

*FECUNDITAS, STERILITAS, AND THE POLITICS OF
REPRODUCTION AT ROME*

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Abstract

This dissertation is a cultural history of the role of human fertility – *fecunditas* – in Ancient Roman society c. 200 B.C. – A.D. 250. I ask how the Romans chose to understand human fertility, how they sought to preserve and encourage it, and how the absence of fertility affected their marriages, their families and their political careers. It is an investigation of the place of fertility in the Roman cultural consciousness. Using a wide range of sources – literary, epigraphic, papyrological, juridical, and numismatic – I argue that the Romans conceptualized *fecunditas* (fertility) not just as a generic female quality, but as one of the cardinal virtues that all married women were expected to embody. A woman's *fecunditas* could be evaluated and judged according to how many children she bore, how often she became pregnant, and how many of her children survived into adulthood. Although *fecunditas* was constructed as a female responsibility, elite Roman men were able to take advantage of having a fertile wife. Official benefits, such as those accrued by law under the *ius trium liberorum*, the rights of three children, brought one level of honour. An elite man could also exploit the *fecunditas* of his wife to increase his own social capital. In return, women of proven fertility were thought to deserve conjugal loyalty from their husbands and ought not to be divorced. Infertility could lead to the dissolution of a marriage. *Fecunditas* was not a private matter, nor were the members of the imperial family, the *domus Augusta*, immune to its pressures. At all levels in Roman society there was a strong interest in the safeguarding of the *fecunditas* of Roman citizen women, for through them the strength of the Roman state was preserved. It is not wrong, I argue, to speak in terms of a sort of *fecunditas* project, an obsession with the numbers of Roman citizens and the importance of fertile women to bear more of them, which permeates Roman society from the beginning of the Republic into the third century A.D.

To Ben and Eamon

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Introduction

In 171 B.C., Livy records a potentially mutinous situation in the Roman army during the preliminaries to the Third Macedonian War (42.31-35). In order to provide the army with as many experienced soldiers as possible, the consul was given the right to enroll at his discretion former centurions and soldiers up to fifty years of age, and the tribunes of the soldiers (*tribuni militum*) were to be appointed by the consul and the praetors, not elected (42.31.4-5). During the process of enlistment, twenty-three volunteers, all veterans who had held the rank of senior centurion (*centurio primi pili*) in previous campaigns, brought an appeal to the tribunes of the people, in which they expressed their displeasure at the prospect of being asked to serve at a lower rank than they had held during their regular service (42.33.3). The complaint was brought by the tribunes to an assembly (*contio*) of the people. In response, the consul P. Licinius requested that, owing to the newness of the war, the proximity of the battleground to Italy, and the strength of Perseus, he be allowed to assign ranks as he saw fit and as he deemed to be in the best interests of the state (42.33.6).

At this point in the proceedings, Livy reports that a certain Sp. Ligustinus, one of the twenty-three veterans who had brought forward the complaint, requested and was granted permission to address all of those assembled.¹ In his speech he lists his numerous campaigns, his honours, and his promotions through the ranks. He has campaigned in Macedonia against King Philip, in Aetolia against King Antiochus, and in Spain on several occasions (42.34.5-10). Ligustinus ends his summary of his many campaigns with a simple statement of the facts of his career: “Four times within a few years I commanded the first century of the legion; I have been honoured thirty-four times by my commanding officers on account of my valour; I have received six crowns for saving the lives of my fellow soldiers. I have completed twenty-two years of military service, and I am older than fifty” (*quater intra paucos annos primum pilum duxi; quater et tricies virtutis causa donatus ab imperatoribus sum; sex civicas coronas accepi. viginti duo stipendia annua in exercitu emerita habeo, et maior annis sum quinquaginta*) (42.34.11). Ligustinus, we are meant to understand, is an exceptional soldier, one whose words deserve respect.²

¹ 42.34. For the speech, see Dutoit 1964; Cadiou 2002; Briscoe 2012: 261-267.

² Recognized fifty years ago by Dutoit (1964).

In a move that must have been meant by Livy to surprise his readers, Ligustinus then goes on to demonstrate that he has changed his mind. Instead of making a counterattack against Licinius' arguments, he makes a deliberate and thoughtful speech supporting the position of the consul. He does not argue that he is deserving of the rank of senior centurion in this campaign, as he was in so many others, but instead says only, "Of what rank the military tribunes judge me to be deserving is for them to decide; I shall apply myself so that no one in the army will best me in valour" (*quo ordine me dignum iudicent tribuni militum, ipsorum est potestatis; ne quis me virtute in exercitu praestet, dabo operam*) (42.34.14). He then exhorts the other centurions to do likewise, even though he acknowledges that they have just cause for their appeal. He urges them to find any position in the army honourable, so long as they are defending the state (42.34.15).

So far, all seems to be in order. Livy presents us with the picture of a consummate Roman soldier, a career veteran who remains willing, indeed even eager, to serve the republic in any capacity. It is not surprising that his words are deemed to be so persuasive that the other centurions immediately drop their appeal and obey the levy (42.35.2). Yet at the very beginning of Ligustinus' speech, Livy does something that at first appears to be rather odd. Livy has Ligustinus start by identifying his credentials to be viewed as a man of the people: his civic status – he comes from the tribe Crustumina – and his relative lack of wealth – he still lives in the "little hut" (*parvum tugurium*) where he was born, on the *iugerum* of land left to him by his father (42.34.2). Immediately following this opening statement Livy has Ligustinus tell those assembled what seems to be irrelevant information about his domestic life:

cum primum in aetatem veni, pater mihi uxorem fratris sui filiam dedit, quae secum nihil attulit praeter libertatem pudicitiamque, et cum his fecunditatem, quanta vel in diti domo satis esset. sex filii nobis, duae filiae sunt, utraeque iam nuptae. filii quattuor togas viriles habent, duo praetextati sunt.

When I first came of age, my father gave to me his brother's daughter as a wife, who brought with her nothing other than her free birth and her sexual virtue and, along with these things, a fertility such that it would be enough even for a wealthy home. We have six sons, and two daughters, and both of our girls are already married. Four of our sons wear a man's toga; two still wear the one for boys.

(Livy 42.34.3-4)

This is the first substantial information we learn about Ligustinus: it comes before any description of his campaigns, his military decorations, or his many years of service, and at first glance it appears in no way to enhance Ligustinus' authority to address the soldiers. They are,

however, far from empty words. Since Livy intends for Ligustinus to sway the angry veterans with his words, it is imperative in these early lines that he portrays Ligustinus in a positive light. In addition, Ligustinus must also appear to those who have attended the *contio* to be a man who will appeal to the common people, an ideal Roman. Livy's description of Ligustinus' wife and family is carefully designed to strengthen this image.³

Livy's message is clear. Despite the soldier's relative poverty, he has been blessed beyond measure. His family represents a Roman ideal. His wife has borne him eight living children, and six have already grown to adulthood. He has more sons than daughters. His daughters are both married, and presumably he can soon look forward to grandchildren. The Ligustinus episode shows too how Roman men thought about a 'good' wife. She was primarily valued not for the wealth which she brought to the marriage – indeed, Ligustinus' wife could not even provide a dowry – but for her ability to bear children. Her *fecunditas* increased his civic status and his public authority: through the organization of his speech Livy asserts that one of the reasons Ligustinus was worth listening to was his successful marriage that had produced many children. The speech, of course, should be read not as preserving the actual words of Ligustinus, if indeed he even existed, but rather as revealing the concerns of Livy himself.⁴ Although Ligustinus' idyllic family would not have reflected the reality for most Romans, it does illustrate some common assumptions. Implicit within Ligustinus' description of his family is the importance of children to the Romans, the sense of validity that their successful birth brought to a marriage, and the desire to be survived by many – preferably male – heirs. But most couples would not have been as blessed as Ligustinus and his unnamed wife, and some would have remained barren for the length of their marriage.

This dissertation is a cultural history of the role of human fertility – *fecunditas* – in Roman society c. 200 B.C. – A.D. 250. I ask how the Romans chose to understand human fertility, how they sought to preserve and encourage it, and how the absence of fertility affected their marriages, their families and their political careers. It is not, on the whole, a demographic study. For the most part, we lack the evidence to attempt sophisticated analyses of the fertility of

³ In his commentary, Briscoe does not consider the ideological underpinnings of Ligustinus' family, the importance of *fecunditas*, or Livy's intentions in opening the speech as he does (2012: 263).

⁴ Acknowledged, too, by Briscoe (2012: 262), who writes, "The speech will be largely the invention of L." Pace Cadiou (2002), who treats it as a historical document containing valid information concerning the Republican army of the second century B.C. For the problems surrounding speeches in the works of ancient historians, see below, p. 5.

the Roman population except on the broadest possible scale, and the limits of the possible are by now well-known.⁵ Nor is it an in-depth study of fertility in the medical sources. Such an undertaking would require more space than the scope of this project would allow. How applicable any conclusions drawn from such an analysis would be to the general Roman population likewise remains a vexed question. It is not at all certain that the Romans, except for perhaps a small minority of the largely literate élite, were well-versed in the intricacies of the medical writers, both those, like Soranus and Galen, who wrote during their own time and those in the long-standing Greek tradition who wrote much earlier.⁶ Explanations for infertility found in the medical writers are included in Chapter Two, mainly to contextualize the analysis that follows: it does me no good to discuss how Roman society interpreted suspected infertility if I do not first establish the limits of what they could have known about its actual causes. This project is therefore best described as an investigation of the place of fertility in the Roman cultural consciousness.

SOURCES AND METHODOLOGY

My dissertation is necessarily a study that focuses on élite Roman citizens in Italy, as the vast majority of our evidence comes from authors of the late Republic and the first two centuries of the Principate who inhabited and in their works focused on the upper echelons of Roman society. By élite Romans I mean men of equestrian and senatorial rank, their families, and those others who took part in the shared literary culture of the Graeco-Roman world.⁷ Although the writers on whom I draw are sometimes separated by great distances in both space and time, the Roman élite shared a common cadre of values and beliefs; they looked at the world in similar ways; and for the most part they were driven by the same motivations and aims and constrained by the same limitations.⁸ There is no denying that a significant social and political change occurred in the transition from Republic to Principate, and there is a danger in lumping together authors who lived before, during, and after the age of Augustus. With that said, this is perhaps less of an issue for this project than it would be for others: I will argue here that the social legislation

⁵ Frier 2000 remains the clearest summary of the state of our knowledge. Publications of particular relevance to this project include: Hopkins 1965 and 1983; Brunt 1971; Saller 1987 and 1994; Shaw 1987 and 2001; Parkin 1992; Bagnall and Frier 1994; Scheidel 1999, 2001, 2007, 2009 and 2012; Frier 2001; Hin 2013; Huebner 2013.

⁶ On this see especially Flemming 2000. King 1998 raises similar issues for Greek culture.

⁷ For the idea of a literary culture common to the élite, see Fantham 1996; Lendon 1997: 38, 62; Johnson 2010 and 2000.

⁸ As also suggested by Lendon (1997: 36-39).

championed by Augustus in 18 and 17 B.C. may have raised the public profile of *fecunditas* and may have encouraged elite Roman men to think and write more frequently about issues of fertility, but it did not fundamentally alter Roman beliefs.⁹ The ideas about human fertility and the children who resulted from it found in our sources for the most part reflect the common bonds of elite society, irrespective of when the texts were written.

This project makes use of a wide range of literary sources. For prose authors the historians and biographers, especially Livy, Dionysius of Halicarnassus, Tacitus, Suetonius, Plutarch, Cassius Dio, and the author of the *Historia Augusta*, are essential, although they are not without their challenges. Historical narrative is just as much of a literary construction as any other genre, far from immune to the influence of ideologies and *topoi*. The problems surrounding speeches in the works of ancient historians are well known. Oakley sums it up nicely, saying, “Speeches in histories quite often reflect metahistorically the concerns of the authorial voice”.¹⁰ It would be foolhardy of me to reject outright evidence that comes from speeches, and indeed it would significantly weaken this project to do so. Furthermore, although speeches are not a reliable source for the exact words spoken by an individual, and may not even be a good source for specific events, the general cultural assumptions found in them must be credible. Still, I must exercise caution.

Other important prose sources include letters and speeches, especially those of Cicero, Pliny the Younger and Fronto, philosophical works, such as those of Cicero and Seneca the Younger, the novels of Petronius and Apuleius, and works which cover a much wider scope, such as Pliny the Elder’s *Historia Naturalis* and Plutarch’s *Moralia*. These genres, too, have their difficulties. The blunt realities faced in Cicero’s letters, which were not published during his lifetime, are a stark contrast from Pliny’s own conscious self-representation. Speeches, like Pliny’s *Panegyricus*, were published, but not as they were spoken.¹¹ Some published speeches

⁹ The *lex Iulia de maritandis ordinibus* of 18 B.C. and the *lex Iulia de adulteriis* of 17 B.C. The legislation of 18 B.C. was modified in A.D. 9 by the *lex Papia Poppaea*, and the two are usually conflated by the ancient authors and modern scholars as the *lex Iulia et Papia Poppaea*. For full discussion of this legislation, see below, Chapter Three, pp. 175-187.

¹⁰ 2010: 126, n.25.

¹¹ I have borrowed the turn of phrase from Lintott (2008: 15). The *Panegyricus* was Pliny’s official *gratiarum actio* after he was named suffect consul by Trajan from September to December of A.D. 100. It was significantly edited and enlarged for publication. On the context of the *Panegyricus* see Durry 1938; Radice 1968; Fedeli 1989; Bartsch 1994: Chapter Four, “The Art of Sincerity: Pliny’s *Panegyricus*”; Fantham 1999; Connolly 2009.

were not even delivered, despite references in the texts which suggest otherwise.¹² The *Historia Naturalis* and the *Moralia* contain much useful information, but it is largely anecdotal and often out of context, as is the wealth of evidence found in the works of Valerius Maximus and Aulus Gellius.

Plays are not ignored. The most important for this project is the *Octavia*, a *fabula praetexta* or historical drama attributed to Seneca the Younger.¹³ Most scholars are now in agreement that it became attached in error to the manuscript tradition of Seneca's tragedies, and that it was written by an unknown author relatively soon after the death of Nero.¹⁴ There are a number of competing suggestions for its likely date of composition, but I follow Boyle in assigning it to the early years of Vespasian's reign (A.D. 69- mid 70s).¹⁵

In poetry, we start with the works of Catullus and Lucretius, who were the predecessors of the poets now labelled Augustan, and who therefore provide a valuable Republican perspective that predates the Augustan social legislation. A word here should be said about Lucretius' work, the *De Rerum Natura*. Lucretius, of course, wrote as an Epicurean, and his purpose in writing the *De Rerum Natura* was to make the philosophy of Epicurus available to his fellow Romans by translating the Greek into Latin and, ultimately, to convert them to the Epicurean way of life. In particular, Lucretius wanted to free his readers from their unfounded beliefs in the gods and in divine control over both the universe and the fates of individual men. Although Lucretius' work was designed to introduce Greek philosophy to a Roman audience, he was very much a product of his time, and his work is grounded in the social and cultural context of the last few decades of the Roman Republic.¹⁶

For the poets who lived during the age of Augustus – Virgil, Horace, Tibullus, Propertius, and Ovid – assessing the influence, or lack thereof, of the actions of the first *princeps* on their

¹² Most famously Cicero's masterful *Second Philippic* against Mark Antony, which in the printed text purports to be an immediate response to Antony's own attack on Cicero in September 44 B.C. The speech was, however, never spoken aloud and was not published until sometime in November, after Antony had left Rome (Lintott 2008: 14-15). Cicero sent draft copies to his friends well after the day on which it was supposed to have been given (*Att.* 16.11 (420 SB).1, 5 November 44 B.C.).

¹³ On the *fabula praetexta* see Zorzetti 1993; Montanari 2004; Boyle 2008: xliii.

¹⁴ Marti (1952), Giancotti (1954) and Whitman (1978) still persist in arguing for Senecan authorship. For the case against Seneca as author see especially Herington (1961) and Carbone (1977).

¹⁵ Kragelund (1982 and 1988), Barnes (1982), Wiseman (2001: 14) and Fitch (2004: 512-513) assign it to the reign of Galba (June A.D. 68 to 15 January A.D. 69). Junge (1999: 199-200) and Smith (2003: 426-430), like Boyle, prefer the early years of Vespasian's rule (A.D. 69-mid 70s). The third suggestion is the middle or late Flavian principate (A.D. 81-96), as advocated for by Chickering (1910: 87), Herington (1961: 29) and Ferri (2003: 5-30).

¹⁶ On this, see especially Fowler 1989 and Sedley 1998. For the date of the *De Rerum Natura*, see Hutchinson 2001. For discussions of sex and gender in Lucretius' work as a whole, see Fowler 1996 and Gordon 2002.

work has fueled much scholarly debate.¹⁷ The poets of the Principate – Lucan, Martial, Statius, and Juvenal – are equally important. Epic and elegy appear less frequently than satire: the epic gaze does not often rest on women and the illicit love relationships in elegiac poetry are not fruitful hunting grounds for the study of *fecunditas*. Martial and Juvenal’s scathing social commentaries provide a refreshing counterweight to texts less obviously critical of Roman society and imperial rule. They certainly exaggerate and distort, but their barbs must be grounded in the realities of elite life in Rome in order to preserve their bite.¹⁸

Legal sources, like Gaius’ *Institutes* from the mid-second century A.D. and the *Corpus Iuris Civilis* compiled and issued in the sixth century A.D. at the request of the emperor Justinian, contain valuable information passed over by other ancient authors. The late date of the *Digest* and the other sixth century works, however, means that it is sometimes impossible to recreate the laws as they would have existed earlier.¹⁹ Only the sections of law relevant to the time of Justinian were preserved. The jurists, of course, were interested in theoretical possibilities, not necessarily expected social realities, and we should not be too quick to assume either that their attitudes speak for Roman society as a whole or that all of their considered cases were based around historical examples.

Lastly, some of the most interesting evidence comes from texts less frequently mined by historians, such as the *Controversiae* of Seneca the Elder and the *Declamations* attributed to Quintilian. The *Controversiae* is a collection of declamatory material that looks back to the decades at the end of the first century B.C. and the beginning of the first century A.D., when it was not uncommon for accomplished orators to give public performances of speeches based on one of the themes. At the request of his sons, Seneca gathered together the highlights of the *declamatores* of his time, especially those individuals whom his sons never saw. Instead of one speech made by one individual, we therefore have a conglomerate of responses, which examine the case from every possible angle. In this respect, his collection is quite different from that attributed to Quintilian, which returns the declamations to their original roots in the schoolroom. In the collection attributed to Quintilian, a situation is envisaged and a full speech for each side of the case is preserved, sometimes along with suggestions on how best to develop the argument.

¹⁷ For one example, see Prop. 4.11, a text which has failed to achieve any scholarly consensus, discussed below, Chapter Two, pp. 97-99.

¹⁸ For the difficulties in approaching Roman women through satire see Henderson 1989.

¹⁹ For the challenges in using legal sources, see Robinson 1997.

The themes used in the declamations are unashamedly outrageous, and even in antiquity they came under criticism for being unrealistic.²⁰ With that said, there has been increased recognition in recent years of the declamations' potential as a source for social and cultural history. Mary Beard has called them “a social and cultural focus for the Roman élite of the first centuries CE”, and has argued that they “offer an arena for learning, practising and recollecting what it is *to be and think Roman*”.²¹ Likewise, Martin Bloomer has seen Roman declamation as instrumental in “the fashioning of the schoolboy into a Roman” and in allowing “the treatment of themes and problems at the heart of what it was to be a Roman citizen”.²² Other studies have shown that the declamations can both champion and challenge accepted cultural beliefs and values.²³ I will take a similar approach to the declamations in this project.

The ideas found in these myriad sources are not, of course, entirely consistent. They can be complex and sometimes flatly contradictory, even within works by the same author, such as in the letters of Pliny the Younger, where he can express a fervent desire for children that brooks no hesitation or doubts when writing to his grandfather-in-law in one epistle, and yet acknowledge that many people require financial inducements to encourage them to take on the “mind-numbing toil” (*taedium laboremque*) inherent in the rearing of children when writing to a friend in another.²⁴ Pliny's aims and motives in writing the two letters would, of course, have been very different, and his attitudes towards children, as expressed in the letters, were likely shaped as heavily by his actual and conceived future audiences as by Pliny's own beliefs and emotions.²⁵ Pliny's ideas about human fertility, and the place of children in Roman culture, at least those we can access through his surviving work, are variable and malleable, able to be voiced, altered, or discarded depending on the circumstances. There is no one statement to which we can point and say with confidence that this is what Pliny thinks about the begetting and rearing of children.

We should not expect otherwise. The discourse of fertility – particularly human fertility – in Roman culture is far too complex to allow for anything other than a nuanced approach. Yet

²⁰ Tac. *Dial.* 35, and especially Petron. *Sat.* 1.

²¹ 1993: 54, 56, original emphasis.

²² 1997: 62; 2007: 298.

²³ For example, Gleason 1995, Gunderson 2003 and Pagán 2007-8.

²⁴ Fervent desire for children: *Ep.* 8.10, his famous letter to Fabatus upon the occasion of Calpurnia's miscarriage. The rearing of children as “mind-numbing toil”: *Ep.* 1.8, in the context of Pliny's *alimenta* scheme.

²⁵ We would, as an example, hardly expect Pliny to console his grandfather-in-law by portraying Calpurnia's miscarriage as a positive turn of events because it allowed them to escape the heavy burden of raising children. For discussion of the wider audience for Pliny's letters and the self-editing process undertaken prior to their publication, see Leach 1990; Riggsby 1998; Hoffer 1999, esp. Chapter One; De Pretis 2003; Henderson 2003; Bradley 2010.

the areas where contradictions are most apparent, such as the coupling of the assertion that the purpose of marriage was the begetting of legitimate children with the insistence that voluntary childlessness was rampant and that the élite, especially élite women, were reluctant to breed, are often expressed by our authors in remarkably similar ways. This suggests that even those aspects of Roman élite life which deviated from overall societal expectations were in themselves a form of expected protest or disagreement, and thus open to becoming a literary *topos*. They too can be defined as part of the élite response to the place of human fertility in Roman culture. Pliny may write different things about children under different circumstances, but all of what he writes, despite its contradictions, fits into the broader framework of this élite response.

The greatest challenge concerning my evidence is that fertility, even though it was clearly an issue of great importance to Roman society, was rarely of specific interest to the élite male authors whose works form the bulk of our literary evidence. The narratives of successful wars, political conflicts, and the rise and fall of great men which dominate so much of our sources leave little room for discussion of *fecunditas*. Thus much of the evidence that exists is anecdotal or isolated, just like the speech of Sp. Ligustinus. I find myself in the same uncomfortable position acknowledged by Christian Laes in his 2011 article on deaf-mutes in ancient society:

It is a fact well-known to ancient historians that one has to use what one has in order to sketch an overall picture. As with many instances concerning the ancient world, there is so little information on the daily lives of deaf-mutes that one really has to use every single clue, from demography and comparative anthropology to the literary sources, juridic case stories, epigraphy, and papyrology.²⁶

I, too, must cast a wide net in my search for sources, drawing equally on the ancient authors whose writings in Latin and Greek have been preserved, and the documents which have survived the passage of time. The bulk of my evidence is written, but not all of it: coins and anatomical votives are sometimes valuable alongside the literary, epigraphic, papyrological, and juridical material. The evidence covers a very broad scope, not only in terms of its genre but also in terms of its chronology and geography. This does not make it unusable, but it does require that I take great care in using it. The danger when confronted with such evidence is that one might construct a narrative that suits the researcher, but may not reflect in any way the reality of the actual society.

Here, I must recognize the limitations of our sources. It is impossible to write a definitive

²⁶ Laes 2011b: 465.

analysis of Roman fertility that claims to be able to identify how every Roman felt about this complex issue. What the evidence does suggest is that we are not wrong to look for a coherent cultural attitude toward fertility in the society of the Roman élite of Italy, and perhaps even in Roman society as a whole. Arguing for these common threads, furthermore, does not in any way erase the reality of individual responses to these overall societal norms; it merely recognizes that there is only so much we can claim to know. In much the same way Suzanne Dixon wrote a 1988 monograph on the Roman mother, which explored the cultural expectations of Roman motherhood without ever suggesting that *all* Roman mothers felt or acted that way, *all* of the time.²⁷

Roman discourses on fertility are overwhelmingly male. The difficulties in reaching the ‘voices’ of Roman women are by now well-known, and have been examined with ever increasing sophistication over the last forty years, ever since the groundbreaking work of Pomeroy (1975). The inherent difficulties were cogently laid out more than a decade ago by Dixon, who made the rather depressing observation on the first page of the preface of her book that “I am now more sceptical than I was twenty years ago about the possibilities of extracting substantive information from the ancient sources”.²⁸ Yet scholars have persevered.²⁹ Much of our evidence, even that which purports to transmit the female point-of-view, largely reflects male ideas about female fertility. The name of Sp. Ligustinus’ wife or her thoughts on her successful childbearing does not matter in Livy’s history; only her *fecunditas* does. Yet we should not despair. As Lauren Hackworth Petersen and Patricia Salzman-Mitchell noted in the Introduction to their 2012 edited volume, *Mothering and Motherhood in Ancient Greece and Rome*:

Although women themselves left little trace of their own existence, the study of ancient mothers, mothering, and motherhood can be accomplished through the lens

²⁷ See too Hallett 1984 for a similar approach to the study of fathers and daughters.

²⁸ 2001: ix. Blok 1987 remains important, but its cursory treatment of women in the Roman world reflects the imbalance of that generation of scholarship, which largely focused on Greek women in a select group of literary texts. Rabinowitz and Richlin 1993 was a groundbreaking effort (not always successful) to integrate feminist theory into the study of the ancient world.

²⁹ For the most recent treatment of the question, see the Introduction in Richlin 2014. Other works which have openly engaged with the problem of how to approach and read Roman women include Foley 1981; Richlin 1983 and 1992; Gourevitch 1984; Gardner 1986; Pomeroy 1991; Gold 1993; Hawley and Levick 1995; Kleiner and Matheson 1996 and 2000; Hemelrijk 1999; Raepsaet-Charlier and Gourevitch 2000; Frei-Stolba *et al.* 2003. In recent years Routledge has commissioned a number of biographies of prominent women from established feminist scholars (including Fantham 2006; Treggiari 2007; Shelton 2013), many of whom express consternation in their introduction at what they are attempting to do: Dixon refers to her work on Cornelia, the mother of the Gracchi, as an “anti-biography” (2007: xii). All are aware of the irony that biographies of these women are possible only because they were much written about by men.

of (elite) men – that is, through male-authored words, rituals, and artifacts. This lack of direct evidence from a female perspective is not prohibitive. Indeed, the contributors to this volume attempt to get behind the rhetoric to explore, on one hand, everyday realities of motherhood and, on the other hand, the constructions of motherhood used to fulfill social and political agendas. This is not to suggest two mutually exclusive categories.³⁰

I take the same approach in my study of *fecunditas*. Despite our male authors, fertility did not remain exclusively, or even predominantly, a male concern: *fecunditas* was also a matter of deep importance for Roman women. Nevertheless, our access to the attitudes of Roman women towards fertility must for the most part remain shaped by men.

THE STATE OF THE QUESTION

The study of Roman fertility has certainly not escaped the attention of scholars, but interest and debate has thus far largely been focused on three areas. First, the study of fertility is central to the now well-established field of ancient demography.³¹ For the most part, scholars have been more interested in the question of to what extent the Romans were capable of controlling their own fertility and their family size through contraceptive or abortive practices than in the Romans' obvious interest in protecting and ensuring fertility, an imbalance also noted by Dixon.³² The second area of scholarly interest has been the manipulation of fertility by the emperors, particularly the impact (or lack thereof) of the legislation passed during the reign of Augustus.³³

Finally, the exponential growth in scholarship on the Roman family over the last four decades has naturally brought with it some interest in the role of fertility in Roman marriage and child-rearing, even if it is largely treated in a cursory manner.³⁴ The shift in scholarship towards ever more critical use of the evidence is perhaps best summed up in the change in title from

³⁰ Hackworth Petersen and Salzman-Mitchell 2012: 12.

³¹ See above, p. 4, n. 5.

³² 2003: 121, n.27. See too Evans Grubbs (1995: 108) who offers a refreshing point of view (although not elaborated): "The natural infertility of many Roman couples due to such factors as teenage pregnancy, poor medical conditions, and the absence of the husband for long periods of time, has been largely ignored by classical scholars who focus instead on the possible use of contraceptives and abortion by upper-class Romans who supposedly did not want children". On the issue of controlling family size through various means see, e.g., Harris 1982 and 1994; Bradley 1986; Riddle 1991, 1992, and 1997; Frier 1994, 2000; Corbier 2001; Kapparis 2002.

³³ E.g., Wallace-Hadrill 1981; Fitschen 1982; Woolf 1990; Mette-Dittman 1991; Treggiari 1991a; Ameling 1992; Corbier 1995; Flory 1996; McGinn 1998 and 2002; Rawson 2001; Keltanen 2002; Severy 2003; Milnor 2005; Uzzi 2005; Kampen 2009.

³⁴ Rawson (2003: 95-99) is typical of this approach. See too Harlow and Laurence 2002.

Beryl Rawson's pivotal first edited volume in 1986, *The Family in Ancient Rome: New Perspectives*, which emerged from the first Roman Family Conference held in Canberra in 1981, to her last, published posthumously in 2011, the Blackwell's *Companion to Families in the Greek and Roman Worlds*.³⁵ We have moved from a monolithic family in a monolithic world to a growing awareness of the diversity – in terms of household and family structure, attitudes and ideals, and lived realities – of family units under the aegis of Rome. Yet when (in)fertility is treated in such works, the discussion is usually confined to the impact on individual families, and the same texts are cited again and again.³⁶ There is much more that can be done.

The existing literature on some aspects of *fecunditas* in Roman culture is vast, and my dissertation carries a heavy debt to the work of other scholars, particularly in Chapters One, Three, and Four. Yet the existing scholarship is not entirely satisfactory. Scholarship on fertility has tended to look at isolated areas – the state, the *domus Augusta*, the family – rather than to examine the importance of *fecunditas* as a whole. This focus has also tended, perhaps unconsciously, to preserve a “public/private” divide now largely rejected when it comes to other aspects of the family.³⁷ As Natalie Kampen has observed, “Family, in all its apparent naturalness, is a fine vehicle for communicating the rightness of structures and holders of power, and the Romans used it to do serious political work”.³⁸ *Fecunditas*, I maintain, was just as powerful a tool, and a Roman citizen woman's fertility was everyone's business.

The discussion of infertility in the existing scholarly literature, moreover, is even thinner. I argue here that many of the standard scholarly assumptions concerning the understanding and impact of involuntary childlessness in Roman culture are mistaken. In fact, I suspect that some of the common scholarly assumptions about infertility, such as that adoption would be the logical next step for a childless couple, are a result of an instinctive, however erroneous, equating of the

³⁵ The Roman Family Conferences have continued, most recently in 2012, with the sixth incarnation held at the Institutum Romanum Finlandiae in Rome, under the theme “Limits and Borders of Childhood and Family”. All of the edited volumes resulting from these conferences (Rawson 1986 and 1991; Rawson and Weaver 1997; George 2005; and Dasen and Späth 2010) are still essential reading today. Many other works listed in the bibliography show the influence of these volumes. To see the development in and changing focus of the field, see Hallett 1984; Dixon 1988 and 1992; Andraeu and Bruhns 1990; Bradley 1991; Treggiari 1991; Saller 1994; Evans Grubbs 1995; Gardner 1998; Corbier 1999; Phang 2001; Gourevitch *et al.* 2003; Parkin 2003; Dasen 2004 and 2005; Kunst 2005; Mustakallio *et al.* 2005; Huebner and Ratzan 2009; and Laes 2011a.

³⁶ Pliny the Younger's letters concerning his wife's miscarriage (*Ep.* 8.10 and 8.11) and the inscription commonly known as the *Laudatio Turiae* (*CIL* VI 41062) are particularly egregious offenders. I am, of course, resigned to including them here as well.

³⁷ For one example, see the works of Wallace-Hadrill (1988 and 1996) and George (1997) on the inappropriateness of applying such a binary division to the physical structure of the Roman house.

³⁸ Kampen 2009: 2.

Romans' experience of infertility with our own. Although assertions of authorial bias and caveats about the usefulness of a particular text are found in any publication that relies on the literary sources, scholars still insist on putting far too much weight on the words of the satirists and moralists when it comes to assessing the desire of elite Romans to bear and raise children. The vital importance of *fecunditas* to Roman men has also been largely ignored, and the relationship the Romans believed existed between *fecunditas* and the strength of the Roman state has not been fully recognized. This project will set the record straight.

Scholarly interest in the families of the Roman world remains strong and recent publication trends point to increasing attention on motherhood, pregnancy, childbirth and the neonate.³⁹ Yet no in-depth study of the place of fertility in Roman culture exists. It is therefore past time for a thorough treatment of the importance of *fecunditas*, much as Rebecca Langlands did for *pudicitia* ("sexual virtue") in her 2006 monograph, *Sexual Morality in Ancient Rome*. Langlands established that *pudicitia* "was a personal quality that needed to be displayed to and seen by others".⁴⁰ So, too, was *fecunditas*. *Fecunditas*, as this project will show, was just as important a virtue as *pudicitia*, and just as important to both men and women. In its importance to the Roman state the Romans perceived it as unparalleled.

OUTLINE OF CHAPTERS

Sp. Ligustinus, his fertile wife, and their six children represent the ideal Roman family. This dissertation argues that in the Ligustinus episode Livy is articulating a common view: the importance, not just of children, but of female fertility to the Roman idea and ideals of a proper marriage. In Chapter One, I examine the place of human fertility in the lives of elite Romans, particularly the importance of the birth of children in establishing the validity of a marriage, attitudes towards bearing and rearing children, and the ongoing scholarly debate concerning the rate of reproduction among the elite. The elite may have wanted to control the size of their families, but, as I argue, although some individuals would certainly have met with some success, on a societal scale they had no consistent, reliable means by which to do so. The scholarly interest in contraception, abortion and infanticide in the ancient world obscures the fact that the concern for most families was not too many children but too few.

³⁹ E.g., the chapters in Hackworth Petersen and Salzman-Mitchell 2012; Carroll and Graham 2014; and Part I of Evans Grubbs and Parkin 2014.

⁴⁰ 2006: 37.

Chapter Two picks up the ideas underlying Sp. Ligustinus' speech and establishes that *fecunditas* was an important female virtue which had benefits both for women who could prove their fertility through the birth of live, healthy offspring, and for men who had the good fortune to be married to fertile wives. I argue that *fecunditas* was a virtue which could be assessed and measured by others, and that a hierarchy of *fecunditas* existed by which women could be – and were – judged. Men, too, were not immune from criticism, as my study of men who divorced wives of proven fertility shows. This chapter also establishes the place in Roman society of demographic outliers, such as women whose children all died or all lived, and women who produced multiple births.

The words of an author cannot be separated from the time in which he wrote, and thus we ought not to read the speech of Ligustinus without remembering that Livy himself wrote during the age of Augustus. The passage must therefore be understood in light of the Augustan marriage legislation.⁴¹ Thus, while Chapter Two examines the impact the presence or absence of *fecunditas* could have on individual couples and their family, friends, and wider social networks, Chapter Three delves into the more overtly public aspects of *fecunditas*. I argue that if *fecunditas* was a female virtue, one that all married Roman women were expected to demonstrate, and one which could enhance or detract from the social status of all married Roman men, this opened it up to being manipulated and measured by the Roman state. Here, of course, there is no escaping the Augustan marriage legislation, but it needs to be interpreted from a position of continuity rather than change. Augustus may have made it easier for Romans to speak publicly about issues of fertility, but he did not fundamentally alter Roman values: *fecunditas* mattered long before the *ius trium liberorum* came into existence. As I argue, the Romans closely associated the size of their population with their imperial success. It is not too much to claim that the very health and safety of their state was perceived to rest on the strength of the *fecunditas* of their citizen women.

Chapter Four builds on the two previous chapters by addressing both the impact of *fecunditas* within the individual family and the importance of *fecunditas* to the Roman state in a close study of the most prominent family of all: the imperial family. Much of the chapter

⁴¹ The dating is very tenuous, but if we follow Badian (1993:18) in assuming that Livy composed throughout his life at an even rate of around three books each year, beginning with Book 6 toward the end of 27 B.C., Book 42 would have been written toward the end of 15 B.C., three years after the marriage legislation had come into effect. Even if Livy had composed at a faster rate, it seems probable that Book 42 would have been written after 18 B.C.

concerns the manipulation of the *fecunditas* of imperial women by imperial men, from the Julio-Claudians to the emperors of the late third century. Relevant here too are the strategies used to secure the succession when *fecunditas* had failed. The final section of the chapter puts the spotlight squarely on the women of the *domus Augusta*, for whom demonstrating *fecunditas* quite often was literally a matter of life or death. The emperors and their male relatives, I argue, were able to take advantage of the *fecunditas* of their wives in much the same way as the rest of the élite, albeit on a much more public scale, but for imperial women *fecunditas* was more of a double-edged sword. For these women, successfully birthing a child could prove to be just as dangerous as failing to conceive.

The nature of the evidence requires that much of the dissertation is centred on the élite. Chapter Five, in contrast, sets out to break through this bias and address whether cultural assumptions concerning the importance of fertility were held only by the élite, or whether the ideas and values associated with *fecunditas* did carry meaning in other strata of Roman society. It is not an exhaustive study of every type of evidence related to fertility in the Roman world, but is instead largely devoted to three case studies of evidence that I argue reflect specifically Roman ideas: the widespread practice of anatomical votives, particularly in Republican Italy; the commemoration on tombstones of women who died in childbirth; and the use of the *ius trium liberorum* by women as a form of status symbol in the inscriptions and papyri of the second and third centuries A.D. Like we found with the élite in Chapter Two, *fecunditas* could be used as a means of status assertion not only by women, but also by their husbands. Furthermore, the loss of a wife's potential future *fecunditas* could be mourned as publicly as the loss of the wife herself.

Finally, Chapter Six focuses on those couples who were not able to have children, and asks what methods were available to the Romans to overcome involuntary childlessness. It engages in a detailed study of three alternative ways of building a family: adoption, the use of 'substitute' children, and divorce. Each alternative is assessed for how it could meet – or fail to meet – the needs of both spouses. This chapter largely focuses on the experience of the élite, partly due to the nature of the source material, but also in recognition of the fact that the stakes of childlessness were in all likelihood much higher for the élite than for other Romans. Ultimately, I argue, the Romans had no means of overcoming infertility that could meet the

needs of both spouses if they were committed to the marriage. The outlook for women who were perceived by their society to be infertile was particularly bleak.

It remains to give a brief word here about the mechanics of the dissertation. Abbreviations of the names of ancient authors and their works are those found in the fourth edition of *The Oxford Classical Dictionary* (ed. S. Hornblower, A. Spawforth and E. Eidinow, 2012). Abbreviations of journal titles follow the conventions set out in *L'Année Philologique*. Translations of ancient sources are my own, unless otherwise indicated. I have translated *fecunditas* as “fertility” throughout the dissertation. By doing so, I have at points glossed over the difference between fertility and fecundity. The Romans made no such distinction in their use of *fecunditas*, and my analysis reflects their understanding and their language.

Chapter One:

Human Fertility and the Roman Élite

INTRODUCTION

This chapter examines the place of human fertility in the lives of élite Romans. The ultimate proof of human fertility is the birth of a healthy child, and thus this chapter opens with the importance of children to élite Roman marriages. At first glance, it seems hard to overstate this importance: the begetting of legitimate children was the stated purpose of any élite marriage, and the births of children cemented a union in a way that no other action could match. Marriage and the begetting of children were a natural pairing, twin goals that family and society expected all élite Romans, male or female, to attain. Even though children could be, and were, valued for their own sake, and were not solely seen as a means to an end, there was an overarching belief that, in the words of Keith Bradley, “marriage and procreation were culturally induced social obligations, not the result of individualistic choices”.⁴²

At the same time, despite the prevalence of this belief, there are frequent and occasionally vitriolic accusations in our sources that the élite in Rome were unwilling to breed. For élite men this is explained as a reluctance to take on the responsibilities of marriage and a family, whereas for élite women the criticisms target their supposed vanity: they are portrayed as selfishly denying their husbands heirs through the use of contraception or by procuring abortions, all in order to keep their bellies flat and unwrinkled. Underneath these accusations we find a deep-seated anxiety concerning the supposed inability of the free population of Rome, particularly the élite population, to reproduce itself. To counter these accusations we must take a good, hard look at the likely rates of reproduction among the general population of Rome, and especially among the élite.

On the whole, however, this chapter is not a demographic study. We lack the data needed to calculate even the most basic of statistics. My evidence is largely anecdotal or isolated, derived as it is from authors for whom fertility was rarely of specific interest, even though it was clearly an issue important to Roman society. My approach, therefore, must needs be characterized as impressionistic. Following the approach of other social historians, I shall allow “the pieces of evidence to suggest the actual pattern of Roman experience and

⁴² Bradley 1991: 171.

practice...rather than seek purely statistical conclusions from data that will always be inadequate for that purpose”.⁴³ It is not entirely satisfactory, of course, but it is the best we can do.

THE PLACE OF CHILDREN IN ÉLITE ROMAN MARRIAGES

Élite Roman marriages were formed with the expectation that they would produce children. The link between marriage and procreation more generally was seen as integral and in accordance with natural law. Lucretius, in his consideration of the rise of civilization, links the union of man and woman with the births of children.⁴⁴ A similar pairing is made by Cicero, who argues that the “wise man should desire... in order that he might live in accordance with nature, to marry a wife and to want to have children by her” (*sapiens velit... ut e natura vivat, uxorem adiungere et velle ex ea liberos*).⁴⁵ Likewise, Juvenal writes that “led on by longing, we seek out marriage and childbearing by our wife” (*cupidine ducti / coniugium petimus partumque uxoris*) (10.351-352). Ulpian writes that “Natural law is that which nature has taught all animals...From this follows the joining of male and female, which we call marriage, from this follows the procreation of children, from this their upbringing” (*ius naturale est, quod natura omnia animalia docuit:...hinc descendit maris atque feminae coniunctio, quam nos matrimonium appellamus, hinc liberorum procreatio, hinc educatio*).⁴⁶ It was even interpreted as being reflected in the Latin language. Aulus Gellius recorded that *matrona*, the word for a married Roman woman, was thought to derive from *mater* (“mother”) (NA 18.6). He felt that *mater* was a state which all *matronae* could hope to attain in the near future.⁴⁷

Children were more than just an expected by-product of elite Roman marriages: their presence served to legitimate the marriage itself, and to set it apart from other unions. Élite men

⁴³ Lelis *et al.* 2003: 10. For advocates of a similar approach see Parkin 1992: 68-70; Den Boer 1973: 29-46 and 1974: 79-82, the latter a response to Hopkins 1974: 77-8.

⁴⁴ 5.1011-1014. It is likely that Lucretius had in mind the creation of the institution of marriage, but an unfortunate lacuna at line 1013 obscures his precise meaning. Line 1012: *et mulier coniuncta viro concessit in unum* certainly seems to imply a more permanent arrangement than just animal-like mating, and likely refers to the couple establishing a home together, since line 1011 establishes that humans now had “huts” (*casae*), as well as “skins” (*pelles*) and “fire” (*ignis*).

⁴⁵ *Fin.* 3.20.68. cf. Sen. *Controv.* 2.1.13, where Papirius Fabianus argues that men who have only contempt for nature also dislike children, unless they are someone else’s, implying that to have affection for one’s own children was thought to reflect the natural order of things.

⁴⁶ *Dig.* 1.1.1.3 (Ulpian). All translations from the *Digest* are those of Watson 1998. See too, *Dig.* 50.16.220.3 (Callistratus): “In addition, nature also teaches us that dutiful parents, who take wives with the intention and desire of procreating children, hold by the name of ‘children’ all who descend from us” (*praeter haec omnia natura nos quoque docet parentes pios, qui liberorum procreandorum animo et voto uxores ducunt, filiorum appellatione omnes qui ex nobis descendunt continere*).

⁴⁷ Treggiari (2005: 133) echoes this idea, writing, “*Matrimonium* means an institution for making mothers (*matres*).”

could form lasting, monogamous relationships with women of an inferior social status, but these women were concubines, not wives: they were not expected to give their lovers children, nor did they have any legal claim to their property.⁴⁸ Any children that did arise from such unions were illegitimate and took the legal status of their mother. They thus did not pose a threat to any legitimate heirs. This made a concubine a logical choice of partner for powerful men whose wives had died and who already had legitimate children who might resent seeing their inheritance split further to include younger half-siblings. Such was the case with the future emperor Vespasian, who formed a lasting relationship with Antonia Caenis, a freedwoman; Vespasian already had two sons of his own.⁴⁹ Élite women, of course, could not be concubines. To enter into a sexual relationship with an elite woman that was not considered to be a marriage was classified as *stuprum* and, at least under the *lex Iulia de adulteriis* of 17 B.C., brought with it severe penalties including relegation to an island, confiscation of property, forcible divorce if the woman was married, and even, under certain circumstances, the right for the woman's husband or father to kill the offending man.⁵⁰

A Roman marriage was formed when a man and a woman who were legally allowed to marry, and who had the permission of their respective *paterfamilias*, began to regard each other as spouses, a condition referred to as the *affectio maritalis*. For the marriage to be valid, it did not require a ceremony or written documentation. It was not even necessary for both parties to be present: provided the woman was led to the man's house, she could be married to him in his absence.⁵¹ As a result of this somewhat hazy definition, it was not always easy to prove a marriage's existence if questioned. The birth of legitimate children was one way to do so. The sheer number of children produced by an illegal union between a maternal uncle and his niece is cited in the *Digest* as one of the mitigating factors considered in the second-century A.D. ruling of Marcus Aurelius and Lucius Verus that ultimately made the children legitimate (*Dig.*

⁴⁸ For discussion of concubinage, see Rawson 1974; Treggiari 1981 and 1991: 51-2. For the notable absence of evidence for illegitimate children of elite men in Rome, see Syme 1960, also discussed below, Chapter Six, pp. 321-322.

⁴⁹ On Antonia Caenis, see Suet. *Vesp.* 3; *Dom.* 12; Dio Cass. 65.14. *CIL* VI 12037 is probably her epitaph. cf. Levick 2005: 102, 182, 196.

⁵⁰ For definitions of *stuprum* and *adulterium*, terms used interchangeably in the Julian law, see *Dig.* 48.5.6.1 (Papinian) and *Dig.* 50.16.101 (Modestinus). See too Treggiari 1991: 263-264, 277-290, and the references collected at 278 n. 84.

⁵¹ No written documentation required: *Dig.* 20.1.4 (Gaius); 22.4.4 (Gaius). Consent or agreement makes the marriage: *Dig.* 35.1.15 (Ulpian); 50.17.30 (Ulpian). Marrying with the groom absent: *Dig.* 23.2.5 (Pomponius). [Quintilian] proposes that the entire wedding ceremony is unnecessary provided children arise from the marriage (*Decl. min.* 247). For discussion of the marriage ritual itself, see Hersch 2010.

23.2.57.1). It is a fertile union, and, the implication is, therefore one worth legitimating, even though the two spouses are too closely related to each other for their marriage ordinarily to be accepted.⁵² *Cod. Iust.* 5.4.9 contains the response of the late third-century emperor Probus to one Fortunatus, who had expressed concerns about how he could prove the status of his daughter. The emperor explains that provided he “had a wife at home for the sake of producing children” (*uxorem liberorum procreandorum causa domi habuisti*), his daughter was born within a legitimate marriage, even if no marriage contract or birth certificate were published. The emperor’s response emphasizes the importance of producing children to the state of the marriage.

In the same vein, marriages formed where the intent to procreate was thought to be lacking were viewed as suspicious, inappropriate even, despite the legal right of the two to wed. Obvious targets of this suspicion were marriages where one or both parties were thought to be too old to be expected to produce children. In his legislation designed to encourage members of the senatorial class to marry and become parents, Augustus set the upper limits at which the penalties for being unmarried and/or childless would no longer apply at fifty for women and sixty for men. Augustus’ choice implies that after these ages Roman society did not normally expect a man to beget, or a woman to bear, more children. For elite women, the outer limit of fifty presumably was meant to coincide with the natural end to fertility brought on by menopause, a change which other authors also placed at fifty, although Pliny the Elder identified it as occurring at age forty for most women.⁵³ The higher upper limit for men probably resulted from the knowledge both that elite Roman men did tend to marry a few years later than elite women, and that men were capable of fathering children long past the age where women ceased to be fertile.⁵⁴

What is interesting, however, is that Augustus still did set an upper limit for men. It was not unheard of in the Roman world for men to father children well into their old age, sometimes

⁵² Gai. *Inst.* 1.62; *Dig.* 23.2.39 (Paul). On the marriage between the emperor Claudius and his paternal niece, Agrippina the Younger, in A.D. 49, which ordinarily would have counted as incest had the Senate not passed a decree authorizing marriages between uncles and their brothers’ daughters see Suet. *Claud.* 26; Tac. *Ann.* 12.6-7. Marriages between a man and his sister’s daughter remained forbidden.

⁵³ *HN* 7.14. Pliny added that women do not bear children after the age of fifty (7.14). Dionysius of Halicarnassus names fifty as the limit at which a woman can be expected to conceive (*Ant. Rom.* 4.6.5) and the same age is recorded in the Digest as the limit at which female slaves can be expected to bear children (*Dig.* 19.1.21.pr (Paul)). Soranus pinpoints menopause as occurring for most women somewhere between the ages of forty and fifty (*Gyn.* 1.4.20 and 1.9.34). For discussion see Parkin 2003: 196-199.

⁵⁴ For discussion of the age of elite men at first marriage, see below, pp. 46-47.

even into their ninth decade, although this was felt to be so rare as to be incredible.⁵⁵ Famously, Massinissa, king of Numidia in the second-century B.C., fathered a son in his eighty-seventh year, a feat which was recorded by many ancient authors, likely because of its perceived rarity.⁵⁶ But it was common knowledge that men could father children later in life; Pliny the Elder claims that among the lower order (*ignobiles*) were those who fathered children after the age of eighty-five (*HN* 7.14.62). Indeed, according to Suetonius, Claudius modified Tiberius' alterations to the *lex Papia Poppaea*, because they implied that men over sixty could not beget children.⁵⁷ Augustus' setting of the upper limit at sixty suggests that the Romans felt it was irresponsible of men to father children at such an advanced age. It also prevented the situation where a man who reached sixty and found himself unexpectedly childless due to the premature deaths of his offspring could be pressured to divorce his original spouse, now well over fifty herself and presumably barren, in order to marry a younger, still-fertile woman. This is not to say that no élite male would have adopted such a strategy in order to produce an heir, just that Augustus' legislation did not require one to do so.⁵⁸

Sometime in the late 150s B.C. Cato the Elder garnered some hostile attention when he married a very young wife, the daughter of his former secretary, after he was thought to be long past the marrying age.⁵⁹ Cato, by then near eighty, was thought to be too old to be expected to father children, and indeed, already had a grown son of his own. While most of the authors record the facts concerning the marriage without additional editorializing, the suggestion in Plutarch's text is that he had no real reason to marry.⁶⁰ Cato's decision did prove in the end to be fortuitous: the marriage, against all expectations, produced a son and his elder son died prematurely while praetor designate. This did not, however, validate Cato's reasons for

⁵⁵ Dionysius of Halicarnassus states that begetting children at age 80 is incredible (*Ant. Rom.* 4.7.4).

⁵⁶ Polyb. 36.16.1-5; Cic. *Sen.* 10.34; Diod. Sic. 32.16; Livy, *Per.* 50; Val. Max. 5.2.ext.4, 8.13.ext.1; Frontin. *Str.* 4.3.11; Plin. *HN* 7.14.61; App. *Pun.* 106; Lucian *Macr.* 17; Solin. 1.59 (although he gives Massinissa's age as 76); Eutr. 4.11.

⁵⁷ Suet. *Claud.* 23. A Tiberian *senatus consultum* had ruled that men who reached the age of sixty but had not conformed to the law when younger would continue to be penalized; Claudius remedied this by exempting men over the age of sixty who married women under the age of fifty, the understanding being, therefore, that these men could still expect to beget children. *Tit. Ulp.* 16.3-4. For discussion see Treggiari 1993: 78; Parkin 2001: 221-227 and 2003: 195-196.

⁵⁸ For discussion of the means of coping with involuntary childlessness, see below, Chapter Six.

⁵⁹ Accounts of the marriage are preserved in Livy, *Per.* 48; Plin. *HN* 7.14.61-62; Plut. *Cat. Mai.* 24; Gell. *NA* 13.20; Solin. 1.59; [Aur. Vict.] *De vir. ill.* 47.9.

⁶⁰ A similar situation is found in [Quint.] *Decl. min.* 335, where an old man remarried when he had no reason to since he already had an adult son. In [Quint.] *Decl. min.* 328.6, a woman defends her decision to render herself infertile in part by arguing that "[her] husband is not of an age where he is able to conceive a strong desire for new children" (*neque maritus aetatis est ut concupiscere novos liberos possit*).

marrying, at least for Plutarch. Plutarch is particularly scathing in his criticism that Cato married at an inappropriate age and chose a bride who was socially beneath him; had he truly wanted to beget more sons, writes Plutarch, he should have selected a woman from a noble family (Plut. *Arist. et Cat. Mai.* 6.1).

A similar attitude is found in an anecdote recorded by Valerius Maximus concerning a marriage undertaken when both parties were beyond the expected age. Valerius Maximus writes that Augustus dissolved the marriage of one Septicia, who had married the elderly Publicius after she was no longer able to bear children and, in a fit of pique, had also removed her own children from her will (7.7.4). Augustus gave the sons their mother's inheritance, and forbade Publicius from keeping her dowry. His reasoning for the dissolution was, according to Valerius Maximus, that the marriage had not been for the purpose of procreating children. Valerius Maximus here uses the stock Latin phrase: *creandorum liberorum causa*. By reflecting official Roman legal language, Valerius Maximus emphasizes the false nature of Septicia's marriage. He also criticizes Septicia's behaviour, particularly her decision to marry when sterile, and concludes his invective with the observation that the errant woman was blasted by a "celestial thunderbolt" (*caelestis fulmen*) when she reached the underworld, suggesting that even the gods were offended by Septicia's outrageous behaviour.⁶¹ A genuine elite Roman marriage, formed with the explicit understanding of both parties that it would produce no children, was, quite simply, inconceivable.

The stock Latin phrase *liberorum procreandorum causa* ("for the purpose of producing children"), or variations thereof, was so ubiquitous in its usage to demonstrate the legitimacy of a marriage, that it could even be used to attempt to impose validity on what was clearly unorthodox, or even illegal, behaviour. Thus when Julius Caesar, as alleged by Suetonius, used the tribune Helvius Cinna in 44 B.C. to attempt to introduce legislation that would have allowed Caesar to marry as many women as he wished, it was emphasized that the marriages were for *liberorum quaerendorum causa* (*Iul.* 52). In A.D. 48, Messalina, the wife of the emperor Claudius, went through a marriage ceremony with C. Silius, the consul designate.⁶² Tacitus, in introducing his account of the affair, is aware that the situation stretches the credulity of his

⁶¹ That older women have no business marrying is also found in the works of Martial (3.93) and [Quintilian] (*Decl. min.* 306). For the disgust regularly voiced by the ancient sources at the thought of sexually active elderly individuals see Parkin 2003: 199-201 and the references collected at 390, n. 24.

⁶² Mentioned by Tacitus (*Ann.* 11.27); Suetonius (*Claud.* 26.2); Juvenal (10.330-345); and Cassius Dio (61.31.2-5). cf. Cenerini 2010.

readers, and that it must seem incredible that Messalina could be so reckless (*Ann.* 11.27). Outrageous as her behaviour is, what is even more incredible, Tacitus states, is that Silius went along with her plan, going so far as to agree on a date and have witnesses present. Tacitus acknowledges that his readers would be shocked that a consul designate would come together with the wife of the emperor “for the purpose of getting children” (*suscipiendorum liberorum causa*) (*Ann.* 11.27). The inclusion of the phrase makes it abundantly clear that this was meant to be seen as a legitimate marriage, rather than just an adulterous affair. The latter, while still dangerous for both parties, would not necessarily represent the same threat to Claudius’ sovereignty. Tacitus then goes on to describe the remainder of their nuptials, which encompassed the components of a traditional wedding: the words of the diviners, the vows, the sacrifices to the gods, the dinner with guests, the public displays of affection, and, finally, the first night in the marital bed (*Ann.* 11.27). All of these were meant to add legitimacy to Messalina’s “marriage” with Silius, but the order in which Tacitus presents them suggests that these aspects of the ceremony are mostly window-dressing, and that it is Messalina and Silius’ intention to live together as husband and wife, exemplified through the use of the phrase anticipating the arrival of children, that is the most damning.⁶³

If children were such an expected result of a marriage, then expressing a wish or hope for legitimate children could be a means of showing support for the union more generally. This could be taken to absurd extremes. According to Xiphilinus’ epitome of Cassius Dio, the emperor Nero “married” the eunuch Sporus in Greece (62.28; 62[63].13). What remains of Dio’s account emphasizes the steps that were taken to legitimize the union: Tigellinus gave the bride away according to the law, and the Greeks uttered all the usual good wishes.⁶⁴ The Greeks went even further, “praying that children would be born to them” (σφίσι παῖδας γεννηθῆναι εὐχόμενοι) (62[63].13). No one would have believed that progeny were going to result from this union, but expressing the hope that the marriage would produce children was a means for the Greeks to demonstrate their support for Nero’s actions, however unorthodox. Preserving the emperor’s goodwill was no small feat, and in that context, publicly expressing a hope which everyone knew could never be fulfilled may well have seemed a prudent act.

⁶³ Suetonius says that Messalina “had actually married” (*etiam nupsisse*) Silius, but only mentions a contract signed in front of witnesses as proof of her actions. Juvenal mentions the marital bed, Messalina’s veil, a dowry, a contract, a priest, and witnesses (10.334-336). cf. Hersch 2010: 117-131; 215-218.

⁶⁴ cf. Suetonius’ account, which also emphasizes that Nero went through the entire wedding ceremony with the court in attendance (*Ner.* 28). For discussion of same-sex marriages, see Williams 1999: 245-252; Hersch 2010: 33-39.

“Marriages” between two men are also resoundingly mocked by Juvenal. In his second satire, he describes such a union between a Gracchus and an unnamed man, a musician (2.117-142). Like in Tacitus’ account of Messalina’s marriage to Silius, some expected aspects of a traditional marriage ceremony are present: the payment of a dowry (2.117), the pronouncement of a blessing (2.119), the presence of guests (2.119), and the celebratory feast (2.120). Gracchus is clearly an aristocrat. He is a wealthy man, as evidenced by the 400,000 sesterces he puts forward as a dowry (2.117), and he is a member of the Salii, a priesthood devoted to Mars and Quirinus and reserved for patricians.⁶⁵ His family lineage would also have been instantly recognizable to Juvenal’s audience: he is a member of the Sempronii Gracchi, the ancient family whose roots stretched back well into the Republic. The other man is not even named, and is described only as a trumpeter (*cornicen*). Yet it is Gracchus who takes the subservient role of the bride. He is the one who provides a dowry (2.117), and he is the one who wears a long dress (2.124). Despite all that Gracchus has to offer, however, he and those like him are doomed to see their marriages fail. “One significant problem” Juvenal says, “clings to these brides: they are unable to bear children, and cannot hold their husbands fast by giving birth” (*interea tormentum ingens nubentibus haeret/ quod nequeant parere et partu retinere maritos*).⁶⁶ Gracchus can give a dowry and wear a dress; he can go through the ceremony and invite others to witness his vows. But he cannot provide the one element that, above all, would both legitimate and solidify his marriage. Without the potential of children, Juvenal suggests, Gracchus’ other promises carry no weight.⁶⁷

In her section on homosexual marriages in her recent monograph on the Roman wedding, Karen Hersch argues that “the mention of childbirth suggests that the authors wanted to impress upon their readers that these marrying men marked the beginning of committed unions with weddings: they intended to be married, not merely to celebrate a wedding to flout traditions”. She points to the mention of children as recalling “irresistibly the prayers for everlasting union and children that normally concluded Greek and Roman epithalamia” before going on to argue that it is possible that “children were mentioned because these men sought to have what heterosexual married couples enjoyed: their crime, we are to understand, was not in loving other

⁶⁵ 2.125. On the Salii, see Rüpke 2005: 1422-1423. cf. Rüpke 2001: 217-218.

⁶⁶ 2.137-138. cf. Mart. 12.42, where two men marry and Martial asks his readers if they are waiting for Callistratus (the “bride”) to bear children as well. Another “marriage” between two men is found at Mart. 1.24.

⁶⁷ For the birth of children as strengthening both the emotional bonds between the spouses, and the woman’s position in the marriage, see below, Chapter Two, pp. 92-97.

men and throwing themselves weddings but rather was in celebrating weddings to openly proclaim a deep *affectio maritalis*”.⁶⁸ Hersch has, I feel, misinterpreted these passages. The mention of the hope of children does not just evoke the traditional closing lines of epithalamia, it points to the very purpose of Roman marriage. Juvenal, Martial and Dio use the expectation of children as a way of highlighting the absurdity of the men’s actions. Theirs can never be a legitimate marriage, no matter how elaborate the wedding, because it will never be fruitful.

Children were of more importance to a marriage than just as a means of legitimizing it. Their births provided a series of hopes for the future, hopes that became tangible and expected only once they survived infancy. In a pragmatic recognition of the high rates of infant mortality, parents were not meant to observe full periods of mourning for deceased children unless the child was older than ten.⁶⁹ Quintilian, in mourning the deaths of his two sons, contrasts his grief at the death of the younger, who had been only five, with that felt by him at the death of the elder, writing, “his life was not just blooming, like that of my other son, but, having begun his tenth year, he had already shown sure, formed fruit” (*non enim flosculos, sicut prior, sed iam decimum aetatis ingressus annum certos ac deformatos fructus ostenderit*) (*Inst.* 6 pr. 10). This grief could be further heightened if the child had reached adulthood. Dixon notes that “the typical focus of tragic or untimely death is the young adult, between 16 and 30 years of age, with a socially recognized role, who had survived long enough for parents to form expectations that the child would outlive them”.⁷⁰ This sense of an untimely death translated to a higher rate of commemoration: a disproportionate number of tombstones across the empire were set up to mourn those who had died before the age of thirty.⁷¹ Seneca the Younger considered that any death of a child was “untimely” (*acerbum*) when the parent lived to see it (*Marc.* 17.7).

A successful birth brought with it other expectations: that male children would ensure the continuation of the family name, and that children of both sexes would eventually inherit property and other wealth. Additionally, children were a means of transmitting culture and memory, and preserving family pride. They could be raised in the hope that they would bring

⁶⁸ Hersch 2010: 37, discussing Juv. 2.117-142; Mart. 12.42; and Dio Cass. 62.28.

⁶⁹ For discussion, see Huskinson 1996: 78; Rawson 2003: 346. cf. Carroll (2006: 198-201) and Laes (2011a: 100-106) on the emotions expressed in children’s epitaphs, as well as Mander (2013: 16-35) on the commemoration of children more generally.

⁷⁰ Dixon 1991: 110. For examples where the death of a child is bemoaned as untimely or premature, see those collected by Rawson (2003: 356-358). See too, Plin. *Ep.* 2.7, where Pliny suggests that a statue voted to honour Vestricius Spurinna’s dead son will serve to encourage childbearing because parents can now hope to receive similar glories as consolations for the children they will (inevitably) lose.

⁷¹ Shaw 1991.

honour to their illustrious ancestors and, in their turn, serve as outstanding examples of morality for future generations.⁷² More pragmatically, children offered an opportunity to forge alliances with other aristocratic families through arranged marriages, or even adoption. This was the case during the final frenzied years of the Republic, when marriages were made and dissolved with dizzying abandon among those operating at the highest echelons of political power.⁷³ But it was no less true during the Principate, when finding an appropriate wife or husband for one's child could include careful consideration of each prospect's lineage. Pliny the Younger, who portrays himself in a number of his letters as an avowed matchmaker for the children of his friends, regularly discusses the virtues of both the paternal and maternal relatives of potential candidates.⁷⁴

Surviving adult children also represented a form of security for their parents when they reached old age, and would be expected to see to the proper burial and commemoration of their parents when they died. In the emotional speech given to her by Dionysius of Halicarnassus, Veturia, the mother of Coriolanus, when attempting to dissuade her son from attacking Rome in 488 B.C., argues that her decision not to remarry after his father died, but instead to devote herself to raising Coriolanus, jeopardized her security in her old age:

ἦτις ὄρφανὸν ὑπὸ τοῦ πατρὸς καταλειφθέντα σε παραλαβοῦσα νήπιον διέμεινα ἐπὶ σοὶ χήρα καὶ τοὺς ἐπὶ τῆς παιδοτροφίας ἀνήντησα πόνους, οὐ μήτηρ μόνον, ἀλλὰ καὶ πατήρ καὶ τροφὸς καὶ ἀδελφὴ καὶ πάντα τὰ φίλτατά σοι γενομένη. ἐπειδὴ δ' εἰς ἄνδρας ἦλθες, ἐξόν μοι τότε ἀπηλλάχθαι τῶν φροντίδων ἑτέρῳ γημαμένην καὶ ἕτερα τέκνα ἐπιθρέψαι καὶ πολλὰς γηροβοσκούς ἐλπίδας ἐμαυτῇ καταλιπεῖν, οὐκ ἠβουλήθην, ἀλλ' ἔμεινα ἐπὶ τῆς αὐτῆς ἐστίας καὶ τὸν αὐτὸν ἔστερξα βίον, ἐν σοὶ μόνῳ πάσας τιθεῖσα τὰς ἐμαυτῆς ἡδονὰς τε καὶ ὠφελείας.

When you were left an orphan by your father, I took you as an infant, and for your sake I continued to be a widow and endured the toils of raising children, being not only a mother to you, but also a father, a nurse, a sister, and everything best beloved. When you came into adulthood and it was possible for me to be rid of these worries by making another marriage and by raising other children, and by establishing many hopes to cherish me in my old age, I chose not to do so, but stayed at home by the same hearth and was content with the same life, fixing in you alone all my pleasures and all my advantages.

⁷² Tacitus gives to Marcius Hortalus, a grandson of the famous orator Hortensius, the argument that his ancestors deserved descendants as a reason for producing children (Tac. *Ann.* 2.37-38). For the text and discussion of the penury brought to his family by the cost of raising these children, see below, pp. 32-34.

⁷³ See the examples listed by Treggiari (1991b: 43) and the discussion in Bradley 1991: 156-176.

⁷⁴ E.g., *Ep.* 1.14 (father, maternal grandmother and uncle) and *Ep.* 6.26 (patrician lineage, father and mother discussed).

(*Ant. Rom.* 8.51.3-4)

Even once Coriolanus was a man grown, and she could have freed herself from worry by marrying again and bringing up other children, she chose instead to place her trust in her one son, trust, she now tells him, which proves to have been sorely misplaced. At another point in her lengthy appeal, when urging Coriolanus to let go of his anger against Rome, Veturia states that she has never been a burden to him, and never will be, as long as she lives (*Ant. Rom.* 8.52.2). The implication is that it would be natural for Coriolanus to expect that his mother might require assistance at some point in her life. Her appeal is effective: shamed by her criticisms, Coriolanus withdraws his Volscian army and no longer threatens the city. Although the incident is said to take place in the early days of the Republic, the opinions voiced by Veturia are more likely to reflect the attitudes and expectations of the age of Augustus, when Dionysius was writing. What is most interesting about the exchange is Veturia's cost-benefit analysis of her situation: each child she could have borne represented another insurance policy for her own old age.

A near-identical statement is attributed to Cornelia, the mother of the Gracchi, in a letter said to have been written by her to her son Gaius, on the occasion of his decision to seek the tribunate in 124 B.C. Cornelia would have been in her sixties at the time, and Gaius would have been one of her only two surviving children, along with her daughter Sempronia. Two excerpts from the letter, along with a statement that these are the words of Cornelia, are found in the manuscripts of Cornelius Nepos, the first-century B.C. historian and biographer. The excerpts would have once belonged to his work on historians who wrote in Latin, which is now lost. I do not here wish to engage with the scholarly controversy concerning the authenticity of the letter. For my purposes, what matters most is that the words are attributed to Cornelia and that they are deemed something which it could be imagined an élite Roman mother would say.⁷⁵ In an emotional outburst Cornelia criticizes her son for his decision to seek the tribunate. The second excerpt preserved by Nepos begins:

⁷⁵ For scholarly scepticism concerning Cornelia's authorship and/or the letter as transmitted by Nepos as representative of her exact words, as well as the possibility that the letter is instead anti-Gracchan optimate propaganda, see Instinsky 1971; Coarelli 1978; Horsfall 1987 and 1989; Kajava 1989: 122-123; Badian 1996; Courtney 1999: 136; Hemelrijk 1999: 193-194; Petrocelli 2001 [1994]: 54-57 and Dixon 2007: 27-29. Hallett (2002, 2004, 2006 and 2010) has long argued for the excerpts in Nepos as authentic transmissions of the exact words of Cornelia. For an overview of the power of Cornelia's name and its potential for propaganda, see Dixon 2007.

verbis conceptis deiurare ausim, praeterquam qui Tiberium Gracchum necarunt, neminem inimicum tantum molestiae tantumque laboris, quantum te ob has res, mihi tradidisse; quem oportebat omnium eorum quos antehace habui liberos partes tolerare atque curare ut quam minimum sollicitudinis in senecta haberem, utique quaecumque ageres, ea velles maxime mihi placere.

I would venture to make an oath, a solemn utterance, that, apart from those who killed Tiberius Gracchus, no enemy has saddled me with so much distress and so much hardship as you have, on account of these things. You, who ought to have taken on and managed the responsibilities of all of those children whom I had in the past (*antehace*) in order that I might have as few worries as possible in my old age. And whatever the case, whatever you did, you would want your actions to please me most of all.

(Nep. frag. 15 = *HRRel.* 2, p. 39)

Judith Hallett has repeatedly argued for similarities between Cornelia's words and the emotional speech given to Veturia by various authors, but her analysis has focused on the account of Coriolanus in Livy.⁷⁶ Livy's account, while it does portray Veturia as fearing for herself in her old age, does not contain the idea that many children should act as a form of safety net for a parent, especially a mother. Instead, Veturia bemoans her own fertility and argues that, had she not borne a son, Rome now would not be in danger and she might die free, in a free country (Livy 2.40).

Dionysius of Halicarnassus' account is much closer to the original sentiments in Cornelia's letter and it seems plausible that he, like Livy, may have seen a copy circulating in Rome. Veturia could have secured a comfortable old age had she married again and borne more children, but she chose instead to focus her attention on Coriolanus. Cornelia, on the other hand, did bear more children – an astonishing number in fact, as the ancient source tradition repeatedly mentions – but the early and untimely deaths of nine of them, as well as the later murder of Tiberius, ensured that she became more dependent on Gaius than would have otherwise been expected. The overarching sentiment of both women, however, is identical: by their actions their sons have failed to exercise the *pietas* they owe to their mothers, mothers who depict themselves as being especially vulnerable due to their lack of other children. The mothers use the spectre of

⁷⁶ Livy 2.40. See Hallett 2004: 32-38, 2006: 128-131 and 2010. Her analysis each time is confined to authors who wrote in Latin, but the continual absence of even a mention of Dionysius of Halicarnassus in the footnotes is rather odd, particularly in her 2006 article, which focuses on Augustan writers, among whom Dionysius surely ought to have been included, even though he wrote in Greek. The similarities between the letter of Cornelia and the speech of Veturia in Dionysius of Halicarnassus is noted, but not commented on, by Petrocelli (2001[1994]: 56), who doubts the letter's authenticity. For Cornelia and Veturia see also Hänninen 2007: 81.

a wretched old age in an effort to shame and guilt their sons into changing their behaviour. Veturia is portrayed as successful. We do not know what response, if any, Gaius made to this letter, if indeed it is authentic, but we know from his later actions that Cornelia's impassioned words did not dissuade him from his political ambitions, ambitions which ultimately proved fatal.

Cornelia's letter to her son, which passes over in silence her daughter Sempronia, indicates that while in theory a child of either gender could provide support for a parent in old age, sons were thought to be more valuable in this regard. This is unsurprising given their financial independence and greater autonomy, and may have been especially true during the middle Republic when marriages *cum manu*, where the daughter left the *familia* of her birth and joined that of her husband, were much more common. Cornelia and Veturia's outbursts are not isolated examples – there is a clear sense in the sources that children had a moral and natural expectation to support their parents – but their position in society as widows made them particularly vulnerable.⁷⁷ The age difference between spouses meant that women were more likely to outlive their husbands. Women also would have struggled to remarry once past their childbearing years, whereas a man could have sought out a younger, still fertile, second wife. Men therefore were more likely to have a spouse at the end of their lives, when more personal care was required; women needed their children. Tim Parkin describes this expectation as part of the reciprocal nature of *pietas*, stating that “parents had the duty of bringing up their children, and the children in return were expected to repay this ‘debt’, of both life and nurture, by providing support for their parents when they in their turn were in need – in their old-age”.⁷⁸ A moral or natural duty, however, was not a legal obligation, and there is no sense that any legislation that would impose such a requirement was ever introduced at Rome.⁷⁹ Despite the exhortations of the sources, the reality for at least some parents would have been a reliance on those who had more than a moral sense of responsibility: their slaves and their freedmen/women.

⁷⁷ For the obligation to support parents, see, e.g., Cic. *Att.* 9.9 (176 SB); *Dig.* 2.4.5 (Paul), and 25.3.5 (Ulpian); *Cod. Iust.* 5.25.1. For discussion see Gardner 1998: 74-85; Parkin 1997 and 2003: 205–216. For the position of widows in Roman society, see Krause 1994-1995, esp. vol. 1, 58-66 on remarriage; Fantham 1995; McGinn 1999 and 2008: 18-48; Hanson 2000; Mueller 2002; Evans Grubbs 2002: 219-269. [Quint.] *Decl. min.* 330 has a son argue that his mother, divorced by his father on the grounds of adultery, would have starved to death had she not had a son, indicating the perceived importance of surviving children as a support network for an aging parent.

⁷⁸ Parkin 2003: 205. The finest example of such filial *pietas* was, of course, Aeneas towards his father, Anchises (Verg. *Aen.* 2.707-748).

⁷⁹ Contrast with the situation in classical Athens: Parkin 2003: 205-209, and Egypt: Taubenschlag 1955: 142-143, 152.

One could also argue that many wealthy individuals who reached old age and found themselves childless would be rich enough to purchase outright any required care or support. Indeed, if they could offer a promise of rewards to come after their death, they could well be flooded with offers of companionship.⁸⁰ Thus, for most members of the élite, surviving children were probably less vital to their parents as a source of support in old age than as a means of transmitting and preserving the patrimony of the family, both physical wealth and less tangible valuables such as reputation and aristocratic connections.

Finally, we should not overlook the possibility that children were valued for their own sake. That society expected children from the marriages of élite Romans did not in turn mean that those marriages must be void of any genuine desire for children. Being childless was portrayed as a state of great misfortune: Cicero includes childlessness (*orbitas*) in a list of circumstances which make one's life wretched; the list includes exile (*exsilium*), sickness (*morbus*), infirmity (*debilitas*), and blindness (*caecitas*).⁸¹ The desire for children was not portrayed as an exclusively female longing, but was a not-uncommon *topos* voiced by the male authors of our literary sources.⁸² It was sometimes even given as the main reason for entering into a marriage, such as in one of the declamations traditionally assigned to Quintilian, where one of the disputing parties is described as a man "at one time desirous of children [who] for that reason married a wife" (*cupidus liberorum, et propter hoc duxit uxorem*) (*Decl. min.* 338.11). Martial inverts the usual order by describing a man named Quirinalis who "does not think he should take a wife, even though he wants to have sons" (*uxorem habendam non putat.../ cum velit habere filios*) (1.84.1-2). Quirinalis' solution, mocked by Martial, is to impregnate his slaves (*ancillae*), which does give him children, just not legitimate ones.

These yearnings by men for children were thought to extend beyond the immediate nuclear family: grandfathers were seen as eagerly awaiting the arrival of grandchildren, even when they were on the maternal side and the grandchildren would not be agnatic descendants. Perhaps in order to assert their connection to these as-yet unborn children, their role could be emphasized over that of the actual father, such as when Pliny the Younger writes of a potential

⁸⁰ The wealthy, childless old man/woman as a target for legacy hunters is a recurring figure in the works of the satirists. See below, pp. 37-40.

⁸¹ Cic. *Fin.* 5.28.84. See too [Quint.] *Decl.* 5.9

⁸² Artemidorus assumes in a number of cases that the individual who goes in search of a dream interpretation could be a man who desires children (*Oneir.* 1.54; 1.70; 1.80; 4.47; 4.80). That men desired to be fathers is also assumed in the *Digest* (e.g., *Dig.* 25.4.1.3; 25.4.1.8).

husband for his friend's niece that he is an appropriate choice to father grandchildren for Arulenus Rusticus, or of another new son-in-law that the only aspect in which he has yet to prove his worth is to provide his father-in-law with grandchildren like himself.⁸³ The idea that the role of the father was to provide descendents for the maternal line could even be extended back a third generation. When writing to his grandfather-in-law to relay the sad news that his wife, Calpurnia, has miscarried, Pliny opens his letter by acknowledging Fabatus' eagerness to be provided with great-grandchildren (*Ep.* 8.10.1). Here Pliny is perhaps imposing the feelings that he imagines would have been felt by Calpurnia's own father, had he still been alive, on to her grandfather. Some of this, surely, would have reflected societal expectation, rather than true sentiment. But even this in itself is revealing of the belief that one was meant to present oneself as desiring children.

While the literary sources acknowledge that the desire for children is natural, and felt by both sexes, their attitudes towards the realities of said children are far from uniformly positive. Children, wives, and indeed, even marriage itself are portrayed by a number of authors as being tiresome burdens, demanded by society and family, and desired only by the hopelessly naïve, those utterly ignorant of what is to come. Children, these portraits suggest, are ungrateful and provide little reward for their upbringing. Juvenal writes that men, driven by emotion and impulse, desire marriage and a wife who can give them children, before slyly adding that the gods, who give men what is fitting, can foresee what this wife and these children will actually be like (10.351–353). The poor fool, hints Juvenal, would have been better off remaining a bachelor. The Elder Seneca describes a man whose wife's fertility was more curse than blessing: their progeny were horrid little beasts (*Controv.* 1.7.8).

⁸³ *Ep.* 1.14.2 and 6.26.3. See too, Catull. 68.119-124, on the blessings of a grandson from a daughter, and Sen. *Controv.* 9.1.1, where the wife's father expects grandchildren, and specifically grandsons from his son-in-law. For the joys of, and the desire for, grandchildren more generally see Ov. *Tr.* 4.5.33-34 and 4.10.69-76; Tib. 2.5.93-94; Val. Max 2.6.8 and 2.9.1; Sen. *Helv.* 18.4; Sen. *Marc.* 16.6; Stat. *Silv.* 4.8.10-11; and [Quint.] *Decl. min.* 259.17. Statius uses the image of watching one's grandchildren grow up to produce great-grandchildren to depict an idealized old age (*Silv.* 3.1.174-179). In a similar fashion, an *epithalamia* or wedding song from the late third century A.D. offers a wish for the couple that the gods grant them children and that these children then produce children themselves, as the couple moves into old age (*Sel. Pap.* III 139). For grandchildren as a lasting memorial, see *Dig.* 50.16.220.3 (Callistratus). For the likelihood of individuals from either the maternal or paternal line living to see their grandchildren, see Parkin 2003: 51-56, with the caveat that changing the figures he uses as the age at first marriage (20 for women and 30 for men) would significantly alter his results.

Children are also expensive, a point made frequently and with some force by some authors.⁸⁴ One famous example is the case of Marcius Hortalus, a senator and a grandson of the renowned orator Hortensius, who beseeched Tiberius for financial assistance in A.D. 16. Tacitus' account is as follows:

nepos erat oratoris Hortensii, inlectus a divo Augusto liberalitate decies sestertii ducere uxorem, suscipere liberos, ne clarissima familia extingueretur. igitur quattuor filiis ante limen curiae adstantibus, ... ad hunc modum coepit: "patres conscripti, hos, quorum numerum et pueritiam videtis, non sponte sustuli sed quia princeps monebat; simul maiores mei meruerant ut posteros haberent... iussus ab imperatore uxorem duxi. en stirps et progenies tot consulum, tot dictatorum... Q. Hortensii pronepotes, divi Augusti alumnos ab inopia defende."

He (Marcius Hortalus) was the grandson of the orator Hortensius, and had been enticed by a generous gift of 1,000,000 sesterces from the deified Augustus to take a wife and to rear children in order that a most illustrious family might not die out. Therefore, with Hortalus' four sons standing before the doorway of the Curia...he began to speak in this manner: "Senators, I raised these children, you see the number of them and their youthfulness, not of my own volition but because the emperor pressed me. At the same time, my ancestors deserved to have descendants...I took a wife, commanded by the emperor. Look on the offspring and progeny of so many consuls and so many dictators... Protect the great-grandsons of Quintus Hortensius, the foster-children of Augustus, from poverty."

(Ann. 2.37)

According to Tacitus' account, Hortalus had been encouraged to marry and beget children by Augustus, who gave him a gift of 1,000,000 sesterces lest his family line die out. Augustus' gamble had paid off: Hortalus was accompanied on his appeal by his four young sons. Tiberius was in the first instance unmoved by Hortalus' pleas for assistance, arguing, according to Tacitus, that Augustus' gift to Hortalus was a one-off and was not to be taken as indicative of future entitlements. Personal responsibility would languish if all men felt they could rely on the state to remove their financial difficulties. When his response was met with stony silence and hushed whispers from much of the senate, Tiberius, still new to his power and not yet secure, bowed to their unspoken disapproval and gave to each of Hortalus' children "who were of the

⁸⁴ E.g., Hor. *Epist.* 1.2.44, where he writes that he wants a rich wife to bear him children; Sen. *Controv.* 2.1.3, where it is the wealth of the man who raises multiple sons that is highlighted; and Plin. *Ep.* 1.14, where he argues that examining a potential marital candidate's finances is required when one considers the large number of descendants one assumes the union will produce. Caligula, citing the burdens of fatherhood after the birth of his daughter, was said to have immediately taken up a collection to help pay for her education and dowry (Suet. *Calig.* 42). The jurist Pomponius emphasizes the importance of protecting women's dowries because women need them to have children (*Dig.* 24.3.1).

male sex” (*qui sexus virilis essent*) 200,000 sesterces (*Ann.* 2.38). Even this proved to be insufficient, as Tacitus records at the end of the chapter that the family’s financial slide was not arrested.

The sad tale of the decline of the house of Hortensius is illustrative of the financial strain of raising children in several ways. Hortalus was not beggared by the costs of his children in the first instance: he was already so poor that it took a generous gift from the *princeps* to convince him to take a wife and beget children. This suggests that individuals were thought to be capable of assessing their own financial situation and determining whether they could afford to raise children. Admittedly, the level of wealth thought to be required before one felt comfortable raising children probably varied wildly between the classes, much as the definition of an appropriate lifestyle does today. No doubt the wealth still possessed by Hortalus before he received the gift from Augustus would have been considered more than sufficient by those not descended from senatorial families, with all the social and political obligations that such connections entailed.

Secondly, once he had felt secure enough to take a wife, Hortalus had met with enormous success in begetting children. He had four sons accompanying him on his visit to the emperor. It is probable, since Tiberius specified that the grant of 200,000 sesterces was for children of the male sex only, that Hortalus had daughters as well, who remained at home with their mother.⁸⁵ Given the high rates of child mortality in Rome, it is very likely that Hortalus’ living children did not represent the sum total of children born to him and his wife. As a result, there is a sense in Tacitus’ account that Hortalus felt he had been too successful at begetting children, and that his wife had proven to be too fertile: in his plea to Tiberius and the senate, Hortalus emphasizes that it was not his idea to have these children, and points to their youth and their sheer numbers as proof.⁸⁶

Finally, even Tiberius’ unwilling grant of 800,000 sesterces was not enough to keep Hortalus and his family financially solvent. Tacitus criticizes the lack of compassion shown by the *princeps*, who did nothing even as the house of Hortensius continued to decline into “shameful poverty” (*pudenda inopia*) (*Ann.* 2.38). The entire anecdote suggests that it was not expected that all senatorial families who found themselves experiencing difficult circumstances

⁸⁵ In Suetonius’ (much shorter) account, Hortalus is described only as having fathered four children (*Suet. Tib.* 47).

⁸⁶ *Ann.* 2.37. For more on the delicate balance between too many and too few children, see below, Chapter Two, pp. 120-127.

should anticipate financial relief from the emperor. Rather, it was the distinguished and ancient line from which Hortalus was descended that deserved assistance; even now, many years removed from the aftermath of generations of civil war, there was a sense that this family should not be allowed to die out, as so many other noble Roman families had.⁸⁷ With that said, it must be asked to what extent the dire financial straits faced by Hortalus' family were of his own making. There is no sense in Tacitus' account that Hortalus squandered the money given to him by Augustus, or indeed, that handed over reluctantly by Tiberius.⁸⁸ Instead, it is understood implicitly that the costs of Hortalus' large family had eaten through the generous donatives from the two emperors, even before his sons were old enough to undertake political careers of their own, and his daughters required dowries. For the élite, the financial costs of raising children were weighty.

Thus far the importance of children to élite marriages is evident. The link between marriage and the begetting of offspring was seen as natural and inevitable. The birth of a child served to legitimate a marriage in a way that nothing else could match. Children, although admittedly expensive and sometimes annoying, created bonds between the two sides of a family and served as a means of transmitting patrimony from one generation to the next. The place of children seems assured.

VOLUNTARY CHILDLESSNESS AS ENDEMIC IN ROME?

In theory, children were essential to élite Roman marriages. Yet when we examine the literary sources more closely, particularly those of the Principate, a deep-seated anxiety emerges, an anxiety built on the belief that élite Romans were failing to adequately reproduce. Juvenal, Seneca, and the other authors paint remarkably similar pictures when describing the world of the élite in Rome in the second half of the first, and first half of the second, centuries A.D. If we take their consternations at face value, we are left with the impression of a city where the élite population threatens to die out. According to our sources, cunning and manipulative legacy hunters seem to lie in wait around every corner, ingratiating themselves into the wills of wealthy, old, childless men and women through outrageous gifts and sycophantic flatteries. Élite women

⁸⁷ See Hopkins and Burton in Hopkins 1983: 120-200.

⁸⁸ According to Suetonius, Hortalus is named as a senator who is unwilling to apply to Tiberius for assistance after Tiberius states that he will only help senators who can prove that their dire financial straits were not of their own doing (Suet. *Tib.* 47). Whether Hortalus had spent his way into poverty, or whether he was simply unwilling to subject his financial affairs to outside scrutiny is not made clear.

of childbearing age are said to refuse to mar the lines of their bodies with the strains of pregnancy; they either avoid becoming pregnant altogether, or take steps to abort the fetus. In some cases, our sources claim, this action should actually come as a form of relief to the husband, since, if the child was born, it would become clear that he was not the father. The picture is, of course, distorted, particularly as presented by the satirists. But is there any truth to it at all?

According to our literary authors, the blame for this apparent epidemic of voluntary childlessness should be shared by both sexes. The roles of men and women in creating and sustaining this alleged crisis were not, however, thought to be identical. For élite men, their supposed fault was that they were unwilling to marry, and, by extension, to father children. Such behaviour, if it were true, would have brought them to the attention of the censors, who were meant to take an interest in, and encourage, the marriages of citizens.⁸⁹ Encouragement came from other official channels as well: a perceived need to pressure men into marrying ostensibly underpinned the legislation concerning marriage and reproduction of 18 B.C. and A.D. 9. The changes intended by Augustus, however, were touted as ineffective and freely ignored.⁹⁰

Nor was Augustus imagined as being alone in his efforts: Dionysius of Halicarnassus imagined that Romulus was responsible for legislating that the Romans must raise all of their male children as well as at least the first female child, and were forbidden to kill any child under the age of three that was not deformed, implying that the idea that the Romans had to be encouraged, or even ordered, to reproduce and rear their children had been part of the city from the very beginning.⁹¹ Given that Augustus openly compared himself to Romulus and sought to make his changes viewed as a new founding of the *urbs*, it is likely that this supposed legislation of Romulus was an invention of Dionysius, especially since it is nowhere else attested. As Kristina Milnor has observed:

The resonance between Dionysius' depiction of Romulus and Augustan ideology has long been recognized, particularly the ways in which the historian links the endurance of the Roman state to morality, and morality to the stable home. But equally important for our purposes is the fact that the inclusion of Romulus as 'social lawgiver' in Dionysius' text provides a history to Augustus' actions in the same

⁸⁹ See Cic. *De or.* 2.64.260; Plut. *Cam.* 2.2; Gell. *NA* 1.6, 4.20; Dio Cass. 56.1-10. For Augustus' censorial powers, see Astin 1963; Ferrary 2001.

⁹⁰ E.g., Tac. *Ann.* 2.51, 3.25; 15.19; Dio Cass. 56.1-10.

⁹¹ *Ant. Rom.* 2.15.2. Note, too, the tradition of Aeneas going to great lengths to rescue both his aged father and his son from the ruins of Troy, most notably in Virgil (*Aen.* 2).

sphere, so that the *leges Iuliae* appear not as innovations, but as a restoration and renewal of the kinds of laws passed under the original Roman king.⁹²

Dionysius' fictive history serves to give the Augustan reforms legitimacy and agrees with Augustus' own claim that he was restoring old moral values to Rome: in his *Res Gestae* Augustus makes the bold claim that “by means of new laws brought in under my sponsorship I revived many exemplary ancestral practices which were by then dying out in our generation” (*legibus novi[s] m[e] auctore l]atis m[ulta e]xempla maiorum exolescentia iam ex nostro [saeculo] red[uxi]*).⁹³ Instead of the laws appearing as an unprecedented attempt by one man to control the lives of Rome's citizens, they could now be claimed to be, as Milnor puts it, “a restoration and renewal” rather than new sweeping changes. It shows the importance of grounding Augustus' legislation in the values attributed to the Roman past. This attempt at historical legitimacy does not seem to have improved the laws' reception. Despite the political and personal advantages adherence to the laws would provide, our authors claim, these were ultimately outweighed by the inconveniences of marriage and a wife, and the expenses associated with children.

For elite women, on the other hand, the focus of criticism was not that they shied away from marriage but that they were unwilling to breed.⁹⁴ Much of this unwillingness is chastised as a result of vanity: elite women are reluctant to mar their bodies with the strains and pains that come with pregnancy and childbirth.⁹⁵ Juvenal is particularly scathing in his denunciations of women who refuse to carry children in their wombs. In his vitriolic sixth satire, an attack on all types of less-than-perfect women, Juvenal contrasts these women – the ancient Roman equivalent of the “too posh to push” brigade? – with the less fortunate poor, who are brought to childbirth because they have no way to avoid it:

*hae tamen et partus subeunt discrimen et omnis
nutricis tolerant fortuna urgente labores,
sed iacet aurato uix ulla puerpera lecto.
tantum artes huius, tantum medicamina possunt,*

⁹² 2005: 148.

⁹³ *RG* 8.5. For the text of the inscription and apparatus criticus see Scheid (2007), and the new text in Mitchell and French (2012: no. 1). Cooley (2009) is also useful.

⁹⁴ It is surely the case that our sources say very little about women who chose not to marry simply because for most elite women there was no choice. As Frier (2000: 799) notes, “Lifelong celibacy was rare for freeborn women; Rome had no spinster class”.

⁹⁵ For this attitude, see Sen. *Marc.* 19.2 and *Helv.* 16.3; Plin. *HN* 14.1; Plin. *Ep.* 4.15; Tac. *Ann.* 3.25; [Quint.] *Decl. min.* 277; Gell. *NA* 12.1.8-9.

*quae steriles facit atque homines in uentre necandos
 conducit. gaude, infelix, atque ipse bibendum
 porrige quidquid erit; nam si distendere uellet
 et uexare uterum pueris salientibus, esses
 Aethiopsis fortasse pater, mox decolor heres
 impleret tabulas numquam tibi mane uidendus.*

[Poor] women, however, experience the dangers of childbirth, and cope with all the strains of nursing which their station imposes. It's rare for a gilded bed to contain a woman in labour; so efficacious now are the drugs and skills of the female who renders women sterile, and is paid for murdering people within the womb. Be glad, you wretch, and give her the potion, whatever it is, yourself. For if she were willing to swell and disturb her belly with leaping babies, you might discover that you were the father of an Ethiopian, that you'd made your will for a coloured heir whom you'd shudder to see first thing in the morning.
 (Juv. *Sat.* 6.592-601, trans. Rudd)

Reporting that pregnancy tends “to swell” (*distendere*) and “to disturb” (*vexare*) the belly, and that nursing mothers experience “strain” (*labor*), Juvenal recognizes that bearing children alters the mother's body. Similarly: Ovid acknowledges that childbirth shortens a woman's youth and wrinkles her belly, Propertius associates sagging breasts with childbirth, Statius begs the birth goddess and the unborn child to protect the beauty of the wife of his friend and patron, Stella, and the Roman philosopher, Favorinus, according to Aulus Gellius, stated that women procure abortions so that their bellies will not become wrinkled and loose.⁹⁶ Women are right to think, or so our sources claim, that they will be permanently altered by childbirth; it is those who are so vain that they try to avoid this change who come under attack. It is a woman's responsibility, as Juvenal implies, to become pregnant and carry her husband's heirs, regardless of the physical impact this will have on her, or of the risks she will incur.

Finally, in addition to the perceived unwillingness of elite men to marry and the supposed vanity of elite women, there is one other factor which the literary sources claim encouraged childlessness among the elite of Rome: as a result of the attention paid to them by legacy hunters, elderly childless men and women (*orbi*) were thought to hold more power and reap more benefits than those with children. This supposed imbalance of power in Roman society was taken as fact

⁹⁶ Ovid: *Ars. am.* 3.81-82 and 3.785-788. Propertius: 2.15.21-22. Statius: *Silv.* 1.2.268-271. Favorinus: Gell. *NA* 12.1.8. Soranus judges pregnancy to cause premature old age (*Gyn.* 1.42), and shows awareness of the idea that women could procure abortions solely for aesthetic reasons (*Gyn.* 1.60).

by many authors and was frequently condemned by moralists. Seneca describes the power conferred by a childless old age (*Constant.* 6.1) and claims that childlessness creates more influence than it takes away (*Marc.* 19.2), a statement that is in direct contradiction with the aims of the Augustan legislation. In *Nux*, a poem attributed to Ovid, a walnut tree judges the present age to be barren in comparison with the previously fruitful golden age. The barrenness supposedly extends to more than just fruit: the tree laments that “in this age it is a rare woman who wishes to be a parent” (*raraque in hoc aevo est quae velit esse parens*) (*Nux* 23). Tacitus argues that there was so much power in remaining childless that the Augustan legislation failed to increase the number of marriages being made and children being brought up (*Ann.* 3.25). Tacitus also states that in A.D. 58 one Pompeius Silvanus was able to rid himself of charges relating to his behaviour as a proconsul in Asia because he was wealthy, childless and in his old age (*Ann.* 13.52). These factors allowed Silvanus to attract support from legacy hunters, whose intrigues then led to his acquittal. Early in the second century A.D., Pliny the Younger complains to his friend, Minicius Fundanus, that “in this age the rewards of childlessness make many consider even one child to be a burden” (*eo saeculo quo plerisque etiam singulos filios orbitatis praemia graves faciunt*) (*Ep.* 4.15.3). The supposed favouritism shown to the childless was not thought to be limited to the Principate: Valerius Maximus writes of one Cascellius, in 42 B.C., that although he was a disagreeable individual, two things gave him licence: his old age and his childlessness (6.2.12). Childless individuals could look forward to receiving precious gifts such as the best wine. They would be so showered with gifts and attention after a disaster that they could be suspected of having set fire to their own house.⁹⁷ Even an outrageously expensive fish is imagined by Juvenal to be a sound purchase, had it only been bought in order to help win the affections of an *orbis* (4.18-19).

All legacy hunters targeted similar quarry. It was seen as a waste of time to pursue those who had children, or who might yet produce children: Horace urges the would-be legacy hunter to “ignore the citizen superior in reputation and in his claim, if he has at his house a son or a fertile wife” (*fama civem causaque priorem sperne, domi si gnatus erit fecundave coniux*) (*Sat.* 2.5.30-31). Juvenal observes that while it might be worth paying out the cost of a hen (*gallina*) to ingratiate yourself with someone who was childless, when it comes to those with children,

⁹⁷ Best wine: *Mart.* 6.27. Setting fire to one’s own house in order to receive presents: *Juv.* 3.220-222. A certain Ursidius is said to intend to bring up an heir, which means he will forfeit the presents he could otherwise expect to receive (*Juv.* 6.38-40).

“This costs too much; not even a quail is killed on behalf of a father” (*uerum haec nimia est impensa, coturnix nulla umquam pro patre cadet*) (12.97-98). The wealthy individual with no children could still be a risky target if there were available heirs within the family: Pliny the Younger writes that Domitius Tullus defied expectations in his will and named as his heir his brother’s daughter, whom he had adopted (*Ep.* 8.18). Tullus also left numerous legacies to his grandchildren and one to his great-granddaughter, all of which proved to be a sore disappointment to the legacy hunters to whom, so Pliny tells us, Tullus had made himself available. Clearly social *mores* expected that living descendants would be the main beneficiaries of any will. Legacy hunters were portrayed as particularly disingenuous, paying lip services to these expectations while ultimately working towards their own ends. Martial tells Urbicus that although a certain Lupus is urging him to have children, in fact there is nothing Lupus would like less. Should Urbicus become a father, Lupus would find himself struck out of the will. “It’s the art of legacy-hunting to seem to want what you don’t want” (*ars est captandi quod nolis velle videri*), Martial explains (11.55).

Nevertheless, the prevalence of references to legacy hunters targeting *orbi* in the writers of the first two centuries A.D. suggests that our authors speak some truth.⁹⁸ They may even have felt that their city was filled with legacy hunters and childless men and women awaiting their attentions. But there are significant problems with using this picture of Roman society to draw conclusions concerning the reproductive rate among the élite. Not all childless individuals were created equal. The legacy hunters targeted those men and women who met three criteria: they were old or infirm, they were childless, and they were rich.⁹⁹ It was arriving at the end of one’s life childless that reaped the benefits of solicitous attention from greedy legacy hunters. Being young and childless provided no advantages: no legacy hunter, hungry for a place in a will, would waste his time lavishing his attention on childless individuals who could yet be expected to produce children, and who were not likely to die in the near future. Martial jokes that he would marry an old woman if only she were just a little bit older, and, we understand, more

⁹⁸ E.g., *Ov. Ars am.* 2.270-271; *Sen. Ep.* 68.10; *Petr. Satyr.* 116 and 140; *Mart.* 2.32, 6.62, 7.40, 8.27, 10.8, 11.55, 11.83; *Stat. Silv.* 4.7; *Juv.* 1.66-67, 3.128-130, 3.220-222, 4.18-19, 5.137-145, 6.38-40, 6.448-449, 10.200-202, 12.93-102; *Tac. Ann.* 13.21, 13.42, 14.40. Tacitus, in his *Dialogus*, has Aper praise the pleasure of seeing your house full of people and knowing it is because of you yourself, and not your wealth, your childlessness or your political office (*Dial.* 6).

⁹⁹ See, for example, the case of Domitius Balbus who, in A.D. 61, was described by Tacitus as being a likely target for fraud because of his age, childlessness and wealth (*Ann.* 14.40). After the proscriptions of 42 B.C., Cassius Dio writes that the soldiers of the triumvirs forced themselves into the families of the survivors who were old and childless (47.17.5).

likely to expire (10.8). Likewise, only the wealthy could expect such devoted attention. Those less well-off who found themselves childless at the end of their lives could well have lacked even the most basic of social support systems. The presence of legacy hunters does not in itself establish that elite men and women still of a young age were refusing to bear children. It is highly unlikely that they would undertake a reproductive strategy so strongly opposed to societal expectations on the sole basis of potential rewards some five or six decades hence.¹⁰⁰

With that said, some scholars have been tempted to try to use the presence of the legacy hunters, and the corresponding anxiety in our literary sources about the supposed prevalence of *orbi*, to analyze the elite population of Rome during the Principate. P. A. Brunt, when discussing the impact of the Augustan legislation, states that “the copious testimony to the later prevalence of celibacy and childlessness attests its continuing failure”, and makes reference to evidence from the satirists and moralists.¹⁰¹ Andrew Wallace-Hadrill, in his influential article on the aims of the Augustan marriage legislation, makes a similar assumption:

People (the rich) generally left at least some of their estate outside the family: the childless were courted for their estate: childlessness flourished: families declined: so more people left property outside the family. Here is the spiral into which Augustus sought to break.¹⁰²

Even Tim Parkin, in his generally excellent work on Roman demography, conflates the existence of *orbi* with the supposed trend of remaining childless, writing that “there seems to have existed a trend toward having no children at all. Literary, moralistic references abound where such a practice is seen as disgraceful but, by implication, widespread, making the *orbi* the prey of the notorious *captors*”.¹⁰³ All three scholars assume that the existence of legacy hunters proves that the majority of the upper classes ignored the pressures instituted by Augustus and chose to remain unmarried and childless. Yet it seems to me to strain credulity to believe that men in their early twenties would have resisted marrying solely so that they might find themselves being fawned upon by legacy hunters in their old age. Elite women would have had even less choice in

¹⁰⁰ For further discussion of the early age at first marriage among the elite, and its consequences for childbearing, see below, pp. 46-52.

¹⁰¹ Brunt 1971: 565; cf. 140 and 154.

¹⁰² 1981: 1964.

¹⁰³ 1992: 120. These are not the only examples: in his notes to Niall Rudd’s translation of Juvenal’s *Satires*, William Barr writes that “the frequent references to legacy-hunting indicate the continuing failure of Augustus’ legislation of 18 B.C. to encourage marriage and child-bearing (Rudd 1991: 156, discussing Juv. 3.129). cf. Crook 1967, who repeatedly mentions the “infertility” of the upper classes.

the matter: there is no suggestion anywhere in our sources that élite women were able to refuse to marry. Yet more than a few of the *orbi* skewered by the satirists are female.¹⁰⁴

I would argue that there is a final and much more serious problem with this line of reasoning: finding oneself with no children when one reaches old age does not mean that one has been childless for one's entire life. There is nothing to suggest that the rich old widows and widowers besieged by rapacious legacy hunters in the works of Juvenal and Martial were always *orbi*. Indeed, the word is applied to those individuals who clearly had once been parents but who have now outlived their offspring. In one of the *Controversiae* of Seneca the Elder, a man is called *orbus* whose child has died, and Ovid uses *orbus* to refer to a friend whose son has been killed.¹⁰⁵ Juvenal acknowledges that the price of longevity includes the unnatural task of having to walk in front of the coffins of one's children (10.240-243). When Martial learns that a certain Salanus has lost his "only son" (*unicus*), he tells Oppianus, clearly a hopeful legacy hunter, to send presents immediately before wondering "Which vulture shall have this carcass?" (*cuius vulturis hoc erit cadaver*) (6.62). *Orbi* were surely just the inevitable product of an aggressive mortality regime where likely twenty-five percent of the elderly over the age of sixty found themselves with no living children.¹⁰⁶ This is not to say that legacy hunters did not exist, or that wealthy, elderly, childless individuals never found themselves the recipients of unsolicited attention. But the satirists' vision of Rome must not be given too much weight. To make any scholarly claims concerning the reproductive health of the Roman population in the Principate on the basis of the supposed prevalence of *orbi* and legacy hunters would be very tenuous indeed.

Our sources often claim, however, that the élite population of Rome was failing to reproduce itself, and some scholars have argued that strenuously. The work of Keith Hopkins and Graham Burton, who have argued that the élite population of Rome was not reproducing itself from around 80 B.C. onward, has been particularly influential.¹⁰⁷ Their position is based

¹⁰⁴ E.g., Albina and Modia (Juv. 3.128-130) and Gallitta (Juv. 12.93-102). A certain Laronia is seen as possessing significant power because "she is childless, rich, old, and a widow" (*orba est, dives, anus, vidua*) (Mart. 2.32).

¹⁰⁵ Sen. *Controv.* 1.7.16. Ov. *Tr.* 3.4.27-28. In the *Digest*, someone who has a son who later dies is deemed to die with no issue (36.1.18[17].7 (Ulpian)). In the *OLD*'s list of definitions of *orbus*, 1b is "that has lost a dear one, bereaved; (usu.) that has lost a child". It is only at definition 3 we find "having no offspring, childless".

¹⁰⁶ According to the model life tables, twenty-two percent of all women were likely to be childless at age sixty; the figure was sixteen percent for men: Saller 1994: 49, 52; Huebner 2013: 162, n. 2.

¹⁰⁷ Hopkins and Burton in Hopkins 1983. See too Brunt 1971: 131-143, who argues that the free population as a whole, not just the élite, was failing to reproduce itself, and Parkin 1992, esp. Chapter Three. This idea has made its way into works aimed at a non-specialist audience: Burns 2007: 8. The tiresome claim that lead poisoning was a cause of élite sterility has finally run its course, although it was still being championed as late as the 1980s: see Phillips 1984; Scarborough 1984; Needleman and Needleman 1985.

on the rates of succession to political office within families: given that the odds of a father who achieves the consulship also having a son who reaches the same pinnacle progressively decrease through the Republic and into the Principate, they suggest this corresponds to a fall in the fertility rate. Hopkins and Burton are aware that myriad factors could explain the disappearance of some families from the Roman senate, including increased competition for senatorial places, the expense of public office, and the danger of appearing politically ambitious during the Principate. Likewise, they recognize that absence from the senate does not necessarily equate to the death of the family. Indeed, they openly acknowledge that the rates of succession at times appear unnaturally low, stating that “it seems highly probable fertility was in fact higher than is suggested by the known rate of status succession, certainly among suffect consuls [during the Principate] and probably among ordinary consuls as well”.¹⁰⁸ Nevertheless, maintaining that these factors are not sufficient to explain the drop in the rates of succession, they propose four inter-related changes that encouraged “a reduction in fertility”: increased competition for status, individuation, secularization and the higher status of women.¹⁰⁹

The major difficulty with Hopkins and Burton’s argument is that their evidence proves only that sons were progressively less likely to follow in their consular father’s footsteps during the final years of the Republic and into the Principate. On its own, this surely should not be taken as proof of an overall decline in fertility rates. Politics in Rome became increasingly less predictable in the final century of the Republic, and competition for places in the senate was fierce. Every man had to prove himself. The competition for places continued during the Principate when emperors began to recruit senators from the provinces. Not every man who aspired to a senatorial career would be successful. Furthermore, for some men, even those from established senatorial families, the unpredictable whims and rages of the emperors would have been enough to make them unable or unwilling to embark on a political career. Lastly, given families retained their senatorial status for three generations after an individual had been a member of the senate, families were not compelled to hold office in every generation.¹¹⁰ Hopkins and Burton are aware that the rates of succession do not in themselves prove a decline in fertility, arguing that “the best evidence for the decline in fertility in the Roman upper classes

¹⁰⁸ Hopkins 1983: 106.

¹⁰⁹ Hopkins 1983: 78-96. Hillard (1983 and 1989) questions their claim that women achieved higher status.

¹¹⁰ On this, see the *SC* from Larinum of A.D. 19, discussed in Levick 1983.

during the last century BC is the Augustan laws on marriage of 18 BC and AD 9”.¹¹¹ But this is no better than the argument that the supposed prevalence of *orbi* proves that Augustus’ legislation was a failure. Augustus lacked even the most rudimentary of demographic methods that would have allowed him to assess the reproductive health of the Roman population as a whole, let alone a tiny subset like the élite.¹¹² Augustus’ reforms may have stemmed from a genuine concern about the health of the citizen population of Rome, but this concern probably resulted from the enormous death tolls of the civil wars and proscriptions, rather than any perceived trend towards active avoidance of parenthood by élite men and women.¹¹³

The circular arguments concerning the health of the élite population have continued. Catherine Edwards, in her 1993 monograph, *The Politics of Immorality*, writes that:

Recent work on the rate of replacement among the senatorial élite, for instance, suggests that senatorial families were failing to reproduce themselves; the prescriptions of the Augustan legislation, setting a target number of only three children ever-born (an insufficient number to ensure overall reproduction of a social group in a preindustrial society with high mortality), lend further support to this argument.¹¹⁴

As proof of this failure to reproduce, she cites Hopkins and Burton’s work, which is itself entirely dependent on the existence of the Augustan legislation. Given that Augustus had no accurate means of analyzing the reproductive health of the Roman population, his “target number” of three children is more likely to represent what was thought to be an acceptable number to release élite men and women from the penalties the legislation imposed on the childless. To set the bar too high would lead to serious discontent.

Edwards’ misstep is all the more disappointing given that the rest of her excellent book offers an alternative way of reading the Augustan legislation. Early on she argues that, “[a]ccusations and descriptions of immorality were implicated in defining what it meant to be a member of the Roman élite, in excluding outsiders from this powerful and privileged group and

¹¹¹ Hopkins 1983: 95.

¹¹² Scheidel (2001: 41) notes that it is “impossible to disentangle moralising claims about depopulation from their background of social ideology and literary convention”.

¹¹³ Casualty figures for armed conflicts in the ancient world are notoriously unreliable (Brunt 1971: Appendix 28, 694-697), but it seems clear that the civil wars in the final century of the Republic could have had a significant impact on ancient opinion concerning the stability of the Roman population. All the ancient authors assume a death toll of more than 100,000 for the civil war of 83-82 B.C. (Brunt 1971: 439 n. 5) and a death toll of close to 50,000 for the two sides at Philippi in 42 B.C. is seen by Brunt as a distinct possibility (1971: 487, 489). External conflicts also contributed: 19,000 Italians alone may have perished during Mark Antony’s disastrous invasion of Parthia in 36 B.C. (Brunt 1971: 506-507).

¹¹⁴ 1993: 42.

in controlling insiders”.¹¹⁵ And when considering Augustus’ legislation on adultery, she remains appropriately sceptical:

These [adulteresses] are not real people but resonant metaphors for social and political disorder...these fictions served as vehicles for the articulation of anxieties, personal and political...Augustus’ legislation on adultery should not be seen as a straightforward, common-sense solution to a troublesome social problem. To take such a view is to ignore the symbolic charge of the Augustan moral legislation, which played a central role in establishing the credentials of his autocratic regime...To suppress license was to guarantee political stability.¹¹⁶

Exactly the same attitude should be brought to Augustus’ legislation on marriage and the bearing of children, and it is disappointing that Edwards failed to do so. Her idea that the fictive adulteresses could serve as “vehicles for the articulation of anxieties, personal and political” is similar to Stanley Cohen’s ground-breaking work on the Mods and Rockers in post-war Britain, research that led him to coin the phrase “moral panic”, where “a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests”.¹¹⁷ To this end, the Augustan legislation on marriage can best be read as a calculated response to a moral unease stemming from Roman anxieties about the sweeping political and cultural changes that had taken place in the previous decades. It should not be taken as proof that the élite population was in danger.

Walter Scheidel has also raised doubts about assuming that the élite population was failing to reproduce. In his analysis of the demography of the emperors of the first six centuries A.D. and their families, he found that “[t]he attested rates of survival are consistent with marital fertility at replacement levels”.¹¹⁸ Given that many of the emperors had not expected to become emperor, and thus were not artificially manipulating their family size with that end goal in mind, Scheidel further argues that these patterns could provide some insight into the reproductive behaviour of the élite population as a whole. That reproductive behaviour, he argues, shows no evidence of a strong tradition of family limitation:

Surviving sons appear to have been relatively rare not because their brothers had been removed in large numbers in order to restrict the number of future heirs but simply because of the underlying demographic regime of high mortality. Daughters

¹¹⁵ 1993: 12.

¹¹⁶ 1993: 36.

¹¹⁷ Cohen 1972: 9, and see now the third edition (2002). cf. Becker’s now classic statement that “deviant behaviour is behaviour that people so label” (1963: 9). For more on moral panics see Goode and Ben-Yehuda 2009. Edwards does not cite Cohen’s work in her monograph.

¹¹⁸ 1999: 273.

were not obviously discriminated against...for every father who was survived by numerous progeny there were several with only one child or none.¹¹⁹

According to Scheidel's research, there is no clear evidence for limitation among the emperors' families, including gender-based exposure and infanticide. If Scheidel is correct, Augustus' marriage legislation could not have been a response to a wide-spread refusal to bear children among the élite, for most of them were not actively engaged in trying to limit their families.¹²⁰ In any given generation, according to another study by Scheidel, forty percent of men would die either childless or having produced only daughters, who would not carry on their name.¹²¹ That so many attested families were so small could be simply an indicator of the ferocity of the mortality regime of the time.¹²² A lengthy epitaph from Sulmo in central Italy reminds us of the demographic realities.¹²³ Set up for a man named Murranus and his wife Decria Melusa, freedwoman of Secunda, it also commemorates their six children (Primigenius, Severus, Pudens, Castus, Lucilla and Potestas) who had all predeceased them. They can only call on their "little grandson" (*nepotulus*) Thiasus to remember them and protect the tomb. Murranus and Decria Melusa were wealthy enough to be able to afford a forty-eight line inscription that overruns the allotted space on the tombstone, but their wealth did not protect their family. They still met with such terrible luck that only one grandchild outlived them.¹²⁴ They find their reality devastating: in lines twenty and twenty-one they refer to themselves as "wretched, deserted by our children" (*miseri deserti a natis nostris*).

Mortality rates alone would make for significant mobility into and out of the senate. When the catastrophic events of the late Republic are taken into consideration, it is not difficult to see how the natural turnover of senatorial families could accelerate. This acceleration in turn could well lead to concern about the health of the élite population of Rome, without also implying that wide-spread intentional limiting of family size by selfish élite men and women was

¹¹⁹ 1999: 273, 275.

¹²⁰ In a later publication, Scheidel appears rather more ambivalent, writing that "We cannot tell whether Roman senatorial or equestrian couples produced fewer (legitimate) children than others, but the mere possibility cannot be dismissed out of hand. It is hard to see how we could ever advance beyond this noncommittal position" (2001: 35).

¹²¹ Scheidel 2009: 33. Huebner (2013: 162, n. 2) estimates that thirty-two percent of men and forty-four percent of women over the age of sixty would lack a son. The differential is due to the difference in ages when the parents had their children. Roman women had children at a younger age and thus were more likely to have had those children die by the time they reached sixty.

¹²² The Romans recognized that women with many surviving children were unusual. For these demographic outliers, see below, Chapter Two, pp. 129-130.

¹²³ *SupplIt* 4, Sulmo 58. Discussed also by Noy 2011: 147.

¹²⁴ They themselves refer to a *malus fatus* at line 17.

the cause. If a population with mortality rates as high as those generally accepted in the Roman empire is stable or stationary, this presupposes high fertility rates, in the range of five or six live births per woman. Anything less would quickly send the population into a steep decline. Moreover, these births were not evenly distributed across all women: in Roman society the “burden of fertility” fell disproportionately on married women, whose fertility rates must have been even higher. In general the Roman population was felt to be either stationary or slowly growing.¹²⁵ Anthropologists, demographers, and social historians of other periods use three factors to study the rates of reproduction and to evaluate whether a population is exercising fertility control. These are “starting”, the age at which a woman begins to bear children; “stopping”, the age at which she last gives birth; and “spacing”, the length of intervals between births.¹²⁶ Divorce and widowhood, both common in Rome, would also affect an individual woman’s reproductive success. We must apply these factors to the Roman élite population in order to evaluate its likely rate of reproduction.

PATTERNS OF CHILDBEARING AMONG THE ROMAN ÉLITE I: STARTING

For élite Romans, the age at first pregnancy was directly related to the age at first marriage, as children were supposed to be born within a recognized marital union. A number of studies have tried to quantify for ancient Rome the age at first marriage for both men and women, with significantly divergent results.¹²⁷ Concerning the élite, however, modern scholars unanimously agree that women married young, usually in their early teens, although it was not uncommon for a marriage to be contracted even before the girl had reached the legal age of twelve.¹²⁸ Lelis,

¹²⁵ Frier 2000: 797-798. A change in the Gross Reproductive Rate (GRR), which measures the number of daughters a woman can be expected to bear if she survives to age fifty, from 2.5 to 2.1, would have halved the population of the Roman empire every century (Frier 2000: 797-798). No modern scholar supports such a severe decline.

¹²⁶ For discussion of these factors and their uses as strategies of fertility control in other periods of history, see Knodel 1987 and 1988, esp. 318-349; Okun 1994 and 1995; Yamaguchi and Ferguson 1995; Friedlander *et al.* 1999; Fisher 2000; and Van Bavel 2004.

¹²⁷ See Hopkins 1965, building on earlier work by Friedländer and Harkness; Syme 1987; Saller 1987 and 1994: 25-41; Shaw 1987; Lelis *et al.* 2003; Scheidel 2001: 33-35; Scheidel 2007; and Hin 2013: 175-186. See too, Brunt 1971: 136-140, largely drawing on Hopkins 1965. For a recent summary of the current state of scholarship, see Scheidel 2012: 105-110.

¹²⁸ Hopkins 1965: 317; Saller 1987: 30; Shaw 1987: 33. Saller 1994: 41 assumes a mean age of fifteen at marriage for women of the senatorial élite. There are many examples of inscriptions commemorating the deaths of women who married young, such as *CIL* VI 22560, from Rome, the epitaph for a married woman who died aged fourteen years, eight months, and twenty-three days. An extreme, and possibly exaggerated example, is *CIL* I² 1221 = *CIL* VI 9499 = *CLE* 959 = *ILS* 7472, also from Rome, a funerary plaque with an image of the deceased, which commemorates Aurelia Philematium and her husband. Her epitaph claims she was married at the age of seven. For a woman who married at age eleven, see *CIL* III 3572, discussed below, Chapter Five, pp. 271-272.

Percy, and Verstraete's careful collection of the evidence in the literary sources indicates a correspondingly quite early age at first marriage for elite men, with most of our known cases marrying between the ages of seventeen and twenty-two.¹²⁹ Their database of eighty-three individuals does not, as they take pains to acknowledge, allow for meaningful statistical analysis. Instead, although they take an impressionistic approach, their conclusions do not differ significantly from those of Saller, who argued that "a significant proportion of senators were marrying in their early twenties and producing a first son in their mid-twenties".¹³⁰ The age at first marriage for elite men is of less concern when it comes to determining the overall reproductive health of the elite population: male fertility is not limited by the same biological constraints as female, and a Roman man who married at thirty would still have ample time to produce many children.¹³¹ Even if he were unlucky enough to die relatively young this would not necessarily curtail his wife's childbearing; Roman women could and did bear children to multiple husbands.¹³²

These early ages at first marriage for both elite men and women garner some support from Augustus' marriage legislation. These laws set out penalties for those members of the senatorial class who found themselves both unmarried (*caelebs*) and childless (*orbus*) within certain ages. The laws applied to women between the ages of twenty to fifty, and to men between the ages of twenty-five to sixty. While in theory a male could marry as late as twenty-four, and a female as late as nineteen, and still produce at least one child before the penalties could be applied, this would not be a wise strategy. Given the Romans' shaky understanding of the timings of conception, and the very real risks of miscarriage, stillbirth or neonatal death, a couple would want to be married well in advance of the required years in order to ensure compliance with the law. This, of course, assumes that compliance with the law was valued. The ancient sources are notorious for their claims that the legislation failed in its aims at encouraging marriage and childbearing.

¹²⁹ Lelis *et al.* 2003, especially 103-119 (database).

¹³⁰ Saller 1987: 30. In his 1994 monograph, Saller assumed a mean age at marriage of twenty-five for male members of the senatorial elite (1994: 41).

¹³¹ Lelis *et al.* exaggerate the importance of a young age at first marriage for males (2003: 33). The difference in life expectancy between a twenty year old and a thirty year old is not so significant as to seriously impede his reproductive capabilities. It is now recognized that male fertility does decrease with age, and that the incidence of birth defects does rise as the father becomes older, but the impact is nowhere near as severe as with the woman.

¹³² For further discussion of childbearing in second and subsequent marriages, see below, pp. 52-60.

For our purposes in this chapter, however, the actual success of the legislation, real or perceived, is less interesting than the politics that lay behind it. Augustus sought a return to what he claimed to be traditional Roman virtues and ways of life.¹³³ He championed his changes as a refounding of what had come before, not as new, sweeping alterations. He would not have used the legislation to try to impose an artificially low age at marriage that had no basis in recent history. The legislation was already deeply unpopular; Augustus had to modify its restrictions and ease the stated penalties on at least one occasion.¹³⁴ It would have been politically unwise to set the age where the penalties began to be applied close to the “normal” age at marriage, thus seeking to pressure the senatorial class into marrying earlier than had traditionally occurred. Instead, it is more likely that Augustus viewed twenty and twenty-five as the acceptable upper limits within which society had a right to expect children from any given woman or man. And this in turn suggests that the normal age at first marriage amongst the élite was significantly earlier, in line with the early-mid teens age range for women supported by most modern scholars, and the late teens to early twenties range for men proposed by Lelis, Percy, and Verstraete.

Legal evidence hints that it was not unheard of for élite women to be married even younger than their early-mid teens. Legally, a girl was able to be married at the age of twelve, the age at which puberty might be expected to begin.¹³⁵ There are, however, a number of references in the *Digest* to legal issues that arose when a girl younger than twelve was “married”, such as whether the “husband” could claim the dowry, and if gifts made by the “husband” to his “wife” were valid.¹³⁶ Despite her ineligibility to be a bride, these were meant to be viewed as legitimate marriages by the couple’s families and by society in general: the girl in question had been escorted to the man’s house, indicating that the elements of the marriage ceremony had been fulfilled. They are not meant to be interpreted by Roman society as a betrothal or an engagement, which was a legitimate way to use (sometimes very) young daughters to cement alliances and serve political ends before they were old enough to legally marry: in such cases the

¹³³ Augustus went so far as to wear clothing which he claimed had been sewn by his wife and the other female members of his family (Suet. *Aug.* 73).

¹³⁴ E.g., Suet. *Aug.* 34; Tac. *Ann.* 3.25; Dio 56.1.2, 6.6, 10.1.

¹³⁵ Dio Cass. 54.16.7. cf. *Cod. Iust.* 5.60.3.

¹³⁶ Can the husband claim the dowry: *Dig.* 23.3.68 (Papinian); Are gifts valid: *Dig.* 24.1.65 (Labeo). For other examples concerning brides below the age of twelve see *Dig.* 23.1.9 (Ulpian); 23.2.4 (Pomponius); 23.3.74 (Hermogenian); 24.1.32.27 (Ulpian); 27.6.11.3-4 (Ulpian); 42.5.17.1 (Ulpian); 42.5.18 (Paul); and 48.5.14 (13).8 (Ulpian).

betrothed remained in her father's house.¹³⁷ The jurists repeatedly state that in these situations, despite what the wedding ceremony might imply, there can be no marriage, but only a betrothal or engagement, and that the girl is not a wife, regardless of how long she lives in her "husband's" house, until she reaches the age of twelve. The words of Pomponius are typical: "A girl married when she was less than twelve years old will be a legitimate wife at the time when she has completed her twelfth year at her husband's home" (*Minorem annis duodecim nuptam tunc legitimam uxorem fore, cum apud virum expleset duodecim annos*) (*Dig.* 23.2.4). The jurists are, for the most part, concerned with issues of inheritance and the protection of the dowry, rather than fertility, and may well have been imagining hypothetical situations rather than dealing with real cases. But the fact that this was a recurring issue in the *Digest* at least suggests that it could be imagined as a possible situation. Acquiring husbands for barely-eligible young girls could have had unexpected repercussions for the newly wedded couple's future rate of reproduction.

We are accustomed today to hearing of girls who first get their periods at the age of twelve or even younger, but this low age at menarche is a direct result of our access to better healthcare and nutrition.¹³⁸ For the Romans, the age at menarche would have been much higher, more often no earlier than fourteen, and a girl of twelve was likely to still be a child.¹³⁹ To consummate a marriage at that age could well cause damage that could hinder a woman's ability to conceive and safely carry a child to term in future years: Pliny the Elder asserts that "it is certain that sterility may result from hardships during childbirth" (*sterilitatem a partus vexatione fieri certum est*).¹⁴⁰ That these marriages where the wife was extremely young were expected to be consummated is suggested by the fact that the ancient sources felt it worthy of comment whenever a young bride was left intact, such as Octavian's claim that he had not consummated his union with the barely-legal Clodia, even though the marriage lasted for two years.¹⁴¹ Even

¹³⁷ *Dig.* 23.1.4, 23.1.9 (Ulpian).

¹³⁸ According to Nebesio and Pescovitz, "the average age of menarche gradually decreased by approximately 2 months per decade over the past century and a half, and it has leveled off and remained stable at 12.8 years over the last half of the twentieth century" (2007: 426).

¹³⁹ The age of fourteen is mentioned by Soranus (*Gyn.* 1.20.1), his fifth-century adaptor Caelius Aurelianus (*Gyn.* 1.24) and Macrobius (*In Somn.* 1.71). For discussion, see Hopkins 1965: 310-312. The mean or median age could have been even higher: Wood reports that 17.5 was recorded in some regions of nineteenth-century Europe (1994: 437).

¹⁴⁰ Plin. *HN* 28.77. Famously, Margaret Beaufort gave birth to the future Henry VII in 1457 at the age of thirteen. The birth was difficult as a result of her young age and small size, and, likely as a result of the trauma she suffered, she bore no more children (Jones and Underwood 1993: 40).

¹⁴¹ Suet. *Aug.* 62; Dio Cass. 48.5.3. Discussed by Hopkins (1965: 315-316) and Gourevitch (1987: 187-188).

marrying a couple of years later, at thirteen or fourteen, still brought with it some reproductive challenges. Women in their early teens are unlikely to have a regular menstrual cycle, thus making pregnancy harder to achieve. They may not have built up the nutritional reserves to allow them to produce a healthy infant.¹⁴² Their still-developing bodies may not be ready to accommodate the physical changes required to carry a pregnancy to term, nor to adapt to safely push a baby into the world, making deaths in childbirth more likely.¹⁴³ Pliny the Younger records the deaths in childbirth of two sisters of the Helvidii (*Ep.* 4.21). They both died very young: Pliny writes that their fertility (*fecunditas*) cut them off in the “first flower of youth” (*in flore primo*). On the other hand, starting to bear children at an early age does maximize a woman’s fertile years, which for those who do not die in childbirth, may lead to more surviving progeny.

The fact that childbearing by prepubescent women brought significant risks was not unknown in the ancient world.¹⁴⁴ In his comparison of the lives of Lycurgus and Numa, Plutarch writes:

τοῦ μὲν Λυκούργου πεπείρους καὶ ὀργώσας νυμφεύοντος, ὅπως ἢ τε ὀμιλία, δεομένης ἤδη τῆς φύσεως, χάριτος ἢ καὶ φιλίας ἀρχὴ μᾶλλον ἢ μίσους καὶ φόβου παρὰ φύσιν βιαζομένων, καὶ τὰ σώματα ῥώμην ἔχη πρὸς τὰς κησεις ἀναφέρειν καὶ τὰς ὠδῖνας, ὡς ἐπ’ οὐδὲν ἄλλο γαμουμένων ἢ τὸ τῆς τεκνώσεως ἔργον, τῶν δὲ Ῥωμαίων δωδεκαετείς καὶ νεωτέρας ἐκδιδόντων οὕτω γὰρ ἂν μάλιστα καὶ τὸ σῶμα καὶ τὸ ἦθος καθαρὸν καὶ ἄθικτον ἐπὶ τῷ γαμῶντι γίνεσθαι. δῆλον οὖν ὅτι τὸ μὲν φυσικώτερον πρὸς τέκνωσιν, τὸ δὲ ἠθικώτερον πρὸς συμβίωσιν.

Lycurgus gave them in marriage only when they were ripe and ready for it, in order that sexual intercourse, at a time when nature already wanted it, might inspire kindness and fondness, rather than the hatred and fear which come from being forced against nature; also that their bodies might possess strength enough to take on conception and the pains of childbirth. For [he believed] that there was no purpose in marrying other than the production of children. The Romans, on the other hand, gave them in marriage at the age of twelve or even younger. For in this way most of all both body and character would be pure and untouched upon marrying. It is clear,

¹⁴² Although younger women may have been less likely to be anaemic, which would reduce at least one risk factor for miscarriage: Bullough 1980 and 1987.

¹⁴³ For the higher risk of preterm births experienced by mothers younger than seventeen, see Goldenberg and McClure (2010: 29) and Laes (2011: 51). For discussion of many of the above factors, see Parkin 1992: 124. On death in childbirth generally, see Gourevitch 1987.

¹⁴⁴ For this awareness in classical Greek society, Demand 1994, despite its many methodological problems, is still useful: 102-103.

therefore, that one preferred nature, for the sake of begetting children, but the other preferred moral character, for the sake of living together.

(*Lyc. et Num.* 4.1-2)

The implication is that the Roman brides are not yet ready for marriage, or for the demands of pregnancy and labour. Since the main purpose of a Roman marriage was to produce legitimate children, the final comment by Plutarch that the Greek custom looked more to childbearing should be read as a criticism of the early age at marriage for Roman women. Similarly, Soranus argues that marriages contracted before menarche should not be consummated out of concern for the health of the prepubescent wife (*Gyn.* 1.25 and 33-34). Of course, Plutarch and Soranus were both Greek, and their shared opinion is not proof of Roman actions. It seems unlikely, however, that Soranus, who was writing in Rome, would state such an opinion unless marriages involving barely-pubescent brides were relatively commonplace.¹⁴⁵ Several Roman writers comment in the same vein. Cassius Dio, in the context of Augustus' legislation of 17 B.C. forbidding betrothals from lasting for longer than two years, records that girls are considered ready for marriage when they have completed twelve full years (54.16), and Tacitus, in his *Germania*, writes that the Germans do not rush virgins into marriage, implying, of course, that some Romans of his day did just that (*Germ.* 20). Pliny the Younger, in a letter to his friend Aefulanus Marcellinus, regrets the death of a mutual friend's daughter who, although she had not yet completed her fourteenth year, was already betrothed and the wedding date was set (*Ep.* 5.16).

Anecdotes from the literary sources, Plutarch's and Soranus' criticism, and the ongoing interest in the *Digest* in laying down clarifications concerning "marriages" where the "wife" is not yet twelve suggest that for elite Romans at least, the advantages of such an early marriage often outweighed any potential reproductive pitfalls. When an alliance needed to be made before a daughter had reached an age where she could safely bear children, the primary aim of a marriage – the begetting of legitimate children – came into conflict with one of marriage's other purposes – the fostering of alliances between elite families. And even though heads of families expected offspring from the marriages of their children, their reproductive goals did not align with what the demographic realities of life in Rome required to maintain the population. Roman society needed more than five or six live births from each married woman, but for individual

¹⁴⁵ As noted by Hopkins (1965: 314).

families the focus was first and foremost on producing one male heir.¹⁴⁶ Furthermore, the father or guardian of an élite Roman girl could not take the chance that she might become pregnant before she was wed.¹⁴⁷ As soon as the girl reached the age of legality, or indeed, even earlier if he thought he could get away with it, some fathers or guardians would take steps to ensure that she was married. At least then all of her children would be legitimate, even if in the long run he ran a greater risk of losing his daughter in childbirth.

PATTERNS OF CHILDBEARING AMONG THE ROMAN ÉLITE II: STOPPING

The second demographic factor shaping rates of reproduction is “stopping”, defined as when a woman ceases to bear children. As a form of active fertility control, a successful stopping strategy would “prevent further reproduction altogether after the maximum desired number of children has been reached”.¹⁴⁸ One easy way to limit population growth is a social expectation that women marry only once. Once a woman’s marriage ended, whether through death or divorce, her childbearing years would be over. Such was not the case with the Romans. Marriages frequently ended through death or divorce, and remarriage was encouraged when the woman was still young enough to bear children.¹⁴⁹ The sources treat women who married multiple times as commonplace, if not exempt from criticism. Martial jokes about a woman who murders seven husbands (9.15 and 9.78), as well as a certain Thelesina who, having married ten times in one month, was a master of legal adulteries (6.7). Juvenal describes a woman who had eight husbands in five years (6.229). Seneca the Younger grumbles that some women count the years by their husbands rather than by the consuls (*Ben.* 3.16). Beyond the realm of moralizing, the most famous example is the late first-century B.C. woman, Vistilia, with her six husbands (Plin. *HN* 7.39). Cicero mentions in one of his letters to Atticus a certain Cornificia, whom he describes as a “much-married old woman” (*vetulam sane et multarum nuptiarum*) (*Att.* 13.28 (299 SB)). Blended families would have been not unusual, and the wicked stepmother, as in

¹⁴⁶ For further discussion on sex preferences when it came to children, see below, Chapter Two, pp. 126-129.

¹⁴⁷ Plutarch implies that this is one reason for the early age at marriage (*Lyc. et Num.* 4.1). Demand argues for a similar thought process in classical Athens, where the need to control female sexuality and produce legitimate heirs led to a tradition of marrying off very young girls, despite an awareness that this was medically unsound and could limit the number of children born to the marriage (1994: 141). Hardwick takes the view in response that the Greek *polis* in general was more interested in ensuring legitimate heirs than numerous ones (1996: 303), which suggests that the reproductive strategy of the family was not in conflict with the overarching aims of the *polis*.

¹⁴⁸ Van Bavel 2004: 117.

¹⁴⁹ For remarriage generally, see Humbert 1972. For remarriage as the norm, see Bradley 1991: 156-176; Corbier 1991; Treggiari 1991b.

many other cultures, is a recurring literary *topos*.¹⁵⁰ Augustus' legislation allowed for six months (later eighteen) before a woman had to remarry if the marriage ended in divorce, and one year (later either two or three) if it ended in death.¹⁵¹ Even under the revised rules an expectation that spouses would remarry remained. In a similar vein, the jurists in the *Digest* expressed concern for establishing paternity in cases where the marriage had ended through either death or divorce and the wife was pregnant. Whether these cases were real or hypothetical, the fact that the jurists shaped the problem as they did suggests that women could rapidly remarry and expect children from the new marriage.¹⁵²

Indeed, a woman could hope to attract a better match in a second or subsequent remarriage if her first union had proved fruitful, particularly if the children had survived infancy. Tacitus portrays Poppaea Sabina in A.D. 59 as thinking that her established fertility, demonstrated through her son by Rufrius Crispinus, could only help her case to be seen as a good partner for Nero (*Ann.* 14.1). Tacitus earlier presents a similar argument after the execution of Messalina in A.D. 48, when Claudius' freedmen, acting as his advisors, suggested several candidates for his next wife. According to Tacitus' account, the childbearing status of each woman was a factor in determining her suitability. Narcissus argued that Aelia Paetina had been married to Claudius once before, had borne him a daughter, and would not be expected to look with hatred on Britannicus and Octavia (*Ann.* 12.2). Callistus countered by championing Lollia Paulina's childless state: having no children of her own, she would feel no jealousy towards Claudius' son and daughter by Messalina (*Ann.* 12.2). Finally, Pallas recommended Julia Agrippina, both because her son, Nero, was the grandson of Germanicus, and because she, as a "woman of proven fertility, her youth undiminished" (*femina expertae fecunditatis, integra iuventa*), could be expected to marry again and they should not allow her to join another house (*Ann.* 12.2). Agrippina won out as the favoured candidate but, given she was Claudius' niece, the match was unprecedented. The support of the Senate was required. Tacitus writes that L. Vitellius, the father of the future emperor of the same name and censor at the time of the debate, undertook to arrange the matter. In his speech to the Senate, Vitellius argued that the wife of the

¹⁵⁰ For discussion and examples, see Dixon 1988: 155-159; Bradley 1991: 156-176 and especially Watson 1995. Stepfathers were less of an issue because the children of any union would stay with their father if the marriage ended in divorce.

¹⁵¹ Suet. *Aug.* 34. *Tit. Ulp.* 3.14. He also made it illegal to make a bequest in a will dependent on the recipient swearing an oath not to marry or have children: see below, Chapter Three, p. 178, n. 474.

¹⁵² *Dig.* 25.3.1 (Ulpian); 25.3.3.2-6 (Ulpian); 25.4.1 (Ulpian). For examples of hasty second (or later) marriages of women after the death of the husband, see Treggiari 1991a: 500.

emperor ought to be a woman who could be evaluated with regards to “nobility of rank, child birthing and virtue” (*nobilitate puerperii sanctimonia*); Agrippina’s fertility, he added, had been proven (*Ann.* 12.6).

These arguments require some examining. It is true that Agrippina had established her fertility with the birth of her son, Nero, but she was far from a paragon of *fecunditas*. She had married her first husband, Cn. Domitius Ahenobarbus, in A.D. 28 at the age of thirteen, but the marriage remained barren for nine years before she gave birth to Nero in A.D. 37 at the age of twenty-two.¹⁵³ After Domitius Ahenobarbus died in A.D. 40, Agrippina remarried the following year to C. Sallustius Crispus, but they produced no children. By the time of her marriage to Claudius, Agrippina was thirty-three and still the mother of only one child.¹⁵⁴ Possibly, Pallas and Vitellius in their praise of Agrippina’s fertility also had her mother in mind, who had indeed excelled at *fecunditas*, but Agrippina the Elder is nowhere given specific mention. In general the arguments concerning Agrippina the Younger’s *fecunditas* are far from convincing. Tacitus must surely have known this and these arguments should not be taken as accurate reflections of what was said, or even as proof that such a meeting ever occurred, although marriage likely was an issue about which a man might consult his *consilium*. It is more likely that their weak arguments concerning Agrippina’s fertility are designed to add to the farcical nature of the scene, where the emperor can be advised by lowly freedmen on a matter so pivotal as the choice of his next wife.¹⁵⁵

Although these cases are unusual, tied as they are to the Julio-Claudian family and the needs of the emperors to secure heirs, they are not the only examples where a woman’s proven

¹⁵³ For Agrippina’s marriage to Domitius, see Tac. *Ann.* 4.75; Barrett 1996: 42-46. For the birth of Nero, see Suet. *Ner.* 5-6; Barrett 1996: 55-56, and 234, Appendix Three, and the references collected there. Edgeworth (1986) has theorized that Domitius was sterile and Nero was not his child, but there is no evidence to make this anything more than idle speculation, particularly given Agrippina’s failure to produce any children with her next two husbands.

¹⁵⁴ Barrett has suggested that she was “possibly unwilling to repeat the agony that she suffered with Nero”, who had been a breech birth (1996: 56). Alternatively, perhaps her young age, coupled with Nero’s difficult birth, resulted in some physical damage that made it impossible for her to bear another child. For the dangers of childbirth for very young women, see above, pp. 49-52.

¹⁵⁵ Barrett calls it “a sort of parody of a formal *concilium*” (1996: 95). Mellor (2011: 133), although he does not discuss the issue of *fecunditas*, has argued that this scene resembles a stereotype from Roman comedy, the *senex stultus*, whom he describes as a “somewhat dense old man who is manipulated by his wife and especially by slaves, pimps, and freedmen”. Note, too, that one of the good qualities of both Aelia Paetina and Lollia Paulina was said to be their willingness to act as a stepmother to Octavia and Britannicus without privileging their own children, namely Paetina’s daughter with Claudius. The implicit comparison, of course, is with the successful candidate, Agrippina, who did exactly that.

fertility was thought to improve her odds of remarrying.¹⁵⁶ Cicero, Valerius Maximus, Pliny the Elder, and Plutarch record a well-known anecdote concerning Ti. Gracchus, consul in 177 and 163 B.C. and the father of the tribunes Ti. and C. Gracchus. When two snakes were captured in his house, he asked an oracle for the meaning. The oracle declared that he would live if the snake of the other sex were killed. In reply, Gracchus ordered his snake to be killed, to protect his wife, Cornelia.¹⁵⁷ According to Pliny's version of the anecdote, Gracchus made this decision not only because Cornelia was "young" (*iuvenis*) but because she was "still able to bear children" (*parere adhuc potest*) (*HN* 7.122). Valerius Maximus does not give a specific reason for Gracchus' decision, but both Cicero and Plutarch mention Cornelia's youth as the deciding factor.¹⁵⁸ In Plutarch's case, at least, the idea that she might produce still more children if she remarried is probably implied, particularly when taken with the anecdote discussed below found in his *Life of Cato the Younger* that uses identical language.¹⁵⁹ Tiberius Gracchus' reasoning in Pliny's account is intriguing because, as we have seen, men were not subject to the same biological constraints on their fertility as women. Although much older than his wife, and probably in his sixties at the time of the appearance of the snakes, he could still have remarried and fathered more children. Furthermore, Cornelia at that time would have been in her mid-to-late thirties: able to have more children, certainly, but now "young" only when compared to her much-older husband, not in terms of her own biological fertility.¹⁶⁰ Yet Gracchus' response suggests that it was more important that Cornelia's fertility not be wasted. The tale, at least as transmitted to us by Pliny, has therefore probably been altered from a (possibly true) story of the sort "which families sometimes treasure" to become yet one more example of the outstanding nature of Cornelia's *fecunditas*, which by Pliny's day had acquired near-legendary status.¹⁶¹

¹⁵⁶ For more on the problems of succession among the emperors, see below, Chapter Four.

¹⁵⁷ Cic. *Div.* 1.36; Val. Max. 4.6.1; Plin. *HN*. 7.122; Plut. *Ti. Gracch.* 1.4-5; [Aur. Vict.] *De vir. ill.* 57.4. This was not the only portent or omen involving snakes in the literary tradition of the Scipionii and Sempronii. See discussion in Barnard 1990: 383; Petrocelli 2001: 41; and Dixon 2007: 5-6.

¹⁵⁸ Cicero uses *adulescens* to describe Cornelia; Plutarch describes her as ἔτι νέα οὖσα.

¹⁵⁹ The similarity between the two is noted by Petrocelli (2001: 43).

¹⁶⁰ Assuming the incident involving the snakes took place shortly before his death in 154 B.C., and placing Tiberius' birth c. 217 B.C. For Cornelia, I follow Dixon (2007: 3), who estimates 190 B.C. as a reasonable guess for her year of birth.

¹⁶¹ The quotation is from Dixon (2007: 6) who feels the appearance of the snakes, the request for interpretation, and Tiberius Gracchus' response could all be genuine. Barnard (1990: 388) dismisses it as "pure folklore with no possible kernel of truth", and also points out that the idea of Cornelia bearing more children is at odds with her later iconic status as a *univira*. On Cornelia as a paragon of *fecunditas*, see below, Chapter Two, pp. 88, 123-128. Gourevitch (1984: 131) points to the reproductive pressures but does not consider the ages of the two spouses or the question of biological constraints. cf. Vons 2000: 38.

Regardless of the historical accuracy of the event, what matters most for my purposes is the assumption is that Cornelia would have no difficulty in making a second marriage. Far from being considered “spoiled goods”, an élite woman of proven fertility could be a highly sought after marriage prospect.¹⁶²

Another famous, although probably extreme, example is that of Cato the Younger who divorced his own wife in order to allow a childless friend, Q. Hortensius, to marry her.¹⁶³ The friend’s bold decision to ask for Cato’s wife, according to Plutarch, stemmed from the facts that “she was still young enough to have children and Cato had heirs enough” (νέαω μὲν οὖσαν ἔτι πρὸς τὸ τίκτειν, ἔχοντος δὲ τοῦ Κάτωνος ἀποχρῶσαν διαδοχήν).¹⁶⁴ Appian states that Hortensius “desired to have children but was married to a childless wife” (παίδων τε ἐπιθυμοῦντι καὶ τεκνοποιοῦ γυναικὸς οὐ τυγχάνοντι) (*B.Civ.* 2.14.99). As presented, Marcia’s fertility was so great that Cato seems to have felt a moral obligation to allow his friend to share in his wealth. According to Plutarch, Marcia was already pregnant by Cato when she married Hortensius; Lucan claims that Cato only gave her to Hortensius after the birth of a third child.¹⁶⁵ The importance of childbearing to Roman marriage is further emphasized by Lucan, who has Marcia claim to be “wearied and worn-out with child-bearing” (*visceribus lassis partuque exhausta*) when she returns to Cato after the funeral of Hortensius (2.340). The reader is meant to understand that she has gone through menopause: she speaks in the past tense of the time when she had the power (*vis*) to be a mother (2.338), and asks Cato not to hand her over to any other husbands (2.341). Cato, for his part, opts not to resume sexual intercourse with his wife, for “in his view the sole purpose of love was offspring” (*Venerisque hic unicus usus, / Progenies*).¹⁶⁶

Plutarch is the only author to claim that Hortensius originally asked Cato not for his wife, Marcia, but for his daughter Porcia, who was already married to M. Calpurnius Bibulus and had given him two sons. The arguments which Plutarch has Hortensius make in favour of the match are equally applicable to Marcia:

¹⁶² Corbier notes that fertility, rather than virginity, was often highly praised in a wife, and young aristocratic men did not hesitate to wed women who had been married before. (1991: 57). cf. Harlow and Laurence 2002: 83-84.

¹⁶³ Accounts are preserved in Luc. 2.326-391; Plut. *Cat. Min.* 25; App. *B. Civ.* 2.99.

¹⁶⁴ Plut. *Cat. Min.* 25.4. Note the identical phrasing to that used by Plutarch when explaining Tiberius Gracchus’ decision to let the female snake go, along with the vital addition that a woman’s youth is important because she can still bear more children.

¹⁶⁵ Plut. *Cat. Min.* 25.5; Luc. 2.330-331.

¹⁶⁶ 2.387-388, and see 2.378-380 where it is made clear their remarriage is chaste.

ἐπιθυμῶν οὖν τῷ Κάτωνι μὴ συνήθης εἶναι μηδὲ ἑταῖρος μόνον, ἀλλ' ἀμῶς γέ πως εἰς οἰκειότητα καταμίξαι καὶ κοινωνίαν πάντα τὸν οἶκον καὶ τὸ γένος, ἐπεχείρησε συμπεῖθειν ὅπως τὴν θυγατέρα Πορκίαν, Βύβλω συνοικοῦσαν καὶ πεποιημένην ἐκείνῳ δύο παῖδας, αὐτῷ πάλιν ὥσπερ εὐγενῆ χώραν ἐντεκνώσασθαι παράσχη. δόξη μὲν γὰρ ἀνθρώπων ἄτοπον εἶναι τὸ τοιοῦτον, φύσει δὲ καλὸν καὶ πολιτικόν, ἐν ᾧ καὶ ἀκμῇ γυναῖκα μήτε ἀργεῖν τὸ γόνιμον ἀποσβέσασαν, μήτε πλείονα τῶν ἱκανῶν ἐπιτίκτουσαν, ἐνοχλεῖν καὶ καταπτωχεύειν οὐδὲν δεόμενον, κοινουμένους δὲ τὰς διαδοχὰς ἀξίοις ἀνδράσι τὴν τε ἀρετὴν ἀφθονοῦν ποιεῖν καὶ πολύχυτον τοῖς γένεσι, καὶ τὴν πόλιν αὐτὴν πρὸς αὐτὴν ἀνακεραννύναι ταῖς οἰκειότησιν. εἰ δὲ πάντως περιέχοιτο τῆς γυναικὸς ὁ Βύβλος, ἀποδώσειν εὐθὺς τεκοῦσαν, οἰκειότερος αὐτῷ τε Βύβλω καὶ Κάτωνι κοινωνία παίδων γενόμενος.

This man, therefore, wishing to be not only an acquaintance and companion of Cato, but in some way or another, indeed by any means, to bring his whole house and kin into friendship and partnership with him, set out to persuade Cato, whose daughter Porcia was married to Bibulus and had given him two sons, to hand her over in turn to him as quality land, so to speak, in which to beget children. For according to the opinion of men this was extraordinary, but according to nature it was noble and befitting the state that a woman in her bloom of youth and her prime should neither extinguish her fertility and do nothing, nor, by bearing too many children, trouble and reduce to beggary a husband who does not need them. Moreover, sharing heirs between worthy men would make virtue plentiful and spread throughout their families, and the state itself would be closely knit together by relationships. And if Bibulus were holding fast to his wife in all ways, [Hortensius said] he would give her up immediately after she had given him a child, being thus more closely related both to Bibulus himself and to Cato by a collective of children.

(Plut. *Cat. Min.* 25.2-3)

Hortensius' argument is quite sophisticated. In Plutarch's account there is no mention of the childless wife we find in Appian: Hortensius wishes to be more closely associated with Cato, and feels that the most appropriate way of achieving such an association is to marry into Cato's family. The desire for children is still present, but Hortensius phrases his request as though it will benefit both Porcia and her husband. It would be a shame to waste her proven fertility, but it would be equally distressing to have her burden her husband with more children than he really needs. The benefits Hortensius himself will reap seem hardly to matter. Far better for her fertility to serve a greater purpose: uniting the two families through children with shared blood. If Bibulus actually loves his wife, a possibility which Hortensius seems to treat as an afterthought, Hortensius offers to return Porcia after she has borne him a child and cemented

their new relationship. Cato rejects Hortensius' suggestion, but ultimately yields to him when he asks for Marcia instead, on the condition that her new match meets with her father's approval.

The accounts which survive have competing interpretations concerning the motives for the marriage to Hortensius and its length. Plutarch says that the marriage lasted until Hortensius died. Marcia was left as his heir, and Cato promptly remarried her because he needed someone to look after his household and his daughters in order that he might follow Pompey into exile (Plut. *Cat. Min.* 52.3-4). For this, according to Plutarch, he came under some criticism from Julius Caesar who complained that Cato orchestrated the entire match in order to reap the financial windfall when Hortensius died. Plutarch rejects this interpretation as ridiculous: everything about Cato's temperament and moral standing indicated that he could no more be motivated by a desire for gain than Hercules could be out of cowardice (Plut. *Cat. Min.* 52.4-5). Lucan also has Marcia returning to Cato after Hortensius' death, and pleading with Cato to remarry her out of a sense of conjugal loyalty and duty (2.326-349). In Appian's version the marriage to Hortensius is presented as temporary: in a sense Marcia was loaned to Hortensius until she had borne him a child, at which point she returned to Cato (*B. Civ.* 2.99).

Strabo and Plutarch both suggest that the story of Cato, Marcia and Hortensius is indicative of larger patterns in Roman society. Strabo says that the Tapyri in Media had a custom to marry their wives to other husbands once they had had two or three children from them, and uses Cato, Marcia and Hortensius as a relevant example, explaining that Cato gave Marcia to Hortensius "in accordance with an ancient custom of the Romans" (κατὰ παλαιὸν Ῥωμαίων ἔθος) (11.9.1). Plutarch implies in his comparison of the lives of Lycurgus and Numa that Numa gave Roman husbands the freedom to lend their wives to their childless friends, once they had sufficient children of their own. These arrangements could be permanent or last only for a season (*Lyc. et. Num.* 3.1). Despite these claims by Greek authors of an ancient Roman tradition of wife-swapping, the survival of this anecdote in so many authors, and the absence of obvious parallels, suggests that it was viewed as unusual. Plutarch himself has Hortensius admit in his original proposal for Cato's daughter Porcia that such a request was absurd, according to accepted social mores (Plut. *Cat. Min.* 25.3).

Eva Cantarella has argued that because Marcia was already pregnant by Cato when she married Hortensius, childless male Romans adopted a marital strategy of marrying fertile,

pregnant women in order to be guaranteed an heir.¹⁶⁷ She is not arguing that an immediate adoption of the newborn child would take place, but that the child would automatically be recognized as belonging to the new husband. Leaving aside the question of whether it was considered morally right to divorce a faultless wife who had borne children, there is a much more serious problem with Cantarella's theory: the child born from such a pregnancy remained the child of the natural father; paternal rights were not transferred to the new husband.¹⁶⁸ Cantarella uses the examples of Pompey's marriage to Aemilia in 82 B.C., and Octavian's marriage to Livia in 38 B.C. to support her theory. She is mistaken on both counts. Aemilia's son was not raised in Pompey's house after his mother died in childbirth, and Livia's son, Drusus, was under the power of Tiberius Claudius Nero, not Octavian.¹⁶⁹ Her theory also cannot be construed as a form of "surrogate motherhood", as she claims.¹⁷⁰

Plutarch's account in particular lays bare the value of a woman's *fecunditas* to elite families as a means of establishing and cementing friendships and alliances. He portrays Hortensius as being interested only in Porcia's proven fertility and her familial connections, not in Porcia herself. When Cato is unwilling to hand over his daughter, Hortensius wastes no time in asking for Cato's wife instead, who has the same qualities to recommend her. The machinations of Hortensius may be extreme, and Cato's response to them equally surprising, but underneath the highly irregular practice of wife-swapping lies a simple truth: the *fecunditas* of elite women was a powerful tool, and a woman of proven fertility who was still of childbearing age could be as valuable an asset to her family as a virgin on the eve of her first marriage.

At the same time, the woman who married only once, referred to as a *univira*, was also praised by our sources.¹⁷¹ In these cases it was her loyalty to her husband which was seen as worthy of emulation. Likewise, women whose devotion to their husbands was so strong that they followed him into exile or death, also appear as models of wifely virtue.¹⁷² These examples

¹⁶⁷ 2002: 275.

¹⁶⁸ cf. *Dig.* 25.3.1 (Ulpian). For discussion of the objections surrounding the divorce of a wife who had borne children, see below, Chapter Two, pp. 115-120.

¹⁶⁹ For Aemilia's son, see *Plut.* *Sull.* 33 and *Pomp.* 9. For Drusus, see *Dio Cass.* 48.44.4. There was certainly a rumor that Augustus was Drusus' biological father: *Suet. Claud.* 1; *Dio Cass.* 48.44.5.

¹⁷⁰ 2002: 279.

¹⁷¹ E.g., *Val. Max.* 2.1.3; *Plut. Ti. Gracch.* 1.4. For the *univirae* see primarily Frey 1930 and Lightman and Zeisel 1977, with Williams 1958: 23-24; Treggiari 1991: 233-236; and Sigismund Nielsen 1997 and 2001.

¹⁷² E.g., *Plin. Ep.* 6.24 and 7.19; *Tac. Ann.* 1.5, 6.29; *Dio Cass.* 58.24, 59.18.4. For the famous case of Arria, wife of Paetus, in A.D. 42, see *Mart.* 1.13; *Plin. Ep.* 3.16; *Tac. Ann.* 16.34; *Dio Cass.* 60.16.6. For the rhetorical power of joint suicides, or suicides where the wife kills herself out of conjugal loyalty, see Treggiari 1991a: 485-489.

suggest that there was some tension between the expectation that a woman of childbearing age who found herself widowed or divorced would marry again, and the wish of husbands to possess a wife so steadfast that she would remain faithful to him, even after his death, or indeed might even choose to die with him if the opportunity arose. In reality, however, it is likely that this tension rarely emerged. The very fact that the *univirae* are singled out for so much praise suggests that they were a rarity in élite Roman society.¹⁷³ Leaving aside the opinions of the women themselves, who may well not have wished to spend the rest of their lives as widows, there are sound demographic reasons as to why this is likely to be the case.¹⁷⁴ Treggiari estimates that there was a one-in-six chance for senators and equestrians that a first marriage would end with the death of one of the spouses within the first decade.¹⁷⁵ Some élite women would become widows when they were barely into their twenties. To leave them unmarried for the rest of their lives would remove a significant number of potential childbearers from the population. Moreover, a married woman was of value to her own family for more than just the children she could produce. The very act of marriage helped to secure ties between two families. Finally, an unmarried woman still young enough to bear children might well be considered a burden by her own relatives, particularly if her own father had already died. The élite authors could imagine an ideal where a wife would remain forever chaste, preserving the memory of her relationship with her deceased husband, but in general more practical decisions must have prevailed. Élite women were just too valuable to their families to be left unmarried. And, given that the responsibility for meeting the required rate of reproduction to maintain the population would have rested firmly with married women, the frequent remarriage of élite women would have encouraged high levels of fertility.¹⁷⁶

Not all methods of “stopping” required the dissolution of the marriage. Childbearing would naturally come to an end in existing marriages once the wife had reached menopause. Until then, while pregnancies could become more difficult to achieve as the woman approached

¹⁷³ cf. Humbert 1972: 62-75.

¹⁷⁴ cf. Aemelia Pudentilla, who may have remained a widow for fourteen years against her will, as she remarried once her sons had grown up (Apul. *Apol.* 67-70.). Treggiari comments that the state of widowhood is not normally of interest to commemorators unless the woman was young and attractive when her husband died (1991a: 499), suggesting that most women who met such criteria were expected to remarry.

¹⁷⁵ Treggiari 1991b: 45-46. Frier goes as high as a one in four chance that one or both spouses would die within a decade in the case of a marriage made when the husband was twenty-five and the wife fifteen (2000: 800).

¹⁷⁶ This may not have been the case for women outside the ranks of the élite. In their study of Roman Egypt, Bagnall and Frier found low rates of remarriage for women once they reached the age of thirty (1994: 153-155). cf. Krause 1994-1995, vol. 1, 114-122, and 79-84 for evidence of long-term widowhood.

menopause and the quality of her eggs and the frequency of ovulation both declined, they could not be ruled out. Much older women were capable of giving birth, and must have done so on some occasions. But were these pregnancies intentional? To stop childbearing before the arrival of menopause requires some form of fertility control. Traditionally, scholars of historical societies during the European fertility transition have focused on deliberate stopping behaviour because it is easier to detect than deliberate spacing.¹⁷⁷ For the Roman period, however, we lack the statistics required for any demographic analysis. As a result, ceasing childbearing before menopause – deliberately “stopping” – should also be examined under the category of “spacing”, the third demographic factor, as the options to prevent conception or to end a pregnancy are the same regardless of the age of the woman.

PATTERNS OF CHILDBEARING AMONG THE ROMAN ÉLITE III: SPACING

To manipulate the length of time between births, a couple must exercise some form of fertility control. They might take advantage of natural checks on fertility, such as avoiding intercourse during a woman’s fertile period or using extended breastfeeding to suppress ovulation. Alternatively, they might utilize artificial means to prevent conception, through various methods of contraception, or terminate any pregnancies that did occur by undergoing an abortion. One final option to control family size was exposure or infanticide, where the pregnancy was brought to term and the child was born but not accepted into the household and then either abandoned or killed. Family size was also affected by factors beyond the control of the parents: disease, malnutrition, unsanitary living conditions, and the dangers of childbirth itself all contributed to creating a, to our modern sensibilities, shockingly high infant mortality rate, where likely thirty percent of children died before their first birthday, and fifty percent died before their tenth.¹⁷⁸

Miscarriages and stillbirths must have been common, but they are not easy to track in the sources. Even today in Canada, with our knowledge of conception, pregnancy and birth, and our advanced medical care, twenty percent of all pregnancies are believed to end in miscarriage, and one percent of babies are stillborn.¹⁷⁹ The rates in Rome must have been much higher. The age difference between spouses may also have contributed to increased rates of miscarriage: women

¹⁷⁷ See discussion and criticism in Van Bavel 2004.

¹⁷⁸ This mortality rate is generally accepted by ancient historians. It is based on the Coale-Demeny life tables, as used by, for example, Parkin 1992: 92 and Frier 2000: 787-797.

¹⁷⁹ Jones 1997: 217. In addition, thirty percent of all fertilized eggs either fail to implant in the uterus or cease to grow shortly after implantation, usually before the woman can be certain she is pregnant (Jones 1997: 215).

who are impregnated by men over the age of forty are sixty percent more likely to experience a miscarriage than women whose partners are between the ages of twenty-five to twenty-nine.¹⁸⁰

The only time miscarriages were likely to be recorded by our sources was when the loss of the pregnancy had political ramifications. Such was the case for the miscarriage experienced by Julia, daughter of Julius Caesar and wife of Pompey, in 55 B.C. The sources agree that a live child could have done much to repair the shaky alliance between the two men.¹⁸¹ Likewise, in a letter to Atticus in May of 44 B.C., Cicero writes that he was sorry to hear of the miscarriage (*abortum*) of Tertulla, the wife of Cassius and sister of Brutus.¹⁸² Cicero had a particular interest in this child, telling Atticus that “Cassii need to be born at this time just as much as Bruti” (*tam enim Cassii sunt iam quam Bruti serendi*). His words have particular political resonance given the date of the letter. Writing just two short months after the assassination of Julius Caesar, Cicero looks to Cassius and Brutus as the champions of the Republic. He emphasizes the public loss of what he imagines to be the next generation of republican defenders rather than the private tragedy experienced by the two families. It is unlikely Cicero would have reacted in a similar manner to the news of a pregnancy loss suffered by a woman to whom he was not connected. Nevertheless, the letter is illustrative of two things: first, that to some extent a woman’s *fecunditas* was thought to be public property, at least once the pregnancy was advanced enough to be clearly visible, particularly if the child would be born into powerful familial connections. Secondly, men did not refrain from discussing pregnancy loss even when the unfortunate woman was unrelated to them; miscarriage was not a taboo subject. Not only did someone feel it necessary to inform Cicero of the sad event, but he also felt it worthwhile to comment on it to Atticus.

Elaine Fantham has argued that miscarriages, stillbirths and infant deaths were so common that “they went unreported by historians unless the mother died in childbirth or as a consequence of a recent birth”.¹⁸³ She adds that miscarriages can only be suspected where lengthy gaps exist between the birth-dates of siblings, an argument which assumes that the Romans were incapable of exercising any form of fertility control. It is rare enough that we can

¹⁸⁰ Kleinhaus *et al.* 2006.

¹⁸¹ Val. Max. 4.6.4; Plut. *Pomp.* 53. Julia then died in childbirth the following year, and the child (a son according to some authors, a daughter according to others) died not long afterwards (Vell. Pat. 2.47.2; Plut. *Caes.* 23, *Pomp.* 53; Suet. *Iul.* 26; Dio Cass. 39.64; Livy, *Epit.* 106).

¹⁸² *Att.* 14.20 (374 SB). For Tertulla’s political connections, see Cic. *Fam.* 15.14 (106 SB).

¹⁸³ 2006: 2.

pinpoint the birth-dates of any Roman children, let alone use these to posit hypotheses about the reproductive successes or failures of their parents. As Beryl Rawson points out, the literary sources are usually vague concerning the number of children ever born because natality is not important to the élite authors; what matters is the number of children who survive to adulthood and, especially, the number who outlive their parents and become heirs to their family's property and name.¹⁸⁴ We cannot even reconstruct with confidence the names and birthdates of all the children born to the emperor Marcus Aurelius and his wife, Faustina the Younger, even though there were few Roman households for whom the issue of heirs could be more pressing than for the imperial family.¹⁸⁵ As a result, study of the very few families for whom we do have specific information regarding pregnancies and childbirths can do no more than hint at the possibilities for fertility control.

Because of Roman understanding of conception and pregnancy, élite Romans seeking to take advantage of natural checks on fertility would have struggled for several reasons.¹⁸⁶ First, it was widely believed that the most likely time for conception was when the woman's menstrual period was beginning or ending.¹⁸⁷ This is simply not correct. In a textbook menstrual cycle of twenty-eight days, where day one is considered to be the first day of a woman's period, ovulation generally occurs around day fourteen.¹⁸⁸ Ancient medical authorities recommended intercourse around days five to seven. This had a double effect: for those couples who were trying to conceive, they were likely to miss the woman's fertile period altogether, as sperm can only survive for at most five days, whereas for those couples trying to prevent pregnancy, they may well have reserved intercourse for later in the month, thus inadvertently increasing their chances of hitting upon the woman's fertile period. Such errors of timing, of course, would be mitigated if couples were engaging in intercourse on a regular basis for reasons other than just trying to conceive, but could be a factor if an élite man largely ignored his wife in favour of seeking out other women or men, such as mistresses, prostitutes, and slaves, to satisfy his sexual needs.

¹⁸⁴ Rawson 2003: 345.

¹⁸⁵ See Birley (1987: 103-108) for a reconstruction of the children born between the years A.D. 147-152, and Rawson, who notes that in this case numismatic evidence yields more information than the literary sources (2003: 345-346).

¹⁸⁶ For the seasonal birthing cycle of Roman women, see Shaw 2001, where he argues for a concentration of births in the fall and early winter.

¹⁸⁷ E.g., Plin. *HN* 7.16; Sor. *Gyn.* 1.61

¹⁸⁸ Jones 1997: 67.

The importance of breastfeeding was a topic of some controversy in the Roman world. Breastfeeding, while by no means a failsafe form of contraception, can act to suppress ovulation, particularly when the child is nursing eight or more times in a twenty-four hour period and is not receiving any other form of nourishment, such as solid food or milk from animal sources.¹⁸⁹ There are hints that this potential contraceptive effect was recognized in the ancient world. Soranus follows Aristotle in acknowledging that menstruation did not normally occur while a woman was breastfeeding, and states elsewhere that one reason for employing a wet nurse was to speed a woman's further childbearing. Similarly, in a work ascribed to Plutarch, women are encouraged to nurse their children, unless they suffered bodily weakness, or were in a hurry to have more children.¹⁹⁰ However, as Parkin has pointed out, these few examples do not prove widespread knowledge of this contraceptive effect; it is possible that all that is being referred to is the belief that intercourse should not take place while breastfeeding continues.¹⁹¹

Extended breastfeeding – nursing a child beyond the first year of life – was common practice in the Roman world. Lucretius imagines a boy of three still searching out a milky breast in his sleep, Soranus does not recommend weaning before eighteen to twenty-four months, and wet nursing contracts in Egypt, which ought to reflect normal practices, were usually for a two-year period.¹⁹² *BGU IV 1107*, a wet nursing contract on papyrus from 13 B.C., imposes sexual restrictions on the wet nurse, including a ban on becoming pregnant or suckling another child, perhaps indicating awareness that falling pregnant again could impact her supply for her current charge. In theory, such extended breastfeeding would have increased the length of time between births for Roman women. Élite Roman women, however, for the most part did not breastfeed their children but used wet nurses.¹⁹³ This was a marker of social class: Juvenal imagines the poor woman brought to bed in labour and struggling with the demands of nursing (6.593), and that a peasant child, frightened by the performance, is in his mother's arms, and not those of a

¹⁸⁹ Jones 1997: 259; Lawrence and Lawrence 1999: 653-664. Breastfeeding on its own, however, is not a failsafe contraceptive, and should not be relied upon if a couple wishes to prevent another pregnancy following in quick succession (Jones 1997: 287).

¹⁹⁰ Sor. *Gyn.* 1.3 and 2.11. [Plut.] *de Lib. Educ.* 3d.5.

¹⁹¹ Parkin 1992: 130-131. cf. Frier 2000: 803.

¹⁹² Lucr. 5.885; Sor. *Gyn.* 2.47; for wet nursing contracts, see Bagnall and Frier 1994: 149-151. cf. Frier 2000: 803.

¹⁹³ Wet nursing in ancient Rome has been studied extensively. For discussion see Manca Masciadri and Montevecchi (1984); Bradley (1986; 1991: 13-3 and 1994); Fildes (1986: 17-36); Joshel (1986); Dixon (1988: 120-129; 1992: 98-132 and 2000); Eichenauer (1988: 274-283); Vilatte (1991); Parkin (1992: 130-132); Schulze (1998); Crespo Ortiz de Zarate (2002, 2005 and 2006); Sparreboom (2014). For the complex portrayal of breast-feeding in ancient literature see Salzman-Mitchell 2012. For the visual evidence, see Bonfante 1997.

nurse (3.174-176). Tacitus praises the Germans for nursing their children; the tacit comparison is with the élite women of Rome, who do not.¹⁹⁴ Élite women who did breastfeed their children, on the other hand, were rare enough to be considered worthy of note and were highly praised.¹⁹⁵

The decision by most élite families to use wet nurses was open to controversy. The Roman philosopher, Favorinus, according to Aulus Gellius, engaged in a lengthy diatribe against the use of wet nurses when visiting a new father of senatorial rank:

tum in primis aedibus complexus hominem congratulatus que adsedit. atque ubi percontatus est quam diutinum puerperium et quam laboriosi nixus fuissent, puellamque defessam labore ac vigilia somnum capere cognovit, fabulari instituit prolixius et: "nihil" inquit "dubito, quin filium lacte suo nutritura sit." sed cum mater puellae parcendum esse ei diceret adhibendasque puero nutrices, ne ad dolores, quos in enitendo tulisset, munus quoque nutritionis grave ac difficile accederet, "oro te," inquit "mulier, sine eam totam integram matrem esse filii sui."

Then [Favorinus] upon first entering the house embraced and congratulated the father and sat down. And when he had inquired about how prolonged had been the labour and how difficult the birth, and had learned that the girl was resting, exhausted by the birth and the lack of sleep, he set about conversing at greater length and said: "I have no doubt she will nurse her son herself!" But when the girl's mother told him that she had to spare her daughter and employ nurses for the boy, in order that the tiresome and difficult responsibility of nursing might not be added to the pains which she had endured in childbirth, he said: "I beseech you, madam, let her be wholly and entirely the mother of her own child."

(Gell. NA 12.1.4-5)

Gellius' image of childbirth, like that envisioned by Juvenal, acknowledges the demands of nursing: the mother seeks to spare her daughter the "tiresome and difficult" (*gravis ac difficilis*) task. What is most interesting here is that it is the maternal grandmother, present in her son-in-law's house, who argues against breastfeeding.¹⁹⁶ The new mother is asleep; we are not privy to her opinion on the matter. The maternal grandmother's protests give Favorinus an opening for criticizing what he considers to be a selfish decision to sacrifice the health of the child to the vanity and laziness of the mother. He berates women who refuse to nurse their children because

¹⁹⁴ *Germ.* 20; cf. *Dial.* 28-29.

¹⁹⁵ Famous examples included Licinia, the first wife of the notoriously old-fashioned Cato the Elder (Plut. *Cat. Mai.* 20); and Plutarch's own wife (*Mor. Conso. ad uxor.* 609e). In the *Octavia* attributed to Seneca, the younger Agrippina claims to have nursed Nero herself (*Oct.* 636-638).

¹⁹⁶ A similar argument is found outside the ranks of the élite in *P.Lond.* 3.951 (verso), a papyrus from the second half of the third century A.D. Here, either the new mother's mother or her father – the identity of the letter writer is lost – berates the new father for compelling the mother to nurse the infant herself, telling him to get her a wet nurse if she wants one. Manca Masciadri and Montevecchi (1984: 198) and Laes (2011: 69) assume the letter writer is the maternal grandfather. Bagnall and Cribiore (2006: 265) feel the maternal grandmother is just as likely a candidate.

they fear this will destroy their beauty (Gell. NA 12.1.7-8), an argument that echoes the attacks made on Roman women by other authors for their supposed refusal to bear children in the first place. Favorinus also argues emphatically that a wet nurse is no substitute for the mother's own milk (Gell. NA 12.1.10-17). Indeed, according to Favorinus, using milk from a wet nurse could well hinder the child's development and cause permanent damage, especially if the woman hired is "either a slave or of servile origin and, as usually happens, of a foreign and barbarous nation" (*aut serva aut servilis est et, ut plerumque solet, externae et barbarae nationis est*) (Gell. NA 12.1.17). Favorinus argues that little discernment is used when choosing a wet nurse, complaining that "as a rule anyone who has milk at the time is employed and no distinction made" (*nam plerumque sine discrimine, quaecumque id temporis lactans est, adhiberi solet*) (Gell. NA. 12.1.17).

Juvenal also points to the refusal of elite women to breastfeed as an indicator of their supposed selfishness and vanity. Generations ago, he imagines, women nursed their own children and did not hand them over to a wet nurse. For Juvenal, the humans of the Golden Age, although still cave-dwellers, were more civilized than the Romans of his own day, in part because mothers nursed their children.¹⁹⁷ Juvenal later contrasts this image with that of a woman of his own day:

*sed cantet potius quam totam peruolet urbem
audax et coetus possit quae ferre uirorum
cumque paludatis ducibus praesente marito
ipsa loqui recta facie siccisque mamillis.*

But better your wife spends her time singing than boldly rushing about through the whole city and eagerly attending men's meetings. And, with her husband looking on, haranguing the generals in their military cloaks herself, with unflinching face and empty breasts.

(6.398-401)

Juvenal's point is not exactly subtle: by engaging in speech concerning warfare and politics the woman is behaving in a mannish fashion, and her empty breasts only serve to emphasize how far removed she has become from the expectations of a woman. *Cantare* often brings with it the idea of performing in public and Juvenal's use of it here suggests that her behaviour is so outrageous it would be less embarrassing for her husband if she were an actress, a category of

¹⁹⁷ Juv. 6.9. The idea that female virtue had fallen significantly from its glorious heights in the distant past was a common theme among our male authors: witness Pliny the Younger's praise for a friend's wife who, he says, would have been a model wife even by the standards of generations past (*Ep.* 8.5).

person with no social respectability. Rather than imposing her opinions where they are, as Juvenal suggests, neither informed nor wanted, she should instead concentrate on an appropriate sphere of activity: motherhood, epitomized by breastfeeding. We are meant to recognize that while the woman thinks she is being clever, Juvenal represents her as an embarrassment to herself but also, more importantly, to her husband.

The decision not to nurse a child is presented by our male authors as a choice made by selfish elite women, but it is worth considering whether a wet nurse would have been a necessity in a significant number of cases. Particularly for first pregnancies, when the expectant mother may well have been no older than thirteen or fourteen, she may have been physically incapable of producing enough milk to feed her child; her own still-developing body would have made its own demands. During subsequent pregnancies and births, when the woman was older and perhaps more capable of producing the nourishment her babies would demand, the pattern of using a wet nurse would have been already established. Soranus writes that a woman should breastfeed her own children whenever possible, but advocates the use of a wet nurse for the first month (*Gyn.* 2.12). This advice would result in a mother with an inadequate milk supply, for it is the baby's suckling at the breast that stimulates further milk production.¹⁹⁸ A mother who did not breastfeed her child for the first month would have no recourse but to continue to employ a wet nurse.

It is not likely, therefore, that elite Romans were able to take much practical advantage of natural checks on fertility. A study of the demographics of medieval Scandinavia, a society where both men and women married for the first time at around age fifteen and extended breastfeeding was the norm, determined that women gave birth on average every twenty-nine months.¹⁹⁹ Given the absence of extended breastfeeding, birth intervals for elite Roman women would be even shorter. A comment by Seneca the Younger hints at this. In his consolation to his mother, written upon his exile, Seneca praises her for not being like other women, in that she was never embarrassed that the number of her children revealed her age (*Helv.* 16.3). Seneca's statement implies that women give birth at regular, expected intervals, and that the number of one's children is as good an indicator of a woman's age as any other means.²⁰⁰

¹⁹⁸ Lawrence and Lawrence 1999: 249, 252; Dalzell *et al.* 2010: 63, 70. Galen's *De sanititate tuenda* provides advice for nursing women who wish to preserve the quality of their milk.

¹⁹⁹ Benedictow 1993: 46-56.

²⁰⁰ cf. [Quint.] *Decl. min.* 277 for another example where children are taken as an unwanted sign of one's age.

With natural checks on fertility not reliable, Romans would have sometimes turned to such other means as contraception, abortion, exposure, or infanticide. Not every method would be appropriate for every situation. The desire for family limitation may have sprung from a need to control the total number of offspring, to manipulate the nature of the offspring, such as by artificially creating a gender imbalance, or to erase the evidence of illicit reproduction, such as pregnancies arising from adulterous liaisons. We should note that many of our authors do not distinguish between a remedy that prevents conception and one that terminates a pregnancy once it had started. Although the distinction was recognized by at least some of the medical writers, Roman society in general would not have held such a nuanced understanding, and when Roman authors refer to abortion they mean the termination of a known pregnancy.²⁰¹

There is no denying that the Romans were interested in trying to control their family size. How successful they were is another question. John Riddle has argued that the Romans were able to effectively limit the size of their families, based on his findings that many of the remedies suggested by authors like Soranus and the elder Pliny do have contraceptive or abortifacient qualities.²⁰² Isolated properties identified in laboratory experiments, however, should not be taken as representative of wide-scale contraceptive success, and Riddle's conclusions have not met with overwhelming acceptance.²⁰³ It would be wrong, on the other hand, to categorically state that all of these methods were universally ineffective.²⁰⁴ In all likelihood, some couples would have experienced some form of contraceptive success, at least some of the time. But we should not overstate this effect. The Romans, élite or otherwise, did not have access to reliable birth control, and for the majority of couples, if they were having regular intercourse and both parties were fertile, it is likely that eventually the woman would become pregnant.

Abortion and exposure or infanticide were other options but all carried significant health risks for the woman. Abortions would have been sought through the use of drugs, pessaries or topical ointments, or perhaps could have been brought on through extreme physical exertion.

²⁰¹ Sor. *Gyn.* 1.60. cf. Hip. *Mul.* 8.170.

²⁰² Riddle 1992 and 1997.

²⁰³ E.g., Frier 1994: 328-333 and 2001: 151-154; King 1998: 132-156. Scheidel (2001: 39 and n. 160) makes the scathing comment that Riddle "treats his audience to an indigestible cocktail of errors and fantasies that turns the demographic sections of his work into an embarrassing travesty of scholarship". Bagnall and Frier note that the census returns from Roman Egypt show that twenty percent of births occur after age thirty-five. This figure approximates "natural" fertility and suggests that these couples were not effectively limiting family size, as where control can be exercised birth rates among older couples drops significantly (1994: 141).

²⁰⁴ Kapparis makes the point that "faith in the potential of abortifacient drugs would have eventually faded away" if these substances had absolutely no effect whatsoever (2002: 16).

Surgical terminations such as are common today must have been a last resort, if they were attempted at all.²⁰⁵ The risks associated with abortions were well-known. Soranus makes it clear that an abortion posed a greater risk to the health of the woman than did ordinary childbirth.²⁰⁶ Ovid portrays Corinna as being near death after undergoing an abortion (*Am.* 2.13 and 2.14). Domitian's niece, Julia, was said to have died after he impregnated her and forced her to take an abortifacient.²⁰⁷ Kapparis is surely right to argue that "elective abortion was far too dangerous to be employed as a method of family planning on a regular basis". It may have been the main option for prostitutes, slaves and others dealing with illicit pregnancies, but not for citizen wives in monogamous relationships.²⁰⁸

Nor was exposure or infanticide less risky. Many of the difficult births which today can be resolved through an emergency Caesarean section, such as shoulder dystopia, or umbilical cord malfunctions, would have ended in the Roman period with the death of the mother, the child, or both.²⁰⁹ As a reproductive strategy, exposure or infanticide was a more reliable option available to control family size. It was the only option that allowed the father to learn the infant's gender and to examine the infant's physical appearance before deciding whether to accept the newborn into the family. This provided obvious advantages, assuming that the mother survived labour and childbirth. The rate of exposure of unwanted infants in the ancient world has been hotly debated.²¹⁰ For our purposes, it will serve to acknowledge that it did happen, that girls were probably more often exposed than boys, and that parents were most likely to use exposure or infanticide when economic constraints impeded their ability to support a growing

²⁰⁵ For discussion of the various ways ancient women could attempt an abortion, see Kapparis 2002: 12–31. cf. Nardi 1971.

²⁰⁶ *Gyn.* 1.60. cf. *Hip. Mul.* 8.706.

²⁰⁷ *Plin. Ep.* 4.11.6; *Suet. Dom.* 22; *Juv.* 2.36-40 (although Juvenal twists the facts to his own purposes, describing a series of abortions and glossing over Julia's death).

²⁰⁸ Kapparis 2002: 143, although he contradicts himself elsewhere in his work, writing that abortion "was employed quite often by Roman women" (2002: 151) and that "abortion was still common practice" (2002: 164). Pace Brunt (1971: 148), who writes of abortion that "a practice that was not banned by the law and that suited the interests of men who wished to limit their families must have been common at least among those who could pay the *merces abortionis*", and Aubert (1989: 435), who assumes that "abortifacients were regularly used by women on themselves as a method of birth control".

²⁰⁹ For discussion of why human childbirth is so difficult, see Jones 1997: 242-244.

²¹⁰ Among others, see Brunt 1971: 148-154; Garnsey 1991; Rawson 1991b; Harris 1994 and Corbier 2001 for Rome; Patterson 1983 and Golden 1990 for Greece; and Engels 1980; Eyben 1980; Harris 1982 and Golden 1988 for the Greco-Roman world in general. Aubert (1989: 436) places too much weight on the prevalence of infanticide and child-exposure when he argues that the "extensive practice" of both "must have facilitated the procurement of young children – dead or alive – for magical purposes". Scheidel believes unbalanced sex ratios on epitaphs reflect "a culture of indifference to very young daughters that gradually diminished as they approached the age of marriage" rather than "rampant femicide" (2012: 116-117, with quotations at 117).

family. Élite families were criticized for using exposure or infanticide to control the number of heirs and reduce the fragmentation of inheritance.²¹¹ For the most part, however, our evidence suggests that elite families turned to exposure or infanticide only when the child was seriously deformed, or when there were questions raised about the child's paternity.²¹² More importantly for my purposes, there is no sense in the sources that the concerns raised about the elite population's failure to reproduce itself are a result of a too-heavy reliance on exposure or infanticide. Juvenal and the other writers do not lambast elite fathers for refusing to acknowledge their legitimate offspring. Instead, as we have seen, their criticism is largely directed at the elite women who are supposedly too vain to subject their bodies to the inevitable physical changes that come with pregnancy – physical changes that would have to be embraced in order for exposure or infanticide to become a potential method of fertility control. All told, the evidence does not confirm widespread adoption of these approaches to fertility control.

Some recourse to contraception, abortion, exposure, or infanticide occurred in the Roman world, and no doubt some couples would have enjoyed some success at limiting their family size as a result. But as long-term solutions to reproductive challenges, they are all found wanting. Frier argues that “no general population is known to have practiced family limitation before the fertility transition, and...Rome was apparently no exception”.²¹³ He suggests that the elite may have done more, but according to our evidence even they were probably not engaged in widespread successful family limitation.²¹⁴ Contraception and abortion were most likely to have been used in the context of non-marital fertility. Furthermore, Dixon argues, “Modern preoccupation with fertility control has led to interesting work on contraceptive/abortive practices in the ancient world...but has tended to obscure the much stronger interest in ensuring fertility in the ancient world”.²¹⁵ For Roman families, including notably among the elite, too few children was a greater concern than too many.²¹⁶

²¹¹ cf. Brunt 1971: 142. Musonius Rufus criticizes elite families for doing exactly this (15).

²¹² Famously, Claudius exposed the daughter born to him by his first wife, Plautia Urgulanilla, on the grounds that he was not the father (Suet. *Claud.* 27). Soranus writes that deformity is the only reason not to bring up a child (*Gyn.* 2.10); cf. Cic. *Leg.* 3.19; Sen. *De Ira* 1.15.2.

²¹³ Frier 2000: 803.

²¹⁴ Frier 2000: 806. Hin (2013: 205-208) makes a similar argument concerning the elite.

²¹⁵ 2003: 121, n.27. cf. Evans Grubbs (1995: 87), who writes, “In my opinion, both the frequency of use and the effectiveness of contraception and induced abortion have been overestimated by scholars who have taken at face value the often misogynistic remarks of ancient satirists and moralists”. For the Romans' interest in preserving and enhancing fertility, see below, Chapter Five.

²¹⁶ *Contra* Kapparis 2002, esp. 164 and 197, where he claims that “people did not go for big families”. A Roman couple may not have ended up with many children, but that does not mean they had planned it that way.

At the same time, an undercurrent runs through the literary sources that some reproductive control could, and should, be exercised. These anecdotes reveal an issue of reproductive control rooted in male anxiety over female usurpation of the decision to bring up a child. Exposure or infanticide, while potentially more dangerous for the mother, did allow the father to decide whether the child would be accepted into the family. Abortion, however, removed that paternal power. The male attitude toward abortion is neatly encapsulated by Juvenal in the passage from his sixth satire concerning the unwillingness of élite women to endure pregnancy and childbirth.²¹⁷ Interestingly, while Juvenal acknowledges the dangers inherent in childbirth, he glosses over the equally significant risks associated with abortion. For him, the women undergoing abortions are taking the easy route. Their selfish desires to preserve their figures render their husbands childless.

Other authors also levy the criticism that abortions deny men their rightful heirs.²¹⁸ It was even deemed to be unacceptable behaviour to abort a child after a divorce. One case, cited three times in the *Digest*, concerns a rescript of the emperors Septimius Severus and Caracalla, who ruled that the provincial governor ought to sentence a woman to temporary exile if she had aborted her husband's child without his knowledge.²¹⁹ As the jurist Marcian puts it, "For it can seem scandalous that she escaped punishment, having cheated her husband of children" (*indignum enim videri potest impune eam maritum liberis fraudasse*) (*Dig.* 47.11.4). Although this decision has often been held up as the sole example of explicit legislation concerning abortion from the classical period, Judith Evans Grubbs has pointed out that the case in question does not refer to "a wife who wanted to limit the number of children she bore to her husband in a stable marriage, but a divorcée who wanted no part of her ex-husband, including his child, and was indeed deliberately depriving him of his chance to be a father", for it is clear from one of the relevant passages that the couple was divorced.²²⁰ This case, therefore, cannot be taken as evidence that women in legitimate marriages would look to abortion as a means of controlling their family size, with or without their husbands' permission.

Men also criticize abortion when the woman is unmarried, even though no husband is deprived of an heir. Ovid suggests that girls who die from abortions gone wrong will find no

²¹⁷ For the quotation and earlier discussion, see above, pp. 36-37.

²¹⁸ E.g., Cic. *Clu.* 32; Plin. *HN* 25.57. Plutarch ascribes a law listing abortion among grounds for divorce to Romulus (*Rom.* 22.3).

²¹⁹ *Dig.* 47.11.4. (Marcian), 48.8.8 (Ulpian) and 48.19.39 (Tryphoninus).

²²⁰ Evans Grubbs 2005: 45-46. The couple are said to be divorced at *Dig.* 48.19.39 (Tryphoninus).

sympathy: onlookers at their funeral will insist that they have got what they deserved (*Am.* 2.14.39-40). Even as Corinna's lover Ovid expresses anger at her actions: although he begs the gods to save her life this time, if she does it again, the gods should punish her (*Ov. Am.* 2.14.44). It is through this lens of male anger at female action that we should view the repeated claims in some of our sources that women procured abortions on aesthetic grounds.

Abortion is presented as women's business. In Juvenal's vision, it is a woman who provides the drugs that prevent pregnancies and produce abortions.²²¹ The entire process is outside the control of men: even if the husband were aware of the wife's actions, states Juvenal, and indeed wanted her to go through with the abortion, he would be ignorant of the contents of the concoction she needed to drink (6.597-598). Juvenal's selfish, plotting wife and her ignorant husband embody the anxiety frequently voiced by our male authors concerning supposed female control of reproduction. The same anxiety can be seen in the story transmitted by Ovid and Plutarch of the Roman matrons who successfully protested a law that forbade them from using chariots by refusing to give birth.²²² Plutarch says only that the women refused to conceive (κυσκεσθαι) or to bear children (τίκτειν), but Ovid is more explicit in claiming the women resorted en masse to abortions: *ictu temeraria caeco / visceribus crescens excutiebat onus* (*Fast.* 1.623-624). The anecdote is much more likely to be illustrative of male fears of potential female action than to reflect an actual historical incident, particularly when one considers the risks inherent in undergoing an abortion; it seems most improbable that women would collectively resort to such an extreme measure.²²³

We should be equally suspicious of the assertions by some of our sources that women procured abortions solely for aesthetic reasons. Kapparis seems much too willing to give credence to these statements, writing that "if abortions for aesthetic reasons did not take place in imperial Rome, there would have been no need to moralise against this practice".²²⁴ Hopkins and Burton, too, take these statements at face value, claiming on the basis of two passages that "fashionable women were reluctant to spoil their figures with a large number of children" and that some upper class women "restricted their fertility".²²⁵ Largely based on evidence drawn from Juvenal, Barnard assumes a "deliberate rejection of motherhood" to be common in the

²²¹ 6.595-597. And not a man, as translated by Kapparis (2002: 106): the *quae* should be read as feminine.

²²² *Ov. Fast.* 1.619-628; *Plut. Mor. Quaest. Rom.* 278b.

²²³ *Contra* Kapparis 2002: 128-130, who seems to take the incident at face value.

²²⁴ 2002: 119.

²²⁵ Hopkins 1983: 94 and 95.

Principate, although “certainly not fashionable” in the Republic.²²⁶ It is not hard to see how male authors would hit upon abortions as one more vehicle through which they could express their moral outrage: vanity was an easy vice with which to smear women, and claiming that a woman had undergone an abortion solely for the sake of her figure provided a neat double layer of criticism. Although Rome was a patriarchal society where men controlled women’s lives to a significant degree, when it came to reproduction they were unusually vulnerable: men needed heirs, but they could not bear children themselves. This vulnerability underlies the literary sources’ denunciations of women who keep their bellies flat, who indulge in adultery and fool their husbands into raising children that are not their own. It is easy for our authors to imagine women refusing to bear children and to dwell on the horrifying consequences such a decision could wreak, regardless of the extent to which these flights of fancy reflected the realities of life in Rome.

CONCLUSION

Despite nuances and disagreements in our disparate evidence, our Roman sources paint a remarkably similar picture of marriage and childbearing. For nearly everyone, marriages were a natural and expected part of life. Children normally followed marriage, and their births served to legitimate the union more than any other action. Although expensive and time consuming, children were valued for several reasons, not least for their own sake. Yet coupled with these assertions about the natural link between marriage and childbearing, the same works represent anxieties that the élite was not reproducing at a rate sufficient to maintain itself. The city was said to be filled with *orbi* and their sycophantic legacy hunters, élite men who shrugged off the burdens of marriage and fatherhood, and élite women who refused to bear children and secretly procured abortions to keep their bellies flat.

The entire institution of élite Roman marriage was designed to encourage early and frequent childbearing. The likelihood of any élite Roman man remaining both unmarried and childless for the extent of his life was slim; for élite Roman women it was non-existent. Élite women married at a young age and, if widowed or divorced before reaching menopause, were expected to remarry and produce more children. Women whose fertility had been established

²²⁶ 1990: 392, when considering Sempronia, the wife of Scipio Aemilianus. He makes no specific mention of abortion.

through successful birthing of children could be sought after in second and subsequent marriages, especially by those men who still required an heir. Élite Romans, despite what the literary sources sometimes imply, had no means of limiting their family size that was both reliable and safe. Élite families did die out over time, but usually as a result of a combination of natural factors. In a high mortality environment, chance was a much greater factor than any intentional efforts at fertility control. While effective methods were scarce, some members of the Roman élite may have succeeded in limiting family size. Nevertheless, widespread family limitation or even its intent is unlikely. The anxieties our sources voice so frequently are therefore more likely to be indicative of several concerns related to women's perceived control over reproduction. For while *fecunditas* was a virtue to be prized, as we will see in the next chapter it was not something that was expected to be demonstrated equally by both sexes.

Chapter Two: Gendering *Fecunditas*

INTRODUCTION

Children may have been the expected result of élite Roman marriages, but the responsibility for producing these children did not lie equally with both spouses. This chapter begins with an assessment of the paradox of élite Roman attitudes towards childbearing: even though the Roman understanding of infertility included at least some awareness that male infertility was not limited to impotence, Roman social *mores* insisted that all responsibility for conceiving and carrying a pregnancy to term rested with the woman. Her *fecunditas* was crucial and left her open to praise or censure according to her success in achieving the ideal family. These attitudes removed any blame from a husband who found himself childless, even one such as Pliny the Younger who remained childless after three marriages, but they also left no room to praise men, like Germanicus, who were the fathers of large broods. It was this need to find a means of praising men that led to the treatment of *fecunditas* as a recognized female virtue, one that a husband could safely be praised for taking advantage of, without ever implying that the virility of another man, less fortunate in his number of children, was suspect. This chapter examines the construction of *fecunditas* as a virtue, its association with *pudicitia*, and the benefits it offered both to wives who demonstrated it and husbands who were seen to have made such a fortunate choice of spouse. More official rewards that came with parenthood, such as the *ius trium liberorum*, will be discussed in Chapter Three. In this chapter I focus instead on the less easily quantified benefits, such as a husband's use of his wife's *fecunditas* to increase his own social capital.

There was more to excelling at *fecunditas* than just giving birth to several children. It was considered entirely possible to possess too much of a good thing: women could be criticized for producing too many children as much as for producing too few. Thus, in the latter sections of the chapter, I turn my attention to how a woman could be considered a reproductive failure even if she was proven not to be barren, examining gender preferences, hyper-fertility and those rarest of demographic outliers, multiple births. Throughout the chapter there runs a common thread. While a woman's *fecunditas* was a most important virtue, second, I would argue, only to *pudicitia* in the Roman construction of an ideal élite woman, excelling at it brought no

guarantees. It was thought that proven *fecunditas* ought to protect a woman from divorce and other poor treatment, but social expectations could not always trump political and dynastic preoccupations. A woman's *fecunditas* made her vulnerable when she did not produce children, when she produced too many children, or when the children she did produce proved to be a disappointment. Giving birth to a child proved a woman fertile, but much more was required before she could truly be said to excel in the Roman virtue of *fecunditas*.

PARTNERS IN CONCEPTION? THE ROMAN UNDERSTANDING OF INFERTILITY

While the Romans were well aware that not all marriages would bear fruit, they assumed, with very few exceptions, that the blame for such barrenness lay with the female spouse. A failure to conceive immediately is, of course, not necessarily indicative of physiological impediment: in modern societies healthy and fertile couples who have intercourse during the woman's fertile period have only a twenty to twenty-five percent chance of conceiving each month.²²⁷ But the vast majority of couples, as many as eighty-five to ninety percent, will conceive within a year of trying.²²⁸ The likelihood of conception for the Romans may have been hindered by the unsound medical advice that the best time to conceive was just as the woman's menstrual period was ending.²²⁹ Even so, a newly married couple, eager to start a family, may well have begun to harbor doubts concerning their fertility if a year or longer had passed without any sign of pregnancy.

Male infertility was primarily associated with impotence. As late as the sixth century A.D., when the Christian emperor Justinian was restricting access to divorces, he included the impotence of the husband in the few accepted grounds. If the husband was impotent continuously for the first two years of their marriage, the wife's family had the right to request a divorce and keep her dowry.²³⁰ Earlier in the Principate, impotent men invited ridicule and were a favourite target of the satirists. Martial criticizes a certain Fabullus for requesting the *ius trium liberorum* as a special favour from the emperor. Fabullus, we are meant to understand, is currently childless, but he has a wife who is "beautiful, virtuous and a young woman" (*formosa, pudica, puella*). Martial tells Fabullus that he ought to be able to grant himself the rights for

²²⁷ Twenty percent: Montville and Thomas 2008: 118; Twenty-five percent: Wilcox 2010: 132.

²²⁸ Montville and Thomas 2008: 118.

²²⁹ Discussed above, Chapter One, p. 63.

²³⁰ *Cod. Iust.* 5.17.10, see also *Nov. Iust.* 117.12. There appears to have been no recourse for either women or men if infertility was suspected, or if the husband became impotent at a later stage.

which he is petitioning, “if you can get it up” (*si potes arrigere*) (9.66). Martial also disparages a certain Almo: “[He] owns a full set of eunuchs and he doesn’t get it up himself; and he complains because his Polla gives birth to nothing” (*Omnes eunuchos habet Almo nec arrigit ipse: / et queritur pariat quod sua Polla nihil*) (10.91). Almo’s lack of children is entirely his own fault, suggests Martial. Not only is he himself incapable of sexual intercourse, but he has not even provided an acceptable substitute within his household. We cannot know whether Polla is meant to be Almo’s wife, or merely one of his slaves. Either way, it is interesting that Martial imagines the possibility of another individual taking Almo’s place to father the children he cannot. Another substitute father is found in 10.102, where Martial tells his reader, a certain Avitus, “You’d like to know how Philinus, who never has sex, became a father? Let Gaditanus answer that, Avitus, who writes nothing and who nevertheless is a poet” (*Qua factus ratione sit requiris, / qui numquam futuit, pater Philinus? / Gaditanus, Avite, dicat istud, / qui scribit nihil et tamen poeta est.*). Gaditanus’ verses are written by others. In the same vein, Philinus, who either is incapable of intercourse or just refuses to engage in it with his wife, has turned to another’s talents to make himself a father.

Juvenal, in his ninth satire, represents the same situation. Juvenal’s authorial persona holds a conversation with a disgruntled male prostitute named Naevolus.²³¹ Among other complaints, Naevolus is bitter because his most excellent service is not appreciated: not only does Naevolus penetrate his patron, who is construed as effeminate to the extreme, but Naevolus has even sired children on his patron’s wife in order for his patron to reap the benefits of fatherhood:

*nullum ergo meritum est, ingrata ac perfide, nullum
quod tibi filiulus uel filia nascitur ex me?
tollis enim et libris actorum spargere gaudes
argumenta uiri. foribus suspende coronas:
iam pater es, dedimus quod famae opponere possis.
iura parentis habes, propter me scriberis heres,
legatum omne capis nec non et dulce caducum.
commoda praeterea iungentur multa caducis,
si numerum, si tres impleuero.*

Does it count for nothing, nothing at all, you ungrateful swindler,
that, thanks to me, you possess a little son and daughter?
You rear them as yours, and you like to proclaim in the daily gazette
the proofs of your manhood. Hang a garland over your door;

²³¹ For this satire, see Bellandi 1974; Hendry 2000.

now you're a father! I've given you the means of silencing gossip.
Thanks to me, you have parent's rights; you are listed as heir,
you receive whole legacies, and juicy bequests which celibates forfeit.
As well as bequests, you'll enjoy many another advantage,
if I bring your family up to three.

(9.82-90, trans. Rudd)

It is not clear whether Naevolus' patron is physically incapable of impregnating his wife, or just very unwilling given his other sexual proclivities. That he could well be impotent is perhaps implied by Naevolus' earlier assertion that "had I not been / a loyal and devoted client, your wife would still be a virgin" (*ni tibi deditus essem / deuotusque cliens, uxor tua uirgo maneret*) (9.71-72, trans. Rudd). Indeed, Naevolus claims that the wife was on the verge of abandoning the marriage before he stepped in, for she had "torn up the contract and was moving out" (*tabulas quoque ruperat et iam signabat*) (9.75, trans. Rudd). This should be read with caution. Juvenal's sly take on the matter implies that the wife's sexual frustration had reached such a peak that she found the situation no longer tolerable, as Naevolus then confides that it took him all night to salvage matters.²³² It should not, therefore, be read as proof that a wife would use her husband's inability or unwillingness to engage in sexual intercourse with her as a valid reason for divorce. What it does show is that husbands could be targets of ridicule if their new wives remained virgins for too long. In these situations the blame for childlessness sat squarely on the man's shoulders.

Given the generally negative attitude found in our sources concerning the impact of and adherence to the Augustan marriage legislation, it is perhaps unexpected that the need for children is considered to be so great that the unidentified father is willing to go to such lengths to achieve them. Interesting, too, is the idea that the father's lot has been significantly improved by the births of his 'children': Naevolus, disgruntled and dismayed at his lack of financial recompense for his services, points to the father's new ability to be named as an heir and to accept legacies and other bequests, a direct reference to the penalties imposed on the unmarried and childless by Augustus' marriage legislation. Naevolus further adds that the father's position in life will improve even more if Naevolus gives him a third child, a reference to the *ius trium liberorum*. His description of the prizes which go only to fathers stands in direct contradiction to the many assertions in Juvenal's other satires, and in the works of other authors, that

²³² 9.76. See, too, Mart. 11.71 where an elderly husband who is no longer capable of sexual intercourse brings in male doctors to alleviate the supposed sexual frustration of his (presumably much younger) wife.

childlessness is endemic in Rome because the best presents go to *orbi*.²³³ Naevolus admittedly is bound to put a positive spin on the father's situation, since the better the father's outlook, the more deserving Naevolus is of his anticipated rewards. Regardless, Naevolus' assertions about the benefits that come to parents, and the father's supposed desperation to produce children, do act as a reminder that we cannot take the usual claims concerning the benefits and popularity of voluntary childlessness at face value. They serve an artistic purpose for Juvenal just as the exact opposite assertion does here, and are subject to the same level of exaggeration and manipulation.

Juvenal's depiction of Naevolus and the willingly-cuckolded husband and Martial's witty criticisms of Almo and his eunuchs should never, of course, be interpreted as suggesting that one means of coping with male impotence was to invite another man to sire children on one's wife. In the first place, the very action would make all three parties liable under the Augustan laws on adultery.²³⁴ Secondly, Juvenal's treatment of the situation makes it clear that the husband has done nothing admirable. By allowing another man to impregnate his own wife, he may have won the superficial benefits allotted to parents, but he has sacrificed something much more important: his own *virtus*.²³⁵ What the situation does do is offer some indication of the social pressure that may have been felt by couples who remained childless for what was thought to be too long. Naevolus states that now the husband has the "means of silencing gossip" (*famae opponere possis*) (9.86), suggesting that the couple's childless state has been a source of comment.²³⁶

Although male infertility was usually assumed to be as a result of impotence, it would be a mistake to suggest that Roman medical understanding was so limited. At the end of Book Four of his *De Rerum Natura*, the Roman poet and philosopher Lucretius turns his attention to matters of reproduction. His treatment of infertility is brief, but it begins with a powerful image:

²³³ See above, Chapter One, pp. 37-40.

²³⁴ Ulpian (*Dig.* 48.5.2.2 and 48.5.2.6) claims that a husband who is aware of his wife's adultery but does not prosecute is liable to a charge of *lenocinium* (pandering), but see *Dig.* 48.5.2.3 and 48.5.30.4 which suggest the husband could only be prosecuted if he were guilty of *neglegentia* (negligence). Generally scholars have argued that a husband would only be convicted if he had caught his wife in the act and had not prosecuted, or if he had made a profit from the adultery, which would certainly apply in this case. See Corbett 1930: 142; Gardner 1986: 131; Treggiari 1991: 288-89, although Edwards (1993: 39) allows for multiple interpretations.

²³⁵ See, too, Mart. 5.41, where he claims that an effeminate and emasculate man named Didymus has no right to sit at the seats in the theater reserved for husbands.

²³⁶ Friends could also be expected to take an interest in the birth of a new child: Statius reproaches Menecrates for not sending him a message upon the birth of his third child, but leaving him to learn the news from others (*Silv.* 4.8.32-42).

*nec divina satum genitalem numina cuiquam
absterrent, pater a gnatis ne dulcibus umquam
appelletur et ut sterili Venere exigat aevom;
quod plerumque putant et multo sanguine maesti
conspargunt aras adolentque altaria donis,
ut gravidas reddant uxores semine largo;
ne quiquam divom numen sortisque fatigant;
nam steriles nimium crasso sunt semine partim,
et liquido praeter iustum tenuique vicissim.
tenve locis quia non potis est adfigere adhaesum,
liquitur extemplo et revocatum cedit abortu.
crassius hinc porro quoniam concretius aequo
mittitur, aut non tam prolixo provolat ictu
aut penetrare locos aequae nequit aut penetratum
aegre admiscetur muliebri semine semen.*

And divine powers do not withhold a reproductive sowing from anyone, so that he may never be named father by sweet children and spend the rest of his life in a barren union – as most men think, and mournfully sprinkle the altars with much blood and heap up the flaming altar tops with offerings, in order that they, with copious seed, might render their wives pregnant. They harass the will of the gods and the sacred lots to no effect. For some of them are sterile from excessively thick seed and others from seed which is abnormally runny and thin. The thin seed, because it is unable to adhere firmly to the right places, immediately trickles and being withdrawn falls short and fails to fertilize. The thicker seed, moreover, because it is discharged denser than it ought to be, either does not fly out with so wide-ranging a thrust, or is unable to equally penetrate the right places or, after penetration, mixes feebly with the woman’s seed.

(4.1233-1247)

In lines 1233-1239, Lucretius describes men who devote considerable energy and, perhaps, expense in failed pleas to the gods, begging them to alleviate their childlessness.²³⁷ Lucretius is far from sympathetic to their plight, stating bluntly that the men’s entire approach is misguided: it is not the gods who are responsible for their unwanted childlessness, but some physical fault of their own.

Lucretius’ rather haughty dismissal of the men’s actions should be read as just one of several examples of his efforts to guard against superstition.²³⁸ But his matter of fact portrayal of the men appealing to the gods suggests that a belief that infertility could be a result of divine displeasure was alive and well when he was writing in the mid-first century B.C. Lucretius’

²³⁷ For a commentary on this section see Bailey 1947: 1316-1319; Brown 1987: 336-352.

²³⁸ cf. 5.110-112.

image of the men soaking the altars in blood and causing the altar tops to flare up from the number of their offerings is a striking one; Brown writes that the passage “gives a vivid sense of the anxiety and despair engendered by childlessness, particularly in Roman society”.²³⁹ Notably, there is no sign in this passage of what so many other Roman authors claim were the attitudes of the élite towards child bearing: that children were an unwanted burden, that voluntary childlessness was endemic in Rome, and that the élite had to be pressured and coerced into reproducing. Instead, we are given a picture of vulnerable, desperate men. Lucretius, I would argue, intentionally targets areas of extreme vulnerability, such as his attack on the fear of death in Book Three, because these fears are most likely to lead men to seek comfort from the gods. It is in precisely these areas of vulnerability that he must convince his audience of the foolishness of their appeals to the gods.

Although few commentaries on the passage have noted it, this is a very rare example of men actively seeking to overcome their own suspected infertility.²⁴⁰ The hapless men Lucretius imagines are not causing mild infernos with their burnt offerings in order to request that the gods make their wives fertile: they are begging the gods to make *them* fertile. This passage stands as a clear outlier in the face of overwhelming evidence that the Roman élite believed, or chose to believe, that if a couple remained childless, it was the woman’s *fecunditas* that was at fault. Our sources also suggest that it was deemed the woman’s responsibility to investigate and to take the necessary steps to overcome the problem. Men for the most part were portrayed as passive observers of this process. This passage suggests that such a clean division of responsibility is an oversimplification. The men’s wives are barely mentioned, except as vessels to be made “pregnant” (*gravidas*) by “copious seed” (*semine largo*).

Unlike Juvenal’s satires, the passage in Lucretius must reflect real actions by real élite men in Rome. Lucretius may maintain a distanced stance as an observer, but his work is Roman to the core.²⁴¹ Indeed, Bailey notes in his commentary that, since Epicurus spoke against marriage and child-bearing, in this passage Lucretius speaks “more as the Roman *paterfamilias* than as the Epicurean philosopher”.²⁴² Lucretius’ audience had to be élite Roman men: no one else could be expected to have the philosophical background and level of literacy required to

²³⁹ Brown 1987: 337.

²⁴⁰ Ignored by, e.g., Bailey 1947: 1316-1317; Brown 1987: 336-346.

²⁴¹ See above, Introduction, p. 6.

²⁴² Bailey 1947: 1316. Witness Lucretius’ mention of the sacred lots, such as those at Praeneste, at line 4.1239.

fully appreciate his work. Nor should his arresting image of the men at the altars be read as poetic license or authorial fantasy. Lucretius wanted his readers to reject their mistaken ideas about religion – what he calls *superstitio* – and embrace instead the philosophy he was championing. There would be no point in berating such foolish actions if no one was actually performing them, and his attack would have much less of an impact on his élite audience if he were skewering actions performed only by the plebs. Likewise, there is no reason to imagine men begging the gods to relieve their own suspected infertility, rather than that of their wives, unless such appeals could and did occur. If Lucretius produced an image of male Roman behaviour so completely at odds with reality, he would lose any hope of convincing his readership to abandon superstition and embrace his scientific observations.

Lucretius also suggests that involuntary childlessness can be a result of incompatibilities between the two spouses, rather than any true infertility belonging to one or the other:

*atque alias alii complent magis ex aliisque
succipiunt aliae pondus magis inque gravescunt.
et multae steriles Hymenaeis ante fuerunt
pluribus et nactae post sunt tamen unde puellos
suscipere et partu possent ditescere dulci.
et quibus ante domi fecundae saepe nequissent
uxoris parere, inventast illis quoque compar
natura, ut possent gnatis munire senectam.*

Some men more easily make some women pregnant and other women more easily receive the burden and become pregnant from other men. And many women were barren in multiple earlier marriages, and nevertheless later obtained a spouse from whom they could conceive little boys and grow rich with sweet offspring. And for those men as well, whose earlier wives, despite being fertile, had often been unable to bear a child in their house, a physical match has been found, so that they are able to safeguard their old age with children.

(4.1249-1256)

According to Lucretius, some men and women who were unable to have children with a particular spouse were able to become parents with a different marital partner.²⁴³ Given the high likelihood of marriages ending prematurely in the Republic, either through death or divorce, it is

²⁴³ For this section see Bailey 1947: 1317-1318; Brown 1987: 352-358.

not hard to see how this theory could be advanced.²⁴⁴ Many, if not most, men and women would have the opportunity to produce children with more than one partner.

Writing from an Epicurean perspective, Lucretius' views might not reflect common beliefs circulating in Roman society. But a very similar description from the late first century A.D. of potential incompatibilities between the spouses is found in Book Seven of Pliny the Elder's *Historia Naturalis*:

est quaedam privatim dissociatio corporum, et inter se sterilis ubi cum aliis iunxere se, gignunt, sicut Augustus et Livia; item alii. aliaeque feminas tantum generant aut mares, plerumque et alternant, sicut Gracchorum mater duodeciens, Agrippina Germanici noviens; aliis sterilis est iuventa, aliis semel in vita datur gignere; quaedam non perferunt partus, quales, si quando medicina naturam vicere, feminam fere gignunt.

In some cases individuals are physically incompatible, and barren couples may produce children when married to other people, just like Augustus and Livia, and the same holds true for others. Some women only give birth to female children, others only to male. Most of the time, though, they give birth alternately to each sex, just as with the mother of the Gracchi, where this occurred twelve times, and with Germanicus' wife Agrippina, where this occurred nine times; some women are barren when young, others produce a child only once in a lifetime. Certain women cannot carry their children to full term; these women, if this tendency is overcome by medical intervention, usually produce a girl.

(Plin. *HN* 7.57)

Pliny points to the famous case of Augustus and Livia, a union which post-dates Lucretius, as illustrative of this theory.²⁴⁵ Other authors recognized the incongruity that Augustus and Livia, who had both had children with previous partners, appeared to have been unable to have children together, despite the many decades of their union. Suetonius writes that Augustus was greatly disappointed that the marriage with Livia was childless except for a premature birth.²⁴⁶

In general, it was recognized in the ancient world that both men and women had a part to play in conceiving a child. As Plutarch acknowledges, no woman is able to make a child without a man's help.²⁴⁷ Furthermore, the medical writers appear to confirm that this dual responsibility meant that a failure to conceive might result from either partner, or from a particular combination

²⁴⁴ See above, Chapter One, p. 60.

²⁴⁵ cf. Arist. *HA* 585^b, which likely provided background information for Pliny.

²⁴⁶ *Aug.* 63. Bartman (1999: 58) has no grounds for claiming that "Livia suffered several miscarriages". The pregnancy in Suetonius is the only one mentioned by our sources.

²⁴⁷ Plut. *Mor. Coniugalia praecepta* 145A.

of spouses. Their recommendations for treatment, however, were usually not equally balanced. The book transmitted as *History of Animals Ten*, which was probably not written by Aristotle, opens with the blunt statement that “The cause of a man and wife’s failure to generate when they have intercourse with each other lies sometimes in both, sometimes only in one or the other” (ἀνδρὶ καὶ γυναικὶ τοῦ μὴ γεννᾶν ἀλλήλοισι συνόντας τὸ αἴτιον ὅτε μὲν ἐν ἀμφοῖν ἐστὶν ὅτε δ’ ἐν θατέρῳ μόνον) ([Arist.] *HA* 10 633^b). Its therapeutic treatments, however, entirely focus on women’s bodies, especially the uterus. Likewise, the vast majority of items discussed by Pliny the Elder as assisting conception or treating infertility are clearly gendered female. Those few directed at men focus on curing impotence.²⁴⁸ Soranus’ chapter on “Sterility and barrenness” in his *Gynaecology* is lost, but abbreviated versions survive in the late antique latinizations of Caelius Aurelianus and Muscio. Both texts insist that sterility can be the fault of the man, the woman, or both. Muscio opens by stating “Sterility is a fault, common to both males and females” (*sterilitas commune vitium est et masculis et feminis*) (2.16). Muscio’s explanations for male sterility mostly relate to impotence, with causes including serious illness and exhaustion from excessive sexual intercourse. A physiological issue in the man’s penis could also be at fault. Women, however, remain the focus, and their bodies bear most of the remedies. Irrespective of whose body is ultimately responsible, it is female bodies which expose a couple’s infertility. Muscio does not limit the definition of infertility to failing to conceive. He writes, “women either do not conceive at all or when they have conceived they cannot retain (the embryo), or they cannot nourish it and come to full term and thus give birth to a normal child” (*aut in totum mulieres non concipiant, aut cum conceperint non retineat, aut non nutriant nec ad legitimum tempus perferre possint ut integrum infantem pariant*) (2.16). Something similar probably existed in Soranus’ original text.

Despite what medical knowledge, religious beliefs, or even the actions of others told them, most texts exonerated men from a role in the failure to conceive, gestate and give birth to children. Not all élite Romans were familiar with the medical writers. Lucretius and Pliny the Elder were likely exceptional. Lucretius as an Epicurean was interested in physiological explanations for calamities that had been in the past attributed to the gods. The scope of Pliny the Elder’s *Historia Naturalis* required that he read widely in order to collect all of the relevant

²⁴⁸ For substances that explicitly aid fertility in women see *HN* 20.3; 20.22; 20.58; 22.40; 24.6; 27.40; 28.13; 28.18; 28.27; 28.77; 30.43; 30.44; 30.45; 30.49; 31.4; 31.7. For cures for male impotence see *HN* 20.17; 21.92; 34.21. The one recipe for overcoming infertility in Celsus is likewise aimed at women (5.21.7).

references. While it seems unlikely that other élite Romans did not have at least some awareness of male infertility the sources repeatedly suggest that it was solely the woman's responsibility for the conception and birth of children. Provided a man was not impotent, his wife would bear the blame for their childlessness. Two examples in Appian illustrate this view. About the marriage of Scipio Aemilianus to Sempronia, Appian claims that the union was "both unloved and unloving because she was misshapen and childless" (διὰ δυσμορφίαν καὶ ἀπαιδίαν οὐτ' ἐστέργητο οὐτ' ἔστεργεν) (*B Civ.* 1.20). Similarly, in his account of the strange marriage of Marcia and Hortensius, Appian states that Hortensius "longed for children but did not have a wife capable of child-bearing" (παίδων τε ἐπιθυμοῦντι καὶ τεκνοποιοῦ γυναικὸς οὐ τυγχάνοντι) (*B Civ.* 2.14.99).

Another example where childlessness is attributed only to the female spouse is Pliny the Younger's famous letter to Calpurnius Fabatus, his paternal grandfather-in-law, on the sad occasion of his wife Calpurnia's miscarriage c. A.D. 107.²⁴⁹ The pregnancy ended early: Calpurnia allegedly was not even aware that she had conceived until the miscarriage occurred. Even so, Pliny interprets the event in a surprisingly positive way, writing to Fabatus that, "her fertility provides more certain hope of [grandchildren], even though it has been unhappily ascertained" (*spem certiore[m] haec ipsa quamquam parum prospere explorata fecunditas facit*) (8.10.2). It is Calpurnia's fertility that has been established by this pregnancy, even though it soon ended in a miscarriage. Pliny's own virility is both implied and assumed. This is hardly surprising: Pliny was writing to Calpurnia's grandfather, the *paterfamilias* of his wife's family. We ought not to expect him to voice any concerns about his own virility to such a man.

We know very little about Pliny's previous marriages, other than that no children resulted from them; we are not even certain whether he was married once or twice before he wed Calpurnia.²⁵⁰ Sherwin-White maintained, and I am inclined to agree, that Pliny married three times.²⁵¹ In his letter thanking Trajan for granting him the *ius trium liberorum*, Pliny makes

²⁴⁹ *Ep.* 8.10. On the importance of reading this letter and 8.11 as a unit, see Carlon 2009: 171-175.

²⁵⁰ The question of whether Pliny was married once or twice before marrying Calpurnia is a vexed one: Birley calls it "only soluble if new epigraphic evidence appears" (2000: 3).

²⁵¹ The issue hinges on Pliny's mention of his former mother-in-law in *Ep.* 1.18. Sherwin-White (1966: 128, 559-560) argues that this letter refers to another woman, and not Pompeia Celerina, whose daughter died in early A.D. 97. Shelton (2013: 96-97) agrees. Pliny appears to have maintained a valued relationship with Pompeia Celerina (cf. *Ep.* 1.4, 4.19, 9.13). His marriage to Calpurnia took place no earlier than mid A.D. 97 or later; Sherwin-White argues for sometime after his consulship in A.D. 100 (Sherwin-White 1966: 71, 266, 557-560). The fact that we

mention of his desire to father children, even during the most melancholy reign (*tristissimum saeculum*) of Domitian.²⁵² I think we are meant to understand that the *duo matrimonii* to which Pliny refers in his letter both took place during this period, that is between September A.D. 81 and September A.D. 96. Since we know that his wife immediately before Calpurnia died in late A.D. 96 or early A.D. 97, his marriage to Calpurnia had to have taken place after Domitian was assassinated.²⁵³ Furthermore, as Shelton notes, if we are to assume that the marriage to Calpurnia is one of the two mentioned in the letter, we must accept that Pliny was already disappointed enough in her failure to bear children after at most a year of marriage to mention this to Trajan.²⁵⁴ This would hardly be fair to Calpurnia, and seems most unlikely.

The number of Pliny's marriages does not affect my argument here. Whether Pliny had been married once for ten years or so, or married twice for shorter periods of time, if there had never been a pregnancy, even one that ultimately had failed, we might expect Pliny to harbor some self-doubt about his own virility, or, worse, to suspect that others might be entertaining similar thoughts.²⁵⁵ His impassioned suggestion to Fabatus that Calpurnia's miscarriage offered proof that she was fertile and that the promised grandchildren would surely arrive soon may indeed only represent Pliny's wish to put the best possible spin on what was a painful event for both men. In that case, perhaps Pliny was relying on a passage from his uncle's work, the *Historia Naturalis*, where Pliny the Elder writes that in some cases a miscarriage causes a woman to then experience a period of heightened fertility.²⁵⁶ But it may also hint at a desire to lay to rest any lingering doubts about his own virility that Fabatus or, given the conscious self-representation inherent in his letters, any future reader might be harboring.²⁵⁷ Pliny must surely have known that Calpurnia's ability to conceive was not definitive proof of her fertility, no matter what he claimed in his letter to Fabatus. Only the birth of a healthy infant could prove

know nothing at all about his possible first marriage has led a number of scholars, most recently Birley (2000: 2-3), Carlon (2009: 104-105), and Gibson and Morello (2012: 267-268) to maintain that Pliny only wed twice.

²⁵² *Ep.* 10.2, discussed below, Chapter Three, pp. 163-165.

²⁵³ In early A.D. 97, Pliny asked Anteia, the widow of Helvidius, to come to his own home, as he was restricted in his movements because his wife had recently died (*Ep.* 9.13).

²⁵⁴ Shelton 2013: 97.

²⁵⁵ If Pliny only had one wife before Calpurnia, the marriage likely lasted for a while: Pompeia Celerina's daughter died when Pliny was in his mid-thirties. Had he married in his early twenties, as was not unusual for elite men with political aspirations, their marriage could have lasted for a decade or longer, more than enough time to expect the birth of children.

²⁵⁶ Plin. *HN* 34.49.

²⁵⁷ On the letters as conscious means of self-representation, see especially Leach 1990, Radicke 1997, Hoffer 1999, Henderson 2002 and Carlon 2009.

that.²⁵⁸ By proving that he could get Calpurnia pregnant, however, Pliny effectively erased any blame from himself for their childless state.

FECUNDITAS AND VIRTUE

By constructing fertility as an entirely female responsibility, *fecunditas* became a virtue which women were expected to demonstrate. Roman men could demand it from their wives. If a Roman man married, he had the right to expect children. It was never his fault if they failed to materialize. This view, however much at odds with contemporary medical knowledge, is reiterated again and again in the sources. Horace writes that men want rich wives to bear them children (*Epist.* 1.2.44) and encourages the hopeful legacy hunter to avoid those with a *fecunda coniux* (*Sat.* 2.5.28-31). In a similar vein, Juvenal snidely comments that close, warm-hearted friends are created by a “barren wife” (*sterilis uxor*) (5.140), referring again to legacy hunters. Pliny the Younger praises a man for seeking to benefit from the *fecunditas* of his wife.²⁵⁹

A woman who failed to bear was in a very real sense thought to be failing not only as a wife, but also as a woman. Ulpian discusses whether a slave woman ought to be considered diseased, and thus worth less if she is to be sold, if she produces stillborn babies, if she is pregnant, if she is in labour, or if she is barren. In his argument, he makes it clear that a woman’s purpose was to bear children, writing that “it is the highest and particular lot of women to conceive and conserve what they conceive” (*maximum enim ac praecipuum munus feminarum est accipere ac tueri conceptum*) (*Dig.* 21.1.14.1). In most pre-modern societies it was part of the natural order of things for women to bear children. This expectation was not necessarily viewed as oppressive by women if they were raised to view the bearing of children as their main purpose in life. Saskia Hin has noted that in the absence of other opportunities, such as education, employment, and professional development, “having children was the most important time-investment and means for women to gain social status”.²⁶⁰

²⁵⁸ Pliny the Elder describes women incapable of carrying a child to term, who habitually suffer premature births that produce babies too young to survive (*HN* 7.57). The publication date of Pliny the Elder’s *Historia Naturalis* is usually assumed to be A.D. 77, based on the preface, where Pliny makes mention of the sixth consulship of Titus. There must have been at least twenty years between its publication and Pliny’s marriage to Calpurnia; the length of time between its publication and her miscarriage would have been even greater. It is unlikely in the extreme that Pliny the Younger would not have been familiar with his uncle’s work. For the quotation, see above, p. 83.

²⁵⁹ *Ep.* 4.15. and see discussion below, pp. 103-104.

²⁶⁰ Hin 2013: 202-203.

Indeed, according to our sources, women could take pride in, and even boast of, their own fertility. In the speech for the son accused of murdering his father in one of the declamations ascribed to Quintilian, the general attitude of a wife towards marriage is considered. The conclusion is drawn that a wife's only source of high esteem in a marriage is that she appears suitable for begetting children ([Quint.] *Decl.* 2.7). Valerius Maximus writes that "Children are a matron's best jewelry" (*maxima ornamenta esse matronis liberos*) (4.4.praef.) on the basis of an anecdote transmitted by Pomponius Rufus concerning Cornelia, the mother of the tribunes Ti. and C. Gracchus. Cornelia was entertaining a woman from Campania who owned exquisite jewelry. Cornelia, so the story goes, prolonged the woman's visit until her children arrived home from school and then proudly announced, "These are my jewels!" (*ornamenta sunt mea*) (Val. Max. 4.4.praef). Cornelia was, of course, a legendary *exemplum* of *fecunditas*. She is a logical choice for the source of the idea that women ought to flaunt their offspring rather than their material wealth, regardless of the historical veracity of such a story.²⁶¹

A woman could take too much pride in her childbearing accomplishments. Agrippina the Elder, wife of Germanicus, was a mother of six living children, and her pride in her *fecunditas* was portrayed by Tacitus as a cause for jealousy among other women. When Sejanus decided to target Germanicus' children in A.D. 23, Tacitus claims that he used Livia and Livilla's supposed hatred of Agrippina against her by encouraging them to claim to Tiberius that Agrippina's pride in her fertility pointed to imperial ambitions (*Ann.* 4.12). In such situations a woman's pride in her *fecunditas* could perhaps be viewed as in conflict with her need to demonstrate her *pudicitia*.

I identify *fecunditas* as a recognized virtue in Rome, one that married citizen women were expected to demonstrate through the birth of legitimate citizen children and one that was just as important as *pudicitia* and other typically "female" virtues.²⁶² That *fecunditas* was an important female virtue is emphasized by the explicit link made between it and *pudicitia* by several authors. Juvenal includes *fecunditas* in a list of traits belonging to an ideal woman who is also construed as beautiful (*formosa*), graceful (*decens*), and wealthy (*dives*), as well as

²⁶¹ Martin Bloomer (2011: 29-30) is surely right to identify the incident as an educational *chreia*, a tale designed to demonstrate the value of children and education, rather than a true moment from the life of Cornelia. cf. Bloomer 1992: 143; 2011: 209, n. 25; Roller 2012: 16, n.28. Artemidorus also states that women are adorned by their children just as if by jewelry (*Oneir.* 2.5).

²⁶² This is often not acknowledged by scholars. See, for example, Riess (2012: 492), who discusses "the female canon of values as established in Latin literature" without once mentioning *fecunditas*.

possessing exceptional ancestors and purity (6.162-3). Apuleius describes a certain Plotina, the wife of an exiled imperial official, as “a woman of uncommonly remarkable honesty and sexual virtue, who had firmly established the family of her husband through ten campaigns of childbearing” (*rarae fidei atque singularis pudicitiae femina, quae decimo partus stipendio viri familiam fundaverat*) (*Met.* 7.6). Apuleius makes the connection between *fecunditas* and *pudicitia* in the passage concerning Plotina; although he does not explicitly use the word *fecunditas*, the listing of Plotina’s ten children immediately following the description of her *pudicitia* and her *fides*, and before his discussion of her other virtues, such as her willingness to shun the enjoyments and luxuries of the city, binds them together. *Fecunditas* and *pudicitia* were also important virtues valued on the coins of the empresses of the second century and later, along with *fides*, *concordia*, and *pietas*.²⁶³

Pudicitia evades easy translation. In her study of *pudicitia* in Roman literature, Rebecca Langlands uses “sexual virtue”, but it is also often translated as “chastity”, “sense of decency”, “(sexual) purity”, or “(sexual) integrity”.²⁶⁴ It moderated the relationship between mind and body and, although it was not an exclusively female moral quality and could be used of men, its closest associations were with married women.²⁶⁵ *Pudicitia* defined appropriate womanly behaviour. A good Roman woman was one whose *pudicitia* was never in question. According to Susan Treggiari, *pudicitia* “was regarded as the chief feminine virtue, just as *virtus*, ‘manliness’ (including courage), was masculine. Both these virtues were linked with a sense of honour, a horror of shameful actions, and a concern for reputation (the honour other people would allocate)”.²⁶⁶ *Fecunditas* was a word used of females: animals, humans, even the land. To pair it so closely with *pudicitia* made it more than just a female quality: *fecunditas* became a virtue that ‘good’ Roman women – married, citizen women – were expected to embody.

Not all demonstrations of *fecunditas* were deemed a virtue. *Fecunditas* in an unmarried woman, particularly a member of the élite, was disastrous. So was that belonging to a prostitute, as one of Seneca’s *Controversiae* makes clear (*Sen. Controv.* 2.4). In this case, a father is accused of insanity by one son for adopting his grandson by his other son after the son died. The

²⁶³ See below, Chapter Four, pp. 202-214.

²⁶⁴ Langlands 2006: 2-3; 29-32. Wallace-Hadrill’s definition of “sexual shame” is too negative and conceals the importance of *pudicitia* as a positive assertion of a woman’s virtuous status (Wallace-Hadrill 1996: 114).

²⁶⁵ Langlands 2006: 8; 30. On *pudicitia* as an abstract virtue, associated with “public and visual display by married women to the community”, see Langlands 2006: 37-77, with quotation at 37.

²⁶⁶ Treggiari 2007: 16.

boy's mother was a prostitute. A certain Romanus Hispo, arguing the case against the father's actions, commented on the encounter that produced the child that "He happened upon a prostitute who, along with all her other unfavourable characteristics, was also fertile" (*incidit in meretricem inter omnia mala etiam fecundam*) (Sen. *Controv.* 2.4.5). For a married, citizen woman, however, it was her pre-eminent achievement. The only allowable sexual expression for a married woman was with her husband. Her *fecunditas*, as represented through the birth of legitimate children, by its very existence asserted a claim to *pudicitia*. *Fecunditas* was something that could be evaluated by others, something by which the nature of a woman could be measured. There was a standard of *fecunditas* against which a woman could be measured and deemed either a success or a failure. The results, as we will see below, could have repercussions for her husband.

The connection between *pudicitia* and *fecunditas* is presented as entirely natural by our authors. That they considered there was no need to explain the pairing strengthens the argument for reading *fecunditas* as a welcome feminine virtue rather than just a generic female quality. Consider again what Sp. Ligustinus says about his wife, that she brought nothing into her marriage except her free birth (*libertas*), her sexual virtue (*pudicitia*) and her fertility (*fecunditas*).²⁶⁷ Not only is her *fecunditas* paired with her *pudicitia* but in the language of Ligustinus they serve as a dowry. Such virtues compensated for the lack of financial resources, or so Livy suggests Ligustinus and his listeners ought to have believed.

Another example of the assumed relationship between *fecunditas* and *pudicitia* is found in Valerius Maximus, who opens his section on good fortune (*de felicitate*) with an assessment of the many elements enjoyed by Q. Caecilius Metellus Macedonicus, consul in 143 B.C. He writes that fortune, in addition to granting Metellus a good place of birth, noble parents and excellence in mind and body, also "matched him with a wife remarkable for her sexual virtue and her fertility" (*uxorem pudicitia et fecunditate conspicuam conciliavit*) (7.1.1). In keeping with the roughly chronological organization of this short biography of Metellus' life, Valerius Maximus records the virtues of his wife before the political power and success enjoyed by Metellus, which included the consulship in 143 B.C., a triumph, and the censorship in 131 B.C., indicating that Metellus' marriage took place before his political career reached such storied heights. The pairing of *fecunditas* with *pudicitia*, and the omission of any other feminine virtues,

²⁶⁷ 42.34.3. For the Latin text and discussion of the passage, see above, Introduction, pp. 1-3.

suggests that after *pudicitia*, *fecunditas* was felt to be the most important virtue for a woman to display, and it carried worth to the husband.

Fecunditas and *pudicitia* are paired again in Seneca the Younger's famous letter to his mother, Helvia, consoling her on his exile from Rome. He argues that she must bear her loss in a temperate fashion. She ought not to fall into extravagant mourning on the excuse that she is a woman, for she, unlike most other women of her day, has no "womanly vices" (*muliebria vitia*) to speak of (*Helv.* 16.1). Of these vices, *inpudicitia* is appropriately listed first, since Seneca considers it the "greatest evil of the age" (*maximum saeculi malum*), followed by love of riches. Then Seneca praises his mother for her virtues, notably her willingness to embrace her *fecunditas*, rather than hiding her pregnancies and limiting her childbearing through abortion out of a desire to preserve her youth and beauty. She also showed no interest in wearing makeup or revealing clothing. Her sexual virtue (*pudicitia*), Seneca concludes, has been her greatest glory (*maximum decus*). All told Seneca voices the expected complaints about the women of his day, complaints that had been a literary *topos* among male authors for generations, and which in all likelihood bore little resemblance to the lived reality of most elite women.²⁶⁸ What is of most interest here is that Seneca's description of his mother's exemplary *fecunditas* – she raised at least three sons to adulthood – comes sandwiched between criticism of the *inpudicitia* of the other elite women and praise for Helvia's own *pudicitia*.²⁶⁹ Clearly, part of embodying *pudicitia* is a willingness to embrace one's *fecunditas*.

One final example comes from Tacitus. In A.D. 14, after concessions had been made in order to bring to an end a mutiny, Germanicus was struggling to quell continued dissent among the troops stationed in Germany. After heated debate, it was decided to evacuate the women and children attached to the officers and their staff from the camp, including his young son, Gaius, and his pregnant wife, Agrippina. Tacitus records that the pitiful sight checked the anger of the soldiers:

pudor inde et miseratio et patris Agrippae, Augusti avi memoria, socer Drusus, ipsa insigni fecunditate, praeclara pudicitia; iam infans in castris genitus, in contubernio legionum eductus

Then followed shame, and compassion, and memories of her father Agrippa and her grandfather Augustus. She was the daughter-in-law of Drusus and was herself a

²⁶⁸ For the complaint that elite women refused to bear children and turned to abortions for aesthetic reasons, see above, Chapter One, pp. 71-73.

²⁶⁹ For the difficulties of reconstructing Seneca's family, see Griffin 1976: 2.

woman of exemplary fertility and outstanding sexual virtue. There was the child, too, born in the camp and raised in the barracks of the legions.

(Tac. *Ann.* 1.41)

Although the men first think of Agrippina's illustrious male relatives, when they turn to the "woman herself" (*ipsa*), the two virtues which Tacitus portrays as springing to mind are her *fecunditas* and her *pudicitia*. Both of these Tacitus portrays as exceptional: her *fecunditas* is described as "exemplary" (*insignis*) and her *pudicitia* "outstanding" (*praeclara*). Interestingly, Tacitus lists Agrippina's *fecunditas* before mentioning her *pudicitia*. Examples in other authors give pride of place to *pudicitia*, which is in keeping with Roman awareness that it was truly the pre-eminent feminine virtue. It is possible that Tacitus' reversal of the usual order reflects his awareness that Agrippina was not the sort of woman who remained aloof from political controversy. Her *fecunditas* could not be held up for criticism; the same perhaps could not be said of her *pudicitia*.²⁷⁰ More likely, however, the order results from the visual impact on the soldiers: Agrippina was heavily pregnant and was leaving the camp with her young son. Her *fecunditas* could not be ignored. The sad procession of weeping women served its purpose: the men were embarrassed into remorse, and Germanicus was able to regain control of the situation.²⁷¹ Although it is the lengthy speech made by Germanicus which, according to Tacitus, ultimately soothes the men's anger, the sight of Agrippina first made the men ashamed of their actions and pressed them to beseech their general not to send his wife away from the camp. A woman possessing such extraordinary virtues, suggests Tacitus, ought not to be banished from the camp like a foreign refugee.

The association of *fecunditas* with *pudicitia* by the ancient authors should not surprise us. Taken together they represent the socially acceptable experience of sexuality for a married citizen woman (a *matrona*). Her *pudicitia* demonstrated her fidelity, which confined her sexual experience within her legal marriage. Her *fecunditas* demonstrated her fulfilment of the purpose of that marriage, the birth of legitimate children. Any illicit or extra-marital sexual activity not

²⁷⁰ On Tacitus' conflicted portrayal of Agrippina the Elder see, for example, Santoro L'Hoir 1994 and 2006; O'Gorman 2000; Hälikkä 2002; Späth 2012. For the negative reaction to women moving into the male sphere, see Purcell 1986: 80-81, 94-95.

²⁷¹ Suetonius and Dio record a different tradition, one where the soldiers seized Agrippina and Gaius (Suet. *Calig.* 48.1; Dio Cass. 57.5.6-7). Here, too, however, Agrippina's *fecunditas* made an impact: the soldiers are said by Dio to have released her at Germanicus' urging because she was pregnant. For discussion, see Burian 1964; Barrett 1996: 26. O'Gorman (2000: 72-73) notes the parallel with the pregnant wife of Arminius, who actually is in captivity, unlike Agrippina who is merely taking on a role.

only would damage her *pudicitia*, but would render any proof of her *fecunditas* a matter for criticism rather than praise. Not all *fecunditas* was equal: children had to be born under the scope of legal wedlock for a woman to earn praise. In fact, the Romans explicitly paired the two virtues, at times making the proof of one dependent on the demonstration of the other. In one of the *Major Declamations* ascribed to Quintilian, a father killed his son after accusing him of committing incest with his mother ([Quint.] *Decl.* 18). In the speeches defending the mother, her *pudicitia* and her *fecunditas* are inexorably linked. The case is made that “this is the highest assurance of her sexual virtue, she bore a son, whom her husband acknowledged as his own” (*quae pudicitiae prima fiducia est, edidit partum, quem maritus agnosceret*) ([Quint.] *Decl.* 18.3). His acceptance of her child is meant to prove her chaste conduct in the marriage.²⁷² The argument is reiterated a short while later: “A husband may charge a woman with secret adultery and stolen favours, even if this is not true. This is possible and happens not infrequently; nevertheless, he is more restrained if she is already a mother and if she has acquired trust in her marital fidelity because of her fertility as a wife” (*furtiva stupra raptosque concubitus obiciat vel falso maritus; fas est, fieri solet; parcius tamen, si iam sit et mater, si in fidem castitatis uxoriam fecunditate profecerit*) ([Quint.] *Decl.* 18.5). Again a wife’s proven fertility is assumed to alleviate her husband’s fears concerning her fidelity. He is deemed less likely to bring a false charge of adultery against her once she has become a mother. Obviously it behooves us to exercise some caution here, but this is certainly not the only text to suggest that a woman’s *fecunditas* helped prove her *pudicitia*.

It was a commonplace for men to praise their wives for bearing them children who resembled their fathers. Catullus wishes a new marriage will produce children quickly, and asks that the son look so much like his father that he be recognizable to everyone, “and so by his facial features show forth his mother’s sexual virtue” (*et pudicitiam suae / matris indicet ore*) (61.217-218). In the *Declamation* discussed above, the wife is said to harbour no fears that the child’s features at birth or in infancy would point to an adulterous liason.²⁷³ It was such an expected *topos* that Juvenal could skewer it in his vitriolic Sixth Satire, describing a husband who ought to be relieved that his wife had procured an abortion, because if she had carried the

²⁷² A near-identical idea is found in *Lys.* 1.6, suggesting that this could perhaps be a rhetorical *topos*. Euphiletos, accused of murdering his wife’s lover, states that he kept a close eye on his wife until she bore him a son, at which point he began to have more confidence in her and gave her full responsibility for his house.

²⁷³ [Quint.] *Decl.* 18.3. Epigraphic examples exist as well: *EG* 243b (Pergamum, second century A.D.); *CLE* 387 (Rome, late 4th cent. A.D.).

pregnancy to term, he would have discovered at the birth that he could not have possibly been the father (6.600-601). The physical appearance of the child at its birth would have left no doubt of her infidelity. Had the child been allowed to live, the proof of her *fecunditas* would have destroyed any pretence to *pudicitia* that she had claimed.

This focus on the birth of children who resemble their fathers reflects on the one hand the common male anxiety about proving paternity in an age which predated DNA blood tests. While there can be no doubt who the mother of a child is, the identity of the father can be a murkier issue.²⁷⁴ No man wants to be made a cuckold and devote his own resources to raising, unbeknownst to him, the child of another. At the same time, however, this concern also reflects particularly Roman worries. There was no legal recourse for men to incorporate children born outside of a legitimate marriage into their *familia*. There was no place for bastards and, indeed, we hear almost nothing about them.²⁷⁵ A man's chance at having biological heirs depended on his wife. Furthermore, Roman law assumed that the husband was the father of any children born within a legal marriage. They would come under the husband's *potestas* and they would be his financial responsibility.²⁷⁶ To deny paternity would require a man to first divorce his wife on the grounds of adultery; otherwise he could be liable to charges of *lenocinium* (pimping) under the terms of the Augustan marriage legislation.²⁷⁷ Little wonder Roman men seized upon the opportunity to praise their wives for bearing children that helped to set their minds at ease.

I argue that proof of a woman's *fecunditas* and *pudicitia*, in the form of the birth of children who resembled their father, was considered to be a vital pillar of support for the strength of a marriage. In another of the *Declamations*, the argument is made that "a husband and wife, if they were not so initiated straight away through children, would not be fixed together by the strongest possible bonds belonging to human bodies" (*maritum et uxorem, nisi liberis initiarentur, non fortissimis corporum vinculis inhaerere*) ([Quint.] *Decl.* 1.13). Plutarch argues that the birth of a child, who is a part of and belongs to both spouses, helps to bind a couple

²⁷⁴ cf. Telemachus' famous statement that although his mother says he is Odysseus' son, no one can truly know who his father is (Hom. *Od.* 1.215-216).

²⁷⁵ Syme (1960: 324) comments on the "singular dearth of evidence about aristocratic bastards".

²⁷⁶ On this, see Evans Grubbs 2005, who discusses examples of men attempting to contest paternity at 39-42. There were some obvious exceptions, such as the situation discussed by Ulpian (*Dig.* 1.6.6.9) where a man who has been away for ten years returns and discovers a one-year old baby in his house.

²⁷⁷ See above, p. 79, n. 234.

together so that they then think to share all of their resources.²⁷⁸ The bond formed by the birth of children was imagined as having been integral from the very beginnings of Rome. The Sabine women, although at first distraught at their abduction by Romulus and his men, became reconciled to their fate once they had borne children and could even be imagined as the instigators of peace between the two cultures. In his account of when the Sabine fathers came to avenge the abduction of their daughters, Livy famously imagines the women rushing to place themselves in harm's way between the two opposing forces (Livy 1.13). In their impassioned words, he has them focus on the bonds formed by the births of their children. The children are the sons of the Romans, the grandsons of the Sabines, and the women plead with both sides not to burden the children with such bloodshed. In his *Fasti*, Ovid's description of the Sabines' abduction and eventual reconciliation goes even further. He has the women race to confront their husbands and fathers, clutching their newborn children, their "beloved pledges" (*pignora cara*), to their chests. They fearlessly place the infants directly in harm's way. The children were proof of the love they now bore for their husbands (3.218).

In fact, the Romans frequently used *pignus* ("pledge") to describe children, associating the existence of legitimate offspring with proof of the strength of the marriage.²⁷⁹ After her death, Propertius imagines Cornelia entrusting to her husband their children, the "common pledges" (*communia pignora*) of their love (4.11.73). In Ovid's *Metamorphoses*, when Ceres seeks help from Jupiter after her daughter, Proserpina, is abducted, Jupiter must admit that "she is your daughter and mine, our common pledge and care" (*commune est pignus onusque / nata mihi tecum*) (5.523-524). Ovid describes the happy Cadmus, in the days before tragedy strikes his family, as basking in the sight of "so many sons and daughters, and grandsons too, beloved pledges" (*tot natos natasque et, pignora cara, nepotes*), suggesting the word could be used of all descendants (*Met.* 3.134). The meaning of *pignus* was not uniformly positive. The child became a burden, an unwanted and unbreakable tie, when the marriage was unhappy or the birth a result of incest. In Seneca's *Medea*, Medea's hatred for her husband is so great that she snarls at Jason, "If in my womb some pledge of yours still lurks, I'll scour my most vital parts with a sword and

²⁷⁸ Plut. *Mor. Coniugalia praecepta* 140A. cf. App. *B Civ.* 1.20 on the marriage of Scipio Aemilianus and Sempronia, discussed above, p. 85.

²⁷⁹ See too, *CIL* XII 5026 = *CLE* 1276 (Narbo). *Pignus* could also be used of children more generally to denote their status as one's nearest and dearest, or to refer to their duty to support their parents without carrying any underlying meaning for the marriage. See, e.g., Ov. *Met.* 11.543; *Fast.* 3.775-776; Sen. *Troad.* 766; Stat. *Ach.* 1.127; *Theb.* 1.394; Quint. *Inst.* 6.1.33.

drag it out by the blade” (*in matre si quod pignus etiamnunc latet, / scrutabor ense viscera et ferro extraham*) (1012-1013). Both Seneca’s Oedipus, who fathered a child on his own mother, and Ovid’s Canace, who bore her brother’s child, label their children as *pignora*, unhappy reminders of incestuous relationships they would rather forget.²⁸⁰ The crimes of the child could also colour the meaning of *pignus*: in his *Metamorphoses*, Ovid has Althaea, when making the critical decision to kill her son Meleager because he murdered her own brothers, call him “the wicked pledge of my womb” (*uteri mala pignora nostri*) (8.490).

Some authors interpreted the successful production of children as directly affecting a wife’s standing within her marriage. In one of his letters, Seneca the Younger argues that different types of women merit separate treatment. As proof of this statement, he asks whether Lucilius, the recipient of the letter, “does not think that there is some difference between a barren woman and a fertile one” (*non putas aliquid esse discriminis inter sterilem et fecundam*) (*Ep.* 94.15). Numerous examples exist in the *Digest* where jurists must interpret the wishes of a husband who left a legacy to his wife on the condition that she bear a child. One of these explicitly states that the condition is not deemed to have been fulfilled if the woman has children with any other man after the dissolution of her original marriage, “for it is unlikely that the testator contemplated issue sired by another during the testator’s own lifetime” (*quod testatorem verisimile non est de his liberis sensisse, qui se vivo ex alio suscepti fuissententiarum*).²⁸¹ Establishing her *fecunditas*, in short, was the easiest, and most socially acceptable, means for a woman to secure her marriage and gain influence.²⁸²

An assessment of the success of a woman’s *fecunditas* did not stop at the number of her pregnancies, nor indeed, even the number of live births. It was also important that her children survived into adulthood to become her husband’s much longed-for heirs. Artemidorus goes so far as to claim that a woman who dreamt of seven obstetric couches and then later gave birth seven times “did not become a mother” (μήτηρ δὲ οὐκ ἐγένετο) because all of the children died before maturity, “while they were still in swaddling clothes” (πρὸ ὄρας ἔτι ἐν σπαργάνοις) (*Oneir.* 5.73). A similar, if more subtly worded, idea can be found in a letter to Cicero in March of 45 B.C. where Servius Sulpicius Rufus seeks to offer some solace on the death of Cicero’s beloved daughter, Tullia, at perhaps thirty-two years of age. He suggests to Cicero that the

²⁸⁰ Sen. *Oed.* 1022; Ov. *Her.* 11.113.

²⁸¹ *Dig.* 35.1.25 (Julian). See too *Dig.* 35.1.9 (Ulpian), 35.1.61 (Paul) and 35.1.62 (Terentius Clemens).

²⁸² See discussion in Hälikk 2002: 79-80.

misfortune of being alive in such a time outweighs even the loss of a child (*Fam.* 4.5 (248 SB).3). In writing of Tullia, Rufus first states that she lived as long as she ought to, that she saw her father become praetor and consul, and that she was married to “young men of distinction” (*adulescentibus primariis*), before making a subtle acknowledgement of her lack of children, writing that she enjoyed “almost all that life can give” (*omnibus bonis prope perfunctam esse*) (*Fam.* 4.5 (248 SB).5). Although Tullia did give birth twice, once to a seven-month child who died soon thereafter and again to a child who is presumed to have died not long after the mother succumbed to complications from the birth, hers was not exactly a record worth emulating. Rufus is perhaps making the point that Tullia, dying as she did from complications of childbirth, missed the opportunity to watch her children thrive and grow. But hers was not a life cut short before she had had ample opportunity to become a mother: she was likely in her early thirties when she died and had been married three times.²⁸³ Rufus’ words suggest an awareness that Cicero’s beloved daughter had not excelled in *fecunditas*. In this, Tullia perhaps most reflected her mother, Terentia, who, despite more than thirty years of marriage, ultimately gave Cicero only two children, Tullia herself, born in about 78 B.C. and her much younger brother Marcus, born in 65 B.C.²⁸⁴ Miscarriages, still-births and other unsuccessful pregnancies rarely leave any traces in the historical record, and indeed, Susan Treggiari feels that there could well have been miscarriages “of which we would scarcely be informed”.²⁸⁵ On the basis of Cicero’s letter to Atticus concerning the miscarriage of Tertulla, I think we can speculate that had Terentia lost other pregnancies, we may well have heard about them.²⁸⁶

The idea of a hierarchy of *fecunditas*, where a woman who bears many children who all survive into adulthood is judged to have been most successful at exemplifying this virtue, is explicitly laid out in Propertius’ famous elegy for Cornelia (4.11). The poem has attracted much scholarly attention, although little consensus has prevailed as to its ultimate meaning.²⁸⁷ Cornelia, the daughter of Cornelius Scipio and Scribonia, who later married Octavian, and wife of the censor L. Aemilius Paullus Lepidus, died in 16 B.C. In the poem, Cornelia speaks in the first person to her family after her death, and assesses her life, judging herself to have been an

²⁸³ Her husbands were C. Calpurnius Piso Frugi (died in 57 B.C.), Furius Crassipes (divorced in 51 B.C.), and P. Cornelius Dolabella (divorced in November 46 B.C.). For Tullia’s age, I follow Treggiari (2007: 135).

²⁸⁴ Assuming a marriage in 80 B.C., following Treggiari (2007: 29), and a divorce in early 46 B.C. (Treggiari 2007: 131).

²⁸⁵ Treggiari 2007: 44.

²⁸⁶ *Att.* 14.20 (374 SB), discussed above, Chapter One, p. 62.

²⁸⁷ For some of the extensive scholarship concerning this elegy, see below, p. 99, n. 292.

ideal Roman matron on all counts. With regards to her *pudicitia* and her *fecunditas*, she claims to have been without fault: she was a *univira* (4.11.36, 67-68) and a mother of three children, two sons (4.11.61-64) and a daughter, whom she exhorts to follow her mother's example (4.11.67-68). She also could boast that all three of her children had outlived her, stating that "as a mother I never put on the clothes of mourning. The whole band came to my funeral" (*numquam mater lugubria sumpsi; / venit in exsequias tota caterva meas*) (4.11.97-98). Moreover, Cornelia explicitly states that her children, particularly the fact that her children had all survived, was her finest achievement. She orders, "Cast off the skiff with my blessing, for so many of my children will extend my life. This is the ultimate reward, a triumph belonging to women, when the reputation of her children heaps praise upon her deserving pyre" (*mihi cumba volenti / soluitur aucturis tot mea fata meis. / haec est feminei merces extrema triumphhi, / laudat ubi emeritum libera fama rogum*) (4.11.69-72). This is unusual language to put into a woman's mouth. As Maureen Flory has noted, Propertius has "Cornelia describe her maternity and child-rearing in terms of masculine achievement. Her children are her 'deeds' and worthy of memory in the same way as masculine achievement in a war".²⁸⁸ They are her *res gestae*.

The importance of Cornelia's success in childbearing to her reputation in Rome is also emphasized. When, as we have seen, Propertius had Cornelia use *pignus* to describe her children when she asked her husband Paullus to look after them in her stead, they are interpreted as the validating proof of the marriage.²⁸⁹ Yet earlier in the elegy, Cornelia's words suggest that her children stand not only as pledges of the legitimacy of her marriage, but of the strength of her reputation as well. In a passage with unmistakably bitter undertones, Cornelia voices the common complaint that, despite living according to the expected virtues of a Roman matron, she has still died too soon, and has been reduced to a scattering of ashes that can be "collected by five fingers" (*digitis quinque legatur*) (4.11.14). As proof of her virtuous life, she offers her marriage to Paullus, her illustrious ancestors, and "the many pledges of my reputation" (*famae pignora tanta meae*) (4.11.12), which, given the later use of *pignora*, must surely refer to her children. Success in childbearing, Cornelia suggests, makes the Roman woman, just as much as success in warfare could make the man.

²⁸⁸ Flory 1999: 300.

²⁸⁹ 4.11.73, discussed above, p. 95.

Cornelia's words were chosen by Propertius with care. Given her ties to Augustus – she was the elder half-sister of Julia the Elder, and Propertius claimed that Augustus thus grieved for her (4.1159-60) – it is possible that this poem was composed for an imperial commission.²⁹⁰ At the very least, Cornelia's enthusiastic voicing of the importance of reproduction as a measure of success for women looks suspicious when one considers that her death came only two years after Augustus' first round of marriage legislation was introduced, that she conveniently gave birth to precisely the number of children required to fully benefit from the changes, and that she dutifully encourages her husband to remarry. Flory suggests that "Cornelia's words may reflect the spirit in which the new incentive to childbirth was presented to Roman women".²⁹¹ Yet the poem should not necessarily be read as a mindless champion of Augustus' chosen values: some scholars, such as Barbara Gold, have emphasized the ambiguity of Propertius' portrayal of Cornelia, reading in the elegy a questioning of cultural conventions and the *mos maiorum* instead of the author's capitulation to Augustan ideals of marriage and family.²⁹² On its own, therefore, Propertius' portrayal of Cornelia is not strong evidence for proof of the idea that there was a hierarchy of *fecunditas*; there are too many political undertones for it to be taken as representative of general societal expectations.

Less than a century later, however, the poet Martial took a very similar approach in one of his epigrams:

*Marmora parva quidem sed non cessura, viator,
 Mausoli saxis pyramidumque legis.
 bis mea Romano spectata est vita Tarento
 et nihil extremos perdidit ante rogos:
 quinque dedit pueros, totidem mihi Iuno puellas,
 cluserunt omnes lumina nostra manus.
 contigit et thalami mihi gloria rara fuitque
 una pudicitiae mentula nota meae.*

The marble you are reading, traveller, is small indeed, but will not yield to the stones of Mausolus and the pyramids. My life was twice approved at Roman

²⁹⁰ Cairns (2006: 347, 351-2, 360) assumes this must be true, and argues that the commission likely arose after the success of Propertius' *epikedia* for Marcellus (3.18).

²⁹¹ Flory 1999: 301.

²⁹² Gold (2006): 170-171. La Penna (1951: 86-88; and 1977: 94-95), Curran (1968), Hubbard (1974: 145-149), Sullivan (1976: 44) and Richardson (1977:481) join Gold in reading the poem as resistant to at least some degree. Alfonsi (1945: 84-86), Grimal (1952: 449), Hight (1957: 98-105), Luck (1959: 115), Stahl (1985: 262) and Wyke (1987: 171-172), read the poem as a true apostasy. Cairns (2006: 361) considers "Propertius' last words to his public, placed in the mouth of Cornelia" to be "those of a fully committed supporter of the regime". Janan (2001: 146-163) attempts to find a middle ground.

Tarentos and lost nothing down to my dying day. Juno gave me five boys and as many girls; their hands all closed my eyes. Rare glory of wedlock was my lot, and my chastity knew but one cock.

(Mart. 10.63, trans. Shackleton Bailey)

In framing his poem as ostensibly a recitation of the virtues of an ideal woman, told in the voice of the woman herself, Martial's epigram bears more than a little similarity to Propertius' elegy for Cornelia. At the same time, there are important differences. If *fecunditas* were a competition, by all measures of reproductive success this woman has won. She gave birth to ten children, five boys and five girls- seven more than Cornelia could boast. All of these children, it is suggested, lived into adulthood; at the very least they all outlived their mother. Her astonishingly prolific childbearing was held up for public acclaim on two occasions during the *Ludi Saeculares*, which likely meant twice during the same *ludus*: the games held under Domitian in A.D. 88. Moreover, she achieved all of this reproductive success within the bounds of a single marriage, for the final two lines of the poem identify her as a *univira*. She is, therefore, a perfect embodiment of feminine virtue, a flawless combination of *fecunditas* and *pudicitia*.

Unlike in Propertius' work, where Cornelia speaks directly to the reader, Martial's poem is presented as the woman's epitaph. It mimics the very common language used on funerary inscriptions, where the *viator* is invited to stop and read.²⁹³ The language is also meant to be associated with the conventional praises of wives found on tombstones. Its staid recitation of expected values lulls the reader into complacency, only to have it shattered in the final line. The vulgar use of "cock" (*mentula*) in the final line provides shock value, undercutting the idealized image of the woman even as it identifies her as a *univira*. The word disrupts the register of the poem, giving it a much earthier feel, highlighting the woman's sexual experience, and the process by which those ten children were given life. The woman has done nothing wrong. Her sexual experience has been confined to her one marriage, and her *pudicitia* remains untarnished, but Martial's use of "cock" brings the poem away from the expected language of epitaphs and towards an overt acknowledgement of sexuality perhaps not thought appropriate for *matronae*. It is this sudden twist, of course, that gives the poem its impact; Martial would have known full well what he was doing. Yet it is precisely Martial's undercutting of the stereotype that proves

²⁹³ E.g., *CIL* II 4174; III 12484; V 3012; VI 2335, 8999, 11938; XIII 1972. The conceit of having the deceased address travelers was equally common in Greek epitaphs, a reflection of the fact that in both cultures the dead were buried outside the city. For many examples in both languages, see Lattimore 1962: 230-237.

its existence: Martial could not have played so cleverly on the conventions of funerary inscriptions had this image of the ideal wife not existed. Martial's woman, unlike Propertius' Cornelia, probably was not based on any historical woman: his use of the *topoi* of the *univira* and the fecund mother, his masterful imitation of the language of commemoration, and his crude twist at the end all point to poetic imagination.²⁹⁴ Certainly her demographic success would have been very unlikely. Both poems, however, offer a very similar image of the ideal wife, establishing that to be counted as truly successful in terms of *fecunditas*, a woman had to not only give birth to many children, in a balanced gender ratio, but that those children had to live.

RECIPROCAL OBLIGATIONS I: *FECUNDITAS* AS SOCIAL CAPITAL

Having a wife who excelled in *fecunditas* manifestly benefitted a man far beyond the obvious advantage of having children and heirs, or even the tangible political rewards derived from the *ius trium liberorum*. In this section I argue that *fecunditas* was a recognized form of social capital for the Roman élite. Having a fertile wife garnered a man social influence and prestige. As Cicero writes to his friend Atticus in 50 B.C., why would he not want the friendship of App. Claudius Pulcher, a man whose many positive qualities, according to Cicero, included his daughters, and the connections he had been able to make through their marriages (*Fam.* 2.13 (93 SB)). More than a century later, Musonius Rufus claimed even greater benefits for the father of many children:

καὶ μὴν ὅτι καλὸν καὶ λυσιτελὲς παίδων ἀνατροφή πολλῶν μάθοι τις ἂν λογισάμενος, ὡς μὲν ἔντιμος ἐν πόλει πολύπαις ἀνὴρ, ὡς δ' αἰδῶ παρέχει τοῖς πλησίον, ὡς δὲ δύναται πλεον πάντων τῶν ὁμοίων, ἂν γε μὴ ὁμοίως παίδων εὐπορῶσιν. καθάπερ γάρ, οἶμαι, πολύφιλος ἀφίλου ἀνδρὸς δυνατώτερος, οὕτω καὶ πολὺ μᾶλλον ὁ πολύπαις τοῦ μὴ ἔμπαιδος ἢ τοῦ ὀλίγουσ κεκτημένου παίδας.

And that rearing many children is a virtuous and advantageous thing one may comprehend from the fact that a man who has many children is honored in the city, that he has the respect of his neighbors, that he has more influence than his equals if they do not equally abound in children. For just as, I think, that a man who has many friends is more powerful than a man without any, so too a man who has many children possesses rather more power than one who is childless or who has only a few children.

(15.2)

²⁹⁴ Pace Scheidel (1999: 275-6) and Frier (2000: 804) who both assume the existence of a real woman.

A wife who demonstrated exceptional fertility through frequent births of healthy children, particularly if these children then survived through infancy and early childhood, could make her husband the envy of his friends and associates. Janet Huskinson has noted that “the social virtues of exemplary men are reflected on to the women who are associated with them”.²⁹⁵ The opposite is equally true. If children were thought to be a matron’s best jewelry, than a fertile wife was perhaps a man’s most important accessory in Roman society.

There is also a sense that a good man deserved a fertile wife. Martial praises a certain Claudia Rufina, a woman who, Martial claims, although she is by descent a Briton, has so thoroughly adapted to life in Rome that “Italian mothers might believe her Roman” (*Romanam credere matres / Italides possunt*) (11.53). Martial paints a very conventional portrait of the hopes and ambitions of this woman:

*di bene quod sancto peperit fecunda marito,
quod sperat generos quodque puella nurus.
sic placeat superis, ut coniuge gaudeat uno
et semper natis gaudeat illa tribus.*

Praise the gods, for she, fertile, has borne children for her virtuous husband, and hopes, because she is still young, for sons- and daughters-in-law. Thus let it please the gods above that she rejoice in one husband and always rejoice in three children.

(11.53)

Although not a native of Rome, Claudia Rufina is portrayed as a woman who has internalized the Roman family ideal. If the gods see fit, Martial suggests, she will know only one husband and have three living children. The latter is clearly a reference to the *ius trium liberorum*. The use of *semper* perhaps gives a nod to the demographic realities of life in Rome: if Claudia Rufina is always to delight in three children, this suggests that she is expected to produce more than three, so that her total number of children does not drop below that figure when one or more inevitably dies. Her wish for her children to survive the dangerous years of infancy and early childhood is also found in her hope for future sons- and daughters-in-law. In keeping with Roman societal norms, these children are portrayed as being entirely her responsibility to produce, again showing how thoroughly she has embraced Roman culture. Finally, she is praised for having already produced a child; Martial calls her *fecunda*, which does not specify how many children have already been born. The focus of the poem is very much on Claudia Rufina; her husband is

²⁹⁵ Huskinson 2011: 539.

mentioned only once. Fittingly, however, when he is mentioned it is to make clear that her *fecunditas* has been used to his advantage: it is for him that she has produced this child. Martial calls the husband “virtuous” (*sanctus*), suggesting that he deserved this most positive outcome of a pregnancy and live birth quickly following his marriage. Claudia Rufina’s hopes of many children and her proven fertility would have been viewed as a positive for any husband, but by labeling her husband as *sanctus*, Martial suggests that it was considered most fitting that such a worthy man would prove to be so fortunate in his choice of wife.

A letter of Pliny the Younger also singles out a virtuous man as being worthy of his abundantly fertile wife. Pliny writes of Asinius Rufus to his friend Minicius Fundanus that Rufus is to be praised as an outstanding person:

sunt ei liberi plures. nam in hoc quoque functus est optimi civis officio, quod fecunditate uxoris large frui voluit, eo saeculo quo plerisque etiam singulos filios orbitatis praemia graves faciunt. quibus ille despectis, avi quoque nomen assumpsit. est enim avus, et quidem ex Saturio Firmo, quem diliges ut ego si ut ego propius inspexeris.

He has several children. For in this way as well he has performed the duty of the best of citizens, because he has sought to benefit from the fertility of his wife in an age in which the rewards of childlessness make many consider even one child to be a burden. He looks down on such individuals, and has assumed the name of grandfather as well. For he is a grandfather, and, what is more, this is thanks to Saturius Firmus. You will come to hold him dear, like I do, if, like me, you get to know him better.

(*Ep.* 4.15)

Pliny’s praise for Asinius Rufus has, of course, an ulterior motive: he expects that Minicius Fundanus will be named consul the following year (A.D. 106). Rufus’ eldest son, Asinius Bassus, is meant to become quaestor in the same year, and Pliny hopes that Fundanus can be prevailed upon to champion Bassus for one of the four positions for quaestors as assistants to the consuls. Pliny’s flagrant favour-gathering does not detract from the interesting portrayal of Rufus.²⁹⁶ Pliny spends very little time describing Asinius Rufus before he brings up Rufus’ success in family building: he mentions his own fondness for Rufus, describes him as an

²⁹⁶ Riggsby (1998) has argued that Pliny seeks to inflate the reputations of those around him in order to better improve his own standing within his community. From this perspective, Pliny’s focus on Rufus’ success at family building is even more interesting, as he obviously views it as a valuable tool by which he can praise Rufus, despite his claims that many citizens disparage rearing children. Carlon’s claim that “motherhood was not critical to Pliny’s assessment of the excellence of a Roman woman” (2009: 184) is an overstatement, as this letter and Pliny’s fervent hopes concerning Calpurnia’s expected fertility show.

“outstanding person” (*homo eximius*) and adds that Rufus is a good friend of Cornelius Tacitus, who is a friend of Pliny’s and must be at the very least known to Fundanus to judge from Pliny’s assertion to Fundanus that “you know the sort of man he is” (*scis quem verum*) (*Ep.* 4.15).

Much of Pliny’s explanation for why Fundanus should help Asinius Rufus by acting as a mentor for his son revolves around Asinius Rufus’ success at family building. Pliny comments that Rufus has raised several children in a time when others scorn even one, a voicing of the usual *topos* of fear of the élite not reproducing. Asinius Bassus is described as the eldest of Asinius Rufus’ sons, making it clear that he enjoys more than one son who has made it through infancy and early childhood. He also has at least one daughter who has survived to adulthood, married, and produced children of her own, for Pliny tells Fundanus the name of the man who has made Rufus a grandfather. The mention of Saturius Firmus is likely to be in order to emphasize Rufus’ political connections, although unfortunately Saturius Firmus is otherwise unknown, so we cannot gauge the success of Rufus’ daughter’s marriage. The fact that his daughter has produced grandchildren shows that the *fecunditas* demonstrated by Rufus’ wife has been passed on to a second generation.

Most importantly for our purposes, Rufus is portrayed as having been willing to take advantage of the *fecunditas* possessed by his wife: Pliny says that he has “sought to benefit from” (*frui voluit*) his wife’s *fecunditas*. In keeping with Roman societal expectations, it is Rufus’ wife’s fertility that is given the credit for their success at childbearing. Rufus himself is also able to come in for praise, however, as Pliny can emphasize through his use of *velle* and *frui* that Rufus was ready and willing to take advantage of his wife’s virtues. Pliny lists other positive attributes of Bassus, his father, and his family, but the heavy and early focus on Rufus’ family suggests that Pliny feels this in itself ought to be enough to encourage Fundanus to support Bassus in his career. Rufus’ willingness to raise a large family, and the power of his wife’s *fecunditas* to allow him to do, grant him enormous social capital which, in Pliny’s eyes, make him worthy of receiving patronage and assistance from a powerful man.

Élite men could use the *fecunditas* of their wives, as demonstrated by the number of their children, to assert influence during political debates. In his *Annals*, Tacitus purports to record a debate in the Roman Senate in A.D. 21 on the contentious issue of the place of women with the army. The senator Severus Caecina put forward a proposal stating that wives should not be allowed to accompany their husbands on their administrative postings to the provinces (*Ann.*

3.33-34). Tacitus devotes significant space to the senator's arguments, reported to his readers in indirect speech. The senator contends that women would disrupt military discipline, would hold undue influence with the men, and would largely be the principal cause of any extortion charges their husbands would eventually face. Of interest here, however, is how he opens his speech. According to Tacitus, before he spoke at all about his proposed motion:

multum ante repetito concordem sibi coniugem et sex partus enixam, seque quae in publicum statueret domi servavisse, cohibita intra Italiam, quamquam ipse pluris per provincias quadraginta stipendia explevisset.

[Severus Caecina] spoke at some length beforehand, saying that he enjoyed a harmonious relationship with his wife, who had borne him six children. Even so, he said, he observed the same principle at home that he now sought to establish as public policy. For she had been kept back in Italy, even though he himself had completed forty campaigns throughout the provinces.

(*Ann.* 3.33)

Caecina intentionally refers to his wife and the six children she gave him at the beginning of his speech in an effort to assert his own status. Her *fecunditas* is, of course, relevant to the proposal in question: one of the obvious arguments against Caecina's motion would be the difficulty inherent in building a family if spouses were left behind in Italy for years at a time. Caecina attempts to use his wife's *fecunditas* both to lend support to his own proposal, and to strengthen his qualifications for raising the issue in the first place. There should be no concern about the issue of raising children, he implies, because he himself has adhered to this very principle for his entire career, and look at his reproductive success! Men with fertile wives should have nothing to fear from such a proposal. Furthermore, his arguments paint him in the best possible light. He has had a very successful career, serving "forty campaigns throughout the provinces" (*pluris per provincias quadraginta stipendia*). By keeping his wife in Italy, he has avoided all of those very difficulties he goes on to describe at length that come when women are found among the army. Yet his status as *paterfamilias* has not suffered as a result of his dedication to his career, far from it. His reminder to the other senators of his six children is a bold declaration of status. Anyone who would disagree with his proposal, it is suggested, must surely be a lesser man.

Tacitus reports that Caecina's proposal was not popular (*Ann.* 3.34). Although Valerius Messalinus responded at length with several counter-arguments, including the dangers of leaving women unattended at home, the final word was given to Drusus the Younger. He referred to the example of Augustus, who frequently travelled with Livia, before adding that he "himself had

travelled to Illyricum, and if there was a purpose to be served he would go to other countries, too, although not always with an untroubled spirit if he were compelled to be separated from his most beloved wife, the mother of their many children” (*se quoque in Illyricum profectum et, si ita conducat, alias ad gentis iturum, haud semper aequo animo si ab uxore carissima et tot communium liberorum parente divelleretur*) (Ann. 3.34). Drusus has recognized the claim to status Caecina made, and he responds with a counter-claim of his own. *His* wife has borne him numerous children. *He* has as much authority as Caecina to speak on these matters. Indeed, since Drusus is a member of the imperial family, and consul at the time of the debate as well, his status outranks that of Caecina, and the motion dies with his voicing of his opinion; it likely did not even go to a vote. Tacitus does not have Drusus number the children born to him by his wife, Livilla, because there were fewer than the brood of Caecina: Livilla bore three children to Drusus, including male twins in A.D. 19, but Caecina’s unnamed wife had trumped her *fecunditas* by producing twice as many.²⁹⁷ Ultimately, however, Drusus’ membership in the imperial family and his position as consul outstripped Caecina’s success in exploiting the fertility of his wife.

Next, let us return once more to the battle-scarred centurion, Sp. Ligustinus, who also uses the *fecunditas* of his wife as a means of status assertion in his efforts to appease the mutinous Roman soldiers in 171 B.C. Ligustinus emphasizes the exceptional *fecunditas* of his wife by describing in detail his large family; we recall that he has six sons, four who have reached adulthood and two more who are still boys, and two married daughters (Livy 42.34.4). His wife has excelled in *fecunditas* because she has borne so many children and they are still alive; indeed, there is no mention in Ligustinus’ speech of the loss of any other children, implying that they have been unmarked by the ravages of child mortality. After he has summed up his career, Ligustinus again returns to his children to bolster further his own claims to authority within the army by arguing that “even if all my campaigns had not been completed and my age did not exempt me, nevertheless, since I could give you four soldiers in my place, Publius Licinius, discharging me would be the right thing to do” (*quodsi mihi nec stipendia omnia emerita essent necdum aetas vacationem daret, tamen, cum quattuor milites pro me vobis dare, P. Licini, possem, aequum erat me dimitti*) (42.34.12). He can provide four potential soldiers for Rome, with the promise of two more to come; he has surely earned a quiet

²⁹⁷ On the children of Drusus and Livilla, see below, Chapter Four, pp. 199-200, 237.

retirement, which makes his willingness to serve in the campaign against Perseus all the more honourable. Livy, of course, was writing from an élite perspective, and his assumptions of what kind of family would make a positive impression on the other soldiers reflect his background. Men like Sp. Ligustinus, with limited financial resources, would most likely have found supporting eight children difficult, even with only two daughters for whom dowries had to be provided. Only the rich were thought to be able to enjoy large families, something which Livy has Ligustinus hint at with his claim that his wife's *fecunditas* would have been enough even for a wealthy home (*dis domus*). Sp. Ligustinus' bouncing brood therefore represents an ideal familiar to Livy's élite audience, rather than that of the social class to which he is meant to belong.

Juvenal presents a very similar family as a reminder of the virtues of past generations of Romans. Satire Fourteen criticizes a love of money, including an insatiable desire for more land and fancier dwellings. In contrast, Juvenal looks to the veterans of old who fought Pyrrhus and Hannibal, soldiers, in short, who were not so distant from Livy's Sp. Ligustinus. These veterans, Juvenal insists, were happy with their minimal land allotments and found them more than sufficient to raise a family. The family Juvenal describes is, like that of Ligustinus, a paragon of *fecunditas*. Juvenal writes of the land grant that they "for all their grievous wounds received at the most two acres each" (*tandem pro multis uix iugera bina dabantur uulneribus*) (14.163-164) but that:

*saturabat glebula talis
patrem ipsum turbamque casae, qua feta iacebat
uxor et infantes ludebant quattuor, unus
uernula, tres domini; sed magnis fratribus horum
a scrobe uel sulco redeuntibus altera cena
amplior et grandes fumabant pultibus ollae.
nunc modus hic agri nostro non sufficit horto.*

A plot like that was enough
for the father himself and the crowd in the cabin, where his wife
would be lying
pregnant and four young children playing- one the child
of slaves, and three of them free. But when the grown-up
brothers
came home from ditch and furrow, they would find a second,
and bigger,
supper prepared, of porridge steaming in large-size pots.

Now such an acreage wouldn't suffice for a kitchen
garden.

(14.166-172, trans. Rudd)

Like Sp. Ligustinus, Juvenal's unnamed model veteran has been most fortunate in his choice of wife. Not only are there three young children of his own playing, but he has grown sons who are able to work the farm with him. Moreover, his wife is pregnant again, suggesting that his family shortly will be blessed with another child. Given the wife's exemplary *fecunditas*, the absence of adult daughters should probably be taken as a suggestion that they have been successfully dowered and married, not that the veteran and his wife have failed to produce any. This model veteran, content with his small parcel of land and quiet life, serves as a contrast to the greed and amoral behaviour of Juvenal's own time.²⁹⁸ The idealized Roman of the past was a frequent *topos* in Roman literature and we should not, of course, assume that Juvenal's portrait bears any resemblance to the demographic reality. But it is interesting that the satirist not only points to the veteran's willingness to farm his small allotment, but also his willingness to embrace his wife's fertility, as reasons for praise. The large family of the veteran, made possible by the *fecunditas* of his wife, strengthens his image as an ideal Roman of old, just as Sp. Ligustinus' large family, as portrayed by Livy, was meant to gain him credibility with his mutinous colleagues. Although both Sp. Ligustinus and Juvenal's unnamed veteran did not belong to the élite, Livy's and Juvenal's perspectives and expected readership make it clear that the praise for their large families was meant to encourage high-ranking men to follow suit.

When élite men did achieve similar success as fathers they were widely praised. Consider again Q. Metellus, who became a moral *exemplum* for more than one Roman writer, likely because of the rarity of his situation. Thanks to his fertile wife, he was able "to see at the same time three sons ex-consuls, one even an ex-censor and triumphator, a fourth an ex-praetor, and to give three daughters in marriage and hold their offspring in his arms" (*eodem tempore tres filios consulares, unum etiam censorium et triumphalem, quartum praetorium videret utque tres filias nuptum daret earumque subolem sinu suo exciperet*) (Val. Max. 7.1.1). Like Sp. Ligustinus, Metellus' family boasts particular strengths: at least seven children who survived to adulthood and more sons than daughters. Metellus' sons also achieved considerable political

²⁹⁸ The wasteful nature of the rural estates belonging to the élite, where good agricultural land was destroyed in favour of fishponds and ornamental displays, could also be associated with a reluctance to have children, in that an excessive love of luxury implied a rejection of natural values: Hor. *Carm.* 2.15.4-5; cf. Edwards 1993: 139-140.

success, with three of the four attaining the position of consul, and one being elected censor and celebrating a triumph.

Fecunditas is emphasized not just for Metellus' wife, but also for his daughters: Valerius Maximus tells us that Metellus gave three daughters in marriage and was able to hold their children in his arms. We should remember that the children of his daughters would have belonged to their father's *familia*, not to that of Metellus. Even though, as we have seen, it was considered normal and appropriate for men to anticipate the birth of grandchildren from their daughters, these offspring would not be counted among their direct descendants.²⁹⁹ No doubt Metellus' sons also produced grandchildren, who would have been counted among Metellus' agnatic descendants, but Valerius Maximus chose instead to focus on their political successes. Since *fecunditas* was a female virtue, listing his sons' children would have effectively praised another man's daughters. Thus Valerius Maximus focused on the children of Metellus' own daughters, who exemplified feminine virtue in the only way they could: through good marriages and their *fecunditas*.³⁰⁰

Metellus' daughters are not given as much prominence in every work which tells of their father and his *familia*. Cicero writes that Metellus "saw three sons consuls, one of whom even made censor and celebrated a triumph, a fourth made praetor, and he himself left his four sons alive and well and his three daughters married" (*tres filios consules vidit, e quibus unum etiam et censorem et triumphantem, quartum autem praetorem, eosque salvos reliquit et tres filias nuptas*) (*Fin.* 5.82). Cicero's account does not mention Metellus' wife or the children of his daughters, but does draw attention to the number of children who reached adulthood. Velleius Paterculus passes over the daughters entirely, writing that "he brought up four sons, saw them all reach adulthood, left them all surviving him and very highly esteemed" (*quattuor filios sustulit, omnis adultae aetatis vidit, omnis reliquit superstites et honoratissimos*) (1.11.6). After listing the glorious careers of Metellus' sons, Velleius concludes, "This is without doubt to depart successfully from life rather than to die" (*hoc est nimirum magis feliciter de vita migrare quam mori*) (1.11.7). A very similar impression is found in Pliny the Elder, who writes that Metellus "is also counted among the most extraordinary examples of human happiness...he was borne to the tomb by four sons, one a praetor, three ex-consuls (two celebrants of triumphs), one an ex-

²⁹⁹ For the anticipation of grandchildren see above, Chapter One, pp. 30-31.

³⁰⁰ cf. Sen. *Controv.* 9.5.1, where a grandfather mourning the loss of his grandchildren is comforted by this proof that he had a fertile daughter.

consul- accomplishments that even on their own have fallen to few men's lot" (*inter rara felicitatis humanae exempla numeratur...a quattuor filiis inlatus rogo, uno praetore, tribus consularibus (duobus triumphalibus), uno censorio, quae singula quoque paucis contigere*).³⁰¹ Unlike Valerius Maximus, Cicero, Velleius Paterculus and Pliny the Elder do not make specific reference to Metellus' wife in their descriptions of his successful family.

Like Q. Metellus, other men, both in the élite and outside its ranks, who were lucky enough to achieve large families are often recorded in our sources without any mention of the role of their wives. Pliny the Elder reports that according to the annals from the time of Augustus, in 4 B.C. a "freeborn common man" (*ingenua plebs*) named C. Crispinius Hilarus "together with eight children, including two daughters, twenty-seven grandchildren, eighteen great-grandchildren, and eight granddaughters by marriage, went in procession and offered sacrifice on the Capitol with all of them present" (*cum liberis VIII, in quo numero filiae duae fuere, nepotibus XXVII, pronepotibus XVIII, neptibus VIII, praelata pompa cum omnibus his in Capitolio immolasse*) (Plin. *NH* 7.60). Cicero, writing about those who were elderly but not infirm, says that "Appius [Claudius Pulcher], though he was both blind and old, controlled four grown up sons, five daughters, a large household, and many dependants" (*Quattuor robustos filios, quinque filias, tantam domum, tantas clientelas Appius regebat et caecus et senex*) (*Sen.* 11.37). Four brothers, according to Suetonius, successfully interceded with the emperor Claudius to receive the discharge of their father, a chariot fighter (*essedarius*) (*Suet. Claud.* 21). While it is possible that these men achieved their reproductive success only with more than one marriage, we should not assume that this was always the case.

If *fecunditas* was such an important female virtue, why did our authors skip over the vital contribution of mothers when recounting these stories of fathers blessed with large broods? If a man was praised for producing many children, this would imply that it was his virility that made such a result possible. And this in turn would open the door to the unfortunate suggestion that men who were not blessed with large families were somehow to blame for their unhappy state. Such an implication would be both unpopular and inconvenient, given Roman writers placed all the responsibility for successful conception on the female spouse. The Romans thus found themselves in the somewhat awkward position of recognizing that men did bear some

³⁰¹ Plin. *HN* 7.142. At 7.59, he records (erroneously) only that Metellus left behind six children (rather than seven) and eleven grandchildren.

responsibility for the eventual size of their families, but being unable to acknowledge this explicitly in order to praise men who triumphed over the demographic odds. The closest they could come was to list the surviving children and other descendants of a particular man, without praising him for their existence, and without mentioning either his wife or her *fecunditas*. If an author was determined to heap praise on the size of a family, the praise had to be given to the mother, either through explicit acknowledgement of her *fecunditas*, or through more subtle means, such as praising the man for having the good sense or good fortune to marry such a fertile woman. One example of this delicate balancing act comes from Pliny the Elder:

Q. Metellus in ea oratione quam habuit supremis laudibus patris sui L. Metelli...scriptum reliquit decem maximas res optumasque in quibus quarendis sapientes aetatem exigerent consummasse eum: voluisse enim primum bellatorem esse, optimum oratorem, fortissimum imperatorem, auspicio suo maximas res geri, maximo honore uti, summa sapientia esse, summum senatorem haberi, pecuniam magnam bono modo invenire, multos liberos relinquere et clarissimum in civitate esse.

Q. Metellus, in the oration in which he remembered his father, L. Metellus, with the highest of praises...has left it in writing that his father had achieved the ten greatest and most excellent accomplishments which wise men spend their lives seeking: for he had desired to be an exceptional warrior, an excellent orator, and a most courageous general, to manage the most critical things under his own command, to enjoy the greatest honour, to be extremely wise, to hold the most eminent position in the senate, to acquire tremendous wealth in an honourable way, to leave many children, and to be the most illustrious man in the state.

(Plin. *HN* 7.139-140)

The use of *relinquere* neatly sidesteps the issue of not being able to praise a man for having fathered many children. The absence of any mention of L. Metellus' wife, surely intentional since Metellus would have needed to marry in order to be able to leave behind legitimate children, ensures that the credit for the children will be given to the father alone. Note too the emphasis on leaving behind children who have survived their father: again it is not enough just to produce children. They needed to have survived the dangerous first years to truly be counted as part of a man's success.

Men were expected to want to father children, and offspring were as central to establishing the masculinity of an ideal man as political or military success. A man's children were valuable assets, and could add weight to his success in other fields of *virtus*. Nowhere was this more apparent than in the Roman triumph. Roman tradition held that when a victorious

general was awarded a triumph, he was meant to be accompanied by his children during the procession.³⁰² Young sons and, later, daughters of all ages rode with him in the chariot, while older sons were expected to ride upon the horses drawing the chariot, or to ride alongside or directly behind. Bastien has argued that the presence of the children served “pour affirmer l’hérédité de la Victoire, car il permet d’associer les enfants, vivante image des Castores dans la procession de leur père, qui est semblable à Jupiter”.³⁰³ The general’s children, particularly his sons, offered a vision of greatness to come to the watching crowds, a promise of *virtus* transcending the generations. It is a powerful image in a city where family connections and the illustriousness of one’s ancestors counted for much among the élite. The children were just as much a part of the visual display as were the masses of booty, the general’s troops, the enemy leader, and the remainder of his conquered forces. All served to enhance the general’s reputation. His *imperium* and his *virtus* were both strengthened by the visible proof of his position as a respectable élite father.

Maureen Flory has argued that the inclusion of daughters in the triumphal procession dates to Germanicus’ triumph in A.D. 17, but the triumphal frieze of the Actian Victory Monument at Nikopolis raises the possibility that this shift may have happened earlier.³⁰⁴ The monument depicts Octavian’s triumph in 29 B.C. and shows two children, one male, one female, riding with him in his chariot. The children are depicted as standing as tall as Octavian’s waist with only their heads and shoulders visible above the rim of the chariot. The boy is too short to be either Tiberius or Marcellus because both Octavian’s stepson and his nephew were thirteen at the time. Furthermore, Suetonius records that they rode on the two trace horses (*Tib.* 6.4). The identity of the two children in the chariot has been hotly contested. One possibility is that they are Cleopatra’s twins, Alexander Helios and Cleopatra Selene, who were eleven at the time of the triumph. Their inclusion would serve to emphasize Octavian’s *clementia*.³⁰⁵ A second possibility is that the two children are Octavian’s daughter Julia and his other stepson Drusus, who were both nine at the time. That the children are the same size is not an argument in favor of the twins, for there was only a two and a half month age difference between Julia and

³⁰² Cic. *Mur.* 11 and 15; Livy 45.40.4-8; Val. Max. 5.7.1, 5.10.2; Vell. Pat. 2.59.3; Joseph *BJ* 7.152; Suet. *Aug.* 8.2; *Tib.* 6.5; *Dom.* 2.1; Tac. *Ann.* 2.41.4; Plut. *Fab.* 24.5; App. *Pun.* 66; Dio Cass. [Zon] 7.21.

³⁰³ Bastien 2007: 263. cf. Gagé 1957: 16; Voisin 1983: 29; Menichetti 1994: 22.

³⁰⁴ Flory 1998. For Nikopolis, see Zachos *et al.* 2008.

³⁰⁵ As argued by Pollini (2012: 194-196). Murray (2004) also follows this interpretation.

Drusus.³⁰⁶ Pollini assumes that the girl must be Cleopatra Selene, because her hairstyle is so similar to the numismatic and sculptural images of Cleopatra VII. His argument is weakened, however, by the fact that he dismisses Drusus, considering only Tiberius and Marcellus as alternative candidates for the boy in the chariot.³⁰⁷ Beard has emphasized that it was the general's children, and not those of the conquered enemy who were supposed to ride in the chariot with him.³⁰⁸ Even if we accept Flory's argument that daughters were not included in the triumph before A.D. 17, it would be very odd indeed for Cleopatra's twins to be included at the expense of Drusus. There is one further problem: although all four horses of Octavian's chariot have survived, there is no sign of Tiberius or Marcellus. Either Suetonius was mistaken, or the creators of the frieze took artistic liberties in their representation of the triumph. If this was the case, no real weight should be attached to the presence of the two children in the chariot, even if we could identify them with confidence.

Other evidence for the inclusion of the general's children is less controversial. Two coins, one of Marius and one of Pompey, depict an individual riding upon the near horse of the *quadriga*, who must each represent a son of the respective general.³⁰⁹ Zonaras' epitome of Cassius Dio suggests that sons would ride alongside the chariot only if the general were so lucky as to have more than four older ones. Livy, on the other hand, records that the two eldest sons of Aemilius Paullus rode alongside his chariot rather than on the trace horses during his triumph in 167 B.C., despite having been adopted out into other families.³¹⁰ His two younger sons were supposed to have ridden in the chariot with him, "secretly planning like triumphs for themselves" (*sibi ipsos similis destinantis triumphos*) as Livy, with a fine sense of irony, puts it. However, one had died just five days before the triumph and the second was too ill to participate and would die three days later (Livy 45.40.7-9). The loss of his sons stripped the triumph of its glory. The sight of Aemilius Paullus riding sorrowfully in his chariot evoked a strong reaction from the crowd. Not even the most powerful men in Rome could triumph against the whims of fate.

³⁰⁶ Julia was born on the 30th of October, 39 B.C. (Dio Cass. 48.34.3), Drusus on the 14th of January, 38 B.C. (Suet. *Claud.* 11).

³⁰⁷ Pollini 2012: 194-195. At 202, n. 153, he assumes (wrongly) that because Drusus was nine he would have been depicted as smaller than Julia.

³⁰⁸ Beard 2007: 224-225.

³⁰⁹ *RRC* no. 326 (Marius): Bastien 2007: 263; Beard 2007: 91. *RRC* no. 402 (Pompey): Bastien 2007: 263; Beard 2007: 19-20. A relief from a museum in Berlin also shows a male child riding one of the horses (Misc. 3238 Charlottenburg Museum, discussed by Bastien (2000: 186-188).

³¹⁰ Dio Cass. [Zon.] 7.21; Livy 45.40.4. For the continuing relationship between Aemilius Paullus and the sons he had given up in adoption, see below, Chapter Six, pp. 307-308.

A triumphing general blessed with many children, on the other hand, would also encourage a strong reaction from the watching crowd: Tacitus tells us that the spectacle of Germanicus' triumph in A.D. 17 was enhanced by his handsome appearance and "by the chariot with its cargo of five children" (*currusque quinque liberis onustus*) (*Ann.* 2.41). The five children were Nero Drusus, who would have been nine or ten at the time, Drusus Caesar, Gaius Caligula, Agrippina Minor and little Drusilla, still a babe in arms who must have been carried by one of the boys.³¹¹ If Flory is right to argue that the inclusion of the general's daughters in the procession stems from this particular triumph, one motive for the addition of the girls must have been a bold public display of dynastic security.³¹² One later image offers a note of caution concerning this triumphal assertion of the potential future greatness of the general's progeny: a bas-relief from the Arch of Marcus Aurelius depicting his triumph in A.D. 176 shows him awkwardly positioned well back from the front of the chariot. The blank space in front of him once would have been occupied by an image of his son, Commodus, and must have been altered after Commodus' assassination in A.D. 192.³¹³ Displaying his children in his triumph was a conscious political decision that was meant to suggest the promise of future greatness, but ultimately only history would determine whether that promise was fulfilled. For our purposes, what should be noted here is that, once again, there was no place for the woman whose *fecunditas* made this possible. The inclusion of the general's children in the triumph while excluding the general's wife should be read as another way for the Romans to give credit to the father for producing his offspring without ever explicitly suggesting that the responsibility for childbearing fell anywhere other than on the woman's *fecunditas*.

Élite men and women were expected to marry, and these marriages were expected to produce children. The insistence of our sources that elite men were reluctant to marry and elite women were actively refusing to breed during the final years of the Republic and the first century of the Principate is largely the product of more general anxiety about the rapid changes that were reshaping Roman society and the state. Authorial agonizing likely did not reflect any true demographic instability. At the same time, high mortality meant that the majority of families, elite or otherwise, would be small, no matter how much the children were wanted. The

³¹¹ Assuming a birthdate for Nero of June A.D. 5 or 6, and late A.D. 16 or very early A.D. 17 for Drusilla. For the difficulties in ascertaining the precise chronology of Germanicus' children see below, Chapter Four, pp. 230-231.

³¹² Flory 1998: 492.

³¹³ Inv. MC 808, Musei Capitolini, Rome. Discussed by Beard (2007) at 224-225.

rare man who could point to five or six children who had survived infancy and early childhood possessed social capital that few could match. Beyond the political rewards, such as the advantages allowed under the *ius trium liberorum*, the father of many could rightly enjoy the envy of his friends and colleagues. A wife with exemplary *fecunditas* gave her husband more than just offspring and heirs: she provided him with social currency and influence. The triumphant general with so many children that they spilled out of his chariot would be counted superior to the one who rode in alone.

RECIPROCAL OBLIGATIONS II: *FECUNDITAS* AND DIVORCE

A good wife, therefore, was one who produced children. She deserved to be protected from divorce. This view was so strongly established that men who insisted on divorcing fertile wives, even if for valid reasons, violated expected social *mores*. In his biography of the second-century B.C. Roman general Aemilius Paullus, Plutarch includes an anecdote of an unnamed Roman who divorced his wife, only to come under fierce criticism from one of his friends. The friend, trying to understand the husband's decision, seeks to find some explanation for why the wife failed to please. "Isn't she well behaved?" (σώφρων) he asks, "Isn't she beautiful?" (εὐμορφος). Finally, the friend comes up with one more potential failing which could explain the divorce: "Isn't she fertile?" (παίδοπιός). The Roman's witty retort was to point to his shoe and state that, although the shoe was elegant and new, only he knew where it rubbed his foot.³¹⁴ Plutarch's inclusion of the story at this point in his biography is revealing, as he has just related Paullus' divorce of his long-time wife, Papiria, even though she has given him two excellent sons. This decision clearly puzzles Plutarch and he means his readers to associate the anonymous Roman with Aemilius Paullus himself. The historian implies that the dissolution of many marriages stems not from serious incompatibilities, but from the building pressure of the petty annoyances that come with married life. For our purposes here, however, Plutarch's juxtaposition of the anecdote with the surprising divorce of Aemilius Paullus suggests that he thought it socially inappropriate for a man casually to divorce his fertile wife.

Plutarch makes this same point in his biographies of Sulla and of Pompey, when he considers the circumstances surrounding Pompey's ill-fated marriage to Aemilia Scaura.

³¹⁴ Plut. *Aem.* 5. The anecdote is repeated again at *Mor. Coniugalia praecepta* 141A, without any link to Aemilius Paullus, and without any mention of fertility. Instead, the wife's good qualities are her dowry, her birth, and her beauty.

Aemilia was Sulla's step-daughter. Her mother was Sulla's wife Caecilia Metella Dalmatica, her father Metella's previous husband M. Aemilius Scaurus, consul in 115 B.C. In both biographies Plutarch reiterates that when Sulla decided to marry Aemilia to Pompey, she was already the wife of a certain Manius Acilius Glabrio, and, indeed, was pregnant by him.³¹⁵ Aemilia's second marriage was short and unsuccessful: she died in childbirth not long after she was married to Pompey. Plutarch, in assessing the men's actions, states, "This marriage was therefore characteristic of a tyranny, and it suited the needs of Sulla rather than the habits of Pompey" (Ἦν οὖν τυραννικὰ τὰ τοῦ γάμου καὶ τοῖς Σύλλα καιροῖς μᾶλλον ἢ τοῖς Πομπηίου τρόποις πρέποντα) (*Pomp.* 9.3). Had Sulla not been a tyrant and thus willing to violate expected social *mores*, Plutarch implies, he would never have taken Aemelia away from her first husband.³¹⁶

Cassius Dio suggests that a fertile wife ought to be protected from divorce multiple times in his history. The first example concerns Pompey and Metellus. In 60 B.C., Cassius Dio reports that Pompey had L. Afranius and Q. Caecilius Metellus Celer appointed consuls in the hope of effecting a number of changes, including the distribution of land to his soldiers, but met with little success. Not only were the *optimates* displeased with Pompey, but his hand-picked consuls proved to be remarkably uncooperative. Cassius Dio states that Afranius did not assist him at all, while Metellus, "angry because [Pompey] had divorced his sister even though he had had children by her, acted against him in everything" (Μέτελλος δὲ ὀργῆ, ὅτι τὴν ἀδελφὴν αὐτοῦ, καίτοι παῖδας ἐξ αὐτῆς ἔχων, ἀπεπέπεμπε, καὶ πάνυ πρὸς πάντα ἀντέπραξεν) (37.49.3). Pompey had married Metellus Celer's half sister, Mucia, around 80 B.C. at the suggestion of Sulla. He divorced her immediately upon his return to Rome from Asia in 62 B.C., intending to marry a niece of Cato instead, but his plans were foiled when Cato refused to give permission for the match.³¹⁷ Metellus' reaction suggests that Pompey's divorce of his sister was an insult both to her and to the honour of her family, and his willingness to antagonize Pompey even though he, according to Cassius Dio, owed his position as consul to the man, indicates how serious he considered Pompey's actions to have been.

Dio's second example is recorded among the events that took place after the assassination of Julius Caesar. In Book 46, he gives Q. Fufius Calenus, consul in 47 B.C., a lengthy diatribe

³¹⁵ Plut. *Sull.* 33.3; *Pomp.* 9.2-3.

³¹⁶ For sexual licence as the mark of a tyrant, see below, Chapter Six, pp. 341-342.

³¹⁷ Cicero claims in a letter to Atticus on 1 January 61 B.C. that "[Pompey's] divorcing Mucia is warmly approved" (*divortium Muciae vehementer probatur*) (*Att.* 1.12 (12 SB).3); Plut. *Pomp.* 42, 44; *Cat. Min.* 30.

against Cicero after the latter has made the first of his famous Philippics against Mark Antony in 43 B.C. Cassius Dio's enmity for Cicero is well known and it would be prudent to assume that the speech attributed to Calenus instead reflects Dio's own views on the orator.³¹⁸ In the midst of the invective, Dio, through Calenus, criticizes Cicero, arguing, "Who does not know that you put away your first wife who had borne you two children" (τίς δ' οὐκ οἶδεν ὅτι τὴν μὲν γυναῖκα τὴν προτέραν τὴν τεκοῦσάν σοι δύο τέκνα ἐξέβαλες), referring to Cicero's surprising decision to divorce his wife of more than thirty years, Terentia, in 46 B.C. (46.18.3). No reason for the divorce is given, and no other qualities of Terentia, positive or negative, are mentioned. In the frame of polemic, the fact that she had borne Cicero two children, his beloved daughter Tullia and his son Marcus, is taken for granted as evidence that his divorce of her had been disgraceful.

Lastly, Cassius Dio uses the theme of divorcing a fertile wife to criticize the actions of Augustus. In 12 B.C., Augustus forced his stepson Tiberius to divorce his first wife, Vipsania Agrippina, in order to marry Augustus' own daughter, Julia in 11 B.C. Dio describes the event as follows:

καὶ προαποσπάσας καὶ ἐκείνου τὴν γυναῖκα, καίτοι τοῦ τε Ἀγρίππου θυγατέρα ἐξ ἄλλης τινὸς γαμετῆς οὖσαν, καὶ τέκνον τὸ μὲν ἤδη τρέφουσιν τὸ δὲ ἐν γαστρὶ ἔχουσιν, τὴν τε Ἰουλίαν οἱ ἠγγύησε καὶ ἐπὶ τοὺς Παννονίους αὐτὸν ἐξέπεμψε.

[Augustus] first made [Tiberius], as he had made Agrippa, divorce his wife, though she was the daughter of Agrippa by a previous marriage and was bringing up one child and was about to give birth to another; and having betrothed Julia to him, he sent him out against the Pannonians.

(54.31.2)

Dio counts two factors as strikes against Augustus' decision to make Tiberius divorce Vipsania. First, she was Agrippa's own daughter, and thus it was a bit odd that her husband was required to divorce her in order to marry a woman who would have been in the position of a step-mother to her. The second factor was her fertility: Vipsania had already produced one child and was heavily pregnant with a second.³¹⁹

³¹⁸ See, e.g., Millar 1964: 49-54; Lintott 1997, esp. 2514-2518; Gowing 1998.

³¹⁹ Vipsania's first child, Iulius Caesar Drusus (originally Nero Claudius Drusus), usually referred to as Drusus the Younger, was born in either 14 or 13 B.C. (Barrett 1996: 17, Levick 1999: 30). Her second pregnancy either ended in a miscarriage or stillbirth or the child died very shortly after birth as nothing more is known (Barrett 1996: 17).

Suetonius also scrutinizes Augustus' dynastic machinations and includes more than a hint of criticism at their social unorthodoxy:

ac statim Liviam Drusillam matrimonio Tiberi Neronis et quidem praegnantem abduxit... Iuliam primum Marcello Octaviae sororis suae filio tantum quod pueritiam egresso, deinde, ut is obiit, M. Agrippae nuptum dedit exorata sorore, ut sibi genero cederet; nam tunc Agrippa alteram Marcellarum habebat et ex ea liberos. hoc quoque defuncto, multis ac diu, etiam ex equestri ordine, circumspectis condicionibus, Tiberium privignum suum elegit coegitque praegnantem uxorem et ex qua iam pater erat dimittere.

[Augustus] at once took Livia Drusilla from her husband Tiberius Nero, although she was with child at the time... He gave Julia in marriage first to Marcellus, son of his sister Octavia and hardly more than a boy, and then after his death to Marcus Agrippa, prevailing upon his sister to yield her son-in-law to him; for at that time Agrippa had to wife one of the Marcellas and had children from her. When Agrippa also died, Augustus, after considering various alliances for a long time, even in the equestrian order, finally chose his stepson Tiberius, obliging him to divorce his wife, who was with child and by whom he was already a father.

(Suet. *Aug.* 62-63)

Augustus took Livia from her husband after she had given him one son, Ti. Claudius Nero, the future emperor, and was indeed pregnant with another, Nero Claudius Drusus. He also married his daughter Julia to Marcus Agrippa, making Agrippa divorce one of Augustus' nieces Marcella, even though he had "children from her" (*ex ea liberos*).

Nor, in Suetonius' account, was Augustus yet finished. When Agrippa died and Augustus needed yet another husband for Julia, he turned his attention to his stepson Tiberius, "obliging him to divorce his wife, who was with child and by whom he was already a father" (*coegitque praegnantem uxorem et ex qua iam pater erat dimittere*). The decision made Tiberius miserable and resentful. His marriage to Julia was notoriously unhappy, and he is portrayed as possessing strong feelings for his first wife, Vipsania Agrippina, even long after their forced divorce³²⁰:

Agrippinam, Marco Agrippa genitam, neptem Caecili Attici equitis., ad quem sunt Ciceronis epistulae, duxit uxorem; sublatoque ex ea filio Druso, quanquam bene convenientem rursusque gravidam dimittere ac Iuliam Augusti filiam confestim coactus est ducere non sine magno angore animi, cum et Agrippinae consuetudine teneretur et Iuliae mores improbare... sed Agrippinam et abegisse post divortium

³²⁰ Levick suggests that "sentiment over his regret for Vipsania is out of place" and that Tiberius acted for political reasons "as thousands of Romans had acted before him" (1999: 37).

doluit et semel omnino ex occurso visam adeo contentis et umentibus oculis prosecutus est, ut custoditum sit ne umquam in conspectum ei posthac veniret.

He married Agrippina, daughter of Marcus Agrippa, and granddaughter of Caecilius Atticus, a Roman knight, to whom Cicero's letters are addressed; but after he had acknowledged a son from her, Drusus, although she was thoroughly congenial and was a second time with child, he was forced to divorce her and to contract a hurried marriage with Julia, daughter of Augustus. This caused him no little distress of mind, for he was living happily with Agrippina, and disapproved of Julia's character... But even after the divorce he regretted his separation from Agrippina, and the only time that he chanced to see her, he followed her with such an intent and tearful gaze that care was taken that she should never again come before his eyes.

(Suet. *Tib.* 7)

Augustus had his own reasons for his actions, of course, and his constant goal throughout his rearranging of his family was to secure an heir of his own blood, something he ultimately failed to do, beset by the unlucky whims of fortune.

Both Suetonius and Cassius Dio make a point of highlighting the fact that Vipsania had already provided her husband Tiberius with one child and was pregnant again with a second when he was forced to put her aside in order to marry Julia. I would argue that matching Suetonius and Cassius Dio's words to the other examples where the divorce of a fertile wife opens a person to criticism, reflects an awareness in Roman society that perhaps Augustus' familial woes were not just the whims of fortune but were in part his own fault. He took Livia from a husband to whom she gave two fine sons and failed to have his own child with her. He then forced not one but two men to put aside their wives of proven fertility, in order to marry his daughter Julia in an effort to secure that elusive male heir. Tiberius and Julia did produce one child in 10 B.C., but by the following year the child had died. We do not even know whether it was male or female.³²¹ In contrast, Vipsania, remarried to Asinius Gallus, gave him at least five children, of whom two sons later became *consul ordinarius*, in addition to her son with Tiberius.³²² By mentioning the rejected fertile wives, Suetonius and Cassius Dio imply that even Augustus, the most powerful man in Rome, ought not to have tampered with social *mores*.

In an élite world where divorces were obtained easily and, for the most part, without stigma, a woman's *fecunditas*, therefore, was the only grounds entitling her to some form of

³²¹ Levick 1999: 37; Seager 2005: 20.

³²² *PIR*¹ V 462. Her two consular sons were C. Asinius Pollio, *consul ordinarius* in A.D. 23, and M. Asinius Agrippa, *consul ordinarius* in A.D. 25 (Seager 2005: 107).

marital security. We should speak in terms of reciprocal obligations between the two spouses: if a woman held up her end of the bargain by conceiving, carrying the pregnancy to term, and birthing live, healthy offspring, she was deemed worthy of loyalty from her husband. This is not, of course, meant to suggest that no wives of proven fertility were ever cast aside, just that a man who did so could expect to come under some serious scrutiny from his friends, family and indeed Roman society as a whole. Much of men's behaviour towards their wives escaped criticism. Divorcing a fertile wife, however, might not.³²³

A DELICATE BALANCE: HYPER-FERTILITY AND GENDER PREFERENCES

Despite the heavy emphasis on *fecunditas* and the resulting benefits for both a fertile wife and the man who married her, our sources do not assume that the larger the family, the luckier the parents. The evidence reflects an important ambiguity concerning a woman with too much *fecunditas*. It was, of course, important to give birth to healthy children who survived infancy. But under many circumstances, a woman who produced children each year without fail might cease to be a paragon of virtue for her own sex and a source of praise for her husband; instead she might become a financial liability. When it came to *fecunditas*, it was indeed possible to have too much of a good thing.

Children were expensive to raise, no less so for the élite than for those who enjoyed fewer financial resources. Élite offspring who survived to adulthood required significant financial contributions: hefty dowries if they were daughters or support for the commencement of a political career if they were sons. The impoverished senator Hortalus, discussed at length in Chapter One, is one example of an élite male brought to financial ruin, or so he claims, by the costs of raising his children.³²⁴ Hortalus, according to the account in Tacitus, brought four adult sons with him on his appeal to Tiberius. More sons remained at home with their mother, and the fact that Tiberius made the eventual financial grant to Hortalus' male children under duress and with very bad grace strongly suggests that Hortalus also had at least one surviving daughter. Instead of portraying Hortalus as a source of envy for his reproductive successes, Tacitus instead presents him as a man to be pitied, worn down by the relentless costs of childrearing. Rather than boasting about his many children, Hortalus is apologetic, claiming that he raised them only

³²³ For the issues surrounding divorcing a wife who was suspected of being infertile, see below, Chapter Six, pp. 331-345.

³²⁴ For the story of Hortalus, see above, Chapter One, pp. 32-34.

under pressure from Augustus. His family looks remarkably similar to the idealized examples of Livy's Sp. Ligustinus and Juvenal's unnamed veteran, but in Tacitus' account the true cost of so much reproductive success is laid bare.

Other authors acknowledge the cost and effort of raising many children. Valerius Maximus reports the story of a certain Terentius who raised eight sons to "young manhood" (*adulescentia*) and then gave one away in adoption (Val. Max. 7.7.5). The man's situation was recorded because in c. 70 B.C. Terentius successfully appealed to the *praetor urbanus*, C. Calpurnius Piso, when the son whom he had given in adoption disinherited him.³²⁵ As we will see below, adoption was a useful means of family building. Thus a *paterfamilias* could excise surplus heirs in order to bring them under the control of a childless person from whom they might expect to inherit the entire estate. Adoption was not thought, however, to erase all ties, nor indeed all obligations, to one's natal family.³²⁶ No doubt the enormous cost of raising so many sons played a role in the man's decision to give one up in adoption. Piso sided with Terentius, and Valerius Maximus suggests that "Without question paternal dignity, the gift of life, the benefit of an upbringing, all swayed Piso, but the number of surrounding children also moved him to some degree because he could not fail to see the seven brothers impiously disinherited along with their father" (*movit profecto Pisonem patria maiestas, donum vitae, beneficium educationis, sed aliquid flexit circumstantium liberorum numerus, quia cum patre septem fratres impie exheredatos videbat*) (7.7.5). There is a sense that Terentius, having incurred the expense of raising him, is owed his son's inheritance as well as an awareness that the father must provide for his other seven sons, who will, as a result of Piso's ruling, receive the wealth of their brother when their father in turn dies. In a similar fashion, the emperor Pertinax ruled in a rescript that a man who had sixteen children ought to be exempted from municipal *munera* and, it is understood, their associated costs, and be allowed to devote himself to raising his children.³²⁷

Fecunditas could prove to be a double-edged sword in other ways as well, such as when much-wanted children matured into disappointing adults. Agrippina the Elder's otherwise exemplary *fecunditas* was judged by Tacitus to become *infelix*, when Germanicus died leaving

³²⁵ Shackleton-Bailey suggests the date, as Piso was consul in 67 B.C. (2000: Vol. 2, 177, n. 6).

³²⁶ On adoption as a reproductive strategy in its own right, see below, Chapter Six, pp. 304-323.

³²⁷ *Dig.* 50.6.6(5).2 (Callistratus), quoted and discussed below, Chapter Three, p. 180.

her widowed with six surviving children (*Ann.* 2.75). The Roman empire also faced costs: one of Agrippina's surviving children was Gaius Caligula. Her reproductive successes, portrayed as such a source of pride when her husband was alive, held unfortunate consequences for the rest of the Roman world. This idea of labeling the *fecunditas* of the mother as *infelix* when the sins of the child are taken into account is not limited to Tacitus and indeed could be considered a literary *topos* of sorts. In October of 44 B.C., in his masterful second Philippic, Cicero berates as *calamitosa* the *fecunditas* of Julia Antonia for giving birth to Mark Antony (*Phil.* 2.58). More than two hundred years later, the former empress Faustina the Younger became a scapegoat when her son Commodus' reign was deeply unpopular.³²⁸ Even fictional women could be blamed. In one of Seneca's *Controversiae*, a husband is made to complain that "he married a wife who was excessively fertile" (*duxi uxorem nimium fecundam*) (1.7.8). According to the hierarchy of *fecunditas* for which I have argued in this chapter, she ought to be praised for her reproductive success, not criticized: she gave her husband three sons. Yet this achievement was destroyed by the sons' behaviour: one was a tyrant; one was caught in adultery with his brother's wife and then killed; and the third, the worst of the lot, murdered both his brothers, the tyrant and the adulterer, even though his father had pleaded with him to spare his brother's life. The third brother also had the audacity to write to his father requesting a ransom when he was captured by pirates, and then, when he had been released by the pirates against the wishes of his father (who had told the pirates he would pay double the ransom if they cut off his son's hands), he refused to support his father when he was in need. By his actions he stripped his father of every measure of expected support. He is the very picture of a violation of *pietas*. Julius Bassus, in arguing the case of the father, who is suing the son for ingratitude, suggests that the father cannot win. If he loses his suit, he will starve because his son will not have to support him. If he wins, he will not go hungry, but he will be forced to engage with his son. Bassus has the father describe the children his wife bore him not as sons but as "monsters" (*prodigia*) (1.7.8). His wife's *fecunditas* was a curse, not a blessing.

Although it was certainly a common view, children did not need to be morally corrupt for the mother's *fecunditas* to be viewed as *infelix*. Velleius Paterculus, writing about the marriage of Augustus' daughter Julia to Agrippa after the death of her husband Marcellus in 23 B.C., states that she was "a woman whose womb was auspicious neither for herself nor for the state"

³²⁸ For discussion, see Priwitzter 2010.

(*feminam neque sibi neque rei publicae felicitis uteri*) (2.93.2). Julia's children were her namesake, Julia the Younger, exiled in A.D. 8 for adultery; Agrippina the Elder, mother of Caligula and grandmother of Nero; her sons Lucius and Gaius whose untimely deaths in A.D. 2 and 4 respectively foiled Augustus' careful plans for the succession; and Agrippa Postumus, banished under Augustus in A.D. 4 and murdered upon the succession of Tiberius. While some of her children, particularly her daughters, could be criticized for their behaviour or that of their own progeny, Gaius and Lucius are portrayed by the sources as relatively blameless figures. Nevertheless, they were *infelix* for Rome because their early deaths derailed Augustus' ambitions for his imperial line.

In a very similar passage, Pliny the Elder comments that Marcus Agrippa was made unlucky by the circumstances surrounding his birth: he was born breech, and this infelicitous beginning was made manifest partly by the misfortune "brought to the world by all his ill-favored children but most of all by the two Agrippinas who bore the emperors Gaius Caligula and Domitius Nero" (*infelici terris stirpe omni sed per utrasque Agrippinas maxime, quae Gaium, quae Domitium Neronem principes genuere*) (Plin. *HN* 7.45). Although at first glance this looks to be a rare example where the father bears some responsibility for the antics of his offspring, upon closer examination it is clear that the individual at fault is in fact Agrippa's own mother for bringing him in to the world in such an ill-omened manner. Pliny, like Tacitus, emphasizes that the *fecunditas* of the two Agrippinas proved to be *infelix* when their prized sons grew up to become widely reviled emperors.

Infelix fecunditas also arises later in the same book, when Pliny records a rather strange anecdote concerning Cornelia, the mother of the Gracchi, in his discussion of human teeth (7.68-72). While relating the idea that in the regal period it was thought to be portentous if a female infant was born with teeth, he adds in a parenthetical aside that "Some females are born with the genitals closed (*concretus*); the case of Cornelia, the mother of the Gracchi, bears witness that this is an inauspicious omen" (*quasdam concreto genitali gigni infausto omine Cornelia Gracchorum mater indicio est*) (7.69). The most likely issue here is an imperforate vagina, mentioned by Aristotle as a minor sexual deformity. It could remedy itself through spontaneous bursting of the membrane at the onset of menstruation. Alternatively, it could be removed through surgical intervention. Importantly, if left untreated, it was recognized as a potential contributor to infertility. Today, it is known that if the menstrual blood pools inside the body

rather than exiting from the vagina, it can lead to endometriosis and other internal issues.³²⁹ Pliny's anecdote clearly refers to Cornelia's *fecunditas*, even though the word itself is not used. The blocked vagina, her birth canal, immediately brings to mind her children, especially her two famous sons who gave her the epithet by which she has come down to us in history: *mater Gracchorum*. From the first we must acknowledge it very unlikely that the anecdote reflects historical truth: it defies belief that a medical issue concerning such an intimate part of a female's body would become common knowledge, particularly given Cornelia's exalted status in the ancient source tradition. Respectable Roman matrons, even those long-dead, simply did not have their vaginas discussed in public. More likely the anecdote was attached by later generations to her complicated legacy as *mater Gracchorum*, paragon of *fecunditas* and *exemplum* of maternal loss, as a means of explaining the events of her later life as having been predetermined.³³⁰

With that in mind, there are several possible interpretations for what Pliny meant by the "bad luck" (*infaustum omen*) predicted by the appearance of her vagina at her birth. The first is that it was proved by the violent deaths of her only surviving adult sons, Tiberius and Gaius. This is the explanation given by Solinus (1.67), a Latin grammarian and compiler who wrote in the early third century A.D. A second explanation could be that the *infaustum omen* referred not to the deaths of her two adult sons, but to the untimely deaths of her nine other children, said to have been four sons and five daughters, all of whom died before reaching adulthood.³³¹ Under this interpretation, Cornelia's *fecunditas* was *infelix* because she only achieved the first requirement: birthing many live children. She largely failed at the second: producing children who successfully reached adulthood. The *infaustum omen* thus refers to the lost potential of her

³²⁹ Arist. *GA* 773^a16. cf. *HA* 636^b; Celsus 7.28; Vons 2000: 39, n. 16; Beagon 2005: 246. For the modern medical understanding, see Lacy 2008. The anecdote is strangely absent from Dixon's 2007 "anti-biography" of Cornelia (quotation at 2007: xii).

³³⁰ The story of the snakes (discussed above, Chapter One, pp. 55-56) also shows the interest in attaching omens to this family. cf. Vons 2000: 39-40. For Cornelia's complicated legacy as iconic daughter, wife, mother, bereaved parent, and widow, and the usefulness of her name for propagandistic purposes, see Petrocelli 2001 [1994]; Dixon 2007, especially Chapter Four; Roller 2012. She truly could do no wrong in the ancient tradition, being a *univira* and even having been said to have breast-fed her children herself: Tac. *Dial.* 28.4. Hemelrijk (1999: 67) points out that Cornelia's reputation during her lifetime was much more ambiguous than the idealized picture that developed in the ancient source tradition. Maureen Flory has argued (1993: 292) that the idea of Cornelia as an ideal mother was an Augustan revision to emphasize her as a moral *exemplum* for women, dating from the move of her statue to the *porticus Octaviae* sometime after 27 B.C. cf. Schrömbges 1986: 200 and Lewis 1988.

³³¹ Also suggested by Vons 2000: 40. The births of Cornelia's children are problematic, given what we can guess concerning her own date of birth, the date of her marriage to Tiberius Gracchus, and the death of her husband. Our sources for the number twelve (Plin. *HN* 7.57 and Sen. *Helv.* 16.6) wrote more than two centuries after the fact. Dixon (2007: 7) has suggested that either the number of births has been exaggerated or that stillbirths or miscarriages may have been included in the total. Multiple births are another possibility, although admittedly it would be odd not to have them recorded in the source tradition of a woman so famous for her *fecunditas*.

fecunditas, given that she gave birth to so many children only to see three-quarters of them die young. This interpretation is perhaps strengthened by the tradition in the ancient sources of viewing Cornelia not only as a paragon of *fecunditas* but also as an *exemplum* for maternal loss.³³² Alternatively, the *infaustum omen* could refer to all eleven deaths, thus considering her *fecunditas* to be ultimately *infelix* because she lost so many children, including the adult sons on whom she thought she would be able to depend in her old age.³³³

The final possible explanation is closer to Pliny's assessment of the children of Marcus Agrippa and Cicero's criticism of Antony's mother: Cornelia's much-vaunted *fecunditas* was in fact *infelix* because her two surviving sons were such disruptive forces in the Roman Republic. It would have been better for everyone had they not been born at all.³³⁴ Cicero uses a similar idea as part of a rhetorical exercise demonstrating the *genus argumentationis remotum*, stating "If Publius Scipio had not given his daughter Cornelia in marriage to Tiberius Gracchus, and if Gracchus had not fathered the two Gracchi on her, such enormous political discord would not have arisen. Therefore this disaster could be attributed to Scipio" (*quodsi non P. Scipio Corneliam filiam Ti. Graccho collocasset atque ex ea duos Gracchos procreasset, tantae seditiones natae non essent; quare hoc incommodum Scipioni ascribendum videtur*) (*Inv. rhet.* 1.91). Cicero's point, of course, is that this is not a valid argument, for the circumstances are too remote for the blame to be ascribed to Scipio. I would suggest that this is also immediately identifiable to Cicero's reader as an unconvincing argument simply by virtue of the fact that it is Scipio who is blamed for the actions of his grandchildren. As we have seen above, according to the Romans, the person on whom the blame ought to rest was Cornelia.

I do not think we have to restrict ourselves to one possible interpretation in the case of the anecdote from Pliny concerning Cornelia's birth. Rather, the anecdote neatly illustrates the complexity, and, indeed, ambiguity, surrounding both the Romans' understanding of the feminine virtue *fecunditas*, and their portrayal of Cornelia herself. The passage contains the same idea found in Pliny's assessment of M. Agrippa's children earlier in Book 7, and in other authors, that a woman's *fecunditas* could be deemed *infelix* if her children grew up to threaten the Roman state. But I think it also likely, given her position in the ancient source tradition as an

³³² E.g., Sen. *Helv.* 16.6, where Seneca urges his mother to emulate Cornelia's example. In another letter, however, Seneca judges the earlier deaths to be of little value since they were not made famous by either their births or deaths (*Marc.* 16.3).

³³³ For the idea of Tiberius and Gaius as her support system in her old age, see above, Chapter One, pp. 27-29.

³³⁴ This is the interpretation subscribed to by Roller (2012: 6-7).

exemplum of maternal bereavement, that those who heard the anecdote might also remember the devastating consequences for Cornelia herself for her failure at *fecunditas* – the children buried all too young, the widow made vulnerable by the loss of her expected support network – and not just the crisis for the Roman Republic caused by her reproductive success. The *pathos* felt for Cornelia would also have been strengthened by the very nature of the physical deformity. Said to have been born with something that could have made her infertile, Cornelia instead overcame this difficulty to give birth to twelve children. Far from having a defective womb, hers proved to be only too successful, which made it even more tragic when her two adult sons were killed and she ultimately outlived eleven of her twelve children.

Exemplary *fecunditas*, therefore, could only be safely championed when the children in question, such as the four sons of Q. Metellus, brought pride and praise upon their family rather than infamy. In a way, a woman's *fecunditas* was only truly safe from criticism once all of her children had died, after living long and virtuous lives. This again points to the Roman societal tendency to portray the responsibility for conceiving and birthing a live child entirely on the woman: if the child turned out to be a disappointment, the father had an easy scapegoat in the form of her *fecunditas*. His own role in the matter could be neatly elided.

The financial cost to the family as a whole brought about by extreme reproductive success could not be ignored. Since the Romans relied on partible inheritance, a husband and wife who found themselves too successful at birthing and raising healthy children faced the unenviable proposition of reducing the family's prosperity by splitting the inheritance between too many offspring. The dangers of reaching old age possessing too few children, however, were also weighty.³³⁵ Given the Roman élite could not control family size in any systematic manner, they were vulnerable to the vagaries of demographic factors in determining their ultimate family size.

This does not mean, however, that no preferences can be seen in our sources. The demographically-unlikely idealized large families discussed in this chapter boast a high ratio of sons to daughters. The family of Q. Metellus Macedonicus, singled out among several authors as deserving of praise, is an historical example that reflects these imagined ideals. While Metellus' sons are remembered mainly for their astonishing political success, their outnumbering of his

³³⁵ See above, Chapter One, pp. 29-30, for the potential vulnerability of parents who reached old age without any children to support them.

daughters was also a reason for praise. The poet Statius congratulates his friend, Julius Menecrates, on the birth of a second son, not because the child is healthy and well, but because Menecrates has been blessed with more sons than daughters (*Silv.* 4.8.25-27). Pliny the Elder records that ingesting the root of a thistle is said to produce a male fetus, Soranus mentions signs believed to determine whether a fetus was male or female, and Strabo records stories where the sex of children can be determined even when still in the womb.³³⁶ Regardless of the veracity of such anecdotes, their very existence suggests a healthy interest in identifying and even determining gender, something that would not be necessary if all births were considered equal. Nor was this preference necessarily limited to elite families. *Dig.* 34.5.10(11).1 (Ulpian) concerns a hypothetical case where a pregnant female slave was to be given her freedom if she bore a male child first, indicating that males were considered a more valuable economic asset than females.

The preference for male children is unlikely to reflect anxiety concerning the cost of raising daughters, for dowries were drawn as an advance from their expected shares of the inheritance which would eventually be divided evenly between all surviving children. When their parents died, married daughters would therefore receive less of the estate than their unmarried sisters and their brothers.³³⁷ At the same time, the offspring of daughters, while they could be much beloved grandchildren, would be part of their father's *familia*, and not that to which their mother belonged. Thus they could play no role in the transmission of the family name or property.

Our elite writers show particular interest in two categories of women: those who experienced the death of many or all of their children and those who successfully gave birth to many children who lived. Both types of women are of interest to our elite writers for the same reason: they are demographic anomalies. They represent two extremes on the normal spectrum of family building shaped by the aggressive mortality regime in the Roman world. It was not the case, of course, that all families would experience the same losses. As Mark Golden notes,

³³⁶ Plin. *HN* 20.263. Sor. *Gyn.* 1.45. Str. 4.6.8, concerning brigands who kill male fetuses in the womb, and 15.1.60, where the Garmanes, Indian philosophers, are said to be able to use sorcery to cause people to give birth to either male or female children. cf. Suet. *Tib.* 14.2, where Livia, when pregnant with Tiberius, tried to determine “by various omens” (*variis ominibus*) whether she was carrying a son, and Plin. *HN* 10.154, where Livia is said to have kept an egg warm in her breast in the hope that the child she was carrying would be a male.

³³⁷ Crook 1967: 104-105; Pölonen 2002. On the other hand, Artemidorus records that dreaming of male children prophesies good results, while dreaming of female children indicate a worse result because boys take nothing from their parents whereas girls require a dowry (*Oneir.* 1.15).

“Diversity is perhaps the most striking feature of ‘natural fertility’...birth and death rates vary dramatically, from family to family (the childless lie next to families of eight or ten or more), from year to year...from region to region”.³³⁸ But most women would probably have succeeded in giving birth to a few children, only to then see at least one or two of those children die. It is the outliers, the women whose experiences stand outside the expected realm of normalcy that fascinate our authors, and it is precisely their status as outliers that has ensured their survival in the evidence.³³⁹

It is a bitter irony of life in the Roman world that a woman who excelled at *fecunditas* through the frequent births of healthy infants in all likelihood would be called upon by fate to play another role: that of the bereaved mother mourning the often untimely deaths of her children. Staggering rates of infant and child mortality meant that the vast majority of women who gave birth many times would be forced to watch over the years as the aggressive mortality regime carried off their children.³⁴⁰ When more of the children died than might be expected, the mother’s ability to cope with her bereavement came under scrutiny. Here too Cornelia becomes an *exemplum*. She gave birth to twelve children, but saw only three reach adulthood; she was a model of how to cope with loss. Cornelia, however, does not stand alone in our sources. Both Valerius Maximus and Pliny the Elder claim that a certain Clodia lived to be 115 years old; she is deemed worthy of record for another reason as well: she lost fifteen children.³⁴¹ The mother of the third-century Emperor Pupienus was said to have lost four sons and four daughters, all of whom died before puberty.³⁴²

Having many children was thought perhaps to ease the pain when some died: Ovid claims that a mother mourns less for a son if he were one of many than if he were her only child, because “all love is vanquished by a succeeding love” (*successore novo vincitur omnis amor*) (Ov. *Rem. am.* 462-464). In A.D. 165, after the death of his grandson, M. Cornelius Fronto opens a letter with a similar thought:

³³⁸ Golden 2011: 272. cf. Frier (2000: 804), who writes that “the most striking feature, largely produced by the randomizing factor of heavy infant mortality, is the enormous variance in the number of surviving children.”

³³⁹ So Beagon (2005: 163) on Pliny the Elder’s Book Seven: “The stress is on variety rather than uniformity and even on the exceptional rather than the norm”.

³⁴⁰ In Statius’ poem of congratulations to his friend Menecrates on the birth of the latter’s third child, there is a matter of fact awareness of the realities of child mortality: Statius hopes that his friend will not lose any of the gifts of Lucina, the goddess of childbirth (*Silv.* 4.8.23-24).

³⁴¹ Val. Max. 8.13.6; Plin. *HN* 7.158.

³⁴² *SHA Max. et Balb.* 5.2. Scheidel (1999: 268) notes that “Even if fictitious, a story like this must have been considered credible”. Other examples: Scheidel 1999: 266-267.

quinque amisi liberorum miserrima quidem condicione temporum meorum, nam quinque omnes unumquemque semper unicum amisi, has orbitatis vices perpessus, ut numquam mihi nisi orbato filius nasceretur. ita semper sine ullo solacio residuo liberos amisi, cum recenti luctu procreavi.

Indeed, I have lost five of my children under the most wretched circumstances possible, for I lost all five one at a time, each an only child. Thus I endured this series of losses, never having a child born to me except when I had lost another. So I always lost children without any remaining as a consolation, and I sired others weighed down by fresh grief.

(De Nepote Amisso 2)

Fronto was writing to the emperor Marcus Aurelius, his former pupil, who was himself no stranger to such twists of fate. Marcus Aurelius' wife, Faustina the Younger, gave birth to around thirteen children, but eight died prematurely.³⁴³ If a male child was the preferred result, it follows that the loss of a son could be considered more devastating than that of a daughter. In his ninth Philippic against Mark Antony, Cicero says of the son of Servius Sulpicius, mourning the death of his father, that “no one ever grieved more for the loss of an only son than he grieves for his father” (*nemo umquam unici filii mortem magis doluerit, quam ille maeret patris*) (*Phil.* 9.5.12). Cicero assumes that his audience agrees that the death of an only son is the hardest of all losses to bear.

Women who successfully gave birth to many children who lived were also demographic outliers and thus worthy of notice. Aulus Gellius records the unusual tale of Acca Larentia, a woman said to have been a prostitute but also a mother of twelve sons. When one son died, according to Masurius Sabinus, Romulus became a son in his place, and Acca became his nurse. Romulus called himself and her other sons the *frates Arvales* (*Gell. NA 7.7.5*). The story of Acca's twelve sons is likely to be an attempt to explain the origin of the twelve members of the college of Arval Brethren, but it is interesting nonetheless that such an explanation circulated in Rome. It shows that a woman could be imagined as having given birth to that many sons, and that such a woman could be held up for praise by the community, even if she were a prostitute. Gellius records that after she died she received public sacrifices after she left the Roman people, or in other versions Romulus himself, as heir to her extensive property.³⁴⁴ In his *Metamorphoses*, Apuleius describes a woman whose exceptional characteristics include having

³⁴³ Scheidel 1999: 267. See below, Chapter Four, pp. 206-210. For Fronto, see Claassen 2007; Richlin 2011.

³⁴⁴ Fertility in a prostitute was not normally praised: see above, pp. 89-90.

given birth to ten children (Apul. *Met.* 7.6). Pompey the Great was said to have placed images of “celebrated marvels” (*mirabiles fama*) among the decorations of his theater, including one of Eutyichis, who had given birth thirty times and was carried to her funeral pyre by twenty children (Plin. *HN* 7.34). Vistilia was famous for giving birth to seven children by six husbands. All of the children save two were born three months’ premature, which made their survival even more remarkable.³⁴⁵ The fake epitaph invented by Martial is also relevant here. Twice the woman was publicly celebrated for her feats of child bearing: five sons and five daughters, all of whom outlived her.³⁴⁶ Perhaps we should not be surprised that this woman was a figment of Martial’s imagination. Finding a real woman who had experienced similar success in childbearing would have been a tall order indeed.

DEMOGRAPHIC OUTLIERS: MULTIPLE BIRTHS

The élite Roman authors’ interest in women who were demographic outliers helps to explain the fascination in the sources with another incarnation of hyper-fertility: multiple births. Such births were a rarity and open to competing and contradictory interpretations. Depending on the circumstances surrounding the birth, such as how many children were born, how many lived, and whether the mother survived the labour, they could be treated as either a joyous occasion or an inauspicious portent. Twins were generally welcomed. When Livilla, the sister of Germanicus and the wife of his adoptive brother Drusus, gave birth to male twins, Tacitus claimed it was “a rare and joyful occasion even for modest households” (*rarum laetumque etiam modicis penetibus*) (*Ann.* 2.84). Tiberius was so overjoyed by the auspicious birth that he even claimed to the senators that “never before had such a high ranking Roman brought forth twin offspring” (*nulli ante Romanorum eiusdem fastigii viro geminam stirpem editam*). Tacitus derisively dismisses this boast as yet another example of Tiberius turning chance events into an opportunity for self-praise.³⁴⁷ One or both of the twins could be given a name which drew attention to their

³⁴⁵ Plin. *HN* 7.39. On Vistilia see Bruun 2010 and Kavanagh 2010.

³⁴⁶ Mart. 10.63. For the poem and discussion, see above, pp. 99-101.

³⁴⁷ Sulla was similarly said to be overjoyed by the birth of male/female twins, whom he named Fautus and Fausta, in 86 B.C. (Plut. *Sull.* 34.5). On the use of multiple births for political ends by the Imperial family and other high ranking Romans, see below, Chapter Four, pp. 199-200, 207-208. Statius has a mother of twin sons who have both been killed in battle lament the loss of “the fortune of her womb” (*uteri fortuna*) and argue that it would have been better for her to have lived childless than to have suffered this loss (*Theb.* 3.147-168). Although the individuals in question are not Romans, Statius’ poem operates within the culture in which it was written and thus likely reflects Roman attitudes.

birth: one of Drusus' twin boys was named Tiberius Gemellus (twin).³⁴⁸ Twins were thought to enjoy special qualities and to suffer if separated. Indeed, it was even argued that it was “rather more to be twins than brothers” (*plus quiddam est geminos esse quam fratres*) (Sen. *Controv.* 9.3.3). Propertius imagines a twin birth as being more soothing to an anxious mother than that of a singleton, a rather calculating assessment of the demographic realities of infant mortality, since his point must be that the mother would still have a child on which to lavish affection if one of the twins died (2.22A.41-42).

Examples of multiple births in our sources of more than two children are quite uncommon, likely due in part to their actual rarity, but also to terminology; it was possible to use *gemi* to refer to more than just twins.³⁴⁹ The most famous examples of triplets in Roman history – the Horatii from Rome and the Curiatii from Alba – were in all likelihood not real historical figures at all, but actors in the foundation myths of Rome. The two sets of triplets were said to have fought each other to determine which city would hold pride of place in the early days of Rome's expansion into Italy; Rome, of course, proved victorious.³⁵⁰ According to Dionysius of Halicarnassus the two sets of triplets were cousins: their mothers were twins who gave birth on the same day. The births in both communities were treated as auspicious.³⁵¹ Furthermore, after the Horatii and, by extension, Rome prevailed, Dionysius of Halicarnassus claims that this inspired a law where “parents of triplets would be supplied with the cost of rearing them from the public treasury until they are young men” (οἷς ἂν γένωνται τρίδυμοι παῖδες ἐκ τοῦ δημοσίου τὰς τροφὰς τῶν παίδων χορηγεῖσθαι μέχρις ἡβῆς) (*Ant. Rom.* 3.22.10). We have, however, no examples where this law was applied, and it may well be an erroneous statement on the part of Dionysius.³⁵² Unhappier outcomes were probably much more

³⁴⁸ For the wide range of naming patterns for twins, which included calling one or both some version of “twin”, giving the children names celebrating the auspiciousness of their birth, giving both children complementary names, giving one child a diminution of the other's name, and giving the children names which brought to mind mythical twins, see Dasen 2005a: 251-259. For an extensive catalogue of twins in Greco-Roman mythology, see Dasen 2005a: 56-198.

³⁴⁹ Isid. *Etym.* 9.5.21; Serv. *Aen.* 1.744. cf. Dasen 2005b: 66-67.

³⁵⁰ Livy 1.24-26; Dion. Hal. *Ant. Rom.* 3.12-22; *Dig.* 5.4.3 (Paul). For the accounts in Dionysius of Halicarnassus and Livy see Burck 1964: 150-153; Ogilvie 1965: 105-117; Montanari 1972; Solodow 1979 = 2009; Fries 1985: 67-87; Feldherr 1998: 123-144; and especially Walker 1993: 363-370 and Oakley 2010. In assessing the historical veracity of the battle, Oakley writes, “Since there is very little reason to believe that a triple combat between the Horatii and Curiatii ever took place, that there was ever an important settlement at Alba Longa, or that reliable information survived from the 7th cent. B.C. into the Roman annalistic tradition, the entire narratives of this episode in both writers must ultimately be the product of free composition” (2010: 138, n.2).

³⁵¹ Dion. Hal. *Ant. Rom.* 3.13.3-4. There is no mention of any of this in Livy's account.

³⁵² Dasen (2005a: 272) notes the lack of examples of application of the law. It is not mentioned in Livy.

common: Artemidorus records a woman who gave birth to identical female triplets. All three babies died in the same month (*Oneir.* 5.12). In the epigraphic record, triplets are almost entirely absent. The only known example appears in a funerary inscription from Ostia for one Ti. Claudius Felix, an imperial freedman. Commemorated by his own freedman, Ti. Claudius Successus, Claudius Felix is distinguished by three salient features of his life: his position – an imperial *actuarius*, a keeper of records or accounts of the emperor, his origins – a *verna* from the *domus Augusta*, and his birth – he was born *ex trigem(i)nis*.³⁵³

Several stories, some recorded in multiple versions, report births of children greater in number than triplets. Pliny the Elder, as part of his discussion of births and human fertility, records the case of a woman in the Peloponnese who was said to have given birth four times to quintuplets. Astonishingly, in each case the majority of the children were said to have survived (*HN* 7.33). The story has perhaps become muddled by the time of the third-century jurist Paul, who states that “good authorities have reported that in the Peloponnese a woman five times produced quadruplets” (*tradidere non leves auctores quinquies quaternos enixam Peloponensi*) (*Dig.* 5.4.3). It seems likely that this represents a reversal of the number of births and type of multiples for the same woman described by Pliny, rather than being an entirely new example. The same story is probably the basis for Soranus’ claim that a woman gave birth to five children on three different occasions, although he adds that it was a difficult process (*Gyn.* 4.1). Finally, a suspiciously similar tale is recorded in the second century A.D. by Phlegon of Tralles in his *Book of Marvels*, writing that, “Antigonos states that in Alexandria a single woman gave birth to twenty children in the course of four deliveries and that most of them were reared” (Ἀντίγονος δὲ ἱστορεῖ ἐν Ἀλεξανδρείᾳ μίαν γυναῖκα ἐν τέτρασιν τοκετοῖς εἴκοσι τεκεῖν καὶ τὰ πλεῖστα τούτων ἐκτραφῆναι) (*Mir.* 28). Phlegon’s account is taken almost word for word from Antigonos (*Mirabilia* 110.1), a paradoxographer of the third century B.C. Both Pliny and Phlegon’s versions probably originally stem from Aristotle, who recorded in his *History of Animals* that one woman had given birth to twenty children in the course of four births, bearing five each time, but did not specify a geographical location (*Hist. an.* 7.4.584^b). Both Pliny and

³⁵³ *BCAR* 88 (1982-3): 125-126, no. 34 = *AE* 1985, 183. The first two lines of the inscription are as follows: [*Ti.*] *Claudio Aug. l. Felici actario / Caesaris vernae divi Aug. ex trigemnis*. See Solin 1985: 213-214; Solin 1990, 64, n. 192. Dasen’s speculation that the surname Felix suggests that the slave’s birth may have been seen as auspicious (2005a: 272) is reading more into the evidence than is warranted: Felix was a very common name, especially for slaves.

Phlegon make mention of the survival of most of the children, driving home just how unusual such a feat would have been in antiquity. The survival and transmission of such an anecdote for more than six centuries, regardless of its historical veracity, underlines the interest such highly unusual births could provoke.

Phlegon's statement that the woman came from Alexandria, rather than from the Peloponnese as Pliny reports, likely reflects the fact that Egypt was seen to be a place of highly unusual fertility: events such as the birth of higher order multiples, which would be considered an exceedingly rare event anywhere else, would be assumed to be more common there. Multiple births in Egypt were also less likely to provoke anxiety: Pliny the Elder writes that a birth of multiples greater than triplets "is thought to be portentous, except in Egypt, where the river Nile causes fecundity in those who drink from it" (*ostenta ducitur praeterquam in Aegypto, ubi fetifer potu Nilus amnis*) (Plin. *HN* 7.33). Strabo reports that the Nile was said to be more productive than other rivers and that "Egyptian women sometimes actually bear four children" (τάς τε γυναικάς ἔσθ' ὅτε καὶ τετράδυμα τίκτειν τὰς Αἰγυπτίας), suggesting that such births in other places are considered to be rare events indeed.³⁵⁴ The *Digest* in a section discussing the infrequency of multiple births of orders higher than triplets contains an aside which says that "many women in Egypt have produced seven children at one birth" (*multas Aegypti uno utero septenos*) (*Dig.* 5.4.3 (Paul)). In a similar vein Pliny records that Trogus alleged the birth in Egypt of seven infants born simultaneously (Plin. *HN* 7.33). The record for the most infants in one birth is found in Aristotle, where a woman was said to have given birth to no fewer than twelve still-born infants (*Hist. an.* 7.4.585^a).

Phlegon of Tralles' Book of Marvels records a second set of Egyptian quintuplets. He reports that Trajan once ordered a set of quintuplets, three boys and two girls, to be raised at his own expense. The following year their mother, an unnamed woman from Alexandria, gave birth again, this time to a set of triplets.³⁵⁵ Some scholars have seen a connection between this tale and three examples of quintuplets found in the *Digest*.³⁵⁶ Gaius states that "In our own time, in fact, an Alexandrine woman called Serapias was presented to Hadrian with the five children she had borne in one confinement" (*et nostra quidem aetate Serapias Alexandrina mulier ad divum*

³⁵⁴ 15.1.22. He adds that Aristotle, who also believed the Nile to be more productive, records one woman who gave birth to septuplets. On the potent waters of the Nile, see too Plin. *HN* 7.33.

³⁵⁵ *Mir.* 29 = *FGrH* 257 F36.29.

³⁵⁶ First proposed by Friedländer (1913: iv, 9); Hansen (1996: 163-4) assumes the idea is correct.

Hadrianum perducta est cum quinque liberis, quos uno fetu enixa est.) (*Dig.* 34.5.7(8)). Likewise, the second century jurist Julianus writes, “There was at Rome an Alexandrian woman from Egypt who delivered five at the same time, all of whom survived; this was confirmed for me in Egypt” (*esse mulierem Romae Alexandrinam ab Aegypto, quae quinque simul peperit et tum habebat incolumes, et hoc et in Aegypto adfirmatum est mihi*) (*Dig.* 46.3.36). Finally, a very similar, but not identical, story is reported by the third-century jurist Paul, where a free woman was brought from Alexandria to be shown to Hadrian. She had given birth to four children at the same time and a fifth forty days later (*Dig.* 5.4.3). It is probable that the anecdotes from the *Digest* refer to the same woman; the separation of the birth of the final child from the other four in Paul’s account may reflect a change in the transmission of the anecdote, just as probably occurred with the woman who gave birth to twenty children in either four or five deliveries. With that said, I question Friedländer’s claim that the woman in the accounts in the *Digest* and the woman in Phlegon of Tralles’ account are one and the same. Phlegon of Tralles was a freedman of the emperor Hadrian. It is highly unlikely that he would ascribe the visit of the Alexandrian woman and her quintuplets to the court of the wrong emperor. Indeed, if she had been presented to Hadrian, Phlegon himself might have been present to witness the event.³⁵⁷ Likewise, if Gaius is correct in recording her name as Serapias, it seems very odd that Phlegon would not include it. Given he is the source closest in time to the event, we would not expect him to be ignorant of such a detail. There is no mention in any of the accounts in the *Digest* that the emperor ordered the quintuplets to be raised at his own expense. Nor is there any mention that the quintuplets’ mother gave birth a year later to triplets. This last omission is particularly striking, given the anecdotes in the *Digest* are all found in sections where the jurists are concerned with the inheritance implications of multiple births. If this woman truly had produced eight children in the space of a year, surely the jurists would have found this worthy of comment.

Whether these anecdotes record one historical case or two or more, it is clear that what makes the event worthy of preservation is that, unusually, all five children survived. In Phlegon’s example the emperor Trajan chooses to rear the five children at his own expense. In Gaius’ account the woman is presented to Hadrian along with her five children. In Paul’s account it is not specified that the children were presented to the emperor along with their

³⁵⁷ Elsewhere he records that he was present when a certain Faustus, a slave of the emperor, who lived to be 136 years old, was displayed to Hadrian (*Mac.* 97). He also mentions an embalmed hippocentaur kept in the emperor’s storehouse (*Mir.* 35).

mother, but the reader assumes this is the case. In both accounts the children must have been old enough to undertake the journey from Alexandria to Rome, which suggests they were thought to have survived the most dangerous early days. Finally, Julianus' account explicitly states that all five children survived, and adds that the events were confirmed for him in Egypt, indicating that tales of this unusual birth were not confined to Rome.

Aulus Gellius records a Roman example of the birth of quintuplets that did not have such a fortunate outcome. During the reign of Augustus a slave woman (*ancilla*) of the emperor delivered quintuplets (*NA* 10.2). The birth did not end well: Gellius tells us that the children "lived for a few days" (*eosque pauculos dies vixisse*) and that "their mother also died not long after she had given birth" (*matrem quoque eorum, non multo postquam peperit, mortuam*) (*NA* 10.2.2). Nevertheless, a monument was erected to her on the Via Laurentina on the orders of Augustus, on which was inscribed the number of her children. The birth is of interest not because all the children and their mother died; Gellius' matter of fact recording of the event suggests that this was a common occurrence. What is most interesting to him is that the children did not die immediately but lived for a few days.

Twins and triplets were also of great theoretical interest to the jurists, who were engrossed in the questions of inheritance and manumission that could arise from multiple births. Tryphoninus and Ulpian consider in turn the impact of the birth of triplets or twins to a slave named Arescusa whose owner had left a testamentary instruction that she should be freed if she should bear three children (*Dig.* 1.5.15-16). Tryphoninus imagines that Arescusa has borne one child and then bears triplets with her next pregnancy; Ulpian adds a second possibility: that she bears two children from two pregnancies and then produces twins with a third. In both cases they feel it is perfectly clear that the last child to be born is born free. There is no doubt concerning the issue for, as Tryphoninus notes, nature has not allowed "that two babies can get out of their mother's womb at the same time with one push, so that from the uncertain order of their being born, there is no way of telling which is born in slavery and which in freedom" (*nec enim natura permisit simul uno impetu duos infantes de utero matris excedere, ut ordine incerto nascentium non appareat, uter in servitute libertateve nascatur*).³⁵⁸ In a similar vein, Ulpian records the opinion of Julian that if a female slave (in this section named Arethusa, although it

³⁵⁸ *Dig.* 1.5.15. Although this very possibility is imagined by Tryphoninus himself concerning a hypothetical situation where a female slave, who will receive her freedom if her first child is a male, gives birth to a set of male-female twins (*Dig.* 24.5.10(11).1).

must surely be the same *exemplum*) is promised her freedom after bearing three children, and the heir was responsible for preventing her from giving birth, either through administering a contraceptive or forcing her to undergo an abortion, then she is to be freed at once, “for she might have born triplets” (*quia et uno utero potuit tres edere*) (*Dig.* 40.7.3.16). Paul argues that the term “three times a mother” (*ter enixat*) includes someone who has borne triplets (*Dig.* 50.16.137). The jurists, admittedly, were fond of exploring all the repercussions of hypothetical cases. Yet their explicit discussion of the thorny questions raised by the unexpected appearance of twins or triplets is likely to be grounded in an awareness that such births were not just theoretical musings. They did occur, and the legal system had to be able to respond.

A set of triplets was the maximum number of babies that were expected to be born if a multiple birth was anticipated. The proof is found in passages in the *Digest* which underline the Romans’ deep concern for protecting the inheritance rights of an unborn child. Numerous references consider the inheritance issues when a *paterfamilias* dies leaving behind one living child and a pregnant wife. Each time the jurists conclude that the surviving child can only claim one quarter of the property, since it is possible that three children could be born from the deceased’s wife.³⁵⁹ The rationale for this decision is put forward by Paul:

prudenter iuris auctores medietatem quandam secuti sunt, ut quod fieri non rarum admodum potest, intuerentur, id est quia fieri poterat, ut tregemini nascerentur, quartam partem superstiti filio adsignaverint. ideoque et si unum paritura sit, non ex parte dimidia, sed ex quarta interim heres erit.

Very wisely legal authorities have followed a sort of middle course and disregarded what can only be an extremely rare occurrence- that is, because the birth of triplets is a possibility, they allotted only a quarter share to the surviving son. For this reason, even if she is destined to give birth to only one child, the surviving son will, in the meantime, be heir not to a half but to a quarter.

(*Dig.* 5.4.3)

While the jurists were perfectly aware that examples of multiple births of an order higher than triplets had been reported, they felt that such events were so rare as to render them irrelevant for

³⁵⁹ See *Dig.* 5.1.28.5 (Paul), concerning a son wishing to claim payment of loans owed to his recently deceased father; *Dig.* 34.5.7(8).pr (Gaius), which concerns whether a posthumous child can inherit its share only if it is born alive, where it is stated “for triplets do occur” (*quia trigemini quoque nascuntur*), and *Dig.* 38.16.3.10 (Ulpian) where “the question of the proportion in which the share is to be divided has also been treated, because a pregnant woman may give birth to more than one child” (*Est autem tractatum, pro qua partem faciat, quia ex uno utero plures nasci possunt*).

the purposes of determining what proportion of an inheritance should be reserved.³⁶⁰ Regardless, should the unexpected occur and the widow produce quadruplets, the shares of each child would be adjusted accordingly, as Ulpian makes clear: “If more than three [are born], there is a decrease in the share he was made heir to” (*si plures quam tres, decrescere de ea parte ex qua heres factus est*) (Dig. 5.4.4). The final division of the inheritance is not determined until the woman has given birth. That so much of the inheritance is reserved for the (highly unlikely) possibility of a triplet birth suggests that the motivation behind such behaviour was to ensure that the inheritance was not squandered by the existing child before his/her siblings had arrived. Paul opens the section by stating that “The ancients looked to the interests of a free, unborn child by keeping all his rights intact until the time of his birth” (*antiqui libero ventri ita prospexerunt, ut in tempus nascendi omnia ei iura integra reservarent*) (Dig. 5.4.3).

Like the examples of hyper-fecundity arising from many single births, multiple births were not all treated equally by Roman society. Véronique Dasen has argued that twins were generally welcomed and were viewed as a positive symbol of fecundity, whereas triplets and other higher order multiples aroused more equivocal reactions.³⁶¹ Beagon has speculated that the birth of triplets may have been “a cause for celebration rather than alarm” as a result of the story of the Horatii.³⁶² Gaius states that “where more than three children are born at once, the event is regarded as almost sinister” (*quod ultra tres nascitur, fere portentosum videtur*) (Dig. 34.5.7(8)). Pliny the Elder also records that “a certain woman from the common people” (*quaedam e plebe*) gave birth to quadruplets, two male and two female, which “unquestionably” (*haud dubie*) portended the famine which followed.³⁶³ The veracity of the account is perhaps to be doubted, for the woman is recorded to have been named Fausta, from *faustus*, meaning auspicious and fortunate, and it seems perhaps too neat for a woman with such an auspicious name to give birth to such a disturbing portent. Regardless of its historical veracity, the anecdote does serve to illustrate the potentially negative attitudes attached to births of higher order multiples. A similar example concerns the birth of quintuplets during Antoninus Pius’ reign which is categorized as a portent (*SHA Ant. Pius* 9.4). Dasen’s explanation for this disconnect is twofold: first, the births of higher order multiples challenged the acceptable biological limitations on human fecundity.

³⁶⁰ cf. Soranus (*Gyn.* 1.43) who assumes that multiple births refer to twins or triplets.

³⁶¹ Dasen 2005a: 272; 2005b. See too Delcourt 1938: 103-105 and Mencacci 1996: 47-49.

³⁶² Beagon 2005: 164, citing the reference in Dionysius of Halicarnassus to the law that raised triplets at the expense of the state.

³⁶³ Plin. *HN* 7.33. cf. Solinus 1.51.

The Hippocratic model, unlike the Aristotelean tradition, assumed a bipartite uterus. Human women had only two breasts. Any babies in excess of that number could be seen as a violation of the natural order of things.³⁶⁴ Secondly, Dasen comments that in general excesses were taken as portentous. Unusual fecundity was associated with famine, not prosperity.³⁶⁵

It seems clear to me that this ambivalent reaction to the births of multiples greater than twins must also reflect a pragmatic awareness that the babies were more likely not to survive with each additional fetus. In the two examples in Artemidorus' work on dream interpretation where multiple births are mentioned, all of the children die.³⁶⁶ The astonishingly fecund woman recorded by both Pliny the Elder and Phlegon of Tralles, who gave birth to four sets of quintuplets with the majority of the babies surviving in each case, must have been an exception not only for the frequency of her multiple births but for the survival rates of her children. There may not be an historical woman behind the tales, but it is interesting that it was imagined to be possible for so many children born from multiple births to survive. Even today, with our advanced medical knowledge and available patient care, a pregnancy involving multiples of any order is considered to be high risk. Twins are frequently born earlier, are smaller for gestational size, spend more time in the NICU, and are more likely to have ongoing medical issues like cerebral palsy than singletons, and the same risks are multiplied even further for triplets or higher-order multiples.³⁶⁷

These reservations can be taken further. In today's society, the risks to the mother substantially increase with each additional fetus as well.³⁶⁸ In antiquity the risks associated with a pregnancy involving multiples also were not limited to the fetuses themselves. Even twins, generally welcomed and viewed as a positive omen, were recognized as raising the risks of pregnancy: Pliny the Elder acknowledges that "when twins are born it is rare for either the mother or for more than one of the children to live, but if twins are born that are of different sex

³⁶⁴ Dasen 2005a: 234, 2005b: 70-72, citing inspiration from Varro (*Rust.* 2.4.17), who states that a sow should bear as many pigs as she has teats, and that if she bears more it is a portent (*esse portentum*). cf. Dasen 1997, which examines the Gallo-Roman terracotta figurines of a mother nursing two infants, a symbol of ideal fecundity. In the Aristotelian viewpoint, all multiple births, including twins, were associated with abnormal sexuality and could be considered monstrosities (*Arist. Gen. an.* 4.4.770^a 33-36, 4.4.770^b 24-27; *Hist. an.* 6.2.579^b 31-3, 7.4.585^a 12-16).

³⁶⁵ Dasen 2005a: 274; 2005b: 71-72.

³⁶⁶ *Oneir.* 4.47 (twins); 5.12 (identical female triplets). 5.73 likely refers to seven separate births rather than the birth of septuplets.

³⁶⁷ Browne *et al.* 2004: 517; Wingate *et al.* 2006: 1560. For the increased risks of higher-order multiples, see Alexander and Salihu 2005.

³⁶⁸ Browne *et al.* 2004: 517; Alexander and Salihu 2005: 3.

it is even rarer that either survives” (*editis geminis raram esse aut puerperae aut puerperio praeterquam alteri vitam, si vero utriusque sexus editi sint gemini, rariorem utrique salutem*) (Plin. *HN* 7.37). A higher-order multiple pregnancy thus not only made it likely that most, if not all, of the babies would not survive, but also significantly heightened the odds of the mother dying from complications surrounding the final months of the pregnancy and the birth. Augustus’ much praised slave woman died along with her quintuplets, an event that was of note only because the children did not die immediately after birth but lived for a few days (Gell. *NA* 10.2). Dasen writes of Augustus’ motives that “il espérait sans doute que la célébration de cette maternité héroïque encourage les matrones”.³⁶⁹ This is probably true, but one cannot help but suspect that the commemoration of a birth with such a disastrous outcome would have acted more as a cautionary tale to women of the dangers of multiple births rather than a rallying cry for fecundity. Likewise, the fact that the report in Phlegon of Tralles on the decision of Trajan to raise quintuplets at his own expense does not contain any hint of ambiguity or concern about the birth reflects the unusual success of the event: all five children survived.³⁷⁰ Childbirth in the Roman world was already dangerous and our sources do not shy away from recording women who died giving birth or shortly thereafter, like Caligula’s first wife, Junia Claudilla, who died in childbirth. Her baby was stillborn.³⁷¹ Maternal death in childbirth was in fact so prevalent that it was considered to be a better omen if a child was pulled from the womb of a dead mother than if he were born breech.³⁷² A higher-order multiple pregnancy ran the risk of destroying all hope of children, not only from that pregnancy itself, but from any future pregnancies as well.³⁷³ The risks to the mother were so significant it is not surprising these types of births were met with such reservations.

³⁶⁹ Dasen 2005a: 272.

³⁷⁰ So too in the anecdote recorded by Julianus (*Dig.* 46.3.36), where the survival of all five children meant that stories of the event were circulating both in Rome and in Egypt. See above, pp. 134-135.

³⁷¹ Suet. *Calig.* 12. For other examples from the élite, see above, Chapter One, p. 50. For examples from outside the ranks of the élite, see below, Chapter Five, pp. 272-290. In [Quint.] *Decl. min.* 328.6, one suggested reason for why a woman would have deliberately made herself infertile was the danger (*periculum*) of childbirth. The examples of other unfortunate women were imagined by the *declamator* to fill her with fear. cf. Scheidel 1999: 258, where he has compiled a list of empresses (later than my period) who died in the prime of life, usually after giving birth to several children or experiencing miscarriages. He adds, “Stories such as these indicate that the death of fertile women in the prime of life was far from unusual.” For death in childbirth see too Gourevitch 1984, 1987, and 2004; Krause 1994-1995: 74-76, Shaw 2002: 222-240; Coulon 2004; and Laes 2010. Rawson estimates the risk of death in childbirth for a Roman woman to be 17 in 1000 (2003: 103).

³⁷² Plin. *HN* 7.47; Solinus 1.68. I follow Beagon (2005: 202-204) in reading *esecta parente* in Pliny’s text, which is clearly concerned with Caesarean sections.

³⁷³ For the risks to the mother from a multiple or breech birth see Sor. *Gyn.* 4.6.

Dasen does acknowledge in passing the heightened risks that multiple births bring to both mothers and their babies, largely being interested in showing that the birth of twins does not seem to bring with it any of the concern or ambivalence that comes with the birth of higher order multiples, even though the elevated risks exist any time there is more than one fetus.³⁷⁴ She writes that “aucune réticence n’est perceptible pour cette raison”.³⁷⁵ We might do well, however, to consider that not all twin births would have been greeted with enthusiasm. The examples we have in our sources are invariably success stories where the mother and both of her children survived the birth. Were other outcomes recorded, where the mother or one or both babies died during labour, it is likely that the event would not be recorded with such singular praise. And not all higher-order multiples were treated as unfavourable portents; after all, the births of the Horatii and Curiatii were treated as auspicious by their respective communities (or at least became interpreted as auspicious by the later source tradition). It is not unconnected, I would argue, that the auspicious nature of these births was directly related to the survival of all the children.

Thus, while I think Dasen is right to suggest that Roman views towards multiple births were generally positive in the case of twins and more likely to be ambivalent, if not openly hostile, towards higher-order multiples, as a result of theories concerning the natural order of things, I also think that these general attitudes could be, and were, modified by the particulars of any individual birth. A birth of higher-order multiples where all the children survived could be read as a positive omen. And likewise, I would speculate, a twin delivery where the mother, one or both of the babies, or indeed all three, died as a result of labour complications would not be recorded with unswerving approval. More likely it would not even be recorded at all: the vast majority of our examples of multiple births where not all of the children survive concern higher-order multiples in excess of triplets. This suggests that twin or triplet births where one or more of the babies died were sadly common enough so as not to be thought worth recording. Births of even higher-order multiples were so rare as to be a curiosity, regardless of how many of the children survived. Twins and triplets, however, only made the leap into being outliers, worthy of record, when all of the children survived. This bias of record in the sources indicates that, as Pliny the Elder claimed, the more likely outcome for twin or triplet births was neonatal death.

³⁷⁴ Dasen 2005a: 234-5.

³⁷⁵ Dasen 2005a: 235. In a second article (2005b: 61), she lists the sex of the children, the extent of their resemblance and their number as elements influencing Roman attitudes towards multiple births, but passes over the question of survival.

Had such an unhappy outcome been the result of Livilla's confinement in A.D. 19, Tiberius' enthusiasm for such births surely would have been muted.

CONCLUSION

Élite Roman society constructed *fecunditas* as a female virtue, and assigned all responsibility for the conception and birth of healthy offspring to the female spouse, even though there was at least some knowledge that male difficulties surrounding conception were not limited to obvious impotence. It is an interesting attitude when one considers that elsewhere elite male opinion, at least how it has been transmitted to us through our sources, reflects strong concerns about female control over reproduction, especially surrounding abortion. By placing sole responsibility on the woman's shoulders, men could sidestep any perceived faults in their own virility. Such an attitude, regardless of how it meshed with what was known or suspected about the science behind the matter, made easy scapegoats of women when a marriage remained childless for longer than was considered acceptable. By constructing the responsibility for conception as entirely female, men had to cede control on this issue to women, but they gained by creating a society where a husband's manliness would not be questioned if his wife remained barren. For those whose wives proved their *fecunditas*, however, the potential rewards were great.

Fecunditas was constructed as an important female virtue like *pudicitia*, with which it was frequently linked. But, like *pudicitia*, there was no neat all-encompassing definition of what excelling at *fecunditas* truly meant. It was not enough merely to conceive: one had to birth live offspring who survived infancy. Male children were considered preferable to female, although daughters were also often welcomed. At the same time, however, one had to be careful not to prove to be too good at demonstrating *fecunditas*. Being too fertile could be considered almost as damaging as being suspected of not being fertile enough. Although idealized families and certain rare historical examples, like the family of Q. Metellus Macedonicus, championed a large brood, the demographic realities of life in Rome made such families unlikely. Too many children could prove to be as much a curse as a blessing, as the impoverished Hortalus claimed.

This ambiguity concerning *fecunditas* more generally was reflected in the equivocal reactions to that most obvious example of fertility: multiple births. Twin children were generally welcomed, while triplets and other higher order multiples could be viewed as both good and bad omens, depending on the circumstances of the birth and how many of the children, to say nothing

of the mother, survived. Given the majority of twin births recorded in our sources are those where both infants and their mother survived labour and delivery, it is probable that twin births also provoked less overwhelmingly positive reactions when there was not such a happy ending.

When a woman did manage to strike this delicate balance, both she and her husband were in a position to benefit. Her husband gained the social currency that came from being able to boast of such a fertile wife and to parade healthy children. He gained in reputation and prestige. His friends looked upon him more highly. The common people were thought to admire him more greatly. For her part, his wife became able to lay claim to the reciprocal obligations constructed by Roman social *mores*. If she had proven her fertility, she was meant to be protected from divorce. This should not be understood as a legal right. It was only a social expectation, and one that clearly was not always met, as our examples show. The criticism that the divorcing husband in each case encounters indicates that this, at least, was not the norm and that his wife was thought to deserve better. *Fecunditas*, then, while it was meant to protect a woman once she had proven herself, was not enough to erase the myriad vulnerabilities facing an élite Roman woman. It could be classified as *infelix*, unlucky, or even worse, depending on the circumstances. Women whose children proved to be a great disappointment would find their *fecunditas*, the very thing that was meant to be such a source of praise, a target of slander by enemies.

Fecunditas, therefore, was not a simple thing to assess. It was a multi-faceted, complex virtue, one that every husband expected his wife to embody and one that every father hoped his daughters would prove to possess. To truly excel, a woman had to demonstrate it at just the right time, in just the right way, with just the right amount. But if she could manage this, both she and her husband would benefit, not just from social accolades, but, as we shall see in the next chapter, also with tangible rewards from the Roman government.

Chapter Three: Fertility and the State

INTRODUCTION

Fecunditas was a female virtue, but it was not an exclusively female concern. An élite Roman woman's success or failure at demonstrating *fecunditas* had ramifications for her husband, whose social status was determined by, at least to some extent, his role as a father and the number of his children. Moreover, an interest in, and concern for, a woman's *fecunditas* was not limited to the two spouses. The couple's families, their friends, and even their more general acquaintances could all be expected to take an interest in their childbearing. In this regard what could have been a very private matter was construed, in fact, to have significant public underpinnings.³⁷⁶

In this third chapter I look at even more public aspects of *fecunditas*. By constructing *fecunditas* as a female virtue, one that all married Roman women were expected to demonstrate, Roman society opened it up to being manipulated and measured by the Roman state. This chapter therefore examines the relationship between *fecunditas* and the Roman state. It begins with a consideration of the perceived relationship between the *fecunditas* of Roman women and the overall health of the Roman state. Central here to my study is the classification as prodigies of strange births where the child or children were malformed, still-born, or too many in number. Also important is the continuing tendency in our literary sources to argue that one indication of impending challenges facing the state was the willingness, or not, of women to bear and raise children. In the Republic such examples were often accompanied by an assertion that these events reflected the anger of the gods, and reasons for propitiating their wrath were given. In the Principate another power – the emperor – emerged, and the last part of this section therefore considers how this prevailing rhetoric changed to incorporate the power and influence embodied in a single man.

The chapter also examines efforts by the Roman state ostensibly designed to encourage and increase *fecunditas*. Here the Augustan marriage legislation looms large. Augustus' legislation was unique in its efforts to penalize men and women who did not procreate, but he was not the first to offer rewards and privileges for men who were fathers. This section of the chapter therefore emphasizes the position of continuity rather than change when it came to state

³⁷⁶ So too motherhood: Hackworth Petersen and Salzman-Mitchell 2012: 2-3.

intervention concerning *fecunditas*. Although Augustus' reforms were the most ambitious and wide-reaching, we find an interest in privileging men on the basis of fatherhood running throughout most of our sources. Throughout, too, a man's fatherhood and the number of his children were seen as easy means of distinguishing one well-deserving individual from another, adding tangible political rewards and advancements to the social capital enjoyed by fathers, particularly those boasting wives who had not just demonstrated their *fecunditas* but who had excelled at it. The chapter ends with a consideration of the *alimenta* schemes instituted by various emperors in the late first and early second centuries A.D. and how they too can be incorporated into this preoccupation with the health of the Roman citizen population.

From the beginning it must be made clear that my use of the word 'state' in no way is meant to imply the existence of a coherent nation-state of the sort found in our modern world. There never was such an equivalent in Rome, and to use the word 'state' runs the risk of oversimplifying the complexities of Roman government and of the Roman citizen population itself, to say nothing of the sweeping political changes that occurred in the transition from Republic to Principate. Nevertheless, I do not think it wrong to argue that the Romans, at least according to the elite ancient sources, developed a coherent image of themselves, a set of definable virtues, a narrative of being. Scholars call this *Romanitas*, the state of *being* a Roman, by which one could be identified as such, even across the vast reaches of time and space which the empire spanned. Those who could exercise power in the Roman world, whether members of the Senate, provincial governors, or emperors, framed their own actions in such terms and attacked their enemies with claims that by their very actions they had revoked their status as Romans and their rights to citizenship. This chapter examines how *fecunditas* fit into this state of awareness.

FECUNDITAS AND THE ROMAN STATE

Arthur Eckstein, in his 2006 monograph *Mediterranean Anarchy, Interstate War and the Rise of Rome*, has convincingly argued that what made Rome exceptional in the Mediterranean world and directly contributed to its imperial success during the Republic was its willingness to integrate outsiders into the community.³⁷⁷ In the beginning this attitude was helped by the general openness of Italic communities to migration, immigration, and the granting of

³⁷⁷ Eckstein 2006: 245-257. On questions of Roman citizenship, Sherwin-White (1973) remains essential reading.

citizenship: something that set them apart from their city-state counterparts in Greece.³⁷⁸ From a very early stage Latin communities enjoyed the right of *conubium*, ensuring that children born from marriages made between two communities would be legitimate and that the children would take on the citizenship of the father.³⁷⁹ Rome's own foundation myths emphasized that it was a city that "had always been made up of disparate incoming ethnic groups", and Livy makes it clear that eligibility for Roman citizenship was not limited by ethnicity or geographical location.³⁸⁰

Exactly the same reason is given as the main explanation for Rome's imperial success close to two hundred years later by Aelius Aristides in his panegyric to Rome in A.D. 143. Although other reasons, such as the light hand of Roman power and the creation of a professional army are later discussed, Aristides chooses the widespread distribution of Roman citizenship as his first substantial section explaining Roman imperial success (59-66). Furthermore, this section follows directly on the heels of Aristides' explanation for why Greek imperial ambitions were so unsuccessful, in which the Greek unwillingness to extend offers of citizenship to their allies is emphasized. Aristides argues that the Greeks failed to hold the empires they tried to build because there were too few of them and they neither trusted nor desired their allies (52-54). Rome, on the other hand, openly embraced growth: any people of merit had an invitation extended to them (59); ethnicity and geographical boundaries were no barriers for deserving recipients (60); Rome did not try to make its citizenship an object of wonder by refusing to share it, but instead deemed expansion a worthy aim (63). In case Aristides' audience has somehow failed to make the connection, he further emphasizes that rather than dividing the world into Hellenes and Barbarians, they have instead divided it into Romans and non-Romans; now the word means not an inhabitant of one particular city, but the men of a common nationality (63). This willingness to make others Roman, according to Aristides, protects the city of Rome itself. Beyond the granting of citizenship to those

³⁷⁸ Ampolo 1970/1971: 37-68. cf. Eckstein 2006: 247-249. Contrast with Aristotle's views on the ideal constitution: that it is difficult, if not impossible, for a state with a large population to govern well (*Pol.* 7.4.5); that in a state with a large population it is easy for foreigners and resident aliens to usurp the rights of citizenship (*Pol.* 7.4.8); and that citizenship should be restricted to property owners who hold military, political, judicial, or priestly functions, with merchants, labourers, farmers and artisans explicitly rejected as potential citizens (*Pol.* 7.8). See, too, Plat. *Rep.* 4.423 for the idea that a state's size should be limited. For the unwillingness of Athenians to extend citizenship to outsiders, an attitude which lasted from the fifth century well into the Hellenistic age, see Osborne 1981 and Sealey 1987.

³⁷⁹ Cic. *Caecin.* 35; Livy 8.14.

³⁸⁰ Eckstein 2006: 247. Livy 8.14. For the foundation myths, see Cornell 1995: 57-73.

encountered outside Rome's or Italy's borders, the Romans also gave citizen status to many manumitted slaves; the children of such freedmen and freedwomen would themselves be freeborn Roman citizens, indistinguishable legally from children of even the most aristocratic families. The demographic realities meant that significant social mobility could be possible within a generation or two. Even Junian Latins, those ex-slaves who were manumitted without meeting the particular criteria required to receive citizenship at the time they were granted their freedom, were given a second chance: if a man married and his wife produced a child who lived to reach his or her first birthday, he could apply to the praetor or the provincial governor for full citizenship, which would also be extended to his wife and child.³⁸¹ *Fecunditas* could make you Roman.

Rome, from its very beginnings, had always desired to expand. Valerius Maximus records that every five years the censors offered prayers "to make the things of the Roman people better and greater" (*ut populi Romani res meliores amplioresque facerent*) (4.1.10). Although this passage has been interpreted by some scholars, notably W. V. Harris, as proof of Rome's imperialistic nature, it could also refer to more general increases in agricultural production and in the citizen population. After all, the counting of the citizen population was a primary concern for the censors.³⁸² Rome continually needed more citizens; its safety and security depended on its strength in numbers. Its willingness to extend citizenship to outsiders was recognized by ancient authors as a direct cause of its eventual imperial success. The state's interest in the *fecunditas* of its citizen women, therefore, must be read in conjunction with Rome's willingness to invite outsiders to join its community, and its willingness to grant citizenship to ex-slaves. They are each only one facet of Rome's overall determination to preserve its strength through strong citizen numbers. The connection between all three strategies is made explicit in the speech to the equestrian order in A.D. 9 concerning the marriage legislation that Cassius Dio writes for Augustus: in criticizing those men who are reluctant to marry or have children, Augustus claims that they are endangering the very name of Rome; if they do not do their duty, there will be no more Romans and the city will be handed over to

³⁸¹ Gai. *Inst.* 1.29-31. For Junian Latins see Mouritsen 2011. For the difficulties they may have experienced in attaining citizenship, see Weaver 1990.

³⁸² On the centrality of the census, especially for military purposes, see Nicolet 1980: 49-88. Sherwin-White (1980: 177) argues for a more general interpretation of the prayers. For Harris' approach see 1979: 118-120. cf. Eckstein 2006: 191-193.

Greek and barbarians.³⁸³ Augustus then continues, saying “Do we not free our slaves largely for this reason: so that we can make citizens out of as many of them as possible? And do we not give a share of the government to our allies so that we may increase our numbers?” (ἢ τοὺς μὲν δούλους δι’ αὐτὸ τοῦτο μάλιστα ἐλευθεροῦμεν, ὅπως ὡς πλείστους ἐξ αὐτῶν πολίτας ποιώμεθα, τοῖς τε συμμάχοις τῆς πολιτείας μεταδίδομεν ὅπως πληθῶμεν;) (Dio Cass. 56.7.6).

The words of the speech must be a creation of Dio: the speeches in his history are notoriously problematic, particularly those in the section devoted to the Augustan period.³⁸⁴ It is possible, however, that some version of this speech was a reality. Livy and Suetonius report that Augustus gave a similar speech before the Senate, and it is hard to believe that the equestrian order would have been allowed to escape chastisement. In the Senate Augustus was said to have read out the exact words of Q. Metellus, censor in 131 B.C.³⁸⁵ Aulus Gellius also records an extract from a speech on an identical theme given by a certain Metellus Numidicus, censor in 102 B.C. (Gell. *NA* 1.6), suggesting that the issue of marriage had been a topic of contention for some time. Ultimately it does not really matter whether or not Dio’s imaginings in any way reflected the content of these earlier speeches. The words he puts into the mouth of Augustus demonstrate that the links between the granting of citizenship to freedmen and allies, the production of children by freeborn citizens, and Rome’s imperial success and internal security were thought to be embedded in the history of the city and were still assumed to carry ideological force even in the third century A.D. Taken together these three factors paint a compelling picture of a state determined to survive, whatever the cost.

As a result of this overriding ambition to expand the population, a consistent theme in our sources is that women had a responsibility to give birth, not just so that their husband would be provided with an heir, but so that the Roman state could be made strong with the birth of new

³⁸³ Dio Cass. 56.7.5. Augustus’ speech is littered with references to the relationship between Rome’s imperial success and the strength of its citizen population as seen through the birth of children: 56.2.2; 3.6-7; 4.4; 5.3; 8.1. For Dio’s account of the reign of Augustus, see Millar 1964: 83-118; Manuwald 1979; Rich 1989 and 1990; Reinhold and Swan 1990; Swan 2004.

³⁸⁴ Witness the famous set-piece ostensibly presented as a debate between Maecenas and Agrippa (52.2-40), which surely reflects the imperial policy of the Severan dynasty of the third century A.D. Millar (1964: 78-83, with quotation at 83) says of Dio’s speeches “their interest must lie not in what they can contribute to historical knowledge, but in the insight they can give into the mind of a senator writing under the Severi...they are undoubtedly an accurate reflection of Dio’s time, when the principal causes of tension lay in relations between the Emperor and the governing class”. Swan (2004: 26-28, with quotation at 27) calls Dio’s speeches “of negligible value”.

³⁸⁵ Livy *Per.* 59; Suet. *Aug.* 89.

citizens. This idea was imagined to have existed from the very beginnings of the city. In considering Livy's treatment of the rape of the Sabine women, Ariadne Staples notes:

Livy makes it quite clear that the reason for their abduction was the denial of *conubium* by the established communities to the men of the new city. The implication of not having wives with *conubium* was not that the new Romans would not have children, but that they would not have *citizen* children. Although Roman men would have been able to reproduce themselves biologically, Rome would not have been able to reproduce herself politically.³⁸⁶

Statius plays on the theme of children as the future of Rome with his exhortation to newly-weds L. Arruntius Stella and Violentilla: "Get going! Hurry up with glorious grandsons for Latium, to command laws and armies, to make merry with song" (*Heia age, praeclaros Latio properate nepotes, / qui leges, qui castra regant, qui carmina ludant*) (*Silv.* 1.2.266-267). Parenthood could be imagined as a responsibility all 'good' Romans should embrace: in Lucan's *Civil War*, his assessment of Cato the Younger argues that Cato became a husband and father for Rome (*urbi pater est urbique maritus*) (*Luc.* 2.387).

While men were deemed responsible for the rearing of children, since it was their decision whether to accept children born into their families, the role of women was just as essential. The second-century jurist Pomponius records in the *Digest* that "it is in the public interest for women to keep their dowries since it is absolutely essential for women to have dowries so that they can produce offspring and replenish the state with their children" (*nam et publice interest dotes mulieribus conservari, cum dotatas esse feminas ad subolem procreandam replendamque liberis civitatem maxime sit necessarium*) (*Dig.* 24.3.1). Aulus Gellius notes that the Augustan legislation stemmed from the realization that "offspring are essential to the state" (*suboles civitati necessaria*) (*Gell. NA* 2.15.3). Cicero argues that a woman who procured an abortion destroyed "the hope of the father, the continuation of his name, the support of his kin, the heir of his family, and a future citizen of the state" (*spem parentis, memoriam nominis, subsidium generis, heredem familiae, designatum rei publicae civem*) (*Clu.* 11.32), and in another text argues that the bond between parents and child "is the beginning of the city, a sort of

³⁸⁶ 1998: 74, original emphasis.

nursery of the state” (*est principium urbis et quasi seminarium rei publicae*) (*Off.* 1.17.54). Augustan ideology equated “female fertility with the triumph of Roman imperialism”.³⁸⁷

This public interest in the growth of the citizen population was given further voice in the religious festivals which had associations, official or otherwise, with human fertility. Probably the best known is the Lupercalia, which was celebrated annually on the 15th of February.³⁸⁸ There were two teams (*sodalitates*) of Luperci; one team was meant to belong to Romulus, the other Remus. Both teams met at the Lupercal, the location where the she-wolf was believed to have nursed the twins, where they sacrificed a goat and a dog. The new Luperci had their foreheads smeared with blood and milk before giving a ritual laugh. The hide of the sacrificed goat was used to make loincloths for the otherwise naked runners as well as the whips that the runners carried.³⁸⁹ The Luperci then feasted and drank a great quantity of wine before setting out on their run through the city, during which they told ribald jokes, laughed, shouted obscenities, and whipped those they encountered with the strips of hide which they carried.³⁹⁰ Ovid and Plutarch record that women of childbearing age would put themselves directly in the path of the running Luperci, believing that being lashed by the priests would make them fertile and lead to an easier labour.³⁹¹ Roman authors emphasize the importance of purification in the rituals of this festival, which has led to an assumption by many scholars that “the purification and the fertilization elements are quite separable: either one is early and the other an accretion to the ritual, whose date can be discussed; or else one is the real meaning of the ritual, while the other is of minor importance”.³⁹² Recently, however, some scholars have argued that the elements of purification and the promotion of human fertility were both integral parts of the ritual; one cannot be given precedence over the other.³⁹³ The purification of the city was seen as a

³⁸⁷ Milnor 2005: 56. She highlights the juxtaposition of the figure of Roma (in military dress) with that of Tellus holding twin babies on the Ara Pacis, and Horace’s poetry, especially *Carm. saec.* 13-24, 29-32, and *Carm.* 3.6.33-41.

³⁸⁸ The Lupercalia has provoked much scholarly interest. See, for example, Michels 1955; Porte 1973; Foucher 1976; Duval 1976; Scholz 1980; Ulf 1982; Pötscher 1984; Köves-Zulauf 1990; Valli 2007; North 2008.

³⁸⁹ Our knowledge of the early stages of the Lupercalia is largely derived from the account in Plutarch (*Rom.* 21.4-10).

³⁹⁰ For the Lupercalia as a ritual of the Carnival type, see Binder 1997.

³⁹¹ *Ov. Fast.* 2.425-446; *Plut. Rom.* 21.7.

³⁹² The quotation is from North (2008: 149). For the importance of purification in the ancient authors see, e.g., Varro, *Ling.* 6.13; *Ov. Fast.* 2.31-34; *Plut. Rom.* 21.3, *Numa* 19.5, *Quaest. Rom.* 68; *Cens.* 22.15.

³⁹³ On this, see especially Köves-Zulauf 1990: 246-256, and North 2008: 147-153, against, e.g., Porte 1973, and Wiseman 1995: 77-88. On the link between purification and fertility, see Foucher 1976 and Duval 1976, esp. 257-9, 264-6. cf. Hänninen 2005: 52.

necessary precondition before the health and fertility of its citizens could be expected to prosper.

J. A. North sums it up as follows:

From one perspective at least, the religious centre of the ritual programme seems to me to be possible to locate: the annual purification of the Roman people and their maintenance through the promotion of fertility are identical actions and they are inseparable from the running of the Luperci. The maintenance of the ritual protects the people and guarantees its continuity and survival from the founding birth of the twins onwards. The three elements of purification, fertility and protection are all meanings inherent in the ritual programme.³⁹⁴

Although North does not discuss the importance of *fecunditas* to the Romans, he has recognized the centrality of human fertility to the Lupercalia. The close ties between the promotion of human fertility and the purification and protection of the Roman people are not surprising. The Romans, as we will see, used the perceived security of the citizen population as a gauge of divine favour. If the gods were pleased with Rome, Roman women would bear citizen children, and Rome's strength would grow, thus protecting the city and her people. Rituals of purification helped to ensure the goodwill of the gods. All of these ideas and assumptions are bound up in the Lupercalia.

A second festival with links to human fertility was the Parilia, sometimes transmitted in our sources as Palilia, which took place each year on the 21st of April. As described by the first century B.C. poet Tibullus, Roman shepherds, after imbibing more than a little alcohol, would leap over bonfires made from piles of hay and straw. According to Tibullus, this was meant to ensure not only an increase in the shepherd's flocks, but in his own family as well:

*ac madidus Baccho sua festa, Palilia, pastor
concinet (a stabulis tunc procul este, lupi).
ille levis stipulae sollemnes potus acervos
accendet, flammam transilietque sacras,
et fetus matrona dabit, natusque parenti
oscula comprehensis auribus eripiet*

And a shepherd, drunk with wine, will sing at the Palilia, his own festival (you wolves stay away from the folds on that day). And when he has drunk his fill he will set ablaze the customary heaps of straw and jump over the sacred flames. Then will his wife bear offspring, and the boy, grabbing his father's ears, will snatch a kiss.

(Tib. 2.5.87-92)

³⁹⁴ 2008: 154-155.

Ovid (*Fast.* 4.721-483) and Propertius (4.4.73-78) both describe the Parilia but make no mention of human fertility. In Ovid's work, the festival is solely for the protection of sheep; Propertius' account largely focuses on the leaping of the shepherds over the bonfires.³⁹⁵ The association of the Parilia with Rome's birthday, also traditionally held to be the 21st of April, perhaps explains how the festival could be thought to have associations with human fertility, given the Roman drive to expand the citizen population. In general, festivals like the Lupercalia and the Parilia illustrate the perceived concern of the gods with the overall fertility of the entire Roman citizen population. There is no suggestion of concern over the health of the Roman citizen population in the celebration of these festivals; they were not used as a means of placating the gods in times of perceived crisis. A fragment of Livy does claim that the Lupercalia was originally instituted in response to a time when Roman women were experiencing infertility (*sterilitas*), but given the context under which it has been preserved – a fifth century denunciation of the festival by Pope Gelasius (*Adv. Andromachum* 12) – this can hardly be taken as firm evidence. Indeed, North comments that “[n]o element of this sentence should therefore be regarded as an actual fragment of Livy's text”.³⁹⁶ Instead, the rituals of the Lupercalia and Parilia looked forward, designed to ensure the goodwill of the gods in the year to come. If the gods remained pleased with Rome, Roman women would continue to bear healthy children.

If a woman's *fecunditas* was thought to be her means of contributing to the overall health of the Roman state, then situations where women did not bear children could be viewed as indicators not of individual failings but of more serious broader societal ills. This attitude helps to explain the presence of so much recurrent anxiety in our sources concerning whether elite women were unwilling to bear children.³⁹⁷ More generally, the idea of reproduction, and specifically the birth of new Roman citizens, was used as a kind of shorthand for the restoration and renewal of the Roman state after a period of chaos and instability. Cicero, in his *Pro Marcello* composed in 46 B.C., lists a series of tasks which he deems now to be Julius Caesar's responsibility after the civil war:

omnia sunt excitanda tibi, C. Caesar, uni, quae iacere sentis, belli ipsius impetu, quod necesse fuit, percussa atque prostrata: constituenda iudicia, revocanda fides,

³⁹⁵ The idea of an increase in the size of the shepherd's flocks is mentioned by Ovid at *Fast.* 4.771-772. On the Parilia generally see, Gjerstad 1976; Beard 1987; Butrica 2000; Pfaff-Reydellet 2009.

³⁹⁶ 2008: 152.

³⁹⁷ Discussed above, Chapter One, pp. 36-37.

comprimendae libidines, propaganda suboles, omnia, quae dilapsa iam diffluxerunt, severis legibus vincienda sunt.

You alone, Gaius Caesar, can revive everything that you see defeated and lying ruined, as was bound to happen, by the force of the war itself; law courts must be instituted, trust must be restored, wantonness must be suppressed, and a new generation begun; everything that now has broken down and been worn away must be bound together by strict laws.

(*Pro. Marc.* 23)

Cicero implies that that the population of Rome has been devastated by the events of the previous five years. This could perhaps be read as a practical assessment of the situation: after all, the civil war between Caesar and Pompey could have taken a heavy toll on the male citizen population.³⁹⁸ This is not exactly satisfactory; Cicero would surely know that any children born now would be years away from being able to serve as soldiers. It is better to read his assertion that the population needs to be increased as a form of shorthand for the process of recovery and return to stability. By turning to the image of a falling birth rate as a means to express the chaos and instability the civil war had brought to Rome, Cicero illustrates just how closely the health of the Roman state was linked with the growth of its citizen population. Cicero's challenge to Caesar, therefore, just as with his claims concerning the proliferation of licentiousness and the absence of the rule of law, should be read as a rhetorical *topos* designed to immediately evoke in his audience memories of the previous chaos and instability. It is not likely to reflect any real concerns about the health of the citizen population.³⁹⁹

Even more serious were situations where the inability to bear children was unintentional. In those situations the Romans felt they had to look to the gods for the answers. Such a situation was thought to have existed from even before the earliest days of Rome: Dionysius of

³⁹⁸ Determining exact figures is difficult, but the toll was not insubstantial. Casualty reports for the pivotal battle at Pharsalus in 48 B.C. range from Asinius Pollio's assessment of 6,000 military dead on the Pompeian side (reported by Appian at *B Civ.* 2.82 and Plutarch at *Pomp.* 72 and *Caes.* 46) to Caesar's own assessment of 15,000 Pompeians dead (*Caes. B Civ.* 3.99). Appian also records figures of 25,000 dead, which he calls exaggerated. Of elite men, Pompey's side was said to have lost 10 senators and around 40 equestrians (*App. B Civ.* 2.82). Caesar's own losses were said to number only 200 men and 30 centurions (*Caes. B Civ.* 3.99). Appian writes that the force opposing Caesar at Thapsus in 46 B.C., numbering some 80,000 (although the majority of these were Africans), was completely annihilated (*B Civ.* 2.97). Caesar records 10,000 (*B Afr.* 86); Goldsworthy takes this to be the number of Pompeian dead (2006: 567). Caesar's loss of fifty odd men, some of them killed by their own side when they tried to stop the slaughter of the enemy, was hardly worth recording (*B Afr.* 85-86). For the difficult task of assessing the reliability of ancient casualty figures, see above, Chapter One, p. 143, n. 113.

³⁹⁹ Pace Uzzi (2005: 51), who equates, erroneously I believe, this passage with Caesar's earlier land reforms of 59 B.C., writing, "Cicero expresses his approval of Caesar's policy to increase the birth rate". I do not believe Cicero has Caesar's reforms of 59 B.C. in mind, nor, indeed, any other specific changes designed (or at least seen to be so) to encourage child-bearing. It is a convenient image for his rhetorical purposes, nothing more.

Halicarnassus reports a tale concerning the Pelasgians of a time where the young of both cattle and women “either were miscarried or died at birth, some also being a cause of death for those that bore them; and if any escaped the danger of the birth, they were either crippled or incomplete or, being injured by some other accident, did not deserve to be reared” (ἢ γὰρ ἐξημβλοῦτο τὰ ἔμβρυα, ἢ κατὰ τοὺς τόκους διεφθείρετο ἔστιν ἂ καὶ τὰς φερούσας συνδιαλυμνάμενα. εἰ δέ τι διαφύγοι τὸν ἐκ τῶν ὠδίνων κίνδυνον ἔμπηρον ἢ ἀτελὲς ἢ δι’ ἄλλην τινὰ τύχην βλαφθὲν τρέφεσθαι χρηστὸν οὐκ ἦν) (1.23.3). The cause of their misfortunes was later determined to be their failure to offer tithes to the gods from all of their future increases, including the human population. Dissent over this interpretation and its requirement of human sacrifice sparked migrations, and weakened the Pelasgians’ presence in Italy (1.23.4-24). In 472 B.C., when L. Pinarius and P. Furius were consuls, Dionysius records another widespread pestilence with very similar effects:

καὶ μετ’ οὐ πολὺ νόσος ἐνέσκηψεν εἰς τὰς γυναῖκας ἢ καλουμένη λοιμική, καὶ θάνατος, ὅσος οὐπω πρότερον, μάλιστα δ’ εἰς τὰς ἐγκύμονας. ὠμοτοκοῦσαί τε γὰρ καὶ νεκρὰ τίκτουσαι συναπέθνησκον τοῖς βρέφεσι, καὶ οὔτε λιτανεῖαι πρὸς ἔδεσι καὶ βωμοῖς γινόμεναι θεῶν, οὔτε καθαρτήριοι θυσίαι περὶ τε πόλεως καὶ οἴκων ἰδίων ἐπιτελούμεναι παύλαν αὐταῖς ἔφερον τῶν κακῶν.

Not long afterwards the sickness known as the plague fell on the women, especially those that were pregnant, and more of them died than ever before. For as they gave birth prematurely and brought forth dead offspring they died together with their newborns. And neither prayers made before the statues and altars of the gods nor purifying sacrifices discharged on behalf of the state and private households gave the women any respite from their ills.

(9.40.2)

Just like in his earlier anecdote the crisis is characterized by miscarriages, still-births, and maternal deaths. The Romans must bury alive a Vestal Virgin who has been unchaste in order to appease the gods (9.40.3-4). Likewise, Plutarch records that in 504 B.C., when P. Valerius Publicola was consul, the city was filled with terror because the women who were pregnant gave birth to malformed offspring and all of the births were premature (Plut. *Pub.* 21.1). The similarities in the descriptions of the incidents suggest a series of stock *topoi* on which both writers can draw.⁴⁰⁰

⁴⁰⁰ For another example of widespread miscarriages during the regal era, see Serv. *ad Aen.* 2.140.

Incidents of mass miscarriages or monstrous births are relatively rare in our sources, but much more common are examples, found in writers in both the Republic and the Principate, where the births of malformed or still-born infants to individual women were used to suggest divine anger and danger to the Roman state.⁴⁰¹ I follow Rasmussen’s definition of a *prodigium* as “any unusual event reported to the Senate and approved by that body as a *prodigium publicum*, an unfavourable portent that is usually relevant to society as a whole and requires ritual expiation”. She adds that the definition of a prodigy as public rather than private was the Senate’s approval of the prodigy. Thus there was no rigid distinction between public and private affairs.⁴⁰² Originally they were interpreted as a sign that the *pax deorum* had been broken, and were recorded each year in the pontifical records.⁴⁰³ From the late third century B.C. onwards they were also increasingly able to be interpreted as a prediction of the future.⁴⁰⁴ Unsurprisingly their appearances seem to cluster in times of political or social upheaval when the Romans would be most desperate to find an explanation for their problems, as Cicero himself noted.⁴⁰⁵ Far from

⁴⁰¹ In direct contrast to the Greeks, who did not, for the most part, interpret abnormal births as portents: Garland 1995: 65-67. On the difficulties in classifying such births see *Dig.* 1.5.14; 28.2.12.1; 50.16.135. Generally monsters and prodigies were not considered to be children, but infants born with more than the usual number of limbs were considered to be fully formed and did count. For the idea that deformed infants should be killed see *Cic. Leg.* 3.8.19 and *Sen. De ira* 1.15.2. For a full list of public portents reported in Republican Rome, see Rasmussen 2003: 53-116.

⁴⁰² Rasmussen 2003: 35. The Senate would also approve or reject prodigies observed on non-Roman territory: Rasmussen 2003: Chapter 5, 219-239.

⁴⁰³ For general discussion see Bloch 1963, MacBain 1982, Garland 1995: 67-72, Rosenberger 1998, Champeaux 2003, Rasmussen 2003 and, especially, Engels 2007. Rasmussen (2003: 24-33) feels that much of the early scholarship on portents fell into two camps: those who argued that the portents, especially the prodigies, were phenomena attributable to “collective mass hysteria”, or what she calls the “stress hypotheses” (e.g., Wülker 1903, Luterbacher 1904, Dumézil 1970), and those scholars who instead saw the “interpretation of portents solely as a means of political manipulation” (e.g., esp. Günther 1964, Taylor 1975, Scullard 1951, Latte 1960) (all quotations 2003: 25). In her view, Rosenberger’s work stands as a paradigm shift in the scholarly treatment of public portents. For congenital anomalies reported as *prodigia*, see Graumann 2012. On the language of portents, see Gevaert and Laes 2013: 214-216. For systematic collections of all prodigies see Luterbacher 1904 and Allély 2003 and 2004. Rawson (1971) maintains that the lists in Livy and Julius Obsequens have been corrupted by the addition of specific collections of prodigies from particular regions and thus do not represent an even sampling. MacBain (1982: 23) argues convincingly that any distortion in the preservation of accounts of prodigies would only exaggerate the “factual situation”; it would not run contrary to it.

⁴⁰⁴ As argued convincingly by Bloch (1963: 129- 134).

⁴⁰⁵ *Cic. Div.* 2.58. Rasmussen cautions that such apparent clusters in authors like Livy could be the result of a conscious decision by the author to include more prodigies in his account to heighten the sense of crisis, while passing over most references to prodigies in more peaceful periods in favour of more interesting fare (2003: 19). MacBain (1982: 28) sees an element of overt political purpose in the identification and expiation of prodigies, arguing that, “the gradual acceptance of non-Roman prodigies by the Roman Senate constituted a political act whose purpose was to assert the religious unity of Italy and Rome’s central place in that unity by her undertaking – indeed insisting upon – the duty to expiate Italian prodigies, and thus to heal the *pax deorum* on behalf of all”. The manipulation of prodigies and oracles by prominent Romans to advance their position in domestic politics has long been recognized: see, for example, Taylor (1975: 76-89). Rosenberger views prodigies as violations of limits. The process of expiation represents a re-establishment of these limits (1998: 91-196).

becoming irrelevant, they continued to play an essential role in the functioning of the Roman state throughout the Republic, as demonstrated by Livy's report on the Senate's decision to stop the reporting of prodigies during the Second Punic War because they were too numerous (27.25.7-10). As Rasmussen has noted, the decision to stop the reporting of the prodigies indicates that "once a prodigy had been reported, the Senate was obliged to diligently follow the fixed procedure".⁴⁰⁶ If prodigies were inconsequential, it surely would have made no difference how many were reported.

Here it is important to distinguish between monstrous births recorded in other societies in distant exotic locations, and those of the Romans themselves. As Mary Beagon has noted in her commentary to Book Seven of Pliny's *Natural History*, "Monstrous births, when they were characteristic of a whole tribe or people in a faraway and exotic location, were in a sense normalized in that particular context and could be treated with more detachment than the isolated monstrosities occasionally thrown up in Roman society, which marked an alarming deviation from the norm".⁴⁰⁷ Here I am only concerned with examples found within Rome's sphere of influence. Prodigies related to fertility manifested in many different ways. Sometimes children were born with more than the normal number of limbs or other body parts, such as the child reported by Cassius Dio who was born with hands that each had ten fingers, or the still-born girl with two heads, four feet, four hands, and a double set of genitalia found in Julius Obsequens.⁴⁰⁸ Unspecified monstrous births were also recorded.⁴⁰⁹ During the Republic the birth or discovery of hermaphrodite children was frequently recorded, usually ending with the hermaphrodite being placed alive in a sealed wooden box and cast into the sea.⁴¹⁰ These types of births were

⁴⁰⁶ Rasmussen 2003: 51.

⁴⁰⁷ Beagon 2005: 160. So too, Hansen (1996: 168), in his commentary on section 33 of Phlegon of Tralles' *De Mirabilibus*. Gevaert and Laes, following Chappuiz Sandos (2008: 27-29) argue that the criterion for distinguishing between "strange human races from the peculiarities of individual human beings" in Pliny's work was "surely heredity: that is to say, in the monstrous races, which invariably had their origin in faraway regions, the anomaly was a collective feature. The children were just as anomalous as their parents" (2013: 218, 221, quotations at 221).

⁴⁰⁸ Hands with ten fingers: Dio Cass. 47.40.3 (42 B.C., pre-Philippi). Two-headed girl: Julius Obsequens 51 (94 B.C.). Valerius Maximus records a child said to be born with the head of an elephant (1.6.5), and Tacitus records a woman who was said to have given birth to a serpent (*Ann.* 14.12), and the appearance of two-headed fetuses, both human and animal (*Ann.* 15.47). Phlegon, frag. 54 (A.D. 112) records a two-headed child who was thrown into the Tiber. See too Julius Obsequens 12, 14, 20, 21, 25, 26, 27a, 40, 50, 52, 53, 57. Julius Obsequens 57 (83 B.C.) records the same prodigy as that in Tac. *Ann.* 14.12: a woman gives birth to a serpent. In Julius Obsequens 57 the serpent is thrown into the river.

⁴⁰⁹ Dion. Hal. 7.68.1.

⁴¹⁰ Livy 27.11.4, 27.37.1-6, 31.12.6-8; Julius Obsequens 3, 22, 27a, 32, 34, 36, 47, 50, 53. Hermaphrodites were less likely to be viewed as portents during the Principate, although see Tac. *Ann.* 12.64. Pliny the Elder says in his time they were kept as "amusements" (*deliciae*) (*HN* 7.34). Hermaphrodites are most commonly reported between

sometimes combined with other violations of the norm: in 207 B.C. a hermaphrodite baby was born in Frusino; the infant was said to have been the size of a four year old child.⁴¹¹ Livy classifies hermaphrodites as the most abhorred of all portents; from 207 B.C. onwards there existed a distinctive set of rites for expiation. Hermaphrodites were killed by drowning, burning, or from starvation after being abandoned on an islet.⁴¹² In the case of *prodigia* involving hermaphrodites, it was not just the future of the Republic or the Romans' fortune at war that was at stake, but the very future of all mankind.⁴¹³

Monstrous births to animals other than humans were also deemed worthy of being recorded, such as the examples in Cassius Dio in 49 and 45 B.C. of “many creatures born outside their species”.⁴¹⁴ Impossible acts of fertility, such as a mule foaling, could also be interpreted as an indication of larger problems, such as Julius Obsequens' observation that a foaling mule in 50 B.C. indicated civil strife, destruction of respectable citizens/goods (*bonorum*), the overthrow of the constitution and “loathsome creatures born from married women” (*turpes matronarum partus*).⁴¹⁵ Human fertility could be associated with the fertility of animals and of the earth itself, and a list of prodigies which included monstrous births experienced by both female humans and animals emphasized the connection. Prodigies related to fertility did not have to appear in isolation but were often included in a list of other omens and portents unrelated to *fecunditas*, such as in 147 B.C. when Julius Obsequens' summary records a boy born with three feet and one hand in Amiternum, lightning strikes in Rome, blood flowing on the earth in Caere, mice nibbling at the sacred gold in Frusino, and red and white circles seen around the sun in Lanuvium (20).

the years 133 and 92 B.C., coinciding with the unrest spurred on by the actions of the Gracchi and the brewing conflicts that led to the Social War, thus representing a time of exceptional disorder in the body politic: Garland (1995: 69).

⁴¹¹ Livy 27.37.1-4. He also records another hermaphrodite birth two years earlier at Sinuessa, along with the birth of a child with the head of an elephant (27.11.4-5).

⁴¹² MacBain (1982: 68) feels certain that “the treatment of androgynes from 207 on by drowning alive in a chest is a uniquely haruspical contribution”. Brisson (1997: 29) likewise sees the drowning of hermaphrodites as a traditional Etrurian method of eliminating them. For the disposal of hermaphrodites, see Allély (2003: 136-139, 151). For hermaphrodites in general, see Graumann 2013, with a list of known examples at 185-186 and discussion of previous scholarship at 186-187.

⁴¹³ Brisson 1997: 38; Rasmussen 2003: 30.

⁴¹⁴ Dio Cass. 41.14.4 (49 B.C.) and 43.35.2 (45 B.C.). See too Dio Cass. 43.2.1; Herod. 1.14.1; Julius Obsequens 5, 14, 15, 24, 28, 31, 32, 43, 50, and 53. Valerius Maximus records a mare who was said to have given birth to a hare before Xerxes invaded Greece (1.6. ext. 1A).

⁴¹⁵ Julius Obsequens 65. See too 1, 52, and 70 for more examples of mules foaling.

Prodigies resulting from examples of unnatural fertility are so frequently mentioned in our sources that some scholars have accused the Romans of a “preoccupation with monstrous births”.⁴¹⁶ I do not think this is an inaccurate observation. In fact, I would argue that this interest in monstrous or other unnatural births existed precisely because the Romans were so concerned with the overall health of their citizen population. Here, I take inspiration from Rasmussen’s discussion of the purpose of public portents:

The institution of public portents externalized itself by means of systematic social and religio-political activities aimed at maintaining a balanced society and a social order. In that sense, it seems natural to regard the concept of *pax deorum* as an expression of the social order human society must constantly create and recreate in relation to both the past and the future. By way of extension, it must therefore be concluded that the Senate, with its supreme authority to accept or reject prodigies, was, in a sense, able to decide the degree of imbalance Roman society would experience...Roman divination and public portents seem, from a theoretical, sociological perspective, to have been an identity-generating institution dealing with religio-political matters relevant to the state’s domestic and foreign policy.⁴¹⁷

It was the Roman senate’s decision whether to identify any strange event as a *prodigium*. Given the Roman senate was so willing to interpret monstrous births and other examples of unnatural fertility as public portents, even those that took place beyond the borders of the *urbs*, this must surely establish beyond doubt my argument that the Romans believed that the overall health of their state was linked to the *fecunditas* of their citizen women. Moreover, it was a choice on the part of the Roman senate to interpret as public indicators of danger to the Roman state events that could have otherwise remained private familial tragedies. The appropriation of miscarriages, multiple, monstrous and stillbirths, and other “unnatural” acts of fertility as *prodigia* left no room for the individual; the bereaved mothers appear in the historical record only as conduits, vessels through which the danger to the Roman state could be revealed. The response to *prodigia*, and the way in which they are recorded in our sources, emphasizes the public nature of *fecunditas*.

Did the importance of prodigies as portents or omens decrease from the start of the first century B.C. onwards? Certainly the number of prodigies recorded in both the *Periochia* of Livy and Julius Obsequens drops off significantly at this time, although given portents and prodigies are still reported in Tacitus’ time during periods of political and social unrest this may

⁴¹⁶ Gevaert and Laes 2013: 211.

⁴¹⁷ 2003: 246, 254.

be more of a reflection of our available source material than any true change in attitude.⁴¹⁸ There may have been a change in attitude towards hermaphrodites. Diodorus Siculus insisted that hermaphrodites were not monsters (32.10.2), surely responding to earlier beliefs that they were. By the second half of the first century A.D., Pliny the Elder could write that “Some people are even born of both sexes combined - we call them Hermaphrodites, but formerly they were called *androgyni* and considered portentous. Now, in fact, they are treated as amusements” (*gignuntur et utriusque sexus quos Hermaphroditos vocamus, olim androgynos vocatos et in prodigiis habitos, nunc vero in deliciis*) (HN 7.34). With that said, there is some evidence that not all traces of the belief of hermaphrodites as portents had been excised. According to Phlegon of Tralles, a hermaphrodite from Antioch, who was born a female but had male genitalia suddenly emerge when she was thirteen years old and about to be married, was brought to the Emperor Claudius in Rome. Claudius, because of the portent, ordered an altar to be built on the Capitoline to Jupiter the Averter of Evil (*Mir.* 6). Tacitus gives a list of prodigies in A.D. 54 that served as a “warning of change for the worse” (*mutationem rerum in deterius portendi*). The list included the birth of hermaphroditic babies.⁴¹⁹

There are other examples that suggest that prodigies related to fertility had not vanished entirely in the Principate. Another list of prodigies in Tacitus, which preceded the Pisonian conspiracy of A.D. 65, included an excessively high number of lightning flashes, the appearance of a comet, and “two-headed embryos, human or of the other animals, thrown out in public or discovered in the sacrifices where it is the rule to kill pregnant victims (*bicipites hominum aliorumve animalium partus abiecti in publicum aut in sacrificiis, quibus gravidas hostias immolare mos est*) (Ann. 15.47). When a calf was born in Placentia with its head attached to its leg it was interpreted by the soothsayers to mean that “another head was being prepared for the world; but it would be neither strong nor secret” (*parari rerum humanarum aliud caput, sed non fore validum neque occultum*) (Ann. 15.47), foretelling that the conspiracy was doomed to failure. Tacitus, of course, has little time for such portents, but the inclusion of them in his narrative indicates that they were still observed and believed by at least some Romans.

⁴¹⁸ Garland (1995: 70-71) notes the shift and suggests a more general change in religious attitude is responsible. Beagon (2005: 167) suggests greater confidence in Rome’s political stability sparked a change in religious attitude.

⁴¹⁹ Tac. Ann. 12.64. As well as the unusual births the prodigies included soldiers’ standards and tents burning with fire that came from the sky, a swarm of bees that settled on top of the Capitol, and the birth of a pig with hawk’s talons.

The birth of quadruplets recorded by Pliny the Elder that was said to predict a famine which followed and the birth of quintuplets recorded alongside the birth of a two-headed child during the reign of Antoninus Pius were both labelled as portents during the Principate, although Beagon cautions that “it is unclear to what extent multiple births were taken seriously as portents by the time of Augustus” and that “even when they are called omens or prodigies...the oddities listed are marvels of nature...rather than signs of divine disfavour”.⁴²⁰ A chapter in Phlegon of Tralles, however, does suggest that monstrous births could still carry the taint of divine displeasure well into the Principate, even if multiple births did not. Phlegon records that, “in Rome a certain woman brought forth an infant with two heads, which was thrown in to the river Tiber at the suggestion of the sacrificing priests. This happened when the archon at Athens was Hadrian, who later became emperor, and the consuls at Rome were the Emperor Trajan for the sixth time and T. Sextius Africanus [A.D. 112]” (Ἐν Ῥώμῃ δικέφαλόν τις ἀπεκύησεν ἔμβρυον, ὃ ὑποθήκαις τῶν θυοσκῶν εἰς τὸν Τίβεριν ποταμὸν ἐνεβλήθη, ἄρχοντος Ἀθήνησιν Ἀδριανοῦ τοῦ αὐτοκράτορος ὕστερον γενομένου, ὑπατευόντων ἐν Ῥώμῃ αὐτοκράτορος Τραιανοῦ τὸ ἕκτον καὶ Τίτου Σεξτίου Ἀφρικανοῦ) (*Mir.* 25). This portent was thought to be a public concern, rather than a private one affecting only the parents or the family of the child.

All of these examples show that it was not remotely unusual to treat unnatural, unexpected or monstrous human births as portents. Indeed, such events in times of crisis were anticipated, expected, and therefore needed no explanation. Their treatment as portents indicates first not only that such births were recognized as abnormal, but also that normal, healthy *fecunditas* ought to present itself with the birth of healthy infants. Secondly, the inclusion of abnormal and monstrous births in lists of portents shows that such occurrences could be read not as an unhappy accident but as an indication of a more widespread societal issue. The response to these prodigies, whether through the annual *supplicatio*, or more specific expiatory rites dedicated to that particular incident, represented the Romans’ need “to effect instant change in the immediate circumstances” facing their city, and should not be interpreted as a desire to restore normal human fertility.⁴²¹ Prodigies resulting from unnatural births occupied the same

⁴²⁰ Plin. *HN* 7.33. *SHA Ant. Pius.* 9.4. Beagon 2005: 165 and 171. She also notes that a pregnancy of higher order multiples increased the risk of birth defects, which perhaps helped to explain why “areas of high fertility were also believed to be rich in monstrosities” (2005: 166). See above, Chapter Two, pp. 130-141 for multiple births as demographic outliers.

⁴²¹ Schultz 2006: 29.

place in Roman awareness as prodigies unrelated to fertility, and all pointed to a breakdown in the *pax deorum*, the Romans' relationship with the gods, that needed to be restored.

The relationship between prodigies tied to unnatural or monstrous births and other portents unrelated to fertility can clearly be seen in Lucan's *Bellum Civile*. In Book One, after Pompey's flight from Rome but before Caesar marches on the city, widespread panic is said to have set in among the citizens. This panic is heightened, indeed even encouraged, by the number of portents forecasting doom for the city and her citizens. These are expressly stated to be signs of divine displeasure. Lucan writes of the panicked populace that "not even any hope for the future alleviates anxious minds, added to this was the unmistakable promise of worse to come, and the menacing gods covered the earth, the sky and the sea with portents" (*ne qua futuri / spes saltem trepidas mentes levet, addita fati / peioris manifesta fides, superique minaces / prodigiis terras inplerunt, aethera, pontum*) (1.522-525). Then follows no less than fifty-eight lines devoted to detailing these portents (1.526-584), which included the appearance of shooting stars, comets and lightning; the appearance of stars at noon; eclipses of both the sun and moon; the eruption of volcanos and wide-spread floods; the cessation of the turning of the earth upon its axis and the melting of the snow upon the Alps; the extinguishing of the fire on Vesta's altar; the appearance of birds of ill omen and wild beasts inhabiting the centre of Rome; and the ability of animals to speak human languages. Household gods were said to sweat; local (*indigetes*) gods wept; offerings fell from their places in the temples. Strange noises abounded: groans issuing forth from urns filled with the ashes of dead men; the crash of arms; the sounds of invisible armies meeting in battle; loud cries in empty forests. Trumpets sounded and shouting pierced silent nights. Not least the ghosts of Sulla and Marius were seen, as well as a giant figure of a Fury. In the middle of this recitation of impending doom Lucan tells us that "creatures monstrous in the size and number of their limbs were born from human women, and babies horrified their own mothers" (*monstrosique hominum partus numeroque modoque / membrorum, matremque suos conterruit infans*).⁴²²

Lucan's litany of woe draws upon an extensive tradition of catalogues of prodigies during civil wars, influenced most heavily by Vergil and Ovid.⁴²³ What matters most for my purposes is

⁴²² 1.562-563. For deformed children as portents see too Cic. *Div.* 1.93, 121; Man. 4.101-103.

⁴²³ Verg. *Geor.* 1.464-488 and *Ov. Met.* 15.783-798 which list prodigies which preceded (Ovid) and followed (Vergil) the assassination of Julius Caesar, although neither includes any related to fertility. For literary catalogues of prodigies in other authors, writing both before and after Lucan, see Roche 2009: 318.

that Lucan wants to give his readers the strongest possible impression of divine displeasure, and he feels that prodigies involving monstrous acts of unnatural fertility belong to one of the standard categories of portent that need to be included if his list is to be comprehensive.⁴²⁴ What is interesting, too, is what Lucan next details: it was decided that “ancient custom” (*mos vetustus*) must be followed (1.584) and seers (*vates*) were summoned from Etruria; the most senior was named Arruns.⁴²⁵ It was he who determined what was required by way of expiation: “First, he orders the monstrosities, which discordant nature had brought forth from no seed, to be taken away and commands that the abominable products of a barren womb be burned with fire brands of evil omen” (*monstra iubet primum, quae nullo semine discors / protulerat natura, rapi sterilique nefandos / ex utero fetus infaustis urere flammis*) (1.589-591). Here the monsters to which Lucan refers are likely to be unnatural animal births, rather than human.⁴²⁶ The “barren womb” (*uterus sterilis*) would be that of an animal, like a mule, that was not supposed to breed. We have already seen above how the foaling of a mule was taken as a portent. Arruns then goes on to order a lengthy procession around, and purification of, the walls of the city, involving all of the sacred citizens, culminating in his burying the fires from the thunderbolt and sacrificing a bull.⁴²⁷ Their efforts to appease the gods are of no avail: to Arruns’ horror the misshapen and miscoloured internal organs of the bull all uniformly speak of disaster, of which he has no choice but to inform the watching citizens (1.614-638). The destruction of the unnatural animal births, both those that are monstrous in form, and those that were generated from animals that ought not to be able to bear, is seen as an essential step in cleansing the city and restoring divine favour. As Garland writes of monstrous births in general, “It is certain that the noting and eliminating of monstrous births at a moment of extreme danger performed the necessary social function of articulating and canalising public anxiety”.⁴²⁸

⁴²⁴ Roche (2009: 318-319) identifies eight such distinct categories: meteorological phenomena (at lines 522-544), signs from the natural world (545-549), those associated with sacral fires (549-552), natural disasters (552-555), localized religious prodigies (556-558), those associated with deformed or unnaturally gifted animals and children (558-563), the utterances and behaviours of priests (564-567), and, finally, prodigies associated with the undead (568-583).

⁴²⁵ On the historical use of Etruscan haruspices to deal with Roman prodigies, see MacBain 1982: 43-59.

⁴²⁶ *TLL* 6.637.5-51; Roche 2009: 344.

⁴²⁷ Expiatory rites often included very public processions involving one or more of the following groups of Roman society: magistrates, men, and women, sometimes further separated into married and unmarried women (*matronae* and *virgines*) (Staples 1998: 7).

⁴²⁸ Garland 1995: 70.

This section in Lucan, although taken to the extreme for dramatic effect, clearly shows how prodigies relating to fertility were interpreted as just one part of the crisis facing the city that demanded immediate response: they were not interpreted as reflecting any real concerns about the size of the population or the overall birth rate. More generally, the appearance of prodigies in Roman literature shows that concerns about fertility and the births of normal, healthy offspring could be interpreted as indicative of larger issues concerning the gods' displeasure with Rome as a whole. Thus, while they tell us nothing about fears concerning the health of the reproductive population, their appearance during times of political and military crisis do serve to illustrate again how central a role human fertility was thought to play in determining the overall stability and health of the Roman state. As Bruce MacBain has argued, "Romans were alarmed by untoward events in the natural order and found psychic relief in making ritualized responses to them".⁴²⁹ The frequent appearance of monstrous human births in the lists of prodigies speaks to the overall concern of the Roman state for the health of its citizen population. It is precisely because Rome was so concerned, even from its first days according to ancient tradition, with issues of population growth that prodigies involving monstrous human births had such an impact and were so common. *Fecunditas*, therefore, could not be considered a private matter.

TYRANNY AND INFERTILITY

The overall health of the Roman state during the Republic was inextricably linked with the *fecunditas* of Roman citizen women. During the Principate, a new factor emerged. It was not just that a woman's willingness or ability to bear healthy offspring reflected the overall health of the Roman state. Now there was one individual – the emperor – who was conceived of as influencing the reproductive success or failure of Rome's citizens. One difference between a "good" emperor and a "bad" one was the willingness of men and women to raise children during his reign, or so political rhetoric claimed. This idea existed from the very first days of the Principate. Velleius Paterculus, who wrote during the reign of the emperor Tiberius, states that when Augustus adopted Tiberius in A.D. 4, this led the people of Rome to trust in the safety of their children and the sanctity of their marriages (2.103.3). According to Suetonius, after the death of Germanicus in A.D. 19 people abandoned their newly born children (*Calig.* 5). Suetonius suggests that the parents' actions ought to be interpreted as a form of protest against

⁴²⁹ MacBain 1982: 41.

the gods, as the abandonment of the children is paired with the tossing of household gods into the street. This is in keeping with the idea explored above that instances of mass sterility or monstrous births were interpreted as signs of the gods' displeasure. The actions of parents after the loss of the hugely popular Germanicus suggest that this link between the gods and fertility could be seen as travelling both ways: in some way the parents were trying to punish the gods for their audacity at depriving Rome of Germanicus. But their actions should also be interpreted in light of the growing perceived relationship between the *princeps* and fertility. The *princeps*, alongside the gods, became increasingly perceived as responsible for the health and welfare of the Roman state. Suetonius' description of the unwillingness of citizens to rear their children was meant not only to reflect anger at the gods, but also anxiety at the fact that Germanicus' death had once again thrown into uncertainty Augustus' plans for succession.

It was not just anxiety over the issue of dynastic succession that was imagined by writers as a reason for citizens to shy away from rearing their children. The actual behaviour of the *princeps* himself was also perceived as a factor and used to enormous rhetorical effect by Seneca the Younger. In his *De Clementia*, written for Nero in A.D. 55, Seneca argues that a good ruler makes people eager to raise children. Barrenness (*sterilitas*), on the other hand, is "imposed by public woes" (*publicis malis indicta*) (1.13.5). This is a rhetoric that Pliny the Younger exploited in a letter written to Trajan likely dating to early A.D. 98. Pliny was writing to Trajan, only recently made emperor, to thank him for granting Pliny the *ius trium liberorum* at the request of Julius Servianus. In the letter, Pliny insists that he has always wanted to have children, even during the "most melancholy reign" (*tristissimum saeculum*) of Domitian (*Ep.* 10.2). By contrasting his own willingness to become a father, even under such trying circumstances, with the reluctance of the assumed status quo, Pliny is able to use the *topos* that people refuse to bear children under a 'bad' emperor to his own advantage. His status as a virtuous male Roman citizen, ready and willing to exploit the *fecunditas* of his wife, is assured. The fact that Pliny had failed in two previous marriages is seen as immaterial, and as no fault of his own; it was his intention that mattered most. Pliny is engaged in a complicated political balancing act. He has to thank the new *princeps* for the decision to grant him the *ius trium liberorum* even though he remains childless, but at the same time he wants to make it clear that he intends to fulfill his duty as a male Roman citizen by becoming a father. He will not be like Martial, who cheerfully

wrote, “Farewell, wife!” (*valebis, uxor*) after receiving the *ius trium liberorum* and likely remained unmarried all his life.⁴³⁰

Pliny’s arguments are testament to his rhetorical skill. He suggests that the gods themselves kept him childless during the reign of Domitian, despite his longing to be a father, solely so that he might be a beneficiary of Trajan’s generosity. As for Pliny himself, he confided to Trajan, “I preferred instead that I should become a father at this time, when I was to be both safe and fortunate” (*malui hoc potius tempore me patrem fieri, quo futurus essem et securus et felix*) (*Ep.* 10.2). Pliny’s claim that he would have gladly fathered children under Domitian is meant to emphasize his position as a virtuous Roman citizen, but the fact that he was unlucky provides him a further opportunity to praise his current *princeps*. He can not only thank Trajan for the grant of the *ius trium liberorum*, but he can also claim that he would rather father children during Trajan’s reign. Pliny thus manages to put the best possible spin on his childless reality, and his letter draws a clear distinction between the reigns of ‘good’ and ‘bad’ emperors when it comes to their subjects’ willingness to raise families.

One final point should be noted. The letter comes from Book Ten, which most scholars believe was published posthumously after Pliny died unexpectedly while in Bithynia-Pontus. The letters in Book Ten therefore may not have been subject to the same degree of conscious selection and editing as was Pliny’s correspondence in earlier books, which were published by him during his lifetime.⁴³¹ This may mean that Pliny’s arguments in this letter were not necessarily empty rhetoric shaped for publication, but could reflect ideas that Pliny felt had real political capital. Granted, this letter is from a much earlier date than the letters from Pliny’s tenure in Bithynia-Pontus, and it may well have been edited in anticipation of future publication. Regardless, it demonstrates that the *topos* of the ‘bad’ emperor hampering the birth rate of the Roman citizen population was a commonplace: Pliny assumes Trajan will understand his meaning. Moreover, it suggests that this *topos* was one that could be manipulated and used to praise a current emperor, and that this praise would meet with the emperor’s approval. Pliny

⁴³⁰ 2.92. Martial received the *ius liberorum* from Titus (3.95.5-6; 9.97) but seems to have requested – and received – it again from Domitian (2.91; 2.92), despite Domitian confirming all privileges granted by Vespasian and Titus with a single edict. Possibly this extraneous granting was a means of showing special favour (Henriksén 2012: 378-379). On the question of whether Martial ever married, see Daube 1976; Ascher 1977; Sullivan 1979; and Watson 2003.

⁴³¹ On the publication of Book Ten, see, e.g., Woolf 2006 and Bekker-Nielsen 2008. Neroña (2007: 262) speculates that Book Ten may have been published during Pliny’s lifetime. For the editing and publication process of Books One through Nine, see Hoffer 1999; Henderson 2002. On Pliny’s relationship with Trajan, see also Vidman 1960; Sherwin-White 1962; Talbert 1980; Kokkinia 2004; Millar 2004; and Fear 2006. Pliny himself makes it clear that the letters are not presented in chronological order (*Ep.* 1.1).

would never have written these words had he believed Trajan would not be pleased with the contrast between his new reign and that of Domitian. Pliny could be safe in his assumption that his words would please Trajan because he understood that the *princeps* was believed to have at least some responsibility for protecting and increasing the Roman citizen population.

The impact of a ‘good’ or ‘bad’ *princeps* on the willingness of citizens to raise their children returns in Pliny’s *Panegyricus* of A.D. 100. The speech seizes every opportunity to contrast the promised benevolence of Trajan’s reign with the tyranny and terror experienced under Domitian. A major theme concerns the impact of the change in *princeps* on the health of the citizen population of Rome. The idea that citizen children were an important guarantee of the future safety and health of the Roman state is present: Pliny calls children “the populace of the future” (*futurus populus*) (*Pan.* 26.1) and “the rising generation of Rome” (*Romana soboles*) (*Pan.* 26.3). Much of the focus of Pliny’s arguments concerns the children of the poor citizens, for, as he argues:

locupletes ad tollendos liberos ingentia praemia, et pares poenae, cohortantur; pauperibus educandis una ratio est, bonus princeps. hic fiducia sui procreatos nisi larga manu fovet, auget, amplectitur, occasum imperii, occasum reipublicae accelerat.

The rich are encouraged to rear children by substantial rewards and comparable penalties. There is only one reason for the poor to do likewise – a good emperor. If he does not support with generous provision the children born because of his people’s trust in him, if he does not cherish them, if he does not treat them with affection, he speeds along the end of the empire and the state.

(*Pan.* 26.5-6)

Trajan’s own impact on the attitudes of fathers towards raising their children is praised, and implicitly contrasted with that of Domitian:

super omnia est tamen, quod talis es, ut sub te liberos tollere libeat, expediat. nemo iam parens filio, nisi fragilitatis humanae vices horret; nec inter insanabiles morbos principis ira numeratur. magnum quidem est educandi incitamentum, tollere liberos in spem alimentorum, in spem congiariorum; maius tamen, in spem libertatis, in spem securitatis. atque adeo nihil largiatur princeps, dum nihil auferat; non alat, dum non occidat: nec deerunt, qui filios concupiscant. contra, largiatur et auferat; alat et occidat: nae ille iam brevi tempore effecerit, ut omnes non posterorum modo, sed sui parentumque poeniteat.

Nevertheless, above all else you are of the sort [of emperor] that under your reign it is both pleasurable and profitable to raise children. Now no father is stricken with dread for his son for anything other than the changeable fortunes of human impermanence. An emperor’s wrath is no longer reckoned among fatal illnesses.

There is indeed a great incentive to have children in the expectation of allowances and gifts, but it is even greater in the expectation of liberty and freedom from danger. And besides, an emperor can bestow nothing so long as he takes away nothing, he can support nothing provided that he does not destroy, and he will not lack subjects who long for sons. On the other hand, if he gives only to take away, supports and then destroys, assuredly before too long he will bring it about that all men regret that they had children, regret even that they had parents and are alive themselves.

(*Pan.* 27.1-2)

According to Pliny, the *princeps* has two main areas of influence on the willingness of his citizens to rear children. The first is financial. Rich citizens in particular can be encouraged to raise large families through “substantial rewards and comparable penalties” (*ingentia praemia et pares poenae*) (*Pan.* 26.5), a clear reference to the Augustan marriage legislation, and a rare anecdote which suggests its system of incentives and penalties was in fact thought to be working, or could at least be interpreted in such a way.⁴³² Poorer citizens could also be encouraged to rear their children through generous financial support, such as that provided by Trajan.

Pliny imagines that this largesse, and the 5,000 children who will benefit from it, would have a lasting effect, arguing, “The army and citizen body will be restored to full strength by their numbers and some day they will have children of their own, children for whom they will not need any allowances” (*ex his castra, ex his tribus replebuntur; ex his quandoque nascentur, quibus alimentis opus non sit.*) (*Pan.* 28.5). There is some exaggeration here: by the second century A.D. Italy’s manpower contributions to the legions of the Roman army had significantly declined.⁴³³ Some of the male children may well have grown up to serve in the army, but it was no longer the case that most of them would. Still, the perceived ideal of the Republican army, comprised largely of citizen recruits from Rome and the rest of Italy continued to hold political leverage in the imaginations of those who lived in a world where the soldiers of the army were now drawn from across the Empire. Furthermore, any children supported by this program would be a number of years away from being able to serve: the donatives were not an immediate solution to any perceived crisis of manpower. Pliny, however, is taking a long-term view; in addition to their expected future contributions to the army and the state, he stresses that these male children will grow up to become fathers who will not need financial support to raise their own families. Supporting one generation of children, according to Pliny, will result in the safe

⁴³² For the legislation see below, pp. 175-187.

⁴³³ For military recruitment, including the continuing contribution made by Italy see Forni 1953 and 1974; Mann and Roxan 1983; Wesch-Klein 2010.

existence of countless future generations of Roman citizens, a form of succession just as vital as the transmission of the position of *princeps*.

A *princeps*' influence on his citizens' willingness to raise children was not limited to financial inducements. His own behaviour could also directly affect family formation. A 'bad' *princeps*, according to Pliny, makes fathers fear for the lives of their children. A 'good' one, on the other hand, brings stability and peace. Donatives and other financial inducements are useful, but what really matters is the ability to live "in the expectation of liberty and freedom from danger" (*in spem libertatis, in spem securitatis*) (*Pan.* 27.1). This impact is not limited to the willingness of fathers to accept the children born into their households: the rule of a benevolent *princeps* is imagined by Pliny as affecting even the *fecunditas* of Roman women. When describing Trajan's triumphant entry into Rome in A.D. 90, Pliny claims that "At that very moment women took the greatest delight in their fertility because they saw that they had borne citizens for their emperor, soldiers for their general" (*femina etiam tunc fecunditatis suae maxima voluptas subiit, cum cernerent cui principi cives, cui imperatori milites peperissent*) (*Pan.* 22.3). Pliny emphasizes that the natural state of humans is to desire children: even if a *princeps* does nothing by way of encouragement, he says, there will be no shortage of subjects who wish to have sons.⁴³⁴

Pliny's words are designed to have the maximum possible impact. Of course there is much exaggeration and embellishment. Trajan must appear throughout as the saviour of Rome and the beacon of light promising better times to come for those who have survived the darkest days. That it is a carefully sculpted piece of rhetoric does not disqualify its themes from reflecting real issues and real ideas found in contemporary Roman society. There would be no value in insisting that Trajan's benevolence would lead to a new willingness on the part of citizens to bear children if this were not already an idea of some rhetorical merit. Indeed, the lengthy references in the *Panegyricus* to the impact of a 'good' or 'bad' *princeps* on the families of Roman citizens serve to illustrate that concerns about fertility and childrearing remained central to Roman thought.⁴³⁵

⁴³⁴ *Pan.* 27.2. On desiring children as natural, see above, Chapter One, p. 18. On the *princeps* as a quasi-father figure for all subjects, see Ando 2000, esp. 398-405.

⁴³⁵ For Pliny's take on the benefits of adoption as a means of choosing a successor, see below, Chapter Four, pp. 214-215.

I argued above that making reference to the birth rate became a form of shorthand for ancient writers.⁴³⁶ Since the health of the Roman state was thought to be inextricably linked to the health of the citizen population, expressing confidence in, or fears about, the birth rate and women's willingness or ability to bear children was an easy way for writers to express their views on the stability of the Roman state. This idea had existed during the Republic but became even more clearly expressed during the Principate as Roman authors searched for new ways to praise or criticize their *princeps*. But this idea was not confined to those men who wrote about the emperor: it was appropriated by the emperors themselves and used to great effect in their coinage.

In her comprehensive study of images of children in the "official" art of the Roman Empire from Augustus to Septimius Severus, Jeannine Uzzi argues that "Imperial largesse is presented as an investment in the future, symbolized by Roman children, from the reign of Nero through the reign of Marcus Aurelius".⁴³⁷ Largesse here includes all types of distributions, particularly *congiarium*, *alimenta*, and *liberalitas*. Uzzi catalogues the numismatic evidence for these donatives that depict children, beginning with the *congiaria* depicted on bronze coins of Nero.⁴³⁸ She hypothesizes that "the presence of the child may simply announce the emperor's support of the Roman family or his symbolic interest in the future Roman populace".⁴³⁹ For my purposes, I am most interested in her analysis of the coins that depict children that do not directly attest a specific form of imperial largesse. Beginning with the reign of Galba we find coins bearing the legends ROMA REST(ituta), TUTELA ITALIAE, REST(ituta) ITAL(ia), REST(ituta) ITALIA, ITALIA REST(ituta), or LIBERTAS RESTITUTA which depict the goddess Roma or Italia accompanied by one or two children, usually kneeling before the emperor, who raises her from the ground (Figure 3.1).⁴⁴⁰ These images closely reflect the motifs found on coins whose legends expressly mention a form of imperial largesse, and thus Uzzi argues that the viewer is meant to associate the one with the other: in terms of Hadrian's

⁴³⁶ Above, pp. 151-152.

⁴³⁷ Uzzi 2005: 34. For her definition of "official" see Uzzi 2005: 17.

⁴³⁸ Uzzi 2005: 35-41. Nero: *BMCRE* I, no. 138 (*congiarium*); Nerva: *BMCRE* III, no. 87; *RIC* II, nos. 56-7 (*congiarium*); Trajan: *BMCRE* III, nos. 378, 379, 404, 870-3; *RIC* II, nos. 93, 230, 243, 459-61, 604-6 (*alimenta*).

⁴³⁹ Uzzi 2005: 36.

⁴⁴⁰ Galba: *RIC* I, no. 156 (ROMA REST(ituta)); Nerva: *RIC* II, no. 92 (TUTELA ITALIAE); Trajan: *RIC* II, nos. 105, 470-4 (REST(ituta) ITAL(ia); REST(ituta) ITALIA; ITALIA REST(ituta)); Hadrian: *BMCRE* III, nos. 1160-2 (LIBERTAS RESTITUTA). Uzzi notes that "the presence of one boy and one girl of different ages in many such scenes is particularly effective shorthand for all Roman children" (2005: 40). See too Strack 1931 and 1933; Hammond 1953; Brilliant 1963; Belloni 1973; and Kuttner 1995.

LIBERTAS RESTITUTA coin, it “tells the viewer that *libertas* is safe throughout Rome and Italy because of the success of imperial largesse symbolized by the two children with the goddess”.⁴⁴¹ Later, in her conclusion to this section, she writes, “In scenes like those found on *restituta* coins, children represent the prosperity that is to come as a result of imperial policies and programs”.⁴⁴²



Figure 3.1 Aureus of Trajan, A.D. 103-111, with reverse showing Trajan reaching down to raise Italy to her feet, with a child between them reaching up to the emperor (*BMCRE* III, no. 404).

I would offer a slightly different analysis in keeping with the literary evidence. The coins of the emperors which depict children and contain the *RESTITUTA* legend should be read not as just another reminder of the success of the donative programs, but as a more general assertion concerning the overall health of the Roman state.⁴⁴³ The children are meant to represent a healthy birth rate of Roman citizens and, by implication, the stability and security of the Roman state. Uzzi does briefly consider the epigraphic and literary evidence, writing, “such sources imply that scenes of imperial largesse should be seen as a type of pro-child, pro-family propaganda as well as advertisements of imperial policies and their success”, but goes no further.⁴⁴⁴ She is right to argue that children represent the future, but I think the *restituta* coins are also making a claim for the present. It is not just that the children, the future citizens of Rome, will benefit from imperial largesse; their very presence is a bold statement arguing for the present stability and security of the empire, a statement that could be asserted even when, as in the reign of Galba, this was manifestly not the case.

⁴⁴¹ Uzzi 2005: 40.

⁴⁴² Uzzi 2005: 51.

⁴⁴³ On this see Brilliant (1963: 107), who proposes a general ‘relief’ motif that does not make explicit reference to the *alimenta*, although he does not make the connection with the birth-rate and health of the citizen population.

⁴⁴⁴ Uzzi 2005: 51. She also puts too much credence in the claim that there was a birth rate problem.

Imperial largesse would, of course, have been thought to have played a significant role in ensuring this stability through the support of families. The unspecified coins with the RESTITUTA legend, however, are more likely to illustrate a conscious appropriation of the rhetorical *topos* that a stable and secure Roman empire by definition includes a high birth rate among its citizens than just a specific reference to a particular donative.⁴⁴⁵ If I am correct in my analysis, the imagery on the *restituta* coinage echoes the words of Pliny the Younger, who largely dismissed the impact of schemes of imperial largesse, telling Trajan, “Keep up the gifts and allowances if you really want to. Regardless, those children are born because of you” (*dabis congiaria si voles, praestabis alimenta si voles: illi tamen propter te nascuntur*) (*Pan.* 28.7). If, as we have seen, one way for writers to praise or criticize their *princeps* was to assess his supposed impact on the birth rate it is not surprising that the emperors themselves adopted this idea and used it for their own purposes in their coinage.

One of Seneca the Elder’s *Controversiae* takes this imagined relationship between *princeps* and citizen families even further, suggesting that a bad ruler not only would make parents regret having children, but could even destroy a woman’s *fecunditas*, rendering her infertile. In *Controv.* 2.5, the imagined situation concerns a woman who remains silent when tortured by a tyrant in an effort to learn about the plot to kill him orchestrated by her husband. After she is released the husband kills the tyrant. He then divorces his wife on the grounds of infertility after she fails to bear children after five years of marriage. The ensuing discussion contains the usual responses to the nature of *fecunditas* during a tyranny that were seen above. During a tyranny, it is assumed that women will bitterly regret having given birth to their living children, envying those who had the foresight to remain childless.⁴⁴⁶

The declamation also assumes other impacts that go beyond those imagined by other writers. Women will abort their existing pregnancies or will refuse to become pregnant in the first place.⁴⁴⁷ In fact, this is proposed by one declaimer as incentive for the husband to hurry up and follow through on his plan of assassination: the woman is imagined as telling him, “The time

⁴⁴⁵ As argued by Strack 1931: 190. This is not to say that all viewers of the coins, or indeed any of them, would have taken away this particular message: Gregory (1994) has shown that one cannot assume political images had the desired effect on their viewers, even if we can determine what that desired effect was. Fortunately for us, however, “artistic intention exists independently from accessibility and reader response” as Uzzi notes (2005: 19).

⁴⁴⁶ Regret the existence of living children and envy the childless: 2.5.2 (Cestius Pius), 2.5.3 (Cestius Pius); 2.5.4 (Arellius Fuscus); 2.5.13 (Blandus).

⁴⁴⁷ Abort existing pregnancies: 2.5.2 (Cestius Pius); refuse to bear children: 2.5.1 (Porcius Latro), 2.5.2 (Cestius Pius).

has come: get going; if for no other reason than so that you can have children. I am not about to bear a child during a tyranny” (“*tempus est; escende; si nihil aliud, ut liberos habeas: in tyrannide paritura non sum*”) (*Controv.* 2.5.1). These reactions assume a significant amount of control on the woman’s part over her own fertility, and thus reflect the more general male anxiety over a woman’s control of childbearing endemic in our sources. At other points, however, the declamation suggests that the woman’s failure to bear children may have been involuntary, reflecting a biological refusal rather than a conscious choice.⁴⁴⁸ It is even suggested that the very tortures she suffered may have made her infertile, and that this was one goal of the tyrant in torturing her.⁴⁴⁹ One imagined the tyrant, as he ordered her to be tortured, crying “Burn her, strike her womb” (*ure, caede ventrem*) and a second, “Strike her womb so that she may bear no tyrant-killers” (*caede ventrem, ne tyrannicidas pariat*).⁴⁵⁰

Much of the efforts on the part of the declaimers revolve around establishing the unfairness of a man divorcing his wife on the grounds of infertility after five barren years of marriage. There is an imagined law that such a divorce is allowable. This law, of course, did not exist in Roman society.⁴⁵¹ In this imagined situation the inherent fairness of the law is questioned, since it is acknowledged that one cannot set a strict timeline for fertility, and women who do not conceive after five years of marriage are not necessarily incapable of ever producing a child.⁴⁵² The more pressing issue for the respondents, however, is whether the five year rule ought to apply in the first place given much of the marriage existed during a tyranny. A certain Blandus argued that “A woman should not be censured on the grounds that she is barren during a time when mothers even detested the children they already had. That time which censures women is when they bear children for the state, not for a tyrant” (*illud tempus non debet inputari quasi sterili quo matres etiam editos partus abominatae sunt: illud tempus imputetur feminis quo rei publicae pariunt, non illud quo tyranno*).⁴⁵³ A certain Buteo, in support of Blandus’ argument, added that “She cannot be [divorced], because when she had not conceived it was during a tyranny. Wretched conditions make some periods exempt from the laws” (*non potest*

⁴⁴⁸ *Controv.* 2.5.1 (Porcius Latro), although partly reconstructed.

⁴⁴⁹ *Controv.* 2.5.5 (Cornelius Hispanus); 2.5.6 (Junius Gallio); 2.5.7

⁴⁵⁰ *Controv.* 2.5.7 (Julius Bassus and Argentarius).

⁴⁵¹ For the connection between proven *fecunditas* and marital security, see above, Chapter Two, pp. 115-120. For the consequences of divorcing a wife on the grounds of infertility, see below, Chapter Six, pp. 331-345. Pace Harlow and Laurence (2002: 86) who seem too willing to take this law at face value.

⁴⁵² *Controv.* 2.5.7 (Papirius Fabianus), 2.5.16 (Buteo).

⁴⁵³ *Controv.* 2.5.13. cf. 2.5.4.

quia <in> tyrannide non conceperat. aliquod tempus immune a legibus miseriae faciunt) (*Controv.* 2.5.16). The very same idea argued by Pliny (*Pan.* 27.1) – that a ‘bad’ *princeps* will even cause men to regret that they are alive – is found in the *Controversia*: Latro, answering a rhetorical question he himself has posed about why the woman bore no children, states “There was a tyranny; there was no one who did not complain to his parents that he had been born” (*tyrannis erat; nemo non cum parentibus suis querebatur quod natus esset*) (2.5.14). The woman is even praised for her failure to bear children since it is imagined that this has allowed her to better withstand the tortures of the tyrant; her body is not worn out from childbearing (*Controv.* 2.5.6: Papirius Fabianus). Had she borne children, they too could have been tortured in order to try to force her to divulge her husband’s plans.⁴⁵⁴

Lastly, some arguments shifted the blame to the husband. “He disdains the barren woman but it was he who made her so” (*fastidit sterilem qui fecit*) states one, arguing that since it was the husband’s plot that made the tyrant torture his wife, and since her infertility was a direct result of these tortures, her inability to bear children was ultimately her husband’s responsibility.⁴⁵⁵ Latro even went so far as to suggest that the husband could be more directly at fault:

non quaecumque quinquennio non peperit sterilis est. quid enim si vir alicuius afuerit toto paene quinquennio peregrinatione, utri imputabitur? quid si vir aegrotaverit? si hic maritus a tyranno tortus inutilis in concubitu suae uxoris iacuisset, <utri> imputari debuit quinquennium?

Not every woman who has failed to birth a child within a five year period is barren. What if a woman’s husband has been away travelling abroad for practically the whole period, which of the two is censured then? What if the husband has been ill? If this husband had been tortured by the tyrant, and was incapable of having intercourse with his wife, which of the two ought to have been blamed for the five years?

(2.5.14)

On first glance this section may appear to undermine my assertion that Roman society operated under the assumption that all responsibility for conception lay with the woman. Upon closer examination, however, it becomes clear that it actually supports this interpretation. There are indeed extenuating circumstances that could be used to explain a barren marriage and place the

⁴⁵⁴ *Controv.* 2.5.3 (Cestius Pius). cf. *Controv.* 2.5.9 (Marcellus), where it is argued that the husband was preoccupied with thoughts of tyrannicide from the first days of their marriage.

⁴⁵⁵ *Controv.* 2.5.5 (Cornelius Hispanus). A similar argument occurs at 2.5.7 (Papirius Fabianus).

blame on the husband's shoulders, but all of them revolve around the idea that conception could not take place, either because the husband was elsewhere, or because he was too sick or injured to be able to participate in sexual intercourse. The underlying assumption is that if sexual intercourse did take place and the marriage remained childless, it was the woman who was at fault.

This declamation, of course, must be used with caution. It was a rhetorical exercise and thus required an extreme case to allow the development of arguments from both sides. Furthermore, as the arguments on behalf of the husband are unfortunately truncated by a gap in the manuscript, our perspective is biased towards those arguments made in defense of his wife. At the same time, although this particular case is imagined, the ideas contained within it largely reflect those circulating in broader Roman society, at least within the literary world of the élite.⁴⁵⁶ Despite its outlandish plot, it is firmly grounded in social reality, and its assumptions concerning who bears the responsibility for conception, the control women hold over their ability to conceive, and the impact on *fecunditas* of a tyranny all serve to bolster my arguments concerning more general Roman ideas about these issues.

This declamation also neatly summarizes a woman's perceived dual role as a bearer of children for her husband and for the state. Part of the matter up for debate is whether she has failed her husband with her barrenness. When it comes to her responsibilities to the state, however, her barrenness is perceived as a positive factor. She should not bear children for a tyranny (*Controv.* 2.5.13). Moreover, it is also suggested that she has released her obligations to the state by providing a tyrannicide, in that her husband was able to achieve his goal of assassinating the tyrant only through her silence under torture. As Arellius Fuscus states, "I don't know whether she will give children to the state: she has given it a tyrannicide" (*res publica, an sit tibi ista datura liberos nescio; tyrannicidam dedit*) (*Controv.* 2.5.4). Even if she never bears children, she has done enough. Although nowhere is the idea that a woman ought to bear children for the good of the state questioned, the circumstances surrounding this woman allow for her barrenness to be re-imagined in a positive light.

Furthermore, this declamation takes the link between failed *fecunditas* and tyranny one step further by asserting that a tyrant could be aware of his impact on *fecunditas*, and could actually seek to disrupt it in order to protect himself from would-be assassins. It is because it is

⁴⁵⁶ See above, Introduction, pp. 7-8.

so extreme a case that this declamation is so useful. It serves to illustrate the ideas about tyranny and *fecunditas* that were circulating in elite literary society and mentioned, but largely left undeveloped, in other authors where childlessness was only one effect of a tyrant's rule rather than the focus. This declamation thus allows us to flesh out the ideas found in later works, like Pliny the Younger's *Panegyricus* and Seneca the Younger's *De Clementia*. This link between tyranny and infertility may also have coloured some writers' treatment of the cases in our sources where a powerful man had divorced his otherwise blameless wife on the grounds that she was infertile.⁴⁵⁷

As we have seen above, a woman's *fecunditas* had always been thought to be somehow linked to the overall health of the Roman state. It is a common theme in our sources from the Republic to the time of Justinian that a woman's role was to bear children, not just for her husband, but for the good of the Roman state. A woman's *fecunditas* served two purposes, one private – the need to provide her husband with offspring and heirs – and the other public – the need to replenish the Roman state through the birth of citizen children. In times of great crisis women were depicted as being unable, or unwilling, to bear and raise children. Perhaps this reflects demographic realities: historically couples would find ways to limit their families during times of famine and other great crises. In cases where this inability to bear was felt to be involuntary or widespread the anger of the gods was an easy explanation. In others, the difficulties facing the Roman state at the time were deemed to be sufficient.

It is perhaps most useful to view the relationship between the health of the Roman state and the *fecunditas* of its women as mutually influencing. While Roman women could make the state strong with the frequent births of healthy citizen children, they were only in a position to do so if the state was already strong. If the state was experiencing a crisis, this was expected to be reflected in the women's *fecunditas*, either through the births of weak or deformed infants, or in the inability of the women to bear altogether with their pregnancies ending in miscarriage or stillbirth. When viewed from this perspective it is perhaps not surprising that our sources appear to be so preoccupied with women and their *fecunditas*, particularly any examples that suggested there was a problem. Once women started to struggle in carrying pregnancies to term and birthing healthy offspring, the state was considered already to be in serious difficulty. And since

⁴⁵⁷ See below, Chapter Six, pp. 341-342. On *hybris* and tyrants see Fisher 1976. The classic case, of course, is the portrayal of Xerxes in Aeschylus' *Persae* and Herodotus. On the rhetorical tyrant of the *Controversiae* and its influence on Latin historiography, see Dunkle 1971 and Ash 1999.

one way to return a state to strength was with new citizens, the longer such unusual births continued, the graver the situation.

The rise of the emperor and the shift to one-man rule disrupted this symbiotic relationship. Now it was not seen to be only the gods who brought fertility woes to the Romans. Instead the emperor was conceived of as powerful enough to affect the *fecunditas* of citizen women. This is a natural progression: the emperor and, to a lesser extent, the other members of the *domus Augusta* were more than mortal. They were not meant to be gods, at least not during their lifetimes, but they were certainly perceived of as being closer to the divine than the ordinary citizens of Rome. The underlying principle – that the health of the *fecunditas* of citizen women was a direct reflection of the overall health of the Roman state in general – remained unchanged. But the appropriation of a powerful and potentially harmful influence on *fecunditas* for the emperor gave writers a new way to criticize or praise the actions of their *princeps*.

REWARDING *FECUNDITAS*

A study of the importance of *fecunditas* to the Roman state cannot avoid the Augustan legislation of 18 B.C. and A.D. 9.⁴⁵⁸ Ostensibly, Augustus' legislation was designed to encourage the birth of legitimate citizen children. Augustus may have had good reason to worry about the population of Italy: the years of civil wars and proscriptions had certainly taken a toll.⁴⁵⁹ The population of the Roman Empire as a whole, however, was surely not under threat. With this in mind, it is clear that the Augustan legislation, at least so far as it sought to encourage the production of legitimate children, must be interpreted from a position of continuity rather than change. Certainly this is how Augustus presented the legislation: in his *Res Gestae* he wrote that the laws revived “many exemplary ancestral practices” (*multa exempla maiorum*) (*RG* 8.5). Likewise, in the lengthy speech given to him by Cassius Dio, Augustus insists that it was never permitted for any man, even from the very beginnings of the city, to shun marriage and the begetting of children, and that his were far from the first laws to consider the problem (Dio Cass.

⁴⁵⁸ The literature on the Augustan legislation is extensive. For the legislation, its chronology, and its aims, as well as bibliography, see in particular Mommsen 1899: 682-702; Corbett 1930: 31-39, 133-35; Field 1945; Williams 1962; Brunt 1971: Appendix 9; Frank 1975; Csillag 1976; Raditsa 1980; Galinsky 1981; Wallace-Hadrill 1981; de Bouvrie 1984; Bellen 1987; Cohen 1991; Mette-Dittman 1991; Treggiari 1991: 60-80; McGinn 1998 and 2002; Severy 2003; Milnor 2005, esp. 140-185.

⁴⁵⁹ Schol. ad Hor. *Carm. saec.* 20 directly links the Julian law and the death toll from the civil wars, listed as 80,000 men. Suetonius (*Aug.* 34, 89) also refers to the need to supply Rome with soldiers as driving the legislation. For modern estimates, see above, Chapter One, p. 43, n. 113.

56.6.4). The speech, as I have already argued, surely reflects ideas about the legislation in Cassius Dio's own time, rather than any verbatim words of Augustus, but this does not alter the fact that Augustus was still imagined to have been motivated by significant historical precedent even in the early third century A.D.⁴⁶⁰

Augustus' concern may have been at least partially prompted by real fears concerning the population of Italy, but it was also largely a reflection of the ongoing *fecunditas* project that had existed in the Republic. The growth of Rome through the increase in the number of her citizens had always been seen as vital to the state's success. The perceived willingness or ability of women to bear children was used as a form of shorthand to assess the overall health of the Roman state. In times of crisis, leaders could be expected to turn their attention to increasing the population. Augustus himself is made to acknowledge this in the speech given to him by Cassius Dio: he complains to the recalcitrant men that he cannot be seen as a good leader to them if he sits idly by and watches as their numbers decrease (Dio Cass. 56.9.2). Nor was Augustus the first to single out parents of three children as worthy of special treatment: Julius Caesar, in his land reforms of 59 B.C., prioritized fathers with three children and later gave benefits to mothers of three children.⁴⁶¹ It is no wonder, therefore, that Augustus, who portrayed himself as a new Romulus and a second founder of the city, included conditions that were meant to increase the births of legitimate children in his legislation. The crisis Rome had been facing was unprecedented. By setting out such sweeping legislation concerning *fecunditas*, Augustus sought to establish his own authority and competence to govern. It should be read as a reassurance for the citizen population that he could be trusted to restore the state to order and prosperity, not as a punitive measure designed to force unwilling elite Romans to breed.

Nor should we assume that Augustus' legislation, or at least not all of it, was aimed only at the elite. Some elements, such as the restrictions on the marriages of senators and their descendants, certainly targeted a particular section of the population, but the *ius trium liberorum* brought with it advantages for all citizen men and women, including freed. Furthermore, as Thomas McGinn has noted, "the testamentary benefits (and the corresponding penalties) would find application on the part of anyone with sufficient property to leave a will or, more exactly, to

⁴⁶⁰ See above, p. 147.

⁴⁶¹ Fathers: Suet. *Iul.* 20.3; App. *B Civ.* 2.10; Dio Cass. 38.7.3, 43.25.2;. Mothers: Suet. *Iul.* 43; Gell. *NA* 1.12.8. cf. Bolkstein 1939: 364; Hands 1968: 104, n. 122.

expect to benefit from one”.⁴⁶² McGinn goes on to argue that if the senatorial classes were not interested in reproducing, Augustus was willing to reward those individuals lower on the social hierarchy who were, opening the door for aspiring members of the equestrian order and high-ranking provincials to enter the senate.⁴⁶³ It is still too much, however, to argue that the legislation was only of use to those with political aspirations. While the élite perspective, as transmitted to us through the literary sources, portrays the legislation as unpopular and ultimately unsuccessful, it is clear that elsewhere in the Empire the *ius trium liberorum* could be, and was, used to increase status, particularly for women.⁴⁶⁴

The Augustan legislation attempted to increase the number of legitimate children being born in several ways. The first was to encourage, indeed even compel, the marriage of those thought to be of an age to bear children. Under Augustus’ legislation, men who were between the ages of 25 and 60 and women between the ages of 20 and 50 were expected to be married, and those who remained unmarried and childless were subject to penalties on their ability to inherit from outside the family.⁴⁶⁵ When a marriage ended, whether through death or divorce, and one or both parties was still within the age range under which the Augustan legislation compelled them to be married, they had to contract another marriage. Augustus’ legislation set out strict time limits for women before a remarriage had to take place: under the *lex Iulia* a year for widows and six months for women who had been divorced, later extended under the *lex Papia Poppaea* to two or three years for widows and eighteen months for divorcees.⁴⁶⁶ Csillag has argued that “Augustus did not respect the traditions which looked askance at the second marriage of a widow”, but as we have seen earlier the ideal of the *univira* was only that, and the lived reality for the vast majority of élite women would have been remarriage as long as they remained of childbearing age.⁴⁶⁷ Augustus’ change was thus not as revolutionary as it may have appeared. The legislation also sought to overturn restrictions on an individual’s right to marry, or at least the right to make a marriage that the legislation deemed appropriate. A *paterfamilias* could not prevent a child from marrying, and he could be interpreted as preventing a marriage if

⁴⁶² McGinn 1999: 624.

⁴⁶³ McGinn 1999: 624.

⁴⁶⁴ On this, see below, Chapter Five, pp. 291-299.

⁴⁶⁵ Suet. *Claud.* 23; Tert. *Apol.* 4; *Tit. Ulp.* 16.1-2. The degree of kinship within which there were no restrictions on inheritance was the sixth, including relatives by marriage. The legislation was aimed at the practice of leaving bequests to friends. cf. Wallace-Hadrill 1981.

⁴⁶⁶ *Tit. Ulp.* 14 states two years; Suetonius records a three-year grace period (*Aug.* 34). Given the length of allowable time for a divorcee was tripled, we should perhaps preference Suetonius, but we cannot be sure.

⁴⁶⁷ Csillag 1976: 89. For the ideal of the *univira*, see above, Chapter One, pp. 59-60.

he did not seek out a match.⁴⁶⁸ All clauses in wills which made it a requirement that someone not marry or not rear children in order to receive a bequest were ruled invalid.⁴⁶⁹ Freedmen and women could no longer be held to an oath sworn to their patron that they would not marry.⁴⁷⁰

In addition to imposing penalties, the Augustan legislation also contained privileges for parents. Having children, even those belonging to a former spouse, increased the amount which a husband or wife could inherit from each other.⁴⁷¹ Daughters of men with three children were excused from becoming Vestal Virgins, suggesting that the position was viewed by most elite families largely as an inconvenience rather than an honour (Gell. *NA* 1.12). Freedmen who had two or more children were freed from obligations (*operae*) to their patrons. More privileges came with the births of more children, and the receiving of the *ius trium liberorum*. No application process was required: it is clear from discussion in the jurists that the right accrued automatically with the birth of the requisite number of children.⁴⁷² Multiple births probably counted.⁴⁷³ The most important change for women was freedom from needing a guardian. Under Hadrian, the *senatus consultum Tertullianum* also gave women with the *ius liberorum* the right to inherit from their children who had died intestate.⁴⁷⁴ Freeborn women achieved the *ius liberorum* with the birth of three children. Freedwomen needed to have given birth after their manumission to four living legitimate children to receive the same privilege.⁴⁷⁵ This was not an easy task: we know of only one example from the city of Rome, where a very high percentage of funerary inscriptions commemorated freedmen or women.⁴⁷⁶ If many freedwomen achieved the

⁴⁶⁸ *Dig.* 23.2.19 (Marcianus).

⁴⁶⁹ *Sent. Paul.* 3.4b.2; *Dig.* 35.1.62.2 (Terentius Clemens), 35.1.63 (Gaius), 35.1.64.1 (Terentius Clemens), 35.1.72.4-5 (Papinian), 35.1.74 (Papinian), 35.1.79.4 (Papinian). The requirement that a woman not marry again until the children of her previous marriage had reached puberty was deemed acceptable “because care of the children rather than widowhood would then be enjoined” (*quia magis cura liberorum quam viduitas iniungeretur*) (*Dig.* 35.1.62.2 (Terentius Clemens)).

⁴⁷⁰ *Dig.* 37.14.6.4.

⁴⁷¹ One surviving common child allowed the spouse to inherit the entire estate, rather than the one-tenth allowed to childless spouses. Surviving children from another marriage added one-tenth each to the allowed portion (*Tit. Ulp.* 15.1-4). cf. Brunt 1971: 563-4; Dixon 1985; Treggiari 1991: 69-71.

⁴⁷² *Sent. Paul.* 4.9.1.

⁴⁷³ *Dig.* 50.16.137 (Paul) states this unequivocally: ‘*ter enixa videtur etiam quae trigeminos pepererit*. *Sent. Paul.* 4.9.2 claims multiple births did not count, but it is a later and less reliable source.

⁴⁷⁴ *Dig.* 38.17.2 (Ulpian); *Sent. Paul.* 4.9. It was a short-lived privilege for by the end of the second century A.D. illegitimate children counted as well. cf. Gardner 1986: 196-198; Evans Grubbs 1995: 97.

⁴⁷⁵ *Gai. Inst.* 1.145, 194. The number of surviving children also affected the amount of a freedwoman’s estate that went to her patron, the inheritance rights of a female descendant of a male patron, and the rights of a woman who had freed a male slave. *Gai. Inst.* 3.45-46, 3.53, discussed at Treggiari 1991: 74-75.

⁴⁷⁶ *CIL* VI 10246 (= *AE* 1992, 92) (a certain Septimia Dionisias). *CIL* VI 1877 (= *ILS* 1910), an inscription from Rome dating to A.D. 73, records another example of a woman with the *ius quattuor liberorum*, but in this case it was a privilege granted by Domitian. *CIL* V 4392 (= *ILS* 5631), a dedicatory inscription from Brixia in Italy, is an

ius quattuor liberorum, we would expect their epitaphs to reflect it. The silence of the epitaphs suggests that most female slaves were manumitted when their childbearing years were almost over.

The majority of the benefits of the *ius trium liberorum* for men revolved around the holding of political offices, something that would be of most use to the élite. Men with children were able to stand earlier for public office – one year younger for every child they could count – and could also advance more quickly between grades, as the specified length of time that was meant to elapse before a man became eligible for promotion to a higher office was remitted by a year for every child.⁴⁷⁷ Once they held an office they continued to receive precedence. The *fasces* were given first to the consul who had more children under his *patria potestas*, or had lost them in war; only if consuls both had the same number of children would precedence be given to the elder of the two, as had been the custom in earlier centuries.⁴⁷⁸ Provinces were no longer assigned by lot, but the incoming governors were able to choose them in order of who had the most children.⁴⁷⁹ The number of children also determined precedence for the candidates for positions unexpectedly made vacant through the death of the previous official.⁴⁸⁰

The privileging of men who were fathers over other candidates also became a feature in local civic constitutions. According to the so-called *lex Flavia municipalis* as attested from Malaca, if two candidates for the senate had received the same number of votes, the man who had more children was elected.⁴⁸¹ In Irni, the same law allowed the member of the town council who had the most children begotten in a legal marriage to vote first on motions debated at council meetings.⁴⁸² Children could also release a man from acting as a guardian or curator, although the number required increased with distance from Rome. A man in Rome needed only three surviving children, whereas elsewhere in Italy four surviving children were required. The number rose to five for the provinces.⁴⁸³ Having the right number of children could also exempt

example of a freedman granted the *ius quattuor liberorum*. Mouritsen (2011: 127) follows Taylor (1961) in concluding that around seventy-five percent of those commemorated on epitaphs in the city of Rome were freedmen. Solin (1971: 135) uses slightly different methods to arrive at an estimate of seventy percent.

⁴⁷⁷ Plin. *Ep.* 7.16.2; *Dig.* 4.4.2.

⁴⁷⁸ Gell. *NA* 2.15.4-7. cf. [Quint.] *Decl. min.* 278.6

⁴⁷⁹ Tac. *Ann.* 15.19; Fronto *Ep. ad Ant. Pium* 8.1 (Loeb i.236); Dio Cass. 53.13.2.

⁴⁸⁰ Tac. *Ann.* 2.51.2.

⁴⁸¹ *FIRA* I 23, ch. 56, lines 40-42.

⁴⁸² *Lex Imitana* Tab. VA, <ch. B>, lines 15-18; González 1986: 158, 185.

⁴⁸³ Just. *Inst.* I.25.pr. cf. *Dig.* 27.1.2 (Modestinus), 27.1.37.pr (Scaevola), 50.5.1.pr (Ulpian), 50.5.8.pr (Papinian). By the time of Marcus Aurelius it is clear that any *liberi* – including grandchildren in the male line – counted in

a man from certain *munera*, although possessing three sons was not sufficient to free someone from civil *munera* who was under the age of seventy. Five sons were required.⁴⁸⁴ In Asia, even the father of five children, a man who was exempt from civil *munera*, was still liable to hold office, except for the provincial priesthood.⁴⁸⁵ A certain Silvius Candidus was granted an exemption from municipal *munera* by the emperor Pertinax. The emperor ruled that even though having a large number of children did not normally exempt someone from such obligations, “since you have shown in your petition that you have sixteen children, it is not unreasonable to permit you to devote yourself to bringing up your children and to relieve you of *munera*” (*quoniam sedecim filios te habere libello significasti, non sine ratione est permiti tibi liberis educandis vacare et munera tibi remitti*) (*Dig.* 50.6.6(5).2 (Callistratus)).

The number of children belonging to a particular man was clearly viewed as a convenient way of distinguishing between two candidates and of determining an individual’s eligibility for particular benefits. Determining how to count those children was not as straightforward. Modestinus acknowledges that even though an unborn child is often treated as already born in many areas of the law, in all cases of public duties such a child was not able to assist the father.⁴⁸⁶ It was also challenging to assess the number of a man’s children when, as must surely have often been the case, some of them had already died. Children who died in war counted, although it was a matter of debate for the jurists whether this applied only to children who died in battle, or to all of those who died as a result of war.⁴⁸⁷ With regards to exemptions from *munera*, only deceased children who had died in war could be counted (*Dig.* 50.5.14.pr (Modestinus)). In the civic constitution of Malaca, however, when it came to deciding between candidates in an election, the rule concerning deceased children was “two children lost after they were named, or one child lost after he reached puberty or she was old enough to be married ought to be reckoned to their fathers as equivalent to one surviving child” (*bini liberi post nomen*

determining whether a man could be exempted from the duty of guardianship (Treggiari: 1991: 68). On civic exemptions in general, see Millar (1983).

⁴⁸⁴ Men and women with five living children could be excused from personal *munera*: *Cod. Just.* 10.52.5 (women); 10.69.1 (men).

⁴⁸⁵ Three sons: *Dig.* 50.5.1.3 (Ulpian). Five sons: *Dig.* 50.4.6, 12 (Ulpian). Situation in Asia: *Dig.* 50.5.8.pr (Papinian).

⁴⁸⁶ *Dig.* 27.1.2.6. The field to which Modestinus refers is that of acquiring an exemption from being named *tutor* or *curator*. Modestinus attributes this ruling to Septimius Severus, suggesting that in an earlier period unborn children may have counted, or that this had been a point of contention.

⁴⁸⁷ *Dig.* 27.1.18 (Ulpian); *Frag. Vat.* 197; 199.

inpositum aut singuli puberes amissi virive potentes amissae pro singulis sospitibus numerentur).⁴⁸⁸

An entirely different set of calculations is preserved in a third century A.D. discussion concerning the ability of spouses to inherit from each other:

libera inter eos testamenti factio est si ius liberorum a principe impetraverint; aut si filium filiamve communem habeant aut quattuordecim annorum filium vel filiam duodecim amiserint vel si duos trimos vel tres post nominum diem amiserint, ut intra annum tamen et sex menses etiam unus cuiuscumque aetatis impubes amissus solidi capiendi ius praestet. item si post mortem viri intra decem menses uxor ex eo peperit, solidum ex bonis eius capit.

They have an unhindered right of making their wills if they have obtained by entreaty the right of children from the emperor, or if they have a son or daughter in common, or if they have lost a son aged fourteen or a daughter aged twelve or two children three years old or three children after their name-day. But even one prepubescent child lost at any age confers the right of inheriting the entire estate within eighteen months from his death. According to the same principle, if, within ten months of the death of her husband, a wife has borne him a child, she may inherit the entirety of his property.

(*Tit. Ulp.* 16.1)

The mention of eighteen months suggests that it was recognized that it placed undue hardship on a couple to expect them to produce another child within that length of time after the death of another. Children lost after the name-day also increased by one-tenth each the amount which a husband or wife could inherit from each other.⁴⁸⁹ The rules seem to have been different yet again for exemptions from tutelage and curatorship. The jurist Modestinus stated that legitimate living children counted, regardless of whether or not they were still under *patria potestas*. Children who had died earlier did not count, nor did children not yet born, including those born in between when their father was named to the position and when he applied for the exemption. Children who were living but who then died after their father had been granted the exemption were still included in his total. Grandchildren, both male and female, of a deceased son could be counted, but only as equal to one child, regardless of how many they were (*Dig.* 27.1.2-8 (Modestinus)). These contradictions are likely due to a number of factors: the imperfect transmission of Augustus' original legislation in our ancient sources, changes made by subsequent emperors, and the enthusiastic adoption of the idea of using the number of children as

⁴⁸⁸ *FIRA* I 23, ch. 56.

⁴⁸⁹ *Tit. Ulp.* 15.2.

a means of distinguishing between individuals by local communities, who would have been free to alter the original guidelines to suit their own purposes.

At times it was even the trying to have children that was rewarded, rather than the successful birth of an actual child. Although stillborn children did not count because, as the jurist Paul tells us, they “seem neither born nor begotten, since they could never be called children” (*neque nati neque procreati videntur, quia numquam liberi appellari potuerunt*), monstrous births could be a different story.⁴⁹⁰ Ulpian argues that:

quaeret aliquis si portentosum vel monstrosum vel debilem mulier ediderit vel qualem visu vel vagitu novum, non humanae figurae, sed alterius, magis animalis quam hominis, partum, an, quia enixa est, prodesse ei debeat? et magis est, ut haec quoque parentibus prosint: nec enim est quod eis imputetur, quae qualiter potuerunt, statutis obtemperaverunt, neque id quod fataliter accessit, matri damnum iniungere debet.

Someone will ask, if a woman has given birth to someone unnatural, monstrous or weak, or something which in appearance or voice is unprecedented, not of human appearance but some other offspring of an animal rather than of a man, whether she should benefit, since she gave birth. And it is better that even a case like this should benefit the parents; for there are no grounds for penalizing them because they observed such statutes as they could, nor should loss be forced on the mother, because things turned out ill.

(*Dig.* 50.16.135)

This is a remarkably empathetic judgment, showing an awareness of the emotional grief felt by parents at the birth of a deformed child, and recognition that a mother should not be blamed for an adverse outcome. Here, rather than being interpreted as a public portent, the monstrous birth remains a private familial tragedy. The one bright spot that can be found in such a devastating outcome is Ulpian’s ruling that this should count as proof of the woman’s *fecunditas*, small consolation indeed for the parents who have experienced such a disappointment, but an acknowledgement that the months of waiting and hours of labour were not wasted, even if their arms ended up empty.⁴⁹¹ In this, too, Ulpian’s opinion reflects the other judgments concerning

⁴⁹⁰ *Dig.* 50.16.129 (Paul). cf. *Tit. Ulp.* 16.1.a. Parkin 1992: 117-118.

⁴⁹¹ cf. *Cod. Iust.* 6.29.3, which considers the rights of posthumous children to inherit and argues that “if a child is born entirely alive, even though it died on the spot after coming to the earth, or in the hands of the midwife, the will will be broken regardless, provided only that it emerged into the world alive and without defect and not as a monster or prodigy” (*si vivus perfecte natus est, licet ilico postquam in terram cecidit vel in manibus obstetricis decessit, nihilo minus testamentum corrumpi, hoc tantummodo requirendo, si vivus ad orbem totus processit ad nullum declinans monstrum vel prodigium*). Monstrous births may be able to be interpreted as still counting towards the *ius trium liberorum*, but they do not render a will invalid.

deceased children, which all implicitly acknowledge the harsh demographic realities of their world. Birthing children who survived to adulthood was not an easy task. Many parents who wanted to take advantage of the benefits deriving from the *ius trium liberorum* would have needed all the help they could get in achieving this status, not through any fault of their own, but solely because they were unlucky. It was important to find a way of counting children who had already died simply because there would have been so many of them.

The constitution from Malaca and the conditions concerning inheritance emphasize the hierarchy of *fecunditas* that was discussed in Chapter Two. Not all children were considered equal. To truly benefit from *fecunditas*, it was not enough for a woman to give birth many times: the children had to survive. These issues establish the importance of children as a means of building social capital for both men and women. If children did not matter, there would be no reason to use them as the deciding factor. The privileging of men who were fathers over those who were not in Rome itself and in local civic constitutions modelling themselves on Rome also reminds us that when it came to *fecunditas*, there was no real separation between private and public. The size of a man's family could impact the success of his political career.

The legislation was not without significant problems. Augustus was forced to rework the original legislation (the *lex Julia*) of 18 B.C. in A.D. 9 (the *lex Papia-Poppaea*) in order to provide some concessions and eliminate areas open to abuse.⁴⁹² Problems continued: Tacitus records that during the reign of Nero the original wording, which was vague enough that adoptive children could be counted by their adoptive parents, had to be changed when it became clear that ambitious men were adopting sons immediately before elections, only to emancipate them the following day once their position as fathers had secured them the wanted positions.⁴⁹³ The complexity of the legislation and the number of areas that still required clarification even after A.D. 9 meant that “the law received continual attention from emperors, the Senate, administrators, and jurists”.⁴⁹⁴

Indeed, at times the emperors themselves were responsible for weakening the impact of the legislation. The rules for the preferential rankings of candidates with children did not always stand when faced with the will of the *princeps* or even of his family. Tacitus remarks dryly that the law was the loser when Germanicus and Drusus supported a particular candidate, a relative of

⁴⁹² Dio Cass. 56.1.2, 6.6, 10.1.

⁴⁹³ Tac. *Ann.* 15.19, discussed below, Chapter Six, pp. 309-311.

⁴⁹⁴ Treggiari 1991: 77.

Germanicus, for a vacant praetorship against those in the Senate who insisted that the position ought to be determined, as the law required, by the number of children belonging to each candidate. Although it was a close run thing, Germanicus and Drusus' candidate emerged victorious (Tac. *Ann.* 2.51). Likewise, the willingness of emperors to grant the *ius trium liberorum* as a special benefit to certain groups, such as the Vestal Virgins and owners of grain ships, or to individuals as a personal favour may have detracted from it as an incentive.⁴⁹⁵ Augustus himself set the first precedent with his granting of it to Livia in 9 B.C. after the death of her son, Drusus.⁴⁹⁶ Milnor claims that the law "tends to appear in our sources more as a recognition of civic responsibility than a reflection of actual reproduction" and adds that "perhaps because of the limited availability of a language to describe female civic honour, the *ius liberorum* seems rather quickly to have become simply a way of designating a contribution made by a woman to Roman society".⁴⁹⁷

Leaving aside whether the *ius liberorum* held real meaning for women who had earned its designation through the blood and sweat of multiple childbirths, in her dismissal of its relevance Milnor has overlooked the importance of *fecunditas* to a Roman woman's identity. An honorific granting of the *ius liberorum* suggested that the woman in question had contributed to Roman society to such an extent that she deserved to be valued like a woman who had birthed three children. As we have seen above, there was no higher calling for a Roman woman. The honorific grants of the *ius liberorum* to women highlight the dual responsibility a woman had. She was to produce children for her husband, of course, but Roman ideology meant that those children were also interpreted as fulfilling a woman's responsibility to the Roman state and its *fecunditas* project. Thus, an honorific granting of the *ius liberorum* was not just a simple way of indicating that a woman had contributed to Roman society, as Milnor would argue, but indicated that she was thought to have provided a service equivalent to excelling in *fecunditas*. The honorific granting of the *ius liberorum* again illustrates how scholars cannot write in terms of

⁴⁹⁵ Vestals: Dio Cass. 56.10.2; owners of grain ships: Suet. *Claud.* 19. Csillag says it became a "sham right" (1976: 83).

⁴⁹⁶ Dio Cass. 55.2.5. Other high profile recipients included Martial and Pliny the Younger, who managed to receive the grant not just for himself but for a number of friends as well, including the historian Suetonius (Plin. *Ep.* 10.2 (himself); 10.94-95 (Suetonius)). For Martial, see above, p. 164, n. 430. Statius treats the grant of the *ius trium liberorum* to his friend, Julius Menecrates, as an omen (*prolis*), given he then went on to have three children of his own (*Silv.* 4.8.20-23). For examples in inscriptions, see, e.g., *CIL* XI 6358. *CIL* XI 6354 = *ILS* 6655, an honorific decree from Pisaurum which dates to the late second century A.D., has an imperial granting of the *ius commune liberorum*, which would remove the penalties on inheriting from one another a childless couple would face.

⁴⁹⁷ Milnor 2005: 153.

public and private when it comes to *fecunditas*. After the passing of the *Constitutio Antoniniana* in A.D. 212 that granted Roman citizenship to most of the free inhabitants of the empire, possession of the *ius trium liberorum* became a means of asserting status within the community for at least one cultural group, as evidenced by petitions from Egypt.⁴⁹⁸ Being a parent retained some importance even much later: when Constantine abolished most penalties for *caelibes* and *orbi* in A.D. 320, the inheritance restrictions on childless spouses continued to exist (*Cod. Iust.* 8.57.1). The convoluted nature of Roman law made it a challenge to erase all of the penalties and restrictions associated with the *ius liberorum*. In A.D. 410, Honorius and Theodosius removed those restrictions left by Constantine on couples who did not have a joint child, which then allowed them to inherit the whole estate rather than only ten percent (*Cod. Iust.* 8.57.2). At the same time, they also opted to bestow the *ius liberorum* on everyone, much as Caracalla had done with Roman citizenship two hundred years previously. Honorius and Theodosius' decision was clearly prompted by a desire to cut down on petitions. They expected that “no one after this shall beseech us for the *ius liberorum*” (*nemo post haec a nobis ius liberorum petat*) (*Cod. Iust.* 8.58.1). The *ius liberorum*, more than four centuries after it was first created, still mattered. Indeed, it still carried enough weight that sufficient numbers of individuals requested it as a special favour from the emperors to incite them to make a universal grant. Once it was given to everyone, of course, it was no longer a means of status differentiation. Finally, in A.D. 528, Justinian corrected one last aspect of law related to the *ius liberorum*. Apparently free women without three children and freedwomen without four were still being subject to the restrictions on inheriting from a child who had died intestate. Justinian reiterated that all women should now enjoy the rights originally granted only to those possessing the *ius liberorum* by the *senatus consultum Tertullianum* under Hadrian (*Cod. Iust.* 8.58.2).

What the Augustan marriage legislation, and the rewards for the production of children that existed before it and continued to be used in many areas of Roman society afterwards, does establish is that *fecunditas* was thought to be something that could be manipulated. It was deemed to be appropriate for the state to interfere in Roman marriages and to put more pressure on a couple than they might otherwise be receiving from their family and their neighbours. As I have argued earlier, it seems highly unlikely that most Romans had access to any sort of reliable means of controlling their family size, and it is impossible to ascertain whether there was a true

⁴⁹⁸ See below, Chapter Five, pp. 294-299.

population crisis in the *élite* or whether families disappeared from the official record for other reasons like increased competition from new families from the provinces, or the usual demographic vagaries that saw a significant minority of families disappear from the identifiable ranks of the *élite* simply because they lacked an adult son to take on a political career.⁴⁹⁹ Augustus could not possibly have known the demographics of the *élite* population of Rome and the provinces. His legislation instead should be read as an attempt to respond to a perceived moral panic brought about by the rapid social changes that came with the shift from republic to monarchy. It is just as useful, and perhaps far more interesting, to read the Augustan marriage legislation and the *ius trium liberorum* in this light.

Thomas McGinn approaches this perspective, writing that what Augustus “seems to have aimed at is the social promotion of proper behavior as defined by this legislation, the creation of a meritocracy of virtue”.⁵⁰⁰ What McGinn does not consider in his assessment is that Augustus was not just creating a meritocracy of virtue, but a meritocracy centred around one virtue in particular: *fecunditas*. Rather than, therefore, treating the legislation as an unpopular and ultimately unsuccessful effort to counter a real demographic trend, if we set it free of the debate over the health of the *élite* population it can instead be read as a clear illustration of the broader trends in Roman society that I discussed in Chapter Two: that *fecunditas* was an important female virtue, that a woman’s success or failure at embodying it could have significant social consequences for both herself and her spouse, and that childbearing was not thought to be a private matter between spouses but instead was an issue in which family, friends and society in general might be expected to take an interest.

Fecunditas was something that was thought to be able to be manipulated, altered, and encouraged. Irrespective of the biological truth behind the ideas inherent in our sources – that there was a population crisis, that the crisis could perhaps be mitigated through sweeping legislation, that *élite* couples could control their family size – the legislation shows a perception that all of this *could* be true. It tells us that the issue of fertility was an important one to the Romans, even if we ought not to draw any conclusions about the reality of the situation facing most Roman couples from the existence of these incentives and sanctions. It tells us that the *fecunditas* of all citizen women was deemed to be of value, for the largest means of gaining from

⁴⁹⁹ See above, Chapter One, pp. 40-46, 73-74.

⁵⁰⁰ McGinn 1999: 624.

the Augustan legislation, the *ius liberorum*, was not a privilege that was granted only to the élite. The continuing use of political rewards and incentives for fathers also shows that it eventually became acceptable to attempt to effect social change through overt state pressure on the family, even if this was originally highly unpopular. In December 1967, Pierre Elliott Trudeau, the future Prime Minister of Canada who was at the time Justice Minister, famously said in response to the introduction of his Omnibus bill which brought sweeping changes to the Criminal Code of Canada, “There’s no place for the state in the bedrooms of the nation”.⁵⁰¹ Not so, it seems, for Romans in the age of Augustus.

ENCOURAGING *FECUNDITAS*? THE *ALIMENTA* SCHEMES

Early in his reign the emperor Trajan instituted *alimenta* schemes designed to support the rearing of children in Italy.⁵⁰² The program was financed through the loaning of large sums of money to Italian landowners whose property served as security for the loans. The interest payments from the loans were the source of the monthly allowances to the children. Male children received sixteen *sestertii* per month, female children twelve *sestertii*. Illegitimate children received less: twelve *sestertii* for males and ten *sestertii* for females. By the time of Hadrian the age at which children were no longer eligible to receive support was eighteen for males and fourteen for females (*Dig.* 34.1.14.1), and it is probable that the original age cut off under Trajan was lower for both sexes. This arbitrary age at which support was cut off may well have been tied to the expected age at first marriage. As Lelis, Percy, and Verstraete point out, if non-élite Roman females did not usually marry until age eighteen or nineteen, why then cut the support off at age fourteen?⁵⁰³ If the cut off for support was not tied to the age at which they might reasonably be expected to marry, it would make much more sense to tie it to age twelve, the age at which a girl

⁵⁰¹ The comment, made to reporters and widely televised, including on the CBC, referred to the Omnibus bill’s distinction between public and private sexual acts, which legalized homosexual acts between consenting adults. To watch the news footage see: <http://www.cbc.ca/archives/categories/politics/rights-freedoms/trudeaus-omnibus-bill-challenging-canadian-taboos/theres-no-place-for-the-state-in-the-bedrooms-of-the-nation.html> (accessed 31 March 2014).

⁵⁰² The key inscriptions are from Veleia in northern Italy (*CIL* XI 1147 = *ILS* 6675, with de Pachtère 1920), and Ligure Baebiani in Samnium (*CIL* IX 1455 = *ILS* 6509, with Veyne 1957 and 1958). There is some very slight evidence for the existence of such a scheme under Nerva, but it is limited to the writings of the fourth-century pseudo-Aurelius Victor (*Epit. de Caes.* 12.4). On the *alimenta* generally, see Bourne 1960; Duncan-Jones 1964 and 1982; Garnsey 1968; Lo Cascio 1978; Eck 1979: Chapter Five; Woolf 1990.

⁵⁰³ Lelis *et al.* 2003: 71. Corbier writes that the cut off was normally “the age of puberty according to Roman norms, two years later for boys than for girls” (2001: 65), which probably did coincide with age fourteen or thereabouts. Woolf (1990: 208) also sees the expected age at first marriage to be a logical explanation for the cut off ages for the various alimentary schemes.

legally became an adult and was able to marry and make a will. The choice of fourteen does suggest that this was an age at which non-élite women might be expected to marry.

Greg Woolf has convincingly demonstrated that the *alimenta* schemes were not an imperial response to poverty in Italy.⁵⁰⁴ Indeed, their recipients were unlikely to have included those who were most in need: the majority of recipients were not orphans but had living parents, and many groups set up inscriptions thanking the emperor on their behalf at a financial cost that would have been beyond the means of the truly poverty-stricken.⁵⁰⁵ Instead, Woolf argues, the *alimenta* schemes must be read alongside other examples of imperial largesse, as a form of patronage that contributed to the ideology of a ‘good’ emperor. The schemes were an opportunity for emperors to emphasize their close relationship with Italy, at a time when, as Woolf argues, “there was anxiety that they were drifting apart”.⁵⁰⁶ Moreover, recipients of the *alimenta* and their families gained in social status from their selection. Our knowledge of the process of selection is far from complete, but it seems clear that the maximum number of recipients would have often not matched the number of children in any given community. Thus there would have been a process of selection at work, with those who were successful at receiving the funds able to use this as a mark of privilege in the community, just as recipients of the grain dole had been able to do.⁵⁰⁷ The use of the *alimenta* schemes as a means of denoting social status can also be seen in the inequalities of distribution within the schemes themselves.

It is not my intention here to engage in a full-scale study of the *alimenta*. I would, however, like to take Woolf’s argument one step further. Underlying the patronage surrounding the *alimenta* was the continual importance of *fecunditas* to the Romans. In times of crisis, powerful men were expected to make the increase of the citizen population a priority. On the

⁵⁰⁴ Woolf 1990, responding in particular to Duncan-Jones 1964 and 1982 and Patterson 1987. The only explicit evidence linking the alimentary schemes with poverty comes from pseudo-Aurelius Victor and its value as evidence is obviously questionable at best. Despite Woolf’s convincing arguments, some scholars have continued to assume that the recipients of the *alimenta* must have been poor. Kleiner (1992: 254) argues that “the young boy...must stand for impoverished Roman children who were the recipients of Hadrian’s largesse”, and Bennett (1997: 81) describes the *alimenta* as a “scheme whereby private individuals and public corporations could assist poor families in bringing up their children”. Uzzi (2005: 43) is one of the few scholars who acknowledges that “no literary source indicates that *alimenta* distributions were given to children on the basis of need”.

⁵⁰⁵ Inscriptions from the recipients thanking the emperor: *CIL* IX 5700 (Cupra Montana); *CIL* XI 4351 (Ameria); *CIL* XI 5395 (Asisium); *CIL* XI 5956 and 5957 (Pitinum Mergens); *CIL* XI 6002 (Sestinum); *CIL* XIV 4003 (Ficulea). cf. Woolf 1990: 206-208.

⁵⁰⁶ Woolf: 1990: 227.

⁵⁰⁷ For the grain dole as status symbol, see Woolf 1990: 212-216. For the process of determining recipients of the *alimenta* as selective, see, e.g., *CIL* II 1174 (Hispalis) and *CIL* VIII 1641 (Sicca), which are both inscriptions concerning private schemes.

other hand, a claim concerning the strength and stability of the Roman citizen population could be used to make a more general statement concerning the overall peace and prosperity of a particular emperor's reign. The stability of the Roman state was believed to be reflected in the size and demographic health of its citizen population, and the *alimenta* schemes tap directly into this rhetoric. These schemes, despite the rhetoric of authors like Pliny, were unlikely to have had any real impact on the birth rate: the monthly amounts would not have sufficed to cover the true costs of raising a child and, as we have already seen, it is likely that many, if not most, of the recipients came from families who were not financially burdened by their offspring. Woolf was right to argue that the *alimenta* schemes were "the concern of Good Emperors, neglected by Bad, always mentioned in association with other good deeds, munificence, generosity to the people, piety", but he has overlooked the central importance of *fecunditas* and the protection of the citizen population to the ideology of the 'good' Emperor.⁵⁰⁸ This is the likely reason why illegitimate children, while not officially excluded from alimentary schemes, were rarely recipients of support, something which has puzzled Woolf.⁵⁰⁹ *Fecunditas* could be praised only when it produced legitimate, citizen children for Rome, and an emperor would garner little benefit from supporting illegitimate children. The value of *fecunditas* as a means of increasing social status is best seen in the private *alimenta* schemes, some of which predate any imperial equivalents.⁵¹⁰ These schemes also brought with them a complicated interaction of patronage and increased social status, and they too likely reflected no real expectation that such schemes would alter the birthrate of the communities in question. What mattered was the awareness that promoting *fecunditas* was seen as a good thing, in adherence with expected Roman values. Demonstrating a concern for the health of the Roman population, therefore, made you a Good Citizen. The parents of the recipients of both the private and the imperial *alimenta* also benefited: in a community where not everyone could be chosen to receive the *alimenta*, those

⁵⁰⁸ Woolf 1990: 222. Woolf does mention the *topos* of a decline in human fertility as proof for the Romans of moral decay (1990: 225), but he does not consider the idea in any detail.

⁵⁰⁹ At Veleia (*CIL* XI 1147), only one illegitimate male child and one illegitimate female child received support, in contrast with 245 legitimate males and 47 legitimate females. Woolf writes, "I have not seen any explanations for the low rates or numbers of illegitimates" (1990: 207).

⁵¹⁰ Witness Pliny's enthusiasm for his own program: *Ep.* 7.18. cf. *CIL* V 5262. For the relationship between the private and imperial alimentary schemes, see Mrozek 1973; Duncan-Jones 1982: 288-319, 337-341. For another example, see an inscription from Tarracina dating from the second half of the second century (*CIL* X 6328 = *ILS* 6278 = *FIRA* III 55d). It details an *alimenta* scheme set up by a certain Caelia Macrina in memory of her son, which supported 100 *pueri* and 100 *puellae* each month. The boys received five *denarii* until the age of sixteen; the girls received only four *denarii*, and only until the age of fourteen.

children who were selected, by whatever criteria, reflected their increased social status on their parents.

CONCLUSION

Fecunditas was not a private issue for spouses: it was a public concern. The health of the Roman state was believed to be expressly linked with the *fecunditas* of women, since only through the birth of citizen children could Rome be kept strong. Individual monstrous or unusual births were recorded in our sources because they were believed to be portents, illustrative of dangers that threatened the Roman state. The women who experienced these births are absent from the record; there is no room for private grief in the face of public danger. Examples of more widespread problems of fertility, such as mass miscarriages, also indicate that the *fecunditas* of individual women could be used as a barometer for the health of the Roman state as a whole. Originally such unhappy events were read as signs of the gods' displeasure but during the Principate the blame for women's supposed unwillingness to bear children, or even their inability to become pregnant in the first place, also began to be seen as a responsibility of the *princeps*.

The perceived relationship between the health of the citizen population, as demonstrated by the *fecunditas* of its women, and the health of the Roman state meant that there was political capital to be gained in efforts to encourage the birth and rearing of children. Augustus was certainly not the first to offer rewards for fathers of large families, although the scale and scope of his marriage legislation was certainly the most ambitious and all encompassing. He was willing not only to reward fathers but also penalize those who remained unmarried or childless. Despite the rancor for his legislation expressed in our sources it remained culturally relevant for centuries. Likewise the *alimenta* schemes were largely a form of imperial patronage that tapped into the ideology that a 'good' emperor was one who was concerned about the citizen population. Neither the creation of the *ius trium liberorum* by Augustus nor the *alimenta* schemes by later emperors should be read as responding to any real concerns over population; nor did those emperors who instituted such changes expect to see real demographic results. What mattered was that they be seen to have the health of the Roman people well in hand. *Fecunditas* was the barometer by which such success was measured.

To this end, it is not too much to call this preoccupation with the health of the Roman citizen population a *fecunditas* project, of which the Augustan marriage legislation and the

imperial *alimenta* were just the most public and wide-sweeping examples. From the imagined earliest days of its history, Rome was grounded in the belief that the security of the Roman state depended upon the strength of its citizen body, and its many preoccupations with the *fecunditas* of its citizen women stem from this mindset. In times of crisis, good leaders showed concern for the citizen population. Good citizen men became husbands and fathers. Good citizen women bore many children. As we shall see in the next chapter, even the imperial family was not immune to this ongoing social pressure.

Chapter Four: ***Fecunditas* and the Imperial Family**

INTRODUCTION

This chapter is devoted to the most public *fecunditas* of all- that of the women of the *domus Augusta*. With the Julio-Claudians I examine the myriad ways in which men – the emperors, other male members of the *domus Augusta*, the Senate, and others – were able to use the *fecunditas* of the imperial women as a means of praising men and emphasizing the perceived security that successful *fecunditas* brought to a system of dynastic succession. I then turn my attention to the later emperors, particularly those of the second century A.D. when adoption became a standard means of transmitting imperial power, in order to ascertain whether or not *fecunditas* became less important. The political rhetoric of the time certainly champions the virtues of adopted heirs over biological sons – but were such writers merely making the best of a bad situation?

It should be stated from the outset that much of the discussion in the first two sections of this chapter is not new. The *domus Augusta* and imperial women's roles within it have been a focus of modern scholarship for decades, as has been the use of adoption by the emperors who followed the Julio-Claudian and Flavian dynasty. What modern scholarship has not done, however, is to appreciate fully the importance of *fecunditas* within Roman culture as a whole, and how this must have affected, modified, or even constrained the actions of the imperial family. The previous two chapters have established the centrality of *fecunditas* as a female virtue, the social benefits available to men through its exploitation, and the link between state preoccupation with the *fecunditas* of citizen women and the Roman desire for expansion and population security. The manipulation of the *fecunditas* of the women of the *domus Augusta* must be read in the context of this larger societal interest. The success or failure of the *fecunditas* of imperial women certainly had ramifications for imperial stability and for the security of dynastic succession, but, perhaps above all else, it was also an assertion or rejection of traditional Roman values. If, as I argued in the previous chapter, 'good' emperors were expected to concern themselves with the health of the citizen population of Rome, it must surely follow that their own households ought not to be exempted from scrutiny.

The final section of the chapter examines the impact of the pressures of *fecunditas* from the perspective of the imperial women – the ones for whom the stakes of success or failure were highest. I use a text largely neglected by historians, the *Octavia* attributed to Seneca, as a focus for my case study of the Julio-Claudian women’s experience of *fecunditas*. This section also lends itself to a further exploration of the application of the notion of *pignus* to the children of the *domus Augusta*, and the emerging changes in its meaning that followed the establishment of imperial rule. The sources assume a high level of interest in the *fecunditas* of the women surrounding the emperor. Imperial women who were not thought to be capable of providing an heir were sometimes cast aside. On the other hand, the ancient sources regularly assume that it was both thought and feared in Rome that the birth of healthy children would grant imperial women increased power and privilege, often with tragic results. Whether success or failure at *fecunditas* could so determine the strength of their imperial position remains to be seen.

EXPLOITING *FECUNDITAS* I: THE JULIO-CLAUDIANS

The imperial family did not escape the state pressures concerning fertility. Beginning with the rule of Augustus the links between the health of the Roman state and the *fecunditas* of its women were strengthened by the ever-increasing importance of the women of the *domus Augusta*. The *domus Augusta* was a flexible, ever changing entity, made up of those who represented “Augustus’ plans for the future political leadership of the empire (including women), not his natural family”.⁵¹¹ As Hurlet has observed, Augustus’ desire for a secure succession drew him away from a “familiale rigide” towards “une conception qui permettait au prince d’inclure dans la dynastie les parents plus éloignés, comme les *cognati* et les *adfines*, qui faisaient partie de sa ‘maisonnée’”.⁵¹² Thus individuals entered and were expelled from the *domus Augusta* according to their importance to the issue of dynastic succession, not just by virtue of their birth or death. Now it was not just that the health of the state depended on the birth of Roman citizens. With the rise of Augustus and the creation of a hereditary model of power, the health of the Roman state came to depend ever more prominently on the health of its *princeps* and the health of his dynastic line. The women of the *domus Augusta*, in keeping with broader Roman social *mores*

⁵¹¹ Lott 2012: 15. See too Rowe (2002: 1) on Augustus’ establishment of a dynastic house which included public roles for women. On the origins of the phrase in Rome see Flory 1996: 291-296. Millar (1993) points to the efforts undertaken by the ancient authors to create continuity in the Imperial house. It is a continuity which is manifestly false, a family which is constructed, not born.

⁵¹² Hurlet 1997: 416, and see 415-421 more generally.

concerning who bore responsibility for the production of healthy children, were conceived of in an unprecedented public way, as guarantors of the succession. Natalie Kampen summarizes this new public focus in this way:

Under the circumstances, the ability of the empress to mark the space of domesticity and dynasty on public monuments was more closely related to the political needs of the regime than to her own personal traits, even when she took on the unusual form of a victory. Normally, only one personal characteristic really mattered in this context, a context different from civic honors for her benefactions or from gems made as personal gifts to her or to the imperial family: being a responsible wife and fertile mother, the connector of one generation to another.⁵¹³

Maureen Flory sees the increased public prominence of imperial women as a direct result of the granting of the *ius trium liberorum* to Livia in 9 B.C., which was awarded to her partly as a consolation for the death of her son, Drusus.⁵¹⁴ Livia, of course, had not met the requirements of the legislation, and the decision to award her the *ius trium liberorum* regardless indicates that her maternal contribution was deemed to be of a benefit to Rome that ordinary women could not match. More importantly, the new emphasis on her role as a mother pointed the way “to the developing propagandistic focus for Livia and all successive Augustae on motherhood as securing the succession”.⁵¹⁵

This new public focus on women in turn offered more opportunities for the indirect praise of imperial men. As Beth Severy has noted, “now that imperial power had been transmitted through the family, relationship to the imperial house became a distinguishing feature of a man’s public status”.⁵¹⁶ The rapidly changing plans for succession meant that nearly any prominent female member of the *domus Augusta* could be feted, whether as the mother of the current emperor, such as Livia during the reign of Tiberius or Agrippina the Elder during the reign of Caligula, as the mother of an anticipated heir and future emperor, such as Julia, the daughter of Augustus, when her sons Lucius and Gaius were still alive, or even merely as a daughter of the imperial house who would surely one day produce children, even if she had not yet done so. This last point can be seen in the increasing tendency to award younger women who were not even wives of the emperors, such as Julia, the daughter of Titus, and even Nero’s infant daughter Claudia, with the title of *Augusta*, in anticipation of the children that they might one day bear

⁵¹³ Kampen 2009: 96. cf. Severy 2003, esp. 2-3, 55, 62, 223-5; Freisenbruch 2010: 85.

⁵¹⁴ Flory 1993.

⁵¹⁵ Flory 1993: 306. For Livia as an *exemplum* for the *matronae* of Rome, see Purcell 1986.

⁵¹⁶ Severy 2003: 227.

who could in turn become heirs.⁵¹⁷ The challenges of securing dynastic succession through a son of their own blood, something which evaded all five of the Julio-Claudian emperors despite their best efforts, meant that women as well as men rose and fell rapidly in terms of their dynastic importance, and the resulting public imagery reflected these frequent changes. *Fecunditas*, whether proven or anticipated, was one of the three elements of female display that Wood sees in imperial propaganda, writing of “the demonstration of bloodlines...the hope for the birth of heirs...embodiments of various virtues”.⁵¹⁸ The evidence for this new public role is extensive and well-documented.⁵¹⁹

In what follows I concentrate my analysis on the imperial propaganda concerning the offspring of two high-profile Julio-Claudian couples: Agrippina the Elder and Germanicus, and Livilla and Drusus the Younger. This is for a number of reasons. First, the two couples came of age and married in the years between the passing of Augustus’ first round of legislation concerning marriage and the production of children, the *lex Iulia de maritandis ordinibus* in 18 B.C., and the modifications of the *lex Papia Poppaea* in A.D. 9. Agrippina and Germanicus married in either A.D. 4 or 5; Livilla and Drusus the Younger at about the same time.⁵²⁰ The two couples were therefore some of the first members of the *domus Augusta* to spend the entirety of their marriage, and for the women their childbearing years, in an environment where marriage and childrearing had suddenly come under the spotlight. There was also by the reign of Tiberius an increased willingness to use imperial women in general, and their *fecunditas* in particular, as a means for praising the men of the household.⁵²¹

Secondly, both couples enjoyed significant success when it came to the production of children. Agrippina and Germanicus famously had six children survive infancy. Livilla and

⁵¹⁷ On the Augustae generally, see the collection of essays in Kolb 2010a. For a list of women granted the title, see Kolb 2010b: 23-35. See too the inscriptions championing Drusilla, the sister of Caligula, as an intended mother of heirs, including the granting of titles like “new Aphrodite” (νεὴ Ἀφροδίτη), “honors normally reserved for a woman of the imperial family who had already given birth” (Wood 1999: 212). This strategy proved to be an embarrassment when she died childless in A.D. 38. Inscriptions: Mikocki 1995: 43, 184-85 nos. 228-233; *IG* XII 2 no. 172b = *IGR* IV no. 78; *IGR* IV no. 145.

⁵¹⁸ Wood 1988: 409.

⁵¹⁹ For some recent treatments see, e.g., Flory 1996; Rose 1997; Wood 1999; Severy 2003; Milnor 2005; Uzzi 2005.

⁵²⁰ Birch (1981) sees, probably rightly, the two marriages as part of the reorganization of the *domus Augusta* undertaken by Augustus with his adoption of Tiberius, and Tiberius’ forced adoption of Germanicus, on the 26th of June, A.D. 4, but places the marriages themselves in A.D. 5, agreeing with Mommsen (1878). See also Hurler 1997: 166 for Germanicus and Agrippina, with further bibliography at 166, n 14, and 1997: 210, n.6 for Drusus and Livilla, who does not decide between A.D. 4 and A.D. 5. Lindsay (1995: 3) argues that the marriage of Germanicus and Agrippina was too important politically to be delayed until A.D. 5.

⁵²¹ See Flory 1996: 287 and Severy 2003: 223-225 on the differences between the reigns of Augustus and Tiberius when it came to public imagery of women and children.

Drusus had only three, but two were male twins, an auspicious event.⁵²² Their success made them a natural target for this new focus of imperial propaganda, and illustrates the broad range of means of commemoration available to the emperor, the Senate, and the people of the empire. They were also paired together in the eyes of the Roman people. Drusus and Germanicus were close in age, married at around the same time, and, as the natural and adopted sons of Tiberius, were, until their untimely deaths in A.D. 23 and A.D. 19 respectively, assumed to represent the heirs apparent.⁵²³ A large dynastic statue group from the Temple of Roma and Augustus at Leptis Magna highlights this connection by including statues of Germanicus and Drusus with their wives, Agrippina and Livilla, and mothers, Antonia the Younger and Vipsania Agrippina.⁵²⁴ The group, which in this incarnation is dated to the reign of Tiberius after the death of Drusus, also included larger statues of Livia and Tiberius, as well as colossal statues of Roma and the divine Augustus, all of which surely emphasized the ideologically loaded physical context. The statues of Drusus and Germanicus were prominently placed side by side in a triumphal *quadriga*. The viewer was meant to associate the one with the other.

Finally, the two women were near contemporaries in age, sisters through marriage (since Agrippina was married to Livilla's brother) and their *fecunditas* was portrayed, at least in Tacitus, as a source of competition and even hostility between them.⁵²⁵ That their *fecunditas* was depicted as a source of conflict, even allowing for Tacitean imagination, illustrates the extent to which an imperial woman's fertility had become public property, able to be manipulated and championed to suit the dynastic purposes of the *domus Augusta*. Given I am interested in the exploitation of the women's *fecunditas* and their role as mothers of potential future emperors, I have not included evidence concerning Agrippina that dates to the reign of her son, Gaius

⁵²² For the details and proposed dates of birth for the children of both couples, see below, pp. 230-231, 237.

⁵²³ For the parallels in the careers of the two men and their position as joint heirs-in-waiting, see the chapters devoted to them in Hurler 1997: 163-222.

⁵²⁴ Rose 1997: cat. 125, 182-184; Livadiotti and Rocco 2005: 231-235; Trillmich 2007, esp. 428-434. It is not yet clear whether other statues, such as the statues of Tiberius Gemellus, the son of Drusus, and Julia Livilla, the youngest daughter of Germanicus (Rose at 183 erroneously identifies her as "the youngest daughter of Caligula") were included with this group, or were from a later Caligulan or Claudian phase. There is certainly a Claudian group: Rose 1997: cat. 126.

⁵²⁵ Agrippina was born in October between 15-13 B.C. (Mommsen 1878). Livilla sometime between 14 and 11 B.C. Kokkinos (2002:13) argues that Livilla's absence from the procession on the Ara Pacis suggests she was born in 12 or 11 B.C. The date of her first marriage, to Gaius Caesar, was said to have been 1 B.C. (Dio Cass. 65.10.18), at which point she should have been at least twelve, making a birth year of 13 or 14 B.C. more likely. For *fecunditas* as a source of competition see Tac. *Ann.* 4.12.

Caligula, such as the elaborate statue group from Velleia in Italy.⁵²⁶ Using one's mother for propagandistic purposes when one is emperor is not, in my view, the same as implicitly or explicitly praising a woman, whether one's wife, daughter or other relation, for her demonstrated or expected *fecunditas*. The Julio-Claudians certainly looked both backwards and forwards in time in their dynastic commemoration, but for my purposes I am interested only in the role of women as mothers of potential future heirs.

After Germanicus died in A.D. 19 a *senatus consultum* was passed concerning the posthumous honours he was to receive. Part of a transcription of this *senatus consultum* inscribed in bronze was found in 1982 near Seville in Spain.⁵²⁷ The *Tabula Siarensis*, although fragmentary, contained some of the sections of the *senatus consultum* not otherwise attested, including more details concerning the arch of Germanicus that was meant to be set up in the Circus Flaminius in Rome. Above the arch were to be placed no fewer than twelve statues of the Julio-Claudian family. Germanicus himself appeared in a triumphal chariot. He was flanked by his biological parents, Drusus the Elder and Antonia the Younger, his brother, the future emperor Claudius, his sister, Livilla, and, most importantly for my purposes, his wife Agrippina and all six of their living children: three sons and three daughters. The dynastic strength of Germanicus' family was to be emphasized at the exact moment his dynastic importance had lessened. He was to be portrayed with his biological father, Drusus the Elder, and not his adoptive father, the emperor Tiberius, for with his death the dynastic succession looked now to Tiberius' own biological son, Drusus the Younger, while Germanicus and his children were to be moved to the background.⁵²⁸

In the *senatus consultum* found on the *Tabula Siarensis*, Germanicus' wife, Agrippina the Elder, is not singled out for her *fecunditas*, although the presence of statues of their six children on the arch could not help but point to it. In the *senatus consultum de Pisone patre*, however,

⁵²⁶ Rose 1997: Cat. 50, 121-126. cf. Rose 1997: Cat. 64: 135 (Aventicum); and Cat. 94: 158 (Tenos) for other dynastic group portraiture including Agrippina which date to after her death. For a catalogue of imperial statue bases see Højte 2005.

⁵²⁷ On the *Tabula Siarensis*, see the first editions of González 1984 and González and Fernández 1981; González 1988; Nicolet 1988 and 1995; Sánchez-Ostiz 1999 (with text, commentary, Spanish translation and full bibliography); Frascetti 2000. A recently published fragment of a bronze plaque from Italy, now in the museum at Perugia, contains a *senatus consultum* with honours for Germanicus which partly overlaps with the *TS*: Cipollone 2012 and 2013.

⁵²⁸ cf. Lott 2012: 221. Although only fragments of the decree survive, Rose notes that a similar triumphal arch would have been voted for Drusus after his death, featuring statues of his wife Livilla, mother Vipsania, father Tiberius, his (adoptive) brother Germanicus, and his son, Tiberius Gemellus (1997: 183).

another lengthy inscription which concerns the death of Germanicus, her *fecunditas* is singled out directly as a reason for praise.⁵²⁹ The inscription also makes it clear just how intertwined the health of the Roman state and the imperial household has become. As Severy argues, “A series of apparently incidental remarks communicate that the house of Augustus and its members are critical to the health and well-being of Rome”.⁵³⁰ The *senatus consultum*, which arose from a meeting that took place on the 10th of December, A.D. 20, praises each of the members of Germanicus’ family in turn for how they have lived and for their management of their grief over his death. At lines 137-139, Agrippina is commended for the “singular harmony” (*unica concordia*) with which she had lived with Germanicus, as well as “their many surviving pledges born in most fortunate circumstances” (*tot pignora edita partu felicissimo eorum, qui superessent*). Severy has argued that the praise for Agrippina and for the other female members of Germanicus’ family nowhere establishes new roles for the women, or new reasons for their behaviour to be praised. Instead, what is new is their official recognition, an indicator of their new status in Roman society.⁵³¹

I would argue that there is one new element in the praise for Agrippina: the dual meaning of the word *pignus*. Their many children (*tot pignora*) were indeed guarantors of the strength and stability of the popular marriage between Germanicus and Agrippina. But there is more to it than that. In A.D. 20, Tiberius had occupied the position of power he had inherited from Augustus for six years, and must have been seen to be relatively secure. Given Augustus made the adoption of Germanicus by Tiberius a condition of his own adoption of Tiberius in A.D. 4, an adoption which caused Germanicus to step into the place of eldest son ahead of Tiberius’ own biological son, Drusus the Younger, it was likely clear to any astute political observer that Germanicus was meant to follow in Tiberius’ footsteps. As a result, before his death Germanicus had spent fifteen years as Tiberius’ assumed heir. His children with Agrippina, especially his three surviving sons, were therefore not only a guarantee of the reality of their marriage, the traditional meaning of *pignus* when used of children, they were also meant to

⁵²⁹ On the *SCPP*, see Eck *et al.* 1996; Caballos *et al.* 1996; Richardson 1997; Barnes 1998; Cooley 1998; Flower 1998; Potter 1998; Damon 1999; Lebek 1999; Eck 2000, 2002; and Lott 2012.

⁵³⁰ Severy 2003: 228.

⁵³¹ Severy 2003: 238.

guarantee a fourth generation of the imperial dynasty. They were a pledge of secure succession, a promise that the Romans would never return to the harrowing days of civil war.⁵³²

The children of the imperial family, and through them the *fecunditas* of their mothers, could also be used for propagandistic purposes in forms other than statues and inscriptions. A glass phalera or medallion which shows a cuirassed general surrounded by three small children is likely to depict Germanicus with his son Gaius (Caligula) and his daughters Agrippina the Younger and Drusilla.⁵³³ These phalerae were used as military decorations. Germanicus' children, especially these three, had a longstanding relationship with the Roman legions. All three had close ties to Germany: the two girls were both born there, and Gaius famously was a favourite of the soldiers, dressing up in a uniform made to his size, and wearing small *caligae*, the hobnailed boots worn by Roman soldiers, from which he received his nickname (Suet. *Calig.* 9). All three also rode with their father in his chariot in Rome during his triumph in A.D. 17.⁵³⁴ Germanicus' portrait type, and his children, would have been immediately familiar to the soldiers.

When Livilla, the wife of Drusus the Younger, gave birth to twin boys in A.D. 19, the twins' paternal grandfather, the emperor Tiberius, was, according to Tacitus' account, overjoyed at the event.⁵³⁵ Seeing now a secure dynastic succession from his own bloodline, in A.D. 22 he arranged for Drusus to be given tribunician power, which emphasized even further his position as heir apparent, as this was an honour Germanicus never received. To commemorate the occasion, the mint of Rome issued a series of sestertii. One of the coins had on its obverse a winged caduceus flanked by two cornucopiae with busts of Drusus' twin sons (Figure 4.1).⁵³⁶ Wood argues that the use of the cornucopiae presents the twins "as the hope for the happiness and prosperity of the Roman state".⁵³⁷ Provincial coinage also depicted the twins.⁵³⁸ Livilla and

⁵³² For the development of this use of *pignus*, see below, pp. 242-245.

⁵³³ Following Rose: 1997: 24. This is a controversial identification, as scholars have assigned these phalerae to several different men. For a history of proposed identifications, see Boschung 1987b: 194 and Zwierlein-Diehl 1979: 109-110. See Rose 1997: 226 n. 46 for his responses to the proposed identifications of Claudius by Boschung and Drusus the Elder by Zwierlein-Diehl.

⁵³⁴ For Germanicus' triumph, see above, Chapter Two, p. 114.

⁵³⁵ Also discussed above, Chapter Two, pp. 130-131.

⁵³⁶ *BMCRE* I, nos. 95-7; *RIC*² I, no. 42; Banti-Simonetti, *CNR* 11, 4-12, nos. 2-7/2.

⁵³⁷ Wood 1999: 180.

⁵³⁸ *RPC* nos. 946-9 (Cyrenaica) and possibly *RPC* no. 1171 (Corinth) although the identities of the two busts are disputed. They could represent Tiberius 'Gemellus' and Gaius Caligula (Burnet *et al.* 1992: 253).

her twins are probably depicted in two cameo gems, one now in Berlin and the other in Paris.⁵³⁹ These cameos show a young woman with the corn-ear and poppy crown of Ceres who holds two tiny male babies in the fold of her mantle. Although it is very difficult to interpret with confidence, it appears that both babies hold cornucopiae, which matches the iconography found in the coinage.⁵⁴⁰ A glass phalera which shows the head of an adult male flanked by the heads of two male infants may also represent Drusus the Younger with his twin sons.⁵⁴¹



Figure 4.1 Sestertius of Tiberius, A.D. 22-23. Obverse shows busts of the twin sons of Drusus emerging from cornucopiae (BMCRE I, no. 95).

Nor was this public praise entirely one-sided, emanating only from the Senate with the understood permission of the *princeps*. Starting early in Augustus' reign we find statue groups and inscriptions in the Greek East emphasizing the dynastic continuity of the first emperor's family and praising the women for their childbearing. Two statue groups, one from Thespieae and the other from Thasos, commemorated Agrippa's three-year campaign in the east beginning in 16 B.C.⁵⁴² Agrippa was accompanied by his wife Julia, the daughter of Augustus. Two of their children, their daughters Agrippina (the Elder) and Julia, were likely born during this period. The statue group from Thespieae featured Julia flanked by her sons (and the adopted heirs of Augustus), Gaius and Lucius, as well as her stepmother, Livia, and her husband, Agrippa, who held the newly born Agrippina in his arms. The group from Thasos contained images of Julia and Livia, who was holding the younger Julia in her arms. Rose has pointed out the break from tradition found with these groups, arguing, "These groups signalled a new trend in dynastic

⁵³⁹ Berlin: Schloss Charlottenburg, Staatliche Museen inv. 11096, sardonyx cameo, h. 7.6. cm, w. 6.0 cm. Mikocki 1995: 34-35, 174 no. 161 pl. 4, with full literature; Megow 1987, 29-31, 295-96, no. D22, pl. 12.7; Möbius 1975: 46; Vollenweider 1966: 73 n. 59, pl. 84.2; Greifenhagen 1964: 32-36, fig. 4. Paris: Bibliothèque Nationale Cabinet des Médailles, inv. 243.

⁵⁴⁰ So argued by Greifenhagen (1964: 34) and followed by Wood (1999: 196).

⁵⁴¹ Römisch-Germanisches Museum, Cologne, inv. no. 2473/38.

⁵⁴² Thespieae: Rose 1997: Cat. 82, 149-151. Thasos: Rose 1997: Cat. 95, 158-159. Statues of female relatives of Roman magistrates started appearing in the provinces of the Greek-speaking east c. 100 B.C. (Flory 1993: 291).

commemoration: the children of Hellenistic monarchs had never been shown as infants in groups monuments and statuary types of adults holding newly born children had been restricted to personifications and deities".⁵⁴³ At this point in time, Augustus' daughter Julia was the source of the dynasty's future. One inscription, from Priene, calls her "Kalliteknos" (bearer of beautiful children).⁵⁴⁴ The communities in these regions who set up these statue groups and erected these inscriptions did not do so, of course, solely out of the goodness of their hearts. It was surely hoped that such praise would lead to imperial goodwill and perhaps even imperial benefactions and support.

Such political tactics could and did backfire when the face of the dynasty changed rapidly, such as after the deaths of Lucius and Gaius and the exile of Julia for adultery and other forms of misconduct. Julia was no longer the face of the dynasty's future; instead she was to be relegated to the background and ideally forgotten. But the trend of praising imperial women's *fecunditas* continued, particularly when a birth occurred outside of Rome. When Julia's daughter, Agrippina the Elder, herself gave birth to her final child, Julia Livilla, on the island of Lesbos in A.D. 18, the region commemorated the birth with inscriptions giving Agrippina the title "Karpophoros" (fruit bearing) among others.⁵⁴⁵ Agrippina had earlier given birth to her two other daughters while on campaign in Germany with her husband Germanicus and again the local citizens paid attention to the momentous event: Suetonius tells us that Pliny the Elder had seen altars dedicated to Agrippina's *puerperium* at Ambitarvium in Gallia Belgica, where Agrippina likely gave birth to Drusilla.⁵⁴⁶ Praising the birth was one way the local community hoped to reap advantage from their new connection to the imperial family. In general, provincial representations of imperial women, both sculptural and numismatic, focused most commonly on types and attributes that were associated with concepts of fertility. On coinage the use of wreaths or ears of corn emphasized the women's role in perpetuating the dynasty, while on inscriptions or numismatic legends the women were given the titles "Karpophoros", "Kalliteknos" and "Genetrix Orbis" (Mother of the World).⁵⁴⁷ A woman's *fecunditas* could also

⁵⁴³ Rose 1997: 13.

⁵⁴⁴ I. Priene 225. For other inscriptions praising Julia see Reinhold 1933: 117, n.70.

⁵⁴⁵ *IGR* 4.22, 23, 74, 75, 77, 100, 1300.

⁵⁴⁶ Suet. *Calig.* 8.4. According to Suetonius, Pliny erroneously believed that Caligula was born here as well (*Calig.* 8.3).

⁵⁴⁷ Rose 1997: 75. Coins dating to the reign of Claudius that depict his mother, Antonia the Younger, wearing the corn-ear crown of Ceres (e.g., *RIC* I² 124, nos. 65-8) were the first from the official mint "to make such an

be celebrated in more subtle ways, such as the “unruly, burgeoning curls” which Agrippina the Elder sports in her portrait types, full, curly hair being a marker of vitality and fertility.⁵⁴⁸

EXPLOITING *FECUNDITAS* II: LATER EMPERORS

It would be more than a century before the *fecunditas* of the women of the *domus Augusta* would receive so much public attention again. But this does not mean that *fecunditas* ceased to be an important female virtue in the interim. The emperors who immediately succeeded Nero – Galba, Otho, and Vitellius – barely had time to establish their rule, let alone create an imperial ideology. Galba was a widower who had lost both his sons, and who believed, according to Suetonius, that his unpopularity with the army was due to his childlessness rather than his old age or his failure to pay them their promised donative.⁵⁴⁹ Otho was unmarried and had no children.⁵⁵⁰ Vitellius had a daughter and one son, who was said to have a terrible stammer; he was killed by Vespasian’s forces soon after his father. Despite ruling as emperor for less than a year, Vitellius nonetheless managed to mint coins with the image of his son and daughter, clearly attempting to assert dynastic security in an effort to strengthen his own reign.⁵⁵¹ Vespasian was already a widower at the time of his accession. With two adult sons he saw no need to marry again, taking a concubine, Antonia Caenis, instead. Thus there was no empress during his reign to be praised. Titus was unmarried during his two years as emperor. Domitian was married but his only child, a son, had died before he became emperor.⁵⁵² Nevertheless, his son, even though deceased, was a prominent feature on coins showing his wife, Domitia Longina, perhaps serving as proof of her established fertility and the unspoken hope of another heir.⁵⁵³ Nerva was unmarried and elderly,

identification explicit, or to associate openly divine attributes with a woman’s recognizable portrait face and an unambiguous identifying inscription” (Wood 1999: 154).

⁵⁴⁸ Wood 1999: 228. cf. Wood 1988.

⁵⁴⁹ Loss of wife and sons: Suet. *Galb.* 5. Childlessness as making him unpopular: Suet. *Galb.* 17. For Galba’s reign see too Tac. *Hist.* 1.5-49 and Dio Cass. 63.29.4-64.6.

⁵⁵⁰ For Otho, see Suet. *Otho*; Tac. *Hist.* 1-2.51; Dio Cass. 64.5-15.

⁵⁵¹ Children: Suet. *Vit.* 6. Murdered soon after his father: Suet. *Vit.* 18; Dio Cass. 65.22.2. Coins depicting his children: *BMCRE* I, nos. 27-9; *RIC* I 225, no. 12; *RIC* I 229, no. 9. Dio comments that Vitellius had not put to death any relative of Otho or Vespasian. For Vitellius’ reign see Tac. *Hist.* 2.51-3.86; Dio Cass. 65.1-22.

⁵⁵² The child was born during Domitian’s second consulship in A.D. 73 and died quite soon thereafter, probably in the next year. Suet. *Dom.* 3.1. Jones 1992: 33; Southern 1997: 28. Suetonius records that Domitian’s wife, Domitia Longina, also gave birth to a daughter (*Dom.* 30), but she is given no other mention in the historical record. Martial suggests that Domitia was pregnant in A.D. 90 (6.3), but again, no further trace of the child can be found and some scholars have argued that Martial was only expressing the hope that Domitia would again become pregnant (Jones 1992: 37; Southern 1997: 29).

⁵⁵³ A silver denarius of A.D. 81-84 has a bust of Domitia on the obverse. The reverse shows Pietas seated on a throne with a small child, likely Domitian’s deceased son, standing before her (*RIC* II, no. 214 and *BMCRE* II, no.

sixty-five at the time of taking on the imperial purple after Domitian's assassination in A.D. 96. A year later a revolt among the Praetorians forced him to adopt the popular general Trajan as his son and chosen successor, indicating that a guarantee of a peaceful and smooth succession was still deeply valued.

Trajan and his wife, Pompeia Plotina, were famously childless. The public image of Plotina, not surprisingly, did not compare her with goddesses associated with fertility or maternity. Instead, on coins she was mainly associated with Fides, Minerva, Pudicitia and, especially, Vesta.⁵⁵⁴ She was the first empress to use the legend *pudicitia*, that pre-eminent female virtue, on her coinage, beginning around A.D. 112. Plotina used only the image of the cult statue and an altar and the legend ARA PVDIC(itiae) on her coinage (Figure 4.2), but later empresses, including Sabina and Faustina the Younger, took this association further by placing an image of the goddess Pudicitia herself on their coinage.⁵⁵⁵ As Keltanen has noted, the emphasis for Plotina's public image is squarely on her role as the virtuous, exemplary wife, championing the virtues of fidelity and chastity, and praising her for her role as a *univira*.⁵⁵⁶ Pliny the Younger called her *sanctissima femina* (*Ep.* 9.28). Pliny, as usual, is being politic. It would hardly do to criticize the wife of the current emperor, a man whom Pliny had some connection with and from whom had received several favours, including the granting of the *ius trium liberorum*. Plotina did not, of course, meet all the required virtues of a Roman woman, and the very emphasis in her public image on her *fides* and her *pudicitia* should perhaps be read as an attempt to pass over her evident failure of *fecunditas*.⁵⁵⁷

65). The motif was repeated with bronze coinage, this time showing Domitia herself seated, holding a sceptre and extending her right hand to the child, who stands facing her. The legend calls her *Mater Divi Caesaris* (*RIC* II, nos. 440, 440a, 441). A reverse type that showed her son seated on a globe surrounded by seven stars was also used with her coins (*RIC* II, no. 213).

⁵⁵⁴ Fides: *BMC* III, nos. 1080-1082; *Coh.* 91, nos. 10-11; *RIC* II, nos. 740-741. Minerva: *RIC* II, no. 738. Pudicitia: *BMC* III, no. 529; *RIC* II, no. 733. Vesta: *BMC* III, nos. 525-7; *Coh.* 90, nos. 1-2; *RIC* II, nos. 728-732, 737.

⁵⁵⁵ Keltanen 2002: 111.

⁵⁵⁶ Keltanen 2002: 116.

⁵⁵⁷ Pliny's brief consideration of Plotina in the *Panegyricus* (*Pan.* 83), and her noticeable absence at the end when Pliny prays that Trajan will be granted a son perhaps reflects this unspoken criticism. cf. Kampen 2009: 45. The alimentary schemes imagined Trajan as a father figure, even though he had no children of his own.



Figure 4.2 Denarius of Trajan, A.D. 112-115. Obverse has bust of Plotina, reverse shows altar and cult statue of Pudicitia (*BMCRE* III, no. 529)

Hadrian and his wife, Vibia Sabina, were also childless but Sabina's public image included references to goddesses associated with fertility and motherhood. In coinage and statues she was associated with Venus Genetrix and Ceres, the latter perhaps meant to represent the importance of agricultural fertility and a secure grain supply rather than human fertility, given she was also associated with Tellus.⁵⁵⁸ She was also associated with Pietas: the goddess was sometimes depicted on her coinage standing and resting her hands on the heads of a boy and a girl, perhaps a reference to the *alimenta* scheme set up for the welfare of children.⁵⁵⁹ While at first it may seem odd to portray a childless woman in the guise of a goddess usually associated with fertility, there was historical precedent. Wood has noted that:

A few of the most prominent [imperial] women conspicuously failed to fulfill this dynastic imperative: Livia, although the mother of two sons who were viable heirs to power, produced no children with Augustus; Octavia Minor's only son died young, and Drusilla died childless. In these cases, many patrons, both imperial and private, seem to have sensed no irony or contradiction in celebrating them as symbolic, rather than as literal, mothers, a phenomenon that should alert us to the fact that Roman families valued their women for more than their reproductive function.⁵⁶⁰

⁵⁵⁸ Most of the statues of Sabina in the guise of Ceres come from either Ostia, which was an important harbour, or the province of Africa, which played a key role in supplying grain to Rome. Venus Genetrix, coinage: *RIC* II, nos. 1035, 1045 and 1049; *BMCRE* III, nos. 1883-1884; Coh. 258, no. 24; Banti 1984, 425. Venus Genetrix, statues: Museum of Ostia, Sala VI, 14, inv. 24. cf. Keltanen 2002: 120, n. 87 and 122, n. 100; Calza 1964: 77-78, pl. LXXII. Ceres, coinage: e.g., *RIC* II, no. 401c, 409, 416; *BMCRE* III, nos. 893, 919. Statues: Museum of Ostia, Sala VI, 12, inv. 25. cf. Keltanen 2002: 121, n.98; Calza 1964, 79-80, pl. LXXV-LXXVI.

⁵⁵⁹ Keltanen 2002: 122; Dixon 1988: 88.

⁵⁶⁰ Wood 1999: 315-316. cf. Kampen (2009: 23-37), whose close reading of a sardonyx cameo of Livia (Vienna Kunsthistorisches Museum, inv. IX.A.95) emphasises Livia's role as mother of Augustus' heir. She writes, "The notion of one woman's fecundity as guarantor and signifier of the prosperity of the dynasty and the Empire was never rejected despite the failure of efforts to call Livia mater patriae" (2009: 31). Livia was also famous for paying the dowries of girls (Dio Cass. 58.2.3), which again would have strengthened her position as *mater patriae*.

The creation of the *alimenta* schemes gave birth to new opportunities to portray the empress as a mother, if not to her own biological children, than to the children of the empire more generally. Hadrian's distribution of largess to the children of Rome was depicted on a monument to Sabina in Rome that was erected after her death, implying that it was the empress, perhaps just as much as the emperor, who was meant to be associated with such actions.⁵⁶¹

Hadrian's adoptive son and successor, Antoninus Pius, and his wife, Annia Galeria Faustina the Elder, were more fortunate. Their marriage produced four children: two boys and two girls. Three of their children, however, died before Antoninus Pius became emperor in A.D. 139. Only their daughter, Annia Galeria Faustina the Younger, survived into adulthood. Faustina the Elder died in either A.D. 140 or 141. She was deified and Antoninus Pius issued a great many coins in memory of his wife with a wide variety of iconographic types, including many of the themes and goddesses associated with previous empresses, like Concordia, Pietas, Ceres, and Venus.⁵⁶² Of greatest interest for my purposes, however, is the association of Faustina the Elder with Fecunditas. Tacitus tells us that Fecunditas became incorporated into the pantheon of Roman deities in A.D. 63, after the birth of the daughter of Nero and Poppaea Sabina.⁵⁶³ Yet it is on the coinage of Faustina the Elder after her death in A.D. 141, nearly eighty years later, that Fecunditas is portrayed for the first time. The coin is a bronze sestertius. The obverse has a portrait bust of Faustina facing right and the legend "DIVA FAVSTINA". On the reverse is the legend "FECVNDITAS S.C." and an image of the goddess, who is depicted as standing, holding a sceptre and a child.⁵⁶⁴

The lengthy gap between the placing of the personification of *fecunditas* into the Roman pantheon and her appearance on coinage is not surprising when we take into account the intervening circumstances. The promised temple was meant to draw attention to Poppaea Sabina's successful birth of a daughter in January A.D. 63. The child died four months after birth, and Poppaea Sabina herself was dead two years later. The temple may never have been built. No other woman before Faustina the Elder had a living child when empress. Thus it is

⁵⁶¹ Only two panels survive from what was probably an altar; the panels were reused in a fifth-century arch: Kleiner 1992: 253-254. Sabina is also recorded as having made a donation or dedication to the *matronae* of Rome, which may have been viewed as a more logical association (*CIL* VI 997 = *ILS* 324; cf. Purcell 1986: 100, n.33).

⁵⁶² For a more conclusive list, see Keltanen 2002: 126-7.

⁵⁶³ Tac. *Ann.* 15.23. cf. *CIL* VI 2043 = Scheid 1998: 29.

⁵⁶⁴ *RIC* III, no. 1142. Keltanen 2002: 131.

hardly surprising *Fecunditas* made no appearances on coinage: there was very little about the childbearing of the intervening empresses that was worthy of praise.

What must be emphasized here is that Faustina the Elder, at the time of her death, was not exactly a paragon of *fecunditas*. While she had succeeded in giving her husband four children, with an equal number of sons and daughters, three of the four had died prematurely, the sons while they were still children. As we have seen above, the true test of a woman's *fecunditas* was not merely the birth of children but their safe arrival at adulthood.⁵⁶⁵ Given the importance of dynastic succession to the emperors, this ought to have been even more true for them. That Antoninus Pius chose to associate his wife with *Fecunditas* at all, even if it was not among her most common iconographic types, tells us that *fecunditas* remained an important female virtue that the imperial women were expected to demonstrate. Antoninus Pius took the opportunity to praise his wife, and by association himself, for her success at childbearing, even though this praise came after her death when no more children could be expected from their union. Given that *Fecunditas* appears to be a totally new type, we can perhaps see an intentional effort to distinguish his procreative success, modest though it may have been, from the childless reigns of the two preceding emperors.⁵⁶⁶ This in turn again suggests the importance of *fecunditas* as a means of attaining social capital for a woman's husband, even for the emperor.

Indeed, although Antoninus had no biological son to succeed him, the coins of his daughter, Faustina the Younger, minted during his lifetime, emphasize her position as the daughter of the emperor and privilege their blood connection above all else.⁵⁶⁷ Faustina the Younger married Antoninus Pius' adoptive son and heir, Marcus Aurelius, in A.D. 145. Their first child, a daughter named Domitia Faustina, was born in A.D. 147. The day after the birth, Faustina received the title of *Augusta*, thus signalling her role as the expected mother of future emperors and Antoninus Pius' interest in building a true dynasty, not just one created through the convenient fictions of adoption.⁵⁶⁸ Kampen has observed Faustina's importance, writing that she "played an iconographic role of critical legitimating power" and that her children with Marcus

⁵⁶⁵ See above, Chapter Two, pp. 97-101.

⁵⁶⁶ *Fecunditas* as a new type: Keltanen 2002: 132. She argues that "Faustina is shown as the patroness of marriages, an exemplary mother, and as a model for new brides", public roles which dated back to Livia (2002: 132).

⁵⁶⁷ The following varieties of obverse legend occur: FAVSTINA AVGVSTA; FAVSTINA AVGVSTA AVG. PII F.; FAVSTINA AVG. PII AVG. FIL.; FAVSTINAE AVG. PII AVG. FIL.; FAVSTINAE AVG. PII AVGF.; FAVSTINAE AVG. ANTONINI AVG. PII FIL.; FAVSTINA AVGVSTA PII AVG. FIL.; and FAVSTINA AVGVSTA AVG. PII FIL. (*RIC* III, nos. 493-518). See Keltanen 2002: 133.

⁵⁶⁸ *Fasti Ostienses* from the year 147 (Bargagli and Grosso 1997), *Inscriptiones Italiae* XIII: 1 (1947), XXVIII.

Aurelius allowed the focus of their public image to “shift to the prospects for the future”, something which a childless emperor like Trajan, who did not have a named heir until after his death, was never able to do.⁵⁶⁹

Kampen’s analysis, however, rests on the image of Faustina celebrated during Marcus Aurelius’ reign and does not consider the examples where it was Faustina’s father who championed her *fecunditas*. Antoninus also celebrated his daughter’s *fecunditas* in the coinage. The occasion of the birth of her first set of twins in A.D. 149 was commemorated by Antoninus on a gold aureus (Figure 4.3). The obverse has a portrait bust of the emperor, while the reverse bears the legend TEMPORVM FELICITAS COS. IIII S.C. and the image of the busts of two little children emerging from cornucopiae, much like the coins commissioned by Tiberius on the occasion of the birth of Drusus’ twins more than a hundred years earlier.⁵⁷⁰ Like Tiberius, Antoninus’ reason for minting the coins was to emphasise the security of the succession, thought to be guaranteed by the birth of a male heir to his own heir, Marcus Aurelius. Also like Tiberius, however, Antoninus would have his hope dashed. The male twin was short-lived, although the daughter, Annia Aurelia Galeria Lucilla, would grow up to marry Lucius Verus. Antoninus himself would die before the birth of the second set of twins, including the future emperor Commodus, on August 31 A.D. 161.



Figure 4.3 Aureus of Antoninus Pius, A.D. 149. Reverse has the busts of Faustina’s twins emerging from cornucopiae (*BMCRE IV*, no. 678)

⁵⁶⁹ Kampen 2009: 96, 97.

⁵⁷⁰ *RIC III*, no. 185; *BMCRE IV*, no. 678. The motif was also reproduced on bronze coinage: *RIC III*, nos. 857 and 859; *BMCRE IV*, no. 1827. Mattingly (1930: 133) identifies the busts as belonging to two little boys, but given the twins were male and female this perhaps ought not to be taken as a confident interpretation. The twins’ birth was also celebrated on a silver denarius which has a portrait bust of Faustina the Younger on the obverse along with the legend FAVSTINAE AVG. PII AVG. FIL. The reverse bears the legend SAECVLI FELIC. along with the image of a throne on which are seated two babies with stars above their heads (*RIC III*, no. 509). For the Tiberian coinage see Figure 4.1, above, p. 200.

Faustina and Marcus Aurelius were astonishingly prolific: Faustina gave birth to no less than thirteen children in twenty-three years, including two sets of twins.⁵⁷¹ Unlike her mother, whose four children were born before she was empress or indeed even before her husband had been adopted by Hadrian and named as the future heir, all of Faustina the Younger's births took place when she was firmly in the public eye, either as the daughter of the current emperor and wife of one of the heirs apparent, or as the wife of one of the reigning co-emperors. Thus it is not surprising that Faustina the Younger has many more coin types that celebrate her *fecunditas* than her mother's lone example. In part this is likely due to the novelty of the motif itself: Antoninus Pius may have created the motif, but it was left to his adopted son and heir to exploit its true possibilities.

On Faustina the Younger's coinage we find the following legends on the reverse: FECVND. AVGVSTAE, FECVNDITAS, FECVNDITAS AVGVST., FECVNDITATI AVGVSTAE, FECVND. AVGVSTAE S.C., and FECVNDITAS S.C. Fecunditas herself is shown on the reverse, either sitting or standing, sometimes holding a sceptre in her right hand and a baby in her left, a type nearly identical to that first used for Faustina's own mother.⁵⁷² The different images attest to the social capital that could be drawn from the couple's many children. Fecunditas is shown seated between two girls, holding an infant on her lap; standing next to one girl while holding two infants; and standing between two girls and holding two infants in her arms (Figure 4.4).⁵⁷³ Another motif may depict Faustina herself, standing next to two children of unspecified gender while holding one infant.⁵⁷⁴ A coin with the legend FECVND. AVGVSTAE depicts four children, possibly the couple's four surviving daughters.⁵⁷⁵

⁵⁷¹ Birley 1987: 103, and see pages 44-45 for a table of the events of the lifetime of Marcus Aurelius which includes the births of his children. Also discussed by Scheidel (1999: 267), who agrees with the number of thirteen but recognizes that the children could have numbered twelve, fourteen or even eleven. Kienast (1996: 139-140) provides a useful table listing the children, whom he also numbers at thirteen.

⁵⁷² *RIC* III, nos. 677, 1638-40.

⁵⁷³ Two girls and an infant: *RIC* III, nos. 681-2, 1641. One girl and two infants: *RIC* III, no. 678. Two girls and two infants: *RIC* III, nos. 675-6, 1634-7.

⁵⁷⁴ *RIC* III, nos. 679-80.

⁵⁷⁵ *Coh.* 581, no. 34.



Figure 4.4 Denarius of Marcus Aurelius, A.D. 161-176. Bust of Faustina the Younger on the obverse, reverse shows Fecunditas holding an infant in each arm; at her sides are two more children facing left and right reaching up to her (*BMCRE IV*, no. 89).

Less obvious acknowledgement of her remarkable childbearing comes in the form of coins depicting Juno Lucina, the goddess of pregnancy and birth, Diana Lucifera, to whom Roman women prayed for blessings as wives and mothers, and Ceres.⁵⁷⁶ An altar dedicated in A.D. 166 to Juno Lucina by Marcus Aurelius, Faustina, Lucilla and Lucius Verus has been found beneath the Capitolium. Keltanen speculates that the inscription may refer to the childbirth of Lucilla, for two coins of Lucilla with the motive of childbirth date from this time.⁵⁷⁷ Furthermore, Faustina the Younger also received coin types with the legend SAECVLI FELICIT. S.C. which celebrated the birth in A.D. 161 of twin boys, Commodus and Annius Verus, who were thought to guarantee the security of the succession.⁵⁷⁸ In another celebratory type the reverse bears the legend TEMPVR. FELIC. S.C. and an image of Faustina standing with her six children. She holds the infant twin boys in her arms while her four daughters stand at her side (Figure 4.5).⁵⁷⁹ Not since the days of Agrippina the Elder had there been an imperial woman of such outstanding *fecunditas*, and never had there been such a reigning empress. It is no wonder this virtue was championed again and again on her coinage.

⁵⁷⁶ Juno Lucina: *BMCRE IV*, nos. 116-7; *RIC III*, nos. 691-3. Diana Lucifera: *BMCRE IV*, 132. Ceres: *RIC III*, nos. 668-9.

⁵⁷⁷ Keltanen 2002: 134, n. 180. Inscription: *CIL VI* 360. Coins of Lucilla: Curatulo 1902: 43-44.

⁵⁷⁸ The twin boys were depicted in a throne-like crib on a bronze sestertius, sometimes with stars above their heads: *BMCRE IV*, 936; Coh. 193; *RIC III*, nos. 1665-6.

⁵⁷⁹ *RIC III*, nos. 1673-7; *BMCRE IV*, nos. 155-8, again sometimes with stars over the heads of the infants. cf. Banti 1985: 78; Carson 1990: 50; Fittschen 1996: 79. On the continuity and security thought to be guaranteed through their births, see Ameling 1992: 147.



Figure 4.5 Sestertius of Marcus Aurelius, A.D. 161-163. Bust of Faustina the Younger on the obverse, reverse shows Faustina with her six children (*BMCRE* IV, no. 950).

Fittschen has tried to argue that a new birth was always celebrated with a new portrait type of Faustina in both coins and sculpture, but this has been challenged by other scholars. The problems of identification surrounding the chronology of the births of her children, and indeed even their precise number, pose serious challenges, but it does seem clear that at least half of Faustina's births led to new portrait types.⁵⁸⁰ This more subtle praise for Faustina's *fecunditas* may have been lost on the average viewer of her portraits, but for the more politically astute the frequent changes in her public image were a reminder of the strength of the dynasty. And even the least politically aware could not fail to grasp the significance of an image of Faustina surrounded by six children, including two new male heirs. After her sudden death in the winter of A.D. 175-6, coinage was minted using the title *mater castrorum* ("Mother of the Camps") which Faustina had been given in 174 or 175, but was never used during her lifetime. Faustina thus, although she could no longer produce children for the glory of Rome – and her husband –, could still play a maternal role as a goddess of the army.⁵⁸¹

The *fecunditas* of Domitia Lucilla, daughter of Marcus Aurelius and Faustina the Younger and the wife of Marcus Aurelius' co-emperor Lucius Verus, was also championed through frequent use of this motif on her coins. On her coins we find the legends *FECVNDITAS*, *FECVNDITAS AVGVSTA* and *FECVNDITAS S.C.*, along with images of *Fecunditas* (or in some cases possibly Lucilla herself) standing holding a spear or sceptre and a child; holding what is thought to be a patera and a sceptre with no children present; seated holding a child on her lap with one or two other children standing around her; and seated,

⁵⁸⁰ Fittschen 1982: 22-43. Ameling (1992: 157) uses a different chronology from Fittschen, arguing that not every birth resulted in a new portrait type. cf. Keltanen 2002: 136, n. 197.

⁵⁸¹ The granting of the title *Mater Castrorum*: Dio Cass. 72.10.5; *SHA Aur.* 26.8; *CIL* XIV 40; Boatwright 2003. Coins with the legend: *BMCRE* IV, nos. 704-5; *RIC* III, nos. 751-3; Banti 1985: 58. cf. Keltanen 2002: 138-9.

extending her hand to a female child standing before her.⁵⁸² A particularly interesting series of coins thought to date from A.D. 165-170 depict the empress's head on the obverse with the text *LVCILLA AVGVSTA* while the reverse bears the text *FECVNDITAS S.C.* as well as an image of a woman with three children (Figure 4.6).⁵⁸³ One child stands before the woman, a second behind her, and she is nursing the third, who is seated in her lap. Scholarly opinion has been divided as to whether this woman is solely meant to represent the goddess *Fecunditas*, or whether a more direct allusion to *Domitia Lucilla* herself is meant. After all, *Domitia Lucilla* did give birth to three children in this period.⁵⁸⁴ If the woman on the coins is meant to be *Domitia Lucilla*, it represents perhaps the first image of an historical woman breastfeeding her own child.⁵⁸⁵



Figure 4.6 Sestertius of Marcus Aurelius and Lucius Verus, A.D. 164-169. Bust of *Domitia Lucilla* on the obverse, reverse shows *Fecunditas*, or possibly *Lucilla* herself, nursing a child (*BMCRE IV*, no. 1199).

Regardless of whom the coins depict, however, their very existence speaks to how important the *Fecunditas* motif had become since it first emerged on the coins of *Lucilla*'s maternal grandmother, *Faustina the Elder*, scarcely twenty years before. The use of the *Fecunditas* motif on *Lucilla*'s coins again highlights the biological dynasty the Antonines were building. *Lucilla* was the wife of a co-emperor, true, but she was also the daughter of the second co-emperor, and the granddaughter of the previous emperor. Her fertility thus not only looked forward to her husband's own need for an heir but also backwards to the past in acknowledging

⁵⁸² Standing holding sceptre and child: *RIC III*, no. 767. Standing with no child present: *RIC III*, no. 768. Seated, holding a child on her lap: *RIC III*, nos. 764-5 (one other child present); no. 766 (two other children present). Seated, extending her hand to a female child: *RIC III*, no. 1739.

⁵⁸³ *BMCRE IV*, no. 1199. *RIC III*, nos. 1736-8.

⁵⁸⁴ Mattingly (*RIC III*: 352) gives both *Fecunditas* and *Lucilla* as possibilities for identification for nos. 1736 and 1737 but only *Fecunditas* for no. 1738. Robertson (1971: 394 n. 49) identifies the female figure as *Fecunditas*. Fittschen (1982: 74-75 and ill. 6.13) is more hopeful that it could represent *Domitia Lucilla*. Also discussed by Laes (2011a: 101).

⁵⁸⁵ Laes (2011a: 101).

the continuing strength of the fertility of her immediate female relatives. Fecunditas also appears on the coinage of the empress Bruttia Crispina, the wife of Commodus. The motif used must surely be seen as what had become a standard depiction of Fecunditas: standing, holding a sceptre and a child. The two coins are not able to be dated, and we know of no children from the marriage but the use of the motif indicates both a hope for the future security of the dynasty and a desire to capitalize on the *fecunditas* of the previous empresses.⁵⁸⁶

The Fecunditas motif continued on the coinage of later empresses.⁵⁸⁷ The mint of Rome issued gold and silver coins with this motif in the name of Julia Domna during the first three years of the reign of her husband, Septimius Severus. The obverse bears the legend IVLIA DOMNA AVG. with a bust of the empress. The reverse bears the legend FECVNDITAS and shows the goddess seated facing right, with one child in her arms and a second standing in front of her, surely a none-too-subtle reference to Julia Domna's own two sons.⁵⁸⁸ A second series also of gold and silver coins, issued between A.D. 196 and A.D. 211 bears the legend IVLIA AVGVSTA on the obverse, and FECVNDITAS on the reverse, with an image of the goddess and three children: one in her left arm and one on either side of her.⁵⁸⁹ The bronze coinage also picks up this theme. From the first issue, dating A.D. 193-196, we find the reverse legend FECVNDITAS S.C. paired with the image of the goddess holding a child in her left arm with a child on either side of her; the goddess seated nursing one baby with a second child in a cradle at her feet; and the goddess seated nursing a child with a second child standing before her.⁵⁹⁰ The second issue includes a coin with the reverse legend FECVNDITAS S.C. and the image of Terra, sometimes alone, sometimes with four children.⁵⁹¹

The type which I have called standard under the Antonines, that of Fecunditas holding a sceptre in one arm and a child in the other, vanishes completely in the coinage of Julia Domna. This surely is a reference to her outstanding fertility in having produced two healthy male heirs: why portray Fecunditas with one child when the empress is a mother of two? The coin that

⁵⁸⁶ *RIC* III, nos. 667 and 677. Crispina was accused of adultery, banished to Capri and executed in A.D. 183. Dio. Epit. (Xiph.) 73.4.6; *SHA Comm.* 5.9.

⁵⁸⁷ Here I take into account only those coins which expressly name Fecunditas in their legends. I do not consider the myriad other types, such as Juno Lucina, which clearly also would have evoked ideas of motherhood.

⁵⁸⁸ *RIC* IV.I, no. 534.

⁵⁸⁹ *RIC* IV.I, no. 550. The FECVNDITAS legend also appears on *RIC* IV.I, no. 549, but the image is of Terra (the Earth) reclining under a tree with four children, representing the four Seasons, around her.

⁵⁹⁰ Three children: *RIC* IV.I, no. 838. Nursing with child in cradle: *RIC* IV.I, no. 839. Nursing with child standing before her: *RIC* IV.I, no. 844.

⁵⁹¹ Alone: *RIC* IV.I, nos. 872-3. With four children: *RIC* IV.I, no. 852.

shows Fecunditas nursing one baby with another in a cradle at her feet is particularly evocative of the family dynamics, given Geta and Caracalla were so close in age. We might even speculate that, like the coinage of Lucilla, the woman depicted perhaps is meant to be Julia Domna herself rather than the goddess. Julia Domna's *fecunditas* continued to be championed in the coinage of her son, Caracalla, as a means of asserting his own legitimacy and the biological strength of the dynasty. A silver denarius bears the reverse legend FECVNDITAS and shows the image of the goddess holding a child in her arms with a child on either side.⁵⁹²

The motif continued into the third and fourth centuries A.D.: FECVNDITAS and its variants are found during the reigns of Elagabalus, Severus Alexander, Trajan Decius, Uranius Antoninus, Gallienus, and Claudius Gothicus, usually, but not always, associated with a particular imperial woman (Figures 4.7 and 4.8).⁵⁹³ Clearly it had become one of the standard numismatic types, a means for the emperor to advertise the stability of his reign and his hopes for a future dynasty, even when such stability and future hopes were manifestly an exaggeration, if not an outright lie.



Figure 4.7 Denarius of Elagabalus, A.D. 218-222. Obverse has bust of Julia Maesa, reverse shows Fecunditas standing left, extending right hand over head of child standing right, and holding cornucopia in left hand (*BMCRE V*, no. 63).

⁵⁹² *RIC IV.I*, no. 374.

⁵⁹³ Elagabalus: *RIC IV.II*, nos. 164A, 249-50 (Julia Maesa); nos. 410-411 (Julia Maesa). Severus Alexander: *RIC IV.II*, nos. 305, 331-2 (Julia Mamaea); no. 380 (memorial issue for Julia Maesa); nos. 668-9 (Julia Mamaea). Trajan Dacius: *RIC IV.III* nos. 52A, 55-6, 134-135, no. 61 (Mint of Milan): all coins of Herennia Etruscilla. Uranius Antoninus: *RIC IV.III*, no. 3. Gallienus: *RIC V.I*, nos. 101, 184. Salonina: *RIC V.I*, nos. 15, 26, 45, 51, 57 (joint reign); nos. 5, 42 (sole reign of Gallienus). Claudius Gothicus: *RIC V.I*, nos. 30, 120 (although doubtful).



Figure 4.8 Gold coin (quinarius) from A.D. 256. Obverse has bust of Salonina, wife of Gallienus; reverse shows Fecunditas holding an infant in her left hand and holding the hand of a child in her right (RIC V, no. 15)

THE BENEFITS OF ADOPTION?

Although the emperors in the second century continued to exploit whenever possible the social capital their wives' *fecunditas* produced, their use of adoption as a means of transmitting imperial power required some acknowledgement. It is therefore not surprising that, beginning with Pliny the Younger's *Panegyricus*, we find a rationale for resorting to adoption in many of our sources.⁵⁹⁴ In his speech praising Trajan, Pliny addresses the thorny issue of how the emperor came to power:

nulla adoptati cum eo, qui adoptabat, cognatio, nulla necessitudo, nisi quod uterque optimus erat, dignusque alter eligi, alter eligere. itaque adoptatus es, non, ut prius alius atque alius, in uxoris gratiam. adscivit enim te filium non vitricus, sed princeps, eodemque animo divus Nerva pater tuus factus est, quo erat omnium. nec decet aliter filium adsumi, si adsumatur a principe. an Senatum Populumque Romanum, exercitus, provincias, socios transmissurus uni, successorem e sinu uxoris accipias? summaeque potestatis heredem tantum intra domum tuam quaeras? non per totam civitatem circumferas oculos? et hunc tibi proximum, hunc coniunctissimum existimes, quem optimum, quem diis simillimum inveneris... fecit hoc Nerva, nihil interesse arbitratus, genueris an elegeris, si perinde sine iudicio adoptentur liberi, ac nascuntur: nisi tamen quod aequiore animo ferunt homines, quem princeps parum feliciter genuit, quam quem male elegit.

There was no bond or blood relationship between adopted and adopter, no connection except that each of you was exceptional and worthy of choosing or being chosen by the other. Accordingly, you were not adopted, as has happened before to others, in order to please a wife. For no stepfather brought you in as a son, but your emperor, and the divine Nerva was made your father in the same spirit as he was the father of us all. It is not right for a son to be adopted in any other way if he is being adopted by the emperor. When the Senate and the people of Rome, her armies,

⁵⁹⁴ See, too, Tacitus' account of Galba's adoption of Piso in A.D. 68 (*Hist.* 1.15-16), which attempts to portray adoption as the most logical choice, even when the *princeps* has living relatives (although not children of his own).

provinces and allies are to be handed over to one man, should you acquire a successor from the bosom of your wife? Ought you to look for the heir of your supreme power only inside your very own house? Would you not instead scour the entire citizen body with your eyes? And you would judge him nearest and closest to you, the man whom you found to be exceptional and most like the gods...In such a way Nerva made his choice, recognizing that little difference separates sons born from sons chosen if sons are adopted without greater judgment than they are begotten, except for the fact that men will endure with more even spirits an emperor whose son proves to be unsuccessful than one who chooses a successor badly.

(Pan. 7.4-7)

Pliny's analysis of adoption is not unilaterally positive. Although it has the advantage of foresight, since the emperor can search far and wide for the most appropriate successor, the stakes are higher in the court of public opinion if the selected heir turns out to be a disappointment. Pliny suggests that divine providence plays a role and in many ways the emperor's role is only to seek out the heir whom the gods have already chosen for him.⁵⁹⁵ In support of adoption Pliny argues that the responsibility for Rome and her empire is too great to be left to biological chance, but at the end of the speech he prays to the gods in order that they "might some day bestow on [Trajan] a successor whom he beget and whom he shaped into a likeness of the adopted son he is, or, if he is refused this by fate, be his advisors in choosing and mark out someone who is deserving of being adopted on the Capitoline" (*quandoque successorem ei tribuas, quem genuerit, quem formaverit, similemque fecerit adoptato; aut, si hoc fato negatur, in consilio sis eligenti, monstresque aliquem, quem adoptari in Capitolio deceat*) (Pan. 94.5). Adoption is the appropriate way to determine a successor only if Trajan is left childless. Pliny's suggestion that Trajan could form his own son into an image of the adopted son he has been to Nerva shows an attempt to build an artificial dynasty, again highlighting that adoption was not the first choice of method for procuring an heir.

Cassius Dio voices similar ideas in a speech that he gives to the emperor Hadrian upon the death of his first chosen heir, Lucius Ceionius Commodus, in January of A.D. 138.⁵⁹⁶ Dio writes:

ἐπεὶ δὲ συνέβη τὸν Λούκιον τὸν Κόμμοδον ἐξαίφνης ἐγκαταλειφθῆναι ὑπὸ τοῦ αἵματος πολλοῦ τε καὶ ἀθροῦ ἐκπεσόντος, συνεκάλεσε τοὺς πρώτους καὶ ἀξιολόγους τῶν βουλευτῶν οἴκαδε, καὶ κατακείμενος εἶπεν αὐτοῖς τάδε· “ἐμοί, ὦ ἄνδρες φίλοι, γόνον μὲν οὐκ ἔδωκεν ἡ φύσις ποιήσασθαι, νόμῳ δὲ ὑμεῖς ἐδώκατε.

⁵⁹⁵ Stated more strongly at Pan. 8.2. For the politics behind Nerva's adoption of Trajan, see Eck 2002b.

⁵⁹⁶ For speeches in Dio, see Millar 1964: 78-83.

διαφέρει δὲ τοῦτο ἐκείνου, ὅτι τὸ μὲν γεννώμενον, ὅποιον ἂν δόξη τῷ δαιμονίῳ, γίγνεται, τὸ δὲ δὴ ποιούμενον ἀυθαίρετόν τις αὐτὸς ἐαυτῷ προστίθεται, ὥστε παρὰ μὲν τῆς φύσεως ἀνάπηρον καὶ ἄφρονα πολλάκις δίδοσθαί τινι, παρὰ δὲ τῆς κρίσεως καὶ ἀρτιμελῆ καὶ ἀρτίνου πάντως αἰρεῖσθαι. καὶ διὰ τοῦτο πρότερον μὲν τὸν Λούκιον ἐξ ἀπάντων ἐξελεξάμην, οἶον οὐδ' ἂν εὕξασθαι παῖδα ἠδυνήθην ἐμαυτῷ γενέσθαι.”

And when it happened that Lucius Commodus suddenly was taken away by a great outpouring of blood, [the emperor Hadrian] called to council at his house the highest ranking and most distinguished of the senators; and while lying on his couch, he said these things to them: “My friends, nature has not allowed me to beget a son, but you have allowed it by law. It makes a difference which of the two is used — for a begotten son grows up to be whatever sort of person the gods expect, but on the other hand, a man takes an adopted son to himself by free choice. And so when left to nature a maimed and foolish child is often given to someone, but when left to judgment undoubtedly someone who is physically and mentally sound is selected. And for this reason I previously chose Lucius above everyone else — a person of the sort which I would never have been able to boast my own child would become.”

(69.20.1-3)

The argument that Dio gives Hadrian insists that adoption can be a better method of choosing a successor since the emperor can make a coolly logical decision on the best possible candidate, rather than relying on accidents of birth. Two things here stand out. The first is that Dio, through Hadrian, has to address the issue of biological children. Hadrian begins his speech by acknowledging that he has failed to produce his own child. This failure is then mitigated by the argument that adoption can ultimately produce a better candidate. Dio even goes so far as to have Hadrian say that the dead Lucius was such a person as he could not have expected his own son to be! Here Dio is in full rhetorical flight; we could hardly expect an emperor to imply, let alone so baldly state, that his own offspring may well have possessed serious shortcomings.

The fact that Dio has Hadrian first make mention of his own failure to produce a child before arguing for the merits of adoption suggests that a direct transmission of power between father and biological son was still assumed to be the natural order of things, irrespective of the arguments that follow. Given that Dio was writing during the Severan dynasty, it is possible that this preference for biological sons reflects the reality of the transmission of power in his own day. But, as we have seen above in Pliny the Younger’s assessment of Trajan, this attitude was not unique to Dio.

One further point makes it more likely that the championing of biological sons was generally considered to be the more appropriate method of transmitting power: Dio has Hadrian claim that a biological child is an unknown entity, whereas an adopted son can be chosen as an adult when his personality and strengths have been fully formed. This is meant to be taken as an advantage for adoption, but it is in direct disagreement with the broader Roman attitude towards adoption. One of the advantages of biological children, whether male or female, was that the father could mold them into his own image.⁵⁹⁷ Pliny's speech recognizes this conflict: he hopes that Trajan will have his own biological son whom he can mold into his own image, but that image is that of the dutiful adopted son Trajan has been to Nerva. The biological heir is still the best possible outcome, even though Trajan, who was himself adopted, needs to be portrayed as a perfect *princeps*. It is a delicate situation to navigate.

In the *Historia Augusta's* biography of Septimius Severus, the author records that:

legisse me apud Aelium Maurum Phlegontis Hadriani libertum memini Septimum Severum immoderatissime, cum moreretur, laetatum, quod duos Antoninos pari imperio rei p. relinqueret exemplo Pii, qui Verum et Marcum Antoninos per adoptionem filios rei p. reliquit, hoc melius quod ille filios per adoptionem, hic per se genitos rectores Romanae rei publicae daret.

I remember reading in Aelius Maurus, a freedman of that Phlegon who was in turn the freedman of Hadrian, that Septimius Severus rejoiced most immoderately when he was dying, because he was leaving two Antonini to rule the state equally. In this he followed the example of Pius, who left to the state Verus and Marcus Antoninus, his two adopted sons. He rejoiced even more because, while Pius had left only sons by adoption, he was giving the Roman state rulers from his own blood.

(SHA Sev. 20.1)

Not all sections of the *Historia Augusta*, of course, are of equal value as a source, and it must be used with great caution.⁵⁹⁸ Whether or not Septimius Severus actually made such a statement, it is in line with more general Roman ideas about the superiority of biological kin to adopted. The author then goes on to state that "it is quite clear to me... that rarely has any great man left behind a son both outstanding and capable. In short, most of these men either died without any children

⁵⁹⁷ On this see below, Chapter Six, pp. 311-313.

⁵⁹⁸ The generally spurious nature of the text has been recognized since the nineteenth century: Dessau 1889, 1892. Modern scholars are now largely in agreement that the text is the product of one author. For modern scholarship see especially the two series of conference proceedings, the *Bonner Historia-Augusta-Colloquia* (BHAC), which were held from 1963 until 1989, and the *Historia Augusta Colloquia* (HAC), which began in 1991 and continues to the present day. See too Chastagnol 1964: 43-71; 1970; 1994: xiii-xxxiv; Birley 1967, 2003; Syme 1968, 1971a, 1971b, 1976, 1978; Zecchini 1993: 39-49. A very recent treatment is Thomson 2012, which provides a useful summary of the state of earlier scholarship.

of their own, or produced children of such a sort that it would have been a better result if they had withdrawn from the affairs of men without any progeny” (*et reputanti mihi... neminem facile magnorum virorum optimum et utilem filium reliquisse satis claret. denique aut sine liberis viri interierunt aut tales habuerunt plerique, ut melius fuerit de rebus humanis sine posteritate discedere*) (SHA Sev. 20.4). He then provides a long list of examples beginning with Romulus, including a number of Greeks and Romans from both the Republic and the Principate, before ending with Septimius Severus and Caracalla. The list does not exonerate adoption, however, since the author takes pains to note that Augustus “could not get a competent son even through adoption, although he had the power to choose anyone” (*nec adoptivum bonum filium habuit, cum illi legendi potestas fuisset ex omnibus*) (SHA Sev. 21.2). The author’s point is therefore that great men are invariably followed by disappointing progeny, whether biological or adopted, but the original anecdote concerning Septimius Severus, if it can be taken to reflect more general societal attitudes, reiterates that even in the early third century adoption was still felt to be an acceptable choice only when there was no other alternative.

Finally, the *Historia Augusta* in its biography of Aurelian, emperor from A.D. 270 to 275, purports to record a speech made by a certain Ulpus Crinitus in front of the then-emperor Valerian on the occasion of Aurelian being rewarded for his role in a successful campaign against the Goths. Ulpus Crinitus has decided to adopt Aurelian, who has been his deputy. His speech is reported as follows:

apud maiores nostros, Valeriane Auguste, quod et familiae meae amicum ac proprium fuit, ab optimis quibusque in filiorum locum fortissimi viri semper electi sunt, ut vel senescentes familias vel fetus matrimoniis iam caducos substitutae fecunditas prolis ornaret. hoc igitur, quod Cocceius Nerva in Traiano adoptando, quos Ulpus Traianus in Hadriano, quod Hadrianus in Antonino et ceteri deinceps proposita suggestionem fecerunt, in adrogando Aureliano, quam mihi vicarium iudicii tui auctoritate fecisti, censui esse referendum.

According to the custom of our ancestors, Valerian Augustus, — something dear to my family and almost considered to be our own, — the most vigorous men were always chosen by men from the best families to occupy the place of sons, in order that those families which were either in decline or had lost their children to marriage might be enhanced by the offspring of a substituted fertility. This custom, therefore, to which Nerva adhered when adopting Trajan, and Trajan when adopting Hadrian, and Hadrian when adopting Antoninus, and all the rest who came after, following what had already been established, I have thought I should now restore through the adrogation of Aurelian, whom you, by the weight of your opinion, have given to me as my deputy.

The speech, like most ancient speeches, especially those in the *Historia Augusta*, is likely to be a work of fiction. That does not mean, however, that its content and argument must be dismissed categorically. Even if the goal of the author of the *Historia Augusta* was largely to provide entertainment rather than serious history, his work still had to be grounded in the Roman society of his day if it was to attract and retain the interest of readers. Thus it is possible that in this (likely) false speech we may find an accurate portrayal of attitudes towards adoption. The rhetoric behind Ulpian Crinitus' request is very interesting. Instead of a relatively new and worrying change to the established order of things, as it was in Pliny's *Panegyricus*, adoption has now become a custom of "our ancestors" (*maiores nostros*), one which Crinitus claims his own family has always held particularly dear. Adoption is described as a privilege: it is the best men who utilize it, choosing the "most vigorous" (*fortissimi*) to be their new sons. Crinitus acknowledges that adoption is used only by those who have been so unlucky as to find themselves childless, but he does his best to portray it as a truly honourable alternative. What is also clear from his words, however, is that the practice has fallen into disuse: he wishes to "restore" (*referre*) the custom by adopting his deputy, Aurelian. In the end, Valerian is said to have acquiesced, and the adoption took place (SHA Aurel. 15.1). Despite the rhetorical efforts given by the author of the work to Crinitus, who tries to portray resorting to adoption as a most honourable ancient custom, the underlying message is that it was still viewed as a poor alternative to having a biological son of one's own, even during the chaos and crisis of the mid-to-late third century.

The prevailing view among scholars is that this reliance on adoption from the second century A.D. onwards reduced the importance of the reproductive abilities of the women of the imperial house. Mary Boatwright, in her influential 1991 article on imperial women in the second century A.D., writes "The possibility to ascend to the throne by adoption or by force reduced the significance of women's reproductive roles in the transfer of power", adding later, "A woman's power in the imperial house could not be justified or tied automatically to her function as the mother of caesars and the mother of the state".⁵⁹⁹ Likewise, Keltanen has argued that "Adoption reduced the reproductive role of the empress in the transfer of power as the

⁵⁹⁹ Boatwright 1991: 536.

mother of future Caesars”.⁶⁰⁰ Boatwright, Keltanen and other scholars are right to argue that adoption did provide some advantages. It provided a means to ensure a smooth succession. If a chosen heir predeceased the emperor, as was the case with Lucius Ceionius Commodus, Hadrian’s first choice as heir, another appropriate man could be selected. The transfer of power could be smooth and orderly. But it is going too far, I would argue, to suggest that the emphasis on adoption brought with it a corresponding decrease in the importance of the reproductive abilities of the imperial women. Adoption, after all, was nothing new. Claudius adopted Nero as his son just as Augustus had done with Tiberius two generations earlier. Caligula was the grandson through adoption of Tiberius. Augustus’ adoption of Tiberius, according to Velleius Paterculus, was an important guarantor of future stability (2.103.3-4). Yet this recourse to adoption did not, as we have seen above, lessen the interest in exploiting the *fecunditas* of the women of the *domus Augusta*. Nor did it lessen the perceived importance of an emperor securing the succession with the birth of a male heir. For élite Roman families in general, as we will see below, adoption was not an automatic means of overcoming involuntary childlessness.⁶⁰¹

The emperors of the second century used adoption because they had no other choice. To show that a direct transfer of power from father to son remained both the default position and the ideal we need look no further than the fact that those emperors who did boast adult sons able to follow in their footsteps – Vespasian, Marcus Aurelius, Septimius Severus – assumed that their sons would inherit their power.⁶⁰² More to the point, the Senate and the rest of the Roman world shared this assumption. There is never any consideration in the sources that these emperors ought to have looked beyond their own house when choosing a successor. Indeed, Vespasian’s two adult sons were deemed to be a significant advantage in his claim to the imperial power: Tacitus has Mucianus claim that one of the reasons why he did not set himself up as a rival contender is that Vespasian’s house boasts “two young men, one of whom is already capable of ruling...It would be preposterous for me not to submit to the rule of a man whose son I would adopt if I myself ruled” (*duo iuvenes, capax iam imperii alter...absurdum fuerit non cedere*

⁶⁰⁰ Keltanen 2002: 105. cf. Freisenbruch 2010: 189, 211 and especially 199 where she (erroneously) calls it a “new system of adoptive succession”.

⁶⁰¹ See below, Chapter Six, pp. 304-323.

⁶⁰² For a list of the many emperors in the first six centuries A.D. who were childless when they became Augusti, or when they died, or both, along with a catalogue of the known deaths of imperial children, see Scheidel 1999: 268-269. Scheidel notes that “Within a quarter of a millennium from the founding of the Principate, Vespasian and Septimius Severus were the only emperors to leave two living sons” (1999: 269).

imperio ei cuius filium adoptaturus essem, si ipse imperarem).⁶⁰³ The Roman empire was sick of the civil war that had erupted with the death of Nero, and Vespasian's family strengths were thought to offer the best chance at a new beginning and a secure dynasty. The almost twelve years' age gap between the two sons of Vespasian meant that there would be no overt struggle for power. Titus' untimely death in A.D. 81, only two years into his reign, meant an automatic accession for Domitian to the position of emperor at the age of thirty. There never appears to have been any doubt.

On their own, the examples of Vespasian and his two sons are not enough. Although Galba had sought to solidify his claim to the imperial power through adopting a named successor, there is no denying that the Julio-Claudians had established a pattern of naming biological relatives as heirs. The same, however, cannot be said for Marcus Aurelius, whose hold on the imperial power was entirely a result of his adoption by the previous emperor, Antoninus Pius. When Marcus Aurelius became the sole emperor following the death of Lucius Verus in A.D. 169, there was a precedent of more than seventy years of peaceful rule brought about through the adoption of heirs, beginning with Nerva's adoption of Trajan. Yet Marcus Aurelius made no apologies for looking to his own son, Commodus, to rule upon his death, naming him co-emperor from A.D. 177, when Commodus was only sixteen years old, which suggests that any of the previous emperors would have done exactly the same, had they only the sons to enable them to do so.⁶⁰⁴ Indeed, if anything, Marcus Aurelius' naming of Commodus as co-emperor from such a young age suggests that he may have been trying to circumvent pressure to adopt a successor, someone older and more experienced than his own son. Marcus Aurelius made certain there could be no debate over who would rule after his death. So too, did Septimius Severus, who went even further in naming his elder son, Caracalla, as co-emperor from A.D. 198, when Caracalla was only ten. Severus also named his younger son, Geta, as a co-emperor from A.D. 209, two years before his death.⁶⁰⁵

Proponents of adoption took great pleasure in illustrating the dangers of such a practice and, to be sure, the reigns of the sons of the three emperors named above were hardly unqualified successes. Titus' reign was too brief to make much of an impact. Domitian and Commodus were both labelled as tyrants, feared and despised, and ultimately assassinated. Septimius

⁶⁰³ Tac. *Hist.* 2.77. cf. Joseph *BJ* 4.596.

⁶⁰⁴ Birley 1987: 197.

⁶⁰⁵ Birley 1971: 202 (Caracalla); 264 (Geta).

Severus' sons were a reminder of the danger of having too many heirs as opposed to too few: although the emperor on his deathbed famously was said to have ordered his sons to "be harmonious" (ὁμονοεῖτε), any potential for fraternal cooperation was brutally ended with Caracalla's murder of Geta in the arms of their mother in December of A.D. 211, only ten months after their father had died.⁶⁰⁶ The line of succession was muddied by the brothers' closeness in age; Geta was born eleven months after Caracalla, and the two were notoriously competitive even throughout their childhood.⁶⁰⁷

All of these weaknesses were identified and held up for criticism by those who championed adoption. But the praise for adoption only came from writers living under emperors who were faced with the need to resort to it, or who had themselves been adopted and were emperor solely because of this fact. Under such circumstances it would surely be at minimum political suicide, if not potentially life-threatening, to champion a system of power inherited through biological links. We must, therefore, read the praise for adoption as indicative only of the prudent nature of the writers who produced it, and not as proof of a fundamental change in the nature of political power at Rome. Adoption was never seen as an ideal situation. That any emperor who boasted sons who could potentially rule after him passed his power on to them, and, in the cases of Marcus Aurelius and Septimius Severus, even made their sons co-emperors during their lifetimes, although their sons were still quite young and arguably unsuited to rule, makes it beyond doubt that the ideal transfer of power was still thought to be from father to biological son. Even Pliny the Younger, despite his lofty earlier praise of the benefits of adoption even over biological heirs when the imperial succession is at stake, closes his *Panegyricus* by asking the gods to grant Trajan his own son.⁶⁰⁸ When the speech was delivered in the fall of A.D. 100, Trajan was already forty-seven. His wife, Plotina, was probably in her late thirties.⁶⁰⁹ The odds of their having a biological son at this stage in their marriage were not promising. Yet it was still deemed the first and best choice for guaranteeing the succession.

⁶⁰⁶ The quotation comes from the epitome of Cassius Dio 77.15.2 (Xiph. 322, 12).

⁶⁰⁷ Birley 1971: 124-125.

⁶⁰⁸ Plin. *Pan.* 94.5. For the quotation and discussion, see above, p. 215. Kampen (2009: 38-63, quotation at 40) argues that as a result of Trajan's childlessness there was a greater concern in his public imagery of "conveying the image of the emperor as pater patriae, father to no one and to everyone", a concern which is echoed by Pliny in his *Panegyricus*.

⁶⁰⁹ Assuming she was born in the middle of the reign of Nero around A.D. 60-62, which would make her seven to nine years younger than her husband. She may have been even older. Lambert 1984: 38-9; Bennett 1997: 24.

Finally, the scholars who argue for the increasing precedence of adoption and the corresponding lack of importance for biological ties overlook one vital aspect of the role of succession: the usefulness of daughters.⁶¹⁰ It is true that Marcus Aurelius became emperor only because he was adopted by Antoninus Pius, who had been in turn adopted by Hadrian. Indeed, Antoninus Pius' adoption of Marcus Aurelius and Lucius Verus was a required condition imposed by Hadrian. Hadrian's orders suggest a concern for the long-term stability of the succession, and provide the illusion of a familial dynasty, as he acquired both son and grandsons in one fell swoop. But there was also room to further strengthen the biological ties between the new family members. Marcus Aurelius was already betrothed to Ceionia Fabia, the daughter of Lucius Ceionius Commodus, who had been Hadrian's original choice of successor in A.D. 136, but who had died early in A.D. 138. Amidst the flurry of adoptions, Hadrian also requested that Antoninus Pius betrothe his daughter, Faustina, to Lucius Verus, who was the biological son of Lucius Ceionius Commodus. Antoninus' two sons were therefore not only new brothers but were also in the position of being future brothers-in-law, since Marcus Aurelius was engaged to Lucius Verus' sister. Immediately following Hadrian's death in July A.D. 138, Antoninus Pius changed the arrangements, betrothing his daughter Faustina to Marcus Aurelius instead, and annulling the engagements of Faustina to Lucius Verus and Marcus Aurelius to Ceionia Fabia.⁶¹¹ These changes no doubt reflected Marcus Aurelius' seniority – he was nine years older than Lucius Verus – and allowed Antoninus Pius to identify him as the primary emperor-in-waiting.⁶¹² There was also a more direct family connection between them, although again through the female line: Marcus Aurelius was the son of Faustina the Elder's brother and was therefore Antoninus' nephew by marriage. Antoninus' meddling eventually paid dividends with the accession of his biological grandson, Commodus, to the imperial power in A.D. 181.

If biological ties between emperors truly no longer mattered, and adoption was deemed to be an appropriate means of acquiring a successor, there would have been no need for such complicated political manoeuvring. Hadrian and Antoninus Pius both went to considerable lengths, however, not only to create the illusion of a family and a true dynastic succession, they also used the only blood tie available to them – Pius' daughter Faustina – to strengthen their

⁶¹⁰ The importance of the female line for the Julio-Claudians has been firmly established by Corbier 1995.

⁶¹¹ Given they were brother and sister by adoption, either Faustina or Marcus Aurelius must have been released from Antoninus Pius' *patria potestas* in order for it to be legal for them to wed.

⁶¹² For discussion of these betrothals and how they affected Faustina's reputation in the literary sources, see Priwitz 2010.

adoptive bonds. Indeed, Hadrian himself may have been thought to have owed his position as emperor on the strength of the female line: his wife, Vibia Sabina, was the daughter of Salonina Matidia who was a niece of Trajan. Sabina had been raised in the household of Trajan, and it was thought that her marriage to Hadrian in A.D. 100 reflected Pompeia Plotina's favouring of Hadrian and Plotina's hope that Hadrian would succeed Trajan (*SHA Hadr.* 2.10). Woodhull has argued that the Temple of Deified Matidia, which Hadrian constructed to honour his mother-in-law, Matidia, and her mother, Marciana, and not Trajan's wife, Plotina, is representative of how important the production of a child – even a daughter – was to the imperial succession.⁶¹³

This is further supported by Hadrian's plans for the site of the city Antinoopolis, founded in Egypt in the place where his favourite had died. Citizens of the city belonged to one of ten tribes, each of which likely had five demes. One tribe, Sabinios, was named for Sabina, with known associated demes including Gamelius ('of marriage') and Harmonieus, an assertion of marital concord. A second tribe was named for Sabina's mother, Matidia, and one of its demes was Kalliteknios ('mother of beautiful children').⁶¹⁴ Hadrian therefore praised the *fecunditas* of the only imperial woman he had available to him, his mother-in-law. Antoninus Pius' wife, Faustina the Elder, in turn was the maternal niece of Vibia Sabina.

Clearly even when there was no daughter available, a marriage to a relative of the current emperor, even if that relationship came through the female line or at worst the family of the empress, acted as a barometer in determining who would be named heir.⁶¹⁵ An anecdote from the *Scriptores Historiae Augustae* picks up this relationship, stating that when Marcus Aurelius' wife, Faustina, was accused of numerous adulterous affairs and it was recommended to the emperor that he divorce her, he was said to have replied, "If we divorce our wife, we must also repay her dowry" ("*si uxorem dimittimus, reddamus et dotem*"). In case this statement was not clear enough, the biographer then adds "And what, moreover, was her dowry, if not the empire, which, after he had been adopted at the wish of Hadrian, he had inherited from his father-in-law Pius?" (*dos autem quid habebatur [nisi] imperium, quod ille ab socero volente Hadriano*

⁶¹³ 2012: 236-238.

⁶¹⁴ Sabinios tribe and associated demes: Lambert 1984: 73, 154; Birley 1997: 254-255. Matidios tribe and associated demes: Lambert 1984: 154; Birley 1997: 254. For a full list of all known tribes and demes see Calderini 1966: 106-109.

⁶¹⁵ Efforts to create the illusion of a family dynasty went so far as to emphasize in portraits a perceived physiognomic similarity between family members. For the empresses this supposed likeness was mainly reflected in their hairstyles. See Fittschen 1996: 46.

adoptatus acceperat?).⁶¹⁶ A desire to emphasize this relationship perhaps explains why some of the portraits of Faustina the Younger evoke the physical features of Marcus Aurelius. Meyers has argued that “since women of the imperial family owed their standing to their relationship to the emperor, it follows that this relationship should be emphasized visually”.⁶¹⁷ Here I would argue it is the other way around: Faustina is made to resemble Marcus Aurelius in order for him to benefit from her blood-ties to the previous emperor. If they look alike, it becomes easier for the viewer to assume that Marcus Aurelius is truly a child of Antoninus Pius’ blood, rather than just by adoption. Keltanen is thus mistaken to see a “period of the adoptive emperors” between A.D. 96 and 180, as is Margaret Woodhull who writes of “a run of barren empresses” which “had come to define the era of the adoptive emperors”.⁶¹⁸ This is surely a case of assuming similar circumstances must reflect deliberate change and conscious continuity. Keltanen’s chronology of adoptive emperors is sandwiched between reigns where biological sons did succeed their fathers. Had Trajan or Hadrian had a biological son, I would argue, there would have been no “period of adoptive emperors” to speak of.⁶¹⁹

What, then, does this mean for the women of the imperial house? The increasing reliance on adoption is unlikely to have reduced the pressure for the women of the *domus Augusta* to produce an heir. While there is not much sense in the sources that the wives of Trajan and Hadrian were ever in danger of being divorced because of their childlessness, this is perhaps more indicative of the weak nature of our sources than anything else. Certainly it would have been risky for Hadrian to divorce Vibia Sabina given she, not he, was a biological relative of Trajan, and thus had perhaps a greater claim to the imperial power.⁶²⁰ Circumstances may have left some emperors childless, but this was never expected to become the status quo. As late as

⁶¹⁶ *SHA Marc.* 19.8-9. A not dissimilar comment is attributed to Hadrian (*SHA Hadr.* 11.3) where he is said to have stated that he would divorce his wife if he were a private citizen, perhaps an acknowledgement that he owed his position as *princeps* in part to her relationship to Trajan. It may also have referred to his opinion of their marriage, which has come down to us in the (very late) source tradition as famously unhappy, to the point that in a late-fourth century text Sabina was even said to have avoided becoming pregnant by Hadrian, an obvious falsehood playing on the couple’s childless state (*Epitome de Caesaribus* 14). cf. Dio Cass. 62.13.2 where Burrus tells Nero that if he divorces Octavia he will have to return her dowry- the Empire.

⁶¹⁷ Meyers 2012: 460.

⁶¹⁸ Keltanen 2002: 105. cf. Woodhull 2012: 235. Her “run of barren empresses” is an exaggeration at best, if not a serious misstep, since only the wives of Trajan and Hadrian can possibly be included in her tally. See too Fittschen 1996 who refers to an “era” of adoptive emperors.

⁶¹⁹ Indeed, Keltanen seems to acknowledge this later, writing that “When the dynastic continuity became possible again, motherhood and family ties are propagated, especially with Faustina the Younger as the mother of male heirs” (2002: 142).

⁶²⁰ The *Octavia* makes the same claim repeatedly for Nero’s own bride. See below, pp. 238-239.

A.D. 241, when the Arval Brethren celebrated the marriage of Gordian III to Furia Sabina Tranquillina, they could record that the emperor's marriage was "for the production of children" (*liberorum creandorum ca[usa]*).⁶²¹ In part their words reflect the stock language used of all legitimate Roman marriages, but they are also a reminder that biological heirs were still viewed as important, irrespective of how rare they might prove to be.

It is therefore surely misleading to argue that *fecunditas*, on the whole, became a less important virtue for imperial women to demonstrate. If it appears to be so, this is due to a combination of factors. The weakness of our sources for the lives of the emperors of the second century meant that miscarriages and perhaps even stillbirths which occurred before an individual became emperor could have been passed over in silence and lost from historical record. Some emperors, like Vespasian, were widowed before becoming emperor. Others, like Trajan and Hadrian, were in their forties before they became emperor and their wives, although younger, had few of their peak reproductive years remaining, increasing the likelihood that no child would be born into the imperial purple. Finally, the example of Antoninus Pius should remind us that a man who lacks a male heir is not necessarily childless. Although three of the four children she had borne him were dead before he became emperor, Antoninus Pius still thought it appropriate to issue coins in memory of his wife that associated her openly with *Fecunditas*. He did have to adopt two sons to meet the requirements imposed by Hadrian, but his gamble of marrying his only surviving child, his daughter Faustina the Younger, to the elder of these two new sons led to direct dynastic success when his grandson eventually became emperor.

Wherever possible, blood ties were used to strengthen the illusion of family structures created by adoption, and the female line was just as important to the succession here as it had been for the Julio-Claudians.⁶²² Further, Marcus Aurelius' very public praise for Faustina's outstanding childbearing successes points to the continuing social capital a fertile wife could give to her husband and is our best indicator of how all of the emperors likely would have responded had they only been so fortunate themselves. The very use of *Tempor(um) Felic(itas)* and *Saeculi Felic(itas)* to mark the birth of Faustina and Marcus Aurelius' twin boys, implying that the gods had surely smiled on the Roman empire with such an event, shows just how important the biological connection remained, and is reminiscent of Tiberius' joy at the birth of

⁶²¹ *Act. Arv.* 115, 6 = Scheid 1998: 338.

⁶²² For the importance of bilateral kin-lines, especially among the élite in the second century A.D., see Salomies 1992, esp. 61-82.

Drusus' twins well over a century earlier, at a time when the supremacy of a biological connection between emperors has never been doubted by scholars.

Likewise, the prominent presence of Julia Domna, wife of Septimius Severus and mother to his two heirs, on the Arch of the Severan family at Leptis Magna in Tripolitania immediately evokes the theme of family. She allows the viewer to “move conceptually from understanding, through her, that this is about family, to understanding that it is about the fact that the imperial family continues the tradition of biological reproduction set in place by its adopted (!) ancestors, Marcus Aurelius and Commodus”.⁶²³ Kampen has argued that Septimius Severus' decision to adopt himself into the Antonine dynasty by claiming descent from Marcus Aurelius allowed him to assert an artificial genealogy that had “no need of a woman to provide the continuity”, but I would disagree.⁶²⁴ Septimius Severus may have used adoption to try to provide his reign with some desperately needed legitimacy, but this action would have only secured his own reign. In order to look forward to a stable succession and the chance of a true dynasty, he needed his fertile wife and the two sons she bore him. To be able to boast two male heirs, something that no emperor other than Vespasian had been able to do, gave his future dynasty far more claim to legitimacy and strength than any heir chosen by adoption. That is why Julia Domna cannot be elided from his public monuments. In being granted the title of *mater castrorum*, Julia Domna also evoked direct comparison with Marcus Aurelius' wife, herself a true paragon of *fecunditas* and Rome's first *mater castrorum*.

This perceived change to the importance of the women of the *domus Augusta* in matters of succession is therefore no true change at all, but rather a combination of less satisfactory sources and the circumstances in which many of the emperors found themselves. In fact, the very lacunose nature of the sources, particularly for Pompeia Plotina and Vibia Sabina, should perhaps be taken as proof of the continuing vital importance of *fecunditas* to an imperial woman. Given these women did not produce sons who became emperor, the early years of their marriages before their husbands took on the imperial purple were of little interest to the authors of those sources which we do possess. It becomes a circular argument: the women do not appear to be important because their husbands resorted to adoption, but it is precisely because their husbands had to resort to adoption that the empresses were not important. Had they produced

⁶²³ Kampen 2009: 92. cf. Strocka 1972.

⁶²⁴ Kampen 2009: 97.

sons, even ones who failed to live to adulthood, it is likely we would know much more about them. Their failure to produce children, while not leaving them open to overt criticism in the sources that survive, gave them no future role, like that of Livia, that would ensure their place in posterity. It is possible that Boatwright is right to argue that the individual power available to, and exercised by, a childless empress like Pompeia Plotina was less than that grasped by someone like Agrippina the Younger, who could devote all her ferocious energy into ensuring the rise of her son.⁶²⁵ But I think she goes too far in seeing a corresponding decrease in the importance of the *fecunditas* of imperial women. The general absence from the sources of childless empresses must not be taken as indicative of an overall cultural change in the perceived importance of *fecunditas*.

INFELIX FECUNDITAS: FERTILITY AND THE JULIO-CLAUDIAN WOMEN

The men of the imperial family, particularly the emperors, were able to take full advantage of the social capital they accrued from possessing fertile wives, daughters, or even daughters-in-law. And this social capital could also be advanced by others outside the *domus Augusta*: by the Senate when it voted or suggested new honours, or by local communities elsewhere in the Empire who saw an opportunity to express their loyalty to the imperial family in the hope of receiving imperial attention and praise in return. As Wood puts it, “First and foremost, every woman owed her place in the public image of her family to her fertility, real or anticipated, as an ancestress or as a mother of future emperors”.⁶²⁶ But did this social capital in turn improve the lives of the imperial women? To determine this we turn now to a case study of the impact of *fecunditas* on the lives of the Julio-Claudian women, that is the women of the *domus Augusta* during the reigns of the first five Roman emperors. There is, of course, a potential obvious problem with this approach: whether or not the Julio-Claudians should be considered to be operating within the broader societal norms. The emperors faced dynastic pressures with implications for themselves and for the empire that far outweighed the issues facing an average élite childless couple.

⁶²⁵ Boatwright 1991: 536. Although see now Woodhull (2012), who argues on the basis of surviving archaeological evidence for the continuing importance of the dynastic ideology of motherhood, even for childless empresses, as a marker of political stability. On mothers devoting their energy to the political careers of their sons, a trope that dates back to Cornelia, the mother of the Gracchi, see Hallett 1984: 243-245; Dixon 1988: 175-77, 183-187. For the disastrous consequences of the Agrippinas’ ambitions, see Santoro L’Hoir 2006: 131-133.

⁶²⁶ Wood 1999: 315.

With that said, I think it is fair to argue that the emperors, their wives, and their children, were thought to be operating within the social framework of Roman élite society. The emperors expected the female members of their families to be role models for other women. Probably the most famous example comes from Suetonius, who records that Augustus was known for wearing clothing that he claimed had been made by his wife, sister, daughter or granddaughters (Suet. *Aug.* 73). The validity of Augustus' claim is, of course, highly questionable, but it is the rhetoric behind it that matters most. Augustus wanted the women of his family to become living embodiments of his own expectations for broader Roman society, and his wrath and anguish were legendary when his female relatives, notably his daughter and granddaughter, the two Julias, failed to meet his lofty expectations. If Augustus, and the emperors who succeeded him, wanted their women to stand as *exempla* for other élite Roman women, they had to be willing to operate within recognisable Roman *mores*. And that meant they could be exposed to criticism as well as praise.⁶²⁷

As we have already seen, *fecunditas* was not enough to protect some marriages in the imperial family from divorce if dynastic pressures proved to be too strong, and these divorces did not escape criticism from our sources.⁶²⁸ But what of those women, like Agrippina the Elder, whose marriages ended with the death of their husband rather than a divorce? In general, élite Roman women who found themselves widowed or divorced could expect to attract another husband relatively easily if they had proved to be fertile and if they were young enough to still bear more children.⁶²⁹ Such was not the case for the women of the imperial family. In *Annals* 4.53 Tacitus records a confrontation between Agrippina the Elder and the emperor Tiberius which he sets in A.D. 26, immediately after a previous argument between the two where Agrippina had raised Tiberius' ire by emphasizing that she, not he, was the genuine descendant of Augustus. For this second confrontation, Tacitus' source is none other than the memoirs of Agrippina the Younger, Agrippina's daughter, and thus the confrontation, or something near enough to it, stands a very good chance of being true. In Tacitus' account, Agrippina requests permission from Tiberius to marry again:

⁶²⁷ Scholars have assumed from the existence of dynastic statues of Julio-Claudian women that they were meant to act as *exempla* for the women of the empire. See, e.g., Flory 1993: 306; Wood 1988: 409 and 1999: 4. cf. Flory 1984 for Livia and Augustus' conscious modelling of their marriage as an *exemplum of concordia*.

⁶²⁸ See above, Chapter Two, pp. 115-120.

⁶²⁹ See above, Chapter One, pp. 52-60.

*at Agrippina pervicax irae et morbo corporis implicata, cum viseret eam Caesar, profusis diu ac per silentium lacrimis, mox invidiam et preces orditur: subveniret solitudini, daret maritum; habilem adhuc iuventam sibi neque aliud probis quam ex matrimonio solacium; esse in civitate, * * * Germanici coniugem ac liberos eius recipere dignarentur.*

But stubborn Agrippina was still wrapped up in her anger and physically ill as well. When Caesar came to call on her, for a long time she shed tears in silence before she started in on him with accusations and entreaties. He needed to alleviate her loneliness, she said, and find her a husband. She was still young enough and for virtuous women there was no respite from grief except in marriage. There were in the state [men who] would deign to make welcome the wife of Germanicus and his children.

(*Ann.* 4.53)

Agrippina is physically ill and worn out from the stress of the recent trial of Claudia Pulchra, a second cousin and close friend and ally. She tells Tiberius that she wishes to marry because she is lonely, but, more to the point, she is still young enough to bear children. Here either Agrippina, or Tacitus may be manipulating the truth. If he is right to place this confrontation in A.D. 26 then Agrippina is at least thirty-nine years old and well past her prime childbearing years. With that said, her lament is rightly taken by Tiberius as a threat: she tells him that there are men in Rome who would think it no dishonour to take into their family the wife of Germanicus and his children. Her children with Germanicus had come in relatively quick succession, as Table 1 shows:⁶³⁰

Table 1

Date	Child
A.D. 5 or 6	Nero
A.D. 6 or 7?	First possible birth date for one of the two children whom Suetonius says died as <i>infantes</i> . ⁶³¹
A.D. 8	Drusus
A.D. 9 or 10?	Second possible birth date for the first child who died as an <i>infans</i> .
A.D. 11	Birth of the first male child named Gaius (did not survive). ⁶³²

⁶³⁰ For the birth order of Agrippina's children, see Suet. *Calig.* 7-8; Mommsen 1878; Humphrey 1979; Lindsay 1995; Barrett 1996: 230-232; Beagon 2005: 220-221. I follow Mommsen, Lindsay and Barrett in treating Agrippina the Younger as the eldest of Agrippina and Germanicus' three daughters. Nero: *PIR*² I, 223; Drusus: *PIR*² I, 220; Gaius: *PIR*² I, 218; Caligula: *PIR*² I, 217; Agrippina: *PIR*² I, 641; Drusilla: *PIR*² I, 664; Livilla: *PIR*² I, 674.

⁶³¹ Suet. *Calig.* 7. We know that the name of one of the *infantes* was Tiberius from an inscription found at the *ustrinum* near the Mausoleum of Augustus: *Ti. Caesar / Germanici Caesaris f(ilius) / hic crematus est* (*CIL* VI 888). cf. Hesberg and Panciera 1994: 153. *CIL* VI 890 is a funerary inscription for the male child whose name has been lost: *[-Caes]ar / [Ge]rmanici Caesaris f(ilius) / hic crematus est*. cf. Hesberg and Panciera 1994: 154.

31 August A.D. 12	Gaius (Caligula)
Late A.D. 14	Likely birth date for second child who died as an <i>infans</i> . ⁶³³
6 November A.D. 15	Most likely birth date of Agrippina the Younger. ⁶³⁴
A.D. 16 or very early 17	Drusilla
Early January A.D. 18	Julia Livilla

If all of the difficulties surrounding these dates can be reconciled, that makes nine births in less than twelve years. It is entirely believable that she could have continued her extraordinary childbearing feats with a second husband.

If Tacitus has, for dramatic purposes, moved this confrontation to A.D. 26 to have it directly follow the trial of Agrippina's friend, when it had in fact taken place some years earlier, this argument becomes even more likely. Although Tacitus does not have Tiberius say this, instead having the emperor leave Agrippina without giving her an answer, it is clear that it is Agrippina's vaunted *fecunditas* that will prevent her from remarrying. Her *fecunditas* could well triumph over biological limitations. If anyone, we are led to believe, could produce more children at such an advanced age, it surely would be Agrippina the Elder. Tiberius, Tacitus makes it clear, cannot take that chance. He will not risk more claimants to the imperial power.

A similar situation, and possibly even a precedent for Tiberius' actions, should perhaps be imagined for Antonia the Younger, the wife of Drusus the Elder who died in 9 B.C. Antonia was only twenty-seven at the time of Drusus' death, and some scholars have commented that it is odd she did not remarry, particularly given Augustus' legislation that had been passed in 18 B.C. which put strict limits on the amount of time a widow of childbearing age could mourn her husband before she could be expected to marry again, and Augustus' own single-minded interest in marrying off the female members of his family.⁶³⁵ Some have suggested that this is because Antonia had already borne three children: Germanicus, Livilla and Claudius, and she was therefore able to use her rights as a mother of three children to pressure Augustus into allowing

⁶³² *CIL* VI 889: *C. Caesar / Germanici Caesaris f(i)lius / hic crematus est.* cf. Hesberg and Panciera 1994: 153-154.

⁶³³ Tacitus (*Ann.* 1.44) states that Agrippina was pregnant during the mutiny in September-October A.D. 14, which is too early for her to be pregnant with Agrippina the Younger, the next child known to have survived infancy. Alternatively, this pregnancy could represent a still-birth not mentioned by Suetonius, as suggested by Mommsen (1878: 260 = 285) and not discounted by Lindsay (1995: 8).

⁶³⁴ Suetonius (*Calig.* 7) claims that the girls were born *triennio*, that is either in three successive years or in a three-year period. Lindsay calls these births a "packed schedule, since the girls are produced within twenty-six months of one another" (1995: 9).

⁶³⁵ Kokkinos 2002: 16.

her to remain unattached and to preserve the memory of her dead husband and their cherished marriage. Certainly this is the version the ancient sources have passed along to us: Antonia was widely praised for being that idealized rarity in Roman society: the *univira*- the woman who married only once. The *senatus consultum de Pisone patre* singles her out for praise for this exact reason, stating that because of “her single marriage to Drusus father of Germanicus” (*unum matrimonium Drusi Germ(anici) patris*) she was worthy of her close relationship to Augustus.⁶³⁶ We should ask ourselves whether it was perhaps more convenient for Augustus to keep a woman of such proven fertility a widow. His family tree was already complicated enough. A marriage for Antonia to a suitably high ranking Roman could have borne unnecessary and potentially dangerous fruit.⁶³⁷

It was not just that the death of her husband meant that an imperial woman who excelled at *fecunditas* might never be allowed to marry again. Her husband’s death also placed her children in a newly vulnerable position, as Tacitus acknowledges in the case of Agrippina the Elder. After the death of Germanicus on 10 October A.D. 19, Tacitus states that Agrippina evoked enormous pity from those who witnessed her embarking on the ship at Corcyra (Corfu), en route to Brundisium on her return to Rome with her children and her husband’s ashes:

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, pulcherrimo modo matrimonio inter venerantis gratantisque aspici solita, tunc feralis reliquias sinu ferret, incerta ultionis, anxia sui et infelici fecunditate fortunae totiens obnoxia.

But Agrippina, although exhausted because of her grieving and her weakening body, nevertheless went on board the ship with the ashes of Germanicus and her children, unable to endure anything that could delay her revenge. All felt pity that a woman of the highest birth, only recently in a most illustrious marriage, accustomed to being gazed upon with reverence and praise, should now cradle in her breast the remains of the dead, having no faith in her revenge, apprehensive for herself, and subject so many times to the whims of fortune as a result of her unlucky fertility

(Tac. *Ann.* 2.75)

⁶³⁶ *SCPP* 140-142. Her marriage to Drusus was legendary for its supposed harmony and happiness: Val. Max. 4.3.3; Joseph *AJ* 18.180-181. Suetonius records that she bore more children, but only those three survived to adulthood (*Claud.* 1.6).

⁶³⁷ Severy (2003: 67) suggests that Antonia remained a widow largely because Augustus lacked a suitable male relative at the time of Drusus’ death, but sees nothing more sinister in his motives than that his focus on endogamous marriages would have made him reluctant to marry her to an outsider. cf. Eck *et al.* 1996: 244.

Only five years earlier, at *Annals* 1.41, Agrippina's *fecunditas* and her *pudicitia* had been held up by Tacitus as the major reasons for shaming Germanicus' mutinous soldiers into calming themselves and heeding his words. Then, her frequent childbearing made her a source of hope and inspiration, a symbol of the strength of Rome and the family of Augustus.⁶³⁸ Now, with her husband dead, her *fecunditas* had succeeded only in bringing nine children into a world where the six who had outlived their father were now, as Tacitus insinuates, abandoned, isolated and hopelessly vulnerable. Agrippina's *fecunditas*, without the protecting influence of her husband, was no longer deemed a virtue, but instead was responsible for placing so many of Germanicus' children into such a precarious position.⁶³⁹ The connection between her two states, and the sudden reversal of her fortunes, is heightened by the focus on her womb: in *Annals* 1.41 Germanicus embraces it to remind his soldiers that they are putting the mother of his children in danger. By *Annals* 2.75, however, her uterus has become "an image not of hope but of doom", and she now clutches the ashes of her husband close to her breast.⁶⁴⁰ Her *fecunditas*, once described as "outstanding" (*insignis*) is now only "unlucky" (*infelix*).

A near-identical description of how Agrippina's vaunted *fecunditas* could turn from blessing to curse with the death of Germanicus is found in the Chorus' lament in the *Octavia*. At the end of the play, Octavia is sent into exile and, as she, the chorus, and the audience recognize, to eventual execution. Before Octavia departs Rome, the Chorus indulges in a lengthy assessment of the miserable fate of other Julio-Claudian women. In lines 929-957, the Chorus considers in turn Agrippina the Elder; Livia (also called Livilla), the wife of Drusus; her own daughter Julia; Octavia's mother Messalina; and finally Nero's mother, Agrippina the Younger. All five women are closely related to Octavia: Agrippina the Elder and Livilla were her aunts, Julia her cousin, Messalina her mother, and Agrippina the Younger her cousin, mother-in-law and stepmother. The Chorus offers these examples to Octavia to "Take comfort from past examples / Readily offered by your house. / Is Fortune any crueller to you?" (*animum firment exempla tuum, / iam multa domus quae vestra tulit. quid saevior est Fortuna tibi?*).⁶⁴¹

Agrippina the Elder is treated first:

⁶³⁸ For the quotation and discussion, see above, Chapter Two, pp. 91-92.

⁶³⁹ There is perhaps an element of self-blame ascribed here, since Tacitus' treatment of Agrippina changes when she continues to pursue her ambitions after the death of Germanicus, which puts her children at risk. See Mellor 2011: 126.

⁶⁴⁰ O'Gorman 2000: 74, and see discussion more generally at 73-6.

⁶⁴¹ [Sen] *Oct.* 929-931. All translations from the *Octavia* are those of Boyle 2008.

*Tu mihi primum tot natorum
 memoranda parens, nata Agrippae,
 nurus Augusti, Caesaris uxor,
 cuius nomen clarum toto
 fulsit in orbe,
 utero totiens enixa gravi
 pignora pacis,
 mox exilium, verbera, saevas
 passa catenas, funera, luctus,
 tandem letum cruciata diu.*

You must be remembered first,
 Fecund mother, Agrippa's child,
 Daughter-in-law of Augustus,
 Caesar's wife, whose lustrous name
 Illumined the world.
 You bore from a teeming womb
 Pledges of peace –
 Then exile, whips, harsh chains,
 Mourning, loss and lingering
 Days of torture unto death.
 (932-940)

Like in Tacitus, Agrippina's many offspring were meant to represent the hope of a secure dynastic succession, but after the death of Germanicus this promise was never fulfilled. Agrippina's vaunted "pledges of peace" (*pignora pacis*) largely met bad ends. Her eldest son, Nero, died in A.D. 31 under mysterious circumstances, probably a victim of the intrigues of Sejanus. Her second son, Drusus, starved to death in prison in A.D. 33. Her third son, Gaius Caligula, did manage to become emperor, but was assassinated in A.D. 41 after a reign of just under four years. Her youngest daughter, Julia Livilla, who survived an exile under her brother, Gaius, was exiled again in A.D. 41 by Claudius, possibly under pressure from Messalina, and died shortly thereafter. Her eldest daughter and namesake, Agrippina, was murdered on the orders of her own son, the emperor Nero, in A.D. 59. Only one child, her middle daughter, Drusilla, died a natural death, in A.D. 38.⁶⁴² The parallel between the two texts is likely to be intentional, given Tacitus' familiarity with at least this section of the *Octavia*.⁶⁴³

⁶⁴² Nero: Suet. *Tib.* 54.2, 61.1; Dio Cass. 58.3.8; Barrett 1996: 47. Drusus: Tac. *Ann.* 6.23.4-6; Suet. *Tib.* 54.2, 61.1; Dio Cass. 58.22.4, 25.4. Agrippina Minor: Tac. *Ann.* 14.1-8; Suet. *Ner.* 34; Dio Cass. 61(62).11-13. Drusilla: Suet. *Gai.* 24. Livilla: Suet. *Claud.* 29.1; *Apoc.* 10.4, 13.5; Dio Cass. 60.8.5; Barrett 1996: 81-82.

⁶⁴³ Whitman (1978 at e.g., 57, 88, 124-5) and Ferri (1998 and 2003: 394) have made a convincing case for Tacitus' familiarity with the *Octavia* with regards to his own description of Octavia's departure for exile and execution at

commentators alike...positive and negative heroines succeed each other”.⁶⁴⁴ Along with the mostly positive figure of Agrippina the Elder and the faultless Julia, we find the disgraced Livilla, seduced by Sejanus and implicated along with him in the poisoning of her husband Drusus, the adulterous and sex-crazed Messalina and the scheming and murderous Agrippina the Younger. The common link between all five women is their *fecunditas*. A. J. Boyle has recognized this, writing in his 2008 commentary that “Octavia’s tragic predecessors here were executed despite their ample fulfillment of an imperial wife’s essential function: the provision of heirs. They were all mothers and the Chorus emphasizes precisely this”.⁶⁴⁵ Livilla is described as “child-blessed” (*felix...natis*) ([Sen.] *Oct.* 942). Messalina and Agrippina the Younger are both identified through their children: Messalina is called “your mother” (*genetrix / sua*) ([Sen.] *Oct.* 947-948), whereas Agrippina is “Nero’s great mother” (*parens tanta Neronis*) ([Sen.] *Oct.* 952). Messalina’s *fecunditas* is given further examination when she is described by the chorus as made powerful at the court through her womb (*partuque potens*) ([Sen.] *Oct.* 949). Only Julia is not explicitly named as a mother, but the idea of her bearing children is contained in the line which states that she “followed her mother’s fate” (*matris fata secuta est*) ([Sen.] *Oct.* 944). It also neatly highlights again Livilla’s own successful *fecunditas*.

Agrippina the Elder is described first, partly because she was probably the eldest of the five women, but also, I would suggest, because she was the most successful at exploiting her *fecunditas*. Only Livilla and Julia are named; Messalina and Agrippina the Younger are identified by their respective children, Octavia and Nero. This could be to emphasize the importance of their children to the events of the *fabula praetexta*, but it could also simply be poetic *variatio*. Agrippina the Elder is unmistakable, identified as she is as the child of Agrippa, the daughter-in-law of Augustus, and the wife of a Caesar. But the first description assigned to her is “fecund mother” (*tot natorum / memoranda parens*) ([Sen.] *Oct.* 933). It is her *fecunditas* that is considered to be her defining feature. She is also paid more attention by the Chorus: her section is made up of nine lines. Agrippina the Younger is given six, Messalina five, and Livilla and Julia only three each. Agrippina the Elder’s pride of place is directly related to the reproductive success of all five women. Boyle is right to say that the common thread connecting

⁶⁴⁴ Ferri 2003: 394. At 1998: 340 he comes closer to addressing the real reason for the selection of these particular women, arguing that “her lot is no worse than that of many others of her house, who were imprisoned, banished, murdered, regardless of how many children, heirs to emperors and princes, they had produced”, but there is no mention of this element in his later commentary.

⁶⁴⁵ Boyle 2008: 283.

the five women is that they were all mothers, and he is also right to argue that the Chorus wants the audience to see this connection. But all five were not equally successful, and when the four women who follow Agrippina the Elder are considered, they do not appear to be stellar examples of overwhelming *fecunditas*. Livilla was the next most prolific, producing three children: her daughter Julia in A.D. 5 and twin boys in A.D. 19.⁶⁴⁶ The birth of the twin boys, which ought to have been a triumph for Livilla's *fecunditas* would have been diminished by the twelve-year gap between successful births, a period during which Agrippina the Elder gave birth all of her nine times, with six children surviving. Julia had at least one son and one daughter, but may have had one or two more sons as well. Messalina had only two, although they both survived into adulthood: Octavia and Britannicus.⁶⁴⁷ Nero was Agrippina the Younger's sole child.

The irony is that Octavia, the woman for whom these examples are being held up as comparison, was herself childless, and it was Nero's accusation of her infertility that, according to Tacitus and Suetonius, provided the impetus for the divorce.⁶⁴⁸ Octavia had had in theory ample time to prove her fertility: she and Nero were married in A.D. 53 and the divorce did not take place until A.D. 62, nine years later. Of course, at the time of their wedding, Nero was fifteen years old, while Octavia was fourteen at the most. Ovulation is often irregular in the first few years after puberty. And even if Octavia had succeeded in falling pregnant, her young age would have led to an increased chance of miscarriage or stillbirth.⁶⁴⁹ Finally, given Nero's apparent frequent philanderings, his long-time association with Poppaea Sabina, and his feelings toward Octavia as recorded by our source tradition, it must be questioned just how many chances at conception Octavia would have even had. Indeed, the ludicrous nature of Nero's claim that she was infertile becomes even more apparent when one considers that Octavia was at most twenty-three years old when she was exiled in A.D. 62.⁶⁵⁰ Agrippina the Elder, that paragon of

⁶⁴⁶ For the twin boys, Ti. Gemellus and Ti. (??) Germanicus, see Tac. *Ann.* 2.84 and above, Chapter Two, pp. 130-131, and Chapter Four, pp. 199-200.

⁶⁴⁷ Octavia was born in A.D. 39 or early 40 (Tac. *Ann.* 12.2; Suet. *Claud.* 26); Britannicus on 12 February, A.D. 41, a scant three weeks after his father became emperor (Tac. *Ann.* 13.15; Suet. *Claud.* 27 (erroneously implying a date of A.D. 42)). Octavia was executed under Nero's order on 8 June A.D. 62. Britannicus barely made it to adulthood and was allegedly poisoned by Nero on 11 February A.D. 55 shortly before his fourteenth birthday (Tac. *Ann.* 13.15-17; Suet. *Nero* 33.2; Dio 61.1.2, 61.7.4; Barrett 1996: 170-171; 296, n.73).

⁶⁴⁸ Tac. *Ann.* 14.60-61; Suet. *Ner.* 35.

⁶⁴⁹ Goldenberg and McClure 2010: 29. A much later imperial example of late fertility is Constantine's wife, Fausta, whom he married in A.D. 307 when she was eighteen. Fausta did not produce any children until A.D. 316, but then bore at least five between A.D. 316 and 326. cf. Evans Grubbs 1995: 112, and 112, n. 39.

⁶⁵⁰ Tacitus claims (wrongly) that she was in her twentieth year (*Ann.* 14.64). The mistake may have been deliberate on the historian's part in order to emphasize her youth and vulnerability (Bastomsky 1992: 610).

fecunditas, was herself possibly as old as twenty when she gave birth to her first child, her son Nero, in June of A.D. 6.⁶⁵¹ Admittedly, Agrippina established her *fecunditas* much earlier in her marriage, as she and Germanicus did not wed until A.D. 4 or 5, but she was also a much older bride than Octavia. Nero could have considered the case of his own mother as well: Agrippina the Younger was married in A.D. 28 at the tender age of thirteen, but did not produce any children until the birth of Nero in December of A.D. 37 after nine years of marriage, at the age of twenty-two. He proved to be her only child. When other female members of the *domus Augusta* are taken into account it becomes clear that even after nine years of marriage Octavia was only just entering her prime childbearing years, and to cast her aside on the grounds of infertility was an argument that even Nero must have known was a fallacy.

More to the point, in the *Octavia*, which is closest of all of our sources chronologically to the actual events, Octavia is nowhere said to be infertile. In fact, the play shows a strong preoccupation with her hoped-for fertility, and her potential future sons. Early in the play Octavia's nurse attempts to console her by saying, "So you live to restore the falling house / Of your father one day with sons of yours" (*incolumis ut sis ipsa, labentem ut domum / genitoris olim subole restituas tua*) (179-180). Later, the Chorus gives voice to the hard truth of dynastic succession: only through the birth of children, preferably sons, can Octavia protect both herself and the peace enjoyed by the empire. The Chorus prays, "Let her bear sons, pledges of peace, / For the joy of a tranquil world / And the eternal honour of Rome" (*edat partu pignora pacis, / qua tranquillus gaudeat orbis / servetque decus Roma aeternum*) (279-280).

Seneca also emphasises Octavia's expected fertility when arguing against Nero's desire to marry Poppaea Sabina, telling Nero "Your court will be filled with celestial stock / By a god's daughter, star of the Claudii, / Awarded, like Juno, her brother's bed" (*implebit aulam stirpe caelesti tuam / generata divo, Claudiae gentis decus, / sortita fratris more Iunonis toros*) (533-535). In order to further champion Octavia's interests, Seneca repeatedly draws attention to her lineage, far superior to that of Poppaea Sabina, for Octavia is the daughter of a god. Seneca's praise is also designed to placate Nero. He, too, is the son of a god, their children will be "celestial stock" (*stirps caelesti*), and if Octavia is to be seen as Juno, that must make her brother Nero Jupiter, the king of the gods. Nero's retort is not, as we might expect, that Octavia is

⁶⁵¹ Assuming a birthdate of October 15 B.C. She would have been eighteen had she been born in 13 B.C., or possibly as young as seventeen if Nero was born in A.D. 5 rather than A.D. 6.

barren, but that her bloodline is polluted by her mother, Messalina, and that she does not love him: “Her incestuous mother discredits the line. / And besides, my wife’s heart was never mine” (*incesta genetrix detrahit generi fidem, / animusque numquam coniugis iunctus mihi*) (536-537). That Nero’s decision to divorce Octavia revolves around securing the succession is made clear by Nero’s assertion in the play to Seneca that Poppaea is already pregnant. He tells Seneca, “For her womb bears a pledge and a part of me” (*cum portet utero pignus et partem mei*) (591). This is revealed at a highly dramatic point in the play, and serves as Nero’s ultimate argument in favour of his marriage to Poppaea.⁶⁵² Against this proof of Poppaea’s fecundity, and implicitly Nero’s own virility, Seneca’s defence of Octavia cannot stand. The critical importance of the birth of an heir is reiterated in Tacitus, where he records that in late A.D. 62 “the Senate at that time entrusted Poppaea’s pregnancy to the gods and had undertaken vows in the name of the state” (*iam senatus uterum Poppaeae commendaverat dis votaue publice susceperat*) (*Ann.* 15.23). Much was at stake.

This claim that Poppaea was pregnant before her marriage to Nero is nowhere attested in Tacitus, Suetonius, or Dio, but it has a very good chance of being true. Nero and Poppaea’s daughter was born on the 21st of January A.D. 63.⁶⁵³ She should therefore have been conceived in mid-April of A.D. 62. If Suetonius is right to say that Nero’s suicide in A.D. 68 was on the same day as Octavia’s murder in A.D. 62 – that is the 9th of June, it is possible that Nero knew when he put Octavia aside that Poppaea was pregnant. If the date of Octavia’s death was later in A.D. 62, it would be even more likely. That this pregnancy is not mentioned by Tacitus, Suetonius and Dio suggests that they are trying to paint Nero in a worse light than the situation calls for. Instead of marrying a woman whom he is certain is carrying his child, Nero is depicted as casting aside a faultless wife, beloved by the people, whose claim to imperial power is better than his own.⁶⁵⁴

A similar situation should perhaps be envisaged for A.D. 39, when the emperor Caligula quickly set aside his wife, Lollia Paulina, whom he had married only the year before, on the pretext that she was barren. He then married Milonia Caesonia, a woman of proven fertility,

⁶⁵² Boyle also sees this, writing, “Here Nero is at his strongest, throwing off the chains of Seneca’s tutelage and dropping a dramatic bombshell- Poppaea’s pregnancy” (2008: 216).

⁶⁵³ Tac. *Ann.* 15.23. See Ferri (1998: 341 n.3) for dating the birth of Poppaea’s daughter and the death of Octavia.

⁶⁵⁴ For this softer portrayal of Nero in the *Octavia*, see especially Ferri (2003: 248).

either when she was pregnant, or after she had given birth to his daughter.⁶⁵⁵ Lollia Paulina could hardly have had enough time to prove her fertility: the marriage took place in the fall of A.D. 38 and Caligula divorced her sometime in A.D. 39. He married Milonia Caesonia that same year, but the exact date is disputed.⁶⁵⁶ What is not disputed is that Caligula's marriage to Caesonia followed swiftly on the heels of his divorce of Lollia Paulina. If his wedding to Caesonia was either just before or just after the birth of his daughter, Caesonia would have conceived while Caligula was still married to Lollia Paulina. Caligula's decision to divorce Lollia Paulina, therefore, may have been motivated by his knowledge of Caesonia's pregnancy, which suggests that he was most concerned with guaranteeing himself an heir. Caesonia looked to be a sure bet: she was the daughter of Vistilia, a famous example of successful *fecunditas*, and had herself already given birth to three daughters.⁶⁵⁷

Nero may have been thinking along similar lines. Poppaea's pregnancy is perhaps hinted at by Tacitus at *Annals* 14.61, when Poppaea is made to wonder how she has given the common people offence, asking if it is "because she was going to give the house of the Caesars genuine offspring" (*quia veram progeniem penetibus Caesarum datura sit*), but this takes place after their wedding. Perhaps Poppaea is meant to be thinking only of her hope to provide Nero with heirs, but even if it refers to her actual pregnancy, there is still no sign that Nero knew she was pregnant before he married her. Certainly the compiling of increasing accusations of Nero against Octavia, infertility and adultery in Suetonius' text, infertility, adultery and even, illogically, abortion in Tacitus', also serves to further denigrate Nero's character. Santoro L'Hoir has suggested that Nero's seeming forgetfulness in Tacitus' account may have been calculated, writing that "he was likely aware of the full implications that a charge of sorcery would have in a case against a woman accused of sterility who nevertheless supposedly aborted a

⁶⁵⁵ While still pregnant: Dio Cass. 59.23.8. After the birth: Suet. *Calig.* 25. Dio, at 59.12.1, also mentions the marriage to and rapid divorce of Lollia Paulina but there gives no reason for Caligula's decision. Suetonius does not record any explicit popular dissent, although he does categorize Caligula's marital behavior in general as utterly disgraceful (*Calig.* 25). Cassius Dio tells us that the people of Rome were disturbed by Caligula's sudden divorce of Lollia Paulina and marriage to Caesonia (59.23.8).

⁶⁵⁶ Barrett (1989) and Hurley (1993) assume sometime in the summer: as the marriage followed closely after the consecration of Drusilla on September 23, A.D. 38, and Dio's discussion of the heat in Rome immediately following the marriage to Caesonia suggests a summer wedding. Kienast (1996) tentatively prefers a date closer towards the end of A.D. 39.

⁶⁵⁷ For Vistilia see above, Chapter Two, p. 130. For Caligula's marriage to Caesonia see Suet. *Calig.* 25; Dio Cass. 59.23.7, 59.28.7. Barrett (1996: 55) speculates that Caligula's second marriage, to Livia Orestilla (called Cornelia Orestina in Cassius Dio) in A.D. 37, may also have ended because of her failure to quickly produce a child. On the issue of her name, see Kajava 1984.

fetus”, but it is more likely that this illogical juxtaposition of accusations reflects a hostile source tradition rather than any historically accurate assessment of Nero’s actions.⁶⁵⁸

Let us consider the possibility that these stories of imperial wives divorced on the grounds of infertility were shaped by a hostile source tradition. Cassius Dio is the only source to explicitly state that Caligula’s divorce of Lollia Paulina was because she was barren, and he claims that her supposed infertility was merely a pretext: the real reason was simply that Caligula had grown tired of her.⁶⁵⁹ Dio, modelling himself after Thucydides, is prone to presenting motivations in just such a fashion: the alleged motivation first, followed by what he judged to be the real reason.⁶⁶⁰ It is possible that Caligula’s accusation of infertility is another of his inventions, particularly since Suetonius says only that Caligula banned her from ever remarrying. While this could suggest that Caligula was worried about the possibility that she could produce a child with another husband that would prove his accusation of infertility to have been false, it could also reflect his belief that Lollia Paulina, having been the spouse of a god, ought not to consort with mere mortals. A similar issue may be at stake for Nero. Tacitus and Suetonius both include the accusation of infertility as one of his motivations for divorcing Octavia. Cassius Dio does not, but his account of Nero’s treatment of Octavia exists only in an epitome and the claim of Octavia’s infertility may have been elided through transmission.⁶⁶¹ In Nero’s and Caligula’s defense, they were both very young when they became emperor, and it is hardly surprising that they would consider securing the succession to be of paramount importance. Their own hold on power was tenuous at best, and only the birth of a male heir could silence any dissenting voices. Seen from this perspective, their rapid divorces and accusations of infertility, if they were truly made, could be read as reflections of their anxiety concerning the security of their reign and the continuation of the Julio-Claudian dynasty rather than the heartless actions of cruel husbands.

The fact that the *Octavia* makes no mention of Octavia’s supposed infertility as the reason for Nero’s setting her aside has caused some consternation for scholars who wish to treat Tacitus’ account as reflecting the historical truth of Nero’s actions. Both Whitman and Ferri

⁶⁵⁸ Santoro L’Hoir: 2006: 180. So too Hälikkää (2002: 91) who recognizes that “all the accusations made by Nero against innocent Octavia are the most common rhetorical devices for condemning women” but still takes them as historical truth.

⁶⁵⁹ 59.23.7. Tacitus (*Ann.* 12.2.2) uses Lollia Paulina’s childless state as a positive factor in Callistus’ championing of her for Claudius’ new wife: she would not threaten to overturn the clear path of succession through Britannicus by producing other children. This perhaps implies that she was thought to be infertile, but she is nowhere labelled as such.

⁶⁶⁰ On causation and motivation in Dio see Edmondson 1992: 47-48.

⁶⁶¹ Dio Cass. [Xiph] 62.13.1.

have focused on the Chorus' lament at line 287, where it asks "*quid virginitas*" – what use her virginity – as a possible explanation. Whitman has argued that *virginitas* "should be taken literally. In the light of the nurse's repeated advice to 'submit' to her husband, there is an excellent possibility that Octavia never had".⁶⁶² Ferri suggests that "[t]he Chorus might be stressing Octavia's virginal *pudor* in order to obscure the charge of sterility which historically was the official reason for her dismissal (never openly formulated in the *praetexta*), as if Octavia's failure to produce an heir were in fact her own decision, as a result of her refusal to discharge her conjugal obligations".⁶⁶³ Neither interpretation can stand. It is inconceivable that Octavia would have remained a virgin for the entire length of her marriage: Roman marriages were expect to be consummated, even those with very young brides, and failure to do so would surely have attracted the attention of the sources.⁶⁶⁴ Boyle must be right to argue that the line merely refers to the fact that preserving Octavia's virginity for Nero, making him her first husband, did little to benefit her in the end.⁶⁶⁵

Whether or not Octavia was infertile, the fact remains she did not give Nero an heir. As a result, A. J. Boyle concludes his analysis of the Chorus' lament on the Julio-Claudian women that "Fortune was crueller to them".⁶⁶⁶ I do not think it is so simple. Rather than suggest, as Boyle does, that the Chorus intends for Octavia to view the fate of the other unfortunate Julio-Claudian women as worse, because they did produce children but came to bad ends regardless, I would instead argue that the Chorus views their fates as equally unfortunate. The examples of her wretched relatives are meant to be in some way a comfort for Octavia, who, according to the play, has been cast aside when she was still young enough to bear many children. Even if she had produced children, the Chorus' lament suggests, her ultimate fate may well have proved to be the same. This interpretation is strengthened by the use of the phrase *pignora pacis* ("pledges of peace") in line 937.5 to describe the children of Agrippina the Elder. Exactly the same phrase was used much earlier in the play, at line 279, by a Chorus supportive of Octavia when they imagined the children they expected she would eventually bear. The repetition of the phrase makes it clear to the audience that these hopes would also have come to naught. Bearing many "pledges of peace" would not have been enough to save Octavia.

⁶⁶² Whitman 1978: 72.

⁶⁶³ Ferri 2003: 208.

⁶⁶⁴ See above, Chapter One, pp. 49-50 for discussion of the expectation that a marriage would be consummated.

⁶⁶⁵ Boyle 2008: 156-7.

⁶⁶⁶ Boyle 2008: 284.

The phrase *pignora pacis* also neatly evokes that found in the *senatus consultum de Pisone patre*, where Agrippina is highly praised by the Senate for the many pledges (*pignora*) she gave her husband, and it is suggested, the Roman state.⁶⁶⁷ Whitman writes of the phrase that “in an imperial family children are pledges of peace because they guarantee peaceful succession without the sort of power struggle exemplified by the civil wars of A.D. 69”, which undermines her argument elsewhere in her commentary for Senecan authorship, since Seneca did not live to see the fall of Nero and its repercussions for imperial stability.⁶⁶⁸ Ferri notes that “the presence of numerous heirs is envisaged as an element of dynastic stability, leading to lasting peace”, and suggests that the “emphasis on dynastic continuity as a guarantee for peace probably goes back to panegyric literature of the Flavian age”, as Vespasian is portrayed by both Josephus and Tacitus as a guarantor for stability by virtue of having two sons already grown to adulthood upon his accession as emperor.⁶⁶⁹

I would argue from the use of *pignora* on the SCPP that this awareness of the importance of heirs to the security of the imperial family and, by extension, the empire itself existed during the Julio-Claudian period. Certainly Nero is imagined in the *Octavia* as recognizing this fact: he calls Poppaea’s pregnancy a “pledge” (*pignus*) at line 591, surely referring both to her promise that she would be a fertile partner and to his acknowledged need of an heir. Prior to the *Octavia*, use of the phrase *pignus/pignora pacis* in Roman literature almost always referred to hostages. A typical example is found in Book Two of Livy, in 508 B.C. when the Romans had recently signed a treaty ending a war with the Etruscans and their king, Porsenna. A Roman maiden, Cloelia by name, had been handed over to the Etruscans as part of the treaty’s stipulations along with a significant number of other hostages. Cloelia led the other female hostages in a daring escape: they swam the river Tiber and returned safely to Rome (2.13). Porsenna so admired Cloelia’s bravery that, although he ordered her to be returned, threatening to consider the treaty broken if the Romans refused to give her up, he also promised to immediately release her safe and sound once she had been sent back to his camp. Livy reports that “the Romans returned the pledge of peace, according to the treaty” (*Romani pignus pacis ex foedere restituerunt*) and the

⁶⁶⁷ See above, 197-199. The parallel is also noted by Ferri (2003: 207).

⁶⁶⁸ Whitman 1978: 72.

⁶⁶⁹ Joseph *BJ* 4.596; Tac. *Hist.* 2.77. See above, 220-221. cf. Ferri 2003: 207; Boyle 2008: 155. Tacitus uses *pignora* to describe Britannicus and Octavia at *Ann.* 12.2. Given the context – a discussion of whom Claudius should marry after the execution of their mother Messalina – the use of *pignus* here must surely refer to them as his heirs and expected guarantors of imperial security rather than to the validity of his former marriage to their disgraced mother.

Etruscans kept their side of the bargain as well: releasing Cloelia as well as half of the remaining hostages (2.13.9). Cloelia was said to have been honoured in Rome with an equestrian statue set up on the summit of the *via Sacra*, the first woman to receive such an honour.⁶⁷⁰ Other uses of the phrase by Livy, Ovid, and Silius Italicus carry identical meanings.⁶⁷¹

There is one more piece of evidence. The phrase is also found in Vergil's *Aeneid*. In Book Eleven, Drances urges Turnus to end the battle against Aeneas. He has lost, Drances argues, and the only possible remaining option for them is to marry Lavinia, King Latinus' only child, to the Trojan outsider. Drances calls Lavinia "the sole inviolable pledge of peace" (*pacis solum inviolabile pignus*) (Verg. *Aen.* 11.363). While the phrase is identical to that used by Livy, Ovid and Silius Italicus, in Vergil it carries a slightly different shade of meaning. In all other examples of the phrase, those so named are clearly hostages, valued individuals handed over to the enemy as a guarantor of future good faith. The same could be said for Lavinia, for she is certainly the pledge, the gesture of good faith that is meant to end the current war and usher in peace. Yet she is not just being sent as a hostage into Aeneas' camp; she will marry him, and it is the promise of her marriage to Aeneas that will bring an immediate end to the fighting. The reader is surely meant to understand that their future children will cement this new alliance in a way that the mere physical presence of the hostages in the other examples could not. Thus, in Vergil's work, *pignus pacis* moves one step closer to taking on the meaning that is found in the *Octavia*. The meaning is not yet identical: the phrase in Vergil refers only to Lavinia's ability to end the present conflict through her marriage. She is not portrayed as a guarantor of dynastic succession and her potential future children are not pledges that there will never be another civil war, unlike Agrippina's *pignora pacis* or Octavia's imagined ones. But it

⁶⁷⁰ 2.13.11. This entire episode must, of course, be read in light of Livy's tendency to ascribe acts of unusual valour to women at pivotal moments in his history. Livy himself introduces the episode with the words "Now when courage had been thus distinguished, even the women were inspired to deeds of patriotism" (*Ergo ita honorata virtute feminae quoque ad publica decora excitatae*) (2.13.6). See, e.g., Smethurst 1950; Piper 1971; Joplin 1990; Joshel 1992; Moore 1993; Brown 1995; Arieti 1997; Claassen 1998; Vandiver 1999.

⁶⁷¹ Livy 9.15.7.5 (*pignora pacis*): 319 B.C., referring to the equestrians kept prisoner at Luceria, who had been taken as hostages by the Samnites. Livy 36.40.4.1 (*pacis futurae pignus*): 191 B.C., referring to the hostages taken by P. Cornelius Scipio when he conquered the Gallic Boi. Livy 40.15.8.3 (*pignus pacis*): 182 B.C., referring to Demetrius' time as a hostage in Rome, when he is trying to convince his father, Philip, the king of Macedon, not to believe the claims of his brother, Perseus, that Demetrius is trying to kill him. Ov. *Met.* 8.48 (*pignus pacis*): referring to Scylla, the daughter of Nisus, who is in love with their besieging enemy Minos and imagines herself as a hostage in his camp. Ov. *Met.* 12.365 (*pignus pacis*): referring to Crantor, the armour-bearer of Achilles' father, who was sent to him as a hostage. Sil. *Pun.* 10.494 (*pignora pacis*): also referring to the escape of Cloelia from the Etruscans; Silius Italicus calls all the female hostages, not just Cloelia, "pledges of peace" when they are first handed over. The phrase appears a second time in Silius Italicus (*Pun.* 13.68) but there refers to an actual olive branch rather than a human hostage.

does suggest that the idea of children as a promise of future stability was emerging well before the Flavian period.

Describing both Octavia's imagined future children and Agrippina's actual offspring as *pignora pacis* emphasizes again the failure of the reciprocal obligations that were thought to exist between élite men and women. Agrippina's *pignora* could be used by the Senate as a source of praise, and served a useful propagandistic function in their visual representation on the arch dedicated to Germanicus in Rome where all six would have been depicted. Men could exploit her *fecunditas*, but the Chorus' lament makes it clear that it did her no favours in the end. Octavia, we are led to understand, would have discovered likewise if she too had borne the pledges the Chorus anticipated.

There is one final aspect to consider. In the play *Octavia*, Nero makes it clear that his decision to divorce and banish Octavia in order to marry Poppaea Sabina is related to the question of dynastic succession by his assertion to Seneca that Poppaea is already pregnant. The Chorus' reminder to Octavia that other Julio-Claudian women produced children and yet were not protected as a result, could also be meant to be read as a small balm for her wounds. Poppaea Sabina may have bested her in the race to prove their *fecunditas*, but this does not guarantee her a long and illustrious life as Nero's consort. The author of the play would, of course, have been aware of the eventual fate of both Poppaea and the child Nero claimed she was carrying: the child, a daughter, died in April of A.D. 63 at the age of four months, and Poppaea herself died in A.D. 65, said to have been killed at the hands of Nero as a result of an outburst of his anger, physically abused while pregnant, and fatally injured by kicks to her stomach.⁶⁷² Even her son from her first marriage to Rufrius Crispinus, the child whom she held up as proof of her suitability to be Nero's wife, was murdered by Nero.⁶⁷³ Poppaea's own *fecunditas* could not protect her either.

It is frequently argued that establishing her *fecunditas* was an imperial woman's one route to obtaining power and influence in her own right.⁶⁷⁴ This attitude is found in our sources: the Chorus in its lament claims that Messalina was made powerful (*potens*) because of her womb (*partus*). And the *senatus consultum de Pisone patre* makes a similar claim for Augustus' wife

⁶⁷² Tac. *Ann.* 16.6; Suet. *Ner.* 35; Dio Cass. 63.27. See too Mayer 1982.

⁶⁷³ Proof of her suitability to be Nero's wife: Tac. *Ann.* 14.1. Son murdered by Nero: Suet. *Ner.* 35.

⁶⁷⁴ For the idea that a woman is made more powerful by the birth of children, see, e.g., Whitman 1978: 126; O'Gorman 2000: 131; Ferri 2003: 398; Boyle 2008: 286; Milnor 2012: 471.

Livia, in the context of her successful appeal for clemency for Plotina, the wife of Piso. The decree states in lines 115 to 120 that she had served the commonwealth superlatively by giving birth to Tiberius and that as a result of this accomplishment she deserved her strong influence, although it took pains to note that she used this influence most sparingly. Despite what imperial propaganda wanted its witnesses to believe, however, *fecunditas* for imperial women could be as much curse as blessing. The sad fate of these Julio-Claudian women, lamented by the Chorus, illustrates the extreme vulnerability of the women of the imperial family. Not only was proven *fecunditas* not enough to protect some imperial marriages from the repercussions of dynastic pressures, but in these cases it could not even preserve the women's lives. By the standards of Roman social *mores*, these women had done their duty to their husbands and their marriages, yet they all still came to bloody and violent ends. For an élite Roman woman, failure to demonstrate her *fecunditas* might at worst lead to a divorce. For these imperial women, the stakes were much higher: exile and execution for the suspected infertile and proven-to-be fertile alike. For imperial women *fecunditas*, rather than a virtue, was really a liability, not only if they failed to demonstrate it, but for many other reasons as well. If they proved to be too successful at it and produced children who were seen as a threat to the power of the current *princeps*. If their husbands died unexpectedly and left them and their children without a protector. If they proved to be too fertile to be allowed to remarry. Or if the children turned out to be disappointments, or, worse, megalomaniacal despots, for such children were felt to be the fault of the mother. Not all of these women, of course, were wholly innocent and undeserving of their fate, if the traditions concerning them which have been preserved are to be believed, but the fact remains they had achieved their ultimate purpose by becoming mothers. And this made the *fecunditas* of all of them, not just that of Agrippina the Elder, *infelix*.

CONCLUSION

The imperial household, too, was not immune to population pressures. Indeed, the issue of dynastic succession meant that *fecunditas* was an important virtue for the women of the *domus Augusta* to demonstrate, even during the so-called age of adoption in the second century A.D. The emperors all exploited wherever possible the *fecunditas* of the women of their family, whether wife, daughter or daughter-in-law, in order to utilize the social capital that such a fertile woman brought to an élite man. In this respect, although the emperors lived in a very different

world, they were operating within expected Roman social *mores*. Emperors who adopted heirs did so only because they had no biological son to follow in their place. Blood trumped adoption, no matter what the rhetoric of imperial praise said. Furthermore, the claim of a man to be emperor as well as the stability of his reign once he had achieved the purple could be heavily influenced by the number and gender of his surviving offspring. Those who boasted adult sons acted from a position of particular strength. The importance of a second generation is reflected in the change in the meaning of *pignus*. As early as A.D. 20 in the *SCPP*, *pignus* when used of children no longer referred only to them as guarantors of the reality of a marriage; now they were pledges of the security of dynastic succession as well.

Imperial women were meant to act as models for their less exalted elite counterparts, but when it came to *fecunditas* theirs was a cautionary tale. The emperors manifestly failed to meet the reciprocal obligations that Roman society believed a woman of demonstrated *fecunditas* ought to enjoy. In particular, the high-ranking women of the Julio-Claudian family found that their *fecunditas* ultimately was not only unable to protect them from divorce, but was also incapable of saving their lives or the lives of their children if time and politics turned against them. Nowhere is this contrast more acute than with Agrippina the Elder, treated by the soldiers as a beacon of *pudicitia* and *fecunditas* while her husband Germanicus was still alive, but assessed by Tacitus as *infelix* and pitiable after his death. Proven *fecunditas* did make an imperial woman powerful, but ultimately it was a power that could be easily stripped away.

Chapter Five: *Fecunditas* Outside the Élite

INTRODUCTION

This chapter begins with an examination of the perceived place of *fecunditas* in the lives of non-élite Romans, as seen in our élite authors. Their attitudes are indicative of what the élite thought about the *fecunditas* of the less wealthy citizens of the Roman Empire. Reaching the lived reality of these citizens is, of course, much more difficult. The chapter then briefly considers the wide variety of evidence in the Roman world for concerns about fertility. This evidence is disparate and sometimes seems to be only tangentially related, but there is a common underlying thread. Enhancing your own fertility or attacking the fertility of someone else were two sides of the same coin: both pointed to the central place fertility occupied in ancient culture and the ongoing fears of a society where high rates of infant mortality and maternal death in childbirth ensured that many families despite their best efforts ultimately would find themselves childless.

Attempting an exhaustive study of every type of evidence related to fertility in the Roman world is beyond the scope of this chapter and, indeed, this project. More to the point, it is questionable just what such a study would prove. The Romans were hardly the only ancient society to show a concern for issues of fertility and thus it would be unwise to try to argue that papyri wishing for male grandchildren from Egypt or curses of sterility used to protect tombstones in Asia Minor must necessarily reflect Roman concerns and epigraphic habits. The evidence is wildly divergent in both chronology and geography. There is a real danger that these scattered pieces could be artificially stitched into a coherent whole that bears no resemblance to actual practice in Roman society. In all likelihood, though, some of these methods, or others similar, would have been used by some Roman citizens, at least some of the time. The evidence discussed here shows how widespread was the concern for fertility, and outlines the limits of what could be possible in the Roman world. To argue any more strenuously is, I feel, to push the evidence in an unnatural direction.

The final sections of the chapter are devoted to three case studies of evidence for concerns for fertility that probably do reflect Roman ideas: the widespread practice of anatomical votives in Republican Italy; the commemoration on tombstones of women who died in childbirth; and the use of the *ius trium liberorum* by women as a form of status symbol in the

inscriptions and papyri of the second and third centuries A.D. My final two case studies are not confined by their evidence to Roman Italy, but, as I will argue below, both practices engage with the culture of *fecunditas* reflected in the ideas held about it by the élite, the state, and the *domus Augusta*, which I have discussed in the previous four chapters. In the broader world of concern for fertility, these three case studies are therefore the most Roman.

FERTILITY AND THE NON-ÉLITE, ACCORDING TO THE ÉLITE

For the authors who penned our extant literary sources, there was a definite place for the plebs in the *fecunditas* project of the Roman state. The responsibility of women, not just to provide their husbands with heirs, but also to produce citizens to make the Roman state stronger, was not limited to élite women. Indeed, for poorer citizens, this was conceived of as their best means of contributing to Roman society. Cicero, in his *De Republica*, has Scipio Aemilianus argue that Servius Tullius gave the name *proletarii* to the census class that possessed property worth less than 1500 denarii because “offspring, that is in a manner of speaking, the progeny of the state, were thought to be expected from them” (*ex iis quasi proles, id est quasi progenies civitatis, expectari videretur*).⁶⁷⁵ Likewise, a certain Julius Paulus, according to Aulus Gellius, explains the meaning of *proletarii* as being derived “from their duty and obligation to produce offspring... because, although they were able to assist the republic only a little with their small estates, they nevertheless filled their state with inhabitants because of their ability to beget children” (*a munere officioque prolis edendae...quod, cum re familiari parva minus possent rempublicam iuvare, subolis tamen gignendae copia civitatem frequentarent*).⁶⁷⁶

In a similar vein, a perceived unwillingness among the lower classes to raise children could be interpreted by élite authors as an indicator of disruption in the Roman state. As we saw in Chapter Three, the Roman state was, from a very early stage, openly engaged in a strategy of rapid growth. Stability was thought to produce more citizens. Thus the ancient authors could use statements about the fertility of the lower classes as a kind of shorthand to indicate trouble in the state, regardless of the historical veracity of their claims. One area where troubles were imagined as overriding the natural desire for children was economic pressures, particularly those experienced by landless citizens. This was a common theme in discussions of the Gracchan land

⁶⁷⁵ *Rep.* 2.22.40. cf. Cic. *Fam.* 4.9 (231 SB) for the idea that the Romans are the children of their commonwealth.

⁶⁷⁶ *NA* 16.10. cf. Plin. *Pan.* 26.3 and see the discussion of Plin. *Pan.* 28.5 above, Chapter Three, pp. 165-167.

reforms of 133 B.C., but the idea was thought to go back even earlier.⁶⁷⁷ Dionysius of Halicarnassus, when describing one of the many land allocation disputes in the very early Republic, had Lucius Aemilius, the father of one of the consuls, arguing for the division of public land amongst the landless poor living in the city. This would ensure that the land did not lie uncultivated, it would keep the poor from remaining idle in the city, and it would encourage them to raise families (9.51.5). Dionysius writes:

ἐπεὶ τοῖς γ' ἀκλήροις καὶ ἐκ τῶν ἀλλοτρίων κτημάτων, ἃ μισθοῦ ἐργάζονται, γλίσχρως διατρεφομένοις, ἢ ἀρχῆθεν μὴ ἐμφύεσθαι ἔρωτα γενεᾶς τέκνων, ἢ ἐμφύοντα πονηρὸν ἐκφέρειν καρπὸν καὶ οὐδ'εὐτυχῆ, ἐκ ταπεινῶν τε συμπορισθέντα οἶα εἰκὸς γάμων, καὶ ἐν κατεπτωχευμέναις τραφέντα τύχαις.

For those who have no lands of their own and eke out a meagre existence on the properties belonging to others which they work for hire, either no desire whatsoever to bear children grows in them or, if it does, they produce a worthless and failing fruit as might be expected of those who are the products of lowly marriages and brought up in beggared circumstances.

(9.51.6-7)

Grinding poverty, Dionysius suggests, impedes the desire for children that these citizens might otherwise be expected to feel, and leads to weak and sickly specimens if they do rear children. The statement should be taken as reflecting attitudes contemporary with Dionysius, writing during the time of Augustus. The poorer citizens should be encouraged to breed, according to the arguments given to Lucius Aemilius, because their children represent a secure source of manpower for the needs of the ever-expanding Republic.

There was an awareness that children could come with a heavy economic cost: Aulus Gellius compares passages by Menander and Caecilius from the play *Plocium* in which a slave character bemoans the fate of the poor man who begets children to share his poverty (*NA* 2.23.20). With that said, we must not forget that *Plocium* was in origin a Greek play, and the concerns of the slave may well be more representative of Greek ideas than Roman ones. In a passage that is heavily exaggerated at best and may be more reflective of Greek attitudes, Plutarch claims that the poor do not bring up their children because they cannot bear to transmit their poverty to another generation (*Mor. De amore prolis* 497e). It is rare to find an openly critical references in Roman literature to the idea of a poor citizen with a large family. Much more common is praise, or at the very least acceptance, of those who have triumphed over the

⁶⁷⁷ Gracchan land reforms: App. *B Civ.* 1.7-8; Plut. *Ti. Gracch.* 8. cf. Rosenstein 2004.

demographic odds.⁶⁷⁸ Musonius Rufus has little time for a man who complains that his poverty makes it difficult for him to support his family (15). In Roman eyes, all citizens had a part to play in the *fecunditas* project, even those not of the élite.

For the élite authors of our literary sources, the children of the free poor were best imagined as a source of military strength. This idea, of course, does not give us any sense of what the less wealthy citizens may have actually thought or felt about the idea of raising children. Outside the ranks of the élite, the decisions to marry and start a family may have been governed by economic restraints.⁶⁷⁹ At the same time, children would have provided a ready source of labour for their parents, in both the household and the fields, from a very young age: Varro speaks of the poor (*pauperculi*) who could look only to their offspring (*sua progenies*) for help in tilling their fields (*Rust.* 1.17.2). Lelis, Percy, and Verstraete write that “in agrarian societies, such as the Roman state was despite its considerable urban development, children are a valuable source of labor, and the tendency is to rear many quickly”.⁶⁸⁰ Saskia Hin comments that, “If parents relied heavily on their children during periods when there was lots of work to be done, they might even have been motivated to have (more) children on the basis of distorted positive perceptions of their economic value”.⁶⁸¹ Girls outside the ranks of the élite probably married at a slightly later age, allowing their parents to exploit their usefulness in the household for longer.⁶⁸²

Children who survived into adulthood were expected to support their aging parents, who may not have had any freedmen or slaves on whom they could rely. Widows would have been especially vulnerable.⁶⁸³ Certainly, the costs of raising children would have weighed more heavily on those who did not enjoy the wealth of equestrians or senators. Yet this is not to say

⁶⁷⁸ See above, Chapter Two, p. 110 (Gaius Crispinius Hilarus), p. 130 (Eutyichis), and pp. 132-135 (women of humble status who produced multiple births).

⁶⁷⁹ See discussion and comparative evidence in Lelis *et al.* 2003: 26-28. Hin (2013: 186-195) provides a useful note of caution: the presence of grandparents, the opportunities for male labour beyond subsistence farming of a family property, and the possibility of shared households would have made it easier for men and women of limited means to raise a family.

⁶⁸⁰ Lelis *et al.* 2003: 27. cf. Rawson 2003: 252.

⁶⁸¹ Hin 2013: 200.

⁶⁸² The precise age at first marriage for both non-élite males and females has been a highly contentious issue among scholars. See Saller 1987 and 1994; Shaw 1987; Lelis, Percy and Verstraete 2003; Scheidel 2007; Hin 2013: 175-186. The debate may well be moot: Scheidel has conclusively shown that a very early age at first marriage was not essential to counter the reproductive challenges brought about by the high rates of infant mortality, and indeed, Roman women could have married as late as twenty without there being serious demographic repercussions (2007: 399-400).

⁶⁸³ See above, Chapter One, pp. 28-30. For the precarious nature of old age for the free poor, see Parkin 2003: 220-226.

that they would not have been wanted. Just as for the élite, children could have been valued for their own sake, and would have been mourned when they died.⁶⁸⁴ In her recent study of the archaeological evidence for the burial of infants in Roman Italy, Maureen Carroll has highlighted the discrepancy between the élite attitude found in Roman literature, where Stoic philosophies of restraint and self-control left little room for mourning the loss of very young children, and the lived reality of the general population. Contrary to what élite literature might claim, parents could, and did, show care and consideration for the burial of their children, even those infants under a year old.⁶⁸⁵ As Carroll notes, “Performing a burial is a public demonstration of *pietas*; every infant buried in the community’s cemetery therefore had its existence recognised in a legal sense and its place in the family and society publicly acknowledged”.⁶⁸⁶ Artemidorus assumes that children were thought to have great value in their own right. In his *Oneirocritica* he frequently associates the loss of children with the destruction of wealth or property. He also interprets dreams as meaning that a parent will suffer the death of a child, whereas a childless individual will lose his most treasured possession or be subject to financial embarrassment.⁶⁸⁷

For a third section of Roman society children were essential for legitimating both the marriage into which they were born, and the family which their births completed. Freedmen and women were proud of the children born to them once they had received their freedom and could form a legal marriage. These children were tangible proof of the new family’s existence, but even more than this they represented further social mobility. If they were born after the manumission of both parents they were considered *ingenui* (freeborn), not *libertini* (freed). Freeborn children whose parents were manumitted by Roman citizen owners became Roman citizens themselves with no restrictions or obligations to their parents’ patrons. They were also the all-important second generation for the new families created by their parents. As freedmen and women had no family lineage from which to draw their descent, they had no choice but to look forward. The swift conception and births of healthy children who survived infancy

⁶⁸⁴ Epitaphs dedicated to children are more common among the lower orders than the élite: Shaw 1991; McWilliam 2001.

⁶⁸⁵ Carroll 2011a. For studies of infant death and burial elsewhere in the Roman West, see Mackensen 1978; Berger 1993; Norman 2002 and 2003; Blaizot *et al.* 2003; Laubenheimer 2004; Gourevitch *et al.* 2004; Coulon 2004a; Durand 2008; Baills-Talbia and Dasen 2008.

⁶⁸⁶ Carroll 2011a: 113. She also emphasizes that the under-representation of very young children in funerary epigraphy does not mean that they were not loved: perhaps commemorative habits were not thought to be as applicable to children of such a young age (2011a: 113).

⁶⁸⁷ Loss of children associated with destruction of wealth or property: *Oneir.* 1.4; 1.48; 1.79; 2.10. Different interpretations of the same dream for a parent and a childless individual: *Oneir.* 1.33; 1.41.

represented the hope for a long line of future descendents to whom wealth, property, and, eventually, perhaps even a noble name and reputation could be passed.

These births would have especially been cause for celebration because they were harder to achieve than those experienced by free citizens. A female slave's *fecunditas* was a source of economic value to her owner: her children were considered to be the owner's property, even before they were born. The jurist Julian writes that children in utero are considered to be existent beings for almost all purposes of civil law, and gives the example that "If a pregnant slave happens to be stolen, in spite of the fact that she gives birth while in the custody of one who bought her in good faith, the child who was born is still considered to be stolen property" (*si ancilla praegnas subrepta fuerit, quamvis apud bonae fidei emptorem pepererit, id quod natum erit tamquam furtivum*).⁶⁸⁸ There are also numerous examples in the *Digest* concerning the challenges that could arise when a female slave had been promised manumission after bearing a certain number of children, suggesting that expecting progeny from female slaves was not uncommon.⁶⁸⁹ As a result, many female slaves would not be manumitted until their most fertile years were over; some probably had to wait until they had reached menopause. A newly freed, and now legitimately married, couple, did not have the luxury of thirty or so years during which the wife might be expected to bear children.⁶⁹⁰ Any births were an achievement. If these children then died before reaching adulthood, the disappointment felt by their parents could have been significant: Rawson writes that "the hope of a better life that had been sparked must have sharpened the sense of loss when such a child died young".⁶⁹¹ Commemorating the child by setting up a tombstone with an epitaph was one way to still publicly advertise the child's superior social status, and served as proof that a second generation of the family had existed, even if only

⁶⁸⁸ *Dig.* 1.5.26. Likewise, *Dig.* 19.1.21.pr (Paul) states that the seller is liable on the purchase if he sells the offspring of a slave woman before it is born and the slave in question, unknown to the buyer, is barren or over fifty years of age.

⁶⁸⁹ The complications normally revolve around multiple births, where the mother achieves the required number of children in fewer pregnancies than might be expected. In all cases the jurists agree that any children born above and beyond the required number of children are born free. See *Dig.* 1.5.15 (Tryphoninus), which concerns a slave who bore triplets after a first pregnancy that produced one child, and 1.5.16 (Ulpian), where a slave who already had two children gave birth to twins. In both cases the last child to be born from the multiple birth was held to have been born free. *Dig.* 34.5.10.1 (Ulpian) concerns a slave who would be manumitted on the birth of her first child provided the child was male. If she gives birth to twins, one male and one female, the birth order determines her status and that of the children. Ulpian argues that if the birth order is not clear, the "more humane" (*humanior*) view should be taken that the son was born first, so the slave is then freed and the daughter is considered to be freeborn.

⁶⁹⁰ On this, see Treggiari 1969: 213-214.

⁶⁹¹ Rawson 2003: 352.

for a short time.⁶⁹² Although freedmen and women experienced a wide range of financial circumstances, it is probable that nearly all of them would have wanted to marry and have children in order to cement their new place in Roman society.

CONCERNS FOR FERTILITY IN THE ROMAN WORLD

It is not surprising that concerns for fertility appear to have been widespread in the Roman world. As Jean-Jacques Aubert observes of the evidence for uterine magic from the Greek East and Egypt:

In a society in which survival was a day-to-day struggle, with a high infant mortality rate and a short life expectancy at birth serving as a constant reminder of the precariousness of life, the reproductive functions of women were highly valued; all sexual and physiological dysfunctions were considered threats to society. In this context, the womb was viewed as a potential target of undesirable influences from occult powers, against which it needed the protection of specific gods and demons.⁶⁹³

We may not have a presence of gods and demons in most of our Roman evidence but a similar concern for fertility is voiced again and again in our sources. As we might expect from a society in which it was normal and expected to approach the gods for assistance in all matters of one's life, individuals and couples also made direct appeals to the divine realm, in all manner of forms, for assistance in getting and staying pregnant.⁶⁹⁴ There could be significant overlap between religious and non-religious remedies, and it is not appropriate to impose arbitrary modern categories, like "magic" or "religion", on the ancient evidence.⁶⁹⁵ I do not attempt to evaluate the efficacy of the remedies suggested, nor do I assume that all invocations to the gods or magical amulets must necessarily have been ineffective. This is not for us to judge.

An interest in preserving and enhancing fertility is evident in the work of Pliny the Elder, whose text is full of references to ways women can aid conception or prevent miscarriage, such as carrying mistletoe, avoiding the ingesting of ferns, and being rubbed all over with the ash of

⁶⁹² For discussion of the family portraits designed for display on tomb facades, in which the children's freeborn status is emphasized by their dress, see George 2001.

⁶⁹³ Aubert 1989: 425-426.

⁶⁹⁴ For discussion of the state festivals with concerns for fertility, such as the Lupercalia and the Parilia, see above, Chapter Three, pp. 149-151.

⁶⁹⁵ For the highly contentious issue of whether "magic" can (or should) be distinguished from "religion", see, among others, Phillips 1991, Versnel 1991, Gager 1992, Graf 1994, Fowler 1995, Luck 1999, Janowitz 2001, Rives 2003 and 2006, and Collins 2008.

hedgehogs and oil.⁶⁹⁶ Again, it is not my intention to impose judgment on whether or not these remedies could have worked. Indeed, not all remedies were considered equal in the ancient world either: Pliny consistently distances himself from the proposed remedies gleaned from his sources, either through using generic third person verbs where his source is not named, or by naming the source without offering any opinion himself as to the remedy's effectiveness.⁶⁹⁷ Often he is downright sceptical about a supposed remedy.⁶⁹⁸ It could be argued that Pliny's text, which frequently warns pregnant women of the danger of coming into contact with a particular substance, effectively acts as a handbook for preventing or terminating unwanted pregnancies, given women who did not wish to continue a pregnancy need only to do the exact opposite of what Pliny recommends.⁶⁹⁹ This is undoubtedly true, but such interpretations are not faithful to the goal of the author: Pliny wants to assist conception and ensure the safe delivery of live children. His views on abortion are virulent and unmistakable (*HN* 25.7). Pliny is obviously a member of the élite, but it is likely that the information contained in his text, particularly those examples derived from sources which Pliny treats with evident disdain, would have been accessible to a wider audience. Juvenal assumes that a box full of medications (*pyxis*) would be available and a natural recourse for couples desiring children in his lambasting of homosexual 'marriages' in Rome (2.140-142). It is surely safe to assume that most couples would have access to someone who claimed to operate from a position of authority and who could provide them with substances meant to either aid in conception or protect a pregnancy already in progress.

⁶⁹⁶ Mistletoe: 24.6; Ferns: 27.55; Hedgehogs: 30.43. For others, see those listed above, Chapter Two, p. 84, n. 248. This list does not take into account Pliny's interest in menstruation, which he recognizes as linked to fertility. Flemming has calculated that Pliny mentions the menses as something to be affected ninety-one times. She excludes any references to female purges (*purgationes*) or purging (*purgare*) or the female flux (*profluvia*), which, as she notes, are all translated as menstrual in the Loeb (2000: 161, n.86).

⁶⁹⁷ Uses generic third person active for an unspecified source: *HN* 20.3, 20.58, 24.6, 27.40, 30.45, 30.49; names his source without evaluation: *HN* 20.22 (Hippocrates), and *HN* 22.40 (Chrysippus). *HN* 30.43 is a shopping list of 'women's complaints' (*muliebria mala*) that are neither identified with their source nor evaluated by Pliny.

⁶⁹⁸ In *HN* 24.6, Pliny writes that those who believe in mistletoe's generative powers do so 'superstitiously' (*religione*). In *HN* 28.13 he labels the use of meconium, the feces of stillborn babies, as suggested by *celeberrimi auctores*, whom he does not bother to name, to be "shameless beyond belief" (*excedit fidem inpudens*). *HN* 28.18 refers to the urine of eunuchs as capable of counteracting the sorcery (*veneficia*) that prevents fertility. *HN* 28.27 describes the uses of the hyena as reported by the magi. Pliny has little time for any of their ideas. In *HN* 30.44, Pliny uses *videtur fecundas facere* when discussing the generative powers of hawk's dung. The waters of Sinuessa in Campania (*HN* 31.4) are said (*produntur*) to cure barrenness in women (*abolere sterilitatem feminarum*). Compare with *HN* 31.7 where the spring at Thespieae causes (*repraesentat*) women to conceive.

⁶⁹⁹ Riddle refers to Pliny's discussion of substances that will expel a dead foetus or embryo as "a common circumlocution for abortion" (1991: 15-16). I think Pliny would have been appalled at Riddle's implication.

Protection for fertility and for wanted pregnancies was also sought from other sources. Uterine amulets, usually made from hematite, which were supposed to protect pregnant women against miscarriages, are mentioned by Pliny.⁷⁰⁰ He cautions that such amulets must be used with care: they should not be removed except when the birth is imminent, but if they are not removed at that point, the birth cannot take place. An image of a key served as a symbol of the power which protected the pregnant womb, keeping it closed until the fetus was ready to break free. A variant were *okytokia* (“quick-birthers”), designed to call the fetus forth from the womb.⁷⁰¹ Dioscorides, a writer of pharmacology in the first century A.D., recorded that when such stones were attached to the thigh they were believed to shorten the pains of childbirth.⁷⁰² Although the amulets were Graeco-Egyptian in design, syncretizing Egyptian symbolism with the Greek alphabet, their use was not limited to the eastern half of the empire.⁷⁰³

Dream-interpreters could be approached if a couple desired children, or if a woman was already pregnant, in the hope of receiving a prediction of a favourable outcome. In his handbook on dream interpretation, Artemidorus lists twenty-six examples where a dream’s meaning indicates the birth of a child, and eleven where the meaning of a dream is thought to change depending on whether or not a woman is pregnant, or whether the individual in question desires children.⁷⁰⁴ Not all dreams were positive omens: Artemidorus also lists examples where the dream points to miscarriage or the death of a child or children.⁷⁰⁵ There are suggestions that

⁷⁰⁰ Plin. *HN* 30.130; 36.151. Bonner 1955 discusses twenty-eight amulets (nos. 129-147). For scholarship see, e.g., Delatte 1914; Barb 1953; Ritner 1984; Aubert 1989 and 2004; Hanson 1995; Dasen 2002.

⁷⁰¹ On these see Hanson 2004.

⁷⁰² *De mat. medica* 5.142. The Hippocratics had no understanding of the role of uterine contractions during labour and instead ascribed the initiation of the birth process to the fetus, which began to thrash about in the uterus once it had exhausted its supply of nourishment, and eventually forced its way out of its mother’s body into the world. This violent action on the part of the fetus was responsible for the pain of labour. See, e.g., Hipp. *De octimestri partu* 5.1-3, 90 Grensemann (= 7.436 Littré); Hipp. *De natura pueri* 30.1 Joly (= 7.530-32 Littré). Soranus ascribes some role in the birth process to the uterus and to the woman herself but still viewed the fetus as an active participant, breaking its confining amniotic sack: *Gyn.* 4.4.2, 133 Ilberg (= 4.7 Burguière). Galen was aware of uterine contractions but also believed the fetus initiated its own birthing: *De facultatibus naturalibus* 3.12, 3.234 Helmreich (= 2.183-184 Kühn). Modern science is today beginning to recognize the role of the fetus in the initiating of the birth process: Pocock *et al* 2013: 696.

⁷⁰³ See, e.g., Wright 1964 for an amulet found in Britain.

⁷⁰⁴ Indicating the birth of children: *Oneir.* 1.16; 1.26; 1.33; 1.35; 1.38; 1.42; 1.44; 1.51; 1.77; 1.78; 1.80; 2.5; 2.10; 2.12; 2.14; 2.20; 2.24; 2.27; 2.36; 2.47; 2.61; 3.17; 3.19; 3.30; 5.57; 5.86. Change in meaning depending on existence of pregnancy or desire for children: *Oneir.* 1.13; 1.16; 1.30; 1.53; 1.54; 1.80; 2.13; 2.18; 2.65; 3.32; 4.83.

⁷⁰⁵ Dreams which symbolize the death of a child: *Oneir.* 1.4; 1.26; 1.33; 1.41; 1.44; 1.48; 1.50; 1.78; 1.79; 1.80; 2.9; 2.10; 2.18 (dies soon after birth or is stillborn); 2.36; 4.47 (dream of a centaur prophesied both the birth of twins and their deaths); 5.12; 5.22; 5.37; 5.39; 5.50; 5.73. Dreams which symbolize miscarriage: *Oneir.* 1.51 (pulses as a crop); 1.79 (fellatio with one’s mother); 2.13 (if she has a reptile hidden in her bosom which frightens or distresses her).

suspected infertility was a likely reason for such a visit: Artemidorus states that dreaming of a surmullet, a type of fish, is auspicious for women who are childless because it spawns three times.⁷⁰⁶ He also reports a true dream of a man whose wife “had never previously conceived” (μηδεπώποτε συλλαβοῦσα πρότερον) which implies that she was suspected to be infertile; she became pregnant and gave birth to a son after her husband dreamt that he had wheat instead of flocks of wool in his mattress (*Oneir.* 5.8).

In his *de Divinatione*, Cicero uses the question of fertility to criticize what he views as the deceptions of dream-interpreters (2.145). He writes that “a certain married woman, desiring to have a child” (*parere quaedam matrona cupiens*), was uncertain whether she was pregnant or not. When she dreamed that her womb had been sealed, she referred the dream to an interpreter. He told her that she was infertile: if her womb was sealed, conception could not be possible. Clearly disliking this answer, she sought out a second interpreter, who responded that she was indeed pregnant, for containers are not sealed up if they are empty. We can almost see Cicero throwing his hands up in the air in exaggerated frustration as he asks his reader, “Then what is the skill of the dream-interpreter beyond deceiving by means of cleverness?” (*Quae est ars coniectoris eludentis ingenio?*). Cicero seeks to expose the fraudulent nature of the dream-interpreters’ work, where the same dream can have many meanings, none of which, of course, are true, for in *de Divinatione* dreams are meaningless. For my purposes, what is most interesting is the example he chooses of the type of question that would send someone to a dream-interpreter in the first place. In Artemidorus’ work, dreams can symbolize many things: the onset of illness, the accumulation of profit, the return of an estranged wife.⁷⁰⁷ Yet Cicero’s decision to use the story of a woman who wanted to have a child suggests that it was, above all else, questions of fertility that drove individuals, especially women, to the dream-interpreters. In the same vein, would-be parents could ask questions of the sacred lots, as in the passage from Lucretius discussed at length in Chapter Two. That infertility could be on their minds is suggested by a first century B.C. *sors* from Forum Novum, near Parma, which reads “the woman who previously was barren will be pregnant” (*[fe]ret quae ante sterilis fuit*).⁷⁰⁸

⁷⁰⁶ *Oneir.* 2.14. Other symbols deemed propitious for those desiring children are the stork (2.20), the plough (2.24), Aphrodite Urania (2.37); and molding figures of men (3.17).

⁷⁰⁷ E.g., *Oneir.* 1.16 (illness); 1.41 (profit); 4.20 (return of a wife).

⁷⁰⁸ *CIL* XI 1129c. My thanks to Dr. Fabio Tutone for drawing my attention to this reference.

One final area of evidence uses fertility as a means of targeting an enemy. Funerary imprecations – epitaphs which include curses as a means of protecting the tomb – were common in Asia Minor, particularly during the Principate.⁷⁰⁹ The imprecations recognize the importance of fertility and the continuation of the family. Two of the standard regional curse formulae: the north and the east Phrygian formulae desire tragedies striking the children of the desecrator. In the north formula, the wish is that the desecrator “may fall victim in the (same) way to untimely misfortunes” (οὕτως ἄωροις περιπέσοιτο συμφοραῖς), referring to the premature death of the violator’s children.⁷¹⁰ In the east formula the basic form asks of the desecrator, “may he leave behind his children orphaned, an empty life, his house deserted” (ὀρφανὰ τέκνα λίποιτο χῆρον βίον οἶκον ἔρημον).⁷¹¹ Strubbe suggests, I think convincingly, that the first part of the curse wishes that the desecrator may die, leaving his children as orphans, but that the second and third parts of the curse wish that the violator may see his children die.⁷¹² The wish is for the violator to be punished to the fullest extent possible. That the curse would be impossible to carry out entirely – demanding as it does both the death of the violator so that his children are orphaned *and* that the violator watch in helpless agony as his own children die – is beside the point.

One final curse goes even further. It is common for the curse of earth and sea to be followed by a wish that the violator not know the joy of children.⁷¹³ This is not the same as the curses where the wish is for the violator’s children to die: this curse wishes for the violator to be faced with involuntary childlessness, to never become a parent. It is a clear indicator of the importance of children in the ancient world, and of the assumption that everyone wishes to be a parent, that such curses were thought to be a potentially powerful deterrent for would-be tomb violators. Since there was no real means of protecting the grave from being disturbed other than the warnings on the epitaph, the virulence of the curses probably reflects anxieties concerning the safety of the tomb. With that said, the choice of curses is still entirely relevant: there would be no point in cursing a would-be violator with the death of his children or involuntary childlessness if this were not thought to be a horrific punishment.

⁷⁰⁹ The relevant sections of each inscription are collected in Strubbe 1997.

⁷¹⁰ For a list of the fifty-seven texts that use this formula, see Strubbe 1997: 285 – 287.

⁷¹¹ For a list of the thirty-nine texts that use this formula, see Strubbe 1997: 289 – 290.

⁷¹² Strubbe 1997: 292.

⁷¹³ The usual formula is μὴ τέκνων ὄνησις. For texts that include this curse, see Strubbe 36; 76; 83; 243; 285; and 330, with variations found in Strubbe 52; 121; 155; 256; and 377. For examples of the two types of curses involving the earth (γῆ) and the sea (θάλασσα), one where the earth and the sea will not bear fruit, and the other where they will not be passable or navigable, see Strubbe 1997: 293-294.

Greek imprecations in Asia Minor are, of course, a long way from Roman Italy. But that is not to say that there is no connection. Richmond Lattimore established that funerary curses existed throughout the Latin-speaking world, including Rome.⁷¹⁴ Evidence from the western half of the empire suggests that this supposedly Anatolian attitude towards the tomb is not that dissimilar from Roman ideas. The tomb occupied a position of great importance in Roman culture, and was seen as an opportunity to reflect the character and status of the deceased individual.⁷¹⁵ Funerary imprecations in Latin warning would-be violators of the consequences of their actions were not uncommon, and, like the Asia Minor texts, these consequences included punishment from the gods.⁷¹⁶ Concerns about specific violations of the tomb included burying another corpse; disrespect from passersby; and the posting of signs or the writing of graffiti, concerns which are all also found in the imprecations of Asia Minor.⁷¹⁷ A general warning against unspecified intentional desecration was also popular.⁷¹⁸ Some cultural overlap, therefore, is likely. Strubbe sees a “marked conformity in contents” between the imprecations of Italy and Asia Minor, while Lattimore’s study includes an example where the “land and sea” formula so common in the Greek texts was echoed in a Latin epitaph.⁷¹⁹ Thus, while we do not have an example in Latin of a curse afflicting the violator of the tomb with childlessness, it is certainly not outside the realm of possibility that such epitaphs may well have existed in Italy just as they did in Asia Minor.

What all of these genres of evidence do have in common is their interest in preserving, enhancing and controlling fertility. This interest stretched across social boundaries. Given children were, as we have seen, valued members of families at all levels of Roman society, it is not hard to imagine that many of the concerns of the élite and the non-élite about fertility in the Roman world may have been quite similar. And indeed, some of the concerns expressed for

⁷¹⁴ Lattimore 1962: 120-124. Strubbe notes that imprecations were used by families of Italian immigrants: 1997: XVI, n. 18.

⁷¹⁵ For patterns of commemoration and ideas about the tomb in the broader Roman world, see Carroll 2006 and Toynbee 1971. For the impact of Roman ideas on funerary epigraphy in Italy, see Lomas 2003. The importance of the tomb to the individual’s sense of self-importance is also acknowledged by Nock (1972: 532).

⁷¹⁶ E.g., *CIL* VI 7579 = *ILS* 8190; *CIL* VI 36467 = *ILS* 8184; *CIL* VI 37965. See *ILS* 8172-8208 for more examples.

⁷¹⁷ Burying another corpse: *RIB* 754. Disrespect from passersby: *CIL* VI 3413 = *ILS* 8203, a funerary stele from Rome, warns “do not piss here” (*ne quis hic urina*). Trimalchio intends to post one of his freedmen as a guard at his tomb so that people cannot “run up and shit on [his] monument” (Petron. *Sat.* 71, trans. Sullivan). Signs and graffiti: *CIL* VI 14313 = *ILS* 8205; *CIL* XI 575 = *ILS* 8206; *ILS* 8207a; *CIL* XI 4126. For the reuse and disposal of funerary monuments, see Carroll 2006: 83-85.

⁷¹⁸ E.g., *CIL* VI 11022; 11913; 12133; 14579; 19844.

⁷¹⁹ Strubbe 1997: XVI, n. 18. Lattimore 1962: 123. The inscription is *CIL* VI 37529, a funerary stele (?) from Rome.

fertility in our élite sources, such as the medical remedies recorded with varying levels of trust by Pliny the Elder, are probably equally representative of knowledge that may have been available to less educated levels of society.

ANATOMICAL VOTIVES

During the Republic, there was a widespread practice in Italy of making votive offerings at religious sites. Many of these were anatomical votives, that is votives in the shape of a part or parts of the human body, and many of these can be identified as representing genitals or reproductive organs, with the most common by far the human uterus.⁷²⁰ The difficulties in interpreting the meaning of anatomical votives are rife. Human uteri are easy to identify, consisting of a flat, pear shape usually marked with muscular striations (see Figures 5.1 and 5.2).⁷²¹



Figure 5.1 Anatomical votive of a human uterus, Latium, 4th to 1st cent. B.C.

⁷²⁰ The first major studies of votive deposits, containing lists of sites, types of votives, and cult identifications are those of Fenelli (1975), Comella (1981) and Steingräber (1981).

⁷²¹ They cannot be mistaken for animal uteri, which are bicornuate: Turfa 1994: 227.



Figure 5.2 Anatomical votive of a human uterus, Latium, 4th to 1st cent. B.C.

Some variations in the votives suggest a relatively high level of medical knowledge resulting from visual observation, such as a uterus with two cervixes, or the presence of fibroids.⁷²² The temptation for scholars has been to interpret any irregularities as indicative of particular maladies. The most common variation is a singular appendage which extends from the mouth of some uteri on either the right or left side. Scholars have labelled such an appendage as a blister, fibroma, vaginal cyst, or even, despite its presence at the wrong end of the uterus, an ovary.⁷²³ Some scholars have gone so far as to argue that the single ovary represents a request for a child of a particular gender and thus should be read as a specific claim for fertility and not a more general request for healing or overall good health.⁷²⁴ At the very least there has been an assumption that the votives must represent concerns for fertility. Twenty years ago Jean Turfa seemed relatively confident in arguing that:

⁷²² Two cervixes: Decouflé 1964: pl. 1, A; Turfa 1994: 227, fig. 20.2E. Fibroids: Del Chiaro 1976: 27-28, nos. 38-40, pl. XI; Comella 1978: 67-68, pl. XXXI, nos. 157, 160; Comella 1982: 149, D₁₇ XVIII, pl. 88b.

⁷²³ For extensive bibliography, see Fenelli 1975: 220, n. 60 and Schultz 2006: 190, n. 64. For a consideration of the issues raised in attempting to interpret these anatomical votives, see especially Turfa 1994 and Schultz 2006: 95-120.

⁷²⁴ Rouquette 1911: 394; Holländer 1912: 192-193; Tabanelli 1962: 74; De Laet and Desittere 1969: 22; and especially Fenelli 1975: 218-224. The argument is convincingly rebutted by Turfa 1994 and Schultz 2006: 112-114.

There are simply too many votive uteri in Etruscan and Italic sanctuaries to represent thanks for post-mortem deliveries. Many sites also offered swaddled babies, a more logical (or tasteful) votive to celebrate a live birth. One must assume that the purchasers of gravid uterus models were *not* associating them with anatomical knowledge gained from post-mortems but were, in large part, donating them in thanks for having just become pregnant, and anticipating a happy outcome.⁷²⁵

In recent years scholars have become less confident in reading the meaning of the votives, and indeed are no longer even confident in stating that an anatomical votive represents a thanks offering for a cure already received, or a desired state such as pregnancy obtained, as opposed to a request for such a result.⁷²⁶

The issue of interpretation is further complicated by the fact that anatomical votives were not exclusively dedicated to deities whose spheres of influence focused on healing or fertility. Although “fertility/fecundity and gynecological types occur in large quantities in the shrines of ‘appropriate’ goddesses”, the wide distribution shows that “almost any god in Late Republican Italy might be petitioned for personal healing” and female types are found in sanctuaries dedicated to cults thought to attract predominantly male worshippers.⁷²⁷ Turfa’s hypothesis that “prayers were directed to the sufferer’s or family’s chosen patron rather than a deity who ‘specialized’ in a particular affliction” seems likely.⁷²⁸ Fay Glinister identifies many anatomical votives as “generic dedications” and has proposed that “‘well-being’ is a more appropriate term for the thoughts and hopes behind many of these offerings”.⁷²⁹ Glinister is right to be cautious in her interpretations, but I think we can be more positive. Given the wide selection of available body parts, anatomical votives must surely represent more than just a generic wish for “well-being”. At the very least the choice of votive must indicate a hope for “well-being” in the part of the body depicted, and for the many anatomical votives in the shape of human uteri, this “well-being” must be related to *fecunditas*. A more precise meaning, such as a request for healing of fertility problems like habitual miscarriage or an inability to conceive, or a desire for an easy

⁷²⁵ 1994: 233.

⁷²⁶ Schultz (2006: 102-105) outlines the major issues. cf. Turfa (2004: 360), who now writes, “There is no epigraphic evidence indicating whether the votives represent a healing request already granted...or are prayers for future help” and Glinister 2006b: 93-94.

⁷²⁷ Turfa 2004: 362. Schultz (2006) argues that the dividing line between “male” and “female” cults in Roman religion generally is much less clear than previous scholars have made it.

⁷²⁸ Turfa 2006: 71. cf. Glinister (2006a: 13), who notes that “Almost any god could be regarded as having healing powers.”

⁷²⁹ Glinister 2006b: 94.

labour and delivery of a healthy child, is very likely, but the votives do not allow us to speculate further.⁷³⁰

The anatomical votives shaped like uteri uniformly depict a pregnant uterus, whose surface is covered with “transverse straight or wavy ridges”, which could indicate the contractions of labour, the uterus’ muscular nature, or its ability to expand and grow as a pregnancy progressed.⁷³¹ Most anatomical votives depict healthy organs, which has led some scholars to suggest they are more likely to be “*post factum* gifts”, but this does not necessarily stand: healthy organs would be easier (and less expensive) to mass produce than ones depicting individual ailments. Alternatively, specific complaints could be indicated through the use of paint. Or it may be that ill worshipers still wished to offer a representation of a healthy organ, an image of what they hoped their request to the god might achieve.⁷³² That the uteri are depicted as pregnant does not necessarily indicate that the overarching meaning of this type of anatomical votive was a concern for fertility. It was generally believed in antiquity that women were at their healthiest when pregnant, so it could still represent a general desire for good health, a thanks offering for a safe delivery, or healing from the complications of childbirth.⁷³³ Alternatively, given health was interpreted in the Classical world as “a reflection of moral character or of the approval of the gods”, it could represent a ritual that needed to be performed to cleanse the surviving family members of any pollution resulting from a childbirth that had ended with the deaths of the mother and/or child(ren).⁷³⁴ It could also reflect medical knowledge: perhaps the only uteri that were accessible were those of pregnant women where complications had ensued leading to some form of emergency surgery in an effort to save the life of either mother or

⁷³⁰ They could even be an offering of thanks made by girls on the eve of their marriage, or perhaps at the moment of menarche, representing their passage from child to woman. A similar idea, that anatomical votives of female figures seen on the grave reliefs of Athenian girls were meant to represent the women those girls would never become, is put forward by Reilly (1997). Turfa (2004: 361) states that the many examples of male genitalia in infantile shapes “may be a request for onset of puberty”. cf. Baggieri, Margariti and Giacomo 1996: 23; Glinister 2006a: 12; Graham 2014: 41.

⁷³¹ Turfa 1994: 227. cf. Turfa 2004: 361-362. The idea that the ridges could represent the uterus’ ability to expand during a pregnancy is Rebecca Flemming’s, discussed during her plenary paper, “Wombs for the Gods: Votives and Fertility in Ancient Italy”, for the conference “Infertility and Sacred Space: From Antiquity to the Early Modern”, 15 July 2013.

⁷³² Turfa (2004: 360-362, quotation at 361) argues for *post factum* gifts. The objections raised here follow Schultz (2006: 102-103).

⁷³³ Turfa (2006: 75, n. 43, and again at 76) feels the “laboring uterus models” are generally interpreted as “thank-offerings for safe delivery or healing from complications of childbirth”.

⁷³⁴ As intriguingly suggested by Turfa (2006: 77). She also suggests (2006: 78) that propitiatory offerings may have relieved a family of stigma after “infertility, ill health or death”.

child.⁷³⁵ They could also represent a means to flaunt anatomical and medical knowledge and, by association, the level of education of the dedicant or the designer.⁷³⁶ We simply cannot know.

Figures of swaddled infants are equally difficult to interpret (Figure 5.3). Traditionally they have been linked “to the sphere of fertility and motherhood, characteriz[ed]... as thanks-offerings for successful conception or childbirth, or gestures made in advance of a positive outcome”.⁷³⁷ They have also been interpreted as a request for the divine protection of children, or as indicating a desire for children.⁷³⁸ If they are meant to represent a thanks-offering for a safe delivery, they are far too few in number to represent a standard act by grateful parents.⁷³⁹ Emma-Jayne Graham and Ton Derks have recently both argued for a second, and perhaps more likely, interpretation: the votives of swaddled infants – the *bambini in fasce* – as they are called in the Italian literature, represent a thanks-offering made by the parents, in fulfillment of their vow, at the time the infant’s swaddling bands were removed, between the fortieth and sixtieth days of life.⁷⁴⁰ Parents who could not afford a votive, or who chose not to purchase one, would have dedicated the child’s swaddling bands instead. Since the cloth bands would leave no trace in the archaeological record, the votives of swaddled babies would be the only remaining evidence for such a practice. This goes some way in explaining their relatively small numbers, especially when compared with the anatomical votives of uteri.

⁷³⁵ Turfa 1994: 227-233; 2006: 71.

⁷³⁶ Turfa (2006: 75 and again at 77) discusses designs developed at Tarquinia which illustrate uteri that have undergone more than one birth.

⁷³⁷ Graham 2014: 37-38. For such a traditional interpretation, see Baggieri, Margariti and di Giacomo 1996: 24-25; Hänninen 2005: 51; Miller Ammerman 2007: 143.

⁷³⁸ Deyts 2004: 237; Glinister 2006b: 94.

⁷³⁹ Known examples from Republican Italy number into the hundreds (Graham 2014: 25-28); examples from the Gallic and Germanic provinces, all of which date from the Principate, are limited to around ninety (Derks 2014: 50).

⁷⁴⁰ Graham 2014; Derks 2014. Derks’ evidence in particular comes from a small number of sites.



Figure 5.3 A votive offering of a swaddled baby, Latium, 4th-1st cent. B.C.

A second difficulty in the interpretation of anatomical votives is our inability to determine the individual dedicant. It is not safe to assume that anatomical votives in the shape of female reproductive organs must have been offered by women. Celia Schultz has acknowledged this difficulty:

Of course, it is possible that the gender of an anatomical votive does not correspond to the gender of the dedicant; for example, a terracotta breast may have been offered by a man whose wife could not nurse their newborn child. In fact, written dedications ... record offerings made by a person of one gender for someone of the other... Further complicating the picture is the possibility of joint dedications, such as offerings made by both parents on behalf of a child or by a wife and children on behalf of a husband and father. Written dedications recording circumstances like these are not rare, suggesting that such dedications were also made with anatomical votives in earlier ages.⁷⁴¹

With that said, there is a tendency to fall into making such gendered assumptions, and even Schultz is not herself immune to it: later in the chapter she classifies “figures of swaddled infants” alongside loom weights as votive offerings that could be indicative of female

⁷⁴¹ 2006: 115.

worshippers, despite the fact that surely male worshippers could also have left such items.⁷⁴² Our inability to identify the gender of the dedicant is frustrating. Throughout this dissertation I set out the gendered division of responsibilities surrounding *fecunditas* found in Roman society. Being able to determine whether the anatomical votives associated with fertility were dedicated mostly by women, by men, or by couples acting in concert, would significantly enhance our understanding of how concerns for *fecunditas* operated outside of elite literature. At the very least, the large number of deposits where votives of external male genitalia have been found, either on their own or alongside recognizably female organs, suggests that if fertility was a concern expressed through these votives, it was a concern that was thought to affect both men and women.⁷⁴³

A third difficulty lies in trying to determine the socio-economic status of the dedicant. The assumption has been that “anatomical terracottas, mainly mass produced in moulds, are by and large the offerings of persons of fairly low social status”, perhaps equivalent to the Roman *plebs*.⁷⁴⁴ There are almost no references to anatomical votives in the ancient literature, or, indeed, votive deposits in general, which Fay Glinister takes as support for the idea that the majority of dedicants of anatomical votives were of a low social and economic status.⁷⁴⁵ On the other hand, Glinister herself acknowledges that “[a]ncient eyes did not view terracotta as inherently poor-quality, cheap, or lower-class”, raising the possibility that even elite worshippers who could have easily afforded other types of offerings may not have shied away from using terracotta votives, whether anatomical or otherwise.⁷⁴⁶ The fact that anatomical terracottas appear to have been private rather than public offerings may also explain their absence in the elite literature, which is most interested in religion at the highest public level.⁷⁴⁷ Thus, while it is likely that many of the dedicants of anatomical votives would have occupied levels of society

⁷⁴² Schultz 2006: 119. The problems of identification are also acknowledged by Glinister (2006b: 92).

⁷⁴³ On external male genitalia, see Turfa 1994: 227 and Schultz 2006: 116-119. For deities operating beyond exclusively male or female concerns, see Glinister 2006a: 23.

⁷⁴⁴ Glinister 2006a: 27, considering arguments by Pensabene *et al.* (1980: 46-51); Turfa (1994: 224-225); and Torelli (1999: 8-9).

⁷⁴⁵ Glinister 2006a: 27. The exception for anatomical votives is one mention of offerings of models of genitalia in Augustine, who was probably drawing on Varro (*De Civ. Dei* 6.9). For votives more generally see Paulus Festus 93.21L on *ipsullices* and Festus 398.28L (with Paulus 399.1L) on *subsilles*; and Varro ap. Aulus Gellius, *NA* 2.10.3 and Paulus Festus 78.10L on *favisae*.

⁷⁴⁶ The quotation is from Glinister (2006a: 28), who raises the same issue in 2006b: 96-97.

⁷⁴⁷ So argues Schultz (2006: 97).

outside of the élite, we must not assume that such offerings were restricted to any one social class.

Finally, one last issue remains. The anatomical votives are now recognized to be an Italic phenomenon, and not limited, as was originally thought, to west-central Italy.⁷⁴⁸ Most are dated from the end of the fourth to the first century B.C., although there are some earlier examples.⁷⁴⁹ The heyday of anatomical votives, therefore, was much earlier than the rough chronological limits within which this project largely contains itself: the first and second centuries B.C. and the first two and a half centuries A.D. At isolated shrines, such as Fontanile di Legnisina (Vulci) anatomical votives continued to be displayed and buried until the first century A.D., but nothing like the numbers from the middle Republic.⁷⁵⁰ It is the curse of the ancient historian that we must search for evidence across a chronological and geographical range that would horrify our colleagues who study more modern (and therefore better documented) eras, and indeed I have cast a wide net in my search for references to *fecunditas*. But there is no getting around the fact that the votives in Italy largely vanish at precisely the same time much of the rest of my evidence begins to emerge, that is, in the first century B.C. The votives do not abruptly stop, of course, and it is highly probable that their apparent disappearance results at least in part from errors of dating by modern scholars rather than any sudden cessation in their production or use.⁷⁵¹ Moulds that stylistically belonged to the second century B.C. may have been re-used well into the first, and their ritual burial attests to the continuing validity of the action.⁷⁵² But the fact remains they are no longer a prominent feature of religious sites in Italy in the very late Republic or the Principate, and it would be dangerous for me to rely on them too heavily as an assertion of continuing concerns for fertility among the non-élite.

Several explanations have been proposed for the decline in the votive tradition, including a reduced need to appeal to the gods thanks to an improvement in medical standards and an increase in the availability of doctors, the monumentalization of sanctuaries, and the migration of farmers to the city of Rome because of the concentration of Italian land ownership in a few

⁷⁴⁸ On this see especially Glinister 2006a.

⁷⁴⁹ Namely a small number of bronzes dating to the sixth or fifth centuries B.C. from the Adriatic Etruscan region or northern Etruria: Turfa 2004: 359-360. Turfa cautions that the upsurge in anatomical votives is likely not as artificial as it seems to us today but is more a reflection of our failure to recognize alternative forms of vows or thank offerings through un-inscribed and generic votive objects (2006: 65).

⁷⁵⁰ Turfa 2004: 360; Glinister 2006a: 10, n. 2.

⁷⁵¹ For the many problems involved in dating anatomical votives and their deposits, see Glinister 2006a: 20-21.

⁷⁵² Glinister 2006a: 30, n. 84.

hands.⁷⁵³ None is truly satisfactory, as Fay Glinister has shown.⁷⁵⁴ There is no real evidence to suggest an improvement in available medical care and, even if there were, this would not necessarily affect the frequency with which individuals would petition the gods. It was not an either/or proposition. Some sanctuaries were redeveloped under élite patronage, but persons of low status continued to make inscribed dedications at these sites and do not appear to have been restricted in their access. This theory again assumes that the dedicants of anatomical votives were uniformly lower class. The hypothesis that there was a correlation between the decline in anatomical votives and the abandonment of farms by small landowners rests on this same faulty assumption, but further assumes that there was a serious population crisis caused by the rise of the *latifundia* in rural Italy during the middle Republic. Neither assumption stands without criticism.⁷⁵⁵

Celia Schultz and Fay Glinister have both suggested that the votives' decline in popularity may have been related to the corresponding rise in written dedications that occurred at about the same time, particularly those made by persons of low social status, such as freed slaves: the thoughts formerly expressed by votives were now given (a perhaps clearer) voice through inscriptions.⁷⁵⁶ This is not, however, a satisfactory answer for questions of fertility: the votive uteri existed in numbers far greater than any potentially corresponding inscriptions. If by the end of the first century B.C. inscriptions rather than anatomical votives were deemed to be a more appropriate way to approach the gods, it seems far fewer individuals turned to them.

The dedication of anatomical votives may have ended in Italy for the most part by the first century B.C., but it did continue in some Western provinces, notably Gaul, during the Principate, although nowhere near the scale of the Italian examples. The largest group comes from the sanctuary of Dea Sequana at the sources of the Seine (Dijon). Votives in the shape of human uteri are not nearly as common.⁷⁵⁷ These anatomical votives are not usually considered in scholarship devoted to the Italian examples, partly due to the vast chronological and geographical distances between them, but also because until recently studies of the Italian votives concentrated almost exclusively on Latium, Etruria and Magna Graecia. Such a narrow

⁷⁵³ Improvements in medical standards: Blagg 1983: 46; 1985: 44; Potter and Wells 1985: 40; Girardon 1993: 31, Lesk 2002: 194-195. Monumentalization of sanctuaries: Blagg 1985: 44, 46; Lesk 2002: 195. Migration of Italian farmers: Pensabene 2001.

⁷⁵⁴ Glinister 2006a: 30-31.

⁷⁵⁵ For a critique of the *latifundia* theory of depopulation, see Rosenstein 2004.

⁷⁵⁶ Schultz 2006: 100-102; Glinister 2006a: 31.

⁷⁵⁷ See, e.g., Deyts 1983 and 1994; Romeuf and Dumontet 2000.

focus left little room for the provincial examples. Scholars have now retreated for the most part from the idea that anatomical votives in Italy represented a form of religious ‘Romanization’. The votives do not originate in Rome and do not spread outwards from the city. The anatomical votives in the provinces could be a more likely candidate to represent a conscious adoption of Roman traditions, were it not for the fact that a practice which had largely died out in Italy by that time can hardly be said to still be a tradition. A study which compares the imperial anatomical votives from the provinces to the Republican examples in Italy might confirm or reject the possibility of Italian influence on these later votives. Even with the possible continuation of the tradition in the western provinces, there is no denying that dedicating a terracotta votive in the shape of a human uterus ceased to be a common means of approaching the gods on matters concerning fertility. No one would argue that the Romans were no longer concerned about fertility after the fall of the Republic. Indeed, the rest of my evidence in this dissertation suggests that, if anything, concerns for fertility could be given even greater public expression. The passage from Lucretius’ *De Rerum Natura*, discussed at length in Chapter Two, reminds us that individuals had a variety of means by which they could approach the gods on matters of fertility, including sacrifices and consulting the sacred lots.⁷⁵⁸ The decline in the dedication of anatomical votives, for whatever reason, must have resulted in couples turning to other means of communication, means which, much to our disappointment, have left few traces in the archaeological record.

EPIGRAPHIC EVIDENCE

Although *fecunditas* was constructed by the Romans as an important female virtue, it was not a virtue which was regularly used by name by commemorators as a means of praising the dead. In the famous inscription *CIL VI 10230* (= *ILS 8394*), a first century B.C. marble tablet known as the *Laudatio Murdiae*, Murdia’s son complains that “because it is a real challenge to add any new praises for women, since their lives are not stirred up by much diversity, we have to acknowledge the virtues belonging to everyone, lest one of the expected precepts disgrace the rest by being left out” (*et quia acquirere / novas laudes mulieri sit arduom quom minoribus varieta/tibus vita iactetur necessario communia esse colenda ne quod / amissum ex iustis*

⁷⁵⁸ See above, Chapter Two, pp. 79-83.

praecepteis cetera turpet). The patterns of commemoration of women have been so well-established that they can be summed up in a handbook:

A cursory reading of the relevant corpora quickly reveals the adjectives that were used to characterize the five most frequent female roles, which are, in descending order of frequency, daughters, mothers, wives, sisters, and patronesses. The adjectives are *dulcissima* (sweetest), *pia* (dutiful) and its derivatives, *bene merens* (well deserving), *sua* (his/her), *carissima* (dearest), *optima* (best), and *sanctissima* (holiest). These seven adjectives characterize most women across all social strata and epochs of Roman history, with minimal variation.⁷⁵⁹

Fecunditas, in fact, is very rarely mentioned in funerary inscriptions at all.⁷⁶⁰ The absence of *fecunditas* as a frequently mentioned virtue does not mean, however, that epitaphs are of no use to us in our efforts to assess the importance of *fecunditas* outside the world of the élite at Rome. It means only that we must become more creative in how we identify it. An obvious place to start is with epitaphs which mention the number of children born to the woman being commemorated. There are a very few inscriptions commemorating women who demonstrated hyper-fecundity, birthing an unexpectedly large number of children. Such is the case with *CIL* VIII 9162, the epitaph for the freedwoman Sulpicia Victoria, who lived in Mauretania Caesariensis, and whose husband, C. Iulius Felix, recorded that she had five children and ten grandchildren who survived her. A second example, from Africa Proconsularis, is that of Claudia Fortunata, who died at the age of fifty after birthing twelve children (*CIL* VIII 17463). More common are those which record a much smaller number of children, living or dead, such as the epitaph for a certain Claudia which tells us one child survived her while a second predeceased her (*CIL* VI 15346). Consider too the epitaph of Mevia Nicipolis, a freedwoman who was born in Asia but died in Italy, which boasts that she had three freeborn children (*liberos*) alive when she died at age fifty-three (*AE* 2003, 567). In her claim to fame through her children we perhaps hear echoes of Propertius' Cornelia, who also had three adult children still living when she died.⁷⁶¹ Mevia, though, was a freedwoman, and she would have needed to have given birth to four to have benefitted from the privileges of the *ius liberorum*. Another mother of

⁷⁵⁹ Riess 2012: 493. On women in Roman epigraphy, see Buonopane and Cenerini 2003 and 2005. On epithets, see Sigismund Nielsen 1997 and 2001.

⁷⁶⁰ On the *ius trium liberorum* in inscriptions, see below, pp. 291-294.

⁷⁶¹ Prop. 4.11. See above, Chapter Two, pp. 97-99.

three children, Fabia Fuscinilla, was a *univira* described by her husband as “in every virtue an exceptionally fertile woman” (*omnium virtutum fecundissimae feminae*).⁷⁶²

Epitaphs like Mevia Nicipolis’ and Claudia Fortunata’s, which commemorate women who died at a relatively old age and list the number of their surviving children, do indirectly praise a woman’s *fecunditas*.⁷⁶³ As we have noted, a woman could only be considered to have demonstrated exemplary *fecunditas* if her children survived into adulthood.⁷⁶⁴ It is fair to say, however, that a post-menopausal woman’s most defining features may not have been considered to have included her *fecunditas*. Likewise, in the same way as I did not consider the evidence for the imperial women in the previous chapter that dated to the reigns of their children, I have excluded inscriptions where the women were commemorated by their children. *Fecunditas* was primarily a virtue meant to be demonstrated by a wife for her husband’s benefit. More promising are those inscriptions where husbands commemorate wives who had died before reaching the end of their reproductive lives. An example is the metrical inscription on the sarcophagus of a certain Veturia from Aquincum in Pannonia Inferior (*CIL* III 3572 = *CLE* 558). It reads:

*Hic sita sum matrona genus nomen/que Veturia Fortunati coniux de patre Veturio
nata ter nouenos misera et nupta bis octo / per annos unicuba uniuiga quae post /
sex partus uno superstite obii / T(itus) Iulius Fortunatus |(centurio) leg(ionis) II
Ad(iutricis) P(iae) F(idelis) / coniugi incomparabili et insigni in se pietate*

Here I lie, a married woman, by descent and by name Veturia. I was the wife of Fortunatus, my father was Veturius. Alas, I lived for but thrice nine years and was married for twice eight. I slept with one man. I was married to one man. After giving birth to six children I died; one survives me. T. Iulius Fortunatus, centurion of the Second Legion Adiutrix Pia Fidelis, set this up to his incomparable and most dutiful wife.

Since the bulk of the inscription is written in the voice of the deceased Veturia, it is not until the sixth line of the inscription that we learn the full name of her husband. Veturia’s position as a married mother is deemed to be her most prominent feature: we are told that she was a *matrona* before we learn her name. Fortunatus’ entire description of his wife is built around an image of her marital and reproductive achievements: she lived for twenty-seven years but was married for

⁷⁶² *CIL* VI 31711. Lightman and Zeisel (1977: 22-23) see another echo of Propertius’ Cornelia in this inscription. For the full text, see below, Conclusion, pp. 350-351.

⁷⁶³ The child-parent ratios in such epitaphs, of course, cannot be used to extrapolate total fertility. Scheidel makes it clear that “the ratio between attested and actual children varies and cannot be known” (2001: 32, n. 130).

⁷⁶⁴ See above, Chapter Two, pp. 97-101.

sixteen, indicating, if this is accurate, that she was married at the extremely young age of eleven. She describes herself both as *unicuba* and *uniuiga*.⁷⁶⁵ She experienced six pregnancies but left only one surviving child.

It is not specifically stated that Veturia died in childbirth, but the juxtaposition of her death with the mention of her six pregnancies certainly makes it possible that this was the case. Veturia did not entirely excel at *fecunditas*: although she proved to be quite fertile, too many of her children predeceased her. Her husband clearly thinks that her six pregnancies are worthy of praise, regardless of the survival rate of her children: there would be no reason to mention them otherwise. We surely could not expect him to include information that cast either Veturia or himself in a bad light. Fortunatus also identifies his own legion and his position. As a centurion, Fortunatus occupied a position of responsibility. His decision to commemorate his wife largely in terms of her marital and reproductive strengths thus adds to his privileged position within the military community. Veturia's young age at death suggests that, had she lived, she would have borne more children for Fortunatus.

The most helpful epigraphic evidence for my purposes comes from inscriptions which commemorate women who died in childbirth. They are not exceptionally common – I know of only eighteen in Latin – but their shared characteristics indicate a common way of thinking about and commemorating the death of a woman in childbirth.⁷⁶⁶ Here I have been forced to stray beyond the rough temporal limits of the rest of this project: several of the inscriptions are best dated to the fourth century A.D. and some of them commemorate women who were Christians. We have so few, however, that to exclude any from study would significantly curtail any possible discussion. The manner of the woman's death necessarily brings her *fecunditas* to the fore in a way that would not be the case with a mother who died at a relatively ripe old age, and thus I feel it is through these inscriptions that we can come closest to assessing whether or not husbands outside of the élite in Rome treated their wives' *fecunditas* as a virtue. The risk inherent in childbirth in the ancient world is brought to the fore in a second-century A.D. Greek

⁷⁶⁵ In the epitaph for Postumia Matronilla, found in Henchir ez-Zaatli, near Thelepte, in Africa Proconsularis, she is described as both *univira* and *unicuba* (*CIL* VIII 11294 = *ILS* 8444). *Uniuiga*, to my knowledge, has no epigraphic parallels.

⁷⁶⁶ See below, Table Two, pp. 273-280. I have excluded *CIL* VI 29896 (= *CLE* 1175) because, although it does commemorate a mother who died giving birth, the mother in question is a pet dog named Margarita. I am most grateful to Prof. R. Haensch for sharing his references with me and expanding my database.

funerary inscription for a woman named Socratea from Paros.⁷⁶⁷ Socratea and her unborn child died during labour. The grieving father views the fetus as “the greater threat to the household because it is characterized as having caused the death of one of its central members. This inscription gives voice to the complexity of emotions surrounding childbirth, acknowledging that a child can be both an object of desire and a source of great anxiety”.⁷⁶⁸

Table 2: Latin Inscriptions Commemorating Women who Died in Childbirth

1. CIL VI 25369 = CIL I² 1215 = CLE 59

Prote

Funerary plaque or block (?), Rome, 1st cent. B.C.

[heic est sep]ul̄ t̄ a Quincti Ranci feilia / [Quincti le]iberti Prot̄ ē quoi fatum grave / [crudeles] Parcae ac finem vitae statuerunt / [vix quom ess]et bis decem anneis nata indigniter / [nam quod c]oncepit leiberum semem duplex / [quom recte] pareret patrono aux{s}ilium ac decus / [expertam mul]ta commoda atque incommoda / [inmitis] mors eripuit sueis parentibus / [nunc illi s]ummo in luctu ac sollicitudine / [prae deside]rio gnatae fletus in dies // edunt sibi esse ereptam talem filiam / pater mei et genetrix germana oro atque o[bsecro] / desinite luctu questu lacrimas fundere / sei in vita iucunda vobis voluptatei fuei / viro atque amiceis noteisque omnibus / nunc quoniam fatum se ita tolit animo vo[lo] / aequo vos ferre concordisque vivere / quas ob res hoc monumentum aedificavit [pater] / suae gnatae sibi que uxori hanc constituit [domum] / aeternam ubi omnes pariter aevom degen[t]

L. 1: in lapide *sep]ulia*

L. 2: in lapide *Proti*

Here lies Prote, the daughter of Quintus Rancius, freedman of Quintus. The heartless Fates assigned to her a burdensome fate and an end to her life when she had scarcely lived just twice ten years. For she conceived two seeds of children as a source of help and an honour, because, as was fitting, she obeyed her patron. Merciless death stole her, having experienced many things, both agreeable and unpleasant, away from her parents. Now they, in their extreme sorrow and distress in the face of their longing for their daughter, lament day after day that such a daughter was taken from them. My father and my true mother, I beseech and implore you, stop shedding tears of sorrow and protest if I, during my pleasant life, were a source of joy to you, and to my husband, my friends and all of my acquaintances. Now, since fate inflicts itself in this way, I want you to bear it with even spirits and live reconciled (to my fate). For this reason [her father] set up this monument for his daughter and for himself and erected this eternal home for his wife where everyone equally will spend the ages.

2. CIL VI 5534 = CLE 1035

Cornelia Calliste

⁷⁶⁷ Kaibel 1878, no. 218.

⁷⁶⁸ Hong 2012: 85.

Funerary plaque, Rome, first half of the 1st cent. A.D.

Cornelia / Calliste mihi nomen erat / quod forma probavit annus / ut accedat ter mihi quintus / erat grata fui domino gemino / dilecta parenti septima [l]anguen/ti summaque visa dies causa / latet fati partum tamen esse / loquontur sed quaecumque / fuit tam cito non merui

Cornelia Calliste was my name, confirmed by my appearance, with the result that I was approaching my fifteenth year. I was pleasing to my master and loved by both my parents. Falling sick, the seventh day was my last. The cause of my death is unknown. They say it was childbirth. But whatever it was, I did not deserve it so quickly.

3. *CIL VIII 24734 = CLE 2115*

Daphnis

Funerary plaque, Carthage (Africa proconsularis), second half of the 1st cent. A.D.

Daphnis ego Hermetis coniunx sum libera facta / cum dominus vellet primu(m) Hermes liber ut esset / fato ego facta prior fato ego rapta prior / quae tuli quod geⁿui gemitus uiro saepe reliqui / quae domino invito uitam dedi proxime nato / nunc quis alet natum quis uita^m longa(m) ministrat / me Styga quod rapuit tam cito eni(m) a(d) super^ri^s / pia uixit annis XXV h(ic) s(ita) e(st)

L. 4: in lapide *gemui*

L. 6: in lapide *vitae*

L. 7: in lapide *superos*

I, Daphnis, wife of Hermes, have been freed, even though our master wanted to free Hermes first. Just as I was born earlier by fate, so I was snatched away by fate earlier. I endured much sorrow while I lived and now I have left it for my husband. Against my master's wishes, I recently gave birth to a child. Now who will nurse the child? Who shall make sure he has a long life? For the Styx so quickly has snatched me away to the gods. A faithful woman, she lived twenty-five years. Here she lies.

4. *AE 1995, 1793*

Rubria Festa

Funerary plaque, Caesarea (Mauretania Caesariensis), late 1st or early 2nd cent. A.D.

[h]anc struem perennis arae posuit his in sedibus / Iulius Festae Secundus coniugi karissimae / uixit annos sextriginta bisque uiginti dies / pondus uteri enisa decimum luce rapta est tertia / nata claro Rubriorum genere de primoribus / sancta mores pulchra uisu praecluens prudentia / exornata summo honore magno iudicio patrum / aurea uitta et corona Mauricae prouinciae / haec et diuum consecuta est summa pro meritis bona / quinque natos lacte mater ipsa quos aluit suo / sospites superstitesque liquit uotorum potens.

Iulius Secundus [made] in this place, an altar, destined to endure, for Festa, his most beloved wife. She lived thirty-six years and twice twenty days. It was her tenth delivery. On the third day she died. Born into the *gens* Rubria, celebrated among the leading families, flawless in her character, beautiful to behold, outstanding in her wisdom, she received – the highest honour

which can be given by the judgment of the senators – the golden ribbon and the crown of the province of Mauretania. For her merits, she received the greatest blessings from the gods. As a mother, she left behind five children safe and sound whom she herself nursed with her own milk, and thus saw her vows fulfilled.

5. CIL III.2, 362 = AE 1991, 1076

Gemina

Funerary stele, Salaria (Hispania Citerior), late 1st or early 2nd cent. A.D.

Gemina D(ecimi) Pu(blici) Subici ser(ua) an(norum) / XXV h(ic) s(itus) e(st) obit in / partu C(aius) Aerariu[s l(ibertus)] / posui[t ci]ppum pa/[rca fuer?]as mihi si qu[a] / inferi sapent ut m[e] / abduces si me / amasti fac abdu/cas s(it) t(ibi) t(erra) l(euis)

Here lies Gemina, aged twenty-five, a slave of Decimus Publicius Subicius, who died in childbirth. Gaius Aerarius, a freedman, erected this tombstone. You had been a moderate (wife) for me. If the gods of the underworld know how to do anything, how I wish you would take me away. If you loved me, take me away! May the earth rest lightly on you.

6. CIL XIV 2737 = CLE 1297

Rhanis Sulpicia

Funerary plaque (?), Tusculum (Latium), 1st – 2nd cent. A.D.

Rhanidi Sulpiciae l(ibertae) / delicio / nata breui spatio partu subiecta nec ante / testatur busto tristia fata Rhan̄īs / namque bis octonos nondum compleuerat annos / et rapta est uitae rapta puerperio / p̄ar̄entis tumulus duo funera corpore in uno / exequias geminas nunc cinis unus habet // Sulpicia Trionis l(iberta) / Rhanis

L. 4: in lapide Rhanos

L. 7: in lapide praentis

To Rhanis Sulpicia, freedwoman and delight. Alive for such a short time and never before subjected to childbirth, Rhanis bears witness to her wretched fate from her tomb. For she had not yet completed twice eight years and was snatched away from life, snatched away from childbirth. The parental tomb holds two deaths in one body, now the single (pile of) ashes holds the remains of two people. Sulpicia Rhanis, freedwoman of Trio.

7. CIL IX 3968 = CLE 498

Aedia

Funerary plaque with moulding, Alba Fucens (Samnium), 1st – early 3rd cent. A.D.

D(is) M(anibus) [s(acrum)] / Aediae [- - -] / haec tenet exanimam [tellus natalis in urbe] / quae nupsit Roma morbi [sed fraudibus atri] / post annos ueniens uisum La[r]is arua paterni / incidit infelix(!) pregnax sa[luamque] puellam / enixa est misera acerba[que] decidit ipsa / lugentesque suos miseros [cum prole reliquit] / et tulit Elysium uiginti e[t quattuor] annis / Eutyches et Hi[- - -]

To the spirits of the departed Aedia.... This land of her birth holds her, dead. She married in the

city of Rome but after some years she was driven by the dangers of a dreadful illness to once again look upon the fields of her father's house. Unlucky, she was pregnant. She gave birth to a healthy girl but she herself met a wretched and untimely death. She left behind her grieving parents alongside her daughter. She took with her to Elysium twenty-four years. Eutyches and Hi... (set up this monument?)

8. CIL III 272 = CIL III 6759 = ILS 1914 = GLIA I 44

Aeturnia Zotica

Funerary altar, Ancyra (Galatia), A.D. 163-166

D(is) M(anibus) c(onstitutum?) / Aeturniae Zotic(a)e / Annius Flavianus / dec(urialis) lictor Fufid(i) / Pollionis leg(ati) Gal(atiae) / coniugi b(ene) m(erenti) vixit / ann(is) XV mens(ibus) V / dieb(us) XVIII quae / partu primo post / diem XVI relicto / filio decessit

To the spirits of the departed. Annus Flavianus, member of a *decuria* and lictor to Fufidius Pollio, the legate of Galatia, made this for his well deserving wife, Aeturnia Zotica. She lived fifteen years, five months and eighteen days. She died sixteen days after she first gave birth; one child survived her.

9. CIL III 2267

Candida

Funerary altar or stele (?), Salona (Dalmatia), 2nd cent. A.D.

D(is) M(anibus) / Candidae coniugi bene me/renti ann(or)um p(lus) m(inus) XXX qu(a)e me/cum uixit ann(os) p(lus) m(inus) VII / qu(a)e est cruciata ut pari/ret diebus IIII et non pe/perit et est ita uita fu/ncta Iustus conser(uus) p(osuit)

To the spirits of the departed Candida, a well-deserving wife aged about thirty, who lived with me for about seven years. She was in agony for four days trying to give birth. She was unable to give birth and so she died. Her fellow slave Iustus erected this stone.

10. CIL X 1112

Orestilla

Sarnum (Campania), mid 2nd to 4th cent. A.D.

felix Orestilla qu(a)e / feliciter Crispino Euodio / nupsit puerperio uix / educta infeliciter obiit / maritus pientiss(imus) u^r x^ori s(uo) / b(ene) m(erenti) fecit / contra uotum

L. 5: in lapide *ucsori*

Lucky Orestilla, who luckily married Crispinus Euodius, unluckily died in childbirth, not easily released. Her most dutiful husband made this for his well-deserving wife contrary to his expectation.

11. CIL VI 3499

Tineia Hieropis

Sarcophagus, Rome, late 2nd or early 3rd cent. A.D.

D(is) M(anibus) / Q(uitus) Tineius Q(uiti) f(ilius) Sab(atina) Her[mes(?)] / domo Nicomedia mi/litiarum IIII pater infelix Tineiae Hiero/pis quae et matron[a] / cuius corpus con[di]/tum a patre cum pa[rtu] / inmaturo hic po[si]/tum [est]

To the spirits of the departed. Quintus Tineius Hermes (?), son of Quintus, of the tribe Sabatina, originally from Nicomedia, who completed the IIII militiae. Unlucky father of Tineia Hieropis, a married woman, whose body was buried by her father together with her premature child. Here it was laid.

12. CIL VI 28753 = CLE 108

Veturia Grata

Funerary plaque, Rome, 2nd – 3rd cent. A.D.

Veturia Grata // Vel nunc morando resta qui perges iter / etiam dolentis casus adversos lege / Trebius Basileus coniunx quae scripsi dolens / ut scire possis infra scripta pectoris / rerum bonarum fuit haec ornata suis / innocua simplex quae numquam ser̄v̄āv̄it dolum / annos quae vixit XXI et mensibus(!) VII / genuitque ex me tres natos quos reliquit par̄v̄ulos / repleta quartum utero mense octavo obit / attonitus capita nunc versorum inspice / titulum merentis oro perlegas libens / agnosces nomen coniugis Gratae meae

L. 6: in lapide *serbabit*

L. 8: in lapide *parbulos*

Veturia Grata. Stop now and pay attention (and continue your journey later) and read about this untimely misfortune. Read what I, Trebius Basileus, her husband, have written in my grief, so that you may be able to preserve deep in your heart what is written below. To her own she was blessed with good qualities. She was blameless, artless and never a slave to deceit. She lived twenty-one years and seven months and produced with my help three children whom she left behind when they were still small. Her womb filled for a fourth time; in her eighth month she died. Now look in wonder at the first letters of these verses. I beseech you, read all the way through the epitaph of this deserving woman. Thus you shall learn the name of my wife, Grata.

13. ILN IV 32 = AE 1976, 326

Hippodamia

Funerary plaque, Apta (Gallia Narbonensis), 4th cent. A.D.

[Dis in]fernis memoriaeq(ue) semper habendae / Hi[ppoda]miae suae constituit pignora post gemina / nat[a at a m]atre relicta dilectae nimium gratus uir Apolaustus / co[mes tu] qui pergis iter mane quaeso parumper / [siste g]ressum dunc perlegens an{c}xia fata / [- -]pus quondam dunc uita manebat / [- -]fl]orente iuuenta / [- -]co]ntraria uoti[s/- -] maero[re- -] parent[- -] / [- -]d]ilecto c[- -]ro / [- -] semperq(ue) [... m]arito / [- -]ro forma [- -]te beata / [- -]e]t transeg[it o]rbes / [- -]f]ugiens m[- -]r]eliquit / [- -]o mar[- -]rgine et una / [- -]per[...] aq. litora uisa / quo na[sc]or mo[r]io[r m]orte[m m]ihi uita parauit / nam partu genitam partu[s me] tradidit umbris / [H]ippodamia fuit n[o]men d[unc] uita manebat / haec tamen ex[t]remi te [- -] / quod quae me genuit pat[ria- -] / adque ubi uita data est i[- -] / apte nam genitam t[r]ist[- -] / hoc mihi dilecte con[iu]x p[- -]

(Lines 1 to 5) To the gods below and for the memory always to be preserved of his very own Hippodamia, her grateful husband, Apolaustus, erected this after the birth of their twin pledges, but the children were left behind by their mother. I implore you, companion, rest here for a little while (and continue your journey later). Halt your step, while reading all the way through the distressing fate (of my wife)...

(Line 17) Because I gave birth, I died. My life set up my death: for I was born through labour, and my own labour delivered me to the underworld. Hippodamia was my name while life remained to me. Nevertheless these things at the end you... Because this country bore me... and where life was given... for born fittingly... My husband lovingly for me (set up this monument?)...

14. CIL III 9632 = CLE 1438a-b = CLE 2133a = ILJug III 2420 = Salona IV 618

Name unknown

Sarcophagus, Salona (Dalmatia), 4th cent. A.D.

[heu q]uamquam las[si cunctamur] / sca[lpere uersus] / utpote qui [maesto funere con]/[ficimur] idcircoque [omni luctus renovatur in] / ictu / audemus tamen haec e[dere cum] / gemitu / ex iu[- - -] / [- - - - -] / [- - - g]e[n]itam / [huic placidam requiem tri]buat deus omni/[pote]ns rex [insontique animae s]it bene post obitum / [multa tulit nimis aduersi]s incommoda rebus / [infelix misero e]st fine perempta quoq(ue) / [quadraginta a]nnos postquam trans/[egit in aevo] / [fu]nesto grauis heu triste puerperio / nequiuit miserum partu depromere fetu(m) / hausta qui nondum luce peremptus abiit / adque ita tum geminas g[e]mino cum corpore / praiceps / laetum(!) ferali [transtu]lit hora an[imas] / at nos maerentes coniux natique / generque / carmen cum lacrim[is] hoc tibi [condidimus]

Alas, however much we, sick at heart, delay in carving verses, eventually we, as is natural, carry out a mournful funeral. And for this reason grief is renewed for each person by the metre. We dare however to set forth these things with a groan... May almighty God and king bestow upon her peaceful rest and things go well for her innocent spirit after her death. She endured far too many troubles because things were wrong. This unfortunate woman met a pitiable end after completing forty years. Pregnant, alas, she experienced a grievously difficult labour and was not able to drive out from her womb the wretched fetus which, destroyed, passed away not yet in the light. And in this way then she, at peace, suddenly transferred in a funereal hour two souls along with one twinned body. But those of us left grieving, your husband, your children, and your son-in-law, through our tears we composed these verses for you.

15. CIL III 13529 = CLE 1992

Ursa

Funerary plaque, Ovilava (Noricum), 4th cent. A.D.

Fl(avius) Ianuarius mil(es) uivus fecit / condita sepulcro hic pausat Ursa / C(h)r^ri^ristiana fidelis an(norum) XXXVIII per partum / subito ducente inpio fato est tradita Tartaris / imis et me subito linquit sibi coniugem pro tempo/re iunctum qu^ra^m ambulo et quero miser qu^ra^m ipse / aeterna condidi terra o quit(!) tribuat genesis / qu^rae^r separat convirginios dulcis ut non licuit / nobis iugiter supernam frunisci caritatem / hoc dico legentibus et lacrimis prosequor uerba / coniuncti

amantis semper se bene dicere debent / quia nihil erit dulcius quam prima iuuentus

L. 3: in lapide *C(h)restiana*

L. 6: in lapide *quem, quem*

L. 8: in lapide *qui*

Flavius Ianuarius, a soldier, made this while living. Ursa rests here in this tomb, a faithful Christian who lived thirty-eight years. Because an unpius fate brought her unexpectedly to labour, she has been delivered to the depths of Tartarus and has unexpectedly abandoned me, the husband united with her according to circumstances. How I walk around and I, bereft, mourn she whom I myself placed in the everlasting earth. O what birth assigns, which separates sweet first loves so that it is not permitted for us continuously to enjoy heavenly affection. This I state to those of you reading and I follow up my words with tears. Spouses ought always to speak well of themselves while in love because nothing will be sweeter than early youth.

16. CIL VIII 20288 = ILCV 3436 = CLE 1834

Rusticeia Matrona

Cupa, Satafis (Mauretania), 4th cent. A.D.

D(is) M(anibus) s(acrum) / Rusticeia / Matrona / v(ixit) a(nnos) XXV / causa meae mortis partus fatu[m]que malignum / se^rd^r tu desine flere mihi kariss[ime coniux] / [et] fil(ii) nostri serva com[munis amorem] / [- - - ad caeli] transivit spi[ritus astra] / [- - -] maritae [- - -]

L. 6: in lapide *set*

To the spirits of the departed. Rusticeia Matrona. She lived for twenty-five years. The cause of my death was childbirth and an unfriendly fate. Desist from crying, my dearest husband, and preserve the love of our common son. Her spirit has crossed over to the stars of heaven... for his wife...

17. CIL XI 4631 = CLE 1846

Pontia

Sarcophagus, Carsulae (Umbria), second half of the 4th cent. A.D.

Pontia sidereis aspirans uultibus olim / hic iacet aetherio semine lapsa fuit / omnis honos omnis ce(s)it tibi gratia formae / mens quoque cum uultus digna nitore fuit / tradita uirgo toris decimum non pertulit annu(m) / coniugii infelix unica prole perit / quantus amor mentis probitas quam grata marito / quam casti mores quantus et ipse pudor / nil tibi quod foedum uitium nec moribus ullum / dum satis obsequeris famula dicta uiri / [- - -]iam // denique te memet fatis odioque grauatum / dum sequeris uidit Corsica cum lacrimis / tu Treuiros pergens cursu subuecta rotarum / coniugis heu cultrix dura satis pateris / te pater infestus genero cum tollere uellet / tem(p)tasti laqueum si faceret genitor / cedite iam ueterum laudes omnesque maritae / tempora nulla dabunt talia quae faciat / uir tuus ingenti gemitu fletuque rigatus / hos feci uersus pauca tamen memorans / hic legit autores mu[- - -]

L. 3: in lapide *omnes*

Here lies Pontia, who had a star-like beauty while alive. She passed away from the people of the world above. Every distinction, each and every one, has left you: the charm of appearance, the

mind also with the distinguished beauty of face. Brought to the marriage bed a virgin, she did not survive the tenth year of marriage: unfortunate, she died because of her only child. How much love, how much honesty of the mind, how pleasant she was to her husband, how pure her morals, how great indeed her modesty itself. You had no foul vice in your bones nor was there anything against your morals while as a servant you complied with the orders of your husband. Finally, Corsica saw you and me myself, weighed down by fortune and hatred, while you followed (me) weeping. You, proceeding towards the Treviri, were borne by a wheeled carriage. Alas, devotee of your husband, you have endured enough harsh things. The father was antagonistic to his son-in-law, since he wished to take you away. If your father had been able to make one, you would have experienced the noose. Fall back now praises of our ancestors and all wives. No future ages will grant the sort of things that your husband now provides. Though soaked by enormous weeping and lamentation, I have nonetheless composed these verses, recording here a few memories...

18. AE 2001, 1168

Aurelia Licinia Florida

Funerary plaque, Augusta Emerita (Lusitania), second half of 4th cent. A.D.

mulier an(n)orum uiginti et / octo perit a partu cognomen / Aurelia Licinia Florida rec/cessit de s(a)eculo in nomin(e) C(h)r(isti) / C(h)risti f i delis in X (Christo) hoc felix

L.5: in lapide *fedelis*

A woman, Aurelia Licinia Florida by name, aged twenty-eight, died in childbirth. She has withdrawn from life in the name of Christ. Fortunate are Christ's faithful in Christ.

Many of the Latin inscriptions reflect rare or unusual circumstances surrounding the birth. Three record that the mother died after being unable to deliver the child.⁷⁶⁹ Another says only that the mother died in her eighth month of pregnancy.⁷⁷⁰ One states that mother and child are buried together.⁷⁷¹ Two indicate that the mother died giving birth to twins, in what must have been especially difficult deliveries.⁷⁷² Some tell us that the child survived even though the mother did not, or for how many days after the delivery the mother survived.⁷⁷³ In each of these situations, implied by the effort and expense required in including each additional detail is the underlying reminder that it is not just the death of the woman that has to be mourned, but also the loss of her future potential *fecunditas*. This is vividly expressed in epitaphs that tell the reader

⁷⁶⁹ Nos. 6, 9, and 14.

⁷⁷⁰ No. 12, discussed in more detail below, p. 282.

⁷⁷¹ No. 11.

⁷⁷² Nos. 1 and 13. cf. Marrou 1971: 271-278; Coulon 2004a: 35-36.

⁷⁷³ Child surviving although mother did not: nos. 3 and 7. Three days after delivery: no. 4, discussed and quoted below, pp. 288-290. Seven days after delivery: no. 2. Sixteen days after delivery (and the child survived): no. 8, discussed and quoted below, pp. 287-288.

how many pregnancies a woman had experienced, or how many living children she left behind.⁷⁷⁴ A similar idea is seen in epitaphs where the age of the mother is expressed not just in years but in months as well. A number of scholars have recognized that children were often commemorated in such precise detail, and that this extra information reflected the sense of loss of the child's potential. As Maureen Carroll puts it: "The age at death in epitaphs is often very specific, including months, days and hours, such data visibly highlighting that the memory of a child was at stake and that the commemorators of the child had hoped to see it reach maturity".⁷⁷⁵ For women who died in childbirth, the inclusion of a very precise age at death not only illustrates the depth of the grief of their commemorators – their husbands – but also, particularly when the women were quite young, points to the loss of their potential future *fecunditas*. Their reproductive years have been cut short.⁷⁷⁶ Even though Crispinus Euodius does not tell us how old his wife Orestilla was when she died, he does tell us that he set up her memorial "contrary to his expectation" (*contra votum*). He had not expected to lose her so soon.⁷⁷⁷

This sense of loss is not confined to any one section of the social strata. Annus Flavianus, a high-ranking Roman official in Galatia, tells the viewer that his wife died at the age of twenty-five years, five months, and eight days, but his sense of loss is no more evident than that felt by the slaves Iustus and Hermes, who commemorate Candida and Daphnis respectively.⁷⁷⁸ Iustus tells us that Candida died at around the age of thirty, that they had been married for about seven years, and that Candida was in labour for four days but ultimately failed to deliver the child. Daphnis' child survived, but for how long? Hermes makes her ask in her epitaph, which is written in her voice, "Now who will nurse the child?" (*nunc quis alet natum*). Daphnis' pregnancy angered their master; there is no guarantee the slave child will be allowed to live.

⁷⁷⁴ First delivery: no. 8. Fourth delivery, with three children surviving: no. 12. Tenth delivery: no. 4.

⁷⁷⁵ Carroll 2011a: 112. cf. (among others) McWilliam 2001: 93; Harlow and Laurence 2002: 113; Rawson 2003: 352; Laes 2011a: 104, 282.

⁷⁷⁶ See nos. 4, 8, and 12. A similar idea is found in Quintilian (*Inst.* 6.pr.4-11) where he mourns the loss of his wife, who died at the age of nineteen. Quintilian comments that because his wife died at such a young age, especially when compared with his own, her death should also be counted among the griefs of childlessness, indicating that he mourns the loss not only of his wife, but also the other children they might have had if only she had lived longer.

⁷⁷⁷ No. 10.

⁷⁷⁸ Annus Flavianus: no. 8. Iustus and Candida: no. 9. Hermes and Daphnis: no. 3.

One inscription that includes many of these ideas is the quite lengthy epitaph from Rome for Veturia Grata.⁷⁷⁹ Her husband, Trebius Basileus, takes pains to tell the reader that his wife died aged twenty-one years and seven months, that she died in her eighth month of her fourth pregnancy, and that she left behind three small (*parvulos*) surviving children. A sense of pride in his wife's *fecunditas* is apparent, even as he mourns her untimely death. Moreover, he wants the reader to remember these qualities as well, ending the epitaph exhorting the reader to “learn the name of my wife Grata” (*agnosces nomen coniugis Gratae meae*). He even goes so far as to spell out her name in the first initials of each line of the epitaph (Figure 5.4).

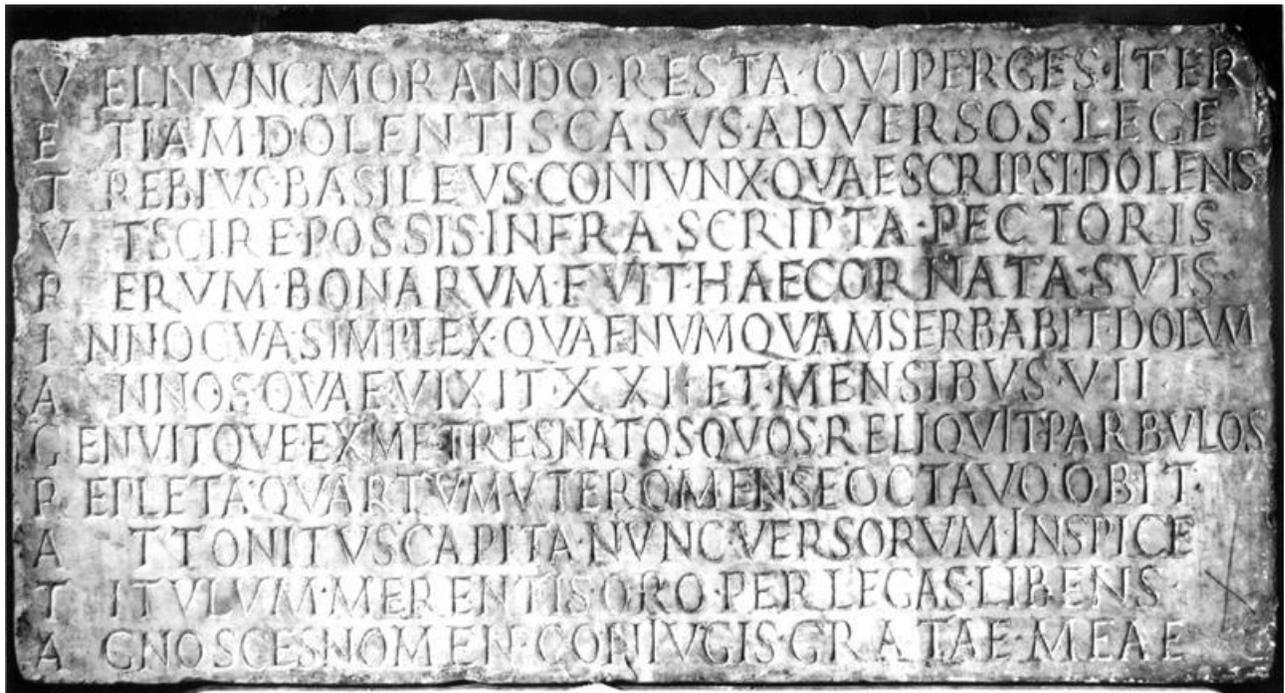


Figure 5.4 Epitaph for Veturia Grata (CIL VI 28753 = CLE 108)

The few inscriptions which spell out that the commemorated woman died in childbirth fail to come close to representing what must have been significant maternal mortality rates. One factor influencing their rarity could have been cost. Any inscription that includes more than the absolute minimum amount of information to commemorate the deceased is a product of the conscious choices of the commemorator concerning what to include or to leave out. Each additional letter, each additional line, would have added to the cost. What is interesting with the inscriptions concerning women who died in childbirth is that there is not a single example where all we can learn about the commemorated woman is that she died in childbirth. Many of the

⁷⁷⁹ No. 12. The epitaph is twelve lines long.

inscriptions are relatively complex and include, as we have seen above, significant details concerning the circumstances in which the woman died. The decision to include these details, like the precise age at death, the number of pregnancies, or the fate of the child(ren), is a further reminder of the loss of the woman's future *fecunditas*. The inscriptions of women who died in childbirth take us only so far down the social ladder.

Were there other options to indicate that the deceased probably died in childbirth even when not explicitly mentioned? Maureen Carroll has speculated that funeral stelae which depict the image of a woman holding a swaddled child could denote women who have died in such a manner. One such example is a stele from Metz, which depicts a woman next to an infant in swaddling clothes.⁷⁸⁰ The short inscription names them as Carantodia and her son Sextus. No other information is given.⁷⁸¹ Carantodia may have died giving birth to Sextus.⁷⁸² We might perhaps speculate that Sextus also died during or shortly after birth, but without more precise information concerning their ages, we cannot be sure. Carroll's thesis is tempting, but I do think we need to exercise a degree of caution. Certainly the image of a woman holding a swaddled child is not exceptionally rare.⁷⁸³

Given the importance of a woman's *fecunditas*, gravestone images of a woman holding a swaddled child could well be intended only to represent the woman as a mother, showing that she had proved her *fecunditas*, whether or not she had died in childbirth. The fact that the child was depicted as a newborn could indicate that it was the child who died young, rather than the mother dying in childbirth. Alternatively, it could have been a stock image for depicting motherhood, and used irrespective of the cause of death of the mother or the number and age of her children, whether surviving or pre-deceased. The image could also have represented the hope of *fecunditas*, and the dismay felt by the woman's commemorator(s) that she would never fulfill her potential and become a mother, in the same way that grave goods can symbolically compensate for a status never achieved in life.⁷⁸⁴ Such is the case, I feel, of the tombstone of

⁷⁸⁰ *CIL* XIII 4359 (= Mander 2013: no. 351 = Espérandieu 1907-22: no. 4366), likely second to early third century A.D.

⁷⁸¹ The inscription in its entirety reads: *D(is) M(anibus) / Carantodi(a)e et Sexti / fili(i)*.

⁷⁸² Carroll 2006: 154; 2014: 169.

⁷⁸³ Other examples of the mother and swaddled child motif: Krüger 1974, 16-17, cat. 15, pl. 8 (Savaria); Galsterer and Galsterer 1975: cat. 310, pl. 67 = Wierschowski 2001: no. 660 = Carroll 2001: 91, fig. 43 = Carroll 2006: 7, fig. 3. (Cologne, A.D. 20); Frenz 1985, cat. 71, pl. 30.4 (Benevento); Facsády 1997: 104, pl. 20.1 = Carroll 2014: 169, fig. 6 (Aquincum). For discussion, see Carroll 2006: 154; Carroll 2014: 168-174.

⁷⁸⁴ Martin-Kilcher 2000; Hersch 2010: 65-114.

Scaevinia Procilla from Ravenna.⁷⁸⁵ The text reads *D(is) M(anibus) / Scaeviniae / Procillae / vixit an(nos) XVIII / Scaevinius Proculus / et / Caecilia Quinta / par(entes) pient(issimae) pos(uerunt)*. Dead at eighteen, she was commemorated by her parents; her gravestone shows her holding a swaddled baby in her arms. In a 2011 article Carroll originally used the image of the swaddled baby to argue that Scaevinia probably died in childbirth or from complications.⁷⁸⁶ I am not so sure. The young age at which Scaevinia died, as well as the fact that she was commemorated by her parents, rather than her husband, suggests to me that she may well have died before she was married. The image of her holding a swaddled baby in her arms thus represents her parents' grief at the loss of her potential *fecunditas* and of their thwarted desire to become grandparents.⁷⁸⁷ There is only one epithet in the inscription, found in the final line, which has been expanded as: *par(entes) pient(issimae) pos(uerunt)*. This interpretation, where *pientissima* refers to Scaevinia, suggests that had she lived, her parents expected that she would do her duty and produce children for her husband.⁷⁸⁸

Equally difficult to interpret is the epitaph of Maena Mellusa, a freedwoman commemorated in Rome by her husband, L. Oenucius Delus.⁷⁸⁹ Maena's two sons are also commemorated: Dexter, who died at the age of eleven months, and Sacerdos, who died at the tender age of three months and ten days. Maena Mellusa's age at the time of her death is not recorded. It is tempting to hypothesise that Maena may have died as a result of complications from the birth of Sacerdos, but we can know nothing for certain. Equally possible is that all three died at different times and for different reasons. What her funerary altar does show is the importance of her *fecunditas* to her husband and the loss of their family's potential, something also highlighted in the image accompanying the inscription, where Maena is portrayed with their two children, one almost at her breast. Their two sons each bear only one name. They must, therefore, have been born to their mother when she was still a slave. There is no record of any

⁷⁸⁵ *CIL* XI 212 (= Mander 2013: no. 199), likely dating to the second century A.D. For the image, see Mansuelli 1967, 143-44, fig. 48.

⁷⁸⁶ Carroll 2011a: 113.

⁷⁸⁷ In her most recent publication, Carroll now acknowledges that such images of mother and child could be a depiction in death "as mothers as a way of symbolically 'fulfilling' their 'natural' social rôle in Roman society" (2014: 172).

⁷⁸⁸ Alternatively, *pient* could be expanded as *pient(issimi)*, which would refer to Scaevinia's parents. It is impossible to know for certain which restoration is correct.

⁷⁸⁹ *CIL* VI 21805 (= Mander 2013: no. 25). See Boschung 1987a, 114, cat. 964, pl. 57; Rawson 2003, 42-44, fig. I.8. Given both Maena and her husband's patron were named Lucius, they were probably slaves in the same household. On the basis of the garlands, Boschung dates it to the Claudian period.

children born after she was freed, and I think it is likely she did not leave any surviving children. Given the other details provided in the inscription, I think it probable that her husband would have mentioned living children, especially ones born after she was freed. L. Oenucius Delus, therefore, lost his wife before he had the opportunity to take advantage of her already-proven *fecunditas* to provide him with a freeborn heir. She may not have died in childbirth, but her death represented a serious blow to his social climb.⁷⁹⁰

Women, too, could take pride in and assert their own *fecunditas*. Consider the grave stele of Aurelia Cansauna and her husband, Aelius Munatius, who was a medic (*capsarius*) of the *cohors Hemesenorum milliaria* for twenty-eight years.⁷⁹¹ They lived at Intercisa on the Danube in the mid-third century A.D. The inscription makes it clear that the stone was commissioned and set up by Aurelia Cansauna while she was alive. The image depicts a family group with the father on the right-hand side facing the viewer, the mother on the left, and three children arranged in front. A fourth child, still swaddled, is being breast fed by Aurelia herself. The viewer cannot escape this knowledge: Aurelia stares directly at the viewer while unabashedly lifting her clothing to bare her breast for the infant. Yet in the inscription, not one of the four children is named, and the text makes reference to a secondary heir, Antonius Bassus, a *vexillarius* and fellow soldier. All four children may have died. Alternatively, Aurelia may not even have been a mother. She understood, however, the importance of *fecunditas* to a woman's image, particularly on the Danube where large families with multiple children were celebrated.⁷⁹² As Carroll notes, “the image may be viewed as socially aspirational and an attempt to appear as a respectable and admirable wife and mother”.⁷⁹³

One of the most important aspects of the Roman conception of *fecunditas* as a female virtue was the way that Roman élite men could use the proven *fecunditas* of their wives to increase their own social capital.⁷⁹⁴ The inscriptions commemorating women who died in

⁷⁹⁰ Carroll notes “The message seems to be that she was a good mother to her children and would have been one also to future Roman citizen children, had she not been cut off in her prime” (2014: 173).

⁷⁹¹ RIU V 1153. The text reads *D(is) M(anibus) / Ael(io) Munatio / caps(ario) coh(ortis) |(milliariae) Hem(e)s(enorum) / stup(endiorum)(!) XXVIII dom(o) / Sam(osata) Aur(elia) Cansa(una) con(iux?) Ant(onio) / Basso vex(illario) sec(undo) her(ede) / sanctiss(imo) coniug[i] / con(!) se(!) natib(us)q(ue) suis / fecit / m(onumentum) m(emoriae)*. cf. Boatwright 2005: 287-289 and 317, fig. 10.1; Mander 2013: 98, no. 733, fig. 82; Carroll 2014: 174, fig. 11.

⁷⁹² Boatwright 2005; Mander 2012.

⁷⁹³ Carroll 2014: 174.

⁷⁹⁴ See above, Chapter Two, pp. 101-115.

childbirth are no exception. First, there is the epitaph of a certain Rusticeia Matriona, who lived in Satafis in Mauretania Caesariensis:

*D(is) M(anibus) s(acrum) / Rusticeia / Matriona / v(ixit) a(nnos) XXV / causa meae
mortis partus fatu[m]que malignum / sed tu desine flere mihi kariss[ime coniux] /
[et] fil(ii) nostri serva com[munis amorem] / [ad caeli] transivit spi[ritus astra] / [- -
-] maritae [- -]*

(No. 16)

To the spirits of the departed. Rusticeia Matriona She lived for twenty-five years. The cause of my death was childbirth and an unfriendly fate. Desist from crying, my dearest husband, and preserve the love of our common son. Her spirit has crossed over to the stars of heaven... for his wife...

The epitaph begins and ends in the third person, but the middle contains an emotional plea written in the voice of Rusticeia herself. In it she lists the causes of her death, which she identifies as childbirth and an unfriendly fate, and then urges her husband to stop his own mourning and devote his attention to their surviving child.⁷⁹⁵ We cannot know whether the child is the one whose birth caused her death, or another, older child. Given there is no specific mention of the fate of the child who resulted from Rusticeia's ultimately fatal pregnancy, unlike in some of the other inscriptions, it is perhaps more likely that it is this child, and not another from an earlier, successful birth, who is mentioned. Rusticeia's exhortations to her husband that he continue the love both had previously shown to the child may also suggest that it is the child born from her final pregnancy: perhaps she fears that her husband, overcome by his own grief, will resent the child for causing her death. Alternatively, she could simply be worrying that her husband might become lost in his grief to such an extent that he would neglect any child in his house.

On the surface these words read as a touching concern by the deceased wife for both her husband and her surviving child. When they are considered in light of the commemorative process, however, they look rather odd. Rusticeia, of course, would not have chosen these words herself. It was her commemorator, presumably her unnamed husband since she is referred to as a *marita* in the final line, who decided what would be inscribed on her epitaph. From this perspective, it seems somewhat unusual that Rusticeia's husband would include language that could possibly be construed as a criticism of his own actions – that he might be found wanting in

⁷⁹⁵ There is only one surviving child, as is made clear by the use of *nostri* rather than *nostrorum*. Hänninen (2005: 53), who translates *fil(ii)* as “children”, has misread the Latin.

terms of continuing to love their child. When we read the epitaph in light of our understanding of the importance of a woman's *fecunditas* to her husband, however, the lines make more sense. Rusticeia's husband's choice of words makes certain that the existence of a surviving child is emphasized. He also highlights the depth and strength of their marital bond with the suggestion that only by the request of his wife could he be dissuaded from his grief. The mention of her age demonstrates that Rusticeia was quite young at the time of her death, and, had she lived, could perhaps have been expected to bear other children for her husband, especially since her *fecunditas* had been established with at least one pregnancy that had a successful outcome. Taken together, the epitaph reads not as a serious chastisement from a deceased spouse, but instead proof of the strength of their marital bond and of their virtues.

Second, consider the epitaph for Aeturnia Zotica, set up by her husband, Annus Flavianus, in Ancyra, Galatia c. A.D. 163-166. The inscription reads:

D(is) M(anibus) c(onstitutum?) / Aeturniae Zotic(a)e / Annus Flavianus / dec(urialis) lictor Fufid(i) / Pollionis leg(ati) Gal(atiae) / coniugi b(ene) m(erenti) vixit / ann(is) XV mens(ibus) V / dieb(us) XVIII quae / partu primo post / diem XVI relicto / filio decessit

(No. 8)

To the spirits of the departed. Annus Flavianus, member of a *decuria* and lictor to Fufidius Pollio, the legate of Galatia, made this for his well deserving wife Aeturnia Zotica. She lived fifteen years, five months and eighteen days. She died sixteen days after she first gave birth; one child survived her.

Before we know anything about Aeturnia Zotica other than her name, we learn her husband's name and his position. Annus Flavianus' decision to include this information shows a desire to portray himself in the best possible light; it can hardly matter now to poor Aeturnia what political positions her husband held. By identifying himself by his official position before adding that he is Aeturnia's husband, Annus Flavianus asserts his claim to a particular status. Annus Flavianus' precise demarcation of Aeturnia's age at death – fifteen years, five months, and eighteen days – coupled with the detailed description of the nature of her death, illustrates his grief at the loss of her future potential *fecunditas*. He takes pains to tell the reader that it was her first delivery, that the child, probably a boy, survived, and that Aeturnia herself lasted for sixteen days after what was likely to have been a complicated and difficult delivery. We are given the impression that if she had lived Annus Flavianus expected that his wife would have borne him many more children: after all, with her very first pregnancy she had produced a coveted male

child that had survived, even though she herself did not. The mention that she died sixteen days after the birth also hints at Annius Flavianus' grief and disappointment. Perhaps after lasting for so long he had started to believe that she would prove to be as tough as her child and would survive. Or perhaps it had been a relatively uncomplicated birth and her death came as a complete shock. At the same time, given his obvious status consciousness, I think it is fair to read into the words chosen for Aeturnia's epitaph an awareness that Annius Flavianus expected to benefit from the *fecunditas* of his wife in more ways than just through the provision of more offspring. He has not just lost his wife: he has lost the opportunity to achieve the *ius trium liberorum*, at least with this marriage. He has also lost the chance to increase his own social status within his community if his wife eventually gave him a large family.

A third, and even more overt, use of a wife's *fecunditas* by her husband to claim social status is found in the metrical epitaph of Rubria Festa, who lived in Caesarea in the North African province of Mauretania Caesariensis at the end of the first or beginning of the second century A.D.⁷⁹⁶ The inscription is as follows:

*[h]anc struem perennis arae posuit his in sedibus / Iulius Festae Secundus coniugi
karissimae / uixit annos sex triginta bisque uiginti dies / pondus uteri enisa decimum
luce rapta est tertia / nata claro Rubriorum genere de primoribus / sancta mores
pulchra uisu praecluens prudentia / exornata summo honore magno iudicio patrum /
aurea uitta et corona Mauricae prouinciae / haec et diuum consecuta est summa pro
meritis bona / quinque natos lacte mater ipsa quos aluit suo / sospites superstitesque
liquit uotorum potens*

(No. 4)

Iulius Secundus [made] in this place, an altar, destined to endure, for Festa, his most beloved wife. She lived thirty-six years and twice twenty days. It was her tenth delivery. On the third day she died. Born into the *gens* Rubria, celebrated among the leading families, flawless in her character, beautiful to behold, outstanding in her wisdom, she received – the highest honour which can be given by the judgment of the senators – the golden ribbon and the crown of the province of Mauretania. For her merits, she received the greatest blessings from the gods. As a mother, she left behind five children safe and sound whom she herself nursed with her own milk, and thus saw her vows fulfilled.

Rubria Festa was a member of the provincial élite. Her husband, Iulius Secundus, tells us that she was born into a prominent and distinguished family, the *gens* Rubria. He then goes on to assert many of the stock virtues of women: his wife was chaste in the manner of her ancestors,

⁷⁹⁶ See Fishwick 2002: 205-206, and esp. Sblendorio Cugusi 2012.

beautiful, and renowned for her judgment/wisdom. Finally, Iulius Secundus tells us that Festa achieved one of the highest honours available for women: the golden ribbon and the crown identifying her as a priestess of the imperial cult of the province.⁷⁹⁷ At first glance we might read this epitaph solely as the loving praise of a devoted husband. It is not so simple. Epitaphs were designed for public consumption. The loving portrayal of the dead spouse as pre-eminent in her virtues, and the marriage as stable and harmonious, allowed a commemorator to make public claims about his own virtues.

We have, of course, no way of knowing whether the claims Iulius Secundus makes about his wife reflected her lived reality. Emily Hemelrijk has argued that the so-called *Laudatio Turiae* needs to be read, “not as a disinterested description of a woman’s life, but rather as a subjective narrative written by her husband with an eye to eliciting a positive response from his audience”.⁷⁹⁸ Exactly the same caution needs to be exercised here. Iulius Secundus makes it clear that more is at stake than just the memory of his beloved spouse. Iulius Secundus, we implicitly are meant to understand, has married well. His careful listing of his wife’s excellent lineage, her many good qualities, and her public honours are meant to raise his own social position just as much as they serve to venerate her memory. Rubria Festa’s astonishing *fecunditas* is no exception. Iulius Secundus tells us that she died three days after her tenth delivery. Moreover, in the final lines of the epitaph, he writes that five children survived her, all of whom were nursed by Rubria Festa herself. Even his poetic rendering of her age as “thirty-six years and twice twenty days” makes it clear that Festa had not yet reached the limits of her reproductive life.⁷⁹⁹ Had she survived this tenth delivery, suggests her husband, she could well have given him even more children.

Iulius, therefore, has set out to establish his wife as a true paragon of *fecunditas*. Rubria Festa, if her husband’s words are to be believed, must have spent the vast majority of her adult life pregnant, breastfeeding, or both. Although the word *fecunditas* itself is nowhere present, the references to her ten pregnancies and her five surviving children are clearly meant to single out Rubria as exceptional, even though they are voiced in conventional language similar to that used for other women who had not attained such storied reproductive heights. Although to our eyes

⁷⁹⁷ For the golden ribbon and the crown, see Fishwick 1991: 475-481; Hemelrijk 2007: 333-337. For the establishment of the imperial cult in Mauretania, see Fishwick 1987: 282-294.

⁷⁹⁸ 2004: 186.

⁷⁹⁹ The unusual wording is likely a result of the attempt to construct the epitaph in trochaic septenarius metre. The effort has been described as “bien qu’irrégulière” (AE 1995: 576).

the rate of survival for Rubria's children is horrific, with only five children still alive from her ten pregnancies, this was probably an all too common result, and Rubria should not be taken as a demographic outlier.⁸⁰⁰ Iulius' assertion that the surviving children are "safe and sound" (*sospites*) could perhaps reflect a response to any unspoken criticism about the mortality rate in his family. Only half of their children may have survived, but the survivors are a tough bunch. Implicitly the viewer is meant to understand that these children are expected to reach adulthood. Iulius also emphasizes that his wife wanted to nurse their children herself. There is no sign of any reluctance on her part, or pressure or coercion on his. It is, of course, in Iulius Secundus' best interests to portray his wife the way he has. He himself benefits from the epitaph's praise of his wife: since Roman social *mores* assumed that a virtuous man deserved a fertile wife, praise for Rubria's fertility also served as a claim for Iulius' own virtues.

Iulius Secundus' emphasis on Rubria Festa's desire and ability to nurse her children herself – note the juxtaposition of *mater ipsa* with *suo lacte* – is again a clear effort on his part to gain social capital from her *fecunditas*. In this claim, Iulius Secundus is adopting the elite idea found throughout Roman literature that wealthy women who could afford to hire a wet nurse were extra virtuous if they chose to breastfeed their own children instead.⁸⁰¹ This idea permeated other levels of Roman society. *CIL* VI 19128 (= *ILS* 8451), an inscription from a second- or third-century A.D. sarcophagus, commemorates a certain Graxia Alexandria:

Graxiae Alexandriae / insignis exempli / ac pudicitiae / quae etiam filios suos / propriis uberibus educavit / Pudens Aug(usti) lib(ertus) maritus / merenti vix(it) ann(os) XXIII m(enses) III d(ies) XVI

To Graxia Alexandria, a woman of distinguished example and sexual virtue. She even nursed her children with her own breasts. Her husband Pudens the emperor's freedman [dedicated this monument] as a reward to her. She lived twenty-four years, three months, sixteen days.

Graxia Alexandria's decision to nurse her children herself is the only distinguishing characteristic her husband chose to list in her epitaph after the stock female virtue of *pudicitia*. The husband, Pudens, identifies himself as a freedman of the emperor (*Aug. lib.*), and his decision to highlight his wife's breastfeeding is indicative of an assimilation of elite values. Graxia Alexandria and Pudens, his words imply, were wealthy enough to have afforded a wet

⁸⁰⁰ The inscription has been described as "la seule inscription africaine permettant une appréciation de la mortalité infantile" (*AE* 1995: 576).

⁸⁰¹ For discussion and examples, see above, Chapter One, pp. 64-67.

nurse for their children. That they chose not to, or, at least, that Pudens portrays them as making such a choice – what Graxia actually did or did not do is of course lost to us, and she cannot contradict her husband’s words – indicates that they subscribed to the idea that it was a mark of distinction for a wealthy woman to nurse her own children. Pudens’ decision to include *etiam* (even) on Graxia’s epitaph makes it all the more apparent that he was intending to single out his wife as having done something especially virtuous. Had they belonged to a less wealthy stratum of society, if Pudens had been able to afford such a commemoration, it is likely no mention of breastfeeding would have been made; it is not an item of note when everyone is doing it.⁸⁰² Pudens’ decision to portray his wife as having nursed her children herself, whatever their lived reality, is an open assertion of social status.

In a way, these last two couples are not dissimilar. Both could be seen as outside *élite* culture if we take that to mean the equestrians and senators and their families who lived in Rome or Italy. Iulius and Rubria were separated from that world by geographical distance; Pudens and Graxia by their lack of freeborn status. Both men used their wives’ *fecunditas*, as evidenced by the successful births of children and their ability to nurse them, as a means of demonstrating their own wealth and elevated social status. These men share similarities too with T. Iulius Fortunatus, the centurion stationed in Pannonia Inferior, and Annius Flavianus, the lictor in Galatia. They represent a broad swathe of Roman society: provincial *élite*, provincial official, Roman soldier, and imperial freedman. Yet all appear to be well versed in the *élite* idea of the construction of *fecunditas* as a female virtue, and all are willing to exploit the *fecunditas* demonstrated by their now-deceased wives in order to praise themselves. One should not be too quick, of course, to make too strong of an argument from only four inscriptions, but these four, together with the other inscriptions which denote women who died in childbirth, have little in common in terms of date, geographical location, and social status. Yet a common view of the importance of a woman’s fertility pervades throughout. This surely must establish that the interest in using a woman’s *fecunditas* for social capital for her husband was not confined to the ranks of the highest *élite* in Rome.

THE *IUS TRIUM LIBERORUM* AS STATUS SYMBOL

⁸⁰² Pace Laes (2011a: 69) who reads this inscription as suggesting that “it was exceptional for mothers to feed their own child, even among the lower classes”. I think this is a clear case of assimilation of and claim to *élite* values.

Given the willingness of emperors to grant the *ius trium liberorum* to men and women who had manifestly failed to meet its requirements, it is not surprising that some scholars have come to view it as a largely symbolic honour, one that had little real meaning, especially for those outside the ranks of the élite.⁸⁰³ Yet women in Pisidia in Asia Minor and in Macedonia, who may well have never seen the emperor nor visited the city of Rome in their lifetimes, took pains to record on inscriptions that they were able to act without a guardian “by the right of children” (τέκνων δικαίω).⁸⁰⁴ Clearly they believed it had some value; they would not have wasted space and expense on an inscription otherwise. The same can be said for funerary inscriptions in Latin which identify the commemorated woman as one who had obtained the *ius liberorum*: the *ius liberorum* was a status distinction worth making even in death. It was so expected that the right would be claimed in an inscription that it could be abbreviated: a certain Satibia Marciana is described as “*i(us) l(iberorum) h(abens)*” (*CIL* VI 7511). A particularly interesting example is *CIL* VI 10247, a marble tablet (now lost) from A.D. 252 on which Statia Irene and M. Licinius Timotheus recorded a business transaction. Statia Irene had donated land outside of Rome on which a funeral monument had been built. As Evan-Grubbs has observed, “No doubt it is because this transaction normally required a tutor’s authorization that Statia Irene’s possession of the *ius liberorum* is stated four times in this inscription”.⁸⁰⁵ Statia Irene’s status is written in full the first time (*ius liberorum habens*), and is then abbreviated in an identical fashion to that found in *CIL* VI 7511 for the other three times it is mentioned. It would be well-nigh impossible for a viewer of the inscription to escape knowledge of her independent status.

Highlighting a deceased woman’s possession of the *ius trium liberorum* could also emphasize the loss of the woman’s potential future *fecunditas*, just like in inscriptions commemorating women who died in childbirth. At Tomi, in Moesia Inferior, Victorinus mourned the loss of his wife, Aurelia Sambatis.⁸⁰⁶ Her possession of the *ius trium liberorum* is prominently listed in the epitaph, coming immediately after her name, and is emphasized visually as well: on the stele, in bas-relief, are the images of three people, at least two of whom

⁸⁰³ See the comments of Csillag and Milnor, for example, quoted above, Chapter Three, p. 184. For the *ius liberorum* in general, see above, Chapter Three, pp. 175-187.

⁸⁰⁴ Pisidia: *TAM* III 383, 482, 669, 705, 714; *SEG* XLI 1270. Macedonia: *SEG* XLII 610.

⁸⁰⁵ Evans-Grubbs 2002: 39-40, with quotation at 39.

⁸⁰⁶ *AE* 1939, 98 (= *AE* 1976, 616). The text reads: *D(is) M(anibus) // Aur(elia) Sambatis / (h)abens ius li/berorum vixi/t ann(os) XXV m(enses) V / d(ies) XII anima(m) re/dedit(!) cui gem/ens Victorinu/s maritus [- - -] / ave vale viat(or)*.

are children. Victorinus also included a very precise age for his wife at the time of her death: twenty-five years, five months, and twelve days. In part this was designed to evoke sympathy for the premature death of Aurelia Sambatis from the *viator*, who is explicitly addressed in the final line of the epitaph, but it was meant to encourage sympathy for Victorinus as well: he has lost not only his wife but also the potential future children she would surely have borne him.

On the other hand, praise for such an achievement could come even when the woman commemorated had died at an age when future childbearing was unlikely. Such is the case with Aurelia Marcellina, who died at the age of fifty, and was commemorated by her husband at Novae in Moesia Inferior.⁸⁰⁷ Aurelia Marcellina's *fecunditas* would not have played a significant role in her life at the time of her death, given she had likely entered menopause. Her possession of the *ius trium liberorum*, however, was still deemed to be important enough to justify the cost of inscribing the words in full.⁸⁰⁸ We might expect the *ius quattuor liberorum* to have had special significance for freedwomen, but it rarely appears on tombstones, likely because of how much more difficult it would be for them to achieve it.⁸⁰⁹ Most examples refer to an imperial grant of the right, to both men and women.⁸¹⁰

Even when they did not mention it explicitly, it is likely that commemorators had in mind the deceased's possession of the *ius trium liberorum* and anticipated that the viewer of the epitaph would make a similar assumption. Consider L. Cordius Proclus' commemoration of his wife, Mammedia Victorina (*CIL* XI 4883, Spolegium in Umbria). The text in full reads: *D(is) M(anibus) / Mammediae / Victorinae / L(ucius) Cordius / Proclus / co(n)iugi karis(simae) / trium liberor(um) / q(uae) vix(it) an(nos) XX / b(ene) m(erenti) f(ecit)*. There is no mention of *ius* in the epitaph, but the inclusion of *trium liberorum*, especially when there is no further elaboration about the gender or survival of the children, surely would create an automatic association in the mind of the viewer. The juxtaposition of Mammedia's young age at the time of her death with

⁸⁰⁷ *CIL* III 755. The text reads: *bonae memoriae / Aureliae Marcel/linae Oesc(ensis) pientissimae / habens ius liberorum filia / q(uon)d(am) Marcellini ex praef(ecto) leg(ionis) III / Gallicae Danauae Damasco / quae vixit ann(os) L / Ranius Leontius praesby/[ter c]Joniugi benae meritae / [me]moriā et sibi v(ivus) f(ecit)*.

⁸⁰⁸ For other inscriptions which attest the *ius liberorum* see, e.g., *IScM* II 378; Thylander, *Inscriptions du Port d'Ostie* A 208. For a list of all known examples, see Kübler 1909. For men and women granted the *ius trium liberorum* as a special honour by the emperor, see above, Chapter Three, p. 184.

⁸⁰⁹ See above, Chapter Three, pp. 178-179. It was not just that a freedwoman had to give birth to four children, but that all of those births had to occur after she had been manumitted, when she was likely to be approaching the end of her reproductive years. For the one example we have from the city of Rome, see above, Chapter Three, p. 178, n. 476. *ILS* 3952 (= *InscrAqu* I 359), Aquileia, is an example of a freedman possessing the right.

⁸¹⁰ E.g., *CIL* VI 1877 (= *ILS* 1910), Rome, is a grant to a freedwoman. In *CIL* V 1768 (= *ILS* 6685), Forum Iulii; *CIL* V 4392 (= *ILS* 5631), Brixia; and *CIL* XI 6358 (= *ILS* 6654), Pisaurum the recipients are all freedmen.

her success at *fecunditas* emphasizes her husband's loss. Just like Victorinus, Proclus wanted viewers of the tombstone to understand that Mammaedia would surely have produced more children had she lived. In Pannonia Inferior at the beginning of the third century A.D., Valerius Timotheus commemorated his wife, Valeria Aemilia, who died at the age of thirty-seven.⁸¹¹ Valerius, a military tribune, tells us little about his "most dutiful wife" (*coniunx pientissima*) other than that she had the right to wear the stola and was the "mother of three children of Roman equestrian rank" (*trium lib[er]orum equitum / Romanorum mater*). Both are clear status assertions, and we are again meant to recognize that she possessed the *ius trium liberorum*, even though it is not explicitly spelled out.

A similar effect can be seen in Roman Egypt where a significant number of papyri attest the presence of women acting without a guardian because of the *ius liberorum*. There are 123 known examples; seventy-nine of these women lived before the end of the third century A.D.⁸¹² Arjava has noted that many of these petitions mention the possession of the *ius liberorum* in cases where it was not necessary to have a guardian in the first place, leading him to conclude that "It is quite possible that some women referred to their *ius liberorum* just because it had status value".⁸¹³ The distribution of the documents also suggests this. Of the seventy-nine women who lived before the end of the third century, only eleven can firmly be dated to before A.D. 212 and the passing of the *Constitutio Antoniniana*, spanning 113 years between them.⁸¹⁴ Part of the reason for the increase in references to the *ius liberorum* in the seventy-eight years between the passing of the *Constitutio Antoniniana* and the end of the third century must surely be the *Constitutio Antoniniana* itself. If most of the free inhabitants became Roman citizens after A.D. 212, many more women would find themselves eligible for the *ius trium liberorum*. That so many of them chose to mention it in their documents suggests that it was deemed to be of some value. It is also possible that these women viewed the *ius liberorum* as a means of status

⁸¹¹ AE 2003, 1453. The text reads: *D(is) M(anibus) / Val(eria) Aemil[ia] usu stolae exor/nata trium lib[er]orum equitum / Romanorum mater vixit ann(os) / XXXVII Val(erius) Timotheus tr[i]b(unus) coh(ortis) / III Bat(auorum) con[i]jugi pientissimae.*

⁸¹² Following Sheridan 1996. Her list updates the earlier work of Sijpesteijn (1965, 1976, with K. A. Worp, and 1982). For discussion of the *ius liberorum* in Egypt, see e.g., Kübler 1909; Beaucamp 1992 (largely confined to the Byzantine examples); and Arjava 1997.

⁸¹³ Arjava 1997: 28.

⁸¹⁴ They are *P.Oxy.* XLI 2959 (A.D. 99); *BGU* III 717 (A.D. 149); *P.Oslo* II 31 (A.D. 138-161); *P.Freib.* 9 = *SB* III 6292 (A.D. 138-161); *SB* VI 9573 (A.D. 173/4); *P.Oxy.* XII 1451 (A.D. 175); *BGU* III 920 (A.D. 180/1). *BGU* VII 1662 (A.D. 182); *P.Hamb.* I 100 (second century A.D.); *PSI* VI 704 (second century A.D.); *P.Hamb.* I 15 and 16 (A.D. 209).

assertion of even more importance than it had been before A.D. 212: when almost everyone had become a Roman citizen, the *ius liberorum* perhaps offered an alternative means to distinguish oneself when citizenship no longer set one apart.

Sheridan's analysis of the socio-economic status of the women in these documents supports this argument. She found that the women in the papyri acting under the *ius liberorum* were disproportionately likely to belong to the bouletic class, meaning they were related to wealthy men who were *bouletai*, members of the local council or senate. Women in the bouletic class made up between twenty-two and thirty-three percent of the women who acted without a guardian, although such women could not be expected to make up more than 0.5 to 1.25 percent, according to Sheridan's estimates, of the general population in Egypt.⁸¹⁵ Sheridan acknowledges that part of the explanation for this overrepresentation is that the bouletic class appears in the papyri in general far more often than their 'real' population figures would suggest, a reflection of their economic wealth, social status, and municipal influence. They were simply better placed than most to engage in the sorts of actions that would leave a documentary record.⁸¹⁶ Likewise, in his analysis of who accessed the justice system, Benjamin Kelly notes that while a significant number of the surviving petitions from Roman Egypt came from "the middling strata of village and *metropolis* society", the very poorest members of society – those engaged in a largely subsistence existence – were very rarely represented.⁸¹⁷ The women of the bouletic class would certainly be better able to navigate the often murky legal waters of Roman Egypt, and thus it is not surprising that we find so many more of them acting without a guardian. They would also be more capable of recognizing and exploiting the status value that possession of the *ius liberorum* could bring, which perhaps made them more likely to mention it.

Sheridan's main explanation for the overrepresentation of this class of women is her assumption that "[w]hile the *ius liberorum* was a legal right, it was not automatic- there was some work and expense involved in acquiring it. Women were required to make application in order to be declared legally independent".⁸¹⁸ As proof, she cites *P.Oxy. XII 1467* (= *FIRA III 27*), a petition made by a certain Aurelia Thaisous (aka Lolliana) from Oxyrhynchus in A.D. 263, which Sheridan interprets as an application for the *ius liberorum*. Sheridan is far from the only

⁸¹⁵ Sheridan 1996: 129-130.

⁸¹⁶ Sheridan 1996: 130. She comments that the papyri "so often record transactions and acts of the 'movers and shakers'".

⁸¹⁷ Kelly 2011: 124, and see more generally 2011: 150-159.

⁸¹⁸ Sheridan 1996: 130.

scholar to interpret *P.Oxy.* XII 1467 in this way. The editors of the *editio princeps*, Grenfell and Hunt, titled the document “Petition for *ius trium liberorum*” and called it “the first papyrus to illustrate the process by which the right was secured”.⁸¹⁹ Indeed, it has become standard practice in the last few decades to assume that this petition is the only known example of an application for the *ius liberorum*.⁸²⁰

There is one significant problem with this argument: there was no application system for the *ius trium liberorum*. It was a right automatically granted when a woman fulfilled the required criteria, the birth of a third child if she were freeborn, or a fourth child if she were a freedwoman.⁸²¹ Indeed, to require an application for the *ius liberorum* would have introduced a cumbersome and unnecessary level of bureaucratization. There already was a system in place through which those who claimed the *ius liberorum* could be investigated: the system of birth registration. The registration of the births of Roman citizens was an initiative of Augustus, brought in under the *Leges Aelia Sentia* and *Papia Poppaea*.⁸²² A father was responsible for registering the child within thirty days of its birth, naming the child, himself and his wife.⁸²³ The child’s mother or grandfather (or their agent) could also register the birth. Citizens in Rome had to go in person to the *Aerarium Saturni*; citizens in the provinces registered births with the *tabularium publicum* of their provincial governor.⁸²⁴ There, they would make an oral *professio liberorum*, which would then be recorded in a register in writing.⁸²⁵ Witnessed copies of the relevant part of the register could be made by the family of the child. A system of unofficial public declarations sprang up where soldiers would acknowledge children born to them and women, with their guardian, could acknowledge a child who had no official father.⁸²⁶ These children, however, could not be included for the *ius liberorum*; only officially registered children would count.

⁸¹⁹ *P.Oxy.* 12: 196.

⁸²⁰ The Loeb volume of *Select Papyri* titles it an “Application for *ius trium liberorum*” (Volume II, no. 305). The juristic papyrologist Paul Meyer also subscribed to the same interpretation (1920: 34), as do Gardner (1986: 20); Evans-Grubbs (2002: 38); Pomeroy and Parkin (2007: 307); and Vandorpe and Waebens (2010: 420).

⁸²¹ Likewise, a man would receive the right when his wife gave birth to his third or fourth child.

⁸²² On the system of birth registration see Bell 1937; Schulz 1942/3; Lévy 1952 and 1970; Gardner 1986b; Treggiari 1991a: 76.

⁸²³ *FIRA* III 2 is our earliest known example, a wax tablet dating from A.D. 62.

⁸²⁴ See *FIRA* III 1, 3; *Apul. Apol.* 89.

⁸²⁵ The register was then displayed publicly on boards (an *album*), and also archived as a codex or a roll (a *kalendarium*).

⁸²⁶ E.g., *FIRA* III 4, which mentions an illegitimate child who could not be officially registered.

If Aurelia Thaisous was not applying for the *ius liberorum*, what was the purpose of her petition?⁸²⁷ There is a parallel in the form of what have been called “registration petitions”, which exist from the mid-second century A.D.⁸²⁸ In a registration petition, an individual who has been wronged in some way but is unable to litigate immediately drafted his allegations and then submitted it to an official – usually the *strategos* – with the request that it be archived. These were most commonly resorted to by people who had suffered an assault, a theft, or an episode of property damage, but did not know who had done it. The petitions make it clear that they hoped to later discover the identity of their culprit(s), at which point their petition would stand as a record of their complaint, and could provide testimony for later forensic use. Submitting the petition soon after the wrong was suffered would also protect the plaintiffs from accusations of falsehood if there was a delay before they were able identify the culprit(s) and make an accusation. Some registration petitions were submitted by potential defendants, who used the petition to set down their side of the story before they were sued.⁸²⁹ Aurelia Thaisous’ registration of her petition can be read in a similar way, as an attempt to establish her legal rights in anticipation of potential future problems.

Why did Aurelia Thaisous decide to send a written document to assert her rights, something which no other woman appears to have considered necessary? To answer this, we must look at the world in which Aurelia Thaisous found herself living. The *Constitutio Antoniniana* of A.D. 212 meant that suddenly almost every child born would have to be registered, which would have put an incredible strain on the provincial administration. Furthermore, in A.D. 261-2, the two years immediately preceding her petition, the then Prefect of Egypt, L. Mussius Aemilianus had attempted to usurp the emperor Gallienus; the latter had sent an army to the province to crush the usurper. This must have resulted in a corresponding loss of order and bureaucratic discipline. If Aurelia Thaisous had given birth during those years, she may have found it well-nigh impossible to register her child. The last birth registration recorded in Egypt dates from 17 March A.D. 242, which suggests that the system of registering

⁸²⁷ Here I largely follow the argument of Benjamin Kelly, in his paper “Obtaining the *ius trium liberorum*: FIRA III 27 reconsidered”, presented at the Annual Meeting of the Classical Association of Canada, McGill University, Montreal, 8 May 2014.

⁸²⁸ For registration petitions, see Kelly 2014.

⁸²⁹ E.g., *SB* XX 15036, where the petitioners seek to destroy the credibility of a certain Eudaemonis if she should again bring legal proceedings against them, and *BGU* I 46, where the petitioner is setting up a paper trail to protect himself against accusations of theft if he succeeds in his plan to regain his stolen donkeys.

births may have broken down in the increased chaos and uncertainty of the third century.⁸³⁰ The system of birth registration in Egypt likely had become chaotic enough that she did not believe she could rely on it. She must have been expecting that she would encounter problems if she attempted to assert her rights under the *ius trium liberorum*. If there was a court challenge to one of her transactions, the registered copy of the petition could be referenced. She also could have certified copies made as proof of her independent status if someone with whom she had a contract was refusing to adhere to his or her side of the bargain.

We can have no way of knowing what problems Aurelia Thaisous was expecting, but perhaps she was embroiled in a disagreement or a feud in her village and anticipated that someone might attempt to curtail her independent actions. This may well have been someone in her very own family. Arjava discusses a new formula which appeared in situations where a woman was acting independently according to the *ius liberorum*, but was still accompanied by a male individual who “was present and supported the woman in her transaction”. Arjava speculates that although the women were legally able to act independently, social *mores* in Egypt preferred that they still have a man to assist them.⁸³¹ This hypothesis is strengthened by Kelly’s analysis of female petitioners. He notes that “In all four of the petitions in which women are found petitioning on behalf of family members, there would appear to have been extenuating circumstances which would have made it inappropriate or impossible for a male member of the family to petition”.⁸³² Women, therefore, were expected to petition only when there was no male member of the family capable of doing so. Kelly also considers cases where women petitioning in their own names for the redress of wrongs which they have suffered are nonetheless accompanied by a male guardian (*kyrios*) or are said to be acting with the assistance of a male, almost always a relative.⁸³³ Kelly is careful to note that these petitions do not form a majority of petitions from women, and that it was perfectly acceptable in Roman law for a woman to petition independently. With that said, he also notes that in situations where a woman was accompanied by a male, “petitioning became a context for gender hierarchies to be reinforced”.⁸³⁴ It is entirely possible that Aurelia Thaisous anticipated problems within her own family, and chose to

⁸³⁰ *SB VI 9200 = CPL 163 = FIRA III 1.*

⁸³¹ Arjava 1997: 29-30.

⁸³² Kelly 2011: 221, and see discussion at 220-223. The petitions in question are *BGU I 98; BGU IV 1139; P.Oxy. LVIII 3926; and P.Tebt. II 333.*

⁸³³ For the relationship between the female petitioner and her male guardian or assistant, see Kelly 2011: 226.

⁸³⁴ Kelly 2011: 226.

preserve her right to act independently as a result. Far from being a sham right, the *ius liberorum* was instead deemed important enough to Aurelia Thaisous that, two and half centuries after it first came into existence, she chose to register her petition with the prefect when she no longer believed that the system of birth registration would protect her rights. She is clearly an educated, intelligent woman, who has a strong understanding of the workings of Roman law in her province; at the very least she has some canny legal advisors.

One final aspect of Aurelia Thaisous' petition should be noted. In it she states that the *ius liberorum* grants freedom of action to women, "especially those who are able to write" (πλέον ταῖς γρά[μ]ματα ἐπισταμέναις) (*P.Oxy.* XII 1467, lines 9-10). She is quite wrong to claim that literacy is at all relevant to the rights of the *ius liberorum*. Her reason for making such a claim, however, becomes clear with her next sentence. She writes, "Therefore, as I too enjoy the most fortunate honour of having many children and as I am a literate woman able to write with the greatest of ease" (καὶ αὐτὴ τοίνυν τῷ μὲν κόσμῳ τῆς εὐπαιδείας εὐτυχήσασα, ἐνγράμματος δὲ κα[ὶ] ἐ]ς τὰ μάλιστα γράφειν εὐκόπως δυναμένη) (*P.Oxy.* XII 1467, lines 10-15), before going on to ask the prefect to keep her petition in his office. The claim of literacy is, of course, another form of status assertion: there was widespread illiteracy in Roman Egypt, just as there was elsewhere in the Roman world, and those who were literate had an advantage in accessing and navigating the administrative, legal and justice systems.⁸³⁵ The very fact that Aurelia Thaisous links her claim to literacy with her claim to the *ius liberorum* is another argument in favour of the significant status value of the latter, particularly in the years following the passing of the *Constitutio Antoniniana* when it became necessary to use something other than Roman citizenship to distinguish oneself from the common masses.

CONCLUSION

Recognition of the value of *fecunditas* was not restricted to the Roman élite. Certainly élite authors assumed that all Romans had a part to play in the *fecunditas* project; indeed, the birth of Roman citizens was frequently judged to be the best contribution less wealthy Romans could make. Although there is some awareness that too much success at *fecunditas* could drag a family

⁸³⁵ On literacy in Roman Egypt generally see Youtie 1971a and 1971b; Sheridan 1998; Kraus 2000: 333-338. For the petitions see Kelly 2011: 150-153, who notes that a higher percentage of petitioners make a claim to some level of literacy than what would likely be true of the general population.

into penury, most of our sources assume that the birth of legitimate citizen children must be a good thing, no matter the economic state of the *familia* into which the child was born. Proof of *fecunditas* may well have had special resonance for freedmen, whose freeborn children represented the creation of a new *familia*, as well as the potential for greater social mobility.

There was a widespread interest in preserving and enhancing fertility in the ancient world. Moving beyond such generalizations to specific proof of the Roman ideal of *fecunditas* outside our literary sources provokes many challenges. Anatomical votives point to an early and widespread interest in fertility that was not limited to women, even if difficulties of interpretation prevent us from drawing more specific conclusions. Their disappearance from Italy in the first century B.C. should be read only as a change in the manner of approaching the gods, not as a rejection of the gods' role in matters of *fecunditas*. As the passage from Lucretius and other evidence make clear, the gods were still deemed to be appropriate recipients for requests for help.

We have more success in studying epitaphs commemorating women who died in childbirth, and examples, both in inscriptions and in papyri, of women who achieved the *ius trium liberorum*. Here it seems clear that a recognition of the importance of a woman's *fecunditas* existed outside of the ranks of the élite in Rome. Husbands who commemorated their wives whose lives were cut short by their deaths in childbirth took pains to record the number of surviving children, or the number of previous pregnancies. Their words emphasized not just the immediate loss of their spouses, but also the loss of potential future *fecunditas*. Their wives would have borne them more children, if only they had not been taken away. The loss to the husband's own status is also understood. Even women who had manifestly not been paragons of *fecunditas* could be interpreted as such in the emphasis on the loss of their future potential. Women who had achieved the *ius trium liberorum*, on the other hand, had a common claim to status assertion, regardless of their age at death. For women who died when their childbearing years were well behind them, inclusion of the *ius trium liberorum* on their epitaph was a clear reminder of their reproductive successes and the importance their *fecunditas* had possessed, even if it had not played a major role in the final years of their lives. For women in Roman Egypt, the *ius trium liberorum* and its corresponding freedom from needing a guardian were privileges to be championed in documents, even when mention of such rights was not strictly necessary. After the passing of the *Constitutio Antoniniana*, possession of the *ius trium liberorum* became an even

more significant marker of status, important enough that one enterprising woman took steps to protect her rights against future legal challenges. *Fecunditas* mattered, not just to the élite in Rome.

Chapter Six: Barren Unions: Infertility and the Roman Élite

INTRODUCTION

Despite all of the interest in preserving and enhancing human fertility found across the Roman world, not all couples would have succeeded in becoming parents. Modern couples are advised to seek medical assistance if the female partner has failed to conceive after twelve months of correctly timed intercourse.⁸³⁶ It is impossible to know how many months had to elapse before a Roman couple would start to suspect a problem, particularly among the élite where the very young age of some wives, and the potentially frequent absence of the husband for political or military reasons, would both have been recognized as a hindrance for a swift conception. At some stage, however, the couple would be forced to make the unpleasant admission that something was probably wrong. At that point, it is likely they would seek some sort of medical intervention, perhaps along the lines of the many remedies recorded by Pliny the Elder. A second option would be to appeal to the gods, and these two actions should not be viewed as antagonistic towards each other or mutually exclusive: there is no reason why a couple could not do both simultaneously. The couple may well have sought out the gods immediately following the wedding in the hope of attaining divine goodwill that would counter any problems before they could arise, but it is even more likely that they would appeal to the gods once the situation had become more worrying. Here the passage from Lucretius' *De Rerum Natura*, discussed at length in Chapter Two, is particularly valuable, for it is our only piece of evidence where the gods are approached after a problem is suspected, and the only one where they are asked for a direct intercession- to provide a cure. They may also have sought out a dream-interpreter.⁸³⁷ Medical knowledge and requests for divine intervention, however, could only go so far.

This chapter thus takes as its starting point childless couples who believed they had exhausted these options. When hope of a biological child had been extinguished, there were alternative ways of building a family. This chapter focuses on three methods that could potentially rectify involuntary childlessness: adoption, the use of 'substitute' children, and

⁸³⁶ Eighty-five to ninety percent of couples will conceive within twelve months: see above, Chapter Two, p. 76, n. 227.

⁸³⁷ Pliny's remedies: Chapter Two, p. 84, n. 248. Lucretius: Chapter Two, pp. 79-83. Dream interpreters: Chapter Five, pp. 256-257.

divorce. I do not include the granting of the *ius trium liberorum* as a special favour by the emperor. This was discussed at length in Chapter Three and, on its own, could only rectify the political disadvantages brought on by childlessness.⁸³⁸ It did not solve the need for an heir, nor could it mitigate any emotional desire for children. Moreover, only a select few individuals could ever have hoped to receive such an exemption. It was not a solution for the majority of Romans. This chapter also largely focuses on the experiences of the élite, partly due to the nature of our source material, but also in recognition of the fact that the stakes of childlessness were in all likelihood much higher for the élite than for other Romans.

The fluidity and flexibility of the Roman *familia* has often been noted by scholars, and, in recent years, there has been a growing interest in examining the affective bonds that could emerge between non-kin.⁸³⁹ The Roman definition of *familia* encompassed individuals, such as the slaves of the household, whose presence seems grating to our modern ideas of family. Perhaps as a result there is a temptation to assume that the absence of a biological child was not a great crisis for an élite couple. Childlessness would have been a demographic reality for a significant number of Romans, whether they were never lucky enough to have their own children in the first place, or were so unlucky as to see them all die. Some, although by no means all, members of the élite enjoyed being childless, perhaps even revelled in it, as our sources would have us believe.⁸⁴⁰

For others, however, their continuing inability to produce a biological child would have been a source of deep disappointment. It is impossible to prove whether the individuals and couples in our sources actually were infertile, or just very unlucky.⁸⁴¹ Very few élite couples in ancient Rome would have been truly infertile. The young age at first marriage for women meant that eventually most sub-fertile couples ought to have had some success in conceiving. Whether they were infertile or just unlucky is largely unimportant: what matters for my argument is the perception that they were infertile and the societal and cultural expectations they failed to meet as a result. This chapter re-examines three obvious alternative means of family building to see whether they really were satisfactory solutions for a couple who suspected infertility. Complicating any attempts to overcome involuntary childlessness was the imbalance inherent in

⁸³⁸ pp. 175-187, with further comments in Chapter Five, pp. 291-299.

⁸³⁹ E.g. Bernstein 2008, Laes 2010a.

⁸⁴⁰ See above, Chapter One, pp. 37-39.

⁸⁴¹ Barnard (1990: 392) feels that the childless marriage of Scipio Aemilianus and Sempronia was the result of genuine infertility on the part of one or both spouses, but we cannot be sure.

the way Roman élite society constructed *fecunditas* and the importance of legitimate children. The responsibility for childbearing lay on the woman's shoulders, but it was the husband's need for a biological child that was considered paramount. It was his name that would be carried on by the next generation. A solution for the male spouse may have only created more difficulties for his wife. When the couple was devoted to the marriage, meeting all the needs of both spouses would prove challenging.

METHODS OF COPING WITH INVOLUNTARY CHILDLESSNESS I: ADOPTION

In contemporary Western society, the stereotypical image of adoption remains that of a tiny baby being passed to the overjoyed adoptive parents by a medical professional, with the birth mother – young and undoubtedly unmarried – relegated to the background. The birth father is entirely absent. This image, as even the most cursory glance at the evidence shows, bears no resemblance whatsoever to the Roman experience of adoption. Modern ideas and assumptions about adoption, however, continue to colour the judgments of scholars when they turn their attention to Rome. In his 1994 article on child-exposure in the Roman Empire, William Harris postulated that “Childless couples probably satisfied most of their needs by formal adoption”.⁸⁴² A similar view is taken by Bernstein, who writes that “Adoption was already an accepted strategy for remedying the childlessness that potentially threatened Roman élites of every period”.⁸⁴³ Saskia Hin claims that:

For élite families, having too many legitimate children was the greatest risk, since there were efficient adaptive strategies to repair a lack of natural offspring and safeguard one's future political and social influence. A family without heirs could adopt an adult son or sons, who could become legitimate heirs. In this way, risk of underproduction was countered.⁸⁴⁴

Catherine Edwards goes even further in suggesting some Romans remained childless by choice with an eye to adopting an heir: “Some wealthy Romans chose to adopt as heirs the adult offspring of other families- one way of avoiding the expense of bringing up children, many of whom might die before they reached maturity”.⁸⁴⁵ Adoption is indeed the logical next step for contemporary infertile couples who are determined to become parents, and who have either

⁸⁴² Harris 1994: 10. Not all scholars agree. Mireille Corbier writes that “Neither, in contrast to contemporary adoption, was [adoption] a standard response to a couple's sterility” (1991a: 63). cf. Corbier 1991c: 177-8.

⁸⁴³ Bernstein 2005: 264.

⁸⁴⁴ 2013: 205-206.

⁸⁴⁵ Edwards 1993: 51.

chosen not to pursue the full range of available medical interventions, or have done so but have met with no success, and it can satisfy most of their needs. But does this hold true for the experience of Romans outside the *domus Augusta*?⁸⁴⁶

The main purpose of Roman adoption was to ensure intergenerational continuity of the *familia*.⁸⁴⁷ It was concerned with the continuity of the family name (*nomen*), wealth (*pecunia*), and sacred rites (*sacra*). There were two procedures. Both placed an individual under the *patria potestas* of a new *paterfamilias*, but which procedure was used depended on the legal status of the person being adopted. Someone would undergo the procedure of *adrogatio* if he were *sui iuris*, but *adoptio* if he were still under the power of his *paterfamilias*.⁸⁴⁸ *Adrogatio* took place before the *comitia curiata*, or later through imperial rescript; *adoptio* was a more straightforward process which took place before a magistrate (*per praetorem*) who would oversee the breaking of the original *patria potestas* and would declare the power of the new *pater*. Lindsay summarizes *adoptio* as an arrangement that “was essentially one between the two male members of the senior generation”.⁸⁴⁹ *Adrogatio* required more consideration. The main purpose of adoption was to guarantee the survival of the *familia* into the next generation, but the adrogation of someone who was *sui iuris*- legally independent and therefore the head of his own household- would extinguish his family. It was not something to be entered into lightly. *Adrogatio*, argues Jane Gardner, must have been relatively rare because of its complications and limitations.⁸⁵⁰

Contrary to contemporary experience, infants and young children were not, as a rule, generally adopted at Rome.⁸⁵¹ In the case of minors who were *sui iuris*, it was originally forbidden outright for them to be adrogated: Aulus Gellius writes that a person cannot be adrogated unless he is already “sexually mature” (*vesticeps*) (NA 5.19.7). This rule may have emerged from concern that the adrogation of children could make them vulnerable to abuse, but it also reflected more practical interests: Aulus Gellius states that it must be considered “whether

⁸⁴⁶ Adoption in the imperial family was treated above, Chapter Four, pp. 214-228. Although there are some similarities between the use of adoption by the emperors and its use by Romans from other social strata, the fundamental need to secure the succession necessarily created particular pressures, and the two situations should not be understood as identical.

⁸⁴⁷ Here I confine myself to *inter vivos* adoptions. So-called testamentary adoptions only satisfied the need for an heir and manifestly would not have met all of the needs of childless couples.

⁸⁴⁸ For discussion of the protection of an *impubes*, see Gardner 1998: 165-175; Lindsay 2009a: 74-78.

⁸⁴⁹ Lindsay 2009a: 77.

⁸⁵⁰ Gardner 1998: 127-8.

⁸⁵¹ The adoption in 17 B.C. by Augustus of his grandsons by Agrippa and Julia, when Gaius was about three years old and Lucius an infant (Suet. *Aug.* 64), is a notable exception and probably reflects Augustus’ continuing need to secure the succession.

the possessions of the person who is adrogated may be being coveted deceitfully” (*bonaque eius, qui adrogatur, ne insidiosae adpetita sint*).⁸⁵² Gellius is right to state that originally minors could not be adrogated, but he is out of date: under Antoninus Pius in the second century A.D. it became possible for minors to be adrogated. This could take place only under strictly controlled conditions, as the jurist Gaius sets out:

inpuberem apud populum adoptari aliquando prohibitum est, aliquando permissum est: nunc ex epistula optimi imperatoris Antonini, quam scripsit pontificibus, si iusta causa adoptionis esse videbitur, cum quibusdam condicionibus permissum est.

It used to be prohibited for someone who has not yet reached the age of puberty to be adopted on the authority of the people, but now it is allowed. Now from a letter of the excellent emperor Antoninus, which he wrote to pontiffs, if the reason for the adoption appears to be legitimate, it is allowed under certain conditions.

(Gai. *Inst.* 1.102)

What these conditions were likely to be is made clearer by the jurist Ulpian, who writes that “the adrogation of minors is permitted to those persons who adopt motivated by either blood relationship or most virtuous affection; in all other cases, it is forbidden” (*eorum dumtaxat pupillorum adrogatio permittenda est his, qui vel naturali cognatione vel sanctissima affectione ducti adoptarent, ceterorum prohibenda*) (*Dig.* 1.7.17.1). There was no corresponding concern shown for the welfare of children who underwent the procedure of *adoptio*; in these circumstances it was felt that the child’s *paterfamilias* would act in the child’s best interests.

Adopting an adult would make it well nigh impossible to sever all links with the adoptive son’s natal family, as might be the case with a traditional ‘closed’ contemporary adoption, and indeed there was no sense in Rome that this was expected, or even desired. As Suzanne Dixon puts it, adoption comes “without any serious severing of ties by the adoptee, since existing kin links are legally terminated but effectively maintained. It is therefore nominally and legally a form of kin-reassignment but in practice a form of kinship extension”.⁸⁵³ It was common to adopt a blood relative, perhaps especially in families blessed with too many daughters and not enough sons; in such cases the male children of female relatives were the next best thing to

⁸⁵² *NA* 5.19.6. On the idea that the adoption of minors who were *sui iuris* was frowned upon due to concern about the possibility of abuse, see Lindsay 2009a: 69-70. Gardner writes that “concern is shown for the property as well as- or even more than- for the physical and moral welfare of the person being adrogated” (1998: 115).

⁸⁵³ Dixon 1999: 221-222.

having agnatic descendants of one's own.⁸⁵⁴ These adoptions served to preserve wealth within the family, and, in a world where all children generally inherited equal shares, to send out surplus offspring to ensure that the *patrimonia* would not be depleted by division between too many heirs. When two families were involved, one of the advantages of adoption was its ability to forge ties between them, much as marriages were designed to do.⁸⁵⁵ The adopted son's name often reflected his natal ancestry.⁸⁵⁶

Some obligations were thought to remain: in the 50s B.C., according to Valerius Maximus, a certain M. Anneius, who had been given in adoption, was successful in challenging his omission from his natural father's will (Val. Max. 7.7.2). We should also recall Terentius, who had produced eight sons and had given one in adoption, and who complained to C. Calpurnius Piso, the praetor *urbanus*, when the son whom he had given in adoption disinherited him. Piso gave the father possession of the son's estate, influenced in his decision, according to Valerius Maximus, not only by the obligations of the son to the father, but also by the seven other brothers "impiously disinherited" (*impie exheredatos*).⁸⁵⁷

A famous example of adoption which demonstrates the ties that could remain between the adoptive son and his natal family is that of Scipio Aemilianus.⁸⁵⁸ Scipio Aemilianus was born the second son of L. Aemilius Paullus (cos. 182 and 168 B.C.). He was adopted by P. Scipio, the son of Scipio Africanus. His older brother was also adopted, in his case by Q. Fabius Maximus. Being adopted into a family as illustrious as the Scipiones certainly provided Scipio Aemilianus with political and financial advantages, but these did not come at the cost of abandoning his natal family. Scipio Aemilianus joined his biological father's campaign to Macedonia and fought at Pydna in 168 B.C. Both Livy and Diodorus Siculus describe the relief felt by Paullus upon discovering that his son, aged about seventeen at the time, had escaped the battle unscathed.⁸⁵⁹ Aemilianus also participated in his father's triumph in 167 B.C. The close bond between Paullus and his two oldest sons continued: when Paullus died in 160 B.C., he named Fabius Aemilianus and Scipio Aemilianus as his heirs in his will. The two jointly

⁸⁵⁴ Corbier 1987: 1269; 1991a: 67-73, 1991b: 142. cf. Gardner 1998: 138-140.

⁸⁵⁵ cf. Corbier 1991a, esp. 73-74.

⁸⁵⁶ Salomies 1992. For the difficulty in identifying adoptions solely through changes in nomenclature, see Salomies 1999 and Lindsay 2009a: 87-96.

⁸⁵⁷ Val. Max. 7.7.5. Discussed above, Chapter Two, p. 121.

⁸⁵⁸ For other examples, see Kunst 2005: 77.

⁸⁵⁹ Diod. Sic. 30.22; Livy 44.37.8, 44.44.3.

organized his funeral games.⁸⁶⁰ In his *De Republica*, Cicero often imagines Scipio Aemilianus referring to both his natal and adoptive kin.⁸⁶¹

There are certainly oddities in this adoption. Both of Aemilius Paullus' sons were adopted as adolescents.⁸⁶² It was perhaps also unusual for it to be the older sons who were adopted; we might expect that a father would choose to adopt out his younger sons, given that the older might be expected to have survived the various threats and illnesses of childhood. In Paullus' case, this decision can be explained by the fact that the two younger sons were the children of Paullus' second wife, and he, no doubt, adopted out the two older sons to please his new wife and to ensure that his children from his first marriage would not be in a position to compete with their half-brothers. The entire situation was quite unusual and Paullus' original decision to divorce his first wife struck some ancient authors as bizarre.⁸⁶³ Famously, the case of Paullus' four sons highlighted the dangers of adopting out one's children in a world with such high mortality rates, as both of Paullus' younger sons died, and he was left without a son to come after him (Livy 45.40.7-9). Valerius Maximus calls him "the most famous example of a father once very happy and then at once most wretched" (*nunc felicissimi nunc miserrimi patris clarissima repraesentatio* (5.10.2).

Adoption was meant to be permanent. The jurist Paul records a hypothetical situation where a son was given in adoption with the understanding that he be given back to his biological father after three years. Such a procedure was deemed to go against the purpose of adoption for it was viewed as "not at all agreeable to our customs that someone have a temporary son" (*nec enim moribus nostris convenit filium temporalem habere*) (Dig. 1.7.34 (Paul)). With that said, it would be quite wrong, however, to draw the conclusion from the case of Scipio Aemilianus that

⁸⁶⁰ Plut. *Aem.* 39. See Lindsay 2009a: 139-143 for a discussion of *Adelphoe*, a play by Terence which was staged at the funeral games of Paullus. Much of the plot revolves around "natural ties of kinship", a theme which must surely have had resonance for the sons of Paullus (Lindsay 2009a: 140).

⁸⁶¹ Cic. *Rep.* 1.9.14, where he identifies Scipio Aemilianus as "P. Africanus, the son of Paullus" (*P. Africanus, Pauli filius*); 1.15.23, where Scipio refers to "my father Paullus" (*pater meus Paulus*); 1.17.27, where Scipio refers to "my grandfather Africanus" (*Africanus avus meus*); 2.1.1, where he refers to "both my fathers" (*patres utri*); 6.9, where Masinissa weeps upon seeing Aemilianus because his name reminds Masinissa of Africanus the Elder; 6.11, where Africanus the Elder himself appears to Aemilianus in a dream and tells him that in two years hence he will have earned his surname (i.e. through the destruction of Carthage); 6.14, where Aemilianus asks Africanus the Elder if "he and my father Paullus" (*ipse et Paulus pater*) are still alive, and Africanus asks whether he does not see his father Paullus approaching him; 6.15 for Aemilianus' emotional reunion with Paullus, the "best and most blameless of fathers" (*pater sanctissimus atque optimus*); and 6.16, where Paullus refers to Africanus as "your grandfather here" (*avus hic tuus*).

⁸⁶² Astin (1967: 13) states that "There is no record of when [they] were adopted into their new families, except that in both cases it was before 168 and probably after 179". See, too, Lindsay 2009a: 148-149.

⁸⁶³ Plut. *Aem.* 5, and see above, Chapter Two, p. 115.

in general adopted children were considered equal to biological offspring. Adoptive sons made good heirs; they ensured the father's name would continue; and they could be entrusted with the *sacra*. But they were not sons of the father's blood. The bonds created through adoption could be erased, while those based on blood, although they could be subsumed beneath other changes like adoption, could never be entirely eliminated. Thus a son given in adoption was no longer considered to be an emancipated child of his father. If, however, the son was then emancipated by his adoptive father, all ties to the adoptive family were erased, and the son returned to the status of an emancipated child of his biological father.⁸⁶⁴

A further example of the idea that adoption formed important but ultimately dissoluble relationships comes from Tacitus. As we have already seen, when there were political advantages or rewards for those with a certain number of children, adoptive children normally still counted towards their biological father's total.⁸⁶⁵ An anecdote in Tacitus, however, dating from A.D. 62 during the reign of Nero, suggests that this had not always been the case, and that the entire process of adoption lay open to rampant abuse:

percrebuerat et tempestate pravus mos, cum propinquis comitiis aut sorte provinciarum plerique orbi fictis adoptionibus adsciscerent filios, praeturasque et provincias inter patres sortiti statim emitterent manu, quos adoptaverant. [igitur qui filios genuerant] magna cum invidia senatum adeunt, ius naturae, labores educandi adversus fraudem et artes et brevitatem adoptionis enumerant. satis pretii esse orbis, quod multa securitate, nullis oneribus gratiam honores, cuncta prompta et obvia habent. sibi promissa legum diu exspectata in ludibrium verti, quando quis sine sollicitudine parens, sine luctu orbis longa patrum vota repente adaequaret. factum ex eo senatus consultum, ne simulata adoptio in ulla parte muneris publici iuaret ac ne usurpandis quidem hereditatibus prodesset.

A corrupt custom had been widespread at that time: when an election or an allocation of provinces was approaching a great number of the childless would claim sons by means of fake adoptions and, once they had obtained praetorships or provinces by being counted among the fathers, would immediately emancipate those whom they had adopted. As a result the men who had actually beget these sons appealed to the senate with enormous indignation. They enumerated the rights of nature, the burdens of raising children, against the deceit and the artificial methods and the ephemeral nature of adoption. It was enough of a reward for the childless that with a great lack of anxiety and with no burden of responsibilities they should enjoy goodwill, honours, indeed everything made available and ready to their hand. For them, on the other hand, the long awaited promises of the law were changed into a sham, when someone who was a parent without worry and childless without grief was put in an

⁸⁶⁴ Gai. *Inst.* 2.136-7.

⁸⁶⁵ See above, Chapter Three, p. 183.

instant on equal footing with the long-held hopes of real fathers. A senatorial decree on the matter was passed, ruling that a false adoption should not in any part be of benefit for public office, nor indeed be of use for taking possession of an inheritance.

(Tac. *Ann.* 15.19)

This passage has caused scholars some consternation, standing as it does as an outlier amidst the later, largely legal evidence which makes it clear that adoptive children were not included when considering whether a man had qualified for an exemption.⁸⁶⁶ And, as Gardner has noted, it would be most peculiar for the *lex Julia* or the *lex Papia Poppaea*, which were meant to encourage marriage and the production of legitimate children, to offer a sanctioned alternative in the form of adoption from the outset. She has posited that the original wording of the laws was sufficiently vague to allow for “deliberate misinterpretation”.⁸⁶⁷ Alternatively, Augustus’ original intention may have been to allow adoptive children to count, for only under such conditions did he himself meet the requirements of his own legislation.⁸⁶⁸ Regardless of the original rules, it seems clear that the occasional senator claiming an adoptive son who was truly integrated into his *familia* did not cause much comment, and only when the system became abused did it become necessary for the emperor to intercede. In his discussion of the situation under Nero, Tacitus repeatedly characterizes the adoptions as false (*fictis* and *simulata*). This is not to say that there had been some fault in the procedure: the adoptions were legally valid, and the adoptive sons had to undergo the full procedure of emancipation. Instead, the adoptions were thought to be spurious because they were so obviously a cynical ploy to gain political advantage. They contravened the spirit rather than the letter of the law. They were a calculated, temporary measure, not the beginning of a long-lasting and valued relationship.⁸⁶⁹

In Tacitus’ account, the biological fathers resent the adoptive fathers for the ease with which they achieve the rewards granted to those who can count three or more children. There is the sense that the adoptive fathers are cheating: with one ceremony they can count themselves as

⁸⁶⁶ E.g., *Dig.* 50.5.2.2 (Ulpian), which makes it clear that adoptive sons do not count towards the total number of children required in order to be excused from the obligations of *munera*.

⁸⁶⁷ Gardner 1998: 50.

⁸⁶⁸ Severy (2003: 70-71) sees the adoptions of Gaius and Lucius as stemming from Augustus’ desire to meet the obligations of the marriage legislation, rather than primarily from a need to designate a successor.

⁸⁶⁹ cf. *Sen. Controv.* 2.1.17, where adoption is viewed as temporary and easily overturned, and *Dig.* 48.20.7.2 (Paul) where an adoption is deemed fraudulent if someone who has not yet been accused adopts a ‘son’ so that when he is accused his ‘son’ will be able to claim his share from the property the adoptive ‘father’ stands to lose. Like the situation described by Tacitus, this sort of adoption is deemed inappropriate and invalid. Gardner feels that adoptions seem to have “commonly involved collusion between two or more of the three parties involved, in agreement that the condition would be temporary” (1999: 76).

fathers. They have not had to endure the fears and the hard labour commensurate with parenthood: they became parents without worry (*sine sollicitudine*) and when they were childless, it was without grief (*sine luctu*). Genuine fathers become childless only through the misfortune of seeing their children die. The usual complaint that the rewards and advantages of childlessness outweigh those which parents might expect is repeated. But it is fair to argue that the biological fathers are laying claim to their children, that they have invested their time and energy into their sons, and that they consider it unfair that, after all their hard work is over and they have seen their sons reach adulthood, some other man could claim them. The biological fathers, through Tacitus, are criticizing only those who were blatantly subverting the process of adoption in order to gain political advantage. Not all adoptive fathers would deserve such a critical eye. But in the righteous indignation found in Tacitus' account, particularly his characterization of the "ephemeral nature of adoption" (*brevitatem adoptionis*), I would argue it is not hard to see an ambiguity towards adoption in general, and a belief that adoptive fathers were not equal to their biological counterparts. Adoption was perhaps the easy way out.

Adoptive fathers also missed out on a significant element in the transmission of family identity: the use of physical and moral resemblances between son and father, or indeed any ascendant, to perpetuate familial memory.⁸⁷⁰ Catherine Baroin has persuasively argued that family remembrance also came in other forms less well-known than the ability to name one's ancestors or the participation in religious rites with which the *imagines maiorum* were associated.⁸⁷¹ To remember one's ancestors was to imitate them in both mannerism and action. Cicero praises Brutus as a "citizen born for the state, mindful of the name he bears, and an imitator of his ancestors!" (*civem natum rei publicae, memorem sui nomini imitatoremq̄ maiorum!*) (*Phil.* 3.8). Brutus is a particularly interesting case: even though he was adopted in 59 B.C., he preferred to be associated with his natal family, using his original name (M. Iunius Brutus) rather than his adopted one (Q. Servilius Caepio Brutus) throughout nearly his entire life.⁸⁷² Here Cicero is clearly referring to Brutus' natal kin, especially the slayer of Tarquinius

⁸⁷⁰ Women could also act as ancestors in this regard: Flower 2002. On the importance of the physical resemblance between father and child as proof of a wife's fidelity, see above, Chapter Two, pp. 92-94. For the physical resemblance between a maternal grandfather and his grandchildren, who are imagined as competing to imitate his features, see *Stat. Silv.* 4.8.10-11. cf. *Dig.* 50.16.220.3 (Callistratus) which also highlights the importance of physical resemblance between grandparents and grandchildren.

⁸⁷¹ Baroin 2010.

⁸⁷² The exception appears to be immediately following the assassination of Caesar in 44 B.C.: *RRC* 501-505. He appears as M. BRVTVS IMP. on *RRC* 506, so it was not a permanent change.

Superbus.

The connection is made even more explicit when father and son are compared: Baroin points to examples where the son is regarded as an “image” of the father. The idea that the son acted as a mirror of the father extended beyond mere physical resemblance, although that certainly was expected, to a reflection of the father’s *animus* and *mores* as well.⁸⁷³ Here I will discuss only one example, that of Publius Scipio, the future Africanus. In 210 B.C., Scipio found himself the *imperator* of the Roman army fighting the Carthaginians in Spain, the same army that his father and uncle had commanded before their deaths in 212 B.C. In his account, Livy has Scipio make a lengthy speech to the veterans, concluding:

brevi faciam ut, quemadmodum nunc noscitis in me patris patrique similitudinem oris voltusque et lineamenta corporis, ita ingenii, fidei, virtutisque exemplum {et} effigiem vobis reddam ut revixisse aut renatum sibi quisque Scipionem imperatorem dicat.

Just as in the manner in which now you recognize in me a similarity to my father and paternal uncle in my expression and my face and the outlines of my body, so I will soon endeavour to reproduce for you a model and an image of their cleverness, their loyalty and their courage with the result that each man shall say to himself that his general Scipio has come back to life again or has been reborn.

(26.41.24-25)

Scipio can lay partial claim to the army’s loyalty through his physical resemblance to his dead father and uncle, a resemblance expressed not only through his expression (*oris*), but also his face (*voltus*) and his corporeal presence (*lineamenta corporis*). But to truly win the trust of these veterans, Livy suggests, Scipio will have to do more than just look like his relatives. He will have to act like them as well, to the extent that the soldiers could believe that their old generals live again. As Baroin writes, “remembering one’s father also means resembling him, even being identical to him and replacing him”.⁸⁷⁴

Adoptive sons, who grew to manhood without being steeped in the family history and deeds of their new ancestors and who could not have expected to enjoy a physical resemblance to their adoptive fathers, would have found this a tall order. Nor was this idea of resembling one’s parents, particularly one’s father, limited to sons. In writing to a friend about the death of a certain Fundanus’ daughter, Pliny the Younger writes that “what he has lost is a daughter who

⁸⁷³ Baroin 2010: 37-47.

⁸⁷⁴ Baroin 2010: 20.

mirrored his character no less than his expression and face, and with astonishing similarity entirely resembled her father” (*amisit enim filiam, quae non minus mores eius quam os vultumque referebat, totumque patrem mira similitudine exscripserat*) (*Ep.* 5.16). On a similar note, Catullus argues concerning a new marriage that “it is not right for so ancient a name to / be lacking in children, but rather it should always / be reproduced from the same stock” (*non decet / tam vetus sine liberis / nomen esse, sed indidem / semper ingenerari*) (61.206-208). The use of the verb *ingenerare* here is meant to serve as a contrast with those who resort to adoption from outside the family, an option for continuing the name that Catullus feels to be much less satisfactory. In the speech given to him by Cassius Dio where he encourages the men of Rome to bear children, Augustus highlights the importance of this connection between biological father and child, asking, “And is it not a joy to rear a child grown from both parents, to cherish and teach it, a likeness of both your body and your soul, so that as it grows up a second self is created?” (πῶς δ’ οὐχ ἠδὺ ἀνελέσθαι τέκνον ἐξ ἀμφοῖν συμπεφυκὸς καὶ θρέψαι καὶ παιδεύσαι, εἰκόνα μὲν τοῦ σώματος εἰκόνα δὲ καὶ τῆς ψυχῆς, ὥστε ἐν ἐκείνῳ ἀύξηθέντι ἕτερον αὐτὸν γενέσθαι;) (Dio Cass. 56.3.4). Finally, the connection between father and child could even be imagined as being reflected in less positive traits: Juvenal criticizes a father for being angry when his son “proves not only like you in build and features, / but morally too his father’s son, following your footsteps / and guilty in every case of even graver offences” (*quandoque et similem tibi se non corpore tantum / nec uultu dederit, morum quoque filius et qui / omnia deterius tua per uestigia peccet*) (14.51-53, trans. Rudd). The father may not be proud of his son’s behaviour, but Juvenal’s words again reiterate the idea that a son ought to follow the father, in morals and behaviour as much as in physical build and facial features.

Adoptive children, therefore, simply were not considered to be equal to biological ones. This attitude leads directly to the one feature of adoption which definitively shows that it was not meant to be the first recourse for a childless couple: men were not supposed to adopt until they could no longer be expected to beget their own children. In practical terms, this meant that men were supposed to be past the age of sixty before turning to adoption, raising the worrying possibility that they could well die before being able to secure an heir. Not only was a man meant to wait to adopt until he could no longer expect to produce sons of his own, but it was thought that the age gap between the adoptive father and son ought to be large enough that the father could have been the son’s biological father, a gap that came to be accepted by the early

third century A.D. as a minimum of eighteen years. Eighteen years was thought to be enough time for an individual to grow to maturity, marry and produce a son of his own.⁸⁷⁵

The Romans recognized that in many ways adoption was an artificial process, but the established *mores*, when followed, would have caused adoptions to mirror nature as much as possible. One of our best elucidations of these *mores* comes from a situation where they were not followed, and, indeed, the breaking of tradition was flaunted. In 57 B.C., Cicero attacked the tribune P. Clodius Pulcher for razing his house while he had been exiled from Rome. Cicero's invective focused in part on Clodius' adoption in 58 B.C. by the plebeian Publius Fonteius. Cicero argued that the adoption was nothing more than a legal fiction to allow Clodius to shed his patrician status and become eligible for the tribuneship. As proof, Cicero pointed to the established *mores* surrounding adoption which, in his opinion, had all been cast aside:

quas adoptiones sicut alias innumerabilis hereditates nominis pecuniae sacrorum secutae sunt. tu neque Fonteius es, qui esse debebas, neque patris heres, neque amissis sacris paternis in haec adoptiva venisti.

[The adoptions of Orestes and Piso], just as in any number of other cases, were followed by the act of inheriting the name, the wealth, and the family rites. You [Clodius] are not a Fonteius, as you ought to be, nor are you the heir of your adoptive father, nor have you come into the rites of your adoptive family, with your own paternal rites forfeited.

(*Dom.* 13.35)

Clodius was not Fonteius' heir; he had not taken on Fonteius' name, nor had he adopted the *sacra* of his adoptive *familia*.

The problems with the adoption went much deeper than that. Clodius was only thirty-four years old at the time of his adoption; Fonteius was even younger. Their ages and the near-immediate emancipation of Clodius by Fonteius after the adoption was completed turned the solemn procedure of *adrogatio* into a farce:

dico apud pontifices: nego istam adoptionem pontificio iure esse factam: primum quod eae vestrae sunt aetates ut is qui te adoptavit vel filii tibi loco per aetatem esse potuerit, vel eo quo fuit: deinde quod causa quaeri solet adoptandi, ut et is adoptet qui quod natura iam adsequi non potest legitimo et pontificio iure quaerat,... illud in primis...: ut haec simulata adoptio filii quam maxime veritatem illam suscipiendorum liberorum imitata esse videatur. quae maior calumnia est quam venire imberbum adulescentulum, bene valentem ac maritum, dicere filium senatorem populi Romani

⁸⁷⁵ *Dig.* 1.7.16 (Javolenus), 1.7.40.1 (Modestinus), 37.4.3.1 (Ulpian). See discussion in Gardner (1998: 145-148). We should not, however, rely on this as proof of an early age at first marriage for men, as the figure of eighteen years reflects an accepted theoretical possibility and not the social reality.

sibi velle adoptare?

I speak thus among the pontifices: I deny that that so-called adoption of yours happened in accordance with pontifical rules. Firstly, because your ages relative to each other are such that he who adopted you could stand in the place of a son to you either because of his actual age or because of the way in which he actually stands to you. Secondly, because it is customary to demand a reason for adoption in order to ensure that the one who adopts is someone who tries to obtain by statutory and pontifical laws what he is not able to achieve naturally...But the primary reason... is so that adoption of a son, an artificiality, might resemble as much as possible the true nature of raising children. What greater chicanery is there than that a beardless stripling, healthy and married, should come and say that he wishes to adopt as his son a senator of the Roman people?

(Cic. *Dom.* 14.36-37)

This section is the culmination of Cicero's argument. Earlier he reiterated the unorthodox nature of the adoption and emphasized the unnaturalness of their respective ages, telling Clodius, "You, contrary to what is fitting, have become the son of a man whose father you could be based on your ages" (*factus es eius filius contra fas cuius per aetatem pater esse potuisti*) (*Dom.* 13.35).

Nor was it sufficient, in Cicero's mind, for a man to have reached the age where he was unlikely to produce his own children. When first turning his attention to Clodius' adoption, Cicero asks the *pontifices*, "What is the law of adoption?" (*Quod est ius adoptionis?*) and then himself answers that adoption is permissible to those "who are no longer able to beget children, and who, when they remained able, put it to the test" (*qui neque procreare iam liberos possit, et cum potuerit sit expertus*) (*Dom.* 13.34). It was not enough to have reached old age childless: one ought to have demonstrated that one had made the effort to have children when one had been capable. Hence impotent men (*spadones*) could adopt at any age, since they were incapable of begetting children (Gai. *Inst.* 1.103). In Cicero's eyes this further invalidates Fonteius' adoption of Clodius, as Fonteius is "able to beget [a child]. He has a wife; he will rear children by her" (*Procreare potest. Habet uxorem, suscipiet ex ea liberos.*) (*Dom.* 13.34). Kunst has speculated that adoption could be used as an alternative to marriage, but if Cicero's words reflect broader Roman social *mores* this hypothesis seems less tenable.⁸⁷⁶ Men who remained bachelors their entire lives and adopted heirs when they reached old age would be frowned upon, even though there was no legal requirement to be married in order to adopt.⁸⁷⁷ This is not to say that such a

⁸⁷⁶ Kunst 2005: 63.

⁸⁷⁷ *Dig.* 1.7.30 (Paul): "Even those who do not have wives are able to adopt sons." (*Et qui uxores non habent filios adoptare possunt*).

case might never happen, but it becomes less likely that such a strategy would be widely undertaken if it violated expected social *mores*.

The problem, of course, is that Cicero is hardly an unbiased source. His enmity with Clodius had been entrenched for a number of years, and he would have seized upon any opportunity to attack his long-standing foe. With that said, Cicero would not make claims concerning the law of adoption that were known to be false: it would weaken the force of his argument. Aulus Gellius supports Cicero's interpretation, writing in cases of adrogation "it is inquired whether the age of the one who wishes to adopt is not better suited to the begetting of his own children" (*aetasque eius, qui adrogare vult, an liberis potius gignendis idonea sit*) (NA 5.19.6). It seems, however, that the age requirement was not legally enforceable.⁸⁷⁸ But someone who ignored this social expectation entirely would meet with criticism, unless he had convincing reasons for his actions. Ulpian writes:

in adrogationibus cognitio vertitur, num forte minor sexaginta annis sit qui adrogat, quia magis liberorum creationi studere debeat: nisi forte morbus aut valetudo in causa sit aut alia iusta causa adrogandi, veluti si coniunctam sibi personam velit adoptare.

In cases of *adrogatio*, the scrutiny of the court is directed to the question whether perhaps the adrogator is less than sixty years old, because then he ought rather to be concerning himself with begetting his own children- unless as it happens that sickness or health is an issue in the case or there is some other just ground for *adrogatio*, such as if he is related to the person he wishes to adopt.⁸⁷⁹

Other than adopting a relative, something which Ulpian, given the jurists' interests in the preservation of property, not surprisingly sees as eminently reasonable, the only other valid reason given for adopting before the age of sixty is sickness or ill health. If it were anticipated that one might die before one had the chance to produce sons, then the usual expected restrictions on adoption could be bypassed without criticism.

Adoption, in other words, was the last chance for securing an heir, and was meant to be used only when all other avenues had been exhausted.⁸⁸⁰ It did not always work this way, of

⁸⁷⁸ Gai. *Inst.* 1.106. In Sen. *Controv.* 1.6.6, it is assumed that it is an old man who would be adopting the individual in question.

⁸⁷⁹ *Dig.* 1.7.15.2. He expresses a similar view at *Dig.* 1.7.17.2.

⁸⁸⁰ cf. Suetonius' critical assessment of Claudius' adoption of Nero in A.D. 50 because Claudius possessed "already a grown up son of his own" (*adulto iam filio*) (Suet. *Claud.* 39) and Tacitus' equally critical view of Augustus' requirement that Tiberius adopt Germanicus even though Tiberius' house already had an adolescent son in it, namely Drusus the Younger (Tac. *Ann.* 1.3).

course, as Cicero's near-hysterical denunciations of Clodius' adoption show. And even men who were not adopting for such blatantly political reasons might adopt sooner than they were supposed to in order to protect their inheritance and to ensure an heir. After all, if one were lucky enough later to produce a biological child, the adopted son could always be emancipated. This idea that a man was supposed to be no longer capable of begetting his own children before adopting may therefore have been more of an ideal than a reality. But it speaks volumes about the attitude towards adoption in general, and the place of adopted children compared with biological children in particular.

The discussion thus far has been confined to the experiences of men. There are two reasons for this. The first is that women were very rarely adopted. No examples of an adoption of a woman are known from the Republic. In the Principate there are only two examples found in literary sources. The first is the adoption of Octavia, the daughter of Claudius, who was adopted into another family so that she could marry Nero, Claudius' adopted son, and thus circumvent the incest taboo.⁸⁸¹ The second is the well-known case of Domitia Lucilla, preserved in the younger Pliny's letter to his friend Fadius Rufinus about the will of Domitius Tullus.⁸⁸² Domitius Tullus adopted Domitia Lucilla, who was his brother's daughter. What attracted Pliny's attention and probably explains the survival of the story of the Domitii is that Tullus unexpectedly left Lucilla as his heir, when he had earlier given the impression that he would reward the flattering attention of legacy hunters. There was also a series of complicated financial circumstances surrounding the adoption. Lucilla had been named heir by her maternal grandfather, Curtilius Mancina, on the condition that she be freed from the *potestas* of her father, Domitius Lucanus, who had apparently displeased his father-in-law. Lucanus did emancipate Lucilla, but she was then promptly adopted by her paternal uncle, Domitius Tullus. The wealth of Curtilius Mancina thus passed to the family of the Domitii despite his best efforts and may even have come back under the control of her natural father, as the two brothers were said to hold their property in common (*Ep.* 8.18.7). Were it not for the convoluted nature of the inheritance dispute and Domitius Tullus' unexpected behaviour upon his own death, which encouraged Pliny to write about the circumstances, we would likely have no record of Domitia Lucilla, and Octavia would be our only example where a woman was adopted. And what happened to

⁸⁸¹ Dio Cass. 60.33.2.

⁸⁸² Plin. *Ep.* 8.18. See discussion in Gardner 1998: 135 and Lindsay 2009a: 156-159. cf. Carlon 2009: 114-115.

Octavia, of course, cannot be taken as usual practice, given her emancipation from Claudius was done for clear dynastic purposes.⁸⁸³

Two other examples are attested in Latin inscriptions. *CIL* VI 33981 is the epitaph of a certain T. Flavius Augustalis. The inscription names a Flavia Alexandr(ia), who is described as *filia atoptaticia*. The second is *CIL* III 1182, an epitaph from Apulum, Dacia. The deceased, Publia Aelia Iuliana Marcella, is described as *adoptiva*. Her adoptive father was Publius Aelius Marcellus, a Roman equestrian.⁸⁸⁴ It was not against the law to adopt a woman, but in terms of transmission of property and family continuity it made no sense to do so. While women could be instituted as heirs, their children would bear the names of their husbands. They would fall under the power of a different *paterfamilias* and any wealth they eventually inherited from their mother would thus be transferred to a new *familia*. Adopting a woman would solve the immediate need for an heir, but would ensure the death of the family within a generation, for a woman, as Ulpian so succinctly puts it, “is both the beginning and end of her own *familia*” (*familiae suae et caput et finis est*).⁸⁸⁵

Secondly, for the entirety of our period women were not legally allowed to adopt. Adoption was a means either to remove someone from one individual’s *patria potestas* and place him under the *patria potestas* of another, or to bring someone who was *sui iuris* under *patria potestas*. Since women could not exert *potestas* over anyone, they by extension could not adopt. This is stated quite bluntly in the sources: the jurist Gaius writes that “women cannot adopt at all, since they do not even have the children of their own blood under their power” (*feminae vero nullo modo adoptare possunt, quia ne quidem naturales liberos in potestate habent*) (*Inst.* 1.104). If their husbands adopted and brought a son into their *familia*, they would have no officially recognized relationship with the adopted individual. As the jurist Paulus states, “If I adopt a son, my wife is not in the place of mother to him; he is not made an agnate to her, on account of this she does not become his cognate” (*et ideo si filium adoptavero, uxor mea illi matris loco non est, neque enim adgnascitur ei, propter quod ne cognata eius fit*) (*Dig.* 1.7.23).

By the third century A.D. it appears that some women were given permission to adopt, and

⁸⁸³ Gardner (1998: 119-120) sees a possible parallel found on an inscription in Pompeii. The adoption can only be surmised, however, through the nomenclature of the individuals, which is far from definitive evidence of its existence.

⁸⁸⁴ Discussed in Salomies 1992: 20, n. 1, along with one other example from the Greek East.

⁸⁸⁵ *Dig.* 50.16.195.5. Likewise, while a freedman could preserve a name, at the point of manumission he became the head of his own new *familia*, and thus could not carry on the agnatic lineage of his patron.

that these cases were usually referred to the emperor. Ulpian writes that “Since no woman is able to adopt a son without an order from the emperor, neither can anyone bring an action against the undutiful will of the person he wrongly thought to be his adoptive mother” (*quoniam femina nullum adoptare filium sine iussu principis potest, nec de inofficiosi testamento eius, quam quis sibi matrem adoptivam falso esse existimabat, agere potest*) (Dig. 5.2.29.3). Ulpian’s comment suggests that, despite the legalities of the procedure, some women may have unofficially adopted children, most likely those who had been adopted by their husband, although we cannot reject outright the possibility that women may have ‘adopted’ children on their own. These ‘adoptions’ may have led to an established mother-child relationship in terms of emotional bonds and acceptance by the wider community. They may also have produced an assumption of reciprocal obligations of *pietas*, but the relationship lacked any official legal status that would require such obligations to be met. Thus, a child ‘adopted’ by a woman who later brought a charge against her of an undutiful will would have had no legal grounds for such a claim, as Ulpian makes clear.⁸⁸⁶

Our only specific example of a woman adopting with special permission of the emperor is from a constitution of Diocletian dating from A.D. 291 and concerns a woman named Syra:

a muliere quidem, quae nec suos filios habet in potestate, adrogari non posse certum est. verum quoniam in solacium amissorum tuorum filiorum privignum tuum cupis in vicem legitimae subolis obtinere, adnuimus votis tuis secundum ea, quae adnotavimus, et eum proinde atque ex te progenitum ad fidem naturalis legitimique filii habere permittimus

It is certain that it is not possible to be adrogated by a woman, since she does not even have her own sons in her power. Indeed since you wish to obtain your stepson in place of lawful offspring as a solace for your lost sons, we agree to your prayers on those conditions we have noted, and we permit you to have him, as though he were born from you, as confirmation of a natural and legitimate son.

(*Cod. Iust.* 8.48.5)

The grant takes place under exceptional circumstances. Syra’s own sons have died, as has her husband, given the reference to *adrogatio*. A son of her husband from a previous marriage survives, and it is he whom Syra is given permission to adopt. Jane Gardner has recognized that Syra’s case was not a true adoption: her stepson did not come under her *potestas*, for she had no

⁸⁸⁶ Here I am reminded of the cases of the ‘wives’ of Roman soldiers who were unable to make a claim for the return of ‘dowries’ that they clearly had given their ‘husbands’ because their marriages had no legal standing in Roman law. For examples see P. Cattaoui. For discussion see Phang 2001. Arjava (1996: 85, 88) notes that some papyri seem to show evasion of the law against women adopting.

such power.⁸⁸⁷ Instead, although he remained *sui iuris*, she was allowed to treat him as though he were her own biological son. The issue must surely be one of inheritance rights: by attaining legal status equivalent to a biological child of Syra, her stepson would inherit automatically if she died intestate. Without this change, he would have no claim on her property unless she had named him in a will.

The rarity of these cases should not be understated: a general ban on ‘adoption’ by women must have remained in place until the age of Justinian, since Gaius’ words explaining why women cannot adopt are reiterated in the *Institutes*, albeit with a crucial qualification:

feminae quoque adoptare non possunt, quia nec naturales liberos in potestate sua habent: sed ex indulgentia principis ad solatium liberorum amissorum adoptare possunt.

Women also are not able to adopt, since they do not even have the children of their own blood under their power: but by imperial indulgence, as a solace for lost children [women] can adopt.⁸⁸⁸

The vast majority of women remained unable to ‘adopt’, but a rare few would be granted special imperial permission to do so, just as some lucky men and women received the *ius trium liberorum* as a boon from the emperor even when they had not produced the requisite number of children.⁸⁸⁹

These rare exceptions are useful in illuminating attitudes towards women and children. The women who were granted such a favour were those who had successfully borne their own children, only to see all those children die. The individuals ‘adopted’ are meant to be substitutes for the mothers’ own dead offspring.⁸⁹⁰ Although a desire to control who would inherit her property if her will failed probably drove a woman to make the request in the first place, the reasons given by the emperors for the dispensation were based on an assumption of grief felt by the bereaved mother. The sources imply that women require a focus for their maternal instincts and that they should not be left childless, even though the adopted individuals in all likelihood would have been adults. What stands out for my purposes is the fact that the ‘adoptions’ were used to restore the balance: the women had once had children, and the ‘adoptions’ would now go

⁸⁸⁷ Gardner 1998: 158; 1999: 65-66.

⁸⁸⁸ Just. *Inst.* 1.11.10. See discussion in Russo Ruggeri 1990: 270; Gardner 1998: 157; and Lindsay 2009a: 72-3.

⁸⁸⁹ See above, Chapter Three, p. 184.

⁸⁹⁰ See *Cod. Iust.* 7.33.8, dating to A.D. 294, where Diocletian rules that a supposed adoption by a woman was not lawful because she still had a living son.

some way towards erasing their tragic losses. Adoption, therefore, was no recourse for a barren woman. Only those who had already proved their *fecunditas* could hope for an intervention. And even then such interventions came much later in the Roman Empire and only to a few privileged individuals. For most women, even if their husbands could remedy their childlessness through adoption, they had no such choice.

One final feature of Roman adoption should be considered. Besides operating as a means by which a *paterfamilias* could rid himself of a surplus heir, or gain one if he had no son of his own, it could also be used by the *paterfamilias* to manipulate his own agnatic line, allowing him to play favourites.⁸⁹¹ Bruce Frier calls it a “redesign of the *familia* from within”.⁸⁹² Contained within the *Digest* are examples like that of the *paterfamilias* with two grandsons who emancipates one grandson and then adopts him as a son (*Dig.* 37.4.3.1-2 (Ulpian)). Of course the jurists whose opinions are contained in the *Digest* were interested in the theoretical possibilities allowed by the law, and indulged in the most complicated of legal fictions. We should not assume that such sophisticated manoeuvring reflected common practise.⁸⁹³ But the case of Domitia Lucilla makes it clear that such machinations, extreme as the examples in the *Digest* may seem, were not unheard of. To our modern eyes using adoption to tinker with the generational structure of an existing *familia* seems rather peculiar. But it drives home the point that adoption should be thought of as just one more reproductive strategy available to the *paterfamilias* in designing and manipulating his *familia*, rather than as an obvious recourse for childless couples. We might have expected, given that suspected infertility was always assigned to the female spouse, that Roman men would seize on adoption as a means of legitimating and bringing into their agnatic lineage illegitimate children fathered on other women. If a man suspected his wife was infertile, adopting an illegitimate child would give him the chance to procure an heir of his own blood. Élite Roman men, however, do not appear to have used adoption in such a way. Ronald Syme noted over fifty years ago that bastard children, likely the offspring of slaves, freedwomen or free concubines of low status, could “seldom have been presentable enough to acquire status through adoption- the only means of legitimation”.⁸⁹⁴ Saskia Hin has therefore fundamentally misunderstood Roman attitudes towards illegitimate

⁸⁹¹ cf. Gardner 1998: 190-199.

⁸⁹² Frier 2010.

⁸⁹³ Gardner argues that the discussion is “based on real-life occurrences, not merely the products of legal imagination” (1998: 191).

⁸⁹⁴ Syme 1960: 325.

children when she claims that “élite men had plenty of access to resources for sexual satisfaction other than their legitimate wives, notably slaves and concubines. Fertilization in the margins enabled men to produce ‘spare heirs’ without risk of overproduction of legitimate heirs; in principle, these children would have no claim on a man’s inheritance, unless he decided to recognize them”.⁸⁹⁵

Rather than assuming as Harris does, therefore, that adoption met most of the needs of a childless couple, we should instead ask which needs it did manage to meet. It is a short list. Adoption allowed the male spouse to gain a son when none had been born to him. At the same time, adoption was not thought to be equal to the birth of one’s own biological child. Furthermore, although it was not technically illegal for men to legitimate their bastard children by adopting them, the usually significant difference in social status between a father and his illegitimate children meant that this option was so unacceptable socially that our sources never even hint at it as a possibility. Adoption also centred on maintaining the agnatic lineage. There was no place for women. Although women could be adopted, they rarely were, except to facilitate issues of inheritance or marriage, as in the cases of Domitia Lucilla and Octavia. The Roman experience of adoption, while it could provide the male spouse with an heir, could not fulfill the desire for children felt by one or both spouses.

Finally, there are no examples where suspected infertility is mentioned as the motivating factor behind the adoption. We can assume that adoptions were, in the vast majority of cases, used by childless men to procure an heir. As we have already seen, however, it is dangerous to assume that someone who is an *orbus* at the end of their life has always been so, and it is usually impossible to determine whether the adoptive father had always been childless, or whether he had been unlucky enough to outlive his legitimate children. We simply do not have enough information. Indeed, there are not that many directly attested adoptions at all: Jane Gardner writes that “the adoptions mentioned in literary sources are numbered in tens rather than hundreds”.⁸⁹⁶ In today’s North American society it is estimated that anywhere between ten and fifteen percent of all couples will experience difficulty conceiving.⁸⁹⁷ Most of these couples are sub-fertile rather than truly infertile, and many will eventually succeed in becoming parents with the help of medications and assisted reproductive technologies. The Romans had far fewer

⁸⁹⁵ Hin 2013: 206.

⁸⁹⁶ 1998: 115.

⁸⁹⁷ Wilcox 2010: 123.

means of combating suspected infertility, and a much higher percentage of couples must have remained childless than would be the case today. If adoption was seen as a normal course of action for resolving involuntary childlessness, we might expect to find some mention of it in our sources. But here they are resolutely silent.

METHODS OF COPING WITH INVOLUNTARY CHILDLESSNESS II: ‘SUBSTITUTE’ CHILDREN

Childless couples did not necessarily live in childless households. In this section I therefore explore a second possible alternative to biological children: using ‘substitute’ children to fulfill the emotional desire for offspring. Much has been made by scholars of the bonds that existed between *collactanei* – nursemaids – where a slave child and a child of the *dominus* were bound together by virtue of having been nursed by the same woman, whether a wet-nurse, or, much more rarely, the freeborn child’s own mother.⁸⁹⁸ This bond between the slave-child and the master and mistress of the house could well have continued even with the death of the freeborn child who acted as the link between them. Childless couples who suspected infertility could not find such an easy recourse. But this might not have precluded them from forming their own affective bonds with the children who were present in their lives, whether these *pueri* and *puellae* were slaves in their household, foster-children, or the freeborn children of family members and friends.

The first category of potential child substitutes were *vernae*, slave children born in a particular household and then raised there rather than being sold on.⁸⁹⁹ No doubt some of these would have been the biological children of the *dominus*, but there is no explicit proof of this. To them might be added *delicia*, although the term was not exclusively used to denote such individuals.⁹⁰⁰ *Delicia* were slave children best viewed as ‘pets’, kept by the *dominus* or *domina* for their own entertainment and sometimes, but not necessarily always, for sexual purposes as well. *Delicia* were praised for their prattle, their jokes, their boldness. Some were purchased for

⁸⁹⁸ Cato the Elder’s wife, Licinia, was said to have nursed the infants of her slaves (Plut. *Cat. Mai.* 20.3). For the bonds between *collactanei*, see Rawson 2005, 2010: 197-200, but also Bradley 1991b: 149-154, who is less optimistic about continuing relationships between nursemaids of divergent social statuses.

⁸⁹⁹ On the *vernae*, see Sigismund Nielsen 1991; Herrmann-Otto 1994, Crespo Ortiz de Zarate 2003; Rawson 2010.

⁹⁰⁰ On the use of *delicium/a* as a term of endearment in a wide range of human affective relationships, see Laes 2003. For *delicia* more generally see Sigismund Nielsen 1990; Pomeroy 2003 and La Monaca 2007 and 2008.

this purpose, while others, perhaps the majority, would have been house-born slaves.⁹⁰¹ Martial's little slave-girl, Erotion, is both named by him as a *delicia* and contemptuously dismissed as a *vernula* by a friend.⁹⁰² A third category were *alumni* (foster-children), who may have been, but were not always, slaves. They are difficult to categorize. Beryl Rawson describes them as "usually young persons in a quasi-familial relationship with an older person", while Suzanne Dixon says they "represent favored children but usually in a socially inferior relationship".⁹⁰³ Most attested *alumni* were of the same social status as their foster-parent(s).⁹⁰⁴ Strong bonds of affection were assumed even where the *alumni* were slaves: *alumni* were included in the persons who could not be used as a pledge, and thus could not be seized by a creditor, and in the persons who could be manumitted with full Roman citizenship before the age of thirty.⁹⁰⁵

That strong affective bonds could form between *domini* and the slave-children who inhabited their houses is perhaps best exemplified by the grief expressed by *domini* at the untimely deaths of their little favourites in the poems of Martial and Statius.⁹⁰⁶ This grief is given its clearest expression in *Silvae* 2.1, a consolatory poem composed by Statius for his patron Atedius Melior on the death of Melior's favourite boy, Glaucias. Glaucias was originally a *delicium* but obtained the status of an *alumnus* of his master after his manumission at a young age. Statius, too, describes himself as mourning the loss of the boy, inviting Melior to "Combine our groans and together let us weep" (*confer gemitus, pariterque fleamus*).⁹⁰⁷ After a lengthy *laudatio* of the deceased, which includes Glaucias' physical appearance (vv. 36-54), his intimate relationship with his master (vv. 56-71), his descent (vv. 72-105), and his precocity and his *res gestae* (vv. 106-136), we come at last to the description of the boy's death and his funeral. Here again the closeness of the relationship between the two is emphasized: Glaucias' last words were for his master, who was with him when he died (vv. 146-153). At the funeral, Atedius Melior's

⁹⁰¹ For an explicit contrast between the two, see Stat. *Silv.* 5.5.66-70.

⁹⁰² *Delicia*: Mart. 5.34.2; *vernula*: Mart. 5.37.20.

⁹⁰³ Rawson 1986b: 173; Dixon 1999: 223.

⁹⁰⁴ Sigismund Nielsen 1987: 166, 181.

⁹⁰⁵ Not to be seized by a creditor: *Dig.* 20.1.6, 8 (Ulpian). Able to be manumitted before the age of thirty: Gai. *Inst.* 1.19; *Dig.* 40.2.11-13 (Ulpian); Just. *Inst.* 1.6.5

⁹⁰⁶ Mart. 5.34, 5.37, 6.28, 6.29 and 10.61; Stat. *Silv.* 2.1, 2.6, 3.4, and 5.5. For a close reading of the poems by Statius, see Laes 2010a and 2011: 223-230. For discussion of Martial and Erotion see Watson 1992, Thévenaz 2002, and Laes 2011: 256-258.

⁹⁰⁷ *Silv.* 2.1.35. For the relationship between poet and the deceased boy, as well as that between poet and patron, see Rühl 2003: 121-2.

grief is so extravagant that it even astonishes Glaucias' natural parents. Statius writes that "The father and mother of the dead were present, but the parents gazed on you dumbfounded" (*erant illic genitor materque iacentis / maesta, sed attoniti te spectavere parentes*) (*Silv.* 2.1.172-173).

Literary convention has surely shaped much of Statius' description of Atedius Melior's grief, but this need not preclude true feeling.⁹⁰⁸ The very closeness and intimacy of the relationship described, in fact, causes modern scholars some unease. There appears to be, in the words of Laes, "a blurring between filial and sexual affection".⁹⁰⁹ The anxiety felt by scholars over the suggestion of a sexualized relationship between master and child reminds us that these beloved dead children were slaves, and not the biological children of the men who mourn them. Atedius Melior may have professed to love Glaucias, but he also took him away from his mother at birth, an unnatural act which Statius defends at length, claiming that "proximity of blood and offspring descending in lineal series is not the only bond; new children, adopted, often creep further in than our kindred. Sons begotten are a must, sons chosen a joy" (*non omnia sanguis / proximus aut serie generis demissa propago / alligat; interius nova saepe ascitaeque serpunt; pignora conexas. natos genuisse necesse est, / elegisse iuvat*).⁹¹⁰ There is also the suggestion that it was not just Atedius Melior who enjoyed Glaucias' body: in his Preface to Book Two, Statius writes of having taken Glaucias in his arms whenever he visited Atedius Melior at home.⁹¹¹

This brings us to the point that devoting oneself to slave or freed child 'substitutes' like *vernae*, *delicia* and *alumni* was, just as with adoption, an inferior replacement for the begetting of biological offspring. The quasi-adoption of a social inferior, as Bernstein notes, "was not a typical means for upper-class Romans to acquire a male heir in the absence of biological sons".⁹¹² They may have been thought to be a more appropriate substitute for women, who could

⁹⁰⁸ Bernstein 2005: 257.

⁹⁰⁹ Laes 2010a: 267-268.

⁹¹⁰ Stat. *Silv.* 2.1.84-88. For the entirety of Statius' defence of Atedius Melior's actions, see 2.1.82-105. cf. Stat. *Silv.* 2.6, where the death of a favourite slave is compared with, and considered equal to, the grief felt by parents who lose their children, and *Silv.* 5.5.79-80 where Statius, lamenting the death of his own favourite, claims "As long as you lived, I wanted no sons" (*quo sospite natos / non cupii*). For imperial propaganda concerning the advantages of adoption, see above, Chapter Four, pp. 214-219.

⁹¹¹ cf. Bernstein 2005: 268, but see too Laes 2010a: 267-269, who takes the view that the relationship is "certainly not to be equalled with child molesting as we view it nowadays".

⁹¹² Bernstein 2005: 263. For freedmen as heirs, see Champlin 1991: 131-142, 175-180. For quasi-adoption see Sigismund Nielsen 1987 and 1999. It may have been a better option for those outside the ranks of the élite, although still viewed as inferior to having one's own biological children: the epitaph of the legionary veteran Lucius Valerius Seranus says, "A husband I was not, but I freed slaves", and was set up by his ten heirs, all freed slaves who took his name as their own (*CIL* III 1653, Suppl. 8143; discussed by Carroll 2011b: 141). Newlands' claim (2006: 218) that

not adopt, and who were assumed to experience greater emotional distress at the loss of a child. A majority of commemorators of female *alumnae* are women, and it is suggested in the *Digest* that some women dressed up young female slaves with long hair “for themselves” (*sibi*).⁹¹³ Marcian also considers it more suitable for women to manumit *alumni*. We are left to assume that either they are the ones who will have established the strongest emotional bonds, or that it was not considered appropriate for men to form such bonds in the first place.⁹¹⁴

Certainly some contemporaries viewed affection for such child ‘substitutes’ with distaste. Plutarch portrays it as a poor substitute for children of one’s own, resorted to only by those who were too foolish to get their own children when they were able:

ὥστ’ ἴδοις ἂν ἀνθρώπους στερροτέρᾳ τῇ φύσει περὶ γάμου καὶ γενέσεως παίδων
διαμαχομένους, εἶτα τοὺς αὐτοὺς ἐπὶ παισὶν οἰκοτρίβων ἢ θρέμμασι παλλακῶν
νοσοῦσι καὶ θνήσκουσι παρατεινομένους πόθῳ καὶ φωνᾶς ἀγεννεῖς ἀφιέντας.

So that you will see men of a rather stubborn character who speak obstinately against marriage and the production of children, and then, when children of their household slaves or their kept mistresses fall ill and die, these same men are made half-dead by sorrow and give themselves over to lamentations.

(Plut. *Sol.* 7.3)

In Plutarch’s eyes, the extravagant grief shown by Atedius Melior and others like him for their dead slave-children is inappropriate, perhaps even embarrassing. Likewise, Martial incurs criticism from his friend, Paetus, for mourning the death of his little *delicia*, Erotion. Paetus has recently lost his wife. Her wealth and high-status mark her as deserving her husband’s grief, unlike Martial’s “mere little slave-girl” (*vernula*).⁹¹⁵ At the same time, there is the suggestion in Plutarch’s text that the desire for children is near-universal, and that even those individuals who are most resolute in their insistence to remain bachelors and *orbi* may well ultimately seek out whatever children they can to fulfill this emotional need. Plutarch writes that “For the soul has in itself a capacity for affection, and loves just as naturally as it perceives, understands, and remembers” (ἐχούσης γὰρ τι τῆς ψυχῆς ἀγαπητικὸν ἐν ἑαυτῇ, καὶ πεφυκυίας, ὥσπερ αἰσθάνεσθαι καὶ διανοεῖσθαι καὶ μνημονεύειν) (Plut. *Sol.* 7). It would be quite wrong, of

“adoption and fosterage allowed men to sidestep women’s control over reproduction”, based largely on her reading of Statius’ *Silvae*, is an exaggeration.

⁹¹³ *Dig.* 32.49.pr (Ulpian), discussing the slaves assumed to belong to the *materfamilias*. Commemorators: Sigismund Nielsen 1999: 252.

⁹¹⁴ *Dig.* 40.2.14. He adds that it is acceptable for men to manumit a slave in whose rearing they have taken a special interest, but the general sense is that it is women who are expected to form close ties with these children.

⁹¹⁵ Mart. 5.37.20.

course, to make assumptions about what the Romans felt based on contemporary society's experiences. But this passage suggests that couples who, unlike the individuals to whom Plutarch refers, very much wanted children but had been unsuccessful in conceiving and birthing them may have experienced deep emotional distress at their childlessness.⁹¹⁶

Vernae and *delicia* also were not held to the same standards of behaviour expected from a biological son and heir and, indeed, were often encouraged to act in an outrageous fashion. Seneca the Younger sets out this contrast explicitly, writing that “we take delight in the restraint of our children, but in the unruly behaviour of our little house-born slaves. We keep the former under control with sterner discipline, even as we nurture impudence in the latter” (*filiorum nos modestia delectari, vernularum licentia, illos disciplina tristiori contineri, horum ali audaciam*).⁹¹⁷ And despite the protestations of paternal love in some of our sources, there are suggestions elsewhere that these substitute children's spoilt and cosseted existence could be brought to an abrupt end. In a letter to his friend Lucilius, Seneca the Younger tells of a visit to his villa in the countryside, where on the tour of his property he has an unexpected encounter:

conversus ad ianuam “quis est iste?” inquam “iste decrepitus et merito ad ostium admotus? foras enim spectat. unde istunc nactus es? quid te delectavit: alienum mortuum tollere?” at ille “non cognoscis me?” inquit: “ego sum Felicio, cui solebas sigillaria afferre; ego sum Philositi vilici filius, deliciolum tuum.” “perfecte” inquam “iste delirat: pupulus, etiam delicium meum factus est? prorsus potest fieri: dentes illi cum maxime cadunt.”

Having turned to the doorway, “Who is *that*?” I asked. “That one so enfeebled, deservedly placed at the entrance, for indeed he points to the outside. Wherever did you come across him? How did it please you to pick up some other man's dead?” But he said, “Don't you recognize me? I am Felicio, and you regularly used to bring me small ornamented pottery. I am the son of Philositus, the steward. I am your little pet.” “The man's completely bonkers,” I judged. “Has my pet slave become a little boy again? Well it could happen: his teeth are just now falling out.”

(*Ep.* 12.3)

The image of the old slave, once a favourite and now abandoned on a rural estate is a poignant one. Seneca seems unwilling to even acknowledge the relationship that they had once shared; his rejection of his old favourite is swift and forceful.

‘Substitute’ children could be cast aside when they failed to please, when they proved too swift and energetic for their aging master, or when they simply were no longer small and cute.

⁹¹⁶ For one of our few examples where this distress is given voice, see below, pp. 336-340.

⁹¹⁷ Sen. *Prov.* 1.6. For discussion, see Mencacci 2010.

In another letter, Seneca writes that he will soon be replacing a favourite slave-boy, Pharius, because the lad is too quick for him, and Seneca can no longer keep up with him on daily walks.⁹¹⁸ Pharius is still several years away from adulthood, as he is still losing his baby teeth, but even his young age will not protect him. Seneca says he will be looking for another “of still more tender years” (*aliquem teneriorem quaero*). He too, in all likelihood, would be banished to one of Seneca’s rural estates, where he would only rarely expect to see the master with whom he once spent each day. These so-called favourite children, therefore, were replaceable, disposable, in a way that no biological child ought to be.⁹¹⁹ From this perspective, Glaucias and the others mourned in Statius’ and Martial’s poems were perhaps the lucky ones, dying too young for them to have outlived their usefulness.

Alumni were perhaps less likely to be discarded, but even they were not judged to be equal to a biological child. The *senatus consultum Silanianum* of A.D. 10, which set out the procedures to be followed concerning the slaves of a household when a *paterfamilias* had been murdered, required the same procedures to be followed when a child of the *paterfamilias* had been murdered. Adopted children counted, although not children who had been given in adoption to other families. *Alumni* did not. Ulpian is quite specific with the exclusion, writing “But there is no place for the *senatus consultum* in the case of the killing of a foster child” (*sed nec in alumno occiso locus est senatus consulto*) (*Dig.* 29.5.1.10). A study of epitaphs from the city of Rome has revealed that while parents gave the epithets *dulcissimus* (sweetest) and *carissimus* (dearest) in equal measure to biological children and *alumni*, the epithet *pietissimus* (most dutiful) was largely reserved for their biological children, suggesting differing sets of social expectations for the two relationships, irrespective of the strength of emotional bonds.⁹²⁰ No other child in a household was a true ‘substitute’ for a biological son or daughter.

Another option that could perhaps go some way towards filling the emotional void found in a childless house would be to take a keen interest in other people’s children, such as one’s nieces and nephews, or the children of close friends. In such situations, the childless couple might come to view themselves as surrogate parents, particularly if the children in question had

⁹¹⁸ *Ep.* 83.4 For discussion of both passages, see Mencacci 2010: 242-244.

⁹¹⁹ This is not to say, of course, that no biological child in Rome was ever treated poorly by his parents. My point is only that the falling out of favour and abandonment that could have been the ultimate fate of many *delicia* would have aroused little to no criticism among the élite, whereas a biological child might be expected to receive better treatment.

⁹²⁰ Sigismund Nielsen 1999: 260.

already lost their mother or their father.⁹²¹ As the children grew closer to adulthood, we might imagine these surrogate parents being involved in the decision making process concerning a male child's education, or a female child's choice of husband and size of dowry.

Although one famously childless individual, Pliny the Younger, appears to have had no nieces or nephews on whom he could lavish attention, he nevertheless took a keen interest in the children of his friends. Recent scholarship on Pliny's letters has identified Pliny's attempts to ground his patronage in the "rhetorical context of natural reproduction".⁹²² In *Ep.* 1.14, he assists Junius Marcus in finding a husband for his niece. The unnamed girl has lost her father, and it falls to her paternal uncle to make an appropriate match. Pliny does not seem to have had much contact with the girl herself, who is barely mentioned in the letter, but he professes a deep and abiding affection for her deceased father, telling Junius Marcus, "For you know how much I have looked up to him and loved him as the most outstanding of men" (*scis enim quanto opere summum illum virum suspexerim dilexerimque*) (*Ep.* 1.14). To a certain Calvina, who appears to have been a relative by marriage (*affinitas*) of some sort, he contributed 100,000 sesterces towards her dowry, and at a later point when her father had died, he forgave the debt owed to him (*Ep.* 2.4). Pliny also expresses grief when the younger daughter of his friend Fundanus dies, a grief that, while it largely reflects rhetorical *topoi* about a well brought up young woman, does show that Pliny had met her on numerous occasions (*Ep.* 5.16).

At times the boundaries between *familia* and *amici* seem to blur even further, and Pliny stakes an almost parental claim to the children of his friends. On writing expressions of congratulations to his friend Servianus on the engagement of his daughter, Pliny thinks very highly of the young man who has been chosen, and looks forward with Servianus to the swift arrival of grandchildren (*Ep.* 6.26). Pliny imagines the births of these children as though they were almost his own, writing, "What a blessed time that will be, when I can take from your arms his children and your grandchildren, as though they were my own children or grandchildren, and hold them as if by equal right!" (*quam felix tempus illud, quo mihi liberos illius nepotes tuos, ut meos vel liberos vel nepotes, ex vestro sinu sumere et quasi pari iure tenere continget!*) (*Ep.* 6.26). Likewise, when he tells his less wealthy friend Quintilian that he intends to give his

⁹²¹ Between twenty-eight and thirty-seven percent of all children were likely to have lost their fathers by age fifteen: Scheidel 2009: 32.

⁹²² Bernstein 2008: 204. cf. Hoffer (1999: 93-110) on Pliny as symbolic father of Comum, and Henderson 2002a and 2002b.

daughter 50,000 sesterces to give her a dowry appropriate for the status of the match she has made, he argues that he is a “second father to this daughter of ours” (*parens alter puellae nostrae*) (*Ep.* 6.32). And when his friend Mauricus requests Pliny’s assistance in choosing a teacher for his nephews, Pliny responds with enthusiasm:

quid a te mihi iucundius potuit iniungi, quam ut praeceptorem fratris tui liberis quaererem?... quam curam mihi etiam si non mandasses vindicassem. nec ignoro suscipiendas offensas in eligendo praeceptore, sed oportet me non modo offensas, verum etiam simultates pro fratris tui filiis tam aequo animo subire quam parentes pro suis.

What more delightful task could you have bestowed on me than to look for a teacher for the children of your brother?...I would have claimed this care for myself even if you had not entrusted it to me. I am not unaware that in selecting a teacher resentments are bound to arise, but on behalf of your nephews it behooves me to endure not only resentments, but also quarrels with the same evenness of spirit as parents feel on behalf of their children.

(*Ep.* 2.18)

Pliny compares himself to actual parents: he will cope with the disgruntlement of the rejected candidates just as fathers and mothers would.⁹²³ In the majority of these examples the children do not lack parental figures: their fathers or mothers are still alive or they are under the care of a relative, often a paternal uncle. It is Pliny’s elevated social status and many connections which cause the children’s relatives to seek him out, or, in some cases, for him to make them an offer they cannot refuse. He is able to offer the children advantages that their biological family cannot match.

Admittedly, we have only Pliny’s word on which to rely when he makes claims about the strength of his relationship with these children, and his interest in their upbringing. And, given that Pliny always intended for his letters to be published, he may well be exaggerating.⁹²⁴ With that said, Pliny also lays claim to his own paternal substitutes. The men named do not, as Bernstein has noted, include his maternal uncle whose social status and connections were inferior to those of his fast-rising nephew, but rather other successful men of the previous generation: Verginius Rufus and Corellius Rufus.⁹²⁵ Thus Pliny’s portrayal of himself as a father figure to

⁹²³ cf. *Ep.* 3.3. where Pliny undertakes to provide a teacher for the son of one Corellia Hispulla, whose husband must be deceased.

⁹²⁴ On Pliny’s need to use non-relatives to help him demonstrate his own proper *pietas* concerning obligations to one’s family in his self-representation in the letters see Carlon 2009: 100-101, 123-125, 136.

⁹²⁵ Bernstein 2008: 205.

the younger generation appears as a continuation of his own place as the surrogate son of these older men. Regardless of the truth of the relationship between Pliny and the individuals in question, these letters serve to show the depths of a relationship that was thought possible and socially acceptable by the élite. They show what might have happened, even if Pliny is stretching the truth with his own examples. Despite his interest in the children of a number of his friends, however, Pliny's letters show that this form of 'substitute' children, for him at least, does not replace the desire for children of his own. Pliny's childlessness, despite his three marriages, is portrayed as a source of significant distress to him, and is something that he repeatedly hopes will be rectified with his marriage to Calpurnia.⁹²⁶

Beryl Rawson has noted that the "Romans' sense of family identity was flexible enough to use other children (often slaves) as surrogates for biological sons and daughters".⁹²⁷ What I would argue, however, is that on its own neither adoption nor the use of 'substitute' children provided a very satisfactory resolution of a couple's involuntary childlessness. When used together, they could perhaps have met more of the societal and familial obligations faced by the husband, as well as the emotional needs that could be felt by both spouses. But this would certainly not have been a perfect solution, and it must be stressed that we have no examples of couples who explicitly combined the two strategies. It is an attractive proposition, but it remains speculation nonetheless. Was there any other recourse for couples who suspected infertility?

METHODS OF COPING WITH INVOLUNTARY CHILDLESSNESS III: DIVORCE

If adoption were seen as an obvious solution to involuntary childlessness, we would not expect to see examples of divorce on the grounds of infertility. But our sources make it clear that these divorces not only existed, but were probably not all that uncommon. The earliest recorded example of divorce on the grounds of infertility, the divorce of Sp. Carvilius Ruga, was also thought to be the first divorce in Rome.⁹²⁸ It was clearly not the first divorce in Rome, but may

⁹²⁶ *Ep.* 8.10, 8.11, 10.2.

⁹²⁷ Rawson 2010: 195.

⁹²⁸ Accounts are preserved in Val. Max. 2.1.4; Gell. *NA* 4.3.1-2 and 17.21.44-45; Dion. Hal. *Ant. Rom.* 2.25.7; and Plut. *Thes. et. Rom.* 6.3 and *Lyc. et Num.* 3.7. Valerius Maximus, Aulus Gellius and Dionysius all preserve the date as 231 B.C. (although Aulus Gellius in *NA* 17.21.44-45 records it as 235 B.C.), while Plutarch claims it was in 524 B.C. Plutarch may have misread an earlier source and thought that the five hundred odd years time span between Romulus and the divorce was actually the date of the divorce itself. The belief that the first divorce was not recorded until five hundred years after Romulus is also found in Tert. *Apol.* 6.6.

have been the first which required the return of the woman's dowry.⁹²⁹ For my purposes what matters is the justification given by Carvilius for his decision, and the public reaction to the event. All of the ancient sources concur on the cause of the divorce – his wife was infertile. Valerius Maximus says that he divorced his wife on account of her barrenness (*sterilitatis causa*) (2.1.4). In his first account Aulus Gellius says that it was because of a physical defect, and that no children had been born from her (*quia liberi ex ea corporis vitio non gignerentur*) (NA 4.3.2). In his second, he says only that she was barren (*sterila*) (17.21.44). Dionysius of Halicarnassus and Plutarch echo this language but the certainty of her infertility is less vaunted. Dionysius says it seems she was barren (*στεῖρα*) (*Ant. Rom.* 2.25.7), while Plutarch says Carvilius set her aside, accusing her of “childlessness” (*ἄπαιδία*) (*Thes. et. Rom.* 6.3).

The sources make it very clear that the divorce was instigated by Carvilius; it was not a mutual decision. Plutarch, Dionysius and Valerius Maximus do not record how Carvilius felt about his decision. Aulus Gellius implies that it was not easy to make:

atque is Carvilius traditur uxorem, quam dimisit, egregie dilexisse carissimamque morum eius gratia habuisse, set iurisiurandi religionem animo atque amori praevertisse, quod iurare a censoribus coactus erat uxorem se liberum quaerendum gratia habiturum.

And it is reported that this Carvilius very much loved the wife whom he put away, and considered her most dear on account of her character, but that he gave precedence to his obligation to the oath, over his feelings and his love, which he had been compelled to swear by the censors, that he would have a wife for the purpose of producing children.

(NA 4.3.2)

Dionysius also records that Carvilius had sworn an oath to the censors that he had married a wife for the purpose of having children. When no children were forthcoming, it is implied, he had no choice but to dissolve the marriage.

Watson has convincingly argued against Kaser that Carvilius' case does not represent the

⁹²⁹ Not the first divorce in Rome: Watson 1965: 41. Aulus Gellius suggests that this divorce was the first where security for the wife's dowry (*cautiones rei uxoriae*) became necessary (NA 4.3.2). Valerius Maximus contradicts himself at 2.9.2 when he records the expulsion of L. Annius from the senate in 307 B.C. for divorcing his wife without “calling any council of friends” (*nullo amicorum consilio adhibito*). For other early cases of divorce, see Val. Max. 6.3.10-12. Gardner follows Aulus Gellius' interpretation (1986: 48). Fantham argues that it represents the beginning of what could be called “purely civil divorce, after which it became apparent that there must be a legal process to determine how and when the dowry which came to the marriage with a wife would be returned if the marriage ended in divorce” (2006: 13).

first example of a divorce where there was no fault on the part of the wife.⁹³⁰ Instead, he suggests that a solution can be found if some weight can be attached to a passage in Plutarch's life of Romulus (*Rom.* 22.3), where Romulus enacted a strict law that forbade women from divorcing their husbands and allowed husbands to divorce their wives only when the wives were guilty of particular faults: poisoning a child, substituting the keys, or committing adultery.⁹³¹ If a husband divorced his wife for any other reason, he was compelled to give her half his property. Carvilius' case, Watson argues, represents the first where the husband repudiated his wife without using one of the valid reasons, but without being himself at fault as a result.⁹³² The protection for Carvilius, according to Watson, came in the form of the oath he had sworn to the censors.⁹³³ And this new situation, where a faultless wife was divorced without financial compensation from her husband, and had no recourse for the return of her dowry, led to the development of new rules for the protection of the wife's property. Ultimately, Watson argues, "it was a big step in the direction of free marriage", and may well have contributed to the decline in marriages *cum manu*.⁹³⁴

Leaving aside the questions of whether Plutarch can really be considered an authority on the very early foundations of Rome, and who would have actually initiated the reforms of 'Romulus', the protection of Carvilius through the censors' oath does not seem to ring true. There is evidence that the censors may have asked men to swear some form of oath to indicate their marital status, and they would, of course, learn how many children a citizen male had while taking the census.⁹³⁵ And the censors were thought to have a responsibility to encourage men to marry: according to Plutarch, Camillus, when censor, encouraged (and threatened) the unmarried men to wed women who had been widowed by the ongoing wars with Rome's neighbours.⁹³⁶ Censors were also expected to take a moral interest in the lives of Roman citizens. In his treatment of the office, Plutarch states that its creators "believed it necessary that no one be left

⁹³⁰ 1965: 42. Bauman 1984: 1283 has misunderstood Watson's argument.

⁹³¹ Other scholars have followed Watson in accepting this. cf. Bauman 1994: 18-19; D'Ambra 2007: 47.

⁹³² Watson 1965: 45-46.

⁹³³ Watson 1965: 46. He writes that, "Carvilius' concept of piety was so strict that he regarded it as wrong to remain married to a woman who could not have children".

⁹³⁴ Watson 1965: 50. Treggiari is convinced: 1991a: 442. For earlier consideration of the Carvilius case and the passage from Plutarch, see Corbett 1930: 218-228, who gets around the issues by arguing for a date no later than the sixth century B.C. for Carvilius. This viewpoint is based on a reading of Valerius Maximus that has been largely dismissed.

⁹³⁵ Oath concerning marital status: Cic. *De or.* 2.64.260; Gell. *NA* 4.20.3-6.

⁹³⁶ Plut. *Cam.* 2.2. See too Gell. *NA* 1.6.3, and Livy *Per.* 59.

alone, without judgment and investigation, to his own desires and decisions concerning either his marriage, or the begetting of his children, or his way of living, or his social life” (οὔτε γὰρ γάμον οὔτε παιδοποιίαν τινὸς οὔτε δίαίταν οὔτε συμπόσιον ᾤοντο δεῖν ἄκριτον καὶ ἀνεξέταστον, ὡς ἕκαστος ἐπιθυμίας ἔχει καὶ προαιρέσεως, ἀφείσθαι) (*Cat. Mai.* 16.1). Whether Plutarch’s description actually reflects the reality of the office is, of course, another issue, but Cicero lends Plutarch’s statements some credence, writing that the censors “shall prohibit celibacy; they shall regulate the morals of the people” (*caelibes esse prohibento, mores populi regunto*) (*Leg.* 3.3.7). But there is no other evidence that the censors required an oath explicitly mentioning children, or that they would enforce it through ordering a divorce. And while Susan Treggiari writes that, “[Censors] sometimes punished husbands for unjust or procedurally incorrect divorce,” she gives no references to support her claim.⁹³⁷

Furthermore, even if the precise wording did ask if he had a wife for the purpose of producing children, Carvilius would not have been perjuring himself had he answered in the affirmative.⁹³⁸ The phrase refers to the intention to produce children, not the ultimate result. The censors would have been asking Carvilius if he had formed a valid marriage. He did not need to have produced children for this to be true. For him to imply otherwise suggests that he was searching for an excuse to divorce an otherwise faultless wife. I argue that, contrary to Watson, Carvilius could not have hidden behind the censors’ oath as a means of excusing his behaviour if he did not otherwise have legal grounds to divorce his wife.

A further problem emerges in Watson’s argument when we look at the negative public reactions recorded by Dionysius and Valerius Maximus.⁹³⁹ Dionysius claims that “because of this deed, although it was done on account of necessity, he was forevermore hated by the people” (ἐπὶ τῷ ἔργῳ τούτῳ καίτοι δι’ ἀνάγκην γενομένῳ μισούμενος ὑπὸ τοῦ δήμου διετέλεσεν) (*Ant. Rom.* 2.25.7). Valerius Maximus’ account is very similar:

qui, quamquam tolerabili ratione motus videbatur, reprehensione tamen non

⁹³⁷ 1991a: 276. Astin (1978: 78-103) has a discussion of the actions of Cato the Elder, who had a reputation for being particularly interventionist, during his censorship of 184 to 179 B.C. If any censor was willing to punish men for unjust divorces, we might expect it to be Cato, but there is no such evidence.

⁹³⁸ This is the reasoning offered by Aulus Gellius, which has been followed by Fantham 2006: 13. Gardner notes that Dionysius’ telling of events suggests that Carvilius swore the oath *after* the divorce, perhaps indicating that it was not a regular part of the census, but rather a means for the censors to chastise Carvilius for divorcing his wife without a valid reason (1986: 48-49).

⁹³⁹ Plutarch and Aulus Gellius do not mention any public reaction, negative or otherwise.

caruit, quia ne cupiditatem quidem liberorum coniugali fidei praeponi debuisse arbitrabantur.

Spurius Carvilius was the first to put away his wife, on account of her infertility. Although he was thought to have acted on tolerable grounds, nevertheless he was not exempt from censure, because they judged that even the desire for children ought not to have been rated more highly than marital loyalty.

(2.1.4)

Both Dionysius and Valerius Maximus acknowledge that Carvilius had a valid reason for his decision. His wife's barrenness is seen as an acceptable cause for the dissolution of the marriage; he is not using it as an attempt to circumvent the restrictions on divorce in the early Republic. This does not, of course, rule out the possibility that he was using sterility as an excuse for divorce, just that it probably was not illegal for him to do so. The public reaction, however, is still overwhelmingly negative. This suggests it was highly unlikely that Carvilius was required to divorce by any oath he may or may not have sworn to the censors. If Carvilius was truly obliged to divorce, and was not at fault for his decision, surely he would not have deserved such a virulent public reaction.⁹⁴⁰

If Carvilius were our only example of divorce on the grounds of infertility, it would be difficult to come to any firm conclusions about his case. The negative public reaction with which his divorce was met could have stemmed from his attempt to use his wife's perceived sterility to set a new precedent for divorce. Or it could have reflected a general consensus, as suggested by Valerius Maximus, that it was inappropriate to divorce a good wife due to her barrenness. Luckily Carvilius does not stand alone.

Plutarch tells us that Sulla divorced his third wife, Cloelia, on account of her sterility (*Sull.* 6.11). On the surface, the divorce appears to have been amicable, with Sulla arranging it in an honourable manner, praising Cloelia afterwards in a speech, and giving her presents. Cloelia's reaction to the divorce is, unsurprisingly, not recorded. Perhaps Sulla's amicable actions were an attempt to ward off any public criticism of the divorce. If so, he was unsuccessful. He raised the ire of the people when he remarried only a few days later. Plutarch records that his haste in remarrying suggested to the people that his accusation of Cloelia was only a false pretext. We know that Sulla was not infertile: according to Plutarch he had a

⁹⁴⁰ Bauman notes that this hatred of the people did not seem to have any long term effect on Carvilius' career, as he secured a second consulship in 228 B.C. (1984: 1284).

daughter from his first marriage, and at least three children with Caecilia Metella: a son who predeceased him (*Sull.* 37.2) and a set of twins, one boy and one girl, who were still quite young at the time of his death (*Sull.* 37.4). Cloelia herself is otherwise unattested in the sources,⁹⁴¹ and the veracity of Sulla's claim that she was infertile is impossible to prove. Plutarch suggests that the negative public reaction to the divorce stemmed from the suspicion that Sulla was using her sterility as a pretext, rather than from the reason given for the divorce itself.⁹⁴²

The third example where divorce is proposed as a solution to combat the wife's supposed sterility is found in the lengthy inscription commonly known as the *Laudatio Turiae*.⁹⁴³ It is generally considered to be a *laudatio funebris*, even though in the inscribed text the husband purports to only address his wife, and not the wider audience.⁹⁴⁴ It could well represent an abridged version of the oral *elogium* her husband gave at her funeral, although it is impossible for us to know what changes were made before the text was inscribed on stone. The wife is praised for not only embodying the 'traditional' female virtues (*domestica bona*) (1.30-32), but also, through her actions in times of crisis, proving herself to be an exceptional woman.⁹⁴⁵ Their marriage is also held up as exceptional (*rara*), lasting as it did for forty years and ending in death, not divorce (1.27). In only one aspect of their conjugal union were they unlucky: the marriage produced no children (2.26). Wistrand is right to reject Mommsen's interpretation of 2.26 as referring to a child that was born and died relatively young.⁹⁴⁶ In addition to the linguistic difficulties he identifies, a live birth would have given the wife no grounds on which to doubt her *fecunditas*, as she clearly does in 2.31 (*diffidens fecunditati tuae*). Other examples exist where a far less positive outcome than a live birth was taken as proof of fertility: Pliny the Younger seizes upon his wife's miscarriage, which happened very early in the pregnancy, as

⁹⁴¹ *RE* Cloelius 14.

⁹⁴² cf. Corbier 1991c: 177.

⁹⁴³ *CIL* VI 41062 = *ILS* 8393, although that edition is now badly out of date. *CIL* VI 41062 contains the three fragments of the left column (Col. I) (*CIL* VI 1527 a-c) as well as the four fragments of the right column (Col. II) (*CIL* VI 37053, the fragment published by Gordon (1950), and *CIL* VI 1527 d-e). The original identification of the husband and wife of the inscription with Q. Lucretius Vespillo and Turia (App. *B Civ.* 4.44 and Val. Max. 6.7.2) has been thoroughly discredited: Wistrand 1976: 9-10. Lindsay 2009b and Huebner 2013 are rare supporters of the original identification, although Huebner has badly misunderstood the inscription, dating it to the second century B.C. (2013: 163, n.5). I follow Wistrand's construction of the text. For text, translation (that of Flach 1991), photos and bibliography see *CIL* VI 41062. The bibliography on the *Laudatio Turiae* is quite extensive. See, e.g., Durry 1950, Gordon 1950 and 1977, Kierdorf 1980, Horsfall 1983, Flach 1991, Gowing 1992, Ramage 1994, and Hemelrijk 2004.

⁹⁴⁴ cf. Hemelrijk 2004: 186-187.

⁹⁴⁵ The exceptional nature of his wife when compared with other women is emphasized again and again. See 1.33-36; 1.43.

⁹⁴⁶ 1976: 51-52.

demonstrating her fertility, however unhappy the result.⁹⁴⁷

The wife's efforts to combat their involuntary childlessness again, according to her husband, mark her out as exceptional. He refers to the "courses you considered and the steps you attempted to take" (*quid agitav[eris propter hoc quae] que ingredi conata sis*) (2.28-9) as those that would "perhaps be remarkable and praiseworthy in some other women, but in you they are nothing to wonder at when compared to your other great qualities" (*in quibusdam feminis [conspicua et admirabi]lia, in te quidem minime a[dm]iranda conlata virtutib[us] tuis reliquis*) (2.29-30). Wistrand has convincingly shown that these steps do not include the wife's final solution, her proposed divorce, and lists religious rites, magic and medicine as possibilities.⁹⁴⁸

It is interesting that the husband feels her chosen course of action, whatever it was, would have been remarkable if taken by another woman. The many examples of interest in preserving and encouraging women's *fecunditas* in Rome suggest that it cannot have been that unusual for a wife to take steps to assist pregnancy. Perhaps it was the remedies the wife was willing to utilize, perhaps it was the length of time in which she struggled to conceive that set her apart, or perhaps she was not as truly exceptional as her husband has chosen to portray her. We cannot be sure. The husband refuses to speak about her efforts in greater detail, claiming that they pale in comparison with some of her other deeds; Wistrand argues that, due to the invasive nature of many of the supposed remedies, a natural sense of decency would prevent him from preserving the details.⁹⁴⁹ Perhaps there is more to it. Despite her best efforts, his wife could not overcome her assumed infertility. The remedies, whichever she tried, did not work. It is possible that the husband, in this most public portrayal of his wife, did not want to draw attention to her failure in this, after she had already accomplished so much. Perhaps too he did not want to remind himself of that period in their lives when "Fortune...was putting an end to their hope(s)" (*Fortuna...spem finiebat*) (2.28).

At last, after she despaired of her ability to bear children and sorrowed over his childlessness (2.31), she proposed what seemed to her husband to be an outrageous solution. She invited him to divorce her, in order to remarry a (presumably) younger, (hopefully) fertile woman that she herself would choose. Additionally, she would treat any children of this new union as though they were her own, and would not separate out her property from his, which up

⁹⁴⁷ *Ep.* 8.10 and 8.11. For discussion, see above, Chapter Two, pp. 85-87.

⁹⁴⁸ 1976: 55.

⁹⁴⁹ 1976: 55.

until that time had been jointly administered.⁹⁵⁰ The sense of self-blame is readily apparent and entirely female. It is her ability to bear children that is questioned, and his lack of children that is mourned. She proposes the divorce out of concern for the state of his mental health: she fears that he might become distressed if he loses all hope of having children (2.32). There is no sense in the surviving inscription of any grief she may herself have felt at the realization that she would not become a mother.

In many ways, this is not surprising. Hemelrijk has noted that the wife's extraordinary actions, many of which, she suggests, should be seen as 'masculine', were all done in order to support her husband, and that her "extraordinary actions could be seen as an extension of her expected role in the domestic sphere".⁹⁵¹ Her husband's claim that she proposed an amicable divorce is no different. For his part, the husband claims to have rejected her proposed solution immediately and with some force, demonstrating his loyalty to their union (2.40-47). He states, "What desire, what need to have children could I have had that was so great that I should have broken faith for that reason" (*quae tanta mihi fuerit cupiditas aut necessitas habendi liberos, ut propterea] fidem exuerem*).⁹⁵² He goes even further, arguing that such a decision would result in disgrace (*dedecus*) for him (2.46).

Some scholars have tried to explain the husband's elaborate explanation of his refusal to agree to his wife's suggestion that he divorce her and remarry as a response to the Augustan marriage legislation.⁹⁵³ In a sense, he protests too much, because he fears reprisal for not accepting the divorce when it was offered. To sustain this argument, however, his wife must have been old enough to be married and mature enough to organize their household when the husband was evidently forced into exile during the civil war between Caesar and Pompey in 49-47 B.C. (2.2a-10a), as well as during the wars of the triumvirate of Octavian, Antony and Lepidus, yet still young enough to have had some hope of bearing children after the passing of the first piece of marriage legislation, the *lex Julia*, in 18 B.C. Even if his wife were fifteen

⁹⁵⁰ She is not proposing that she would raise the children as her own, thus using the new wife as a sort of surrogate, but that she would treat them as though they were her own, including instilling them as her heirs. Her willingness to leave all of her property under her husband's control is made explicit in 2.36-37. She intended to waive her right to return of her dowry.

⁹⁵¹ Hemelrijk 2004: 196. It would have been considered unusual for a woman to initiate a divorce. For restrictions on a woman's ability to initiate a divorce in the middle Republic, and likely the late Republic as well, see McDonnell 1983.

⁹⁵² 2.44-45. Consider the similarities with Valerius Maximus' explanation for why Carvilius was criticized (2.1.4).

⁹⁵³ Horsfall 1983: 93-94. cf. Milnor 2005: 214-221, who sees a number of parallels between the text of the *laudatio* and the official ideological focus of the Augustan regime.

during the civil war, this still makes her forty-five at the time of the *lex Julia*, a point at when achieving pregnancy, although not impossible, was certainly known to be very unlikely.⁹⁵⁴

These temporal gymnastics are unnecessary. In the first place, it is unlikely that the husband was responding directly to pressure from Augustus' marriage legislation. Augustus sought to encourage marriage and the procreation of children among the upper classes; he did not require childless couples to divorce.⁹⁵⁵ Furthermore, if he was expecting criticism for his decision not to take the divorce when it was offered, we must wonder why, then, would he bother to mention the incident at all? Surely eliding her offer from the written record of their marriage would be a more effective means of avoiding criticism than this elaborate *apologia*. More probably, as we have already seen, the sources suggest that divorces on the grounds of infertility were not popular. The husband's lengthy description of his shock and horror at her suggestion may be reflecting an awareness of just such a public opinion. The rest of the inscription had been devoted to establishing the exceptional nature of his wife. He would have been tarnished in the minds of the listeners if he had set her aside on account of her barrenness, and thus he felt the need to assure them that this would never have been the case.

Incidentally, by organizing his thoughts in such a manner, the husband neatly gained an opportunity not only to extol upon his wife's virtues, but also to indirectly praise himself through his unswerving loyalty.⁹⁵⁶ This is equally true for his public acknowledgement of their childlessness. Lindsay feels that "Fortuna is seen as the main culprit preventing the couple from raising a family" and adds that "[c]learly a Roman male could not contemplate his own infertility".⁹⁵⁷ There is more to it than this. The husband may well have harboured doubts concerning his own virility, but Roman social *mores* would not have allowed him to give them voice, especially in so public a forum as a funerary inscription. Only his wife's *fecunditas* could be considered, and his portrayal of her desperate efforts to overcome her own assumed infertility

⁹⁵⁴ Roman ideas about the age at which women experienced menopause ranged from forty to fifty. See above, Chapter One, p. 20.

⁹⁵⁵ This would have been a particularly risky position for Augustus to take, given his own marriage to Livia was famously childless. Riess (2012: 496) gives the impression that Augustan legislation encouraged divorce. Here I am reminded of Habinek's caution that, "It is not that there was no opposition to or disagreement or rivalry with Augustus during his lifetime or after: rather, the incessant focus on Augustus inevitably heightens his importance, intentionally or not" (2008: 239). It is entirely possible that the husband's lengthy protest has nothing whatsoever to do with Augustus.

⁹⁵⁶ Pace Pomeroy, who has noted that, "the husband regards his preference for his wife and married life over his duties to perpetuate his family line as untraditional" (1975: 159). I argue that he is responding to an expectation that he should not divorce her, as also argued by Lindsay (2009b: 196).

⁹⁵⁷ Lindsay 2009b: 195.

make it clear that the ultimate blame lay with her, and not with fickle Fortuna.

There is, as we would expect, no mention of adoption as a possible solution to their involuntary childlessness. The husband expected that his wife would be able to act as his heir had he been the first to die; their marriage *cum manu* meant that his wife would have been in the position of a daughter upon his death. She would have become *sui iuris* and would have been able to inherit.⁹⁵⁸ There is no discussion of any other possible heirs. Together with the absence of discussion of adoption in the cases of Carvilius and Sulla, the so-called *Laudatio Turiae* reiterates that adoption was not seen as a solution for infertility.⁹⁵⁹ Given it was frowned upon for men to adopt if they were still capable of begetting biological children, we might assume that divorce, followed by remarriage to a younger woman, was seen as a more appropriate way to overcome involuntary childlessness. But the negative public reactions to such divorces found in our sources indicate that it was not this simple.

The examples of divorce on the grounds of infertility discussed thus far show a number of common features. First, it is the wife who is assumed to be infertile, which implies that Carvilius, Sulla and the husband of the *Laudatio Turiae* were not impotent. Second, although the women are presumed to be barren, they are still highly regarded by their husbands. Carvilius is reluctant to divorce his wife in Aulus Gellius' account. Sulla praises Cloelia and gives her presents. The strength of his affection for his esteemed wife is a consistent theme throughout the entire inscription of the *Laudatio Turiae*.

Third, there is a negative public reaction to the divorce, or a sense of concern about the possible public repercussions.⁹⁶⁰ Carvilius' decision is recorded by two of the four authors as deeply unpopular, even though it is acknowledged to be a valid reason for divorce. Sulla's motives are widely viewed as suspicious and Cloelia's sterility is seen as possibly just a pretext. In both cases there is a sense of sympathy for the discarded wife. The husband's virulent refusal

⁹⁵⁸ Following Lindsay 2009b: 196. This is a much neater solution for this confusing section than Wistrand's proposal that the husband intended to adopt his wife as a daughter in his will (1976: 59-66). Wistrand is surely right, however, to maintain that scholars who argue that the couple had intended to adopt a daughter (cf. Corbier 1991a: 63; Hallett 1984: 262) are mistaken. The *senatusconsultum Gaetulicianum*, likely passed sometime during the first century A.D., made it no longer possible for a childless wife to become an heir upon intestacy, even in a *manus* marriage. On this, see Noy 1988.

⁹⁵⁹ Shelton (2013: 95) has fallen prey to the temptation to assume that modern solutions were equally applicable to the ancient world with her comment that, "Perhaps surprisingly, the couple did not adopt". There is nothing surprising about the couple's decision.

⁹⁶⁰ D'Ambra's argument that "divorce dissolved infelicitous or unproductive unions easily without a stigma" is questionable (2007: 46).

of his wife's offer of divorce in the *Laudatio Turiae* suggests that he was curtailing potential criticism of his acceptance, even though he had no intention of ever acceding to her request. Some similarities emerge if we return to the two instances of divorce on the grounds of infertility in the *domus Augusta*: Caligula's divorce of Lollia Paulina, and Nero's divorce of Octavia. Notably, although both traditions lack the sense that the husband holds his wife in high regard despite their childlessness, both divorces are said to have provoked dismay among the people and stirred up public sympathy for the discarded wives.⁹⁶¹ Nero and Caligula are not 'typical' Romans, and their frequent marriages and divorces are clearly caught up in issues of aristocratic political alliances and the problems of the imperial succession. Their actions perhaps have more in common with those of Sulla than with Carvilius and the unnamed husband of the *Laudatio Turiae*.

This raises the question of whether the tossing aside of a faultless wife by claiming she is infertile might be used by ancient authors as an accusation against an emperor whom they feel has become a tyrant. From this perspective, Plutarch's claim about Sulla's divorce of Cloelia, which is not attested in any other source, is very fitting, for Plutarch saw Sulla as a tyrant.⁹⁶² More than forty years ago Roger Dunkle established that the descriptions of tyrants in Latin historiography rely heavily on the stereotype of the rhetorical tyrant found in the declamations.⁹⁶³ Although he does not discuss accusations of infertility, he does include *libido* and sexual caprice in his list of stock tyrannical traits, and makes mention of Seneca's *Controversia* 2.5. In this work, discussed at length in Chapter Three, a tyrant is portrayed as responsible for the infertility, and therefore also the resulting divorce, of the wife of an enemy.⁹⁶⁴

The situations of Sulla, Caligula, and Nero are not, of course, identical to that of the fictional tyrant of *Controversia* 2.5. But the actions of all three men could be read as just one more example of tyrannical stereotypes involving *libido*: the men divorce faultless wives in order to seek gratification elsewhere. Like Sulla, Nero is portrayed as giving his unfortunate wife gifts at the time of the divorce: Tacitus writes that Nero presented Octavia with the house of Burrus and the estates of Paullus, calling them two "inauspicious gifts" (*infausta dona*) (*Ann.* 14.60). This only further adds to Nero's image as a tyrant, as he gifts his rejected wife with the property

⁹⁶¹ See above, Chapter Four, pp. 233-245.

⁹⁶² E.g., Plut. *Comp. Lys. et. Sull.* 1.4.

⁹⁶³ Dunkle 1971.

⁹⁶⁴ Dunkle 1971: 16. For discussion of Sen. *Controv.* 2.5, see above, Chapter Three, pp. 170-174.

of innocent men whom he has executed, the reader understands that Octavia's own execution will soon take place. Sulla, Caligula and Nero may indeed have accused their wives of infertility. It is also possible, however, that these accusations are solely authorial inventions and have no grounding in the historical truth. If so, they stand as a reminder that a tyrant will do whatever he wants in terms of sexual license, even if his actions sexually oppress his subjects, or even his wife.⁹⁶⁵ If we read the divorces of Cloelia, Lollia Paulina, and Octavia as part of a literary *topos* of accusations of tyrannical behavior, this would strengthen the argument that divorcing a wife on the grounds of infertility was not considered morally acceptable. What the existence of these incidents does show, irrespective of their historical accuracy, was that infertility must not have been that uncommon a reason for divorce. If the claims of infertility were only a pretext, surely Sulla, Caligula and Nero would not have drawn even more attention to them by choosing an unusual precedent.

That infertility was a valid reason for divorce, even if it were not a socially popular one, is supported by the statement made by Ulpian that it is acceptable for a husband to divorce a wife who is insane if their marriage is childless and he desires children (*Dig.* 24.3.22.7). We are meant to understand that either the husband is unable to engage in sexual relations with his wife because of her mental illness, or that she is too ill to be able to undertake the necessary self-care to protect a pregnancy. Note, too, that the husband is not expected to turn to adoption in order to alleviate his childlessness. His need for biological offspring is seen to outweigh whatever loyalty or *pietas* he may feel is owed to his wife on account of their marriage. The underlying assumption is that if his wife has, through some fault of her own, proved incapable of giving him children, he has the right to end the marriage. This would apply equally to marriages where the wife was suspected of being infertile.

Two of the *Minor Declamations* attributed to Quintilian refer to wives who were divorced on the grounds of infertility. In one, a man who raped a girl and subsequently became her husband seeks a divorce after she has failed to produce any children after five years of marriage. In arguing for an unjust divorce, the point is made that "fertility is not always quick, sometimes it yields more abundant fruit, as it were, when delayed" (*non semper fecunditas*

⁹⁶⁵ On this see Dunkle 1971: 18 for a discussion of Tacitus' portrayal of Tiberius' sexual license and uncontrolled *libido*. Suetonius also uses sexual deviance as a mark of a tyrant in his lives of Tiberius (*Tib.* 43 and 44), Caligula (*Calig.* 24-25, 36 and 55), and Nero (*Ner.* 27-29, 35).

properat, aliquando dilata veluti pleniores fructus reddit).⁹⁶⁶ In the second, a woman who married a man with three sons is divorced after intentionally making herself sterile. Her actions ought to be deemed worthy of praise, states the argument in her defense, for she made herself sterile out of love for her stepsons: she did not want to produce her own children to compete with them. In imagining the counter-arguments of the husband who initiated the divorce, her defense asks whether “[he] looks for nothing in a wife except fertility” (*in uxore nihil aliud spectas quam fecunditatem*) ([Quint.] *Decl. min.* 327.4).

An entry in the *Digest* suggests that divorce on account of infertility still existed in the later Empire. Hermogenianus, writing in the late third or early fourth century A.D., records that, “Donations are permitted between husband and wife in case of divorce; for this often happens either on account of the [husband entering] the priesthood, or even because of sterility” (*divortii causa donationes inter virum uxorem concessae sunt: saepe enim evenit, uti propter sacerdotium vel etiam sterilitatem*) (*Dig.* 24.1.60.1). The (Christian) priesthood must be a later interpolation, but the reference to sterility would pre-date this revision. Gaius adds old age, illness and military service to the categories where marriage cannot be maintained (*Dig.* 24.1.61), before Hermogenianus states that such marriages were dissolved in a friendly manner (*bona gratia*) (*Dig.* 24.1.62pr). On the surface, it is a cheerful picture: husband and wife divorcing on mutual agreement and giving each other gifts before going their separate ways.

The examples we have discussed, however, suggest that this picture may not have reflected the Roman reality. The giving of gifts calls to mind Sulla’s attempt to ward off public criticism by showering Cloelia with presents. Perhaps gifts were also given by the husband to the wife in recognition of the precarious position into which he was placing her by initiating a divorce. He had the freedom to go in search of a new, fruitful union. She had only the right of return of her dowry, and whatever else he had seen fit to give her. The rise of Christianity would, one suspects, have also contributed to viewing divorce on the grounds of infertility as morally unacceptable. While divorces were never made illegal, later emperors penalized those who sought to end their marriages without good cause. Justinian clarified the acceptable reasons, which did not include infertility, and instituted harsher punishments than his predecessors.⁹⁶⁷

Trying to identify whether there was a common opinion on divorces on the grounds of

⁹⁶⁶ [Quint.] *Decl. min.* 251.6. An identical time frame is imagined in Sen. *Controv.* 2.5, where the wife is divorced after failing to give birth in the first five years of the marriage.

⁹⁶⁷ See above, Chapter Two, p. 76.

infertility is clearly a complex issue. There is, however, no case where the divorce is treated as unproblematic. And we really need to ask why a reason for the divorce was given at all. In theory, divorce in Rome was no-fault, and could be initiated by either spouse.⁹⁶⁸ These cases suggest, however, that morally a husband was expected to provide some sort of reason for his decision to end the marriage. He had to justify himself in front of the court of public opinion. But even though the production of children was the stated purpose of Roman marriage, claiming infertility as the reason for the divorce was not accepted without criticism by everyone in Rome. Divorce on the grounds of infertility, I would argue, was not usually viewed as a simple solution to a childless marriage. And perhaps this reflects an awareness that in reality male infertility was not limited to impotence, even though Roman elite society chose to construct *fecunditas* as a female virtue.

These examples illustrate the vulnerability of Roman women in this situation. The Romans believed that the procreative success of the union depended on the woman. It was her *fecunditas* that was ultimately responsible. A natural result of this belief would be that most divorces on the grounds of infertility were initiated by the husband. And indeed, this is what we find in these examples. It is clear that the divorces of Carvilius, Sulla, Caligula and Nero were not mutual decisions. Admittedly, the divorce in the *Laudatio Turiae* was the wife's idea, but I think this too suggests that the decision was normally made by the husband. The husband of the *Laudatio* went to great lengths to establish his wife as exceptional, unlike any other woman. Her offer that she would accept a divorce is perhaps just one more example of her exceptional status. This could also suggest that infertility was a not uncommon reason for divorce in Rome, as the husband cannot consider his wife exceptional if no one else is ending their marriages for the same reason. Instead, what makes her exceptional is that she is the one who suggests that he divorce her, even though she surely would bear the brunt of any disadvantages from such an action.

It should not surprise us that women were unlikely to initiate divorce on the grounds of infertility. Since women bore the blame of infertility if their husbands were not impotent, it makes sense that the divorce would have been instigated by the husband, the presumably fertile partner. It would have then freed him to go in search of a more fruitful union. For the wife, the dissolution of the marriage would have left her in a much more precarious position. Her chances

⁹⁶⁸ Although there were significant restrictions on a woman's ability to do this: McDonnell 1983.

of remarrying, once the reason for the divorce was revealed, would have been slim. She would have faced uncertain prospects, and may have been forced to return to her father's house, or to that of a male kinsman if her father had died.⁹⁶⁹ Susan Treggiari is perhaps overly swayed by the supposed actions of the wife in the so-called *Laudatio Turiae* when she states that reasons for consensual divorce included infertility.⁹⁷⁰ I cannot see any advantage for a woman in agreeing to such a divorce. Likewise, Anthony Barrett's assessment of Augustus and Livia's childlessness that "[b]y the normal standards obtaining in Rome at the time they would have divorced- such a procedure would have involved no disgrace- and it is a testimony to the depth of their feelings that they stayed together" is an exaggeration.⁹⁷¹ Divorce on the grounds of infertility could provoke a negative reaction from Roman society, and given there was clear proof of Livia's fertility in the forms of her sons Tiberius and Drusus, Augustus must surely have known that any such action on his part would be heavily scrutinized. To my knowledge there are no examples of a woman requesting divorce because of her husband's impotence, let alone examples where the husband was capable of intercourse, but the wife believed him to be infertile. One wonders how likely it would be that any woman would bring such a charge. It could open her to accusations that her husband's lack of virility was her fault, and prove to be just one more way to blame the woman for the childlessness of the marriage. Faced with this reality, most women who suspected infertility, either their own or their husband's, must surely have chosen to remain silent in order to protect the *status quo*.

CONCLUSION

The Roman elite valued children for their own sakes, but also relied on the births of children to legitimize their marriages. They showed a keen interest in preserving and enhancing fertility. Sometimes, however, despite their best efforts, a marriage would remain childless, and they would have to turn to alternative means of building their family. In contemporary society the obvious next step for such couples is to adopt, but the Roman experience of adoption did not lend itself to such a situation. Children and infants were very rarely adopted. Men were

⁹⁶⁹ cf. Harlow and Laurence 2002: 87. A cautionary tale is found in [Quint.] *Decl. Min.* 330, where a son argues that his mother, divorced by his father on the grounds of adultery, would have starved to death had she not had a son. A woman divorced on the grounds of infertility would have faced an even more precarious position.

⁹⁷⁰ 1991b: 41.

⁹⁷¹ Barrett 2002: 120. cf. Wood 1999:76: "Despite the sterility of their marriage, however, Augustus remained married to Livia, although divorce was widespread and carried no great social stigma". This idea has even trickled down into books aimed at a more popular audience, as in Burns (2007: 9).

discouraged from adopting while they remained young enough to have some chance of begetting their own children. Women for the most part could not adopt, and the few exceptions in our sources were given special permission by the emperor to adopt a child to replace their own dead biological children. Our sources offer only a resounding silence on the issue of using adoption as a means to counteract suspected infertility. Arguing from silence has many pitfalls, but here the silence does tell us something. It is not just that the examples of adoption in our sources make no explicit mention of infertility, but that in the surviving examples of divorce where infertility is given as the reason for the dissolution of the marriage, adoption is never suggested as an alternative. Adoption, we must conclude, was not viewed as a normal means for overcoming involuntary childlessness.

A second alternative was 'substitute' children, a rather broad category that could have encompassed both slave-children within the household and the freeborn children of friends and extended family. Unlike adoption this offered the opportunity to lavish attention on a young child, perhaps even an infant. But we should not expect that a beloved *verna* would truly take the emotional place of a biological child, even if he might reasonably expect to be manumitted. Slave-children, even favoured ones, were not held to the same standards of behaviour as freeborn children, and they would not have received the same education or absorption of values. Status anxiety would have prevented most élite couples from feeling comfortable with the naming of a freedman as heir. Forming too close a bond with a *verna* or a *delicium* left one vulnerable to criticism from one's peers. Even the strong bonds of affection between foster-parents and *alumni* were meant to have limits. The children of one's friends and family members would have provided another opportunity for fulfilling the emotional desire for children, but they could not be relied upon to perpetuate *nomen*, *pecunia* and *sacra*. They had obligations to their own families.

If a man suspected infertility and was determined to produce his own biological offspring, he had one more option remaining to him: he could divorce his wife, remarry, and start again. His wife would have had no such recourse, even if she suspected that it was his body, and not hers, that was at fault. From the husband's perspective, divorcing a wife who was thought to be infertile ought perhaps to have been the obvious solution. But it is clear from the often hostile societal reactions to the extant cases of divorce on the grounds of infertility that the Romans found such a cut-and-dried solution troubling. It is not new to suggest that a tension existed in

how Romans thought about marriage. Many scholars have pointed to a distinction found in the sources between the legal and practical understanding of marriage and the philosophical and moral ideal of the union.⁹⁷² What I would argue is that these cases indicate that this is more than just a theoretical tension found in the legal and literary sources. Producing children still remained the primary purpose of a valid Roman marriage. But the cases discussed above show that the hoped-for bonds of affection and loyalty that could grow between husband and wife, were not only something of value, but also something that could potentially outweigh even the ultimate purpose of the union. When the marriage remained childless, these two aspects came into conflict, and debate arose over what was the best means of resolving the issue. What was a legally acceptable solution, divorce, was not necessarily a morally acceptable one.

Despite the wealth of options available to couples suspecting infertility, there was no neat solution to involuntary childlessness. There were ways to mitigate the issue. Men could adopt an heir, and women, especially, were considered able to counter emotional distress at their childlessness through lavishing attention on the slave-children of the household, foster children, or the offspring of close friends and other family members. The carping and criticism in our sources, however, makes it clear that the children of others were at best poor substitutes for the real thing. The political and legal disadvantages could be circumvented through a grant of the *ius trium liberorum* by the emperor, but this would have been a privilege reserved only for a select few. Such a grant would not have solved the need for an heir and would not have met any emotional desire for children. Finally, even if spouses had resorted to a combination of all of these alternatives as a means of rectifying their involuntary childlessness – something for which there is no explicit ancient evidence – they still would have fallen short of achieving what was granted automatically to fertile unions: the assumption that proven *fecunditas* defined and strengthened the bonds of a marriage, the unofficial sense of status and the respect and benefits that Roman society bestowed with such proof, and the reciprocal obligations that were believed to exist between a fertile wife and her husband. A childless couple, even one whose household was filled with other people's children and who had heirs aplenty, had in the eyes of Roman society a second-class relationship. The best chance for a man to produce his own biological

⁹⁷² Much of Treggiari's (1991a) work is devoted to this very question. See too Dixon 1991 on the sentimental ideal of Roman marriage and Roman children that exists in the sources. Although, as Dixon cautions, this ideal would not have matched all Romans' experiences of marital life, it suggests that we should not be too quick to categorize Roman marriage as an emotionless, solely practical matter.

children came at the expense of the marriage, but divorcing an otherwise faultless wife did not sit comfortably with the Roman élite, despite its merits as a practical solution. If the couple was truly committed to the marriage, there was very little that could be done. Infertility for the Romans remained a gendered problem, caused by women, and inconvenient to men, even though there was at least some awareness that male infertility was not limited to impotence. For the woman, a label of sterility surely could have brought with it a sense of failure. Élite Roman women were expected to make good marriages. Marriages were expected to produce children, regardless of whether the wife had any emotional desire for them or not. In such a society, a barren woman was forever incomplete.

Conclusion

Fecunditas encroached on many aspects of Roman society. It had to be present to establish beyond doubt the legitimacy of a Roman marriage. It was an essential female virtue, second in importance perhaps only to *pudicitia*, with which it is frequently paired in our sources. An unspoken hierarchy existed which allowed both men and women to evaluate the success or failure of any woman's *fecunditas*: women who bore healthy offspring who survived into adulthood, especially if their children were male, were the undisputed champions in this competition, and it is not a misnomer to label it so. The stakes were high. It was a virtue that was on near-constant public display, and its absence could not be hidden; as Juvenal suggests, all of the neighbours would know if a *domus* was childless.⁹⁷³ *Fecunditas* as public display was equally important to men. Roman society protected them from accusations of infertility, but this also meant they could not take credit when they boasted large families. The best they could do was heap praise upon themselves and their friends for having had the good sense to have married such fertile wives. Childless couples had no real recourse to overcome their difficult situation, particularly if they were both committed to the marriage.

Roman society as a whole was equally intent on demonstrating its *fecunditas*, as shown by a strong citizen population and frequent births of healthy children by citizen women. This attitude was not strictly limited to the élite in Rome: men and women across the empire could take pride in *fecunditas*, particularly if it had resulted in achieving the *ius trium liberorum*. The Romans directly attributed, at least in part, their imperial success in the Mediterranean world to the success of this *fecunditas* project. A perceived population crisis was an issue for both the gods and the emperor: an imbalance somewhere had to be righted and pregnant women were perceived as one of the best ways of restoring the state. The imperial family could not escape this ideological focus. The issue of dynastic succession added an extra layer of pressure to the lives of the men and women of the *domus Augusta*, although it was the women who largely paid the price for failure.

Although *fecunditas* was a virtue which only women could demonstrate, this dissertation has emphasized that it was also of vital importance to men. They were dependent on women to become fathers, much to the chagrin of the ancient authors, in whose works runs a constant anxiety about male powerlessness in the face of female reproductive control. Roman women did

⁹⁷³ Sat. 9.86, discussed above, Chapter Two, pp. 77-79.

not have significant control over their (in)ability to bear children, despite what the ancient authors and some modern scholars maintain. Yet the stereotype was pervasive enough that Roman society constructed *fecunditas* exclusively in terms of women, even as many of its advantages accrued to men. *Fecunditas* was, of course, essential for women as well: birthing healthy children who lived into adulthood remained the easiest way for a woman to increase her status, both in her immediate circle of family and friends, as well as in Roman society as a whole. Yet the way in which Roman society constructed and evaluated *fecunditas*, particularly in how it fundamentally refused to acknowledge that men might share some of the responsibility for a successful conception, pregnancy and birth, ultimately gave power back to men. Men were the ones who would most benefit when their wives produced many children, and men were the ones who had options when a marriage remained childless. Men praised themselves as much as their wives when they boasted about the children their wives had given them, whether that boasting took place on the floor of the Senate, or in an epitaph thousands of kilometres from the city of Rome.

On the surface, *fecunditas* appears to have been an opportunity for women to turn the realities of biology into an opportunity to gain social influence and prestige. Yet it was also a powerful political tool used by both individual husbands and the Roman state to create and reinforce expected gender roles. Rather than continue to think of *fecunditas* as solely a female virtue, therefore, perhaps we should recast it as a virtue belonging to Roman marriage, where proof of its existence gave legitimacy to the union itself and an enhanced social status to both spouses. Women, after all, were only supposed to prove their *fecunditas* while safely within the bonds of a legal marriage. They were meant to display their *fecunditas* and *pudicitia* at the same time, and it was meant to be their husbands who benefitted.

My study of *fecunditas* has necessarily raised broader questions about attitudes, particularly among the Roman élite, towards the institution of marriage. A natural next step would be the study of the ideal of the *univira*, an ideal which, as we have seen, fundamentally conflicted with both the Romans' conception of *fecunditas* as a virtue and with the demographic realities of life in the ancient world, where a citizen woman's fertility was too precious to be wasted.⁹⁷⁴ The natural association between the ideal of *fecunditas* and the ideal of the *univira* is expressed in the epitaph for a woman named Fabia Fuscinilla, who died and was commemorated

⁹⁷⁴ See above, Chapter One, pp. 59-60.

in Rome sometime during the third century A.D. (*CIL* VI 31711 = *CLE* 1306). Her epitaph reads:

*Fabiae Fuscinillae
clarissimae et
omnium virtutum
fecundissimae feminae
Clodius Celsinus marit(us)
nondum completis viginti quat(t)uor annis
a natis trinis et viro eripior
nomine Fuscinilla Petelina domo orta
Celsino nupta univira unanims*

Clodius Celsinus, her husband, [made this] for Fabia Fuscinilla, a woman in all virtues most outstanding and most fertile. Not yet having completed my twenty-fourth year, I am snatched from my three children and my husband. Fuscinilla is my name, born in Petelia, wife to Celsinus, a *univira* in perfect accord with him.

In commemorating his wife, Clodius Celsinus extols her for being in all virtues both most outstanding (*clarissima*) and most fertile (*fecundissima*). By presenting her age at her death as “not yet having completed [her] twenty-fourth year” (*nondum completis viginti quat(t)uor annis*), rather than just having *ann XXIII* inscribed to explain to the viewer that she was twenty-three, Celsinus emphasizes her young age at her death and, by association, his own loss of her potential future *fecunditas*. This likely reflects the constraints of the metre, but it was still his choice to frame her life in such a way. So, too, was his decision to have his wife ‘speak’ to the viewer, ostensibly at the very moment of her death. It is Fuscinilla who tells the viewer that she leaves behind three children, and Fuscinilla who claims that she fostered a harmonious marriage. We understand that these are points of pride for Celsinus, and that he benefits from such a description of his wife as much as her memory does. He takes pride, too, in the fact that he was her only husband: he makes sure that Fabia Fuscinilla calls herself a *univira*.

Women like Fabia Fuscinilla, who predeceased their husbands and were commemorated as *univira* on their tombstones present no contradiction to the ideal of the fertile wife; their reproductive potential has been cut short by their untimely death. The same cannot be said of those women who remained unmarried when their husbands were the first to die, particularly those women widowed at a relatively young age. They would have been expected to remarry: widows, even those who had already borne children, were not exempt from the penalties imposed on the unmarried by the Augustan marriage legislation. Yet it is precisely women who

remained widows in the face of often significant pressure from family and society to remarry who are most held up as worthy of emulation by Roman authors. Probably the most celebrated of the *univirae* – Cornelia, the mother of the Gracchi – was a woman whose husband predeceased her. Cornelia was widely praised by the Romans for her honouring of her husband’s memory through her refusal to marry again; she was famously said to have turned down an offer of marriage from King Ptolemy VIII (Plut. *Ti. Gracch.* 1.4).

The cultural stereotype of the *univira* is a means of exploring the contradictions within the social construction of marriage, widowhood, and motherhood in the Roman family. Such a project would raise interesting demographic questions. How likely were women to be widowed, and how many women would find themselves widowed while still young enough to be able to bear more children? What percentage of widowed women would still have a living father or other adult male relative able to impose pressure on them to marry again? It would also require a closer examination of remarriage in Rome. Although remarriage was treated in a book-length study by Humbert more than forty years ago, his analysis predated the exponential growth in scholarship on the Roman family and Roman marriage, and his methodology and critical approach are now quite outdated.⁹⁷⁵ More recent scholarship certainly recognizes that remarriage frequently occurred, but most works heavily concentrate on the experiences of first-time spouses, particularly in discussions concerning the actual wedding.⁹⁷⁶ A fresh look is warranted.

The centrality of *fecunditas* to Roman society marked childless women as outliers. Three potential avenues of exploration for future research on such women are as follows. First, a more in-depth treatment of infertility in the medical sources, both its suspected causes and its proposed cures, would be a welcome contribution to our understanding of how the Romans viewed the barren woman. Secondly, it would be worthwhile to extend the chronological scope of the present study into late antiquity. This would allow for analysis of how the importance of *fecunditas* changed as Christian values, including an emphasis on virginity for women, gradually encroached on traditional Roman *mores*.⁹⁷⁷

⁹⁷⁵ Humbert 1972.

⁹⁷⁶ Hersch 2010 is a recent example, largely ignoring the question of remarriage and how it may have affected aspects of the wedding, from dowry negotiations to the ceremony itself.

⁹⁷⁷ For the rising importance of chastity for women in late antiquity, see Brown 2008 and Harper 2013.

Finally, we should use our understanding of Roman societal attitudes towards childlessness to reconsider the position of the Vestal Virgins.⁹⁷⁸ These women were in a prominent public position that rested on their denial of the responsibilities expected of every other citizen woman. Inducted into her role as a priestess before reaching puberty, a Vestal was expected to serve for thirty years. Vestal Virgins were chosen by lot if no *paterfamilias* volunteered his child, suggesting that the selection of a daughter was viewed by an élite family as a burden and not an honour. Selection as a Vestal eliminated a soon-to-be woman from marriage negotiations and alliances and negated any potential future *fecunditas*. We cannot say that this loss would not matter to her father because her potential future children were not likely to fall under his *patria potestas*. We have seen that men could anticipate grandchildren from their daughters with as much enthusiasm as they awaited the children of their sons.⁹⁷⁹ Daughters were a precious resource. After reaching the end of her time of service, she would then theoretically be free to marry and start a family, but her age – she would have been somewhere between thirty-six and forty – must have made this a very unlikely prospect, even if the prestige of her position made her a desirable wife. Marrying a Vestal may well have meant that a man would never become a father. The loss of a Vestal's *fecunditas* affected all the men who surrounded her. Daughters of men who possessed the *ius trium liberorum* were exempt from the lottery for selection of Vestals (Gell. *NA* 1.12.8). At first glance this seems odd: men with multiple children ought to be the very ones who could best afford to give up a daughter to the priestesses. When we read this privilege in light of the Roman attitude towards *fecunditas*, however, it makes more sense. Men who had done their civic duty by marrying a fertile wife ought not to be penalized by losing their *patria potestas* over one of their children.

Furthermore, for a Vestal, proof of her *fecunditas* was construed as disastrous, not only for her, but also for Rome. In times of crisis, a supposedly unchaste Vestal offered convenient proof that the *pax deorum* was out of balance. She had to be entombed alive in order to cleanse the city.⁹⁸⁰ The Vestals, therefore, may have been female, but they were not necessarily constructed by Roman society as women. They were not subject to the same hierarchy of feminine virtues. At the same time, their primary responsibility – tending the sacred hearth of

⁹⁷⁸ The question of the Vestals' sexual status has been treated by, among others, Beard (1980 and 1995), Parker (2004) and Wildfang (2006).

⁹⁷⁹ See above, Chapter One, pp. 30-31.

⁹⁸⁰ One of the more famous examples is the punishment of three Vestals – Aemilia, Marcia and Licinia in 114 B.C. (Plut. *Mor. Quaest. Rom.* 284 B-C).

Vesta – was a remarkably domestic action, and drew them closer to the rest of the female citizen population. Their position is perhaps best read as analogous to those childless emperors and empresses who received the titles of *pater patriae* and *mater patriae*. Although they had no biological children to call their own, the importance of their position allowed them to be re-imagined as parents for the entire citizen population of Italy, indeed of even the whole empire. In tending the sacred hearth, the Vestals likewise became mothers to the whole city of Rome, even though they could never bear children themselves.

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