

The people (of Thasos set up a statue of) Livia Drusilla, wife of Augustus Caesar, divine benefactress.

The people (of Thasos set up a statue) of Julia, daughter of Augustus Caesar, our benefactress following the tradition of her family.

Statue of Julia, daughter of Marcus Agrippa (set up by) the people (of Thasos).

ILS 8784  
tr. K. Chisholm

### D15 Administration of justice and new laws

*Most of our knowledge of Augustan social legislation comes from secondary sources, compilations of jurists such as Gaius (2nd cent. AD) and Ulpian (early 3rd cent. AD). The Corpus Iuris Civilis, the sixth-century modification of Roman law by the Emperor Justinian, draws heavily on the work of the jurists. It is often very difficult to disentangle laws passed under Augustus from later accretions. Laws proposed by Augustus himself were known as 'leges Juliae' (laws were usually known by the name of their proposer) but some of these are difficult to distinguish from laws proposed by Julius Caesar or Tiberius. For a useful modern survey see H. F. Jolowicz Historical Introduction to the study of Roman Law (Cambridge 1939, rev. edn.). W. W. Buckland A Text-Book of Roman Law from Augustus to Justinian (1963<sup>3</sup> ed. P. G. Stein) is detailed and comprehensive.*

33 Augustus proved assiduous in his administration of justice, often remaining in Court until nightfall; and, if he happened to be unwell, would have his litter carried up to the tribunal. Sometimes he even judged cases from his sick-bed in the Palace. As a judge he was both conscientious and lenient. . . . Every year he referred to the City Praetor cases in which Roman citizens had exercised their right of appeal; foreigners' appeals would be handled by particular ex-Consuls whom he had appointed to protect nationals of the province concerned.

34 The existing laws that Augustus revised, and the new ones that he enacted, dealt, among other matters, with extravagance, adultery, unchastity, bribery, and the encouragement of marriage in the Senatorial and Equestrian Orders. His marriage law being more rigorously framed than the others, he found himself unable to make it effective because of an open revolt against several of its clauses. He was therefore obliged to withdraw or amend certain penalties exacted for a failure to marry; to increase the rewards he offered for large families; and to allow a widow, or widower, three years' grace before having to marry again. Even this did not satisfy the knights, who demonstrated against the law at a public entertainment, demanding its repeal. . . . When he then discovered that bachelors were getting betrothed to little girls, which meant postponing the responsibilities of fatherhood, and that married men were frequently changing their wives, he dealt with these evasions of the law by shorten-

ing the permissible period between betrothal and marriage, and by limiting the number of lawful divorces.

Suetonius *Augustus* 33-4 (abridged)  
tr. R. Graves (Penguin 1957)

### D16 Luxury

See also I 25-27.

#### (a) *The origins of luxury*

It was the conquest of Asia that first introduced luxury into Italy, inasmuch as Lucius Scipio carried in procession at his triumph 1400 lbs of chased silverware and vessels of gold weighing 1500 lbs: this was in the 565th year from the foundation of the city of Rome [189 B.C.]. But receiving Asia also as a gift dealt a much more serious blow to our morals, and the bequest of it that came to us on the death of King Attalus was more disadvantageous than the victory of Scipio. For on that occasion all scruples entirely disappeared in regard to buying these articles at the auctions of the king's effects at Rome—the date was the 622nd year of the city [132 B.C.], and in the interval of 57 years our community had learnt not merely to admire but also to covet foreign opulence; an impetus having also been given to manners by the enormous shock of the conquest of Achaia [sack of Corinth by Mummius, 146 B.C.], that victory itself also having during this interval of time introduced the statues and pictures won in the 608th year of the city.

Pliny *Natural History* 33. 148-9  
tr. H. Rackham (Loeb 1952)

#### (b) *This passage occurs in the context of a crisis in 348 BC.*

The records say that ten legions were enlisted, each of 4,200 infantry and 300 cavalry; the recruits were drawn from all sides, city and country. The present strength of the people of Rome would not easily produce a fresh force of comparable size to combat external aggression even if solidly united, though the whole world can hardly contain it. Our growth has been confined to the objects of our energy, riches and luxury.

Livy 7. 25. 8-9  
tr. J. Ferguson

#### (c) *Luxury as sophistication*

Leave the past to others; I'm glad I was born now.  
The age suits my temperament.

It's not the mining of gold,  
 the shellfish from abroad,  
 the marble quarried from the mountains,  
 the jetties holding the sea back.  
 It's civilization. Thank God our grandfathers' simple life  
 hasn't come down to us.

Ovid *Ars Amatoria* 3. 121-8  
 tr. J. Ferguson

### D17 Sumptuary laws

*In the first century BC a vast amount of wealth was concentrated 'into the hands of a few men' (Cicero against Verres 5. 48. 126) at Rome. Sumptuary laws were passed to curb excessive spending on display and luxuries but they did not prove effective.*

*The Attic Nights of Aulus Gellius (AD c.123-69) covers a wide variety of topics and contains passages and quotations from many works now lost to us.*

The Lex Julia came before the people when Caesar Augustus was Emperor. This set an upper limit of expenditure on a dinner at 200 sesterces on working days, 300 on the Kalends, Ides, Nones, and some other holidays, 1,000 for weddings and wedding-feasts.

Ateius Capito records another edict—but I do not quite recall whether it belongs to the divine Augustus or to Tiberius Caesar—permitting expenditure on dinner at various festivals to increase from 300 sesterces to 2,000, so that the rising tide of extravagance might at least be confined within those limits.

Aulus Gellius 2. 24. 13-14  
 tr. J. Ferguson

### D18 The importance of citizenship

*For an interesting analysis of Roman attitudes to foreigners and slaves, see J. P. V. D. Balsdon Romans and Aliens (Duckworth 1979).*

Augustus thought it most important not to let the native Roman stock be tainted with foreign or servile blood, and was therefore very unwilling to create new Roman citizens, or to permit the manumission of more than a limited number of slaves. Once, when Tiberius requested that a Greek dependent of his should be granted

the citizenship, Augustus wrote back that he could not assent unless the man put in a personal appearance and convinced him that he was worthy of the honour. When Livia made the same request for a Gaul from a tributary province, Augustus turned it down, saying that he would do no more than exempt the fellow from tribute—'I would far rather forfeit whatever he may owe the Privy Purse than cheapen the value of the Roman citizenship.' Not only did he make it extremely difficult for slaves to be freed, and still more difficult for them to attain full independence, by strictly regulating the number, condition, and status of freedmen; but he ruled that no slave who had ever been in irons or subjected to torture could become a citizen, even after the most honourable form of manumission.

Augustus set himself to revive the ancient Roman dress and once, on seeing a group of men in dark cloaks among the crowd, quoted Virgil indignantly:

'Behold them, conquerors of the world, all clad in Roman gowns!'

and instructed the aediles that no one should ever again be admitted to the Forum, or its environs, unless he wore a gown and no cloak.

Suetonius *Augustus* 40. 3  
 tr. R. Graves (Penguin 1957)

### D19 Condemnation of Roman customs

*Dionysius of Halicarnassus, a Greek orator, historian, and literary critic came to Rome in c.30 BC. His Roman Antiquities, a history covering a period from the foundation of Rome to the first Punic war, was scholarly but rather verbose and not always accurate; it was written primarily for a Greek audience and on the whole favourable to Rome.*

This, however, is not the case in our day, but things have come to such a state of confusion and the noble traditions of the Roman commonwealth have become so debased and sullied, that some who have made a fortune by robbery, housebreaking, prostitution and every other base means, purchase their freedom with the money so acquired and straightway are Romans. Others, who have been confidants and accomplices of their masters in poisonings, murders and in crimes against the gods or the state, receive from them this favour as their reward. Some are freed in order that, when they have received the monthly allowance of corn given by the public or some other largesse distributed by the men in power to the poor among the citizens, they may bring it to those who granted them their freedom. And others owe their freedom to the levity of their masters and to their vain thirst for popularity. I, at any rate, know of some who have allowed all their slaves to be freed after their death, in order that they might be called good men when they were dead and that many people might follow their biers wearing their liberty-caps; indeed,

some of those taking part in these processions, as one might have heard from those who knew, have been malefactors just out of jail, who had committed crimes deserving of a thousand deaths. Most people, nevertheless, as they look upon these stains that can scarce be washed away from the city, are grieved and condemn the custom, looking upon it as unseemly that a dominant city which aspires to rule the whole world should make such men citizens.

One might justly condemn many other customs also which were wisely devised by the ancients but are shamefully abused by the men of to-day. Yet, for my part, I do not believe that this law ought to be abolished, lest as a result some greater evil should break out to the detriment of the public; but I do say that it ought to be amended, as far as possible, and that great reproaches and disgraces hard to be wiped out should not be permitted entrance into the body politic. And I could wish that the censors, preferably, or, if that may not be, then the consuls, would take upon themselves the care of this matter, since it requires the control of some important magistracy, and that they would make inquiries about the persons who are freed each year—who they are and for what reason they have been freed and how—just as they inquire into the lives of the knights and senators; after which they should enroll in the tribes such of them as they find worthy to be citizens and allow them to remain in the city, but should expel from the city the foul and corrupt herd under the specious pretence of sending them out as a colony. These are the things, then, which, as the subject required it, I thought it both necessary and just to say to those who censure the customs of the Romans.

Dionysius of Halicarnassus 4. 24. 4-6  
tr. E. Cary (Loeb 1937)

## D20 Lex Aelia Sentia

*The Lex Aelia Sentia dates from AD 4 when the consuls were Sextus Aelius Catus and C. Sentius Saturninus, and was designed to make it more difficult for slaves with criminal records to acquire Roman citizenship if freed. Under Hadrian, the clause in (d) forbidding manumission to defraud creditors, was extended to aliens. Vindicta (b) was the staff or rod with which a slave was touched in the ceremony of manumission: it then came to mean the ceremony itself.*

### (a)

The law Aelia Sentia enacts that slaves who have been punished by their proprietors with chains or have been branded, or have been examined with torture on a criminal charge, and have been convicted, or have been delivered to fight with men or beasts, or have been committed to gladiatorial school or a public prison, if subsequently manumitted by the same or by another proprietor, shall acquire by manumission the status of enemies surrendered at discretion.

### (b)

The requisition of a certain age of the slave was introduced by the lex Aelia Sentia, by the terms of which law, unless he is thirty years old, a slave cannot on manumission become a citizen of Rome, unless the mode of manumission is by the form of *vindicta*, preceded by proof of adequate motive before the council.

There is an adequate motive of manumission if, for instance, a natural child or natural brother or sister or foster child of the manumitter's or a teacher of the manumitter's child, or a male slave intended to be employed as an agent in business, or a female slave about to become the manumitter's wife, is presented to the council for manumission.

The council is composed in the city of Rome of five senators and five Roman knights above the age of puberty; in the provinces of twenty recuperators, who must be Roman citizens, and who hold their session on the last day of the assize. At Rome the council holds its session on certain days appointed for the purpose. A slave above the age of thirty can be manumitted at any time, and even in the streets, when the praetor or pro-consul is on his way to the bath or theatre.

### (c)

Latins have many avenues to the Roman citizenship.

For instance, the lex Aelia Sentia enacts that when a slave below the age of thirty becomes by manumission a Latin, if he takes to himself as wife a citizen of Rome, or a Latin colonist, or a freedwoman of his own condition, and thereof procure attestation by not less than seven witnesses, citizens of Rome above the age of puberty, and begets a son, on the latter attaining the age of a year he is entitled to apply to the praetor, or, if he resides in a province, to the president of the province, and to prove that he has married a wife in accordance with the lex Aelia Sentia, and has had by her a son who has completed the first year of his age: and thereupon if the magistrate to whom the proof is submitted pronounce the truth of the declaration, that Latin and his wife, if she is of the same condition, and their son, are declared by the statute to be Roman citizens.

### (d)

Not every owner who is so disposed is permitted to manumit.

An owner who would defraud his creditors or his own patron by an intended manumission, attempts in vain to manumit, because the lex Aelia Sentia prevents the manumission.

Again, by a disposition of the same statute, before attaining twenty years of age, the only process by which an owner can manumit is fictitious vindication, preceded by proof of adequate notice before the council.

It is an adequate motive of manumission, if the father for instance, or mother or teacher or foster-brother of the manumitter, is the slave to be manumitted. In addition to these, the motives recently specified respecting the slave under thirty years of age may be alleged when the manumitting owner is under twenty, and, reciprocally, the motives valid when the manumitting owner is under twenty are admissible when the manumitted slave is under thirty.

As, then, the *lex Aelia Sentia* imposes a certain restriction on manumission for owners under the age of twenty, it follows that, though a person who has completed his fourteenth year is competent to make a will, and therein to institute an heir and make bequests; yet, if he has not attained the age of twenty, he cannot therein enfranchise a slave.

And even to confer the Latin status, if he is under the age of twenty, the owner must satisfy the council of the adequacy of his motive before he manumits a slave in the presence of witnesses.

Gaius *Institutes* 1. 13; 18-20; 28-9; 36-41  
tr. E. Poste (Oxford<sup>4</sup> 1904)

## (e)

Latins are freedmen who have not been manumitted in regular form, those for instance manumitted privately, and in contravention of no regulation: and these in olden time the Praetor merely used to protect in the semblance of liberty; for in strict law they remained slaves. But at the present day they are free by strict law on account of the *Lex Junia*, by which *lex* those manumitted in the presence of our friends were styled Junian Latins.

Those are in the category of *dediticii* who have been put in chains by their masters as a punishment, or who have been branded, or who have been tortured for a misdeed and found guilty, or who have been delivered over to fight with the sword or against wild beasts, or cast into a gladiatorial school or into a prison for the like cause, and have afterwards been manumitted by any form. And these rules the *Lex Aelia Sentia* establishes.

By the same *lex* it was provided that a slave under thirty years of age when manumitted by *vindicta* should not become a Roman citizen, unless cause for manumission had been proved before the council; that is, it lays down that a slave of that age manumitted without application to the council remains a slave still: but when he is manumitted by testament it directs him to be regarded as though he were holding his freedom at his master's will, and therefore he becomes a Latin. The same *lex* prohibits a master under twenty years of age from manumitting a slave unless he have proved cause before the council. The council consists at Rome of five senators and five Roman knights, but in the provinces of twenty *recuperatores*, Roman citizens.

A slave ordered to be free and instituted heir in a testament by an insolvent master, although he be under thirty years of age, or so circumstanced that he ought to become a *dediticius*, yet becomes a Roman citizen and heir: provided only no one else be heir under that testament. But if two or more be ordered to become free and heirs, the one first named becomes free and heir: and this too the *Lex Aelia Sentia* enacts. The same *lex* forbids manumissions in fraud of creditors or patron.

Ulpian *Epitome* 1. 10-5  
tr. Abdy and Walker

## D21 Lex Fufia Caninia on manumission

*This law was passed under Augustus (cf. Suetonius Augustus 40 no. D18) and was finally abrogated by Justinian. In some books it is wrongly called Lex Furia Caninia. cf. J. E. Allison and J. D. Cloud in Latomus 21 (1962) 711-31; A. E. Astin in Latomus 23 (1964) 421-45.*

## (a)

Moreover, by the *lex Fufia Caninia* a certain limit is fixed to the number of slaves who can receive testamentary manumission.

An owner who has more than two slaves and not more than ten is allowed to manumit as many as half that number; he who has more than ten and not more than thirty is allowed to manumit a third of that number; he who has more than thirty and not more than a hundred is allowed to manumit a fourth; lastly, he who has more than a hundred and not more than five hundred is allowed to manumit a fifth: and, however many a man possesses, he is never allowed to manumit more than this number, for the law prescribes that no one shall manumit more than a hundred. On the other hand, if a man has only one or two, the law is not applicable, and the owner has unrestricted power of manumission.

Nor does the statute apply to any but testamentary manumission, so that by the form of *vindicta* or inscription on the censor's register, or by attestation of friends, a proprietor of slaves may manumit his whole household, provided that there is no other let or hindrance to prevent their manumission.

If a testator manumits in excess of the permitted number, and arranges their names in a circle, as no order of manumission can be discovered, none of them can obtain their freedom, as both the *lex Fufia Caninia* itself and certain subsequent decrees of the Senate declare null and void all dispositions contrived for the purpose of eluding the statute.

## (b)

Freedom cannot be bequeathed to an uncertain person, because the *lex Fufia Caninia* requires slaves to be enfranchised by name.

Gaius *Institutes* 1. 42-6; 2. 239  
tr. E. Poste (Oxford<sup>4</sup> 1904)

## D22 Leges Juliae on violence and embezzlement

*The Lex Julia on violence embraces two laws, one on public, and one on private violence. Embezzlement (peculatus) covered misappropriation of state property or public funds. The fuller title of the law was lex Julia de peculatu et de sacrilegiis et de residuis. The penalty was banishment and perhaps a fine four times the value of the property; but sacrilege, the appropriation of sacred things, carried the death*

*penalty. Residua were moneys given for one purpose and applied to another. The lex Julia de ambitu dated from 18 BC allowing deportation for dishonest election practices; the lex Julia de annona, controlling the corn trade, was of the same date, but the Lex Julia on extortion went back to 59 BC.*

The *lex Julia* on violence, public or private, operates against those who use violence, whether armed or unarmed. If armed violence be proven the penalty established by the Julian law on public violence is deportation; for violence without arms, it is confiscation of a third of the criminal's property. But if the rape of virgins, widows and religious and others be perpetrated, then not only the ravishers themselves but all accomplices in the crime suffer capital punishment as provided by our constitution, a reading of which will reveal all on this matter. The *lex Julia* on embezzlement (*peculatus*) punishes those who appropriate public money or property or that used for the purposes of religion. Now, if judges, during their period of office, embezzle public money or property, they suffer capital punishment as also do those who are their accomplices therein, or who accept money which they know to be the fruits of such embezzlement; but others who contravene this statute suffer deportation . . . There are, in addition, the *lex Julia* on bribery (*ambitus*) and the *lex Julia* on extortion (*repetundae*), the *lex Julia* on corn prices (*annona*) and that on arrears of public money (*residua*); they treat of particular offences and do not involve capital punishment but subject to other penalties those who contravene their provisions.

Justinian *Institutes* 4. 18. 8-11  
tr. J. A. C. Thomas (Cape Town 1975)

### D23 Leges Juliae on treason and adultery

*The lex Julia maiestatis embraces two laws, one passed by Julius Caesar in 46 BC and one by Augustus in 8 BC. The offence which had in the late Republic replaced perduellio and proditio embraced treason, sedition, desertion, and attacks on a magistrate. Under the Empire it was extended to embrace offences against the Princeps and his house. Intention was sufficient; see further J. E. Allison and J. D. Claud 'The Lex Julia Maiestatis' Latomus 21 (1962). The lex Julia de adulteriis of 18 BC was a law of Augustus introducing a statutory penalty for adultery and embracing other sexual offences.*

Public prosecutions are as follows. The *lex Julia* on treason (*maiestas*) directs its rigours against those who set in train any harm to the Emperor or the state; its penalty is death, and, even after the culprit's death, his memory is damned. Then the *lex Julia* for the suppression of adultery (*de adulteriis coercendis*) punishes with death not only those who dishonour the marriage-bed of another but also those who indulge their ineffable lust with males. The same *lex Julia* also punishes

the offence of seduction when a person, without the use of force, deflowers a virgin or seduces a respectable widow. The penalty invoked by the statute against offenders is confiscation of half their estate if they be of respectable standing, corporal punishment and relegation in the case of baser persons.

Justinian *Institutes* 4. 18. 2-3  
tr. J. A. C. Thomas (Cape Town 1975)

### D24 The need for social legislation

*This later condemnation of the preoccupations of the Roman ruling class may well reflect the kind of problem for which Augustus was trying to find a solution.*

But later generations have been positively handicapped by the expansion of the world and by our multiplicity of resources. After senators began to be selected and judges appointed on the score of wealth, and wealth became the sole adornment of magistrate and military commander, after lack of children to succeed one began to occupy the place of highest influence and power, and legacy-hunting ranked as the most profitable profession, and the only delights consisted in ownership, the true prizes of life went to ruin, and all the arts that derived their name 'liberal' from liberty, the supreme good, fell into the opposite class, and servility began to be the sole means of advancement. This deity was worshipped by different men in different manners and in different matters, although every man's prayer was directed to the same end and to hopes of possessing; indeed even men of high character everywhere preferred to cultivate the vices of others rather than the good gifts that were their own. The consequence is, I protest, that pleasure has begun to live and life itself has ceased.

Pliny *Natural History* 14. 1. 5-6  
tr. H. Rackham (Loeb 1945)

### D25 Augustus admonishes Livia

Meanwhile a clamor arose in the senate over the disorderly conduct of the women and of the young men, this being alleged as a reason for their reluctance to enter into the marriage relation; and when they urged him to remedy this abuse also, with ironical allusions to his own intimacy with many women, he at first replied that the most necessary restrictions had been laid down and that anything further could not possibly be regulated by decree in similar fashion. Then, when he was driven into a

corner, he said: 'You yourselves ought to admonish and command your wives as you wish; that is what I do.' When they heard that, they plied him with questions all the more, wishing to learn what the admonitions were which he professed to give Livia. He accordingly, though with reluctance, made a few remarks about women's dress and their other adornment, about their going out and their modest behaviour, not in the least concerned that his actions did not lend credence to his words.

Dio Cassius 54. 16. 3-5  
tr. E. Cary (Loeb 1917)

## D26 Poetic evidence

*The detailed story of Augustus' marriage legislation is a matter of controversy. This poem of Propertius, certainly before 23 BC, is evidence that legislation was mooted early, though (despite the arguments of P. Jörs Die Ehegesetze des Augustus pp. 4-28) probably not carried. By 23 May 17 BC the lex Julia de maritandis ordinibus had been enacted, and it and other legislation may be connected with the Ludi Saeculares and the inauguration of a new age. The aim of the legislation was to encourage marriage and penalize bachelordom, and the sort of free relations Propertius had with Cynthia. The meaning of lines 8 and 15 is uncertain. Propertius' rejection of militarism is noteworthy; see J. P. Sullivan Propertius: a Critical Introduction (Cambridge 1976) pp. 63-4.*

Cynthia was delighted at the abrogation of the law  
which brought us both long tears  
at the thought of parting—though Jupiter himself could not  
separate two lovers against their will.  
'But Caesar has the power.' Caesar's power lies in arms.  
The conquest of tribes has no force in love.  
I'd sooner let my head be severed from my body  
than quench our fires at a bride's whim  
or pass your shut door as a husband—I!—  
glancing with tearful eyes at what I had betrayed.  
What sleep would my wedding-pipe sound for you.  
It would be gloomier than a dead march!  
How should I get children for national victories?  
No soldier will spring from me!  
But if I were attached to my girl's camp, the only real camp,  
then Castor's war-horse wouldn't be strong enough.  
It was that camp which won my glory its repute,  
a glory which has reached the Russians.

You are my only joy, Cynthia; let me be yours alone.  
Our love will count far more than fatherhood.

Propertius 2. 7  
tr. J. Ferguson

## D27 Marriage legislation

*Special privileges were granted to the parents of three children: ius trium liberorum. Penalties were attached to bachelors. But exceptions were made: (c) below. The Lex Voconia dated from 169 BC (see further J. A. C. Thomas Textbook of Roman Law (North-Holland 1976) p. 481 and note; p. 505 and note).*

(a) This relates to 27 BC. The complete passage is B28.

Next he decreed that the senatorial governors should be appointed annually by lot except where legal precedence was granted by reason of marriage or number of children.

Dio Cassius 53. 13. 2-3

(b) 18 BC

He imposed heavier penalties on unmarried men and women, and at the same time offered privileges for marriage and the production of children. And since there were many more men than women among the freeborn, he allowed any who wished, senators apart, to marry freedwomen, ruling that their children should be counted legitimate.

Dio Cassius 54. 16. 1-2

(c) 9 BC

Drusus died young. Livia was voted statues as a consolation and enrolled among the mothers of three children. For when heaven has not granted that number of births the law, through the senate originally and later the emperor, permitted individuals, men or women, to receive the privileges appropriate to the parents of three children.

Dio Cassius 55. 2. 5-6

## (d) AD 9

Later he increased the privileges of those who had children; among the others he drew a distinction in the penalties attaching to the married and the unmarried; he granted a year's remission to both groups to amend their ways and avoid the penalties. Some women were allowed inheritances contrary to the Lex Voconia which permitted no woman an inheritance in excess of 100,000 sesterces. He granted the Vestal virgins all the privileges to which mothers were entitled. Later the Lex Papia Poppaea was proposed by M. Papius Mutilus and Q. Poppaeus Secundus, consuls for part of the year. It happened that neither had a child—or wife; which made the need for the legislation obvious.

Dio Cassius 56. 10  
tr. J. Ferguson

## D28 Lex Julia on adultery

*The lex Julia de adulteriis coercendis made adultery a public crime (cf. D23).*

But, to come to the provisions of the *Lex Julia* for punishing adultery, a man who confesses that he has committed that offence has no right to ask for a remission of the penalty on the ground that he was under age; nor, as I have added, will any remission be given where he commits any of those offences which the statute punishes in the same way as adultery; as, for example, where he marries a woman who was convicted of adultery, he knowing the fact, or where his own wife was detected in adultery, and he declines to dismiss her, or where he makes a profit of her adultery, or accepts a bribe to conceal illicit intercourse which he detected or lends his house for the commission of adultery or illicit intercourse therein; youth, as I said, is no excuse in the face of plain enactments in the case of a man who, though he appeals to the law, himself transgresses the law.

Justinian *Digest* 4. 4. 37 (from Tryphoninus *Disputations* 371)  
tr. C. H. Monro (Cambridge 1904)

## D29 Lex Julia de maritandis ordinibus

*This law recognized marriages between free-born men and freedwomen, except for men of the Senatorial class.*

By the Lex Julia senators and their descendants are forbidden to marry freedwomen, or women who have themselves followed the profession of the stage, or whose

father or mother has done so; other freeborn persons are forbidden to marry a common prostitute, or a procuress, or a woman manumitted by a procurer or procuress, or a woman caught in adultery, or one condemned in a public action, or one who has followed the profession of the stage . . .

The Lex Julia allows women a respite from its requirements for one year after the death of a husband, and for six months after a divorce: but the Lex Papia allows a respite for two years after the death of a husband and for a year and six months after a divorce.

Ulpian *Epitome* 13-14  
tr. Abdy and Walker

## D30 Lex Papia Poppaea on the succession of freedmen

*The Lex Papia Poppaea of AD 9 completed the lex Julia de maritandis ordinibus; see J. A. Field, jnr. 'The Purpose of the lex Julia et Papia Poppaea' Classical Journal 40 (1944/5) 398-416.*

## (a)

At a still later period the lex Papia Poppaea augmented the rights of the patron against the estate of more opulent freedmen. For by the provisions of this statute whenever a freedman leaves property of the value of a hundred thousand sesterces and upwards, and not so many as three children, whether he dies testate or intestate, a portion equal to that of a single child is due to the patron. Accordingly, if a single son or daughter survives, half the estate is claimable by the patron, just as if the freedman had died childless; if two children inherit, a third of the property belongs to the patron; if three children survive, the patron is excluded.

In respect of the property of freedwomen no wrong could possibly be done to the patron under the ancient law: for, as the patron was statutory guardian of the freedwoman, her will was not valid without his sanction, so that, if he sanctioned a will, he either would be therein instituted heir, or, if not, had only himself to blame: for if he did not sanction a will and consequently the freedwoman died intestate, he was assured of the inheritance, for she could leave no *heres* or *bonorum possessor* who could bar the claim of the patron.

But when at a subsequent period, by the enactment of the lex Papia, four children were made a ground for releasing a freedwoman from the guardianship of her patron, so that his sanction ceased to be necessary to the validity of her will, it was provided by that law that the patron should have a claim to a portion of her estate equal to that of each single child she might have at the time of her death. So if a freedwoman left four children, a fifth part of her property went to her patron, but if she survived all her children, the patron on her decease took her whole property.