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Widows, orphans, and social history

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1. Widows and such

Among the theses held by Roman historians in recent years are the following: Roman women were, for the greater part of the classical period, gradually ‘emancipated’ from legal and social constraints on their role and behavior; most, if not nearly all, Roman women spent almost their entire adult lives in the married state; one reason for this phenomenon was a shortage of women produced in part by the practice of exposing (and effectively killing) larger numbers of female babies than male; because lost husbands were more easily replaced than wives, the status of the woman once-married (univira) was a relatively rare and much-honored one; the basic family structure was nuclear, consisting of the two parent-child(ren) triad. In this massive and important work, J.-U. Krause poses a vigorous challenge to all of these ideas and more.

The genesis of the project lies in author’s interest in the fate of widows and orphans mentioned as victims of predators by Saivian of Marseille, an interest evidently grounded in his previous work on late antiquity. Originally conceived as an article, it expanded to a 1200-page Habilitationsschrift submitted at Heidelberg in winter 1992/93 under the title Witwen und Waisen im römischen Reich, 200 v. Chr.–600 n.Chr. Krause lays down the basics of his approach in the Foreword to the first volume. The study of marginal types such as widows and orphans is not in fact a ‘marginal theme’ for the ancient historian. Of central importance is the reaction of family, state, and society to the challenges of widowhood. What sources of material support were available? How were relations within the family altered by the loss of a husband and father? Krause stresses that family functions in pre-industrial societies tended to be fuller than those of modern society, so that the decease of the head of the household might be expected to have a more profound impact than it would today.

What were the longer-term implications for the widow herself? Was the fate of the elderly widow poverty and isolation? Demography is of obvious importance in estimating the frequency and length of widowhood. K. is sensitive to the possibility of measuring changes over time in the long period (200 B.C.–A.D. 600) under study. Two issues in particular are raised as a prelude to investigation. Was there an ‘emancipation of women’? What were the effects of the spread of Christianity? Finally, K. emphasizes the book’s orientation as social history rather than as political history.

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1 See J.-U. Krause, Späantike Patronatsformen im Westen des römischen Reiches (Munich 1987). Krause has also produced Bibliographie zur römischen Sozialgeschichte 1: Die Familie und weitere anthropologische Grundlagen (Stuttgart 1992), clearly at least in some measure a fruit of the enterprise under review. The same holds for an ancillary article, “Die gesellshaftliche Stellung von Witwen im römischen Reich,” Saeculum 45 (1994) 71-104, which is discussed below in Section 2.

2 Krause does not give a cutoff-date for secondary literature. The bibliography for the first volume has two items not his own work from 1992, the latest year on record. Vol. 4 shows two works from 1993, another from 1995, and nothing else not the author's own later than 1991. The number of pages, including prefatory and reference-material, amounts to 1,164 pages, plus 34 more in Krause, “Stellung” (supra n.1), for a total of 1,198.
than legal or intellectual history, as well as its strong comparative element, with a wealth of material drawn especially from the mediaeval and modern periods.

The basic argument of the book, as it emerges from this Foreword and elsewhere, is that the number of widows was far more numerous than most scholars have assumed, and that the vast majority of these women lived their lives on the margins of society in abject poverty. Demography, that is, consideration of the age-gap between spouses viewed in light of what is known about mortality rates, plays a decisive rôle in developing this thesis. Overall, it may be described as persuasive, at least as it touches upon the sub-élite of Roman society, though at times it is over-argued. The idea that large numbers of upper-class widows existed at any period is unproven at best and open to serious question, in my view.

Given the size and complexity of this work, it is probably destined to be consulted rather than read. That is a pity, because it deals with matters of central importance for Roman social history, it is richly documented,³ and its conclusions should carry some weight, even if they must be qualified. It is a curious paradox of the work that despite the overall plausibility of the main thesis, many of the particulars do not stand up to scrutiny. Like an artless student of rhetoric, the author has chosen to put some of his weakest arguments first. Many readers will not be encouraged to proceed further. Unfortunately, considerations of space prohibit a full critical summary in these pages, and a brief outline must suffice. ⁴ Even so, readers interested only in a synthetic treatment of the book’s major themes and contributions should proceed to the final two sections below (3 and 4).

2. Widows and orphans in the Roman empire

The first volume presents the heart of K.’s demographical argument. The difference in age at first marriage for Roman men and women (with men, obviously, marrying at a later age than women) produces an average age-gap for spouses of 7-8 years in K.’s estimation. When viewed in the context of Roman mortality rates (here the author relies chiefly on the data generated by B. W. Frier from juristic evidence), this means that significantly more husbands predeceased their wives than vice versa. K. estimates that marriages lasted at most 15-20 years, so that more than 40% of women in the age-group of 40-50 were widows (I, 73). Widows had serious motives to remarry, economic as well as psychological and social, but most saw little chance of finding a new partner. So as many as 30% of adult women were unmarried widows, in K.’s view (I, 73). He sets forth the following life cycle for the ‘average’ woman (I, 85): marriage at 18 years, widowhood at 33-35, widowhood for another 10 years.

Though the central argument is in my view unassailable, many particular difficulties arise with regard to K.’s use of evidence and the conclusions he draws. For example, he is too quick to reject the widely-held view that the Roman élite knew a different pattern for age at first marriage, with earlier ages for both sexes. In fact, perhaps the most serious flaw of Witwen und Waisen is the author’s failure to recognize consistently that a different demographic operated for the upper classes, so that one may generalize from the experience of sub-élite widows to that of their more privileged sisters only with considerable qualification, it at all.

The opinio communis has perceived a deficit in females in Roman antiquity and explained this Frauenmangel in large part as a result of a higher rate of exposure of females at birth. K. contests both the perception and its premise. To this end he examines inscriptions (above all, those from Roman Egypt), Egyptian census returns, and the question of the dowry, arguing that the first two sources suggest a great under-representation of widows, while evidence regarding the dowry shows there cannot have been a significant deficit of females, since otherwise it would hardly have been necessary for prospective brides and their families to ‘purchase’ marriageable males by means of high dowries. I find that his treatment of the epigraphical evidence and the census returns is flawed by circular reasoning and that his argument about dowries is based on an oversim-

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³ It is worth noting that each volume contains a full bibliography, an index of sources, another of subjects and persons, as well as (except in the last volume) a series of appendices, most of which contain references to papyri.

⁴ For the longer version of this article those interested may consult the homepage of the JRA at www.JournalofRomanArch.com
plification of the process of Roman spouse-selection and an insecure assumption about the typical size of dowries.\(^5\)

What K. demonstrates, in my view, is precisely why the ancients exposed so many children, especially female children. W. V. Harris’ balanced assessment of the phenomenon of child exposure in the Roman empire concludes that such a gender imbalance is reasonable to assume, while conceding that it is difficult to prove.\(^6\) R. Bagnall has taken the argument a step further, not only showing that significantly more females than males were exposed in Roman Egypt, but suggesting that the same held true elsewhere in the empire.\(^7\) Whether these female children died as a result of being exposed or survived to be raised as slaves is immaterial for our purpose: in either case they would have been unavailable as potential marriage partners.\(^8\) The possibility of such an imbalance, whose sex-ratio is unknown and should not be exaggerated,\(^9\) suggests that K.’s estimate of the percentage of unmarried widows may be a little too high.

K. reviews much evidence that praises widows for refusal to remarry, but finds only isolated indications that those who did marry a second time were criticized. The paradox appears to lie in the fact that the former was regarded as ideal behavior, able to be acted on by only a few, while the latter was tolerated, or even expected and celebrated. In other words, people valued a woman who married only once, but there was no hesitation to remarry — Augustus did not offend the Romans’ sense of propriety by insisting on this. In K.’s view, praise for the univira is for fidelity within marriage, not afterwards (i.e., through refusal to marry again). This strikes a false note for me, and it seems strange that the author did not include this factor in his review of evidence praising widows’ decision not to marry again.\(^10\) I can only guess that he finds this phenomenon something of an embarrassment for his thesis — why should women be praised for doing something practically mandated by demography?

In vol. II, K. takes on the implications of widowhood for family/household structure. In many cases widows lived with sons, on occasion with daughters, though most, he argues, lived alone. In his view this requires revision of the present view that the Roman family form was predominantly nuclear. Next, he examines several possible forms of material support for widows, such as dowry, donatio propter nuptias, and husband’s testament. In all of these cases he finds the outlook bleak (too bleak, in my view, for the upper orders). Support from children was a possibility purchased at the risk of a loss of independence. There is no help from employment opportunities even for able-bodied women, for they are few in number (the production of textiles looms large here) and poorly paid at that. Widows were more exposed than most to the depredations of tax-collectors and other public officials, while the protections conceded to them at law are urged to have been without much practical benefit.

It is easy to see why widows were a by-word in antiquity for vulnerability and misery. K. concludes that there is no valid basis for the assumption that widowed status brought Roman women an increase in indepen-

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\(^5\) For a detailed refutation of Krause on these points, see T. A. J. McGinn, “The Augustan marriage legislation and social practice: elite endogamy vs. male ‘marrying down’,” in J.-J. Aubert and A. J. B. Sirks (edd.), Speculum Iuris: Roman law as a reflection of economic and social life (forthcoming). Further on dowries see the long version of this review (supra n.4).

\(^6\) W. V. Harris, “Child-exposure in the Roman Empire,” JR S 84 (1994) 1-22, esp. 5, 6, 11, 13-14, 15.

\(^7\) R. Bagnall, “Missing females in Roman Egypt,” SCI 16 (1997) 121-38. Bagnall attributes the practice to sheer misogyny. Misogyny is a plausible explanation per se for a practice of exposure disfavoring females, though I am not certain that this supports Bagnall’s claims of anti-female bias in Roman society.

\(^8\) Caution is enjoined here in that there exists the danger of a circular argument. Thus an assumed gender imbalance in marriage partners would be employed to suggest a gender imbalance in exposed children, and vice versa. It is clear that these are two independent hypotheses, each with its own evidentiary basis, each difficult to prove by itself, though admittedly each, if true, would help explain the other.

\(^9\) B. W. Frier, “Natural fertility and family limitation in Roman marriage,” CP 89 (1994) at 327 n.28, argues that ordinary Egyptian couples did not employ exposure or infanticide to limit their families, though it might be used for more immediate economic motives or to ensure proper birth spacing. Exposure evidently had no effect on the stability of population growth. For a refutation of the idea that a high rate of exposure overall is inconsistent with a stable population, see Harris (supra n.6) 18. One should be sensitive to the possibility that the distribution of exposure, and so its demographic impact, was uneven across the population; in other words, it was possibly more common in non-marital and upper-class contexts: see Frier ibid. 331-32 on family limitation.

\(^10\) Even stranger perhaps is the fact that further on (at 1, 157) Krause appears to accept the conventional understanding of the univira as a woman praised for marrying once. Cf. “Stellung” (supra n.1) 100, where he defines univira as “eine[r] Frau, die nur einmal verheiratet gewesen war”.
idence and freedom of action (II, 252). Again, it would have been useful to draw a distinction here on the basis of social status. For example, the evidence surveyed by K. shows convincingly that some women, at any rate, were heavily engaged in economic activity and possessed considerable wealth.

Once having made the demographic argument for large numbers of widows, it is natural for K. to suggest that the Roman world knew many orphans, or, better, half-orphans, since most had a living parent. In vol. III he examines questions tied to these children, questions regarding their rearing and the fate of their patrimony. Too much space is devoted to an unconvincing attack on the thesis of S. Dixon that asserted the strength of a widowed mother's position. On K.'s own evidence, the mother remained a formidable figure both in matters of child-rearing and safeguarding of their property.

Once more K. relies on demographic data to establish the framework for his argument, which here is that some 40-45% of children under the age of 14 were half-orphans (III, 9). K. emphasizes the rôle of relatives other than the mother, above all their grandfather, in the rearing of these children, suggesting a qualification to the thesis that nuclear family was the dominant form. A series of chapters examines adoption, guardianship, and the administration of property. Poverty threatened many, if not most, orphans, a situation from which marriage (for girls) and vocational training (for boys) promised to rescue relatively few. No less than widows, orphans and their property were exposed to exploitation and rough treatment by public officials and others.

In vol. IV K. sets forth the chief issue that remains, the impact of Christianity on widows and orphans. The first three volumes have addressed a number of particular aspects of this problem; now the emphasis narrows to an examination of the nature, scope, and effectiveness of material support for widows and orphans by the Church, and the question of what institutional rôle widows played. K. is pessimistic on both counts, arguing that ecclesiastical charity could not have helped very many very much, and that women were for the most part entrusted with such chores as prayer and care of the sick. Even asceticism did not make much of a difference in women's status under Christianity: in K.'s view its emancipatory potential for women, stressed by a number of modern scholars, is highly overrated.

In a supporting article K. examines the social controls imposed on widows' behavior. He begins from the premise that it was the task of the Roman husband to oversee the morality and appropriate behavior of his wife. He was in particular assigned responsibility for the protection and preservation of her reputation for chastity. Widows were of course free from this husbandly oversight.

In his conclusion, K. adopts what might be termed a radical Mediterraneanist position on social and sexual conditions at Rome. He sees ("Stellung" 102) no essential difference in the village or small-town societies of the traditional Mediterranean cultures of the modern period, Europe of the middle ages, early modern period, or antiquity. But the assumption of such a steady-state continuity over the ages has been successfully challenged by anthropologists themselves, and the crude application of the honor-shame syndrome to Rome has received withering criticism from S. Treggiari. Few, even among those who accept that a form of the syndrome existed for the ancients, will be persuaded that ancient Rome, as it is known to us, was a peasant society in the same sense as those that formed the object of study for the post-war Mediterraneanists.

3. Women without men

What, then, has K. contributed toward a better understanding of women and the family in Rome? K. is strong and consistent in his condemnation of the modern idea of "emancipation" for Roman women. The issue is raised explicitly no less than 11 times. There are two questions at stake here. Was there a measurable improvement in the status of Roman women in the classical period, particularly in the last century B.C. and first two centuries A.D., and, if so, is this change best described as an 'emancipation'?

Both questions have an interesting pedigree. Feminists and other historians newly alert to the importance of women in history in the 1970s read the ancient evidence to suggest a process favoring Roman woman that seemed, perhaps inevitably, to mirror in important respects their own experience, one that signalled an increase in social status, sexual choice, and economic

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11 Krause, "Stellung" (supra n.1).
13 See I, IX; I, 137; II, 133; II, 203; II, 250; II, 253; III, 32; IV, 104; "Stellung" (supra n.1) 72, 96, 102.
power, a historical parallel of ‘women’s liberation’. Roman women perhaps inevitably appear more “emancipated” by comparison with their disadvantaged sisters in the classical Greek polis.

K. correctly responds with a two-fold negative to these questions. But he has missed something vitally important. As the sophistication of method of the new social history of antiquity has grown in the last two and a half decades, this idea of the Roman woman’s emancipation has received a rather emphatic rejection. This is not the essential point, however, at least by itself. If Roman women were not emancipated, that does not mean they were enslaved. K. does not state the matter quite so boldly, but it is clear that he views the social status, sexual freedom, and economic power of Roman women as fatally compromised in the absence of their ‘emancipation’. This crude dualism does not persuade. It overlooks the fact that not all Roman women required emancipation in all of these areas. As a result, he grossly overstates the misogyny of Roman society, assisted in large measure by his wholesale, that is, uncritical, importation of the Mediterraneanist “honor-shame” syndrome into his analysis.

The next three points set forth in the first section above, concerning exposure and its effects, the univira, and the married condition of Roman women, may be taken together. It is, of course, impossible to know for certain that more female children were exposed than males, or to quantify any such difference, but this uncertainty hardly justifies K.’s confidence that no Frauenmangel existed. In fact, anecdotal (though hardly insignificant for that reason) evidence supports the existence of a deficit in females, at least for the upper classes. What is more, such a result is compatible with elements of K.’s general argument. If the number of widows was as large, and their lot as miserable, as K. asserts it was, one might expect this prospect to persuade more parents to expose their baby girls to avoid such a fate for them. Whether such babies died as a result or were raised as slaves is immaterial; in either case they were removed from the marriage market. The deficit was certain to be felt more acutely in the upper reaches of society.

K.’s half-hearted redefinition of the univira is a particular disappointment, not only because he is evidently of two minds on the question, but above all because it is an issue crucial to his main argument. If the vast majority of widows were unable to remarry in the face of compelling reasons to do so, it seems strange that anyone should be praised precisely for not remarrying. K.’s attempt to recast praise for the univira as praise for chastity seems reductionist in itself and is directly contradicted by some evidence that makes clear that marriage with one man is the point of this.

There is no reason, all the same, to regard this problem as devastating for K.’s thesis. The common opinion about the univira may have little to say for Roman society as a whole. Comparative evidence, not to speak of common sense and the force of K.’s own logic, suggests that

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14 It seems ungenerous to single out individual exponents of this notion, which was, after all, part of a broad trend in ancient historiography and which contributed in large measure to the development of a new social history of the ancient world. All the same, it is worth pointing out that the idea of “emancipation” enjoys an inauspicious precedent in the works of J. P. V. D. Balsdon and C. Herrmann.


16 Of course, if a woman slave was freed she might marry, but the fact that the lex Aelia Sentia set age 30 as a requirement of manumission for most slaves made marriage a less certain prospect: on the problems of family-formation faced by freed slaves, see P. R. C. Weaver, “Where have all the Junian Latins gone? Nomenclature and status in the early Empire,” Chiron 20 (1990) 275-304; id., “Children of freedmen (and freedwomen),” in B. Rawson (ed.), Marriage, divorce and children in ancient Rome (Oxford 1991) 166-90.
only widows of some property could afford the choice not to remarry. Praise for this decision makes better sense in an atmosphere where it was not an automatic, customary, or unreflecting one. In other words, if widows of status tended to spend their adult lives in the state of matrimony, so that most women in this group would remarry, the special honor paid to the univira is better explained.

What emerges is the presence of two competing ideals. Remarriage was the norm for high-status women, and as such was expected and even encouraged. But for a small number of women who preferred not to remarry, this option might be lauded on its own terms. In large part, of course, they were being saluted for their good fortune in possessing the means to avoid the imposition of remarriage, but a Roman would hardly have viewed this sentiment as inappropriate.

One cannot afford to overlook in this context the requirement of the Augustan marriage legislation that widows—and divorcées—remarry, and within a specified time limit at that. If finding a new partner were the hopeless enterprise postulated by K., this means that law imposed a standard in this regard that was objectively impossible for most women to meet. This is uncharacteristic of the lex Iulia et Papia in particular, and in principle difficult to explain. If most upper-class widows did remarry, however, this feature would at once resonate with some general characteristics of this legislation, in that it did not demand an heroic level of compliance and it was framed, effectively, to appeal to the interests of the propertied classes.

K. to be sure also advances the argument that the law was easy to ignore, a view that is more subtle and more plausible on its face. These advantages derive from the facts that the statute undeniably contained ‘loopholes’ that made non-compliance less punitive in some ways than one might otherwise assume and that we can never know the actual impact of the law on behavior. The concrete points raised by K. do not take us very far, however. While it is true that women did not tend to receive bequests from outside the circle of near relations “exempted” under the law and of course were ineligible for the political rewards it promised, their potential (upper-class, obviously) husbands very much might expect to benefit in both ways. Roman women, as K. is keen to emphasize in other contexts, were not always entirely free to make the decision to marry (or not). Paradoxically, the fact that the stakes, as defined by this legislation, were not as high for them as for their notional partners might have given them something of an edge in marriage negotiations. Still, one should not overlook the possibility that the lex Iulia et Papia, by enhancing the dignity of marriage and bestowing measurable material benefits on the male partner, might have made the entire prospect more attractive for some women, at least. On this estimate, K.’s point seems neither particularly nuanced nor persuasive.

That it was the custom for a high-status widow to remarry seems borne out by the number who actually did so. But rather than attempting to list all these Tullias and Fulvias, it seems preferable to cite a literary source that communicates the important fact that the decision was essentially hers. Tiberius, rejecting Sejanus’ offer of marriage to Livia Julia, the widow of his son Drusus (she was in fact twice-widowed, having been married first to Gaius Caesar), avers that his political responsibilities prohibit the most obvious reply in such a circumstance, which is that Livia could decide for herself whether to remarry and that she had both a mother and a grandmother as more appropriate sources of counsel (Tac., Ann. 4, 40). Though Tiberius is hardly shown to play straight with Sejanus in this passage, the generalization is plausible as to what might be considered the standard for a young upper-class widow—certainly one whose father was dead.17

A consideration of these three issues—exposure, univirae, and serial (re)marriage—leads both to a confirmation of the strength of K.’s achievement and a disclosure, at the same time, of its peculiar limitations. K.’s argument for a large surplus of widows, miserable and unable to

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find a new partner, is based on a demographic rationale that is compelling for much of the vast spectrum of Roman society. It does not, however, account for the behavior of members of the upper orders. K. himself comes close to acknowledging as much, conceding at times a difference in upper- and lower-class behavior, but he does not make this division in the clear and consistent fashion that it merits.

It is significant, for example, that the demographic data on age at first marriage show an important class-based divergence for both males and females. The question of age at first marriage has important consequences for the size and shape of (meaning relationships within) the family. J. Hajnal developed a double typology for (first) marriage-ages in modern Europe, finding an eastern pattern in which both sexes married, as a rule, when young (in their teens), and a western one in which both men and women married later (in their mid 20s).\(^\text{18}\) Afterwards a third type was discovered, the ‘Mediterranean’, in which men tended to marry later (late 20s to 30s) and women earlier, by about a decade.\(^\text{19}\) This third type most closely corresponds to the western pattern in which both men and women married later (in their mid 20s).\(^\text{18}\) Afterwards a marriage has important consequences for the size and shape of (meaning relationships within) the population in the Roman society.\(^\text{20}\)

It is worth noting that Saller and Shaw limit the scope of the upper-class pattern, at least that which holds for males, to the senatorial order.\(^\text{24}\) This is important, because, as Shaw

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\(^{19}\) The “Mediterranean” type is included in the typology given by P. Laslett, “Family and household as work group and kin group: areas of traditional Europe compared,” in Wall (ibid.) 526-27. See also D. Herlihy and C. Klapisch-Zuber, Tuscan and their families: a study of the Florentine Catasto of 1427 (New Haven 1985) 202-11, with R. M. Smith, “The people of Tuscan and their families in the fifteenth century: medieval or Mediterranean?” Journal of Family History 6 (1981) 107-28. One should note that recent research reveals that this “Mediterranean” pattern of age-at-first-marriage does not survive in coherent fashion into the modern period: see the discussion on family structure below.

\(^{20}\) This bifurcation into élite and sub-élite patterns is attested in other cultures in past time, as R. P. Saller, Patriarchy, property and death in the Roman family (Cambridge 1994) 38 points out, citing D. O. Hughes, “Urban growth and family structure in Medieval Genoa,” P&P 66 (1975) 22; L. Stone, The family, sex and marriage in England 1500-1800 (London 1977) 50. More evidence is given in the discussion on family structure below.

\(^{21}\) R. Bagnall and B. W. Frier, The demography of Roman Egypt (Cambridge 1994) 111-18 cite data from the former consistent with the sub-élite pattern discovered by Saller and Shaw (below), thus showing no explicit attestation of a bifurcation. For the latter, S. B. Pomeroy, Families in classical and hellenistic Greece: representations and realities (Oxford 1997) 5-6 finds 14-15 to be the age at first marriage for most Greek girls, about 30 or slightly younger for men. One does well to reflect on the implications of the single pattern, as well as the greater age-gap between spouses, for marriage, family life, the status of women, and demography.


\(^{23}\) B. D. Shaw, “The age of Roman girls at marriage: some reconsiderations,” JRS 77 (1987) 43-44. Saller, Patriarchy (supra n.20) 37 somewhat emends this to 20, plus or minus a couple of years.

\(^{24}\) For men, see Saller 1987 (supra n.22) 29-30, id., Patriarchy (supra n.20) 38. For women, Saller, Patriar-
points out, if non-senatorial élite males marry late and females early, this will open up the widest age-gap of all between spouses in any group, with the consequence, per K., of many more widows. The grounds for this limitation are reasonable enough in themselves. A case-study of consuls and their consular sons from the early 2nd c. A.D. suggests an age-gap between generations consistent with an age at first marriage for males in the low 20s. Also, the minimum ages for marriage stipulated by the *lex Iulia et Papia* — 25 for males and 20 for females — would have resonated most directly with that *ordo* able to take advantage of the law’s privileges for prospective office-holders who were in compliance with its norms.

All the same, one can, I believe, venture a little beyond the senatorial order in positing a lower age-at-first-marriage pattern for both male and female members of the élite. To begin with the Augustan marriage law, while some of its *praemia* undoubtedly were directed exclusively at the political class, the testamentary benefits (and the corresponding penalties) would find application on the part of anyone with sufficient property to leave a will or, more exactly, to expect to benefit from one. This would embrace, at minimum, senatorials, equestrians, and members of the decurionate. What in fact Augustus seems to have aimed at is the social promotion of proper behavior as defined by this legislation, the creation of a meritocracy of virtue. In other words, if the urban aristocracy was not able or willing to reproduce itself, he was prepared to reward those who were. Thus the demographic structure of the law should suit not just the aristocracy by birth, but their actual or potential social replacements as well.

What Augustus appears to have done in fact is to take a practice of early marriage favored by most patricians and many *nobiles* in the late Republic and converted it into a standard to be followed by all aspiring office-holders in the future. This is a nice illustration of how the first príncipe might seize hold of a precedent and mould it to his own ends. Non-senatorial sectors of the élite imitated their betters, as one would expect. In fact, there is evidence that in one telling instance this replication of senatorial practice reached a group of persons far below the level of the upper classes.

chy 37, is somewhat unclear, speaking of the pattern (of younger age at first marriage) that applies to "senatorial and other élite girls", while in the next sentence the other pattern is said to hold for "non-senatorial women". Shaw ibid. 44 clearly distinguishes between senatorial women and other élite women, placing the typical age-at-first-marriage of the latter in the late teens along with the sub-élite population known from the epigraphic evidence.

25 So Saller 1987 (supra n.22) 29-30. See also the study made by R. Syme of the late Republic and reign of Augustus: "Marriage ages for Roman senators," *Historia* 36 (1987) 318-32. Syme finds more variety of practice in the late Republic than afterwards, citing 6 examples of late first marriage (at 324-26), though early marriage is the norm for patricians and common among *nobiles* in general.

26 For these benefits see R. Astolfi, *La Lex Iulia et Papia* (Padua 1996) 317-20. This argument was made by R. Syme, *Tacitus* 1 (Oxford 1958) 64, and elaborated by him (supra n.26) 326-29. Aside from the rewards and penalties of the marriage law, Syme stresses the effect of Augustus’ lowering of the minimum age for holding the consulship to 32 for *nobiles*, and especially his lowering of that for the quaestorship to age 25 for all holders of this office.

27 A contrarian might point out that the case-study on which Saller relies strictly proves nothing for the Senate as a whole, but only for its most privileged sector. The post-Sullan Senate knew many former equestrians as members, and a real status-divide existed between the *nobiles* who filled the ranks of the consuls and the *pedanez*. But it will be obvious from the text that this distinction in political influence and social rank had no demographic implications, i.e. for age at first marriage.

28 This is the central argument of Syme (supra n.26).

29 This was true both before and after the law, I would argue, in the sense that their own resort to early marriage perhaps became more regularized after Augustus.

30 Shaw (supra n.23) 40-41 argues compellingly that evidence for early marriage of females from tombstones of Rome derives from the slaves and freedmen of the urban upper classes mimicking the marital practice of their masters and patrons. He is challenged, unconvincingly in my view, by P. Morizot,
Direct evidence is lacking for the wider circle of the upper orders of Roman society on this point. But that the pattern demonstrated concretely for the ordo senatorius may have extended further is suggested by a study of the aristocratic practice of status-endogamy, which can be shown to have held for the ordo equester and decurionate, as well as for the senatorial order, in contrast to what can be discerned of the less discriminate tendencies of the lower orders.\textsuperscript{33}

One question remains: was the age-gap between spouses marrying for the first time the same for both patterns? The gap of about 10 years posited by Saller and Shaw for the non-elite pattern seems fairly secure. The typical gap for the upper orders has been stated as 7 years.\textsuperscript{34} While it is difficult to improve on this, an interesting anomaly in the Augustan marriage legislation opens a small window of opportunity. We know that the lex Papia Poppaea of A.D. 9 insisted on age limits for the procreation of children that were lower than the ones, just given, stipulated by the lex Iulia de maritandis ordinibus of 18 B.C. for marriage — an anomaly not sorted out until the time of Septimius Severus.\textsuperscript{35} We do not know what these 'procreative' limits were, but even if they were lower by only a year or two, as seems reasonable, the demographic implications are potentially significant. In line with this rule, the gap between ages at first marriage for aristocratic spouses might shrink in many cases to as little as 4 or 5 years.

In any case, the result is that K.'s spousal age-gap of 7-8 years is shown to be too conservative for the lower orders, and just slightly too generous for the upper. Thus, all other things being equal, we would expect to find more widows among the former group than among the latter. Whatever the exact difference in age-gaps, the important thing is the existence of the differential, because it suggests something of a different demographic régime at work for élite and sub-élite, a point further supported by a possible difference between élite and sub-élite in the matter of family limitation.\textsuperscript{36}

What is valuable, then, about K.'s enquiry is the conclusion he is able to draw precisely regarding the condition of the lower orders. The argument from demography on this score is ineluctable, and is backed by the shrewd use K. makes of three types of evidence that draw back a part of the veil hiding the broad mass of ancient society from our view, namely inscriptions,\textsuperscript{37} papyri,\textsuperscript{38} and Christian sources.\textsuperscript{39} One should register a caution here, in that it must be proved, not simply assumed, that these types all reflect the same, or roughly similar, slice of that society. But his general point seems unshakeable. Sub-élite Roman society had a vast number of unmarried, and quite unmarriageable, widows, many of them young and burdened with minor-age children.

That leaves the nuclear family, an issue of heightened controversy in recent years. Saller and Shaw set the base-line for all subsequent discussion by showing that, in the act of commem-
oration, nuclear family relations dominated by far on tombstones from the Latin West. Among
civilian populations, nuclear family commemorators regularly constitute from 75% to 90% of
the total. Even non-family types outstrip non-nuclear family as commemorators. Saller and
Shaw concluded that the nuclear form "was characteristic of many regions of western Europe as
early as the Roman empire", a finding consistent with research that shows this was "the main
type of familial organization [in most of western Europe] as far back as dependable records are
available".

Criticism, though not an outright rejection, of this thesis has been advanced by K. Bradley,
who saw plenty of room at Rome for the "blended family", created by the circumstances of
death and divorce among the élite, and by these and other (just as precarious) social conditions
for members of the lower orders. Bradley, building on the work of S. Dixon, also emphasizes
the rôle of child-minders in families at both ends of the social spectrum. As live-in help,
and/or quasi-kin, they added a dimension to family life beyond, or in place of, the nuclear
triad. In response to this criticism, Saller concedes that the Roman family was not static over
a whole generation, while stressing that no other family type arises in a clear and consistent
way to challenge the nuclear form.

As it stands, the nuclear hypothesis has experienced a sustained assault from D. Martin. Martin
objects to the method employed by Saller and Shaw in counting nuclear-type relationships, as opposed to counting families or tombstones. So, for example, a stone in which a man provided for his wife, son, daughter, son-in-law, and cousin yields three nuclear and two non-nuclear relationships on their estimate, whereas Martin would count the stone as one extended family. In this way he comes close to reversing the proportion of nuclear to non-nuclear relationships discovered by his two predecessors for the group of inscriptions from Asia Minor that he studies, which are typically "family" epitaphs, unlike most of the ones surveyed by Saller-Shaw. Martin goes on to argue that the presence of nuclear relationships cannot be taken to imply that other, non-nuclear, relations were absent and that the presence of a nuclear family does not guarantee the absence of the extended family. He then questions whether the tombstones can in fact provide reliable information about 'family', while introducing the problem of defining what a family is. In the end, problems of evidence, method, and definition conspire to replace the dichotomy of nuclear versus extended with a spectrum that embraces elements of both.

More recently, the nuclear thesis has received a defense from B. Rawson. In essence, she criticizes Martin for having misrepresented or ignored important aspects of the Saller-Shaw

40 Saller and Shaw (supra n.37).
41 Ibid. 134.
42 Ibid. 124, 136.
43 Ibid. 145-46.
44 K. R. Bradley, Discovering the Roman family: studies in Roman social history (Oxford 1991) chaps. 6-7; id., "Remarriage and the structure of the upper-class Roman family," in Rawson (supra n.16) 79-98.
46 Bradley 1991 (supra n.44) chaps. 1-5.
47 Bradley ibid. chap. 8 also highlights the assumption of nuclear family rôles by non-nuclear kin, in a case study of the family relationships of Cicero.
48 Saller (supra n.20) 96.
50 Martin ibid. 43-44.
51 Ibid. 49-51.
52 Ibid. 58.
argument, though in so doing she seems to concede much of his point.\textsuperscript{54} For Rawson, there is a distinction to be drawn between ‘family’, attested by sepulchral dedications, and household, who lived with ‘family’ but without being so close as to assume responsibility for commemoration after death, a distinction that seems to acknowledge Martin’s argument that tombstones are of little use for establishing co-residence. She ends by agreeing with Martin’s rejection of the nuclear/extended dichotomy and invoking the seminal study by P. Laslett and R. Wall on family forms in modern Europe.\textsuperscript{55}

Into this dynamic steps K. with his widows and orphans. Too early to have taken into account the contributions of Martin and Rawson, or the re-statement by Saller in his 1994 book, he seems unaware even of the split between Bradley and Saller–Shaw, or at any rate its implications. The contribution he makes to this discussion is therefore disappointing. This does not mean it is of no importance, of course. The number of widows (both with and without minor-age children) that he postulates — even though, in my view, he makes this convincing only for the lower orders — must be taken into account in any future discussion of Roman family/household structure. Some of these women took up residence with an adult son, himself married or unmarried, while many others lived alone. These women are less likely to be traceable in inscriptional evidence, as K. emphasizes, but their impact on the form of many families or, at any rate, households (the distinction appears utterly lost on K.) is undeniable.

In fact, by taking up Rawson’s invocation of the pioneering work of P. Laslett on the history of family/household structure, we can better evaluate the nature and scope of K.’s contribution.\textsuperscript{56} At once, however, one confronts a difficulty in that Laslett too conflates the concepts of family and household, to the point of almost complete overlap.\textsuperscript{57} It is distressing to find that all of the rubrics Laslett employs to describe forms of “family” use this noun as an adjective to modify “household”, so that we are given the “simple family household”, “extended family household”, and “multiple family household”.\textsuperscript{58} From the perspective of the Roman social historian at least, this comes perilously close to assuming what you are trying to prove.\textsuperscript{59} The elision of family with household is facilitated without doubt by Laslett’s treatment of servants. Because in his English model they are, from their own perspective and not that of the family they serve, “life-cycle”, i.e. impermanent, he treats them as neutral for the purpose of identifying family form. This means that a “simple family household” or “nuclear family” remains such with or without servants.

It is not surprising to learn that critics took Laslett and his colleagues to task for privileging

\textsuperscript{54} Rawson ibid. 294, where she states that Martin also “suppresses the variety of relationships attested by the Western epitaphs” and that the nuclear family relationships uncovered by Saller–Shaw do “not tell us how a household was structured”. At 295 she criticizes Martin for over-generalizing from eastern evidence, and ignoring Saller–Shaw’s focus on the West.

\textsuperscript{55} Rawson ibid. 295-96. On Laslett and Wall, see below.

\textsuperscript{56} P. Laslett, “Introduction: the history of the family,” in id. (ed.), Household and family in past time (Cambridge 1972) 1-89.

\textsuperscript{57} Laslett ibid. 1, 6, 8, 19, 33. A distinction between family and household emerges at 24-25, the only unambiguous instance known to me.

\textsuperscript{58} Laslett ibid. 29-30.

\textsuperscript{59} For a recognition of the challenge posed by slaves to the typology of Roman household structure, see Bagnall and Frier (supra n.21) 172. The problem is not simply one of duration of stay within the household, but concerns the fact that many Roman slaves were blood relatives of their masters, which suggests at minimum a careful consideration of rôle is necessary: see the criticism of Laslett advanced by M. Mitterauer. “Familiengröße – Familientypen – Familienzyklus: Probleme quantitativer Auswertung von österreichischen Quellenmaterial,” Geschichte und Gesellschaft 1 (1975) 226-55.
kin in their definition of household-types. In a succeeding volume R. Wall met this criticism with a determined retreat from the identification of family with household, by and large through abandoning the former in favor of the latter. This means the focus shifts to defining and classifying household structures in place of family. Among Wall's new criteria for categorizing types of household structure are a count of the adults in the household, regardless of kin ties, an emphasis on subjective definitions, that is, definitions of household supplied by the culture under study, the examination of ties of financial support between co-resident domestic units, and a fresh look at the problem of servants.

The implications of this restatement for K.'s work are significant. Widows living alone, like other 'solitaries', cannot stand as families, though they are classifiable as households in their own right. A widow living with minor children will constitute, on the other hand, a simple-family household at an advanced, and critical, stage of its life-cycle. The same holds for the widow living with an adult child, though this stage is at once even more advanced, and less critical. In contrast stands the widow living with an adult child and his or her family, which counts as an extended-family household. K.'s finding that more widows tended to live with adult sons rather than daughters acquires a significance he does not grasp, when this result is viewed in the context of the demographic constraints of mortality and age-at-first marriage that operated for the Romans. Because males married later than females, this makes it more likely that a widow would live in a fragmented nuclear arrangement with her son, dying before his marriage. All of this suggests that his work compromises but little the dominant Saller-Shaw thesis, at least by itself.

At the same time, the sheer mass of widows K. is able to posit, along with the fact that a large number of these must have lived by themselves, should give pause to proponents of the dominant thesis, whether they prefer to describe the dominant form as "simple family household" or "nuclear family". It still seems necessary to qualify this position in some way. For example, one can ask whether, while this form predominated in terms of the overall number of individual households, more people actually lived in non-nuclear types. Even the first premise might be questioned, if it turned out that many small households containing one, two, or three persons were not definable as 'families'. In fact, I suspect that if we were able to measure this proportion, the simple family form would turn out for the Romans to be at best a plurality, and not a majority, and this perhaps from more than one perspective — that is, viewed in terms of both the total population and the number of households.

Another reason for caution in assuming K.'s results to affirm — or repudiate, for that matter — the nuclear family hypothesis arises from developments in the field of modern family history. In the same volume containing Wall's restatement, P. Laslett constructed a series of four typologies, or "sets of tendencies" in "domestic group organization in traditional Europe".

So Mitterauer ibid. The criticism is accepted at R. Wall, "Introduction," in id. (supra n.18) 6 with n.6.
61 Wall ibid. esp. 6-7. No small effort is expended to make the change appear less drastic than it really is: see 7, 35.
62 One notes the entry in the index to Family forms (595) "nuclear family, see household, simple-family".
63 Wall (supra n.60) 19.
64 There is some difficulty here as to whether this arrangement does in fact reflect a nuclear form. For concerns about anachronistic assumptions in evaluating the life-cycle of family structures in past time, see Mitterauer (supra n.59) 253-54. It matters greatly whether the parent(s) moved in with the child(ren) or vice versa, according to S. Ruggles, "The transformation of American family structure," AHR 99 (1994) 103-28.
65 I write this not only out of regard for Krause's newly-discovered widows, but from consideration of the fact that large numbers of the poor seem to have lived in large households rather than small, to judge from A. Wallace-Hadrill, Houses and society in Pompeii and Herculaneum (Princeton 1994) chapt. 5.
66 P. Laslett, "Family and household as work group and kin group: areas of traditional Europe compared," in Wall (supra n.18) 522-23. I judge the euphemism "domestic group organization" to be deliberate; at 513 Laslett refers to this entity as the "family household". Compare D. I. Kertzer, "Household history
four are “West”, “West/central or middle” (both subsumed under the rubric “Northern and Western”), “Mediterranean”, and “East” (both subsumed under “Southern and Eastern”). The Mediterranean type includes the following characteristics: absence of neolocal marriage; age at first marriage high for males, low for females, thus a wide age-gap between spouses; a high proportion of persons marrying; a very low proportion of widows marrying; a high proportion of resident kin, of multi-generational households, of multiple-family households, of complex-family households, of frères, and a very high proportion of joint family households; a low proportion of solitaries, of no-family households, of simple-family households, and of extended-family households.

This typology undermines an essential premise of Saller and Shaw, that the nuclear or simple-family household shows broad, almost exclusive, continuity in past time. What scholarship has followed Laslett’s construction of this category has diminished somewhat the implications of this fact, however. A number of studies have demonstrated multiple systems of household formation (including, in generous measure, nuclear forms) in Spain and Portugal, Italy, southern and central France, the Balkans, and Greece. Similarly, some of these scholars have discovered significant differences in age-at-first-marriage practices. Apart from regional and urban/rural contrasts, demographic differences grounded in social rank deserve particular emphasis in light of our discussion of Roman trends.

The collapse of the “Mediterranean” type as a coherent category of household formation means that there is no a priori reason why the nuclear form did not predominate at Rome. All the same, the variety discovered by Laslett’s critics in the modern era should encourage even greater caution in approaching the ancient evidence. If Saller and Shaw are indeed correct in

and sociological theory,” Annual Review of Sociology 17 (1991) 156: “household and family [his emphasis] ... are not synonyms”.


68 Kertzer and Brettell ibid. 92-93, 95; M. Barbagli, “Three household formation systems in eighteenth- and nineteenth-century Italy,” in D. I. Kertzer and R. P. Saller (edd.), The family in Italy from antiquity to the present (New Haven 1991) esp. 257; Kertzer (supra n.66) 160-61.

69 Kertzer ibid. 201.

70 M. Mitterauer, “Family contexts: the Balkans in European comparison,” The history of the family 1 (1996) 387-406, shows not only variety in this area, but a lack of correspondence to Laslett’s categories both of “Mediterranean” and “East”. See also Kertzer (supra n.66) 161-63.

71 V. Hionidou, “Nuptiality patterns and household structure on the Greek island of Mykonos, 1849-1959,” Journal of Family History 20 (1995) esp. 94-95, shows in a case study of Mykonos that, in defiance of Laslett’s Mediterranean model, the prevailing household structure was nuclear coupled with the practice of neolocality; elsewhere in Greece, however, other forms are found during this period.

72 For Spain, see Kertzer and Brettell (supra n.67) 103; Reher, Perspectives (supra n.67) 132, 170 (some of the Spanish data suggests a smaller age-gap between spouses than elsewhere in the Mediterranean: 208, 212-14); Barrera-González (supra n.67) 233. For Italy, Kertzer and Brettell (supra n.67) 102; Barbagli (supra n.68) 259, 264-66; cf. L. Tittarelli, “Choosing a spouse among nineteenth-century central Italian sharecroppers,” in Kertzer and Saller (supra n.68) 276. For Greece, Hionidou (supra n.71) 76-79, 85-91.

73 See Kertzer and Brettell (supra n.67) 92, 97; Barbagli (supra n.68) 260-63; Kertzer (supra n.66) 166-67; Tittarelli (supra n.72) 2/6-77; Hionidou (supra n.71) 85, 87 (19th-c. Mykonos shows an interesting multiple pattern of age-at-first-marriage, with the elite and the lowest stratum marrying later than the rest of the population); Reher, Perspectives (supra n.67) 34-37 (the greater the level of wealth, the higher the complexity of household); L. Ferrer I Alós, “The use of the family: property devolution and well-to-do social groups in Catalonia (eighteenth and nineteenth centuries),” The history of the family 3 (1998) 248, 255-58.
reading the ‘simple family’ out of the epigraphical evidence they examine, this proves nothing by itself for the sectors of the population not represented therein, including rural and non-Roman elements, as well as the urban poor and the élite. And given that these sepulchral inscriptions are admittedly not census lists, there is more than one way to understand their significance precisely for that part of Roman society which erected them. An epigrapher might say the stones reflect as a rule not what was, but what ought to have been. In other words, these inscriptions offer evidence not of family structure, but of family sentiments, which is recognized as a distinct field of enquiry. Can anyone doubt that such a result would stand as a fundamental contribution to our understanding of the Roman family? A radical skepticism obtrudes, in that, with the partial exception of Roman Egypt, we may not possess adequate evidence to evaluate the structure of the Roman family. Or perhaps it is simply impossible to speak of the Roman family, because it did not exist in any form recognizable to us. Either possibility would explain why no plausible alternative to the nuclear form has been discovered. Such pessimism, however, seems excessive regarding the household, and it may yet be proven so for the family too. What is required is an extensive enquiry conducted in light of the latest scholarship on the medieval and modern periods, one that exploits the generous data assembled by K.

One would expect such an investigation to yield a varied result. Especially interesting from the perspective of this discussion is the prospect that a distinction might be drawn between upper- and lower-class family/household structure(s). This result would help confirm the presence of a demographic régime peculiar to the Roman élite. Elements seen in this discussion to contribute to such a régime include a higher rate of remarriage for widows, status-endogamy, higher ages-at-first-marriage for men and women (though preserving a gap between spouses evidently characteristic of the pre-modern Mediterranean), the practice of family limitation within marriage, and greater resort to neolocal marriage.

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74 On difficulties on using census lists and similar sources as a means of discovering household structure, see Mitterauer (supra n.59).
75 D. S. Smith, “The curious history of theorizing about the history of the western nuclear family,” Social Science History 17.3 (1993) 342. Thus one might argue that the data testify to an ideology of the nuclear family, but, if so, the existence of such an ideology does not mean this was actually experienced, to turn an argument of Laslett (op. cit. n.56, pp. 64-65) about the extended family on its head.
76 Recognition of this principle is apparent in the recent essay by R. P. Saller, “Roman kinship: structure and sentiment,” in Rawson and Weaver (supra n.53) 7-34.
77 On the basis of comparative evidence, it might have seemed useful to examine participation in meals as a measure of Roman family life, but a recent study by K. R. Bradley, “The Roman family at dinner,” in I. Nielsen and H. Sigismund Nielsen (edd.), Meals in a social context: aspects of the communal meal in the Hellenistic and Roman world (Oxford 1998) 36-55, suggests little support for the existence of the nuclear family, or even for the Roman meal as a family event.
80 I do not mean that the task of analyzing Roman family structure is unimportant or strictly impossible, but that study of the household is a separable and simpler task.
81 It has been repeatedly emphasized in the last decade by historians of modern Europe that the issue of care for the elderly, above all widows, is inextricably bound up with the question of family/household form; see Kertzer and Brettell (supra n.67) 105; Kertzer (supra n.66) 168; Ruggles (supra n.64); Hionidou (supra n.71) 72; the essays in D. I. Kertzer and P. Laslett (edd.), Aging in the past: demography, society, and old age (Berkeley 1995); G. Alter, “The European marriage pattern as solution and problem: households of the elderly in Verviers, Belgium, 1831,” The history of the family 1 (1996) 125-26, 129-31, 135-36; Reher 1998 (supra n.67) 132.
82 The frequency of neolocal marriage increases with social status, according to Krause II, 39.
Widows, orphans, and social history

4. Real widows

Two questions must come into play in any study of widows and orphans. First, what is a widow? Next, what is an orphan? K. offers a straightforward and convincing answer to the latter, when he observes that the largest group of children without parent(s) are those who have lost a father, but whose widowed mother is still living. Thus, one more properly speaks of “half-orphans” than orphans when generalizing about this type.

As for the problem of defining ‘widow’, it is clear that here, too, one must proceed past the dictionary’s meaning of a woman who has lost her husband to death, and attempt an exploration of the social and economic context. The question is one of understanding the Roman widow as a sociological type. Part of this task can be approached through an application of quite standard philological method, that is, an analysis of Latin *vidua* and Greek *γυναῖκα*. It is strange that K. omits this approach, and unfortunate too, because it might have alerted him to some of the more active fault lines running beneath his analysis. For example, the fact that *vidua* can, and often does, mean a divorcée, or even a woman who has never been married, suggests the presence of social expectations about a woman’s married state that appear to challenge the main thrust of his argument. In other words, the fact that all unmarried types could be grouped together under a single term suggests that the married state might have enjoyed a sort of default status for women, at least upper-class ones. The ideal was the *mater familias/matróna*, and the others were easily lumped together as *viduae*. The gravitational pull of the notion “respectable married woman” was strong enough in fact to subsume under it all three unmarried types in the law on adultery, as we will see below. The implied emphasis on “respectable” over “married” softens, but does not completely eliminate, the paradox thus created. Romans simply expected a respectable woman to be married, for the most part.

K., to be sure, does offer a kind of typology of ‘widow’, though he does not present it quite in this way. He is correct to emphasize the anxiety generated by the figure of the widow, fears that centered of course on the issue of her sexual behavior, and attendant suspicions that she was inclined to use in inappropriate ways the freedom that loss of her husband offered. One senses, however, that K. has got all of this only half right. Widows were honored as well as maligned, a fact suggested, to be sure, by the comparative evidence K. himself cites, and so one finds plenty of examples of the good widow at Rome. These range from the *mater Grachorum* to the daughter of Antony. If it appears that the sources present these women as too virtuous to be of much interest, it is useful to note that the idea of the respectable widow arises from an unexpected quarter as well: Cicero’s presentation of Clodia in the *Caeliana*, a deeply misogynistic attack on a widow, yields the sense that a standard of conduct has been — allegedly — violated, not that the Roman widow was thought to live in the manner described as a matter of course.

This observation appears guaranteed by the fact, recognized by K., that the status of widow *per se* was irrelevant to the definition of liability under the *lex Julia de adulteriis coercendis*. What mattered was that a woman was classed as either respectable or not, and surprisingly few types were placed in the latter category. Marital status was irrelevant for the matter of

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84 For ways in which widows were both respected and ill-regarded in antiquity, see the survey in Stahlin ibid., esp. 442, 443, 445, 456, 458, 460, 461, 465.

85 For a brief, admittedly incomplete catalogue of good and bad widows, see Stahlin ibid., 454 n.131.

86 One may usefully compare for this purpose the longstanding rule against remarriage during the mourning period. Mayer-Maly (supra n.83) 2099-2102 convincingly argues that the 10-month period was motivated in the classical period both by fear of *turbatio sanguinis* and by concern for *reverentia* thought to be owed the deceased husband. This twofold motivation is best explained by an attitude that regarded widows as notionally respectable but quite vulnerable sexually.
liability in the strict sense; it was only that married women were liable for adulterium, while widows, divorcées, and single-never-married women were liable for stuprum. The law wished to distinguish the good widows from the bad; it did not simply assume that a widow was sexually promiscuous. The author of 1 Timothy (at 5.3-16) sets himself, grosso modo, the same task, in the sense that he wished to define deserving widows apart from the rest. In fact, this text may be read as a normative definition of widow designed for the purposes at hand. 1 Timothy suggests, when viewed in context, that more than one definition of widow was current in antiquity or, to be more precise, that a double typology existed.

This double typology, however, does not always admit of a clear and unambiguous resolution. An important illustration of this fact is given by the famous Pudentilla. Apuleius is careful to equip her with the conventional attributes of a respectable woman, but colors his presentation with some rather doubtful qualities designed to put him, the speaker, in the best light possible. Such ambivalence, I would argue, is essential for our understanding of the Roman widow as a type.

Finally, that a woman might be praised qua widow in rather extreme terms is demonstrated by the phenomenon of the univira, as this has been understood traditionally in modern scholarship. This is, to be sure, an extreme case, and, as seen, hardly the norm. But its mere existence should caution us against accepting a monolithic view of widow for Roman antiquity.

The figure of the widow emerges not as a strictly negative image but as one informed by deep ambivalence. Through attracting disproportionate shares of praise and blame, the widow stands, typologically speaking, as a sort of ‘woman-plus’. In other words, much honored and much criticized, she points up in stark form the uncertainty surrounding the status of many Roman women, not all of whom were themselves widows. The legal problems surrounding concubines may be cited as an example that continued to be refined without ever being resolved.

The problem of definition is complicated by the fact that in the case of the widow the stakes were high. Her status was inherently ambiguous. She was neither single-never-married nor married, but “single-having-been-married”, that is to say, sexually experienced but, ideally, sexually inactive. The stakes were raised further by the relative youth of a number of widows, which heightened anxiety over their sexual behavior, by the presence in many or even most cases of minor-age children, a scenario which sparked concern over the transmission of their dead father’s property and status, and (not least perhaps) by the fact that there were so many of them, at least among the lower orders. It is on this last point, above all, that the contribution made by K. in this fascinating and superbly documented work deserves our attention.

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87 So J. M. Bassler, "The widow’s tale: a fresh look at 1 Tim. 5:3-16," JBL 103.1 (1984) 35, relying on earlier literature, argues that “in the context of this passage, the term [sc. ψάρα] seems to designate the life of [sexual] renunciation of the bearer of the title more than her marital history”.

88 So, for example, we should expect to find the widow both under attack in the most misogynist of literary texts, an expectation confirmed by Cicero’s Caeliana, Petronius’ story of the widow of Ephesus (111), and, if it is not itself a satire on misogyny, Juvenal’s Sixth (6.405-6), as well as the object of the most fulsome praise lavished on women, such as Murdia, lauded for her remarriage (CIL VI 10230 = ILS 8394) and Cornelia, praised for not remarrying (Plut. Gracc 1.2-5).

89 In this sense, the figure of the widow might be thought useful in investigating the symbolic configuration of the female sex in Roman society. For an interesting study of this problem in a modern cultural context, see M. J. Giovannini, “Woman: a dominant symbol within the cultural system of a Sicilian town,” Man n.s. 16 (1981) 408-26. We are dealing, it cannot be emphasized too much, with a construction that was entirely the product of males, as far as can be known.

90 For a discussion, see my “Concubinage and the Lex Julia on adultery,” TAPA 121 (1991) 335-75.