

THE ROMAN WIDOW: A SOCIAL STUDY

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ABSTRACT

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The object of this thesis is to provide an analysis of Roman widowhood, to determine what the Roman widow did during her widowhood, and to place the widow within the broader social context of Roman society. To this end, legal, literary, and prosopographical evidence is used, and attention is given to determining the widow's legal, domestic, political, and social roles.

The introductory chapter begins by outlining the interest in Roman society over the past two decades, and the particular attention given to the Roman family. It specifies the sources pertinent for the Roman social historian, emphasizes the importance of sub-disciplines (such as the study of Roman law), and comparative historical evidence, and indicates the dangers of imposing our own value system and modern viewpoint on Roman society. A discussion follows of the limitations placed on the study of Roman women by the male-centered and male-authored texts, and notes that the patriarchal and hierarchical norms of the society are reflected in the literature. As a point of departure the mechanics of Roman marriage are examined: how the institution was used to solidify social and political ties; the woman's passive position; and the high rate of widowhood and remarriage due to the age hiatus between husbands and wives.

The second chapter interprets the Roman legal corpus pertaining to widows. A discussion of widows in regard to legacies, children's patrimony, posthumous heirs, the mourning period, charges of infamia, stuprum, and adultery follows. The widow obtained no special legal rights with her status of widowhood; she was a dependent, manipulated figure within the context of Roman law. In

addition, the question of maintenance is not addressed in the legal corpus: no maintenance was provided for the widow until the Christian era, when under the Novellae of Justinian (c. AD 538), she was legally entitled to receive a fourth of her husband's estate. Conversely, the legal sources give much attention to the remarriage of a widow, and the Augustan marriage legislation, which enforced a mourning period of specified length and made remarriage at the end of it obligatory, theoretically compelled the widow to seek a new husband while simultaneously mourning her old one.

The third chapter examines the portrait of the widow in Roman literature (from Plautus in the second century BC to Apuleius in the second century AD). The literary images seen fall into clear-cut stereotypes: the helpless or poor widow, the rich or powerful widow, the merry widow, and the tragic widow. As well, themes in the stories of the Widow of Ephesus and Apuleius' Charite are examined, and the image of the univira is also analyzed. The literary portraits of the widow, drawn by male writers, not only betray patriarchal norms of female conduct, but also reveal an image of the widow as sexual property. The widow was seen as threatening and open to censure if she was a lascivious "merry" widow; but if she was chaste, passive, and faithful to the memory of her husband she was lauded as a model of female behavior. As well as inviting hostility from Roman males, sexual activity on the widow's part may have damaged her chances of remarriage. The expectation that widows will remarry is inherent in the literary sources, even in cases of deep grief, indicating that remarriage of a widow was encouraged in Roman society.

The fourth chapter examines prosopographical evidence. It works within the boundaries of a universe of seventy widows, most of whose lives are known in considerable detail. The legal and literary images are thus tested against the historical evidence. Some demographic conclusions are drawn from the

collected material pertaining to age at widowhood, at what point in the marriage it occurred, duration of widowhood, percentage of widows who remarried, and women widowed more than once. The chapter also examines historical instances of widows and Roman law in the areas of the tutor, dowry, charges of stuprum or maiestas, residence and children, and the question of maintenance. Historical univirae and actual instances of the remarriage of widows are examined in detail: whether the widow remarried at all, and if she did, who arranged her marriage, when she remarried, and how effective Augustan marriage legislation was in compelling her to remarry.

In the fifth chapter, the historical evidence culminates in the examination of the life of Aemilia Pudentilla, the provincial widow of Apuleius' Apology. Pudentilla's life and long widowhood are known in some detail, and specifics from the Apology may be used to illuminate aspects of widowhood seen imperfectly elsewhere, such as sexual comportment, legal status, maintenance, and choice of a husband. The course of her remarriage can also be successfully reconstructed, and the social forces that affected it may be equated with those which influenced the marriages of most Roman widows. Pudentilla's life therefore provides a unique opportunity to reconstruct the life of a Roman widow.

The conclusion summarizes the images of the widow as she is presented in the body of Roman law, in the literature, and in the prosopographical evidence; outlines views on maintenance, sexual comportment, and the mechanics of remarriage; and links widowhood at Rome with other social factors such as heirship and dynamics of family structure.

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ABBREVIATIONS

- CE Carmina Latina Epigraphica, eds. F. Buecheler and F. Lommatzsch.
Leipzig: 1895-1926.
- CIL Corpus Inscriptionum Latinarum, Berlin: 1862-
- ILS Inscriptiones Latinae Selectae, ed. H. Dessau. Berlin: 1882-1916.
- PIR1 Prosopographia Imperii Romani Saec. I. II. III., first edition, eds. T.
Klebs, H. Dessau, P. de Rohden. Berlin: 1856-1931.
- PIR2 Prosopographia Imperii Romani Saec. I. II. III., second edition, eds. E.
Groag and A. Stein. Berlin: 1933-
- RE Real-Encyclopädie der Klassischen Altertumswissenschaft, eds. A.
Pauly, G. Wissowa and W. Kroll. Stuttgart: 1893-

CHAPTER ONE: INTRODUCTION

The history of Roman society has become the focus of intense interest in the last two decades, and the subject of the family in particular has become a major topic of investigation. Studies have been undertaken of such central topics as motherhood at Rome, child-rearing, the mechanics of Roman marriage, heirship strategies, and the composition and structure of the Roman household.¹ Various matters concerning sentiment within the family have also been investigated, such as patria potestas and pietas, with particular attention to the degree of affect present between husband and wife, and between parents and children.² Moreover, some socio-historical studies have been consciously written from a psychohistorical or feminist point of departure.³ This thesis examines widowhood utilizing the Roman legal corpus, portraits of the widow in literature, and studies of actual historical widows.

Knowledge of Roman society depends heavily on Latin literature, and on Greek literature of the Roman period: notices pertinent to the modern social historian are found in the works of historians, poets, satirists, biographers, letter writers, and rhetoricians.⁴ In addition, there is material from documentary papyri, inscriptions, and historical monuments. Because "the questions asked by Roman social historians... tend to be the sort of questions the Romans did not ask,"⁵ historians benefit as well from knowledge of other premodern societies and studies of pre-industrial family structure and life for illuminating their primary materials.⁶ They must also direct attention to separate disciplines and sub-disciplines (such as the corpus of Roman legal material). While comparative studies may help to shed a new or interesting light on antiquity, they should be used with caution; otherwise, Roman historians may find

themselves assuming that "the Romans in all significant ways thought, perceived, and attached meaning to their actions in a manner comparable with their own."⁷ It is important to realize that "we cannot assume people in the past shared our emotional experiences," nor can we use contemporary psychology alone to illuminate past behavior.⁸ Moreover, we must not suppose that the ancients accepted our value system: it is imperative to recognize that our framework of interpretation is based on modern values, so that to talk of "oppressed" women and the movement of "female emancipation" in Roman antiquity is to transfer our own views and ideologies to Roman society. It must be noted that "dramatic swings in social attitudes are hardly to be expected in so static a society."⁹

On the other hand, without the use of some good detective work and a dose of "empathetic imagination,"¹⁰ the study of the family in Roman antiquity is necessarily limited. We learn about Roman women not from women themselves but through the various male authors who all, it seems, especially liked to record tales of scandal and female licentiousness.¹¹ Sepulchral inscriptions are often no help either (beyond providing strictly chronological information), tending as they do to praise the same virtues in every woman: pietas, pudicitia, lanificium. One eulogy (ILS 8394) states bluntly that "praise for all good women is simple and similar... they do not require a diversity of words. Sufficient is the fact that they have done all the same good deeds with the fine reputation they deserve, and... it is hard to find new forms of praise for a woman, since their lives fluctuate with less diversity..."¹² Thus, women as we see them in the extant sources seem to have few personal characteristics to individuate them as people; one virtuous Roman woman is the same as every other virtuous Roman woman, and similarly every immoral woman is the same as every other. Roman

women are portrayed as one-dimensional stereotypes: goddesses or whores. Sadly, we have no records of what the Roman woman herself thought and felt, or whether or not she accepted her position in society.¹³ The overwhelming bulk of evidence is male-authored and male-centered, and depicts women's interests as peripheral to male concerns: the sources often tend to focus on political issues such as war, great military leaders, and the conquest of empire. It was axiomatic in Roman society that women were emotional, irrational, lacking in the detachment of judgement of men. They were "unfit to participate in politics for intellectual, physical, and emotional reasons,"¹⁴ and they were not educated in the law or rhetoric needed to hold public office. Women were mentioned only when their immoral actions attracted the attention of the scandalmonger or when their impeccable virtue merited praise. The historian trying to create a clear picture of the woman in Roman society must engage in a process of 'decentering' the text and 'reading between the lines' in order to perform the painstaking work of "recovering the diverse lives of ancient women."¹⁵

The male bias of the sources reflects the fact that Roman society was hierarchical and patriarchal: universally accepted and defended social norms and taboos demanded that women remain in a clearly defined female sphere of child-bearing and household management, and not venture immodestly out into the male domain of politics, power, finance, and sexual freedom. If women did so they were impugned as viragos, and invited censure from threatened males.¹⁶ If a woman was chaste, however, if she stayed within her delineated sphere and attended to her wifely and motherly duties, she was controllable, and therefore praised for her virtue and moral probity. We must therefore take

into account all the drawbacks of the sources and the social norms of the patriarchal society which the literature reflects.

The subject of this thesis is the widow in Roman society. In order to thoroughly investigate the topic, the characteristics of Roman marriage have to be set out as a point of departure. Roman marriage had little basis in romantic * love or sexual attraction first of all; rather, marriage and the procreation of children were seen as social duties. Marriages in the upper classes were arranged as advantageously as possible: social standing, political power, financial influence, and family background were important factors in negotiating a marriage that could bring valuable political and social contacts.¹⁷ Marriages between families were arranged by the prospective couple's parents (or perhaps by the bride's father and the young man). Romantic love was therefore a negligible factor, both because of the arranged nature of the marriage and rapid turnover due to a high rate of spousal death¹⁸ (although it should not be discounted altogether, as there was the very real possibility of "matrimonial devotion after marriage"¹⁹). Although a woman's consent was formally required for a marriage to occur, it did not necessarily follow that her feelings were consulted or her opinion solicited. Women were spoken of in passive terms: everyday language emphasizes the woman's inactive role. "Her father betrothes her, despondet; she is desponsa or desponsata." The promise made by her father is given to the suitor or his father...²⁰ Marriage in elite Roman society was a political tool utilized in pursuit of a network of political and social contacts; "matrimony stood in close nexus and relevance to a senator's advancement, (furnishing decus ac robur."²¹

The nature of the arranged marriage, an easy process of divorce, and the high incidence of spousal death in Roman antiquity facilitated the

discontinuance of old or politically disadvantageous alliances for the formation of new kinship ties. "Divorce, widowhood, and remarriage had implications and repercussions that none of the family members could afford to ignore: marriages brought social and political benefits to all."²² And widowhood particularly increased the chances of multiplying family ties: young widows who had shown proof of their fecundity were especially valuable pawns in their relatives' matrimonial strategies.

Roman women tended to marry in their middle to late teens (earlier if they were from the upper class), while men married in their late twenties (again earlier if they were of the nobility).²³ Thus, the age hiatus between husband and wife at the time of first marriage made widowhood a very likely possibility for perhaps the majority of women, and produced a high proportion of young widows. Widows (especially young widows who had had children) tended to remarry after the death of each husband, some two or three times in succession. This "serial monogamy" or "serial remarriage," well-attested in the late Republic, was given legal enforcement in the Augustan marriage legislation of 18 BC and AD 9.²⁴ It was customary for a Roman woman to keep her children with her after the death of her husband (whereas in the case of a divorce the children would remain with their agnatic relatives). When the widow remarried she took her children into her new husband's household (where his own children might well be living). Kin networks, the stable 'nuclear' family, and heirship strategies became remarkably complex when widowhood and remarriage intervened.

Given recent interest in both Roman social history generally, and Roman women and Roman marriage in particular, it is surprising that no detailed studies of the Roman widow have been written, but merely cursory paragraphs or scattered references in studies of other family topics.²⁵ This is true also of

much of the comparative evidence for other premodern societies.²⁶ It is even more striking when we consider that the severe demography of antiquity made widowhood extremely probable for almost every Roman woman at some point in her life. The object of this thesis, then, is to provide an analysis of widows and widowhood within Roman society: material on the legal, domestic, political, and social roles of the widow is collected and presented, and some conclusions are drawn about how the widow functioned in Roman society as a whole. These conclusions will necessarily be provisional, however, in view of the paucity of evidence for the life of any individual Roman woman, the problems posed by male-authored texts, and the fact that the material is chronologically disparate and does not form a coherent progression through time.

Vidua, the Latin word for widow, is not a noun in and of itself, but rather a substantive: it is the feminine form of the adjective viduus, which means 'alone' or 'bereft.' It came to mean 'alone' or, more specifically, 'manless', and care must therefore be taken when examining the sources, because vidua can refer not only to women who have lost their husbands through death, but also to young unmarried girls, or divorcees.²⁷ There are many images of the Roman widow to be found in the Roman sources, some which corroborate and some which contradict each other; but studied together they give not only a composite and well-rounded picture of the widow, but a sense as well of the ideals of female behavior, the social paradigms and expectations concerning remarriage in Roman society.

The second chapter presents and interprets the body of law pertaining to Roman widows (from 18 BC to AD 238). It examines the Augustan legislation on remarriage and inheritance, ordinances against stuprum, passages on usufructs, ius habitatio, legacies of household goods for the widow's use, and

the regulations regarding posthumous children. Although there is no Roman "law of widowhood" as it might be said for Roman slavery, there is enough evidence to elucidate the widow's legal identity. The widow had no more legal rights than any other Roman woman (that is, she had no rights specific to her widowhood), and it may be noted that a crucial aspect of widowhood (regardless of time) is omitted from the legal texts-- the question of the widow's maintenance. It seems that the widow was essentially the responsibility of her natal family: she was not legally entitled to any part of her husband's property if he died intestate, nor did she receive public maintenance, until Christian religious influence made the question of support an issue of central importance. The Roman widow was dependent solely on the return of her dowry for her sustenance and/or the aid of her natal family, her grown sons, or her husband's relatives.

In the third chapter the widow as seen in literary texts, from Plautus to Apuleius, is examined. The 'poetic' depictions of the Roman widow fall into several discrete images, images which illuminate the cultural ideals of a widow's behavior in Roman society. The figures of the helpless widow and the tragic widow betray social paradigms just as plainly as the 'inverted norms' of the rich widow, the powerful widow, and the merry widow, which serve both to delineate and accentuate Roman ideals by their very opposition to them.²⁸ Again, these images and ideals are male-created and male-perpetuated, and have an inherent social bias: our picture of the widow is the one seen through the eyes of the upper-class Roman male. The widows we find portrayed in the literary texts, however, are not drawn only from the elite (as is the case with actual historical widows): some are from the slightly less elevated levels of Roman society such as the equestrian order or the decurial class; the Widow of

Ephesus, for example. The last stereotype examined in the second chapter is that of the univira: the woman who did not remarry after the death of her first husband, but remained faithful throughout her life to his memory and their union. This cultural paradigm betrays several ideals inherent in Roman society, and was so deeply embedded in the Roman collective consciousness that not even Augustan legislation penalizing the unmarried could uproot it.

In order to test the images of the Roman widow presented in the literary and legal texts, the lives of actual historical widows have to be examined. The fourth chapter works within the boundaries of a universe of some seventy historical widows, whose lives are known in toto or in considerable detail. It discusses the themes of the duration of widowhood, widows and the law, imperial politics, sexual comportment, family relations, and the domestic sphere. The widow's potential for assertive action and the instances in which she did indeed act independently are also examined. Portrayals of historical widows, it should be noted, were sometimes couched in poetic language and therefore embrace some of the aspects of the literary ideals found in the second chapter, so some overlap of the two is inevitable. Notwithstanding the poetic treatment on occasion, there is still much in the literary and legal texts which corresponds to actual widows.

Finally, the fifth chapter analyzes the life of one provincial Roman woman whose life and activities are best documented of all: the widow Aemilia Pudentilla, known from Apuleius' Apology. Pudentilla's is the only detailed case history of widowhood over time that we possess, and it is complex: many themes seen imperfectly in preceding chapters are clarified in this presentation. Factors such as wealth, residence and children, and negotiation of remarriage can be examined in detail; and, conversely, the inadequate portions of the

Apology may be substantiated from other legal or literary sources. The interplay between law and the actual workings of Roman society, the importance of the kin network, and the pressure to remarry exerted on the widow by family members are also discussed. The final chapter demonstrates that the study of Roman widowhood is clearly linked to other important social factors in Roman antiquity: the internal dynamics of the Roman family, heirship strategies, and the importance of marriage in Roman society, in which the the Roman widow might often be a marital pawn.

NOTES TO CHAPTER ONE

- 1) On Roman motherhood, see Hallett (1984): 211-62, and Dixon (1988). On children and child-rearing, see Manson (1983); Golden (1988); Wiedemann (1989); and Bradley (1991): 37-75; 103-124. On Roman marriage see Treggiari (1982, 1984, 1991). On heirship strategies, divorce and adoption, see Corbier (1991a, 1991b, 1991c). On the structure of the Roman family, see Rawson (1986): 1-57; and especially Bradley (1991): 125-204.
- 2) On patria potestas see Saller (1986) and Lacey (1986). On pietas see Saller (1988). For a discussion of the level of affect between spouses, see Hallett (1984): 219-43; and Bradley (1984): 490-92; (1991): 177-204. On the affect (or lack thereof) present between parents and children, see Bradley (1986): 201-29 and Golden (1988).
- 3) For a study of M. Brutus from a psychohistorical approach, see Africa (1977-8). For feminist studies of Roman women, see Bond (1979); Hallett (1984); Culham (1990); and French (1990).
- 4) Treggiari (1975): 149.
- 5) Treggiari (1975): 149.
- 6) Treggiari (1975): 161.
- 7) Hopkins (1965): 125. Stearns ([1985]: 823) notes that "the assessment of premodern family styles is complicated by a time bound reaction to practices

that in our culture denote a lack of proper feeling." Treggiari ([1975]: 160 reminds us that "in 1955 when Marcel Durry set out his evidence for holding that pre-pubertal consummation was considered normal by the Romans, his thesis was repugnant to some scholars who refused to believe that Roman aristocrats could have accepted a practice so shocking to modern Europeans."

8) Stearns (1985): 823.

9) Marshall (1989): 38.

10) Hopkins (1978).

11) Finley (1969): 130.

12) Trans. Forbis ([1990]: 493). `quibus de causeis quom omnium bonarum feminarum simplex similisque esse laudatio soleat...varietates verborum non desiderent, satisque sit eadem omnes bona fama digna fecisse, et..adquirere novas laudes mulieri sit arduom, quom minoribus varietatibus vita iactetur..."

13) With the exception of the poetess Sulpicia (born before 43 BC). See Treggiari (1991): 208-10.

14) Gratwick (1984): 40.

15) Pomeroy (1991): xv.

- 16) See Kaplan (1979). One example of a widow who strayed far out of the female sphere was Agrippina Minor. As mother of the emperor Nero, she offended her son by too strict surveillance of his words and acts, was angered by his choice of a bedmate and incensed at his marriage (Suet. Nero 34; Tac.Ann. 13.13, 14.1; very similar to the widow Julia Mamaea's character after her son Severus Alexander became emperor: arrogant, power-hungry, and jealous; SHA Vita Alex. 6.1.5, 6.1.9). After Pallas was removed from the position of a rationibus, Agrippina "rushed headlong into a policy of terror and of threats" and in AD 59 Nero had her killed (Tac. Ann. 13.14).
- 17) Bradley (1991): 157. Gratwick ([1984]: 33) tallies all the advantages Cicero's daughter Tullia would bring to a husband: "a substantial dowry, a valuable connection with a senior politician and the undisputed master of the law courts, and credibility and credit at the moneylenders' offices."
- 18) Bradley (1984): 491.
- 19) Treggiari (1991): 187
- 20) Treggiari (1982): 36. Hallet ([1984]:136) reports that "all elite Roman fathers appear to have expected... their daughters to act in accordance with their own wishes (Klapisch-Zuber [1985: 126] writes of fifteenth- century widows acting in "abject submission to the demands of their kin"). In some cases, the elite daughter is merely a link, whose interests and needs are ignored in favor of her father's and husband's pursuit of a vast network of kinship

alliances. For example, Marcia, wife of Cato, was divorced by her husband when only twenty-five (she was pregnant at the time) and immediately married to Q. Hortensius (56 BC; Plut. Cato Min. 25.5f) Both Cato and Marcia's father agreed to this; Marcia's feelings in this situation are not considered. In fact, she is not even mentioned in the marriage negotiations. When Hortensius died in 50 BC, "since [Cato's] household and his daughters needed someone to look after them, he took to wife again Marcia, now a widow with great wealth, for Hortensius on his death had left her his heir." Caesar accused Cato of "lending out Marcia when she was young, that he might take her back when she was rich." In the midst of these complicated marital strategies, Marcia must have felt she had no real control over her own life.

21) Syme (1984): 1236.

22) Bradley (1991): 184

23) Hopkins (1965); Saller (1987b); Shaw (1987). The wide age discrepancy between husband and wife was also the case in Greece (Hunter [1989]: 291).

24) Bradley (1991): 129. The refusal of one widow to participate in serial remarriage had drastic consequences: when Claudia Antonia refused to marry Nero after his wife Poppea's death he had her executed.

25) Rawson (1986): 31-32; Dixon (1988): 169-79.

- 26) For example, Kettle (1984); Prior (1985): 54-92; Hill (1984): 133-136; Macfarlane (1986): 231-39.
- 27) See further below, p. 17. It is interesting to note that vidua is also a horticultural term: it means a vine not trained to any tree, one which stands alone (Cat. 62,49: `ut vidua in nudo vitis quae nascitur arvo') or conversely the word is applied to trees which have no vines (Hor.C.4.5.30: `et vitem viduas ducit ad arbores').
- 28) Stearns ([1985]: 830) writes that literary portrayals of emotion "may reflect the dominant emotionology" of the historical period in question; i.e., "the attitudes or standards that a society...maintains toward basic emotion and their appropriate expression" (813).

CHAPTER TWO: THE IMAGE OF THE WIDOW IN ROMAN LAW¹

Constructing an image of Roman widowhood from the legal sources is a dangerous task, because the extent to which the law accurately reflects the society which created it first must be determined. The Digest is a sixth century compilation of excerpts from much earlier Roman laws, hence "the law in some instances may be partial or unclear; it may be distorted or unbalanced, and therefore its historical reliability may be called into question."² One suspects that certain texts in the Digest merely concern fine legal points. There is no foolproof way of deciding whether an item jurists discuss was an item that had to be dealt with, or a mere anomaly introduced for academic reasons."³ It must be remembered, however, that law in general is meant to serve what a given society conceives as its interests.⁴ Celsus remarked: "for the law ought rather to be adapted to the kinds of things which happen frequently and easily, than to those which happen very seldom."⁵ It is difficult to believe that Roman law could have been completely divorced from the very real concerns and situations of Roman society: "the law did not, surely, exist in a social vacuum."⁶

The legal evidence also suffers from a chronological handicap. The contents of the Digest arise from jurists living in the Antonine and Severan eras, who in turn extracted laws from still earlier legal authorities. "But... it is questionable to what extent their evidence should be taken out of chronological context;⁷ that is, do the jurists in the Digest necessarily provide historical evidence for the central period of Roman history? It would be expected that the Digest lawyers would select from the earlier laws the ones most applicable to their own time and circumstances.

Another problem arises when we consider that Roman law was written by members of the upper class, and thus displays an inherent tendency to look to the interests of the propertied social sector. The law is very conservative in outlook, and, because it is aimed at the wealthier members of society, its main concern is property. The widows referred to in Roman law are, therefore, mainly well-to-do, of the Roman upper classes. Examples of widows from the lower echelons of society are rare.⁸ This social bias inherent in the sources in turn gives us a somewhat distorted image of the widow in Roman law. However, with consideration for its limitations in mind, "the law may reasonably be used as an index of Roman social behavior and relationships."⁹

The first problem which arises in the corpus of legal material is the very meaning of the word vidua, normally translated as 'widow.' Labeo (c. 15 BC) defines a widow thus:

one calls a vidua not only someone who was once married, but also a woman who never had a husband, because the term 'bereft' derives from the fact that the person is, as it were, destitute of reason, insane, without sense or sanity. Likewise, the name of 'widow' derives from the fact that she is alone.¹⁰

Vidua is simply the feminine form of the adjective viduus, meaning, as Labeo indicates, 'bereft', 'deprived', 'without'. Thus, vidua can mean not only a woman whose husband has died, but also simply a woman who has never been married or who is a divorcee. The term vidua in Roman law must therefore be approached with caution. It may not always refer to a widow.

I.

The most frequent references in the Digest to viduae (where the meaning is clearly 'widows') occur in relation to testamentary conditions imposed by the late husband. The conditions impose widowhood either in perpetuity or for a restricted length of time; define who the widow may or may not remarry; and stipulate what becomes of her property if she does remarry. The earliest reference we have to such activity is the Lex Julia Miscella: found in the Lex Julia de maritandis ordinibus of 18 BC.¹¹ With a view to procreation, the Lex Julia Miscella permitted childless widows to marry again, even where their husbands had left them a legacy on the condition that they not marry a second time, and "even where the woman married within the year the law authorized her to take what was bequeathed to her."¹² Under the Lex Julia Miscella, the childless widow was allowed to escape testamentary control if she pleaded remarriage for the sake of begetting children. Under Augustan legislation as well, a widow could not legally inherit more than a tenth from her husband unless they had common children (she might take a certain amount if she had children by a previous marriage), unless he left her the legacy as a fideicommissum.¹³

The widow might be directed whom to marry or whom not to marry in her former husband's will, forfeiting her legacy if she disregarded the testamentary clause. Gaius (c. AD 150) states:

"In the event of a legacy 'if she does not marry Titius,' or 'Titius, Saeuius, or Maeuius,' and, generally, if several persons be included, the rule has become rather settled that should she marry any of them, she would lose the legacy; this is not regarded as imposing a condition of widowhood; for she could make a quite satisfactory marriage with someone else.¹⁴

But there might also be a positive enjoinder in the will: the widow might only be able to claim her legacy `si Titio nubserit'; that is, if she married a specific individual.¹⁵ Gaius goes on to state that she must honor the condition if she is to inherit, unless she can prove the man is dishonorable (indignus) and marriage with him would demean her.¹⁶ If this were the case, "it should be said that the law allows her to make any marriage she likes."¹⁷ Gaius, however, disagrees, stating that a woman directed to marry Titius is forbidden to marry anyone else; thus, if Titius is unworthy, "the situation will be as though the directed her not to marry at all."¹⁸ Papinian (c. AD 200) brings up an interesting case: "One hundred was bequeathed to Titius to take to wife the widow Maevia."¹⁹ The testator is not named, but was probably the widow's late husband. If so, the restriction is binding not only on the heir, but also on the testator's wife. Papinian writes of a similar case:

Titia was left two hundred if she did not marry; one hundred if she did; she married. She may claim two hundred, but not the further hundred; it would be absurd that the same woman should acquire both as widow and wife.²⁰

Again, the testator is not specified, but it looks as if the widow's late husband was inducing her not to remarry by means of financial reward.

In addition to directing whom the widow could or could not remarry, some testamentary conditions indicate when she could do so. Julian (c. AD 150) dealt with the issue of whether a woman could take the legacy of her late husband if she remarried `away from their children' (i.e., if her new husband did not want her children living in his residence).²¹ Julian believed that she could. But he said that if the will read, `si a liberis impuberibus ne nubserit,' she could not

remarry until her children were of age, for `care of the children rather than widowhood is enjoined.'²²

Sometimes a testamentary condition dictated what would become of a widow's property should she remarry. Paul (c. AD 215) describes a situation in which:

A woman was left the legacy of the usufruct of a slave, so long as she was a widow. The same slave was directed to be free if the woman should marry. If the woman did marry, the slave would be free for freedom prevails over the legacy.²³

Again we see a material reward offered to remain a widow, probably proposed by the woman's husband. Such examples of testamentary control of widows by their late husbands, encouraging widowhood through financial inducement or penalty, seem strange given the fact that remarriage was unarguably common in Roman antiquity. In these cases of testamentary conditions, we find a twofold problem in the phrase `si [illa] non nubserit.' The first is a logical difficulty: the widow cannot qualify for the legacy until she dies unmarried. In a case such as that of the Lex Julia Miscella, the widow could nullify the enjoiner "if she does not marry" by giving a guarantee (cautio) that she would not marry again, and so accept the legacy; Julian agrees that this should be done "in the case of other conditions which likewise cannot be performed until the end of the party's life."²⁴ The process derived from the Cautio Muciana of the last half of the second century BC,²⁵ in which the widow was granted the legacy after giving a cautio that she would not remarry (forfeiting the legacy if she did so).²⁶

The instances of testamentary control in the Roman legal corpus indicate to some degree a presumption of remarriage on the part of the widow. An early

legal reference to widowhood is found in Alfenus Varus (consul suffectus in 39 BC; epitomized by Paul):

'Let my heir give one hundred each year to my daughter, every time she is widowed.' It is asked whether, if the daughter had been a widow for less than a year, the one hundred nevertheless were owed to her. He replied that he thought they were, notwithstanding the fact that a full year had not yet elapsed.²⁷

The relevant phrase here is 'quotienscumque vidua erit' ("every time she is widowed"), which certainly suggests that widow remarriage was frequent in Roman society. As noted above, the early marriage age for women (early to mid-teens), and the late marriage age for men (early to late twenties), made widowhood demographically very probable at some stage of every Roman woman's life,²⁸ and the age gap between husband and wife guaranteed that many women would be widowed at a young age. It was not unusual in fact for a woman to be widowed two or three times in her life, as we will see in Chapter three.

However, testamentary control of widow remarriage gives rise to a second problem. The phrase 'si non nubserit' came into direct opposition to Roman statutory legislation, when the Lex Julia de maritandis ordinibus of 18 BC compelled widows up to the age of fifty to remarry at the end of one Roman year, after a compulsory period of ten months' mourning had ended. This was modified by the Lex Papia Poppea of AD 9, which extended the mourning period to two years. Widows who did not remarry within the statutory time limit were subjected to various penalties, mainly a ban on receiving legacies under wills, except from relatives up to the sixth degree.²⁹ Marriage allowed the woman to take half the legacy, and the whole as soon as a child was born and

survived in the new marriage. Unmarried persons were also subject to taxation. The Gnomon of the Idios Logos in Egypt says that women with patrimonies of more than 50,000 sesterces, without husbands or children, could not receive inheritances, and unmarried women with over 20,000 sesterces were subject to a one percent tax. However, which of the provisions of the Gnomon stem directly from the Augustan laws and which from later modification is uncertain.³⁰

Of the Augustan family legislation, one historian writes that: "[it] did not shrink back from forcing, with draconic rigor, divorced wives or widows to contract a new matrimony... Augustus made the weight of his family laws felt most where those affected by them were most responsive [i.e., in the area of inheritances]."³¹ Although Augustan legislation was in all probability merely legalizing social conventions already in existence,³² one wonders how the laws were actually enforced. Even if "the system of rewards was far less consequential for the life of the society than [the system of penalties],"³³ how did legislation actually compel a widow to remarry? She was still allowed to accept legacies from family members to the sixth degree (the second cousin) if unmarried; unless she wished to accept a legacy outside this circle she could remain a widow indefinitely. The strong social expectation of remarriage in Roman society, and the probable pressure put on the widow by her family and friends, would be far more effective in inducing her to remarry than Augustus' laws.

In view of the evidence on testamentary control, then, the widow emerges as a manipulated being, whose personal freedom was severely restricted. Testamentary conditions in her late husband's will could (in theory) impose widowhood in perpetuity, and could direct whom the widow could or could not remarry. How often these restrictions were imposed is unclear: their existence

could merely denote intense legal debate over possibilities. However, theoretically the widow could be placed in a situation which contravened the Augustan marriage laws: if the widow did not remarry, in accordance with her husband's will, she was subject to the penalties imposed on unmarried persons by imperial legislation.

II.

Since widows are known to have remarried as a matter of course, it seems absurd that a man could reasonably expect his widow not to remarry, especially after the passage of Augustus' laws. But what prompted the expectation? It seems that the principal reason for imposing testamentary conditions on widows was the husband's fear for the safety of his children's patrimony: if the widow contracted a second marriage, she might bequeath the patrimony to her new husband or (more importantly) to the children she had by him, and thereby disinherit the children from her first marriage. Ulpian wrote that undutiful wills (i.e., wills in which the next of kin were groundlessly disinherited) were 'common.'³⁴ Gaius stated:

Parents should not be allowed to treat their children unjustly in their wills. They generally do this, passing an adverse judgement on their own flesh and blood, when they have been led astray by the incitements or blandishments of stepmothers.³⁵

Gifts between husbands and wives were forbidden by law (hence the widow could not simply hand over her children's property to the new husband, should she wish to); thus the children of a first marriage could lose their patrimony only if their mother bequeathed it away from them, either to her second husband, or

to any children by him. Apparently this was not a groundless fear, judging from the number of references to the practice in ancient literature.³⁶

Regard for children's patrimony was still pronounced in the late imperial era. The Lex Julia Miscella was rescinded by Gordian III in AD 242: if the widow failed to comply with the conditions of her husband's will, she could under no circumstances claim her legacy. But the original law was reinstated under Justinian in AD 531.³⁷ The concern for the children of the first marriage is evident earlier: in AD 463 Severus Augustus decreed that the widow only had the usufruct of her betrothal gifts, and that she could not alienate them from her children. Justinian ruled in AD 531 that the widow possessed only the usufruct of her husband's estate; the title lay with the children of the first marriage.³⁸

Thus, children were significant within the context of widowhood because of concern for the patrimony, especially if the widow found herself pregnant by her late husband. Paul (c. AD 200) wrote that a man could institute as heir a posthumous child from any woman who might be his widow.³⁹ He also wrote that anyone who was heir to a man's estate might have the pregnant widow examined (inspicere ventrum) and the delivery watched (custodire partum).⁴⁰ If a widow found herself pregnant, Ulpian writes, she had to notify those 'in whose interest it is that she does not have children,' i.e., her husband's heir or whoever had been instituted heir along with a posthumous child.⁴¹ The widow must be examined by five freeborn women to determine pregnancy, and she must notify her husband's heir thirty days before the birth. She must give birth in the house of a respectable woman (honestissimae feminae),⁴² to which all entrances but one must be blocked up. The people observing the birth (three freeborn men and women) might search anyone who enters or leaves the room, and there must be plenty of light, for "darkness is better suited to the substitution of a child."⁴³ All these precautions must be taken to ensure there was no

substitution for the heir, "so that the dignity of social classes and families can be preserved."⁴⁴ The widow might not even keep her child: the Digest states that "the child is to be brought up by whomsoever its father directs to do this. If the child's father gives no instructions on this, or the person chosen will not take care of him, he will be brought up by someone appointed by me" [the praetor].⁴⁵ Note that the person who is to raise the child is a male (educator= foster father), probably an agnatic relative. This is significant in view of the fact that widows often kept their children; only when the marriage was dissolved by the mother's death or by divorce did the children normally remain with their father or their father's family. Furthermore, one wonders how often the examination of a pregnant woman and the observation of delivery actually occurred; there would in all likelihood be more concern for the heir of a wealthy family than of a humble one.⁴⁶ However, substitution is "a substantial concern of the law... and apparently sufficiently common that it might be used as a credible charge to disqualify an heir by jealous relatives."⁴⁷ If an heir was proven to be a substituted child, the will was nullified and the rules of intestacy applied (i.e., inheritance by the man's agnates).

III.

The fundamental reason for the enforced mourning period of one year seems to have been biological: if a widow, pregnant by her first husband, remarried before she gave birth, sexual intercourse with her new husband would cause turbatio sanguinis ('confusion of the blood'): the foetus would have two fathers, a fact which would in turn cause problems over paternal inheritance. This is why enemies of the state must be mourned, writes Ulpian (see below), and why Neratius thinks widows ought to be able to marry immediately after giving

birth.⁴⁸ This is further corroborated by the fact that husbands did not have to mourn for their wives.⁴⁹ The extended mourning period of two years provided by the Lex Papia Poppea perhaps reflected a common perception of what a widow ought to feel: Ulpian cites Cinna for the opinion that even if a marriage had not been consummated, the woman ought to mourn for the dead man as her husband.⁵⁰ If she married within the statutory mourning period, she incurred infamia that is, "the consequence of conviction in certain civil suits and (probably) all criminal trials; Roman society dreaded the loss of overt esteem (existimatio dignitas) exceedingly."⁵¹

Neratius (c AD 125) is the earliest extant jurist on the subject of the widow and infamia. He wrote that if a widow married within the compulsory mourning period she incurred infamia, even if her husband was a man not customarily mourned by the state: "it is not customary to mourn enemies of the state, men found guilty of treason, those who have hanged themselves, or men who have committed suicide not out of weariness of life but through a guilty conscience."⁵² This was out of regard for turbatio sanguinis. Julian wrote that a widow would incur infamia if she married before mourning for her husband was completed. If she was in potestate at the time she married, the man who gave her in marriage also incurred infamia as well as the new husband who "knowingly married her."⁵³ If the man who married her was in potestate, the man who ordered or allowed him to marry incurred infamia. Ulpian agreed with this. In the late imperial era, marrying within the prescribed year carried with it not only a charge of infamia but also financial penalties, especially if the widow had children by her former husband. She must give up any inheritances, legacies, or trusts left to her by her first husband, as well as any property. These passed to her husband's heirs or co-heirs.⁵⁴ The same applied if a woman who was guardian of her children married a second time (forgetting "the respect due

to her deceased husband"⁵⁵). A widow need not wear mourning once her grief had abated, but she still could not contract a marriage within the mourning period without blemish to her reputation.⁵⁶ However, under the Principate and even later, a widow could marry during the mourning period if she obtained imperial dispensation.⁵⁷

Note that although the widow was compelled to observe the mourning period, she incurred a legal penalty if she did not marry at the end of it. Thus, in theory, antagonistic demands were made on the widow: she must mourn her former husband, and at the same time she or her relatives must contract another marriage. But, as seen already, the laws could not "force" any widow to remarry; there was merely a ban on receiving legacies outside the sixth degree if she did not.

However, what if a widow remarried, and it was discovered that her first husband was still alive? Papinian (c. AD 200) based his judgement on the widow's ignorance: if she was 'led by false reports' ('falsis rumoribus') and was genuinely deceived, and if there was no evidence of sexual activity on her part before the second marriage, Papinian ruled she not be charged with adultery. But if the supposed death of her husband furnished her with an excuse to marry again (i.e., if the widow had embarked on a love affair) then the couple would be charged with adultery.⁵⁸ How often did a situation of this sort actually occur in the ancient world? Given the absence of efficient means of communication, perhaps more often than one would imagine. A woman whose husband was killed, for example, in one of the provinces while serving as a soldier, legionary legate, or commander, would likely not hear of his death for some time. Ulpian wrote that the time of mourning for a husband began from the day of the husband's death; even in the case of a woman who did not know her husband had died.⁵⁹ If the woman learned of her husband's death after the statutory

mourning period had elapsed, she was to wear mourning for one day, presumably as a symbolic token of grief.⁶⁰ In late antiquity, Justinian ruled that wives of soldiers be compelled to await their husbands' return no matter how long they were absent. If a woman heard her husband was dead, she had to obtain proof of this from the first chartularies of the division in which her husband had served, and then wait a further year before contracting a second marriage.⁶¹ There is nothing comparable to this in classical Roman law.⁶²

IV.

The jurists presume that the widow who used reports of her husband's death as an excuse to marry again had embarked on a love affair; an assumption of sexual activity on the widow's part. Augustus' Lex Julia de adulteriis coercendiis of 18 BC made adultery and stuprum ("corruption") criminal offenses, and brought them out of the sphere of the family tribunal and under state jurisdiction. Papinian (c. AD 200) defined the distinction between adultery and stuprum thus: adultery was committed with a married woman, stuprum with a virgin or widow ('stuprum vero in virginem viduamque committur').⁶³ Modestinus wrote that stuprum was perpetrated against a widow, virgin or boy ('in vidua vel virgine vel puero committur').

Although the formal charge against a widow was stuprum she could be accused of adultery committed during a former marriage. Julian wrote that if the woman whose adultery is at issue is a widow, the accuser may charge her first if he wishes (in cases of adultery an indictment was usually brought against the man first), but if the widow has remarried the accuser must denounce the man before the woman.⁶⁴ Ulpian agreed with this: if the woman 'continues in her widowhood' the accuser may charge the widow first; and a widow may be

accused of stuprum up to six months from the day of the offense.⁶⁵ Papinian made reference to charges of adultery against a widow who had remarried: if a widow put forth the age of her (posthumous) infant son to refute these charges Papinian moved the case not be dismissed: for although the child might be legitimate it was still possible for the woman to have committed adultery.⁶⁶

There are other scattered references to widows in the legal corpus connected with sexual offenses. For instance, the law forbade adultery in the house of a materfamilias whether she was "married or a widow" (*`mater autem familias significatur non tantum nupta sed etiam vidua'*⁶⁷). In the case of a father permitted to kill his daughter caught in adultery, Papinian thought he had no special right of accusation over a daughter who was a widow.⁶⁸ A husband could punish adultery in a wife who was a prostitute even though, were she a widow, stuprum might be committed against her without penalty (while a prostitute was married she came under the adultery law with other women).⁶⁹

Despite the number of references in the Roman legal corpus to widows and sexual comportment, there is no way of determining how far the laws went in actually restraining the sexual activity of widows.⁷⁰ In the absence of a public prosecutor at Rome, one wonders how the law itself was actually enforced; a charge of stuprum would have to be brought by an interested third party, or by a delator (an informer).⁷¹ The charge would also apply in the case of a casual sexual affair, with, for example, one of her male slaves, in which the widow was not sufficiently discreet. It should be noted that although the jurists assumed the possibility of sexual activity on the widow's part, she was expected to remain chaste, in accordance with Roman social convention. This suggests that widows, although sexually liminal because they were neither matrons nor virgins, had no more sexual freedom than young unmarried girls, a view partially confirmed by the title of a later Christian law, *`de raptu virginum vel*

viduarum.⁷² We see, then, a definite social/ sexual stereotype beginning to emerge from the legal context: continence within the boundaries of widowhood.

V.

If the sexual freedom and the financial capacity of Roman widows was circumscribed by social convention, was there in reality a possibility of greater personal freedom, since the widow was independent of conjugal and parental control? Like all Roman women, widows were required to have a tutor (guardian) to oversee any legal transactions they wished to make (such as drawing up a will, or alienating property). In the imperial period, all women were legally unable to act without a tutor, unless they had the requisite number of children - three for a freeborn woman, four for a freedwoman- and were thus exempt from tutelage under the ius trium liberorum. A husband could appoint a guardian for his wife (in manu) in his will, or he could let her choose either from a list of possible candidates he supplied, or else allow her to make her own choice.⁷³ The widow could choose her guardian for all purposes, or merely on an ad hoc basis. However, the function of the tutor was largely symbolic. Claudius abolished the automatic guardianship of agnates over women (these were the relatives who had the strongest economic interest in the patrimony, since the property of the deceased reverted to the agnatic line). A woman could apply for a substitute guardian, or have her tutor replaced permanently, and in any case the tutor could be compelled by law to give his consent. The rich woman who was truly sui iuris (i.e., all the male relatives who could exercise control over her were dead) probably did not give her tutor excessive deference. Evidence from Cicero shows that already in the first century BC the tutor had very modest powers.⁷⁴ "It was a matter of personalities and moral

authority rather than the law of statutes."⁷⁵ The wealthy widow who was sui iuris was in a position therefore to exercise a great deal of control over her financial and personal affairs.

VI.

Still within the area of economic concerns, in addition to drawing up wills and alienating property, many of the legal texts pertaining to widows and widowhood concern the widow's dowry. The dowry was given at marriage to the husband to help sustain the burdens of matrimony, and it was recognized that it should be available, upon the husband's death, either for the maintenance of his widow, or to enable her to make a second marriage. The widow's dowry could be legated to her outright by her husband, or she could bring legal action (an actio rei uxoriae) against the heir for its recovery. Javolenus (c. AD 100) writes, "where a husband makes a relegatio of dowry to his wife, it is held that he bequeaths her as much as the wife would be able to claim in a judgement for the dowry."⁷⁶ If her dowry were legated to her, the widow could claim immediate payment from the estate, and her husband's heir could not retain any part of the legacy. If she brought an actio rei uxoriae against the heir, Paul (D. 24.3.15) maintained that the heir could retain some of the dowry for "gifts, or the removal of property or expenses."⁷⁷ However, the heir could retain nothing for charges of immorality against the widow (retentio propter mores); up to one sixth of the dowry in a divorce could be held back for this reason. Nor could the heir claim anything in consideration of the children of the marriage (retentio propter liberos); one sixth of the dowry per child (up to half the dowry) could be held back for this reason in a divorce.⁷⁸

On one level the dowry can be seen as a source of financial aid for the widow. This brings us to the question of what maintenance was provided for the Roman widow when her husband died. The state made no provision for her whatsoever, nor were there any strong religious convictions that rendered support for the widow an issue of central importance. The widow was financially dependent on whatever her husband had decided to leave her, on the return of her dowry, on her natal family, and on any wealth which was her own. If her husband died intestate, his property passed to his nearest agnate, and the widow might find herself reliant on her adult son or brother-in-law for her material well being (she could then bring a querela inofficiosi testamenti, a complaint of unduteous will, as seen above). However, the legal evidence suggests that the widow was often legated property, or a usufruct of it, as well as moveables for her support. Modestinus (d. AD 238) referred to the widow with regard to the legacy of a house:

A husband is never held, because he legated furniture in his will, to have legated the right of habitation in the dwelling where the furniture was. Therefore, there is no doubt that in claiming the right of habitation for herself the wife is acting against the intention of the deceased.⁷⁹

The husband could legate a usufruct of property to his wife instead of willing it outright: Mela (c. AD 10) wrote: "if a farm included in the dowry had been rented out by the husband for a fixed term, the wife can receive the legacy only if she gives a cautio that she will allow the tenant to enjoy the farm, provided that she herself receives the rent."⁸⁰ Pomponius is cited by Ulpian: if the legacy of the use of a house were left to a widow, and she remarried after the right had been created, could she live there with her new husband? Pomponius was of the

opinion that she could, and moreover could even live there with her father-in-law. Papinian agreed.⁸¹

In addition to a house or its usufruct, the husband might also legate moveables to his wife: supellex (furniture, crockery, household textiles) and penus (provisions; legated either as a fixed store or as an annual allowance). Paul gave a list of what is included under supellex: tables, benches, stools, beds, mattresses, coverlets, water jugs, basins, bronze vessels. Labeo held that clothing was not included with supellex; Papinian that silver furniture was. Modestinus wrote that when "a man legated to his wife a house with its full legal rights, instrumentum and furniture,"⁸² silver drinking vessels were not included in the legacy. If a farm were legated with its instrumentum, this included the slaves. However, if the legacy to the widow was a general one of 'what has been acquired for her use,' slaves not her own personally were excluded.⁸³ Penus included basic foodstuffs (grain, vegetables, oil, wine), although there was some hesitancy about honey, garum, herbs, and seasonings.⁸⁴ Sometimes the legacy might be in the form of a sum of cash, for purchasing provisions.⁸⁵

All these material provisions as well as any usufructs had to be legated to the widow outright: in the central period of Roman history the widow had no legal claim on any part of her husband's estate. Unless a couple had common children, the widow could only inherit a tenth of what her husband legated her unless it was left to her as a trust. This was not so in the Christian era. In the Novellae of Justinian we find provision made for poor widows who brought no dowry with them when they married: they were legally entitled to a fourth of their husband's estate, and could keep any property of their own in addition.⁸⁶ Previously, because dowerless widows had no claim on their husband's property, they were "compelled to live in greatest poverty."⁸⁷ Legal provision

for widows was instituted at a late date in Roman history, long after the central period with which we are concerned.⁸⁸

CONCLUSIONS

Although there is no "law of widowhood" in the Roman legal corpus, and the widow does not occur as frequently in the evidence as, for example, the slave, we can still extrapolate a profile of the Roman widow from the limited contexts in which the jurists place her, and determine something of what was expected of her in society. The widow is mentioned in reference to legacies (mainly in the context of wills with clauses of control); children's patrimony and posthumous heirs; infamia, compulsory mourning periods, and bigamy; charges of stuprum and adultery; and in discussions of dowry and any bequests her husband might make her to ensure her material well being after his death. These subdivisions all derive from the principal concern of the law: the delegation of property. Testamentary control depended on potential diminution of the children's patrimony by the widow's subsequent husband and/or stepchildren. The legacy or usufruct of a house, and bequests of slaves, supellex and penus are also property. If a woman conceived a child outside marriage, it would cause problems of inheritance within the family (the adultery laws "stabilized transmission of property and status"⁸⁹); hence the legal details on stuprum. If a widow, pregnant by her late husband, married before she gave birth, it was believed the child would have two fathers (through turbatio sanguinis), and this in turn would cause confusion regarding patrimony; hence the details on the mandatory mourning period and infamia. We also see concern for property in the specific precautions which had to be taken if a widow was found to be

pregnant: a posthumous heir (or a substitution for the heir) causes, again, queries over inheritance.

In Roman law, the widow is a dependent being, reliant on her husband's generosity for her maintenance after his death, or, if he died intestate, on his heir. She had no legal right to any part of her husband's estate (although she could file a querela inofficiosi testamenti). If her husband did not legate her dowry to her in his will, she had to bring an actio rei uxoriae for its recovery against his heir. Widows had to have a tutor to oversee their legal actions: alienating property, making a will, entering into a contract. At the end of the enforced period of mourning, the widow was obliged after Augustus' legislation to remarry, or she incurred penalty. If she bore a child after her husband's death, she may not have been able to keep it. The widow in Roman law, then, was a woman who had very little freedom of action.

The law made antagonistic demands on the widow. If her husband had made her a bequest on the condition that she not marry again, a guarantee to this effect could be given to ensure the legacy, but at the same time she contravened statutory legislation by not remarrying. The mandatory mourning period was simultaneously the time limit given to the bereaved to contract another marriage, or at least enter a subsequent betrothal. The widow must mourn her dead husband, but at the same time she or her family must choose a new spouse. However, the laws could not "force" a widow to remarry; they merely banned her from receiving legacies outside the sixth degree.

The law conceives of the widow in stereotypical terms. She is expected to remain chaste within the confines of widowhood, and although the jurists assume the possibility of sexual activity on the widow's part, continence is nonetheless expected:

We ought to regard as mater familias a woman who has not lived dishonorably; for her behavior separates and distinguishes the mater familias from other women. It will make no difference if she is still married or a widow, freeborn or freed; for neither the state of being married nor birth make a mater familias, but good behavior.⁹⁰

Although a sexually liminal being (neither an unmarried girl nor a matron), the widow had no more sexual freedom than a virgin. If a married Roman woman indulged in a sexual affair, she could be charged with adultery; if she did the same as a widow, she could be charged with stuprum. The seriousness of the stuprum charge stems from the high incidence of remarriage in Roman society: the widow would damage her potential remarriage value if she indulged in sexual activity outside marital boundaries.

NOTES TO CHAPTER TWO

- 1) For collections of legal sources on widows see RE, vol. VIII A.2. However, the collection of legal material in this paper is much more complete than any previous compilation.
- 2) Bradley (1988): 483-85.
- 3) Bradley (1990): 150-51.
- 4) Gardner (1986): 3.
- 5) 'nam ad ea potius debet aptari ius, quae et frequenter et facile, quam quae perraro eveniunt;' D. 1.3.5.
- 6) Bradley (1990): 151.
- 7) *ibid* (150).
- 8) One example is found in D. 40.9.31:

Quaesitum est, si libertam patronus iureiurando adegisset, ne ea liberos impuberes habens nuberet, quid iuris esset. Iulianus dicit non videri contra legem Aeliam Sentiam fecisse eum, qui non perpetuam viduitatem libertae iniunxisset.

The question was raised, what was the legal position if a patron had bound a freedwoman by oath not to marry so long as she had children under the age of puberty. Julian says that since he had not enjoined perpetual widowhood on her, he is not deemed to

have contravened the Lex Aelia Sentia.

- 9) Bradley (1990): 152
- 10) `viduam non solam eam, quam aliquando nupta fuisset, sed eam quoque mulierem, quae virum non habuisset, appellari sit Labeo, quia vidua sic dicta est quasi vecors, vesanus, qui sine corde aut sanitate esset: similiter viduam dictam esse sine diutate;' D. 50. 16.242. 4-5.
- 11) Nov 22 c 43; Berger (1975): 336. ("Miscella is not a proper name but an adjective" [miscellus; hybrid, assorted, miscellaneous]).
- 12) `Lex enim quae vocatur Iulia Miscella, lex antiqua, lex vetusta, filiorum procreationis praeponens studium permittebat mulieribus, licet vir prohiberet et aliquid ob hoc relinqueret, quatenus non ad secundas veniret nuptias, tamen et ad virem venire et iurare, quia filiorum causa hoc ageret. et quod relictum erat accipere;' (Nov 22 c 43).
- 13) Tit. Ulp. 16.1; Quint. 8.5.19.
- 14) `cum ita legatum sit `si Titio non nubserit' vel ita `si neque Titio neque Seio neque Maevio nubserit' et denique si plures personae comprehensae uerint, magis placuit, cuilibet eorum si nubserit, amissuram legatum, nec videri tali condicione viduitatem iniunctam, cum alii cui libet satis commode possit nubere;' (D. 35. 1.63 pr.).
- 15) D. 35.1.63.1

- 16) D. 35.1.63.1 Similarly, a girl could reject her father's choice of a husband for her on the grounds that the proposed spouse was indignus: morally reprehensible (D. 23.1.12). See Treggiari (1982) and (1991): 193-98.
- 17) `dicendum est posse eam beneficio legis cuilibet nubere;' D. 35.1.63.1.
- 18) `quae enim Titio nubere iubetur, ceteris omnibus nubere prohibetur;' D. 35.1.63.1.
- 19) `Titio centum relicta sunt ita, ut Maeviam uxorem, quae vidua est, ducat;' D. 35.1.75.1.
- 20) `Titiae si non nubserit, ducenta, si nubserit, centum legavit. nubsit mulier. ducenta, non centum etiam residua petat: ridiculum est enim eandem et ut viduam et ut nuptam admitti;' D. 35.1.100.
- 21) `cum vir uxori si a liberis ne nubserit, in annos singulos aliquid legavit, quid iuris sit?' D. 35.1.62.2.
- 22) `quia magis cura liberorum quam viduitas iniungeretur;' D. 35.1.62.2.
- 23) `Servi usus fructus mulieri, quoad vidua esset, legatus, idem servus, si ea nubsisset, liber esse iussus est. si mulier nubserit, liber erit, quia potior est legato libertas;' D. 35.1.96.1

- 24) 'idem in ceteris quoque condicionibus Iulianus noster probat, quae similiter nisi fine vitae expleri non possent;' D. 36.1.67.1.
- 25) D. 36.1.67 pr.
- 26) In fifteenth-century England, John Chelmswyk (will dating 1418) provided for his wife to be supported for a year after his death, on the condition that she kept herself 'sole without husband' during that period (Kettle [1984]: 97). In some cases, husbands were concerned that their widows live 'sole, chaste, and unmarried' after their death (ibid, 99). "Behind this concern was clearly the fear" that the property husbands left to their wives might pass into the hands of a subsequent husband, who would disinherit the children of the first marriage. However, the fact that clauses in these wills imposing penalties for remarriage were not common suggests the difficulty of enforcement, and "there is no evidence that widows were discouraged from remarriage by such threats, or that the penalties were actually imposed by executors."
- 27) 'Filiae meae, quotienscumque vidua erit, in annos singulos centum heres meus dato: quaeritur si filia minus annus temporis vidua fuisset, numquid minus ei centum deberentur. Respondit sibi videri, tametsi totus annus condum fuisset, tamen deberi;' D. 33.1.22.
- 28) See Hopkins (1965); Saller (1987b): 21-34; and Shaw (1987): 30-46. Some notable examples of women widowed more than once are Fulvia, Agrippina Minor, and Sasia (of Cicero's Pro Cluentio). See further, Chapter three.

- 29) On inheritance and the sixth degree of kinship see Wallace-Hadrill (1981): 73-76, 'Exceptae Personae; and Corbier (1991d): 187-89.
- 30) Gardner (1986): 78.
- 31) Csillag (1976): 147.
- 32) Bradley (1991): 129.
- 33) Csillag (1976): 147
- 34) D. 5.2.1.
- 35) 'non est enim consentiendum parentibus, qui iniuriam adversus liberos suos testamento inducunt: quod plerumque faciunt, maligne circa sanguinem suum inferentes iudicium, novercalibus delenimentis instigationibusque corrupti;' D. 5.2.4.
- 36) See D. 5.2; Val. Max. 7.7.4, 7.8.2; C. 3.28. 18-28; Pliny Epp.6.33; Livy 39.9f; Tac. Ann. 4.40; Martial Epig. 2.34; Propertius 4.11.85.
- 37) Cod. Just. 6.40.1-2.
- 38) 'ut post viri obitum sponsalia in usumfructum tantum mater habebat et a filiis alienare non possit;' Sev. Nov. 1; 'usu fructu tantum modo apud eas manente et ad liberos prioris tori;' Cod. Just. 6.40.2.

- 39) 'postumum ex qualibet vidua natum sibi filium heredem instituere potest;' D. 28.2.27. Cf. also D. 37.9 (the Carbonian edict on posthumous heirs).
- 40) D. 25.4.3.
- 41) D. 25.4.1.12.
- 42) D. 25.4.1.10.
- 43) 'scilicet quia tenebrae ad subiciendum aptiores sunt;' D. 25.4.1.10.
- 44) 'ut ordinum dignitas familiarumque salva sit;' D. 25.4.1.13.
- 45) 'apud quem educator apud quem parens iusserit. si autem nihil parens iusserit aut is, apud quem voluerit educari, curam non recipiet: apud quem educetur;' D. 24.4.1.10.
- 46) See Gardner (1986): 53.
- 47) Boswell (1988): 110. For instances of substitution in ancient literature, see Boswell (1988): 110-16. See also McLaren (1990): 47.
- 48) D.3.2.11.4.
- 49) D. 3.2.9. See also Seneca Epp. 63.13.

50) D. 23.2.6.

51) Crook (1967): 83. "The penalties incurred by being declared infamis were mainly certain disabilities in litigation. Women were subject to most of these disabilities anyway, because of their sex, and so the main effect was probably to prevent them from appointing cognitores in lawsuits" (Gardner [1986]: 46); cf. D. 3.1.1.5; 5.1.12.2; 48.2.1.

52) `non solent autem lugeri, ut Neratius ait, hostes vel perduellionis damnati nec suspendiosi nec qui manus sibi intulerunt non taedio vitae, sed mala conscientia;' D. 3.2.11.3.

53) `antequam virum elugeret;' D. 3.2.1; `eamve sciens quis uxorem duxerit;' D. 3.2.11.3.

54) Cod. Just. 5.9, AD 380; see also Nov. 22 c 22 and c 23, AD 536; Cod. Just. 5.10, AD 392.

55) `defuncti memoria;' Nov. 22 c 40, AD 536.

56) `labem pudoris contrahit;' Cod. Just. 2.12, AD 240.

57) `solet a principe impetrari ut intra legitimum tempus mulieri nubere liceat;' D. 3.2.10. This continues into the Christian period: see Nov. 22 c 22 AD 536, `solvitur imperatoris litteris.'

- 58) `si ficta mariti mors argumentum faciendis nuptiis probabitur praestitisse;' D. 48.5.5.12.
- 59) `sed cum tempus luctus continuum est, merito et ignor? anti cedit ex die mortis mariti;' D. 3.2.8.
- 60) D. 3.2.11.1; 3.2.11.2.
- 61) Nov.117 c 11, AD 542.
- 62) See Propertius 4.3 for an example of the absent soldier-husband.
- 63) D. 48.5.61; 8.5.35.1.
- 64) D. 48.5.5
- 65) `si in viduitate mulier perseverat;' D. 48.5.16.8. `ex die commissi criminis;' D. 48.5.30.5.
- 66) `propter impuberem filium vult dilationem ab accusatore impetrare;' D. 48.5.12.
- 67) D. 48.5.9-11. `mater autem familias significatur non tantum nupta sed etiam vidua;' (D. 48.5.11).

- 68) 'in accusationem viduae filiae non habet pater ius praecipuum;' D. 48.5.23.
What the ius praecipuum is exactly is unclear; it may pertain to D. 48.5.2 on the father's right of accusation.
- 69) 'sed et in ea uxore potest maritus adulterium vindicare, quae vulgaris fuerit, quamvis, si vidua esset, impune ea stuprum committeretur;' D. 48.5.14.2.
This is a case in which the meaning of 'vidua' as simply 'unmarried' is very likely.
- 70) Tacitus (Germ. 19) comments on the inefficacy of moral legislation:
'plusque ibi boni mores valent quam alibi bonae leges.' See also Griffin (1985): 95-101.
- 71) Adultery charges in Elizabethan times were usually brought to the ecclesiastical courts by inquisitive neighbors, "with a great readiness to denounce each other's transgressions" (Stone [1979]: 323).
- 72) C. Th. 9.24.3, AD 326.
- 73) 'Titiae uxori meae tutoris optionem dumtaxat semel do' aut 'dumtaxat bis do'; or on a full basis: 'Titiae uxori meae tutoris optionem do;' Instit. 1. 4-5.
- 74) Caesennia's tutor P. Caesennius in Cicero Pro Caec. See also Frier (1988).
- 75) See Gratwick (1984): 41.

- 76) 'illic autem, ubi vir uxori relegat, id videtur legare, quod in iudicio dotis mulier consecutura fuerit;' D. 31.41
- 77) 'ob res donatas et amotas et impensas;' D. 24.3.15.
- 78) See Gardner (1985).
- 79) 'numquam ex eo, quod supellectilem legavit maritus testamento, habitationem, in qua supellex fuit, legasse videtur. quare contra defuncti voluntatem habitationem sibi mulierem vindicare procul dubio est;' D. 33.10.13.
- 80) 'Ibidem Mela coniunget, si fundus in dote fuit locatus a marito ad certum tempus, uxorem non alias fundum ex relegatione consequi, quam si caverit se passuram colonum frui, dummodo ipsa pensiones percipiat;' D. 33.4.1.15.
- 81) D. 7.8.4.1.
- 82) D. 33.10.1; 33.10.10; 33.10.9; 33.10.8 ('cum quidam uxori legaverat domum cum iure suo omni et instrumento et supellectili'); 33.7; 33.9
- 83) 'legatis uxori quae usus eius causa parata sunt, eos servos ad eam non pertinere, ut non proprii ipsius, sed communis usus causa parati sunt;' D. 31.35.
- 84) D. 33.9.

85) *ibid*; see Gardner (1986): 71

86) Nov. 53 c 6, c. AD 538.

87) 'sed novissima viventes inopia;' Nov. 53 c 6, c. AD 538.

88) Maintenance of the medieval widow was ensured by a jointure in her husband's estate, and also by her dower (an estate in land for the widow protected by common law; Kettle [1984]: 92). In the twelfth and thirteenth centuries the 'quota' system was developed for bequests of moveable property: 1/3 left to the wife; 1/3 to the children; if the marriage was childless the widow received 1/2 (*ibid*).

89) Wallace-Hadrill (1981): 71.

90) 'Matrem familias' accipere debemus eam, quae non inhoneste vixit: matrem enim familias a ceteris feminis mores discernunt atque separant. proinde nihil intererit, nupta sit an vidua, ingenua sit an libertina: nam neque nuptiae neque natales faciunt matrem familias, sed boni mores;' D. 50.16.46.

TABLE I: CHRONOLOGICAL CHART OF JURISTS

(after Frier: 1989: xix)

PRE CLASSICAL (100 - 30 BC)

P. Alfenus Varus

EARLY CLASSICAL (30 BC - AD 90)

M. Antistius Labeo

Fabius Mela

HIGH CLASSICAL (AD 90 - 190)

L. Javolenus Priscus

L. Neratius Priscus

P. Juventius Celsus

P. Salvius Julianus

Gaius

Sextus Pomponius

LATE CLASSICAL (AD 190 - 235)

Aemilius Pomponianus

Julius Paulus

Domitius Ulpianus

CHAPTER THREE: THE IMAGE OF THE WIDOW IN LITERATURE

Literary evidence for widows is available throughout the central period of Roman history, from the works of Plautus (second century BC) to those of Apuleius (second century AD). By examining the images of widows and widowhood we may add further dimensions of understanding to the conclusions drawn from the legal evidence. The evidence divides itself into a number of discrete images which will be described and discussed: the image of the helpless, powerless, or poor widow; the image of the powerful, rich widow; that of the merry widow, and finally that of the tragic widow. Furthermore, there are recurring themes in such fictional stories as those of the Widow of Ephesus and Charite which merit examination, and attention must also be directed towards such themes as the expectation of chastity in a widow, the image of the widow as univira, and the presumption of remarriage inherent in the sources. An investigation of the various literary presentations of the widow and an evaluation of their consistency across time and genres helps place the Roman widow in a broader social context.

A reminder must be given that our sources are written by upper-class Roman men, which means that there is a gender bias as well as a social bias inherent in the evidence. The hierarchical and patriarchal structure of ancient Rome distorts the images still further: all the literary presentations of the widow betray something of the universal social and sexual norms to which all Roman women (including widows) were expected to adhere. If, however, we cannot arrive at a truly 'real-life' picture of the widow herself, we may examine the stereotypes used to caricature her and the platitudes employed to describe her in order to illuminate the widow as she was perceived in Roman antiquity.

I.

The image of the defenceless or poor widow is one found throughout Roman literature, from Terence in the second century BC to Apuleius in the second century AD, and her characteristic traits display little change over time. In Terence's play Heauton Timorumenos the character Chremes draws on a symbolic image of widowly weakness when he discovers he has been cheated out of some money by his slave Syrus: "But as for Syrus, as I live, I'll so dress him and currycomb him that he'll remember me all his days, a fellow who takes me for his laughingstock and his plaything. God love me, he wouldn't have dared to do to a widow woman what he has done to me."¹ Cicero also referred to this kind of widow in the Pro Caecina. The character of Aebutius, the man to whom the widow Caesennia had entrusted her financial affairs, was "a flatterer of women, the widows' defender... a clumsy fool among men but a shrewd and clever lawyer among women."² The theme also appears in Livy, when Heraclia, the wife of Zioppus, asks, "What danger was there to anyone from herself, a lone woman, virtually a widow, and from maidens living as orphans?"³ In the middle of the first century AD Petronius refers to a lower-class widow who had to run an inn to support herself: because she had no husband or father to prevent it, travellers often took financial advantage of her by leaving under cover of darkness without paying their bills.⁴ In describing Pompey's widow Cornelia, Lucan (first century AD) writes that her bed was widowed ('viduo lecto') and "her side was unprotected, with no husband near her" ('nudumque marito/ Non haerente latus').⁵

All these passages clearly imply that a widow was helpless without a male legal protector, whether husband or guardian. She is technically powerless, a

target for anyone who wishes to inflict practical jokes on her, take financial advantage of her, or even harm her physically. She is weak and vulnerable, a characterization that neatly fit Rome's patriarchal structure. For it was axiomatic in Roman society that women were weak and vulnerable by nature, and it followed easily enough that a widow was rendered completely resourceless by the death of her husband.⁶

The helpless widow sometimes appears in literature as a figure intended to lend pathos to a court case or to heighten the drama of senatorial meetings, an occurrence which often happened in real life. The appearance in court of a distraught young widow was a common feature of public litigation: "the sentimental and political formed a combination much to the Roman taste."⁷ Apuleius parodied this practice in the 'trial' scene of the Metamorphoses in which the unwitting hero Lucius is prosecuted for what he believes to be a case of murder: "in the midst of all this, a woman came running down through the theatre, weeping and crying. She was draped in a black robe and carried a little child at her bosom. Behind her was another woman, an old lady covered with tattered rags and weeping just as mournfully..."⁸ The 'victim's' widow and mother drape themselves over the bier and raise a loud lamentation, calling for vengeance and parading a little orphan in what must have been a familiar if exaggerated portrayal of the widow and her children exhibiting their plight in the Roman law courts. The widow lends pathos to this scene precisely because she is helpless and bereft of all male support.

The image of the Roman widow as easily malleable is a natural corollary of the widow in literature as a target for those seeking financial gain. Legacy hunters (captatores) sought out rich widows and bachelors in the hopes of gaining favor and being granted a legacy in their wills. Ancient literature is full of references to this apparently widespread practice,⁹ and it is often a

stereotypical rich widow who is the object of abuse. The context first appears in Cicero's portrayal of Caesennia in the Pro Caecina.¹⁰ The phrases used of Aebutius, 'cognitoris viduarum' and 'inter mulieres periti iuris et callidi,' imply that Aebutius was "the widows' defender" for an ulterior motive: the hope of a legacy or other tangible financial benefit. Aebutius is said to have spent much time and talent advising the widow Caesennia on her financial affairs, and when she died without granting him all that he felt was his due, he sued her husband. Horace also refers to rich widows and old men who were sought by eager legacy hunters trying to enrich themselves: "Some men with titbits and fruits hunt miserly widows, and net old men to stock their preserves."¹¹ Martial, a century later, accused Gargilianus of sending extravagant gifts to widows to curry favor with them (with some ulterior motive in mind),¹² and later we find a man paying calls to several widows in a single morning, in the hope, it is implied, of someday gaining a legacy.¹³ Martial also writes of the man who is reluctant to prosecute a woman who has stolen one of his slaves because "she is childless, old, rich, a widow."¹⁴

A paradox emerges, then, because while widows were in theory helpless, to be childless and rich at Rome was to be courted and powerful. As Pliny succinctly noted: 'orbitas in auctoritate summa.'¹⁵ Rich widows were much exposed to the arts of the legacy hunter, especially if they were childless,¹⁶ and the great man of Martial's epigram was not only troubled by the attentions of his own clients, but himself pays court to rich widows from whom he hopes to inherit.¹⁷ The helpless widows can in fact issue commands: Martial wrote of a man travelling to the country to escape all the troublesome appurtenances of daily life in Rome: the crescent shoe, the toga, purple dye, pesky defendants, and "the commands of widows" ('imperia viduarum').¹⁸

II.

The rich widow is sometimes imagined indeed to have enjoyed considerable financial freedom. Cicero wrote of the rich widow who lived extravagantly, Juvenal of the rich woman who marries a money-loving husband being as good as a widow.¹⁹ The implication is strong that the rich widow was in actuality far from being defenceless. Rather, her wealth, the status of being a widow, and her lack of heirs if she was childless gave her influence: she was pursued by captatores, able to 'command' them, and sometimes wielded such power that others were afraid to sue her. The rich widow had a great deal of power and control over her wealth, in contrast to the helpless/ poor widow. The amount of wealth a widow possessed must be presumed to have controlled the degree of power she could exercise, as well as the extent of freedom she more generally enjoyed.

References to the freedom of widows and the liberties of widowhood abound in comparative historical material. From the twelfth through the fourteenth centuries in Europe, widowhood opened up to the rich woman the possibility of personal power, because for the first time in her life she could make independent decisions.²⁰ In the sixteenth and seventeenth centuries in England, the widow had more freedom and autonomy than either the married woman or the unmarried girl; she controlled her own financial affairs and was accountable for her behavior to neither husband, parents, nor guardians.²¹ In eighteenth century England widows were among the few women who "escaped from full male control."²² In Gay's The Beggar's Opera (1728), Polly Peachum is asked: "where is the woman who would scruple to be a wife, if she had it in her power to be a widow whenever she pleas'd?"²³

Allusions to personal freedom attendant upon widowhood are not altogether absent from Latin literature, although they appear in negative contexts. Livy, in recounting the repeal of the Oppian Law (195 BC) wrote that "women abhor the freedom that the loss of husbands and fathers brings to them."²⁴ This is echoed again in his tale of the Sabine women, who "would rather die" than endure life as independent widows and orphans.²⁵ The idea that widows "loathe" their freedom perhaps stems from the fact that, from a male perspective, the woman who is not under direct male control is a threat to the social status quo and an object of fear to patriarchally minded men. The rich widow free of husbandly domination is powerful, and thus beyond control. The helpless widow, in contrast, suited male notions of the proper place of a woman with no husband.

III.

The mores of any patriarchal society demand a specific sexual behavior from all women. The widow, however, is an anomaly, since she is neither a matron nor a virgin. Because she is free of conjugal and parental control, she has at least the possibility of sexual as well as personal freedom, an automatic threat to a male-dominated society. During the fifteenth and sixteenth centuries in England it was thought that widows were especially prone to unchastity since they had already experienced sexual pleasure, and the writers of the period (men, it may be noted) were quick to give advice concerning widows' sexual licentiousness: "Conduct books published for widows at this time show an almost obsessive concern for the chastity and decorum of their behavior."²⁶ Thomas Becon (1512-1567) advised the immediate remarriage of young widows to avoid wanton behavior, "for how light, vain, trifling, dishonest, unhousewifelike, young widows have been in all ages, and are also at the

present day, experience doth sufficiently declare."²⁷ This is the sexually active "merry" widow, a titillating image that has remained popular in literature to the present day, from the works of Boccaccio, John Gay, and Choderlos de Laclos, through Victor Leon, Anthony Trollope, and Jorge Amado, among others.²⁸

The popular stereotype of the merry widow goes back to Roman antiquity. The same topos of sexual licentiousness is present, the same platitudes and descriptions are used. The earliest reference to the image is found in the first century BC, in Cicero's Pro Caelio, where Cicero makes explicit references to his client M. Caelius' affair with the widow Clodia Metelli, and states that Caelius ought not to be blamed for his attentions to a woman of such obviously loose morals. He referred to Clodia (then in her early thirties) as "a widow casting off restraint...a wanton woman living frivolously...an amorous widow living a loose life,"²⁹ and outlining Clodia's life as one of "debaucheries, love affairs, the beach at Baiae, banquets and parties, songs and music, revelry on shipboard."³⁰ Cicero accused the widow of affairs with her half-brother Clodius Pulcher, with her slaves, with Sex. Cloelius, as well as M. Caelius.³¹ He also pointed out that Clodia's gardens were located in the place where young men went to swim-- thus assuring herself a continuous succession of lovers. Even if Cicero's portrayal of Clodia was enhanced by rhetoric and hyperbole in order to discredit her testimony, the images and stereotypes he used are important. Clodia is presented as an 'inverted ideal,' and by her contrariety illuminates the norms found in Roman society of proper sexual conduct for a woman, widow or not. By flouting the established sexual and social behavior sought in a widow, the pleasure-loving Clodia was derided and harassed by the Roman populace, Cicero among them, who must have felt threatened by this open disregard for convention.

Juvenal also refers to the merry widow, who may carry on love affairs without interference (as Clodia did).³² What is more her affairs are common knowledge: the town busybody, if questioned, will tell you who got the widow pregnant, and in what month.³³ There are sexual innuendos in Pliny the Elder's remedy for afflictions of the groin: he directs the patient to tie with several knots a thread taken from a web, at each knot naming some widow, and to attach it to the groin as an amulet.³⁴ Thus there is an assumption in literature of the likelihood of sexual activity on the widow's part-- her involvement in love affairs is taken for granted. The titillating stereotype of a sexually active woman free from a husband's control is ubiquitous in Latin literature, in satire, epic, natural history, lyric poetry, biography, and history.³⁵ Although established society demanded that all women embrace chastity, male authors were drawn to the image of the woman who refused to conform. However, note that although the merry widow is found in the literature as a comic type or fantasy figure, her behavior is censured: she is not in any way glorified as a model to which all Roman women should aspire, and her conduct falls far short of the ideal tragic widow, the paragon of virtue, decorum, and all other modest attributes which male writers deemed fit to praise.

IV.

If we are to judge by the frequency with which it appears in the sources, the image of the tragic widow is by far the most popular in Roman literature. As with the other stereotypes, that of the tragic widow comprises various traits which do not change over time. These characteristics, and the glorification of them, reflect ideals of female behavior in Roman society. Lucan, in the middle of the first century AD, wrote melodramatically of the tragic widow, portraying Pompey's

wife Cornelia who, after her husband leaves to go into battle, imagines that he is already dead: "the next night brought her no sleep; her bed was widowed for the first time...how often, weighed down by drowsiness, she clasped the empty couch with cheated arms! How often, forgetful of her plight, she sought her husband in the darkness!"³⁶ When Pompey dies, Cornelia pronounces herself unworthy to perform the duties of the widow: to kindle the funeral pyre, to throw herself on the body, to burn her torn hair, to weep, to gather the bones and ashes into the folds of her dress.³⁷ She asks what need there is of a grave, when she carries Pompey's image in her inmost heart. "Let a wife who intends to survive her husband seek his ashes."³⁸ Cornelia covers herself with a mourning veil, hides in the hold of the ship (which is to carry her back to Rome) in complete darkness, and "loves her grief in place of a husband."³⁹

Martial described the tragic widow when he wrote of Mummia Nigrina (an actual historical figure), whose husband Antistius Rusticus had died in Cappadocia. His widow brought his ashes and his bones back to Italy (the latter in the folds of her dress). She "sighed that the way was all too short," and did not wish to place the funerary urn into the tomb when called upon to do so.⁴⁰ Tacitus' presentation of the widow Antistia Pollita is couched in similar poetic terms: the widow of Rubellius Plautus was "embittered by a grief which had lasted since the day when she watched the assassins of her husband Plautus--she had clasped the bleeding neck, and still treasured her blood-flecked robe, widowed, unkempt, unconsoled, and fasting except for a little sustenance to keep death at bay." ⁴¹

All three of these women show the traditional and proper signs of deep grief: Antistia clasps Plautus' neck in her arms much as Cornelia and Nigrina clasp their husbands' bones; Cornelia "makes tears her joy," Nigrina "sighs", and Antistia is "unkempt and unconsolated." Although applied to historical reality, the

situation described is a stock literary performance. It depicts the grief-stricken widow unwilling to give up her husband's remains in idealized terms. This was how the truly virtuous and devoted widow acted, as it were, in stark contrast to the pleasure-loving merry widow. Both types are common in Roman literature, but only the tragic widow is the object of celebration. The virtues she displayed contained no threats to the hierarchical structure at Rome: she was rendered helpless by her husband's death; she was wasted by grief; above all she was chaste.

The most elaborate example of the tragic widow theme occurs in Apuleius' story of Charite.⁴² Thrasyllus, a suitor of the beautiful Charite, is rejected in favor of Tleptolemus. Shortly after his marriage to Charite, Tleptolemus is mauled by a boar while on a hunt, and Thrasyllus (who wants to possess his friend's widow) makes no attempt to save him, even stabbing him in the leg to ensure that he will die. Charite is beside herself with grief upon hearing of her husband's death, and she rushes through the streets crying and wailing lamentably.⁴³ When she reaches her husband's body, Charite collapses on the corpse and almost dies of grief, but her relatives revive her and she remains reluctantly alive.⁴⁴ In keeping with the tragic widow tradition, Charite too displays the customary signs of deep mourning: she beats her arms and breasts, tears her garments, wails uncontrollably, and, like Tacitus' Antistia, refuses to eat, proposing "to finish her life with starvation and neglecting herself."⁴⁵ The young widow is persuaded by her parents to live, yet grieves deeply; she spends "whole days and nights in miserable longing."⁴⁶ Thrasyllus meanwhile tries to seduce Charite and marry her, driven by a lust described as "odiosus amor."⁴⁷ The widow is properly horrified by his proposal. The image of her dead husband visits Charite in a dream (thus indicating the strength of the bond between them)⁴⁸ and tells her of his murder by Thrasyllus, urging her

not to succumb to his advances. The virtuous Charite decides to avenge Tleptolemus: she arranges a rendezvous with Thrasyllus, plies him with drugged wine, and when he has fallen asleep gouges out his eyes with a hairpin. The widow then kills herself in the tomb of her dead husband. "Now it is time to seek out the way to my sweet Tleptolemus with this sword," she exclaims, and after her death her friends bury her within the same tomb as Tleptolemus, uniting them forever.⁴⁹

The story of Charite illustrates several important features of the Roman ideal of tragic widowhood which Charite embodies perfectly: the traditional signs of deep mourning (as displayed also by Cornelia, Nigrina, and Antistia); chaste revulsion for any man except her husband; and the eternity of the marriage bond, which crosses even the bounds of mortality. It is from these elements that the tragic widow derives her dignity. Above all, the devoted widow is chaste, faithful to the memory of her husband and of their union.⁵⁰ She is also loyal to the social and sexual mores of Roman society which demanded female continence.

V.

The images of the merry widow and of the tragic widow juxtaposed are presented in the story of the Widow of Ephesus, as recounted first by Phaedrus (15 BC - AD 50) in his fable Vidua et Miles and secondly by Petronius (first century AD) in the Satyricon (111f). The story of the widow of unassailable virtue evidently has Greek antecedents, but it perfectly embodies the Roman stereotypes of both the chaste widow and her pleasure-loving counterpart. According to the tale a woman loses her cherished husband of some years, and on his death becomes the exemplary tragic widow. Phaedrus writes of his

widow: "when it appeared she could not by any means be torn away from him but was spending her life mourning in the sepulchre, she acquired the shining reputation of a very chaste wife."⁵¹ Petronius has his widow watching and weeping night and day over her husband's corpse, and asserts that every class of person admitted that "this was the one true example of brilliant chastity and love."⁵² She achieves fame through steadfast devotion to her dead husband, celebrating the eternity of the marriage bond. The Widow of Ephesus also displays other customary attributes: she does not eat,⁵³ she tears at her breasts and cheeks, she pulls out her hair, she weeps continually. A soldier, on guard outside the tomb, notices this paragon and is of course instantly consumed by lust for her. In Petronius' version the soldier brings her some food, and after much persuasion she agrees to eat it. ⁵⁴ The soldier finds various pretexts for visiting the widow, and soon she succumbs to his advances.⁵⁵ They spend their nights in her husband's tomb, "with the door shut so that any passersby would think she had perished over her husband's body."⁵⁶ One night one of the crucified criminals whom the soldier is supposed to be guarding is removed from his cross and taken away. When the soldier discovers this the next morning, he is distraught-- and, fearing punishment, resolves on suicide. The widow, however, immediately volunteers her husband's body as a replacement, so that her lover will not be punished for his misconduct. Both versions of the tale end with a misogynistic moral pronouncement on the scandalous conduct of the seemingly devout widow: Phaedrus' fable ends with the words, "Thus did dishonour take the place of fame," and is subtitled "on the great inconstancy and lustfulness of women."⁵⁷ In Petronius' version one character offers the opinion that if the governor of the province had been a just man he would have put the dead man back in his tomb and hung the woman on the cross.⁵⁸

The Widow of Ephesus fable "takes its impetus in reaction from those stories of faithful love which are the staple both of romantic historiography and Greek romantic fiction."⁵⁹ The tragic widow is the ideal example of widowed behavior. The merry widow, however, is a comic figure: pleasure-loving, sexually licentious, glad to be free of husbandly domination. Her widowhood is completely shorn of tragic dignity and replaced by titillating sexual freedom. The picture of the tragic widow is completely undercut by that of the merry widow: the speed with which the widow takes a lover; the fact that the affair occurs within her husband's sepulchre; the ease with which she volunteers her husband's body as a substitute for the missing criminal-- all these factors destroy whatever tragic dignity the Widow of Ephesus originally had. Because her grief is short-lived, the widow becomes inconstant and lustful; the tragic widow in fact degenerates into the merry widow.

On the subject of female grief, whether of long or short duration, Seneca wrote that the mourning period was limited to a specific time not because women were compelled to mourn for so long, but so that they should mourn no longer. "Nothing becomes offensive so quickly as grief," he said, "after becoming chronic, it is ridiculed, and rightly. For it is either assumed or foolish."⁶⁰ Men did not have to mourn their wives (mourning was considered unmanly); and the original purpose of a mourning period for women of ten months was to allow a possible pregnancy to run its course. However, Seneca pointed out, as though he had the Widow of Ephesus in mind, "What woman can you show me, of all the pathetic females that could scarcely be dragged away from the funeral pile or torn from the corpse, whose tears have lasted a whole month?...When [grief] is fresh, it finds someone to console it and attracts one or another to itself."⁶¹ From a strictly male viewpoint, women's emotional

reactions ran to extremes: too much grief, or too little; and if too little, sexual appetite was the only explanation.

VI.

One step beyond the tragic widow comes the univira: the widow who never remarried after the death of her husband.⁶² She develops from the tragic widow, and in a completely opposite direction from the merry widow in the Widow of Ephesus story. For the univira, the grief at losing her husband abates with the passage of time, but she continues thereafter to live faithful to his memory.

The univira is thus an intensive form of the tragic widow: both extol the concept of marital love as everlasting and imperishable, and both embody the ideals of wifely devotion and conjugal fidelity. Livy recounts the tale of Verginia, who (as she boasts) had been wedded to, but outlived, "the [man] to whom she had been given as a maiden: Livy then has her consecrate an altar to Pudicitia, at which no woman may sacrifice, he says, unless she is an univira, a woman "of proven modesty" ('spectatae pudicitiae').⁶³ The image of the pure and steadfast univira was very strong at Rome; she "was a concept which combined tradition, idealism, and loyalty in a way that exercised a powerful hold over Roman minds."⁶⁴ The ideal was also given legal sanction by the Roman state: there were certain religious roles which univirae alone could undertake.⁶⁵ In literature, the most famous example is Virgil's Dido, who in fact embodies many of the ideals of the tragic tradition as well.

Dido associates herself with the eternity of the marriage bond in several ways, primarily in the depth of grief she displays for her dead husband Sychaeus, but also in her avowed fidelity to his memory: "[May I die] before I

ever violate my chastity or break its laws. For [Sychaeus] who first united me with him took all love out of my life; and so it is he who should keep it close to his heart and guard it even in the grave."⁶⁶ For the univira a second marriage is equal to infidelity to her first husband. Dido virtuously rejects all other suitors (Aen. 4.31-38) therefore, but her sister and confidante Anna urges Dido to conquer her anguish and yield to her love for Aeneas. Anna asks her sister: "Will you live alone sorrowing and pining through all your life, and never know the love of children and all that Venus gives? Do you really believe this matters to ashes, to a ghost in a grave?"⁶⁷ Dido is thus placed in a complicated moral dilemma, and "it is a strong element in the nobility of her character that she holds firm to this traditional ideal" (at least before she meets Aeneas).⁶⁸ When Aeneas eventually leaves her, Dido realizes that she can no longer claim honour as an univira: "I have lost my honor and that former fame by which alone I was winning a title to the stars."⁶⁹ The vow she had made to the ashes of Sychaeus is broken.⁷⁰ Virgil has therefore put a "peculiarly Roman impediment" in the way of Dido's union with Aeneas: she cannot marry him without impairing the ideal, and any other union would destroy her honor.⁷¹

Other Latin authors glorified the purity and loyalty of the univira. Catullus (84-54 BC) wrote that, "to live content with one man is for wives an honour of honours,"⁷² while Horace (65-8 BC) declared "happy is the woman of one husband."⁷³ Propertius' Cornelia speaks of her fame as an univira: "on this stone it may be read engraved that I have been espoused to one alone." She admonishes her daughter to "keep to one husband only," which is "the highest tribute in a woman's glory."⁷⁴ Seneca wrote of three women who actually embodied the poetic ideal of univira: to Porcia he attributes the statement: "the fortunate and proper matrona marries only once." Marcella Maior and Valeria also refuse to remarry out of love and devotion to their dead husbands.⁷⁵

The ideal of the univira developed from the Roman concept that marriage was for life;⁷⁶ and so both the tragic widow and the univira were also synonymous with chastity. The ideal of the univira was powerful in Roman society, an ideal which was uprooted neither by the strong social presumption of remarriage nor the Augustan family legislation which made such remarriage obligatory.⁷⁷ However, the chances of remaining an univira were minimal in reality.

VII.

The remarriage of a widow has provoked critical reactions in many times and places. Remarriage of a widow was frowned on by the early Christians: ideally a widow was supposed to consecrate her widowhood to God by a vow of continence.⁷⁸ Male writers of the sixteenth and seventeenth centuries in England strongly advised against marrying a widow: "if she be rich, she will look to govern; and if she be poor then art thou plagued both with beggary and bondage;" "If thy wife be a widow, she will always either be praising or praying for her first husband...a widow is framed to the conditions of another man and can scarcely be altered."⁷⁹ There was a whole tradition of jokes, proverbs, and advice about the advantages of marrying a widow (rich or not),⁸⁰ and English plays of the sixteenth and seventeenth centuries featured the remarrying widow as a comic subject.⁸¹

The remarriage of a widow in Roman antiquity, however, attracted neither stigma nor ridicule. Unmarried women (especially young widows who had proven their capacity for child-bearing) were in great demand as marriage pawns, to be utilized as advantageously as possible in the complicated network of marital alliances at Rome which brought the woman's family social and

political benefits. The literary references to widowhood which have been collected so far tend in fact to assume that widows were always available for new marriages. The widow will remarry indeed each time she is widowed, in serial fashion, but no ill-repute follows.⁸²

The earliest specific allusion to remarriage by a widow is found in Plautus' Stichus when the senex Antipho jokingly asks whether a maid or a widow makes the more desirable wife.⁸³ Later, Dido may have been preoccupied with Sychaeus, but she also had a host of suitors before Aeneas arrived on the scene.⁸⁴ Ovid, by cataloging the days on which a widow should and should not remarry, indicates that widow remarriage was expected.⁸⁵ Lucan wrote (somewhat melodramatically) of the widow Marcia's return to the home of her first husband Cato immediately after her second husband's funeral.⁸⁶ Even in the tradition of tragic widowhood, in which the widow mourns and laments, vows fidelity to her dead husband, and threatens suicide, there is a strong expectation of remarriage which, instead of attracting reproval, is viewed as perfectly natural and indeed inevitable. In the story of Charite, her suitor Thrasyllus "doubted not to demand [the widow] in marriage," but pressed his suit too soon, "before [her] grief had been sated by tears and the fury of her agitated mind had subsided, and her mourning had feebly collapsed in exhaustion from its own excess."⁸⁷ This implies that Charite would not be adverse to (and would perhaps welcome) a second marriage. Charite asked, however, that she first be allowed to grieve the customary period of mourning.⁸⁸ It was therefore the reality of remarriage that controlled the image of the univira, who had overcome strong social and legal pressure to remarry in order to attain her ideal.⁸⁹ Likewise with chastity: to indulge in sexual affairs outside conjugal boundaries was to damage potential remarriage value and to lower family esteem.

CONCLUSIONS

This chapter has described a series of literary representations of the Roman widow drawn by elite Roman males, and colored by hierarchical and patriarchal expectations of widowed behavior. These representations are consistent across time and genre; and although it must be remembered that any literary stereotype or stock character is an exaggeration, the fact that the images of the widow are so consistent and uniform suggests that they are not mere literary devices but realistic reflections of recognizable figures or traits of figures in Roman society. After all, invective is pointless if it satirizes an institution or a figure unknown to the audience. So, just as in comedy the stock figures of the modest virgin, the clever slave, the obtuse master, and the domineering wife were familiar to a Roman audience as satires of social types, stereotypes like the tragic widow and the merry widow must also be imagined to have dealt with realities at one level or another.⁹⁰

The various portraits of the widow run to clear-cut and opposing extremes: the poor widow and the rich widow, the helpless widow and the powerful widow, the merry widow and the tragic widow. They communicate certain standards of female comportment that were either hoped for or else feared by Roman males, manifesting all the time a view of women as the sexual property of men, in marriage terms dictated by men: hence the glorification of the chaste tragic widow on the one hand, and the censure of the amorous widow on the other. The rich and powerful widow who was financially independent threatened both the established hierarchy and the social and legal control men exercised over women. These images of the Roman widow are therefore inextricably bound up with those prevalent of Roman woman more generally,

which, with their constant attention to the decorous and seemly, sought to confine women's behavior to traditional roles.

NOTES TO CHAPTER THREE

- 1) `egone si vivo adeo exornatum dabo,/ adeo depexum ut dum vivat meminerit semper mei;/ qui sibi me pro deridiculo ac delectamento putat./ non, ita me di ament, auderet facere haec viduae mulieri/ quae in me fecit;' Heaut. 950-54. It must be remembered that the play is from a Greek original by Menander, and that the image of the widow presented here may have Greek roots.
- 2) `mulierem adsentatoris, cognitoris viduarum... inepti ac stulti inter viros, inter mulieres periti iuris et callidi;' Cic. Pro Caec. 13.7.
- 3) `quod ab se cuiquam periculum a sola ac prope vidua et puellis in orbitate degentibus esse;' Livy 24.26.6.
- 4) `vos mehercules ne mercedem cellae daretis fugere nocte in publicum volustis. sed non impune. iam enim faxo sciatis non viduae hanc insulam esse sed M. Manicii;' Satyr 95.3.
- 5) Lucan, Pharsalia 5.806-808.
- 6) One historical widow, the mother of Annia (widow of the senator C. Annus Asellus) was powerless "to prevent Verres from robbing the little orphan of all the child's father had bequeathed her" (`iste infanti pupillae fortunas patrias ademit;' Cic. Verr. 2.153).

- 7) "The poignant appearance of relatives on behalf of plaintiffs, defendants, or victims was not at all unusual at Roman trials" (Dixon [1983]: 101). See also Delia (1991): 199; For the practice in Greece see Van der Paadt (1971): 70.
- 8) `inter haec quaedam mulier per medium theatrum lacrimosa et flebilis, atra veste contacta, parvulum quendam sine tolerans decurrit, ac pone eam anus alia pannis horridis obsita paribusque maesta fletibus...' Apul. Met. 3.8.8. R.T. Van der Paardt notes ([1971]: 46) that `pannis horridius obsita' also occurs in Terence (Eun. 36 and Heaut. 294), and in Suetonius (Calig. 35).
- 9) References to legacy hunters appear in: Cic. Att. 15.20.2; Horace Epp. 1.1.79 and Satire 2.5; Juvenal 1.37-39 and 12.93-130; Lucan dial. mort. .8; Martial Epig. 8.27, 11.67, and 12.40; Plautus Miles 579; Pliny Epp. 8.18.3; Seneca ad Marc. 19.2; Suet. Nero 17 and Caes. 83; Tac. Ann. 15.19. See also McLaren (1990): 51.
- 10) Cic. Pro Caecina 3-17, 94.
- 11) `sunt qui/ frustris et pomis viduas venentur avaras excipiantque senes...' Epp. 1.1.74.
- 12) `munera quod senibus viduisque ingentia mittis,/ vis te munificum, Gargiliane, vocem?' Epig. 4.56.1-2.
- 13) "Bassus, for three denarii, you invite me, and bid me don my toga in the morning and wait in your hall; then to attend you closely, to walk before your

- chair, to call with you upon ten widows or less" (denaris tribus invitas et mane togatum/ observare iubes atria, Basse, tua,/ deinde haerere tuo lateri, praecedere sellam,/ ad viduas tecum plus minus ire decem;' Epig. 9.100).
- 14) 'orba est, dives, anus vidua;' Martial Epig. 2.32.2.
- 15) Dilke (1954): 77 and Palmer (1959): 328; cf. also Pliny HN 14.5.3.
- 16) Post (1967): 229.
- 17) Howell (1980): 225; cf. Juv. 3.128-30.
- 18) 'lunata nusquam pellis et nusquam toga o'idaaeque vestes murice;/ procul horridus Liburnus et querelus cliens,/ imperia viduarum procul;/ non rumpet altum pallidus somnum reus,/ sed amne totum dormies;' Martial Epig. 1.49.3. Horace (C. 3.29.12) writes of 'fumum et opes strepitumque Romae.' See also Griffin (1985): 99, and Zanker (1988): 285-91.
- 19) 'dives effuse;' Cic. Pro Cael. 38.12. 'vidua est, locuples quae nupsit avaro;' uv. 6.138. Courtney (1980) and Duff (1940) would take vidua here as meaning simply unmarried" (i.e., the equivalent of caelebs). However I think vidua in this case must mean a woman whose husband has died. There are few cases of unmarried virgins carrying on love affairs in Roman antiquity. See Treggiari (1985): 323.
- 20) LaBarge (1986): 27-28.

- 21) Henderson (1989): 76.
- 22) Hill (1984): 34.
- 23) John Gay. The Beggar's Opera (1728), Act I, sc. 10.
- 24) `nunquam saluis suis exuitur servitus muliebris, et ipsae libertatem quam viduitas et orbitas facit detestantur; 34.7.12.
- 25) `melius peribimus quam sine alteris vestrum viduae aut orbae vivemus;'
1.13.3.
- 26) Henderson (1979): 76.
- 27) Henderson (1979): 75-76.
- 28) Boccaccio, Corbaccio (fourteenth century); John Gay, The Beggar's Opera (1728); Choderlos de Laclos, Les Liaisons Dangereuses (1782); Anthony Trollope, The Eustace Diamonds (1872); Victor Leon, The Merry Widow; Jorge Amado, Dona Flor and Her Two Husbands (1969). Ure (1956) gives us a tale from Chinese folklore concerning the merry widow: a certain widow whose dying husband had made her promise that she would not marry again until the mound of earth upon his grave was dry, was found, after the funeral, still dressed in her white mourning robes, vigorously fanning the mound to hasten the process.

- 29) 'si vidua libere, proterva petulantur... libidinosa meretricio more viveret;' Pro Cael. 38.12.
- 30) 'libidines, amores, adulteria, Baias, actas, convivia, commissationes, cantus, symphonias, navigae iactant...' Cicero, Pro Cael. 35.
- 31) On Clodia, her career as a merry widow, and the charges against her, see Wiseman (1986): 15-49. See also McLaren (1990): 45.
- 32) "That dowry bought liberty for her: she may make what signals and write what love letters she pleases, before her husband's face. The rich woman who marries a money-loving husband is as good as a widow" ('libertas emitur. coram licet innuat atque/ rescribat: vidua est, locuples quae nupsit avaro; 'Sat. 6.138). Cf. also Plautus Menaech. 345 ('viros subservire/ sibi postulant dote frectae feroces').
- 33) 'haec eadem novit quid toto fiat in orbe/...dicet quis viduam praegnatam fecerit et quo/ mense...' Sat. 6.402, 405-06.
- 34) 'inguinibus medentur aliqui liceum telae detractum alligantes novenis septenisve nodis, ad singulos nominantes viduam aliquam atque inguini adalligantes;' HN 28.48.3.
- 35) We find the image of the sexually active widow in Juvenal's Satires, Virgil's Aeneid, Cicero's Pro Caelio, Pliny's Historia Naturalis, Catullus' lyric poetry (if we assume Lesbia is Clodia Metelli), in Suetonius' biography in

the character of Agrippina Minor, and in Tacitus' Historiae and Annales (Livilla, Agrippina Minor, Junia Silana).

36) `quae nox tibi proxima venit,/ insomnis; viduo tum primum...lecto.../Somno quam saepe gravata/ Deceptis vacuum manibus complexa cubile est/ Atque oblita fugae quaesivit nocte maritum!' Phars. 5.805-810. In Ovid Heroides 13.106, Laudamia similarly laments that "on my widowed couch can court only a sleep with lying dreams..." ('aucupor in lecto mendaces caelibe somnos...').

37) See Phars. 9.55-60. Haskins (1971): 313 notes that laceros exurere "to tear and burn" hair does not seem to have been usual at Rome (cf. Aesch. chq. 7). For the custom of gathering bones in the fold of the dress cf. Tibull. 1.3.5

38) `quid porro tumulis opus est aut ulla requiris/ instrumenta, dolor? non toto in pectore portas?/ In pia, Pompeium? non imis haeret imago/ Visceribus? quaeret cineres victura superstes;' Phars. 9. 69-72.

39) `si ubi facta, caput ferali obduxit amictu/ decrevitque pati tenebras puppisque cavernis/ Detulit, saevumque arte complexa dolorem/ Perfruitur lacrimis et amat pro coniuge luctum;' Phars 9.109-112.

40) "Antistius Rusticus has died on Cappadocia's cruel shores: O land guilty of a dolorous crime! Nigrina brought back in her dress her dear husband's bones, and sighed that the way was all too short; and when she was giving that sacred urn to the tomb she envies, she deemed herself twice widowed

of her ravished spouse." `Cappadocum saevis Antistius occidit oris/
Rusticus. O tristi crimine terra nocens/ rettulit ossa sinu cari Nigrina mariti/ et
questa est longas non satis esse vias;/ cumque daret sanctum tumulis,
quibus invidet, urnam,/ vias sibi est rapto bis viduata viro;' Epig. 9.30).

- 41) `...ex quo percussores Plauti mariti sui viderat; cruentamque cervicem eius
amplexa servabat sanguinem et vestas respersas, vidua inpexa luctu
continuo nec ullis alimentis nisi quae mortem arcerent;' Tac. Ann. 16.10.9.
Furneaux ([1951]: 440) translates inpexa as `unkempt,' and notes that the
only other use of the word in prose occurs in Tac. dial. 20.3. "However, the
Med. text, inpexa may have been corrupted by amplexa, which could only
mean "wrapped up in grief."
- 42) Met. 8.6; Plutarch's story of Camma (moral. 257.20) has a similar narrative
structure.
- 43) `amens et vercordia percita cursuque bacchata furibundo per plateas
populosas et arva rurestria fertur, insana voce casum mariti quiritans;' Apul. Met. 8.6. Charite's emotional reaction is very similar to Dido's on her
desertion by Aeneas (Aen. 4. 300). Walsh ([1970]: 53-54) writes that
"[Charite's] story of the virtuous wife avenging her husband's death on the
hunting field by a lustful suitor probably derives from a synthesis of
Herodotus' account of Atys and the story of [Plutarch's] Camma, but the
literary model for the behavior of Apuleius' heroine is the Virgilian Dido."

- 44) *`labantique spiritu totam se super corpus effundit ac paenissime ibidem, quam devoverat ei, reddidit animam. Sed aegre manibus erepta suorum invita remansit in vita;'* Met. 8.6.
- 45) *`inedia denique misera et incuria squalida;'* Met. 8.7; see also 8.9. On the subject of mourning customs, Griffin ([1985]: 148) comments on Propertius' second Elegy, in which the poet envisions his own funeral: Propertius delights in the thought that Cynthia will accompany him beating her bare breasts (2.24.52) or even tearing them (2.13.27)... the bare breasts of mourning women had an appeal for Propertius, with their combination of the gloomy and the sexy." On other mourning customs, Griffin notes that "Lygdamus wishes Neaera to escort his corpse *`longos incompta capillos,*' her long hair dishevelled (Tib. 3.2.11), and that Tibullus expressly asks Delia not to tear her hair or cheeks (1.1.67)." In his commentary on Propertius' Elegies, Richardson ([1977]: 457) points out that "the color of mourning among the Romans`was dark grey, rather than black, the color conveyed by the adjective pullus (and the dress of mourning was the vestis pulla or the toga pulla)." Livy (34.7.10) asks: "what else do [women] lay aside in times of mourning than purple and jewellery? What do they put on when they have finished their time of mourning?" (*`quid aliud in luctu quam purpuram atque aurum deponunt? quid cum eluxerunt sumunt?*).
- 46) *`dies totos totasque noctes insumebat luctuoso desiderio;'* Met. 8.7.
- 47) Met. 8.7.
- 48) Austin (1955): 131.

- 49) `iam tempus est ut gladio dorsus ad meum Tleptoleum viam quaeram;'
Met. 8.13. See Prop. 1.15.23-4 for Evadne, who threw herself on her husband's funeral pyre. `Unita sepulchra ibidem marito perpetuam coniugem reddire;'
Met. 8.14. This characteristically Roman idea of the reunited couple" (Griffin [1985]: 159) also occurs in Prop. 4.7.93-4, and in various sepulchral inscriptions: CIL VI 24085 and 11252, CE 1027, 1325, and 1982 (cit. Griffin [1985]: 157).
- 50) On his deathbed Augustus kissed his wife Livia, and said, "Livia, live mindful of our union, and be strong" (`Livia, nostri coniugii memor vive, ac vale;'
 Suet. Aug. 99).
- 51) `a quo revelli nullocum posset modo/ et in sepulchro lugens vitam degeneret,/ claram assecuta est famam castae coniugis;'
 1-5.
- 52) `una igitur in tota civitate fabula erat, solum illud affulsisse verum pudicitiae amorisque exemplum omnis ordinis homines confitebantur;'
Satyr. 111.
 "The heroine [of the Greek romance] is the cynosure of all eyes, and people travel miles to gaze on her" Walsh (1970): 12.
- 53) `mortem inedia persequentem...quintem iam diem sine alimento trahebat;'
Satyr. 111.
- 54) Satyr. 111.

- 55) Sullivan ([1968]: 234) writes that "Eumolpus' remark at 112.1 that his audience must know what usually follows a satisfying meal ('ceterum scitis quid plerumque soleat temptare humanam satietatem') epitomizes the very physical nature of women's sexual appetites, at least as represented in the Satyricon."
- 56) 'quisquis ex notis ignotisque ad monumentum venisset, putaret expirasse super corpus viri pudicissimam uxorem.' Satyr. 112.
- 57) 'sic turpitude laudis obsedit locum;' 31. 'quanta sit inconstantia et libido mulierum.'
- 58) 'non Lichas risit, sed iratum commovens caput "si iustus," inquit, "imperator fuisset, debuit patris familiae corpus in monumentum referre, mulierem affigere cruci;' Satyr. 113. For an especially vivid description of the juxtaposition of the merry and tragic widow stereotypes, see Amado's Dona Flor and Her Two Husbands (1969). Ure (1956) points out that the Widow of Ephesus is a folkloric type: her story is found in all countries and all time periods: in medieval England, Italy and China; in seventeenth century France and England; and in such authors as La Fontaine, Goldsmith, Voltaire, Chapman, Daudet, and Fry.
- 59) Walsh (1970): 13.
- 60) '...non ut tam diu lugerent, sed ne diutius... Nulla res citius in odium venit quam dolor... inveteratus vero deridetur, nec in merito. Aut enim simulatus aut stultus est;' Seneca Epp. 63.13. Griffin ([1985]: 134) notes that several

authors believed "grief adds to a woman's charms;" see Ovid Met 7.733 and Fasti 2.757.

- 61) `mihi ex illis mulierculis dabis vix retractis a rogo, vix a cadavere revulsis, cui lacrimae in totum mensem duraverint?... [dolor] qui recens, consolatorem invenit et aliquos ad se adducit;' Epp. 63.13. Klapisch-Zuber (1985: 123n) writes that the widow in Boccaccio's Corbaccio opened her doors to mendicant friars, "great consolers of widows."
- 62) The term univira is also found on sepulchral inscriptions referring to a woman who died before her first and only husband. However, the term is used in this study to refer solely to a woman who did not remarry after the death of her husband.
- 63) Livy 10.23.
- 64) Williams (1958): 377. See also Griffin (1985): 141.
- 65) For instance, the pronuba (a Roman bride's wedding attendant) was a woman who had (or had had) only one husband. See Austin (1966): 33.
- 66) `ante, Pudor, quam te violo aut tua iura resolvo./ ille meos, primus qui me sibi iunxit, amores,/ abstulit; ille habeat secum servetque sepulchro;' Aen. 4.27-29.

- 67) `o luce magis dilecta sorori,/solane perpetua maerens carpere iuventa,/ nec dulcis natos Veneris nec praemia noris?/ id cinerem aut Manis credis curare sepultos?' Aen. 4.31-34.
- 68) Williams (1958): 378.
- 69) `extinctus pudor et, qua sola sidera adibam,/ fama prior;' 4.322-23.
- 70) `non servata fides cineri promissa Sychaeo;' Aen. 4.552.
- 71) Williams (1958): 378.
- 72) `Aufilena, viro contentam vivere solo/ nuptarum laus et laudibus eximiis;' Cat. 111.
- 73) `unico gaudens mulier marito;' C.3.14.4.
- 74) `in lapide hoc uni nupta fuisse legar;' 4.11.36. `fac teneas unum nos imitata virum... haec est feminei merces extrema triumphii;' 4.11.67.
- 75) Seneca (frag. De Matrimonio): "When a certain well-regarded woman, who had a second husband, was praised in her presence, Porcia minor replied: `the fortunate and proper matrona marries only once.'
- (Porcia minor, cum laudaretur aput eam quaedam bene morata, quae secundum habebat maritum, respondit:

`felix et pudica matrona numquam praeter semel nubit').

"Marcella maior, when asked by her mother if she enjoyed having been married, replied, `so greatly that I would not wish more.'

(Marcella maior rogata a matre sua, gaudente se nup-
sisse, respondit: `ita valde ut amplius nolim').

"Valeria, sister of the Messalae, when her husband Servius died, wished to marry no other. When asked why she had acted so, she said that for herself, her husband Servius always lived.

(Valeria Messalarum soror amisso Servio viro nulli vole-
bat nubere. Quae interrogata cur hoc feceret, ait semper
maritum Servium vivere).

I have tentatively identified Porcia as the daughter of M. Porcius Cato, wife of Bibulus (cos. 59 BC) and then of M. Junius Brutus (praetor 44 BC); Marcella as the wife of M. Agrippa (cos. 37 BC, II 28 BC, III 27 BC), and then of Iullus Antonius (cos. 10 BC); and Valeria as the wife of Servius Sulpicius Rufus (quaestor 49/50 BC). However, if these identifications are correct, Porcia and Marcella are not truly univirae as they have each had two husbands.

- 76) Williams (1958): 25. *Laudamia* (Catullus 68, Ovid Her. 13, and Prop. 1.19.9-10) grieved so greatly for her dead husband that he was returned to her (cit. Griffin [1985]: 140).
- 77) Rawson (1986): 31.
- 78) On the stigma attached to the remarriage of Christian widows, see St. Augustine De Bonorum Viduitatis; St. Ambrose, Concerning Widows Tim. 5: 11-13; St Luke 2: 36-38; Jerome Epist. 130.4.7. See also Lane Fox ([1986]: 309-10, 354), Lightman (1977), and McNamara ([1979]: 586-89).
- 79) Henderson (1989): 75; and Camsden (1952): 64.
- 80) MacFarlane (1986): 236f.
- 81) Todd (1985): 54-55.
- 82) Serial remarriage is evident in Martial's Epig.8.43: "Fabius buries his wives, Chrestilla her husbands, and each of them waves the funeral torch over the marriage bed. Match the victors, Venus: this is the end that will await them: one funeral to convey the pair" ('effert uxores Fabius, Chrestilla maritos,/ funeramque toris quassant uterque facem./ victores committe, Venus: quos iste manebit/ exetus, una duos ut Libitina ferat'). Martial as a source for social history must be utilized with caution because, as a satirist, he is prone to hyperbole and caricature for dramatic effect. However, if serial marriage were not common in Roman antiquity, Martial's invective here would be pointless, as the situation would be unknown to his audience. See

MacFarlane ([1986]: 234-35) for some extreme examples of serial polygamy in premodern England.

83) 'hau male istuc! age tu altera, ultra siet condicio pensior virginemne an viduam habere?' Stichus 119.

84) See Aen. 4. 31-38.

85) Cf. Ovid Fasti 2.55. It was considered infelicitous for widows to marry during the Parentalia in which rites in honor of the dead were performed (February 13-21): the days might be deemed impure or polluted with an atmosphere of death. The Festival of the Lemuria (May 9, 11, and 13) was also thought to be unsuitable "for the marriage of both a widow and a maid: she who marries then will not live long." ('nec vidua taedis eadem nec virginis apta tempora: quae nupsit, non diuturna fuit;' Fasti 5.483). Interestingly, Roman virgins could not marry on the Ides, Kalends, or Nones of every month, but widows could marry on these days with impunity (cf. Macrob. Sat. 1.15.21 and Plut. Quaest. Rom. 105). Frazer ([1929b]: 54) writes that "the licence granted to widows to marry on unlawful days is all the more remarkable because primitive ideas and customs commonly offer more obstacles to the marriages of widows and widowers... on the grounds that [they] are haunted by the jealous ghosts of their late spouses, who will do all in their power to molest their rivals and successors..." Cf. Pompey and his first wife Julia's ghost in Lucan's Pharsalia 3.28f.

86) Cf. Lucan Pharsalia 2. 334-365.

- 87) `priusquam dolorem lacrimae satiarent et percitae mentis resideret furor, et in sese nimietatis senio lassesceret luctus;' Met. 8.8.
- 88) Charite is referring to the Augustan marriage legislation. Cf. also Ovid Fasti 1.36. Frazer ([1929b]: 30-31) notes that "during her ten months' mourning a widow had to lead a secluded life; she might not visit any house except that of her mother-in-law." Cf. Cic. Pro Cluent. 35.
- 89) It was also difficult to remain an univira in the fourteenth and fifteenth centuries in Florence, but for different reasons. Klapisch-Zuber ([1985]: 119) writes that "any woman alone was suspect. An unmarried woman was considered incapable of living alone or in the absence of masculine protection without falling into sin..."
- 90) For the stock characters of Roman comedy, see Duckworth (1952): 236-68.

CHAPTER FOUR: HISTORICAL WIDOWS

The extant evidence on historical widows must now be compared with the legal and literary evidence seen so far, in order to determine whether the legal and literary images are corroborated, and to what extent. The paucity of any statistical demographic evidence for Roman antiquity and the narrow viewpoint from which we see the Roman widow (and indeed all Roman women) will necessarily make the conclusions drawn limited and tentative. Widows in the imperial family are indispensable to the study, but it must be remembered that they were not necessarily representative of all women, even all upper-class women:¹ studying non-imperial widows in addition, when possible, will give us a clearer picture of the place of the widow in Roman society, her spheres of activity, and her influence within these spheres.

This chapter is based on an examination of the historical data on some seventy widows, ranging chronologically from 187 BC to AD 235 (Table Nine). Some of the widows' lives are known in toto; others' only partially. The widows come from the elite sector of Roman society; widows of the lower classes are known only from sepulchral inscriptions which give only minimal information on the topics to be considered here: what the widow's family ties were, where and how she lived, and, most importantly, what she did during her widowhood. Several areas of investigation need to be marked out. First, the chronology of widowhood, its duration, at what point in the marriage it occurred, and the age of the woman when widowed.

Secondly, we need to examine the widow's legal position, and to determine whether or not she was free to act of her own accord. As seen already, Roman women were normally assigned a tutor: we must ascertain whether this

inhibited the widow's ability in practice to administer property, and to make a will. Did she have any degree of independent action in financial matters generally?

Thirdly, we must examine sexual comportment, and determine if the Roman widow conformed to the social standards of chastity which, to judge from the earlier evidence, were enjoined upon all Roman women, or whether her previous sexual experience as well as freedom from a husband's control gave her any potential for sexual liberty. Is the image of the licentious 'merry widow' found in the literature actually borne out by historical fact or merely a stereotype intended to fulfill ideological purposes? Furthermore, we must investigate how often widows were prosecuted for the crime of stuprum (indulging in sexual affairs), if at all: was moral legislation much too difficult to enforce?

Fourthly, we must direct attention towards where the widow lived, how many children she had, whether she reverted to the control of her natal family, and if not how she managed to live and raise children in a society where no public maintenance or state support was provided for widows. As we do so, we must remember that a widowed mother would be drawing largely on custom and her own character to assert herself, having no legal sanction (such as patria potestas) for her authority.²

Finally, the remarriage of the Roman widow needs to be considered: how long was it before she remarried, if at all, and to what degree was she influenced or compelled by the Augustan legislation on remarriage? Furthermore, who arranged the choice of a husband and negotiated the dowry-- the widow herself, or some male family member? If the latter, how much say did the widow have in her choice of a husband? More than she had in her first marriage, as a young girl? Did her age, or her children give her more authority

in this sphere? Were young widows less free to choose who they would marry than older widows?

By considering these questions, we should be able to draw some conclusions concerning what the Roman widow did during her widowhood, and her capacity for independence and assertive action. As a control, we may observe that widows in other pre-industrial societies (most notably in England from the fifteenth to the eighteenth centuries) were often financially independent and had greater means for assertive action than did married women.³ We must decide whether this was the case in Roman antiquity, and (more importantly) whether that independence was subordinated to or subsumed under the wishes and direction of the male family members closest to her. We must, then, determine how the widow functioned within the defined parameters of the female sphere (child-bearing and rearing, the household)⁴ and what her capacity was for operating in the male-dominated sphere (politics, sexual freedom, finances, marriage alliances). Was she a powerful figure in both the female and the male regions? That is, to what extent do the two overlap each other?

I. DURATION OF WIDOWHOOD

As stated earlier, early mortality considered with the age gap between husband and wife made the possibility of widowhood for many Roman women very likely indeed.⁵ It must be stressed, however (because it is not obvious from a modern perspective), that widowhood could occur at any time after a marriage had taken place (see Table Seven);⁶ thus Pliny the Younger wrote that Junius Avitus left behind him when he died "an elderly mother, a wife he married only a short time ago, and a daughter not long born."⁷ Similarly, Cornelia, the

daughter of Sulla and Ilia, married Q. Pomponius Rufus in 89 BC and was widowed the following year; Julia, daughter of Augustus, married C. Marcellus in 25 BC and was widowed in 23. There were also of course women who were widowed later in life: Livia was married to Augustus for fifty-three years before she was widowed; Cornelia, the mother of the Gracchi, thirty-three years; Domitia Decidiana, wife of Agricola, thirty-one. However, it is worth emphasizing that in the thirty-nine cases in which widowhood can be measured precisely, women were widowed ten years or less after marriage in more than 50% of the instances (see Table Seven). Only eight women out of the thirty-nine (approximately 20%) had marriages lasting twenty years or more.

Because Roman women tended to marry in their early teens, they were often very young when they were widowed. Attested ages at widowhood range from sixteen for Augustus' daughter Julia when widowed for the first time, to seventy-two, the age of Livia Drusilla when she was widowed. However, the evidence collected here suggests that most women were widowed at a young age: of the seventy widows, 81% were widowed between the ages of sixteen and thirty-five (see Table Two).

We find that most widows remarried very quickly, usually within a year or two of their husbands' deaths (see Table Three). Pompeia, wife of C. Memmius, was widowed in 75 BC, but had remarried by 74; Atia, mother of Augustus, lost one husband (C. Octavius) in 58 BC but married L. Marcius Philippus the same year.⁸ Under the Principate several widows remarried before the period of mourning for their first husbands had expired (Annia Aurelia, Marcella Minor), so quickly in fact that imperial dispensation was needed to prevent incurring infamia (see Table Three). If widows remarried quickly as a result of familial matrimonial strategy, this confirms that they were an important commodity in Roman society to be utilized as quickly and as advantageously as possible

(especially so if they had shown proof of fecundity).⁹ If the widow chose a new husband and negotiated a subsequent marriage herself in such a short space of time, it may also say something about the level of affect present in Roman marriage.¹⁰ However, there were some widows (univirae) who withstood social and legal pressure and never remarried at all. Of the twenty-one univirae known, eight were under thirty-five years old when they were widowed (38%; the age at widowhood of nine is unknown. See Table Six). If Roman women could be reasonably sure of being widowed at least once in their lives, some were widowed twice or more (see Table Eight).¹¹ Fulvia's first husband, P. Clodius Pulcher, died in 52 BC; she remarried the following year and was widowed again in 49; two years later she married M. Antonius.¹² Domitia Lepida was widowed in AD 20 when Valerius Messalla Barbatus died, in 31 when Faustus Cornelius Sulla died, and in 42 when C. Appius Julius Silanus died. Agrippina Minor¹³ was also widowed three times, losing her first husband at the age of twenty-five.

II. WIDOWS AND THE LAW

The legal affairs of Roman women who had no father or husband were overseen by the guardian (tutor), whose consent was needed in order for the woman to draw up a will or alienate property. However, by the end of the Republic the function of the tutor had largely become symbolic; a tutor could be forced to give his consent to whatever financial transactions the widow wished to make.¹⁴ This is clearly demonstrated by the history of Caesennia, the wife of Cicero's client Aulus Caecina, whom he defended in 69 BC.¹⁵ Caesennia's tutor P. Caesennius, who was probably her brother, had very limited control; in fact, Caesennia empowered another man, Aebutius, to act for her in all her

business transactions. Aebutius was described by Cicero as "the widows' companion" and as a man who had been "battering upon Caesennia's lonely and widowed situation... and inducing Caesennia to believe that a woman's inexperience was incapable of conducting a good business transaction without the presence of Aebutius."¹⁶

The husband of Caesennia was M. Fulcinus. They were married before 89 BC, the year in which their son was born. When Fulcinus died in 77 BC, Caesennia was legated an estate which had been purchased with her dowry and also a joint usufruct with her son on an adjoining estate (the 'Fulcinian farm') from which she received half the revenues. On her son's death in 74/73 BC Caesennia acquired the entire usufruct of the Fulcinian farm, which she was urged to purchase by her family and friends, and lease to a tenant; it is unclear whether Caesennia did buy the farm, although Cicero states that she did.¹⁷ After her son's death Caesennia married Aulus Caecina, and when Caesennia herself died in 70/69 her friend and 'business manager' Aebutius, who had spent much time and energy in the execution of Caesennia's financial affairs, challenged Aulus Caecina's right to the Fulcinian farm and claimed it should rightfully be his.

Frier sees one reason for the continuing presence of Aebutius in Caesennia's life, even after she had remarried and could rely on her husband to conduct her business transactions. After she was widowed Caesennia became, "doubtless for the first time in her life," personally and financially independent of family and husband; Aebutius was a token of that independence.¹⁸ As a widow, Caesennia clearly exercised a good deal of financial autonomy: with her dowry¹⁹ and bequests from her husband she was a very wealthy woman. She also made a will.²⁰

Two other widows are known to have made wills as well, Aemilia Tertia, and Junia Tertia (Tertulla). Aemilia Tertia, widow of Scipio Africanus, left her entire fortune to Africanus' adopted son, Scipio Aemilianus, with instructions to pay off the dowries of her two daughters. Thus she left the two Corneliae a substantial amount of her estate in defiance of the Lex Voconia (169 BC), which prohibited women of the upper classes from being instituted as heirs.²¹ Junia Tertia, the widow of C. Cassius Longinus (the tyrannicide; quaestor 53 BC), was close to ninety-five at her death in AD 22, and Tacitus notes that when she died "her will was busily discussed by the crowd; because in disposing of her great wealth she mentioned nearly every patrician of note in complimentary terms, but omitted the Caesar."²² Tiberius took no offense, however, and he allowed the celebration of Tertulla's funeral with a panegyric at the Rostra.

The widow, then, seems to have had a substantial amount of freedom in her financial affairs, especially if her husband had legated a portion of his estate to her, and left a usufruct for their children; she could not then be accused of squandering the patrimony. Several widows became rich when their husbands died, including Junia Tertia and Caesennia. Q. Hortensius (cos. 69 BC) left his wife Marcia a fortune when he died in 50 BC; Tacitus describes Junia Silana as "wealthy and childless" ('opibus et orbitiae Silanae') and Statilia Messalina as strong in "riches, beauty, and character" ('opibus et forma et ingenio'); Violentilla was also a very rich widow. Much earlier, Polybius commented on the wealth of Aemilia Tertia, received on the death of her husband Scipio Africanus, and the ostentatious display of her riches.²³

Widows are also visible in another aspect of Roman legal life, acting as prosecutors or witnesses in court cases. Sassia, in Cicero's Pro Cluentio, was responsible for instigating an inquiry into the death of her third husband Staius Aulus Oppianicus.²⁴ The inquiry produced no definite results, and Sassia

herself had the case reopened in 69 BC when she betrothed her daughter to one of Oppianicus' sons. In AD 97, at a much later date, when Pliny the Younger prosecuted Publicius Certus in order to avenge the death of Helvidius Priscus (the charge against Certus is obscure), he invited Helvidius' widow Anteia (along with Helvidius' stepmother Fannia and her widowed mother Arria) to play some part in the trial, "undefined, but outlined by his phrase `an velitis adscribi facto' (it is unclear whether the women were wanted as co-prosecutors or as possible witnesses)."²⁵ Antonia Minor, widow of Drusus, gave information to Tiberius leading to the discovery of the conspiracy of Sejanus, for which he held her in very high esteem.²⁶

Although widows are sometimes found taking an active part in Roman litigation, they are far more frequently seen, especially under the Principate, playing a passive role in the Roman law courts as victims of prosecution.²⁷ A number of widows were prosecuted for maiestas (treason) simply because their husbands had already been convicted of the same charge (see Table Eleven). For instance, Apronia Caesia was executed under Caligula for conspiracy; her husband had died in AD 39 accused of treason. C. Silius, the husband of Junia Silana (accused of maiestas in AD 55) met his death embroiled in palace intrigue. That the widows of these men were also accused clearly denotes assumed complicity in their husbands' treason, on the supposition that a woman was her husband's intimate on all matters, including political concerns. Dixon speculates that it was usual for wives to be their husbands' political confidantes; and that this suggests "a level of regular, near-equal discussion between spouses and close connections rather than any firmly rooted view that politics was not a proper sphere of feminine knowledge."²⁸

There seems to have been a view in Roman society that women should remain politically loyal to their own families. It is true that women were

sometimes seen as mirrors of the political convictions of their natal families, being tried for maiestas along with their brothers or fathers, but equally as often they were accused along with their husbands or sons, or alone, as widows. The fact that the widow was perceived as a living symbol of her husband's political views and thus as a potential offender herself (whether real or imagined) disproves the idea that Roman women were primarily viewed as filiaefamiliae and that the bond between husband and wife was emotionally "weak."²⁹ The widow of a political agitator was apparently considered a serious threat to imperial order.³⁰

III. SEXUAL COMPORTMENT

Another legal charge which could be brought against the widow was that of stuprum, a serious charge which could result in infamia, exile and loss of property. However, there are only a few instances in the sources in which a widow is actually prosecuted for stuprum. In AD 26 Claudia Pulchra, widow of Augustus' general Quintilius Varus, who died in AD 9 in battle in Germany, was accused by Domitius Afer, who "indicted her for unchastity, for adultery with Furnus, for practices by poison and spell against the life of the emperor."³¹ It must be noted, however, that the charge was properly stuprum, not adultery, since Claudia Pulchra was a widow. It must also be noted that her son was accused of treason the following year by the same man who had indicted his mother. In AD 29 Agrippina Maior was accused by Tiberius of stuprum with Asinius Gallus, although Tacitus described her earlier as 'inpenetrabilis.' She was brought to trial with her son Nero Caesar (charged with maiestas), and both were banished-- Agrippina to the island of Pandateria, where she died.³² The informers against Aemilia Lepida, widow of Drusus Caesar who died in AD 33

in the conspiracy of Sejanus, accused her of maiestas in AD 36 and "attacked her on the grounds of adultery [properly stuprum] with a slave. Of her guilt no doubt was entertained; she thus waived her defense and put an end to her life."³³

The charges of stuprum and adultery were accusations that may have been employed as an extension of or even a mask for political accusations; "the alleged lovers of the women accused might also be political targets."³⁴ Widows were seen as mirrors of their husbands' political convictions, and, since this might have affected the security of the imperial household, they and their families were the focus of imperial fear, and thus of retaliation. The three stuprum trials mentioned above clearly involved political motives. "Women related by blood or marriage to the imperial family were at the highest risk"³⁵ of being targeted with charges such as adultery, stuprum, maiestas, slander, or reading the horoscopes of members of the emperor's family-- any of which could be perceived as a threat to imperial order and the succession.

With the real (though admittedly slight) possibility of prosecution for stuprum as well as social condemnation of unchaste women, one might conjecture that the Roman widow had very little sexual freedom. Yet, as we have seen earlier, the image of the 'merry widow' is found in the literary and legal texts numerous times, and there are a few historical widows who corroborate the stereotype. Junia Silana was described by Tacitus as "eminent equally in blood, beauty, and voluptuousness" and was characterized by Agrippina as "wanton" ('*inpudicam*').³⁶ Julia, the widow of Flavius Sabinus, was loved by her uncle Domitian "ardently and openly."³⁷ Claudia Livia Julia (Livilla) reportedly had affairs with Sejanus, her slave doctor Eudemus, and Mamercus Scaurus.³⁸ Before Agrippina Minor married her uncle Claudius, "the plighted union was being rendered doubly sure by rumor and by illicit love,"³⁹ says Tacitus. The

freedman Pallas also enjoyed the widow's favors: "pledged to Agrippina as the agent in her marriage, [Pallas was] soon bound to her by criminal love."⁴⁰

When Claudius died in AD 54, Tacitus again remarks wryly that Agrippina was "apparently heart-broken and seeking to be comforted;" and at one point Tacitus accuses her of being engaged in an illicit affair with Faenus Rufus.⁴¹

Apparently, if the Roman widow was unconcerned about what society and her family thought of her, she could be as merry as she pleased. ⁴²

The most notorious 'merry widow' was Clodia Metelli, who was born about 95 BC, and who became the widow of Q. Metellus Celer (cos. 60 BC), to whom she was married by 62 BC.⁴³ In his defense of M. Caelius, Cicero intimated that Clodia poisoned her husband.⁴⁴ In whatever manner Celer died, Clodia certainly was not the model of the demure and inconsolable widow. "In triclinio Coa,' Caelius called her, referring to her transparent dress and sexually encouraging manner."⁴⁵ There were rumors of incest with her half-brother Clodius, of affairs with her slaves, of various lovers, including Sex. Cloelius (acquitted of a charge of vis [political violence] through Clodia's influence), and M. Caelius.⁴⁶ Clodia alleged that Caelius had borrowed money from her to pay for the public spectacles and shows, and then used this money to bribe her own slaves to poison her. The slaves informed their mistress of this plot, and she testified as a character witness against Caelius when he was on trial in 56.

Cicero strongly implied that Clodia not only had the morals of a whore, but was acting out of spite because her lover Caelius had jilted her: she was bringing the charges to assuage her wounded vanity.⁴⁷ Cicero itemized several of Clodia's profligacies: "debaucheries, love affairs, adulteries, the beach at Baiae, banquets and parties, songs and music, revelry on shipboard."⁴⁸ Clearly, the evidence of someone whose lifestyle was interchangeable with that of a prostitute would not stand up in court.

While we must keep in mind that we see Clodia through Cicero's eyes, who intentionally vilified her so that the jury would not believe her evidence,⁴⁹ his allegations would have carried no weight with the jury nor with his audience had there not been some measure of truth to them, or even if rumor had not bandied Clodia's name about. Clodia's father was dead, and so was her husband: a widow in the late Republic was the responsibility of her relatives, but if they chose not to exert their authority, she could apparently act as she pleased. Wiseman notes that "it is unlikely Clodia's brothers Appius, Gaius and Publius, whose own behavior was extravagant enough, would have bothered to do anything serious to control Clodia's."⁵⁰ However, Clodia's widowhood, social position and wealth were no guarantee of respect: she was derided and harassed by Roman citizens threatened by her sexual proclivities. Yet position, wealth, and freedom from familial control certainly brought her power. One of the central invective themes in the Pro Caelio is the subject of Clodia as physically and sexually aggressive, so much so that she effectively excludes her own femininity. Clodia was an imperatrix: her band of henchmen mulieraria manus.⁵¹ When she was insulted by a young man named Vettius, Clodia had two of her escorts assault him homosexually.⁵² "Rude songs were chanted about her in the Forum; she was given a perfume jar filled with 'something unmentionable;' and generally received the sort of treatment as that meted out to her at the trial of Caelius."⁵³ As Wiseman notes, to do without restrictions is also to do without protection.⁵⁴

A widow therefore could indeed go her own way, but at the risk of social disapproval, public harassment and even outright mockery. Unwritten but deeply felt social restrictions and mores acted to keep widows continent; female chastity was the cultural norm.⁵⁵ Clodia and her sexually licentious behavior must be viewed as an aberration, and it is likely that she "took pleasure in

flaunting her outrageous behavior."⁵⁶ Most widows probably felt unable to follow their own sexual inclinations because of the moral climate in which they lived: women on the surface seem to have passively accepted both their position and the value system of the "double standard" imposed on them, even to the point of defending them.⁵⁷

IV. RESIDENCE AND CHILDREN

Because a wife did not inherit if her husband died intestate, the husband had to specifically legate the house and furniture to his widow, as well as provisions, in some cases, if he was concerned about her material security. Among the historical widows under consideration, Cornelia, widow of Ti. Sempronius Gracchus (d. 154 BC), took charge of her children and her husband's estate,⁵⁸ and Caesennia, as we have seen, remained on the property her husband had bought with her dowry; after her son died she bought the land adjoining it in order to let it.⁵⁹

Some widows lived in houses that they possessed in their own right (perhaps the houses were part of their dowries): Galeria Fundana had a house on the Aventine; Clodia lived in her house on the Palantine; Domitia Lepida owned property in Calabria.⁶⁰ On the other hand, a few widows lived with family members: Seneca's mother Helvia appears to have lived in Spain with her father after her husband died; the widow Aurelia resided with her son Julius Caesar; Pliny the Younger and his widowed mother lived in his uncle's house.⁶¹

One reason for the widow to stay in her conjugal home was to remain with her children.⁶² Upon remarriage the children were taken into the residence of the new husband (in the event of a divorce children tended to live with their father

or their father's family). Rhea, Julia Procilla, Atia, and Aurelia brought their sons up and at the same time oversaw their education, which suggests they were not living with natal family or with their late husbands' relatives. It is interesting to note that the Latin term for stepfather, vitricus, "was used mainly as a term for those men who married widows with children."⁶³ In cases where the widow remarried a number of times, there could be several half-siblings in the same family or even in the same residence. Corbier notes that "widowhood... increased the chances of multiplying family ties of all varieties within a lifetime."⁶⁴

Many widows were left with young children when their husbands died: Junius Avitus' widow was left with a baby girl; the widow of C. Annius Asellus was left with a little daughter; Antonia Minor was left with three young children when Drusus died, all between the ages of five and one. After Livia's death in AD 29, the infant Caligula fell to the care of Antonia Minor (his grandmother). He remained with her until he was nineteen, and heaped honors on her after he became emperor.⁶⁵

Many widows undertook not only to rear but also to educate their sons, even though education was traditionally the responsibility of a father or a male relative: Cicero monitored his son's education into adulthood.⁶⁶ In reality, however, "both parents tend to be linked in the presumption of educational responsibility."⁶⁷ This is borne out by the words of Quintilian: "as regards parents, I should like to see them as highly educated as possible, and I do not restrict this remark to fathers alone."⁶⁸ Even if both parents took part in a boy's education, a mother's authority was enhanced by widowhood.⁶⁹ Cornelia, mother of the Gracchi, undertook the education of her sons. Cicero wrote: "we have read the letters of Cornelia, mother of the Gracchi; they make it plain that her sons were nursed not less by their mother's speech than at her breast."⁷⁰

Cornelia, Aurelia (mother of Julius Caesar), and Atia (mother of Augustus) regulated their sons' education, recreations, and games "religiously," Tacitus says, "and with the utmost delicacy."⁷¹ The women who won praise from Roman biographers and moralists were those who imparted traditional virtue to their children, "particularly their sons."⁷² Julia Procilla oversaw her son Agricola's education, and did not hesitate to assert herself in checking his scholarly excesses on occasion: the youth was inclined "to drink more deeply of philosophy than is permitted to a Roman and a senator," and his mother had to impose a check on his "enkindled imagination."⁷³ So too Julia Mamaea, the widowed mother of Severus Alexander: Herodian lists the youth's studies as Latin, Greek, and physical exercises, and, he says, "at his mother's bidding turned his attention from philosophy and music to other pursuits."⁷⁴ Pliny the Younger studied under his mother and his uncle; Agrippina Minor oversaw her son Nero's education, and even chose his teachers; Atia, mother of Augustus, "checked which teachers her son had frequented and what he had learned" each night.⁷⁵

In matters of education a widow could of course call on male relatives for help,⁷⁶ as in Pliny's case, but it was the widowed mother who took final responsibility, and the credit, for her son's education.⁷⁷ These widowed mothers governed their sons' childhoods and directed their adolescent goals.⁷⁸ A widow's nobility, dignity, and intelligence were reflected in her sons, and she in turn could bask in the glory of her sons' social successes and political triumphs. A widow might also gain influence through her sons: Seneca wrote disapprovingly of "mothers who make use of a son's power with a woman's lack of self-control, who because they cannot hold office seek power through their sons." Widows who simultaneously "spend their sons' inheritance and hope to be their heirs" also came in for reproof.⁷⁹

V. REMARRIAGE

A few cases can be found where a widow's father negotiated or attempted to negotiate his daughter's remarriage: Cicero arranged Tullia's first marriage to Calpurnius Piso, and after Piso's death betrothed her to Crassipes. Vinia Crispina was widowed in AD 68 (her husband is unknown), and her father, Vinius Titus, was reportedly trying to marry her to the emperor Otho immediately after: Tacitus recalled that "the common gossip of the people, who let nothing pass in silence, was already naming Otho the son-in-law and Vinius the father-in-law, because the former was a bachelor, and Vinius had a daughter who was a widow."⁸⁰ The daughter of Marcus Aurelius, Annia Aurelia Galeria Lucilla, was married in AD 164 to Lucius Verus at the age of fifteen, and widowed at twenty. Her father remarried her to the elderly Ti. Claudius Pompeianus so quickly her period of mourning for her first husband had not yet expired.⁸¹ Neither the young widow nor her mother Faustina were reportedly happy with this second husband ('sed has nuptias et Faustina et ipsa quae dabatur invitae habuerunt'), and Dio wrote that Annia "detested" Pompeianus.⁸²

Because Faustina was apparently very much opposed to her daughter's marriage with Pompeianus, it is obvious that her wishes were not consulted regarding this union. It is true that women were legally powerless in this sphere, but sometimes mothers did have a say in a widowed daughter's remarriage. Terentia worked with Tullia to arrange her daughter's marriage to Dolabella in 50 BC, when Cicero was in the East. When the widow Livilla asked permission from Tiberius to marry Sejanus in AD 25, Tiberius replied that Livilla "had a mother and a grandmother who were more natural advisors."⁸³

In one case there is evidence showing, or at least seeming to show, both parents involved in marriage arrangements. The inscription known as the Laudatio Murdiae (ILS 8394) states that the widow Murdia was "given in marriage by her parents to worthy men" ('ipsa ut a parentibus dignis viris data'). Sometimes a widow's marriage would be negotiated by another male relative: the young widow Octavia was given by her brother Octavian in marriage to M. Antonius in 40 BC, so soon after her husband C. Claudius Marcellus' death that she was still pregnant with his child (a clear case of a widow being remarried to cement political ties between families).⁸⁴ The union of Agrippina Minor and her uncle Claudius⁸⁵ was arranged by a powerful male who was not a family member, the freedman Pallas (Claudius' a rationibus), who put forth convincing arguments that the widow should be Claudius' choice of wife. Agrippina was a woman "distinguished by nobility of birth, by experience of motherhood, and by purity of character."⁸⁶ Pallas was assisted in the negotiations by Agrippina herself, who so effectively captivated her uncle that she displaced her rivals, and "anticipated her position by exercising the powers of a wife."⁸⁷

A widow can often be seen as the object of matrimonial advances. Cornelia refused an offer of marriage from the Egyptian king Ptolemy VII, and Argentaria Polla, the rich widow of Naples, was courted by many admirers before Arruntius Stella (cos. suff. 101/02; patron of Martial and Statius), finally married her. Sassia married her son-in-law "'nullis auctoribus,' on her own initiative."⁸⁸ When she was widowed a second time (in 80 BC), her husband's murderer Oppianicus the Elder asked for her hand, but she refused on the basis that he had three sons, marrying him, however, after he had murdered two of them.⁸⁹ In Sassia's case the widow herself-- not her male relatives or her grown son-- negotiated the subsequent marriage ('illa respondit').⁹⁰ Likewise, Domitius Tullus' second wife (her identity is unknown) apparently married him of her own

accord-- indeed against the wishes of her relatives. When he died, his widow inherited his country houses and a large sum of money and, according to Pliny, she "deserved all the more from her husband for having been so severely criticized for marrying him. It was thought most unsuitable that a woman of her high birth and blameless character, who was no longer young, had borne children in the past and long been widowed, should marry a wealthy old man."⁹¹ When Sejanus asked Tiberius for the widow Livilla's hand in marriage, Tiberius replied that Livilla "could decide for herself whether she ought to marry after Drusus or rest content in her old home."⁹² In one notorious case, the widow herself made the advances. The young widow Agrippina Minor pursued Galba so obviously, even before his wife was yet dead, that his mother-in-law scolded her before a company of women and even went so far as to slap her in public. ⁹³

Dowry is another subject pertinent to a widow's remarriage. The dowry was intended to help the husband sustain the burdens of matrimony: when a man died, his widow's dowry was returned to her (or to her father) to allow her to marry again. Thus, when L. Aemilius Paullus died in 160 BC, the sum raised at the auction of his effects was hardly large enough to pay his wife's dowry, and his sons had to sell some of his real property in order to pay off the dowry of the widow.⁹⁴ The dowry obviously enhanced the widow's chances of marrying again.

Of course, there were some widows who never married again (see Table Six), women subsequently commemorated as univirae. They suggest how difficult it was to enforce the Augustan legislation on remarriage (one historian points out that in the upper classes there were some notable cases of non-enforcement⁹⁵), living reminders of the laws' fundamental inability to uproot the ideals deeply embedded in the Roman collective psyche.

Antonia Minor (widow of Drusus) typified the image of the univira widowed at twenty-seven, in 9 BC, with three young children, she refused to remarry, although Augustus urged her to do so. She was "famous for her beauty and discretion," and highly esteemed by Tiberius both because she was related to him and because she was a virtuous and chaste woman.⁹⁶ Agrippina Maior was another exemplary devoted widow. After Germanicus' death in Asia, Agrippina, accompanied by her children, carried her husband's ashes herself on the ship to Corcyra, physically ravaged by illness and pitied by all.⁹⁷ Tacitus later described her as "frantic with grief" ('violenta luctu').⁹⁸ When, at the age of forty, she pleaded with the emperor Tiberius to aid her loneliness and give her a husband, he refused.⁹⁹ So she remained an univira, but in the end against her will. The family of Arria Maior provides classic examples of univirae. When her husband A. Caecina Paetus committed suicide, Arria Maior killed herself so she would not have to live without him, and voiced her hope that her daughter would do the same.¹⁰⁰ Arria Minor, with such a model as her mother, was similarly intent on committing suicide when her husband Thrasea Paetus was accused of treason in AD 66. Thrasea dissuaded Arria by reminding her of her duty to support their daughter.¹⁰¹ However the argument Tacitus attributes to him is weak, since by this time their daughter Clodia Fannia (aged thirteen) was married to Helvidius Priscus. Fannia herself (described in glowing terms by Pliny)¹⁰² was also widowed in AD 75 and never remarried, a fact hardly surprising given her family history.

The ideal of the univira may be viewed as a cultural paradigm, if not created then certainly perpetuated by Roman upper-class males: the ideal of the chaste woman forever faithful to one man is reiterated so often in the primary sources that it becomes a refrain.¹⁰³ The fact that the man is dead is immaterial; from a Roman viewpoint, if a woman is promiscuous she is also uncontrollable.¹⁰⁴

However, many widows never remarried simply because of their age: Seneca's mother was sixty when her husband died; Cornelia mater Gracchorum had been married thirty years and had grown children. (note however that Germanicus' widow Agrippina was forty when she begged Tiberius to give her a husband).

CONCLUSIONS

For the seventy historical widows examined in this chapter, the period of widowhood was very short: most remarried between a year and three years of being widowed. Widowhood occurred at any time after the commencement of the marriage-- it was not associated with old age-- and more than half of the women studied were widowed before they had been married ten years. Clearly, married couples at Rome could reasonably expect more than one spousal partner in their lives.¹⁰⁵ Because of the age difference between husband and wife, many women were very young when they were widowed for the first time: more than four out of ten women were widowed when they were under twenty-five years of age, and some were widowed while still in their teens, all of whom remarried.

The widow did not have any legal rights specific to her widowhood. She was still subject to the laws which pertained to any married Roman woman: she needed a tutor to make a will or administer finances, although the consent of the tutor for all women was largely negligible. Widows however did manage their legal affairs with considerable independence. Although some women were made extremely wealthy by the deaths of their husbands, this did not open any legal doors for them; however, they may have gained social influence and added

financial power. A widow of the senatorial class could often be accused of the criminal charges of stuprum or maiestas under the Principate (see Appendix I).

The Roman widow usually lived in her conjugal home after her husband died, kept her children with her, and took them into her new husband's home on her remarriage (and on each subsequent remarriage); seldom did Roman widows return to live with their natal families. However, there was no state support for widows; the woman subsisted solely on what her husband legated to her, and in some cases her dowry, if she or her father did not need it to enhance her prospects of remarriage. If her husband had died intestate, a widow might find herself dependent on a grown son or a brother-in-law for sustenance. The widow who lived in her conjugal home also raised her children there. Although she could call on male relatives for help, it was the widow who took the credit for her son's education and moral upbringing.

The Augustan regulations clearly had little real bearing on remarriage, given the examples of univirae in evidence. The legislation was difficult to enforce, and social pressure and family encouragement were probably more important factors in inducing the widow to remarry. Any one of a number of people could negotiate a new marriage, the widow's father, or mother, or both could make arrangements; the widow herself could accept matrimonial advances or take matters into her own hands. It may be that the older a widow was and the more children she had, the more control she would expect to have over her remarriage.¹⁰⁶ Some women however reached an age where they simply felt they were too old to remarry. These women were univirae simply from chronological circumstance; others did not remarry out of choice.

NOTES TO CHAPTER FOUR

- 1) Corbier ([1991]: 181-82) cautions against utilizing members of the imperial family to generalize about the whole of the Roman aristocracy.
- 2) Dixon (1988): 6.
- 3) On the economic and social freedom of widows 1500-1800, see LaBarge [1986]: 27; MacFarlane ([1986]: 233f); and Henderson ([1989]: 76). William Alexander wrote (History of Women [1779] vol 2, 309-10) "widowhood, when tolerable circumstances are annexed to it, is of all other female states the most eligible, being free from that guardianship and control to which the sex are subject while virgins, and while wives" (cit. Hill [1984]: 136). See also Livy 34.7.12.
- 4) Cf. Livy (1.57.9-10) and Juvenal (6.485 'praefectura domus') for the 'female' sphere in Roman antiquity; for women appropriating the male sphere and labelled as viragoes, see Kaplan (1979); Tac. Ann. 6.5, 12.6.
- 5) Saller (1987a) postulates that widows did not make up a large percentage of the population of marriageable women due to the frequency of remarriage in Roman society. For percentages of widows in other pre-modern societies, see Laslett ([1989]: 112); and Stone ([1979]: 46). Herlihy and Klapisch-Zuber (1985) found that in fifteenth-century Tuscany widows made up twice a large a number as widowers: 10% of women were widowed by age forty,

25% at fifty, and 50% at sixty; and there was a higher percentage of women who were widows living in the city (25%) than in the country (10%).

- 6) Several women made certain they would become widows by murdering their husbands: Livia wife of Augustus (Dio 56.30.1, Tac. Hist. 1.51); Clodia Metelli (Cic. Pro Cael. 63); Aprippina Minor (schol. Juv. 4.81); Quarta Hostilia Livy 40.37); Julia wife of Nero Caesar (Tac. Ann. 4.60.2); and Sempronia, whose mother Cornelia (the mother of the Gracchi) helped her to murder her husband Scipio Aemilianus (App. BC 1.20). On Sempronia and Cornelia see Hallett ([1984]: 45) and Pomeroy (1975: 150). On 'poisoning' in the ancient world see M.I. Finley ([1981]: 157), who notes that ancient doctors could not cure or extend the life of a patient with a potentially fatal disease such as a cancer or cardiovascular defect; "hence the ease and frequency with which allegations of poisoning were made and believed".
- 7) 'erat illi grandis natu parens, erat uxor quam ante annum virginem acceperat, erat filia quam paulo ante sustulerat;' Epp. 8.23.7.
- 8) Syme ([1979]: 135) puts the date of Atia's marriage to L. Marcius Philippus in 58 BC, while Gray-Fow ([1988]: 187) puts it in 57.
- 9) See Tac. Ann. 12.6.
- 10) On the level of affect present in Roman marriage, Bradley notes that "sentiment was at best no more than incidental" ([1991]: 161). Stone (1977) "compared premodern familial emotion to the level of affect one would find in

a bird's nest" (cit. Stearns [1985]: 818). In contrast Stearns believes that "it is clearly imprudent to assume that romantic love might not have sometimes affected mate choice or developed during marriage" ([1985]: 822); cf. Treggiari (1991).

- 11) Statilia Messalina was widowed AD 65, when Nero killed her third husband Atticus Vestinus in order to possess the widow (Suet. Nero 35). After she was widowed again in 68, she was betrothed to Otho (by the time he died in 69), judging by a letter he wrote "to Nero's [widow] Messalina, whom he had intended to marry, commending to her his corpse and his memory" ('ad Mesallinam Neronis, quam matrimonio destinerat, commendans reliquias suas et memoriam;' Suet. Otho 10).

- 12) See Babcock (1931) and Delia (1991).

- 13) For the birthdate of Agrippina Minor and her sisters see J. Humphrey (1979). Humphrey and Raepsaet-Charlier ([1987]: 365) both believe Agrippina was briefly engaged to L. Cornelius Sulla Felix (cos. 33) and/or Asinius Salonius before her marriage to Passienus in AD 41. Syme ([1986a]: 172 n.19) believes that Agrippina enjoyed a short marriage with Sulla Felix in 40 (thus Groag in PIR2 C 1465).

- 14) "The legal obstacles which inhibited women from making wills were imposed as it was assumed a will would only be written to the disadvantage of the agnates;" Pomeroy ([1976]: 224). For the "rubber stamp" quality of women's tutors, see Gratwick ([1984]: 41-43) and Marshall ([1989]: 37.

- 15) On Caesennia and the Pro Caecina in general, see Frier (1988); and Crook (1986): 73, 76.
- 16) `qui iam diu Caesenniae viduitate ac solitudine aleretur... et in eam opinionem Caesenniam adducebat, ut mulier imperita nihil putaret agi callide posse ubi non adesset Aebutius' (Pro Caec. 13). Aebutius quite clearly had hopes of a large legacy from Caesennia in return for services rendered.
- 17) Pro Caec. 13-17, 94.
- 18) Frier (1988): 26.
- 19) Frier (1988): 13.
- 20) Pro Caec. 17.
- 21) Pomeroy ([1976]: 223) and Hallet ([1984]: 93 n. 37); but see Crook ([1986]: 70) and Dixon ([1985]: 167) who disagree with this theory.
- 22) `testamentum eius multo apud vulgum rumore fuit, quia in magnis opibus cum ferme cunctos proceres cum honore nominavisset Caesarem omisit;' Tac. Ann. 3.25.
- 23) Tac. Ann. 13.19; schol. Juv. 6.434; Stat. Sily. 1.2.3). "For apart from the richness of [Aemilia Tertia's] own dress and the decorations of her carriage, all the baskets, cups, and other utensils for the sacrifice were either of gold

or silver, and were borne in her train on all such solemn occasions, while the number of maids and menservants in attendance was correspondingly large;' Polyb. 31.26. For a discussion of women and property in Polybius see Dixon (1985).

In quite a different area of Roman legal life, several widows are mentioned in the context of arranging funerals notably Seneca's aunt Helvia (Cons. ad Hel. 19.4) and Vitellius' widow Galeria Fundana (Dio 64.22.1), both of whom made arrangements for their husbands' burials. When her father died, the widow Vinia Crispina saw to the arrangements (Tac. Ann. 1.47.2). Obviously this was unusual (and laudable) enough to be recorded: a man's heir would normally arrange the costs and planning of his funeral, not his widow (who would be the head mourner). See Seneca Consol. ad Helv. 19.4; Dio 64.22.1; Tac. Ann. 1.47.2. Note also that Octavian's mother Atia was supposed to have arranged Caesar's funeral (Africa [1977-78]: 606).

24) See Cic. Pro Cluent. 176f.

25) Epp. 9.13. For a discussion of what role Fannia and Arria played in the trial, see Marshall (1990): 356.

26) In AD 31 (Dio 66.14 and Joseph. Ant. 18.182). See Nichols (1975) for a discussion.

27) Tac. Ann. 6.30. For a discussion of women in the civil and criminal courts see Marshall (1989 and 1990).

- 28) Dixon (1983): 39.
- 29) Hallett (1984): 227-30.
- 30) This thesis holds true even if one postulates the wives' assumed complicity on the basis that Rome was a patriarchal society in which women were identified through their male relatives (i.e., "daughter of," "wife of"); thus the wife of a traitor is a traitress herself. Similarly, Klapisch-Zuber ([1985]: 118) states that in fifteenth-century Italy "since reference to a male was necessary, a woman was spoken of in relation to her father or husband, even when they were dead". Similarly, Antonia and Agrippina Maior were frequently referred to as the widows of Drusus and Germanicus.
- 31) 'crimen in pudicitiae, adulterum Furnium, veneficia in principem et devotiones obiectabat'; Tac. Ann. 4.52.1; see also Dio 59.19.1. The fact that Claudia Pulchra was a widow and therefore prosecuted for stuprum "has not been observed by all scholars in the modern time" (Syme [1986]: 327). See Tac. Ann. 4.66 for the prosecution of her son.
- 32) Tac.Ann. 4.12 and 5.3.
- 33) 'post a delatoribus corripitur ob servum adulterum, nec dubitabantur de flagitio: ergo ommissa defensione finem vitae sibi posuit'; Tac. Ann. 6.40, AD 36.
- 34) See Marshall (1990): 336-37, and Ferrill (1980): 336.

- 35) Marshall (1990): 336.
- 36) 'insignis genere foram lascivia;' Tac. Ann. 13.19.
- 37) Suetonius reports that when the helpless Julia was "bereft of father and husband, [her uncle Domitian] loved her ardently and openly, and even became the cause of her death by compelling her to get rid of a child of his by abortion" ('patre ac viro orbatam ardentissime palamque dilexit, ut etiam causa mortis exstiterit, coactae conceptum a se abigere;' Dom. 22). Pliny the Younger similarly attests to the 'incestuous' relationship between Julia and Domitian, and stated that Julia "died as a result of an abortion during her widowhood" ('nam vidua abortu periit;' Epp. 4.11.6). On abortion in Roman antiquity, see Watts (1973).
- 38) Tac. Ann. 4.3.3; Pliny HN 29.1.20; Tac. Ann. 6.29. 4-7.
- 39) 'pactum matrimonium iam fama, iam amore illicito firmabatur;' Tac. Ann. 12.5.
- 40) 'Pallas, qui obstrictus Agrippinae ut conciliator nuptiarum et mox stupro eius inligatus;' Tac. Ann. 12.25.
- 41) 'velut dolore evicta et solacia conquirens;' Tac. Ann. 12.68; Ann. 15.50.
- 42) For the image of the merry widow in England 1300-1840, see MacFarlane (1986).

- 43) Wiseman (1985) places the date of Clodia's marriage with Celer in 79, but there is no evidence to show he was her first husband (we hear about the marriage for the first time in 62, when Clodia was thirty-three years old). According to Quinn, ([1972]: 132), Clodia did not marry Celer until 63/62 BC, which is patently absurd, given that the average age at marriage for upper-class Roman women was early to middle teens. Either the date of the marriage should be pushed back to 79 BC (as Wiseman does), or we must postulate an unknown first husband.
- 44) Cic. Pro Cael. 63; cf. note 8
- 45) Cael. ap Quint. 8.6.52; Wiseman (1985): 44. On women's transparent clothing, cf. Horace Sat. 1.2. 83-85, 101-03, and Griffin (1985): 92.
- 46) Cic. QE 2.3.2; Wiseman (1985): 89 and (1969): 52-55.
- 47) Dixon ([1983]: 100-101) feels certain that Clodia's motives for testifying were political, not emotional or sexual. I disagree with this, as does Wiseman (1985): 40-42.
- 48) 'libidines, amores, adulteria, Baias, actas, convivia, commissationes, cantus, symphonias, navigia iactant...;' Pro Cael. 35
- 49) Wiseman (1985): 59.
- 50) Wiseman (1985): 51.

- 51) See Skinner (1982): 205 n.26. 'fortes viros ab imperatrice in insidiis atque in praesidio balnearum collocatos;' Pro Cael. 67.
- 52) Pro Cael. 71; Plut. Cic. 29.4; Wiseman (1985): 39.
- 53) Cic. QE 2.3.2; Pro Cael. 61-69; Quint. 6.3.5; Wiseman (1985): 52.
- 54) Wiseman (1985): 52.
- 55) For women's acceptance of the sexual double standard in antiquity see Finley (1969).
- 56) Wiseman (1985): 49.
- 57) Finley (1969): 133.
- 58) Plut. Ti. Gracc. 14.
- 59) Cic. Pro Caec. 94.
- 60) Tac. Hist. 3.70; Cic. Pro Cael. 63f; Tac. Ann. 12.68.
- 61) 'praedixisse matri osculanti fertur domum se nisi pontificem non reversum'; Suet. Jul. 13. Deutsch (cit. Africa[1977-78]: 605) notes that "Julius Caesar's immediate family was composed almost exclusively of women-- he had virtually no close male family ties during his lifetime." A.N. Sherwin-White ([1966]: 379) writes that if indeed Pliny and his mother are living in her

brother's house, this suggests that her husband is dead. In Greece it was usual for a widow to return to her natal family. In Hunter's analysis of widows in Athenian lawsuits, "one does not find a single example of a widow of childbearing age who chose or was allowed to choose to remain in her husband's house" ([1989]: 298). However, the Athenian widow and her children usually remained together, "reared by a stepfather or supported by a maternal uncle" (ibid).

62) But see D. 35.1.65.2; also D. 24.4.1.10 on postumi. Horace wrote of children in the care of a widow: `ut piger annus pupillis, quos dura premit custodia matrum' (Epp. 1.1 21-22), as did Seneca: "left as a ward, he was under the care of guardians up to his fourteenth year, but his mother's guardianship lasted all his life" (`pupillus relictus sub tutorum cura usque ad quartum decimum annum fuit, sub matris tutela semper;' consol. ad Marc. 24.1). See also 24.2: "your son was never removed from your sight; he shaped all his studies under your eyes with outstanding ability" (`numquam e conspectu tuo recessit: sub oculis tuis studia formavit... excellentis ingeni').

63) Gray-Fow (1988): 185.

64) See Corbier (1991a): 12, and Bradley (1991): 125-155. As evidence for a fluid family structure at Rome (and absence of the stable `nuclear' family), it may be noted that Domitia Lucilla (the heir of Domitius Tullus; Pliny Epp. 8.18) had had children in a marriage previous to that with P. Calvisius Tullus Ruso, and in AD 109 (four years after the birth of her daughter Domitia Lucilla Minor) she was already a grandmother.

- 65) Pliny Epp. 8.23.7; Cic. Verr. 2.153; Tac. Ann. 15.2 ('post haec Antonia aviae, quidquid umquam Livia Augusta honorum cepisset'). Other widows with small children included Valeria, who bore Sulla a postumus baby girl; Claudia Pulchra who was left with a young son; Cornelia, widow of Q. Pomponius Rufus; and Junia Tertia, who had a two-year-old son when her husband died in 42 BC. Marcus Aurelius was brought up under the joint care of his mother and his paternal grandfather (who had adopted him; Med. 4.1).
- 66) See Bradley (1991): 103-06.
- 67) Dixon (1988): 174.
- 68) 'in parentibus vero quam plurimum esse eruditionis optaverim, nec de patribus tantum loquor;' Quint. Inst. ora. 1.1.6.
- 69) See Dixon (1988): 176. The fact that the widow undertook to educate her sons also implies that she was educated enough to be discriminatory (as in the case of Cornelia). A woman's role in overseeing education was "more important and more resolute if she was a widow" (Dixon [1988]: 176).
- 70) 'legimus epistulas Corneliae matris Gracchorum; apparet filios non tam in gremio quam in sermone matris;' Brut. 211; cf. also Quint. Inst. ora. 1.1.6.
- 71) 'Ac non studia modo curasque, sed remissiones etiam lususque puerorum sanctitatae quadam ac verecundia temperabat. Sic Corneliam Gracchorum, sic Aureliam

Caesaris, sic Atiam Augusti praefuisse educationibus ac produxise principes liberos accepimus.'

'Religiously, and with the utmost delicacy, [the mother] regulated not only the serious tasks of her useful charges, but their recreations also, and their games. It was in this spirit, we are told, that Cornelia, the mother of the Gracchi, directed their upbringing, Aurelia the mother of Caesar, Atia of Augustus: thus it was that these mothers trained their princely children.'

(Tac. Dial. 28).

72) Dixon (1988): 2.

73) Tac. Agric. 4.

74) Herodian 5.7.5; SHA Vita Alex 14 ('ipse autem, cum parentis hortatu animum a philosophia musicaque ad alias artes'). "Mothers were praised for diverting their sons from unsuitable courses" Dixon ([1988]: 2).

75) Plut. Sert. 2.1; Pliny Epp. 6.16; Suet. Nero 52 and Tac. Ann. 12.8; Nicolaus Aug. 3/6.

76) Pliny Epp. 3.5.15; Aurelius Med. 1.4; Dixon (1988): 172). If the widow remarried presumably her new husband would take part in the process (as with L. Marcius Philippus and Augustus; see Gray-Fow [1985]).

77) Dixon (1988): 176. However, we must note that all the widowed mothers discussed here are a part of the topos of the 'good mother' at Rome, and as such display attributes deemed proper and fitting in a matrona: dignity, moral probity, devotion to their children.

- 78) Africa ([1977-78]: 608). Africa also holds that there was great "Oedipal potential" in any "typically Roman family," in which women married and bore children at a young age; mothers were often youthful and physically attractive during their sons' childhood and adolescence. The "Coriolanian" personalities of these matrifocal households (i.e., men with excessive devotion to a widowed mother such as Brutus and Sertorius) were politically successful, but this devotion was "potentially damaging to the inner world of the psyche."
- 79) Seneca Consol. ad Helv. 14. 2-3f.
- 80) 'et rumoribus nihil silentio transmittentium, quia Vinio vidua filia, caelebs Otho, gener et socer destinabantur;' Ann. 13.2.
- 81) 'Profiscens ad bellum Germanicum filiam suam non decurso luctus tempore grandaevo equitis Romani filio Claudio Pompeiano...'
- 'Just before setting out for the German war, and before the period of mourning had yet expired, [he] married his daughter to Claudius Pompeianus, the son of a Roman eques and now advanced in years...'
- (SHA Marcius. 20.6).
- 82) SHA Marcius 20.6; Dio 72.4.4.
- 83) 'esse illi matrem et aviam, propiora consilia;' Tac. Ann. 4.40.3. On marriages arranged by women, see Treggiari (1985). However see Finley (1969): 133.

- 84) Dio 48.31.4; the child born was Marcella Minor. For Octavia's "bastard son" see Syme ([1979]: 512), and Val. Max. 9.15.2. Plutarch writes that in order for Octavia to marry M. Antonius, "imperial dispensation was needed" (Plut. Ant. 31.) This is quite obviously an anachronism on Plutarch's part, since this law was part of the Lex Julia de maritandis ordinibus which was implemented in 18 BC. Like Octavia's marriage to M. Antonius, the remarriage of an Athenian widow would usually be arranged by her father or brother (Hunter [1989]: 297).
- 85) Syme puts Passienus' death early in 47; Bradley ([1978]: 51) believes it "may well have occurred in his second consulship, [AD 44] since a suffect appears as early as May in the Fasti for that year." Josephus (Ant. 20. 148) however wrote that "on Domitius' death Agrippina remained a widow for a long time until Claudius married her" (Ant. 20.148).
- 86) `feminam nobilitate puerperis sanctimonia insignem;' Tac. Ann. 12.6.
- 87) Tac. Ann. 12.3.
- 88) Treggiari (1985): 338.
- 89) Plut.Ti. Gracch. 14; Stat. Sily 1.2.137-39; Cic. Pro Cluent. 12,14; Treggiari ([1985]: 338-39). By AD 100 a marriage between a mother-in-law and her son-in-law was considered incestuous. See Corbier ([1991]: 177).

- 90) `petit Oppianicus, ut sibi Sassia nubat, et id magno opere contendis...sed [illa] quod haberet ille tria filios, idcirco se ab eis nuptiis abhorrere respondit;' Cic. Pro Cluent. 27.
- 91) `ac tanto melius de viro merita, quanto magis est reprehensa quod nupsit. Nam mulier natalibus clara, moribus proba, aetate declivis, diu vidua mater olim, parum decore secuta matrimonium videbatur divitis senis ita perdit morbo, ut esse taedio posset uxori, quam iuvenis sanusque duxisset;' Pliny Epp. 8.23. Syme postulated that Catilius Severus (cos. II 120) may have married Domitius Tullus' rich widow [1979]: 682-83 and [1988]: 675).
- 92) `posse ipsam Liviam statuere, nubendum post Drusum an in penetibus isdem tolerandum haberet;' Tac. Ann. 4.40.
- 93) `...ne Agrippina quidem, quae viduata morte Domiti maritum quoque adhuc necdum caelibem Galbam adeo omnibus sollicitaverat modis..;' Suet. Galba 5.
- 94) Livy per. 46 and Diod. 31.26.
- 95) Rawson (1986): 31.
- 96) Plut. Ant. . 87.3; Joseph. Ant. 18.180.
- 97) `At Agrippina, quamquam defessa luctu et corpore aegro, omnium tamen quae ultionem morarentur intolerans ascendit classem cum cineribus Germanici et liberis, miserantibus cunctis quod femina nobilitate princeps...'

`Agrippina herself, worn out with grief and physically ill, yet intolerant of every obstacle to revenge, went on board the fleet with her children and the ashes of Germanicus; amid universal pity for this woman of sovereign lineage...'

(Tac. Ann. 2.75).

98) Tac. Ann. 3.1.

99) Tac. Ann. 4.53. Syme proposed Asinius Gallus as the potential husband Agrippina was begging to be given (1984: 1026).

100) Pliny Epp. 3.16.10.

101) `Arriamque temptantem mariti suprema et exemplum Arria matris sequi monet retinere vitam filiaeque communi subsidium unicum non adimere;' Tac. Ann. 16.34. Marcia, widow of Fabius Maximus (whose death in AD 14 was possibly by his own hand; Tac. Ann. 1.5.1), "had been heard at the funeral, sobbing and reproaching herself as the cause of her husband's destruction" ('auditos in funere eius Marciae gemitus semet incusantis quod causa exitii marito fuisset;' Tac. Ann. 1.5.2). According to Plutarch (de Garrul. 2) she killed herself not long after.

102) Pliny Epp. 7.19.

103) Octavia is not included in this list, because although she was indeed a widow (C. Claudius Marcellus died in 40 BC); she was not strictly an univira. However she was described in the customary platitudes reserved for such women: cognizant of her husband's liason with Cleopatra, she

nevertheless refused to leave Antony's house, caring for their daughters (the two Antoniae) and the children Antonius had had by Fulvia, "in a noble and magnificent manner" (Plut. Ant. 54). Antonius was hated by the Romans (naturally) for treating such a virtuous woman so, and in 32 he formally divorced her. Octavia took all the children with her, and after Antonius' death in 31 even reared the children he had had by Cleopatra (Plut. Ant.87). Octavia did not remarry, and died in 11 BC.

One woman who did not adhere to the stereotype of the devoted univira elicited some harsh words from the paragon of virtue Arria Maior: Vibia was the widow of L. Arruntius Camillus Scribonianus (put to death in AD 42 for maiestas) accused of complicity with her husband in the Dalmatian revolt. "When [Arria] came before Claudius and found the wife of Scribonianus volunteering to give evidence of the revolt, she cried, "Am I to listen to you, who could go on living after Scribonianus died in your arms?" (*eadem apud Claudium uxori Scriboniani, cum illa profiteretur indicium "ego," inquit "te audiam, cuius in gremio Scribonianus occisus est, et vivis?"* Pliny Epp. 3.16.9).

104) In the Germania, Tacitus indulges in some wistful yearning for the virtuous woman who cleaves only to one man. He writes of those tribes "where only maids marry, and where a woman makes a pact, once and for all, in the hopes and vows of a wife; so they take one husband only, just as one body and one life, in order that there may be no second thoughts, no belated fancies, in order that their desire may not be for the man, but for marriage..." (*in quibus tantum virgines nubunt et cum spe votoque uxoris semel transigitur. sic unum accipiunt maritum quo modo unum corpus*

unamque vitam, ne ulla cogitatio ultra, ne longior cupiditas, te tanquam maritum, sed tanquam matrimonium ament;' 18).

105) Bradley (1991): 161.

106) Rawson ([1986]: 31) writes that when Antonia Minor refused to remarry the fact that she had already borne three children may well have strengthened her position."

TABLE TWO: AGE AT WIDOWHOOD

	FIRST	SECOND	THIRD
Antonia Minor	27		
Annia Aurelia Galeria Lucilla	22		
Caesennia	*36		
Claudia Antonia	19	35	
Claudia Livia Julia	17	36	
Claudia Pulchra	21		
Clodia Fannia	22		
Cornelia (mother of the Gracchi)	*46		
Cornelia (d. of Sulla)	*15		
Cornelia (d. of Scipio Nasica)	*16	*21	
Cornificia	30		
Domitia Decidiana	53/58		
Domitia Lepida	19	30	41
Domitia Lucilla Minor	26		
Fulvia	32	35	
Helvia	60		
Julia (d. of Augustus)	16	27	
Julia (d. of Agrippa)	27		
Julia (d. of Drusus)	27		
Julia (d. of Titus)	19		
Julia Agrippina	25	32	39
Julia Domna	38		
Junia Tertia	31		
Livia Drusilla	72		

Marcella Minor	28
Marcia (d. of Atia)	31
Marcia (d. of Atia Minor)	39
Octavia	29
Pompeia (d. of Cn Pompeius)	25
Pompeia (d. of Pompeius Magnus)	*27
Sempronia	35
Servilia	23
Tullia	19
Vibia Aurelia Sabina	17
Vinia Crispina	19
Vipsania Agrippina	33

*Speculative

	no.	%
Widows total	37	100
Widowed under 25	16	43
26 - 35	14	38
35+	7	19

TABLE THREE: LENGTH OF WIDOWHOOD

	FIRST	SECOND	THIRD
Annia Aurelia Galeria Lucilla	*1		
Atia	1		
Caecilia Metella	1		
Caesennia	5		
Cornelia (d. of Scipio Nasica)	1	?	
Cornificia	3		
Domitia Lepida	?	10?	
Fulvia	1	3	
Julia (d. of Augustus)	2	1	
Julia (d. of Drusus)	3		
Julia Agrippina	1	1?	5
Marcella Minor	*1	1	
Octavia	1		
Pompeia (d. of Cn. Pompeius)	1		
Sassia	2	?	
Statilia Messlina	1	?	
Tullia	7		
Violentilla	1		

*within official mourning period

TABLE FOUR: REMARRIAGE

	no.	%
Widows total	70	100
Widows who remarried	30	43
Widows who did not	21	30
Ignotae	19	27

TABLE FIVE: REMARRIAGE AND AUGUSTAN LEGISLATION

A) Before 18 BC:

	no.	%
Widows total	25	100
Widows who remarried	13	52
Widows who did not	7	28
Ignotae	5	20

B) After 18 BC:

	no.	%
Widows total	45	100
Widows who remarried	16	36
Widows who did not*	20	44
Ignotae	9	20

* Some widows did not remarry because of death or exile.

TABLE SIX: UNIVIRAE AND AGE AT WIDOWHOOD

Acutia	?
Aemilia Lepida	?
Aemilia Tertia	?
Antonia Minor	27
Arria Minor	?
Aurelia	?
Claudia Pulchra	21
Clodia Fannia	22
Cornelia (mother of the Gracchi)	**46
Domitia Lucilla Minor	26
Helvia	60
Julia (d. of Agrippa)	*27
Julia (d. of Titus)	19
Julia Domna	38
Junia Silana	*
Junia Tertia	31
Livia Drusilla	72
Munatia Plancina	?
Mutilia Prisca	?
Sosia Galla	*
Vipsania Agrippina	*33

* Exiled

** Speculative

TABLE SEVEN: LENGTH OF MARRIAGE BEFORE WIDOWHOOD

	FIRST	SECOND	THIRD
Aemilia Lepida	10		
Antonia	7		
Arria Minor	24		
Annia Aurelia Galeria Lucilla	6		
Caesennia	12		
Claudia Antonia	5	?	
Claudia Livia Julia	5	?	
Claudia Pulchra	*7		
Clodia Metelli	*20		
Cornelia (mother of the Gracchi)	33		
Cornelia (d. of Sulla)	1		
Cornelia (d. of Scipio Nasica)	2	4	
Cornificia	*16		
Domitia Decidiana	31		
Domitia Lepida	5	?	1
Domitia Lucilla Minor	14		
Fulvia	10	4	
Helvia	32		
Julia (d. of Augustus)	2	9	
Julia (d. of Agrippa)	12		
Julia (d. of Drusus)	10		
Julia (d. of Titus)	*5		
Julia Agrippina	12	6	6
Julia Domna	24		

Junia Tertia	17
Livia Drusilla	53
Marcella Minor	*14
Marcia (d. of Atia)	6
Marcia (d. of Atia Minor)	25
Octavia	14
Pompeia (d. of Cn. Pompeius)	6
Pompeia (d. of Pompeius Magnus)	13
Sempronia	*21
Servilia	*9
Tullia	6
Valeria	1
Vibia Aurelia Sabina	*3
Vinia Crispina	*6

* Speculative

	no.	%
Widows total	39	100
Married 10 years or less	21	54
Married 11 - 20 years	10	26
Married 21 years or more	8	20

TABLE EIGHT: WOMEN WIDOWED MORE THAN ONCE

Widow	Birth	Marr.	Husband	Wid.	Age	Remarr.	Husband	Wid.	Age
Claudia Antonia	AD 27	AD 41	Cn Pompeius Magnus	AD 46	19	?	Faustus Cornelius Sulla	AD 62	35
Claudia Livia Julia	13 BC	1 BC	C. Julius Caesar	AD 4	17	?	Drusus Julius Caesar	AD 23	36
Cornelia (d. of Scipio Nasica)	*69 BC	55 BC	P. Licinius Crassus	53 BC	*16	52 BC	Pompeius Magnus	48 BC	21
Domitia Lepida	AD 1	AD 15	Valerius Mesalla Barbatus	AD 20	19	?	Faustus Cornelius Sulla	*AD 31	30
Fulvia	84 BC	62 BC	P. Clodius Pulcher	52 BC	32	53 BC	C. Scribon- ius Curio	49 BC	35
Julia (d. of Augustus)	39 BC	25 BC	C. Marcellus	23 BC	16	21 BC	M. Agrippa	12 BC	27
Sassia	?	?	A. Cluentibus Habitus	88 BC	?	86 BC	Aulus Mel- inus	80 BC	?
Statilia Messalina	?	?	**Atticus Vestinus	AD 65	?	AD 66	NERO	AD 68	?

(Continued)

<u>Widow</u>	<u>Remarr.</u>	<u>Husband</u>	<u>Wid.</u>	<u>Age</u>	
Claudia Antonia	NO				
Claudia Livia Julia	NO				
Cornelia (d. of Scipio Nasica)	?				
Domitia Lepida	AD 41	C. Appius Julius Silanus	AD 42	41	
Fulvia	46 BC	M. Antonius			
Julia (d. of Augustus)	11 BC	TIBERIUS			
Julia Agrippina	AD 48	CLAUDIUS	AD 54	39	* Speculative
Sassia	?	Statius Albius Oppianicus	72 BC	?	** Her third husband
Statilia Messalina	?	OTHO (betrothal)			

TABLE NINE: ALL WIDOWS USED IN THE STUDY

Widow	Father	Mother	B.	Marr.	Husband	Wid.	Age	Yrs. Marr.	Remarr.
Acutia	?	?	?	?	P. Vitellius	AD 31	?	?	YES (ignotus)
Aemilia Tertia	M. Aemilius Scipio	?	?	?	Scipio Africanus	?	?	?	NO
Aemilia Lepida	M. Aemilius Lepidus	?	?	by AD 23	Drusus Caesar	AD 33	?	10	NO
Anteia	P. Anteius Rufus	?	?	?	Helvidius Priscus	AD 93	?	?	YES (ignotus)
Antonia	M. Antonius	Octavia	36 BC	by 16 BC	Nero Claudius Drusus	9 BC	27	7+	NO
Apronia	L. Apronius	?	?	?	L. Cornelius Lentulus Gae- tulicus	AD 39	?	?	?
Argentaria Polla	?	?	?	?	M. Annaeus Lucan	AD 65	?	?	YES (ignotus)
Arria Minor	A. Caecinus Arrius	Arria Maior	?	by AD 42	P. Clodius Thrasea Paetus	AD 66	?	24	NO

(CONTINUED)

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Acutia	?	?	PIR2 A 102	Acutius 4
Aemilia Tertia	Cornelia Cornelia (mother of the Gracchi) b. * 200 BC	?	-	Aemilius 179
Aemilia Lepida	NO	AD 36	PIR2 A 421	Aemilius 167
Anteia	2 daughters 1 son	?	PIR2 A 732	Anteius 5
Antonia	Germanicus 15 BC AD 37 Claudia Livia Julia b. 13 BC CLAUDIUS b. 10 BC		PIR2 A 885	Antonius 114
Apronia	1 daughter 3 sons	before AD 41	PIR2 A 976	Apronius 11
Argentaria Polla	?	?	PIR2 A 1039	Polla 2
Arria Minor	Clodia Fannia b. AD 53	?	PIR2 A 1114	Arrius 40

Widow	Father	Mother	B.	M.	Husband	W.	Age	Yrs. Marr.	Remarr.
Arria Fadilla	Arrius Antoninus	Boionia Procilla	?	?	Ti. Aurelius Fulvius	?	?	?	P. Julius Lupus
Atia	M. Atius Balbus	Julia	?	?	C. Octavius	58 BC	?	?	L. Marcus Phillipus 57 BC
Aurelia	?	?	?	?	C. Caesar	85 BC	?	?	NO
Annia Aurelia Galeria Lucilla	M. AURELIUS	Faustina	AD 147	AD	Lucius Caesar 163	AD 169	22	6	Ti. Claudius Pompeianus AD 169
Casennia	?	?	*103 BC	89 BC	M. Fulcinus	77 BC	*36	12	Aulus Caecina (72 BC)
Claudia Antonia	CLAUDIUS	Aelia Paetina	AD 27	AD 41	Cn. Pompeius Magnus	AD 46	19	5	Faustus Cornelius Sulla (d. AD 62).
Claudia Livia Julia	Nero Claudius Drusus	Antonia Minor	13 BC	1 BC	C. Julius Caesar	AD 4	17	5	Drusus Julius Caesar (d. AD 23)

(Continued)

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Arria Fadilla	Antoninus Pius Julia Fadilla	?	PIR2 A 119	Arrius 44
Atia	Octavia b. 69 BC AUGUSTUS b. 63 B.C.	43 BC	-	Atii 34
Aurelia	C. Julis Casear	54 BC	-	Aurelius 248
Annia Aurelia Galeria Lucilla	Aurelia b. AD 166	AD 182	PIR2 A 707	Annius 119
Caesennia	1 son (d. 73 BC)	70/69 BC	-	Caesennius 14
Claudia Antonia	?	AD 66	PIR2 C 886	Antonius 115
Claudia Livia Julia	2 sons 1 daughter (by Drusus)	AD 31	PIR2 L 303	Livii 38

Widow	Father	Mother	B.	M.	Husband	W.	Age	Yrs. Marr.	Remarr.
Claudia Pulchra	M. Valerius Mesalla Barbatus Appiannus	Claudia Marcella minor	12 BC	*AD 2	Quintilus Varus	AD 9	21	*7	NO
Clodia Metelli	Ap. Claudius Pulcher	?	95 BC	*79 BC	Q. Metellus Celer	59 BC	35	*20	NO
Clodia Fannia	Thrasea Paetus	Arria Minor	AD 53	by AD 66	C. Helvidius Priscus	AD 75	22	9	NO
Cornelia	Scipio Africanus	Aemilia Tertia	*200 BC	187 BC	Ti. Semp-ronius Grac-chus	154 BC	*46	33	NO
Cornelia	Sulla	Ilia	*103 BC	89 BC	Q. Pompon-ius Rufus	88 BC	*15	1	?
Cornelia	P. Corn-elius Scip-io Nasica	Aemilia Lepida	*69 BC	55 BC	P. Licinius Crassus	53 BC	*16	2	Pompeius Magnus 52 BC
Cornificia	M. AUREL-IUS	Faustina	AD 160	*AD 174	M. Petron-ius Sura Mamertinus Agricola	AD 190	30	*16	L. Didius Marinus AD 193
Domitia Decidiana	L. Decidi-anus	?	AD 35/40	AD 62	Agricola	AD 93	53-58	31	?

(Continued)

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Claudia Pulchra	1 son	?	PIR2 C 1116	Claudius 434
Clodia Metelli	?	?	-	Clodius 66
Clodia Fannia	(stepmother to Helvidius Priscus)		PIR2 F 118	Fannius 22
Cornelia	Ti. Gracchus C. Gracchus Sempronia	?	-	Cornelius 407
Cornelia	1 son 1 daughter	?	-	Cornelius 412
Cornelia	?	?	-	Cornelius 417
Cornificia	?	AD 213	PIR2 C 1505	Cornificius 13
Domitia Decidiana	1 son 1 daughter	?	PIR2 D 174	Domitius 95

Widow	Father	Mother	B.	M.	Husband	W.	Age	Yrs. Marr.	Remarr.
Domitia Lepida	L. Domitius Ahenobarbus	Antonia Minor	AD 1	AD 15	Valerius Mesalla Barbatus	AD 20	19	5	Faustus Cornelius Sulla and C. Appius Julius Claudius (AD 41)
Domitia Lucilla Maior	Cn. Domi- tius Lucanus	Curtilia	AD 70	*AD 84	ignotus	?	?	?	P. Calvisius Tullus Ruso AD 100/105
Domitia Lucilla Minor	P. Calvisius Tullus Ruso	Domitia Lucilla Maior	AD 105	AD 117	M. Annius Verus	AD 131	26	14	NO
Fabia Num- antina	P. Fabius Maximus	Marcia	?	?	Sex. Apul- ei	AD 14	?	?	M. Plautus Silvanus
Fulvia	M. Fulvius Bambalio	Sempronia	84 BC	62 BC	P. Clodius Pulcher	52 BC	32	10	C. Scribon- ianus Curio (53 BC; d. 49); M. Antonius 46 BC
Galeria Fundana	?	?	?	?	Vitellius	AD 69	?	?	?

(Continued)

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Domitia Lepdida	1 daughter (Valeria Messalina) 1 son (by Sulla)	AD 54	PIR2 D 180	Domitius 102
Domitia Lucilla Maior	first marriage un- known: Domitia Lucilla Minor b. AD 109	?	PIR2 D 182	Domitius 104
Domitia Lucilla Minor	M. Aurelius b. AD 121	?	PIR2 D 183	Domitius 105
Fabia Numantina	1 son	?	PIR2 F 78	Fabius 180
Fulvia	1 son and 1 dau- ghter by Clodius; 1 son by Curio; 1 son and 1 daughter by Antonius	40 BC	-	Fulvius 115
Galeria Fundana	1 son 1 daughter	?	PIR2 G 33	

Widow	Father	Mother	B.	M.	Husband	W.	Age Marr.	Yrs.	Remarr.
Helvia	?	?	20 BC	8 BC	Annaeus Seneca	AD 40	60	32	NO
Julia	AUGUS- TUS	Scribonia	39 BC	25 BC	C. Marcellus	23 BC	16	2	M. Agrippa (21 BC; d. 12); TIBER- IUS
Julia	M. Agrippa	Julia	19 BC	4 BC	L. Aemilius Paulus	AD 8	NO		
Julia	Drusus	Claudia Livia Julia	AD 3	AD 20	Nero Caesar	AD 30	27	10	C. Rubellius Blandus AD 33
(Julia) Agrippina	German- icus	Vipsania Agrippina	AD 15	AD 28	Cn. Domitius Ahenobarbus	AD 40	25	12	C. Sallustius Crispus (AD 41; d. by 47), Claudius (AD 48; d. 54).
Julia	TITUS	Tertulla		AD 65	*AD 79 Flavius Sabinus	AD 84		19	*5 NO
Julia Domna	Julius Bassianus	?	*AD 173	AD 187	SEPTIMIUS SEVERUS	AD 211	38	24	NO
Julia Mamaea	Julius Avitus	Julia Maesia	?	?	Gessius Marci- anus	AD 218	?	?	?

(Continued)

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Helvia	3 sons: Annaeus Novatus; L. Annaeus Seneca; M. Annaeus Mela	?	PIR2 H 78	Helvius 22 (s.v. 7)
Julia	cf. Syme (1986a).	AD 14	PIR 2 I 634	Iulius 550
Julia	1 son and 1 daughter	AD 28	PIR2 I 635	Iulius 511
Julia	3 sons and 1 daughter by Blandus	AD 43	PIR2 I 636	Iulius 552
(Julia) Agrippina	1 son NERO b. AD 37	AD 59	PIR2 I 641	Iulius 556
Julia	died as a result of abortion	AD 91	PIR2 I 650	
Julia Domna	2 sons: CARACALLA b. 188; Geta b. 189	AD 217	PIR2 I 663	Iulius 566
Julia Mamaea	1 son SEVERUS ALEXANDER	AD 235	PIR2 I 649	Iulius 558

Widow	Father	Mother	B.	M.	Husband	W.	Age	Yrs. Marr.	Remarr.
Julia Procilla	?	?	?	?	L. Julius Graecinus	AD 41	?	?	?
Junia Silana	M. Junius Silanus	?	?	?	C. Silius	AD 48	?	?	NO
Junia Tertia	D. Junius Silanus	Servilia	73 BC	59 BC	C. Cassius Longinus	42 BC	31	17	NO
Livia Drusilla	M. Livius Drusus Claudianus	Alfidia	58 BC	39 BC	AUGUSTUS	AD 14	72	53	NO
Marcella Minor	C. Claudius Marcellus	Octavia	39 BC	*25 BC	P. Aemilius Lepidus	11 BC	28	*14	NO
Marcia	L. Marcus Philippus	Atia	81 BC	56 BC	Q. Hortensius	50 BC	31	6	Cato Utensicus
Marcia	L. Marcus Philippus	Atia Minor	*25 BC	11 BC	Paullus Fabius Maximus	AD 14	39	25	?
(Caecillia) Metella	L. Metellus Dalmaticus	?	?	?	M. Aemilius Scaurus	90 BC	?	?	Sulla 89 BC

(Continued)

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Julia Procilla	Agricola b. AD 40	?	PIR2 I 693	Iulius 587
Junia Silana	NO	AD 59	PIR2 I 864	Iunius 205
Junia Tertia	?	AD 22	PIR2 I 865	Iunius 206
Livia Drusilla	TIBERIUS b. 42 B.C.	AD 29	PIR2 L 301	Livia 37
Marcella Minor	1 son by Lepidus b. 11 BC; 1 daughter by Appianus b. 12 BC	?	-	
Marcia	yes; unknown	?	-	Marcus 115
Marcia	1 son b. 2 BC; 1 daughter	?	PIR2 M 257	Marcus 120
(Caecilia) Metella	1 son by Scaurus; twins by Sulla	?	-	

Widow	Father	Mother	B.	M.	Husband	W.	Age	Yrs. Marr.	Remarr.
Mummia Nigrina	?	?	?	?	L. Antistius Rusticus	AD 94	?	?	?
Munatia Plancina	L. Munatius Plancinus	?	?	?	Cn. Calpurnius Piso	AD 20	?	?	NO
Mutilla Prisca	?	?	?	?	C. Fufius Geminus	AD 30	?	?	NO
Octavia	C. Octavius	Atia	69 BC	54 BC	C. Claudius Marcellus	40 BC	29	14	M. Antonius 40 BC
Plinia Secunda	?	?	?	?	L. Caelius Secundus	?	?	?	?
(Antistia) Pollita	L. Antistius Vetus	?	?	?	Rubellius Plautus	AD 62	?	?	?
Pompeia	Cn. Pompeius	Lucilla	100 BC	by 81 BC	C. Memmius	75 BC	25	6+	P. Cornelius Sulla 74 BC
Pompeia	Pompeius Magnus	Mucia	*73 BC	59 BC	Faustus Cornelius Sulla	46 BC	*27	13	?
Pontia	Petronius	?	?	?	Drymio	?	?	?	?

(Continued)

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Mummia Nigrina	?	?	PIR2 M 714	Mummius 28
Munatia Plancina	?	AD 33	PIR2 M 737	Munatius 44
Mutilia Prisca	?	AD 30		Mutilia 1
Octavia	2 daughters by Marcellus; 2 daughters by Antonius b. 39 and 36 BC	11 BC	-	Octavius 96
Plinia Secunda	G. Plinius Cael- lius Secundus b. AD 61	?		
(Antistia) Pollita	?	AD 65		Antistius 61
Pompeia	2 sons by Sulla	?	-	Pompeius 53
Pompeia	1 son 1 daughter	?	-	Pompeius 54
Pontia	2 children (unknown)	?	PIR1 P 619	Pontius 56

Widow	Father	Mother	B.	M.	Husband	W.	Age	Yrs. Marr.	Remarr.
Poppea Sabina	C. Poppaeus Sabinus	?	?	?	T. Ollius	AD 31	?	?	P. Cornelius Lentulus Scipio
Rhea	?	?	?	?	?	?	?	?	?
Sassia	?	?	?	?	A. Cluentius Habitus	88 BC	?	?	Aulus Melinus (d. 80 BC); Staius Oppianicus (d. 72 BC)
S)atria Galla	?	?	?	?	C. Calpurnius Piso	AD 65	?	?	?
Sempronia	Ti. Gracchus Sempronius	Cornelia	164 BC	*150 BC	M. Scipio Aemilianus	129 BC	35	21	?
Servilia	Q. Servilius Caepio	Livia	100 BC	*86 BC	M. Brutus	77 BC	23	*9	D. Junius Silanus
Sextia	?	?	?	?	L. Cornelius Sulla Felix	AD 21	?	?	Mamercus Aemilius Scaurus

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Poppea Sabina	1 daughter by Ollius; 1 son by Scipio	AD 47	PIR1 P 629	Poppaeus 3
Rhea	Sertorius	?		
Sassia	1 son and 1 daughter by Cluentius; 1 daughter by Melinus	?	-	Sassia 1 (s.v. 2A)
(S)atria Galla	?	?	PIR1 A 1323	Atrius 6
Sempronia	none	?	-	Sempronius 99
Servilia	1 son by Brutus; 3 daughters by Junius	60 BC	-	Servilius 10
Sextia	2 sons by Cornelius	AD 34	PIR1 S 481	Sextius 44

Widow	Father	Mother	B.	M.	Husband	W.	Age	Yrs. Marr.	Remarr.
Sosia Galla	?	?	?	?	C. Silius A. Caecina Largus	Ad 24	?	?	NO
Statilia Messalina	T. Statilius Taurus	Valeria Messalina	?	?	**Atticus Vestinus	Ad 65	?	?	NERO AD 66 (d. 68)
Tullia	M. Tullius Cicero	Terentia	76 BC	63 BC	C. Calpurn- ius Piso Frugi	57 BC	19	6	Crassipes (cf. Clark 1991); or Dolabella 50 BC
Valeria	?	?	?	79 BC	Sulla	78 BC	?	1	?
Vibia	C. Vibius Marsus	?	?	?	L. Arruntius Camillus Scribonianus	AD 42	?	?	?
Vibia Aurelia Sabina	M. AUREL- IUS	Faustina	AD 170	*AD 184	L. Antistius Burrus	AD 187	17	*3	L. Aurelius Agaclytus
Vinia Crispina	Vinius Titus	?	AD 49	*AD 62	ignotus	AD 68	19	*6	?

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Sosia Galla	?	?	PIR1 S 563	Sosius 13A (s.v. 14)
Statilia Messalina	1 son by Atticus; others unknown	?	PIR1 S 625	Statilius 45
Tullia	none	45 BC	-	Tullius 60
Valeria	1 daughter by Sulla	?	-	Valerius 389
Vibia	?	?	PIR1 V 410	Vibius 70 (v. 8A 2457)
Vibia Aurelia Sabina	none	?	PIR1 V 411	
Vinia Crispina	?	?	PIR1 V 451	Vinius 6

Widow	Father	Mother	B.	M.	Husband	W.	Age	Yrs. Marr.	Remarr.
Violentilla	?	?	?	?	ignotus	AD 89	?	?	Arruntius Stella AD 90
(Vipsania) Agrippina	M. Agrippa	Julia	14 BC	AD 5	Germanicus	AD 19	33	14	NO
IGNOTA	?	?	?	?	Junius Avitus	After AD 107	?	?	?
IGNOTA	?	?	?	?	ignotus	?	?	?	Domitius Tullus
IGNOTA	?	?	?	?	C. Annius Asellus	AD 75	?	?	?

<u>Widow</u>	<u>Children</u>	<u>Death</u>	<u>PIR</u>	<u>RE</u>
Violentilla	?	?	PIR1 V 454	Violentilla 1
(Vipsania) Agrippina	Drusus; Drusilla b. AD 14; Nero; Agrippina b. 15; Julia b. 16; Gaius b. 20.	AD 29	PIR1 V 463	Il coll. 1585-88 s.v. Asinius 15
IGNOTA	1 daughter	?	PIR2 I 731	JUNIUS 34
IGNOTA	1 son and 1 daughter from first marriage	?	PIR2 D 167	Domitius 84
IGNOTA	1 daughter Annia	?	-	Annius 102

* Speculative

** Exiled

CHAPTER FIVE: PUDENTILLA

In AD 156 Apuleius of Madaura, best known as the author of the Metamorphoses, fell sick at Oea in Africa, on his way to Egypt. While recuperating there he met his friend Sicinius Pontianus, who had been his fellow student at Athens. Pontianus successfully persuaded Apuleius to convalesce at his own home, with Pontianus himself, his mother Aemilia Pudentilla, and his younger brother Pudens. Pontianus' widowed mother had by that time broken off her betrothal to her brother-in-law Sicinius Clarus, but, after a twelve-year widowhood, was ready to marry again. Pontianus persuaded his friend that it would be in his best interests to marry the wealthy Pudentilla. After some convincing, the two were married. However, Sicinius Aemilianus (brother of Clarus) formally accused Apuleius of winning the rich widow by magic, and a trial¹ was held before the proconsul Claudius Maximus. Apuleius was acquitted, and a record of his defence, the Apology, survives.² In the Apology Apuleius gives an account of Pudentilla's long widowhood and subsequent marriage-- not in great detail, but the relevant material (on remarriage, dowry, sexual comportment, choice of a husband, and the widow's legal status) substantiates the other legal and literary sources seen so far. The case history of Pudentilla is in fact the only comparatively in-depth account of widowhood over time that we possess. By studying Pudentilla's history a relatively more detailed picture of Roman widowhood can be obtained. The information in the Apology gives us a unique opportunity to reconstruct Pudentilla's life.

Aemilia Pudentilla was forty years old when she married Apuleius, having been born about AD 118.³ She was apparently born of an upper-class family: when she married Apuleius, Pudentilla's dowry and other property were worth

four million sesterces,⁴ of which (discounting accruing profits on her property) a sizeable portion must have come down to her from her natal family. Pudentilla was also well educated: not merely literate, she had an extensive knowledge of refined Greek.⁵ Given her background, it is likely Pudentilla married at a young age, in her early or middle teens. We have no way of knowing if her first marriage was to Sicinius Amicus, who left her a widow, but it is probable given the age of her eldest son.⁶ Apparently Pudentilla married beneath her, at least in terms of financial standing: the elder Sicinius' fortune is described by Apuleius as "moderate" (modicum⁷), while Pudentilla herself, as stated, was wealthy. The Sicinii, however, were also a well-to-do family (eventually attaining consular status), and perhaps Pudentilla's marriage with Amicus, although beneath her financially, cemented important political or social ties between the two families.⁸

If Pudentilla had been married previously, it is safe to assume she did not have children by her first husband, or at least that they did not survive, as she made no provision for them in her will.⁹ She had at least two children in her marriage to Sicinius Amicus: Sicinius Pontianus and Sicinius Pudens, and we may estimate their ages from the Apology. Apuleius and Pudentilla did not wish to marry until the youngest, Pudens, had assumed the toga virilis; this was generally at the age of fifteen or sixteen.¹⁰ Vallette¹¹ estimates Pudens' age at fourteen or fifteen at the time of his mother's marriage which appears to be likely. If we take into account the year in which his mother was widowed, Pudens was certainly no younger than thirteen. If Vallette's estimation is correct, Pudens would have been born shortly before his father died in 144 AD, when Pudentilla was twenty-five or twenty-six years old.

Ascertaining the age of Pudens' elder brother Pontianus poses more difficulty. When Pudentilla wrote to Pontianus of her intention to marry again, he

"had attained man's estate,"¹² and was continuing his studies at Rome (Pontianus had previously studied at Athens, where he first met Apuleius). Vallette believes Pontianus was at least twenty years old when Pudentilla married Apuleius, and not older than twenty-five (since he is unmarried), which means Pudentilla bore him when she was in her middle to late teens. If this is the case, it is likely that Pudentilla had other children between Pontianus and Pudens who did not survive, since the two brothers were born ten years apart. It should be noted that Pudentilla's children live with her and not with her late husband's relatives.¹³ Pudentilla, of course, had no potestas over her sons; on the death of their father they fell under the guardianship of their grandfather. On the elder Sicinius' death Pontianus became Pudens' tutor, and on Pontianus' death before the trial, guardianship fell to Pudens' uncle Sicinius Aemilianus.

Something of Pudentilla's legal history can be determined from the details in the Apology. We know her father was dead by the time Pudentilla was widowed, since she was able to bequeath property and so must have been sui iuris; and on her husband's death her dowry reverted to her and not her paterfamilias. We may also assume that Pudentilla has no living male agnates: a woman's tutor was (as in the case of Caesennia) a brother or uncle, but Pudentilla's tutor, identified in the Apology as a Cassius Longinus, appears to be no relative. We also know Pudentilla's marriage was sine manu: she was able to hold and bequeath property.

After the death of Pudentilla's husband, the elder Sicinius was eager to keep Pudentilla's fortune in his own family. We may assume, therefore, that he betrothed his other son Clarus to Pudentilla shortly after her husband's death.¹⁴ However, this cannot be substantiated, and Pudentilla may not have been engaged to Clarus for all twelve years. Pudentilla did not wish to marry Clarus (a "boorish and decrepit old man"), but the elder Sicinius threatened to

exheredate her sons from their father's property otherwise, and to that end kept all other suitors for her hand at a distance.¹⁵ The betrothal, tantamount to a marriage in Roman law,¹⁶ was not without its advantages for Pudentilla: it legally exempted her from the penalties imposed on unmarried women between the ages of twenty and fifty under Augustus' moral legislation.

It must be noted that the elder Sicinius had no legal hold over Pudentilla herself; she was not under his potestas, and he had no right to compel her to marry Clarus. He was, however, able to manipulate Pudentilla by the power he held over her sons, threatening disinheritance unless she followed his wishes, and "so great was her maternal affection"¹⁷ that she entered a betrothal with her brother-in-law Clarus. However, the fact that the elder Sicinius could wield such unlawful power over his former daughter-in-law without legal retribution may tell us something about the workings of Roman law in the provinces, as well as Roman familial relations.

In most of the towns in Roman provinces, the provincial governor was not always present, nor were any forces, officials, or representatives sent by him.¹⁸ In running the provinces, the Romans depended to a large extent on local governments, which were run (as at Rome) by a network of upper-class families connected by social and political ties. Justice in the provinces, therefore, "was highly localized,"¹⁹ and "for the aggressor, impunity depended not so much on the absence of law enforcement as on the presence of force above the law: in a word, influence."²⁰ Although technically the provinces were bound by Roman law, these laws were not always followed. This is not to say the laws were not alive in the provinces: in the Apology Apuleius makes a direct reference to the Lex Julia de maritandis ordinibus.²¹ However, given the fact that Roman provincial officials were rarely present to enforce laws, and the power ("largely hereditary"²²) was concentrated in the hands of the ruling families, certainly it is

safe to say that the laws could be overridden on certain points. Perhaps this is the case with the elder Sicinius' control of Pudentilla; there seems to be a definite conflict between the localized social power of the ruling elite and the workings of Roman law in the provinces. "Brute strength counted for much... had the government been more easily reached, had officials cared more, no doubt their subjects would not have taken the law into their own hands."²³

In this case, it is clear why her former father-in-law was so insistent that Pudentilla marry his son: the widow had a personal fortune of four million sesterces. This was in the form of farms and other lands, a large furnished house, four hundred slaves, valuable cattle, and moveables: wheat, barley, wine, oil.²⁴ Because Sicinius Amicus was still in potestate when Pudentilla married him, the dowry technically went to her father-in-law (although Amicus retained the actual usufruct of the dowry to sustain the burdens of matrimony). When her husband died, Pudentilla's dowry and other property did not automatically revert to her; she would have had to bring an actio rei uxoriae against her father-in-law in order to reclaim her property.²⁵ Her husband's heirs (in this case, the elder Sicinius) could retain nothing. Since dowry was "a transfer of property not between persons but between familiae."²⁶ the elder Sicinius was very anxious that Pudentilla's large dowry and its attendant benefits should remain within his own familia; and to that end he was careful that Pudentilla not remarry outside the Sicinii. On his death Pudentilla broke her engagement with Clarus and sought another husband.

If the elder Sicinius was anxious concerning the consequences of Pudentilla remarrying someone outside his family, her sons feared her remarriage even more. In AD 156, Pontianus, upon learning his mother's intention to remarry, at once left Rome to supervise her choice of a husband. This anxiety "tormented him not a little,"²⁷ but he did not inform his mother of his fears that a grasping

husband (or any children she had by him) might deprive him and his brother of their fortune, "as often happens:" the stereotype of the avaricious second spouse is prevalent in Roman literature.²⁸ Apuleius himself (in a rhetorical sense) alluded to the topos of the greedy second husband:

If I had desired [Pudentilla] from motives of avarice, what could have been more profitable to me in my attempt to make myself master in her house than the dissemination of strife between mother and sons, the alienation of her children from her affections, so that I might have unfettered and supreme control over her loneliness?²⁹

When Pontianus met Apuleius in Oea, however, he immediately recognized that here was "the ideal husband for his mother to whom he could without the slightest risk entrust the fortune of the whole house."³⁰ When Apuleius stated the reasons why Pudentilla married him (as a proposed remedy for her physical and mental ill-health, her desire to marry), he emphasized that the good report of Apuleius she had heard from her son, and Pontianus' own advice that Pudentilla should marry Apuleius in preference to others, decided the widow in favor of Apuleius.³¹

While the elder Sicinius was determined to marry Pudentilla to Clarus, and her own sons preferred she remain a widow, Pudentilla had her own reasons not only to marry but also to choose Apuleius as her husband. First, her health. Apuleius writes that Pudentilla's "bodily infirmities had become intolerable... owing to her long absence from a husband's embraces."³² This is no flippant reference to illness as a result of continence; the belief that lack of sexual activity could cause disease was widespread in the ancient world. Soranus (AD 98- 138), a Greek physician practicing in Rome, in wrote:

'hysterical suffocation' denotes cessation of breathing, together with inability to speak and a loss of sense perception, caused by some condition of the uterus... in the majority of cases, the illness is preceded by repeated miscarriages, premature childbirth, [or] long widowhood..."³³

The physician Galen (AD 129- 199) also believed that hysteria was a serious illness, brought on by continence, which could lead to death if not cured by sexual activity and pregnancy.³⁴ It was recognized that if female sexual desire was not given an outlet, it would erupt in fatal disease.³⁵ The disorders caused by continence were confined to women without partners: young unmarried girls, or widows.³⁶ Even if Pudentilla was not technically suffering from hysterical suffocation, Apuleius makes it clear that the source of her severe internal pains lay in frustrated sexual desire. He writes that the doctors and midwives (obstetrices) were convinced Pudentilla's illness had its origin in her long widowhood, and that the remedy was to marry again, and quickly, for the pains were steadily assuming a more serious character, and could prove to be fatal.³⁷ One of the reasons Pudentilla wished to take a husband, then, was to cure the illness imagined to have been brought on by a lack of sexual activity.³⁸ Of course, it cannot be proven that Pudentilla spent the first twelve years of her widowhood in unbroken chastity. However, given her fears over her sons' inheritance rights, it is probable she did not want to give the Sicinii grounds of any sort for a legal accusation.

Pudentilla was also lonely, as Apuleius makes clear several times. He spoke of the "dreariness of her solitary life" and noted that she begged her sons to let her "solace her lonely existence."³⁹ He wrote of her "fourteen years of seclusion" and the resulting desolation.⁴⁰ The fact that Pudentilla appears to

have endured sexual deprivation and loneliness for so long in order to secure the inheritance rights of her sons is perhaps a testament to her strength of will.

Besides ending Pudentilla's ill-health and loneliness, her marriage to Apuleius was apparently based also on the sort of personal affection that Roman marriages, arranged in the interests of political and social ties, did not always allow.⁴¹ Apuleius was younger than Pudentilla, probably around thirty⁴² when they married. He was popular in Oea, lauded as a rhetorician, described as "elegant."⁴³ Apuleius and Pudentilla were each other's constant companions for a year before their wedding; Apuleius said he grew to love her, and it appears that Pudentilla felt the same way. A letter quoted in the Apology from Pudentilla to Pontianus reads: "Now that certain ill-natured persons have brought accusations against us and attempt to dissuade you, Apuleius has suddenly become a magician and has bewitched me to love him."⁴⁴ At one point in his speech, Apuleius says to Pudens: "Do you demand that [your mother] cease to be a woman? Can you not conceive the possibility that she should show any affection save the affection of a mother for her son?"⁴⁵ Although Apuleius admitted that Pudentilla "was guided in making her choice less by her personal inclination than by the advice of her son,"⁴⁶ he did say that Pudentilla chose him, and "I cannot see why such a choice by so excellent a woman should be brought against me as a matter for reproach rather than honour."⁴⁷ It is doubtful that Pudentilla, who obstinately remained a widow for twelve years, would consent to marriage with Apuleius had she not felt some sort of affection for him or desire for this particular match.

Apuleius was initially against the marriage as he feared it would impede his desire to travel;⁴⁸ however, Apuleius and Pudentilla (along with her sons) lived in the same house for a year before they became betrothed, and Apuleius realized "how rich was her endowment of good qualities." He soon began to

love Pudentilla for her virtues as ardently as if he had wooed her of his own initiative.⁴⁹ Pudentilla is described as "a woman of plain appearance"⁵⁰ and was not bringing a large dowry into the marriage. However, Pontianus, ever-fearful of seeing his inheritance devoured by an avaricious stepfather, begged Apuleius not to reserve himself for "a more attractive and wealthier match."⁵¹ On the contrary, wrote Apuleius: although a widow usually offers a larger dowry than a young unmarried girl, because "if it was by death she lost her husband, the evil omen of her ill-starred union minimizes her attractions,"⁵² he himself was a philosopher, and "indifferent" to Pudentilla's dowry. The dowry was 300,000 sesterces; described as "moderate" by Apuleius; and in fact only 7% of her entire estate (about one year's income).⁵³ In the Roman upper classes, dowries of one million sesterces were not uncommon, if we may take the word of Martial and Juvenal.⁵⁴ Juvenal also mentions a dowry of 400,000 sesterces, exactly the amount Herennius Rufus bestowed on his daughter, suggesting that this was customary for the class of wealthy provincials worth several millions.⁵⁵ Apuleius was accused of marrying Pudentilla for her money, the charge into which his accusers "put all their force and all their venom."⁵⁶ Apuleius neatly sidestepped this charge by proving Pudentilla had made over all her property to her sons and was bringing only a small dowry into the marriage. However, marrying for money was not uncommon in the ancient world: Plautus taunts his audience with: "most of you have old women at home for wives that bought you with their dowries."⁵⁷ Juvenal asks: "But tell me, why is Cesennia, on her husband's testimony, the best of wives? She brought him a million sesterces: that is the price at which he calls her chaste."⁵⁸ Cicero married the teenaged Publilia not out of sexual infatuation (as was alleged), but for her vast fortune.⁵⁹

CONCLUSIONS: SOCIAL FORCES

More important than the legal or economic compulsion to remarry was the social pressure exerted on Pudentilla by family members. Pudentilla's prospects of a second husband were subject to careful monitoring and constant supervision beginning soon after the death of Sicinius Amicus. Her father-in-law, admittedly the strongest force at work, pressed Pudentilla into a betrothal with his son Clarus, discouraged all other suitors, and threatened to exheredate her sons. The elder Sicinius' actions may be viewed as a social force that shaped Pudentilla's actions and dictated who she would marry.

Pudentilla's son Pontianus may also be counted as one of the social factors in his mother's remarriage. Upon receipt of her letter outlining her intention to take another husband (AD 156), Pontianus immediately hurried home to supervise his mother's choice.⁶⁰ Apuleius writes that Pudentilla did marry him partly to end her illness and loneliness, but also because she had heard a good report of Apuleius from her son, and furthermore because Pontianus wished his mother to give preference to Apuleius over all other suitors. Apuleius writes that it would take too long to tell "how frequently we [i.e, he and Pontianus] conversed on the subject, with how many pressing treaties he plied me, never ceasing until he finally won my consent."⁶¹ Pontianus was also the means by which Apuleius and Pudentilla were thrown into each other's company for an entire year, by insisting Apuleius recuperate at his mother's house, and he showed "extraordinary eagerness for the marriage to take place at the earliest possible date."⁶² Thus Pontianus, as eldest son, had a say in the matter of his mother's remarriage, as was the young Quintus' privilege in his father's choice of a new wife.⁶³

Pontianus' uncle Sicinius Aemilianus also had a vested interest in Pudentilla's remarriage. If Aemilianus had managed to convict Apuleius on a

charge of magic (a capital crime under the Lex de Sicariis et Veneficiis of 81 BC), Apuleius would be deported or exiled, and thus his marriage to Pudentilla would be dissolved: along with all the other rights of a Roman citizen, Apuleius would lose the right of conubium.⁶⁴ As Pontianus had died by the time of the trial, Pudens would thus be left his mother's sole heir, and Aemilianus, the closest male agnate to Pudens, stood to inherit if the boy died intestate. In leaving her fortune to Pudens, then, Pudentilla was actually leaving it to Aemilianus (and to Herennius Rufinus, who had betrothed his daughter, formerly the wife of Pontianus, to Pudens). The strength of Aemilianus as a social force is manifested in the fact that Aemilianus managed to turn Pudens against his mother, and that "the boy's disgraceful falling away in morals"⁶⁵ began when he came to live with his uncle. Aemilianus and Rufinus brought up the charges against Apuleius solely because "their own avarice led them falsely to conjecture that the whole inheritance" had been left to him.⁶⁶

Herennius Rufinus is not a member of the Sicinii, but he is kin to Pudentilla through Pontianus' marriage to his daughter, and has an equal interest in Pudentilla's fortune. He betrothed his daughter to Pontianus in the hopes that he would see some of the widow's money through his son-in-law. When Herennius learned of Pudentilla's upcoming marriage, however, he upbraided Pontianus for having betrothed his mother to Apuleius,⁶⁷ and threatened to break off his daughter's marriage if Pontianus did not put an end to his mother's alliance with Apuleius. Pudentilla, however, refused to cooperate. After Pontianus' death, Rufinus tried to betrothe his daughter to young Pudens for the same avaricious reasons.

Herennius Rufinus used his daughter as a means to an end, much as Pudentilla's sons were used against her.⁶⁸ Pontianus and Pudens were continually being used as pawns to influence their mother's actions: the elder

Sicinius threatened to disinherit his grandsons if Pudentilla did not follow his wishes; Herennius Rufinus turned Pontianus against his mother in order to influence her remarriage; Aemilianus used Pudens to try to dissolve Pudentilla's union with Apuleius. Clearly, Pudentilla's remarriage and consequent redisposal of her fortune had lasting effects on everyone around her.

Marriages in the Roman upper classes were arranged by the couple's kin, generally from some ulterior motive; the woman's choice (electio) was virtually meaningless. The marriage of Cicero's brother Quintus to Atticus' sister Pomponia was a match which brought benefits to both Cicero and Atticus. The benefits arising from any marriage alliance would be lost if it was dissolved; "once a match had been contrived, nothing was more reasonable or proper, than that those who had arranged it should work to keep productive and intact what they had brought into being."⁶⁹ Social forces similar to those influencing Pudentilla are evident in the marriage of Quintus to Pomponia, a union which seems to have been unhappy, and which ended in divorce. Throughout the marriage Cicero and Atticus "continued to keep watch over their siblings' marital life, tactfully but uninterruptedly: intervening when problems arose and trying to preserve the marriage which brought benefits to both."⁷⁰ Cicero advised his brother during times of marital discord and interceded on his behalf; presumably Atticus did the same with his sister. In one letter to Atticus Cicero wrote:

You write to me of your sister. She will tell you herself how anxious I have been that my brother Quintus should feel towards her as a husband ought. Thinking that he was rather out of temper, I sent him a letter designed to mollify him as a brother, advise him as my junior, and scold him as a man on the wrong track; and

from what he has since written to me on a number of occasions I feel confident that all is as it ought to be and as we should wish.⁷¹

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"The theme of 'all is as it ought to be and as we should wish' connotes intervention, management, and manipulation, the natural corollaries, in fact, of marriage by arrangement."⁷² Pudentilla's remarriage was subject to the machinations of those who stood to profit or lose by it; just as Cicero and Atticus feared they would forfeit the mutual benefits of their siblings' marriage if the alliance were to dissolve.

NOTES TO CHAPTER FIVE

- 1) Vallette writes that, although Claudius Maximus was proconsul of Africa 157/58 AD (coinciding with the trial date), "the only thing we can be certain about is that the trial took place in the reign of Antoninus [148 - 161 AD]" ([1960]: xxiv).
- 2) All translations of the Apology in this chapter are those of Butler (1970).
- 3) This is ascertained at the trial by consulting Pudentilla's birth certificate (the tabula professionum). "The Lex Aelia Sentia and the Lex Papia Poppea established a procedure for the registration of legitimate children of citizen status, and particulars were entered on an official record: the father's name, the tribe and filiation, the child's name, that of the mother, and the date." (Gardner: [1986]: 145).
- 4) 'mater sestertium quadragies possidebat;' Apol. 71.6.
- 5) 'hic, qui epistulam Pudentillae Graecatiorem legere non obtuerat;' Apol. 87.5.
- 6) Apol. 68. The text is corrupt at this point: Butler's translation uses 'iterum' (Riese), which can mean 'second.' Vallette, however, uses 'ceterum,' (del. Novak); thus the text may be 'her other husband.' In any case we cannot determine if Pudentilla was married prior to Amicus.

7) Apol. 71.6.

8) But not economic ties: although men did frequently marry for wealth, the dowry, with the high rate of divorce in Roman society, "could never be seen as an addition to the family fortune" (Saller [1984]: 204). This, however, appears to be what the elder Sicinius is trying to achieve

9) Apol 93.

10) Bonner ([1977]: 84) writes that

the age at which this was done varied both according to the parental wish and according to the practice of different periods. It appears to have been originally at the completion of the seventeenth year; but in the later Republic the toga of manhood was usually assumed earlier than this; with Cicero, as with his son and nephew, it would seem to have been at the age of sixteen, with Virgil and Octavian at fifteen. Although there were always exceptions, the age tended to be lowered, rather than raised, with the course of time.

See also Wiedemann (1989): 114-127.

11) Vallette (1960): xix.

12) `adultus;' Apol . 69.5

13) `per annos ferme quattuordecim memorabili pietate sedulo aluit;' Apol. 69.2.

14) Marcus Crassus also married his brother's widow; see Plut. Crassus 1.

15) 'homini rusticano et decrepito seni;' Apol. 70.3. 'nihil se filiis eius ex paternis eorum bonis testamento relicturum;' Apol. 68.4. 'ceteros procos absterrebat;' ibid. Since the Apology is essentially rhetorical in nature, the number of suitors may be exaggerated.

16) Since a betrothal was tantamount to a marriage in Roman law, in order to escape the penalties imposed on bachelors, the law began to be abused. Men would betrothe themselves to infants, for example. Augustus limited the betrothal period to two years-- anything over that would be invalid (it is interesting to note that the minimum age of betrothal for a girl was seven, while the minimum age for marriage was twelve). "Dio seems to ascribe this change to 18 BC, which is impossible, while Suetonius speaks of it as though it were subsequent to AD 9" (Carter [1982]: 45); Dio 54.16.7, Suet. Aug. 342). However, this does not necessarily mean Pudentilla's betrothal with Clarus is invalid. Betrothals could be prolonged over two years, in cases of illness, for example, or death of the parents (D. 23.1.17). Obviously Pudentilla invented some pretext in order to avoid the actual marriage ceremony, thereby appeasing both the elder Sicinius and the law. We do not know, however, how the legal betrothal period was actually enforced; since there was no public prosecutor in the Roman political hierarchy, the charge would have to be brought by an interested third party.

17) 'egregie pia;' Apol. 68.5.

18) Millar (1981): 69.

- 19) Miller (1981): 71. Examples of such localized justice are scattered throughout Apuleius' Metamorphoses. See Millar (1981): 69f, and MacMullen (1974): 6-12.
- 20) MacMullen (1974): 10.
- 21) Apol. 88.
- 22) Millar (1981): 69.
- 23) MacMullen (1974): 11.
- 24) Apol. 93.
- 25) D. 23.3.2, 23.4.2.
- 26) Gardner (1986): 108.
- 27) 'ea sollicitudo non mediocriter animum angebat;' Apol. 71.5.
- 28) Apol. 71. See also D. 5.2.4; Pliny Epp. 6.33; Livy 39. 9f; Val. Max. 7.7.4.
- 29) Apol. 93.
- 30) 'cui bono periculo totam domus fortunam concrederet;' Apol. 72.4

- 31) `... de suasu ipsius, ut mihi potissimum nuberet;' Apol. 80.
- 32) `aegritudinem corporis ferre non potuerat... assuetudine coniugis torpens;' Apol. 69.3.
- 33) Soranus Gyn. 3.26. Soranus also wrote (1.31) that since intercourse relaxes the uterus, menstruation can occur without hindrance in a sexually active woman. "Thus, many women, menstruating with difficulty and pain after a long widowhood, have menstruated freely after marrying again."
- 34) AP 6, cit. Rouselle (1988): 69.
- 35) Rouselle (1988): 69.
- 36) Rouselle (1988): 67.
- 37) `medici cum obstetricibus consantiebant penuria matrimonii morbum quaesitum, malum in dies augeri, aegritudinem ingravescere; dum aetatis aliquid supersit, nuptiis valetudinem medicandum;' Apol. 69.2.
- 38) Martial also writes of sexual activity being used to cure hysteria:

Hystericam vetulo se dixerat esse marito
 et queritur futui Leda necesse sibi;
 sed flens atque gemens tanti negat esse salutem
 seque refert potius proposuisse mori.
 vir rogat ut vivat virides nec deserat annos,
 et fieri quod iam non facit ipse sinit.
 protinus accedunt medici medicaeque recedunt,
 tollunturque pedes. O medicina gravis!
 (11.71).

Leda told her aged husband that she was hysterical, and regrets that intercourse is necessary for her; yet with tears and groans she says her health is not worth the sacrifice, and declares she would rather choose to die. Her husband bids her live, and not desert the bloom of her years-- and he permits to be done what he cannot do himself. Immediately the male doctors come in, the female doctors depart, and her feet are raised. O venerable medicine!

Pliny the Elder writes that sex may be employed to cure various complaints:

Veneram damnavit Democritus ut in qua homo alius exiliret ex homine, et, Hercules, raritas eius utilior. athletae tamen torpentes restituntur venere, vox revocatur, cum e candida declinat in fuscam. medetur et lumborum dolori, oculorum hebetationi, mente captis ac melancholicis

(HN. 21.16).

Sexual intercourse was disapproved of by Democritus, as being merely the act whereby one human being springs from another. Heaven knows, the less indulgence in this respect the better. However, athletes, when sluggish, regain by it their activity, and the voice, when it has lost its clearness and become husky, is restored. It cures pain in the loins, dullness of vision, unsoundness of mind, and melancholia.

39) 'quippe ut solitudinis taedium perpeti posset;' Apol. 69.1. 'solitudini suae et aegritudini subuenire;' Apol.70.7.

40) 'ob quattuordecim annorum longas alimonias;' Apol. 85.7. 'Pudentillae solitudinem;' 77.1.

- 41) It seems the marriage of Cicero's brother Quintus and Atticus' sister Pomponia discounted personal feelings entirely, although of course "it did not always follow that [arranged marriages] were discordant or even loveless" (Bradley [1991: 190]. Cf. note 10, Chapter three.
- 42) Vallette (1960): xxi.
- 43) 'iuvenem talem qualem dicitis elegit;' Apol. 70.3.
- 44) Apol. 83. Apuleius says Pudentilla's words were written in "jest and irony," ('dissimulamenti causa et deridiculi;' Apol. 87.6), but then, he is on trial for the capital charge of practicing magic, and it is to his advantage to downplay any evidence that strengthens the prosecution.
- 45) '... sed ne omnino femina sit? {Nihil} ne tu in ea cogitas, nisi unam parentis religionem?' Apol. 85.
- 46) 'quod quidem illa ut faceret, filio suo potius quam animo obsecuta est;' Apol. 71.
- 47) 'quae electio tam gravis feminae cur mihi crimini potius quam honori danda sit...;' Apol. 71.
- 48) Apol. 73.
- 49) 'mox tamen talem feminam nihilo segnus volui quam si appetissem;' Apol. 73.

- 50) `mediocri facie mater;' Apol. 73.4. Apol. 91.
- 51) `formae et divitiarum gratia;' Apol. 73.4. Isidore of Seville writes: "In the same way, in choosing a wife, four things impel a man to love: beauty, family, wealth, character. But it is better to look for character than beauty. Nowadays however people seek wives qualified by wealth or beauty (`quas aut divitiae aut forma') rather than excellence of character" (Etym. 9.7.27, cit. Treggiari [1984]: 425).
- 52) `ut scaevi ominis mulier et infausti coniugii minime appetenda;' Apol. 92.9. There is no evidence of this practice in Greece (Hunter [1989]: 296).
- 53) Saller (1984): 20.
- 54) See Martial Epig. 11.23, 2.65, 12.75.; Juvenal Sat. 6.136, 10.335, 2.117. The largest dowry quoted in the extant sources is 1,250,000 HS, given by Scipio Africanus to each of his two daughters (Polyb. 31.27). Seneca also cites a dowry of one million sesterces (cons. ad Helv. 12.6), and Tacitus writes that Tiberius bestowed a dowry of one million on the daughter of Fonteus Agrippa, an unsuccessful candidate for a vacancy in the college of the Vestal Virgins (Ann. 2.86; cit. Saller [1984]: 201). Saller writes "of course these are stock figures... nevertheless it seems to me that these passages would lack point if one million were not conventionally thought to be an exceedingly large dowry suitable for the wealthiest class ([1984]: 201)."
- 55) Juvenal Sat. 2.117; Apol. 92.

- 56) `ibi omne virus totis viribus adnixa effundere...;' Apol. 67.4.
- 57) `quibus anus domi sunt uxores, quae vos dote imeruerunt;' Mostell. 280.
- 58) `optima sed quare Cesennia teste marito? bis quingena dedit: tanti vocat ille pudicam;' (Sat. 6.136-37).
- 59) Plut. Cic. 41.3-4; Tac. Ann. 12.3.1.
- 60) Apol. 71.
- 61) `quam diu et quotiens inter nos verbigeratum sit, quot et qualibus precibus me agressus haud prius omiserit quam denique impetrarit;' Apol. 73.
- 62) `quam primum hoc perficere incredibili studio avebat;' Apol. 73.
- 63) Cic. Att. 367.
- 64) Apol. 100. One wonders where Clarus is in all this.
- 65) `haec damna et dedecora morum;' Apol. 99.
- 66) `hereditatem omnem mihi relictam falso ex sua avaritia coniectavere;' Apol. 99.
- 67) Apol. 77.

68) Similarly, the young Quintus was used as a mediator between his parents.

Cic. Att. 1.2; cit. Bradley (1991): 190.

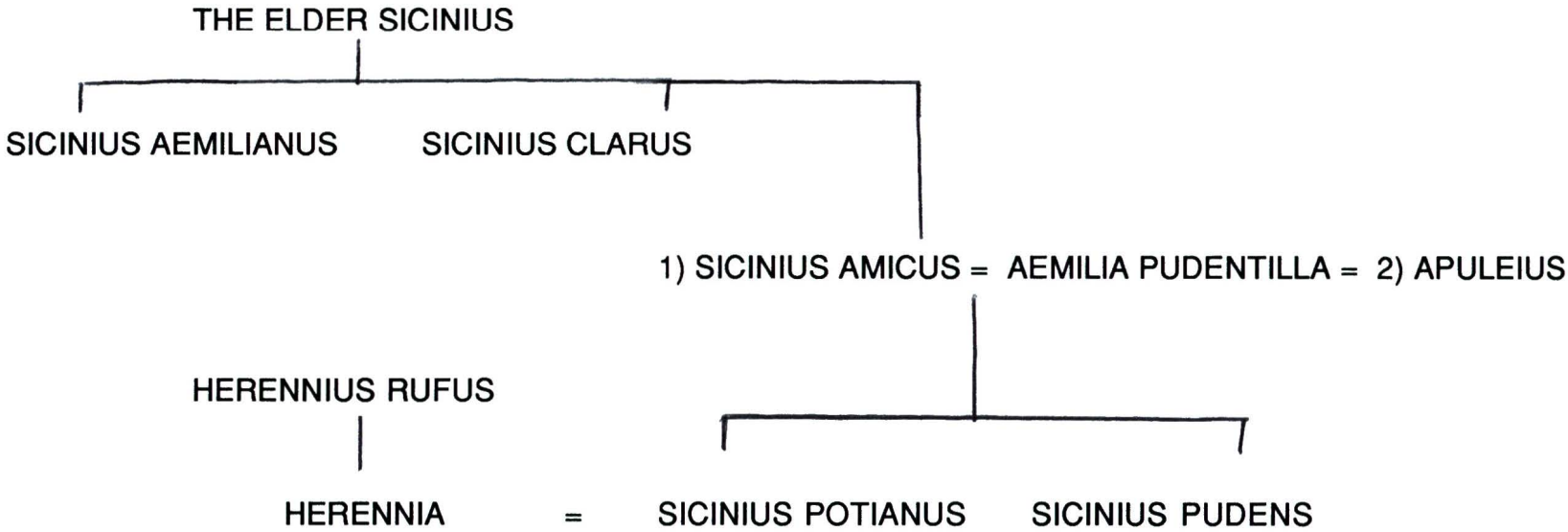
69) Bradley (1991): 191.

70) Bradley (1991): 188.

71) Cic. Att. 120.1; Bradley (1991): 195-96.

72) Bradley (1991): 191.

TABLE ELEVEN: THE FAMILY TREE OF PUDENTILLA



CONCLUSION

The object of this thesis has been to provide an analysis of widows and widowhood in Roman antiquity: to ascertain what the Roman widow did during her widowhood and to delineate the widow's legal, domestic, political and social roles in order to determine how she functioned as a component of Roman society. The composite picture is primarily of the widow during the Principate, drawn for the most part from the elite sectors of society, using legal, literary, and prosopographical evidence. The social and gender bias of the sources necessarily limits the conclusions drawn: women are presented as peripheral to male concerns, and often depicted as one-sided stereotypes, embodying passive decorum or spirited lasciviousness.

In the Roman legal corpus, the widow is an incidental and malleable figure, viewed mainly in the context of property. Although the woman had no legal rights specific to her widowhood, her status as a widow may have enhanced her social standing and domestic authority, and, if she had been provided for in her husband's will, widowhood may have given her added financial independence. Until the post-Constantinian period, however, the widow had no right to any part of her husband's estate. She existed solely on whatever her husband legated her (a house or the usufruct of a house, moveables and provisions), her dowry, her own resources, or those of her relatives. However, judging from historical instances, widows acted with a great deal of independence in legal affairs: the widow was able to bequeath real estate and possessions, to sue for the return of her dowry, and to force the consent of her tutor if she wished to alienate property. If indeed her husband had legated her a house, the widow would usually stay in her conjugal home with her children, and take them with

her into her new home upon remarriage. Very few Roman widows returned to live with their natal families.

Some tentative demographic conclusions concerning widowhood were drawn from the prosopographical evidence. Widowhood was not associated with old age: the age hiatus between husband and wife of ten years or more meant that early widowhood for a large number of women was inevitable; and indeed over 40% of the women studied in Chapter four were widowed when they were under the age of twenty-five. As well, more than half the women were widowed before they had been married ten years. The period of widowhood was found to be short: between one and three years. Many women were widowed and remarried more than twice.

Sexual activity diminished the widow's chances of remarriage: thus women were expected to remain chaste within the confines of widowhood. This is indicated not only by the laws on stuprum, but also by the literary praise heaped on the virtuous tragic widow, and the censure directed towards the sexually active merry widow. It is indicated also by the 'inverted ideal' of the immoral and unchaste woman, indicating patriarchal expectations of female behavior in Roman society. As well, the ideal of univira, the chaste woman who did not remarry after the death of her husband, enjoyed enormous popularity at Rome (not least because she was viewed as a paragon of female conduct). This is attested by the various literary tributes to univirae, as well as by several historical instances of widows who never remarried. The prestige accorded to the univira was not uprooted with the implementation of the Augustan remarriage laws, though the status was rarely attained in a society which placed such importance on remarriage.

That the remarriage of a widow at Rome was condoned and encouraged is proven by the Augustan marriage legislation in 18 BC and AD 9, which made

remarriage for widows obligatory after an enforced mandatory mourning period of ten months, later extended to two years. Under these laws, contradictory demands were made on the widow: she was obliged to find a new husband while mourning her old one, or theoretically be under penalty of legal retribution. There is a strong presumption of remarriage inherent in the legal and literary source material, indicating that the remarriage of a widow was usual. In the prosopographical evidence, 43% of the seventy widows studied in Chapter Four remarried.

Remarriage of a widow at Rome carried no stigma; many young widows (especially those who had had children) were seen as valuable pawns by their male relatives, to be used and exploited in building a stable network of political and social contacts. The remarriage of a widow could be arranged by her father or mother, or both; she could accept matrimonial advances herself, or even make them. The amount of choice a widow had in her remarriage may have depended on her age and the number of her children, but evidence for this remains fairly insubstantial. Social forces were thus the controlling factor in the remarriages of most Roman widows: pressure from family and friends as well as social convention would play a far more important role in inducing a widow to marry again than ill-enforced social legislation.

Social compulsion to remarry is clearly seen in the case of the widow Aemilia Pudentilla of Apuleius' Apology. The course of her long widowhood, her choice of a husband, and her remarriage can be examined in some detail. Pudentilla is in many respects a "typical" Roman widow (except in the length of her widowhood): her husband died when she was twenty-five or twenty-six; she lived in her conjugal home and raised her two young sons; she owned and could bequeath property. Pudentilla's remarriage was subject to the machinations of her male relatives: her former father-in-law, her two sons, her

brother-in-law, and even her daughter-in-law's father all had a concerned (and in all cases avaricious) interest in her subsequent husband, and her remarriage would have lasting effects on everyone around her. However, it is also important to note that Pudentilla (although no doubt influenced by the opinion of her eldest son) chose her subsequent husband herself. She was forty, had had children, and was a wealthy woman: surely these factors carried some weight in how much say she had in her remarriage. Pudentilla's case history clearly demonstrates that widowhood at Rome was linked to other social factors: the internal dynamics of the Roman family, techniques of heirship, and the social importance of marriage in Roman antiquity.

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APPENDIX I: MAIESTAS AND THE ROMAN WIDOW

In the Roman imperial period the law of treason widened to include conspiracy against the emperor's life, libel, slander, the use of magic, the casting of horoscopes, and adultery with a member of the imperial family. Some thought the accusation of adultery was frequently used as a cover for political charges, and that maiestas generally was used to rid the empire of potentially subversive political enemies (Suet. Dom. 21; Tac. Ann. 4.70.7).

Maiestas trials were heard before the Senate, the emperor, or the quaestio maiestatis (the permanent courts instituted for hearing treason charges). Prosecutions were brought by the delatores (informers), who received a quarter of the property of a convicted man or woman. A convicted person's estate was confiscated by the state; he was condemned either to exile or the death sentence, and damnatio memoriae. But none of these rules applied if the accused committed suicide before the charges were formally laid against him or her. The charges of maiestas were increasingly frequent under Tiberius, beginning about AD 23.

In the treason trials the boundaries between public crimes and personal offences became blurred; many "crimes" were seen as potentially threatening to the safety or succession of the emperor and his family. Men and women related by blood or marriage to the imperial household ran the greatest risk of incurring a charge of maiestas or adultery/stuprum (often adjunct charges brought in order to rid the state of political pretenders or conspirators). Tacitus, in his depiction of the trials, had his own opinions on whether or not the accused were truly guilty; however, he condemned the delatores and the maiestas trials as instruments of tyranny used to victimize innocent people; and women at the bar of the Senate could "embody his ideal of self-sacrificing loyalty to disgraced or

endangered males in the very epicentre of political intrigue." (see Marshall [1990]: 338).

Our trials cover the period from AD 20 to AD 217. Note that out of the eighteen trials examined in which the widow is defendant, only four did not have husbands who died accused of the same charge. Claudia Pulchra and Vipsania Agrippina both had husbands who were acclaimed generals under Augustus; that these widows were prosecuted along with their sons hints at aspirations to the imperial succession (real or perceived). The husbands of Antistia Pollita and Claudia Livia Julia were assassinated in political intrigues. Annia Aurelia Galeria Lucilla and her sister Cornificia were sisters of the emperor Commodus: Annia Aurelia was exiled in her brother's reign and executed in AD 182 (her husband, also executed, was a possible rival to the throne); Cornificia was forced to commit suicide under Caracalla (by AD 217). Syme ([1984]: 1411) notes that her husband, L. Didius Marinius "ended as a praefectus praetorio in 223." The widows were living symbols of their subversive husbands' political views; thus they were seen as potential traitors themselves.

TABLE ELEVEN: WIDOWS AS DEFENDANTS

<u>WIDOW</u>	<u>DATE</u>	<u>CHARGE</u>	<u>HUSBAND</u>	<u>DATE</u>	<u>CHARGE</u>
Acutia	37	Maiestas	?	31	Conspiracy
Aemilia Lepida	36	Maiestas	Drusus Caesar	33	Conspiracy
Antistia Pollita	65	Maiestas	*Rubellius Plautus		
Apronia Caesia	41	Conspiracy	Cn. Cornelius Lentulus Gaetuli- cus	39	Maiestas
Annia Aurelia Gal- leria Lucilla	182	Conspiracy	Ti. Claudius Pomp- eianus	182	Conspiracy
Claudia Antonia	66	Revolution	Cn. Pompeius Magnus	46	Maiestas
			Faustus Corn- nelius Sulla	62	Maiestas
Claudia Pulchra	26	Stuprum	*Q. Varus		
Clodia Fannia	66/ 93	Maiestas	Helvidius Priscus	75	Maiestas
Cornificia	by 217	?	?	?	?
Junia Silana	55	Maiestas	C. Silius	48	Intrigue

Munatia Plancina	33	20/ Murder	Cn. Calpurnius Piso	20	Murder	
Mutilia Prisca		30	Maiestas	C. Fufius Geminus	30	Maiestas
Claudia Livia Julia	31	Maiestas	*Drusus			
Sextia		34	Adultery/ Maiestas	Mamercus Aemilius Scaurus	34	Maiestas
Sosia Galla	24	Conspiracy Maiestas	C. Silius A. Caecina Largus	24	Maiestas	
Vibia	42/ 52	Complicity in Revolt	L. Arruntius Camil- lus Scribonianus	42	Revolution	
Vpisania Agrippina		29	Stuprum/ Maiestas	*Germanicus		

* These men were assassinated or killed in battle

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