feelings [were] prominent during the administration of the public penalty" (2.5.8). Livy describes the scene as though Brutus takes on this responsibility not by virtue of fatherhood (since it is not an exercise of *patria potestas* but of state power), but almost in spite of it, and the internal audience

¹³ Dion. Hal. *Ant. Rom.* 3.22.3-7.

¹⁴ Virgil (6.819 ff.) uses juxtaposition as a literary device in the same way that Livy does (*patri de liberis*) for tragic emphasis, describing the same scene: *consulis imperium hic primus saeuasque securis / accipiet, natosque pater noua bella mouentis / ad poenam pulchra pro libertate uocabit*—"This man will receive the authority of the consul first and the savage axes of the *fascis*, and the father will call to justice his children, stirred up to rash rebellion, for the cause of precious freedom" (emphasis added).

seems aware that a most unnatural, cruel scene is being inflicted on Brutus.¹⁵ The necessity of the executions does not mollify the great discomfort expressed by Livy in his own voice and that of the spectators in the story at the execution of men by their father: this brutality is a sharp contrast to the more common responsibility fathers had to protect their children and show them kindness and fairness.

Livy censures neither the executions nor Brutus' reaction, suggesting that he chooses to characterize the protection of *libertas* at the expense of one's offspring as a difficult but necessary decision, and that this kind of devotion to Rome is the act of a true statesman. His language evokes great sympathy for Brutus, and illustrates a moral concept that no man should have to witness the execution of his children.¹⁶ Livy notes the great irony of Brutus' sons' defection from their father, the liberator of Rome, to a tyrannical king: it is likely that Livy was further motivated to distance Brutus from any notion of tyrannical behaviour by invoking his fatherly anguish. In fact, he characterizes Brutus as the ideal

¹⁵ 2.5.8: *eminente animo patrio inter publicae poenae ministerium*. Ogilvie (1965: 246) notes that Brutus' response to his sons' execution was entirely dispassionate in the narratives written by Dionysius of Halicarnassus (*Ant. Rom.* 5.8.6), Plutarch (*Brut.* 1.1), Polybius (6.54), and Valerius Maximus (5.8.1). Livy's version is more wrenching and pathetic, but the drama of the scene is grounded in a serious reflection on the natural love of a father for his sons.

¹⁶ Walsh 1961:70 states that the execution of Brutus' sons affirmed the importance of "harmonious co-operation and unquestioning obedience" in maintaining the state; occasionally, however, Livy downplays the immorality of disobedience, as we shall see below. Reinstating monarchy: Livy describes a similar event occurring in 439, when Spurius Maelius, a plebeian *eques*, attempted to curry special political favour with the people. The importance of *libertas* as

father of the state as he protects it from harm, even while he is forced to conduct the execution of his biological sons.¹⁷ Ultimately, this responsibility to the state must outstrip his natural affection for his sons in a matter as serious as the liberty of Rome—a regrettable and tragic but necessary conclusion.

By contrast, Dionysius opens his account of this story by expressing anxiety that the Greeks will be horrified at Brutus' behaviour. What he characterizes as astonishing is not only Brutus' decision to have his sons executed, but his stoic presence at their execution, as he appears to be the only witness who does not mourn the death of his sons. Dionysius combines a sense of disturbed incredulity at Brutus' response with a certain admiration for his steadfastness, but Livy's account more dramatically exposes the tensions between a father's need to care for and protect his children and his responsibility to the state.¹⁸

Book 8 features another example of the harsh discipline enacted by a statesman on his own son, under different circumstances and with quite different narrative overtones. In 340, T. Manlius, forgetful of his father's commands as

exemplified by the execution of Brutus' sons was reiterated in the charge against him (4.15.3).

¹⁷ Brutus himself was mourned as a parent by the matrons of the city after his death (2.7.4). Cf. Dio Hal. 5.8.1, who worries that his Greek audience will find Brutus' acts cruel.

¹⁸ D.H. 5.8.1-6. Anxiety (D.H. 5.8.1): Τὰ δὲ μετὰ ταῦτα ἔργα θατέρου τῶν ὑπάρχοντων Βρούτου μεγάλα καὶ θαυμαστά λέγειν ἔχων, ἐθ' οἷς μέγιστα φρονοῦσι Ῥωμαῖοι, δέδοικα μὴ σκληρὰ καὶ ἄπιστα τοῖς Ἕλλησι δόξω λέγειν. Note that D.H. seems to believe that the Romans take great pride in Brutus' comportment in this anecdote; Livy's account suggests the regretful necessity of the incident but not necessarily Roman pride. Dionysius may have gotten this impression from another author or from contemporary responses to the literary tradition, but he cannot have gathered it from Livy.

general and of the consul's edicts, takes up a challenge to one-on-one combat with one of his Latin opponents, kills him, and brings the spoils to his father. The elder Manlius Torquatus calls an assembly of the soldiers and declares that Titus has ignored both consular authority and the dignity of his father (*maiestatem patrum*) and has put him in a position of forgetting either the needs of state discipline or his own family interests (8.7.15-17). He has his son bound and executed as an example for posterity.¹⁹ *Maiestas*, while not quite the same as *patria potestas*, frequently denotes the "power and dignity of the head of a family", which Manlius the younger has offended by his act, and the use of this word may bring closer together Manlius' roles as military leader and father.²⁰ Although Manlius executes his son in the interests of maintaining military discipline, their relationship as father and son is intertwined throughout his condemning speech: he is moved by his love for his son and by the young man's bravery, but also claims that if they share any blood relation at all, his son would not refuse punishment (8.7.18-19).

¹⁹ Exemplum: 8.7.17: *Triste exemplum sed in posterum salubre iuventuti erimus*. In a precursor to this story, Livy writes in Book 4 that the dictatorship of A. Postumius was sullied by the rumour that he had his son executed for disobeying orders and taking an offensive opportunity in battle (4.29.5-6). He suggests instead that the later example of Manlius is the prototype for severe military punishments, not Postumius, on the grounds of the expression "Manlian discipline".

²⁰ Oakley 1998: 445; cf. 4.45.8 below. The *lex Apuleia de maiestate* of 103 BC and the *lex Cornelia de maiestate* of 81 punished treason against the state, but later could be used to prosecute any disrespectful speech towards the emperor. The abolition of the law by individual emperors was supposed to indicate support for free speech: Wallace-Hadrill 1982:38.

The scholarly reception of this story centres on the moral ambiguity of Livy's approach.²¹ In this section the internal audience expresses none of the pity and compassion that attended Brutus when he executed his son. Livy presents it as an *exemplum* that horrifies witnesses: *Manliaque imperia non in praesentia modo horrenda sed exempli etiam tristis in posterum essent* (8.7.22).²² The outcry after the execution is immediate: *repente, postquam cervice causa fusus est cruor, tam libero conquestu coortae voces sunt ut neque lamentis neque execrationibus parceretur*—"Suddenly, after the blood flowed forth from the severed neck, their voices rose together with such free complaints that they spared neither laments nor execrations" (8.7.21). The spectators give the slain Manlius an honourable soldier's funeral, and the young men of Rome shun the elder Manlius all the rest of his life (8.7.22, 8.12.1), which suggests not only their disapproval of his acts as a military commander but also as a father. There may be an echo of this emotional reaction in the response of Numisius, the leader of the Latins, who rallies his

²¹ Oakley 1998: 436, Solodow 1979:260. Lipovsky 1981:114-130 comments on this episode, but largely in the context of the development of military discipline in Livy's narrative rather than in light of the relationship between Manlius and his son. However, his points concerning Livy's literary art here are applicable: the immediacy of the episode and the unyielding demands of military justice are evoked in Livy's language: e.g. the *atrocitas* of the judgement (8.8.1); the *metus* of the observers (8.7.20). Dionysius of Halicarnassus' account of this story is not extant, although he refers to it on two occasions: *Ant. Rom.* 2.26, when describing the universal power of Roman fathers over their sons, and 8.79, when giving examples of fathers who have shown no mercy to their sons.

²² Translation of *tristis*: Oakley 1998:446. No pity: *exanimati omnes tam atroci imperio nec aliter quam in se quisque dstrictam cernentes securem metu magis quam modestia quievere*—"All were shocked at such an atrocious command, seeing the axe falling against no-one but themselves, and they kept quiet more from fear than from reverence" (8.7.20).

troops with the notion that the Roman headquarters are polluted by the murder of a son (8.11.6-7).

Livy himself does not explicitly condemn the elder Manlius as a bad father; the general's unmitigated severity concerning discipline becomes proverbial because the victim happened to be his son, and the shock of the observers suggests that they might have expected a different commander to offer mercy in this situation, but Livy immediately afterwards states that the execution had the intended effect of improving discipline in the army (8.8.1). However, the nearly identical conflict between Papirius Cursor and Fabius Rullianus is resolved without an execution and proves just as salutary to military discipline, according to Livy, as the gruesome death of Manlius. Even still, at 8.34.2, Livy refers to the notorious *imperium Manlium* as *posthabita filii caritas publicae utilitati*—"The love of a son subjected to the public good".²³ One of the main messages of the text, despite the ambiguous conclusion, is the authority of elders over the young and their understanding of the effect of *exempla* for future generations. In his preface, Livy has asked his audience to pay attention to the *exempla* in the text,

²³ The general L. Papirius Cursor seeks to punish the young Q. Fabius Maximus Rullianus for attacking the enemy while under orders not to engage. In this case the father attempts to preserve the son: the elder Fabius pleads with Papirius for Quintus' life. The important element in the story is Papirius' commentary on Manlius' famous execution of his son, which Papirius characterizes as necessary for the sake of discipline, and also his statement that the elder Fabius himself would not have allowed this breach of discipline had he been in command of the army. Salusty: 8.35.9. Lipovsky 1981:102 ff. explores the connection between the story of Manlius and that of Fabius as part of the process of Rome's expansion.

both good and bad; here, he does not make it clear in which category this story belongs, but ensures that the story and its ambiguity are memorable.

We may ask why Brutus' emotions at the necessary execution of his sons are so poignant, while Manlius' emotional reaction is not expressly studied by the internal audience in the story: the proverbial *severitas* of the Manlii is being served here by Torquatus' lack of pity or apparent regret at his son's death. Brutus' watchword was not unyielding discipline, but rather *libertas*, and so his strained expression and grief have a calculated effect. I believe the story of Manlius is as much a foil for Brutus as it is for the story of Fabius and Papirius.²⁴

There is one example of the death of a child at a father's hand which does not result from the child's disobedience or treachery: that of Verginia by her father. As we saw in the previous chapter, Verginius is unsuccessful in protecting her from the decemvir Appius Claudius' claim that she is of servile birth. He is finally driven to killing her to protect her virtue.²⁵ The force of a father's concern for his child, and his right to kill her, overwhelm magisterial power and thwart the potential power of a *dominus* as well. The mob cries out in pity and anger over the father's desperation: this is not the manner in which a father should have to

²⁴ Manlius' *severitas*: Lipovsky 1981:102, 114; Chaplin 2000:108. Foil: Chaplin 2000:111-2.

²⁵ On Roman fathers' expectations for their daughters' sexual standards: Hallett 1984:141-142.

help his threatened daughter (3.48.7-8).²⁶ Still, Livy includes an indirect speech in which Verginius explains himself to his listeners, asking that he not be rejected as a child-murderer, but that it be recognized that it was better for him to lose his child to death than to outrage (3.50.5-6). He warns in turn that others will have to look out for themselves and their own children.²⁷ The fact that Verginius should be concerned at all about potential accusations against himself demonstrates Livy's awareness of the reality and gravity of such acts and perhaps shows that his audience, like the internal audience listening to Verginius' speech, would not consider it acceptable to kill one's child without just cause.²⁸ We also see the implicit condemnation of the two Greek examples of fathers murdering their sons: Antiochus was thought to have had his son executed for political reasons, afraid that he would be a superior ruler, and not having anywhere convenient to send him away (35.15.4-5); Philip has Demetrius assassinated (40.24.3-8) and Demetrius' agonized complaints against his father's cruelty, even as he dies of poisoning,

²⁶ Here Ogilvie notes the "triter side of L.'s moralizing" by his use of the proverbial groaning and crying women (488). The father's tragic grief is also emphasized: Walsh 1961:215.

²⁷ 3.50.9: *ceteri sibi ac liberis suis consulerent*. Ogilvie states that this is "an emotional performance full of pathetic clichés" and lists phrases which have precedents in Cicero and Sallust.

²⁸ Saller 1994:116 explains some of the limitations on *vitae necisque potestas* in the classical era, demonstrating an increasing desire to place formal restraints on the practice. Dionysius of Halicarnassus relates the story of Verginia at length (*Ant. Rom.* 11.28-42). There is no reference, however, to Verginius asking to be judged leniently because of the dire circumstances in which he found himself. Rather, he easily inspires the support of the people. Dionysius describes his act as "distressing and bitter to a father, but suitable to a free and great-spirited man" (11.37.4: πατρὶ μὲν ταλαίπωρον καὶ πικρόν, ἐλευθέρῳ δ' ἀνδρὶ καὶ μεγαλόφρονι

direct the readers' sympathies towards him.

Discounting the previous two examples, Livy characterizes the death of children by their fathers as an arguably necessary byproduct of military and state discipline or social justice, but in these instances he presents the necessity as regrettable and demonstrates that it produces social and psychological trauma for the key players and the internal audience. His narrative of these executions imposed by socio-political or military expediency suggests that *vitae necisque potestas* should be used only in extreme situations; as we have slender records of its use in Roman history, Livy's attitude appears to match that of traditional values concerning a father's authority.²⁹

Manus, potestas, and notional power

Roman fathers had authority and influence over their children in other dimensions, both concrete and abstract, besides their life or death. Some aspects of *patria potestas* appear to have been sanctioned by law, while others are more notional. For an example of the latter, we have seen the dignity and honour of the

πρέπον).

²⁹ Slender records: Saller 1994:115-117. Gardner (1993:53) explores the reasons why *patria potestas* survived as an ideal and system when the powers of fathers over their children's inheritance, and their ability to exercise capital punishment on their children, were eroded somewhat over time (although not always: see Dixon 1992:48). The essential characteristics of control and obligation associated with *patria potestas* survived these legal changes and kept the system intact, retaining children in their father's economic control, and doubtless preserving the ideal of the father's notional power, to be discussed in the next section.

father referred to as *maiestas* above (8.7.15), and it appears again in another story described below; in both cases, the context is one of parent-child conflict. Many references to *patria potestas* in the legal texts have to do with the transmission of property, a topic which is of little or no relevance in Livy, who does not concern himself with these matters. However, he presents stories involving paternal authority in a manner that suggests its general prestige in society, and that strongly reinforces obedience and deference on the part of children.³⁰ The manner in which the notional power of fathers is constructed by authors like Livy is important both from the perspective of Roman family studies during the late Republic as well as for the interpretation of Augustus' representation of himself and his family during the principate, as we will see at the end of the chapter.

The legal institution of *manus* has been discussed already in the context of marriage; Livy also used the word to describe the control of a *paterfamilias* over his children.³¹ These rights are invoked when Appius Claudius, whose client (read pimp) claims to be Verginia's master, seeks to avoid handing her over to her relatives: *in ea quae in patris manu sit, neminem esse alium cui dominus possessione cedat*—"concerning one who was in her father's power, there was no

³⁰ For power of fathers over property transmission: Saller 1994:118-19; Gardner 1993:55-62, Reinforcement of obedience: Saller 1994:114.

³¹ *Manus*, literally 'hand', is used to describe the power of both fathers over their children and husbands over their wives in Livy. Scholars generally refer to the power of the father as *potestas* and do not refer to children as being *in manu* to their fathers: Dixon (1988, 1992), Hallett (1984), etc.

one else to whom the master should hand her over” (3.45.2). If anything, however, this demonstrates the depth of Claudius’ depravity: He calls on paternal authority to prevent Verginia from being taken out of his control, and yet his entire purpose was to flout Verginius’ authority over his daughter by claiming that she was born a slave-girl. Appius eventually agrees to delay the inquiry, citing the absence of the man called Verginia’s father (*patrio nomini*—“in the name of father”). Although his statement suggests that there is an overarching sanctity of paternal power (even when paternity is supposedly in doubt), once again his vocal respect for the traditions of a father’s authority rings hollow in the ears of the audience, emphasizing both Claudius’ moral turpitude and, as its opposite, the importance of true reverence for fatherhood.³² The authority of fathers is also mentioned in the context of the Oppian law. The proponent of its retraction, Valerius, admits that some daughters, wives, and sisters would be less in control (*arbitrium*) for some men: those things which the law now forbade, men would not be able to prevent these women from doing.³³ However, he also notes that while their male relatives are still living, *servitus muliebris* (“womanly slavery”) is not cast off, and that women prefer to be under their husbands’ and fathers’

³² We should note here that Livy’s, and therefore Claudius’ legal language is very imprecise; this is not very useful for legal historians but suits our study of Livy’s general presentation of attitudes towards fatherhood (Ogilvie 1965: 485).

³³ We see here a correspondence between the law and the power of a *paterfamilias*, and the limits of a male citizen’s authority over women in his *potestas*: changes in the law could affect the scope of a man’s *arbitrium*.

authority and ought not to be held in dominion but in guardianship (*in manu et tutela*). He is anxious to argue that the father's *potestas* will not be damaged by giving up a little control over minor elements of dress.³⁴ Valerius' comment suggests that the terms *manus* and *tutela* would ideally be differentiated from *dominatio* even though he describes the status of women as a kind of slavery.³⁵ I would suggest that Livy's intention may be to point out that while women *in manu* or *in tutela*, like slaves, may not be legal agents unto themselves, and thus unable to perform property transactions alone or perhaps to marry without approval, minor matters such as dress ought nevertheless to be a matter of their personal choice and their day-to-day experiences with their husbands or fathers should not be servile in nature. Again, it seems unlikely that Livy would promote a moral view that he expected would be drastically in opposition to the opinions of his readers. Although the Oppian piece allows Livy and his audience to sympathize with the more moderate position of Valerius, Livy still reinforces the asymmetrical power relationship between fathers and their daughters *in manu* as

³⁴ 34.7.11-13. Pomeroy (1975:179) notes that this phrase brings up the question of whether women were then considered freed when their male relatives, in whose *potestas* they were, died. A guardian or *tutor* would most likely be assigned but might have less strict influence over her than an immediate relative.

³⁵ A parallel may quickly be drawn here to Saller's study of the Roman father as *pater* and *dominus*, and how his treatment of his children and his slaves is differentiated by the use of corporal punishment (1994, Ch. 6). Livy seems to draw the same kinds of boundaries, albeit in a less pointed way.

ideal, even stating that the dynamic is welcomed by both parties.³⁶

Manus is also mentioned as a function of control over men at 43.14.8, when the censors demand that all those who had been enrolled for Macedonia in 172 should report to them, while all men who were still under a father's or grandfather's authority should simply be reported to them. The suggestion seems to be one of greater personal autonomy for members of the first group, while those of the second are not able to represent themselves.³⁷ This is also a rare instance in which a grandfather's authority is explicitly mentioned; although *patria potestas* was held by the oldest living male agnate over his descendants, demographic studies suggest that it would be a rare thing to be in a grandfather's *potestas* (see pg. 41-2). If indeed it was rare, it is even more notable that Livy has included a reference to a grandfather's continuing authority over his descendants, suggesting that the notional, not generally practical existence of this agnatic power is still significant and recognizable to the author and his audience.³⁸

³⁶ Livy's discussion, presented below, of Manlius' treatment by his father further emphasizes the point that children ought to be treated differently from slaves. Hallett (1984:229-230) suggests that in the context of Valerius' discussion of impertinent wives, the mention of daughters reminds the male listeners of the "dependency and devotion of daughters" and that this might have softened both the internal and external audience towards Valerius' position.

³⁷ Gardner 1993:72-73 comments on this disability of the *filiusfamilias*, stating, "It would be an exaggeration, but not a great one, to say that [the *paterfamilias*] was the only member of the *familia* whose existence was legally recognized". Only he could make legal transactions.

³⁸ Another example in which a son's ability to act for himself is limited by the legal authority of a parent occurs at 27.21.10 when it was denied that Servilius (*aed.* 209) had legally been tribune or was legally an aedile when it was discovered that his father is still alive and held captive among the enemy; his father would have had to approve Servilius' transfer to a plebeian

The pervasive authority of a father is particularly exemplified in three anecdotes which emphasize notional power. Turnus of Aricius, after Tarquinius explained his lateness for a meeting with the excuse that he had to arbitrate between a father and son, states that no matter should be more quickly settled than one between a father and son: *ni pareat patri, habiturum infortunium esse*—"If he does not obey his father, he will have a hard time of it" (1.50.8-9).³⁹ Turnus does not specify a consequence or punishment for the disobedient son, but emphasizes the clear power differential between the father and child with a grave suggestion of punishment. An even more striking example of the manner in which paternal authority could bleed over into the political world occurs in Book 4. Q. Servilius' son is one of the two consuls whose assignments for 419-18 were being disputed by the tribunes. The elder Servilius interrupts the undignified squabble: *quando nec ordinis huius ulla... nec rei publicae est verecundia, patria maiestas altercationem istam dirimet*—"Since there is no respect either for this order nor for the republic, let a father's authority put an end to this argument of yours" (4.45.8). He puts his son in charge of the city and allows the other consul to go

gens, presumably in accordance with *patria potestas*. In the end, Servilius retrieved his father from the Boii and was renowned for this private honour, and his magistracies were not held against him since he was unaware that his father was still living (30.19.6-9).

³⁹ Ogilvie (1965: 202) states that *infortunium* is a very archaic usage which would be more authentic, but Livy might also be lending to the statement the formal authoritative language of an earlier age.

out to war.⁴⁰ Livy presents paternal authority almost as the prototypical form of power, when all other forms are stripped away or disabled. In political situations, it is clearly not the ideal form of power on which to rely: the organization of the state is paramount. In that arena it is a primitive, though effective, form of power behind the Senate and the constitution of the Republic itself.⁴¹ In a final example, the Campanian Decius Magius raises protest against Hannibal, and his countryman Calavius, who supported the Carthaginian, has to remove his own son from Decius' company. But Calavius' *patria maiestas* fails to sway the son's opinion towards Hannibal (23.8.2). The son, who in fact has planned to murder Hannibal, is turned only by the prayers and tears of his father, who begs his son not to shame him by rejecting Hannibal, *quaecumque iura liberos iungunt parentibus*—"by all the rights which join children to their parents" (23.9.2); note the position of *liberos* as the object of *iungunt*, subordinating children to their parents. The word *iura* might refer to *potestas* in some sense, since it legally binds children to the authority of their fathers. However, the final word is *parentibus*, not *patribus*. Certainly, *parens* can be used in place of *pater*; but if *parentibus* in this case truly refers to male and female parents, then the *iura* mentioned may be

⁴⁰ Servilius resolved problems in the senate in a similar way in 431 (4.26.7) although in that case, he did not mention his paternal authority. His statement at 4.45.8 puts a kind of *imperium paternum* on (or close to) a par with the authority of the senatorial order and of the republic.

⁴¹ See Lacey 1986:121-144 for a discussion of the basis of *patria potestas* in the constitutional offices of the Roman Republic.

rights of a more venerable and moral than legal nature.⁴² Calavius thus does not threaten his son with punishment but appeals to him pathetically. The statements of Turnus, Servilius, and Calavius have the moral force of axiom rather than of legal authority. To a certain degree, they all require willing submission on the part of children to their fathers to maintain the power differential. Livy's consistency here is striking and his approval tacit but clear. All three statements are in direct discourse—short statements, easily remembered by an audience—and result in fairly simple resolutions, suggesting that Livy expects his audience to approve of the presentation.

The role of fathers in their children's marriages has been mentioned already in Chapter 2. In particular, Servius' refusal to fully sanction his younger daughter's marriage to Ancus' son demonstrates the importance of a father's approval of a marriage, and suggests negative consequences when parental approval is not obtained. In the case of monarchic rule, kingship could clearly trump the rights of fatherhood, as King Antiochus pesters Cleoptolemus to give him his daughter in marriage, although the father is reluctant (36.11.1-2).⁴³

⁴² Gardner 1993:80 notes that, for instance, Coriolanus desisted from his rebellion because of *pietas* towards his mother, not because of the influence of *potestas*, for she held none. The story of Decius Magius and his son is not found in Polybius.

⁴³ Consent of father required: Dixon 1992:40, Gardner 1993: 54, Saller 1994:119. Dionysius of Halicarnassus states that Ancus married the younger Tullia without either her father's blessing or her mother's consent (the Loeb suggests 'approval'), immediately after pointing out that Tanaquil could not possibly have been alive to bury Arruns (*Ant. Rom.* 4.30.2). Athenaeus, in a fragment preserved in Polybius, does not mention any reluctance on the part of Cleoptolemus

Livy's presentation of this story is not particularly positive, depicting Antiochus as almost childlike in his persistence. The best Roman example of a father's role in contracting a marriage is a familiar one—that of Scipio in his daughter's marriage to Gracchus. Livy says it is agreed that the elder daughter was betrothed to P. Cornelius Nasica by her father (38.57.2). Gracchus does not allow L. Scipio to be imprisoned despite his long-standing grievance with the family, and at a public banquet the Senate begs Africanus to betroth his daughter to Gracchus as a gesture of goodwill. The influence of "the Fathers" is perhaps appropriate even though it is in Scipio's authority to make the choice; we do not get the sense as we do in the story of Antiochus that Scipio is being pressured into the arrangement. Although his wife complains that she ought to have been consulted, maternal approval can only have been a matter of private custom and preference, since it is clear that his judgment alone is sufficient to secure the betrothal publicly (38.57).

This body of evidence suggests a construction of paternal power that has both legal and moral weight and a strong compulsion on Livy's part to emphasize the father's role in familial and social stability. The father's control and authority over his child and the honour of his position are characterized using different words to embody the wide-reaching scope of paternal influence: *potestas*, *manus*, and *maiestas*. Disobedience towards a parent was associated with shame (a lack of *verecundia*) or ill-fortune (*infortunium*), or a disregard for parental rights

(Pol. 20.8.3).

(*iura*). This sense of moral obligation, however, extended to the father's responsibility to protect and care for his children, to be discussed next.

Protection and Responsibility

Saller argues that *pietas* was not limited to the obedience of children to their fathers, but encompassed the responsibilities which parents had towards **their** children as well. There are no explicit uses of the word *pietas* in the context of fathers' behaviour towards their children in Livy. However, examples of fathers righteously protecting or comforting their sons and daughters are frequent and **not** restricted to the Romans themselves, indicating the universality of the principle as Livy sees it. Mothers could also be seen to have this responsibility, but fathers more often are placed in an active capacity to defend their children from physical, sexual, or emotional harm, either in politics or warfare.⁴⁴ Children, like women, feature as victims in war and thus as individuals needing military protection. Livy again emphasizes the element of the family triad centering on the male citizen soldier. We have already seen examples of this duty alluded to in the stories analyzed above; Horatius sought to protect his son from execution at the hands of

⁴⁴ Saller 1994:105ff. Valerius Maximus gives examples of *pietas* by parents towards their children (5.7). Saller notes that the *Digest* contains equal numbers of references to parental and filial *pietas* (1994:111). Acts of obligation falling under the description of *pietas* were also due by emancipated children and freed slaves to their fathers and patrons, and by individuals to a wide range of family members (Gardner 1993:24-5.)

the state, while Verginius defended his daughter's chastity by slaying her.⁴⁵

One of the best examples of this emphasis on paternal protection has been mentioned previously: a civilian father protecting his son against his general, Papirius. Quintus Fabius rides past the front line in defiance of his orders, and Papirius wishes to punish him by death.⁴⁶ M. Fabius cites his senatorial authority and his age in his own defense while speaking for his son, and asks what Papirius would have done to his own son had he been routed or driven out of his camp (8.33.7, 8.33.19). Papirius, in turn, brings up the *exemplum* set by Manlius (*Manliana imperia*), who held his love for his son in second place to the good of the state; he also cites Brutus' execution of his two sons. He notes that now fathers are *comes*, "lenient", and old men do not support one another's authority (8.34.2-3). Although Papirius does not specifically mention *patria potestas*, he seems to be suggesting that this authority is not now used the way it should be. M. Fabius entreats the people and calls on the help of gods and men, and along

⁴⁵ Horatius had to perform sacrifices on his son's behalf: 1.26.9-10, 12-3. When Caeso Quinctius opposed a law which would have restricted patrician power, he was brought up on a capital charge. His father asked that Caeso be acquitted for his own sake, he who had never done any of them harm. He extended his personal store of goodwill to atone for his son's misdeeds; in addition, the fines he paid impoverished him and force him to live in near-exile across the Tiber (3.12.8, 3.13.10). Ogilvie notes that this plea for an individual's youth and error is typically Ciceronian (420); the responsibility of elders for their young is thus both a rhetorical and legal commonplace.

⁴⁶ Papirius is obstinate in seeking the death penalty, and Lipovsky points out the terms of cruelty and rage attributed to him by Livy (e.g. *occaecatus ira*, 8.32.17; *superbia crudelitasque*, 8.33.11). Interestingly, these last terms, *superbia* and *crudelitas* are associated with tyrants, who are in turn compared to bad fathers, as we will see below. In a sense, Papirius as a harsh military leader is even further contrasted with the elder Fabius, the devoted and protective father.

with his son, throws himself to the dictator's knees to beg for Quintus' life (8.33.23, 8.35.3). Papirius spares Quintus but is singularly unimpressed at the apparent decay of fatherly strictness and authority: *uiue, id facinus ausus, cuius tibi ne parens quidem, si eodem loco fuisset quo fuit L. Papirius, ueniam dedisset*—"Live, having dared to do that thing for which not even your father would have forgiven you if he had been in the same place as L. Papirius" (8.35.6).

Livy succeeds in presenting two facets of the problem of authority: first, he gives *comitas* the victory over excessive *potestas*, suggesting a progression from the military discipline used in the story of Manlius.⁴⁷ He closes the episode, however, with Papirius' warning note that the instinct for firm paternal discipline remains in all of them. In the text, Fabius first asks what Papirius would have done had he been the father of a disobedient son; Papirius later pointedly suggests what Fabius' course of action might have been had he been the commander of the army. In this way, perhaps, Livy invites his audience to place themselves in the story as well and to empathize with the difficulty of the situation.

In a more minor yet memorable episode, M. Fabius Ambustus is a conspicuous example of fatherly kindness and concern, as he notices his younger daughter's distress at being married to a plebeian while her sister enjoys a patrician marriage. *Elicuit comiter sciscitando... consolans inde filiam Ambustus*

⁴⁷ Gentler form of discipline: Lipovsky 1981: 128.

bonum animum habere iussit—“He elicited this information by asking kindly... and then consoling his daughter, Ambustus commanded her to be of good cheer” (6.34.9-10). Fabius’ use of the expression *satin salve*—“is everything well?” is an archaic use for emotional effect, and “evokes the dignity of an old Roman *paterfamilias* talking to his daughter”.⁴⁸

Livy’s military and political leaders frequently call upon their soldiers to be mindful of their homes and families when going into battle. This is an “exhortatory τόπος” which emphasizes the protective relationship that fathers are to have to their children, and its roots may be found in the earliest Greek literature, as when Nestor pleads with the Achaeans to protect their wives, children, and parents (Hom. *Il.* 15.662-3). The scene of wives and children waiting in the city while their husbands and fathers meet the enemy constitutes the τόπος known as the *τειχοσκοπία*, or watching from the wall (Hom. *Il.* 3.121-244).⁴⁹ Episodes of this type are too numerous to list in full. A few examples will suffice: Camillus inspires his troops to win back Rome from the Gauls, telling them that their wives and children are watching them from the city (5.49.3); Manlius encourages his troops to fight *memores patriae parentumque et coniugum*

⁴⁸ Oakley also notes the importance Romans placed on marrying equally, and cites Ovid’s *Epist.* 9.32 (Oakley 1997:666-7). On Fabius’ assurance that his daughter will soon see the same honours in her own house that she sees in her sister’s, Kraus (1994: 275-6) notes a parallel with Tullia’s ambition; but here, the younger Fabia’s desire is tempered and soothed by her father’s watchfulness and kindness.

⁴⁹ See also Virg. *Aen.* 10.280-1 (Oakley 1998:151; 498).

ac liberorum—"mindful of your country and your parents and your wives and children" (8.10.4); Scipio orders his soldiers to fight at the river Ticinus, considering that they fight to protect not only themselves but their wives and little children (21.41.16). Polybius, in his short report of Scipio's speech, does not include this admonition (3.64). As mentioned in Chapter 2 (pg. 121) Quintus Fabius warns the senate that the Carthaginians will fight much more desperately before their own walls, when frightened wives accompany them going out to battle and their little children get in their way (28.42.11); and Livy describes Hannibal showing the Carthaginians their children, parents, and frightened wives in their city as an inspiration to fight for all or nothing against the Romans. (30.33.11).⁵⁰ In Polybius, Hannibal's officers are told to remind the soldiers of the consequences for their wives and children if they should be defeated by Rome (15.11.5). For Roman fathers, children represented the most likely recipients of their property, name, family religion (*sacra*), and family honour, and their protection from death or enslavement was crucial; this sentiment is reflected in Livy's text even when the fathers being described are not Roman.

⁵⁰ Livy apparently did not want his readers to forget the tradition of strict discipline in the Roman army—or, he was content to depict citizens of other cities as having that perception of Roman discipline. The Capuan Vibius Virrius held a similar view, pointing out the dogged determination of the Romans to hold out against Hannibal: recently, he reminded his people, the Romans had refused to surrender Capua to Hannibal even though he threatened Rome. "Besieged Rome, their wives, and their children, whose crying could nearly be heard from here, their altars and hearths, the shrines of their gods, and the desecrated and violated shrines of their ancestors, did not divert the Romans from Capua" (26.13.12-13).

Livy emphasizes the importance of kindness and paternal nurturing by illustrating its opposite in the example of Lucius Manlius Imperiosus, who is indicted and accused, among other things, of isolating his son (later the great T. Manlius Torquatus, mentioned above) from his home and his peers and giving him over to *opus servile*—"slaves' work", *ubi summo loco natus dictatorius iuuenis cotidiana miseria disceret uere imperioso patre se natum esse*—"where the young man of distinguished birth might truly learn the daily misery that he was born to an imperious father" (7.4.4-5).⁵¹ The accusing tribune notes that it is a father's duty to heal a child who had been disfigured by nature, not to make it more noticeable by tormenting him, and that Manlius is making his son's disabilities worse by keeping him in lowly conditions. The tribune states, *ne mutas quidem bestias minus alere ac fouere si quid ex progenie sua parum prosperum sit*—"Not even the dumb beasts nurture and care less if one of their progeny is less fortunate" (7.4.6-7). The people are outraged at this treatment. The son, on the other hand, threatens his father's accuser with death if he does not desist; the people are impressed that this ill treatment has not turned the younger Manlius against his father (7.5.1-8). By characterizing T. Manlius' work as *servile*, Livy places his father on the unsavoury end of the power dichotomy, as a *dominus*, and his disapproval through the medium of his internal audience is

⁵¹ Consider again the supposed difference between the treatment of slaves and of children by a *paterfamilias* in Saller 1994: Ch. 6.

obvious.⁵²

These anecdotes in Livy reflect and suggest the expectation of fatherly responsibility towards children, to see to their physical protection as well as emotional well-being and to raise them with appropriate discipline. While there is some ambiguity in the outcome of some of these stories, it only indicates the strength of the ideal of paternal *pietas* and the expectations associated with it, even when confronted with state authority. Beyond the requirements of responsibility and provision for a child's needs, the text also indicates that kindness was a feature of ideal fatherhood.

Father Figures

The qualities of ideal fathers are made more apparent when individuals or groups call a man by the name of father, either with an official title, or with reference to his contributions. The recipient is usually one who is kindly and protective, who shows great leadership, or who has done something extraordinary for the good of Rome and its people. It is here where the notion of father as ideal benefactor—combining *potestas* with *comitas* and *pietas*—is a most important

⁵² *Dominus*: see Stevenson 1992:421-2 for discussion of Pliny's characterisation of Domitian. We may compare the entirely fictional "sale" of a son by his father in *emancipatio* as an indicator of how sensitive a connection there was between the *dominus/servus* relationship and the father-child dynamic.

element.⁵³ Calling a man by the name of “father” creates social distance and might carry overtones of *dominatio* and social obligation because of the far-reaching nature of *patria potestas*; but the terminology is based on an idealized perspective in which the benefactor’s contribution is voluntary and unselfish. In addition, Livy frequently uses *ut* to describe the comparison of an individual’s role to that of father, perhaps deemphasizing the real *potestas* implied by *pater* and accentuating the protective and beneficent elements of the paternal role.⁵⁴

The gods are frequently called by the name of father, including Zeus, Romulus, Mars, and Tiberinus. Roman gods and goddesses were frequently given the epithets *pater* and *mater*, presumably for their protective parental qualities.⁵⁵ Romulus, independent of his classification as a god, is also referred to as the parent of the city of Rome (1.16.2-3, 1.16.7).⁵⁶ The appellation of *pater* with

⁵³ Although Stevenson has used the “ideal benefactor” ethic to help define the relationship of the Roman emperors to their subjects, the dynamic applies very well to much of Livy’s work. For *potestas*, *comitas* and *pietas* see esp. Stevenson 1992:422-426.

⁵⁴ This unselfishness involves the refusal to exploit those under one’s fatherly authority—an ideal presented by the “good emperors”: Saller 1994:151.

⁵⁵ Zeus was called *pater* by Romulus (1.12.5), an augur (1.18.9), and a soldier (2.45.14); Romulus by popular acclamation (1.16.3), by Publius Valerius Publicola (3.17.6) and the patricians (5.24.11); Mars (3.61.4-5) by Decius (8.9.6); and Tiberinus (2.10.11) by Cocles. Parental qualities: Oakley 1997: 490. Virgil also refers to the Tiber as a parent—*Aen.* 8:72-72. Cf. Ogilvie 1965:260.

⁵⁶ The phrase *salve, parens* is the formula used at the Parentalia to invoke one’s dead ancestors (Ogilvie, 86). When the crowds at Rome memorialized Romulus, they ordered him to be hailed a parent—*parentem salvere iubent*. Ogilvie (684) suggests that the reference to Romulus as *dei filius* at 5.24.11, at a time when the transfer of the capital away from Rome was being considered, would have resonated powerfully with Livy’s contemporary audience, who had heard of Antony’s supposed plan to make Alexandria the capital of the empire, and who knew that

reference to the gods suggests both divine beneficence and the need for *pietas* on the part of the god's "children" to win divine favour, thus again following the order of the benefactor-beneficiary relationship. Among mere mortals, Brutus is the first hailed as a father figure for his duty towards his people. After his death *matronae annum ut parentum eum luxerunt*—"the matrons mourned him as a parent for a year", because he had been an avenger of violated chastity (2.7.4). At the conclusion to the first pentad, Camillus' success against the Gauls is rewarded with his appellation as *parens patriae conditorque alter urbis*—"Father of the nation and another founder of the city" (5.49.7).⁵⁷ This reference would have definite meaning for Livy's readership. As Ogilvie (1965: 739) puts it, although Augustus did not receive the title *pater patriae* until 2 B.C., "the title had been in the air long before (Horace, *Odes* 1.2.50)". Augustus was seen by some as the saviour of the state in the same way that Camillus had saved Rome from being destroyed by the Gauls.⁵⁸

Again, however, the issue of social distance must be addressed with

Octavian had been called *divi filius*. The involvement and interest of the gods in major decisions concerning the city of Rome is an important element of the conception of Rome as divinely appointed for glory.

⁵⁷ The senators are frequently referred to as "Fathers" in English translations of Livy's work. This translation is perhaps most suitable after the successful campaign against the Volsci in 406, when a crowd comes to the curia and shakes hands with those exiting, calling them *patres vere*—"truly fathers". Ogilvie (622) characterizes this as "a propagandist rationalization of the senatorial designation *patres*", although one reference in five long books seems to be rather weak propaganda.

⁵⁸ The title was first bestowed on Cicero in 63 for his suppression of the conspiracy of

respect to the use of the title *pater*; this will be further examined with respect to Augustus' relationship with the state in Chapter 4. The difference in Dionysius of Halicarnassus' presentation of these kinds of social relationships is notable: Both Brutus and Valerius Publicola were mourned by the matrons for a year according to DH (5.47.4: ὥς ἔθος αὐταῖς ἐστὶ πενθεῖν ἐπὶ τοῖς ἀναγκαίοις τῶν συγγενῶν κήδεσι), "for it is their custom to mourn after the funerals of their kinsmen". Dionysius therefore does not emphasize the paternal element of these relationships between leaders and their people in the way that Livy recognizes this social interpretation of the power dynamic.

Social distance and willing submission are also part and parcel of several other references to military and political leaders or benefactors as *pater*: an excellent example occurs at 2.60.3, when Livy writes that in 471 the troops told the Senate that one army had received a parent (Quinctius), the other a tyrant (Appius) as general, the first being a gentle commander and the second a harsh disciplinarian.⁵⁹ This dichotomy between the gentle ruler and the cruel tyrant was familiar to the Romans from the Greeks, and here, Livy clearly identifies the beneficent authority of a good leader with ideal fatherhood. Marcus Manlius, the

Catiline (Plut. *Cic.* 23.3).

⁵⁹ For the characterization of Appius Claudius as a tyrant figure and Livy's attention to the abuse of power, see Vasaly 1987:211-212. Soldiers after Marius began to depend on their generals personally for pay and plunder, in the way that a grown son might depend on a parent for support. Ogilvie (1965:385) compares this idea with the symbolic concept of the emperor as *parens patriae*.

revolutionary, frees a centurion from his debt, leading the man to call him *parenti plebis Romanae*—parent of the Roman plebs (6.14.5). When the Campanians surrender, they declare that the Romans will be as founders, parents, and immortal gods to them (*conditores, parentes, di immortals*—7.30.19).

In 217 Minucius, after a disastrous ambush by Hannibal, suggests to his soldiers that they join their camp to that of the successful dictator Fabius, and that he will give Fabius the name of father (*parentem*—22.29.10), which he later does: *cum patrem Fabium appellasset...* (22.30.2). He declares that he owed only his life to his parents, but to Fabius he owes not only his safety but that of all his men (22.30.3). Notably, Polybius does not discuss this parent-child imagery at all at this juncture, simply describing the joining of the two camps with no language of obsequy and dependence (3.105). In Flaminius' speech about the value of liberty to the Greek states, they hear the words *velut parentis voces*—"as if from a parent's voice" and cried for joy (34.50.1). In this way Livy amplifies in a decidedly pro-Roman manner the relationship between Rome and Greece, from one of liberator and liberated to one of parent and child, as Rome protects Greece's greatest interest, that of liberty. While Polybius also reports tremendous joy and acclamation after this pronouncement at the Isthmian games, there is no comparison to a parental role for Rome in the event. A variation on this pattern occurs at 21.42 in which Livy's Hannibal emphasizes the fact that he was raised in his father's army camp, and as a foster-son to the troops. In this case his intention

is obviously not to reduce his military authority, but to recognize and reinforce a time-honoured connection between himself and his army. Polybius includes no such characterization of the relationship between Hannibal and his troops.⁶⁰ In all of these examples, the distance between leader and follower or creditor and debtor is characterized by a father-child relationship, both to represent the power dynamic and to invite and applaud ideal fatherly treatment.

Throughout the *AUC*, Livy's composition suggests the importance of paternal authority as well as the responsibilities inherent in fatherhood. The more concrete forms of authority range from the right to arrange marriages to the rarely-used power over life and death; the notional power of fatherhood also commanded more general subjection and obedience. Respect for the overarching and elemental power of the father is thus, in a sense, conditional upon his own adherence to ideal characteristics such as kindness and fairness.⁶¹ The responsibility of the male citizen-soldier to protect his family was connected to his role as father.

⁶⁰ Polybius on the Isthmian games: Some members of the crowd wish to call Flamininus σωτήρ which carries some of the elements of protection associated with parenthood (18.4.12). In Polybius' account of the encounter at the Po river, he recounts Hannibal's speech (3.63) before Scipio's (3.64); Livy's account has the order of the speeches reversed.

⁶¹ This is similar to the almost conditional power of military generals over their troops; the evidence for the late Republic suggests that the *sacramentum* or military oath taken by soldiers could be implicitly nullified if generals did not meet soldiers' expectations for living conditions, war booty etc.: Holbrook 2003 (unpublished MA thesis). The fact that we have seen the

The Role of Mothers

As was noted in the previous chapter, women in historical rhetoric were presented as the weaker sex legally, physically, and emotionally, and there is no radical departure from this tradition in Livy's work. Mothers simply do not factor into Livy's anecdotes as often as fathers do by virtue of the fact that this is primarily historical and military work, comprising the social spheres of male citizens. The power dynamic which is so prevalent in the relationships between fathers and their children is also far less pronounced in the case of mothers, although they do possess a certain amount of notional or social authority, to which Livy is attentive.⁶² However, there are a number of stories featuring both positive and negative traits of motherhood, and mothers in Livy's history sometimes exert influence on their sons who form the backbone of the Roman citizenship. In these arenas of notional authority and influence, the role of mothers seems not to differ greatly from that of fathers.⁶³ Surrogate or foster mothers and mother-figures are

comparison between generals and fathers above is even more instructive from this perspective.

⁶² Dixon 1988:5: "The power of the father was enshrined in the law but tempered by custom. That of the mother was recognized by convention but had little institutional basis." Cf. Dixon 1988:41. Some of this authority seems to stem from the fact that women could hold property and thus had some influence over their adult children who hoped to inherit, or at least elicited reciprocal *pietas* from them. This should not be misconstrued as a function of mercenary self-interest; rather, issues of reciprocity were likely entwined with affection and sentiment: Dixon 1988: 5, 28, 41.

⁶³ This is in keeping with Dixon's study of the parallels between maternal and paternal roles: 1988:3-4.

also featured throughout the text with characteristics comparable to those of biological mothers.

Livy does not particularly encourage childbearing as part of his moral agenda in the way that motherhood was encouraged and praised through Augustus' legislation and through the representation of imperial mothers on coinage during the principate.⁶⁴ He does write favourably of exemplary mothers and demonstrates the ideal qualities of motherhood. Stories involving mothers advising their politically powerful sons give the impression of extensive maternal power, although naturally, actual power usually remains in the hands of the male protagonist. These stories are nevertheless interesting for our study, in that there is a balance between anecdotes praising a mother's involvement and those in which a woman's ambition was a dangerous interference in her son's life. Veturia and Sulpicia's contributions to their sons' political actions will be discussed below, as will Duroia's attempt to subvert her son's future.⁶⁵

⁶⁴ Encouragement of maternity: Dixon 1988: 74-97; see particularly the need for female fertility to provide imperial successors, p. 82. She also suggests that women of the imperial family were praised not so much for the example they provided as for their role in dynastic stability (84). If Livy's references to mothers are more exemplary, it is partly the nature of his work that he does not have to be concerned with practicalities in the way that Augustus was. Livy's centurion Spurius Ligustinus speaks almost proudly of his wife's fertility, as she has produced eight children (34.34.3-4).

⁶⁵ Tanaquil, the adoptive mother of Servius Tullius, instructed, guided and aided him, leading him on the path towards kingship (1.41.1-4 in particular), and although Ogilvie notes that her characterization is "clever and unscrupulous", Livy does not depict her as overambitious to the detriment of her son. Other references include that to Paculla Annia, a Campanian, the first to initiate her two sons, Minius and Herennius Cerrinius (39.13.9), into the Bacchanal rites. Quarta Hostilia, the wife of Piso, was said to have murdered her husband on the evidence that she had told

Advice/Influence

On several occasions throughout the text, mothers act as advisors or as the voice of morality and thus are presented as having considerable influence on their children's decisions, and consequently on the political and military history of Rome. There are no stories in Livy which touch on the ability of women to leave property to their children and the resultant influence a woman might consequently exert. However, the mother-child bond seems to have been recognized in the Republic and early Empire by the custom of men making their wives their heirs in order to pass on their property to their children, or by making them joint-heirs despite the fact that most widows remained part of their natal families.⁶⁶ Customs regarding property were symptomatic of social attitudes towards the place of mothers in the nuclear family and the influence they held over their children. Livy no doubt absorbed these attitudes, and they are reflected in his text.

Those Roman mothers who were paradigms of ideal maternal behaviour,

her son to apply for the consulship and that she would bring about another chance for him to reach it (40.37.5-6). The problem here is the opposite to that of Duronia, who supported her husband at her son's expense. For discussion of conflict between mothers and their adult sons, see Dixon 1988:179-187.

⁶⁶ Widows as heirs: Dixon 1988: 47-51. These women were equally under certain social obligations to provide for their children or face criticism: see Dixon 1988:55-6 for a discussion of Cicero and Terentia's wills and the expectation of arrangements for their children; Val. Max. 7.7.4 in which Septicia's will was overturned by Augustus because she disinherited her sons after quarrelling with them; Val. Max. 7.8.2. in which a woman is judged as insane because she unjustly left one daughter out of her inheritance. Eventually, in AD 321, children were legally intitled to succession provided they had been dutiful to their mothers (*C. Th.* 2.19.2): Cf. Dixon 1988: 53.

and whose reputations would have been familiar to Livy, were known for their influence in their sons' lives—for example, Cornelia, Servilia, Aurelia, and Atia as the mothers of the Gracchi, Brutus, Caesar, and Augustus in particular.⁶⁷ These last four mothers, however, do not appear in Livy's extant text. We do have his account of Veturia, who was responsible for spearheading the intervention in Coriolanus' ill-advised attack on Rome. Most of her argument suggests that Coriolanus has broken the ethic of reciprocity between child and parent: she states that his acts made her uncertain whether she should come to him as a mother or a captive, that the reward of her old age was now his treachery, and that he has forgotten his responsibility to his mother, his wife, and his children (2.40.5-7). His duty to the state, which is also a parent to him, is mirrored by the duty he owes to his mother, and as such Veturia's rebuke carries extra weight.⁶⁸ Livy constructs Veturia's lament and her complaints like a speech in Greek tragedy, giving dramatic emphasis to the discourse on familial *pietas*.⁶⁹ The significance of this passage is further indicated by a trio of references to it later in the text:

⁶⁷ Dixon 1988: 177-8, 186. This influence is generally portrayed as a more significant element of the mother-child relationship than the sentimentality associated with motherhood in modern times.

⁶⁸ See also Dixon 1988: 31, 44 on the prestige acquired by widowed mothers such as Veturia. The scene has the air of a scolding mother, perhaps suggestive of a motif of maternal discipline mentioned by Cicero (*Tusc. Disp.* 3.64), Horace (*Epist.* 1.1.21-2) and Tacitus' Messala (*Dial.* 28). As Dixon notes, there is no traditional criticism of Veturia's interference in Coriolanus' plans (1988: 188).

⁶⁹ Tragedy: Ogilvie 1965: 334-5.

when Marcus Valerius Corvus appeals to the rebels to rejoin Rome, he warns them that their enthusiasm will wane if they experience what happened to a famous would-be rebel from the past: *Expectate, dum uobis singulis, ut olim Coriolano, matres coniugesque crinibus passis obuiae ab urbe ueniant*—"Wait until your mothers and wives come to you singly from the city with dishevelled hair, as once they did to Coriolanus" (7.40.12).⁷⁰ Much later, Scipio reminds a band of mutineers at Sucro of Coriolanus' would-be rebellion, stating, *reuocauit... a publico parricidio priuata pietas*: "Family devotion recalled him... from public parricide [treason]" (28.29.1). And in Valerius' argument for the repeal of the Oppian law, he cites the prevention of Coriolanus' attack on Rome among the accomplishments of Roman women (34.5.9). It has been noted previously that Veturia held no form of *potestas* over her son—rather her authority and influence by virtue of her close relationship to Coriolanus and her age are enough to shame him into retracting his intentions. Her actions are presented in a positive light and treated as an *exemplum* worthy of repetition, rather than as excessive interference in her son's life.⁷¹

⁷⁰ For dishevelled hair as a sign of mourning and distress, "the normal state of hysterical women in epic" (Ogilvie 1965:78): 1.13.1, 26.9.7; Oakley 1998:382. The temple of Fortuna Virilis was supposed to have been erected as tribute to Veturia's bravery (Plut. *Cor.* 37), but Livy does not mention it: Dixon 1988:90-91, 187.

⁷¹ For inclusion of the mother of Coriolanus as an *exemplum*: Chaplin 2000:99. Veturia's lack of *potestas*: Gardner 1993:80. Pattern of *peripeteia* in the story of Coriolanus, a Hellenistic motif: Walsh (1961:213).

Walsh (1961:91) points out that in the version of the story written by Dionysius of Halicarnassus, who used the same source as Livy, Veturia is considerably more emotional and less firm with her son; he suggests that Livy's Veturia controls her maternal feelings for the sake of allegiance to the state. Dionysius' account is, typically, much more lengthy than Livy's, but also characteristically different. His Veturia perceives the women of Rome as weak and powerless (8.41.1); she immediately embraces Coriolanus upon meeting him at his camp (8.45.1), and when invited to address the soldiers, weeps copiously (8.46.1). However, Walsh does not take into account her insistence on the duty Coriolanus owes to her by virtue of her motherhood: ἀλλ' ἐμὸς ἅπαντα τὸν χρόνον ἔσθῃ (8.51.1)—“you will be mine forever”, she tells him, reminding him that the law of Nature requires that he show her gratitude and deference. Dionysius seems to recognize the traditional weakness of women politically at Rome while maintaining the highest regard for the emotional and social ties between mother and child; it is Livy who appears to attribute greater social power to matrons as a kind of order.

It appears that it was appropriate for mothers to have some privilege in choosing spouses for their children, as in the case of the woman at Ardea, whose choice is even preferred over that of her daughter's guardians (4.9.5-6). Scipio's wife demonstrates by her infuriated response to the surprise engagement of her daughter that women, at least those of elite social standing, could expect to be

consulted regarding their children's marriages—perhaps more specifically their daughters' (38.57.8-9). However, as noted above, a mother's approval was not legally necessary for the contracting of a marriage.⁷² The authority of a mother also had notional ramifications that extended beyond influence over their own biological children because of the honour attributed to the Roman *matrona*.⁷³ The consul Postumius consults Sulpicia, his mother-in-law, concerning matters related to the Bacchanalia scandal, and receives invaluable help from her in locating the noblewoman Aebutia and questioning her about her nephew's predicament (39.11.4-6). She also moderates his approach to interrogating Hispala in a way that seems both compassionate and authoritative: *et Sulpicia attollere paudentem, simul illam adhortari, simul iram generi lenire*—"And Sulpicia lifted up the terrified woman, at once encouraging her and softening the rage of her son-in-law" (39.13.3). Once again, there is no hint that her involvement is unwelcome—quite the opposite, in fact. Her role is ancillary, as women's roles generally are in Livy's text, but also demonstrates the degree to which a powerful woman, with prestige as a matron, might involve herself in socio-political matters.

This same story provides a negative example of the abuse of a woman's

⁷² Expectation of mother's approval: Dixon 1988:215. Two references in Cicero suggest the involvement of mothers and the importance of their approval in their children's marriages in the late Republic: that of Terentia in Tullia's marriage (see Dixon 1988:215), and the marriage of Quintus Cicero (references in Dixon 1988:63).

⁷³ Dixon 1988:6.

authority: Duronion, the mother of Aebutius, was loyal to her second husband Sempronius, and thus perhaps was willing to comply with his desire to ruin his stepson by initiating him into the Bacchic rites (39.9.2-4). Aebutius is initially prepared to go through with the rites, saying that his mother has ordered him (*imperasse*) to do it, demonstrating the authority of mothers even over apparently grown young men, but is convinced by Hispala to refuse (39.10.3). When Aebutius refuses to be initiated, Duronion accuses him of having no respect for his mother and, along with Sempronius, throws him out of the house (39.11.2-3).⁷⁴ The fact that she apparently did not expect to face debilitating criticism for this act suggests the power of parents to judge their children's adherence to social norms of *pietas* and obedience. In particular, the fact that he chooses to disobey his mother at his mistress' insistence is conventionally a strike against him.⁷⁵ However, once again, Livy's internal audience holds the key to our sympathies: Aebutius' aunt weeps over the predicament, as though the act were unworthy of a mother and undeserved by Aebutius (39.11.6-7). The story reflects some of the uneasiness that the Romans may have felt with respect to stepfathers and perhaps

⁷⁴ Dixon (1988) makes no mention of Duronion in her work on the Roman mother. However, see generally her chapter (168-209) on mothers and adult sons, in which she discusses the tension between a son's dependence on his mother's social connections and his desire for independence, as well as the expectation that a woman will bequeath property and wealth to her son.

⁷⁵ Dixon 1988: 188 on Vergil's Dido attempting to distract Aeneas from the duty assigned by his mother Venus (Verg. *Aen.* 4.304).

stepmothers; their interest in the family property and power to exclude the children of previous marriages proved to be a realistic threat.⁷⁶ Also, the story contains two elements that Livy includes without comment, suggesting that they are normative at least for his own period: the fact that Aebutius still resides with his mother and step-father, and that his mother has significance influence over aspects of his social and religious life. His initial willingness to obey her contrasts sharply with her deceitfulness and treachery. We might conclude from the above examples that mothers ideally possessed a degree of notional influence and even authority over their children that resulted from their respected place in the family and in society, but that once again, this authority was contingent on certain standards of parental behaviour.

Rearing and Protection

Mothers and children in Livy are frequently paired in references to citizen males being urged to protect their families, suggesting that ideally they are together physically and that there is close association between them. There is nothing in Livy's text to contradict Cicero's suggestion that the ideal rearing for a Roman child is at his mother's knee (Cic. *Brut.* 211), but there is also no treatment

⁷⁶ See discussion in Dixon 1988: 65. By AD 390, a law had been passed so that a woman could only be a *tutrix* for her children if she vowed not to remarry, suggesting that she might otherwise be vulnerable to a stepfather's interference.

of the behaviour of mothers with their young children.⁷⁷ There is only one reference in the text to a nurse or female slave accompanying a child and that is in the case of Verginia, whose mother had died. Although it seems likely that many children of the elite were raised by nurses—slaves or foster-mothers—Livy does not de-emphasize the role of mothers as more direct caregivers.⁷⁸

Livy writes that Lavinia kept the Latin kingdom safe for her son Ascanius while he was not yet of age, and he eventually left Lavinium to his mother or his mother-in-law, further suggesting the supervisory skills of the early female elite (1.3.1-3). We do not have early evidence for mothers as *tutrices* or guardians with the capacity to administer affairs on their prepubescent children's behalf; however, Livy's emphasis on the moral rectitude of the early Romans may have prompted him to portray even their earliest ancestors as capable of the self-control that eludes their modern-day counterparts.⁷⁹

The Sabine women are a prime example of mothers protecting their

⁷⁷ Mother-child association: Dixon 1988: 15. There is little in art to tell us much about mothers and young children (Dixon 1988:108-111), although some literature suggests that authors idealized more direct mother-child interaction: e.g. Cic. Brutus 210, Catullus 61.209-13, Tac. *Dial.* 28.

⁷⁸ Nurses: Dixon 1988:15-17, Bradley 1991:13-36; nurses and foster-mothers might figure prominently in a child's life because of the high rate of mortality for women in childbirth as well as the presence of slave childminders as part of the communal rearing of the child. For the case of Verginia's nurse, it seems clear that the nurse had a very close association with the girl, perhaps especially so because of her mother's death: Bradley 1991:25. The methods of maternal protection differ significantly from that provided by fathers, as mothers along with all women are traditional non-combatants, and the limitations to a woman's ability to preserve her children's lives are patent. Dixon (1988:228) notes that "the mother's power of protection lay chiefly in intercession".

children. They are keenly aware of the connection formed between the two warring sides because of the children they have borne, and use this natural argument to great effect. In particular they beg their fathers and husbands not to fight, *ne parricidio macularent partus suos, nepotum illi, hi liberum progeniem*—"lest they mar by parricide the women's children, grandsons to one side and sons to the other" (1.13.2). Their protection ensures the survival of the Roman people and is commemorated as an *exemplum* by Valerius in his speech concerning the repeal of the Oppian Law (34.5.8).⁸⁰ The ideal of protective, but generally noninterfering mothers is characterized by Cato during his speech on the Oppian Law, inferred from his questions about the reasons for the crowds of women in the forum: *ut captiui ab Hannibale redimantur parentes, uiri, liberi, fratres earum?*—"Is it in order that their parents, husbands, children, and brothers might be redeemed from Hannibal?" (34.3.6-7). This was what the matrons of Rome had done following the disaster at Cannae, and to his mind was a more worthy cause for civil disturbance by women than their current objective, which is to regain the

⁷⁹ Mothers as administrators of property: Dixon 1988: 63-5.

⁸⁰ Dion. Hal. *Ant. Rom.* 2.45-6 also relates this story about the Sabine women, but although they tearfully intercede between their husbands and their natal families, carrying their infant children along with them, they do not at any point specifically point out the connection between the two warring sides, who now have progeny in common. Dionysius' new Sabine matrons do not give as compelling reasons for a truce as do Livy's; Livy seems to recognize the significance of the event in a way that Dionysius does not.

right to wear purple and gold.⁸¹ These stories are a recognition of the power that mothers might have for social action, if and only if their goal was the protection of their children and the state.

Two individual mothers are examples of valorous mothers who defend their children to the death; both, in fact, are non-Romans. Heraclia, whose marriage to Hiero's son Zoippus made her suspect in the eyes of the people when they began to destroy the royal family in 214, flees to the household shrine with her two maiden daughters and prays in the name of the gods and of the memory of her father that the innocent will not be slain. She speaks out in favour of exile for herself and her daughters, since they have done no harm to anyone and since her husband is already in exile himself. As her hope of mercy fails she pleads only for the lives of her girls, *a qua aetate etiam hostes iratos abstinere*—"from which age even enraged enemies abstain", but unsuccessfully (24.26.1-12). The incident is treated by Livy as well as the internal audience as a shameful one, and Walsh in particular stresses the psychological treatment of the episode, a feature of Livy's preoccupation with 'human interest' stories, which emphasizes Heraclia's tragic maternal heroism.⁸²

Theoxena's devotion and protectiveness are also exemplary. Livy hides no

⁸¹ Note the close resemblance between the Latin here and at 22.60.1 after Cannae where a group of people, including women, cried out for their *liberos, fratres, cognatos*—"children, brothers, and relatives" (Briscoe 1981:49).

admiration for the Greek woman and likely intended her to be as good an example as any Roman woman: when Philip declares that he will capture the children of the nobles, she states that she would sooner kill them all by her own hand than allow them to come into his power (40.4.6-8). She does not seem to hesitate to give her children poison and the sword, letting them dispatch themselves (40.4.14). Her story is best seen as a method of emphasizing Philip's tyranny, but her fearlessness also evokes a slightly different variety of pathos from that elicited in the story of the powerless Heraclia and demonstrates the potential ferocity of motherhood.⁸³

The wide variety of forms of maternal involvement in the lives of Roman children, whether young or adult, finds expression throughout Livy's text. The incidents are always praiseworthy and sometimes tragic, but the mere fact of their inclusion demonstrates Livy's awareness of the emotional depth of mother-child interactions and its probable effect on his audience.

Mother-figures

⁸² 'Human interest': Walsh 1961:215.

⁸³ Again, Walsh notes the element of 'human interest' in this story: the most wrenching aspect is the ferocity of Theoxena's maternal instincts and her determination to prevent her children's suffering (1961:188). Polybius (23.10.4-16) discusses the cruelty of Philip and his insistence on killing the children of his enemies, and Livy follows him closely (40.3.3-7 corresponds almost exactly to Pol. 23.10.4-9), but the story of Theoxena is not found in Polybius. Sage and Schlesinger (1938:9 n.1, 11 n.1, 13 n.1) comment that both Polybius and Livy portray Philip's fall as tragic drama, that Livy may have adapted the story from Polybius and that "Livy treats it as almost the turning-point in the tragic action". Walbank agrees that the story must have stood in the original text of Polybius and that it was not transmitted by the Constantinian excerptor

Dixon (1988:143) makes the point that because physical attention, nursing, and other facets of child care appear not to have been practically expected of Roman mothers, particularly the elite, the characterization of nurses and other female childminders categorically as “surrogate mothers” is somewhat misleading. Where these nurses were employed, they merely performed different caregiving duties from those performed by mothers, whose role in some aspects was not that different from a father’s day-to-day role. This section of the chapter will address those persons in Livy’s text who are referred to or compared to mothers for one reason or another, or who display caring behaviours that might have been performed by a mother, since the evidence for nurses in Livy is so scant.⁸⁴

“Mother-substitutes” demonstrate the characteristics for which the ideal mother might be honoured: even the she-wolf who was said to have raised Romulus and Remus after they were separated from their mother is described as being tender with the infants, nursing them and licking them with her tongue. The she-wolf sees to their basic physical needs; then, after they are found by Faustulus, their human foster mother takes responsibility for raising them (*educere*).⁸⁵

(1979:232).

⁸⁴ Again, see Bradley 1991:13-36 for the communal rearing of the child, with some duties appropriate to nurses and others to biological mothers when they were present.

⁸⁵ 1.4.6. There is something of a parallel here to the distinction between the role of basic child-tending (*nutrire*) and the raising and educating of a child (*educare*) discussed in Dixon 1988:153-155. Dionysius of Halicarnassus relates that Faustulus gave the boys to his wife to rear to help comfort her after the recent loss of their infant: *Ant. Rom.* 1.79.10.

During Scipio's Spanish campaigns in 210, after one successful conquest the daughters of the Celtiberian chieftain Indibilis are taken under the wings of an older woman whom they all revered *pro parente* (26.49.13). She in turn merits the designation by speaking up for their interests and seeking to protect them from potential abuse at the hands of their captors. Scipio praises her courage and she wins a promise of safety from him. He has a guard assigned to them who is ordered to treat them with no less modesty and reverence than he would the wives and mothers of guest-friends (26.49.16). Once again, the difference between Polybius' version, in which Scipio promises to treat the girls like sisters and daughters, and Livy's account is significant in that he has chosen to represent the girls by a social relationship unrelated to their age. They are likely to be much younger than the mothers of the soldiers, but the men are asked to treat them with the reverence due to a respectable woman established in society.⁸⁶

Theoxena also serves as an excellent example of surrogate motherhood, as she marries her sister's widower Poris and raises not only their children but her own with her husband. She is the ideal foster mother: *et tamquam omnes ipsa enixa foret, suum sororisque filios in eadem habebat cura*—"And as if she were the mother of them all, she devoted the same care to her own child and her sister's children" (40.4.3-5). Both the Celtiberian woman and Theoxena were particularly

⁸⁶ Polybius: 10.18.7-15. See the discussion of this section in Chapter 2 (pg. 140-1). Polybius does not characterize the older woman as a mother-figure to the younger ones.

concerned with defending the chastity of the children under their care, thus demonstrating an awareness of their responsibility to protect family lines and social integrity, an important role for mothers as protectors.

Goddesses or divine elements are represented as mothers throughout the text: first and foremost, the earth itself is described as a mother. The Pythian oracle tells the sons of Tarquinius that whichever of them first gives his mother a kiss will be king of Rome; Brutus cleverly falls on his face on the earth *quod ea communis mater omnium mortalium esset*—"Because she is the common mother of all mortals" (1.56.10).⁸⁷ Coriolanus, as mentioned above, is fittingly censured by his mother for ravaging the land which gave birth to and nourished him (*genuit atque aluit*), which must give the reader pause to consider the parity between a human mother and one's homeland. In addition, Camillus lectured against migration to Veii because they ought to show more loyalty to the land which they call mother (2.40.7, 5.54.2). While in the case of Brutus, the land writ large is considered the supporter and mother of mankind, in the latter two anecdotes, the land local to Rome where most Romans were born is the motherland. Twice more, Mother Earth (*Terra Mater* or *Tellus Mater*) is mentioned as the recipient of the deceased soldiers of a defeated army (8.6.10, 10.29.4). Pinarius prayed to

⁸⁷ The same expression is used in DH's account of the story: 4.69.4. Suetonius (*Div. Jul.* 7.2) relates a similar story about Julius Caesar: Caesar was disturbed by a dream he had in which he raped his mother; he was then told that the image of his mother represented the whole earth in his power, since the earth was considered to be the parent of all men (*terra... omnium parens*

Mother Ceres, a *hapax* in Livy, and Proserpina (24.38.8).

An oracle was also found which states that if an alien-born enemy should bring war upon Italian soil, it could be driven from Italy and conquered if the Idaean Mother, a large stone, was brought to Rome from Pessinus (29.10.5), which was said to be the mother of the gods (29.11.7). Livy devotes some attention to this subject, if only because it was necessary to choose the best man in the state to carry the stone ashore from the ship in which it was brought, and this gives him an opportunity to showcase the character of Publius Scipio, son of Gnaeus, who was the man chosen by the senate (29.14.8). In another act of reverence towards motherly divinity, the censors of 204 BC let out the contract for the building of the Temple of the Great Mother (29.37.2).⁸⁸ The purpose of characterizing divinities as mothers seems straightforward: the goddesses are cast in a protective, caring parental role, often in a nurturing or nourishing sense, illustrating further the traditional roles of mothers in Roman society.

The mothers of Livy's text, whether named individuals or in groups, have

haberetur).

⁸⁸ Terra Mater, or possibly Italia, is represented on the Ara Pacis as well; but the tutelary goddess that receives most interest from Augustus, Venus Genetrix, who is praised in the *Aeneid*, finds no place in Livy's extant text.

a largely advisory and protective role with evidence of some notional, but no less influential authority. Once again, there are certain expectations of motherly behaviour, and when these are violated, as in the case of Durnia, filial obedience may be appropriately compromised, and Livy constructs this disobedience as an acceptable response for the sake of social stability. On the other hand, as the example of the elderly Celtiberian matron demonstrates, maternal protection also earns dutiful respect and affection from children, whether biological or not. The presence of child-minders or substitute mothers allows the niche of maternal protection and nurturing to be filled—again, apparently, for the purpose of stable upbringing and ideal social connections. This issue of the child's role in the family, and how Livy characterizes proper devotion to parents, will be the subject of the next section.

Children and filial *pietas*

As indicated in the preceding two sections, the roles of Roman mothers and fathers, at least as they are represented in literary evidence, were dictated by parental authority and responsibility. They were also expected to display benevolent behaviour towards their children. The notional roles and responsibilities of children constitute, to a degree, the counterpart of authority and benevolence: obedience and reciprocity. There are also aspects of filial devotion which are not directly acts of obedience, but which exemplify the fuller meaning

of *pietas*. When it comes to Livian stories, then, we cannot characterize *pietas* as an ideological factor evoked only in cases involving filial obedience: although *pietas* may not always be specifically mentioned, the broad ideal is that children will honour their parents by their actions and care for them. This is illustrated throughout Livy's text in stories of loyal, obedient, and affectionate sons and daughters, as well as negative *exempla* of wicked ones, often with some kind of indication of the reaction Livy expects his audience to have, either by editorial comment or inclusion of an internal audience.⁸⁹

The Roman interest in young children has been frequently debated. At the very least, they were cherished for their potential to become good orators or matrons, and for the prospect of becoming caregivers for their aged parents. Some funerary commemoration indicates the loss parents felt at the untimely death of a child who would not live to fulfil these obligations. However, others have suggested that the Romans frowned on mourning young children and perhaps were emotionally acclimated to the high infant mortality of the period.⁹⁰ In any

⁸⁹ Cicero also expected his audience to appreciate his representation of 'family values', using examples of devoted relationships in his defence speeches, and accusing his enemies of family disfunction: Treggiari 2005:9-35.

⁹⁰ Discussion of child mortality and affect towards young children: Golden 1988:152-163 takes the position that most evidence indicates parental affect towards infants despite high mortality and frequent infant exposure, based partially on cross-cultural comparison. Wiedemann 1989:11-16 discusses the probability of a high mortality rate based on contemporary pre-industrial societies and the Ulpian life tables, and suggests that Roman parents were less willing to invest emotionally in young children. Saller 1994:12-69 uses the Coale-Demeny life tables as further evidence to suggest high child mortality and low life expectancy at Rome. Potential: Wiedemann

event, there are relatively few extensive anecdotes in Livy involving young children, a consequence of its focus on political and military history. However, because of the notional power of *patria potestas* and of parental influence in general, adult children are still frequently portrayed in the context of their behaviour towards their mothers and fathers. Thus, we examine the evidence of Livy with a view to teasing out elements of the child's role in complex parent-child interactions.

Childhood and Vulnerability

Small children at least are characterized by emotional and physical infirmity. They are the prototype of irrational beings and represented fear and weakness in classical literature. Antony and Cicero used the term “child” or “boy” to insult opponents (Cic. *Phil.* 13.24, *Ad.Fam.* 12.25.4).⁹¹ In Livy's text, puerile behaviour is expected in children but shameful in adults. Even the great Hannibal, at the age of nine, is “childishly begging” (*pueriliter blandientem*) his

1989:24. Bradley 1991:28-29 notes that attachment to children would vary greatly depending on physical proximity, but that the basic nuclear conception of the Roman family does not square well with a lack of parental affect.

⁹¹ Physical weakness and tendency towards illness and fear: Wiedemann 1989:18-19. Rawson notes that children in literature represented the ‘defects of immaturity’ (2003: 22). Consider also the famous and tender description of Astyanax, afraid of the crested bronze helmet of his father Hector (*Il.* 6.466-473). Lack of reason: Wiedemann (1989: 21-23). Insult: It is also used in an accusation against Eteoneus by Menelaus in *Od.* 4.32. There is one example of discussion of childish behaviour in Livy, directed at Antiochus, who was said to give *puerilia* or childish gifts, such as food or toys, to men of distinction. While some claimed that he had gone insane, others said that he was playing *simpliciter*—“childishly” (41.20.3-4). Naturally his

father Hamilcar to take him along to Spain (21.1.4), and is rewarded with an experience with his father that cements his hatred for Rome forever.⁹² But grown men insult each other by comparing others to children in terms of their unreasonable nature: military leaders laugh at their soldiers for being afraid of their enemies' priests, like children (*puerorum ritu*), and shame them into courageous action, while Pontius mocks the Roman attempt to quibble to get out of their promises, saying that these games are *vix pueris dignas ambages*—"riddles scarcely worthy of children" (7.17.4; 9.11.12). The fear and illogic displayed by the Romans in these incidents runs contrary to the fully-developed *virtus* and *ratio* expected of the citizen male.⁹³

Physical weakness is another attribute of children which Livy contrasts directly with that of ideal men. When Scipio's soldiers make a barricade out of

behaviour does not fit with that of a grown man.

⁹² This story is first recorded in Polybius 3.11.5-7. Polybius' version portrays an almost tender relationship between Hannibal and his father; this aspect may have been toned down by Livy to avoid sympathy with Hannibal. Livy also mentions the story at 35.19.3 (193 BC), where Hannibal tells it to Antiochus in direct speech. It should be noted that this is further evidence that Livy did not slavishly follow the order of events in Polybius' text; this quotation was held back and inserted at the proper chronological place in Livy's annalistic history. Thus, Livy heightens the potency of the experience and the influence of the father on his son, which led to Hannibal's lifelong hatred of Rome. For more on the possible sources of the story, see Walbank Vol 1. 3.11.1-12.6, (p. 314).

⁹³ Further examples: Livy writes that Hasdrubal, going out to meet Gaius Nero, had toyed with him as he would a child (*haud secus quam puerum*), frustrating him by drawing up false peace terms (27.44.9). Hieronymus' uncontrolled behaviour was troublesome to the Syracusan people when he succeeded his grandfather on the throne (24.4.1-2), but Sopater declares that any evil deeds done under the boy's rule were done by Adranodorus and Themistus; the boy's youth made him effectively powerless (24.25.1-2).

pack-saddles and baggage, the enemy commanders mock it as *uix feminis puerisque morandis satis ualidum*—“scarcely strong enough to delay women and children” (25.36.8-9). War was the arena of adult men, and children were no stronger than women in this equation. At Iliturgi, however, children act beyond their expected strength along with women in bringing weapons to those fighting, and stones to those fortifying the walls (28.19.13). The fact that they display greater endurance than anticipated, and that mention of this fact makes the story more unique and vivid, underlines the stereotypical weakness of the child in the Roman mind.⁹⁴

Because of their liminal status in Roman society, not yet full participatory citizens, but with the potential to be so, children also benefited from a kind of sacrosanctity. It was considered shameful to kill them in warfare, a notion which Livy emphasizes and uses to great dramatic effect. Young people played an important role in some religious ceremonies, as we have seen, and in particular during the Latin Festival, ten free-born youth and ten maidens, all of living fathers and mothers, were employed for this sacrifice (37.3.6).⁹⁵ Livy makes note of this religious role throughout the *AUC*. As a pestilence rages in Italy, all people older

⁹⁴ Women and children, along with the elderly, are cited together as noncombatants: Wiedemann 1989:20.

⁹⁵ The wearing of the *toga praetexta* by boys and girls is probably connected to the sacred public work done by magistrates who also wore that clothing: children were a step removed from ordinary adult citizens (Fowler 1896: 317-319). Warfare: Wiedemann 1989:25. Living parents: Briscoe (1981:294) suggests caution in taking this exclusion of children whose parents are deceased as a general rule for such sacrifices.

than the age of twelve supplicate the gods wearing crowns and carrying laurel branches (40.37.3). Children assist matrons in the supplication of the gods in perilous times (3.7.7, 22.10.8, 24.23.1, 27.51.9). These are details which could easily have been omitted, but Livy seems to include them in the interest of describing appropriate community responses to collective threats or successes. Polybius, in discussing events following the disaster at Lake Trasimene, does not mention the supplications of women and children, whereas Livy does, at 22.10.8. Even the speech of very young children is considered prophetic because of their nearness to divinity.⁹⁶

As previously noted, children form part of the triad of parents, wives, and children who are the responsibility of citizen males, and are also in a sense their satellites, sometimes even grouped with men's property. The word-pair *coniuges ac liberi* or some variation thereof is frequent in the text. The children referred to in these groups are likely those still at home with parents, dependent on them for sustenance.⁹⁷ As such, children mentioned in this context have a fairly passive role. They are part of a man's household, they are in tow when their parents are

⁹⁶ Livy notes that these prodigies are sometimes too easily believed (21.62.2, 24.10.10), but relates them anyway: A freeborn infant of six months shouted "Triumph!" in the market (21.62.2), and a similar shout, apparently from a child *in utero*, among the Marrucini (24.10.10). Nearness to divinity: Wiedemann 1989:25.

⁹⁷ Young men of the upper orders at least may have struck out on their own, even before marriage, by the age of 20, and had their own apartments: Dixon 1988:169. It seems unlikely that young men of this age, already wearing the *toga virilis* and eligible for military service, are included among the "children" of these references to *coniuges ac liberi*.

on the move, and are sometimes exiled with their infamous fathers. Without the children actually performing any decisive actions themselves, Livy uses them as tools to evoke pathos.

The association of children with a man's home is evident in Quinctius' harangue to the people that they bring nothing but offenses and arguments back to their wives and children from the assembly, and in the flight of Roman soldiers from battle with the Gauls to Rome and their wives and children.⁹⁸ At home, the children are ideally far away from the political sphere or the battlefield. When they are outside the family home, they may still be part of an ordered society: Camillus, arriving at Tusculum, finds all in order there, including the crowd of women and children, out and about. The children, undisturbed in their daily activities, form part of normal city life in peacetime. Again, this is a detail which Livy could easily have omitted. Children are one of the elements that make up a home to which men should desire to return: Roman soldiers fighting in Africa are told they are on the verge of being able to return home (30.32.10). Livy thus draws the reader's sympathies towards the soldiers, who are presented as "family men": the reality that they have something for which to fight, namely their wives and children, suggests to the reader the importance of family members. Cicero

⁹⁸ Triad: The expression of the man-wife-child bond was suggested in the Iliad by the wounded Sarpedon, as he acknowledged he might not return to his own land to delight his dear wife and baby son (5.685-688). Quinctius: 3.68.5. The seemingly stock Latin phrase *cum coniuge et liberis* appears to fit this concept (Ogilvie 1965: 226).

makes use of the same principle of *sensus hominum communis*—evoking familiar sentiments in the audience to capture their interest and assent.⁹⁹

Men in Livy's narrative who travel with their women and children are sometimes leaving their homes for good, fleeing from the enemy and taking refuge elsewhere—for instance, Africans leaving their homes before the arrival of the Romans (29.28.3). The fact that their children are with them perhaps adds to their vulnerability, since they must be on the defensive to protect them. The Tuscians flee with their women and children to the citadel during the attack of the Volsci (6.33.7). The Aetolians find themselves enduring a siege in their citadel with the great multitude of women and children (36.24.10-1), as do the Sameans (38.29.11) and the Isiondenses (38.15.4-5). These children are an extra burden in many ways because they are noncombatants, but Livy does not fail to mention their presence.¹⁰⁰ A small token of Livy's awareness of the tragic effect

⁹⁹ Other examples: the ransoming of prisoners of war (22.60.13); the Acarnanians sent their children away and took an oath not to return except in victory (26.25.11); men rushed home to share the happy news of victory to their wives and children after the victory of the Romans at the Metaurus against Hasdrubal (27.51.7). Cicero: *de Orat.* 2.68, cf. Treggiari 2005:11-12.

¹⁰⁰ Many other examples: The Sabines brought all their wives and children with them to Rome (1.9.9) and children follow their parents to safety in times of war or civil upset (3.7.7, 3.52.3-4, 5.39.9). The Aurunci took refuge with their wives and children at Suessa (8.14.4). Traveling tribes toted their wives and children along (the people of the Alps: 21.30.8; the Gauls, moving to the Olympus mountain and then across the river Halys: 38.18.15, 38.25.7). The citizens of Eretria took refuge on the citadel with their women and children before surrendering (32.16.16). The Ligurian Apuani were ordered by the Romans to come down to territory among the Samnites with their wives and children. The free men were numbered at 40,000; women and children were not counted (40.38.6).

Royal families fleeing: Amyntander hid with his wife and children from Philip and the

of mentioning their suffering occurs at 40.3.5, adapted from Polybius 23.10.5-6.

Polybius mentions the sounds of mourning as the men are deported, but Livy specifically mentions the presence of *coniuges et liberi* in the distressing exodus.

By virtue of their vulnerability and the tendency of adults to want to protect them from harm, children proved useful as tools to elicit pity and compassion in appeals to judicial bodies. Whether or not Livy's anecdotes involving the use of children for compassionate appeal are themselves historically accurate, the dramatic device is sound: The exile Eurylochus begged the people of Demetrias to come over to the Aetolian league, accompanied by his wife and children wearing soiled clothing (35.35.7); Tarquinius made use of his young sons' peril in his plea for help from the cities of Etruria (2.6.2); and Veturia and Volumnia brought Coriolanus' children to his camp as a physical reminder of his responsibilities (2.6.2, 2.40.2). Men also surrender their wives and children along with themselves when giving in to the Romans, further indicating how the fate of children is linked to their parents': The natives of Privernum gave themselves over to the Romans in a common formula: *agros, urbem, corpora ipsorum coniugumque ac liberorum suorum in potestate populi Romani esse futuraque*— "[They said that] Their fields, their city, their own bodies and those of their wives

Romans in Ambracia (36.14.9). Antiochus also fled to Apamea with his wife and daughter as the war turned against him (37.44.6). Brutus sought to exile Tarquinius Superbus along with his wife and all his children (1.59.1, 1.59.11).

and children would be in the power of the Roman people” (8.19.12).¹⁰¹ Livy’s characterization of the surrender, similar to a sacred *deditio*, highlights the virtues of the citizenship of Rome, to which the other Italian cities might look to for leadership and protection, even entrusting their children to them.¹⁰²

Children were often tied to the destiny of their parents and pressed into service for pathetic appeal, as seen above, but they suffer more directly and more frequently as victims of exploitation and cruel treatment in Livy’s text. This is partly the result of the narratological focus on warfare: children are a source of dramatic pathos because of their helplessness in war and their vulnerability to abuse and assault.¹⁰³ Their weeping and wailing is the background noise during the conquest of cities, normally a refuge for homes and families. They are highly

¹⁰¹ The Boii senators also surrender themselves and their children to the consul (35.40.3). Children also came out with the rest of the citizenship to meet royalty or military leaders, perhaps to indicate the full compliance of the community as they do in the case of supplicating the gods: The Campanians came with their wives and children to meet Hannibal (23.7.9), the whole citizen body of Athens came out to meet Attalus with their wives and children (31.14.12), and the women and children of Messene gathered to see Philopoemen (39.49.8). For the use of children for pathetic appeal in court cases, see Treggiari 2005: 13-16.

¹⁰² On *deditiones* in the last two centuries BC: Oakley 1998: 304.

¹⁰³ Wiedemann 1989:19-20 states succinctly: “Warfare is the major theme of epic, and of its parallel prose form, historiography, and the largest single category of references to children in classical literature is as typical non-combatants”. In the *Iliad*, Hector challenged Aias, telling him not to test him as though he were a feeble boy (*Il.* 7.235). In addition, he notes that the appearance of children in warfare can represent its escalating brutality and intensity (20-21); an example in Livy’s text would be the resistance of the Romans’ old enemies the Samnites, which was finally punished with the indiscriminate slaying of their people of all ages (9.14.11) and at 28.20.6, where Roman soldiers even killed infants at Iliturgi, as well as at Saguntum, Astapa, Abydus, and Nesattium, where adults killed their children to prevent their enslavement (21.14.4, 28.23.2, 31.17.5-8, 41.11.4-5 -- see below for all references).

vulnerable to sexual violation at the hands of enemies or even community members. In warfare they may be enslaved, slaughtered, or taken as hostages—a debilitating disruption to the future survival of a people or community. Livy thus brings the emphasis we have seen above on the need for parents, and particularly fathers, to protect their children into sharp focus.

The *topos* of the weeping of women and children, sometimes even heard by the combatants, is a pathetic theme used very frequently to emphasize the toll of war on non-combatants.¹⁰⁴ Children, along with women, could be heard wailing and shouting first at Veii and then at Rome (5.21.11, 5.42.4). Etruria exiled the Sutrines from their land, and Camillus came across them accompanied by the wailing of their women and children (6.3.4), while a Samnite ambassador complained to Hannibal that he was not providing them with adequate defense even though he could almost hear the crying of their women and children (23.42.5).¹⁰⁵

The incapacity of children to resist adult aggression made them

¹⁰⁴ Wailing: the emotional components of the separation of some citizens and their wives and children into the citadel, and the weeping of the combatants, are typical of Hellenistic writers who imitated Thucydides, as when the Athenians withdrew from Syracuse leaving wounded kinsmen behind: 7.75 (Ogilvie, 722).

¹⁰⁵ Further examples: the Capuan Vibius Virrius notes that the Romans were not turned away from their resolve even though the weeping of their wives and children could practically be heard from Capua (26.13.12-13). Children ran out of a Ligurian village, set on fire by Numidian cavalry, causing an uproar in the camp (35.11.13), as Gallic children did in their camp when the men sought to retreat (38.21.14). Their wailing could be heard as a sign that many had been wounded (38.22.8).

particularly vulnerable to sexual assault, the tragedy and violence of which Livy always dramatizes. Verginia is the first obvious example: only the intervention of others kept her from being taken immediately into Claudius' custody. Verginius further emphasized the both the suffering of children in war and the horror of this threat in their midst, noting that Roman children could now experience at the hands of a Claudius the things which were most feared by captives, presumably slavery and sexual depredation (3.47.2). In Livy's narration of the Verginia story, the sexual victimization of a maiden, who is perhaps not quite a child, but not yet a *matrona* either, and still characterized as school-aged, is connected to a tyrannical figure in such a way as to link sexual violence directly with the loss of liberty.¹⁰⁶ Livy's aim in this case may be to emphasize the latter, but his choice of narrative indicates the degree to which the chastity of Rome's children, and to an extent the control of *patresfamilias* over their daughters' reproductive options, was held dear. In 8.28 we learn how debt imprisonment was outlawed among the Romans, as a young man who had given himself in bondage for his father's debt became the target of his debtor's lusts. The people objected to his treatment, considering their own condition and the vulnerability of their children (8.28.2-6).¹⁰⁷ In both examples, the internal audience is forced to consider the fate of

¹⁰⁶ Loss of chastity and liberty of the *plebs*: Vasaly 1987:217-222; also p. 221 for the significance of the episode to Livy's readers because of the phrase *vindicare in libertatem*.

¹⁰⁷ Oakley 1998:693 compares the scene of the crowd to the mob of women who beat on

individual children and apply it to their own; Livy may well intend his external audience to contemplate the dangers from within their own society as well.

Cities hosting a garrison also apparently ran the risk of having their women and children assaulted by the billeted soldiers. The people of Palaeopolis suffered at the hands of a Samnite garrison and experienced the utmost outrages that were usually the lot of captured cities, dealt out to their children and their wives. It is clear from the text, as well as from parallel examples in Livy, that this kind of “outrage” (*indigna*) involved sexual depredation.¹⁰⁸ As mentioned in Chapter 2, the Locrians also complained of gross sexual offenses against their wives, maidens, and freeborn boys at the hands of Pleminius and his garrison (29.8.8, 29.17.13-16).¹⁰⁹ Livy’s portrayal of the increasing power of the Roman military during this period does not overrule his dedication to examining moral issues and behaviour, and his attitudes towards the sexual sanctity of women and children.

Sexual victimization is an expected consequence for the children of defeated enemies, as was pointed out in Chapter 2, and threatens to bring deep

Brutus’ door after the debate over the repeal of the Oppian Law: the issues are both hard-hitting, fomenting strong public reaction.

¹⁰⁸ 6.3.4: the phrase is *luctum lacrimasque*—“mourning and tears”, a particularly pathetic coupling (Oakley 1997:416). 6.33.7: as we saw above, this is stock language (Oakley 1997:644).

¹⁰⁹ The Lycians were abused by the Rhodians, and that in particular their wives and children suffered mistreatment in body and in reputation (41.6.10). The plight of Calceian wives and children was similar, as the men complained that the praetor Hortensius’ reckless sailors were quartered in their homes (43.7.11).

shame to the community that has been outraged. The matrons of Rome filled the temples praying for their children to remain *inviolati* (26.9.7-8). Virrius of Capua declared that he would not allow Campanian mothers and maidens and freeborn boys (*pueros*, emphasizing their age) to be stolen away *ad stuprum*—"for lust" (26.13.15). Livy presents Scipio's continence as exceptional in his modest respect for the fiancée of a Celtiberian chief. In fact, this was partly for political purposes, as he said himself: it would allow him to make a friend of this leader and his tribe (26.50.1ff). There is something of this expectation of sexual violation in the fact that Massiva is described as a *puerum adultum...forma insigni*—"a grown boy of exceptional beauty", and in the conspicuously good treatment he receives from the ascetic and magnanimous Scipio (27.19.8-9).¹¹⁰ Scipio is more than just self-disciplined; his abhorrence of sexual depravity sets his character in diametric opposition to the classical, lustful tyrant, even further suggestive of his father-figure persona. Sexual depredation, or the threat of it, provokes dramatic response in all of these stories as Livy implies the *pathos* and horror of this ubiquitous form of violence.

The Romans commonly enslaved the people of a city after conquering it,

¹¹⁰ The consul further argued that the Bacchic rites made young men unsuitable to fight for the chastity of Rome's wives and children, a statement with the obvious precondition that children needed to be protected from rape and assault in times of war (39.15.12-14). Philip also desired to take the children of his political enemies into custody and execute them (40.3.7), leaving the children of the murdered Herodicus, his daughter Theoxena and her sister's children in danger. Theoxena, as mentioned above, forestalled their execution and the risk of sexual abuse at the hands of the king and his guards by giving the children the means to kill themselves (40.4.1-14).

including children.¹¹¹ The statement Livy makes about the Romans' defeat of New Carthage, that no adult was spared who met the Roman soldiers, does suggest that children usually had some degree of protection, if only because they represented valuable commercial potential as slaves (26.46.10). Some of the Capuans are sold into slavery along with their wives and children, except for daughters who had already married into other communities (26.34.2-4). The reality of this threat of enslavement of a whole community's children is also made clear by the Tusculans, who come to Rome to beg for mercy along with their wives and children. In the end all the tribes save one reject the proposal to sell the women and children into slavery (8.37.9-12).¹¹² Although this suggests that the image of enslaved children is a pathetic one, at no point does Livy challenge the system by which children are enslaved, and in this his does not differ from other Roman authors.

Although it was likely that children would be spared, taken prisoner, and sold into slavery, in some cases they were killed along with the adult citizens. The Samnite resistance is met with merciless slaughter, as the Romans indiscriminately kill unarmed and armed, bond and free, young and old as they

¹¹¹ For the contribution of war-captives to the slave supply at Rome, see Bradley 1994:32-33 (in the Republic) and 1991:298-318 (during the Principate).

¹¹² The Ambraciots complained that their wives and children had been taken away into slavery (38.43.4-5), and after Perseus had had all the adult males of Oaeneum killed, their wives and children were put under guard (43.19.12).

find them (*inermes atque armatos, servos liberos, puberes impuberes* B 9.14.11). At 28.20.6, Livy writes that the soldiers at Iliturgi are driven even to the slaughter of infants by cruel wrath. Iliturgi had been one city to which Roman survivors fled after the death of the elder Scipios in 212, and the people had betrayed the Romans to the Carthaginians. Livy states unequivocally that the slaughter at the town is undertaken *ab ira et ab odio*—out of rage and hatred. The similarities between the descriptions of the slaughter of the Iliturgi and the siege of Avaricum by Caesar in 52 BC (*BG* 7.28) are remarkable: In both cases, the author states that the soldiers were taking revenge for previous attacks by the enemy, and took no thought for *praedae* (plunder), and that women and infants were killed along with men. However, Livy emphasizes the cruelty and anger that fueled the massacre (*ira, odium; ira crudelis*). Caesar's language is more neutral, stating that they were *incitati* (incited) by the slaughter at Cenabum, while Livy's tone disparages the killing of children in warfare.¹¹³

The tone is perhaps more tragic when children are killed by their own parents to avoid capture, and it emphasizes the horrors of being a war captive if parents are willing to go to such lengths to keep their children out of the hands of the enemy. One of Hannibal's officers declares to the Saguntines that they will spare their bodies, and those of their wives and children, and leave them inviolate

¹¹³ Mass deaths of children were said to occur in situations other than war: Gnaeus Manlius, the proconsul of 187, noted how often the cities of Asia heard of their own children being

(*inviolata*) only if they leave Saguntum (21.13.9). However, in a tragic turn, the men choose to kill their own women and children (21.14.4). Vibellius the Capuan also shows awareness of the horrors suffered by prisoners of war by killing his own wife and children to avoid their capture (26.15.14). The bloody scene at Astapa is another instance of wives and children being killed by their husbands and fathers to prevent them from being taken captive (28.23.2), a shameful scene according to Livy.¹¹⁴

Children were also ideal hostages, given as security to ensure good behaviour. Although hostages are frequently given and taken in Livy's text, there is no incident in which they are killed in response to a breach in their parents' conduct.¹¹⁵ Philip's surrender of Demetrius to the Romans began the son's good diplomatic relationship with his father's enemies (33.8.14). The psychological effect of being a hostage is briefly alluded to at 39.47.10 with regard to Demetrius: *obsidem enim se animum eius habere, etsi corpus patri reddiderit—*

sacrificed by the Gauls (38.47.12).

¹¹⁴ Other examples: At Abydus all the freeborn maidens and boys and infants were shut into the gymnasium and men were chosen to slaughter them when the wall was breached (31.17.5-8). The concern for the chastity of freeborn boys as well as maidens was likely a motivating factor for killing them as well. Livy elaborates somewhat on Polybius' rendering of this story, emphasizing that the nurses had with them infants rather than children (Briscoe 1973:103). Cf. Pol. 16.31.2-3. A similar event occurred at Nesattium among the Histrians (41.11.4-5) where the men killed their wives and children in full view of the enemy and threw them over the walls.

¹¹⁵ Examples of hostage-taking: the children of Volscian nobles (2.22.2), children used as hostages throughout the wars with Carthage (22.22.5, 26.49.9, 27.17.1-2, 27.24.5, 30.37.5). Livy notes at 26.47.4 that the Spanish hostages taken by the Romans were treated like the children of allies.

“For [the Romans] held his mind as a hostage, even if they had given his body back to his father”. As safe as Rome may have kept her hostages, the fact of their vulnerability to being used as pawns of war is still evident. The Aetolians are commanded to give the Romans forty hostages, no younger than 12 nor older than 40 (38.11.6)—clearly, so as to remove some of the men of military age, probably from noble families in particular—and this group would include young boys not of age yet for military service in any nation.¹¹⁶ The families of Rome were not immune to having their children held as hostages: Scipio’s son was held by Antiochus after having been captured in battle 37.34.4.

It was particularly dangerous to be a child in an elite or royal family: they could suffer at the hands of disillusioned citizens, suspicious family members, or enemy nations. The daughter of Hiero and her daughters in turn, as mentioned above, are victimized as members of the royal family during the coup at Syracuse (24.26.1-12). Despite their pathetic flight to the household shrine for safety, and the mother’s plea that her daughters, as near orphans, were no obstacle to liberty or laws, they are all killed pitifully. Children are also paraded in triumphs, including Demetrius, son of Philip, and Armenes, son of Nabis (34.52.9).¹¹⁷

¹¹⁶ Antiochus was ordered to give hostages and change them every three years: no younger than 18 nor older than 45 (38.38.15).

¹¹⁷ As the events of Book 45 drew to a close, there are many references to enemy rulers and their offspring being held captive or led in triumphs—and his wife and children (44.32.3-4, 45.35.1, 45.43.6, 9), Perseus and his sons Philip and Alexander (45.6.9-10, 45.28.11, 45.35.1, 35.39.7, 45.39.14), and Bithys, son of Cotys, King of Thrace (45.42.5, 12.).

The fear of being orphaned is also noticeable as a theme throughout the text. The men of Rome promise the Sabine women to make up for the loss of their parents (1.9.15), and it is a symbol of their extreme situation that the Sabines later state they would prefer to die than to be bereft of either husbands or parents (1.13.3). After Romulus' ascent and disappearance from amongst his people, silence holds them, *velut orbitatis metu icta*—"as if they were struck with the fear of orphanhood".¹¹⁸ Scipio was also bereft of his father and uncle, and states that orphanhood in the family and the loneliness that resulted might have broken his spirit, were he not moved with the destiny of the state (26.41.8-9). Livy's sympathy towards the orphaned is indicative both of his interest in this kind of human tragedy and of the importance of parents in the lives of children. Veyne's theory that sons in particular were eager for the deaths of their fathers to escape *patria potestas* does not seem to fit the ideal construction of the parent-child relationship, at least as it is presented by Livy.¹¹⁹

Children are ubiquitous in community and family life when Livy includes it as part of his narrative, and important enough to receive special mention and consideration in episodes where their presence could easily be omitted. Since Livy's history is primarily military and political, the fates of entire groups of

¹¹⁸ Sabines: The need to feel the void caused by the loss of parents is reminiscent of Homer's Andromache, characterizing Hector as having been both father and mother to her (*Il.* 6.249; cf. Ogilvie, 70).

people are sometimes at issue, and children both symbolize the future of a community or people and constitute its weakest members. This two-sided coin is current in Roman society as well, hence Livy's emphasis on the need to protect children in vulnerable situations such as warfare or corruption. The mental and physical weakness of children is so characteristic of them that it becomes a comparative literary tool with which Livy contrasts the expected roles of adult citizen males, who are primarily the models he would like his readers to follow.

Pietas: Obedience, Honour, and Conflict

Out of 22 instances of the word *pietas* in Livy, it is used in a purely religious sense only once. The rest of the instances either refer to a person's dutiful affection towards parents or other kin, fatherland, or military or political leaders.¹²⁰ We have seen above how military leaders might serve as father-figures; where this is not done explicitly, Livy still demonstrates examples of *pietas* towards leaders with implicit language suggesting their paternal role, as will be discussed below. The pattern also bears out the idea that *pietas* implies much more than mere submission. In fact, of all the parent-child anecdotes in

¹¹⁹ See Veyne (1978) quotation and commentary in Gardner 1993:63.

¹²⁰ Explicit references to *pietas* towards non-parental kin: Gaius Claudius for his nephew Appius (3.58.5), Scipio towards his uncle (30.30.13), Roman women towards their sons captured at Cannae (34.3.8), Titus Quinctius towards his brother (40.12.17), Attalus towards his brother (45.19.4, 14, 17).

Livy, very few involve matters of simple obedience or disobedience and judgements thereof. Most of the stories involve children honouring and defending their parents in various ways, or political or ideological conflict between parent and child. Generally, when the child seeks to honour the parent, the outcome is positive, and when conflicts arise between parent and child, they are resolved or judged in favour of the parent. There are, however, exceptions to both categories. Thus Livy presents a very complex and interesting construction of the parent-child relationship and demonstrates that these ideals are flexible.

Many stories concerning childrens' behaviour towards their parents are straightforward. Livy's narrative suggests a general expectation that adult children will protect their parents in times of warfare along with their wives and children, and that they will rejoice to return home to them.¹²¹ The narrative motif is an effective one: although Coelius Antipater claimed that the elder Scipio was rescued in the battle at the Ticinus by a slave, Livy prefers the version which gives Scipio's son (soon to be surnamed Africanus) as his rescuer, stating that it is the

¹²¹ Men are told to defend their parents among other loved ones (1.25.1, 4.28.5, 7.11.6, 8.10.4) again placing young to middle aged free men at the focal point of Roman society, a demographic group on which almost all other individuals depended in one form or another. Coriolanus' mother reproved him for giving her reason to doubt whether he considered her a captive or a mother in his camp, contrary to her expectations (2.40.5). As well, no one complained when mothers followed their sons into the citadel at Rome during the attack of the Gauls, although they would be useless noncombatants (5.40.3-4). Scipio tells his soldiers before battle with Hannibal that they will soon be able to return to their hometown, parents, children, wives, and household gods.

version most authorities have handed down (21.46.7-10).¹²² Polybius, on the other hand, does not include this detail during his account of the battle, but delays it until a later discussion of Scipio's life (10.3.3-6); Livy's choice is more immediate and perhaps more emotionally charged.

On a few occasions, elite male citizens honoured their fathers after their deaths by fulfilling vows for temples or holding funeral games.¹²³ They might also seek to follow after the example set by their fathers: Scipio's generalship is scrutinized because of his father's misfortune. He recognizes this himself, and declares to his troops that just as they now see in him a physical similitude of his father, so he will fulfil that similarity in mind, faith, and courage (26.41.24-25). We are also told that when Hasdrubal fell fighting, he did so "worthy of his father Hamilcar and his brother Hannibal" (27.49.4). Sons show political honour to their fathers: Cincinnatus' sons come to receive him when he returns from across the Tiber to accept the dictatorship of Rome (3.26.11), Titus Quinctius names his father-in-law as dictator, and Licinius invites his father to speak first in the senate

¹²² Walsh 1961:93 for Livy's partiality shown by his preference for the story in which Scipio rescues his father.

¹²³ Tarquinius and Postumius dedicated temples (to Jupiter and Castor respectively) which had been vowed by their fathers (1.55.1, 2.42.5). Marcus Aemilius Lepidus' sons Lucius, Marcus, and Quintus gave three days of funeral games in honour of their father, including 22 pairs of gladiators in the forum (23.30.15). Livy writes of Coelius Antipater's account of the the eulogy of Marcellus, pronounced by his son (27.27.13). Scipio also returned to Carthage to pay his vows to the gods and gave the gladiatorial games which he had planned in honour of his fallen father and uncle (28.21.1).

regarding the division of plunder from Veii (4.26.11, 5.20.4).¹²⁴ To suggest that these are examples of *pietas* in the sense of “dutifulness” would be a difficult argument, since these are not necessary or legal duties owed to parents by their sons, but rather signals of respect and preference. These references show a wide variety of ways in which children demonstrated affectionate honour towards their parents, and that Livy found them worth mentioning.¹²⁵

Likewise, some acts by children towards their parents are unquestionably condemned and suggest no moral ambiguity. Tullia demonstrates without doubt the most extreme disregard for a father imaginable. She envies rather than honours the power of her father’s household, married against his wishes, and eventually drives her cart over her father’s body, contaminating herself and her husbands’ *penates* with the blood of her father (1.46.8-9, 48.7). Only a metaphysical punishment is appropriate for such an act; the murder is cited several times in later chapters as the most heinous of crimes (e.g. 1.59.10, in which Brutus invoked the gods who were *ultores parentum*—“avengers of parents”), and Livy writes that the Furies pursued Tullia. Her husband, too, disgraces his father-in-

¹²⁴ Postumius: Ogilvie (348) suggests that the dedication by the son is too neat, and that the Postumii might have written it into their history falsely. Licinius, too, being a junior member of the senate, should not have been permitted to speak first, and this detail may have been promulgated in Rome’s history by Licinius Macer (Ogilvie 73).

¹²⁵ Other examples: The Sabine women, by intervening between their husbands and parents, do honour to their parents and earn their approval as well as Romulus’, further emphasizing his role as a kind of father figure. Hannibal recounts to Antiochus the oath his father made him swear at the altars in Carthage never to be a friend to the Roman people, a promise

law by refusing to bury him, citing the fact that Romulus had not been buried either (1.49.1).¹²⁶ As mentioned above, the sons of Brutus bring dishonour to their father by their disrespect for *libertas*, while Coriolanus' mother spares nothing in describing her shame at her son's betrayal of Rome. Drawing on the example of Coriolanus, Scipio harangues renegade soldiers by telling them that they are committing a crime against their country, parents, and children (28.27.12). Hiero, although honoured by the people, was apparently publicly held in contempt by his son Gelo, who disdains the alliance with the Romans and prefers one with the Carthaginians (23.30.10-12).¹²⁷

Other stories involving parent-child interactions are much more complex and invite more careful analysis and discussion. One extraordinary display of *pietas* in Livy's history is that of T. Manlius, the son of Lucius, who shows honour to his abusive father as an intentional act of piety, *ut omnes di hominesque scirent se parenti opem latam quam inimicis eius malle*—"So that all gods and

which he honoured throughout his life (35.19.3).

¹²⁶ 1.59.10. The story should be compared with the version given by D.H. 4.28ff. Ogilvie (1965: 186) notes that the tragic characteristics and graphic details of the story are Livy's own. In D.H., a private burial is allowed for Servius, while Livy makes Tarquin even more wicked by preventing the burial altogether.

¹²⁷ Oddly, while Polybius describes Hiero as benevolent and temperate, he also characterizes Gelo as an obedient son. Other examples: Romulus and Remus's story begins because of Amulius' disrespect for his father's wishes and his subsequent removal of his older brother Numitor from his rightful throne (1.3.10).

men might know that he would rather help his father than his enemies” (7.5.2).¹²⁸

As previously mentioned, Titus Manlius’ father sent him to the countryside and kept him doing servile labour in an *ergastulum*—a kind of workhouse. This treatment was among the charges laid on Lucius Manlius by the tribune Marcus Pomponius. Titus Manlius visits Pomponius, and is admitted with the expectation that he will have more to add to the accusations against his father. Instead, he threatens Pomponius at knifepoint until he desists from his charge (7.5.5). Livy notes that it was a simpleminded plan and not an example for the people, but was still laudable for the demonstration of filial loyalty: a mixed judgement that underlines Livy’s complex sympathies.¹²⁹ The people dislike Lucius Manlius but cannot be bitter over what the son had dared for his father in spite of his father’s wicked nature (7.5.7). When Titus later requests permission from his commanding officer to enter into single combat with a Gaul who goaded him, the general wishes him success for his courage and his *pietas in patrem patriamque* (7.10.2). His victory wins him the title *Torquatus*.¹³⁰

¹²⁸ Since Manlius does not show any particular affection for his father beyond this act of duty and piety, this may simply be a way of saying how greatly he despises his father’s enemies, rather than an expression of filial love.

¹²⁹ 7.5.2: Oakley (1998:89) suggests that the *mutae bestiae* with whom Manlius has been compared, who are more moral than Lucius himself, have taught Manlius to honour his father. For Livy’s ambiguity in this and other episodes, see Solodow 1979:251-268, esp. 260, and Oakley 1998:90-91.

¹³⁰ 7.10.4: ‘*macte virtute*’ inquit ‘*ac pietate in patrem patriamque, T. manli, esto*’. Note the somewhat archaic and formulaic “esto” further sanctioning this act.

On the other hand, Titus' son accepts a challenge to single combat, defying standing orders to refrain from attacking. Livy characterizes the act as resulting from anger, shame, or the force of destiny, distancing the younger Titus somewhat from active disobedience.¹³¹ Returning to his father's tent, uncertain of the reaction he will receive, he can only say, *'ut me omnes... pater, tuo sanguine ortum uere ferrent, prouocatus equestria haec spolia capta ex hoste caeso porto'*—"In order that all may say, father, that I am truly born of your blood, I bring these equestrian spoils captured from an enemy who provoked me." (8.7.13) It would seem that after the dust had settled from his rash combat, he thought to recall his father's glory by bringing him spoils representative of his father's eponymous battle. The narrative suggests that Livy is unable either to fully condemn or absolve him. The elder Titus declares in front of the assembled army that although he is moved to a degree by his son's boldness, he rejects the filial gesture, as one born of his blood should have shown greater respect for military discipline.¹³² He elects to make his son an example for the youth of the

¹³¹ Oakley's comment that Manlius challenged both the paternal and political authority of his father is somewhat misleading (1998:445): Manlius' act was more forgetful transgression than premeditated rebellion.

¹³² 8.7.18-9: *'me quidem cum ingenita caritas liberum tum specimen istud uirtutis deceptum uana imagine decoris in te mouet; sed cum aut morte tua sancienda sint consulum imperia aut impunitate in perpetuum abroganda, nec te quidem, si quid in te nostri sanguinis est, recusare censeam, quin disciplinam militarem culpa tua prolapsam poena restituas—i, lictor, deliga ad palum'*—"Indeed, not only inborn love of children moves me but this example of virtue (although deceived by a vain shadow of honour). But since the consular authority must either be rendered inviolable by your death, or abrogated forever with impunity, nor do I think even you, if

state (8.7.15-17) and has him executed. Livy vividly describes the horror of the soldiers at the young man's fate and his honourable burial, but then points out the effectiveness of Manlius' punishment. The question seems less a matter of whether or not the son was wrong to disobey his father, since Livy does not suggest wilful disobedience, than it is of how the father ought to respond as a commanding officer. Nevertheless, the factor of their relationship is relevant until the very end of Torquatus' speech, and although the younger Titus did not seek outright to flout his father's authority, his actions still contrast with the elder Titus' abundant sense of *pietas* towards Lucius and his strict obedience to his own commander (7.9.6-10).

Calavius, as mentioned before, had difficulty in convincing his son to side with him in keeping their city allied with Hannibal. He pleads with his son by all the rights (*iura*) which join children to their fathers (23.9.2) and complains bitterly, *sed sit nihil sancti, non fides, non religio, non pietas*—"But let there be nothing sacred, no vows, no religion, no familial obligation" (23.9.5). *Pietas* here is grouped with other vital elements of the state and of the family's wellbeing. He declares that his son will have to kill him before he kills Hannibal; and this impossible injunction breaks the son's will. The young man promises, '*quam patriae debeo pietatem exsolvam patri*'—"I will pay to my father the filial respect

my blood runs in your veins, would refuse to pay the penalty for that military discipline decayed by your guilt—go, lictor, tie him to the stake."

which I owe to my country” (23.9.10). He continues by saying he feels sorry for his father, who has now three times betrayed his nation, and tells the country to take back his sword, which he would have wielded in her defence, since his father wrests it from him. Although he appears to obey a higher law of obedience towards his father, his statement that he owes *pietas* rather to his country is somewhat backhanded submission.¹³³

A more complex pattern of parent-child relationships can be followed in the family of Philip of Macedon. Demetrius’ attempts to be loyal to his father are constantly foiled by his close relationship with the Romans, although Livy suggests that even they see limits to Demetrius’ alliance: *obsidem enim se animum eius habere, etsi corpus patri reddiderit, et scire, quantum salua in patrem pietate possit, amicum eum populi Romani esse*—“For they held his mind as a hostage, even if they had given his body back to his father, and they knew he would be a friend to the Roman people, as far as he was able with firm piety towards his father” (39.47.10). *Pietas* here, then, must allow for a son to hold some divergent political views while still maintaining a generally compliant relationship with his father. However, the multiplicity of loyalties was a strain:

¹³³ A somewhat similar example: when the Achaeans were debating whether to ally themselves with Rome or with Philip, parents and adult children obviously were in disagreement in some cases, as we are told that parents could barely restrain themselves from assaulting their children—Pisias and his resistant son Memnon being the prime example. Memnon, however, relented and came over to his father’s way of thinking after being threatened with death (32.22.4-8).

Demetrius was able to receive favour from the Romans in ways his father was not, which did not please Philip at all (39.47.11).¹³⁴ When Perseus accuses Demetrius of plotting to kill him, Philip laments the dishonour in his household of a crime either fabricated or committed by one of his sons. He challenges them to speak their cases, polluting their father's ears, to which they both respond with tears, suggesting the emotional stress of displeasing a father. The dynamic of a shameful quarrel between brothers brings disgrace to their father (40.8.7, 18-19). Perseus claims that Demetrius was seeking to usurp his father's throne and pleads his own loyalty: *nihil praeter deos, pater, et te colui*—"I have honoured nothing except the gods and you, Father" (40.10.5.); *unus ante me pater est, et ut diu sit, deos rogo*—"only my father is before me, and I pray to the gods that he may long be there" (40.11.5-6). The parallel relationship between gods and men and parents and children seems to be evoked here.

Demetrius also notes his own service to his people and protests his own fidelity to his father, stating that he would not be a friend to the Romans any longer than his father wished him to be (40.15.7-8). He added, *ego si quid impie*

¹³⁴ Related details of Demetrius' relationship with the Romans and Philip's growing mistrust: Demetrius receives benefits denied to Philip: 39.53.8-9; Philip unhappy because he saw his son more often with the commissioners than with himself (39.53.11), Demetrius made himself suspicious to his father by defending the Romans in everything (40.5.8), the Romans prefer Demetrius (40.10.8-9) and hail him king while his father still lives (40.11.4).

in te, pater, si quid scelerate in fratrem admisi, nullam deprecor poenam—"If I have committed anything unfilial towards you, father, if I have committed any crime against my brother, I will not deny any penalty" (40.15.9). Indeed, Demetrius seems to have been genuine in his wishes; he ceases contact with the Romans and does his best to agree with Philip's plans (40.20.5, 40.21.5), but all in vain, as his father has him murdered. In the end, of course, Perseus is the overambitious son: he apparently even contemplates parricide (44.1.10), and Philip regrets his survival (40.55.8).

The story has a particularly tragic flavour because of the failure of Philip and Demetrius to come to an understanding concerning their political difference; this lack of understanding costs Demetrius his life. Whereas Calavius and his son come to a solution (albeit to the son's disadvantage) that avoids bloodshed, and Pisias and Memnon as well (see n. 133 above), stubbornness, suspicion, and secrecy conspire to destroy Philip's relationship with both his sons. In Livy's construction of this story in relation to other anecdotes, the onus of failure lies with Philip, since Demetrius does his best to be obedient but is still punished with death. In a perversion of the statement of Turnus of Aricius at 1.50.8-9, even though Demetrius does obey his father, he still has a hard time of it.

Just as acts of honour and obedience do not always achieve the desired results, or are tainted with negative attributes, strict filial piety can sometimes also be discarded with favourable consequences. Because of ranking systems, military

families could present unique relationships of children to their fathers. The elder Quintus Fabius is sent out as a lieutenant to his son Quintus, the consul. Livy describes the approach of the consul, as the lictors pass the elder Quintus silently out of respect for his age, when the consul orders the final lictor to adhere to custom. The father dismounts at the lictor's order, and tells his son, '*experiri... uolui, fili, satin scires consulem te esse*'—"I wanted to test you, son, to see whether you really knew that you are a consul" (24.44.9-10). The normal expectation, that a son would do honour to his father by allowing him to remain on his horse, is counteracted by political custom and the new power differential between the two men, but the elder Quintus praises his son for his obedience to political principles over family sentiment. We have also just seen how Aebutius refuses his mother's injunction to be initiated into the Bacchic rites (39.11.1). The manner in which Aebutius' peril is portrayed by the good-hearted Hispala and the pathos of his banishment from home, however, align our sympathies with him. As Livy would have it, the morally upright choice to avoid sexual impropriety trumped filial piety.

Livy offers a range of examples of manifest filial devotion, communicating the spirit of the principle and broadening the definition of *pietas*. Children failing to demonstrate attitudes or acts in keeping with this principle came under criticism, as did those who disobeyed the law in attempts to honour their parents. The otherwise simple ethic is further complicated and problematized in stories in

which a father has done something to prove himself unworthy of this devotion.

Again, Livy resists fully resolving these episodes: authorial ambiguity allows the reader to ponder the issues longer and with greater appreciation for the complexity of the parent-child dynamic.

It is interesting to note once again that several significant episodes related by Dionysius of Halicarnassus describe parent-child interactions as governed by *patria potestas* above all else. He also recognizes the affect and power of a mother's role in her son's life, but continually sets it against the greater principle, as he sees it, that women are an impotent element in Roman society. By comparison, we see how Livy's construction of parent-child relationships emphasizes the asymmetry of power, with parents ultimately responsible for their children and children answerable to their parents. However, Livy also demonstrates the complexities of the reciprocal nature of these relationships. While filial obedience and respect are lauded, parents in turn are expected to care for their children, to show kindness, and perhaps also to show leniency: Manlius and Brutus are noted for the execution of their sons, which, although technically just, horrified witnesses.

Augustus was highly aware of the power of parental imagery and language, as is evident from his acceptance of the title *pater patriae*. He also recognized the need for obedience and order within individual families, reinforcing these

principles through legislation. However, he also had new complexities to cope with which are not addressed by Livy, such as a perceived drop in the noble birthrate. The next chapter provides an examination of the media and manner through which Augustus sanctioned traditional ideals of marriage and gender roles as well as parent-child relationships and the ideology of his own role as the parent of the state. While Livy and Augustus began with the same principles and morals, they sought different means and ends in promoting social stability and growth.

Chapter Four:**Livy's Work in his Cultural Environment**

Livy makes it clear that the Roman moral condition is among his main concerns, and the above study has shown how specific his interest was in suggesting the ideal parameters and principles of marriage, sexual behaviour, and parent-child relationships. The stories which demonstrate these preoccupations are scattered throughout every book of the *AUC*. They constitute a consistent and persistent thread of interest woven into the political and military narrative, and the relevant stories are often quite directly related to events which we might consider external to the domestic sphere, such as mutinies, coups, and military campaigns. The stories are particularly numerous and detailed in the first five books, set in a mythological framework which by its very nature highlights the epic qualities of characters, events, and problems which are central to the Roman construction of family dynamics. Livy's disquiet over the degradation of Roman virtues, especially with respect to these particular aspects of familial interaction, shifts in nature somewhat with the threat of foreign wars and cultural practices in the later decades. In his remarks at the beginning of Book 31, Livy expresses some trepidation at the scope of the work that remains to him, which, he writes, seems to expand before him as he wades into an ever deeper sea of history (31.1.3-5).

However, he continues to make room for stories which illustrate moral *exempla* relating to the family.

Commentaries on Livy most frequently focus on military and political details, historiographical inconsistencies and errors, and questions raised by the structure of the *AUC*. Very rarely are there comments in the scholarship reflective of a real interest in, and discussion of, Livy's perspective on family relationships. In the previous two chapters, the elements of marriage and parent-child dynamics in the *AUC* have been identified, categorized, and discussed within the context of Livy's work. The question which has not been fully addressed is why Livy's interest in this type of exemplary history, particularly with respect to the family, was so keen. We can begin to understand this interest in the context of Livy's personal background and his place in the "literary set" at Rome.¹ We must also ask how and where Livy's preoccupation fits into the changing social and cultural landscape of Rome during his lifetime, particularly in the context of the civil wars.

A significant source of insight into Livy's motivations and methods of communicating concerns over family morality is the parallelism between his own work and the gradual renewal of visual and legislative expression and codification

¹ Walsh (1961:ix-x) suggests there is little to set Livy within a social background because of the paucity of information about his upbringing; I would suggest that what we do know is rationale enough to help explain the predominant themes of his history.

of morality by Augustus. As mentioned in Chapter 1, Livy and Augustus were chronological and cultural contemporaries. It is clear that both men understood the power of imagery and suggestion, whether expressed through literary, visual, or juridical forms. Moral and specifically family-related themes in the *AUC* and in Augustus' programmes are remarkably comparable and reflect both men's awareness of the strong connections between the health of the state and the morality of its citizens and families. Nevertheless, each man made deliberate and divergent choices about the presentation of these issues within his own realm of influence which, for the purposes of this study, can yield insight into Livy's particular mentality as he wrote the *AUC*.

Livy's provincialism

As discussed in Chapter 1, Livy was born and raised in Patavium, a city noted in the Roman era for its antiquity, moral conservatism, and the pro-senatorial leanings of its citizens. It is likely that Livy enjoyed a certain inherited affluence which gave him the freedom to spend his life writing the *AUC*. Despite Livy's apparently long residence at Rome while he wrote his history, Asinius Pollio still characterized his style by its *Patavinitas*, and Quintilian saw fit to repeat this comment, although without Pollio's censorial tone.² Regardless of

² Antiquity: According to Livy the origins of settlement in the area dated to the time of

Pollio's precise meaning of *Patavinitas*, part of the purpose of his use of the word seems to be not only to comment on his birthplace but to set Livy apart from other writers of the period and to identify him as an outsider to the circle with which Pollio associated himself. Pollio was one of the wealthiest men in Rome and was an important member of the network of Augustan patrons and poets; he was himself a historian who tried his hand at verse.³ Although we do not know how well-received Pollio's comment about Livy was among his contemporaries, it indicates a degree of separation between him and Pollio's circle of intimates and associates. Livy was a Roman citizen, but not a product of the city of Rome and, assuming *Patavinitas* refers to linguistically archaic and provincial elements, nor was he heir to the urbane, modern style of writing which Pollio would have preferred and in which he was probably steeped.⁴

As we have also already seen, the evidence supports the conjecture that Livy was relatively independent from the imperial family and literary patrons of his time. While his work was well-received, he does not appear to have been under close scrutiny or to have had associations with other writers or artists.⁵

Antenor's arrival after the Trojan War (1.1.1-2). Pro-senatorial: Patavium was censured for its support of Pompey and the senate during the civil wars. Quint. *Inst.* 1.5.56.

³ Circle of associates: White 1993:37; verse: White 1993: 24, 42.

⁴ On Livy as an outsider and Pollio's comment: Feldherr 1998:28-30. Kraus (1991:1) emphasizes Roman/Italian enmity as the root cause of Pollio's distaste for Livy's work.

⁵ On Livy being outside these literary circles: Kraus 1994:3. Kraus notes that Livy does seem to have been a part of the declamation schools at Rome; however, the public practices of

Even the famous passage concerning the inscription of Cossus on the military spoils in the temple of Jupiter, which is sometimes taken to suggest that Augustus kept an editorial eye on Livy's work as it was produced, does not necessarily prove that Augustus was in direct communication with Livy. Although the subject matter of the *AUC* was obviously largely political and military, Livy does not seem to have had personal experience in either field, having held no public office, and there is no evidence of any significant connections with individuals who had these careers.⁶ This independence, which might be characterized as a kind of isolation, might well have helped him adhere to his own individual style and interests in the composition of his history—a style, at least, that was identifiable to others as provincial in tone. It is hard to imagine that Livy's interest in traditional morality was not also fuelled by his origins at Patavium. Livy was deeply aware that the public life of a Roman citizen was never truly separate from his or her domestic affairs. For a historian keenly interested in promoting *exempla* for Romans to follow, moral rectitude—including adherence to traditional family mores—was an indispensable, inseparable component of the lives of great Roman men and women. Traditional Roman morality was

declamation and oratory were themselves pushed to the periphery in the Augustan period (Syme 1959:427).

⁶ No public office: Kraus 1994:1, Feldherr 1998:28; Kraus also suggests we may be mistaken to assume that Livy did not serve in the army simply because his battle descriptions are somewhat lacking (1994:1 n.1). Walsh (1961:ix) notes that Livy is the only one of the greater Roman historians who had no experience in the military or political spheres.

inculcated in Livy during his early years, and he seems to have responded to the social pressures of the latter half of the first century BC, with its seemingly failing marital and parental standards, by writing particularly thoughtful and extensive passages illustrating moral principles.

The Civil War

Another element which might help to explain Livy's preoccupation with depicting the principles of ordered family life is the civil strife which raged in the Roman world in the fifth and fourth decades B.C. It has been suggested that the memory of the civil wars and the resultant economic and social fallout had a significant effect on the minds of writers of the Augustan period.⁷ We have no extant contemporary historiographical works about the civil war, unfortunately, since Asinius Pollio's work covering the period up to Philippi and the pertinent books of Livy have all been lost.⁸ Interestingly, however, later historians describe the horrors of civil war but place special emphasis on stories of family loyalty or betrayal in that historical context. In particular, Velleius Paterculus, who wrote under the emperor Tiberius, notes that it has not been possible to weep enough for the events of the civil war, let alone express them in words, but he

⁷ On the sensitivity of writers of this period: Walsh 1961:10.

⁸ Syme 1939:484-5.

does relate that wives were loyal to their husbands during the proscriptions, but not sons towards their fathers (2.67.2). Clearly, the issues of family obligations, loyalties, and relationships are paramount in a literary consideration of the civil war period and must thus have been foremost in the minds of many who lived through these decades.⁹

The poets also betray the trauma of the period in their works: Horace speaks of a second generation torn apart by civil wars and of Rome destroying herself (*Ep.* 7.3-10, 16.1-2), and of the monstrous queen Cleopatra bent on Roman ruin (*Carm.* 1.37.6-10). Both Horace and Virgil lost their estates in the confiscations which took place during the triumviral period, and Virgil's unhappiness at his loss is patent in the voice of his Meliboeus: *impius haec tam culta novalia miles habebit/ barbarus has segetes en quo discordia civis/ produxit miseros* (*Ecl.* 1:70-72). Here, the expansion of the empire in fact results in the displacement of Roman citizens from their own lands.¹⁰

It is important to note, however, that the concerns of the poets were not limited to civil destruction and property loss. Propertius highlights the moral transgression of gender roles involved in the war with Cleopatra, who "brandished Roman spears" (4.6.22), while Horace cites the unspeakable shame of Cleopatra's

⁹ See Milnor (2005:194-208). Appian, Valerius Maximus, and Tacitus all focused attention on stories of domestic behaviour during periods of civil war.

¹⁰ White 1993:160-1.

mastery over Antony's Roman soldiers (*Ep.* 9.11-13). The connection between the state and social relationships such as marriage is not exclusive to Cicero's philosophy: Horace directly blames the civil wars of the 40s and 30s for the disintegration of marriage and homes in the state: *fecunda culpa saecula nuptias/ primum inquinavere et genus et domos;/ hoc fonte derivata clades/ in patriam populumque fluxit.*¹¹

If Livy began to compose his history, as seems possible, in the final years of the civil war, his preface most likely reflects his unhappiness at the political and social unrest of the period, to which issues of stable marriage and family life are inextricably connected. His attention is thus also strongly drawn to the need for moral and exemplary behaviour to help bring an end to the social disorder of the state.¹² It has been pointed out in the past that the vices which men could not abide, as described by Livy in his preface, should not be taken to refer solely to moral degeneration, but that these *vitia* refer more specifically to the evils of civil war and the general condition of the Roman people in this period.¹³ However, it seems from the references above that the physical and political realities of civil war brought with them social and domestic dissolution and widespread personal

¹¹ Hor. *Carm.* 3.6.17-20.

¹² Kraus 1994:6, Woodman 1988:134-7.

¹³ Woodman 1988:128-134. Badian (1993:17) is particularly insistent that the preface not be taken as a diatribe against sexual immorality, especially since he has convincingly shown elsewhere (1985:82-98) that the quotation concerning *remedia* cannot refer to any supposed legislation in 28-7 BC.

trauma, the effects of which were felt in familial relationships. Livy does not have to mention sexual morality, parent-child relationships, and marriages explicitly as being central to the societal ills of his day; for him, they are a given, considering the general upheaval of the civil war period, and are clearly for him a significant source of anxiety.

Livy and the “Roman Revolution”

As noted above, we have no contemporary Roman historian with whose work Livy’s can be compared, although the differences between his writings and that of Dionysius of Halicarnassus highlight the most particularly Roman aspects of the *AUC*. There is, however, an analogous source of contemporary public activity in the realm of morality and traditional family life in Augustus’ programme of cultural renewal. The moral and social regeneration fostered in so many various ways by Augustus mirrors many of the aspects of social propriety raised in Livy’s text, and the context in which the efforts at regeneration took place is the same as that of the *AUC*: that is, Augustus’ program of legislation, reconstruction, and visual culture occurred partially in response to the ravages of civil war and social convulsion, and echoed traditional principles such as those that would have been embraced in Livy’s hometown of Patavium. Augustus’ keen interest in these matters and the steps he took to check certain behaviours

and encourage others further indicates the perceived reality of the problems which Livy suggests through his choice of stories and emphasis.

As mentioned in Chapter 1, the relationship between Livy and Augustus is a frequently-visited topic of Livian studies. Syme's work on the issue is seminal but not without controversy. In his view of the relationship between poet and politician, Augustus is attentive to Livy's text as it is produced, and "Livy's annals of Augustus were written in joyful acceptance of the new order, in praise of the government and its achievements".¹⁴ Syme states at several points, for example, that Augustus corrected Livy on his account of the dedication of military spoils by Cossus in order to prevent M. Licinius Crassus, proconsul of Macedonia in 29 BC, from dedicating his own spoils and thus detracting from Augustus' military eminence. Syme also suggests that Livy's work is markedly different from that of his predecessors, Sallust and Pollio, in its lack of pessimism, and that Livy appears less affected by the traumatic events of his time. In fact, he shows "a patriot's gratitude towards the author of the present happy dispensation".¹⁵

As pointed out by Badian and White, there is no reason why Augustus himself should have been the one to encourage an editorial revision of the Cossus

¹⁴ Syme 1959:75.

¹⁵ Syme 1959:57, 38.

story to suit the events of 29 BC.¹⁶ Syme himself states that the issue was a highly politicized one; Livy may have come to the conclusion on his own that a certain delicacy was called for. If so, his digression on the *spolia opima* does indicate his awareness that his work may be under scrutiny, but does not particularly show an allegiance to Augustus' investigations at the temple of Jupiter Feretrius. As for Livy's response to Augustus and the new state, his presentation of the civil wars and the years after Actium down to 9 BC may have been of a positive or flattering nature, but it is difficult to see any special enthusiasm for Augustus in the extant books. Rather, Livy's preface suggests an uncertain future, with the most inspiring counsel and *exempla* found in the annals of earlier Roman history. If Livy became more secure in his affections for the new regime and the cultural renewal of the state, there is little indication of it even in books which must have been published after Augustus' rule was secure, let alone any fanfare of the kind that appears in Horace and Vergil.¹⁷ However, there is also no reason to doubt that Livy, raised and steeped as he was in the traditional morality associated with one of the most successful towns in Northern Italy, appreciated the attempts at cultural, religious, and moral renewal encouraged by Augustus. The result is, as

¹⁶ Badian 1993: 14-15; White 1993: 144.

¹⁷ A careful study of Syme's 1959 article suggests a concurrence with this viewpoint at least with respect to the extant books: he notes that the anxious tone of the Preface would be fitting as late as 23 BC when political strife threatened the stability of the new order (1959:49). He also points out that Livy's focus was not Augustus but the far broader topic of *res Romanae* (38).

we shall see below, a general concurrence in moral themes between Livy's work and Augustus' programme, with divergences where Livy's traditional ideals and Augustus' political realities create ideological gaps.

Peter White has systematically studied the relationships between Augustus and the poets of his age as well as the suggestion that Augustus had excessive influence on the subject matter of their work. He has effectively demonstrated independence on the part of the poets and a distinct lack of prescriptive involvement by Augustus and the circle of literary patrons, arguing convincingly that the topics of empire and the godliness of the ruler not only had precedent in earlier Roman literature, but would surely have been irresistible subjects for poetry. Some of the same conclusions may be applied to Livy. If, later in his work, Livy's attitude towards Augustus was indeed one of admiration and approval, it does not imply sycophantic propaganda, particularly if Augustus did not demand such literary deference himself. In addition, White has shown that the poets treated themes which were popular and relevant under Augustus, but that they did so in a variety of tones, even occasionally expressing the negative effects of the empire (as in Virgil's First Eclogue and Horace's *Ep.* 7).¹⁸ In a similar way, Livy's thematic treatment of the family in his history touches on the same issues as those presented in different media by Augustus, but there is no need for

¹⁸ White 1993:158-161.

Livy to toe a particular party line or to mimic in literary form the specific permutations of Augustan moral ideology.

It is true that Livy had begun to write several years before Augustus began to implement systematic experimental change at Rome according to his programme.¹⁹ We are not attempting here to determine causality between the two men's spheres of activity, but rather to compare and contrast Livy's approaches and reactions to the traditional morality of Roman society in an age of change to Augustus', to see where the two converge or diverge, and to comment on the significance of the comparison. The fact that the most significant works of both men occurred in almost the same time frame makes this study a meaningful one. After having carefully examined Livy's tendencies in the constructions of the family relationships that concern him, we can now shed further light on these patterns by taking note of Augustus' responses to the same considerations. This view from the cultural vantage point of Augustan Rome helps to uncover Livy's perspective in writing the *AUC*, and examining the complex moral environment in which he functioned will provide a fuller and more complex backdrop for his stories about family relationships.

¹⁹ Experimental: Augustus cannot have known fully what the effect of his legislation would be; scholars suggest that his reforms were a work of negotiation and experimentation in a new political order. Cf. Raditsa 1980:301, Galinsky 1996:139-40, Severy 2003:51-2.

From the *Res Gestae* of Augustus, a first-person recounting of his deeds written sometime before his death and published in inscriptional form at Rome and throughout the empire, we know that one of his most prized achievements was what he called the restoration of the *res publica*, perhaps best translated here as “commonwealth”. In Augustus’ mind, the *res publica* did not exist without *mores*, and by definition *mores* had to be practiced by the people in order to form a true commonwealth. His *auctoritas* depended on the reciprocal willingness of the people to participate in the order of the state and to support his leadership.²⁰

Augustus and Livy led lives of quite different profile and influence. If, however, as seems very likely, the author spent much of his life at Rome, then the two men must have seen the same symptoms of social disorder around them and had some level of desire for a renewal of traditional values. Livy tells us that he began to write both to comfort himself and to demonstrate examples of historical figures whose behaviour was commendable to his fellow-citizens. Nevertheless, at no time is Livy’s text directly prescriptive—he does not, for instance, pontificate on matters of morality in the way that Polybius digresses on historical technique and the skills necessary for leadership.²¹ He frequently leaves his audience to ponder the implications of an episode, even if his own opinion at least

²⁰ Galinsky 1996:58-64.

²¹ Polybius on historical technique: 12.25b; on leadership: 3.81, 9.12-21.

can be suggested from the style or wording of the text. While Augustus, too, displayed himself and his family as examples for the state, his position as *princeps* meant that he could not rely totally on the gentler forms of persuasion, as we shall see below. His influence and autocracy allowed him to control elements of legislation and visual culture for the purpose of reinforcing the values that he hoped would stabilize the order he had created.

Because of the high degree of overlap between Livy's life and Augustus', there is an inevitable chronological relationship between the composition and publication of the various books of the *AUC* and the identifiable dates associated with Augustus' promotion of family ideology, such as the construction of monuments and the tabling of legislation. There may be more to the relationship than the simple temporal parallel, however. This is evident in the choice of thematic emphasis in Livy's first five books, which appear to have been written and published before 25 BC, and the related sociopolitical activities of Augustus in the early years of his career. As shown in chapters 2 and 3, the stories of marriage and parent-child dynamics in Livy's early books commonly involve the maintenance of order in the developing state. Marriage cements the union of Aeneas' and Latinus' peoples, preventing a war; Romulus and his men abduct the Sabine women but follow the protocols of traditional marriage, and the women in turn avert war between their natal families and their husbands; Horatia and

Brutus' sons pay the ultimate price for betraying the state; and political chaos is brought to an end through vengeance for the deaths of Lucretia and Verginia. In a similar fashion, the early years of Augustus' pre-eminence were occupied with establishing a renewed environment of order and peace in contrast to the chaos of the civil war period, which included significant manifestations of family stability through acknowledgement of traditional principles. Augustus had already embraced symbolism associated with Apollo, the god of light, healing, and order in the 30s BC by dedicating a temple of Apollo in 36.²² He further demonstrated proper *pietas* towards his late adoptive father, dedicating the temple of Divus Iulius in 29. The construction of the Mausoleum in 28-7 suggested a stable future of dynastic succession in marked opposition to Antony's resting place in Alexandria. In 27, his acceptance of the *clupeus virtutis*, in conjunction with his declaration that he had restored the *res publica*, connected *pietas* in a tangible way to the success of the state.

There are few other exact temporal signposts in Livy's work indicating the date of composition or publication that would help us to compare Livy's thematic interests with the activities of Augustus. Badian (1993: 19) suggests 26/5 as the dates of composition for Book 9, as he considers Books 1-5 to have been completed in 27; Syme (1959:50), however, notes that Books 21-30 could also

²² The further significance of the relationship between Augustus and Apollo, and the associated suggestion of morality and family order, will be discussed below.

technically have been published as early as 26/5. McGinn has also suggested that Book 39 was composed after the legislation of 18 BC. This seems reasonable in a practical sense: dating the publication of Books 1-5 conservatively to 25 BC, Livy would have had to complete more than 4 books a year to place the composition of Book 39 before the year 18. Two of the principal socio-historical anecdotes of the fourth decade—the repeal of the Oppian Law and the Bacchanalian scandal—deal with specific and nuanced issues of sexual behaviour and gender roles, which Augustus was also addressing in approximately the same chronological period. Whether or not Livy's construction and composition of the historical events was influenced by the legislation of Augustus is very difficult to determine. However, just as Augustus was at this point transferring some of his energies from promoting the moral eminence and exemplary nature of his own family towards concrete efforts to effect large-scale social change, Livy's composition encompassed the complex problems of sexuality and gender in an increasingly large and cosmopolitan state.

It is important to note that the last extant books of Livy were mostly likely published before 10 BC, if we are to believe that he proceeded at a more or less even pace of writing throughout his life. Much of Augustus' program was yet to be implemented by that point, and I do not wish to suggest at any point that Livy's early writings were a direct reaction to any specific Augustan legislation or public

works. It is much more reasonable to examine the evidence from the assumption that these two men were responding to the same issues in ways that were parallel in intent but distinct in execution and breadth. It follows that some of these themes were manifested in a similar order as certain anxieties held priority in the years following the civil wars.

Marriage and Morality Under Augustus

From the time of his appearance on the political scene after the assassination of Julius Caesar, long before any marriage legislation was tabled, Octavian was aware of the symbolism that would connect him with the ideals of order and morality and used this visual imagery to his advantage. In particular, he accomplished this by associating himself with the god Apollo, wearing the laurel wreath in victories and dedicating a temple to him on the Palatine in 36 B.C. Augustus' home was also in close proximity to the temple, strengthening the association considerably. Apollo's gifts of light, healing, and prophecy suited the heir of Caesar, particularly in opposition to Antony's Dionysiac self-presentation, where Apollo represented the order and stability Augustus could bring to a state torn by civil war. In fact, Apollo was credited with the victory at Actium. Laurel trees, associated with Apollo, were among the symbols used by Augustus on

coinage and on either side of his home.²³ There is even a connection between Apollo and the marriage legislation: he and his twin sister Diana are both supplicated in Horace's *Carmen Saeculare*, where in lines 17-20 he asks the goddess to foster the legislation on women's marriage by granting to the Romans an abundance of offspring.

It is possible to suggest that Augustus promoted the imagery and cultural message of the stable traditional family as part of his efforts to heal a traumatized state, just as Livy, having been a witness to the social destruction of the civil war, was surely attracted to the behaviour of commendable families as subjects for the composition of his history. Two main events occurring early in the first book of the *AUC*, the marriage of Aeneas to Lavinia and the theft and marriage of the Sabine women, began with overtones of violence and mistrust, but ended with harmonious marriages which cemented the relationships between peoples. In this way marriage becomes a symbol and a celebration of, and simultaneously a conduit for, peace and order.

²³ Early in 36, Augustus also celebrated a banquet with his wife and children in the temple of Jupiter on the Capitoline, explicitly setting himself in opposition to Antony in moral terms, who had abandoned his family for Cleopatra (Cass. Dio 49.15.1, White 1993:192). Visual imagery: Zanker 1988: 48-53; Nash 1968:28-31, Galinsky 1996:188-9. Zanker (1988:109-110) notes that while Augustus placed a high priority on restoring temples during his rule, he did not restore the temple of the Dionysiac Triad which had been destroyed by fire, leaving this to Tiberius. Actium: Eck (2003:39); see Propertius 4.6 which describes the temple of Apollo and how the god intervened at Actium in Augustus' favour; also *RG* 19.1 for Augustus' reference to the temple. Strabo (*Geography* 7.7.6) also describes the temple of Apollo of Actium near the mouth of the Abracian Gulf, dedicated after the victory at Actium. Laurel trees: Zanker 1988:92-3.

The visual imagery and spatial significance of the building projects undertaken by Augustus also evoked a return to traditional morality and religion, and in particular emphasized marriage as central to state interests. The *Porticus Liviae* was dedicated in 7 B.C. and included a shrine to *Concordia*, which itself was dedicated on the feast day of *Mater Matuta*, the mother goddess mentioned on several occasions in Livy's text. Rather than being associated with the general welfare of the state, this particular shrine pointed up the exemplary marriage of Augustus and Livia, who were represented as Mars and Venus in a statue group. As noted in Chapter 2, the representation of exemplary marriage in religious monuments was also of historical interest to Livy, who related the story of the dedication (and regretfully, the abandonment) of the *sacellum Pudicitiae Plebeiae* as an alternative to the shrine for patrician *univirae*.²⁴ It seems for both Livy and Augustus it was also important that the monument be closely connected with the specific *exempla* of individuals whose behaviour could be emulated: the *univira* Verginia, in Livy's case, and Augustus' own marriage in the case of the *Porticus Liviae*.

The Ara Pacis, dedicated in 9 BC, is a good example of the codification of the imperial encouragement of morality at Rome; while it does not in any overt way promote marriage specifically, some of the friezes along the sides of the altar

²⁴ Zanker 1988:138-9. Ovid's reference to the *Porticus Liviae* emphasizes the harmonious marriage of Livia and Augustus: *Fasti* 6.637-8. *Sacella*: 10.23.1-10.

feature positive depictions of family life. The image of Pax or Tellus on the Ara Pacis shows the goddess holding twin infants, one at her right breast and the other, who holds out fruit to her, on her left knee. She is surrounded by animals and agricultural produce. The peaceful setting suggests the order of Augustus' leadership of the empire, in which both the land and the people may be fertile and fruitful, childrearing being one of the traditional purposes of marriage in an ordered state. As well, the sons of Julia and Agrippa, Gaius and Lucius, are most likely part of the solemn procession on the south side of the altar, demonstrating the success of the couple's marriage and highlighting the importance of social stability through the succession of the imperial family.²⁵ Livy, writing in large part about the Republican period, never has to be concerned much with imperial succession as the framework for the stability of a nation. However, he lays heavy emphasis on Aemilius Paullus' tragic suffering at the loss of his sons and the subsequent end of his family name, thus depriving the state of this particular great house of the Republic. In addition, Spurius Ligustinus' account of his assets indicates some pride at the fertility of his wife; in the same speech he recounts his fidelity to the state in his military career, and it is hard not to see the suggestion that a state defended by loyal men results in the safe upbringing of offspring.

²⁵ Zanker 1988:127-9; Galinsky (2006:152) states that the altar especially reflects the marriage legislation of Augustus and the flourishing of traditional families under the peaceful Principate.

Both Augustus and Livy offer a broad connection between state security and the welfare of families. For Livy, the true Republican, this security is obtained by the *virtus* of all men with their leaders setting the example. But for Augustus, by necessity, the example must be centred in himself and his own family.

The aristocracy, in search of the new forms of self-promotion under Augustus, followed his example in the codification of the ideals of appropriate gender roles and sexual behaviour. For example, a *denarius* dated to 16 BC shows an image of Tarpeia, the vestal virgin who betrayed Rome to the Sabines, being buried in a pile of shields—those of the Sabine army, exactly as in the story told by Livy (1.11.6). According to one tradition, Tarpeia had given up the city for the sake of the Sabine king, Tattius, whom she loved; she represents a warning against unchastity and treachery.²⁶ Livy also emphasized the *virtus* of courageous military men throughout his text; once again, however, in the visual culture of the principate, Augustus is depicted as the foremost example: the *clupeus virtutis* honoured Augustus' admirable and imitable traits as a leader, which included

²⁶ Livy does not depict Tarpeia as enamoured with the king, nor does Dionysius of Halicarnassus (2.38-40), although he does relate different versions of the story. Dionysius also does not state that she was a Vestal; Livy's description of her treason may allude loosely to the more commonly mentioned Vestal crime of physical infidelity. Tarpeia is the subject of Propertius' elegy 4.4.

virtus. This suggested the military excellence and honour that were a defining traditional quality of the elite citizen male and endemic to ideal masculinity.²⁷

Augustus manifested traditional gender roles and marital morality by the example of the “first family of Rome” as well, making it publicly known that his wife (and granddaughter) wove his clothing, perhaps a parallel to the traditional epigraphic dedication to women, *lanam fecit*.²⁸ During this period, the *stola*, a modest, ankle-length garment denoting marital fidelity and chastity, was recognized as the symbolic dress of Roman *matronae* as shown on statuary from the early principate. This garment can be seen in the images of the female figures in the procession on the south side of the Ara Pacis Augustae.²⁹ Although Livy never specifically mentions female clothing, on several occasions the place and activities of women come under scrutiny. By depicting Lucretia spinning at home with her handmaids, Livy makes her the pinnacle of modesty, placed in her proper context; similarly, by stating that his garments were homemade, Augustus’ implication was that the women of his family were in their traditional place

²⁷ Zanker 1988:95.

²⁸ Suet. 73.1. Although it is a faint parallel, we might be reminded of Cincinnatus’ wife Racilia rushing to fetch him his toga when, in an emergency, he is asked to put on his toga and return to the city to receive the dictatorship—emphasizing her connection to the care and provision of clothing for her household and the toga as a statesman’s garment (3.26.9). In *DH* 10.17, Racilia is not named, nor does she fetch her husband’s toga; he goes indoors to put his clothes on, kisses his wife and does ask her to take care of things at home, presumably including some duties he might normally undertake.

²⁹ *Stola*: Zanker 1988:165.

performing traditional duties. Livy also relates men's objections to women gathering in the streets, as was the case during the debate over the Oppian Law.

The most explicit prescriptions for marital and sexual behaviour in the Augustan period, however, came from the new laws passed by the *princeps*, first the set in 18 BC and then a second set in AD 9. In his *Res Gestae*, Augustus stated that he had, through legislation, renewed the practices of the ancestors of Rome which had fallen out of fashion in the current era:

*Legibus novis me auctore latis multa exempla maiorum
exolescentia iam ex nostro saeculo reduxi et ipse multarum
rerum exempla imitanda posteris tradidi.*³⁰

Because of the explicit reference to *leges* we can conclude that Augustus is including the traditions of marriage and marital behaviour among these exemplary practices which he intended to revive. The idea that there had been a moral decay at Rome in these areas cannot have been a sudden realization which came to him once he had the authority to correct it, but rather something he observed over the course of his early life. Having stabilized Rome by military force and personal influence, Augustus had now to restore the nobility to some semblance of moral order. Just as Livy expressed the need for the aristocracy to be morally fit to participate in the expanding Republic, so Augustus felt that the renewed *res*

³⁰ RG 8.5: "I brought back many worthy practices of our ancestors, fallen out of use in our era, through laws which were passed on my motion, and I myself passed down exemplary deeds in many ways which are commendable to future generations."

publica needed to be justified by the rule of the better, or morally superior.³¹ The example of the *princeps* and his family as communicated at public events and through visual culture was not sufficient: proper moral behaviour had to be enforced by law.

Cassius Dio (53.21) says that Octavian passed many laws after Actium, and later writes of the marriage legislation of 18 BC (54.16) as having “more serious” consequences (βαρύτερα -- 54.16), presumably comparing it to earlier legislation of a similar nature. This comment has been examined in light of the lines from Propertius 2.7.1-3, in which the author writes,

*Gavisa est certe sublatam Cynthia legem
qua quondam edicta flemus uterque diu
ni nos divideret.*

“Cynthia rejoiced at the law surely overturned
at which, when it was passed, we both wept a long time
that it might separate us.”

It has been assumed that the poet and his lover were concerned that a legal impediment of the type given in Augustus’ social legislation would keep them apart, but the poem has been dated earlier than 18 BC when the *leges Iuliae* were passed. Some scholars of the late 19th century proposed that an otherwise

³¹ Livy 22.13.11, where the allies of the Romans *abnuebant... melioribus parere*—“refuse to obey their betters”, since they were governed by those who were *iustus et moderatus*—“just and moderate”. Augustus on the morally superior: Raditsa 1980:288, Galinsky 1996:133-134.

unrecorded set of marriage legislation was passed sometime around 28-27 BC.³² Furthermore, a key part of Livy's preface was used in support of this theory: the *vitia* and their *remedia* which he said the people could not bear were thought to be respectively their moral declination and the attempted marriage legislation passed to check the decline.³³ However, Badian has suggested that Cassius Dio's βαρύτερα was an absolute rather than a comparative and that the law repealed pertained to an earlier tax on *caelibes*, instituted when the triumvirs desperately needed money to fuel their campaigns. In this rationale, Propertius might have owed this tax to the state. When the tax was repealed by Augustus in 27, Propertius would have been freed from financial obligation, causing Cynthia's joyous response.³⁴ Livy's statement, then, would be a much broader complaint about the inability of the Romans to rule themselves and their more general lack of virtue, in addition to their unwillingness to be corralled by Augustus.

Cassius Dio tells us that in 27 BC senators with children had the advantage in the allotment of provinces (53.13). As early as that, Augustus codified the

³² See Raditsa 1980:278 n.1 for bibliography. Ogilvie also subscribed to this school of thought (1965:28).

³³ See Badian 1985:92 on H. Dessau's 1903 article on this topic.

³⁴ Comparative: Badian 1985: 87-88. Tax: Badian 1985: 95-97. Badian suggests that this tax had little or nothing to do with moral reform and more to do with the need for money. While I agree that there seems to be very thin evidence for marriage legislation being passed in 28-27, it does seem odd that Propertius and Cynthia would view a financial obstacle as so utterly impassable and as destructive to their love.

benefits of marriage and children in a materialistic way. But the official marriage legislation of Augustus is perhaps the most immediately sensational of his attempts to promote *mores* in the state, particularly among the upper classes. It is not so much novel for the essential principles behind the legislation, which were largely familiar to Roman society, but for the codification and execution of the law and the social message of that codification.³⁵ There were a great number of items in the legislation which are of interest to the study of Augustus. For some in particular, we can find parallel threads of concern and emphasis in Livy's text to which they may be compared, and these will be the focus of the following pages.

The families of the nobility were meant to be bolstered by marriages contracted within their own social order, to enhance the new elite's exclusive sense of identity and, perhaps more importantly, to ensure that property was transmitted within that order and not disseminated in unpredictable directions.³⁶ Promoting a pattern of stability was particularly important in the first generation of the Caesarian elite, as the old aristocratic families had fallen to proscription and civil war in the 40s and 30s. This was accomplished by forbidding senators and

³⁵ McGinn (1998:79) suggests that the message of the legislation was more significant than the individual laws themselves.

³⁶ Nobility: Severy 2003:52. Property transmission: Wallace-Hadrill 1981, Galinsky 1996:136-7.

their families to marry individuals from the lower orders or who were associated with disreputable occupations. In this way, the elite would maintain strong social connections with other individuals of suitable status to whom they might transmit property. We might consider the categories of persons whom senators and certain of their family members could not marry without penalty: freedmen and former actors or children of actors (an occupation associated with immorality). The legislation implies an association between categories of social class and morality which reinforces the moral responsibilities of the senatorial class.³⁷ Those classes of individuals now forbidden from marriage to senatorial families had already been considered socially unacceptable marriage choices; there was now, however, a penalty attached to what had previously been governed merely by social pressures.³⁸ Under Augustus, the new elite would thus theoretically uphold the ideal standards of marriage, making them worthy and exemplary citizens of a renewed state and empire.

It is worth noting here that apparently two individuals could form what was termed a marriage even if it was not in harmony with the laws on marriage; they would simply have to suffer the penalties and restrictions attendant upon the

³⁷ Marrying categories: Digest 23.2.44. McGinn 1998:72-3.

³⁸ McGinn 1998: 84.

infraction of the laws, with the individuals legally considered *caelibes*.³⁹ The state of being married depended more on mutual consent than on civil or religious ceremonies or laws. When we suggest that a marriage practice was “forbidden”, it cannot be seen as “nullified”.⁴⁰ We have noted Livy’s use of the same terms of marriage to describe unions that might seem illegitimate (such as Sophoniba and Massinissa).

In a major step, adultery was criminalized and public prosecution required. A public court, the *quaestio perpetua de adulteriis*, replaced the domestic one. Adulterers of certain classes could be killed when caught in the act by a husband, but a father could not kill an adulterer unless he also killed his daughter. Either way, prosecution against an adulterer and/or adulteress had to take place within 60 days; a husband who did not divorce and prosecute his adulterous wife could be charged for condoning her immoral activity.⁴¹ Obviously, adultery was a serious issue not only for an ideology that encouraged sexual continence and restraint; it could call legitimate parentage and succession into question. It has been suggested that the law which forbade a father from killing the adulterer unless he also killed his daughter was designed to “bring the father to his senses” (Raditsa

³⁹ Ulpian (*On Rules, in One Book*) 16.2. Raditsa 1980:326 raises this point as well. *Caelibes*: McGinn 1998:73. Children of marriages which contravened the legislation were still considered legitimate.

⁴⁰ Raditsa 1980:307; Treggiari 1991:54.

⁴¹ *Collatio* 4.2.3; Paul, *Sententiae* 2.26.4; *Digest* 48.5.15.2; 48.5.2.2.

1980:313), to avoid rash decisions and to promote instead a public trial, while the ability of a husband to kill an adulterer of lower status affirmed the social hierarchy.⁴² The legislation was primarily intended to control the sexual behaviour of married women, whereas men could not be prosecuted or penalized for having sexual relations with slaves or prostitutes.⁴³ The legislation was in this way divisive: women were divided into two categories: women who were married, and “those one had intercourse with impunity.”⁴⁴ This last form of sexual behaviour, restricted to men, was permissible as sex without obligation or attachment, coming not from *affectio maritalis* but from lust or power.⁴⁵ So long as a man married according to the legislation and produced children, he might suffer no official ill-effects from consorting with a slave, freedwoman, or prostitute. These women were exempt from the penalties imposed by the *lex Iulia*. The legal dichotomy between married, “untouchable” women and those exempt from the laws narrowed the range of appropriate extramarital sexual partners for men, and emphasized the moral values associated with married or

⁴² Father: Treggiari 1991:293; husband: Edwards 1993:53.

⁴³ Severy 2003:54-55; Raditsa 1980:310,

⁴⁴ Raditsa 1980:321, Treggiari 1991:310-311.

⁴⁵ Raditsa 1980:316. Augustus’ affairs, apparently, were no secret, as we are told in Suet. *Aug.* 69 and Dio 54:16.6-7; he used them to gather information about his opponents from their wives. On ambivalence of Romans towards adultery, see Edwards 1993:48.

marriageable women while placing prostitutes and adulteresses in a distinct category. Prostitutes in particular were moved even further away from the realm of properly married women and into a class of their own by being made to wear the man's *toga* rather than the woman's *stola*. This association of gendered clothing and sexual promiscuity was applied to convicted adulteresses, at least in literature, although there is no solid legal evidence to support the idea that adulteresses were required to wear the *toga*.⁴⁶

The irony of this particular piece of legislation was its applicability to Augustus' own family. His daughter and granddaughter were both convicted under it; he had his daughter Julia banished to an island for five years and only then brought her back to the mainland, although her exile from the family continued; he also demonstrated the importance of legitimate birth as a goal of the legislation by refusing to allow his granddaughter Julia's child, born after her condemnation, to be acknowledged or raised.⁴⁷ Perhaps in this way Augustus shared the despair Livy expresses at being a witness to moral turpitude and yet being unable to counter it effectively.

⁴⁶ No ill-effects: Edwards 1993:49. Mart. 2.39: *Coccina famosae donas et ianthina moechae: / vis dare quae meruit munera? mitte togam*. "You give gifts of scarlet and purple to a notorious adulteress. Do you want to give her gifts she really deserves? Send her a toga." 10.52: *Thelyn viderat in toga spadonem:/ damnatam Numa dixit esse moecham*. "When he had seen Thelys the eunuch wearing a toga, Numa said s/he was a convicted adulteress." For discussion of the use of the toga by prostitutes and perhaps adulteresses, see McGinn 1998:154-168. Cf. Edwards 1993:40, Severy 2003:55.

⁴⁷ Adulteries of the Juliae: Suet. *Div. Aug.* 65.3; Zanker 1988:158

One of the major implications of Augustus' legislation was that it made private morality a very public matter, and took away some of the authority of individuals to settle their own affairs. Scholars have suggested that Augustus was dissatisfied with how the citizens of Rome (particularly the senatorial order) were conducting their private lives in moral terms, and thus attempted to subject it to more institutionalized rigours.⁴⁸ In particular, the idea that men had been failing to control their wives and needed more motivation to do so is commonly interpreted as one of the symbols of Augustus' legislation.⁴⁹ Men were now responsible for their wives' behaviour as part of their civic duty, further correlating the morality of individual citizens with the health of the state. Augustus' involvement in the lives of aristocratic families, and his eventual identification in 2 BC as the *pater patriae* or "father of the state", continued to blur the line between public and private.⁵⁰

As it happens, the summaries of Books 136 and 137 of Livy, which would have covered the years 25-15, are missing, so we do not even have that skeleton

⁴⁸ Syme (1939:444) notes that members of the aristocratic order were familiar with censorial and conservative aims to promote family and childrearing, but not with legislation on the subject. McGinn 1998:141: "Before the passage of the *lex Iulia*, the repression of sexual misbehavior was generally conceded to the private sphere." See also Cohen 1991:110.

⁴⁹ Control: Edwards 1993:57, Severy 2003:50-51. For Augustan legislation as symbolic discourse as well as practical, see Edwards 1993:35.

⁵⁰ Severy 2003:142.

outline of what he might have had to say concerning Augustus' legislation.

Nevertheless, we have seen examples of instances in which Livy's presentation of his narrative evokes themes and ideals which are similar to those of Augustus.

Marriage between free persons and slaves was untenable; between free and freed it might be undertaken under certain circumstances, as in a special dispensation for Faecenia Hispala—the *Lex Iuliae* forbade marriage between a member of a senatorial family and a freed person. In fact, it has been suggested that Livy's account of the Bacchanalian scandal was written after 18 BC.⁵¹ It is thus possible that his expressive mitigation of Faecenia's status (e.g. *scortum nobile*) and her inclusion of Aebutius in her will were meant to help counter the stigma of the traditional social and financial penalties that were associated with relationships with prostitutes, and to make both Faecenia and Aebutius more sympathetic characters in opposition to the members of the Bacchanal cult.⁵²

Augustus' legislation more generally suggested that marriage choices were to be made with care and attention to propriety (concerning age, social status etc.); in Livy's text, Fabius, Verginius, Spurius Ligustinus' father, and Gracchus all chose partners for their daughters, but Massinissa and Philip married hastily and

⁵¹ The evidence is thin, however: McGinn (1998:89 n.183) states that the *lex Iulia* was "almost certainly passed" before the composition of Book 39. If we assume an approximate rate of composition of about 3 books per year, beginning from a conservative estimate of 31 BC, Book 39 would have been barely completed. However, both Livy's account and Augustus' legislation reflect pre-existing attitudes towards relationships between freeborn and prostitutes.

⁵² McGinn 1998:88-9.

for unwise reasons and were condemned for doing so. In Massinissa's case, his hasty marriage threatened to entirely destabilize his pre-existing alliance with Rome, while Philip's marriage resulted in military laxity and weakness. While typical marriages of the upper class under Augustus would not be likely to have such wide-ranging ramifications, unions within certain social boundaries could help stabilize the upper orders and the transmission of their property. Both men thus seem to be illustrating the importance of the same principle—that of social stability through wise marriage alliances.

We have seen that Livy takes care to mention matrons convicted of adultery. He condemns sexual crimes (*stuprum*) against matrons, and his Cato emphasizes the need for men to have control over their wives (as does, in the end, Cato's opponent). The behaviour of husbands and wives is predominantly divided, although there is some overlap where issues of *virtus* and honour are concerned. Primarily, men protect their wives and children and conduct public business while women are better kept at home and associated with children. These principles are similar to those effectively promoted through the various points of Augustus' legislation.

However, there are some ways in which we may say that Livy's principles, as they seem to be reflected in his text, differ from Augustus' approach to the society of the principate. Although Augustus claimed to have brought back

multa exempla maiorum, he also “ran roughshod” over some traditional ideals, as Galinsky points out (1995:131). His legislation requiring women to marry soon after divorce or widowhood flies in the face of the hallowed status of *univira*, mentioned above in the context of Verginia (10.23.5). Apparently, according to this text, there were certain rituals that only *univirae* could perform. It may not have been common for women to be married to only one man in their lives even in the Republic (unless they died young), but the principle appears to have been highly respectable; for example, Cornelia, wife of Tiberius Sempronius Gracchus, was honoured for choosing to remain a widow after the death of her husband.⁵³ Whereas there had previously been a discrepancy between the ideal and the reality, Augustus effectively overturned an esteemed principle for what was more socially and politically expedient. In contrast, nothing in Livy’s program gives explicit directions for improving the health of the state, but looks to the past for *exempla virtutis*. For Livy, the *univira* is an admirable woman, and it is an unfortunate fact that Verginia’s altar of Plebeian Chastity was defiled and fell into disuse.⁵⁴ It is also interesting that while Livy maintains the traditional vocabulary of marriage, placing women squarely in the passive role whereby they become

⁵³ For the importance of the *univira* see Treggiari 1991:233-236.

⁵⁴ 10.23.10: *volgata dein religio a pollutis, nec matronis solum sed omnis ordinis feminis, postremo in oblivionem venit*—“Later the cult was degraded by unclean persons, not only matrons but women of all ranks, and finally fell into oblivion.”

married *to* men rather than marry them, Augustan legislation made women accountable, under threat of penalties, for being legally married under the *leges Iuliae et Papia Poppeae*, although some leeway was granted to them after being widowed.⁵⁵

Perhaps the most significant difference between Livy's presentation of history and Augustus' representation of restored values is the conflict between public affairs and private ones. As mentioned above, Augustus' position required his ideologies to be promoted publicly; he could hardly hide from Rome nor could he muse over morality, history, and contemporary issues at leisure (if indeed he even wanted to). Livy, on the other hand, seems to have been intensely private, more so than the other writers of this period, some of whom enjoyed more direct imperial support and interaction.⁵⁶ His aim was to write an eloquent moral history and to take comfort in doing so. Nevertheless, his emphasis on the value of personal and private morality and responsibility stands out in sharp contrast to the highly public nature of morality as demanded by the Augustan legislation.

⁵⁵ See Ch. 2 for discussion of marriage vocabulary in Livy. The inability of unmarried women to inherit may have been an issue with which their male family members would have primarily had to contend, but, as has been noted elsewhere, there is evidence that women handled their own property under only nominal supervision, and might thus have been more personally affected by such legislation.

⁵⁶ Miles 1995:48, Galinsky 1996:28, but especially Syme 1959:52 for his disconnect from the imperial family and the possibility that he was not often at Rome. See Walsh 1961:2 for a more cosmopolitan early life.

The private arrangement of marriages is one example. Livy puts a most sympathetic speech in the mouth of the tribune Canuleius (*tr. pl.* 445) concerning the law against patrician-plebeian intermarriage, stating that the patricians would make two states out of one by subjecting the matter of intermarriage to a public law and interfering with what had always been a private affair.⁵⁷ Here, the right to make a marriage contract privately is considered to have been universal and long enshrined. The law which prevents this is *superbissima* and divisive.⁵⁸ The belief that men should also be capable of managing the women in their lives without legislative intervention is also an important concept in Livy's text. Lucius Valerius, speaking in favour of the repeal of the Oppian Law, stated that women would not gain excessive power because they were by nature always in the power of men (34.7).

Further examples of the privacy of affairs concerning marriage and sexuality are scattered throughout the text: Lucretia called a *consilium* of her family members to deal with her rape; Horatius took it upon himself to kill his sister for her disloyalty to Rome because of her betrothal to one of the Curiatius

⁵⁷ 4.4.10: *Quod privatorum consiliorum ubique semper fuit, ut in quam cuique feminae convenisset domum nuberet, ex qua pactus esset vir domo in matrimonium duceret, id vos sub legis superbissimae vincula conicitis, qua dirimatis societatem civilem duasque ex una civitate faciatis.*

⁵⁸ This makes an interesting parallel with Raditsa's appraisal of the divisive nature of Augustan legislation (1980:315).

brothers. Scipio chose to deal with both Massinissa and the Celtiberian chief privately to discuss their feelings and actions towards the women with whom they were in love, and encouraged propriety in courtship and marriage by chastising Massinissa's choice to marry the wife of an enemy, and by assuring the chief that his bride-to-be was treated appropriately during her captivity.⁵⁹

Livy looked to a noble past in which most Romans did not have to have their marital behaviour legislated, but instead produced numerous examples of traditionally positive choices. His constructions of what constituted propriety versus disgrace are complex, but generally coincide with the ideals of his predecessors in literature. Augustus, probably sharing these ideals but faced with the need to implement practical solutions, appeared willing to sacrifice (with or without compunction) certain traditional principles in order to buffer the new aristocracy at Rome, much of it composed of his partisans. Syme in particular notices the loss of *libertas* in this pursuit.⁶⁰ Although the Augustan legislation on marriage generally supports the traditional principles of chastity and appropriate marriage choices, it is perhaps in the more polysemantic plastic arts, where *exempla* of marital ideals may be communicated in a visually appealing way—as they are, for example, in the Ara Pacis—that the effects of the Augustan

⁵⁹ Lucretia: Livy 1.58; Horatius: 1.26; Scipio: 26.50.

⁶⁰ Syme on the new elite: 1939:490-508. Loss of *libertas*: 516-17.

programme of cultural renewal most closely resemble the tenor of the values espoused by Livy.

Parent-Child Relationships in the Principate

Livy's history recognizes the importance of bearing and rearing children as early as the theft of the Sabines in Book One. From a simple demographic viewpoint, a people will dwindle without successive generations of children to take the place of those who die. In particular, the value placed on male children who could serve as soldiers is exemplified in Spurius Ligustinus' pride that he could leave the state four soldiers in his place (42.34.12). The basic need to produce children *per se* is also a notorious implication of the Augustan legislation, codified more directly than Livy could do in the *AUC*. However, both Livy and Augustus also provide prototypes and *exempla* illustrating principled behaviour between parents and children.

The public art of the Augustan period reflects some of the ideals of fertility and of family life, particularly with respect to parent-child relationships, although they do so in conjunction with Augustus' overall presentation of his family's pre-eminence. Relative to earlier decades, interest in depictions of children and the related theme of parenthood was high during the period of Augustus' political influence. This should not be taken to suggest that there was

an actual change in the way parents and society in general viewed their children, but perhaps more that media were being increasingly used to acknowledge them publicly and privately, especially for socio-political reasons. The prototypes for the depiction of children on coinage and on reliefs were expanded and made part of the representation of both official state-supported ideals, affirmed by the new legislation which gave greater importance to children than ever before, and the primacy of the imperial dynasty. For example, among the children depicted in the religious procession on the Ara Pacis are, most likely, Gaius and Lucius, and rather than being included as afterthoughts, they represent the stability and continuity of the “first family” of Rome. As mentioned above, the Tellus frieze features a mother goddess holding two infants in her lap. In the latter scene, children are associated with the positive and appealing attributes of peace, prosperity, and happiness.⁶¹ We might consider as a parallel the pride of Spurius Ligustinus’ statement about the number of children he and his wife have produced, which he believes is enough to satisfy the state’s demands of him.

Augustus’ early closeness with the Julian family demonstrates how effective ties could be maintained through the maternal line despite the Roman propensity towards patriarchy. His grandmother was Julia, the sister of Julius

⁶¹ Zanker 1988:158-9, 172-179. Zanker advises caution in interpreting the presence of the imperial princes on the Ara Pacis, noting that it was difficult to translate the importance of childbearing in Augustus’ moral legislation and ideology into artistic representation. Ara Pacis: Zanker 1988 fig. 124.

Caesar, and as an 11-year-old boy he delivered her eulogy at Rome. His greatest familial tie, and the one which launched his journey to political pre-eminence, was his adoption by his grandmother's brother, to whom he showed a certain devotion even before Caesar's assassination. Augustus attempted to follow after his great-uncle when he journeyed to Spain to conquer Pompey's sons, and was adopted and named Caesar's heir in September of 45. Nevertheless, the negative experiences of the state under Julius Caesar's dictatorship and the repercussions of his assassination required Augustus to distance himself somewhat from his adoptive father's policies while still taking advantage of the political legitimacy afforded him by the connection. His statement in the *Res Gestae* that he drove his father's enemies into exile is presumably meant to showcase his *pietas*. It was no strike against him that he abandoned his biological father's *nomen* entirely; the realities of adoption in the Roman world placed him legally in the Julian clan. Livy, too, emphasized that Aemilius Paulus considered himself to be bereft of sons to carry on his name because while only his younger two had died, the older two were adopted into other families, indicating the legal and social strength of adoption.⁶²

⁶² Suet. *Aug.* 8.1. Connection: Octavian initially erred when he first addressed the people at Rome, stating that he aspired to the honours of his adopted father; Caesar's troops defected and the enemies of Caesar were displeased. After this, Augustus invoked Caesar with more care: Cic. *Ad. Att.* 16.15.3, Syme 1939:125, Galinsky 1996:43, 378. Aug. *RG* 2. Caesar's heir: Suet. *Div. Iul.* 83.1. Adoption: Syme 1939:113, Liv. 45.40.6-8; 45.41.11-12. Perhaps the fact that Augustus ignored the pleas of his mother and father-in-law not to go to Italy after Caesar's assassination

The *clupeus virtutis*, a golden shield on which were inscribed the four virtues of *virtus*, *clementia*, *iustitia*, and *pietas*, was set up in the Curia Iulia in 27 at the time when the Senate bestowed the title Augustus on Octavian. The shield honoured Augustus for his previous display of these qualities; *pietas* particularly evokes the relationship between Augustus and his adopted father, particularly considering the placement of the shield in the Curia Iulia, named after Julius Caesar.⁶³

In addition, Augustus completed the construction of Caesar's forum before beginning his own immediately adjacent to it. Augustus' presentation of his relationship with Caesar is not quite ambiguous, but neither is it meant as a whole-hearted endorsement of Caesar's dictatorship; Augustus' model for the state was to rule by *auctoritas* with the support of the people. At the same time, his emphasis on Caesar's divinity reflected sanctity back on his own self and his family.⁶⁴ There is perhaps some degree of affinity here in Livy's account of Manlius and his father and the ambiguous relationship between the forcefulness of the *pater* and the *pietas* of the son towards his father. While Manlius did not

may also be mitigated by his apparent dedication to his adoptive father: Suet. *Div. Aug.* 8.2.

⁶³ Galinsky 1996:82, 88.

⁶⁴ *Prima Porta Augustus*: Galinsky 1996:158-161. Galinsky notes that in the depiction of Venus on the statue we have further evidence that Augustus would not distance himself completely from his adoptive father in spite of potentially negative associations with Julius Caesar (161). *Fora*: Galinsky 1996:208-9. More on the symbolic connections between Augustus and Julius Caesar: Galinsky 1996:251-2, 376. Caesar's divinity: Galinsky 1996:319, 377-8.

condone the actions of his father, his first duty was to the principle of *pietas*, to give others no reason to believe he was not a faithful and obedient son, however egregious his father's actions towards him had been.

The relationship between Augustus and his father was not the only paternal representation in the visual culture of the “new state” by any means: also of great importance was Augustus' association with the father-gods, and his own paternal relationship to the state. Augustus' *auctoritas* is complemented by the depiction of Mars and the she-wolf on the cuirass of the Prima Porta Augustus, connecting him to Romulus, the first *pater* of the Roman people. The pediment on the temple of Mars Ultor included a depiction of Venus wearing a long garment reaching to her ankles—not as an erotic figure but once again as the venerable ancestress of the Roman people through Aeneas, just as Mars, at whose side she appears, was their ancestor through Romulus. It is perhaps reflective of this same attitude towards Mars that he is twice referred to as *Mars pater* in Livy's text, once in the direct context of warfare.⁶⁵ In these cases, Mars serves as a father-like protector of the city and her people at war and at home. In addition, the cult statue of Mars was bearded and more fatherly in appearance than earlier depictions of the god, perhaps reflecting—and in turn lending mythical dignity to—Augustus' self-representation as a father-figure for the state. Aeneas is similarly bearded in a

⁶⁵ Zanker 1988:196. *Mars pater*: 3.61.4-5, 8.9.6.

depiction on the Ara Pacis, followed by the grown Ascanius, emphasizing both his literal and figurative paternity as he sacrifices to the Penates.⁶⁶ Romulus and Remus were depicted opposite him, possibly with their foster-father Faustulus. Foster fatherhood is also suggested in the depiction of non-Roman children, Gallic and eastern, amongst Augustus' family members in the procession. The characterization of Augustus as a *pater patriae* brings to mind the fact that in Livy's account, Romulus was twice referred to as the parent of Rome (1.16.2-3, 1.16.7).

Other examples of public attention to the family exist: Augustus dedicated buildings in the names of his adopted sons Gaius and Lucius, and the youth of the imperial family were also featured on glass medallions and coins. Augustus' restoration of the Porticus Octavia had the triple benefit of being an act of public munificence, a token of honour to a forebear, and a visible reminder of his own leadership. The Forum of Augustus featured statues that reminded all Rome of the great leaders of the past and of those claimed by the *princeps* as ancestors. Aeneas was depicted in a form that was copied in public and private settings throughout Italy and the provinces (for instance, on a Pompeian mural)—leading

⁶⁶ Zanker 1988: 198-200, 204.

his son Iulus and carrying his father Anchises: a perfect example of bi-directional *pietas*.⁶⁷

The depiction of children and parents in Augustan art, like that of marriage, differs somewhat from the tone of the legislation. Augustus had to contend with the concrete realities of family stability and attitudes towards parenthood in the previous generation of citizens of child-bearing age. The proscriptions of the civil wars and Augustus' expulsion of undesirable senators had depleted the numbers of the senatorial class, and the social legislation of Augustus seems to indicate the perspective that childrearing had become less appealing to members of this class.⁶⁸ He appears to have been especially interested in encouraging the elite to produce children. Whether or not there was an actual decline in the birthrate, and whatever the real reason for it if there was one, Augustus must have thought it a problem that could be solved by external encouragements and penalties.⁶⁹ Cassius Dio tells us that in 27 BC senators with children had the advantage in the allotment of provinces (53.13), but the most

⁶⁷ Ara Pacis: Zanker 1988:159, Fig. 124; 174, Fig. 136. Galinsky (150) notes that among the funerary commemorations of the middle-class, some reliefs which appear after the Ara Pacis include the motif of a child tugging at her mother's dress, as occurs on the south side of the altar. Tellus: the earth mother goddess also appears on the cuirass of the Prima Porta Augustus (Zanker 176). Aeneas and Iulus, Romulus and Remus: Severy 2003:104-7. Buildings: Suet. *Div. Aug.* 29. Medallions: Zanker 1988:159; coins: Severy 2003:77. Porticus Octavia: Zanker 144. Forum of Augustus: Galinsky 1996: 136, 204.

⁶⁸ Dixon 1988: 119-120.

⁶⁹ Wiedemann 1989:38. Galinsky 1996:129 discusses Augustus' decision to act on the premise that laws were necessary to produce good *mores*.

significant legislation did not come until the year 18 BC and then AD 9. Senators were not the only citizens who could now benefit from focusing on home life: there were also rewards for freedmen and ordinary citizens who produced a certain number of children. Because of these concrete benefits and restrictions related to children and childlessness, it is a little more difficult to compare the messages of parent-child relationships in the *AUC* to the legislation, but we can find parallels in the essential principles.

Once again, the *Leges Iuliae* of 18 BC and the *Lex Papia Poppaea* of AD 9 are referred to collectively in the later juridical writings and it is sometimes difficult to know which measures were introduced at which time. However, those pieces of legislation, which are obviously less restrictive versions of other statutes, date to AD 9, when Augustus softened the penalties for failing to marry and raise children, indicating that he monitored and responded to public reception of and adherence to the legislation. Some of the purposes of the legislation were to encourage the rearing of legitimate children, to control the transmission of property from one generation to the next, and to more clearly separate the social orders.⁷⁰ The individual statutes were meant to accomplish these goals in direct and indirect ways. Having children allowed men to move more quickly on the

⁷⁰ Cooley 2003:353.

political career path and women to be able to become independent, while childlessness and failure to marry led to restrictions on inheritances.

Senators, their children, and their grandchildren were forbidden to marry freedmen or freedwomen, or individuals who were or had been, or whose parents were, actors.⁷¹ This stipulation indicates the importance attributed not only to the preservation of the moral reputation of senators themselves, but of their whole family line. Children and grandchildren who married disreputable characters (as judged by the state) risked alienating themselves from the social order into which they were born. Gellius states that under the *Leges Iuliae*, the *fascēs* or symbols of consular authority went to whichever of the consuls had more children (whether *in potestate* or dead in warfare), and not to whichever one was the elder. Offspring who had died in warfare would have been reared to adulthood and could thus be “counted” in the tally of the magistrate’s children. Men could also stand for magistracies as many years earlier than the minimum age as they had children.⁷² There were various financial incentives to produce children: the *Lex*

⁷¹ Digest 23.2.44 (from Paul’s commentary on the *Lex Iulia et Papia* - it is not stated specifically which set of laws is meant.).

⁷² Gellius *N.A.* 2.15.4. There are complex rules in other laws concerning the age a child was required to have reached to be counted towards certain benefits for the parents, e.g. the legislation governing the ability of husband and wife to inherit a further tenth from each other for each child that survived at least until its naming day (Ulpian *Liber singularis regularum* 15.2); another example is that of the Junian Latins, individuals who had not been formally freed and did not have Roman citizenship, who could receive it under certain conditions of the *Lex Aelia Sentia* of AD 4: if a Latin man married a Roman woman or another Latin, and produced a child who reached the age of one year, they could go before the praetor and be decreed Roman citizens.

Papia made the ability to receive inheritances and legacies contingent upon the number of children an individual had.⁷³

There is further evidence that the law took Rome's high child mortality rates into consideration in its requirements, such as allowing husbands and wives to name each other in their wills if they had children who had survived to specified ages. Furthermore, if a wife gave birth within ten months after her husbands' death, she was able to inherit in full from him. It is clear that the ten-month stipulation prevented her from claiming an inheritance after having someone else's child, and can thus be related to the laws on adultery.⁷⁴ Considering the realities that led to the wording of this legislation, it is little wonder that Livy felt moved to include mention of Spurius Ligustinus' children and their advanced stages in life—a remarkable accomplishment in an environment of high child mortality rate—and that Aemilius Paulus, while grieving the loss of his sons, observes that their deaths are a strike of fortune

Magistracies: *Digest* 4.4.2.

⁷³ Gaius, *Inst.* 2.111, 286a; law of "tenths": Ulpian, *Liber singularis regularum* 15.1-4. The law allowed spouses to inherit from each other who had not yet reached the age at which children were required to avoid penalty (20 for women, 25 for men) as well as those who had reached the upper age limit past which the production of children was not required (60 for men, 50 for women), or if they were blood relatives within the 6th degree (Ulpian, *Liber singularis regularum* 16.1). The first two exceptions seem to have been spurred by an awareness of the physiological limitations to childrearing, while the last demonstrates the value of keeping wealth within the family (perhaps as Spurius Ligustinus' father and uncle were able to do in the marriage they brought about between their children).

⁷⁴ *Tituli Ulpiani* 16.1.

against him: a catastrophic but not unheard-of disaster to his home. His sentiments seem typical of a reality in which to have children is to experience a reasonable degree of risk that they will be lost to illness or by other means.⁷⁵ It is quite clear that Livy's suggestion to his audience is that there are numerous benefits to having several children.

Interestingly, the legislation encouraged freed persons to raise families like those of Roman citizens: a free woman with three children and a freedwoman with four (or sometimes three) could be relieved of her *tutor*, whose approval was needed for property transactions after the death of her father, by the *ius liberorum*. However, the more children a freedperson had, the less each one was likely to inherit, potentially inhibiting significant upward social mobility across generations.⁷⁶ The degree to which freedmen behaved and organized themselves like Romans appears to have been the important point, however. In his own work, as well, Livy gives attentive praise to foreigners whose behavior toward their children, whether biological or surrogate, is most in keeping with Roman values of *pietas*—for example, that of Theoxena and the old Celtiberian woman.⁷⁷

⁷⁵ Spurius Ligustinus: 34.34.3-4; Paulus: 45.40.6-8; 45.41.11-12.

⁷⁶ Gaius, *Inst.* 1.144-5, 194. Limited social mobility: Cooley 2003:360. There were also advantages for freed persons who had children with respect to limiting the patron's share of the property: cf. Gaius, *Institutes* 3.39-43.

⁷⁷ Theoxena: 40.4; Celtiberian woman: 26.49.

All of these items of legislation and art have multiple implications which illustrate the main principles advocated by Augustus. Children represented the future stability of a family: legitimate children should be produced and cared for so that property might be properly transmitted within the family and the current social orders maintained. Fathers were particularly responsible for seeing that this happened. Although Livy does not discuss property transmission at length, the ideal relationships of parents and children he describes and the responsibilities they owed to one another may be taken as indications of the importance of family stability and the survival and good upbringing of children in his perspective; we have seen numerous times throughout Livy's text that fathers could be held accountable for their children's behaviour or were, at least, expected to look after them. However, under Augustus, fathers were sometimes required to be involved in prosecuting their adulterous daughters, removing some of the rights of fathers to hold jurisdiction in their own families and transferring it to a permanent court.⁷⁸ As well, fathers would need to see to the proper marriages of their children by a certain age in order for them to benefit from being able to attend public games as well as having the advantages of inheritance.⁷⁹

⁷⁸ Multiplicity of meanings: See Galinsky on the polysemy of Augustan art and architecture. Mitigation of father's rights: Galinsky 1996: 130.

⁷⁹ Severy 2003:53.

Some more specific examples may show the parallels and contrasts between Augustus' and Livy's responses to socially and morally important ideals. Under Augustan legislation, children might be associated with greater access to wealth (through inheritance) and political advantage. Livy's Spurius Ligustinus seems to revel in speaking of his eight children, not because of any material wealth they provide, but because of the guaranteed succession of his family name and the security they could potentially provide for him if he wanted to offer them as soldiers in his place (34.34). With this benefit in mind, the motivation for having a large family seems almost altruistic in comparison to a reward system based on financial incentives. The concept portrayed in the *Ara Pacis*, that peace brings fecundity and prosperity, finds its violent opposite in the story of Verginia: there, the civil discord caused by the excessive power of the decemvirate leads eventually to her death and the end of Verginius' personal family line. All references to weeping children, fearful of capture by the enemy, feed into this same ethic. The stability of the imperial family as seen on the friezes of the *Ara Pacis* and in their public appearances together also has a fundamental parallel in Livy's work: the importance of family continuity and stability is stressed in the grief of Aemilius Paullus after losing his two young sons (45.40.7-8).

As has been discussed previously, the "father figures" of Livy's text represent acceptable forms of leadership in which the safety and security of the

people are the primary concerns of the *pater patriae*, and obedience to him is given willingly and gratefully. Brutus, Camillus, Quinctius (the military leader of 471) and Fabius (*dictator* 217) were all addressed as *pater* for their protection of their citizens and soldiers. In fact, even though Augustus was not given the title *pater patriae* until 2 BC—and the fact that this was one of the only titles he claims to have accepted is significant—this voluntarily asymmetrical dynamic is exactly the principle upon which Augustus depended for support at Rome.⁸⁰ His network of friends and allies was vital, but the willing acquiescence and participation of the Roman people was necessary for the promotion of the *Pax Romana* and for avoiding the appearance of dictatorship or tyranny under Augustus. While Livy might not have chosen a political system such as the one introduced by Augustus, his presentation of Roman heroes is similar in language and nature to the promotion of the *princeps*.⁸¹

As mentioned above, matters that were once handled privately became state matters under the principate, and this is perhaps where Livy clings to the

⁸⁰ Syme 1939:519 points out that Horace had already introduced the idea, in *Carm.* 1.2.50: *hic ames dici pater atque princeps*. He also notes that Cicero was referred to as *pater patriae* but suggests that his image was tarnished (520).

⁸¹ Network: see Syme's *Roman Revolution*. Galinsky 1996:71-74 discusses individual creativity and *libertas* in the context of Augustus' *auctoritas*, and how these elements worked in concert to shape the principate. Severy (2003 *passim*) makes the connection between Augustus' own family and their relationship in turn to the larger family of the state, as well as the development of the imperial cult and its associations with family religion, with emphasis on the official development of this ideology in the state rather than on the people's participation in the power dynamic *per se*.

traditions of civil privacy and thus diverges most from Augustus in his presentation of ideal parents and children. The right of a father to kill his child, demonstrated implicitly by Horatius and forcefully by Verginius, is somewhat transformed by the Augustan laws which required a father to kill his daughter if he killed her adulterer, or to accuse her at law if her husband did not. What was initially a right inherent in *patria potestas* was now a legal requirement in certain cases; we have seen how stories in which fathers are legally forced to kill their children are portrayed with gravity and regret by Livy, and therefore legislation requiring this act at a father's hands, even if it was not frequently enforced, conflicts with the spirit of Livy's parent-child ideals. In addition, Livy has a fine example of an *univira* in his text, Verginia; from his perspective, her commitment to one husband was nothing short of praiseworthy. After 18 BC, however, she would have been required by law to remarry within a short time if there was a possibility of producing children, or face financial penalty.

As seen in the chapter on marriage, Livy saw the ancient history of Rome as a time when men and women acted of their own volition in virtuous ways. The continuation of family lines and the honours due in parent-child relationships were not legislated; Livy's approach to modern decay was to emphasize those positive anecdotes and ideals which came naturally to the characters in his history, and to draw attention to the pitfalls that could be suffered by parents and

children—even if these messages were made complex by their relation to issues of state obedience. Augustus was faced with the greater challenge in that his authority as *princeps* depended partly on his ability to communicate his association with morality and stability, and on the continuation of his own family and the senatorial order through which he governed the empire. Although the depiction of affect between members of the imperial family in visual culture bears some semblance to the more tender parent-child anecdotes in Livy's text, Augustus' legislation reveals the necessity of state control and enforcement of parenthood which is absent from Livy's history.

There are ample reasons why Livy must have felt compelled to include detailed stories of family life, both positive and negative examples, in his history. His background primed his sense of traditional behaviour and his experience of the civil war was a catalyst arousing a need to communicate inspirational or cautionary tales from the past. The implications of these stories are even more meaningful when the principles Livy evokes are compared with those suggested and demanded by Augustus' visual and legislative programmes of renewal. The heroes of Livy's past displayed traditionally appropriate behaviour on their own initiative; the author's hope, clearly, was that a simple reminder of these *exempla* should be sufficient to inspire equally noble comportment in contemporary and

future families. But the fact that Livy was never in a position to consider the implementation of legal reforms, and the knowledge that the best examples of family stability and moral rectitude lay in the distant past are perhaps what led him to write his conflicted and dejected statement that the Romans could no longer endure either their vices nor the cures required to heal them.

CONCLUSION: The Optimistic Historian

The preoccupations evident in Livy's *AUC* have as their roots the author's background and upbringing in a morally conservative northern Italian city, his solid grounding in rhetoric both as a philosopher and historian, and the turbulent political events of his youth and early adulthood. The extant work of Roman authors during the period of political transition in the latter half of the 1st century informs us that individuals of the upper orders at least perceived an increase in dysfunction in Roman society, attributing it partially to the chaos caused by civil war. The discourse concerning morality and family relationships continued under the principate of Augustus, much of it with a note of optimism that his program of social and cultural renewal would repair the damage done in the previous generation. Indeed, poetry written under Augustus is predominantly positive about all aspects of the new regime, some expressing a teleological view of Roman history leading up to the principate and the new order.

We have already observed Livy's scrupulous construction of stories about marriages and parent-child relationships and the array of ideals associated with them. He supports behaviour that accords with the traditional parameters of these social structures. The ideal marriage was contracted with the support of the spouses' families, who should be of similar socio-economic standing, and the consent of the bride and groom. The relationship was harmonious and sexually

exclusive and the wife's sphere of activity generally restricted to apolitical matters of home management. Public and religious activity by an honourable *matrona* or *matronae* might, however, be beneficial in the context of preserving peace or supporting the political or military functions of the state. While a couple might confer on matters relating to the family and household, effective power rested with the husband. Parents were to be honoured, obeyed, and respected according to the expectations associated with *pietas*, and parents in turn were to show kindness and fairness towards their children. Men in particular were expected to protect their wives and children even to the death, and by the same token, to be responsible for the behaviour of their family members. The parent-child dynamic was an honourable ideal which might serve as a metaphor for other relationships, such as those between military leaders and soldiers or statesmen and citizens. Where the transgression of one of these ideals is complicated by extenuating circumstances—for example, disobedience by a child to excessively abusive or tyrannical parents, or a parent required by law to take action against a child as a representative of the state—Livy depicts the intricate problem with particular attention and often relates the story's conclusion without resolving the moral ambiguity completely for the reader, emphasizing the need for careful consideration in dealing with sensitive matters of family responsibility.

Many of these themes, such as socially appropriate marriages, *pietas*, and sexual fidelity are the very same issues which received close attention from Augustus. The ideological relationship between the themes of the *AUC* and

precepts of Augustus' regime may be accounted for by the similarities in the cultural background shared by the two men. Augustus' promotion of ideal traditional behaviour was manifested in visual culture, legislation, and the public persona of his own family. The functions of various items of legislation or works of art and the range of emphasis on family-related principles expressed in the *AUC* nevertheless demonstrate important differences in the execution of these ideals. Livy advocated traditional ideals of private morality and marriage customs and patterns, celebrating an almost romanticized view of model families, while Augustus' management of social problems in the state required more practical solutions, encouraged and monitored by centralized authority.

Livy wrote in a period of renewed interest in the traditions governing fundamental social relationships within the family. An undeniably powerful and influential source of authority undertook systematic measures to administer these principles. The ideals of the past, the necessities and unique challenges of the present, and strategies for change that would affect the future of the state converged in this period in an unprecedentedly focused way. As mentioned above, the poets demonstrated an awareness of this convergence and willingness to address it openly. One last question we might ask, then, is whether or not Livy shared the optimism of the poets who praised Augustus and his policies for the most part. The question is not exactly new: scholars have provided depictions of Livy's attitude ranging from hopeless pessimism to a joyous optimism about

Augustus and contemporary Rome.¹ However, I ask specifically whether or not Livy is optimistic about the restoration of ideal family relationships in Roman society under Augustus.

We have already seen that Livy takes comfort in the past, which serves as a kind of escapism from present troubles.² Yet, to write about the past, especially, as he so often does, in terms of emphatic and specific *exempla*, suggests some anticipation that his readers will be affected by the stories they read in the *AUC* and will adjust their behaviour accordingly to be more in harmony with the noble figures of Roman history. Livy's comfort in historiography contrasts with his unhappiness about the present day, although he characterizes peace under Augustus as a privilege bestowed by the gods on contemporary Rome.³ He seems skeptical that *nostra remedia*, presumably measures enforced from above, will alter the people's behaviour or, ultimately, their quality of life, whether or not these *remedia* refer to political, cultural, or social reform.

Perhaps Livy saw the impetus for social change as coming from a collective of individuals exercising self-discipline, motivated by the traditions exemplified in the noble lives of the Roman citizens of old. His persistent and

¹ Optimism: Syme 1959:75; Walsh 1961:10; Woodman 1988:146; see Frier's (1990:462) criticism of this interpretation ("Livy's 'optimism' was, in any case, not an ordinary one"). Pessimism: Syme 1939: 335-6; Walsh 1955:370, Kraus 1994:5-6. The fact that the same scholars speak both of Livy's pessimism and optimism demonstrates the complexities of interpreting Livy's attitude at different points in his history as well as his responses to different aspects of contemporary society.

² Livy is unique in his admission of escapism: Ogilvie 1967:24.

³ Livy's interest in peace: Ogilvie 1967:2.

consistent depiction of exemplary parents, spouses, and children suggests that these examples have contemporary significance in a period of social change, and that he thinks it is possible for individual readers to be inspired to emulate them in their private lives. The knowledge and awareness of successful and prosperous family structures, rekindled as part of a nuanced and powerful literary account of Roman history from the founding of the city, was the best tool Livy could provide to his fellow citizens for repairing the disheartening social breakdown he observed. However, he did not possess the dominant authority necessary to create an environment conducive for the regeneration of society: that macroevolution was set in motion by Augustus through his military and political influence and prowess as he brought an end to the civil wars. Livy responded positively, if perhaps cautiously, to the relatively peaceful era that followed, and with mindful respect for the man primarily responsible for bringing it about. Livy was not as confident, however, that the state could be equally helpful in executing change in the social fabric of the empire by legislating morality. This change, he apparently hoped, would come through the actions of individuals made cognizant of the example of their forebears, and it is this chance on which Livy appears to have pinned his hopes and for which he expended his lifelong efforts and created his *opus magnum*.

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