

measures. (3) Zeugitae, 'yoke men', who could own a yoke of oxen and had an income of 200 measures. (4) Thetes, 'serfs', who had either no land or an income of less than 200 measures.

19. On this 'law', see Schaps 1979, 28-9.

20. Presumably the household was split up when Diogeiton remarried, and he moved from the house in Collytus, north of the Acropolis, to the house of Phaedrus, friend of Socrates and admirer of Lysias, a character in several Platonic dialogues).

21. On the interpretation of this 'law', see especially de Ste. Croix 1970, 274.; Schaps 1979, 52.

22. 305/4 BC.

23. 303/2 BC.

24. Cf. Schaps 1977, 323-30.

25. Cf. no. 394.

26. I.e. until 365/4 or 364/3.

27. Cf. the 'law' cited in Demosthenes 23.53: 'If a man involuntarily kills another in the course of competing in an athletic contest or in apprehending a thief on a road, or when he does not recognise [him] in war, or if [he catches] him with his wife or mother or sister or daughter or with a concubine whom he keeps for the purpose of begetting legitimate children; in the event of any of these the murderer is not prosecuted.'

28. 373/2 BC, thirty years or more before the present trial.

29. The next year.

30. Until it could be determined whether she was slave or free. The polemarch was the archon in charge of suits involving foreign residents.

31. The Thesmothetae were magistrates in charge of courts and juries.

32. On these texts see de Ste. Croix 1970, 275-6; Finley 1951; Schaps 1979, 85.

33. Hooker 1988, 136.

34. The late fourth-century BC philosopher Cleanthes wrote a treatise on this subject. Cf. also no. 303.

35. Note that while husbands can decide what to do with their wives, wives do not have a choice about what to do with themselves or their husbands; as in the *Republic*, they are regarded in Lycurgus' legislation as vehicles for the production of children.

36. Cf. Hodkinson in Powell 1988, 90: 'Both monogamy and polyandry can be interpreted as practices designed to limit the number of legitimate offspring a man sired and hence the division of the inheritance.'

37. Cf. no. 72.

38. The poet Theocritus (third century BC) imagines that Helen as a young woman took part in such races on the banks of the river Eurotas, along with 240 other young girls. In Aristophanes, *Lysistrata* 82 a Spartan woman, Lampito, says she gets exercise by kicking her buttocks when she dances. According to the second-century AD encyclopaedist Pollux (4.102) both boys and girls participated in this dance, known as the *bibasis*, at athletic competitions (cf. Lawler 1964, 121). But there is no other evidence for girls' athletic competitions at Sparta (cf. Gow 1965, II 354). On girls' races elsewhere, see p. 338 n. 7.

39. Cf. the ceremony at Brauron in Attica during which girls shed the *krokotos*, no. 399. Cf. Sourvinou-Inwood 1988, 66. The philosopher Zeno (333-261 BC), founder of Stoicism, suggested that in his utopia wives should be shared and that men and women dress alike, covering no part of the body completely (Diogenes Laertius 7.33).

40. The pre-Lycurgan Spartan maiden-songs that survive describe the mythic past and concentrate on women. Cf. no. 401.

41. Cf. nos. 72, 99.

42. Cf. Plato, *Republic* 458d, no. 73.

43. Women wore a belt or girdle (*zone*) just above their hips; removing it is a euphemism for sexual intercourse; cf. Homer, *Odyssey* 11.245.

44. A *lesche* was a public building or meeting-place, here probably the tribe's headquarters. Cf. the legitimisation ritual in Athens, no. 87.

45. I.e. the 'putting away' place.

46. An Athenian general of noble birth and notorious character, who in 415 BC, during the Peloponnesian war, defected to Sparta.

47. Cf. Aristotle's complaints about the freedom allowed to Spartan women in no. 72.

48. I.e. in the event of his death; he was killed in the battle in 480 BC.

49. On Etruscan women, see Bonfante Warren 1984. Cf. no. 166, the story of Lucretia, in which the Roman matron works virtuously at her wool while the Etruscan princesses enjoy a dinner party.

50. A 'Persian' originally meant a member of the Persian military settlement or their descendants, but starting in the first century BC it seems to have also been used to designate a legal status that required the person designated as Persian to be personally liable for any fault in a contract. Cf. Fraser 1972, 58-9.

51. Both Greek and Egyptian names are frequently given, with the formula 'also known as' or 'also called', when two languages or cultures are involved, but unfortunately from the end of the third century BC, names in the papyri are not reliable indications of origin. See Turner 1968, 82-3.

52. Cf. Euripides, *Supplikes*, 40-1: 'Women can usually get everything through men, if they are clever.'

53. In a fragment of another papyrus, *POxy* 315, dated AD 37, Tryphon complains that Demetrous and her mother assaulted his pregnant wife.

V. Legal Status in the Roman World

1. *Confarreatio*. See below, no. 132.

2. Probably a reference to contraception and abortion. Divorce on grounds of sterility appears to have been first allowed in 235 BC (Aulus Gellius, *Attic Nights* 17.21.44). Complex laws concerning the disposition of the dowry – such as deductions for children or bad behaviour – operated to prevent ill-considered divorce.

3. In the later Republic and the Empire, either spouse – or father, if a spouse was still in his power – could divorce the other by simple notification.

4. Twenty-five was the age of majority for both women and men. A woman remained subject to either her father's power (*potestas*) or her husband's (*manus*) or, lacking both, that of a tutor. See below, nos. 115-17, on guardianship, and on Vestal Virgins, no. 408.

5. Agnatic relationships are traced through the male line and can include artificial relationships, as through adoption; cognatic relationships are traced through the female line and are confined to blood relations.

6. Boys 7-14, girls 7-12, and women who were not under a father's or husband's power. This law, for which there is no surviving text, is derived from Gaius, *Institutes* 1.155.

7. This law too is derived from the *Institutes* of Gaius 1.111 (below, no. 132),

where the jurist explains that the institution had become obsolete by his day.

8. In Romulus' day.

9. Consul in 166 BC.

10. Consul in 268 BC.

11. 235 BC.

12. Marcus Porcius Cato 'Censorius' – Cato the Elder (234–149 BC). He was the quintessential conservative and champion of traditional morality. Among his acts as censor in 184 BC was the taxation of luxury. He deplored and fought vainly against the acceptance of anything Greek into Roman life.

13. On the prohibition see Bettini, forthcoming.

14. The magistrate whose jurisdiction included public morals and the leasing of public buildings and spaces.

15. Except where indicated otherwise, translations from the *Corpus Iuris Civilis* are by S.P. Scott, edited and revised with considerable help, graciously offered and gratefully accepted, from Professors T. Honoré and S.D. Martin, who, of course, bear no responsibility for errors that remain. Material for the introduction to and notes on the jurists was provided by S.D. Martin.

16. On the jurists see Schiller 1978, Watson 1967, Berger 1953 and Nicholas 1962.

17. Translates *propter animi levitatem*, literally 'on account of lightness of the mind'.

18. *Potestas*.

19. On Paul, see below, no. 118.

20. I.e. sexually mature.

21. Of the life of Aelius Marcianus, very little is known. He wrote sixteen books of *Institutes* and was probably active in the early third century AD.

22. See below, no. 118.

23. Translates *fructus*.

24. For an interesting fictional account of Julia's exile and the events which led to it, see Williams 1972.

25. This portion of the speech is preserved by Aulus Gellius (1.6.2), who mistakes this Metellus (Macedonicus, cos. 143 BC) for Metellus Numidicus (cos. 109 BC). Cf. Holford-Strevens 1988, 65 n.20, 228.

26. Cf. Aristophanes, *Lysistrata* 1038–9: 'A true saying and well-said: you can't live with the cursed creatures or without them.'

27. I.e. his great-grandchildren, the children of Germanicus and his granddaughter Agrippina.

28. To postpone marriage and the birth of children.

29. Not because it is prohibited but in the sense that sexual relations with such women are not considered adultery.

30. Aemilius Papinianus, Papinian, had a career in the imperial bureaucracy. In AD 198 he took over the office *a libellis* (for Petitions) under Septimius Severus (AD 193–211) and Caracalla (AD 211–217). He was Praetorian Prefect from 205 to 211 with Paul and Ulpian acting as his clerks. He was executed in 212, perhaps in the aftermath of Caracalla's murder of his brother Geta.

31. 'A matron, *materfamilias*, is a decent or respectable free woman, whether married or a mother or widowed or not,' Honoré 1991.

32. On concubinage, see McGinn 1991, Rawson 1974 and Treggiari 1981.

33. Or outsider, stranger: *extraneus*.

34. Because fidelity was expected of a fiancée.

35. The Latin is *stuprum*.

36. Primarily a teacher and writer (no mention is made of his holding an imperial post), Sextus Pomponius lived in the mid-second century AD and wrote influential commentaries on Q. Mucius, Sabinus and the Praetor's Edict.

37. Little is known of Aemilius Macer other than that he was active in the early third century AD and was a member of a senatorial family.

38. For the freedwoman, the reverse is the case.

39. A correspondent, hence contemporary, of the jurist Proculus, thus active in the first half of the first century AD.

40. 'Marriage in the later Republic and Empire was always consensual, that is, by agreement. It existed if the man and woman intended their relationship to be a marriage (and had the necessary parental consent, etc.), symbolised usually by the husband carrying her over the threshold of his house or flat. It ended when one or both of them ceased to have this (firm) intention. Notification (*repudium*) meant telling the other party that the notifier no longer had the intention to be married, whereupon divorce took effect without more formality. Divorce (*divertere*) means going one's own way, and since if one spouse goes his or her own way, they are no longer going the same way, either spouse could divorce the other (and originally either spouse's father could do so if the child remained in his power). There was no requirement of mutual consent to divorce, and it made no legal difference' (Honoré 1991).

41. Herennius Modestinus was the last classical jurist of consequence. Ulpian alludes specifically to him as a student in responding to a letter Modestinus wrote to him from Dalmatia (*Digest* 47.2.52.20). He was *praefectus vigilum* at Rome sometime between AD 224 and 244. Among other works, he wrote ten books of *Rules*.

42. Generally regarded as one of the most brilliant of the classical jurists, Publius Salvius Julianus, consul in AD 148, enjoyed a distinguished career that spanned the reigns of Hadrian, Antoninus Pius and Marcus Aurelius. Hadrian entrusted to him the task of producing the final edition of the Praetor's Edict. He wrote a number of works and is much cited in the *Digest*.

43. Prominent as a legal thinker in his day, Publius Iuventius Celsus was praetor in AD 106 or 107 and consul for the second time in 128. He also served as governor of Asia and on Hadrian's council. His major work was the *Digests* in thirty-nine books.

44. Some scholars believe that Justinian changed the text from 'she is *taken* to disagree' to 'she is free to disagree'.

45. 'So even a woman in her husband's power could compel him to release her from power and then divorce him. This principle proved durable even in the Christian empire, though, for example, Constantine (*Codex Theodosianus* 3.16.1, AD 331) prescribed financial penalties and even deportation for those spouses who divorced without proper grounds, of which he listed three (the grounds and penalties were, however, different for the two sexes)' (Honoré 1991).

46. Marital subordination translates *quae in manu nostra sunt*.

47. Respectively *usus*, *confarreatio* and *coemptio*.

48. By this method, the woman did not free herself from the power of her husband but avoided entering it at all and instead remained in the power of her father, at his command, or, if she had been emancipated or her father was dead, her own.

49. Jupiter Farreus.

50. Spelt.

51. *Rex sacrorum*.

52. *In mancipio*.

53. *Sui iuris*.
54. *Contubernium*, the cohabitation of slaves who are forbidden from marrying; below no. 142.
55. That is, she is an exclusive partner like a wife (which is why a man could not have both a wife and a concubine) but is not *regarded* as a social equal.
56. There is a contrast between actually handing over the property, declaring unilaterally that it will be handed over, and making a formal agreement to that effect.
57. Translates *ob violatum contubernium*.
58. A jurist active in the late first and early second centuries AD. His works are not excerpted in the *Digest*, and his opinions appear only in citations of other jurists.
59. Ulpius Marcellus, who served on the councils of both Antoninus Pius (AD 18–161) and Marcus Aurelius (AD 161–180), wrote a work called the *Digests* in thirty-one books.
60. *Materfamilias*; see above, n. 31.
61. I.e. the exchequer.
62. I.e. a woman possessing Latin rights, halfway between those of aliens and those of citizens.
63. Cf. no. 154.
64. 'As to making a will ... women not only had to have guardian's authorisation of it, until Hadrian, also had to go through a complicated rigmarole of changing guardians by *coemptio*' (Crook 1967, 120). Cf. above, p. 342, n. 17.
65. Prefect of Egypt c. AD 84–85.
66. For a translation of the formal legal agreement, see *P. Fam. Tebt.* 22, pp. 1–7.
67. Sijpesteijn 1979.
68. The Latin name of Isidorus.
69. The name of a male guardian was regularly given in Greek-language contracts made by women, but not consistently in documents written in Egyptian demotic, at least in the Hellenistic age (cf. e.g. *P.AdL. Gk.* 7, 8 with *P.AdL. dem.* 3 of the late 2nd cent. BC, but guardians in both the demotic text and Greek inscription in *P.Mich.* 253 in AD 30).
70. A close friend of the family.
71. The equivalent of 24 drachmas, a very favourable price.
72. A century later literate women could act on their own behalf without a guardian, under the *ius trium liberorum*; see no. 154.
73. Cf. also Worp 1980, dated AD 348.
74. Such literacy appears to have been relatively rare; also despite its practical value, it had no legal significance. Cf. Cole 1981, 236.
75. Presumably it is because her husband is away from home that Tarmouthis appears without a guardian. Cf. Milligan 1910, 74.
76. Keys were bolts of wood or metal, sometimes substantial in size.
77. An insulting reference to the petitioner.
78. Literally, 'a woman of the city', *politike*. Cf. *P. Grenf.* II.73.

VI. Public Life

1. 494 BC; cf. Herodotus 6.77–83; Pausanias 2. 20. 8–10.
2. The historian Socrates of Argos, 310 *FGrHist* F6.
3. Plutarch omits the oracle (Parke and Wormell 1956, no. 85) that is said to

have predicted the women's victory, which begins: 'But when the female conquers the male and drives him out and wins great glory in Argos, she will cause many women in Argos to tear their cheeks [in mourning]'; is the whole story an *aetion*, or fictional narrative explanation, for the ritual and the strange law about women with beards? Cf. Snyder 1989, 59–63. Transvestism is also associated with *rites de passage*, such as Plutarch's account of the origin of the Athenian festival Oschophoria (*Life of Theseus* 7).

4. The similarities between the stories about the armed women and the festivals at Argos and Tegea suggest that they may derive from ritual rather than history. But they suggest that the Greeks both knew that women could fight and applauded them for it. Cf. Farnell 1909, 5.405.

5. Charillus was king of Sparta at the time of Lycurgus. Cf. no. 98

6. According to the third-century BC historian Deinias of Argos (306 *FGrHist* F4) her first name was Perimede.

7. Only a few scraps of her poetry survive, the longest of which is two lines about Artemis fleeing from the river god Alpheus, 717 *PMG*.

8. For the sources that mention the statue, see Pollitt 1983.

9. Reggio Calabria.

10. Cf. Horsfall 1983.

11. 49 BC.

12. A fictitious purchase. See above, p. 343, n. 47.

13. Power. See above, p. 343, n. 48.

14. Or 'you resorted to supplications which were the expression of your devotion'.

15. Nero's wife, whom he persecuted, exiled and finally had put to death; her fate is described in the *Octavia*, a *fabula praetextata* or political drama attributed to Seneca.

16. Nero's prefect, who was responsible for many executions.

17. This refers particularly to purple, a very expensive dye obtained from certain shellfish. It was a sign of luxury. The togas of magistrates and wealthy youths (*togae praetextae*) were adorned with a purple stripe.

18. See above, no. 111.

19. Cato's history of early Rome.

20. Tarn 1934, 111.

21. Pelling 1988, 17–18.

22. 'My salad days, when I was young and green', Shakespeare, *Antony and Cleopatra*, I.v.73–4. Now she was 28.

23. Vergil's description of Dido's effect on Aeneas in Aeneid, book 1, has many interesting similarities to this scene; cf. Pelling 1988, 190.

24. Like most educated people of the Mediterranean after the conquest of Alexander, the royal family of Egypt, the Ptolemies, spoke a 'universal' (*koine*) form of Greek; originally they came with Alexander from Macedonia, in the north of Greece, which like most regions of that country had a distinct dialect.

25. Cf. Pelling 1988, 196–7. According to Plato, *Gorgias* 462c–466a, the four are sophistic, rhetoric, pastry-cooking, and cosmetics. Cf. also Plutarch, *How to tell a Flatterer* 55a, who emphasises the flatterer's need for artifice and contrivances.

26. Such petitions to the ruler's womenfolk became standard practice in the Empire; cf. no. 180.

27. Hortensia implies that women voluntarily cooperated with the provisions of the Oppian Law of 215, which was repealed in 195, see no. 173. Cf. Balsdon 1962, 31.