

# CONTESTING THE ANCIENT VOICES

## INTRODUCTION TO 'CONTESTING THE ANCIENT VOICES'

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This section contains four essays which attempt, each in their own way, to show how an understanding of cultures from the past and the acknowledgement of a living heritage may enrich our perspective on gender relations in the present. Richard Evans and Marc Kleijwegt explore gender relations in Greco-Roman Antiquity. Evans presents a convenient overview of remarkable women mentioned in Greek and Roman historical writings and demonstrates how the authors of these writings - without exception males - depicted women along the lines of traditional stereotypes. Kleijwegt argues that legal regulations dealing with marriage and divorce do not tell the full story about how individual women may have experienced the constraints of marriage and divorce. In other words, in a society dominated by patriarchal codes a legal situation which gives certain rights to women may not necessarily result in exercisable rights or transform itself into a situation where all women will benefit. Grazia Weinberg's essay straddles two different cultures, ancient and contemporary, in her analysis of the conflict of the sexes as evidenced in the reworking of the Clytemnestra story by contemporary Italian writer Dacia Maraini. Sisana Dlamini analyses traditional gender-related proverbs, idioms and everyday usages among the siSwati of Swaziland and demonstrates how language is an important instrument of power to convey and entrench traditional, male-generated, ideas about gender-relations. In spite of their widely divergent perspectives, all four essays share an emphasis on the entrenched position of patriarchal power which can be most conveniently discovered in the cultural traditions and social codes of behaviour forming part of the cultures that are studied.

The inclusion in a volume such as this of two essays dealing with the ancient non-Christian cultures of the Mediterranean world requires some further clarification since their relevance may not be immediately perceived. Evans' focus is on the writing of history in the Greek and Roman world, an area which has continued to influence the modern world. In style and subject matter the ancient historians set the standard for centuries to come, and even today the perspective of the majority of histori-

cal writings is not essentially different from that adopted by the Greeks and Romans. Through an identification of two stereotypes, the 'whore' and the 'heroine', Evans illustrates the antecedents of stereotypes still familiar to us today (for some modern-day parallels, see essays 10, 12, and 15). The distant perspective enables us to recognize the artificiality of such male constructions in a fruitful and detached way. It is to be understood, of course, that in the Greco-Roman world, as in today's world, the more positive stereotype of the 'heroine' is a creature which comes closest to the male idealization of how women should behave. Evans' essay shows in clear outlines that it does matter who is writing the histories and that an awareness of male-centred views of history (in books or in the schools) is of essential importance to a correct understanding of the past. In his essay on the constraints of marriage and divorce in Roman society Kleijwegt attempts to demonstrate how legal rulings on marriage and divorce are simplifications and reductions of complex, multi-interpretable social and cultural phenomena. Although the position of women in the household into which they married was subject to considerable change and improvement over time, it can still in its formal groundings be traced back to their status as outsiders. Woman's position was therefore treated with perennial suspicion and in important matters the woman was required to be a silent partner. The case of Cicero's wife Terentia and her daughter Tullia epitomizes the complexities involved. On first scrutiny the two women appear to have considerable freedom in conducting the arrangements for Tullia's next marriage, but it turns out that this is mainly due to the fact that Cicero was not present in Rome (a common enough occurrence in an imperialist state where members of the upper classes were sent out to govern parts of the empire). The involvement of the two women, therefore, creates the impression of an arrangement by default (it should be stressed that our only source for this, however, is Cicero's own correspondence). To those of a cynical disposition it will come as no surprise that Cicero later divorced Terentia - for reasons which we would subsume under incompatibility of character - and married a teenage bride, essentially for the huge dowry that she brought him.

The usefulness of an ancient perspective is fully demonstrated in Grazia Weinberg's essay on a modern adaptation of a Greek tragedy by Aeschylus on the figure of Clytemnestra. In the Greek tragedy, Clytemnestra, wife of Agamemnon, the leader of the Greek expedition to

Troy, takes a lover during her husband's absence and upon his return murders him. In her view this behaviour is fully justified, because Agamemnon, in order to receive favourable winds to enable the Greek fleet to set sail for Troy, had sacrificed their daughter Iphigeneia, thus generating a conflict between mother-right and paternal power. Weinberg expertly leads us through the Greek tragedy and brings out its relevance to contemporary feminists, as evidenced in the interpretation of Dacia Maraini, the original tragedy having of course been written by a male author. What must astound the reader of this essay is the ease with which Maraini was able to readjust the story to a contemporary setting, thus demonstrating the power and universality of the original. The final essay in this section, by Sisana Dlamini, deals with the immediate context of a culture native to Southern Africa, and illustrates the relevance of studying the living heritage of a people. Among the siSwati stereotyping of expected social behaviour is transmitted through sayings and proverbs. The expressions of everyday usage codify gender-related performance. However, the messages inculcated by these conservative sayings and proverbs are questioned in folksongs in which women sing freely about how they experience the marital relationship. Since these songs have no identifiable author and are owned by the entire female community, they form a powerful medium for the expression of criticism. Dlamini's essay provides an enlightening parallel to Weinberg's essay in that they both testify to the creative efforts of women to reject and rewrite male views of women.

After reading these essays it should become clear that the skewing of gender relations to favour the male point of view is a pattern available in most cultures. The realization of this process in our contemporary world with the assistance of as much background information as possible will enable us to modify and enrich the way disciplines are taught and understood. Moreover, a broad knowledge of gender traditions will enable us to perceive patriarchal codes in a much clearer light, thus sensitising people to the oppressive nature of these practices and offering possibilities for strategising against it. As the essays in this section show, recognising the codes can lead to successful rewriting.

## WHORES OR HEROINES: THE PORTRAYAL OF WOMEN IN GRAECO-ROMAN HISTORIES

Richard Evans

### INTRODUCTION

The Rogers and Hammerstein Broadway hit musical, first produced in 1956, which later became an Oscar award-winning movie, *The King and I*, marks the starting point for this chapter, with the following apposite quotation:

*A woman is a female who is human,  
Designed for pleasing man, the human male,  
A human male is pleased by many women,  
And all the rest you hear is fairy tale.*

*A girl must be like a blossom,  
With honey for just one man,  
A man must live like honey bee,  
And gather all he can.  
To fly from blossom to blossom,  
A honey bee must be free,  
But blossom must not ever fly from bee to bee to bee.*

Now I am, of course, quoting from the lyrics of a song delivered and made famous, in that musical, by Yul Brunner. But it is interesting to observe that the lyricist, Oscar Hammerstein, has put into the mouth of an ostensibly liberal and westernizing king of Thailand the ultra-conservative social mores of his time – the late 19th century. Indeed, many of the sentiments he expresses would not be out of place in SE Asia even today.

Since the time when men first wrote and, in doing so created a literature, they have written about women. In Western culture the phenomenon of a literature as opposed to a purely oral tradition finds its genesis in the person of the poet Homer and in the two works attributed to him, namely the *Iliad* and the *Odyssey*.<sup>1</sup> The traditional date of their composition is some time in the eighth century BCE, though authentic copies of these tales are dated only to late in the sixth century, some two hundred year

later, and to Athens where these poems were first read at religious festivals. Homer's importance as the progenitor of humankind's endeavours in the field of literary artistry was universally acknowledged in antiquity and his influence on later writers was profound.

## I

In each of the Homeric epics, it is a woman who has the central if passive role. In the *Iliad*, Helen, who was the cause of the Trojan War, appears seldom and never as a figure of action. In the *Odyssey* Penelope occupies a static position in the family home around which all the activity takes place. Although Helen's adultery with Paris propelled the Greeks into a conflict with the Trojans which lasted for ten years, she escapes portrayal as a whore; and in fact Homer's portrait is rather sympathetic. As one of the Trojans is made to declare:<sup>2</sup>

*'Who on earth ... could blame the Trojan and Achaean men-at-arms for suffering so long for such a woman's sake? Indeed, she is the very image of an immortal goddess. All the same, and lovely as she is, let her sail home and not stay to worry us and our children after us' (Il. 3.156–160).*

It is Helen's beauty which seems to place her above any criticism of wrong-doing, while Paris, the Trojan prince with whom she eloped, is ridiculed by his brother Hector:

*'Paris, you pretty boy ... you women-struck seducer, why were you ever born? Why weren't you killed before your wedding day? Yes, I could wish it so. Far better than to be a disgrace to the rest of us, as you are, and an object of contempt. How the long-haired Achaeans must laugh when they see us make a champion of a prince because of his good looks, forgetting that he has no strength of mind, no courage' (Il. 3.39–45).*

And in the *Odyssey* when Helen appears reunited with her former husband Menelaus, king of Sparta, Homer still speaks of her with considerable reverence:

*Helen with her ladies came down from her lofty perfumed room, looking like Artemis with her golden staff ... Helen sat down on the chair, which had a stool below it for her feet ... 'Surely this must be King Odysseus' son*

*Telemachus, whom his father left as a new-born baby in his home, when you Achaeans boldly declared war and took the field against Troy for my sake, shameless creature that I was' (Od. 4.130-143).*

Helen's beauty, again compared to that of a goddess, clearly deterred criticisms of any past wrongs though she herself admits that she was party to unacceptable behaviour. Yet this seems to be a minor misdemeanour. Later in antiquity women could be prosecuted for adultery and divorced, even incarcerated on islands, but men were mostly exempt from either prosecution or penalty. Women in the Bronze Age, if the case of Helen may be presented as an authentic example, obviously had more freedom of action and were not necessarily regarded as the more guilty party. Paris her paramour was evidently perceived as the doer of the crime and Helen, perhaps because of her godlike qualities, the victim who could be, and obviously was, completely rehabilitated.

Penelope, on the other hand, the wife of Odysseus, who remained true to her husband during the ten years in which he fought against Troy, and in the following ten years in which he journeyed to his home in Ithaca, appears from the outset as a paragon of female virtues. There can be no doubt about her heroic qualities even though she does not once leave the confines of her home.

*Wise Penelope, has true judgement, and all her thoughts are thoughts of virtue. (Od. 9.440)*

She was not, however, lacking in feminine guile, a trait much ascribed to exceptional women in antiquity, as we shall see. In the second half of her husband's twenty-year absence she was constantly pursued by suitors for her hand in marriage. Odysseus was the chieftain of the island of Ithaca but his son Telemachus was not his automatic successor. The position of Basileus or king was elective among the senior families of the community.<sup>3</sup> And the husband of Penelope would clearly have an advantage over other would-be successors since her choice would have been made wisely. She may have been a passive role-player in this saga, but she was certainly not unimportant for through marriage to Penelope lay the route to kingship. But she evidently believed that her husband would one day return and so she adroitly put off the day when she would have to choose a new husband.

*'Young men who after Odysseus' death have come here seeking my hand in marriage, you are eager for this marriage with me. Nevertheless, I ask your patience until I have finished weaving this robe, so that what I have spun may not be wasted and be for nothing. It is king Laertes' burial-robe ... I dread the reproach from Achaean women here for allowing one who has gathered great possessions to lie at his death without a shroud.' From that time on she would weave the great web all day, but when night came she would have torches set beside her and would unravel the work. For three years on end this trickery foiled the suitors, but when the seasons passed and the fourth year came, one of her maids who knew the secret revealed the truth, and ... so with ill grace she finished the work. With the weaving over, she washed the great web and then displayed it; it shone out like the sun or the moon. (Od. 24.165–170)*

When Odysseus did indeed return he was reunited with his wife and killed all the suitors for her hand. One of these gives an account of Penelope's intrigues on his arrival in Hades. Penelope is constantly referred to by Homer as 'the Wise' and her handling of her situation and her determination to await the return of Odysseus certainly combines to form a portrayal of a heroine.

Pandora in Hesiod's *Works and Days* (47–105) fares much more poorly. Pandora was the first mortal woman who was created by Zeus and the other Olympian gods, who all bestowed on her various characteristics; hence her name 'all gifts'. However, she was also taught flattery and guile by Hermes, another of the gods. Pandora was not intended to be a companion but a burden for the first men, Prometheus and Epimetheus. Prometheus ('Forethought') had stolen fire and Zeus meant to have his revenge through the actions of Pandora. Prometheus himself was much too cunning to be deceived by this gift of the gods, but his brother ('Afterthought') accepted this woman, together with a sealed jar which she brought with her. Now she was told never to open this jar because it contained all the evils of the world, but in the absence of the men she found the temptation irresistible.

*Previously the races of humankind used to live completely free from evils and hard work and painful diseases, which hand men over to the Fates. For mortals soon grow old amidst evil. But the woman Pandora removed the cover from the great jar with her hands, and scattered the evils within and for men devised sorrowful troubles.<sup>4</sup>*



The treatment of women by Herodotus, the first Greek historian writing two hundred and fifty years later has very noticeably undergone some changes in comparison to the earliest examples. And even if Herodotus is not always positive about the women he describes, he cannot be accused of the pessimism which abounds in Hesiod's work. Moreover, the women he portrays even as villains are far more active than any of those portrayed by Homer. For example, in the case of Pheretima, queen of Cyrene, we seem to have the tale of a woman who overstepped the boundaries of not only an unspoken code of female behaviour, but who also went far beyond the bounds of human decency. She suffered as a result.

Pheretima was mother of the ruler of Cyrene on the north African coast, and was expelled from the city with her son during the course of a civil war. She fled to Salamis on Cyprus where she was well received by its ruler Euelthon. He treated her very generously and gave her numerous presents, but her response was always the same. She thanked him for the present, but declared that she would have preferred an army instead, which she could have led back to Cyrene to regain her position there. Euelthon refused her request on several occasions, and finally:

*... sent her a golden spindle and staff, with wool on it. Pheretima repeated the same words as before, which drew from Euelthon the reply that he had sent her a present which, unlike an army, he thought suitable for her sex. (Hd. 4.165)*

Some time later after her son had regained his power but had been murdered by the people of the city of Barca, Pheretima fled to Egypt where she obtained the army she sought. She returned to Cyrene and stormed the city of Barca, and she had impaled on the walls of the city those men who had been responsible for the death of her son, and she cut off the breasts of their wives, which were also displayed. As a result of her brutality:

*Pheretima's web of life was not woven happily to the end ... she died a horrible death, her body seething with worms while she was still alive ... by the nature*

*and severity of her punishment of the Barcaeans, she showed how true it is that all excesses in such things brings down on men the anger of the gods. (Hd. 4.180)*

Yet, in the story of Artemisia, queen of Halicarnassus, audacity and guile brought great rewards. During the invasion of Greece by the Persian king Xerxes in 480 BC, among his commanders and trusted advisers was Artemisia.

*It seems to me a most strange and interesting thing that she – a woman – should have taken part in the campaign against Greece. On the death of her husband the sovereign power had passed into her hands, and she sailed with the fleet in spite of the fact that she had a grown-up son and there was no need for her to do so. Her own spirit of adventure and manly courage were her only incentives. (Hd. 7.98)*

The Greek army had been defeated at the battle of Thermopylae and the fleet had not done particularly well at Artemisium north of the island of Euboea. As a result, the Persian army stormed into Attica, captured and burned the city of Athens and the Acropolis. A short time beforehand, most of the citizens of Athens had been evacuated to Troezen, Aegina and Salamis. The combined Greek fleet of 380 ships, mostly Athenian triremes, remained stationed in the bay of Salamis and waited for a Persian offensive.<sup>5</sup> Xerxes convened a council of war to discuss future tactics particularly for an outright and immediate attack on the Greek fleet. Most of those present advocated a set-piece battle, which they believed the king to favour. Artemisia alone urged the king to be cautious, and stated that Xerxes had accomplished his objective, namely the sack of Athens and, if he avoided a battle at that stage, he could easily force peace terms on the Greek city-states in a very short time.

*Artemisia's friends were dismayed when they heard this speech and thought that Xerxes would punish her for trying to dissuade him from giving battle; but those who were jealous of her standing among the most influential persons in the armed forces were delighted at the prospect of her ruin. Nonetheless ... the king was highly pleased; he had always considered Artemisia an admirable person, but now he held her in even greater regard. Still, his orders were that the advice of the majority should be followed, for he believed that in the battles off Euboea his men had shirked their duty because he had not been pre-*

*sent in person – whereas this time he had made arrangements to watch the fight with his own eyes. (Hd. 8.69)*

The Persian fleet advanced into the bay and the Greeks prepared to repel the invaders. The fight was brief for in a short time the Phoenician contingent on the right wing of the Persian fleet was suffering badly and there was a rapid breakdown in order as individual ships and their commanders tried to escape the Greek onslaught and certain death. Artemisia, who was being chased by an Athenian trireme:

*... happened to be closest to the enemy and since there were other friendly ships just ahead of her, escape seemed impossible. In this difficult situation she thought of a scheme, which turned out greatly to her advantage. With the Athenian ships closely following she drove ahead with all speed and rammed one of her friends – a ship of Calynda ... and was lucky enough ... to reap a double benefit. For the captain of the Athenian ship, on seeing her ram an enemy, naturally supposed that her ship was a Greek one, or else that she was deserting to fight on the Greek side; and so he abandoned the chase ... That was one piece of luck – that she escaped with her life; the other was that, by this very act she raised herself higher than ever in Xerxes' esteem. The story goes that Xerxes ... observed the incident, and that one of the other onlookers remarked, 'Do you see, my lord, how well Artemisia is fighting? She has sunk an enemy ship'. Xerxes asked if they were sure it was really Artemisia, and was told that there was no doubt because they knew her flag well, and of course thought that she had sunk a Greek ship. She was indeed lucky in every way – not least in the fact that there were no survivors from the Calyndian ship to accuse her. Xerxes' comment on what was told to him is said to have been: 'My men have turned into women, my women into men.' (Hd. 8.87–88)*

After the battle Xerxes summoned Artemisia and asked her advice. Should he remain with his army in Greece after so great a defeat on the sea? She suggested that he quit Greece while his plans and achievements were still intact. If his minions left behind later suffered defeats this would not reflect adversely on the reputation of the king, since he would not have been involved with the campaigns himself.<sup>6</sup>

*Artemisia's advice to the king was most agreeable, since it was an expression of his own thoughts ... he complimented Artemisia and sent her off to Ephesus with his sons – some of his bastards who had accompanied him on the expedition. (HD. 8.101; cf. 107)*

The difference between the ugly fate of Pheretima and the good fortune of Artemisia is possibly a result of the fact that the latter's deception on the battlefield was done on the spur of the moment and her slaughter of allied sailors was not premeditated. How she fared in later life we are not told, but the fact that the same family seems to have ruled Caria until its conquest by Alexander the Great in the 330's suggests that Artemisia's duplicity, if it was historical, was never discovered and that in later life she prospered.



It is interesting to observe that within a generation of Herodotus' composition, Thucydides in the history of the great Peloponnesian War (431–404 BC) fails to mention a single woman. There is simply a complete absence of any reference to any prominent women and certainly not a heroine or whore portrayed in a whole work which, though never completed, is as extensive as Herodotus' theme on the Persian Wars.

Thucydides' history is noted for its solemnity and was written with a specific and didactic purpose in mind: the training of future statesmen, who through an acquaintance with the history of a disastrous war in Greece could with fore-knowledge avoid new follies. His work was not intended for the audience of the market-place as had been the custom with all literary compositions down to his own time. And the model of Thucydides was quickly taken up by other writers in antiquity who wished to emulate the sombre nature of this type of history. For the purpose of this discussion two historians are worthy of note. The first is Polybius who wrote a contemporary account of the expansion of the Roman empire in the second century BCE. He was heavily influenced by Thucydides and the didactic message, though different, is crystal clear: Rome's greatness was inevitable. But no Roman woman is given recognition for having even a contributory role in that imperial development. His older coeval, another politician and public figure, M. Porcius Cato, was the first Roman historian to write purely in Latin. His history rather takes matters to extremes since he mentions no one at all except himself in an account of the entire history of Rome from its prehistoric origins down to his own time. He is chiefly remembered as the progenitor of Latin historical writings, but like

Thucydides his approach to composition captured the minds of later writers. Sadly little remains of his main work the *Origines*.

Thucydides may not have found room to accommodate a study of female roles in his history, but that does not mean that women had either become unfashionable as a topic of news or that they had renounced exceptional behaviour. The biographer Plutarch, writing in the early second century CE, includes in his study of the great Athenian statesman Pericles a vignette of his mistress Aspasia. Aspasia was clearly a high-society courtesan whose place next to this public figure would, even in modern times, have probably been suppressed. But Aspasia was much too famous to be excluded from any work about Pericles, as Plutarch states:

*... this is perhaps a suitable place to consider the extraordinary art or power this woman exercised, which enabled her to captivate the leading statesmen of the day and even provided the philosophers with a theme for prolonged and elevated discussions ... these details concerning Aspasia come to my mind as I write, and it would have been unnatural to omit them. (Plut. Per. 24.1-3)*

Aspasia is credited with rare political wisdom, a rarity which is perhaps rather surprising since 'wisdom' per se features in Homer's portrayal of Penelope who was in all respects a paradigm of family virtues. However, this facet is coupled with freedom of action, since Aspasia herself had apparently determined on her career through her own free will. She was a confidante of the philosopher Socrates and kept respectable company though her profession was considered dishonourable. After the death of Pericles, Aspasia actually married Lysicles, another politician who achieved public prominence through this connection. Her prominence came about possibly because of the independence of action she enjoyed in a trade which did not bind her to the strict social conventions of her fellow women, particularly those in the aristocracy.

As in literature, women have always featured in the art of vase paintings, frescoes, funerary monuments and particularly on the coinage. Therefore we find Athena, the patron goddess of the city of Athens, invariably portrayed on its coins, while elsewhere such as at Syracuse in Sicily, Arethusa had a constant place on the coinage. Most states in antiquity had a patron goddess even if male gods were as often worshipped and were regarded

as being more powerful and influential in the lives of all humans. By the beginning of the third century BCE mortal women in regal roles begin to occupy the coinage in their own right. For instance, Berenice, the queen of Ptolemy I, King of Egypt, about 300 BCE, and several of her successors as queens and consorts were also portrayed on the coins.

#### IV

In Rome too, from the beginning of a systematic coinage in about 211 BCE with the advent of the silver denarius, the goddess Roma became the regular obverse type for much of the next two hundred years.<sup>7</sup> She is not, however, always endowed with especially female qualities. Witness her military appearance: she was a defender of the state or *res publica*. Unlike in Greece, Roman portrayal of Roman women on the coinage precedes the emergence of women in literary compositions. Although we hear of one woman who was writing and had her letters published towards the end of the second century BCE,<sup>8</sup> it is only sixty years after that that the following description of a Roman woman was written by a Roman historian.

*... Sempronia .. had committed many crimes of masculine daring. In birth and beauty, in her husband also and in children, she was exceptionally favoured; well read in Greek and Latin literature, she was able to play the lyre and dance more skilfully than an honest woman needed, and had many other accomplishments which are indispensable for licentiousness. And there was nothing which she held so cheap as modesty and chastity; you could not easily say whether she was less sparing with her money or her honour; her desires were so ardent that she sought men more often than they sought her ... she had often broken her word, denied her debts, been an accomplice to murder. Nevertheless she was a woman of exceptional endowments; she could write verse, exchange a joke, and use language which was modest, tender or vulgar; in sum, she possessed a high degree of wit and charm. (Sall. Cat. 25.1–5)*

*Verum ingenium eius haud absurdum; posse versus facere, iocum movere, sermone uti vel modesto vel molli vel procaci; prorsus multae facetiae multusque lepos inerat.*

This last is a description of Sempronia, another vignette much like that devoted to Aspasia and the similarities are obvious though the writers, Sallust and Plutarch, lived one hundred and fifty years apart. Sempronia,

on the periphery of a conspiracy against the Roman republic, was again portrayed as an exceptionally independent woman of high society, not a courtesan like Aspasia but nonetheless possessing male daring rather like Artemisia, and with prostitution again as a pervasive element. Sempronia, who was at least half-admired by Sallust, was clearly a character and for all her dabblings in politics, did not suffer for behaving out of the ordinary. Like Aspasia she either outwitted her men or was tolerated or even worshipped for being different.

Not so fortunate were the high-society ladies noted by Livy in the fourth decade of his history of Rome, *ab urbe condita* or 'from the foundations of the city'.<sup>9</sup> For example, a certain Hostilia was executed for murdering her husband, C. Calpurnius Piso, consul in 180 BCE, so that her son by a previous marriage, Q. Fulvius Flaccus, could succeed him (Liv. 40.37.1–7).<sup>10</sup> She was prosecuted on the basis of rumours and gossip, and convicted on this circumstantial evidence. In a similar episode some thirty years later Publilia and Licinia, two aristocratic women again married to prominent public officials, were prosecuted for allegedly poisoning their husbands (Liv. Per. 48; Val. Max. 6.3.8). They were found guilty and were executed by their families ('strangulatae sunt'). In 129 BCE the great Roman general P. Cornelius Scipio Aemilianus was found dead in his bed, and both his wife, Sempronia, and his mother-in-law, Cornelia, were widely believed to have poisoned him, though they were never charged (Liv. Per. 59).<sup>11</sup> The death of famous and influential men in the community could be a dangerous time for their unfortunate spouses, since wives could easily be implicated as the killers. In fact, Scipio Aemilianus probably died of heart failure, while the earlier instances of sudden death all occurred while plagues were ravaging Italy. And as far as adultery was concerned, the Romans could be equally ruthless in their sentencing of women. In 114 three Vestal Virgins, Aemilia, Licinia and Marcia, half the priestly college of the goddess Vesta and all from aristocratic families, were convicted of adulterous liaisons and suffered the penalty for breaking their vows of chastity (Liv. Per. 63; Obseq. 37).<sup>12</sup>

The Romans evidently perceived in women particular feminine strengths or virtues, as exemplified by the deities Libertas or Venus Victrix illustrated on the denarii of Marcus Brutus and Julius Caesar.<sup>13</sup> But they were also under no illusions about a woman's capacity for either leadership or

action, which they might otherwise regard as a more masculine attribute. Hence the appearance also on a denarius of Caesar of a very warlike and vigorous goddess such as Juno Sospita,<sup>14</sup> engaged in battle dressed as a Gallic warrior. She is indeed the precursor of that great Celtic rebel against Roman rule in the 60's CE, Boudicca, queen of the Iceni in Britain.

Perhaps one of the most famous women in antiquity who combined these facets of leadership and action was Cleopatra, the last ruler of an independent Egypt before the region was absorbed into the Roman empire. Cleopatra was confirmed as the queen of Egypt as a result of the support, and some would say, infatuation of Julius Caesar.<sup>15</sup> She is usually portrayed as rather languid female with obvious cat-like qualities, slow to move but ruthless once roused.<sup>16</sup> The famous or infamous modern cinematic portrayals by Vivien Leigh and Elizabeth Taylor are nonetheless to some extent borne out by the ancient evidence. Caesar had arrived in Egypt following his victory at the battle of Pharsalus in 48 and quickly became embroiled in the complicated family politics of the Alexandrian royal court, in a city which itself thrived on endemic civil strife. Plutarch states:

*Cleopatra ... embarked in a small boat and landed at the palace when it was getting dark. Since there seemed to be no other way of getting in unobserved, she stretched herself out at full length inside a sleeping bag, and Appolodorus, her sole companion, after tying up the bag, carried it inside to Caesar. This little trick ... which showed her provocative impudence, is said to have been the first thing about her which captivated Caesar and, as he came to know her better, he was overcome by her charm ... (Plut. Caes. 49.1)*

Cleopatra was then aged about twenty, and she accompanied Caesar back to Rome, but after the dictator's assassination on the Ides of March 44 she returned to Egypt. Shortly afterwards she was summoned to Tarsus in Cilicia by one of Caesar's successors Marcus Antonius (Plut. Ant. 36.1). And there began one of the great love stories of antiquity, if not of all time.

Antony was under her spell and together they set out to make the Middle East their personal domain, partly to be carved out from the empire of the Romans, partly to be won from the empire of the Parthians.

However, they soon alienated Roman sympathies and especially Octavian, Caesar's heir, with whom they eventually came into conflict. He defeated the lovers at the battle of Actium in 31 BCE and they fled to Alexandria. A year later with Octavian's army outside the city Antony fell on his sword. After she had buried Antony, Cleopatra, to forestall being hauled off to Rome as a prize of war by Octavian, committed suicide through the bite of an asp or Egyptian cobra concealed, it is said, in a basket of figs.

*... they found her lying dead on a golden couch dressed in royal robes ... Iras lay dying at her feet, while Charmian, already tottering ... was arranging the crown ... Then one of the guards cried out angrily, 'Charmian, a fine deed this?' and she answered, 'It is indeed most fine, and suitable for a descendant of so many royal kings,' and as she uttered the words, she fell dead by the side of the couch. (Plut. Ant. 85.4)*

Cleopatra and Antony were interred together. But their love affair is much celebrated in Plutarch's biography of Antony where, in fact, much of the second half of the narrative is as much devoted to Cleopatra, such was fame of this couple even one hundred and twenty years afterwards.<sup>17</sup> And this literary material about the last queen of Ptolemaic Egypt constitutes one of the most extensive studies of any woman in antiquity. On account of her many accomplishments and perhaps also her notoriety, Cleopatra was a worthy subject for such an examination. Her role as an enemy of the Roman empire seems to have been quickly forgotten and she remains one of the more attractive figures in an age of civil strife and turbulent politics.

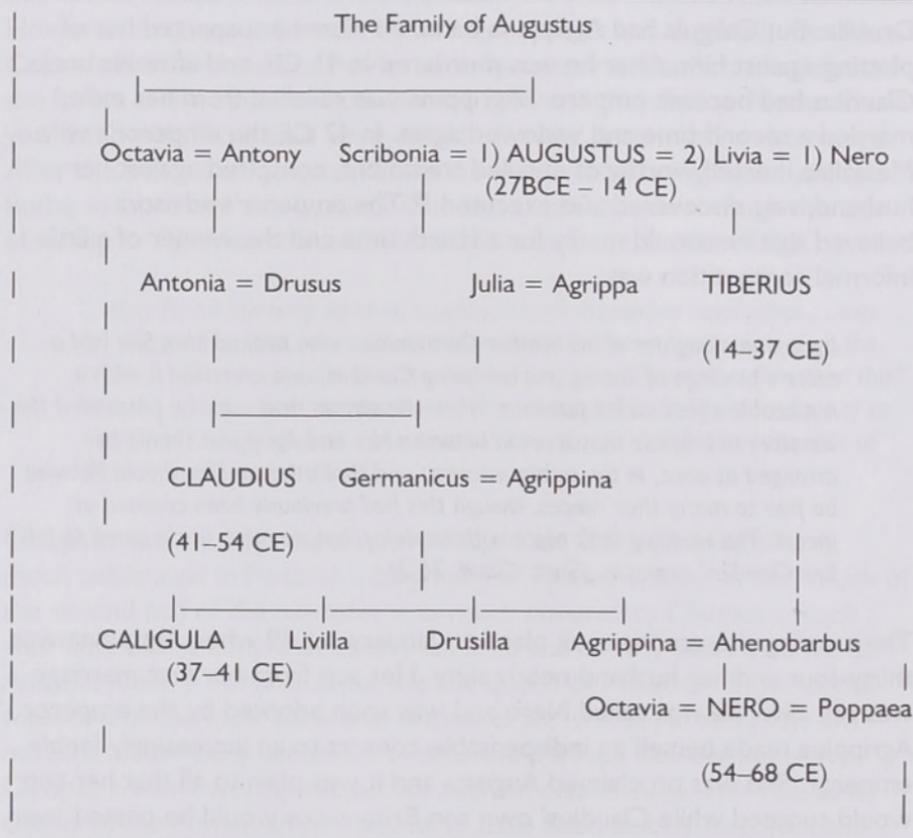
## V

Octavian, who became the first emperor as Augustus in 27 BCE, was destined to found a dynasty – the Julio-Claudians – which ruled the Roman empire for the next century. One of his great grand-daughters, Agrippina, lived a particularly colourful and eventful life and she acquired great power, but she died in a scene of horror which probably could not be bettered by any Hollywood director.<sup>18</sup> She was married at the age of thirteen (28 CE) and widowed at the age of twenty-five (40 CE), then with one son aged three. At that time her brother Caligula was the emperor and initially he favoured his three sisters, Agrippina (the eldest), Livilla and

Drusilla. But Caligula had Agrippina banished after he suspected her of plotting against him. After he was murdered in 41 CE, and after his uncle Claudius had become emperor, Agrippina was recalled from her exile, married a second time and widowed again. In 47 CE the emperor's wife Messalina, herself worthy of detailed treatment, conspired against her husband, was discovered and executed.<sup>19</sup> The emperor's advisors believed that he should marry for a fourth time and the winner of a little informal competition was:

*Agrippina, daughter of his brother Germanicus, who hooked him. She had a niece's privilege of kissing and caressing Claudius, and exercised it with a noticeable effect on his passions: when the senate next met, he persuaded the senators to propose that a union between him and Agrippina should be arranged at once, in the public interest; and that other uncles should likewise be free to marry their nieces, though this had previously been counted as incest. The wedding took place without delay, but no other uncle cared to follow Claudius' example. (Suet. Claud. 26.2)*

The marriage ceremony took place on January 1st 49 when Agrippina was thirty-four and her husband nearly sixty. Her son from her first marriage was still alive; he was called Nero and was soon adopted by the emperor. Agrippina made herself an indispensable consort to an increasingly feeble emperor. She was proclaimed Augusta and it was plain to all that her son would succeed while Claudius' own son Britannicus would be passed over as too young. Claudius died suddenly after a banquet in 54 CE, and the gossips claimed that he had been poisoned by his wife.<sup>20</sup> She certainly took immediate control with the support of the prefect of the palace guard, Afranius Burrus, and her son's tutor, the senator and philosopher, Seneca. Nero, then aged sixteen, was proclaimed the new ruler but Agrippina evidently intended to be the real power behind the throne.



However, Agrippina's ambitious plans for the future did not go quite as she had anticipated. Initially, in the first months of the reign, she is portrayed on the coinage as her son's equal,<sup>21</sup> but neither Nero nor his advisers were happy with this situation and were determined that the Augusta's position be reduced. Her decline was dramatic and is borne out on the coinage where she is at first relegated to a position behind her son and then disappears altogether as she was forced into retirement. Nero soon found that he could no longer bear even the presence of his mother at a distance; she had to be removed permanently. Moreover, Nero had fallen in love with Poppaea but was still married to Claudius' daughter Octavia and his mother now protected the emperor's wife against the new mistress.

*Nero ceased delaying his long-meditated crime. The longer the reign lasted, the bolder he became. Besides he loved Poppaea more every day. While Agrippina lived Poppaea saw no hope of his divorcing Octavia and marrying her. So she nagged him incessantly. He was under his mother's thumb, she said – master neither of the empire or of himself. Finally he ... decided to kill Agrippina. His only doubt was whether to employ poison or the dagger or violence of some other kind. (Tac. Ann. 13.57)*

Agrippina was far too alert for poison or the assassin's knife to be successful, so an entirely novel scheme had to be devised. Nero invited his mother to dinner as a gesture of reconciliation. The emperor and his suite were at Baiae on the coast for a holiday and Agrippina was staying nearby in her own villa. She arrived rather suspicious, but the evening went well and she left with two friends at midnight in a boat provided by her son. When it reached the open water a signal was given, and the cabin ceiling collapsed killing one of the friends, but a strong couch prevented Agrippina and the other friend from being crushed. This friend dashed out to call for help but was murdered, and as the boat began to sink Agrippina slipped overboard in the confusion and swam ashore.

Back at her villa she sent word to Nero that she had survived an unfortunate accident. In reply the Emperor sent a troop of soldiers to finish her off.

*A menacing column arrived and ... surrounded her house and broke in. Arresting every slave in his path Anicetus came to her bedroom door. Here stood a few servants – the rest had been frightened away by the invasion. In her dimly lit room a single maid waited with her. Agrippina's alarm had increased as nobody ... came from her son. If things had been well there would not have been this terribly ominous isolation, then this sudden uproar. The maid vanished. 'Are you leaving me too?' called out Agrippina. Then she saw Anicetus. Behind him were a captain, Herculeius, and Obaritus, a centurion of the Palace Guard. 'If you have come to visit me', she said, 'you may report that I am better. But if you are assassins, I know that my son is not responsible. He did not order his mother's death'. The murderers closed around the bed. First the captain struck her on the head with his staff. Then as the Guards officer was drawing his sword to finish her off, she cried out 'Strike here!' – pointing to her womb. Blow after blow fell and she died.*

*This was the end that Agrippina had expected for years. The prospect had not daunted her. When she asked astrologers about Nero they had answered that he would become emperor but kill his mother. Her reply was 'Let him kill me just as long as he becomes emperor!'. (Tac. Ann. 14.8–9)*

*'Hunc sui finem multos ante annos crediderat. Agrippina contemptseratque. Nam consulenti super Nerone responderunt Chaldaei fore ut imperaret metremque occideret; atque illa 'occidat' inquit 'dum imperet.'*

Finally we come to the tale of Zenobia, Queen of the city of Palmyra, some two hundred years later during a period of great instability in the Roman empire, and when it all but broke apart into many separate states. Palmyra lay on the great trade route between Syria and Babylonia, a fertile oasis in the desert which divided the Romans from the empire of the Parthians to the east of the Euphrates river. In the middle of the third century it was governed for the Romans by Odaenathus who from 260 declared himself a king though he continued to be loyal.<sup>22</sup> In 267 Odaenathus and his eldest son were murdered by his wife Zenobia, who proclaimed their young son Vaballathus emperor in outright opposition to the government at Rome. At first Zenobia was triumphant as her army conquered almost the entire eastern half of the Roman empire from Asia Minor in the north to Egypt in the south. Eventually she was defeated by the emperor Aurelian who besieged Zenobia at Palmyra and where she surrendered to the victors. On Aurelian's return to Rome, Zenobia was exhibited in the Emperor's triumphal procession through the streets of the city in 274 CE.

*She was led in a triumph so magnificent, the likes of which the Romans had never seen. For in the first place, she was adorned with gems so huge that she laboured under the weight of her ornaments; for it is said that this woman, courageous though she was, halted very frequently saying that she could not endure the load. Moreover, her feet were bound with shackles of gold and her hands with golden fetters, and even on her neck she wore a chain of gold, the weight of which was born by a Persian clown. Her life was granted to her by Aurelian. (The Thirty Tyrants, 30. 24–27, Historia Augusta)*

On the one hand, Zenobia is ascribed beauty and intelligence and on the other hand audacity and cruelty, many of the characteristics usually attributed to exceptional women in antiquity. Again she features as that rare

woman of action who at first outwitted the men but who was later overcome and humbled. She did not suffer death for her ambitions however, and in fact was pardoned by the Emperor who gave her a pension and a villa. She is supposed to have later married a Roman senator and lived a long and prosperous life.<sup>23</sup> She therefore had more in common with Artemisia, that cunning Queen of Halicarnassus, than with Cleopatra the last Queen of Egypt.

## CONCLUSION

The earliest literary sources appear to assign a passive role to women, yet are less prescriptive in their judgements about their activities or behaviour. This might well reflect a time in world history when social and behavioural patterns were still much less defined than they are now. Later writers in antiquity tend to account for a woman's exceptional actions in a heroine portrayal, which is mostly in the military sphere, by asserting a direct connection with what they considered to have been essentially masculine attributes. Where a woman was characterised in a whore portrayal there is, nevertheless, usually the coupling of what might be classed as a dishonourable activity with much more worthy facets. The characterisation either as whore or heroine is therefore not clearly delineated, although the portrayal of one or the other seems soon to have settled down into a stereotyped form. This could have occurred as a result of later and inferior writers employing earlier sources without much artistic innovation.

Stereotyping or the use of topical elements ('topoi') in the narrative body of a work were an acceptable, even a necessary component of any literary composition in antiquity just as they are the usual ingredients for a good whodunit or a romance in modern fiction. The role of women in many historical works, especially those which were meant to entertain, became as topical as the various activities ascribed to their male counterparts: it was part and parcel of the genre. The writing of history in the Ancient World was very different to its composition today, for invention and inclusion of anecdotal material was allowed to writers, and was very much demanded by their readers and their audience, male and female alike.

The evidence, such as it is, shows a degree of freedom of action among women of a certain class – the political élite – which probably did not extend down to the bottom of the social scale. Moreover the histories of the Graeco-Roman period obviously tell about exceptions to the rule, for these were more interesting to an audience or a reader than the norm. Hence perhaps also the tendency to portray in one extreme or another, which would cause delight or mild consternation among the readership. Still, in order to write a successful history the whole or heroine component had to be taken on board by the writer. Yet that also suggests of course, that what is called history may not be history at all; and as Moses Finley so rightly pointed out:<sup>24</sup>

*there will always be one vital piece missing – what the women would have said had they been allowed to speak for themselves.*

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## NOTES

1. Thirty thousand lines in all, but there have been doubts about the authorship especially the *Odyssey*, *The Oxford Classical Dictionary* (1970<sup>2</sup>) 525.
2. Translated extracts, where they are not my own, are taken either from the Loeb or Penguin Classics editions.
3. Odysseus' father Laertes was still alive and features towards the end of this epic. He had clearly abdicated in favour of his son who had become king after him. This form of kingship was not dynastic. However, we are told elsewhere that Telemachus did indeed become king after Odysseus, securing the family line.
4. Hesiod also says that Hope remained as a solace for Humankind, though just why Hope should have been in a jar full of evils is not revealed, unless this concept too is an evil, in that it is an illogical process, Morford & Lenardon (1991) 70–73.
5. Herodotus gives the total number of ships in the Greek fleet, Hd. 8.82, and notes that 180 of these were Athenian, Hd. 8.44. There were also an unspecified number of light galleys, Hd. 8.48.
6. Mardonius the king's brother-in-law was left in charge of the army, Hd. 8.107, and was defeated and killed at Plataea in the following year, Hd. 9.61. He also says that Xerxes had been badly frightened by the victory of the Greeks.
7. Crawford (1974) 28–35.
8. Cornelia mother of the Gracchi who died about 100BC.
9. Livy's work extended to at least 142 books which covered the entire history of Rome, from 753 to 8 BC.
10. Evans (1994) 28–34.
11. 'De morte tamen eius nulla quaestio acta', cf. Cicero, *De Amicitia* ('On Friendship') 5.10–14.
12. A Vestal found guilty of the crime of 'unchastity' was sentenced to entombment alive. Thus, if the goddess chose, she might be released before death, Plutarch, *Life of Numa* 10; *The Oxford Classical Dictionary* 1116.
13. Crawford (1974) 455, no. 433/1 (*Libertas*), the moneyer being

- M. Brutus in ca. 54; 487, no. 480/4 (Venus), the moneyer being L. Aemilius Buca in 44.
14. Crawford (1974) 487, no. 480/2a minted by M. Mettius in 44.
15. She claimed that she was the mother of Caesar's son, whom she named Caesarion, Plutarch, *Life of Antony* 54.4; 81.2–82.1.
16. Cleopatra was certainly ruthless. She fought a civil war against one brother, Ptolemy XIII, her husband, and he was killed in battle in 47. She ordered the assassination of another brother, her co-ruler Ptolemy XIV, in 44. Her own son Caesarion=Ptolemy XV was killed in 30.
17. The children of Antony were brought up in the household of Augustus, and his descendants included the emperors Caligula, Claudius and Nero. One of Cleopatra's daughters was married to Juba, king of Mauretania, Plutarch, *Life of Antony* 87.1–4.
18. Agrippina also wrote and published her own autobiography (*The Oxford Classical Dictionary* 31), which was consulted by Tacitus, *The Annals of Imperial Rome* 4.53.3; Furneaux (1886) 2 and n. 7.
19. Messalina was also noted for her debauchery. Her end is told by Tacitus, *The Annals of Imperial Rome* 11.12; 11.26–38; *The Oxford Classical Dictionary* 675.
20. It was said that he died from eating poisoned mushrooms offered to him by Agrippina herself, Suetonius, *Life of the Deified Claudius* 44; Tacitus, *The Annals of Imperial Rome* 12.67.
21. Mattingly & Sydenham (1962) 145 and n. 2: "For the first time in the history of the Empire the portrait of a living royal lady is placed together with that of the reigning emperor on the coinage."
22. On Palmyra, Odaenathus and Zenobia see, for example, *The Oxford Classical Dictionary* 746, 772, 1145–6; Newark (1989) 52–54.
23. *Historia Augusta* (Thirty Tyrants) 30.27, states that she was presented with an elegant villa by Aurelian at Tivoli near Rome. She is also said to have had daughters who married into noble families, and that her line was not yet extinct in the fifth century.
24. Finley (1972) 125. It could be noted that Cornelia and Agrippina are therefore truly exceptional in that they both wrote and circulated their works, and it is a tragedy indeed that these publications did not survive. There may have been, and there probably were, other literary works by women.

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## THE CONSTRAINTS OF ROMAN MARRIAGE AND DIVORCE

*Marc Kleijwegt*

The perspective on Roman society that is available to us from literature, law, and the arts is mainly that of the well-educated upper-class male. This means that we study women in Rome as they were perceived by men. Moreover, the women who receive most of the attention belonged to the upper classes. This necessarily puts restrictions on what we can hope to achieve in trying to recover the outlines of female experiences. The situation, however, is not wholly desperate. For example, there are a number of female writers, like Sappho and Sulpicia, whose works have survived, although in much fragmented form (in the case of Sappho) or hidden among the writings of a male poet (as is the case with Sulpicia whose poems have survived as part of the corpus of Tibullus). Further, there is a wealth of information on women contained in lexicons from late Antiquity. The advantage with this sort of material is that bits of information are related without an immediate context, such as the fact that Plato had several female disciples or that the first scientific treatise on wet-nursing was written by a woman (the work itself is no longer extant). Furthermore, there is the possibility to deconstruct references to women from their male-biased environment by way of focusing on the behaviour of the women and thus bypassing the stereotypical judgemental qualifications offered by male writers. The behaviour itself can tell us what the extent was of subvertive attitudes devised by women and it enables us to at least speculate on the motivation behind it. Moreover, since some stories are without any obvious parallel in other literature in the way they represent women, there is the real possibility that historical behaviour stood at the basis of the account.

There is a final and even more challenging way of confronting women in the Roman world. Mediterranean society in the past and in the present has been frequently described as an honour and shame society. The exact implications of this characterization need to be spelled out briefly. For our theme it is important to note that married life engulfed women in a set of codes of behaviour. Transgressions not only affected her own reputation,

but also that of her husband and that of her paternal family. Adultery, therefore, represented more than a breach of the marriage; for the male it meant that his esteem was significantly reduced because he had lost 'face'. Recent studies have advanced our understanding of women in ancient society by drawing on anthropological research in contemporary Mediterranean societies. This trend has been more influential for the study of women in classical Athens than for Roman women, but there is much in the methodology that can be applied equally fruitfully to Roman society.<sup>1</sup> One of the positive results of these comparative studies is that male ideas on female behaviour have been identified as prescriptive rather than normative. The idea commonly found in ancient Athens and Rome that, ideally speaking, (upper-class) women should stay at home to avoid encounters with other men, was discovered to hinder their movements only to a slight degree. It was established that women are (and were) particularly apt at manipulating these social codes to their own advantage: being found out is worse than violating the code in the first place. Male talk about female behaviour is sometimes merely an expression of male bravado, whereas reality is shaped differently. A quote from one of the most imaginative accounts of gender issues in ancient Greece may help in illustrating my point:

'The modern study of women's place in men's ideologies and their perspective on men's ideologies has had an extraordinarily beneficial effect on our comprehension of ancient societies. The more we learn about comparable gender-segregated, pre-industrial societies, particularly in the Mediterranean area, the more it seems that most of men's observations and moral judgments about women and sex and so forth have minimal descriptive validity and are best understood as coffeehouse talk, addressed to men themselves. Women, we should emphasize, in all their separate groupings by age, neighborhood and class, may differ widely from each other and from community to community in the degree to which they obey, resist, or even notice the existence of such palaver as men indulge in when going through their bonding rituals' (Winkler, 1990:6).

This chapter has two aims. The first is to offer as much as possible an insight into a society that is distant both in geographical terms and in time. My second aim is to discuss those structures of behaviour that might be able to evoke immediate parallels with contemporary situations. Its overall

objective is to explore how social codes attached to marriage and divorce may have affected the position of women. It is to be stressed that thoughts about marriage and divorce in a pre-industrial society such as Rome are varied and complex.<sup>2</sup> To discuss all of these aspects, or even to give proper weight to a single individual item, lies beyond the scope of this survey. This will necessarily lead to simplifications of issues that in reality are vastly complex, but I hope to be able to give at least a few glimpses into the fascinating fabric of Roman social behaviour. In the section on marriage I have focussed on cases which fall outside the normal routine (as if the routine was ever documented in 'uncontaminated' form so that it can be safely isolated!).<sup>3</sup> This was done for two reasons. First, these anecdotes are used as an illustration of what the Romans themselves thought was important about married life, and how 'doing the right thing' was of eminent value. Second, it is through describing the limits of what was thought possible that we may better understand how a culture manipulates its own concepts. This is crucial for an understanding of any society in which marriage is investigated. Marriage exists as a legal concept and as a social phenomenon, but its dimensions are changed continuously through the personal demands and expectations of the people who shape their lives in accordance with what society expects them to do. Thus we can assume the existence of a norm of marriage, even though individual behaviour may diverge from those requirements.

Anecdotes about the Roman version of divorce are generally less spectacular. Divorce, and more specifically a string of divorces, as a social phenomenon, was a matter of moral condemnation. Specific cases, however, only attract major attention when they concern members of the imperial family, that is when the breaking up of a marriage inevitably entailed political implications affecting the whole fabric of society.<sup>4</sup> Stories about specific cases concerning less high-powered individuals are less explicit about the moral implications – if blame was apportioned, more often than not the husband was also criticized – and basically record a fact of life. Because of the Romans' interest in antiquarianism, we possess a record of the first divorce in Roman history, and we are particularly well informed about the famous case of Carvilius Ruga, who was the first Roman to divorce his wife for sterility (Watson, 1965). The study of these cases is insufficient for an exploration of divorce. This section is therefore shaped differently. A series of important issues has dominated recent research on

divorce. Among them the frequency of divorce has been the most important. The emphasis having mainly been on the senatorial aristocracy, the overall impression is that the rate of divorce was relatively low,<sup>5</sup> in spite of the overexposure in our sources of a number of ambitious women (Treggiari, 1991b). It should be noted, however, that the evidence includes a vast number of unknown cases, where the dissolution of a marriage may have been either the result of divorce or of the natural death of the husband. More recently scholars have explored the divorce formulas used in the second-century dramatist Plautus in order to understand the early history of the female right to initiate divorce (McDonnell, 1983; Saller, 1993; Rosenmeyer, 1995). I will mainly focus on the legal implications of divorce for the position of women. This part of the study will be characterized by a certain amount of ambivalence. On the one hand, free access to divorce procedures for women impresses upon us a notion of flexibility as a characteristic of Roman marriage. Especially when compared to the strict legislation on divorce known from the Middle Ages, a study of divorce in Roman society can easily develop the idea that women possessed more freedom. However, I will attempt to show that such freedom as there was, was demarcated by the fact that the status of being married was essential to the reputation of women.

Before we come to these issues, however, it is necessary to briefly sketch the social legislation of the emperor Augustus. Its interest lies mainly in the transformation of the playing field after the establishment of the Principate (31 BCE), replacing a system of oligarchic government by one man rule. The question of married or unmarried status and whether marriages produced children or not became the concern of the government. With the advent of the Principate, the power of one individual who dictated political life enabled the government to deploy the full array of the administrative machinery in order to uphold its legal rulings. At issue here is not merely to determine whether Augustus's legislation successfully transformed the mentality of his subjects – which is questionable –, but also to explore its symbolic effects. In fact, Augustus's intervention into an important aspect of domestic politics equipped married life and motherhood with a strong ideological aura. His political programme ensured that a woman's reputation became more stoutly defined on the basis of her ability to produce children.

## MARRIAGE, REPRODUCTIVE POWER, AND SOCIAL ENGINEERING

As part of his legislation to reconstruct the state after the destructive civil war of the late first century BCE, the emperor Augustus (27 BCE-14 CE) made a serious attempt to regulate married life of the upper classes. This type of legislation was not new, since the Romans had always equated the disruption of society with the breakdown of married life, and especially with the unchecked behaviour of women. It must be said, however, that the scope of Augustus's programme penetrated more deeply into domestic life than any previous measures had done. It has been recognized by modern scholars as the first example of social engineering in history (Cohen, 1991b).

The Julian law dates to 18 BCE after which various modifications were introduced, which resulted in the Papian-Poppaeian law of 9 CE. It seems clear that the original law had introduced penalties against men and women who were unmarried at an age at which they were expected to be married, or childless at an age when they could have been parents. It formulated rules about the intermarriage of different classes and introduced rewards to encourage parenthood. For example, to parents of one child by allowing one year's seniority in public office or the right to inherit each other's whole estate or to take under the wills of people outside the sixth degree; three children exempted a father from various legal duties in Rome (four in Italy, five in the provinces), three enabled a freedman worth 100,000 HS to exclude his patron from inheriting; three children released a freeborn woman, four a freedwoman, from guardianship.

What inspired Augustus to initiate these measures? The general picture is clear: Augustus was of the opinion that members of the upper classes married too late, and, consequently, produced too few children. By laying down minimum ages at which people should be married (20 for women, 25 for men), he attempted to achieve two aims: first, to create a more stable hereditary upper class, and, second, to stamp out immoral behaviour. The programme was ambitious and probably beyond the powers of any pre-industrial government, it was certainly beyond the powers of Augustus. Developments between the introduction of the first law in 18 BCE and 9 CE are not fully clear, but there are signs of aristocratic discontent which necessitated the emperor to implement some modifica-

tions. It is not recorded how women reacted to the measures, but in the light of aristocratic unwillingness to have families, rewards for female fertility sanctioned by the state may have simply been ignored. Formal opposition has not been recorded in much detail, and most of it may have proceeded in an informal capacity. It is striking to note, however, that when transgressions are reported, they concern the Augustan laws on intermarriage and adultery. For the year 19 CE the historian Tacitus reports on the behaviour of a senatorial woman called Vistilia:

'In the same year the senate passed stringent decrees against female immorality. The granddaughters, daughters and wives of Roman gentlemen were debarred from prostitution. A woman called Vistilia, belonging to a family that had held the praetorship, had advertised her availability to the aediles, in accordance with the custom of our ancestors who believed that an immoral woman would be sufficiently punished by this shameful declaration. Her husband Titidius Labeo was also requested to state why, when his wife was obviously guilty, he had refrained from enforcing the statutory penalty. He alleged, however, that the sixty days allowed him for consultation had not expired. It was therefore decided to take action regarding the woman only, and she was deported to the island of Seriphos' (Tacitus, *The Annals of Imperial Rome*, 2. 84; trans. M. Grant).

By inscribing herself on the aediles' list of prostitutes, Vistilia had attempted to remove her private life from the regulation of the law by exploiting a loophole. In the end, however, her ingenuity did not protect her from prosecution and she was convicted of adultery. In Suetonius' account of the same episode it appears that Vistilia had not been the only woman to 'protest' against restrictive legislation in this way. We must infer that flouting of the law had become so flagrant and frequent that the government had to act and that Vistilia was made an example of because of her high birth and family connexions.

The Augustan legislation on marriage and the family appropriated for the government an area that had traditionally belonged to the family council. Even if the laws were occasionally evaded, or perhaps generally ignored, their symbolic power was enormous. It established the precedent, first of all in Roman history, and later transmitted to other societies, that family matters were the state's business. Augustus used every possible means to

communicate his ideas. He employed members of his own family as a model of what he had in mind, making a public display of Germanicus, Agrippina and their children to encourage the unmarried and childless. Having children was now a 'desideratum', which was made more attractive by the awarding of privileges that enhanced men and women's legal powers. We find references to the *ius trium liberorum* ('the privileges awarded to a woman who had produced three children or more') in literature and on inscriptions. Their proper evaluation is an intricate affair, since we lack autonomous female authorities expressing an opinion on the consequences for their lives. However, there can be no doubt that some women were able to improve their legal status thanks to the ability to bear children. This discussion gives us some form of insight into how the position of women could be affected in Roman society. Benefits for women were normally not enforced through protest against forms of legal injustice. They were not realized as the direct result of a concern with the improvement of women's legal position, but as a spin-off of developments primarily affecting the position of the whole family.

### EXOTIC TABLEAUS OF MARRIAGE: INDECENT PROPOSALS AND FEMALE INITIATIVE

The rules of an aristocratic marriage may be briefly outlined as follows. Marriage in general was a private arrangement, which did not require state interference or official registration. A valid marriage involved two individuals above the age of twelve (for girls) and fourteen (for boys).<sup>6</sup> In the case of people under paternal power, male representatives of both families were also present. In the end several witnesses signed the marriage contract, which contained important clauses with regard to dowry and other financial arrangements. It was paternal power, and not age, which was the decisive factor in whether the marriage partners were allowed a free choice. It was possible, at least in theory, that a forty year-old woman had to consult her father for permission to get married, whereas a younger woman, whose father had died, might be able to make an autonomous decision. Very young girls were protected against unscrupulous husbands through the intervention of a legal caretaker, in most cases a male relative. The exclusion of the state allowed families to develop their own strategies. A woman who was financially independent had more power to negotiate a deal that favoured her own interests,

emotionally and financially, than others who were less affluent. In most other cases, political imponderables as a rule outweighed sentimental motivations. Conjugal love was not uncommon, but the practice of arranged marriages made emotional issues strictly subservient to other criteria.<sup>7</sup> Moreover, if love between partners became excessive it was frowned upon.

Two texts may serve to illustrate the workings of male codification that is prevalent in stories about marriage in the Roman world. They were written by Plutarch, a Greek writer, who, although relying on Roman sources, adopted a predominantly Greek perspective on Roman affairs (Swain, 1995; 1996). His background and foreign perspective have the advantage of enabling us to approach the material in the manner of an anthropologist. In the first century BCE a Roman aristocrat, Marcus Porcius Cato, was married to Marcia, 'a woman of reputed excellence'. Within Cato's circle of friends there was a certain Quintus Hortensius, 'a man of splendid reputation and excellent character'. This man wanted to be more than a mere associate of Cato and consequently investigated the ways through which to bring his whole family and line into community of kinship with him. He attempted to persuade Cato to give him his daughter 'as noble soil for the production of children' (similes based on the female body as a plot of land to be 'developed' are common in Greco-Roman literature). Porcia, however, was already married and had borne her husband two sons. To his credit, Hortensius was aware of the absurdity of his request, but, he argued, according to the law of nature it was honourable and good for the state that a woman in the prime of youth and beauty should neither quench her productive power and lie idle, nor yet, by bearing more offspring than enough, burden and impoverish a husband who does not want them. Moreover, community in heirs among worthy men would make virtue abundant and widely diffused in their families, and the state would be closely cemented together by their family alliances. And if Bibulus [Porcia's husband] were wholly devoted to his wife, Hortensius said he would give her back after she had borne him a child, and he would thus be more closely connected both with Bibulus himself and with Cato by a community of children.

Cato rejected the request, considering it absurd for Hortensius to propose marriage with a daughter who had already been given to another.

Undismayed, Hortensius subsequently boldly asked for Cato's wife, since

she was still young enough to bear children and Cato had heirs enough. For a proper understanding of the context, it should be noted that Hortensius' request was not inspired by a crisis in the marital relationship between Cato and Marcia. Cato is said to have felt true affection and respect for his wife. Furthermore, she was pregnant with his child at the time. Notwithstanding this, Cato agreed to the proposal, but stipulated that Marcia's father Philippus should also express his consent. The latter did so on the condition that Cato himself would be present at the wedding and join him in giving the bride away. It is further reported that Marcia bore Hortensius a child, after which she was returned to Cato who accepted her in marriage again.

Another story presents a different scenario:

'A few months later there was a show of gladiators and since at this time men and women used to sit all together in the theatre, with no separate seating accommodation for the sexes, there happened to be sitting near Sulla a very beautiful woman of a most distinguished family. Her name was Valeria; she was the daughter and a sister of Hortensius the orator; and so it happened that she had recently been divorced from her husband. As she passed behind Sulla, she rested her hand on him, pulled off a little piece of wool from his toga and then went on to her seat. When Sulla looked around in surprise, she said: 'There's no reason to be surprised, Dictator, I only want to have a little bit of your good luck for myself'. Sulla was far from displeased by this remark; indeed it was obvious at once that his amatory propensities had been stirred. He sent someone to ask discreetly what her name was and inquired about her family and past history. After this they kept glancing at each other, constantly turning their heads to look, and exchange smiles. And in the end negotiations began for marriage. This was all innocent enough, perhaps, on her part; but, however chaste and worthy character she may have been, Sulla's motive in marrying her was neither chaste nor virtuous; he was carried away, like a boy might have been, by a good-looking face and a saucy manner – just what naturally excites the most disgraceful and shameless sort of passion' (Plutarch, *Life of Sulla*, 35. 3–5).

Just like modern readers, an ancient audience was very rarely happy with long-spun tales praising the ordinary and the average. The stories that were circulated about particular marriages tend to focus on spectacular

cases. This presents a serious methodological problem. If we want to set up a model of Roman marriage, a workable definition of principles shared by a majority of people, we must acknowledge that this is not readily available. The stories recounted above are not primarily concerned with the practice of marriage itself, but with the wider means for which the concept might be used, for instance as a vehicle for moral judgement. To us, they imply a confrontation with the exotic, thus defining the relativity of our own values. The story about Hortensius and Cato alerts us to the importance of marriage in cementing alliances between different aristocratic families, although the form it takes here – bride-lending – is somewhat peculiar, even to Romans who understood the weight of this issue.

Plutarch, who reports the story in his biography of Cato, is somewhat embarrassed by the sincerity with which the project was considered by the male parties.<sup>8</sup> Modern readers would perhaps associate it with the artificiality of a Hollywood-script where the husband has to be enticed with a vast amount of money to part with his wife for one night. Yet, the standard ingredients of the typical Hollywood product, sexual lust and money, are conspicuously absent from Hortensius' motivations. Cato, Hortensius, Bibulus, and Philippus belonged to the Roman upper class and their marriage ideology was designed along the lines of specific political desires: continuation of the family line, the maintaining of socio-political status, and, if possible, expansion of their political network. The story provides an extreme example of the dominance of patriarchal politics. The two women, Marcia and Porcia, even though they are of central importance to the arrangement, only figure in the story as 'speechless objects'. It is not disclosed whether they were consulted on the matter at hand, and it is unlikely that this was the case. The absence of any emotional response on their part ostensibly confirms their concurrence with the overarching importance of male political friendships, even when they were seen to be infiltrating the domestic sphere. The only person, who, on Cato's request, was approached for consultation was Marcia's father Philippus. This is strictly within Roman legal principles. 'Patria potestas', the legal power of the father, enabled a Roman male to interfere in his children's lives, even when they were adults and already married.

In the second case we see a woman taking the initiative in seducing one of the most powerful politicians of his generation. It is of paramount impor-

tance to realize that this is not your typical girl-meets-boy scenario, or the Roman version of a story-book romance highlighting the desirability of a passionate love affair. There is a message behind the entertaining facade which is disclosed at the end. Sulla is supposed to have been carried away by a school-boy's passion, giving in to an infatuation that was hardly respectable in any man, let alone a man of Sulla's age and calibre. Numerous stories from the Roman world deal with the topic of debilitating love. The great general Pompey is said to have been passionately in love with all the women he married, an image which seriously detracted from his reputation as an able politician. When passion rears its ugly head in an older man, as in the case of Sulla, it becomes laughable. The account of him falling passionately in love with a woman he had never met before signalled to a Roman audience that the politician had lost all sense of decorum and was incapable of sound judgement.<sup>9</sup>

If we focus on the women involved, the outcome is different in each event. The women of Cato and Bibulus are silent partners in a bold project, whereas Valeria takes the initiative in her endeavours to entice old Sulla into marriage. The discrepancies might be traced back to the differences in status of the women concerned. Marcia and Porcia were both married and, though not within the legal powers of their husbands, they fully conformed to the marriage ideology of the aristocracy, where male initiative outflanked female desires. Valeria is referred to as recently divorced, and she might have possessed more freedom than a married woman. However, we must be constantly aware of the fact that these are stories which are primarily concerned with male behaviour. Valeria's role might have to be redefined in terms of literary requirements: the story of Sulla needs an independent woman to seduce him, which makes his passion even more ridiculous.

Not all evidence is of such complexity, although we must always be aware of patriarchal 'traps'. In recent scholarship much attention has been devoted to the marriage of Cicero's daughter Tullia to the somewhat rascally young politician Dolabella. The case is a remarkable one since Tullia and her mother Terentia seem to have conducted the negotiations together with their friends but without the interference of the head of the household. It has even been suggested on the basis of this example that marriages were, 'if anything, particularly 'women's business' – primarily,

one supposes, the business of mother and daughter' (Dixon, 1988:215). This statement cannot be accepted without serious qualifications. In a letter to Appius Claudius Pulcher dated to 3 or 4 August 50 BCE, when he was in Side (Cilicia), Cicero wrote on the case as follows:

'As for me, please for a moment put yourself in my shoes, imagine you are I; and if you have no difficulty in finding what to say, I won't ask you to forgive my embarrassment! I should indeed wish that the arrangement made by my family without my knowledge may turn out well for my dear Tullia and myself, as you are charming and kind enough to desire. But that the thing should have come about just when it did – well, I hope and pray some happiness may come of it, but in so hoping I take more comfort in the thought of your good sense and kind heart than in the timeliness of the proceeding! And so how to get out of the wood and finish what I have begun to say I cannot tell. I must not take a gloomy tone about an event to which you yourself wish all good luck; but at the same time I can't but feel a rub. On one point, though, my mind is easy – you will not fail to realize that what has been done has been done by others. I had told them not to consult me since I should be so far away, but to act as they thought best. But as I write, the question obtrudes itself: What should I have done if I had been on the spot? Well, I should have approved in principle; but as for the timing, I should have taken no step against your wishes or without consulting you' (*ad Fam.* 3. 12. 2).

In spite of the liberal appearance of how the matter was handled, we can detect a tone of unhappiness in Cicero's writing. The letter, however, is mainly an example of Cicero's self-justification as far as the political implications of the marriage are concerned. He does not object to Dolabella *per se*, but he indicates that his timing of the arrangement would have been different. The main reason for Cicero's defensive tone was the valued political friendship of Appius Claudius Pulcher, his predecessor as governor of Cilicia and a senator of high standing. Cicero had initially hoped for a marriage partner from the Claudian family, and if this desire had previously been communicated to Appius, this might have caused additional resentment from the latter. To make matters worse, Dolabella attacked Appius Claudius Pulcher in legal cases on two occasions in 50 BCE. The announcement of the engagement, therefore, came at a most embarrassing time. With this political background in mind, one might

rightfully wonder about Cicero's attitude in allowing the women of his household a free hand in the negotiations. The construction was first of all determined by his own absence from the scene of the negotiations, and, secondly, not handled to his satisfaction. Instead of regarding marriage negotiations as 'women's business' (with all the implications of the men being excluded altogether), it would be more proper to identify marriages of sons and daughters as the domain of husband and wife together, with the possibility of conflicting opinions. No doubt, each family would have developed a particular strategy, depending on the weight of internal and external factors.

### THE DYNAMICS OF DIVORCE

Statistics on divorce and remarriage are unavailable for the Roman world. The evidence, consequently, is mainly anecdotal. Women who remarried several times figure prominently in historiography, but they have been selected for their immoral behaviour and cannot stand as examples of what was typical. The same distortion applies to the majority of the literary sources. One might be able to put together a substantial anthology of misogynist quips. Two examples will suffice: 'No woman need blush to break off her marriage since the most illustrious ladies have adopted the practice of reckoning the year not by the names of the consuls but by those of her husbands. They divorce in order to re-marry. They marry in order to divorce' (Seneca, *On benefits* 3. 16. 2); 'She who marries so often does not marry; she is an adulteress by form of law' (Martial, *Epigrams*, 6. 7. 5). Female immorality occupied a pronounced place in male fears. Marriage was one means through which women's behaviour could be checked, but access to divorce was thought to encourage moral depravity.

From the earliest times husbands had the right to divorce their wives for matrimonial offences: adultery, poisoning the children and substituting keys, that is failing in their duty to be good keepers of the home.<sup>10</sup> In the third century BCE the famous case of Carvilius Ruga established the precedent that husbands could divorce their wives for sterility (Watson, 1965). In most cases the right of women to divorce was universally accepted, especially if both husband and wife agreed on one. Since mar-

riage was based on the common consent of both partners, this also established the corollary that either partner could break the union. Just like the husband, the wife had to have due cause. Sexual misconduct is the reason most commonly mentioned. Bringing mistresses into the matrimonial home was just cause for divorce, as well as attempted murder or wife-beating.

The sphere of informal arrangements that characterized marriage also applies to divorce. Sometimes a verbal formula was used to initiate the proceedings, but this was not a necessity. Other evidence suggests that a letter, to be delivered by a freedman, was a sufficient precondition. However, since the letter need not be read or understood by the recipient, this was another legal technicality that could easily be dispensed with. All that the law seems to have required was an intention to divorce. A marriage with a third party made by one of the partners, for example, in itself legitimated the dissolution of a marriage. The law accepted this procedure, because it clearly signalled an intention to terminate the previous marriage. The frequency of divorce might easily be mistaken for freedom and flexibility, especially when compared to the strict regulations laid down by the medieval church. Equal access to the procedures, however, is no guarantee that it was made use of in the same degree by husband and wife. Since a woman stood to lose more than her husband through the dissolution of a marriage, she might not have pushed for a divorce as vigorously as her husband. Her position as mistress of the household which centred around the social life of her husband would disappear. The respect that came with her established position in society as the wife of a member of the upper classes evaporated. Divorce might have been able to award more freedom to women, especially the freedom to choose her next marriage partner, but in the meantime her social esteem was reduced because of her loss of marital status. Through a divorce she also missed out on the social esteem that was allocated to widowed women. Divorce actually led to an insecure road ahead. Women still of child-bearing age and with good connections remarried creditably enough, but an older woman might have had more difficulty in finding a new husband.

The legal effect of divorce was normally considered to be the physical separation of the marriage partners and the restoration of dowry. The husband was expected to repay the dowry when his financial circum-

stances allowed him to do so. He was much inconvenienced when the money had been invested in land or business. The most common formula entailed repayment in three annual installments. Since the dowry was needed for future plans of remarriage, any delay in the repayment negatively affected a woman's chances. The husband was also by law entitled to retain specific amounts on account of children, fault, expenses, gifts or things taken away. These clauses might be perfectly legitimate, but they show to what extent a husband was able to influence his wife's future life, in case he desired to do so. A severely reduced dowry jeopardized her chances of maintaining her social status. Some of the clauses will surprise modern observers, and especially the stipulation about the amount deducted for the maintenance of the children. It presupposes that the children remained with the father. This trait is bound up with his legal and social position as the head of the household. A few days after the birth of a child, the father had to declare in public that he officially accepted the child as his. Through his 'patria potestas' all children remained within his legal power until he died or chose to emancipate them.

For the woman the right of access to the children must have depended on the atmosphere in which the divorce had been processed and on the socio-political activities of the husband. Exceptions are always worth observing. Octavia, ex-wife of Mark Antony, took his children with her to her own house when he finally sent her notice of divorce in 32 BCE. The children of whom she then took charge were her two daughters by Antony and his younger son by his previous wife Fulvia, who was dead. Antony was in no position to look after young children. After his death in 30 BCE, she brought up his three children by Cleopatra too. She already had three children she had borne to the dead Marcellus. This situation was created by special circumstances, which left some women in a position of a care-taker for children from various marriages, some not even her own. Access as a right, however, did not exist and for some women it must have been difficult to see their children. Most divorced husbands remarried surprisingly quickly, thus giving his children a stepmother to look after them. In practice this would have implied an even more strict exclusion of the natural mother from the children's home.

In summary, we may be entitled to assume that divorce left most women in an extremely vulnerable position. The dowry which was initially created

to protect the economic position of women, was liable to be reduced by expenses and costs calculated by the husband. Roman law only provided general rules on how husbands had to conduct themselves in these matters and there were no specific guarantees to protect the women. A harmonious settlement depended on the goodwill still existing between husband and wife, or rather on the generous attitude of the man, and this may indeed have been forthcoming in some cases, but insolvency provided an attractive escape route. Even though Augustus implemented a new general framework which introduced the state as a player in the overall regulation of married life, the daily business of marriage and divorce was still a matter left outside the scope of government intervention. As far as women are concerned, what is lacking in Rome, and indeed in most pre-industrial societies, is attention for their legal and socio-economic position beyond their role as members of families. The whole of Roman society, with all its written and unwritten laws, was heavily slanted in favour of men, or at least in favour of families under their headship.

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## NOTES

1. The prime example is Cohen (1991a). The most influential anthropological study is Herzfeld (1985).
2. Cf. Treggiari (1991a) 205–29.
3. Although indispensable for a proper understanding of the institution, legal requirements set out by lawyers should not be mistaken for a definition of marriage.
4. The best example of such a case is the emperor Nero's divorce from Octavia, his wife and step-sister; for the political implications, cf. Baumann (1992) 203–8.
5. Cf. Raepsaet-Charlier (1981–1982) who gives a survey of all known cases.
6. On the role of the dowry see Saller (1984); Gardner (1985).
7. This statement is made in spite of recent attempts to explore the 'birth' of conjugal love in the first century BC: Dixon 1991. This should be read in conjunction with Saller (1994) 4–5; 112–4.
8. The anecdote is discussed by Stadter (1995) 234–6, who emphasizes that for Plutarch Cato's behaviour and lack of sensitivity led to his isolation from other political grandees and, ultimately, to the downfall of his cause.
9. Other examples of such behaviour are discussed by Stadter (1995) 225–7.
10. The following survey of Roman divorce is based on the excellent discussion in Treggiari (435–83).

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