



ROUTLEDGE


BEING
A
ROMAN
CITIZEN

JANE F. GARDNER

**Also available as a printed book
see title verso for ISBN details**

BEING A ROMAN CITIZEN

BEING A ROMAN
CITIZEN

Jane F. Gardner



London and New York

First published 1993
by Routledge
11 New Fetter Lane, London EC4P 4EE

This edition published in the Taylor & Francis e-Library, 2002.

Simultaneously published in the USA and Canada
by Routledge
29 West 35th Street, New York, NY 10001

© 1993 Jane F.Gardner

All rights reserved. No part of this book may be reprinted or reproduced or utilized in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

British Library Cataloguing in Publication Data

Gardner, Jane F.
Being a Roman Citizen
I. Title
323.60937

Library of Congress Cataloging in Publication Data

Gardner, Jane F.
Being a Roman citizen/Jane F.Gardner
p. cm.

Includes bibliographical references and index.

1. Citizenship—Rome. 2. Capacity and disability (Roman law). 3. Roman law—Popular works. 4. Romans—Social life and customs. 5. Rome—Social life and customs. I. Title

KJA2930.G37 1993

340.5 Φ —dc20 92-29382

ISBN 0-415-00154-4 (Print Edition)

ISBN 0-203-03212-8 Master e-book ISBN

ISBN 0-203-20118-3 (Glassbook Format)

CONTENTS

<i>Preface</i>	vi
<i>Abbreviations</i>	vii
1 THE DISABILITIES OF ROMAN CITIZENS	1
2 BIRTH: THE FREEDMAN'S CONDITION	7
3 DEPENDENCE: THE ADULT CHILD	52
4 GENDER: THE INDEPENDENT WOMAN	85
5 BEHAVIOUR: DISGRACE AND DISREPUTE	110
6 PARTICIPATION: THE HANDICAPPED CITIZEN	155
7 CONCLUSION: THE FACE-TO-FACE SOCIETY	179
<i>Notes</i>	192
<i>Bibliography</i>	232
<i>Index</i>	240

PREFACE

This book has been a long time gestating. It proved rather more difficult to write than I had anticipated, since I soon discovered that few writings by lawyers on Roman law attempted the kind of analysis in which I was interested, and then only over a limited area and in insufficient depth, while historians, if they discussed Roman law at all, on the whole were content not to go beyond straightforward description of certain central areas. Richard Stoneman of Routledge has shown remarkable patience and forbearance as deadlines came and went, and for this I am grateful to him. I am grateful also to numerous others who have helped in a variety of ways, by discussion, bibliographical help, sending offprints, access to their unpublished work, and so on. I am sure I shall omit to mention some, and ask their forgiveness in advance; but thanks especially to Antti Arjava, Keith Bate, Keith Bradley, John Crook, Catharine Edwards, Andrew Fear, Andrew Lewis, Fergus Millar, Philippe Moreau, Hanne Sigismund Nielsen, John Richardson, Boudewijn Sirks, Susan Treggiari, Paul Weaver and Thomas Wiedemann. My use of what I learned from them may occasionally surprise, but I hope will not offend them.

Reading, June 1992

ABBREVIATIONS

For periodicals I have followed the conventions of *L'Année Philologique*, with the following exceptions (*AP* version in brackets):

RHDFE	<i>Revue historique de droit français et étranger</i> (RD)
ZSS	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung</i> (ZRG)

Other abbreviations (excluding those for classical authors):

<i>AE</i>	<i>Année Epigraphique</i>
<i>ANRW</i>	<i>Aufstieg und Niedergang der römischen Welt</i> , ed. Temporini.
<i>CIL</i>	<i>Corpus Inscriptionum Latinarum</i>
<i>CJ</i>	<i>Codex Justinianus</i>
<i>C.Th.</i>	<i>Codex Theodosianus</i>
<i>D.</i>	<i>Digest</i>
<i>Eph. Epigr.</i>	<i>Ephemeris Epigraphica</i>
<i>FIRA</i>	<i>Fontes Iuris Romani Ante-Justiniani</i> , ed. Riccobono, Baviera, Arangio Ruiz.
<i>Frag. Dosit.</i>	<i>Fragmentum Dositheorum</i>
<i>Gaius</i>	<i>Gaius' Institutes</i>
<i>ILS</i>	<i>Inscriptiones Latinae Selectae</i> , ed. H.Dessau.
<i>Inst.</i>	<i>Justinian's Institutes</i>
<i>Paul Sent.</i>	<i>Julius Paulus' Sententiae</i>
<i>RE</i>	<i>Pauly-Wissowa, Real-Encyclopädie</i>
<i>Tab. Herc.</i>	<i>The Herculaneum Tablets</i> , ed. Arangio Ruiz and Pugliese Carratelli in <i>PdP</i> between 1946 and 1955.
<i>TP</i>	<i>Tabulae Pompeianae</i> from Murecine, Pompeii.
<i>Ulp. Reg.</i>	The Rules of Ulpian.

THE DISABILITIES OF ROMAN CITIZENS

What was a Roman citizen? Answers to the question can follow a number of different lines of approach. One which is currently very influential is via the examination of the characteristics of Roman society and life in 'Roman' communities; the emphasis is not so much on citizenship as on 'Romanness'. The definition of 'Roman' can be constructed, for example, by reference to the foreign, Hellenic model, cultural and also institutional, which the Romans both infiltrated and dominated, and at the same time absorbed and assimilated. It is possible therefore to study the subject from two angles, i.e. the 'Hellenisation' of the Romans, or the 'Romanisation' of their Eastern empire and its neighbours.

Another approach is to concentrate on Roman citizenship as a political phenomenon, usually with particular regard to the citizen in relation to the state and its authorities. This can follow two paths. So, for example, the emphasis of Sherwin-White (1973) is on the historical process of extension of the Roman citizenship, and his study is primarily concerned with the admission of communities or individuals from outside to share in Roman political life.

The actual workings of political institutions themselves, and the participation required of the individual citizen, can also be the object of study. Nicolet (1980) considers the adult male citizen only, and in three main areas of his participation in the public life of the state at Rome in the Republic: military, financial and fiscal, and comitial (i.e. electoral and legislative). He discusses the differences between individual citizens specifically in relation to these functions, and only briefly and generally.

This approach, obviously, is not one which can be continued in quite the same terms into the imperial period, after the decay of the comitia. Its place, however, can be and is being fruitfully taken by

study of the workings of local governmental institutions. The importance of the epigraphic evidence from Spain of the adoption or imposition of Roman institutions in the provinces has long been recognised, for the light this sheds on the character of Roman citizenship itself, and the publication of the recent find from Irni (Gonzalez 1986) has provided additional material. For the late empire, Jones (1964) provided the basis for much later work on the changes in the relationship between the state and the individual, especially as mediated through local institutions.

However, those political rights and duties of citizens in which studies like the ones mentioned above are interested, rights some of which changed or even disappeared over the course of time, belonged at any given period only to a portion of those individuals entitled to be called Roman citizens. Some citizens never had them, others acquired or lost them in the course of a single lifetime. The second half of Sherwin-White's book is concerned almost exclusively with the admission of outsiders to Roman citizenship, and, as he observes (1973:267), by the middle of the second century AD the political content of the citizenship to which they were admitted, as far as concerns public duties or public honours, had been whittled down. 'There should be left, as the core and heart of citizenship, the social status which it conferred, the *iura privata* affecting the family and its uniform subjection to Roman law, and so forth.'

It is this 'core and heart' which I think deserves closer investigation. What was it like to be a private Roman citizen? What were these *iura privata*, private rights? This takes us into the realm of civil law, and it is with the legal capacity and disabilities of Roman citizens that this book will be concerned.

At once, however, one runs headlong into the difficulty that there is no single answer that will apply to all citizens. On the other hand, although there are striking differences between the legal capacities of various groups of citizens, it is not immediately obvious whether there is any clear-cut principle of division that will account for all of these differentiations between citizens.¹ This does not, of course, necessarily mean that there is no such principle, merely that it is not explicitly set out in the legal sources. This could be because it is in the main implicit, since its origins lie in a period earlier than our first documentary evidence.

Nor is it clear whether Roman citizens can be separated neatly, on any particular principle, into distinct groups with distinctly different

rights. The problem presents itself immediately when one turns to legal sources for definitions of legal status. The distinctions drawn in the first book of Gaius' *Institutes* appear fundamental, but we soon find complications. Although he appears to set up certain basic principles of categorisation, each presented in the form of polar oppositions, these cannot be straightforwardly applied, since from the start more than one category level is involved. However, one can perhaps discern, among his bases of distinction, birth and 'power'; to these we may add gender, since (virtually) everyone is either male or female.²

By 'power', I mean whether one is subject to the power (*potestas*) of another person or not, and by 'birth', whether a citizen was freeborn or not. On birth, Gaius says (*Inst.* 1.9–11):

The principal distinction in the law of persons is this, that all men are either free or slaves. Next, of free men some are *ingenui* (freeborn), others *libertini* (freed). The freeborn are those born free (*liberi*); the freed are those manumitted, from lawful slavery.

Already, however, we are running into complexities, for Gaius goes on to tell us that not all freedmen are Roman citizens. Some are Latins, who can become Roman citizens, others are *dediticii*, who cannot. Nor (though this is not germane to Gaius' exposition) are his definitions of *ingenui* and *libertini* sufficiently precise. Some Roman citizens were in fact born free, but not as citizens, and these included not only free foreigners granted citizenship, but also freed slaves. The latter were not accounted as *ingenui*, though they may in fact have been born free. Roman law takes no account of this, since as slaves they had no personal legal existence; the period of slavery produces a discontinuity and their original free birth is lost sight of.

Moreover, a second principle of division is presently introduced (1.48), which cuts across the first. Some persons are in a state of dependence, legally subject to the power, *potestas*, of others, and are *alieni iuris* (dependent on another), while others are legally independent (*sui iuris*). However, those legally dependent include both free and slave. Sons (and sons' children) and daughters of a living father count as freeborn but are in his *potestas*; the practical legal consequences of this for them (and for him) will be discussed in Chapter 3. His slaves are also in his *potestas*, but are not freeborn. So, some free persons are

subject to legal controls to which slaves also are subject, and some free persons can have *potestas* over other free persons. Here, possibly, is yet another principle of division, namely gender, for women can hold *potestas*, but only over slaves, not over free persons. This difference between women and men, as holders of *potestas*, is very important, as we shall see in Chapter 4.

However, this apparent principle of division according to gender also cuts across the categories set up by the previous two, because, as we soon realise, some men and some women have no independent legal capacity, being *alieni iuris*, i.e. subject to power, while others, men and women, are independent, *sui iuris*. This distinction in turn has nothing to do with whether they are freeborn or freed; all freed slaves (of either sex) are *sui iuris*.

It becomes evident that a distinction based on liability to *potestas* is too simplistic; and if we turn our attention away for a moment from Gaius' exposition in what was, after all, meant only as a basic handbook of Roman civil law, back to the political aspects of citizenship, we realise that here being in *potestas* is not a relevant criterion. Women cannot vote or hold office, regardless of whether they are in power or not, and freedmen cannot hold office, yet men subject to *potestas* can do both. Nevertheless, they do not have the power of independent legal action that women *sui iuris* and freedmen have. Both the latter, however, also have less than complete legal capacity, compared with a freeborn Roman man who is not in someone's *potestas*. He is, technically, a *paterfamilias* (head of household, whether he has children or not), and can have *patria potestas*, and it might begin to look as if only a *paterfamilias* is 'really' a Roman citizen (until we remember that a male freedman is also a *paterfamilias* and can have *potestas* over others).

All of these other people are none the less Roman citizens, and our enquiries will be directed towards discovering, first, what the particular legal disabilities are under which each group labours, and second, whether and how these can be related to the peculiarly Roman institution of *patria potestas*. Third, the practical implications for the lives of each group will be investigated. These enquiries will have the effect of exposing some mistaken notions (not all of them previously recognised) about the *raison d'être* of the legal disabilities peculiar, respectively, to freedmen, children in power and women.

Also citizens are those people whose behaviour has lost them some of the legal rights enjoyed by other citizens. These are the *infames*,

considered at length in Chapter 5. Curiously, though the diminution of their rights is connected with something in them which is regarded as morally blameworthy, the actual legal handicaps they suffer are suffered also by certain other people, such as women, irrespective of whether or not the latter have incurred any moral blame. More curiously still, physical as well as mental handicap carries consequences for an individual's personal control of his own life which go beyond practical physical inconveniences, and even impossibilities, and can affect others besides the sufferers themselves in ways that seem unexpected to us. The blind, deaf and dumb, as well as the insane, will be considered in Chapter 6.

Patria potestas is a relevant factor in all these chapters, although in different ways and to differing extent. So also, to some extent, is the requirement among the Romans that certain transactions be conducted personally, by individuals who are physically present. This has effects on the lives of people in all our groups, especially those considered in Chapters 3, 5 and 6. Ways are found of coping with the practical inconveniences this can cause, but it is not simply disposed of, other than in a few instances and in late law, which suggests that some value was attached to it by the Romans. The same is true of the three principles of categorisation, by birth, gender and dependence. Although their legally defined content and consequences for the individual change over time, they appear fundamental throughout the history of Roman society, and this, I shall be suggesting, is due to their derivation from a common central principle. A study of these changes may lead to a fuller understanding of the history of the Roman concept of citizenship. Recent writers (e.g. Alföldy 1985:202 ff. and de Ste Croix 1981: 453 ff.) have drawn attention to the blurring in the late empire of the distinction, at the lower levels of society, between slave and free; even among the latter, however, to a considerable extent, and very evidently among the upper class, the basic structures of Roman family and property law remain unchanged.

As mentioned above, I anticipate that these investigations will have the effect of exposing the mistakenness of some assumptions — both ancient and modern—about the nature, and reasons for the persistence, of various legal disabilities to which certain groups of people are liable. We may question whether *patria potestas* was really felt to be a handicap, whether patrons were ideologically a 'master-class', and whether the reason for women having restricted legal capacity was that they were looked down on as emotionally unstable

and intellectual weaklings. We may also achieve a clearer understanding of the differing significance of *infamia* in the technical-legal and lay uses of the term.

For this, it is particularly important to be quite clear as to what the actual practical effects of these disabilities were for the ordinary Roman's life. Roman law consists not only in rules, but also in cases, and it is that which makes it so valuable a source for the Roman social historian. Both aspects, however, must be considered. The rules taken alone give a false picture of the actual workings of the society, and of its attitudes; looking at the cases on their own runs the risk of misinterpretation or unjustified generalisation.³ Together, however, they are of unequalled value for the insight they afford into the actual conduct and outlook of the Romans. That is why this is essentially a book about Roman law, meant for Roman historians.

BIBLIOGRAPHY

- Alföldy, G. (1972) 'Die Freilassung von Sklaven und die Struktur der Sklaverei in der römischen Kaiserzeit', *RJA* 2, 97–129= Alföldy (1986) 286–331 (with additional discussion).
- (1985) *The Social History of Rome*, London.
- (1986) *Die römische Gesellschaft*, Stuttgart.
- Amirante, L. (1981) 'Sulla schiavitù nella Roma antica', *Labeo* 27, 26–33.
- Andreau, J. (1974) *Les Affaires de Monsieur Jucundus*, Rome.
- (1987) *La Vie financière dans le monde romain: les métiers de manieurs d'argent*, Rome.
- Arangio Ruiz, L. (1948) 'Il processo di Giusta', *PdP* 8, 129–51.
- (1959) 'Testi e documenti IV—Tavolette Ercolanese (il processo de Giusta)', *BIDR* 62, 223–5.
- Arjava, A. (forthcoming) *Women and Law in Late Antiquity*.
- Atkinson, K.M.T. (1966) 'The purpose of the manumission laws of Augustus', *Irish Jurist* n.s. 1, 356–74.
- Balestri Fumagalli, M. (1985) *Lex Julia de Manumissionibus*, Milan.
- Balsdon, J.P.V.D. (1979) *Romans and Aliens*, London.
- Beaucamp, J. (1976) 'Le vocabulaire de la faiblesse féminine dans les textes juridiques romains du III^e au VI^e siècle', *RHD* 54, 485–509.
- Birks, P., Rodger, A. and Richardson, J.S. (1984) 'Further aspects of the *Tabula Contrebiensis*', *JRS* 74, 45–73.
- Bove, L. (1967) 'Due iscrizioni da Pozzuoli e Cuma', *Labeo* 13, 22–48.
- (1979) *Documenti Processuali dalle Tabulae Pompeianae di Murecine*, Naples.
- (1984a) *Documenti di operazioni finanziarie dall'archivio dei Sulpici*, Naples.
- (1984b) 'Les *Tabulae Pompeianae di Murecine*', *RHDFE* 62, 537–52.
- Bradley, K.R. (1987) 'On the Roman slave supply and slavebreeding', in M.I. Finley (ed.) *Classical Slavery*, London.
- (1991) 'Remarriage and the structure of the upper-class Roman family', in B. Rawson, (ed.) *Marriage, Divorce and Children in Ancient Rome*, Oxford, 79–98.
- Broughton, T.R.S. (1951) *The Magistrates of the Roman Republic*, New York.

BIBLIOGRAPHY

- Brunt, P.A. (1971) *Italian Manpower*, Oxford.
 — (1988) *The Fall of the Roman Republic*, Oxford.
- Buckland, W.W. (1908) *The Roman Law of Slavery*, Cambridge.
 — (1966) *A Text-book of Roman Law*, Cambridge.
- Camodeca, G. (1983–4) ‘Per una riedizione dell’ archivio Puteolano dei Sulpicii’, *Puteoli vii-viii*, 3–69.
 — (1985–6) ‘Per una riedizione dell’ archivio Puteolano dei Sulpicii’, *Puteoli ix-x*, 3–40.
- Canto, A.M. (1991) ‘CIL VI 10229. ¿El testamento de Licinio Sura?’, *Chiron* 21, 277–324.
- Champlin, E. (1986) ‘Miscellanea Testamentaria’, *ZPE* 62, 247–55.
 — (1991) *Final Judgments: Duty and Emotion in Roman Wills 200 BC-AD 250*, Berkeley.
- Chantraine, H. (1972) ‘Zur Entstehung der Freilassung mit Bürgerrechtserwerb in Rom’, *ANRW* I.2, 59–67.
- Cloud, J.D. (1971) ‘Parricidium: from the *lex Numae* to the *lex Pompeia de parricidiis*’, *ZSS* 101, 1–66.
- Cohen, D. (1991) *Law, Sexuality and Society: The Enforcement of Morals in Classical Athens*, Cambridge.
- Corbett, P.E. (1930) *The Roman Law of Marriage*, Oxford.
- Cosentini, C. (1948) *Studi su Liberti*, vol. i, Catania.
- Cretney, S.M. (1984) *Principles of Family Law*, 4th edn, London.
- Crook, J.A. (1967) *Law and Life of Rome*, London.
 — (1976) ‘Sponsione provocare: its place in Roman litigation’, *JRS* 66, 132–8.
 — (1978) ‘Working notes on some of the new Pompeii tablets’, *ZPE* 29, 229–39.
 — (1986) ‘Feminine inadequacy and the Senatusconsultum Velleianum’, in B.Rawson (ed.) *The Family in Ancient Rome*, London, 83–92.
 — (1989) = Wolf, J.G., and Crook, J.A. (1989) *Rechtsurkunden in Vulgarlatein aus den Jahren 37–39 n. Cbr.*, Heidelberg.
- Dalla, D. (1978) *L’incapacità sessuale in diritto romano*, Milan.
 — (1987) ‘Ubi Venus mutatur’: omosessualità e diritto nel mondo romano, Milan.
- Daube, D. (1946) ‘Two early patterns of manumission’. *JRS* 36, 57–75.
 — (1969) *Roman Law: Linguistic, Social and Philosophical Aspects*, Edinburgh.
- de Francisci, P. (1926) ‘Revocatio in servitatem’, in *Mélanges P.Cornil*, Paris, 295–323.
- de Martino, F. (1974) ‘Intorno all’ origine della schiavitù a Roma’, *Labeo* 20, 163–93 (= *Diritto e Società nell’ antica Roma*, Rome 1961, 130–61).
- Demougin, S. (1988) *L’Ordre équestre sous les Julio-Claudiens*, Rome.
- de Ste Croix, G.E.M. (1981) *The Class Struggle in the Ancient Greek World*, London.
- Dixon, S. (1984) ‘*Infirmitas sexus*: womanly weakness in Roman law’, *TRG* 52, 343–71.
 — (1988) *The Roman Mother*, London.
- d’Ors, A. (1984) ‘Un nueva lista de acciones infamantes’, *Sodalitas* (Scritti Guarino) 6, 2575–90.

- Drummond, A. (1989) 'Rome in the fifth century I: the economic framework', and 'Rome in the fifth century II: the citizen community', in F.W.Walbank, A.E.Astin, M.W.Frederiksen, R.M.Ogilvie (eds) *The Cambridge Ancient History*, VII.2, 2nd edn, Cambridge, 113–71, 172–242.
- Duff, A.M. (1958) *Freedmen in the Early Roman Empire*, Cambridge.
- Dumont, J.C. (1987) *Servus: Rome et l'esclavage sous la république*, Rome.
- Eck, W. (1978) 'Zum neuen Fragment des sogenannten *testamentum Dasumii*', ZPE 30, 277–95.
- Edwards, C. (forthcoming) 'Unspeakable professions: public performance and prostitution in ancient Rome'.
- Engels, F. (1891) *The Origin of the Family, Private Property and the State*, 4th edn, Moscow.
- Evans, J.K. (1991) *War, Women and Children in Ancient Rome*, London.
- Eyben, E. (1991) 'Fathers and sons', in B.Rawson, (ed.) *Marriage, Divorce and Children in Ancient Rome*, Oxford, 114–43.
- Fabre, G. (1981) *Libertus: recherches sur les rapports patron-affranchi à la fin de la république romaine*, Rome.
- Fear, A.T. (1990) 'Cives Latini, servi publici and the *lex Irnitana*', RIDA 37, 149–66.
- Frier, B. (1980) *Landlords and Tenants in Imperial Rome*, Princeton.
- (1982) 'Roman life expectancy: Ulpian's evidence', HSCP 86, 1–13.
- (1983) 'Roman life expectancy: the Pannonian evidence', Phoenix 37, 328–44.
- (1989) *A Casebook on the Roman Law of Delict*, Atlanta.
- Gardner, J.F. (1984) 'A family and an inheritance: the problems of the widow Petronilla', LCM 9, 132–3.
- (1986) *Women in Roman Law and Society*, London.
- (1986a) 'Proofs of status in the Roman world', BICS 33, 1–14.
- (1987) 'Another family and an inheritance: Claudius Brasidas and his ex-wife's will', LCM 12.4, 52–4.
- (1989) 'The adoption of Roman freedmen', Phoenix 43, 236–57.
- (1991) 'The purpose of the *lex Fufia Caninia*', EMC/Classical Views, 34(n.s. 10), 21–39.
- Garnsey, P.D. (1970) *Social Status and Legal Privilege in the Roman Empire*, Oxford.
- (1981) 'Independent freedmen and the economy of Roman Italy under the principate', *Klio* 63, 359–71.
- and Saller, R. (1987) *The Roman Empire: Economy, Society and Culture*, London.
- Genovese, E. (1976) *Roll, Jordan, Roll*, New York.
- Girard, P.F. (1911) *Manuel élémentaire de droit romain*, Paris.
- Gonzalez, J. (1986) 'The *Lex Irnitana*: a new copy of the Flavian municipal law', JRS 76, 147–243.
- Greenidge, A.J.H. (1894) *Infamia: Its Place in Roman Public and Private Law*, Oxford.
- (1901) *The Legal Procedure of Cicero's Time*, Oxford.

BIBLIOGRAPHY

- Guadagno, G. (1977) 'Frammenti inediti di albi degli Augustali', *Cronache Ercolanesi* 7, 114–23.
- Hallett, J.P. (1984) *Fathers and Daughters in Roman Society. Women and the Elite Family*, Princeton.
- Halperin, D.M., Winkler, J.J., and Zeitlin, F. (1990) *Before Sexuality: The Construction of Erotic Experience in the Ancient Greek World*, Princeton.
- Hansen, M.H. (1991) *The Athenian Democracy in the Age of Demosthenes*, Oxford.
- Harris, W.V. (1980) 'Towards a study of the Roman slave trade', in J.H. D'Arms and E.C.Kopff (eds) *The Seaborne Commerce of Ancient Rome*, *MAAR* XXXVI, Rome, 117–40.
- (1986) 'The Roman father's power of life and death', in R.S.Bagnall and W.V.Harris, *Studies in Roman Law in Memory of A.Arthur Schiller*, Leiden, 81–95.
- Hinard, F. (1976) 'Remarques sur les *praecones* et le *praeconium* dans la Rome de la fin de la République', *Latomus* 35, 730–46.
- (1990) 'Solidarités familiales et ruptures à l'époque des guerres civiles et de la proscription', in J.Andreau and H.Bruhns (eds) *Parenté et stratégies familiales dans l'antiquité romaine*, Paris and Rome, 555–70.
- Hopkins, K. (1978) *Conquerors and Slaves*, Cambridge.
- (1983) *Death and Renewal*, Cambridge.
- Humbert, M. (1972) *Le Remariage à Rome*, Milan.
- (1981) 'Le droit latin impérial: cités latines ou citoyenneté latine?', *Ktema* 6, 207–26.
- Impallomeni, G. (1963) *Le manomissioni mortis causa*, Padua.
- Jones, A.H.M. (1964) *The Later Roman Empire 284–602*, Oxford.
- (1972) *The Criminal Courts of the Roman Republic and Principate*, Oxford.
- (1974) *The Roman Economy*, Oxford.
- Jory, E.J. (1970) 'Associations of actors in Rome', *Hermes* 98, 223–36.
- Kaser, M. (1956) 'Infamia und Ignominia in den römischen Rechtsquellen', *ZSS* 73, 220–78.
- (1966) *Das römische Zivilprozessrecht*, Munich.
- (1971) *Das römische Privatrecht*, 2nd edn, Munich.
- Kelly, J.M. (1971) *Roman Litigation*, Oxford.
- (1976) *Studies in the Civil Judicature of the Roman Republic*, Oxford.
- Kirschenbaum, A. (1987) *Sons, Slaves and Freedmen in Roman Commerce*, Jerusalem and Washington.
- Kolbert, C.F. (1979) *Justinian: The Digest of Roman Law: Theft, Rapine, Damage and Insult*, Penguin Classics, Harmondsworth.
- Kunkel, W. (1962) *Untersuchungen zur Entwicklung des römischen Kriminalverfahrens in vorsullanischer Zeit*, Munich.
- (1966) 'Das Konsilium im Hausgericht', *ZSS* 83, 219–51.
- (1973) *An Introduction to Roman Legal and Constitutional History* (tr. J.M.Kelly), 2nd edn, Oxford.
- Lacey, W.K. (1986) '*Patria potestas*', in B.Rawson (ed.) *The Family in Ancient Rome*, London, 145–69.

- Lambert, J. (1934) *Les operae liberti: contribution à l'histoire des droits de patronat* (diss.), Paris.
- Landi, A. (1980) 'Ricerca sull' onomastica delle tabelle dell' agro Murecine: contributo all' onomastica di Puteoli in età imperiale', *Atti dell' Accademia Pontaniana* 29, 175–98.
- Lebek, W.D. (1990) 'Standeswürde und Berufsverbot unter Tiberius: das SC der Tabula Larinas', *ZPE* 81, 37–96.
- Lenel, O. (1927) *Das Edictum Perpetuum*, 3rd edn, Leipzig.
- Levick, B. (1983) 'The *Senatus Consultum* from Larinum', *JRS* 73, 97–115.
- Lévy, J.-Ph. (1987) 'Coup d'oeil d'ensemble sur l'histoire de la preuve littérale', *Index* 15, 473–501.
- Lintott, A.W. (1968) *Violence in Republican Rome*, Oxford.
- MacDowell, D.M. (1978) *The Law in Classical Athens*, London.
- MacMullen, R. (1974) *Roman Social Relations*, New Haven and London.
- Macqueron, J. (1984) 'En relisant les quittances de Pompeii', *Sodalitas* (Scritti Guarino) 7, 3593–3603.
- Maine, H.S. (1861, repr. 1986) *Ancient Law*, New York.
- Manning, C. (1986) 'Actio ingrati (Seneca *De Benef.* 3.6–17: a contribution to contemporary debate?)', *SDHI* 52, 61–72.
- Marshall, A.J. (1990) 'Roman ladies on trial: the case of Maesia of Sentinum', *Phoenix* 44, 46–60.
- Masi Doria, C. (1989) 'Die *Societas Rutiliana* und die Ursprünge der prätorischen Erbfolge der Freigelassenen', *ZSS* 106, 358–403.
- Mayer-Maly, Th. (1958) 'Das Notsverkaufrecht des Hausvaters', *ZSS* 75, 116–25.
- Michel, J.-H. (1962) *La Gratuité en droit romain*, Brussels.
- Millar, F.G.B. (1977) *The Emperor in the Roman World*, London.
- (1983) 'Empire and city, Augustus to Julian: obligations, excuses and status', *JRS* 73, 76–96.
- (1984) 'Condemnation to hard labour in the Roman empire', *PBSR* 39, 124–47.
- (1990) 'L'empereur romain comme décideur', in C.Nicolet (ed.) *Du pouvoir dans l'antiquité: mots et réalités* (Cahiers du Centre Glotz I), Geneva, 207–20.
- Mitchell, R.E. (1990) *Patricians and Plebeians: The Origins of the Roman State*, Ithaca and London.
- Moreau, P. (1983) 'À propos du sénatus-consulte épigraphique de Larinum', *REL* 61, 36–48.
- Nardi, E. (1983) *Squilibrio e deficienza mentale in diritto romano*, Milan.
- Nicholas, B. (1969) *An Introduction to Roman Law*, 3rd edn, Oxford.
- Nicolet, C. (1980) *The World of the Citizen in Republican Rome* (tr. P. S.Falla), London.
- Noy, D. (1988) 'The *Senatusconsultum Gaetulicianum*: manus and inheritance', *TRG* 56, 299.
- Pommeray, L. (1937) *Études sur l'infamie en droit romain*, Paris.
- Pugliese Carratelli, G. (1948) 'Testi e documenti: Tabulae Herculenses II', *PdP* 8, 164–84.

BIBLIOGRAPHY

- Purcell, N. (1983) 'The *apparitores*: a study in social mobility', *PBSR* 51, 125–73.
- Raaflaub, K.A. (ed.) (1986) *Social Struggles in Archaic Rome*, California.
- Rabello, A.M. (1979) *Effetti personali della patria potestas I: dalle origini al periodo degli Antonini*, Milan.
- Rauh, N.K. (1989) 'Auctioneers and the Roman economy', *Historia* 38, 451–71.
- Renier, E. (1950) 'Observations sur la terminologie de l'aliénation mentale', *RIDA* 3 (= *Mélanges de Visscher* IV) 429–55.
- Rice Holmes, T. (1928) *The Architect of the Roman Empire*, Oxford.
- Richardson, J.S. (1983) 'The *Tabula Contrebiensis*: Roman law in Spain in the early first century BC', *JRS* 73, 33–41.
- Rilinger, R. (1988) *Humiliores-Honestiores: zu einer sozialen Dichotomie im Strafrecht der römischen Kaiserzeit*, Munich.
- Rogers, G.M. (1992) 'The constructions of women at Ephesos', *ZPE* 90, 215–23.
- Sacks, K. (1974) 'Engels revisited: women, the organisation of production and private property', in M.Z. Rosaldo and L. Lamphere, *Woman, Culture and Society*, Stanford, 207–22.
- Saller, R. (1982) *Personal Patronage under the early Empire*, Cambridge.
- (1986) 'Patria Potestas and the stereotype of the Roman family', *Continuity and Change* 1, 7–22.
- (1987) 'Men's age at marriage and its consequences in the Roman family', *C.Phil.* 82, 21–34.
- (1991) 'Corporal punishment, authority and obedience in the Roman household', in B. Rawson (ed.) *Marriage, Divorce and Children in Ancient Rome*, Oxford, 144–65.
- Saumagne, C. (1965) *Le Droit latin et les cités romaines sous l'empire*, Paris.
- Schulz, F. (1936) *Principles of Roman Law*, Oxford.
- (1946) *History of Roman Legal Science*, Oxford.
- (1951) *Classical Roman Law*, Oxford.
- Serrao, F. (1984) 'Minima di Diogneto et Hesicho: gli affari de due schiavi a Pozzuoli negli anni 30 d.C.', *Sodalitas* (Scritti Guarino) 7, 3605–18.
- Shatzman, I. (1975) *Senatorial Wealth and Roman Politics*, Brussels.
- Shaw, B. (1987) 'The age of Roman girls at marriage: some reconsiderations', *JRS* 77, 30–46.
- Sherwin-White, A.N. (1973) *The Roman Citizenship*, 2nd edn, Oxford.
- Sirks, A.J.B. (1983) 'The *lex Junia* and the effects of informal manumission and iteration', *RIDA* 30, 211–92.
- Solazzi, S. (1930) '*Infirmitas aetatis e infirmitas sexus*', *Archivio Giuridico* 104, 3–33.
- Stambaugh, J.E. (1988) *The Ancient Roman City*, Baltimore.
- Thomas, R. (1989) *Oral Tradition and Written Record in Classical Athens*, Cambridge.
- Thomas, Y. (1981) 'Parricidium I: le père, la famille et la cité', *MEFRA* 93, 643–713.
- (1982) 'Droit domestique et droit politique à Rome: remarques sur le pécule et les *honores* des fils de famille', *MEFRA* 94, 527–80.

- Tilly, B. (1973) *Varro the Farmer: A Selection from the Res Rusticae*, London.
- Treggiari, S.M. (1969) *Roman Freedmen during the Late Republic*, Oxford.
- (1979) 'Lower class women in the Roman economy', *Florilegium* 1, 65–86.
- (1991) *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian*, Oxford.
- van Bremen, R. (1983) 'Women and wealth', in A.Cameron and A. Kuhrt (eds) *Images of Women in Antiquity*, London, 223–42.
- van Warmelo, P. (1954) 'Ignorantia iuris', *TRG* 22, 1–32.
- Veyne, P. (1961) 'Vie de Trimalchio', *Annales ESC* 16, 213–47.
- (1978) 'La famille et l'amour sous le Haut-Empire romain', *Annales ESC* 33, 35–63.
- (1987) 'The household and its freed slaves', in P.Veyne (ed.) *A History of Private Life, I: From Pagan Rome to Byzantium* (tr. A. Goldhammer), Cambridge, Mass., 71–95.
- Ville, G. (1981) *La Gladiature en occident des origines à la mort de Domitien*, Paris.
- Voci, P. (1980) 'Storia della patria potestas da Augusto a Diocleziano', *Iura* 31, 37–100.
- Waldstein, W. (1986) *Operae Libertorum: Untersuchungen zur Dienstpflicht freigelassener Sklaven*, Stuttgart.
- Wallace-Hadrill, A.F. (1989) 'Patronage in Roman society: from republic to empire', in A.F.Wallace-Hadrill (ed.) *Patronage in Ancient Society*, Oxford, 63–87.
- Watson, A. (1961) *The Contract of Mandate in Roman Law*, Oxford.
- (1967) *The Roman Law of Persons*, Oxford.
- (1971) *Roman Private Law around 200 BC*, Edinburgh.
- (1971a) *The Law of Succession in the Later Roman Republic*, Oxford.
- (1973) 'Private law in the rescripts of Carus, Carinus and Numerianus', *TRG* 41, 19–34.
- (1973–4) 'The rescripts of the emperor Probus 276–282 AD', *Tulane Law Review* 48, 1122–8.
- (1974) 'Eruptio gentis', in A.Watson (ed.) *Daube Noster*, Edinburgh, 331–41.
- (1975) *Rome of the XII Tables: Persons and Property*, Princeton.
- (1977) *Society and Legal Change*, Edinburgh.
- (1987) *Roman Slave Law*, Baltimore.
- Weaver, P. (1990) 'Where have all the Junian Latins gone? Nomenclature and status in the Roman empire', *Chiron* 20, 275–305.
- Westrup, C. (1939) *Introduction to Early Roman Law*, London and Copenhagen.
- Wiedemann, T.E.J. (1985) 'The regularity of manumission at Rome', *CQ* 35, 162–75.
- (1989) *Adults and Children in the Roman Empire*, London.
- (1992) *Emperors and Gladiators*, London.
- Winkler, J. (1989) *The Constraints of Desire: The Anthropology of Sex and Gender in Ancient Greece*, London and New York.

BIBLIOGRAPHY

- Wiseman T.P. (1971) *New Men in the Roman Senate 139 BC-AD 14*, Oxford.
— (1985) *Catullus and his World*, Cambridge.
— (1987) *Roman Studies*, Liverpool.
Wolf, J.G., and Crook, J.A. (1989) *Rechtsurkunden in Vulgarlatein aus den Jahren 37–39 n. Chr.*, Heidelberg.