UNIVERSITY OF WISCONSIN-EAU CLAIRE

RULING THROUGH ROSE-COLORED GLASSES:
WOMEN AND THE REFORMS DURING THE REIGN OF AUGUSTUS CAESAR,
27 B.C.E. – 14 C.E.

A HISTORY CAPSTONE PROJECT SUBMITTED TO
HISTORY 489 SPRING 2008

DEPARTMENT OF HISTORY

BY
S. E. SCOTT

EAU CLAIRE, WISCONSIN
16 APRIL 2008
Abstract


by S.E. Scott

This paper examines the social reforms implemented during the reign of Augustus and the influencing factors for these reforms. The author argues that there were two main women who played a role in the creation of these laws: Atia, Augustus’s mother, and Livia, Augustus’s wife. The reforms were created because of the respect and love he felt for these women, and his idea that if the whole of the Roman society acted in such a way that would represent the nature of these women, then the problematic issues plaguing the society would cease. The paper is based on work in primary sources from the Ara Pacis, Augustus, Livy, Horace, and Tacitus, as well as secondary sources.
INTRODUCTION

diva, producas subolem patrumque
prosperes decreta super iugandis
feminis prolisque novae feraci
   lege marita,
certus undenos deciens per annos
orbis ut cantus referatque ludos
   ter die claro totiensque grata
   nocte frequentes.

Goddess, bring forth our young and
prosper the decrees of the fathers concerning marriage
with women and the nuptial law productive
   of new life,
so that the certain cycle through ten times eleven years
will bring back songs and games
crowded in for three clear days and as many times
   in welcome night.¹

The above quote, proclaimed at the Secular Games in 17 B.C.E., emphasizes the change
that Augustus Caesar² had implemented in the Roman society just one year before, in 18 B.C.E.,
with the creation of two new laws: the lex Julia de maritandis ordinibus and the lex Julia de
adulteriis.³ These games were held approximately every one hundred years and were created to
celebrate the birth of a new era. As such, the Secular Games were postponed, after originally
being set to begin in 24 B.C.E, until Augustus had the opportunity to pass the laws on both

² Prior to January 16, 27 B.C.E. Augustus was known as Octavian. For the purpose of this paper, he will from here on out be referred to as Augustus. For more information, see, Karl Galinsky, ed., The Cambridge Companion to the Age of Augustus (Cambridge: Cambridge University Press, 2005), 8 and 74.
marriage and adultery, as he wanted to usher in the new era of social morality along with the Games.⁴ Therefore, the celebration in 17 B.C.E. was not only the celebration of the new reign of Augustus, but also the celebration of the regeneration and restoration of Roman society due to the implementation of these laws.⁵

Augustus was very concerned with the state of Roman society, and believed that harkening back to the past would solve many of the problems of immorality and a lowering of the birthrate that were running rampant in society at the time. He stated such in the Res Gestae, a text he wrote shortly before his death in 14 C.E. that detailed his accomplishments, which is shown in the following quote:

_Legibus novis me auctore latis multa exempla maiorum exolescentia iam ex nostro saeculo reduxi et ipse multarum rerum exempla imitanda posteris tradidi._

By new laws passed on my initiative I brought back into use many exemplary practices of our ancestors that were disappearing in our time, and in many ways I myself transmitted exemplary practices to posterity for their imitation.⁶

In order to portray to his citizens the importance of living a moral life, Augustus reformed his own lifestyle to represent that which he was trying to promote. To show that he was dedicated to the past ways of life, he only wore clothing which was made by either his wife or daughter, and this clothing eventually became solely comprised of old-fashioned togas when he appeared in public.⁷ He advised his daughter to “never do or say anything which she would be ashamed to

---

⁴ Ibid., 35.


⁶ Augustus, _Res Gestae_; quoted in Galinsky, _Augustan Culture_, 129.

write in her diary‖, as he wanted his daughter to also portray a moral lifestyle, and he limited his alcohol intake to one pint of wine.⁸

Though there have been many speculations as to why there was a sudden desire to return to the ancient ways, my research implicates his romanticized visions of the two most important women in his life, his mother and wife, as the cause for this change. Augustus saw both of these women as nearly perfect beings, and thus allowed them many benefits that women had not yet received at that time. It is my belief that Augustus wanted society to represent not simply a family, as other scholars suggest, but specifically wanted society to represent the virtues of the women in his family, and eventually model the relationship that he had with his wife.⁹ His desire to relate the idea of the family and society to the Roman past, however, is the result of being raised almost exclusively by his mother, who was a strong supporter of the “old Roman way of life.”¹⁰ Therefore, the moral reforms that Augustus implemented during the early stages of his reign were not put into action to try to regenerate the population after the civil wars, but rather to model his idea of perfect relationships.¹¹ The nature of these reforms, including their creation and their effect on the Roman population, was based on Augustus’s view of the ideal: the women in his life.

Although primary sources were difficult to locate and utilize for this study, there are several which have been vital to the research conducted on this topic. A piece which contributed a great deal to this study was the Ara Pacis, or the Altar of Augustan Peace, shown in Image 2.

---

⁸ Ibid., 206.
Before the honorable depiction of women was crafted upon this altar, women had been commonly depicted as barbarians, most notably the maidens in Augustus’s Forum and the reliefs on a portico of the Sebastion at Aphrodisias. These women were shown nude with wild hair, which implied that they were barbaric subordinates, usually the defiant yet weak people that Augustus conquered in his many militaristic conquests. The *Ara Pacis*, on the other hand, showed women and children of the family of Augustus in a procession with the emperor, emphasizing his “relationship to Rome as that of a *paterfamilias* to his *familia*”, as shown in Image 3.

It was also useful to incorporate texts from the time period that have been translated from Latin. One of these texts, the *Res Gestae*, was written by Augustus himself, and proved to be a valuable source. Horace provided first-hand information on the nature of the Secular Games, while Livy offered background knowledge of the basis for the reforms. The one historian who presented the most information on the nature of the reforms, however, was Tacitus. These three writers provided primary sources that, left untranslated, would have greatly detracted from this study.

Along with the few primary sources were an abundance of secondary sources. The majority of these sources provided background information on the rules and regulations of the laws, most notably Karl Galinsky’s texts. These two books, *Augustan Culture: an Interpretive Introduction* and *The Cambridge Companion to the Age of Augustus*, presented me with the

---


13 *Paterfamilias* was the word for the head of the household.

14 *Familia* was the word for the Roman family.

15 Ramsby and Severy-Hoven, “Gender,” 54.
necessary information dealing with the restrictions, punishments, and incentives for each law. Galinsky also discussed in *Augustan Culture: an Interpretive Introduction* the emphasis that Augustus placed on family. However hard I looked, though, it was very difficult to find texts which emphasized the importance of women during this time. Augusto Fraschetti discussed in *Roman Women* the role that Livia played in politics, and her probable conspiracies to have her son ascend to the throne, but only lightly touched upon her importance to the emperor. The most valuable sources were those created by Kristina Milnor, which included *Gender, Domesticity, and the Age of Augustus: Inventing Private Life* and “Augustus, History, and the Landscape of the Law.” These two texts emphasized the idea of the family during the reign of Augustus, and the importance of women in the life of Augustus. However, Milnor does not specifically relate Livia and Atia as the two primary influencing factors to the social reforms. The author will build upon Milnor’s knowledge and research to try to prove that these two women were indeed the crucial influence towards the creation of the reforms of the Roman society.

**THE WOMEN**

There were two women who played an important role in shaping Augustus’s life and his political goals: his mother, Atia, and his wife, Livia. Although Roman women generally had very little power in society at this time, these two exceptional women had extraordinary power behind the closed doors of the imperial household. Atia and Livia were active at two separate times in his life, and thus each played an impressive role in turning Augustus into the ruler that was the first emperor of the Roman Empire.
Long before he traveled to meet his great-uncle Julius Caesar in Spain and eventually succeed him to the throne, Augustus had someone much more influential in his daily life: his mother. Atia, Augustus’s mother and Julius Caesar’s niece, was the sole caregiver of the young emperor as he was growing up and the most prominent adult in his life, as his father had died when he was a young boy.¹⁶ She was very active in his daily activities, and took great care to remain protective of him; some authors argue that she was too over-protective, as she went so far as to restrict him to only attending “religious ceremonies at night due to the unwonted attention from women which he attracted during the day.”¹⁷ Atia did not want her son involved in anything, or with anyone, undesirable and unsuited to the young heir to Caesar.

Her influence continued after her son initially traveled to Spain to meet Caesar, as Augustus immediately returned home to Rome to live near his mother and stepfather, thus spending most of his time in their presence rather than in the presence of Caesar. After Caesar’s assassination and Augustus’s newfound role of avenger, Atia continually urged him to return to her household, which she implied would provide a cozy, safe alternative to the dangers of ruling an empire. Though Augustus refused to step away from his responsibilities as Caesar’s heir, Atia continued to influence her son, but now her influence played a role in politics.¹⁸

Atia’s letters to her son after Caesar’s death were designed to give Augustus information about the political situation in Rome at the time, as Augustus was abroad following the death of

---

¹⁶ Milnor, *Gender*, 89.
¹⁷ Ibid., 90.
¹⁸ Ibid., 90.
Julius in 44 B.C.E. It was she who organized Caesar’s funeral while Augustus was away, which may have influenced her decision to try to dissuade her son from taking Caesar’s name, since she saw firsthand the ramifications of the dictator’s assassination. She believed that it would be a dangerous political move for her son to associate himself with the recently murdered ruler, and she feared for his safety as Caesar’s heir.

Disregarding his mother’s worries, Augustus assumed Caesar’s name. Soon after, Atia died in 43 B.C.E., just one year following her uncle’s death. Augustus “fixed a state-funded funeral” for Atia, a rarity for women at this time.\(^{19}\)

**LIVIA: A WIFE’S DEVOTION**

The second, and arguably more influential, woman in Augustus’s life was his wife, Livia. She and Augustus wed in 38 B.C.E., shortly after she returned from exile\(^ {20}\) to Rome with her husband, nobleman Tiberius Claudius Nero.\(^ {21}\) The situation was such: Augustus met Livia upon her return to Rome in 39 B.C.E. and fell madly in love with her, so much so that although Augustus was married at the time, he “repudiated his wife the very same day she gave birth to a daughter, Julia.”\(^ {22}\) Augustus shortly thereafter asked Tiberius for Livia’s hand in marriage,

---

\(^{19}\) Galinsky, ed., *Cambridge Companion*, 141.

\(^{20}\) It is important to mention that this exile was enforced by Augustus, due to the circumstance that Livia’s husband was one of Augustus’s enemies and had been proscribed (he was put on a list of people that could be murdered at any time, and the murderer would thus be rewarded). For more information, see Augusto Fraschetti, ed., *Roman Women*, trans. Linda Lappin (Chicago: Chicago University Press, 2001), 100-102.

\(^{21}\) Fraschetti, *Roman Women*, 100.

\(^{22}\) Ibid., 102.
which Tiberius readily agreed to, as it would call to an end the hostility between the two men, and Tiberius would be raised to a position of higher power.\textsuperscript{23}

There was, however, an initial social backlash against this marriage, as Livia was pregnant with Tiberius’s second child at the time of her wedding. Although it was both “law and custom a pregnant woman could not enter into a second marriage until the child in her womb had been born into her legitimate husband’s home”, Augustus simply could not wait the remaining three months until the birth and had the pontifical college perform the ceremony.\textsuperscript{24} In order to remain justifiable, the college claimed that as long as there was no question to the paternity of the child, the non-traditional ceremony was actually an ancient tradition that they were happy to uphold.\textsuperscript{25}

Shortly after their marriage, in 35 B.C.E., Augustus bestowed upon his wife a rare and special honor: sacrosanctity\textsuperscript{26} and freedom from guardianship.\textsuperscript{27} This, however, was merely the beginning of the special treatment that Livia received as wife of the first emperor. Though women had previously been involved in repairing temples or public buildings, Livia was one of the first women to have a portico funded by and dedicated to her.\textsuperscript{28} Her portico was also considered one of the more significant of the Augustan buildings, as it contained a remarkable

\begin{flushright}
\textsuperscript{23} Ibid., 103.
\textsuperscript{24} Ibid.
\textsuperscript{25} It must be noted that this apparent “ancient practice” had never been recorded. See Ibid. for more information.
\textsuperscript{26} No one could physically harm her, touch her, or insult her. See Fraschetti, \textit{Roman Women}, 105 for more information.
\textsuperscript{27} Galinsky, ed., \textit{Cambridge Companion}, 141. Also, Octavia, Augustus’s sister, was granted freedom from guardianship. This means that they were allowed to “act in legal matters without the assistance of a guardian, as only vestal virgins could do” (Fraschetti, 105).
\textsuperscript{28} Galinsky, ed., \textit{Cambridge Companion}, 142.
\end{flushright}
collection of artwork, most of which had been imported. It was also designed to make a specific “statement about morality, both domestic and civic.” This statement was made when the portico was constructed, as it was built on the site of a house that formerly belonged to a wealthy, pompous equestrian and was turned into a public place, showing that Livia was dedicated to the Roman citizens and was unselfish, unlike the man who had previous owned the land.

The prevalence of Livia in artwork is an important change in the period of Augustan art. The only time that the women were shown in a respectful manner is if they were shown as wives, meaning “those peoples who acquiesced most fully to Roman rule.” In these paintings and sculptures, Augustus “provides the world what he offers to Rome—an honorable status in the family—if only it accepts its paternity.”

Other honors granted to Livia during her reign as empress were also remarkable for a woman to receive. These included the right to be honored by statues as well as the important exemption from Voconian law. The Voconian law, passed in 169 B.C.E., limited the “influence of women by forbidding rich citizens to make them heiresses of more than one half of their whole estate.” This exemption allowed Livia to be the heir to a large fortune, which was

---

29 Milnor, Gender, 59.
30 Ibid., 60.
31 Ibid., 61.
32 Ramsby and Severy-Hoven, “Gender,” 47-49.
33 Ibid., 56.
34 Galinsky, ed., Cambridge Companion, 141.
previously not allowed for women.\footnote{Women had formerly been allowed to inherit, but the sum was restricted.} This also provided Livia the role of the priestess of Augustus once he had died and became deified.\footnote{Ibid.} Much of this was due to the fact that Livia was seen as the ideal Roman woman, who fell into the category of women classified as “modest, faithful wives, demurely dressed, focused on their families, and respectful of their husbands’ authority.”\footnote{Ramsby and Severy-Hoven, “Gender,” 46.}  

The most important aspect of Livia’s political life was her influence with her husband on his rulings. Much of this influence was directed through letters that were written between Augustus and his wife. Although he had many advisors, he would consistently discuss with his wife before making important decisions.\footnote{Fraschetti, Roman Women, 106.} Some very interesting letters still survive, for example, one which Augustus asks Livia what position in public office he should give to Claudius, who would eventually become emperor, as everyone considered him “the family idiot.”\footnote{Ibid., 107.}  

As far as supporting her husband was concerned, Livia was very good at public appearances. She immediately supported Augustus when he made his lifestyle change to represent the grandeur of the past, as she began to present herself as an “old-fashioned Roman matron.”\footnote{Ibid, 106.} She displayed herself as a traditional woman who adhered to domestic values, which helped to show that Augustus himself was committed to a moral Roman home.\footnote{Milnor, Gender, 85.}

\begin{thebibliography}{99}
\bibitem{footnote1} Women had formerly been allowed to inherit, but the sum was restricted.
\bibitem{footnote2} Ibid.
\bibitem{footnote3} Ramsby and Severy-Hoven, “Gender,” 46.
\bibitem{footnote4} Fraschetti, Roman Women, 106.
\bibitem{footnote5} Ibid., 107.
\bibitem{footnote6} Ibid, 106.
\bibitem{footnote7} Milnor, Gender, 85.
\end{thebibliography}
However much it may have appeared that Livia was dedicated to her husband and his reign, many scholars believe that she had a strong hand in determining the next heir to the throne. Several of Augustus’s male relatives mysteriously died when they were next in line for the throne, all of them from suspicious circumstances. This continued until Livia’s son Tiberius was the sole heir left, though he was not a blood relative of Augustus. There is no definite information on these implications, but it is suggested that Livia may have even played a role in the death of Augustus in 14 C.E. so that it could be certain that her son would ascend to the role of emperor.

Though there was speculation as to her role in malicious happenings, there is no doubt that Livia played a very important part in influencing Augustus during his daily life and activities. Much of this occurred behind closed doors, but the evidence of it was available for the whole public to see, from porticoes and statues to public appearances by her husband’s side. The married life of Augustus and Livia, though originally unconventional, became one that the Empire was eventually modeled after.

43 Although Augustus and Livia were married for many decades, and those years were described as extremely happy, loving years (which was rare for most Roman couples), they never had any children together. At one point during their marriage Livia was pregnant, but had a miscarriage and never again conceived. Thus, Augustus had no male heir (solely his daughter Julia from a previous marriage) to succeed him to the throne. Livia had two sons by Tiberius, however they were not next in line to succeed Augustus. For more information, see Fraschetti, Roman Women, 108-111.

44 Fraschetti, Roman Women, 108-117.

45 If Livia did, indeed, play a hand in getting her son to the throne, it is ironic that immediately upon his ascension to the role of emperor Tiberius did nearly everything in his power to restrict the honors granted to women. His refusal to adhere to his stepfather’s customs is interesting only in the fact that the first person whom Tiberius tried to restrict the powers of was his own mother. See Fraschetti, Roman Women, 114 for more information.
THE REFORMS

The two pieces of legislation implemented by Augustus in 18-17 B.C.E. were undoubtedly moral reforms created for the purpose of nurturing a more virtuous society. These laws became central to defining his reign, and had a very lasting impression on a specific Roman social class: the noblemen.46 These laws, while generally targeting the entire population, had the most impact on the noblemen in society, as Augustus believed that the nobility was “morally corrupt, intellectually inert, spiritually void, and even physically sterile.”47 The emperor was under the impression that the decline of the Republic that occurred years before was in direct correlation to the neglect of the traditional values, as the “immorality at home” had created “instability abroad”, and he was not going to allow the same fate to befall his empire.48 He hoped that, by creating and enforcing these laws, Rome would return to its previous state of grandeur and morality. The implementation of these laws, “which he backed by impassioned speeches and his own example, form one of the most notable examples of attempted social reform in the ancient world.”49


47 Stobart, *Grandeur*, 201.


49 Starr, *Civilization*, 69.
LEX JULIA DE MARITANDIS ORDINIBUS

One of the initial reforms that Augustus put into effect was the *lex Julia de maritandis ordinibus*\(^{50}\), which created rules as well as restrictions on marriage and focused mainly on the corrupt members of the senatorial class. This law made marriage and remarriage mandatory for the Roman citizens. If a man fell between the ages of twenty-five to sixty he was required to marry a woman; for females, the ages were twenty and fifty.\(^{51}\) If a woman had been divorced, it was mandatory that she find a new husband within six months.\(^{52}\) The divorce would not be easily hidden from the public, as some people tried to do, because it was made known to the public by a proclamation of divorce.\(^{53}\) On the other hand, if a woman was widowed, the time period she was given to remarry was extended to one year.\(^{54}\) The laws enforced on widows were generally viewed as more unfair than others, as many women at this time chose to remain a *univira*, or a woman who “only had one husband and remained faithful to him after his death.”\(^{55}\)

There was also a standard that was created which encompassed the rewards and punishments that would be doled out for those people who chose to either marry within their class or marry between classes. Members of the “senatorial class were forbidden to marry

---

\(^{50}\) The *lex Julia de maritandis ordinibus* was specifically the “Julian Law relating to the marriages of the (senatorial and equestrian) orders” (Galinsky, *Augustan Culture*, 132).

\(^{51}\) It is noted that soldiers were forbidden to be married while they in the service of the empire. This meant that if a man were to join the imperial army, the current marriage that he held with his wife would become invalid. For more information, see Galinsky, ed., *Cambridge Companion*, 145.

\(^{52}\) Galinsky, *Augustan Culture*, 130.

\(^{53}\) Starr, *Civilization*, 70.

\(^{54}\) Galinsky, *Augustan Culture*, 130.

\(^{55}\) Ibid., 131. It is interesting to note that although the marriage reform was one of the most effective reforms, as it lasted for over 200 years, Livia was not required to abide by these rules. After the death of her husband, Livia became his priestess and was not required to marry another man within one year of Augustus’ death.
freedpeople or actors, while all freeborn people were forbidden to marry anyone involved in prostitution."\(^{56}\) While this “liberalized marriages between Romans and freed men and women”, the members of the senatorial class were angered at their newly legalized restrictions and the penalties, such as fines, that came if they chose to ignore those laws.\(^{57}\) These restrictions, however, did have root in an ancient tradition, one that the historian Livy depicted in a debate about the recently ratified Twelve Tables. This debate took place between consuls and a tribune named Canuleius in 445 B.C.E.:

\begin{quote}
Quod privatorum consiliorum ubique sempter fuit, ut in quam cuique feminae convenisset domum nuberet, ex qua pactus esset vir domo, in matrimonium duceret, id vos sub legis superbissimae vincula conicitis, qua dirimatis societatem civilem duasque ex una civitate faciatis. Cur non sancitis ne vicinus Patricio sit plebeius nec eodem itinere eat, ne idem convivum ineat, ne in foro eodem consistat?
\end{quote}

That which always and everywhere has been a matter of private judgment—that a woman might marry into whatever house it had been agreed, and that a man might take a wife from whatever house he had arranged—this you have put under the shackles of the most arrogant of laws, by which you would divide our community and make into two our unified state. Why don’t you pass a law that a plebeian cannot live next door to a patrician or walk on the same street, that he cannot go to the same dinner party, or visit the same Forum?\(^{58}\)

The existence of this document by Livy gave historians “the most prominent, if not the only, precursor in Roman law to the Augustan marriage legislation”, which shows yet again how concerned Augustus was with making the Roman past into the Augustan present.\(^{59}\) If ever there were question as to whether or not Augustus was indeed concerned with returning to old customs, this document repudiates those queries. Livy’s \textit{ab Urbe Condita} shows that, similar to


\(^{57}\) Galinsky, \textit{Augustan Culture}, 130.


the decemvirs who created the Twelve Tables, Augustus “sought to create a caste system in Rome in which certain categories of citizens were denied the right to marry others.”

There were other punishments that were imposed upon citizens if they decided to rebel against the law and refuse to get married. Those who did not have children or were unmarried were forbidden to gain any inheritance. This originally became a problem with fathers in the society, as some of them were purposefully obstructing the marriage of their children. As well as not being able to receive inheritance from any family members, those people who did not have families and were not married were also not allowed to “leave an inheritance to anyone except for blood relatives to the sixth degree, otherwise the state became the sole beneficiary.” This specific inclusion pointed to the idea that Augustus was not interested in weakening the nobility, although the nobility believed that he was trying to sabotage them. On the contrary, he was “strongly interested in keeping the families intact by stabilizing the transmission of property” through marriage and heirs.

Though there were restrictions on the members of the senatorial class, there were also several incentives for the men and women who decided to follow the lex Julia de maritandis ordinibus. One of the greatest motivations for women to get married was the ius trium liberorum, which was a law that “gave tax relief to women with three or more (surviving) children.” Men of such households were also rewarded, but instead of being rewarded with

60 Ibid.
61 Galinsky, Augustan Culture, 130.
62 Ibid., 136.
63 Ibid. Livia was granted the ius trium liberorum in 9 B.C.E.by Augustus after the death of her youngest son, Drusus. For more information, see Galinsky, ed., Cambridge Companion, 141.
rights as the women were, they were given a new and improved status, such as magistrate.  

Another, but probably less common, right awarded to women who had birthed the prerequisite number of children was freedom from male guardianship, which had already been previously awarded to Livia. These incentives were created as a “practical measure on the part of the new government to encourage legitimate childbearing”, as the government was having a problem with celibacy and childlessness, and because Augustus was interested in having marriage “established and maintained in a morally upright manner.”

Even though there were grand incentives for members of both sexes to take part in marriage, this was not an instant fix to the problems surrounding the Roman family. Men and women still desired to make their own choices as to whom they would marry, and this new law only forced them to take the actions of their single life far away from the watchful eyes of the Empire. As Tacitus explains in an excerpt from his Annals:

\[
\text{nec ideo coniugia et educationes liberum frequentabantur praevalis} \\
\text{orbitate: ceterum} \\
\text{multitude periclitantium} \\
\text{gliscebat, cum omnis} \\
\text{domus} \\
\text{delatorum} \\
\text{interpretationibus} \\
\text{subverteretur, utque antehac} \\
\text{flagitiis} \\
\text{ita tunc} \\
\text{legibus laborabatur. ea res} \\
\text{admonet ut de} \\
\text{principiis iuris} \\
\text{et quibus modis} \\
\text{ad hanc} \\
\text{multitudinem} \\
\text{infinitam ac} \\
\text{varietatem} \\
\text{legume} \\
\text{perventum sit altius} \\
\text{disseram.}
\]

People did not rush to marriage or the rearing of children because of the law—solitary living was still prevalent—but there arose a great crowd of people at risk [of prosecution], since every home was being undermined by the examinations of informers. Thus, as much as up to that point it had laboured under the weight of its sins, now the house was burdened by the

---

64 Men were permitted to divorce their wives if they did not bear them children. However, Augustus remained married to Livia despite the fact that she had not borne him any heirs to the throne.

65 Milnor, Gender, 153.

66 Ibid., 145.

laws. This circumstance prompts me to discourse further on the principles of justice, and how we have come to our current vast and various quantity of legislation.  

For Tacitus, “the extent to which the social legislation subsumes individual choice to the common good is about the demise of boundaries between public and private life, between civic spaces and those of the household.” He, as well as many other Roman men and women, felt that the government was over-stepping its rightful territory, and was getting too enmeshed with the complexities and intricacies of family life.

Augustus’s reasoning to create this law was not necessarily to overstep his bounds as emperor, but to impress upon his people the important role that family played in maintaining the empire. Augustus’s family was incredibly influential and important in his life, and therefore he believed that society would no longer function in a civilized manner if there was dissolution of families and the familial ties that bind. In a speech given to the equestrians in 9 C.E., Augustus first praised the married men of the group, who were a minority, and then angrily asked the other spectators what he should call them, as he felt that they were not performing any of the tasks of men, they were not upholding the city as citizens, and they were not continuing the Roman lineage.

To Augustus, “the practice of social responsibility” was “impossible without responsibility for a family.” In order for the men and women of the Roman society to consistently act in a proper manner that would show the high morality of Rome, these citizens

---


70 Galinsky, *Augustan Culture*, 132.

71 Ibid.
needed to have a family and the responsibilities and morals that went along with that institution. Due to the failing moral code that the senatorial class was living by, the *lex Julia de maritandis ordinibus* was specifically directed at the ruling class in order to make them into “a morally superior people.”\(^{72}\) Augustus believed that “caring for a family exemplifies the highest, moral form of existence and makes a man a true citizen …”\(^{73}\) To the emperor, the most important role any man could play would be that of father and husband, and as such, Augustus became the father-figure of the Roman Empire.

**LEX JULIA DE ADULTERIIS**

The second reform which was passed under Augustus as a moral reform was the *lex Julia de adulteriis*, which was the law created in conjunction with the marriage law and was specifically designed to punish those who committed adultery. The wording of the law was such that “it was the status of the woman rather than the man which defined a sexual act as adulterous.”\(^{74}\) This law, designed especially to target adulterous wives, was supposed to reign in the evil influence that loose women held over Roman men.\(^{75}\) Once Livia had entered the house of Augustus, there was “no whisper against her chastity” in relation to her marriage to the

\(^{72}\) Ibid.

\(^{73}\) Ibid.

\(^{74}\) Milnor, *Gender*, 150.

Due to the high moral standards of his wife, it is very probable that Augustus based this law off of the chaste nature of Livia, as he wanted the empire to emulate his family.⁷⁷

Through the wording of the law, if a husband found his wife taking part in an extramarital affair, the husband had to take immediate actions against his wife, as the adultery could not be “condoned by him unless he wanted to make himself a punishable accessory to the crime.”⁷⁸ In order to evade this punishment, the husband was required to divorce his wife within sixty days of discovering her in an adulterous act⁷⁹; if he failed to do so, he was “liable under the law to a charge of lenocinium (pimping).”⁸⁰ There were restrictions, however, on how a husband could proceed to punish his wife after discovering her infidelity. The husband was not allowed to kill his wife, even if he were to walk in on her in the act. He was, however, allowed to kill her lover if that man fell into a specific social category, usually a lower one than the woman, but only then if his wife and her lover were caught having sexual intercourse. The lover was only allowed to be killed by the hand of the husband, not by anyone else.⁸¹

These same restrictions did not apply to the father of the woman who was found guilty of adultery. A father was permitted to kill his daughter, but only if he murdered her lover first, and

⁷⁶ Stobart, *Grandeur*, 205.

⁷⁷ The fact that Augustus wanted the empire to imitate him and his family is slightly ridiculous, as Augustus had committed many of the crime which he was now preaching against. However, these morally undesirable behaviors had taken place before he passed the moral purification laws of society. For more information, see Stobart, *Grandeur*, 203-204.

⁷⁸ Galinsky, *Augustan Culture*, 130.

⁷⁹ It is important to note that until this law was passed in 18 B.C.E., the infidelity of a Roman wife does not appear to be considered a grave offense against her husband. A husband would rarely divorce his adulterous wife in this circumstance, as he would not gain much from the dissolution of their marriage. For more information, see Judith P. Hallett, *Fathers and Daughters in Roman Society: Women and the Elite Family* (Princeton, NJ: Princeton University Press, 1984), 237.

⁸⁰ Milnor, *Gender*, 152.

⁸¹ Ibid., 151.
only if the sexual acts were caught taking place in the father’s house.\textsuperscript{82} Though this justifiable homicide was very much permitted within the context of the law, it was a rare occasion that occurred where a murder took place. More commonly, charges were brought against the adulterous woman, as it was possible for any member of the general public to file these charges.\textsuperscript{83} It was, however, required that the wife’s lover be accused first, and therefore his case would go to trial first. If the adulterer was found guilty, then the woman would be tried.\textsuperscript{84} Oftentimes the charges that were pressed by the public were entirely fallacious, created solely as a way of “disgracing a woman, her family, and friends by attacking her sexual morality.”\textsuperscript{85} No woman who was accused of committing adultery was, according to sources, ever acquitted.\textsuperscript{86} If a woman and her lover were indeed found guilty in court, they were commonly exiled to two separate islands, but not before the wife lost “half of her property and a third of her estates, and the adulterer lost half his property.”\textsuperscript{87}

While women were continually punished for their behaviors, men of the household were not required to live by such strict rules of monogamy. Under the \textit{lex Julia de adulteriis}, a man who was married “could legitimately have intercourse with any man who was not freeborn or woman who did not have the status of \textit{matrona}\textsuperscript{88} and was not either married or in concubinage,

\textsuperscript{82} Ibid.
\textsuperscript{83} Ibid., 152. The general population would commonly press the charges against the wife as they had a hope “of receiving part of the property confiscated if she was convicted”. (Ibid.)
\textsuperscript{85} Ibid.
\textsuperscript{86} Ibid.
\textsuperscript{87} Richlin, “Approaches,” 382.
\textsuperscript{88} \textit{Matrona} is a Roman married woman with children.
and could keep concubine(s) of either sex in his household.”

Wives were not allowed to prosecute their husbands even in the case of her husband having intercourse with a married woman; this could only be carried out by another man. It was not until the late empire that women were granted this right.

The main purpose behind this law was to maintain the sanctity of marriage, much like Augustus and Livia remained true to one another during all their years of married life. The emperor wanted there to be no question as to the paternity of a child in the Roman state, just as he made certain there was no question as to the fact that Tiberius was the father of Livia’s son when she married Augustus. Augustus once again portrayed in his rulings that the life of the empire and its citizens should mimic the life of the emperor and his family.

**JULIA: THE FALLEN CHILD**

Although the *lex Julia de adulteriis* was created in the likeness of his wife’s chastity, Augustus himself was not spared from the black haze of having a family member accused, and convicted, of adultery. Augustus’s duties as an emperor and emotions of a father were tried when, in 2 B.C.E., he had to banish his only child, Julia, for her misdeeds and adulterous actions.

---

89 Richlin, “Approaches,” 382.

90 It was important to determine the paternity of the child, as the citizenship of the child would otherwise be questioned.

The early life of Julia was a very stressful one. Julia grew up under the watchful eye of her stepmother, Livia, who was the personification of the perfect wife. Julia felt that she did not have the ability to live up to the standards that her father had set for her, and she eventually grew to despise her stepmother. Due to the great strictness with which Livia went about educating Julia, Augustus’s daughter learned, by default, to hate all things virtuous and everything that her stepmother stood for. This authoritarian learning environment, which included making clothes for her father, was soon coupled with the constant marriage and re-marriage of Julia to various men at her father’s behest, mainly for political reasons. This became the final straw for Julia, and she began to rebel against her father, her family, and the empire.

Julia was a beautiful woman, and therefore had many admirers who were not afraid to show her their affections. As a result, Julia allowed several of these admirers to become her lovers. As she did not have any say over who she was wed to, Julia wanted to have control over who she went to bed with. Many of these men had connections to the empire as well, most notably Julius, Mark Antony’s son.

Though she was the emperor’s daughter, Julia did not take great care to hide her affairs from the prying eyes of the public. She specifically signaled out her stepmother’s portico as a site of her adulterous affairs, most likely as a sign of disparagement to the fact that this portico was supposed to represent morality. Though this had already been a site of many extramarital sexual affairs, mainly due to the idea that it was devoted to leisure rather than business, the fact

---


93 For more information on this topic, see Fraschetti, *Roman Women*, 100-117.


95 A portico was a porch that led to the entrance of a building.
that Julia took part in her affairs at this particular portico was a deliberate offense towards her stepmother.  

Men were quoted as saying that her “orgies had been conducted upon the very rostra whence her father’s laws against adultery had been proclaimed.”

Once Augustus had been informed of his daughter’s moral misconduct, the tenderhearted emperor quoted a Greek verse to show his despair: Oh that I had been unwedded and died without a child. Julia, always a problem child, was eventually exiled to an island away from the empire, as Augustus knew that he had to remain faithful to the laws that he had preached upon the citizens of his empire and make an example of his daughter. Augustus also made no attempt to stop the destruction of Julia’s sculpted portraits that were prevalent throughout the city of Rome.

Though the difficulties that Augustus had with his daughter were devastating to him as a father, they somewhat helped to bolster the view that the public held of him. He was seen as both an equal and an exceptional man at the same time, as he shared the experience of a daughter’s infidelity with many of the Roman citizens but remained steadfast to his beliefs regardless of the personal anguish that it would cause him. Julia’s actions were not seen as a

96 Ibid.

97 Stobart, Grandeur, 207.

98 It must be noted that it is strongly suggested that Livia was the one who broke the news to her husband, possibly because she harbored few positive feelings towards the daughter that Augustus had with his previous wife. This could also have played a part in her plot to secure her son Tiberius a permanent place in the line of heir to the throne of the Empire.

99 Stobart, Grandeur, 207.

100 Milnor, Gender, 60. It is also noted that Ovid, the poet, was also exiled at this time, as Augustus believed that he had a hand in the adulterous affairs of his daughter. Though Ovid had not directly taken part in these affairs, Augustus was under the impression that the poems that Ovid wrote about love and sexuality had helped prompt Julia to take part in the affairs. For more information, see Milnor, Gender, 53.

massive failure on the part of Augustus, nor were they seen as a result of poor ruling; rather, they helped to create the image of a “tragic and stalwart performance as a father.” Historians would later create the connection of Julia to “the rhetorical trope which emphasized the tribulations of Augustus”, and was used to demonstrate that “even those who have risen high cannot escape the vicissitudes of fortune.”

CONCLUSION

In *Germania*, Tacitus expressed his feelings about the moral reformation that Augustus had undertaken during the early years of his reign, as well as his belief that the *lex Julia de adulteriis* was unsuccessful. Here he discussed the German tribes, located in an area conquered by Rome, as a suggestion that even the men from the great Roman Empire was not as loyal to their wives as the barbarians from Germany were:

However marriage is very strict there, nor would you give more praise to any part of their *mores*. For, almost unique among barbarians, they are content with a single wife, except for only a few, who undertake many marriages, not for the sake of lust but because of their nobility … By these means the women live their lives with their chastity firmly girded, corrupted by no lures of extravaganzas, no unsettling excitements of dinner parties. Men as well as women know nothing of secrets in letters. Adulteries are very rare in such a numerous people, for which the penalty is to hand, given over to the husbands: the husband drives the wife naked from the home, her hair cut off, in the presence of her relatives, and drives her throughout the whole village with a crop; for there is no mercy for a virtue that has become public property: she will find a husband not by looks, youth, or money. For no one there laughs at vices, nor are corruption and being corrupted called “the times.” Indeed, still better are those states in which only virgins marry, and put an end to speculation and utter

---

103 Ibid.
their wife’s pledge at one and the same time … And good *mores* have more force there than good laws elsewhere.\textsuperscript{104}

Many Roman citizens did not think that the reforms on marriage and adultery were necessary, and many of those citizens created a public outcry once the reforms were enacted. Augustus, however, did not waver. In spite of the “unpopularity, and possible ineffectiveness, of the laws, the princeps\textsuperscript{105} clearly remained committed to them—testimony to their importance as a part of his vision of the newly constituted imperial state.”\textsuperscript{106} He was convinced that the reforms were necessary for the maintenance and strengthening of the Empire.

The two laws, the *lex Julia de maritandus ordinibus* and the *lex Julia de adulteriis*, eventually became a central symbol of the reign of Augustus, and everywhere in the empire there was evidence of this fact. These laws, and the outcomes that occurred because of them, became one of Augustus’s proudest achievements during his time as emperor.\textsuperscript{107}

Domesticity was a key element of the reforms implemented in 18-17 B.C.E.\textsuperscript{108} These reforms took care to emphasize the importance of the family, most prominently the family of Augustus. Several historians link the success of Augustus’s regime with “the traditional family structure and the female roles associated with it.”\textsuperscript{109} Augustus shaped the structure of his empire around two very influential women in his life: his mother and his wife. His mother influenced


\textsuperscript{105} A title Augustus commonly was called by, meaning “first”—also the word from which the title “prince” is derived.

\textsuperscript{106} Milnor, *Gender*, 141.

\textsuperscript{107} Milnor, *Gender*, 141.

\textsuperscript{108} Ibid., 47.

\textsuperscript{109} Ibid., 12.
his idea that Rome must remain steadfast to its past traditions in order to prevail in the modern times; indeed, Augustus believed that “imperial Rome must look backwards into the past in order to move forwards into the future”, and it was this emperor’s aim to expand his empire to the far reaches of the world, and to one day completely conquer the world.\textsuperscript{110}

Livia, on the other hand, was vastly prominent in the political life of her husband. She influenced the nature of his reforms, which were mostly based off of her marital relationship with her husband and her chaste character, and she gave her exceedingly strong opinion on the majority of Augustus’s rulings. To Augustus, Livia was the embodiment of perfection, and thus through her influence she became the representative “of what we might call ‘politicized domesticity’: the idea that certain relationships may transcend the divide between public and private life.”\textsuperscript{111} Whether or not she had a hand in the demise of the line of heirs to the throne, or in the death of Augustus himself, is not in question; what is important here is the fact that Augustus shaped the empire, and one that he had worked so hard to preserve, after his beloved wife.

These two women undoubtedly had the exceptional opportunity to indirectly rule the man who ruled the Empire. Atia and Livia molded Augustus into the emperor who became so popular and successful, and did so in a way that brought about reforms that impacted every citizen of Rome. Through the influence of these women, Augustus desired his beloved Empire to take on the age-old characteristics of morality and sanctity, which he believed was prominent in his perfect marriage and the nature of his family. The Empire began to emulate his family not

\textsuperscript{110} Ibid., 155.
\textsuperscript{111} Ibid., 93.
because of an immediate need or a necessary change, but because of the prominence of two women who became rulers behind closed doors.
APPENDIX

Image 1: The Genealogy of Augustus Caesar\textsuperscript{112}

\footnotesize
\begin{quote}
\textsuperscript{112}Hallett, \textit{Fathers and Daughters}, 364.
\end{quote}
Image 2: Ara Pacis\textsuperscript{113}

\textsuperscript{113} Stobart, \textit{Grandeur}, Figure 34.
Image 3: Augustus and family depicted on the Ara Pacis\textsuperscript{114}

\textsuperscript{114} Ibid., Figure 35.
Works Cited

Primary Sources


Secondary Sources


