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MISSING FEMALES? AUGUSTUS' ENCOURAGEMENT OF MARRIAGE BETWEEN FREEBORN MALES AND FREEDWOMEN

Did Augustus, in his marriage legislation,¹ encourage sub-senatorial *ingenui* to marry freedwomen? If so, what was his motive? The answers to both questions are given by Cassius Dio,² who explicitly relates this liberalization, which was evidently designed to promote a change in custom, not law,³ to a deficit of females among the upper orders of society. This shortage was enhanced by the law's insistence that males marry by age 25 and females by age 20,⁴ which in practice seems to have produced a tendency to lower the age at first marriage for elite males but not females, a result which would have widened the gap in numbers of eligible partners according to sex, insofar as men who might have died without marrying were now more likely to marry.⁵

There are good reasons for reading the law's permission for non-senatorial freeborn males to marry freedwomen as something stronger, namely, encouragement. In principle, marriage prohibitions ought to be evaluated in the context of,

- 1 Two laws, customarily named by the composite title *lex Iulia et Papia*: discussion and bibliography in T.A.J. McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome* (Oxford 1998) Chapters 3 and 4. Add B.E. Stumpp, *Prostitution in der römischen Antike* (Berlin 1998) 299–329, who, to be sure, has some difficulties with the legal sources, for example, confusing Ulpian's commentary on the Augustan adultery law with that on the *lex Iulia et Papia* as the source for his famous definition of prostitute (at 299).
- 2 Dio 54.16.2: "And because there were far more upper-class males than females, he gave permission to marry freedwomen to those who wished to do so, except senators, having laid down that their progeny would be legitimate."
- 3 The sources do not allow for certainty, but the better view is that before Augustus there existed a social, not legal, bar to marriage between freedpersons and freeborn, at least elite freeborn: see at n. 14 below.
- 4 *Tit.* 16.1.
- 5 S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford 1991) 402–403, cf. 398–399, 409. The argument depends in part on the assumption that virtually all women who reached marriageable age married. P.A. Brunt, *Italian Manpower, 225 B.C. – A.D. 14* (Oxford rev. ed. 1987) 151–152 points out that a shortage of females kept the age at first marriage for elite women low and encouraged Augustus to require divorced and widowed women (after a period of time) to remarry, but not men. Treggiari is rightly skeptical about the possibility that Dio's comment reflects the effect of the age-at-marriage for males laid down by the law, which is lower than what we can reconstruct for elite practice in the Republic. This does not mean, however, that Dio's information was inaccurate: see below.

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and not apart from, the full range of permissions and prohibitions.⁶ My view is that to list a group of persons prohibited for marriage in the context of a law which insists, through a complex of rewards and punishments, on marriage, is to encourage marriage with those not named in the group. An apparent difficulty in this respect arises from the evident gender-neutrality of the statute in the composition of the marriage-prohibitions.⁷ Augustus however could presumably rely on the rigorous observation of the rules developed by social usage, rather than law, for female hypergamy to obviate possible marriages between, for example, equestrian women and freedmen.⁸ What is more, some individual features of the marriage law may have been gender-specific in content even if the marriage-prohibitions themselves were not. In fact, the Augustan legislation seems to have given explicit sanction for non-senatorial freeborn males to marry freedwomen.⁹

The real difficulty is that several modern historians have doubted Dio's reliability in this matter or have even argued forcefully that no deficit in females existed among the elite. For example, Susan Treggiari¹⁰ admits the possibility that an imbalance between the sexes was caused by abandonment or malnutrition of female babies, but expresses doubt about Dio's accuracy on the ground that if Augustus perceived this as the root of the problem, he would have framed measures against abandonment.

- 6 See R. Needham, "Remarks on the Analysis of Kinship and Marriage", in R. Needham ed., *Rethinking Kinship and Marriage* (London 1971) 1–34 (at 29).
- 7 See Paul. D. 23.2.44 pr., which quotes the law's strictures for both men and women in the *ordo senatorius*. *Tit.* 13.2, an important source for the prohibitions enacted regarding the non-senatorial freeborn, is oriented instead exclusively toward males. This has encouraged some scholars to argue that the rules for senatorial females are later than the Augustan statute, though the better view is that the evidence of the *Digest* should be preferred to that of the *Tituli ex corpore Ulpiani*: see the discussion at McGinn, *Prostitution* (as in n. 1) 123–124. A. Mette-Dittmann, *Die Ehegesetze des Augustus: Eine Untersuchung im Rahmen der Gesellschaftspolitik des Princeps* (Stuttgart 1991) (= *Historia Einzelschr.* 67) 145, 167 rightly rejects the idea that females were omitted by the statute from the senatorial prohibitions, but in my view places too much faith on the reliability of the *Tituli* in arguing for their exclusion from the other category: the same source omits them from the senatorial list (*Tit.* 13.1) and contains many errors besides.
- 8 For female hypergamy among the Romans, 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 eds., *Speculum Iuris: Roman Law as a Reflection of Social and Economic Life in Antiquity* (Ann Arbor, Mich 2002) 49–93.
- 9 This is to judge from Cels. D. 23.2.23; Dio 54.16.2, 56.7.2 (cf. Iustinian. C. 5.4.28 pr. [a. 531 vel 532]). It is not necessary that jurist or historian assumed that such unions were against the law in the Republic, when they were however, socially despised and liable to punishment by the censors. I follow R. Astolfi, *La lex Iulia et Papia*⁴ (Padua 1996) 99–100 in my understanding of these texts. For another view, see A. Watson, *The Law of Persons in the Later Roman Republic* (Oxford 1967) 34.
- 10 S. Treggiari, "Social Status and Social Legislation", *CAH*² 10 (1996) 873–904 (at 888).

Augustus, if he did perceive the connection between abandonment of females and gender imbalance among potential marriage partners (Dio to be sure does not say this), may have felt that the measure he adopted, that is, in encouraging sub-senatorial freeborn males to marry freedwomen, had a greater chance at success. I agree with Gillian Clark¹¹ that the reluctance of Roman men to marry was not exclusively based on a shortage of social peers as potential partners, which is a point one might derive from Dio's account. But this is no reason to impugn Dio's veracity. Augustus perhaps acted to remove what was a convenient excuse for some, a real barrier for others.¹² Beryl Rawson¹³ suggests that Dio's attribution of motive to Augustus is simply an inference drawn from the law's content, without actual basis in fact. The strong probability of an overall gender imbalance, plus the likelihood that before Augustus marriage between freeborn and freed was legally possible¹⁴ makes this unpersuasive, in my view. If Dio does indeed infer this motive from the content of the statute (a common practice among modern historians, to be sure), he is very likely to be right.

Jens-Uwe Krause, though he does not cite Dio's evidence,¹⁵ criticizes emphatically the notion of a deficit in females, presenting what is in substance the strongest objection to accepting the ancient historian's account. Krause relies chiefly on three types of sources from the Roman period: inscriptions, in particular those from Egypt, census returns, again from Egypt, and the evidence for the giving of dowries in marriage. His argument in brief is that the sex-ratio in the inscriptions is so skewed¹⁶ as to be utterly unreliable as evidence: many

11 G. Clark, "Roman Women", in I. McAuslan and P. Walcott eds., *Women in Antiquity* (Oxford 1996) 36–55 (at 38) (= *G & R* 28 [1981] 193–212).

12 See Brunt, *Manpower* (as in n. 5) 152: "The prevalence of celibacy itself may have its origin partly in female infanticide; perhaps its advantages were first discovered by men who could find no eligible brides; *invisa primo ... postremo amator*".

13 B. Rawson, "The Roman Family", in B. Rawson ed., *The Family in Ancient Rome: New Perspectives* (Ithaca 1986) 1–57 (at 49 n. 51).

14 Most historians believe that marriage between freed and freeborn (even senators) was not prohibited by law before the Augustan legislation: Mette-Dittmann, *Ehegesetze* (as in n. 7) 142 n. 63 (who argues that Dio mistakenly refers to such a pre-existing legal bar); Treggiari, *Roman Marriage* (as in n. 5) 64; Astolfi, *Lex Iulia*⁴ (as in n. 9) 99.

15 J.-U. Krause, *Witwen und Waisen im römischen Reich I: Verwitwung und Wiederverheiratung* (Stuttgart 1994) 47–52; see also the source index (281). Cf. 57, where Krause writes "Die Mehrzahl der Ritter war unter Augustus sicher nicht deswegen unverheiratet geblieben [citing Dio 56.1.2 here], weil es in diesen Kreisen einen durch Kindesaussetzungen bedingten Frauenmangel gegeben hätte".

16 Krause, *Witwen* (as in n. 15) 49 gives a male:female ratio for funerary inscriptions of 135:100. H. Sigismund Nielsen, "Ditis Examen Domus?: On the Use of the Term *Verna* in the Roman Epigraphical and Literary Sources", *C&M* 42 (1991) 221–240 (at 230) has a ratio of 150:100.

women apparently (“offenbar”) had no close relations to record their existence and this was naturally (“naturgemäß”) even more true of widows, especially older ones, who are therefore woefully underrepresented in this evidence.¹⁷ Krause dismisses the evidence of the census returns too because of their demographic implausibility: especially telling in his opinion is the fact that the sex-ratio varies according to age group. With regard to dowries, he argues that if there were a significant deficit of females it would hardly have been necessary for prospective brides and their families to “purchase” marriageable males by means of high dowries.

Krause’s point about the epigraphical evidence is in my view essentially circular. He postulates a sizeable group of unmarried widows who are underrepresented in the inscriptions and then uses the depressed sex-ratio that results from this assumption to argue that a great number of unmarried older women – especially widows – existed in the classical period.¹⁸ A bias in favor of documenting males all but certainly accounts for some of the imbalance in the epigraphical record. Males tend to receive an outsized share of attention in the literary sources as well. Nevertheless, the evidence betrays signs of skewed sex-ratios which are difficult to explain simply as a reflection of a cultural preference for recording males.¹⁹

A similar objection may be raised regarding Krause’s treatment of the census declarations. The matter is in fact more complex than he allows, suggesting the practice of concealment of males in villages (to escape liability for the poll tax) as opposed to metropoleis, as well as a pattern of higher reportage of males without age designation over females.²⁰ A nuanced interpretation of this evidence shows that a skewed sex-ratio in actual fact is quite likely to be part of the reason why more males are recorded overall, though, as with the

17 For a similar attempt to explain the epigraphical imbalance exclusively in terms of commemorative practice biased in favor of recording males, see P. Gallivan and P. Wilkins, “Familial Structures in Roman Italy: A Regional Approach”, in B. Rawson and P.R.C. Weaver eds., *The Roman Family in Italy: Status, Sentiment, Space* (Oxford 1997) 239–279.

18 See Krause, *Witwen* (as in n. 15) 52. This point forms part of a more complex argument designed to show that the large number of (unmarried) widows attested in late antiquity corresponded to a similarly large group of such women, unattested, in the classical period. In other words, the difference, according to Krause, is not explainable by a change in cultural practice in the postclassical age (such as Christian teaching against remarriage), but simply by a lack of evidence for the earlier period.

19 See Clark, “Roman Women” (as in n. 11) 38; D.B. Martin, “The Construction of the Roman Family: Methodological Considerations”, *JRS* 86 (1996) 40–60 (at 54).

20 R.S. Bagnall and B.W. Frier, *The Demography of Roman Egypt* (Cambridge 1994) 161. Concealment of males in villages does not by itself explain the more balanced sex ratio prevailing in such places, as the authors make clear: 164–165. In other words, gender-imbalance was particularly an urban phenomenon.

inscriptions, the exact relation between the real demographic imbalance in favor of males and the cultural preference for recording their existence is impossible to measure.²¹

The argument about dowries is based on an oversimplification of the process of Roman spouse-selection and on a controversial assumption about the typical size of dowries. Susan Treggiari²² lists eight major criteria for the choice of marriage partners, including birth, rank, wealth (its role not limited to the dowry), personal qualities, character, *pudicitia*, *affinitas*, and motives of affection. Their relative importance was complex and varied from case to case, despite the fact that authors ancient and modern tend to emphasize one factor at the expense of the others.²³ But high-status widows were much sought after and could afford to be choosy, as the experience of Iuventius Talna shows.²⁴ Krause's assumption that dowries were large is a position which has come under strong attack by Richard Saller.²⁵ More importantly than the issue of size itself, which has been a matter of debate,²⁶ Saller's analysis of the purposes and functions of the dowry suggests that Krause's assertion that this served to "buy" prospective husbands is, to say the least, reductionist.²⁷

In this connection, Krause makes a particular point: the low age at first marriage for Roman women was not generated by a shortage, but by a desire first to preserve their virginity and second to maximize fertility.²⁸ He cites no evidence for the first claim, which is supported, I believe, solely by a remark of Plutarch, who implies that Romans defended pre-menarche marriages on this basis.²⁹ Plutarch does not accept this rationale, and it is not even clear that he believes its premiss. If it were valid, logically, in the vast majority of cases

21 Bagnall and Frier, *Egypt* (as in n. 20) 95–109, 151–153, 161–164.

22 Treggiari, *Roman Marriage* (as in n. 5) 83–124.

23 Treggiari, *Roman Marriage* (as in n. 5) 124.

24 See Treggiari, *Roman Marriage* (as in n. 5) 99: "...Talna had recently proposed to marry Cornificia, an 'old' woman with several marriages behind her, and had been rejected by the lady and her mother because his property was worth only 800,000 sesterces."

25 R.P. Saller, *Patriarchy, Property and Death in the Roman Family* (Cambridge 1994) 204–224. To be sure, one finds a very different perspective at Krause, *Witwen* (as in n. 15) 137.

26 Treggiari, *Roman Marriage* (as in n. 5) 340–348 argues, against Saller's view, that dowries were relatively large.

27 The only evidence cited for this point is "Eur., *Med.* 231ff.": Krause, *Witwen* (as in n. 15) 51 n. 18. This passage is not, in my opinion, of great help in understanding the workings of Roman marriage. That dowry figured in a relatively more prominent sense for the remarriage-chances of widows than for those of first-time brides may be conceded: see Krause, 133–138. Even here, however, despite the complaints of moralists about the ways of widows, it seems an exaggeration to speak of "purchasing" prospective husbands.

28 Krause, *Witwen* (as in n. 15) 51 with n. 19.

29 Plut. *Comp. Lyc. et Numae* 4.1–2.

where women married at or after menarche,³⁰ we would have to assume the concern with chastity was lesser, and there is no evidence to support this conclusion.³¹ Worth noting is Augustus, who legislated on female chastity, and set the statutory minimum age for women to marry as 20 years.³²

Krause's argument about increased fertility as a motive for a low age at first marriage for women is not impossible,³³ but is rendered less likely by the same minimum Augustan age for female first marriage. This has been argued to reflect the biological fact that fecundity, a women's physiological capacity to bear children, is not complete at menarche but a few years later.³⁴ More importantly, aristocratic competition³⁵ for suitable matches probably depressed the age at first marriage for elite women,³⁶ and would have had this effect even

- 30 Roman elite women married for the first time around 14 years (perceived by the ancients as the time of menarche), while there is good reason to believe (though not certainty) that women of the sub-elite married in their late teens: see the summary in T.G. Parkin, *Demography and Roman Society* (Baltimore 1992) 123–125. For some refinements, see T.A.J. McGinn, "Widows, Orphans, and Social History", *JRA* 12 (1999) 617–632 (at 623–625).
- 31 Telling is the fact that discussion on the subject of precocious female passion seems to center on the issue of sex within, not before, marriage: see M.K. Hopkins, "The Age of Roman Girls at Marriage", *Population Studies* 18 (1964/5) 309–327 (esp. 314, 317–318) and in particular Sor. *Gyn.* 1.33 *CUF* 1.28–30 (a chapter entitled "Up to What Time Females Should be Kept Virgins").
- 32 Astolfi, *Lex Iulia*⁴ (as in n. 9) 1.
- 33 He supports this with reference to Statius' lament over the unmarried state of his stepdaughter: Stat. *Silvae* 3.5.60–62.
- 34 So Parkin, *Demography* (as in n. 30) 124. The problem of the inconcinnity between the minimum ages for producing children stipulated by the *lex Papia Poppaea* and the minimums for marriage required by the *lex Iulia de maritandis ordinibus* cannot be discussed here: see Astolfi, *Lex Iulia*⁴ (as in n. 9) 1–3. Suffice it to say that I do not think this compromises Parkin's argument in substance. Krause recognizes no distinction between menarche and full fecundity, nor between possibly different ages at first marriage for females in the elite and sub-elite.
- 35 See S. Treggiari, "Digna Conditio: Betrothals in the Roman Upper Class", *EMC/CV* n.s. 3 (1984) 419–451, Ead., "Iam Proterva Fronte: Matrimonial Advances by Roman Women", in J.W. Eadie and J. Ober eds., *The Craft of the Ancient Historian: Essays in Honor of Chester G. Starr* (Lanham 1985) 331–352, Ead., "Ideals and Practicality in Matchmaking in Ancient Rome", in D.I. Kertzer and R. Saller eds., *The Family in Italy from Antiquity to the Present* (New Haven 1991) 91–108, Ead., *Roman Marriage* (as in n. 5) esp. 83–160.
- 36 For those holding this view, see E. Eyben, "Family Planning in Graeco-Roman Antiquity", *Ancient Society* 11/12 (1980/1) 5–82 (at 17 n. 44). Some argue that for Greece the higher age-at-first-marriage for males allowed gender-ratios for prospective marriage partners to reach parity: R. Oldenziel, "The Literature of Infanticide in Antiquity: A Literature Stillborn", in J. Blok and P. Mason eds., *Sexual Asymmetry: Studies in Ancient Society* (Amsterdam 1987) 87–107 (at 99); P. Brulé, "Infanticide et abandon d'enfants: Pratiques grecques et comparaisons anthropologiques", *DHA* 18.2 (1992) 53–90 (at 80). This seems rather optimistic to me.

without a shortage of females in this stratum. The stakes were higher for women than for men in the matter of matchmaking, since their social position was generally more dependent on that of their husbands than the reverse.³⁷ Added to this was the sheer force of custom, which shaped the expectation that high-status women married relatively young.³⁸ A gender imbalance in favor of males would have aggravated this tendency, without having created it. Upper-class widows were desirable as marriage partners and often remarried.³⁹

Of course the rules of the game were not the same for non-aristocratic widows, who had less to offer prospective partners than their elite sisters or even, to argue from a Roman perspective that seems harsh to us, nothing at all. Despite its difficulties, the evidence Krause is able to cite from sub-elite levels of society, particularly from Egypt,⁴⁰ supports this idea. Such women would have been practically invisible to upper-class males contemplating potential marriage partners. In other words, the deficit in females may have been both in part actual, that is, biological, and in part the product of perception, which is to say cultural in origin. What is more, the relationship between these elements seems to have varied at different social levels,⁴¹ in ways that are difficult to determine with precision, though, again, among the upper strata the imbalance was, I believe, more real than perceived.

This gender deficit had an important implication, which was tied to the question of status. Higher-status women saw their value on the marriage market rise – even those less well situated at the start might attract more prominent men willing to descend the social scale in search of a partner. This was perfectly consistent with elite Roman notions of gender hierarchy, which viewed the male as ideally the partner of superior rank in marriage, which in turn was

37 On gender-hierarchy in Roman marriage, see McGinn, “Marriage Legislation” (as in n. 8) 49–93.

38 For this reason, it is perhaps wiser to follow Treggiari, *Roman Marriage* (as in n. 5) 400–401 and speak of effects, rather than causes, of the usual age gap between Roman spouses at first marriage. In other words, upper-class Romans married off their daughters at a young age largely because upper-class Romans had always done so, at least from a point before which documentation is lacking. The expectations created by this practice were such that a failure to measure up might prejudice a daughter’s marriage chances and impute negligence to her father: see Treggiari, “Digna Condicio” (as in n. 35) 420–421.

39 McGinn, “Widows” (as in n. 30) 622.

40 Krause, *Witwen* (as in n. 15) 58–66, 95–100.

41 In other words, the actual gender-imbalance may have differed between social strata. What is more, there seem to have been geographical variations, as already seen between Egyptian villages and metropoleis in n. 20 above. Finally, there might be differences between age-groups; for example, it can be true both that there is a shortage of marriageable women aged 16–20 and that there is a surplus of widows/divorcées from an older age-group, especially if older men tended to (re)marry much younger women but not the reverse: Professor Roger Bagnall (personal communication).

ideally a relationship between equals, and *a fortiori* in concubinage, which ideally was a relationship between unequals, when the male partner was upper-class.⁴² In practical terms, the difference is that most males did not marry below their social group, for example, the senatorial or equestrian order, or, if they did so, they did not marry far beneath it, whereas high-status male partners in concubinage typically had partners who ranked far below them.

The upper classes were not the only sector of Roman society affected by an imbalance in the numbers of males and females. Historians have found significantly greater numbers of males attested, for example, in the ranks of the *familia Caesaris*,⁴³ among children of freedmen from the city of Rome,⁴⁴ the slave population in general,⁴⁵ and in the census returns of Roman Egypt.⁴⁶ The usual explanation is rooted in the practice of exposing female infants at a rate that cannot be determined with certainty: "... there is a possibility that *over the population as a whole* [my emphasis]⁴⁷ there was a tendency to choose to abandon a fraction of the girl babies born".⁴⁸ Exposure itself is not solely at issue, in that there is a further implication in this argument that not many exposed

- 42 T.A.J. McGinn, "Concubinage and the *Lex Iulia* on Adultery", *TAPA* 121 (1991) 335–375 (esp. 337–338). See also R. Friedl, *Der Konkubinat im kaiserzeitlichen Rom von Augustus bis Septimius Severus* (Stuttgart 1996) (= *Historia Einzelschr.* 98) 170–171, 176, 193–198.
- 43 P.R.C. Weaver, *Familia Caesaris: A Social Study of the Emperor's Freedmen and Slaves* (Cambridge 1972) 172–173.
- 44 P.R.C. Weaver, "Where Have All the Junian Latins Gone?: Nomenclature and Status in the Early Empire", *Chiron* 20 (1990) 275–304 (at 283).
- 45 R.P. Saller, "Slavery and the Roman Family", *Slavery and Abolition* 8 (1987) 65–87 (= M.I. Finley ed., *Classical Slavery* [1987]) at 70–71; Sigismund Nielsen, "*Ditis Examen Domus*" (as in n. 16) 229–232 (I find Sigismund Nielsen's attempt to explain the skewed sex-ratio as the product of cultural factors unpersuasive); W.V. Harris, "Demography, Geography and the Sources of Roman Slaves", *JRS* 89 (1999) 62–75 (at 65, with reference to his earlier work). See n. 50 below for an important qualification arising from the Egyptian evidence.
- 46 Bagnall and Frier, *Egypt* (as in n. 20) 95–109, 151–153, 161–164. Cf. S.B. Pomeroy, "Copronyms and the Exposure of Infants in Egypt", in R.S. Bagnall and W.V. Harris eds., *Studies in Roman Law in Memory of A. Arthur Schiller* (Leiden 1986) 147–162 (at 161).
- 47 W.V. Harris, "Child-Exposure in the Roman Empire", *JRS* 84 (1994) 1–22 (at 6) rightly insists that gender-differentiated child care might account for a part of the deficit of adult women. Unlike exposure, however, it seems unlikely that this was as important a factor among the upper classes: Brunt, *Manpower* (as in n. 5) 151.
- 48 Treggiari, *Roman Marriage* (as in n. 5) 409 (cf. 407). That girls were exposed in greater numbers is the dominant opinion. For a strongly argued statement of this position, see now R.S. Bagnall, "Missing Females in Roman Egypt", *SCI* 16 (1997) 121–138. See Eyben, "Family Planning" (as in n. 36) 17 n. 44 for older literature. See also Brunt, *Manpower* (as in n. 5) 151; R.P. Saller, "I rapporti di parentela e l'organizzazione familiare", in E. Gabba and A. Schiavone eds., *Storia di Roma* 4 (Turin 1989) 515–555 (at 537); T. Wiedemann, *Adults and Children in the Roman Empire* (New Haven 1989) 36; M. Corbier, "Family Behavior of the Roman Aristocracy, Second Century B.C. – Third

females were taken up by strangers and raised, so that the important theoretical distinction⁴⁹ between exposure and infanticide collapses in terms of its practical effects,⁵⁰ again to an extent which cannot be measured with certainty.

It is obvious that allowing senatorials to marry freedpersons was too radical a step for Augustus to contemplate, despite the deficit in females operating even at this level of society. But how far down the spectrum of freeborn did he intend to reach with this reform? Dio does not say. There is no reason all the same to think that a bottom limit was contemplated. Any Roman who aspired to membership in the non-senatorial elite as broadly defined might feel entitled to take advantage of the liberalization in mores promoted by statute. Below that level, which cannot, of course, be determined with precision, we have no reason to believe that there was any social bar to unions between freeborn and freed.

Dio's report provides yet another instance of the first emperor's intention of devising a meritocracy of virtue through legislation.⁵¹ Augustus' aim was not strictly demographic, as we understand this concept, but moral and political as well. In this case, the specific means employed were in a sense to level the matrimonial playing field for the vast majority of the Roman citizen population, an otherwise unintelligible liberalization in a pair of statutes heavily criticized both by ancients and moderns for the constraints on behavior they might appear to have imposed.⁵²

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Century A.D.", in S.B. Pomeroy ed., *Women's History and Ancient History* (Chapel Hill 1991) 173–196 (at 178), who explicitly rely on Dio's evidence for a deficit of females. Saller, "Slavery" (as in n. 45) 70 stresses "the advantage to the Romans of infant exposure over other forms of family limitation, such as abortion, which did not permit discrimination between the sexes". Similarly, Eyben, "Family Planning" (as in n. 36) 76; Harris, "Child-Exposure" (as in n. 47) 11 (cf. 5, 6).

49 On the distinction, see Eyben, "Family Planning" (as in n. 36) 15–16; Saller, "Rapporti" (as in n. 48) 537.

50 If a gender imbalance in favor of males existed among the slave population (see Harris, "Child-Exposure" [as in n. 47] 6) this would make it less likely that abandoned females were taken up and raised as slaves. Harris' views have been challenged by Bagnall, "Females" (as in n. 48) 126–131 (anticipated in some measure by R.P. Duncan-Jones, "Demographic Change and Economic Progress Under the Roman Empire", in E. Gabba ed., *Tecnologia, economia e società nel mondo romano: Atti del convegno di Como* [Como 1980] 67–80 [at 71]) on the basis of Egyptian evidence that shows a higher proportion of female to male slaves. Of course, the extent, which we cannot know, to which such persons were taken up and raised as slaves or prostitutes would have depressed the numbers of females available for marriage.

51 For this idea, see McGinn, *Prostitution* (as in n. 1) 80–84.

52 For a consideration of the inconcinnity between law and (elite) social practice in the matter of the Augustan marriage prohibitions, see McGinn, "Marriage Legislation" (as in n. 8). My thanks to the Vanderbilt University Research Council for providing financial support essential for the writing of this article.