

# AUGUSTUS AS *PATERFAMILIAS*

by

ANNE KATHRYN O'KEEFFE

(Under the direction of Robert Curtis)

## ABSTRACT

This paper examines the ways in which Augustus became the “Father of His Country” in more than just title. Through the legislation passed under his administration and through his building program, Augustus portrayed himself as the father of all of the citizens of Rome. He fulfilled for the country the duties and obligations once relegated to the *paterfamilias*, including moral, monetary, and religious responsibilities. Augustus fulfilled all of these duties so that he could protect the upper class family unit. He also portrayed himself as the pious leader whose religious devotion would lead to divine protection and success for Rome. On monuments such as the Ara Pacis and the Forum of Augustus, his family was depicted as the torchbearers of the new generation of Roman leaders. Over the course of his reign, Augustus firmly established his image as *pater patriae*, the “Father of his Country.”

INDEX WORDS: Augustus, *Pater patriae*, *Paterfamilias*, Sumptuary laws, *Lex Julia de maritandis ordinibus*, *Lex Julia de adulteriis coercendis*, Ara Pacis, Forum of Augustus, Julia, *Domus Augusta*

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## INTRODUCTION

One of the key elements in Augustus' successful principate was his ability to depict himself as the leader of the Roman state in its religion, its art and its literature.<sup>1</sup> Augustus was an intelligent manipulator of images. As Colin Wells, in his work *The Roman Empire*, says, "Augustus understood the power of images. The mythology of the new regime and its related iconography, heavy with religious symbolism and austere moral overtones, was an integral part of his programme of cultural renewal."<sup>2</sup> Augustus rebuilt temples, revived traditional ceremonies, restored priestly organizations and made himself the *primus inter pares*, involved in nearly all facets of Roman life.<sup>3</sup> Paul Zanker has already examined specifically the prevalence of Augustan images in *The Power of Images in the Age of Augustus*.<sup>4</sup> Yet surprisingly few scholars have analyzed the process by which Augustus promoted his paternal image in paving the way to attaining full titular status as *pater patriae* in 2 B.C.<sup>5</sup> This thesis will examine legal, literary and artistic evidence illustrating how Augustus came to assume the title of "Father of His Country" both by fulfilling the role of moral arbiter and by portraying on a national scale the image of himself as *paterfamilias*.

The introduction to Chapter One will lay the foundation for the study by examining the derivation of the title *pater patriae*. The questions which will be raised include the following:

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<sup>1</sup> Paul Zanker, *The Power of Images in the Age of Augustus*, trans. Alan Shapiro (Ann Arbor: The University of Michigan Press, 1990); Colin Wells, *The Roman Empire*, 2<sup>nd</sup> ed. (Cambridge: Harvard University Press, 1999); Andrew Wallace-Hadrill, *Augustan Rome* (London: Bristol Classical Press, 1998).

<sup>2</sup> Wells, 93.

<sup>3</sup> Aug. *Anc.* 4.19-21.

<sup>4</sup> Zanker, 3.

<sup>5</sup> Meret Strothmann, *Augustus -Vater der res publica* (Stuttgart: Franz Steiner Verlag, 2000), examines several aspects of this phenomenon. See also Dio Cass. 55.10.10 and Suet. *Aug.* 58.

What was the origin of the expression *pater patriae*? Upon whom had the title *pater patriae* been bestowed previously and why? Was the title formally or informally granted to Augustus' predecessors?

Chapter One will focus on the duties and responsibilities of the *paterfamilias* from early Rome through the late Republican Period. Every member of a Roman Republican family lived under the *potestas* of the oldest living male in the family, the *paterfamilias*.<sup>6</sup> The *paterfamilias* possessed ultimate control over family members and family property, had the authority to make and enforce moral standards and wielded the power to render legal decisions for individual family members, including matters of life and death.<sup>7</sup> A son remained under the direct power of the *paterfamilias* unless he was emancipated or adopted; a daughter stayed under her father's *manus* for life, unless she transferred to a husband's *manus* through marriage.<sup>8</sup> The *paterfamilias* played an integral role in choosing a spouse for his son or daughter, in approving a marriage, or even dissolving an undesirable one. On a more pragmatic level, the *paterfamilias* was responsible for the education of his dependents. He took action, either personally or through tutors, to ensure that his children were educated, academically as well as morally. The children, in turn, learned to show deference to the *paterfamilias* through devotion and *pietas*. Chapter One will examine literary evidence for the application of all of these powers, and the degree to which a father employed them.

Chapter Two will focus on the moral legislation promulgated by Augustus and his administration. Through this legislative program of cultural renewal, Augustus became the

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<sup>6</sup> John Crook, *Law and Life of Rome* (Ithaca: Cornell University Press, 1967), 107.

<sup>7</sup> William V. Harris, "The Roman Father's Power of Life and Death," in *Studies in Roman Law* (Leiden: E. Brill, 1986), 81. Harris states: "The accepted doctrine tells us that a Roman citizen father could put his children to death with impunity, even his adult sons."

<sup>8</sup> Crook, *Law and Life of Rome*, 108.

moral arbiter of all Roman families just as the *paterfamilias* had traditionally been for individual families. While the *paterfamilias* served as judge in matters of the home, Augustus wielded power, through his *tribunicia potestas* (23 BC) and his *censoria potestas* (19 BC), to dictate and to enforce moral legislation throughout the Roman world. Augustus enacted his legislative program because there was a perceived decline in the traditional standards of morality in Rome at the time. In addition, in the preceding decades the civil wars had depleted the noble population. Augustus attempted to restore social stability by passing a series of laws to suppress monetary and sexual excess and to promote the creation of large, upper-class families.

The *lex Iulia sumptuaria* of 22 BC sought to curb licentious behavior in an economic sense.<sup>9</sup> First and foremost it limited the amount a citizen could spend on banquets. This concept of limiting the spending of individual citizens was not without precedent in the Roman Republic. From the time of the *lex Orchia sumptuaria* in 182 BC to the sumptuary laws of Sulla in 78 BC and of Julius Caesar in 46 BC, censors had regulated amounts spent on items ranging from jewelry to furniture.<sup>10</sup> Augustus' sumptuary law allowed him to limit the spending habits of individual Roman families in order to control aspects of the family originally reserved for the *paterfamilias*.

Augustus passed the *lex Iulia de maritandis ordinibus* in 18 BC to strengthen and encourage the sacred bond of marriage.<sup>11</sup> This law was passed for the purpose of creating incentives for marriage and the procreation of children, particularly within the upper class. It

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<sup>9</sup> Dio Cass. 54.16.1-3; Suet. *Aug.* 34.

<sup>10</sup> Crawford, Michael, "Lex," in *The Oxford Classical Dictionary*, 3rd ed., Simon Hornblower and Antony Spawforth, eds. (New York: Oxford University Press, 1996): 849-53. For the laws of Sulla, see Gell. *N.A.* 2.14.11-15. For the laws of Julius Caesar, see Dio Cass. 43.25.1-2. For a more extensive discussion on sumptuary excess and censorial regulation, see Alan Astin, "Regimen Morum," *Journal of Roman Studies* 78 (1988): 14-34; Emily Gowers, *The Loaded Table: Representations of Food in Roman Literature* (Oxford: Clarendon Press, 1993); E. S. Shuckburgh, *The Life and Times of the Founder of the Roman Empire* (London: T. Fisher Unwin, 1903); Susan Treggiari, "Social Status and Social Legislation," in *The Cambridge Ancient History* 10 (1996): 873-904.

<sup>11</sup> Dio Cass. 54.16.1-3; Suet. *Aug.* 34.

prohibited, for example, the marriage of senators or their descendants to freedwomen, actresses or actresses' daughters for three generations. By this law, Augustus encouraged men of the senatorial elite to marry women of the proper station so that they could strengthen the aristocratic bloodline. These regulations of personal relationships, previously only under the jurisdiction of the *paterfamilias*, now came under the power of the state. Just as the *paterfamilias* of the republican family determined the marital unions of his children, so did Augustus arrange the marriages of Roman citizens through his marriage legislation.

Another portion of the *lex Iulia de maritandis ordinibus* rewarded married people and punished unmarried men and women. Various benefits were bestowed upon married men with children.<sup>12</sup> They were granted exemptions from particular public duties and taxes, they were given places of honor at the theaters, and they were given precedence in governmental appointments, among other honorary distinctions.<sup>13</sup> Under these moral laws, Augustus as *princeps* became the new *paterfamilias* in charge of each family's morals. He thought "if marriage could be restored to its pristine honour, some degree of fertility would doubtless follow of itself."<sup>14</sup>

Chapter Two will also focus on how this marriage law brought about social reform by emphasizing that the family was a vital unit in the success of the Roman state. Wallace-Hadrill points to this as one of the key elements in Augustus' success as a leader. He questions, "If the urgent priority was to recover a stable and ordered citizen state, was it not essential to purify the family?"<sup>15</sup> Thus the family no longer could remain a purely private institution. Its stability, and therefore the stability of the state, required the control and intervention of law. Augustus,

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<sup>12</sup> Dio Cass. 54.16.1-3; Suet. *Aug.* 34

<sup>13</sup> Shuckburgh, 228.

<sup>14</sup> Hugh Last, "The Social Policy of Augustus," in *The Cambridge Ancient History*, vol.10 (New York: The MacMillan Company, 1934), 443.

<sup>15</sup> Wallace-Hadrill, *Augustan Rome*, 69.

through the Julian Laws, became the new *paterfamilias* with the power to determine conditions of marriage and divorce for the entire state.

In addition, Chapter Two will examine the *lex Iulia de adulteriis coercendis* of 18 BC. This powerful law sought to check immoral behavior and to encourage legitimate breeding, particularly among the aristocracy.<sup>16</sup> It penalized adultery (*adulterium*), set punishments according to various conditions, and made adultery an offense punishable by the state. It also established a *quaestio perpetua* for hearing accusations of adultery. This board of inquiry had not existed previously for this specific purpose, but it was based on the premise of other courts already in place for the hearing of other *iudicia publica*, such as parricide, murder or treason.<sup>17</sup> In 2 BC Augustus was compelled to enforce the adultery law against his daughter Julia. When he banished her he fulfilled simultaneously his duty as an executive leader and as *paterfamilias*.

Chapter Three will investigate Augustus' role as promoter of traditional religious values.<sup>18</sup> Just as the *paterfamilias* served as the leader of the family in fulfilling religious duties, so did Augustus as pontifex maximus take charge of the religious practices of the state. We will examine the ways in which the Republican Roman family worshipped spirits of the household and of the land in order to secure divine protection from harm. Each family member served a purpose in the appeasement of the gods. Eventually, many family cults from the early Roman Republic evolved into major state cults and festivals in the Roman Empire.<sup>19</sup> Family members worshipped gods to protect their family in the household and, ultimately, on the national level. Chapter Three will examine the similarities between the religious responsibilities of the *paterfamilias* and the role of Augustus as religious leader of his people.

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<sup>16</sup> Dio Cass. 54.16.1-3.

<sup>17</sup> Amy Richlin, "Approaches to the Sources on Adultery at Rome," in *Reflections of Women in Antiquity*, ed. Helene P. Foley (New York: Gordon and Breach, Science Publishers, Inc., 1981), 381.

<sup>18</sup> Aug. *Anc.* 2.8.10-14.

<sup>19</sup> H.H. Scullard, *Festivals and Ceremonies of the Roman Republic* (Ithaca: Cornell University Press, 1981), 17.

Augustus revived traditional Republican religious institutions through the restoration of temples, the re-creation of ancient priesthoods, and the revival of ancient religious ceremonies. He also participated in traditional ceremonies, either in his capacity as a holder of consular powers or, from 12 BC on, as pontifex maximus. Augustus attempted to restore the old Roman piety that made the Republic great by making sure that the gods played an integral part in the life of each Roman citizen.<sup>20</sup>

Chapter Three will focus on ways in which Augustus' pictorial campaign supported his legislative agenda. Through his extensive building program, Augustus celebrated the legendary heroes of Rome's past, including Romulus, Numa, Camillus and Aeneas, each of whom, according to tradition, brought about military success for Rome through religious piety. Through the art and architecture of the period, Augustus encouraged the celebration of these figures and the virtues they embodied. I will examine two major architectural works, the Ara Pacis and the Forum of Augustus.<sup>21</sup> The Ara Pacis was constructed as a celebratory monument for the return of Augustus from Gaul and Spain. It was rife with images of fertility, abundance, and piety -- three of the focal points of Augustus' moral legislation. Augustus' family also appeared on the work and this depiction served as an assurance that the peace and stability which Augustus created would continue.

The Forum of Augustus, dedicated in 2 BC, the same year as the granting of the title "Father of His Country," included a statue of the victorious Augustus in his *quadriga* with the inscription *pater patriae*. It also celebrated the virtuous men of Rome's past alongside the ancestors of Augustus. Augustus' family became intertwined with the *summi viri* of ancient

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<sup>20</sup> Aug. Anc. 2.

<sup>21</sup> I have relied primarily upon three recent works to aid in this examination: Karl Galinsky, *Augustan Culture: An Interpretative Introduction* (Princeton: Princeton University Press, 1996); Wayne Andersen, *The Ara Pacis of Augustus and Mussolini* (Boston: Editions Fabriart, 2003); Zanker, *The Power of Images in the Age of Augustus*.

Rome. Even the gods Mars and Venus were depicted in a non-traditional fashion, suffused with images of peace and fertility. Augustus' pictorial agenda assured the Romans that the stability which he brought about would continue under his family. The Forum resembled, in some respects, a great atrium to Augustus' home. The family of Rome and the family of Augustus became one, and he projected himself as the father of both.

Finally, Chapter Three will examine the ways in which Augustus' family became the national family of Rome, and he the national *paterfamilias*. The imperial family's personal celebrations became national events, Augustus' civil servants became functionaries of the state, and Augustus' family became the national model for the pious Roman family. The members of his family had to support his program of moral reform so that they could project the piety that assured Rome of its future greatness. Augustus' paternal image ultimately manifested itself in the exile of his daughter Julia. Julia did not portray the image of a moral Roman matron and hence threatened the image of Augustus as the moral arbiter and the *paterfamilias* of all; Augustus as both father and statesman punished Julia for threatening the stability of the state.

Through his marriage, sumptuary and adultery laws, Augustus assumed responsibilities which formerly had been associated with the jurisdiction of the *paterfamilias*. These laws, however effective they might have been, opened up avenues for Augustus to assume the role of the father of the Roman state. Nowhere did Augustus penetrate Roman family life so much as in his moral legislation. He initiated this program of moral reform to restore the Roman sense of *pietas*. The laws were designed to encourage proper marriages and the production of children, to check extravagance and luxury, and to penalize adultery and irregular sexual relations. The religious and pictorial program supported this moral reformation of Rome and affirmed Augustus as the "Father of His Country."

The production of legitimate children and the strengthening of Roman virtue, especially among the aristocracy, had become key to the success of the state, because *pietas* ensured the continuance of divine protection and prosperity.<sup>22</sup> Each citizen had a duty to the family, to the gods, to the state, and to Augustus as father of that state. Although Augustus would not become *pater patriae*, the “Father of His Country,” until 2 BC, by that time he had already become *paterfamilias* and *pater patriae* in the eyes of Rome’s citizens.

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<sup>22</sup> David Shotter, *Augustus Caesar* (New York: Routledge, 1991), 46.

## CHAPTER 1

### THE TITLE *PATER PATRIAE* AND THE ROLE OF THE *PATERFAMILIAS*

#### The Title *Pater Patriae*

Augustus concluded his *Res Gestae*, an account of his service to the Roman people, written in his seventy-seventh and final year, with the following entry:

While I was serving my thirteenth consulship, the senate, the equestrian order and the entire Roman people named me “Father of His Country” and decreed that this should be inscribed on the entrance to my house, in the Curia Julia, and in the Forum Augustum....

tertium decimum consulatum cum gerebam, senatus et equester ordo populusque Romanus universus appellavit me patrem patriae, idque in vestibule aedium mearum inscribendum et in curia Iulia et in foro Aug. ...censuit.<sup>23</sup>

At the conclusion of an unprecedented career in Roman political life, Augustus placed this section of his memoirs on his mausoleum in a position of primary importance, causing the modern observer to ask the questions, “Why was the title ‘Father of His Country’ so valued by the aged Augustus, and what was its derivation?”

The title *pater patriae* or *parens patriae* was a token of popular esteem that had been used by Romans previously and unofficially.<sup>24</sup> Both Cicero and Julius Caesar had received it before Augustus. Cicero was granted this title unofficially after the suppression of the Catilinarian conspiracy in 63 BC. He described the event in this manner:

Quintus Catulus, a leader of this order and the author of public policy, before a crowded senate session named me “Father of My Country.”

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<sup>23</sup> Aug. *Anc.* 35. All of the translations of the Latin and Greek texts are my own.

<sup>24</sup> Cicero in his *Pro Rabirio Perduellionis Reo* (27) did mention that Gaius Marius deserved to be called *pater patriae*; this was the earliest use of the term.

me Q. Catulus, princeps huius ordinis et auctor publici consilii, frequentissimo senatu parentem patriae nominavit.<sup>25</sup>

This granting occurred after the Gauls had turned over the Catilinarians and the senate had promised to arrest the conspirators. Since he had allegedly saved all of Rome from this insidious plot,<sup>26</sup> Cicero “considered himself a new founder and the Nones of December 63 the new birthday of Rome.”<sup>27</sup> This was to begin a tradition of associating the recipients of the title *pater patriae* with the ancient founders of Rome.

Plutarch mentions the titular grant as follows: “They voted him the greatest honors ever and proclaimed him ‘Father of His Country.’”<sup>28</sup> Plutarch claims that Cicero was the first to be so acclaimed: “For it seems that he was the first to be called this.”<sup>29</sup> In addition, a public thanksgiving was decreed on this occasion, along with a proposal to grant the civic crown, the highest military decoration, given for saving the lives of fellow citizens. Aulus Gellius relates that Lucius Gellius Poplicola, consul in 72, proposed that a civic crown be granted to Cicero because “it was through his efforts that the horrible conspiracy of Catiline was detected and punished” (*quod eius opera esset atrocissima illa Catilinae coniuratio detecta vindicataque*).<sup>30</sup>

Cicero cites this in his speech *In Pisonem*:

This renowned man, Lucius Gellius, who sits beside you, said to me with men within earshot that a civic crown was owed to me from the republic...for having saved it.

mihi hic vir clarissimus, qui propter te sedet, L. Gellius, his audientibus civicam coronam deberi a re publica dixit; ... conservatae rei publicae.<sup>31</sup>

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<sup>25</sup> Cic. *Pis.* 3.6.

<sup>26</sup> Plut. *Cic.* 23.3.

<sup>27</sup> Stefan Weinstock, *Divus Julius* (Oxford: The Clarendon Press, 1971), 202.

<sup>28</sup> Plut. *Cic.* 23.6.

<sup>29</sup> Plut. *Cic.* 23.6.

<sup>30</sup> Gell. *NA.* 5.6.15.

<sup>31</sup> Cic. *Pis.* 3.6. He also stated that many others called him *pater patriae* in the senate in *Sest.*121.

A public thanksgiving had never been enacted before, aside from the occasion of a military victory for a general,<sup>32</sup> and a civic crown had never been granted to a non-soldier. Weinstock states that the senators “followed the example of the single citizen who honoured his savior with an oak wreath and called him ‘father.’ But they called Cicero ‘father of the country,’ ‘father of all.’ This was a new departure.”<sup>33</sup>

Cicero himself was so proud of those honors that he frequently returned to the subject in his speeches and letters. In a letter to Pompey in April of 62 BC he wrote: “I tell you that the things which I did for the preservation of our country have been acknowledged by the judgment and testimony of the whole world” (*sed scito ea quae nos pro salute patriae gessimus orbis terrae iudicio ac testimonio comprobari*).<sup>34</sup> More pertinent to our topic, however, is Cicero’s inimitable description in the *Second Philippic* of that very meeting on December 3, 63 BC: “A very crowded senate decreed it thus, that there was not one person there who did not thank me as if I had been his father or who did not credit me with their lives, their fortunes, their children, and their republic” (*frequentissimo senatui sic placuit, ut esset nemo, qui mihi non ut parenti gratias ageret, qui mihi non vitam suam, fortunas, liberos, rem publicam referret acceptam*).<sup>35</sup>

His frequent allusions in letters and speeches to the matter emphasized his pride in the title and his belief that he truly was the savior of Rome. Cicero must have been especially honored because he was not a field soldier in this particular upheaval. The oak wreath was generally awarded to a citizen who had saved the life of another in battle, and was usually granted by the man who was saved. Gellius describes it thus:

The crown is called a “civic crown” which a citizen gives to another citizen by whom he is saved in battle, as a memento for his

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<sup>32</sup> Elizabeth Rawson, *Cicero: A Portrait* (London: Bristol Classical Press, 1983), 80.

<sup>33</sup> Weinstock, 165.

<sup>34</sup> Cic. *Fam.* 5.7.

<sup>35</sup> Cic. *Phil.* 2.5.12.

preserved life and safety. It is made from the oak leaf because food and livelihood were usually derived from the oak.

civica corona appellatur, quam civis civi, a quo in proelio servatus est, testem vitae salutisque perceptae dat. ea fit e fronde quercea, quoniam cibus victusque antiquissimus quercus capi solitus,<sup>36</sup>

The language used by Polybius and Aulus Gellius, like the language used by Cicero, adds further credence to the association between the *corona civica* and the title *pater patriae*. For Cicero on this occasion, however, there had been no physical war, no battlefield and so not the typical environment where a *corona civica* might have been earned. Polybius, in describing Roman incentives to fight bravely, writes about the crown:

At the seizure of a city they give a crown of gold to the ones who mount the wall first. In the same way the general commends with gifts those who have shielded and saved any of their citizens or allies, and the tribunes judging the case compel the saved ones, if they don't do it voluntarily, to crown the one who saved them. The saved man worships him like a father for his whole life and must treat him in everything as a father.<sup>37</sup>

Thus the recipient of the title *pater patriae* or *corona civica* was regarded as a father figure to the saved. Yet Cicero did not officially receive the *corona civica*. According to Weinstock, "if Cicero had really received it, the acclamation probably would have had the force of such an obligation, this time for all the citizens and not only for a single one. Since Cicero never claimed that he actually received the crown, it was "a passing incident without any real consequences."<sup>38</sup> Thus the citizen body as a whole was not compelled to honor Cicero as a father. However, this did set a precedent for the titular recipients to come. Saviors of the country became inextricably linked with a paternal image.

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<sup>36</sup> Gell. *N.A.*. 5.6.11-12.

<sup>37</sup> Polyb. 6.39.

<sup>38</sup> Weinstock, 202.

The second recipient of the title *pater patriae* who officially earned the *corona civica* was Julius Caesar, who received the wreath from the propraetor M. Minucius Thermus at the siege of Mytilene in 80 BC.<sup>39</sup> Caesar, twenty years old, was fulfilling his military duties in the east (80-78 BC). Caesar was an exceptional soldier, according to Christian Meier, because “unlike most sons of great families, Caesar not only remained on the staff, but fought in the front line.”<sup>40</sup> He distinguished himself at the storming of Mytilene and saved the life of a comrade. For his extraordinary efforts, he was awarded the *corona civica* which he was entitled thenceforth to wear on all solemn occasions. Minucius, apparently a follower of Sulla, was not Caesar’s political ally, which makes the honor even more extraordinary.<sup>41</sup>

Caesar was granted the oak wreath for the second time in 45 BC by the senate because he had saved the lives of a great number of citizens in the civil wars. Unlike his first *corona civica*, and more similar to the case of Cicero, this was not a typical honor because it was given for a non-battlefield occasion. Appian attributes the granting of the wreath to Caesar because he was a “savior of his fatherland; Dio similarly ascribes the honor to his “having saved the citizens.”<sup>42</sup>

Julius Caesar had received this second *corona civica* not because of his military conquests but rather because of his saving of lives, his clemency. Caesar often expressed pride for the mercy he bestowed on the vanquished; he related his leniency in the case of the surrender of the Nervii in 57 BC thus:

Caesar, so it might seem that he showed compassion on unfortunate suppliants, carefully preserved them in their territories and ordered them to occupy their towns; he ordered their neighbors to restrain themselves and their dependents from inflicting injury or malice.

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<sup>39</sup> Suet. *Iul.* 2.

<sup>40</sup> Christian Meier, *Caesar*, trans. David McLintock (New York: BasicBooks, 1982), 64.

<sup>41</sup> Weinstock, 164.

<sup>42</sup> App. *B Civ.* 2.106.441. Dio Cass. 44.4.5.

quos Caesar, ut in miseros ac supplices usus misericordia videretur, diligentissime conservavit suisque finibus atque oppidis uti iussit, et finitimis imperavit ut ab iniuria et maleficio se suosque prohiberent.<sup>43</sup>

Caesar also said that he spared the Atuatuaci, whose envoys requested the following: “If by chance in his clemency and mildness, about which they had heard from others, he decided that the Atuatuaci ought to be saved, he should not strip them of their arms” (*si forte pro sua clementia ac mansuetudine, quam ipsi ab aliis audirent, statuisset Atuatuacos esse conservandos, ne se armis despoliaret*).<sup>44</sup> Caesar documented his reply: “To this Caesar responded, more out of habit than deservedness, that he would save their community, if they surrendered before the battering ram touched the wall, but that there would be no condition of surrender except the laying down of arms” (*ad haec Caesar respondit: se magis consuetudine sua quam merito eorum civitatem conservaturum, si priusquam murum aries attigisset se dedidissent; sed deditiois nullam esse condicionem nisi armis traditis*).<sup>45</sup>

Caesar was most famous for his clemency with regard to fellow Romans. At Corfinium in February 49 BC, Caesar spared Lentulus Spinther along with four other senators and Roman knights. Caesar wrote: “He protected all those brought forth from the insults and jeers of the soldiers; he spoke a few words to them, lamenting that no gratitude had been expressed to him on their part for all of the great benefits given to them; he sent them all away safe” (*hos omnes productos a contumeliis militum conviciisque prohibet; pauca apud eos loquitur, queritur quod sibi a parte eorum gratia relata non sit pro suis in eos maximis beneficiis; dimittit omnes incolumes*).<sup>46</sup> He then ordered Domitius’ soldiers to take the oath of allegiance to him.<sup>47</sup>

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<sup>43</sup> Caes. *B Gal.* 2.28.9-12.

<sup>44</sup> Caes. *B Gal.* 2.31.7-9.

<sup>45</sup> Caes. *B Gal.* 2.32.1-4.

<sup>46</sup> Caes. *B Civ.* 1.23.

<sup>47</sup> Caes. *B Civ.* 1.23.

More importantly, Caesar offered clemency to Pompey's men who surrendered at Pharsalus in 48 BC:

Having thrown themselves to the ground with their hands outstretched and weeping, they asked for their safety from him. Having reassured them, he ordered them to get up and he spoke a few words to them about his leniency, so that they might be less afraid. He saved them all and entrusted them to his own soldiers so that they wouldn't be harmed and so that they wouldn't lose any of their property.

passisque palmis proiecti ad terram flentes ab eo salutem petiverunt, consolatus consurgere iussit et pauca apud eos de lenitate sua locutus, quo minore essent timore, omnes conservavit militibusque suis commendavit, ne qui eorum violaretur, neu quid sui desiderarent.<sup>48</sup>

Cicero, himself spared by Caesar in the civil wars, proclaimed Caesar as a savior just as he had once proclaimed himself. In his speech *Pro Marcello*, Cicero wrote: "Who are more yours than those whose safety you have restored unexpectedly?" (*qui magis sunt tui quam quibus tu salutem insperantibus reddidisti*)<sup>49</sup> In his *Pro Rege Deiotaro* in 45 BC, Cicero referred to monuments erected to celebrate Caesar's clemency: "Many are the memorials of your clemency, but none are greater than the well-being of those to whom you granted clemency" (*multa sunt monimenta clementiae tuae, sed maxima eorum incolumitates quibus salutem dedisti*).<sup>50</sup> As Weinstock says of Cicero's praise for Caesar: "It is certainly not too bold to conclude that it was Cicero who inspired the Senate to grant Caesar in 45 the *corona civica* which should have been granted to him in 63 BC."<sup>51</sup>

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<sup>48</sup> Caes. *B Civ.* 3.98.

<sup>49</sup> Cic. *Marcell.* 21.

<sup>50</sup> Cic. *Deiot.* 40.

<sup>51</sup> Weinstock, 167.

The title *pater patriae* followed for Julius Caesar in 45 BC.<sup>52</sup> Dio describes it thus:

In addition to such privileges they named him “Father of His Country,” and they stamped this title onto coins; they voted to celebrate his birthday in public with sacrifices, ordered that there should be a statue in the cities and in all temples of Rome, and set up two on the rostra, one as the savior of the citizens and the other as the deliverer of the city from siege, with the crowns customary for such things.<sup>53</sup>

Thus, for Julius Caesar, the title *pater patriae* included the notion that he was the savior of all citizens. It included many more honors that suggested that the “Father of His Country” was to be honored as a father by all citizens. Weinstock comments, “Caesar was the first for whom the title meant more than glory. It became part of his nomenclature and was a reinterpretation of his unlimited political power: it was not tyranny but *patria potestas*.”<sup>54</sup> Julius Caesar now truly became the savior worshipped by the granters of the *corona civica*. Weinstock continues: “His relation to his fellow citizens was completely changed. They all were now bound to him, like the son to his father, by *pietas*, began to pray for his welfare and to swear by it, to worship his *genius* as if it were their own.”<sup>55</sup> This expansion of the connotations of the title took a short amount of time to develop, but it was a critical stepping-stone to Augustus developing his own image as “Father of His Country.”

After Caesar’s death and funeral, his supporters set up a column with the title *parens patriae*. Suetonius describes the scene:

Afterwards the common people erected a solid column of nearly twenty feet of Numidian marble in the Forum and inscribed on it: “To the Father of His Country”. For a long time they persisted in sacrificing before it, taking vows, and settling certain arguments by swearing oaths by Caesar.

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<sup>52</sup> App. *B Civ.* 2.106.442 and 2.114.602 lists the title *parens patriae* among the honors of 45 BC while Dio Cass. 44.4.4 lists the title from 44 BC.

<sup>53</sup> Dio Cass. 44.4.4.

<sup>54</sup> Weinstock, 204.

<sup>55</sup> Ibid.

postea (plebs) solidam columnam prope viginti pedum lapidis Numidici in foro statuit inscripsitque Parenti Patriae. Apud eam longo tempore sacrificare, vota suscipere, controversias quasdam interposito per Caesarem iure iurando distrahere perseveravit.<sup>56</sup>

Although Julius Caesar earned the *corona civica* and the title *pater patriae*, he may not have fully utilized his role as a father figure. In fact, not recognizing the potential of this image of *parens patriae* may have been a critical error for Caesar. After the title was granted to Cicero, a tradition among historians was begun, and the title was repeatedly applied to ancient and revered Romans such as Romulus and Camillus.<sup>57</sup> Cicero in his *De Divinatione* addressed Romulus as “Romulus, Father of This City” (*huius urbis parens Romulus*).<sup>58</sup> During Augustus’ reign, these titles grew to possess an even greater significance. Livy later called Romulus: “King and Father of the City” (*regem parentemque urbis*).<sup>59</sup> He also wrote about the mysterious death of Romulus:

The Roman men composed at last, after a calm and tranquil light had returned after a confusing day, when they saw that the royal seat was empty (even though they believed the senators, who had stood nearby, that he had been snatched aloft by a storm), they maintained a mournful silence for some time, as if struck by the fear of fatherlessness. Then, when a few men had started up, together they designated Romulus as a god and the son of a god, King and Father of the Roman City; they begged for peace with prayers that he would always willingly and favorably protect their children.

Romana pubes sedato tandem pavore, postquam ex tam turbido die serena et tranquilla lux rediit, ubi vacuam sedem regiam vidit, etsi satis credebat patribus, qui proximi steterant, sublimem raptum procella, tamen velut orbitatis metu icta maestum aliquamdiu silentium obtinuit. deinde a paucis initio facto deum deo natum, regem parentemque urbis Romanae salvere universi Romulum iubent; pacem precibus exposcunt, uti volens propitius suam semper sospitet progeniem.<sup>60</sup>

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<sup>56</sup> Suet. *Aug.* 85.1.

<sup>57</sup> Romulus is addressed as *pater* and *genitor* in Ennius’ *Annales* 113V.

<sup>58</sup> Cic. *Div.* 1.3.

<sup>59</sup> Liv. 1.16.3.

<sup>60</sup> Liv. 1.16.2-4.

The troops and senators, deprived of a good king and a father figure, then declared Romulus' divinity. They believed that Romulus was taken up into the sky, his divinization prophesying the invincibility of Roman arms. Livy wrote: "It is amazing how faith arose with him announcing these things, how much the feeling of loss of Romulus among the people and army subsided once the belief in his immortality had been established" (*mirum quantum illi vero nuntianti haec fides fuerit, quamque desiderium Romuli apud plebem exercitumque facta fide immortalitatis lenitum sit*).<sup>61</sup> In Livy's rendition of his apotheosis, Romulus, in a way, became a perpetual father figure who would forever watch over Rome.

In similar fashion, Livy celebrated Camillus as a father figure. Following the defeat of the Gauls, Camillus returned in triumph to Rome with his soldiers saluting him as *parens patriae* and "second founder of Rome" (*conditorque alter urbis*).<sup>62</sup> Camillus' first act after his triumph was to encourage the passage of a decree to restore the shrines of the gods and to see to it that the purification rites were celebrated. He was a proper dictator, a father figure who restored Rome's strength. Augustus would strive to emulate historical figures such as Camillus and would utilize them in expanding his image as father of all.

Thus, the title *pater patriae* gradually became embedded in the Roman psyche as a title for the saviors of Rome. Romulus, the great king and military commander, was worshipped posthumously as a father to his children, not as a king to his subjects or a general to his troops. For example, in Livy Valerius addressed the tribunician assembly and exhorted them to arms, praying thus: "Father Romulus, give to your offspring the courage which you had when you once took back from these same Sabines the captured citadel which they had taken with their gold" (*Romule pater, tu mentem tuam, qua quondam arcem ab his iisdem Sabinis auro captam*

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<sup>61</sup> Liv. 1.16.8.

<sup>62</sup> Liv. 5.49.7.

*recepisti, da stirpi tuae*).<sup>63</sup> Thus Romulus as *pater patriae* served in a paternal role, considered as the protector and savior of his “children.”

The power of the paternal image can be understood through the eyes of the Romans. A good ruler appeared to be like a father in many ways. In addition, the image of a good parent of the people stood in stark contrast to a tyrannical “bad king.”<sup>64</sup> The Romans despised the concept of tyrannical rule ever since the foundation of the Republic. Their historical obsession with ousting the “bad king” resulted from the events surrounding the expulsion of the final kings in Rome in 510 BC. In that year the last Etruscan king of Rome, Tarquinius Superbus, was ousted by a rebellion that, according to legend, arose after the rape by Sextus Tarquinius of Collatinus’ wife, Lucretia. Livy reported that L. Junius Brutus, Collatinus’ colleague, shouted to the crowd, “I will not allow those men or any other man to be king in Rome” (*nec illos nec alium quemquam regnare Romae passurum*).<sup>65</sup> Thus this event, celebrated by historians through the ages, not only resulted in the end of the Etruscan monarchy, but it incited a hatred of kings of any kind in Rome.

In 2 BC, Augustus became the third man voted the title *pater patriae*. Of all of the honors voted to him by the people or the senate, this one he seemed to value the most. Ellen O’Gorman believes that this was a defining moment in Augustus’ career. She states, “In Augustus’ representation of his personal *cursus honorum*, the pinnacle of his career occurs in 2

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<sup>63</sup> Liv. 3.17.6.

<sup>64</sup> One can see this concept very clearly in Herodotus’ description (3.89.3) of three Persian leaders: “It is because of this arrangement of the tribute and similar items that the Persians say that Darius was the cheat, Cambyses the master, and Cyrus the father; he (Darius) because he struck a deal with everything, and he (Cambyses) because he was difficult and contemptuous, and he (Cyrus) because he was kind and contrived to make everything good for them.”

<sup>65</sup> Liv. 1.59.1.

BC, when senate, equestrian order, and people award him the title *pater patriae*.”<sup>66</sup> Suetonius writes:

Suddenly all with one accord granted him the title “Father of His Country:” first the plebeians, after sending a legation to Antium; then, because he did not accept this, they granted it to him at Rome as he was attending the theater; soon thereafter the senate, by neither a decree nor acclamation, but through Valerius Messala, granted it to him in the senate house.

patris patriae cognomen universi repentino maximoque consensu detulerunt ei: prima plebs legatione Antium missa; dein, quia non recipiebat, ineunti Romae spectacula...; mox in curia senatus, neque decreto neque adclamatione, sed per Valerium Messalam.<sup>67</sup>

Once again the title *pater patriae* is connected to a leader who had already received the *corona civica*. This is noteworthy because this third grant completes a pattern and establishes that which the Roman aristocracy cherished -- tradition. More intriguing, however, is the wording of Messala’s proposal in the house. Suetonius relates his speech as follows:

“May all which is good and fortunate be to you and your house, Caesar Augustus! For thus we feel that we are praying for perpetual good fortune and happiness for the republic; the senate unanimously with the people of Rome salute you as ‘Father of Your Country.’”

“quod bonum,” inquit, “faustumque sit tibi domuique tuae, Caesar Auguste! Sic enim nos perpetuam felicitatem rei publicae et laeta huic precari existimamus; senatus te consentiens cum populo Romano consalutat patriae patrem.”<sup>68</sup>

Messala ties the fortune of the family of Augustus to the stability, prosperity and fortune of the state. This merging of family and state will be discussed more fully in Chapter Three of this paper; it is important to note here that, unlike Julius Caesar, Augustus seemed to have the

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<sup>66</sup> Ellen O’Gorman, “Love and the Family: Augustus and the Ovidian Legacy,” *Arethusa* 30 (1997): 106.

<sup>67</sup> Suet. *Aug.* 58.1-2.

<sup>68</sup> Suet. *Aug.* 58.2.

support of the senate in his titular status as *pater*. Augustus received the oak wreath in a non-military setting not from one individual, but from all of the Roman people. He was the good king, the father, the savior of his people. His fortune and the fortune of his family would create stability and prosperity for the people. He as *pater patriae* received the honor in the spirit of gratitude, unlike his predecessor. Suetonius wrote:

To him Augustus, crying, responded with these words...:  
“Fathers of the Senate, having been granted the answer to my prayers, what else have I to pray to the immortal gods for, than that it be allowed for me to enjoy your approval until the end of my life?”

Cui lacrimans respondit Augustus his verbis...:  
“compos factus votorum meorum, patres conscripti, quid habeo aliud deos immortales precari, quam ut hunc consensum vestrum ad ultimum finem vitae mihi perferre liceat?”<sup>69</sup>

The title, loaded with a brief but powerful history, made Augustus a type of father over the entire state. Of course, Augustus did not literally take over the powers of the individual *paterfamilias*; but certainly, under the guise of restoring stability to the Roman family and state, he either wielded powers previously held by the *paterfamilias* or appeared as a *pater* to the state family. Let us now examine what we know of the duties and responsibilities of the Republican *paterfamilias*.

#### The Role of the *Paterfamilias* in Regal and Republican Rome

It is remarkable how little we know about the duties, responsibilities, and powers of the *pater* or the *paterfamilias*. Through early surviving law, letters and literature, one can see that the Roman family was a cohesive unit which contributed greatly to the stability of the Roman state. The *paterfamilias* ruled over all his direct descendants while his wife was the acknowledged female head of the household, in charge of domestic and economic tasks.<sup>70</sup> The

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<sup>69</sup> Suet. *Aug.* 58.2.

<sup>70</sup> Cato *Agr.* 142-43.

*domus* included more than just the immediate family -- extended family, freedmen and slaves were included as members of the household under the power of the *paterfamilias*. Meret Strothmann comments that “the strict family circle consisted of the blood relatives, but in a wider sense all members of the *domus* counted in the family -- the house community living under one roof. This family unit made up the cells of the State.”<sup>71</sup> Let us examine the legal evidence for the responsibilities of the *pater* and the *paterfamilias*.

The earliest legal descriptions of the duties of the *paterfamilias* were the *Leges Regiae*, royal laws codified in the late Regal Period. Judith Hallett claims that they gave fathers “tremendous powers over the lives of their children and used the father-son relationship as a model for the sociopolitical bond to obtain between the male heads of the privileged, propertied kin groups, also called *patres*, and their dependent *clientes*.”<sup>72</sup> These laws stipulated that a father must raise a first-born female child. Although this may seem to be a restriction on the *pater*, this is early evidence of the father’s *ius vitae necisque*, the right of a father to acknowledge a child’s right to live. The *Leges Regiae* also prohibited an adult woman from initiating divorce proceedings against her husband. Hallett asserts that the laws mandated that “in circumstances where her acceptability as a wife lies in question, (she) must submit to the judgment of her husband and male blood kinfolk.”<sup>73</sup> This dominance of the *pater* or *paterfamilias* over his wife and children existed with little restriction from national censorship. The state did not intrude upon the family structure because “the Roman respect for individual freedom rendered them loath to interfere with the internal management of the Roman house.”<sup>74</sup> The father was the head

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<sup>71</sup> Strothmann, 19.

<sup>72</sup> Judith P. Hallett, *Fathers and Daughters in Roman Society: Women and the Elite Family* (Princeton: Princeton University Press, 1984), 21-22.

<sup>73</sup> *Ibid*, 22.

<sup>74</sup> Fritz Schulz, *Classical Roman Law* (Aalen: Scientia Verlag, 1992), 151.

of the Roman household, and Roman private law generally hesitated to enter into the domestic realm.

The Twelve Tables, codified in 451-450 BC, also seemed to grant a father considerable powers. They simply stated that a father had the obligation to kill a deformed child quickly, that he could sell his son three times to release him from the paternal bond, and that a child born ten months after the “father’s” death could not qualify for that father’s inheritance.<sup>75</sup> These rights of the father were brief, logical, and purposeful. A deformed child, in most cases, would have eventually died by natural causes. Therefore, since he had the right to give life to his child, a father could expose that child.<sup>76</sup> Harris states: “For there was one short phase of the Roman offspring’s existence during which the father could easily be thought of as giving it life if he so chose, those first few days during which an infant might be exposed. When the father recognized the child by picking it up (*filiam, filium tollere*), he was giving it life.”<sup>77</sup> The father could refuse to raise a newborn child, and the mother had no legal power to prevent this. Throughout Roman history, children were exposed periodically; this practice was not deemed illegal until AD 374.<sup>78</sup>

While a baby’s fate lay in the hands of the *pater*, older children had the *paterfamilias* and the family council (*consilium*) to contend with. Gardner claims that “by the classical period the so-called *ius vitae et necis* survives in full (until AD 374) only as the right of the *pater* to decide not to acknowledge and rear a newly-born child; the punishment of older children must be subject to the judgment of an advisory council of family and friends.”<sup>79</sup> Aside from a few

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<sup>75</sup> Naphtali Lewis and Meyer Reinhold, eds., *Roman Civilization: The Republic and the Augustan Age* (New York: Columbia University Press, 1990), 110.

<sup>76</sup> Dion. Hal. *Ant. Rom.* 2.15.

<sup>77</sup> Harris, 93.

<sup>78</sup> Jane F. Gardner, *Women in Roman Law and Society* (Bloomington: Indiana University Press, 1986), 6.

<sup>79</sup> Jane F. Gardner, *Being a Roman Citizen* (New York: Routledge, 1993), 54-55.

exceptional situations, *patria potestas* was not transferable and non-negotiable—it was valid until the *paterfamilias* passed on.

Lastly, the Twelve Tables' stipulation that a child born ten months after his "father's" death was not to inherit was enacted to preserve the integrity of the family bloodline and its property.<sup>80</sup> The family served as a stable social, economic, and political institution, and was essential to the health of the community. If a child was illegitimate, it did not have the right to disrupt the proper path of property transmission.<sup>81</sup> Legally the *paterfamilias*' main obligation was to preserve and perpetuate the family unit and to protect its holdings in order to guarantee future stability. Staples asserts that *patria potestas* "was designed not merely to transmit property and absolute legal authority over one's descendants through the male line, but was also a means of providing a male Roman citizen with legitimate children."<sup>82</sup>

The *paterfamilias* held immense monetary and proprietary control over the members of his family, including not only his children, but all members of his *domus*. In fact, Wiedemann adds that "the other common word for child, *puer*, refers to the junior members of the family or household; in the classical period, the same word is used for the free-born children of the *paterfamilias*, and for his slaves, whatever their age. Romans thought that this indicated the *paterfamilias*' supreme power over all the dependent members of his household, free or slave, in the archaic age."<sup>83</sup> Thus, children, in some ways, were the titular equivalent of slaves. No person *in potestate* could own property. Any income earned or bequest received belonged to the *pater*.

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<sup>80</sup> Lewis and Reinhold, 110.

<sup>81</sup> A man's children were his only if they were born of a wife with whom he had *conubium*, i.e. his *matrona*, within the form of marriage known as *iustum matrimonium*. See Ariadne Staples, *From Good Goddess to Vestal Virgins: Sex and Category in Roman Religion* (New York: Routledge, 1998), 139.

<sup>82</sup> Ibid.

<sup>83</sup> Thomas Wiedemann, *Adults and Children in the Roman Empire* (New Haven: Yale University Press, 1989), 32-33.

This practice became particularly inconvenient and perhaps a bit awkward for older sons, since this inability to own property extended to the adult age, as long as the *paterfamilias* was still alive and had not emancipated his son. John Crook supports this: “But in private life it mattered nothing that you might be forty years old or married or consul of the Roman people; if you were *in potestate* you owned nothing, whatever you acquired accrued automatically to your *paterfamilias*, you could make no gifts, and if you borrowed money to give a dowry to your daughter it was a charge on your *paterfamilias*.”<sup>84</sup> Thus even if a son reached the upper echelons of the state, he remained under the power of his *pater*.

Yet solutions to this conundrum were quickly devised. The son was often granted control, like a slave or an agent, over a sum of money or a piece of property called a *peculium*. The son could then use this *peculium* to generate income.<sup>85</sup> Schulz summarizes this practice quite clearly:

Where an adult son no longer lived in the household of his father, the latter could not help granting his son separate property, particularly any property which the son acquired by his own work. The son might manage this separate property (*peculium*, literally ‘property in cattle’) like an owner and even dispose of it or charge it with his debts, but the father was sole legal owner, and he could deprive his son of his *peculium* at his discretion.<sup>86</sup>

However, the *paterfamilias*’ legal power over the funds of the family often did not cause the son to suffer; rather, by custom, the *pater* or *paterfamilias* supported the son as he made his way into and sometimes through adulthood. For sons who were soldiers fighting in foreign wars, Augustus later invented a *peculium castrense*, similar in concept to a *peculium* for a son.<sup>87</sup> Augustus became the beneficent father to these young men who served their country in combat.

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<sup>84</sup> John Crook, “*Patria Potestas*,” *Classical Quarterly* (1967): 109.

<sup>85</sup> Gardner, *Being a Roman Citizen*, 57.

<sup>86</sup> Schulz, 154.

<sup>87</sup> Aug. *Anc.* 17.

The *paterfamilias*' monetary responsibilities carried into the realm of intestate succession. Garnsey explains: "The *paterfamilias* also had a good deal of latitude in disposing of the family property upon his death. In cases of intestacy the civil law called for partible inheritance in equal shares among all legitimate children (male and female), but Romans with property typically made wills that could alter equal shares."<sup>88</sup> The immediate family under the power of the head of the household, the *sui heredes*, automatically inherited upon the death of the *paterfamilias*. If by chance a *paterfamilias* as testator decided not to include his children as heirs, he had to disinherit them expressly in his will. In a situation where there were no direct heirs, the agnates of the deceased inherited the estate.<sup>89</sup> The Twelve Tables stated that if a person died intestate and had no self-successor, the nearest agnate kinsman would gain possession of the deceased's property.<sup>90</sup> This would have included the closest agnates only, including brothers or nephews.

The death of the *paterfamilias* terminated his *patria potestas*, naturally. At that point, his estate would have been divided up among his sons and daughters, since both had equal rights of intestate succession.<sup>91</sup> Yet even after his death, the *paterfamilias* had some control over the distribution of his family fortune through designated tutors. According to Gardner, "an adult woman (*mulier*) who became independent on the death of her father or husband was ... required

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<sup>88</sup> Peter Garnsey and Richard Saller, *The Roman Empire: Economy, Society and Culture* (Berkeley: University of California Press, 1987), 137.

<sup>89</sup> Crook, "*Patria Potestas*," 115.

<sup>90</sup> Lewis and Reinhold, 110.

<sup>91</sup> Alan Watson, *The Law of the Ancient Romans* (Dallas: Southern Methodist University Press, 1970), 40. While the adult son then became legally independent and possibly acquired the powers of a *paterfamilias*, a woman had no *potestas* over her children and required a tutor. This rule applied to all males and females who were under the age of puberty and who were not *in patria potestate*. Tutors could be appointed for heirs by the *paterfamilias* in a will (Gai. *Instit.* 1.149) or tutors could be agnatic tutors, if a testamentary tutor had not been appointed. In the latter case, the agnates looked after the ward's property until the ward no longer qualified by situation, age or death. Upon the ward's death, the agnatic tutor would succeed to the property.

to have a tutor.”<sup>92</sup> Tutors for women were appointed in the same way as for children. The tutor helped in the *paterfamilias*’ absence to control the movement of property between families in the case of marriage.

Thus, the *paterfamilias* had control over his family’s property and monetary funds until his death, and had a system established after his death to protect his family’s estate. Just as in the case of the *peculium*, the *paterfamilias* wielded control, and often exercised that legal control to protect or further the interests of his family. Augustus, in just this manner, would protect his dependents through a system of law that reflected family law and custom.

One final duty of the *paterfamilias* or *pater* was to preserve the integrity of the family line by choosing or approving of a spouse for his son or daughter. The father’s consent was legally necessary in the Republic; the father could thus prevent a marriage.<sup>93</sup> Plutarch cites two examples of marriages of Pompey which were either forced or refused by the *paterfamilias*. In the first case, Lucius Cornelius Sulla designed a marriage proposal to ally himself with the young and promising Pompey. He and his wife Metella persuaded Pompey to divorce his current wife Antistia and to marry Aemilia, Metella’s daughter by her previous husband Scaurus. But Aemilia already had a husband by whom she was pregnant at the time. Plutarch wrote:

And so the marriage was therefore harsh and was more suited to the interests of Sulla than with the manner of Pompey, since Aemilia was wedded to him when she was pregnant by another man.<sup>94</sup>

Thus, although the old and new wives of Pompey were not eager for the new marriage arrangement, they had little power to avoid it.

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<sup>92</sup> Gardner, *Women in Roman Law*, 14. See also Gai. *Inst.* 1.142-96.

<sup>93</sup> Gardner, *Women in Roman Law*, 41.

<sup>94</sup> Plut. *Pomp.* 9.2-3.

After Pompey's return from the east in 62 BC, he quickly divorced his current wife, Mucia, for "being wanton in his absence."<sup>95</sup> When his request for a postponement of the consular elections was refused in the Senate because of an outright refusal by the conservative Cato, Pompey looked to ally himself to Cato to bind their political aims. Plutarch wrote:

Nevertheless, Pompey, admiring Cato for his manner of speaking freely, and for the tone which he alone used openly and on behalf of righteousness, eagerly desired to win him over. Since Cato had two nieces, he wanted to take one of them as a wife and to have the other one married to his son. Cato, however, was suspicious of the plan, since the proposed marriage seemed to him a corrupt form of bribery, though his sister and his wife bore with difficulty the fact that he turned down the chance of having Pompey the Great as a kinsman.<sup>96</sup>

This example suggests that in the Republic, the consent of the *paterfamilias* was required to complete a marriage contract. This right of refusal of the *paterfamilias* lasted until the *lex Julia de maritandis ordinibus* was passed under Augustus, when the state determined if a refusal was justified.

The power of the *paterfamilias* of either party to refuse applied to breaking off an engagement as well. A typical engagement (*sponsio*) consisted of two promises of marriage, that of the husband-to-be or his *paterfamilias* on the one side and the bride and her *paterfamilias* on the other.<sup>97</sup> If the girl was not under the power of a *paterfamilias* at the time of the betrothal, the promise was made by one of her relatives<sup>98</sup> and a tutor would have to arrange for the creation of a dowry. If the engagement was unacceptable to the *pater* after the marriage was carried out, then a formal notice called a *renuntiatio* was sufficient to dissolve the marriage.

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<sup>95</sup> Plut. *Pomp.* 42.7.

<sup>96</sup> Plut. *Pomp.* 44.2-3.

<sup>97</sup> Schulz, 109.

<sup>98</sup> Watson, *The Law of the Ancient Romans*, 31.

A *paterfamilias* could also compel his married children to divorce.<sup>99</sup> When either of the spouses was *in patria potestate* the fathers had the right to dissolve the marriage – even a *bene concordans matrimonium* – and the approval of their children was not required.<sup>100</sup> The power applied to marriages with *manus* or without *manus*.<sup>101</sup> This right was abolished through legislation written and passed under the Antonines. As Gardner asserts, “until the time of Marcus Aurelius, a father could dissolve his children’s marriages even against their will.”<sup>102</sup> One needs only to recall Tiberius’ pain when he was forced by Augustus to divorce Vipsania and to marry Julia. Yet it seems that the laws were often not necessarily a significant factor in the face of powerful moral obligations. A son would want to obey his father and honor the obligations of *pietas*, thus negating the need to force the issue. Quintus Cicero (Cicero’s nephew) seemed to cause his parents great angst, but his father appears to have used pleading rather than force to persuade him to accept his proposed marriage partner.<sup>103</sup>

This relative freedom to choose a mate may not have been applicable to daughters or females *in potestate* of the *paterfamilias*. Rowell notes that “the marriages of young girls were arranged by the fathers of the bride and groom, when the latter was in his father’s *potestas*, with a view to securing mutual advantages of a political, financial, and social nature.”<sup>104</sup> Thus, the daughter’s individual will was not as important to the well-being of the family, both politically and financially. There existed, in addition, a decided advantage in favor of the *paterfamilias*’ will, law or no law, due to the fact that girls typically married young in Roman society.<sup>105</sup>

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<sup>99</sup> John Crook, *Law and Life of Rome* (Ithaca: Cornell University Press, 1967), 108.

<sup>100</sup> Schulz, 134.

<sup>101</sup> Ulp. *dig.* 23.1.10.

<sup>102</sup> Gardner, *Women in Roman Law*, 11.

<sup>103</sup> Cic. *Att.* 13.42.

<sup>104</sup> Henry Thompson Rowell, *Rome in the Augustan Age* (Norman: University of Oklahoma Press, 1962), 204.

<sup>105</sup> Crook, *Law and Life of Rome*, 100. “It has been shown by statistical study of inscriptions that females in Roman society did in fact marry extremely early; the latest survey gives a modal marriage-age for women of 12-15.”

Therefore, in general, the *paterfamilias* possessed the power to arrange or dissolve the marriages of his dependents. The consent of the holder of *potestas* was necessary for nuptials because a couple *in potestate* had no legal capacity to act alone.<sup>106</sup> They could not legally determine what was politically, socially and financially most suitable to preserve the integrity and the stability of the family unit.<sup>107</sup>

Most upper-class individuals looked for a marriage partner who possessed qualities that would benefit their family. In other words, they sought a spouse who could profit and solidify the continuation of the family. As Dixon suggests, the “Romans expected to develop affectionate relationships within marriage after the match had been arranged with a view to status, material and political considerations.”<sup>108</sup> Perpetuation of the family was, after all, of prime importance.

This concern for the stability and reputation of the family leads into the final aspect of the duties of the *paterfamilias* that we will examine: his position as moral and religious leader. Edwards asserts that “the eldest male ascendant in the family, the *paterfamilias*, was held to be the source of moral authority within the household.”<sup>109</sup> Just as in the financial and marital realm, the *paterfamilias* was allowed and, in fact, expected to protect the integrity of the family as a social unit. Dio relates a story that the senators encouraged Augustus in 18 BC to curb the licentious behavior of young men and women. Augustus replied that such things could not be

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<sup>106</sup> Gardner, *Being a Roman Citizen*, 54.

<sup>107</sup> Gardner, *Women in Roman Law and Society*, 10-11. “It is clear nevertheless both from legal and non-legal texts that in practice older sons and daughters often took the initiative in matrimonial matters” In fact, what we do know of upper-class Roman life shows the women of the family “taking a lively, and sometimes even a directing interest in the arranging of their children’s marriages.” For example, Terentia and daughter Tullia arranged Tullia’s marriage to Dolabella while Cicero was in Cilicia (Cic. *Fam.* 8.6.2). Cicero legally could have stopped the marriage, but he decided to yield to his women. He wrote, “I hope this will turn out for the better; certainly the women are delighted with the young man” (Cic. *Att.* 6.6.1).

<sup>108</sup> Suzanne Dixon, *The Roman Mother* (Norman: University of Oklahoma Press, 1988), 26.

<sup>109</sup> Catharine Edwards, *The Politics of Immorality in Ancient Rome* (Cambridge: Cambridge University Press, 1993), 29.

regulated by law, but that they should be controlled by the male leaders of the family.<sup>110</sup> When the senator asked how Augustus made Livia behave, Augustus claimed that he focused on regulating her dress, deportment and general modesty.<sup>111</sup>

Until the Imperial Period, the state rarely interfered with family morality. The *paterfamilias*, along with a family *consilium*, could act as moral arbiter for his own household, and so state regulations for private behavior were unnecessary.<sup>112</sup> The *paterfamilias* thus could enforce all rules in order to preserve the integrity and reputation of the family. Crook affirms that “his household jurisdiction, with a family council, dealt with offences of its members (such as sexual offenses) that threatened the reputation of the family, and he could inflict chastisements and even death.”<sup>113</sup>

Thus a father could be strict with his children. William Harris in “The Roman Father’s Power of Life and Death” claims that “from an early date the Romans undoubtedly possessed a tradition that fathers should be not only strict but severe. This tradition appears to have been mainly senatorial, indeed mainly patrician.”<sup>114</sup> Harris lists several renowned cases where fathers disciplined their sons for publicly shaming the family. One example concerns a Spurius Cassius who was apparently put to death for trying to seize royal power. According to some versions, Cassius was condemned to death by his father because he was acting in a way that brought shame upon his family.<sup>115</sup> None of the authors who attribute the killing to the father suggests in

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<sup>110</sup> Dio Cass. 54.16.4-5.

<sup>111</sup> Dio Cass. 54.16.4-5.

<sup>112</sup> Cic. *Rep.* 4.6.

<sup>113</sup> Crook, *Law and Life of Rome*, 107.

<sup>114</sup> Harris, 87.

<sup>115</sup>This story appears in the histories of Dion. Hal. 8.77-80, Livy. 2.41.10-12, Dio Cass. fr.19 and Val. Max. 6.3.11. But while Dionysius of Halicarnassus and Livy relate a version whereby Spurius Cassius was condemned by two quaestors for *perduellio* (or by the senate - Dion. Hal. 79.1), Cic. *Rep.* 2.35.60, Val. Max. 5.8.2 and Pliny *H.N.* 34.15 describe a scene in which the father, not in the position of a magistrate but of a father alone, puts the misbehaving son to death.

any way that the father was condemning his son illegally; this was a case of a father curbing his son's illegal lust for power in order to protect the family name.

Another example of paternal control appears in Valerius Maximus' *Memorable Deeds and Sayings*. The tale recounts how in 232 BC Gaius Flaminius the tribune tried to push through legislation allowing the distribution of the Ager Gallicus. Just as he put the vote to the people, his father placed his hand on him and Gaius immediately stopped and left the rostrum. The assembly apparently made no attempt to prohibit the father. Gardner asserts that the conclusion to be drawn from this is that in the Republic, the son's authority in the state government was inferior to the father's private authority within the family. Believing that his son was abusing his authority, the father took action that was in the best interests of his family and the state.<sup>116</sup>

On the other side, a son or daughter was expected "to show *obsequium* and *pietas* towards his parents."<sup>117</sup> *Pietas* was the adhesive which solidified the family bond and became not only a social obligation but a legally recognized force.<sup>118</sup> Grant defines this force as "the dutiful respect owed to patrons just as it was owed to parents, fatherland, and gods."<sup>119</sup> *Pietas*, especially towards parents, was emphasized in a Roman value system which placed tremendous formal authority in the elderly, particularly the father.<sup>120</sup>

In fact, *pietas* could be displayed even after the death of a family member. As Dixon states, "Indeed, family duty could extend beyond the life cycle proper. Within the political arena, a young man could perform an act of filial piety and advance his own career at a stroke by prosecuting a former enemy of his father, whether the father were dead or alive."<sup>121</sup> Plutarch

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<sup>116</sup> Gardner, *Being a Roman Citizen*, 80.

<sup>117</sup> Schulz, 159.

<sup>118</sup> Gardner, *Being a Roman Citizen*, 83.

<sup>119</sup> Michael Grant, *History of Rome* (New York: Charles Scribner's Sons, 1978), 70.

<sup>120</sup> Dixon, 29.

<sup>121</sup> *Ibid.*

writes on this topic in his treatise on the Elder Cato. He records the story of a young man who had successfully prosecuted an enemy of his deceased father who said to Cato: “It is necessary to offer these things as sacrifices to parents, ...the tears and condemnations of enemies.”<sup>122</sup>

Augustus’ actions against the assassins of Julius Caesar also serve as a prime example of avenging a “father’s” death; this point will be examined more closely in Chapter Three.

Thus with a proper balance of piety and respect, fathers could create a stable environment in which all family members could thrive. Scholars have sufficient evidence to support this theory of harmonious balance. Garnsey states: “Latin authors repeatedly attest the strength of parental affection. Fathers grieved immoderately the death of their children, according to Seneca, despite the fact that they should have been numb to a tragedy so often repeated.”<sup>123</sup> On another occasion Seneca wrote that children were a source of joy and pleasure.<sup>124</sup> Even Augustus, who at one time would curse his children, according to Dio, publicly praised the merits of children:

Is it not sweet to raise a child who grows from both parents, to rear and educate a person with the semblance of your body and soul, so that as he grows up, he becomes another one of yourself? Is it not a blessing, when you are removed from this life, to leave behind as successor an heir both to your family and to your property, so that only the human part of you passes away, while you live on in the child who succeeds you?<sup>125</sup>

Of course, this speech was delivered by Augustus after he had made it clear that his domestic agenda included trying to persuade the wealthy of Rome to bear children. Perhaps Augustus should have stressed that the joy depends on the level of *pietas* displayed by the child. As

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<sup>122</sup> Plut. *Cat. Mai.* 15.

<sup>123</sup> Garnsey, *The Roman Empire*, 139.

<sup>124</sup> Sen. *Ep.* 9.7.

<sup>125</sup> Dio Cass. 56.3.

Helenus the seer shouts to Anchises in Book Three of the *Aeneid*: “Go, oh you who are fortunate in the piety of your son” (*vade, o felix nati pietate*).<sup>126</sup>

This *pietas* of Aeneas towards his father is exhibited throughout the *Aeneid*, but is exhibited most prominently at the death of Anchises. Aeneas cries out: “Here, driven by so many storms of the sea, oh! I lose my father Anchises, comfort in every care and misfortune, oh! You leave me here exhausted, greatest of fathers” (*hic pelagi tot tempestatibus actus heu! genitorem, omnis curae casusque levamen, amitto Anchisen; hic me, pater optime, fessum deseris, heu*).<sup>127</sup> Remarkably, five lines later, Aeneas completes the recounting of his journey before Carthage and is called *pater Aeneas* by Vergil himself.<sup>128</sup> Although this is not the first time he is addressed as such, it certainly accentuates the purity of Aeneas’ *pietas* and the transferral of *potestas* from the father to the son.

The responsibilities of the *paterfamilias* involved basic academic instruction. Since the household sometimes included the children of his slaves, freedmen, or of other relatives, this was a great responsibility.<sup>129</sup> As Wiedemann writes, “The traditional role of teaching in itself is bound up with the role of the father, who either takes his son’s education in hand itself, or chooses a respectable older exemplar for the boy to follow.”<sup>130</sup> Two of the most prominent examples we have of fathers who were deeply involved with the education of their sons are Cato the Elder and Cicero. Cato is purported to have written several educational textbooks for his son, including the *Origines* and *De Re Militari*. Wiedemann continues: “But not enough survives of Cato’s work to enable us to say for certain whether it (*De Re Militari*) was in fact a self-contained pamphlet, or part of the encyclopedia of essential *artes* which as a good *paterfamilias*

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<sup>126</sup> Verg. *Aen.* 3.480.

<sup>127</sup> Verg. *Aen.* 3.708-711.

<sup>128</sup> Verg. *Aen.* 3.716.

<sup>129</sup> Wiedemann, 143.

<sup>130</sup> O’Gorman, 122.

he compiled for the benefit of his son. If the latter, then it will have been very much in the tradition of Roman teaching, an example of a father passing on his experience to his son in a series of moral exhortations.”<sup>131</sup>

Cicero, likewise, felt that education was of prime importance for his son Marcus, just as his father before him. Everitt writes that Cicero’s father “had high ambitions for his two sons and made sure they were given a good schooling.”<sup>132</sup> Although Cicero sent Marcus to study with the best instructors in Greece, he also felt a personal responsibility to his son’s education. His treatise on moral philosophy, *De Officiis*, was written for his adolescent son. Cicero explicitly tells Atticus, “Who can teach a son about this better than a father?” (*qua de re enim potius pater filio*)<sup>133</sup> The father was not only in charge of arranging for the education of his household, he was, at times, himself the educator.

The final aspect of the *paterfamilias*’ duties that I will examine is his role as religious head of the family. The *paterfamilias* was in charge of the *sacra* and the worship of the family deities. If the family performed their rituals, then they hoped or even expected that the deities would be propitious.<sup>134</sup> Hence, presiding over the family’s practices of worship was an important duty for the *paterfamilias*.

The primary modes of obtaining the goodwill of the gods were sacrificial offerings, prayer, purification and vows. Offerings had to contain some form of life, so family offerings usually consisted of *mola salsa*, fruits and cheese, honey, wine or milk; this was opposed to state offerings, which usually involved the slaughter of pigs, bulls or oxen.<sup>135</sup> Although the

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<sup>131</sup> Wiedemann, 161.

<sup>132</sup> Anthony Everitt, *Cicero: The Life and Times of Rome’s Greatest Politician* (New York: Random House, 2001), 27.

<sup>133</sup> Cic. *Att.* 6.7.

<sup>134</sup> Scullard, 19.

<sup>135</sup> *Ibid.*, 22.

*paterfamilias* was in charge of making sure worship was carried out, each family member, especially a child under *potestas*, had an important role to play.<sup>136</sup> Wiedemann reports that according to Servius, it was the children who had to announce that the household gods were propitious when the *paterfamilias* offered sacrifice in the course of a meal.<sup>137</sup>

In his *Fasti*, Ovid describes a family preparing an annual sacrifice to the god of boundaries, Terminus.

An altar is made. The peasant woman brings forth fire taken from the warm hearth on a broken pot; the old man controls it and skillfully builds it up with cut wood; the boy stands and holds a wide basket in his hands. Then when he throws grain three times into the middle of the flames, the small girl offers slices of honeycomb and others hold the wine; bit by bit it is poured onto the flames. The group watches and, dressed in white, observes a sacred silence.

ara fit: huc ignem curto fert rustica testu  
sumptum de tepidis ipsa colona focus.  
ligna senex minuit concisaque contruit arte  
et solida ramos figere pugnat humo:  
tum sicco primas inritat cortice flammis,  
stat puer et manibus lata canistra tenet.  
inde ubi ter fruges medios immisit in ignis,  
porrigit incisos filia parva favos.  
vina tenent alii; libantur singular flammis;  
spectant, et linguis candida turba favet.<sup>138</sup>

Terminus was only one of the many household gods worshipped by individual families in Rome. Every important aspect of the house and farm had a unique spirit. A major household deity, Vesta, lived in the family hearth and “during the chief meal each day a piece of sacred salted cake was thrown into the fire from a small sacrificial dish.”<sup>139</sup> The cult of Vesta can be

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<sup>136</sup> Wiedemann, 181.

<sup>137</sup> Ibid. See Serv. A. 1.730.

<sup>138</sup> Ov. *Fast.* 2.645-54.

<sup>139</sup> Scullard, 17.

traced to the beginning of Rome's history and its founder was allegedly Numa.<sup>140</sup> Since Vesta symbolized the center of family life, she was given offerings every day to secure her goodwill.<sup>141</sup>

Another set of household deities were the Penates whose name derives from the *penus*, or store cupboard, the family's source of food. The store cupboard needed to be watched over diligently lest the family go hungry, and the Penates needed to be propitiated. Wiedemann explains: "The store-room, the *penus*, was a sacred place; it was for the children of the household to act as intermediaries between the adult consumers and the gods of the store-room, the Penates, who preserved the harvest produce and protected the household from starvation."<sup>142</sup>

Other groups of divinities closely associated with household worship were the Lares.<sup>143</sup> Morford and Lenardon state that "the Lares should be thought of as household spirits in origin who, in the agricultural community, could bring prosperity and happiness to the farmer and his farm."<sup>144</sup> Originally rural deities, the Lares were adopted at some point by city dwellers, and each house eventually had its *Lar familiaris*. Scullard affirms that "each later Roman household had its Lararium or shrine and offered daily prayers to the Lares, with perhaps a gift of wine or incense."<sup>145</sup>

One final deity worshipped in the Roman household was the *genius*. "The *genius*, 'the begetter', ... the procreative power on which the family depended for its continuance, was also worshipped."<sup>146</sup> The *genius* of the head of the family was preeminent; slaves swore oaths by his

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<sup>140</sup> Mark Morford and Robert S. Lenardon, *Classical Mythology*, 3<sup>rd</sup> ed. (New York: Longman Inc., 1985), 471.

<sup>141</sup> Scullard, 17.

<sup>142</sup> Wiedemann, 181.

<sup>143</sup> Scullard, 17. The origin of the Lares is a subject of argument. Some scholars believe that the Lares were "the deified spirits of the dead ancestors of the family." Others believe that the Lares were deities of the farmland who were eventually brought inside the house.

<sup>144</sup> Morford and Lenardon, 482.

<sup>145</sup> Scullard, 17.

<sup>146</sup> *Ibid.*

*genius* and offerings were made to it on his birthday.<sup>147</sup> The *genius* of Augustus would gradually be worshipped statewide, and his birthday and those of his family members would become state holidays. This trend took place across the sphere of household worship. Scullard states that “many of the state cults and festivals of Rome were in a sense family cults writ large, the projection for the wider needs of the community of the simple practices by which an individual tried to secure the safety and well-being of his household and land against the possible threat of supernatural powers.”<sup>148</sup> The role of the children in Roman state rituals also paralleled their role in household worship. During Augustus’ reign, the Romans even copied the Greek custom of having their children sing in choruses at state festivals.<sup>149</sup> This was clearly the case with the *Ludi Saeculares* and the children’s chorus singing the *Carmen Saeculare* of Horace. Every member of the family, even the children, had a responsibility to appease the gods in order to achieve divine favor. The job of the *paterfamilias* was to make sure that each family member fulfilled his duty.

Thus, the *paterfamilias* or *pater* of the Republican Roman family was completely responsible for the well-being of the family. The family members, in turn, were expected to show *pietas* and behave according to the *paterfamilias*’ wishes. The *paterfamilias* was in charge of the family funds, property distribution, education, morals and religion. Every action taken by the *paterfamilias* was to protect the future of the family, and the family members had to trust that he would act in accordance with what was best for all. This relationship was similar, in some ways, to Augustus and the Roman people; various actions he took were to make Rome stronger and more stable after a series of devastating civil wars. Augustus, through his laws and his

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<sup>147</sup> Morford and Lenardon, 482.

<sup>148</sup> Scullard, 17.

<sup>149</sup> Wiedemann, 182.

visual campaign, would become the father figure who would restore peace and stability to his people; he would become the “good king,” savior and father.

## CHAPTER 2

### **CENSORIA POTESTAS AND THE MORAL RESTORATION OF THE ROMAN NOBILITY**

#### Censoria Potestas and Sumptuary Legislation

Now that we have examined the rights and obligations of the *paterfamilias* of a noble Roman family in the Republican period, we must analyze whether Augustus through his legislative program ever assumed these or similar responsibilities in his role as *princeps*. Did Augustus or his administration attempt to control the purse strings of Roman families, whether in a budgetary manner or in the sphere of wills and intestate succession? Did he ever try to control the marriage choices of young Roman men and women in the manner of a *pater/paterfamilias* who is concerned with the stability and future of his family? Finally, did he ever impose strict moral standards ordinarily set by a *paterfamilias* upon his constituents? In other words, did the laws passed under Augustus position him in the role of the *pater* of the families of the state? Augustus' role as *princeps* was certainly similar to that of a father; he took actions to restore and maintain familial traditions of old and to secure the stability of the state.

In 19 BC Augustus received censorial powers for five years.<sup>150</sup> Suetonius says:

He also received command over morals and laws, likewise limitless; by this authority, although without the title of censor, he held a public census three times.

recepit et morum legumque regimen aequè perpetuum, quo iure,  
quamquam sine censurae honore, censum tamen populi ter egit.<sup>151</sup>

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<sup>150</sup> Whether this was in the form of a tangible office or not, scholars still debate. Dio Cass. 54.10.5; Aug. *Anc.* 6; Suet. *Aug.* 27.5.

<sup>151</sup> Suet. *Aug.* 27.5.

Although Augustus in his *Res Gestae* asserted that he refused the *cura morum et legum*, he may have done so until public urging compelled him to accept it in 19 or 18 BC. Shuckburgh states, “the *ensoria potestas* now given to Augustus practically put into his hands that control over the conduct of private citizens which the censors had exercised by their power of inflicting ‘ignominy’ upon them.”<sup>152</sup> Let us now look at the tradition of the censors in Republican Rome and the conditions that impelled the nobility to wield moral control over its own ranks.

By the end of the second century BC, Rome had defeated King Pyrrhus of Epirus, conquered Carthage and annexed its territories, vanquished Greece and the majority of the Hellenistic kingdoms, and had become a dominant force in the Mediterranean. This rapid expansion precipitated the influx of a tremendous amount of wealth, wealth that was absorbed primarily by the aristocratic families of Rome. Rowell summarizes the trend in this manner: “The old standards of ...morality began to fall in the second century BC before the wealth which came to the city from the conquests in the East. With the wealth came greed, a taste for the luxuries which had been common in the Hellenistic world.”<sup>153</sup> This excessive wealth, thrown upon one stratum of society, created a situation in which the privileged few had trouble reconciling this wealth with moral living and were not able to live up to the standards of the *mores maiorum*. Zanker explains the moral foundations of Rome as follows: “Simplicity and self-sufficiency, a strict upbringing and moral code, order and subservience within the family, diligence, bravery and self-sacrifice: these were the virtues that had continually been evoked in Rome with the slogan ‘*mores maiorum*,’ ever since the process of Hellenization began.”<sup>154</sup> These traditional standards of morality were quickly receding in the face of extraordinary abundance. Cicero in *De Officiis* quotes Marcus Licinius Crassus as saying that no amount of

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<sup>152</sup> Shuckburgh, 224.

<sup>153</sup> Rowell, 203.

<sup>154</sup> Zanker, 156.

wealth could be sufficient for a man with political ambitions (*M. Crassus negabat ullam satis magnam pecuniam esse ei, qui in re publica princeps vellet esse*).<sup>155</sup> Cicero continues:

Splendid magnificence and luxurious living with elegance and abundance are delightful; but once one is blessed with these things, an endless desire for wealth ensues.

delectant etiam magnifici apparatus vitaeque cultus cum elegantia et copia; quibus rebus effectum est, ut infinita pecuniae cupiditas esset.<sup>156</sup>

Herbert S. Hadley concluded in 1923 that the houses of this period constituted enormous investments -- Pompey's famous palace expropriated by Marc Antony was apparently the finest in Rome; Messalla's house was worth \$165,000 (1923 dollars), Claudius' \$655,000 (1923 dollars) and Scaurus' palace an astounding \$4,425,000 (1923 dollars).<sup>157</sup> Cicero himself owned "nine villas and four lodges and his townhouse cost him \$150,000 (1923 dollars)."<sup>158</sup> Hadley also observes that "extravagance of this kind in the cost of houses or the giving of banquets not only violated the law but must have been regarded as socially objectionable."<sup>159</sup>

One can comprehend the extravagance of the mid-late Republic through examples from ancient sources. Macrobius at a pontifical banquet questioned how one could condemn luxury in those days when even a priestly dinner was massive.<sup>160</sup> Varro stated in his *Res Rusticae* that "amidst such luxury there is a feast every day within the doors of Rome" (*sed propter luxuriam, inquit, quodam modo epulum cotidianum est intra ianuas Romae*).<sup>161</sup> Cato in the second century BC in his *De Agricultura* included instructions for stuffing hens and geese, proving that, according to the sumptuary laws at the time (*lex Fannia*), stuffing was allowed, but restricted for

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<sup>155</sup> Cic. *Off.* 1.8.25.

<sup>156</sup> Cic. *Off.* 1.8.25.

<sup>157</sup> Herbert S. Hadley, *Rome and the World Today*, 2<sup>nd</sup> ed. (New York: G.P. Putnam's Sons, 1923), 190.

<sup>158</sup> *Ibid.*

<sup>159</sup> *Ibid.*

<sup>160</sup> Macrobi. *Sat.* 3.13.10-16.

<sup>161</sup> Varro *Rust.* 3.2.16.

holidays and feast days.<sup>162</sup> Gowers deduces that “...the occasional increase in consumption was knitted into the structure even of the humble peasant’s year; the fathers of the city did not begrudge the odd blow-out, within limits.”<sup>163</sup> But apparently the odd blow-out became all too common throughout the first and second centuries. According to Pliny (the Elder), Cato’s orations constantly inveighed against gastronomic luxury, especially eating certain cuts of pork.<sup>164</sup> But Pliny continued that even in his age “two or three boars are consumed at one time not as a whole dinner but as an appetizer” (*non tota quidem cena sed in principio bini ternique pariter manduntur apri*).<sup>165</sup>

Gowers concludes in her study of dietary excess that “sumptuary laws were aimed not only at curbing displays of wealth, but also at reinstating symbolically the traditional distinction between weekday food and amplified festival food which was being blurred by increased prosperity and availability.”<sup>166</sup> Thus with the influx of wealth in the late second century BC there was a perceived need for the censors, fathers of the city, to control the morals of the aristocracy in Rome.

Originally, the censors were in charge of conducting the census and checking the senate rolls for unworthy or unqualified members. Livy writes this about the first election of censors in 443 BC:

This same year there was the beginning of the censorship, which arose from small beginnings and then grew to such an extent that the control of Roman morals and discipline was under its control; the distinction between the honorable and dishonorable among the senators and the centuries of the equestrians was under its jurisdiction; the rule

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<sup>162</sup> Cato *Agr.* 89-90.

<sup>163</sup> Gowers, 72.

<sup>164</sup> Erich Segal, *Roman Laughter: The Comedy of Plautus*, 2<sup>nd</sup> ed. (New York: Oxford University Press, 1987), 48. Pliny *H.N.* 8.78.210.

<sup>165</sup> Pliny *H.N.* 8.78.210.

<sup>166</sup> Gowers, 73.

over public and private places and the taxes of the Roman people were under its command and control.

idem hic annus censurae initium fuit, rei a parva origine ortae, quae deinde tanto incremento aucta est ut morum disciplinaeque Romanae penes eam regimen, senatui equitumque centuriis decoris dedecorisque discrimen sub ditione eius magistratus, ius publicorum privatorumque locorum, vectigalia populi Romani sub nutu atque arbitrio eius essent.<sup>167</sup>

The censors gradually became agents of state scrutiny and capable of intervening in the lives of private citizens. Field states: “The care of such matters at Rome became gradually a recognized administrative function; certainly it was such by the time of Cicero, who said the censors “prohibit celibacy, regulate the morals of the people” (*caelibes esse prohibento, mores populi regunto*).<sup>168</sup> Alan Watson in his *The Law of the Ancient Romans* states that “the censors used this position of power to become the guardians of Roman morals, and they would intervene, for instance, if a father abused his power over his children.”<sup>169</sup> Thus the censors, the highest-ranking *patres* in the senate, eventually took over some of the private responsibilities of a *pater* and lived up to their name *patres*. Plutarch in his *Lives* describes the position of censor in this manner:

It had other great powers, including searching into people’s lives and customs. They (the Romans) believed that neither marriage nor childbearing nor living nor socializing ought to be free from control and inquiry, as each person has his own desires and preferences.<sup>170</sup>

One should note that censors paid attention chiefly to those persons in the equestrian class and above,<sup>171</sup> encompassing the same socioeconomic level as Augustus’ moral legislation.

It is important to examine briefly how the censors’ duties came to encompass the morals of citizens. Morals of individuals were originally curbed by the *paterfamilias* and the family

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<sup>167</sup> Liv. 4.8.2.

<sup>168</sup> James A. Field, “The Purpose of the *Lex Julia et Papia Poppaea*,” *Classical Journal* 40 (1944-45), 404. Cic. *Leg.* 3.3.7.

<sup>169</sup> Watson, *Law of the Ancient Romans*, 34.

<sup>170</sup> Plut. *Cat. Mai.* 16.1.

<sup>171</sup> Liv. 24.18.7.

*consilium*. The *paterfamilias* controlled monetary funds, marriages and morality so that his family could sustain a reputable name. This was particularly important to upper-class Romans. The nobility had to preserve its dignity, and if it could not be controlled internally within the family unit, it would have to be controlled externally by selected magistrates in order for the nobility to thrive. Alan Astin explains that initially the censors downgraded magistrates who no longer fulfilled the requirements of a political position, but over the course of nearly 400 years judgments on those individuals expanded into criticisms of the conduct of private individuals.<sup>172</sup> He observes also that the moral shortfalls of private individuals contributed to the deterioration of the state.

They (the censors) exercised a large measure of personal discretion in deciding what merited their attention.... Some of the grounds can be grouped into such categories without difficulty: acts of military indiscipline; religious offences, such as perjury and the neglect of responsibilities for rituals; abuses of magisterial power. Furthermore, all these can be understood as threats to the well-being of the state.<sup>173</sup>

One category which censors became involved in was the care of property and inheritances. We have already seen the high priority on keeping inheritances within the blood family. Even the Twelve Tables documented the need for curators to be in charge of inheritances which might be squandered.<sup>174</sup> Astin explains: “Cato himself gave expression more than once to a strong sense of the responsibility which lay upon those who had inherited property not to allow their inheritance to diminish, but rather to increase it. The theme is echoed by later censors: Scipio Aemilianus, who accused Tiberius Claudius Asellus of squandering more than a

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<sup>172</sup> Alan Astin, “*Regimen Morum*,” 14-34.

<sup>173</sup> *Ibid.*, 19.

<sup>174</sup> *Ibid.*, 22.

third of his paternal inheritance.”<sup>175</sup> In a similar way, Augustus’ legislation controlled inheritance rights, reaffirming the rights of the blood family.

The censors probed into domestic affairs even before the Augustan legislation. Dionysius of Halicarnassus said that the Romans in the third century BC “opened every house, extending the jurisdiction of the censors even into the home.”<sup>176</sup> Astin asserts that the censors were not a device for controlling the masses, but “evolved as a mechanism by which the politically dominant section of society imposed restraints upon itself and its individual members.”<sup>177</sup> Cicero states in *De Legibus* that the upper class “should be without fault, an example to the others” (*is ordo vitio careto, ceteris specimen esto*).<sup>178</sup>

Thus, censorial intervention in cases of sexual and sumptuary excess gradually became the norm in Republican Rome. The censors had legitimate authority over the private morality of citizens.<sup>179</sup> When Augustus took up censorial powers in 19 BC, he continued with this tradition. Sumptuary laws had been enacted throughout Roman history: ancient law regulated the amount of silver plate a man might legally own, and several laws of the third and second centuries BC limited the amount spent on dresses or jewelry by women and restricted the number of guests and amount spent on banquets.<sup>180</sup> The *lex Oppia* of 215 BC, passed as a wartime measure during the Second Punic War, restricted luxuries for women. The *lex Cincia* of 204 BC limited the amount spent on gifts for people outside of the family.<sup>181</sup> In 184 BC Cato and Valerius Flaccus assumed the censorship and imposed financial penalties for the possession of certain luxury

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<sup>175</sup> Ibid.

<sup>176</sup> Dion. Hal. 20.13.3.

<sup>177</sup> Astin, “*Regimen Morum*,” 32.

<sup>178</sup> Cic. *Leg.* 3.12.28.

<sup>179</sup> Edwards, 59-60.

<sup>180</sup> Shuckburgh, 225.

<sup>181</sup> Crook, “*Patria Potestas*,” 121.

items, including women's clothing and slaves.<sup>182</sup> That same year was the year in which a man was expelled from the senate by Cato for engaging in a harmless public display of affection with his wife in public. Plutarch describes it thus:

He (Cato) expelled from the senate Manilius -- who was probable to become a consul -- because he had embraced his wife in the daytime with his daughter within sight.<sup>183</sup>

The lex Orchia of 182/181 BC was the first to deal with table luxury, limiting the delicacies and meats Romans could consume and restricting the number of guests allowed for private entertainment. Macrobius used this law as fodder for his *Saturnalia*: "But the first law among all regarding dinners, the *lex Orchia*, came to the people" (*prima autem omnium de cenis lex ad populum Orchia pervenit*).<sup>184</sup> The lex Fannia followed in 161 BC and allowed a moderate increase in entertainment expenditures during the Saturnalia and the plebeian games.<sup>185</sup> Gowers says regarding the sumptuary laws of 161 BC, "not only did the ban help to redefine the structure of weekday and festival in the Roman year: the limited proportions of the everyday human...also supplied a model for the proper limits of the Roman state's consumption."<sup>186</sup>

Closer to Augustus' reign were other sumptuary laws. L. Cornelius Sulla, according to Aulus Gellius, had passed a sumptuary law:

Afterwards, when many men were enjoying splendid inheritances and flushing their family money down the toilet with lunches and dinner parties, L. Sulla as dictator brought a law to the people in which it was decreed that on the Kalends, the Ides, the Nones and days of games and on certain solemn feast days it would be allowed and permitted that one spend three hundred sesterces on dinner, but on all other days no more than thirty (was allowed).

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<sup>182</sup> Astin, "Regimen Morum," 24.

<sup>183</sup> Plut. *Cat. Mai.* 17.7.

<sup>184</sup> Macrobi. *Sat.* 3.17.2.

<sup>185</sup> Gell. *N.A.* 2.24.3.

<sup>186</sup> Gowers, 75.

postea L. Sulla dictator, cum ... plerique in patrimoniis amplis  
elluarentur et familiam pecuniamque suam prandiorum conviviorumque  
gurgitibus proluissent, legem ad populum tulit qua cautum est ut Kalendis,  
Idibus, Nonis diebusque ludorum et feriis quibusdam sollemnibus  
sestertios trecenos in cenam insumere ius potestasque esset, ceteris autem  
diebus omnibus non amplius tricenos.<sup>187</sup>

Julius Caesar also “tidied up the system, passed repressive measures, tackled the financial crisis and perhaps offered rewards to fathers of large families. Sumptuary laws checked extravagance in meals, building and perhaps women’s jewelry.”<sup>188</sup> In Cicero’s *Pro Marcello*, Cicero advised Caesar to stabilize the republic by repressing vice, encouraging the propagation of children, and binding together “everything which has collapsed and dissolved with strict laws” (*omnia, quae dilapsa iam diffluxerunt, severis legibus*).<sup>189</sup>

In his *De Republica*, Cicero insisted that censors needed to instruct men to control their own wives: “There should be a censor who could teach men to control their wives” (*sit censor, qui viros doceat moderari uxoribus*).<sup>190</sup> By 46 BC, as Shuckburgh explains, Caesar “not only regulated the cost of furniture and jewels, according to the rank of the owners, and the amounts to be spent upon the table, but he had sent agents into the provision markets, who seized all dainties beyond the legal price, and even entered private houses and removed dishes from the table.”<sup>191</sup> What is important here is that by 46 BC an effort at moral reconstruction had begun. These measures, from the second century to Julius Caesar’s reign, were attempts to preserve the aristocracy. For there was already a feeling in Rome that the *patres*, the magistrates, needed to help the *patresfamilias* to control expenditures and vice. Zanker asserts, “Without a return to the

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<sup>187</sup> Gell. *N.A.* 2.24.11.

<sup>188</sup> Susan Treggiari, “Social Status and Social Legislation,” 884.

<sup>189</sup> Cic. *Marcell.* 23.

<sup>190</sup> Cic. *Rep.* 4.6.

<sup>191</sup> Shuckburgh, 225.

ancestral virtues there could be no internal healing of the body politic,”<sup>192</sup> particularly in the midst of civil war.

After Actium in 31 BC the mood in Rome, especially among the upper classes, was pessimistic. “They were not hopeful for the future, primarily because they saw the civil war and all the other calamities as a consequence of a complete moral collapse.”<sup>193</sup> One can grasp this pessimism by examining Livy’s preface to the *Ab Urbe Condita*:

Let it follow in his mind how, with discipline little by little eroding and morals inactive, they declined more and more; then how they began to fall precipitously until the recent times in which we are able to endure neither our own vices nor their remedy.

labente deinde paulatim disciplina velut desidentis primo mores sequatur animo, deinde ut magis magisque lapsi sunt, tum ire coeperint praecipites, donec ad haec tempora quibus nec vitia nostra nec remedia pati possumus perventum est.<sup>194</sup>

Rudd comments that after Actium “the state now assumed a position analogous to that held by the individual. Happiness still depended on inner peace, but this could now be seen to include peace within the empire. As the individual’s well-being demanded a careful discipline of the emotions, so Rome’s health depended on the control of destructive social forces like extravagance, lawlessness, and domestic immorality.”<sup>195</sup> Horace’s Third Ode, published in 23 BC, stated that the men who wished to be called *patres urbium* should restrain license (*refrenare licentiam*) in order to guarantee political stability.<sup>196</sup>

Augustus observed the need for action to be taken to restore the traditions of old. If the *patresfamilias* could not preserve traditional morality among family members, then Augustus

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<sup>192</sup> Zanker, 156.

<sup>193</sup> Ibid., 101.

<sup>194</sup> Liv. 1.1.

<sup>195</sup> Niall Rudd, “Horace: A Critique of the Academic Dichotomy,” in *The Cambridge History of Classical Literature* 2 (1982): 103-04.

<sup>196</sup> Hor. *Carm.* 3.24.27-29.

with his censorial powers had to assume those reins of control. He states in his *Res Gestae* quite proudly that through the new legislation he restored ancient traditions that had fallen into disuse.<sup>197</sup> Shuckburgh asserts: “Feeling now directly responsible for the morals and general habits of the citizens he began a series of legislative measures designed to suppress extravagance and debauchery, and to encourage marriage and family life, which would have permanent validity.”<sup>198</sup> In 22 BC, Augustus passed sumptuary legislation that tried to restrict the amount spent on *cenae* on ordinary days, festival days and wedding feasts; he also attempted to regulate the size and magnificence of private mansions and to moderate women’s fashions. Hadley states that these laws “constituted a concrete expression of public opinion against the lavish display and indulgence of the new rich and those who sought notoriety by such means.”<sup>199</sup>

Yet, according to most evidence, Augustus’ sumptuary laws were ineffectual. Shuckburgh maintains: “Nothing that we know of Roman life afterwards leads us to think that this form of paternal government -- though quite in harmony with Roman ideas -- ever attained its object.”<sup>200</sup> Whether the sumptuary laws of Augustus were effective is a subject for debate. What is of note, however, is that according to modern scholars like Shuckburgh, paternal government was what Augustus was striving for.

It is important to note that Augustus, through his laws and in the tradition of the censors of old, assumed moral responsibility for the aristocratic families of Rome. “There is no doubt that he did consider the supervision of morals to fall within his sphere of responsibility. Augustus acted accordingly, sponsoring laws which he claimed restored the ‘exemplary practices

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<sup>197</sup> Aug. *Anc.* 8.

<sup>198</sup> Shuckburgh, 224.

<sup>199</sup> Hadley, 190.

<sup>200</sup> Shuckburgh, 225.

of our ancestors.’”<sup>201</sup> He did not aim to abolish wealth, for Rome had become the center of a large and prosperous empire; but he did make sure try to curb that wealth so that it did not undermine traditional values, the values upon which a stable Rome would thrive.<sup>202</sup> Just as a *paterfamilias* controlled the *peculium* of a child under his *potestas*, Augustus limited the spending habits of the larger Roman family. The Roman aristocracy needed to be stabilized in order to ensure its future and his future within it.

### Augustus’ Marriage Legislation

Another consequence of the catastrophic civil wars and of the tremendous influx of wealth in the second and first centuries BC was the reduction in the aristocratic population. Not only had many noble families died in the wars and in the multiple proscriptions, but aristocratic men and women had begun to shun legitimate marriage. In addition, if they did get married, they often decided to have only one or two children. Unfortunately, one or two-children families were not sufficient in a world where the mortality rate for children under age ten was close to fifty percent.<sup>203</sup> Garnsey claims that “because of the high infant mortality rate, Roman women who lived to adulthood had to bear five or six children on average, if the population was not to go into decline.”<sup>204</sup> The upper class, according to census figures of the time, seemed to be fading fast. Schulz states in his work, *Classical Roman Law*, that “the old noble families died out in the course of the last century BC and the new aristocracy soon suffered the same fate.”<sup>205</sup> Writers of the time lamented the disappearance of the upper echelons of society.<sup>206</sup> Cassius Dio comments on Julius Caesar’s situation in 46 BC:

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<sup>201</sup> Wells, 55; Aug. *Anc.* 8.

<sup>202</sup> Shotter, 44.

<sup>203</sup> Garnsey and Saller, 138 ff.

<sup>204</sup> Ibid.

<sup>205</sup> Schulz, 106.

<sup>206</sup> Field, 400.

Because of the horrible population decline due to the multitude of those killed, as was proven in the census (for he completed these, among other things, as if he was a censor) and by observation, he offered prizes for an abundance of children.<sup>207</sup>

Approximately twenty-three years later, the problem seems to have continued.

Modern scholars agree that there was a drop in aristocratic numbers throughout the first century BC. Susan Treggiari, in examining the literature of the age, writes: “The pessimism of Horace in the *Epodes* and early *Odes* is grounded in what seemed an unending cycle of civil war. Too many men of a generation had been killed -- and not replaced by new children.”<sup>208</sup> Field makes a similar observation: “These classes (senatorial and equestrian), on whose shoulders rested the burden of civil and military administration of the vast empire, had suffered greatly in the civil wars, especially from proscription, and, even more important, they were failing to reproduce in anything like adequate numbers.”<sup>209</sup> Catharine Edwards also concludes through recent population studies that the senatorial families of Rome were failing to reproduce themselves in significant numbers.<sup>210</sup>

Thus all evidence suggests that the diminishing population of the senatorial elite necessitated action, since a manpower shortage threatened the defensive capabilities of the state. Recruitment for the army was suffering and other factors contributed to an inability to replace the source of manpower. Field writes, “The problem of the aristocracy was made more serious by the difficulty of recruiting up from the lower classes; not only had the old Italian stock almost vanished from the towns but the descendants of freedmen were not being born fast enough to

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<sup>207</sup> Dio. Cass. 43.25.2.

<sup>208</sup> Susan Treggiari, “*Leges Sine Moribus*,” *The Ancient History Bulletin* 8.3 (1994): 97; Hor. *Carm.* 1.2.23.

<sup>209</sup> Field, 399.

<sup>210</sup> Edwards, 42.

replace it.”<sup>211</sup> Hence the fall in population was more than just a numbers issue -- it was affecting the military might of the expanding empire.

But was it the right of the ruling leader to encourage procreation and to invade the realm of the family, all in the name of the state? We saw earlier in this chapter that various magistrates with *censoria potestas* felt the need to check the spending habits of Roman nobles in order to secure stability in the state and to avoid corruption. But as Rowell points out, “until the Augustan Age, marriage, divorce, and the number of offspring within a family were private affairs with which public authority did not interfere.”<sup>212</sup> As established in Chapter One, it was the *paterfamilias* along with the family council who set up the regulations on dress, decorum, inheritance, marriage and divorce in order to perpetuate and preserve the family. But did the drop in the aristocratic population warrant legislative restrictions by Augustus in the late first century BC?

James Field believes so: “To the ancients, moreover, the problem of immorality ... was among the most serious that could face society, and were matters for legislative attention.”<sup>213</sup> Dionysius of Halicarnassus believed that the state depended on the family unit, and that the lawmaker should regulate marriages and sexual behavior.<sup>214</sup> Horace also linked Rome’s future as an empire with moral fortitude in his *Carmen Saeculare*:

Now Faith and Peace and Honor  
and old-fashioned Modesty and neglected  
Virtue dare to return, and blessed  
Abundance appears with a full horn.

iam Fides et Pax et Honos Pudorque  
priscus et neglecta redire Virtus

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<sup>211</sup> Field, 399.

<sup>212</sup> Rowell, 201.

<sup>213</sup> Field, 399.

<sup>214</sup> Dion. Hal. *Ant. Rom.* 2.24-26.1.

audet, apparetque beata pleno  
Copia cornu.<sup>215</sup>

Livy's preface, as mentioned earlier, clearly associates Rome's strength with purity and noble deeds:

No republic has ever been greater or more holy or richer in good deeds; nor has avarice and luxury ever overwhelmed a state so late; nowhere has the respect for poverty and thrift been for so long maintained. When there were less things, by that much less was our greed; recently riches have brought in greed and overflowing pleasures have carried in the desire for extravagance and the lust to ruin ourselves and destroy everything.

nulla umquam res publica nec maior nec sanctor nec bonis exemplis ditior fuit, nec in quam civitatem tam serae avaritia luxuriaque inmigraverint, nec ubi tantus ac tam diu paupertati ac parsimoniae honos fuerit. adeo quanto rerum minus, tanto minus cupiditatis erat; nuper divitiae avaritiam et abundantes voluptates desiderium per luxum atque libidinem pereundi perdendique omnia invexere.<sup>216</sup>

Thus, it is quite clear that according to many Romans, controlled morality was crucial to the success of the empire. Treggiari writes that "the underlying rationale for the focus on the family seems to be the belief that the health of the state, that is the Roman people, depends on the health of its constituent families."<sup>217</sup> If the state depended on the integrity and the perpetuation of good Roman families, then the stability of the families was no longer just the concern of the *paterfamilias*. As Andrew Wallace-Hadrill observes in his work *Augustan Rome*: "The family was an analogy for society as a whole. It was seen in ancient thought (and often is in modern) as the basic building-block of society."<sup>218</sup> If the families were the building-blocks of society, then the families needed to be bolstered. One element that needed to be fostered logically was *pietas*, for *pietas* was the adhesive element for family unity. *Pietas*, duty to the

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<sup>215</sup> Hor. *Carm. Saec.* 57-59.

<sup>216</sup> Liv. 1.1.11-12.

<sup>217</sup> Treggiari, *Leges Sine Moribus*, 11.

<sup>218</sup> Wallace-Hadrill, *Augustan Rome*, 68.

fatherland, gods and family was a prevalent motif in Virgil's *Aeneid*. The family unit "was given as especial force in the Roman value system by their ideal of *pietas*, the relation of respect that should equally bind together members of the family, members of society, and man and god."<sup>219</sup> Augustus displayed his *pietas* as a son by avenging the assassins of his father, the divine Julius Caesar, showing his devotion to Rome and father simultaneously. In a similar way, in the *Aeneid* Aeneas shows piety by rescuing his father, son and household gods from Troy, by obeying the orders of Jupiter, and by worshipping the gods as a proper suppliant. Wallace-Hadrill expands on this: "Aeneas, by offering the archetype of Roman piety, the man who simultaneously rescues his father and son and saves, by exporting overseas, his country, reinforced the assumption that the salvation of society starts with the family."<sup>220</sup> Augustus thus needed to make the concept of *pietas* preeminent in his program of family restoration.

The critical role of the family structure in ensuring national stability is further reinforced by the devastation of the civil wars – a prolonged struggle which constituted a bloody battle of brother against brother that destroyed individual families and, in turn, the state. As Karl Galinsky so succinctly states in his masterful work, *Augustan Culture: An Interpretive Introduction*, "the decline of marital morality was now viewed as the major symptom of moral decline, the very moral decline that was the root cause for Rome's civil wars."<sup>221</sup> Thus, Augustus felt the need to restore the marriage traditions of old, augment the noble populace, and ensure that a return to *pietas* would guarantee national stability.

There were precedents set centuries before for the legislation of marriage and procreation.<sup>222</sup> Plutarch says that Numa Pompilius utilized incentives for marriage, doling out

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<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Galinsky, 135.

<sup>222</sup> Crawford, "Lex," 849-53.

rewards to the fathers of large families and punishments to bachelors.<sup>223</sup> In the fifth century BC there is additional evidence of censors encouraging marriage and the expansion of families. Fines were apparently imposed upon *caelibes* by the censors in 403 BC;<sup>224</sup> Later on in 131 BC the censor Quintus Metellus Macedonicus allegedly proposed that all males be required by law to marry for the purpose of begetting children.”<sup>225</sup> Macedonicus said that the state would not be safe without the increase in marriages.

Cicero in his *De Legibus* instructed the censors to prohibit *caelibes*.<sup>226</sup> Julius Caesar had also found it necessary to institute a series of enactments on the topic of marriage and procreation; Augustus simply augmented them. He did not institute his moral legislation without reason or precedent; just as a *pater* maintained the reputation of his own family, Augustus had to restore the integrity of the Roman family in order to guarantee a secure future.

In two statutes, the *lex Julia de maritandis ordinibus*, a plebiscite of 18 BC, and the consular *lex Papia-Poppaea* of AD 9, Augustus took action to establish a system of social rules in order to prevent the decline of the Roman population.<sup>227</sup> Unfortunately, it is difficult even today for scholars to assess the specifics of these laws because only a few fragments have been preserved.<sup>228</sup> Much of the evidence which does survive appears in Justinian’s *Digest*, a compilation of the opinions and decisions of jurists on the laws of Rome. In addition, there is some difficulty in delineating the various facets of the Julian Laws of 18 BC (including the *lex Julia adulteriis coercendis*) as separate from the Papia-Poppaeian laws because the jurists in later

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<sup>223</sup> Plut. *Num.* 10.3.

<sup>224</sup> Astin, *Regimen Morum*, 25.

<sup>225</sup> Rowell, 205-6.

<sup>226</sup> Cic. *Leg.* 3.7.

<sup>227</sup> Schulz, 107.

<sup>228</sup> *Ibid.*

years combined the laws into a “Julian and Papian Law.”<sup>229</sup> Therefore, the significance of the laws will be examined as a whole.

The laws of 18 BC comprised an extensive package passed by the Roman assembly in Augustus’ name and they concerned a variety of issues including marriage, procreation and adultery. Dress, religion, luxury, electoral bribery, public violence and treason were also matters which were addressed.<sup>230</sup> All facets were for one common purpose, to restore the stability of the empire after the civil wars. The laws impressed upon Roman men that it was critical for them to marry and procreate in order to ensure the existence of their family and the state. Raditsa claims that Augustus was, in a way, “encouraging them by compulsion to become fathers in a world where his overwhelming presence made of him in some psychological sense the only father.”<sup>231</sup>

A considerable number of upper-class Romans saw children as a luxury rather than an obligation.<sup>232</sup> Children were obviously expensive and required the longest of commitments. Suetonius cites a member of the senatorial class, Hortalus, who was impoverished because Augustus had encouraged him to have four children.<sup>233</sup> Some aristocratic families chose to adopt as heirs the adult children of other families in order to avoid the expense of raising children.<sup>234</sup> This trend in avoiding children brought about a lack of heirs for noblemen which, in turn, led to a phenomenon of legacy hunters who lured their way into older noblemen’s hearts in order to gain an inheritance. Wiedemann states: “Legacy hunting looms large in Latin literature: in other words, the rich could buy themselves security in their old age by promising to leave their property to those who were prepared to look after them. They did not need children of their own

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<sup>229</sup> Treggiari, *Social Status and Social Legislation*, 887.

<sup>230</sup> Wallace-Hadrill, *Augustan Rome*, 66.

<sup>231</sup> Leo Ferrero Raditsa, “Augustus’ Legislation Concerning Marriage, Procreation, Love Affairs and Adultery,” *Aufstieg und Niedergang der Römischen Welt* 13, no.2 (1980): 333.

<sup>232</sup> Wiedemann, 26.

<sup>233</sup> Suet. *Tib.* 47.

<sup>234</sup> Edwards, 51.

to provide them with security.”<sup>235</sup> Cicero in *De Officiis* condemned the *malitiosae blanditiae* of flatterers searching for inheritances:

For me, indeed, even true legacies are dishonest if they are sought after by wicked flatteries and by false and untrue pretenses.

mihi quidem etiam verae hereditates non honestae videntur, si sunt malitiosis blanditiis, officiorum non veritate, sed simulatione quaesitae.<sup>236</sup>

Horace in his *Satires* alluded to the fact that if one wanted to become wealthy, all one needed to do was find a dead man’s shoes.<sup>237</sup> As stated in Chapter One, inheritance laws attempted to regulate the *paterfamilias*’ bequests in order to preserve the rights of the *heredes* and to stabilize the blood family’s future. The trend toward leaving property to those outside of the family threatened the survival of those noble families.

At the same time as this phenomenon occurred, the institution of marriage in its most traditional sense was fading. There were two types of marriage in Roman society from the time of the Twelve Tables: marriage with *manus* and marriage without *manus*. In the late third to early second century BC, marriage with *manus* was still more common than the latter; but by the first century BC, marriage with *manus* had become uncommon. Marriage with *manus* simply meant that the woman was handed over into the hand (*manus*) of her husband from her *paterfamilias* or guardian. By doing so “she left the agnatic family of her birth entirely, and became part of that of her husband just as if she had been adopted. Whatever property she took with her (for she might own property if she was already *sui juris*, not in the power of a *paterfamilias*) belonged henceforth to her husband or his *paterfamilias*.”<sup>238</sup>

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<sup>235</sup> Wiedemann, 26.

<sup>236</sup> Cic. *Off.* 3.18.74.

<sup>237</sup> Hor. *Sat.* 2.5.

<sup>238</sup> Crook, 103.

There were three types of marriage with *manus*: *confarreatio*, *coemptio* and *usus*. *Confarreatio* was a chiefly patrician institution from the Regal Period created by a religious ceremony at the altar of Jupiter Farreus in the presence of the pontifex maximus, the flamen dialis, and witnesses. A sacrifice was made during the ceremony and a cake of *far* was consumed.<sup>239</sup> Dionysius of Halicarnassus explained: “The ancient Romans called these sacred and lawful marriages *confarreatio*, from the word for taking in the communion of *far*, which we call *zea*.”<sup>240</sup> A marriage joined by *confarreatio* could only be dissolved by *diffareatio*, which was a sacred dissolution of the union completed in a religious ceremony.

*Coemptio* was a marriage contract in which a woman was sold to her husband.<sup>241</sup> Buckland clarifies this by saying that although the wording of the *coemptio* was very similar to that of the selling of goods, the woman was not really sold to her husband, more likely “she was not sold, but sold herself with the consent of her father or tutor.”<sup>242</sup>

The third mode of marriage with *manus*, *usucapio*, was one in which *manus* was created for the husband simply by the husband having his wife in possession for one year. A woman could escape from *usucapio* by staying away from her husband’s home for three nights. *Usucapio*, also called *usus*, “was the earliest mode of creation of *manus* to disappear. It existed in the last century of the Republic, but Gaius tells us that in his time it was gone, partly by enactments (unknown), and partly by desuetude.”<sup>243</sup>

A wife under the *manus* of her husband had no right to property (beyond a *peculium*), and she was described as the daughter of her husband.<sup>244</sup> The husband’s father (or senior male) had

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<sup>239</sup> Dion. Hal. 2.25.2.

<sup>240</sup> Dion. Hal. 2.25.2.

<sup>241</sup> Alan Watson, *Law of the Ancient Romans*, 32.

<sup>242</sup> W.W. Buckland, *Of Roman Law from Augustus to Justinian*, 3<sup>rd</sup> ed. (Cambridge: The University Press, 1963), 119.

<sup>243</sup> *Ibid.*, 121. See also Gai. *Inst.* 1.110-111.

<sup>244</sup> William A. Hunter, *Introduction to Roman Law* (London: Sweet and Maxwell, Ltd., 1934), 36.

legal power over the new wife along with members of the family, even though he might allow a married son control over his wife.<sup>245</sup>

The second type of marriage, a marriage *sine manu*, was given legal recognition after the Twelve Tables.<sup>246</sup> Although the scarcity of sources limits us knowing how old this institution was, marriage without *manus* was quite common by the beginning of the second century BC.<sup>247</sup> If a woman was not under the power of her husband, she remained in the same status, either independent (*sui juris*) or in the power of her father.<sup>248</sup> Any property she held was controlled by agnate guardians, and she could not transfer any property without her guardian's consent.<sup>249</sup> This was, of course, to protect the interests of the family. Michael Grant calls this a "freer kind" of marriage, since "the wife was not entirely tied down."<sup>250</sup> There was no specific ceremony associated with this type of marriage, and all that was required was the consent of the parties and their *patres*.<sup>251</sup>

Marriage with or without *manus* was, "in the oldest times, looked upon mainly as a means of producing those descendants of pure blood who should perpetuate the *sacra*."<sup>252</sup> Alan Watson agrees: "The main effect of a valid Roman marriage was that the children were legitimate and were under the power (*patriapotestas*) of the head of the family."<sup>253</sup>

Clearly by the end of the Republic marriage with *manus*, although still in existence, had become less common. In fact, according to Grant, even the concept of guardianship had eroded

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<sup>245</sup> Alan Watson, *Studies in Roman Law*, 9<sup>th</sup> ed. (London: The Hambledon Press, 1991), 19.

<sup>246</sup> Watson, *Studies in Roman Private Law*, 17.

<sup>247</sup> Watson, *Law of the Ancient Romans*, 32.

<sup>248</sup> Hunter, 38.

<sup>249</sup> Watson, *Law of the Ancient Romans*, 33.

<sup>250</sup> Michael Grant, *A Social History of Greece and Rome* (New York: Charles Scribner's Sons, 1992), 27-28.

<sup>251</sup> H.F. Jolowicz, *Historical Introduction to the Study of Roman Law* (Cambridge: Cambridge University Press, 1961), 243.

<sup>252</sup> E. C. Clark, *Early Roman Law: The Regal Period* (London: MacMillan and Co., 1872), 26.

<sup>253</sup> Watson, *Law of the Ancient Romans*, 35.

into a mere formality and was eventually abandoned.<sup>254</sup> Thus, a woman *sui juris*, who was under no man's *potestas*, could handle her own property and finances with only the formal approval of her guardian. Women from the second century BC onward thus became financially independent; they began to have their own advisors and therefore their own choices about whom and when to marry.<sup>255</sup> They also had the opportunity to choose not to have the children that the upper class so desperately needed.

These wealthier women also had greater incentive, when they did marry, to avoid marriage with *manus* and to make arrangements, by virtue of their socioeconomic influence, to marry without it.<sup>256</sup> These scenarios of free, wealthy, independent women avoiding marriage with *manus* and declining to bear children, and men joining with freedwomen and having illegitimate children, both contributed to a drop in the population of Roman nobles.<sup>257</sup>

Furthermore, if one considers the trend in the late Republic of an increasing divorce rate, one gets the picture of a fragmented upper-class society. Jolowicz observes: "By the end of the republic divorce had become extremely frequent, at any rate in the high society of the capital, of which alone we have any real knowledge, and this was a state of affairs that Augustus set himself...to remedy."<sup>258</sup> Divorce had, of course, been recognized at Rome since the age of Romulus. Aulus Gellius and Plutarch mention that a husband could divorce his wife for sterility, adultery, or for poisoning a child.<sup>259</sup> Watson asserts that "by the later Republic no grounds were necessary for divorce, and the sole penalty for unjustified divorce concerned the retention or return of the wife's dowry."<sup>260</sup>

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<sup>254</sup> Grant, *A Social History*, 29-30.

<sup>255</sup> Rowell, 204.

<sup>256</sup> Alan Astin, *Cato the Censor* (Oxford: The Clarendon Press, 1978), 115.

<sup>257</sup> For more information on population studies, see Field, 399; Edwards, 42; Treggiari, "Leges," 97.

<sup>258</sup> Jolowicz, 243.

<sup>259</sup> Gell. *N. A.* 4.3.1-2; Plut. *Rom.* 22.3.

<sup>260</sup> Watson, *Law of the Ancient Romans*, 11.

Although some modern scholars debate whether or not this constituted a decline in morals, it is generally agreed that divorce and declining birth rates contributed to a shrinking upper class.<sup>261</sup> Augustus needed to take action to stabilize the family unit in the face of these new social trends in order to solidify the state. He needed to become *paterfamilias* and censor and, as such, needed to shore up the morals of the state.

Augustus' marriage laws were passed as an integral part of the moral legislation package of 18 BC.<sup>262</sup> These laws were to set the stage for the Secular Festival in the following year.<sup>263</sup> The Secular Festival, which took place on May 26, 17 BC, was a celebration of immense proportions, ushering in the New Age for Rome. But was Augustus the catalyst for this moral reform?

Galinsky asserts, "Augustus was the prime mover behind this unmistakable legislative program. It was central to his reign. One indication of this...was the postponement of the Secular Games until the principal laws had been passed. Another concomitant testimony was the role Horace accorded them in the *Carmen Saeculare* and ...in some of his other poems, too."<sup>264</sup> The laws were praised by Horace in the *Carmen Saeculare* of 17 BC for producing children (17ff) and in the *Odes* for having curbed license and restored old values.<sup>265</sup> He wrote:

The chaste home is polluted by no immorality,  
custom and law have conquered impure wickedness,  
women with children are praised for familiar offspring,  
punishment presses closely as a companion to fault.

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<sup>261</sup> Fritz Schulz agrees that the divorce rate increased in the last century of the Republic, but asserts that this does not necessarily indicate a decay of morals. For more details, see Field, 399; Edwards, 42; Treggiari, "*Leges*," 97, Jolowicz, 246.

<sup>262</sup> Pat Southern, *Augustus* (New York: Routledge, 2001), 146. Southern writes: "it is suggested that there was an aborted attempt to begin this programme as far back as 28, or at least before 23, (but) this rests mainly on a literary reference and has been discounted."

<sup>263</sup> Zanker, 157.

<sup>264</sup> Galinsky, 128.

<sup>265</sup> Hor. *Carm. Saec.* 17ff; Hor. *Carm.* 4.15.9ff.

nullis polluitur casta domus stupris  
mos et lex maculosum edomuit nefas,  
laudantur simili prole puerperae,  
culpam poena premit comes.<sup>266</sup>

In his *Carmen Saeculare* he wrote:

Goddess, you should raise our offspring and  
allow the decrees of the senators to be successful,  
regarding the marriage law for marrying women  
and the production of new children.

diva, producas subolem patrumque  
prosperes decreta super iugandis  
feminis prolisque novae feraci  
lege marita,...<sup>267</sup>

Ovid in his *Fasti* wrote:

He (Caesar) orders wives to be chaste in his rule:  
you receive the wicked in your grove, he repels them.  
Force was pleasing to you, the laws flourish under Caesar.

hic castas duce se iubet esse maritas;  
tu recipis luco, reppulit ille nefas.  
vis tibi grata fuit, florent sub Caesare leges.<sup>268</sup>

The laws were intended to restore the customs (*mores*) of old Rome, to return Rome to a former Golden Age, and specifically to improve upper-class behavior and to reverse a declining birthrate.<sup>269</sup> For only by returning to ancient morality would Rome recover from the civil wars. Southern summarizes the purpose of the legal package thus: “Overall it was designed to restore the old Roman virtues of *dignitas* and *gravitas*, to encourage thrift and stamp out corruption; to define the various social orders and keep them distinct but not mutually exclusive, and to propagate an active participation on the part of the upper classes in state affairs.”<sup>270</sup>

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<sup>266</sup> Hor. *Carm.* 4.5.20-24.

<sup>267</sup> Hor. *Carm. Saec.* 16-20.

<sup>268</sup> Ov. *Fast.* 2.139-41.

<sup>269</sup> Wells, 89.

<sup>270</sup> Southern, 146.

The *lex Julia de maritandis ordinibus* of 18 BC was specifically passed for the purpose of encouraging marriage and the procreation of children, particularly amongst the upper echelons of society. First of all, it prohibited the marriage of senators or their descendants with freedwomen, actresses or prostitutes for three generations. These measures were designed to preserve and protect the integrity of the aristocracy. Inter-marriage between senators and freedwomen had become fairly common during Augustus' reign. Aristocratic men felt comfortable marrying women with whom they already had a positive working relationship. This tendency to avoid marrying aristocratic women may have been exacerbated by the gradual rise in status of Roman women who had been able to gather considerable influence and wealth.<sup>271</sup>

Through this law, Augustus encouraged men of senatorial status to choose their wives carefully, since these wives would be the bearers of their children, the next generation of aristocrats.<sup>272</sup> Elaine Fantham writes, "underlying much of this legislation, and embedded in the notion of moral restructuring of social life, was a concern with revitalizing and purifying the family life of the citizens of Rome. Thus, part of the law tried to prevent marriage with people of immoral character."<sup>273</sup>

Crook also adds that, according to the stipulations of this law, ordinary soldiers could not marry during their service, and "officials in the provinces could not marry women of their province."<sup>274</sup> This corresponds logically with the *Digest* which stated that a person of higher rank was naturally banned from marrying his inferiors.<sup>275</sup> Edwards sums up this portion of the

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<sup>271</sup> Ibid., 148.

<sup>272</sup> Leo Ferrero Raditsa asserts that Augustus' laws concerning marriage "continued the split which had destroyed the body politic in the civil wars" (*Augustus' Legislation*, 335). Raditsa further argues that if Augustus had only been interested in an increase in population, he would not have placed restrictions on partners. This is true – Augustus clearly aimed to increase particularly the senatorial class and to preserve its purity.

<sup>273</sup> Elaine Fantham, et al., *Women in the Classical World: Image and Text* (New York: Oxford University Press, 1994), 13-14.

<sup>274</sup> Crook, *Law and Life of Rome*, 99-100.

<sup>275</sup> Paul. *dig.* 23.2.49.

law thus: “The Augustan legislation set up two separate and mutually exclusive categories: on the one hand, people who ought to marry (and would be penalized if they did not), and on the other, people who were discouraged from marrying anyone but their fellow social outcasts.”<sup>276</sup> Augustus’s goal was, after all, to bolster and to purify the upper class.

Did these laws change morality in the expanding empire, or did they merely establish parameters, as a *paterfamilias* arranged marriages in his family? After all, we saw in Chapter One that a *paterfamilias*’ consent was necessary for a marriage, and that the *paterfamilias* often chose and had the power to choose an appropriate mate for those in his *potestas* for the benefit of the greater family unit. In the same way, Augustus’ marriage legislation “was effective in setting up a framework in which people should operate.”<sup>277</sup> Elaine Fantham writes: “The laws may, however, really have been attempts to reconfigure social and property relationships; the years of changing customs, of loosened paternal power and of social chaos in the time of the civil wars of the first century BCE, may have set laws out of tune with contemporary practices.”<sup>278</sup> The *patresfamilias* were not taking enough action at the time to preserve the family bloodline; Augustus merely propped up previous expectations for men and women of the upper class, preserving the family unit when the family unit was no longer helping itself.

Another aspect of the *lex Julia de maritandis ordinibus* rewarded married people and punished unmarried men and women. Men between the ages of 25 and 60 and women between the ages of 20 and 50 had a duty to the state to marry and to procreate. Various benefits were bestowed upon married men with children.<sup>279</sup> They were excused from several public duties (such as jury duty) and specific taxes, they were granted seats of honor at the theaters, and they

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<sup>276</sup> Edwards, 42.

<sup>277</sup> Treggiari, *Social Status*, 904.

<sup>278</sup> Fantham, et al., 303.

<sup>279</sup> This idea was not new. In 59 BC, Julius Caesar’s agrarian law gave preference to fathers of three in distributing land.

were given precedence with employment and other honorary distinctions.<sup>280</sup> These benefits increased with the number of legitimate children born. For instance, fathers of three children in the city of Rome, or of four children in Italy, or of five children in the provinces could stand for public office at an earlier age.<sup>281</sup> In addition, candidates for governorships of senatorial provinces earned other benefits from having children: they did not obtain their provinces from the random lot process<sup>282</sup> and they could serve in the provinces longer if they were married or married with children.<sup>283</sup> Dio wrote, “Then he (Augustus) established that they (the governors) be elected annually and appointed by lot, except if the privilege associated with marriage or the abundance of children applied.”<sup>284</sup> The regulations gave precedence to fathers of multiple children standing for office as well. If in an election the votes were equal, the candidate with the larger family was elected, and, in the same manner, the senior of the consuls was selected.<sup>285</sup>

Aulus Gellius records it thus:

Thus in Chapter Seven of the Julian Law the superior power of assuming the *fasces* went not to the older of the consuls but to the one who had more children in his power than his colleague.

sicuti kapite VII legis Iuliae priori ex consulibus fasces sumendi potestas fuit, non qui pluris annos natus est, sed qui pluris liberos quam collega aut in sua potestate habet.<sup>286</sup>

Fathers of three children also earned a “ringside seat” at public games and theaters. Hadley claims: “Augustus and his supporters reasoned that if men selfishly refused to help the state by marrying and raising children they should not enjoy the pleasures that the state provided for the

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<sup>280</sup> Shuckburgh, 228.

<sup>281</sup> Wells, 89.

<sup>282</sup> Rowell, 209.

<sup>283</sup> Field, 401. This provision may have been instituted earlier in 27 BC, either by Julius Caesar or by Augustus (Dio Cass. 53.13.2).

<sup>284</sup> Dio Cass. 53.13.2.

<sup>285</sup> Dio Cass. 53.13.2; Gell. *N.A.* 2.15.4.

<sup>286</sup> Gell. *N.A.* 2.15.4.

entertainment of citizens.”<sup>287</sup> Mothers of three children earned the right to wear a *stola* and enjoyed other various legal rights.<sup>288</sup>

Other corollaries of the *lex Julia de maritandis ordinibus* punished men and women who did not marry, or who married and did not produce children for the state. Unmarried men 25-60 years of age and women 20-50 years of age who were childless were severely penalized and restricted in their right to inherit.<sup>289</sup> First of all, single people were punished by a direct tax called an *uxorium*.<sup>290</sup> In addition, unmarried men could not inherit a legacy of a person not related to him unless he married within one hundred days of being informed of the legacy. This aspect of the law urged men to marry who had, up to that time, refrained from marriage and sought to gain wealth through the bequests of friends or family. Under this law, men and women had to fulfill their duty to the state. Men and women who were married without children (*orbi*) forfeited half of all inheritances or bequests.<sup>291</sup> Widows and divorced women were punished if they did not marry again, within one year (two years under the *lex Papia Poppaea*) after a husband’s death or within six months (1.5 years under the *lex Papia Poppaea*) after a divorce;<sup>292</sup> this applied even if the woman had three children previously.<sup>293</sup> Women who were unmarried or married without children at age fifty lost all capacity to benefit from wills and also were subject to a direct financial tax. This 1% tax on all property exceeding 20,000 sesterces was paid annually to the state until the woman married.<sup>294</sup>

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<sup>287</sup> Hadley, 188.

<sup>288</sup> Southern, 148. Livia was granted the *ius trium liberorum* in 9 BC (Dio Cass. 55.2.5)

<sup>289</sup> Raditsa, 323. See also Ulp. *dig.* 16.

<sup>290</sup> This had been levied previously by the censors of 404 BC, but it was a light and intermittent levy; the Julian Laws revived it and increased it (Shuckburgh, 228).

<sup>291</sup> Judith Evans Grubbs, *Law and Family in Late Antiquity: The Emperor Constantine’s Marriage Legislation* (Oxford: The Clarendon Press, 1995), 103.

<sup>292</sup> Matthew Bunson, *A Dictionary of the Roman Empire* (New York: Oxford University Press, 1991), 236.

<sup>293</sup> Rowell, 209.

<sup>294</sup> Last, 451.

Thus, in a way, the state not only determined who qualified for inheritances and state benefits, but it benefited itself through taxes on older women and through unclaimed inheritances. Field states, “The main sanction relied upon to enforce the laws, the regulation of inheritance, involved a bold invasion by the state of testamentary affairs....”<sup>295</sup> In addition, inheritances and legacies which had been left to someone ineligible under the law were called *caduca* and fell to the deceased’s heirs who had children. If there were no eligible takers, *caduca* went to the public treasury (*aerarium*).<sup>296</sup>

These provisions prompted some ancient authors to examine the possible financial motivation behind the laws. Tacitus, for example, wrote:

Then amendments were proposed for the Papia-Poppaea, which the elder Augustus had ratified after the Julian resolutions in order to increase the punishments for celibacy and to expand the treasury.

relatum dein de moderanda Papia Poppaea, quam senior Augustus post Iulias rogationes incitandis caelibum poenis et augendo aerario sanxerat.<sup>297</sup>

Raditsa asserts that the benefits awarded to the state were merely a consequence of the laws and not the purpose.<sup>298</sup> Wallace asserts, “Nor is it quite fair to suggest (as the historian Tacitus did) that its aim was to enrich the treasury with bequests illegally left to the childless, though this was an incidental effect. The basic aims emerge clearly from the debate surrounding the issue as moral.”<sup>299</sup>

Was the regulation of bequests morally motivated? In Chapter One we examined the traditions and rights of individuals to leave property to others after death. Traditionally, a

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<sup>295</sup> Field, 404.

<sup>296</sup> Grubbs, 104. See also Ulp. *dig.* 17. Later legacies fell to the *fiscus* and not the *aerarium* (Raditsa, 324).

<sup>297</sup> Tac. *Ann.* 3.25.1.

<sup>298</sup> Raditsa, 324.

<sup>299</sup> Wallace-Hadrill, *Image and Authority*, 68.

*paterfamilias* left his property to his children and wife; if he did not desire to leave an inheritance to a child, his will had to state that specifically. Wiedemann asserts: “While (early) Roman law assumed that a man’s sons (and daughters) had a right to inherit his property, it also gave a testator remarkably extensive rights to leave his property to whomever he pleased.”<sup>300</sup> Yet the marriage laws of Augustus served to encourage bequests to the immediate family, protecting the family’s financial integrity.<sup>301</sup> Thus Augustus strongly discouraged the practice of bequeathing property or finances to certain persons outside the family. Galinsky affirms that “the inheritance provisions, in particular, of the Julian laws make it clear that Augustus was strongly interested in keeping the families intact by stabilizing the transmission of property.”<sup>302</sup> Once again, Augustus acted like a *paterfamilias*, keeping in mind the interests of noble families.

In addition, the intrusion of the state and Augustus as head of that state into the property transmission of families created an image of Augustus as head of the family of Rome at large. Although Augustus himself never accepted the inheritances of associates and friends who had children, he did apparently accept legacies from friends without children. Suetonius relates:

When legacies or parts of inheritances were left to him by parents, he was accustomed to either immediately give the money to their children or, if the children were minors, to give the money to them on the day they gained the toga of manhood or married.

legata vel partes hereditatum a quibuscumque parentibus relicta sibi aut statim liberis eorum concedere aut, si pupillari aetate essent, die virilis togae vel nuptiarum cum incremento restituere consueverat.<sup>303</sup>

Under certain circumstances, Augustus would accept the money for himself or for the state’s coffer. In fact, in the twenty years before his death, Augustus was apparently bequeathed

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<sup>300</sup> Wiedemann, 26.

<sup>301</sup> Raditsa, 326.

<sup>302</sup> Galinsky, 136.

<sup>303</sup> Suet. *Aug.* 66.4.

14,000,000 gold pieces (sesterces),<sup>304</sup> much of which he spent “for the benefit of the state” (*in rem publicam*).<sup>305</sup> Thus the state, just as with the *caduca*, benefited as a rightful family member would have. In fact, the state would eventually gain more control over bequests. In the third century AD, Caracalla appropriated inheritances directly to the *fiscus*.<sup>306</sup>

So was the state merging the public and the private family under the Augustan legislation? Tacitus, interestingly enough, pondered this in his *Annals* when he conjured up the idea of the state “as parent of all (*velut parens omnium*).”<sup>307</sup> Tacitus says:

From that point on the chains were more restricting, spies were attracted by the rewards of the Papia-Poppaeian law, and if one declined to take advantage of the privileges of parenthood, the state as parent of all would take over the unclaimed estates.

Acriora ex eo vincla, inditi custodes et lege Papia Poppaea praemiis inducti ut si a privilegiis parentum cessaretur, velut parens omnium populus vacantia teneret.<sup>308</sup>

Raditsa affirms: “A conception of the state as parent of all and therefore presumably richest in children justified these confiscations.”<sup>309</sup> Augustus and the state as a family council of sorts had control over the morality of family members, made decisions regarding marriage and inheritances, and took actions necessary for the family line to survive. Augustus, as father of all families, had the most influential voice.

But what may have been on the minds of the people was the feeling that the state was making decisions formerly reserved for the *paterfamilias*. Galinsky states: “The state massively intruded on matters of private conduct such as marriage -- the question was no more whether to marry, but how soon and whom or whom not -- and divorce and adultery; the latter was taken out

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<sup>304</sup> Suet. *Aug.* 101.4.

<sup>305</sup> Suet. *Aug.* 101.3.

<sup>306</sup> Raditsa 325. Ulp. *dig.* 17.2.

<sup>307</sup> Tac. *Ann.* 3.28.

<sup>308</sup> Tac. *Ann.* 3.28.

<sup>309</sup> Raditsa, 325.

of the jurisdiction of the family and transferred to a public court.”<sup>310</sup> Tacitus in his *Annals* said these laws “penetrated the city too deeply” (*altius penetrabant urbemque*).<sup>311</sup> Whether these laws were fair or not is disputable; but they were certainly geared to a purpose -- to preserve the aristocratic blood of Rome. Just as a *paterfamilias*, Augustus took action to preserve the stability of the Roman family and hence the state as a whole.

#### Augustus’ Legislation Curbing Adultery

There was a more dangerous threat to the stability of the Roman family prevalent in the late republic, and that concerned adultery. Adultery threatened the integrity of the family line and the structure of the social order. This was particularly true in the case of upper-class women having affairs with lower-class men. Not only was this a personal insult to the husband, but it endangered the legitimacy of the husband’s children. In addition, a Roman woman’s reputation reflected back on her male (and female) relatives, just as their reputation reflected back on her. Cicero explained in *Pro S. Roscio Amerino* that a virtuous woman derives honor from her illustrious male relatives, but she also “gives back to them through her reputation no less pride and joy” (*non minora illis ornamenta ex sua laude redderet*).<sup>312</sup>

This fear of illegitimate children being raised in another man’s family created a double standard early on in Roman society and in Mediterranean societies as a whole.<sup>313</sup> Women had to be watched over more diligently by family members in order to protect the integrity of the bloodline. Rowell states: “As the well-being of the state surpassed in importance that of any of its members, so the integrity of the family as a unit took precedence over the personal feelings of

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<sup>310</sup> Galinsky, 128-29.

<sup>311</sup> Tac. *Ann.* 3.28.

<sup>312</sup> Cic. *Rosc. Am.* 50.147.

<sup>313</sup> David Cohen, “The Augustan Law on Adultery: The Social and Cultural Context,” in *The Family in Italy: From Antiquity to the Present*, David I. Kertzer and Richard P. Saller, eds. (New Haven: Yale University Press, 1991), 112-113.

its individual members. Adultery in the wife shook the foundations of blood, property, and confidence on which the Roman family rested.”<sup>314</sup> Thus, Augustus, as *paterfamilias* for the state family, needed to take action to protect Rome’s upper-class families from such corruption.

Unmarried Roman males, however, did not have quite the same stigma attached to their sexual activity during the Republic. “Roman society expected the young unmarried man to gratify his sexual appetite and looked with indulgence or amusement on his escapades, provided that his partners in them were women whose honor or reputation he could not tarnish.”<sup>315</sup> Once again, it was the concern for the purity of upper-class women that influenced decisions on the matter. Similar attitudes applied to married men in the Republic. Rowell states: “When he married, society thought it right that he should settle down to the responsibilities of a husband and father. But if he strayed from the path of the faithful husband without seducing another’s wife or corrupting a freeborn maiden, the worst penalty which he was likely to suffer was some ugly moments with his outraged spouse.”<sup>316</sup> This double standard supports the assertion that curbing adultery was more an issue of purity of children than that of morality.

Unfortunately, modern scholars have little evidence of laws pertaining to adultery in early Rome and even in Augustan Rome. The details of the laws can only be gathered from literary references and from later legal sources, principally Justinian’s *Digest*.<sup>317</sup> Amy Richlin states that there was no formal criminal law concerning adultery before the time of Augustus, and that “Roman law from its earliest times was the custom of a very public community where everyone knew everyone else’s character and social standing.”<sup>318</sup> Decisions on disciplinary matters were largely made within the family ranks and primarily by the *paterfamilias*. But

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<sup>314</sup> Rowell, 203.

<sup>315</sup> Ibid., 202.

<sup>316</sup> Ibid.

<sup>317</sup> Edwards, 37.

<sup>318</sup> Richlin, 379-80.

scholars do have some information upon which to deliberate. Dionysius of Halicarnassus and Suetonius record that Romulus had instituted a law punishing an adulterous woman with death,<sup>319</sup> after approval by the family council (*de communi sententia*).<sup>320</sup> Dionysius of Halicarnassus writes:

For Romulus allowed both of these acts to be punishable by death, since they were the worst sins for women, considering adultery was the source of folly, and drunkenness was the source of adultery.<sup>321</sup>

Aulus Gellius recorded that Cato the Elder is said to have stated in a speech entitled *De Dote* that if a man found his wife in adultery, he had the right (*ius*) to kill her (*in adulterio uxores deprehensas ius fuisse maritis necare*).<sup>322</sup> Cato apparently added that a woman could not do anything in the reverse situation:

If you should catch your wife in adultery, you can kill her with impunity without a trial; but if you commit adultery or are corrupt, she cannot dare to touch you with a finger, nor does she have the right.

in adulterio uxorem tuam siprehendisses, sine iudicio inpune necares; illa te, si adulterares sive tu adulterarere, digito non auderet contingere, neque ius est.<sup>323</sup>

There does exist a handful of recorded situations in which public magistrates, such as aediles or censors, allegedly imposed punishments for adultery. But, in general, apart from censorial interference, the law refrained from interfering with the family's right to deal with adultery.<sup>324</sup> Thus laws to curb adultery had existed in early and Republican Rome. But why did

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<sup>319</sup> Dion. Hal. 2.25

<sup>320</sup> Suet. *Tib.* 35.1.

<sup>321</sup> Dion. Hal. 2.25.

<sup>322</sup> Gell. *N.A.* 10.23.4.

<sup>323</sup> Gell. *N.A.* 10.23.5.

<sup>324</sup> Cohen, 110.

Augustus feel so strongly that adultery in his time was becoming a curse on the health of the state? One must examine literary evidence in order to understand this phenomenon more clearly.

Edwards observes that historians commonly depicted the late republic “as a period when sexual license flourished. This license is particularly associated with women of the senatorial elite, the wives, daughters and sisters of Rome’s political leaders.”<sup>325</sup> This would include the most scandalous women of ancient Roman history: Fausta, Clodia, Sempronia and Servilia. Sallust attacked Sempronia in his *Bellum Catilinae* as a prominent member of the Catilinarian conspiracy and a woman “who had often committed many crimes of masculine daring”(quae multa saepe virilis audaciae facinora commiserat).<sup>326</sup> Cicero utterly assailed the character of Clodia and her licentious habits in his *Pro Caelio*.<sup>327</sup> These lascivious women stand in contrast to the prototypical ideal Roman matrons, Cornelia, mother of the Gracchi<sup>328</sup> and Lucretia, heroine of the rise of the republic.<sup>329</sup>

There was a theme in the writings of the authors of the Republican Period which implied that uncontrolled women symbolized disorder. Edwards claims that “other Augustan writers, too, saw adultery and the neglect of religion as crucial elements in the collapse of Roman society, culminating in the civil war.”<sup>330</sup> Horace in his *Odes* lamented the neglect of morals in the late republic in his poem about an adulteress who was typical of her time. He wrote:

Fertile with sin, the age has contaminated  
first our marriages and families and homes:  
derived from this source, disaster  
has overflowed onto our country and our people.

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<sup>325</sup> Edwards, 35.

<sup>326</sup> Sall. *Cat.*25.

<sup>327</sup> Cic. *Cael.* 49ff.

<sup>328</sup> Plut. *Ti. Gracch.* 1.

<sup>329</sup> Liv. 1.58.

<sup>330</sup> Edwards, 45.

fecunda culpa saecula nuptias  
primum inquinavere et genus et domos:  
hoc fonte derivatae clades  
in patriam populumque fluxit.<sup>331</sup>

Augustus acted in 18 BC under these conditions. The literature suggests that Augustus' reforms were promulgated justifiably. "Rome's first emperor, Augustus, the new Romulus, promised a revolution -- a return to the past. In the early days of Rome, wives were chaste; he initiated legislation making adultery a crime."<sup>332</sup> Adultery was merely one of the social crimes that Augustus clamped down on, for it endangered the integrity of the Roman family unit and the future of the empire.

The *lex Julia de adulteris coercendis* especially focused on punishing the extra-marital affairs of married women. Under this new law a husband (or father) had sixty days to report if his wife (or daughter) was guilty of adulterous acts.<sup>333</sup> Divorce proceedings had to begin immediately upon notice of the accusation, and the divorce proceedings had to be performed in front of at least seven Roman citizens. After the 60-day period any person cognizant of the crime over the age of twenty-five years old could report the woman within four months. If the husband was aware of his wife committing adultery and did not report it, he could be prosecuted himself for *lenocinium*, and be punished for "living off immoral earnings" (i.e. bribes).<sup>334</sup> This bylaw prevented husbands from taking "hush money" or from simply ignoring the situation. Under Augustus "adultery and all illicit sexual relations -- which at one extreme could in the past have been dealt with entirely within the household -- are now criminal offences to be prosecuted

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<sup>331</sup> Hor. *Carm.* 3.6.17-20.

<sup>332</sup> Edwards, 34.

<sup>333</sup> Papin. *dig.* 48.5.4.

<sup>334</sup> Southern, 148.

in a public court and punished by the state.”<sup>335</sup> It was the husband or father’s duty to the state to report the crime; if they did not, they were not completing their duty to their family.

If the husband did not divorce his wife, she was immune from prosecution for adultery until her husband had been convicted of *lenocinium*.<sup>336</sup> In fact, a woman could not be charged with adultery until she was divorced from the husband she was alleged to have cheated on.<sup>337</sup> If the wife was accused, her case was brought before a *quaestio perpetua* established by Augustus for the hearing of cases involving adultery. This court had not existed before for this specific purpose, but it was designed on the model of other law courts that were already in place for the hearing of other *iudicia publica*, such as parricide, murder or treason.<sup>338</sup> Trials received a great amount of publicity and brought great shame on the accused.

If the wife was convicted of adultery, she and her paramour were relegated to different islands (*relegatio*) for the extent of their lives. The male lover lost one-half of his property and the woman lost one-third of her property plus one-half of her dowry.<sup>339</sup> The woman was also forbidden to subsequently marry a free-born citizen.<sup>340</sup> In addition, according to the *lex Papia Poppaea* of 9 AD, a convicted adulteress could not inherit.<sup>341</sup> Furthermore, women who were known adulteresses were not permitted to wear the *stola*, the dress of the dignified Roman matron. Instead, they were required to wear a toga, the dress of the male Roman citizen and also of the female prostitute, as a sign of ingnominy.<sup>342</sup> Thus, public shame was thrust upon adulteresses in order to disseminate the message that adultery was not acceptable under Augustus.

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<sup>335</sup> Treggiari, *Leges Sine Moribus*, 89.

<sup>336</sup> Papin. *dig.* 48.5.27.

<sup>337</sup> Papin. *dig.* 48.5.27.

<sup>338</sup> Richlin, 181. High-profile cases were tried before the emperor or in the senate. (Edwards, 39).

<sup>339</sup> Paul. *Sent.* 2.26.14.

<sup>340</sup> Ulp. *Epit.* 13.2.

<sup>341</sup> Ulp. *dig.* 13.

<sup>342</sup> Edwards, 40. See also Mart. 2.39; 10.52.

In rare cases where the husband caught his wife and her lover “in the act” (*in flagranti*), he was not permitted to kill her (unless the lover was of lower status (*infamis*)). However, the woman’s father in the same situation could kill the paramour, provided that they were in the father’s or husband’s house and that the *paterfamilias* also killed his guilty daughter.<sup>343</sup> Raditsa explains that “although it meant to compel prosecution for adultery, the law did not seek to encourage on-the-spot killing. In fact, by commanding that the father kill his daughter as well as her lover . . . , the law intended, in the understanding of the jurists, to bring the father to his senses. Above all, it appears to dread uncontrolled acts.”<sup>344</sup> In fact, if the father killed the male lover only, he was liable for murder.<sup>345</sup> Although these rules were put into place, murders rarely seem to have occurred. According to Amy Richlin, “in all the evidence surveyed there was not a single mention of any real woman ever having been killed by her relatives, and it may be assumed to have been a rare occurrence.”<sup>346</sup>

Yet the most notorious offender against the adultery law was Augustus’ own daughter Julia (and later granddaughter Julia as well). In 2 BC she was banished and her alleged paramour, Jullus Antonius, was put to death.<sup>347</sup> Julia’s actions, according to Tacitus, were considered treason, since they undermined Augustus’ attempts at moral reform and since political subversion may have been involved.<sup>348</sup> Her adultery threatened the integrity of Augustus’ family, the state’s first family, and hence imperiled the stability of his rule. If the emperor could not properly run his own family, then his image as *pater patriae* would be worthless.

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<sup>343</sup> Treggiari, *Social Status and Social Legislation*, 890. See also Papin. *dig.* 48.5.23.

<sup>344</sup> Raditsa, 313.

<sup>345</sup> Papin. *dig.* 48.5.24.

<sup>346</sup> Richlin, 399.

<sup>347</sup> Shotter, 45; Tac. *Ann.* 1.53.

<sup>348</sup> Tac. *Ann.* 3.24.

It is important to note here that no matter how intrusive this law might have seemed, its true purpose was not to impinge upon the lives of its citizens. Rather, as Southern states, “The crucial factor was the legitimacy of offspring.”<sup>349</sup> Aristocratic women had to be kept from men who could jeopardize the noble stock. This law served as a deterrent, because not only did it make love affairs and adultery public crimes, damaging reputations, but also because it made these crimes punishable by law. Since adultery and lewd behavior threatened the moral infrastructure of the family, Augustus acted on it. Just as Augustus as *paterfamilias* punished his daughter and granddaughter to preserve the legitimacy of his progeny, so he acted as *pater patriae* to preserve the morals of the greater family, the state. Raditsa states, “Adultery and love affairs represented not only defiance of the Emperor’s commands but in some sense betrayal and mockery of his family and its righteousness.”<sup>350</sup>

Although there is tremendous controversy among ancient and modern scholars surrounding the effects of the Julian laws and the depth to which they intruded upon the upper echelons of society, their aim was clear -- to preserve the morals and honor of the Roman upper-class family and to protect their future existence. Hadley takes the optimistic viewpoint when he states: “While these laws failed to restore the old puritan spirit and life of two hundred years before, there must have been a strengthening of morals and a raising of moral standards by their enactment and enforcement.”<sup>351</sup> Tacitus angrily denounced this legislation as an attack on the rights of husbands and fathers, stating that “the status of many had been undercut” (*multorumque excisi status*).<sup>352</sup>

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<sup>349</sup> Southern, 149.

<sup>350</sup> Raditsa, 333.

<sup>351</sup> Hadley, 192.

<sup>352</sup> Tac. *Ann.* 3.28.

This is precisely the point. Augustus and his administration did dictate the spending habits of Roman families, they did control the marriage choices of upper-class men and women, and they did impose moral restraints on individuals. Although I do not postulate that Augustus usurped the powers of the *paterfamilias*, I do affirm that he did act with the motivation of and in the image of a *paterfamilias*. As Amy Richlin states, “the *lex Julia* did not abrogate the rights of the *paterfamilias* to act for himself; Augustus was a strong proponent of the *mos maiorum*, and in addition seems to have considered himself *paterfamilias patriae* as well as *pater patriae*.”<sup>353</sup> Just as *pater Aeneas* established “*mores* and walls for his men” (*mores...viris et moenia*),<sup>354</sup> so, too, did Augustus.

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<sup>353</sup> Richlin, 385.

<sup>354</sup> Verg. *Aen.* 1.264.

## CHAPTER 3

### IMAGES OF AUGUSTUS AS *PATER* AND THE *DOMUS AUGUSTA*

#### The Restoration of Traditional Worship

Augustus' role as stabilizer of noble Roman families also entered into the realm of family religion. The decline of morals in the late Republic reported by historians such as Sallust and Livy implied a neglect of religious practices. "Augustus' claim that religion was in decline in the Late Republic is parallel to his claim that morals were in decline. Both these assertions served to highlight the importance of his own role as 'restorer'."<sup>355</sup> Just as Augustus urged the upper class citizen to marry and produce children, so too did he encourage his people to revere the gods of Rome and to put their duty to the country above their own private desires.<sup>356</sup> He constructed temples, restored ancient priesthoods, and revived traditional religious practices. This was all part of his massive program of religious restoration initiated in 29 BC. The motivation behind this project was similar to that of his legislative program-- to preserve the Roman state by returning to the piety of ancient times. Andrew Wallace-Hadrill agrees: "Just as the rescue of moral values from the forces threatening to destroy them seemed to guarantee the rescue of the social and political order, so the rescue of endangered religious practices symbolized the preservation of order."<sup>357</sup> Augustus would restore religious traditions on both the micro and macro levels.

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<sup>355</sup> Edwards, 46.

<sup>356</sup> Wallace-Hadrill, *Augustan Rome*, 75.

<sup>357</sup> *Ibid.*, 82.

Roman and Greek writers of the second and first centuries BC often attributed Roman military prowess and long-term dominance to religious piety. Livy celebrated Rome's great men as pious worshippers and as great leaders. He wrote about the dutiful Romulus who, after defeating the people of Caenina, established the first Roman temple to the god Jupiter Feretrius (c.750 BC). After he had led his victorious army back, Romulus displayed his piety in this manner:

Holding the armor of the slain enemy commander, he (Romulus) hung it on a litter suitably made for this purpose, and climbed up to the Capitol and there, by an oak which was sacred to the shepherds, laid it down. At the same time with this offering, he marked out the boundaries for a temple to Jupiter and added a name to the god.

ipse, spolia ducis hostium caesi suspensa fabricato ad id apte ferculo gerens in Capitolium ascendit ibique ea cum ad quercum pastoribus sacram deposuisset, simul cum dono designavit templo Iovis finis cognomenque addidit deo.<sup>358</sup>

Romulus eventually ascended to the heavens, appeared to his people, and was hailed by his soldiers "Father of the Roman City" (*parentem urbis Romanae*).<sup>359</sup> Livy ascribed Romulus' success as a military hero to his divine connection and to his devotion toward the gods.

According to Livy's history, Romulus was succeeded by Numa Pompilius who became famous for his efforts at religious restoration.

Having thus obtained the rule over the new city which was founded by force and arms, he (Numa) prepares to found the city all over again with justice, laws and customs.

qui regno ita potitus urbem novam, conditam vi et armis, iure eam legibusque ac moribus de integro condere parat.<sup>360</sup>

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<sup>358</sup> Liv. 1.10.5.

<sup>359</sup> Liv. 1.16.3.

<sup>360</sup> Liv. 1.19.1.

Numa built the Temple of Janus to symbolize the state of peace or war, he revived the priesthods, he appointed virgin priestesses for Vesta's service, and he appointed Numa Marcius as pontifex maximus and instructed him to teach the people proper religious rites.

In Book Five Livy celebrated Camillus' victory over the Gauls (386 BC). Camillus' troops allegedly saluted him with the title of "Romulus, both the father of his country and a second founder of Rome" (*Romulus ac parens patriae conditorque alter urbis*).<sup>361</sup> Camillus, also a man of the greatest piety, shored up the religious infrastructure of Rome. Livy relates the events in this manner:

First of all, since he was a meticulous preserver of religious worship, he restored those things which pertained to the immortal gods and he passed a *senatus consultum*: that all temples which the enemy had had in its possession should be restored, marked off, and purified.

omnium primum, ut erat diligentissimus religionum cultor, quae ad deos immortales pertinebant rettulit et senatus consultum facit: fana omnia, quod ea hostis possedisset, restituerentur terminarentur expiarenturque.<sup>362</sup>

Thus for Livy there was a correlation between piety and military prowess. Romulus, Numa and Camillus were the ideal leaders, the figures from Roman historical tradition who served as both savior and father figure. Augustus was often associated with these figures from Rome's celebrated past.

In the mid second century BC, the Greek historian Polybius cited religion as the critical element in maintaining dominance and public order in Rome:

It seems to me that the greatest quality the Roman state has which distinguishes it as better than other states is its religious devotion. It also seems to me that this religious belief is reproachable among other men, but I say that it is this fear of the gods which

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<sup>361</sup> Liv. 5.49.7.

<sup>362</sup> Liv. 5.50.1-2.

holds together the affairs of the Romans. This concept is exhibited so ardently and introduced so pervasively into the private and public lives of the city that nothing could be considered more excessive.<sup>363</sup>

Roman religion, Polybius observed, kept the fickle masses safe from “lawless desires” and “violent anger.”<sup>364</sup> In other words, religion was an integral facet of societal control; Augustus believed likewise.

Horace, Virgil and Ovid also celebrated the benefits of traditional worship in their literary works. Horace in his *Odes* lamented the neglect of traditional religion and morals in the Late Republic.<sup>365</sup> He wrote:

Roman, you will suffer for the wrongs of your ancestors  
until you have restored the temples and the fading shrines of the  
gods and their images, foul with black smoke.

delicta maiorum immeritus lues,  
Romane, donec templa refeceris  
aedisque labentis deorum et  
foeda nigro simulacra fumo.<sup>366</sup>

Horace then connected several major military defeats of the Roman army to the neglect of ancestral gods and customs. Edwards claims that “the abandonment of traditional sexual morality is linked with the abandonment of ancestral religion. Both are implicated in political crisis and military defeat.”<sup>367</sup> Conversely, religious practices properly maintained lead to military and political success. Not surprisingly, piety is the core value that Aeneas carried out of Troy; in the midst of his flight from Troy, he remembered to keep his impure hands from the sacred objects and the Penates. Aeneas proclaimed in Book Two of the *Aeneid*:

You, Father, take in your hand the sacred objects and our  
country’s Penates; it would be wrong for me, having just come from

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<sup>363</sup> Polyb. 6.56.6-8.

<sup>364</sup> Polyb. 6.56.11.

<sup>365</sup> Hor. *Carm.* 3.6.17-32.

<sup>366</sup> Hor. *Carm.* 3.6.1-4.

<sup>367</sup> Edwards, 46.

such a battle and recent killings, to handle them until I have washed up in a running river.

tu, genitor, cape sacra manu patriosque Penatis; me, bello  
e tanto digressum et caede recenti, atrectare nefas, donec me flumine  
vivo abluere.<sup>368</sup>

Wallace-Hadrill states that “Jupiter decrees a fate of military supremacy for Rome, but it is through the piety of obedience to the will of the gods that this is achieved.”<sup>369</sup> In Book Three of the *Aeneid* Helenus the prophet foretold that Aeneas would reach Italy, but only if he made proper sacrifices throughout the journey. He said:

In fact, when your fleet, having crossed the seas,  
has anchored, and with raised altars you pay vows on the  
shore, veil your hair covered in a purple cloak, so that in  
the worship of the gods no hostile face may attack amidst  
the holy fires and disturb the omens. Keep these religious  
rites, you and your comrades; by this act let your grandchildren  
remain pure.

quin ubi transmissae steterint trans aequora classes  
et positis aris iam vota in litora solves,  
purpureo velare comas adopertus amictu,  
ne qua inter sanctos ignis in honore deorum  
hostilis facies occurrat et omina turbet.  
hunc socii morem sacrorum, hunc ipse teneto;  
hac casti maneant in religione nepotes.<sup>370</sup>

Not surprisingly, like Aeneas, Augustus also appeared in veiled robe on works of art in the period, most prominently on the Ara Pacis of 13-9 BC. Wallace-Hadrill states that “The image of Augustus projected on the Ara Pacis...and elsewhere is that of the priest *par excellence*. Not only is he the model of piety in general, but “he is the model of a specifically Roman piety, marked by the voluminous toga, drawn over his head in the proper pose for sacrifice; and

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<sup>368</sup> Verg. *Aen.* 2.717-20.

<sup>369</sup> Wallace-Hadrill, *Augustan Rome*, 82.

<sup>370</sup> Verg. *Aen.* 3.404-09.

equipped with the proper religious equipment.”<sup>371</sup> He is portrayed as the new Aeneas, Romulus, Numa and Camillus, restoring the religious traditions and the success of ancient times.

Yet, as Zanker asserts, Augustus “had to demonstrate that he was concerned not simply with securing his own power, but with actually rebuilding the state and Roman society.”<sup>372</sup> If, as the literature of the period implied, religious piety would make Rome strong and stable, then religious worship would be restored. Augustus referred back to the traditional family rites of old and utilized them as a model. Indeed, he brought back traditional Roman practices and values “but in such a way as to place himself at the center of the system.”<sup>373</sup> First of all, he repaired eighty-two temples during a short span of his career, a feat which he was most proud of in his old age:

I restored eighty-two temples of the gods in the city  
by a decree of the senate in my sixth consulship,  
with none being overlooked that needed to be refurbished  
at that time.

duo et octoginta templa deum in urbe consul sextum  
ex decreto senatus refeci, nullo praetermisso quod eo  
tempore refici debebat.<sup>374</sup>

Augustus began his massive building program with the restoration of the smaller temples and concluded it with temples and monuments which became grand enough for an entire dynasty.<sup>375</sup> By examining some of the facets of Augustus’ program of religious revival, one can see that he often appeared to be in the position or guise of a *paterfamilias* to his people. At the very least he created a dynastic image of his family with himself as the *paterfamilias*.

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<sup>371</sup> Wallace-Hadrill, *Augustan Rome*, 83.

<sup>372</sup> Zanker, 101.

<sup>373</sup> Wallace-Hadrill, *Augustan Rome*, 81.

<sup>374</sup> *Aug. Anc.* 20.

<sup>375</sup> Wallace-Hadrill, *Augustan Rome*, 62.

In his endeavor to revive old traditions, Augustus made sure that the traditional household gods were worshipped appropriately. “In keeping with the importance attached to family life, he paid particular attention to the household deities, the Lares and the Penates, and to the cult of the hearth-goddess, Vesta.”<sup>376</sup> The Penates were deities which originally protected the storeroom of the family home, but were gradually transformed into guardians of the entire house. The Roman state, as an extended family, also had their Penates; Augustus made sure that they, too, were worshipped appropriately. Not only did he restore the Temple of the Penates on the Velia between the Palatine and the Esquiline, but he also restored the public cult of the Penates.<sup>377</sup> In fact, Rome’s Penates were located in the interior sanctum of the Temple of Vesta.<sup>378</sup> This sanctuary of Vesta was built in 12 BC on the Palatine, within Augustus’ own house (*sedes*), so that Augustus would not have to live in the priests’ headquarters in the Regia. But what an image this must have conjured up! Rome’s Penates protected in the home of the state’s *pater*! Furthermore, as *paterfamilias* and pontifex maximus in 12 BC, Augustus conducted sacrifices in the Temple of Vesta, where the Palladium was housed. As Zanker states, “it was as if the myth of the Penates and Palladium being rescued (by Aeneas) were recreated.”<sup>379</sup> Augustus was descended from *pater* Aeneas and, like Aeneas, served as the rescuer of these gods.

#### The Vestal Virgins and Augustus

More intriguing, perhaps, is the relationship of Vesta and the Vestal Virgins to Augustus, the pontifex maximus, beginning in 12 BC. Vesta was the embodiment of Rome to the Romans in the most ethereal sense; she had no concrete image. Lacey states: “The clearest evidence of

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<sup>376</sup> Shotter, 47.

<sup>377</sup> Aug. Anc. 19.

<sup>378</sup> W.K. Lacey, “Patria Potestas,” in *The Family in Ancient Rome: New Perspectives*, ed. Beryl Rawson (Ithaca: Cornell University Press, 1986), 126.

<sup>379</sup> Zanker, 207.

this lies in the cult of Vesta, the hearth. We note that within the public shrine of Vesta itself there was no anthropomorphic representation of the goddess.”<sup>380</sup> Ovid writes:

For a long time I stupidly thought that  
there were images of Vesta; soon I learned that  
none existed in her curved rotunda.

esse diu stultus Vestae simulacra putavi,  
mox didici curvo nulla subesse tholo:<sup>381</sup>

Lacey continues: “She was the living fire on the hearth of the home.”<sup>382</sup> Thus, in a geographical sense, the embodiment of Rome and Rome’s Penates were located in Augustus’ *domus*, inside his realm of command as *pater*.

The worship of Rome’s hearth was as important to the stability of Rome as the private family worship of the household gods was to the well-being of the family. Just as it was critical for the *pater* to make sure his children watched over the Penates and hearth to protect the home and the cupboard’s food supplies, so the pontifex maximus had to make sure that the Vestal Virgins fulfilled their duties to Vesta to protect the stability of Rome.

The primary duty of the Vestal Virgins was to tend the sacred hearth of Vesta. The flame in the *aedes* could not be allowed to die. “Virgins were seen as peculiarly suitable for such a task because like the fire, they were pure and undefiled.”<sup>383</sup> Since the fire itself represented the goddess, the extinguishing of the fire was considered a bad omen for the state. Loss of the flame, a symbol of a Vestal’s virginity, presaged disaster for the city of Rome. Thus, if the fire died, the pontifex maximus had to punish the guilty Vestal.<sup>384</sup> Plutarch records:

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<sup>380</sup> Lacey, 125.

<sup>381</sup> *Ov. Fast.* 6.295-97.

<sup>382</sup> Lacey, 125. See also *Ov. Fast.* 6.291. In a similar way, it is significant that Romulus’ mother, either Ilia or Rhea Silvia, was a priestess of Vesta. See Mary Beard, “The Sexual Status of Vestal Virgins,” *Journal of Roman Studies* 70 (1980): 24. Ariadne Staples (156) asserts, “that a Vestal was the mother of Rome’s founder played its part in the structuring of a figure that was the embodiment of Rome.”

<sup>383</sup> Staples, 148.

<sup>384</sup> *Liv.* 28.11.6-7; *Plut. Num.* 10.4; *Dion. Hal. Ant. Rom.* 2.67.5.

As punishment for other offences, blows are inflicted on the virgins, with the pontifex maximus punishing most harshly on bare skin, in darkness, with a sheet drawn. The Vestal who has dishonored her maidenhood is buried alive at the Colline Gate.<sup>385</sup>

In performing his job as pontifex maximus and protector of these Vestals, Augustus was also protecting the stability of Rome.

Another task of the Vestals involved complex symbolism as well. Every day a Vestal was required to fetch water from a spring to purify the *aedes* of Vesta. “This was no ordinary spring, but the one which watered the field where the *ancile* had fallen from heaven. The *ancile* was a shield; a pledge of Roman power -- *pignus imperii* -- from Jupiter to Numa.”<sup>386</sup> The Palladium as well as the *ancile* were central to the identity of Rome. The Palladium was kept inside the *aedes* of Vesta and was never displayed in public; only the Vestals were allowed to see or touch it.<sup>387</sup> The Palladium, brought to Italy by the descendants of Dardanus, symbolized a continuity of power from Aeneas to Augustus. “The Palladium and the *ancile* were assurances of the continuing existence of the collectivity and the integrity of Roman sovereignty.”<sup>388</sup> Thus the duty of the Vestals to tend to the spring and to protect the Palladium was critical for Rome’s success.

The third duty of a Vestal was the preparation of the *mola salsa*, salted meal, an essential element in every Roman sacrifice. The salted spelt was sprinkled over a sacrificial victim’s head before it was slaughtered; this custom also allegedly began with Numa Pompilius.<sup>389</sup> Since the *mola salsa* was a critical ingredient of every sacrifice in Rome, the Vestal Virgins had a stake in every Roman sacrifice. Staples even takes it one step further: “*Mola salsa*, the sacred fire, the

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<sup>385</sup> Plut. *Num.* 10.4.

<sup>386</sup> Staples, 150.

<sup>387</sup> *Ibid.*, 152. See also Plut. *Num.* 9.8; Ov. *Fast.* 6.419-28.

<sup>388</sup> Staples, 153.

<sup>389</sup> “Don’t make a sacrifice without meal” (Plut. *Num.* 14.3.).

Palladium, were all endowed with the same ritual significance -- they represented Rome, as did the Vestals.”<sup>390</sup>

Every aspect of the Vestals’ job was critical to the strength of Rome. Staples stresses the importance of the Vestals’ work in this way: “A single lapse by a single priestess threatened the very existence of the state. In such an event the only way to restore the *status quo* was to rid the state of the offending Vestal.”<sup>391</sup> The method by which the Vestal was removed was intriguing and full of symbolism. The guilty Vestal apparently climbed down steps into an underground chamber where she was given a scant supply of food. The priests did not look upon her as her chamber was sealed.<sup>392</sup> Once the guilty Vestal was “removed,” the state would rekindle the flame, choose a replacement Vestal, and then and only then repair its damaged relationship with the gods.<sup>393</sup>

Staples raises an important point within this context -- if the sexual status of Vestal Virgins had such consequences for the state, they should have been protected diligently. In reality, the Vestals were not secluded; they were sometimes taken outside of the Atrium Vestae for ritual duties and they were allowed to conduct their social lives just as noble Roman matrons, attending dinner parties, wearing the *stola* and participating in public events.<sup>394</sup> The responsibility for the protection of the Vestals lay with the pontifex maximus. Lacey asserts, “in respect of their property they were *sui iuris* and the pontifex maximus had no control over their power to use it, acquire additions to it or dispose of it, but in respect of their public life they were under the control of the pontifex maximus.”<sup>395</sup> Although legally they left their father’s *potestas*

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<sup>390</sup> Staples, 154.

<sup>391</sup> Ibid., 135. When the state was in chaos, suspicions would arise that a Vestal was unchaste.

<sup>392</sup> Plut. *Num.* 10.7.

<sup>393</sup> Dion. Hal. *Ant. Rom.* 2.67.5.

<sup>394</sup> Staples, 135-36.

<sup>395</sup> Lacey, 127.

upon entry into the institution and belonged to nobody's *manus*, while a Vestal they were subject to reproach by the pontifex maximus. In other words, while they were residing and working within the *domus* of the pontifex maximus, they were subject to his discipline.<sup>396</sup>

In cases of punishment, the pontifex maximus employed a *consilium* of priests, similar to the process used by *patresfamilias* in ancient Rome. "The judicial role of the whole pontifical college in such cases is then related to the supposed domestic tribunal which conducted trials within the family."<sup>397</sup> The pontifex maximus had to protect the Vestal's reputation as he would his own daughter in order to preserve the stability of Rome. He achieved this through rules similar to those used by a *pater* over his children. "They (the Vestals) could not refuse to do their *munera*, they had to spend their lives where they were told, doing what they were told, and they lacked the power to dispose of their persons in marriage or indeed in any form of sexual activity."<sup>398</sup> Augustus, as pontifex maximus, was a father-figure to these Vestals.

Furthermore, scholars assimilate the pontifex maximus-Vestals relationship with that of the *pater-filiae*. A Vestal was chosen between the ages of six and ten and served a total of thirty years of service. Thus frequently the pontifex maximus was in charge of very young girls, not under anyone's *potestas*. In addition, as Lacey asserts, "...it is notable that even in the mid-first century BC the feeling perhaps existed that the pontifex maximus should be an older and not a younger man."<sup>399</sup> Evidence for this appears in Suetonius' history, where he records that in winning the office of pontifex maximus Julius Caesar "defeated two powerful rivals, who surpassed him much in age and reputation" (*potentissimos duos competitores multumque et*

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<sup>396</sup> Ibid., 129.

<sup>397</sup> Beard, 14. Gardner disagrees, "since the entire college seems to have borne joint responsibility" (Gardner, *Women in Roman Law and Society*, 23).

<sup>398</sup> Lacey, 127.

<sup>399</sup> Ibid., 128.

*aetate et dignitate antecedentes superavit*).<sup>400</sup> One can deduce from this that an older candidate seemed to the Romans more appropriate for the position of the pontifex maximus; an older pontifex maximus would also pose as more of a father-figure to the Vestal Virgins who were under his care.

Lacey continues with the argument of the pontifex maximus as a kind of *pater*: “Nor is there any example known to me of a pontifex maximus who was not a *paterfamilias*.”<sup>401</sup> Jane Gardner, on the other hand, argues that the pontifex maximus did not stand in the relation of a *pater* to the Vestals because he did not have the *ius vitae necisque*.<sup>402</sup> However, one could make the argument that the ceremony of corporal punishment for an unchaste Vestal did display the *ius necis*, for the pontifex maximus and the priestly *consilium* did create the conditions under which the Vestal slowly died. He was in charge of discipline and he determined, along with his council in trial, whether or not she was guilty. Thus the pontifex maximus determined the death of a corrupt Vestal, just as a father could kill or banish a guilty adulterous daughter by ancient law.<sup>403</sup>

It is open to speculation exactly what position the Vestals held in Rome. Their legal position was unique and their status in society was special. Yet I must argue here that Augustus as moral authority and Augustus as religious leader of these Vestal Virgins seems similar in image to that of a father over his children. He made sure they completed their tasks and he

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<sup>400</sup> Suet. *Jul.* 13.

<sup>401</sup> Lacey, 128; Lacey admits that this is not the strongest of arguments since scholars know so little about the early pontifex maximus and the family situations.

<sup>402</sup> Gardner, *Women in Roman Law*, 23.

<sup>403</sup> Yet there exist other arguments to deny that the Vestals were in the position of daughters to the pontifex maximus. Beard (14-15) sees the Vestals as representing the wives of the kings based on these factors: 1) matrons guarded the flame of a household; 2) the preparation of *mola salsa* resembled the domestic tasks of a *matrona*; 3) during the ceremony of induction the Vestal is captured like a bride in a Roman wedding; 4) the pontifex maximus addressed a Vestal as “Amata”; 5) the punishment of adulterous acts was equivalent to that of a husband catching a wife in the act. Beard (21) also states that the Vestals did not play any traditional role in the family because their legal and cultural “status as both virgins and matrons and men ... removes the possibility that they could play any conventional role within the family structure” Staples (130) asserts that the Vestals could not represent any single ritual category. My assertion is that Augustus, as pontifex maximus, was in charge of the Vestals like a *pater*, just as he was in charge of the morals and religious practices of his children.

protected them from corruption, since corruption would allegedly lead to national disaster. This is consistent with Augustus' legislation and program of moral reform -- the laws were instituted to protect the stability of the family and, ultimately, Rome. When Augustus became pontifex maximus in 12 BC and built the *aedes* of Vesta into his own *domus* on the Palatine, he truly became the *pater* of the state's daughters, the Vestal Virgins.

### The Worship of the *Genius*

Another household rite of worship that Augustus restored and expanded on a national scale was that of the worship of the *genius* of the *paterfamilias*. The *genius* originally symbolized the creative power of man, and it manifested itself most prominently in the *lectus genialis*, the marriage bed, the seat of the continuing vitality of the family.<sup>404</sup> Yet it gradually came to be associated more broadly with the well-being of the family. Thus the *genius* of the head of the family was worshipped in order to secure the health and fortune of the family.

The transition to the widespread worship of the *genius* of Augustus began in 30 BC. In that year Octavian received, among many other honors, the distinction that a libation should be poured to his *genius* at public and private banquets.<sup>405</sup> In 7 BC, Augustus created neighborhoods in Rome, 265 *vici*, regions in which freedmen worshipped the *genius Augusti*. These cults or local shrines allowed freedmen to participate in the religious revival of the state. In fact, at these local shrines the *genius* of Augustus, represented by a statuette, was often depicted as a *togatus capite velato*.<sup>406</sup> Augustus was thus portrayed as the ideal pious leader who covered his head in worship.<sup>407</sup> This image of a veiled Augustus, of course, appeared throughout Rome during this period, most notably on the Ara Pacis. Augustus restored a traditionally family-based worship

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<sup>404</sup> Morford and Lenardon, 482.

<sup>405</sup> Dio. Cass. 51.19.7.

<sup>406</sup> Ibid., 128-29.

<sup>407</sup> Verg. *Aen.* 3.403-09.

and expanded it into a large-scale system throughout Rome. His *genius*, the *genius* of the state *paterfamilias* and of the humble, veiled worshipper, was gradually worshipped on a grand scale. “In earlier times the *genius* of the *paterfamilias* had been thus worshipped in family shrines, so it was natural that this paternalistic ruler should be honored in the same form.”<sup>408</sup> The continued well-being of the family, and then the entire state, depended on it.

The image of Augustus as *togatus capite velato* discussed above became a popular motif in imperial Rome for it provided a living example of *pietas* to the people. As Zanker writes, Augustus’ “piety was put on display for every Roman to see, making it clear that he considered the performance of his religious duties his greatest responsibility and highest honor.”<sup>409</sup> Augustus had displayed his *pietas* to his own family by avenging the death of his “father” Julius Caesar, and he exhibited *pietas* to the gods by his restoration of temples and religious practices. Zanker stresses the importance of this image as a veiled priest: “The princeps offered himself as the most impressive paradigm of piety. He was a member of the four most important colleges of priests and was *de facto* chief priest long before he was able officially to assume the office of pontifex maximus.”<sup>410</sup>

But the *pietas* Augustus and his administration aimed for was a more universal concept. “A new *pietas* across state and family was strived for so that it was worthwhile for the gods to protect Rome once again.”<sup>411</sup> A healthy relationship with the gods would lead to a strong and stable state, so critical after the chaos of civil war. In order to spread this universal *pietas*, monuments and buildings began to be constructed with facades showing sacrificial accoutrement, garlands, fillets and sacrificial animals. “Symbols of *pietas* in suggestive

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<sup>408</sup> Zanker, 129.

<sup>409</sup> Ibid., 126.

<sup>410</sup> Ibid.

<sup>411</sup> Strothmann, 78.

arrangements were now ubiquitous.”<sup>412</sup> One of the most renowned monuments from the Augustan Age which exemplified the concept of *pietas* for the Roman people was the Ara Pacis Augustae, the Altar of Augustan Peace.

### The Ara Pacis Augustae

The Ara Pacis Augustae was a monument erected by senatorial decree in gratitude for Augustus’ return to Rome after his campaign in Gaul and Spain.<sup>413</sup> The construction on the west side of the via Flaminia on the Campus Martius began after the consecration ceremony on July 4, 13 BC and concluded before the dedication on January 30, 9 BC.<sup>414</sup> It was designed as part of a large sundial made with an obelisk imported from Egypt, celebrating the Romans’ victory over Egypt. Zanker marvels at the beauty and functionality of the sundial:

It was the largest sundial ever built. A 30-meter-tall Egyptian obelisk served as pointer (*gnomon*), casting its shadow on a distant network of markings which probably functioned equally as clock and calendar. It was so contrived that on Augustus’ birthday the *gnomon* pointed to the nearby Ara Pacis Augustae, recalling that at his birth the constellation of stars had already determined his reign of peace: *natus ad pacem*.<sup>415</sup>

The Ara Pacis actually consisted of two parts, the altar and a rectangular enclosing wall. The prevailing images of the work are of peace, prosperity, fertility and piety. This was a beautiful and civilized monument with a purpose -- to resound with images of family and fecundity in order to support Augustus’ social reforms on marriage and morality and to display the correlation between family morality and peace of empire. One can see the greater emphasis on peace over war through the images on the altar and its precinct but also through the images that are absent: triumphal depictions. Augustus refused a triumph upon his return from Gaul and

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<sup>412</sup> Zanker, 117.

<sup>413</sup> Aug. *Anc.* 12.

<sup>414</sup> Wayne Andersen (1 ff.) has recently proposed that the Ara Pacis was completed during Tiberius’ reign and not in 13 BC or 9 BC.

<sup>415</sup> Zanker, 144.

Spain and he declined an altar in the senate chamber itself.<sup>416</sup> Wallace-Hadrill asserts that the emphasis for Augustus was not victory, “but the quality of the paradise-like peace that his victories secure for Rome.”<sup>417</sup>

The friezes on the Ara Pacis served a twofold purpose: as a record of a sacrifice performed by the returning Augustus on July 4, 13 BC and as a general symbol of the concepts valued by the Augustan regime.<sup>418</sup> The stress was on piety and fecundity, the very virtues propounded in Augustus’ moral legislation. To symbolize fertility and growth, the artists utilized vines as part of the pictorial vocabulary. In fact, vines encompass over half of the altar enclosure around the Ara Pacis.<sup>419</sup>

A variety of flowers, fruits and animals hide amidst the vines. Even Apollo’s swans, a symbol of the new golden age, sit on a frieze amidst the vine branches.<sup>420</sup> Of course, animals and vegetation represent growth of empire and prosperity. Horace’s *Carmen Saeculare* echoes this sentiment, similarly expounding on the fertility of the flocks and fruit trees:

May the earth, fertile in fruits and  
cattle, present Ceres with a crown made of grain;  
may the healthy rains and winds of Jove  
nourish the young.

fertilis frugum pecorisque tellus  
spicea donet Cererem corona;  
nutriant fetus et aquae salubres  
et Iovis aurae.<sup>421</sup>

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<sup>416</sup> Galinsky, 142.

<sup>417</sup> Wallace-Hadrill, *Augustan Rome*, 70.

<sup>418</sup> Wayne Andersen (Chapter 6) insists that the Ara Pacis in its present form did not exist for the consecration. He theorizes that the altar was a simple stone altar at that time.

<sup>419</sup> Zanker, 179.

<sup>420</sup> *Ibid.*, 182.

<sup>421</sup> Hor. *Carm. Saec.* 29-32.

There is a sense that the peace brought about by Augustus supplied this abundance or at least created the conditions under which stability ensued. Once again in his final ode, Horace writes:

Your age, Caesar, has restored  
fruits and fertile fields.

tua, Caesar, aetas  
fruges et agris rettulit uberes.<sup>422</sup>

In a similar manner, Vergil in his *Georgics* labels Augustus as the *auctor frugum*.<sup>423</sup>

Fertility in nature crosses over into fertility in men and women on the eastern side of the altar enclosure. There a matronly deity sits with two babies reaching for her breast, with a lap full of fruit, her hair adorned with a wreath of grain and poppies, and with wheat and other plants surrounding her.<sup>424</sup> She has been interpreted as being Venus, Tellus, Ceres or Pax.<sup>425</sup> This figure serves as an image of motherhood, living the simple rustic life, with the sheaves of grain representing fertility in crops, rustic peace or the grain supply that Augustus guaranteed in Rome.<sup>426</sup> It also may reflect the fecundity of Roman women who produce their offspring just as the earth bears her fruit. The multivalence of the pictorial art is both enigmatic and astounding. As Zanker states, “the chief characteristic of the Augustan pictorial vocabulary are its broad spectrum of associations and the general applicability of the individual symbols, but also a corresponding lack of specificity in any one particular case.”<sup>427</sup>

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<sup>422</sup> Hor. *Carm.* 4.15.4-5.

<sup>423</sup> Verg. *G.* 1.28.

<sup>424</sup> Andersen claims that the wheat is really barley, and hence is a symbol of an uncultivated grain.

<sup>425</sup> Zanker, 172. Andersen devotes two chapters (Chapters 12 & 13) to the Tellus panel. He supports the idea that the figure is indeed Tellus, but Tellus as a representation of the raw earth prior to agriculture, and proposes that she sits in a complementary position to the Roma panel which represents Rome after agriculture has begun, the Rome which dominates the world.

<sup>426</sup> *Ibid.*, 177.

<sup>427</sup> *Ibid.*

The mythological references on the western exterior wall are also pregnant with meaning. On the right panel of the western doorway is a scene of Aeneas sacrificing a sow after arriving in Latium; the Penates are shown in a small shrine behind.<sup>428</sup> On this wall, Aeneas and Iulus, the founder of the Julian name, display their piety to the gods in carrying out this sacrifice. This devotion, in turn, can be associated with the fertility and abundance displayed around them. From this it can be deduced that exemplary piety will assure the prosperity of Rome. Also significant on this side of the wall is the fact that Aeneas is gazing at the youth before him; his gaze implies that the new generation will perpetuate this golden age.

Aeneas, dressed in a cloak of old Roman style, is portrayed not as a warrior or as a soldier fighting for survival, but instead as “the pious *pater* Aeneas who has endured a thousand trials”<sup>429</sup> and who will lead his people to peace and prosperity. The motif of Aeneas and his family often appeared on lamps and terra-cotta statues and symbolized *pietas* on grave reliefs.<sup>430</sup> The image of *pater Aeneas* conjures up an image of *pater* Augustus as well. Powell claims: “That Virgil on occasion adjusted the myth of Aeneas to assimilate Aeneas to Augustus has been recognized since antiquity. Perhaps best known are the cases in which Aeneas is made to visit the site of the battle of Actium and Aeneas’ son is linked with the Atii, as a reference to Augustus’ mother Atia.”<sup>431</sup> Even in Book One of the *Aeneid*, Jupiter foretells that Augustus will bring peace and end *furor impius*.<sup>432</sup> Aeneas is seen as a predecessor of Augustus not just as a leader of the Roman people, but as a Julian. He is frequently called *pius* and *pater*.<sup>433</sup>

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<sup>428</sup> Rowell, 216.

<sup>429</sup> Zanker, 204.

<sup>430</sup> *Ibid.*, 210.

<sup>431</sup> Anton Powell, “The *Aeneid* and the Embarrassments of Augustus,” in *Roman Poetry and Propaganda in the Age of Augustus* (London: Bristol Classical Press, 1992), 143. References appear in Verg. *Aen.* 3.280; 5.568.

<sup>432</sup> Verg. *Aen.* 1.293-96.

<sup>433</sup> Verg. *Aen.* 3.716 et al.

On the left panel of the western exterior wall doorway stood Romulus and Remus, complementing the doorframe with Aeneas on the right side. Although the panel remains are not complete today, it is generally agreed that it depicted Romulus and Remus being suckled by the wolf, with Mars, father of the twins, and the shepherd Faustulus, looking on.<sup>434</sup> Wallace-Hadrill interprets the doorway pictorial vocabulary thus: “The two doorway ends contrast as male and female. The male pair, Romulus and Aeneas, may be thought of as embodying the male qualities upon which Roman success is founded: virtue and piety to the gods.”<sup>435</sup> The female pair framing the eastern doorway, the goddess Roma and the matronly figure of the fertile earth, symbolize the results of virtue and piety acted upon -- peace and prosperity.<sup>436</sup> Augustus is the new founder of Rome who, like Aeneas, Romulus, Numa and Camillus, through his own piety and through the restoration of Rome’s piety, would bring about a new age of peace. His family represents a continuation of that peace.

The imperial family appears on the north and south sides of the outer enclosure, although there is some speculation as to exactly what members of the family are shown.<sup>437</sup> The entire procession is led by Augustus; beside him is a group of lectors and the two consuls of the year, Tiberius and Quintilius Varus.<sup>438</sup> They are followed by the priests of Jupiter, Mars, Quirinus and the deified Julius. The family behind this is led by Agrippa in a long sacrificial procession which marches toward the figure of Augustus. Augustus is the logical focal point of this frieze because he is stationary and the lectors are facing him in a way that would suggest that they were announcing his presence.<sup>439</sup> Around the corner of the exterior wall is the figure of Aeneas

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<sup>434</sup> Rowell, 219.

<sup>435</sup> Wallace-Hadrill, *Augustan Rome*, 74.

<sup>436</sup> Ibid.

<sup>437</sup> Charles-Picard (68) states that “general agreement exists only in the cases of Agrippa, Drusus and Antonia the Younger.”

<sup>438</sup> Rowell, 219.

<sup>439</sup> Andersen, 117.

worshipping in a similar pose and in similar garb. “So at the head of the procession, Augustus, dressed in priestly robes and surrounded by the priests of Rome, echoes the piety of his ancestor Aeneas, even in the gesture by which he offers sacrifice. Behind him follow the women of his household with their children at their skirts.”<sup>440</sup>

According to Zanker, the imperial family is positioned according to their proximity to the principate: Agrippa, Augustus’ son-in-law, with his young son Lucius clutching his toga, Julia, with her hand on Lucius’ head, Livia veiled, and a young couple, perhaps Antonia and Drusus.<sup>441</sup> Senior statesmen follow them. The women wear simple, classical garments and the children are positioned in the foreground.<sup>442</sup> These children echo the youths that appear in front of Aeneas, both “idealized versions of the brave and pious youth Augustus wished for Rome’s future.”<sup>443</sup> The women and children reflect the mother and babies of the adjoining panel.

On the north side of the outer enclosure is the procession of the senate and the people of Rome, representing the traditional republic. “It is also left open whether Augustus and his entourage of family and senators form two processions or one, or whether they should be envisaged as standing in a circle. But there is no ambiguity about the central intent: the attention is focused on Augustus, and he, his arrival (*adventus*), and the rite he is performing are enhanced by the representation of Aeneas on the panel next to his.”<sup>444</sup>

Augustus is positioned in between the elected consuls, in the midst of a sacrificial rite, surrounded by his family and the people of Rome. This is not just a depiction of one day,<sup>445</sup> but rather it is a representation of the past, present and future of Rome, guaranteed in its stability by

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<sup>440</sup> Wallace-Hadrill, *Augustan Rome*, 74.

<sup>441</sup> Zanker, 123.

<sup>442</sup> *Ibid.*, 122.

<sup>443</sup> *Ibid.*, 204.

<sup>444</sup> Galinsky, 142.

<sup>445</sup> This is either a depiction of the groundbreaking ceremony for the altar on July 4, 13 BC, the dedication on Jan. 30, 9 BC, or a timeless representation. Not all of the figures represented were in Rome on the day of the dedication.

Augustus and his progeny. “The dense rows of figures all similarly veiled in their togas give the impression of unity and uniformity. The sculptural style and composition, inspired by Classical reliefs, elevates the scene beyond the historical occasion into a timeless sphere.”<sup>446</sup> This is the picture of the new age of Augustus, one of piety and deserved peace. Ovid’s *Fasti* records the priest’s prayer for the third day before the Kalends of January: “that the house which maintains peace may last with peace” (*utque domus, quae praestat eam, cum pace perennet*).<sup>447</sup>

The imperial family which appears on the Ara Pacis Augustae would lead Rome into the next age. Augustus as *paterfamilias* needed to preserve the virtue and hence the future of his family just as he urged the passing of his moral legislation to protect the noble families of Rome. His *pietas*, reflected by the images of the *pietas* of *pater* Aeneas, Romulus, Numa and Camillus, is displayed as a model for the Roman people. The redundant images of abundance and fertility suggest the present and future stability of Rome.

Through these integrated images, Augustus, his program of moral and religious reform and his family became a visual force. The visual images were, on the one hand, simple enough for the common folk to understand; but on the other hand they were enigmatic to such an extent that the viewer had to consider alternative interpretations.<sup>448</sup> What one can identify is that Augustus’ image was not painted with a heavy military or tyrannical hand. Rather, Augustan art and architecture artfully celebrated Augustus’ role in reviving the grandeur of ancient religious and mythological tradition.

### The Forum of Augustus

These integrated images of piety, fertility and family appeared throughout Augustus’ building program. As he stated in his *Res Gestae*, Augustus was very proud of his architectural

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<sup>446</sup> Zanker, 121.

<sup>447</sup> Ov. *Fast.* 1.719.

<sup>448</sup> Galinsky, 222.

achievements.<sup>449</sup> Suetonius wrote that “Augustus so improved her (Rome’s) appearance that he could justifiably boast that he “found Rome made of brick and left her made of marble” (*marmoream se relinquere, quam latericiam accepisset*).<sup>450</sup> The Forum of Augustus, dedicated in 2 BC, was perhaps the culmination of the Augustan visual program. Pliny the Elder in his *Natural History* praised it as an architectural wonder and “one of the most beautiful works I have ever seen on earth” (*pulcherrima operum quae umquam vidi orbis*).<sup>451</sup>

Framing the Forum of Augustus at the top were two semicircular areas (*exedrae*) filled with great figures from Rome’s past: Romulus and the early founders of Rome on one side and Aeneas, Iulus and the Alban Kings on the other. These figures faced the central portion of the forum, where a statue of Augustus was positioned. Wallace-Hadrill observed that these ancestral figures facing the statue seemed to look with pride upon their descendant Augustus.<sup>452</sup> The statue, a *quadriga*, was inscribed with the newly bestowed title *pater patriae*. It was surrounded by great gods and heroes from Rome’s past who celebrated silently Augustus’ virtues of piety and excellence. The position Augustus’ statue occupied was a central one, for surrounding his image the Roman people as a family could see their heroes and celebrate their ancestors’ achievements. Wallace-Hadrill describes the Forum of Augustus as follows: “What Augustus ended up with in the Forum was not a crude monument to his own glory, but a subtle conversion of places full of the positive feelings about the past. Augustus wanted to identify with the past itself. The glory of the good old days and the glory of the Julii were intertwined.”<sup>453</sup>

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<sup>449</sup> Aug. *Anc.* 19-21.

<sup>450</sup> Suet. *Aug.* 28.3.

<sup>451</sup> Pliny *H.N.* 36.24.102.

<sup>452</sup> Wallace-Hadrill, *Augustan Rome*, 57.

<sup>453</sup> *Ibid.*, 56.

The Forum of Augustus was the equivalent of the atrium of a noble house built on a colossal scale.<sup>454</sup> Instead of wax masks outlining the atrium, which was typical in a noble house, statues of ancestral heroes and great men (*summi viri*) lined both sides of the Augustan Forum. This had never been executed on such a grand scale. Just as Augustus had brought the hearth of Vesta into his own *domus*, so, too, did he assume the Forum of Augustus as his own atrium. “The veneration, pride, and spirit of emulation which were aroused in a member of a private family at the sight of the family’s images and inscriptions in his home would be felt by every Roman who stood in the Forum, regardless of his own immediate lineage.”<sup>455</sup> Through the visual imagery of the Forum of Augustus, Augustus’ home became Rome’s home.

The *summi viri* statues were placed along both sides of the Forum on bases on which were inscribed the political biographies and accomplishments of these illustrious men. The men were chosen for their contributions to the expansion of Rome and for their civic and moral qualities. These same ideas served as the basis for Augustus’ moral legislation and were celebrated on the reliefs of the Ara Pacis.”<sup>456</sup> Zanker believes that Augustus undoubtedly had a hand in the selection of these *summi viri*, both because of his position and because of the concepts stressed. Pliny wrote in his *Natural History* that Augustus composed the *elogia* on the bases under at least one of the statues.<sup>457</sup> According to Suetonius, Augustus proclaimed at the dedication of the Forum:

...that he should be judged by the citizens while he was alive along with the *principes* of future ages by the standards of the lives of these men.

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<sup>454</sup> Rowell, 228.

<sup>455</sup> Ibid.

<sup>456</sup> Galinsky, 199-200.

<sup>457</sup> Pliny *H.N.* 22.6.13. The particular statue mentioned by Pliny is that of Scipio.

...ut ad illorum vitam velut ad exemplar et ipse,  
dum viveret, et insequentium aetatium principes exigerentur  
a civibus.<sup>458</sup>

These great men were selected because of their civic and military virtues, and their statues stood in line as a kind of spatial introduction to the great men in the *exedrae* of the forum, Aeneas and Romulus. While Aeneas was presented as the embodiment of *pietas* toward the gods and his family, Romulus was the example of virtue, the first *triumphator* of Rome. Thus Augustus' role as stabilizer and restorer was accentuated in the Forum. "Peace and war, as we have observed on several occasions, were intrinsically linked in Augustan thinking: *parta victoriis pax*. Both also needed to have a moral foundation."<sup>459</sup>

These *summi viri*, who embodied all of the qualities that made Rome great, appeared in Augustus' funeral procession as well. The images of Augustus' deceased ancestors and relatives were processed along with the *imagines* of distinguished Romans as if they were part of his blood family. Cassius Dio documents it as follows:

Behind these were carried those (images) of his forefathers and of his other deceased ancestors, except that of Caesar, because he was considered among the demigods, and those (images) of other Romans prominent in anything, beginning with Romulus himself.<sup>460</sup>

These men with their great virtues became part of Augustus' family, and Rome's ancestors became intertwined with those of Augustus. They became one family with one father, Augustus.

In the back of the Forum of Augustus was the great Temple of Mars Ultor, promised by Augustus during the Battle of Philippi in 42 BC. Augustus dedicated the temple to Mars a full forty years later on August 1, 2 BC; its images continued the multivalent imagery of the Forum

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<sup>458</sup> Suet. *Aug.* 31.5.

<sup>459</sup> Galinsky, 199. See also *Aug. Anc.* 13.

<sup>460</sup> Dio Cass. 56.34.2-3.

itself. The standards, recovered from the Parthians with the help of Mars, were conspicuously displayed in the *cella* of the temple. In the apse toward the back of the temple were placed grand statues of Mars, Venus and the divine Julius Caesar.

There were two depictions of Mars at the temple, the cult statue inside the temple and the figure on the temple pediment.<sup>461</sup> The cult statue to Mars was armed with a decorated breastplate, a helmet, greaves, and holding a spear and shield. He stood as a dominant military figure with a cuirass decorated by griffins, the creatures of Apollo, and intimidating gorgons. Zanker interprets the vines, the griffins and the *cornucopiae* on the shoulder flaps of the armor as indicators that this was more of a paternal Mars figure and reflective of Augustus.<sup>462</sup> He asserts that this is not the image of Mars the Avenger exclusively (even though that interpretation would remind the people of Augustus' *pietas* as the "son" of Caesar). This statue represented the Mars who fathered Romulus and Remus, the father of the original *conditor* of Rome. This is also the Mars figure with the *corona civica* of Augustus on his shield: "that it really belonged to Augustus as 'savior' would have been clear to anyone standing in the temple *cella*, for the recaptured eagles and standards were displayed like holy relics on the stepped base of the cult statue group."<sup>463</sup> This was a new Mars with *cornucopiae* crossed on his shoulder flaps. Zanker's interpretation is that "the fatherly Mars has become a guardian of peace."<sup>464</sup> The *cornucopiae* symbolized the peace and prosperity Augustus brought to his people.

The Mars figure on the temple pediment was that of a dominant military figure. He stood "nude to the waist, he set his foot on the globe in a triumphant gesture and held sword and

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<sup>461</sup> Zanker, 196-98; The temple pediment was copied on an altar in the Claudian Period (see Zanker figs. 86, 150 and 151). The cult statue in the temple was reproduced as well (see fig. 155a).

<sup>462</sup> Ibid.

<sup>463</sup> Ibid., 200.

<sup>464</sup> Ibid.

spear.”<sup>465</sup> This perhaps was the Mars of military might, the Mars who recaptured the standards lost to the Parthians. This was the more traditional image of the Roman Mars, the god of war.

Both images combined to depict Mars as a mighty, conquering god and a fatherly protector whose piety and strength would bring a *cornucopiae* of plenty to his people. These concepts, *pietas* and *virtus*, were written on Augustus’ golden shield and were the focal points of his visual agenda. Ovid in his *Fasti*, on documenting his version of Augustus’ vow to build this temple, wrote that Augustus made his promise with *pia arma* and *milite iusto*.<sup>466</sup>

As if the references in the Temple of Mars Ultor to Augustus as the restorer of peace were not sufficient, the statues of Venus and Julius Caesar in the temple apse made the message abundantly clear. The statue of Venus, the ancestress of Aeneas and the Julii, stood in “her new role, dignified in a long garment and holding a scepter, standing beside the war god.”<sup>467</sup> This was not the sensual Venus of the Greeks -- this was the protecting goddess of the *Aeneid*. Just as the warlike Mars was transformed into a paternal Mars in the temple, Venus’ erotic role had been de-emphasized in order to accentuate her image of the ancestress of Augustus and guardian of peace.<sup>468</sup> She also stood one over from a statue of the Divine Julius, honored here as the “father” of Augustus and whose death was avenged by his pious and dutiful “son.” Just as Aeneas preserved his son and father in his flight from Troy, so “Caesar’s heir was the new Aeneas who in saving his father saves Rome.”<sup>469</sup>

Augustus was the new founder, the pious son, the dutiful worshipper and the father of the great family whose ancestors filled the atrium of the Forum of Augustus. Wallace-Hadrill states

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<sup>465</sup> Ibid., 200-01.

<sup>466</sup> Ov. *Fast.* 5.569; 5.571.

<sup>467</sup> Zanker, 196; This figure also appears on the pediment that was reconstructed on an altar in the Claudian Period (see Zanker figs. 86, 150, and 151).

<sup>468</sup> O’Gorman, 107.

<sup>469</sup> Wallace-Hadrill, *Augustan Rome*, 69.

that “Augustus made the Forum the monument of a single man and his family.”<sup>470</sup> His pictorial imagery supports the message that Rome’s stability depended on his fulfilling his role as a protecting and pious father. Rowell asserts that “the temple was in many ways a family memorial.”<sup>471</sup> If the Forum of Augustus was the atrium of Augustus, and if the great men of Rome were Augustus’ personal ancestors, then clearly the family of Rome had become the family of Augustus.

### The Imperial Family

Through a similar process Augustus’ family appeared to become the family of Rome. The imperial family’s birthdays and funerals became public events, prayers were made to the health of Augustus and his family, Augustus’ civil servants became administrators of the state, and Augustus’ family became the model for moral standards. In addition, the intermingling of the Julian family gods and ancestors with those of ancient Rome in the Forum of Augustus cultivated the belief that *pietas* shown to the Julian family was a kind of patriotism. This was a fairly new concept for the Romans.<sup>472</sup> As Beth Severy observes, “That the political orders (senate, *equites*, and perhaps *plebs*) should owe *pietas* to the imperial house is striking. In republican discourse, this was a familial and religious term.”<sup>473</sup> Romans customarily felt pious devotion to family and gods, not to a *princeps* or to his family. After Augustus, the boundary between state and family became blurred.

This interaction of Augustus’ family with state matters occurred throughout the calendar year. Augustus imposed himself and his family on the calendar as pervasively as he imposed visual images of his family on public monuments. Celebrations of anniversaries, birthdays and

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<sup>470</sup> Ibid., 53.

<sup>471</sup> Rowell, 223.

<sup>472</sup> Beth Severy, “Family and State in the Early Imperial Monarchy: The *Senatus Consultum de Pisone Patre*, *Tabula Siarensis*, and *Tabula Hebana*,” *Classical Philology* 95 (2000): 326.

<sup>473</sup> Ibid.

commemorations affected the business of daily Roman life. Augustus' birthday was celebrated all over the empire along with the worship of his *genius*.<sup>474</sup> Then in 20 BC, upon the birth of Augustus' grandson Gaius, Augustus decreed that there be an annual festival with the sacrifice of an ox celebrating that occasion. Dio documented it thus: "And Julia gave birth to a boy named Gaius, and a certain eternal sacrifice was granted for each of his birthdays."<sup>475</sup> This was the first public celebration of an imperial family member's birthday, and this tradition continued into Claudius' reign.<sup>476</sup>

But by this time, the boundaries between state and family celebrations would have already become blurred. Not only were family celebrations made into public ones, but old festival days were actually moved onto private family birthdays and celebrations. In fact, there were seven feast days of the gods on his birthday alone.<sup>477</sup> Sanctuary dedications were also moved to fall on commemorative days for the emperor or his family.<sup>478</sup> Public and private ceremonies became intertwined.

This merging occurred for funeral ceremonies as well. Beth Severy's study of the *Tabula Siarensis* and the *Tabula Hebana* reveals that in AD 19, upon the death of Germanicus, several obligations were imposed by the senate on the Roman people. First of all, it was recorded that the *sodales Augustales*, new priests devoted to the cult of Augustus, should sacrifice to the dead annually in honor of Germanicus as they did for Gaius and Lucius.<sup>479</sup> Thus we can assume this practice began during Augustus' administration. In addition, on the anniversary of Germanicus' death, temples were closed, citizens were forbidden to transact business, and weddings and

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<sup>474</sup> Suet. *Aug.* 57.1; Dio Cass. 54.8.5.

<sup>475</sup> Dio Cass. 54.8.5.

<sup>476</sup> Andrew Wallace-Hadrill, "Civilis Princeps: Between Citizen and King," *Journal of Roman Studies* 72 (1982): 40. See also Suet. *Tib.* 26.1; Dio Cass. 60.5.6-7.

<sup>477</sup> Zanker, 114.

<sup>478</sup> *Ibid.*

<sup>479</sup> Severy, 321 (*Tabula Siarensis* 2.a.3-5; *Tabula Hebana* 59-62).

engagement parties had to be postponed.<sup>480</sup> In this way, private families were compelled to put Augustus' family first. On the anniversary of Germanicus' burial, temples were closed and senatorial and equestrian orders joined the procession to the tomb; this procession was normally restricted to family members.<sup>481</sup> In this way, public and private sorrow were shared.

The *lex Valeria Aurelia* on the Tabula Hebana (5-50) also records the creation of new voting centuries in honor of Germanicus, in the same manner as those created for the deceased Gaius and Lucius (6-7). These honors integrated the imperial family into the most public of operations -- voting. In addition, a senatorial decree found on the Tabula Siarensis (1.9-21) decreed that a marble funerary arch be constructed with public funds for Germanicus.<sup>482</sup> This arch was also surrounded by statues of Drusus, Antonia, Agrippina, Livia, and Tiberius and his children.<sup>483</sup> Suetonius writes about the monumental arch for Drusus (Germanicus):

Yet the army erected an honorary burial mound for him, around which in succession the soldiers had to run on a particular day every year and around which the communities of Gaul would publicly pray. Besides this, the Senate, among many other things, decreed for him a marble arch on the Appian Way, with trophies, and the cognomen Germanicus for himself and his posterity.

ceterum exercitus honorarium ei tumulum excitavit,  
circa quem deinceps stato die quotannis miles decurreret  
Galliarumque civitates publice supplicarent. praeterea  
senatus inter alia complura marmoreum arcum cum tropaeis  
Via Appia decrevit et Germanici cognomen ipsi posterisque eius.<sup>484</sup>

Whereas earlier imperial arches were decorated with enemy spoils, this particular arch for Germanicus was surrounded by family images. "Indeed, women and children were extremely

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<sup>480</sup> Ibid., 321-22 (Tabula Siarensis 2.a.7-8).

<sup>481</sup> Ibid., 322 (Tabula Hebana 55-57).

<sup>482</sup> Ibid., 323-24.

<sup>483</sup> This arch had thematic precedents in arches built for Drusus in 9 BC and Gaius and Lucius in AD 4 (Suet. *Claud.* 1.3).

<sup>484</sup> Suet. *Claud.* 1.3.

rare in republican public imagery.... Germanicus' arch, however, reflected a developing Tiberian tradition of honoring members of the imperial house by depicting them in the midst of their relatives."<sup>485</sup> This intermingling of military prowess and family created a symbolic connection between Augustus' family and military success.

Augustus' building program, including secular structures, was resplendent with familial images. As Suetonius reports:

He constructed certain buildings in the name of others, namely that of his grandchildren, his wife, or his sister, such as the colonnade and basilica of Gaius and Lucius, also the Porticus of Livia and that of Octavia, and the Theater of Marcellus.

quaedam etiam opera sub nomine alieno, nepotum scilicet et uxoris sororisque fecit, ut porticum basilicamque Gai et Luci, item porticus Liviae et Octaviae theatrumque Marcelli.<sup>486</sup>

In addition, the Saepta was expanded and renamed the Saepta Iulia. Temples and porticoes constructed by triumphant leaders of the mid to late Republican Period were restored as monuments to the imperial family, while the original Republican patrons were forgotten.<sup>487</sup>

Augustus completed Julius Caesar's major projects, including the Basilica Julia, renamed for grandsons Gaius and Lucius, and the Forum Iulium; this merely added to the family name's ubiquity. By the end of Augustus' rule, monuments of the Julian family were omnipresent. The senate house was renamed the Curia Iulia and was inscribed with Augustus' name on the front façade. Inside was a statue of Victoria representing his victory in the civil wars and the Golden Shield, covered with Augustus' virtues: valor, justice, clemency and piety.<sup>488</sup> These were the virtues that made Augustus the father of his country, and his family would continue the peace

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<sup>485</sup> Severy, 324-25.

<sup>486</sup> Suet. *Aug.* 29.4.

<sup>487</sup> Zanker, 144-45. One such example is the Porticus Metelli, built by Quintus Caecilius Metellus in 147 BC, which was rebuilt and renamed the Porticus Octaviae.

<sup>488</sup> Wallace-Hadrill, *Augustan Rome*, 55.

and stability that he achieved. The visual iconography of his family throughout Rome reinforced this concept.

Augustus' family was the subject of the prayers of priests and the songs of national festivals as well. Augustus states in his *Res Gestae* that "the senate decreed that every fifth year that the consuls and priests ought to make prayers for my health" (*vota pro valetudine mea suscipi per consules et sacerdotes quinto quoque anno senatus decrevit*).<sup>489</sup> In the Secular Games of 17 BC, Augustus recited on the first night a prayer for the *imperium* and *maiestas* of the Roman people, health and victory, expansion of the empire, the priesthoods, and for himself, his house and his family.<sup>490</sup> On the second and third nights, the goddesses of childbirth and fertility were invoked.<sup>491</sup> This theme of fertility permeated the festivities of the event and reflected the images on the Ara Pacis and Augustus' legislative program of moral reform. Augustus himself distributed tokens of purification at the festival, ridding the public of pollution and paving the way for order and stability. Wallace-Hadrill explains the symbolism of the Secular Festival: "The outgoing *saeculum* was the Age of Civil War, of breakdown of state and family, a true Age of Iron. The new era was the Age of Peace, of order in the state and purity in the family."<sup>492</sup> Augustus and his family were the keys to bringing about and maintaining this new age of peace. Thus the prayers to the health of the *domus Augusta* were critical to the Roman family at large.

The Arval Brethren, a priestly organization revived by Augustus, also prayed for the health of the imperial family. These twelve priests were originally members of an ancient

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<sup>489</sup> Aug. *Anc.* 9.

<sup>490</sup> Zanker, 169. Details regarding the proceedings were drawn from the inscription: CIL VI no.32323.

<sup>491</sup> Hor. *Carm. Saec.* 13-20.

<sup>492</sup> Wallace-Hadrill, *Augustan Rome*, 70.

agricultural cult who worshipped the fertility goddess Dea Dia.<sup>493</sup> They participated in ancient ceremonies a few times a year, but their primary responsibility resided in praying and making sacrifices for the health and well-being of the imperial family.<sup>494</sup> Their records (*Acta*) from 21 BC indicate that these priests were assisted at sacrifices by four free-born boys, in a way acting as children participating in a family sacrifice.<sup>495</sup> Wiedemann states: “The priest who conducted ceremonies on behalf of the Roman state was assisted by his ‘children’ in the same way as the *paterfamilias* when he offered up sacrifices for his household. This does not mean to say that the Romans thought of their community as an extended family, but rather as analogous to a family.”<sup>496</sup> These “brothers” prayed for the health and wellness of the imperial family just as the *Augustales* worshipped Augustus’ *genius* throughout the empire. Augustus and his family’s well-being were intrinsic elements of the health of the state.

If Augustus’ family became, in a sense, the state’s family, then his household servants, members of his official *domus*, would also have had to have been, in some way, servants of the state. In fact, this seemed to have occurred in the early development of a civil service corps. Gradually, slaves and freedmen who belonged to the emperor personally were assigned specialized administrative and governmental tasks.<sup>497</sup> These included accountants, secretaries and manual laborers who worked with the emperor on a variety of projects. Susan Treggiari states: “Their legal status was that of his private household and individuals may have moved back and forth between functions which we would regard as domestic and those we would regard

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<sup>493</sup> Scullard, 30.

<sup>494</sup> Zanker, 119.

<sup>495</sup> Wiedemann, 184.

<sup>496</sup> *Ibid.*

<sup>497</sup> Treggiari, “Social Status,” 898.

as public.”<sup>498</sup> Thus there was an intermingling of family and state on an administrative level as well as on a religious level.

Lastly, Augustus and his family had to become models of piety and virtue, if Augustus was to be the *pater patriae* who would exemplify virtues for the state families. “The pyramid that was Roman society had a clear and undisputed pinnacle. The emperor and his family set the standard in every aspect of life, from moral values to hairstyles.”<sup>499</sup> Augustus himself lived a simple and strict lifestyle once his regime was established. Suetonius documents that Augustus lived a rather frugal lifestyle. His food, his home and his clothing were all relatively simple. Suetonius writes:

In other aspects of his life it is well-known that he was most self-controlled and beyond the suspicion of any fault.

in ceteris partibus vitae continentissimum constat ac sine suspicione ullis vitii.<sup>500</sup>

His palace on the Palatine Hill was not overly large or elegant, it lacked grand marble columns, and the floors were not elaborately decorated. This account of Augustus’ relative temperance stands in marked contrast to Suetonius’ descriptions of the lifestyles of some later emperors.<sup>501</sup>

His sleeping habits were simple as well. He apparently used the same bedroom in winter and summer for forty years, even though the winter conditions were detrimental to his health.

Suetonius states:

The plainness of his provisions and his furniture is clear even now in his remaining couches and tables, many of which are barely

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<sup>498</sup> Ibid.

<sup>499</sup> Zanker, 129. Augustus’ indiscreet behavior prior to his program of moral renewal was infamous. See Suet. *Aug.* 69-71.

<sup>500</sup> Suet. *Aug.* 72.1.

<sup>501</sup> Edwards, 166.

tasteful to an ordinary private citizen. They say that he only slept on a low and moderately-covered bed.

instrumenti eius et suppellectillis parsimonia apparet etiam nunc residuis lectis atque mensis, quorum pleraque vix privatae elegantiae sint. ne toro quidem cubuisse aiunt nisi humili et modice instrato.<sup>502</sup>

He disliked pretentious country houses and even demolished the lavish house built by his granddaughter Julia. As Edwards asserts, “Even the emperor’s family had to take care to avoid the kind of buildings associated with excessive power.”<sup>503</sup> He even kept his house state property, as Dio says, “so that he could live in places which were private and public.”<sup>504</sup> This was the father of his country, the model for the rest of Rome’s *patres*.

Just as the *paterfamilias* regulated the style of dress for his family, so, too, did Augustus set the standard for dress for the imperial family. He himself wore homespun clothing.

He hardly ever used clothing other than household clothing, made by his sister, wife, daughter and granddaughters; with his togas neither too tight nor too wide, and his purple stripe neither too wide nor too narrow.

veste non temere alia quam domestica usus est, ab sorore et uxore et filia neptibusque confecta; togis neque restrictis neque fuis, clavo nec lato nec angusto.<sup>505</sup>

As for those outside the imperial family, Augustus imposed a dress code as if they were his family members. “Augustus succeeded in making the toga a kind of unofficial Roman state dress and a symbol of the proper attitude, a reminder of their own worth to those who wore it on specific occasions.”<sup>506</sup> Suetonius describes it in this manner:

Augustus also desired to bring back the ancient style of dress, and, having once seen a group of men wearing black at an assembly, he shouted out indignantly, ‘Behold, the masters of the world, a

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<sup>502</sup> Suet. *Aug.* 73.

<sup>503</sup> Edwards, 166. Augustus also disliked Julia’s house because it had become a symbol of her corrupt lifestyle.

<sup>504</sup> Dio Cass. 55.12.5.

<sup>505</sup> Suet. *Aug.* 73.

<sup>506</sup> Zanker, 162.

people all clad in togas!’ He gave the task to the aediles that no one should ever again be allowed to come to the Forum or the area around it unless he wore a toga and placed his cloak aside.

etiam habitum vestitumque pristinum reducere studuit, ac visa quondam pro contione pullatorum turba indignabundus et clamitans: ‘en Romanos, rerum dominos, gentemque togatam!’ negotium aedilibus dedit, ne quem posthac paterentur in Foro circave nisi positus lacernis togatum consistere.<sup>507</sup>

Horace cites the wearing of the toga as an integral facet of Roman imperial strength and stability:

Oh, Senate and perverted customs! Did the Marsians and Apulians under a Persian king forget the sacred shields and the Roman name and toga and eternal Vesta?

pro Curia inversique mores!  
... sub rege Medo, Marsus et Apulus,  
anciliorum et nominis et togae  
oblitus aeternaeque Vestae,  
incolumi Iove et urbe Roma?<sup>508</sup>

Zanker explains that Augustus and his administration, by example, edict and art, encouraged a more voluminous and complex arrangement for the toga, tied with *sinus* and *balteus*. He says, “This produced a much more impressive effect, but putting it on and wearing it correctly were rather laborious. Over the years artists evolved explanatory models of the proper way to wear such a toga. The voluminous material was shaped into an aesthetic structure, the play of folds entirely concealing the body beneath. The symbolic meaning of the garment became more important than its functional aspect or outward appearance.”<sup>509</sup> This was the dress of ancient greatness. It was important that the members of the nobility played the part.

As for upper-class women, the *stola* became the garment of choice. This garment was long and sleeveless, with shoulders “which probably carried woven stripes indicating the

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<sup>507</sup> Suet. *Aug.* 40.5.

<sup>508</sup> Hor. *Carm.* 3.5.7-11.

<sup>509</sup> Zanker, 162-63.

matron's social status, as on the *toga praetexta*.”<sup>510</sup> Statues from the Early Imperial period displayed this type of dress, often worn with a woolen *vitta* bound in the hair. The *stola* served as a symbol of female virtue; wearing it was an honor. Ovid in his *Ars Amatoria* writes:

Stay far away, you tender fillets, mark of modesty,  
and you (*stola*) that covers the feet with long folds,  
we sing about safe love and permitted intrigues.

este procul, vittae tenues, insigne pudoris,  
quaeque tegis medios instita longa pedes.  
nos Venerem tutam concessaque furta canemus.<sup>511</sup>

Thus Augustus, as *pater patriae*, took steps to ensure that the noble women of Rome maintained an appearance of modesty that would prevent the tarnishing of their reputation.

As expected, Augustus took great pains to portray the proper image of his own extended family. Raditsa explains: “In his role of father he saw to the appearance in public of members of his family and of the families of magistrates, almost as if a whole family ruled in what was becoming the larger family.”<sup>512</sup> The appearance of his family, after all, reflected on him and his role as *paterfamilias*. In 37 BC when Antony informally married Cleopatra before he had divorced Octavia, Augustus took it as a grave insult to his family and reacted fiercely to protect his family name. In fact, he transferred that threat to his family into a threat against the entire Republic of Rome, beginning a civil war.<sup>513</sup>

When protests arose against marriage restrictions at a public show, Augustus employed his family members as examples:

Augustus summoned the children of Germanicus  
and publicly displayed them, welcomed partly on his own lap,  
and partly on their father's, demonstrating with his face and his

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<sup>510</sup> Ibid., 165.

<sup>511</sup> Ov. *Ars. Am.* 1.31-3.

<sup>512</sup> Leo Ferrero Raditsa, “Augustus’ Legislation Concerning Marriage, Procreation, Love Affairs and Adultery,” *Aufstieg und Niedergang der Römischen Welt* 13 (1980): 333.

<sup>513</sup> Southern, 77.

hands that they should be willing to imitate that young man's example.

accitos Germanici liberos receptosque partim ad se partim  
in patris gremium ostentavit, manu vultuque significans ne  
gravarentur imitari iuvenis exemplum.<sup>514</sup>

Augustus' family thus became the role model for the ideal Roman family; whether or not they desired to comply was another case. "It was to be expected that the imperial family would stress family solidarity, to reinforce Augustus' programme and display the stability of the regime by showing that the succession was ensured."<sup>515</sup> The happily married couples of the imperial family (Germanicus and Agrippina; Drusus and Livilla) often appeared together in public; wives also began to accompany their husbands when they served in the provinces, sometimes taking the children along as well. This was a new custom that developed under the principate and became customary. One prime example of children on the frontiers was Caligula, who earned his nickname "little boots" from the soldiers who knew him so well and perhaps considered him a member of their military family.

This camaraderie benefited Augustus' children as they climbed the military ranks into adulthood. Augustus in the middle of his reign frequently utilized his family for military commands.<sup>516</sup> Tiberius and Drusus, Livia's children by Tiberius Claudius Nero, played important roles in the military. Tiberius as personal representative of Augustus in 20 BC accepted the return of the lost standards that had been captured by the Parthians. He and his brother were also appointed commanders of the Roman forces in the Alps in 15 BC. Unfortunately, Drusus died in 9 BC, after a fall from a horse; Tiberius went on to become an

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<sup>514</sup> Suet. *Aug.* 34.2.

<sup>515</sup> Dixon, 25.

<sup>516</sup> Wallace-Hadrill, *Augustan Rome*, 38.

accomplished general.<sup>517</sup> Horace celebrated their feats in his *Odes*.<sup>518</sup> Velleius Paterculus recorded the affection which Tiberius' soldiers had for him:

Nor is it possible to express in words ... the tears of the soldiers brought out because of their joy at the sight of him and the eagerness and the joy of new greetings and the desire to touch his hand and those who could not contain themselves immediately breaking out with, 'We really see you, general? We have received you safe?'

at vero militum conspectus eius elicita gaudio lacrimae alacritasque et salutationis nova quaedam exultatio et contingendi manum cupiditas non continentium protinus quin adiicerent, 'videmus te, imperator? Salvum recepimus?' ... neque verbis exprimi...potest.<sup>519</sup>

Tiberius celebrated a triumph over the Germans in 7 BC, and won victories in Pannonia and Dalmatia years later.

Augustus' grandsons, Gaius and Lucius, were also put on prominent display. In 5 BC Augustus accepted the position of consul once again for the expressed purpose of escorting the 15 year-old Gaius into the Forum and Senate. The Senate allowed Gaius to attend its meetings and the Roman knights hailed him as *princeps iuventutis*. In AD 1 Gaius was named consul-designate and also elected *princeps iuventutis* by the *equites*. The title *princeps iuventutis* was invented as a title of succession by Augustus: "as he was Princeps of adult citizens, they were leaders of the young."<sup>520</sup> From that point on, the boys accompanied Augustus at all his public appearances.<sup>521</sup> They frequently appeared on coins and ornaments depicting them as priests and officers in the military.<sup>522</sup>

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<sup>517</sup> Wells, 61. See also Vell. Pat. 2.104, 114.

<sup>518</sup> Hor. *Carm.* 4.4, 14.

<sup>519</sup> Vell. Pat. 2.104.4.

<sup>520</sup> Wallace-Hadrill, *Augustan Rome*, 38.

<sup>521</sup> Zanker, 218.

<sup>522</sup> *Ibid.*, 218-19.

Gaius died an early death on campaign in Lycia just as he was making a name for himself as a soldier; Lucius died eighteen months later at Massilia.<sup>523</sup> After their deaths, the boys became part of the new visual program. They received triumphal arches and temples, had voting precincts and basilicas named for them, and their names were added to sacred songs of priests (Salii).<sup>524</sup> These were the youths of the Julian family who would have perpetuated the peace and stability achieved under Augustus.

But while they were alive, Gaius and Lucius were Augustus' beloved adopted sons who needed to learn essential life skills. "The skills which the good *paterfamilias* like Augustus taught the children of his household were intended to prepare them for adult life."<sup>525</sup> Suetonius writes:

Augustus taught his grandsons reading, swimming, and other simple basics, and he took great pains to make them imitate his handwriting.

nepotes et litteras et natare aliaque rudimenta per se plerumque docuit, ac nihil aeque elaboravit quam ut imitarentur chirographum suum;<sup>526</sup>

Augustus was also diligent in the proper raising of his daughter and grand-daughters.

Suetonius continues:

He instructed his daughter and grand-daughters in this manner, and he made them accustomed even to weaving, and he forbade them to say or do anything unless publicly or which could be recalled in the daily journals.

filiam et neptes ita instituit, ut etiam lanificio assuefaceret vetaretque loqui aut agere quicquam nisi popalam et quod in diurnos commentaries referretur.<sup>527</sup>

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<sup>523</sup> Suet. *Aug.* 65.1.

<sup>524</sup> Zanker, 221.

<sup>525</sup> Wiedemann, 157.

<sup>526</sup> Suet. *Aug.* 64.3.

<sup>527</sup> Suet. *Aug.* 64.2.

The girls were brought up in strict seclusion, and their day was occupied with traditional tasks such as the spinning and weaving of wool for the family's togas.<sup>528</sup> Just as a *paterfamilias* protected the reputation of the female members of his family, Augustus tried to keep tabs on the young men in the lives of his female relatives. Suetonius records:

Indeed Augustus prohibited them from meeting strangers so much that he wrote to Lucius Vinicius, a famous and fine young man, (and informed him) that he acted indiscreetly when he came to greet his daughter at Baiae.

extraneorum quidem coetu adeo prohibuit, ut L. Vinicio, claro decoroque iuveni, scripserit quondam parum modeste fecisse eum, quod filiam suam Baias salutatum venisset.<sup>529</sup>

Combined with Livia's purported strictness, Augustus' moral impositions perhaps restricted the girls too much. They were held to an extremely high standard of moral behavior. Augustus' family was to be the ideal Roman noble family, with ancient and traditional *artes* and *mores*. Wiedemann states, "The Emperor Augustus claimed not just to be an ideal father to the whole Roman community, *pater patriae*, but also to have restored republican ideals of family life to his own household...he did make sure that they were trained, within the imperial household, in those *artes* appropriate to their station."<sup>530</sup>

This led to Augustus' strong reaction when he discovered that his daughter Julia frequently cavorted with the wrong crowds and committed adultery in 2 BC, the very year he received the title *pater patriae*. Julia had purportedly reveled in the forum with drunken partygoers, had attended dubious parties and apparently had had various affairs.<sup>531</sup> Augustus' reaction was violent, but he remained within the law in his actions. First he wrote a letter about

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<sup>528</sup> Gilbert Charles-Picard, *Augustus and Nero*, trans. Len Ortzen (New York: Thomas Y. Crowell Co., 1968), 69.

<sup>529</sup> Suet. *Aug.* 64.2.

<sup>530</sup> Wiedemann, 156.

<sup>531</sup> Vell. Pat. 2.100.3; Dio Cass. 55.12-16; Macrobian. *Sat.* 2.5; Pliny *H.N.* 7.149; 21.9; Tac. *Ann.* 1.53; 3.24; 4.44; Suet. *Aug.* 65.1; 101; Suet. *Tib.* 11.4.

her case to the senate, asking them for their opinion as the *publicum consilium*.<sup>532</sup> Lacey asserts that “he was not asking their advice as to what to do with her, nor did he tell them the whole truth, but he had by then become *pater patriae* so that his actions taken as *paterfamilias* could be seen as being of concern to the senate, the *publicum consilium* of the *res publica*.”<sup>533</sup> Julia had become, in a way, the state’s daughter, and had to be disciplined by both the family and the state.

Augustus consulted the senate as a *paterfamilias* would have consulted the family *consilium*, heeding their advice or not. But Augustus acted on a state level because Julia, as a member of the family of Rome in the large sense, had offended not just her husband and *pater*, but the emperor himself. “In such a world in which Julia’s father was in some real sense the state, her defiance of his commands in her love affairs might appear the equivalent of treason.”<sup>534</sup>

The severity of her punishment supports this logic. Julia was exiled to the island of Pandateria, her lovers were exiled or executed, and she was denied a reprieve for the rest of her life.<sup>535</sup> Suetonius wrote that Augustus “even considered her execution (*etiam de necanda deliberavit*)” even though it went against his laws of 18 BC.<sup>536</sup> Suetonius described her exile thus:

He took away from the exiled (daughter) the use of wine or any other delicate luxury, and did not permit her to be visited by anyone, whether free or slave, except through his permission.... After five years at last he transferred her from the island and contained her in somewhat milder conditions.

relegatae usum vini omnemque deliciae cultum ademit neque adiri a quoquam libero servove nisi se consulto permisit,... post quinquennium demum ex insula in continentem lenioribusque paulo condicionibus transtulit eam.<sup>537</sup>

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<sup>532</sup> Suet. *Aug.* 65.2.

<sup>533</sup> Lacey, 139.

<sup>534</sup> Raditsa, 294.

<sup>535</sup> Wallace-Hadrill, *Augustan Rome*, 40.

<sup>536</sup> Suet. *Aug.* 65.2.

<sup>537</sup> Suet. *Aug.* 65.3.

Augustus began to resent the fact that his children did not constitute model citizens. Suetonius recorded his mindset:

Nor was he in any way able to be convinced and with the Roman people begging often and earnestly insisting for her to be recalled, he called to the gods in front of a popular assembly (and prayed) that they have such daughters and wives.

nam ut omnino revocaret, exorari nullo modo potuit,  
deprecanti saepe res publica et pertinacius instanti  
tales filias talesque coniuges pro contione inprecatus.<sup>538</sup>

Even after death, Julia and her depraved daughter Julia were forever banished from family burial (ashes) in the imperial mausoleum.<sup>539</sup>

Julia betrayed her husband and her father, and she deeply marred Augustus' image as *pater patriae*. The only way to reclaim his paternal authority was to punish her as sternly as a *paterfamilias* could by law. Yet "there should be no doubt that the moral element of the scandal was crucial. Moral reform stood at the heart of Augustus' new Rome, and his own family was offered as a model of morality."<sup>540</sup> Julia and later her adulterous daughter were banished both spatially and emotionally from the imperial family. They no longer existed, for how could Augustus act as *pater patriae* of a moral society when he struggled to regulate the morals of his own family? Julia had to be eliminated in order to allow the lofty image of the imperial family to persist.

Further complicating matters was the fact that the image of moral laxity was detrimental to the success of Roman leaders. As Treggiari states, "sexual misconduct was firmly established as characteristic of the tyrant: Sextus Tarquinius, for instance, was enshrined in Roman

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<sup>538</sup> Suet. *Aug.* 65.3.

<sup>539</sup> Suet. *Aug.* 101.3.

<sup>540</sup> Wallace-Hadrill, *Augustan Rome*, 40.

legend.”<sup>541</sup> Livy portrays Sextus Tarquinius as a rapist whose sexual misconduct portrayed him as the immortal enemy of Rome.<sup>542</sup> Edwards agrees: “But the attribution of sexual and sumptuary excesses to emperors had particular political connotations. *Incontinentia* was traditionally associated with tyranny.”<sup>543</sup> Polybius writes this about moral corruption in kings of ancient times:

They (leaders) considered that it was necessary for leaders to have different clothing than their subjects, different varieties of the enjoyment and preparation of their food, and that there should not be opposition to their pursuing the services and engagements of courtesans; because of these issues envy and suspicion arose, and because of these issues burning hatred and savage anger also arose-- tyranny arose from kingship.<sup>544</sup>

Cicero often deprecated opponents in the courtroom by referring to their sexual misconduct, destroying their *integritas*.<sup>545</sup> Therefore, it was imperative for Augustus to take his daughter’s misbehavior seriously, for he had to take into consideration the effect it would have on his efforts at moral reform. Augustus was intelligent enough to avoid the image of a tyrant, unlike his predecessor Caesar. If sexual excess made him out to be a tyrant king, then sexual excess would be eliminated by him and his family -- hence Julia’s exile.

Augustus used his family as a model for the Roman nobility. Livia became an exemplary wife, Germanicus a productive father, and Gaius and Lucius the dutiful sons. “This notion of the model family was disseminated throughout the empire on works of art, coins, and domestic shrines in the patronage of buildings and the inscriptions that marked them, and in the ceremonies and choreographed public appearances of members of the court. Representation and

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<sup>541</sup> Susan Treggiari, “Leges Sine Moribus,” 92.

<sup>542</sup> Liv. 1.57-60.

<sup>543</sup> Edwards, 27. See also Arist. *Pol.* 5.9.11-18 (1314b30ff); Polyb. 6.7.5-8.

<sup>544</sup> Polyb. 6.7.7-8.

<sup>545</sup> Cic. *Planc* 12.29; Cic. *Cael.*, *passim*; Cic. *Phil.*, *passim*.

political program were consciously and effectively joined.”<sup>546</sup> The imperial family provided a living example of the messages contained on the *Ara Pacis Augustae*, that fertility and a golden age would arrive so long as moral propriety and the traditional worship of the gods was restored. This restoration would be conducted by the pious Augustus and his family. As Charles-Picard observes, “The Augustan ideology, by its insistence on the fateful mission of the Julii, emphasized the role of this family which now stood apart from the rest of the nobility and had in fact become a dynasty.”<sup>547</sup> But Augustus dominated in a paternalistic way. He monitored the religious practices of his people, he checked their morals and he fed them. In his *Res Gestae* Augustus cited six occasions when he distributed grain or money:

And in my eleventh consulship I handed out twelve distributions of grain with privately-purchased grain; and in my twelfth year with tribunician power I gave out 400 sesterces for the third time to each man.

et consul undecimum duodecim frumentationes frumento privatim coempto emesus sum, et tribunicia potestate duodecimum quadringenos nummos tertium viritim dedi.<sup>548</sup>

He especially watched out for the financial needs of the young upper class. He frequently bestowed money upon young men who had trouble maintaining the monetary qualifications of senatorial rank.<sup>549</sup> Like a *paterfamilias* handing out a *peculium* to his sons, Augustus distributed funds to his people.<sup>550</sup>

In this chapter we examined the ways in which Augustus restored the ancient religious traditions of Rome in order to achieve peace and stability. In the process he associated his family ancestry with the state’s history, at first to establish legitimacy, and then to confirm

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<sup>546</sup> Elaine Fantham, et al., 313.

<sup>547</sup> Charles-Picard, 67-68.

<sup>548</sup> *Aug. Anc.* 15.

<sup>549</sup> Southern, 147.

<sup>550</sup> *Aug. Anc.* 15-18.

perpetuity. As Lacey states, “by 2 BC Augustus’ programme of associating his family’s gods with those of the state when he became pontifex maximus, and of associating the successes of the Julian house with those of the state, had clearly identified his roles as *paterfamilias* and as *pater patriae*. The development was a wholly natural one for the Romans.”<sup>551</sup> This was the ruler who closed the doors of the Temple of Janus to signify peace, and this was the leader for whom Horace wrote:

Who should fear the Parthians or the icy Scythians  
or the offspring which the shaggy Germans bear as  
long as Caesar is safe?

quis Parthum paveat, quis gelidum Scythen,  
quis Germania quos horrida parturit  
fetus, incolumi Caesare?<sup>552</sup>

Augustus and his family served as insurance of the continuation of peace and stability.

*Pietas* to gods and family assured the people that their *pater patriae* was the new Romulus, the “Father of Our City.”<sup>553</sup>

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<sup>551</sup> Lacey, 139.

<sup>552</sup> Hor. *Carm.* 4.5.25-27.

<sup>553</sup> Liv. 1.16.3.

## CONCLUSION

The title *pater patriae* was more than a mere appellation. Its extensive associations were established in the late Republic when Cicero and Julius Caesar received the title. Both of them had been hailed as saviors of the city. When Augustus was hailed as *pater patriae* in 2 BC, he, too, was celebrated as a savior and father of all. He had saved his city from further civil disruption, he had defeated foreign rivals, and he had restored the traditions of a mythological past. When Augustus was hailed as the “Father of His Country,” he joined an elite group of Roman heroes who were celebrated as the second founders of Rome, the fathers of their city.

Over the course of his principate, Augustus became a father in more than just name to his citizens. He endeavored to fulfill the duties of a *paterfamilias* on a grand scale in order to strengthen the family unit. He promulgated legislation that protected the monetary assets of family lines. For example, through his sumptuary laws he regulated the amount of money that could be spent on banquets, housing and fashion. Through his marriage laws he enhanced the restrictions on intestate succession, protecting the family from external claims on inheritances. Just as a father to his sons, Augustus even created a *peculium* for young soldiers at war and supported young aristocrats who could not sustain their position financially. Furthermore, just as a *paterfamilias* held the power to arrange marriage or divorce for the young men and women in his *domus*, Augustus utilized his marriage laws on the state level to restrict marriage options in order to protect the integrity of marriage. As moral leader of the entire state, he protected the upper class from the damages caused by adultery and illegitimate births. Through his laws on adultery, Augustus attempted to bolster the nobility in order to bring about the creation of a self-

sustaining upper class. Augustus needed to bolster the population after the devastating civil wars. He acted as a *pater* to his people by taking actions that would benefit every family.

Lastly, Augustus restored religious traditions that would purportedly sustain the favor of the gods for the Roman people. He accomplished this by expanding traditional household worship to a national level. He celebrated the family gods and restored neighborhood temples, he re-created priestly organizations to perpetuate religious practices, and he incorporated new national holidays into the calendar. Augustus fulfilled these duties to secure future peace for Rome.

Augustus also celebrated the gods and fostered *pietas* on a national level by constructing monuments that celebrated Rome's gods and heroes. Two monuments in particular, the Ara Pacis Augustae and the Forum of Augustus, depicted images of piety, virtue, peace and prosperity. The visual iconography of the Ara Pacis conveyed the resounding message that Augustus and his family had restored stability and bounty to Rome. The Ara Pacis was not designed to celebrate Augustus' military exploits in Gaul and Spain, but rather to memorialize the peace that his principate had brought about. Augustus' *pietas* as dutiful son and father figure was also contrasted on this work of art with other *parentes patriae*, Aeneas and Romulus. These images were also displayed in the Forum of Augustus. Historical figures from Rome's past surrounded the semicircular frame of the forum and invited onlookers to recall the virtues which made Rome great. These were the ancestors of Augustus' great family who stood in his forum as if they stood in his personal atrium. These monuments were, in a way, family memorials to Augustus' family and Rome's family at large.

Augustus' living family would become, in a sense, the family of Rome as well. The birthdays and funerals of Augustus' immediate family became national holidays, his personal

servants became civil servants for the administration, and his family became the model family for Rome to follow. The boundary between public and private became blurred, until *pietas* displayed to Augustus and his family became a mode of patriotism. Augustus took great pains to preserve the reputation of his extended family. He controlled their social interactions, he regulated their style of dress, and he educated them in traditional *artes* and *mores*. Augustus tried to restore the republican ideals of family life to his own *domus* just as he attempted to do on a national scale. This was the family that would perpetuate Augustus' work. Through his legislative and visual program, Augustus became much more than the father of the first family of Rome -- by 2 BC he had already become the *pater patriae* of all of Rome.

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