

Patriarchal Power in the Roman Republic: Ideologies and Realities of the *Paterfamilias*

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In the third century AD, Gaius recognized the *paterfamilias* as an institution unique to Roman society¹. The eldest male in the family possessed this role which gave him *potestas*, or power, over the subsequent generations of his family; the *paterfamilias* was the only one who could own property, manage financial affairs, permit marriage, and perhaps most shockingly, he held the *vitaе necisque potestas*, the power of life and death, over everyone under his *manus*. Theoretically, his power was complete and total until his death, at which point his sons would become the *paterfamiliae* of their own families. Despite such legal extremes, some contemporary scholars are of the opinion that our initial reactions to the *paterfamilias* have been incorrect and maintain that the reality was quite different than assumed. The law of the *paterfamilias* was indeed sharply constrained by social and cultural barriers and its role represents in effect, an ideology rather than a legally-enforced patriarchy.

One should be careful however not to diminish the power of the *paterfamilias* simply because not all statutes were employed frequently in daily life. In many cases, Roman fathers were required to balance social norms

against the legal and ideological aspects of their *potestas*, for example, in the way a father interacted with his children who had reached adulthood, a situation which challenged the practicality of paterfamilial authority.

The Roman family has only recently become a subject studied in its own right. The majority of writers in the nineteenth century used the Roman family and its patriarchal ideologies in particular as evidence of a linear progression in history leading either to enlightenment or decline. Used in an evolutionary context, the attributes of the *paterfamilias* reflected the scholar's particular argument, influenced by contemporary political, social, and religious movements. Recent scholarship, although marked with its own set of biases and influences, has sought to remove the Roman family from the rhetoric of progression and place it back within its ancient context.

Early studies of the *paterfamilias* looked primarily at the legal definition of the father's powers as laid out by third century AD jurists such as Gaius and Ulpian, and interpreted these as accurate and trustworthy descriptions of Republican reality. This emphasis on legal powers and legendary examples of virtuous father-figures inspired many early scholars to either praise or condemn the seemingly extreme nature of the *pater potestas*. L.H. Morgan, in his 1877 anthropological work *Ancient Society*, defined the *paterfamilias* as a patriarch with complete power, and claimed "the modern family is an unquestionable improvement upon that of the Greeks and Romans."² He saw the Roman system as being significantly superior to earlier matrilineal organization, but also as deeply flawed. For Morgan, creation of an equal monogamous relationship was the culminating achievement of human social history³. Alternatively, other scholars like Marx and Engels

interpreted the fall of the *paterfamilias* within the pattern of moral decline, a process of erosion that bolstered their arguments about the status of modern-day society. In other words, scholars created narratives that sought to emphasize either social evolution or the present moral decline,⁴ ignoring much of the ancient context.

The next phase in the study of the Roman family also followed this evolutionary rhetoric, though perhaps not as clearly as its predecessors. In 1967 James Crook was one of the first to attempt a synthesis between the legal definition of *potestas* and its social realities, but saw it as a simple matter of keeping “law sharply apart from religion and morals.”⁵ Thus, for example, *vitae necique potestas*, the right to kill any child under one’s *potestas*, is simply a way to conceptualize relationships and had no bearing on everyday life. This assumes a strict segregation of private and public realms in Roman society, perhaps projecting our own conceptions of family life into the past. W.K. Lacey, a contemporary of Crook, saw the family as its own entity, separate from the public sphere with its own master/slave relationships. In Lacey’s case, the evolutionary rhetoric remained: Lacey believed that the family became privatized with the rise of the *polis*, a progression that led to the creation of the nation-state and the truly private sphere of the family. His argument however ignores the blending of spheres in Roman society and the public and private functions of the family.

More recent publications have disavowed this evolutionary trend and sought to look at the Roman family as a separate entity, not a step on a progressive scale that ends with the present. Suzanne Dixon emphasizes the continuity between modern family life and that of the Romans, suggesting

that the disjoint between ideology and reality is found both in other aspects of Roman life and in our own society; such a contrast is also found in other areas of Roman life where they regularly employed a moralizing narrative that glorified the past⁶. She discusses in detail the lack of linear evolution in family life, stating that “there is not a linear development within which...the family moves towards a more “civilized” or isolated mode”; instead, “[s]uch developments can take place and then change again.”⁷ In addition, she notes that the disparity between the legal and social realities of the *paterfamilias* can easily be interpreted as a change over time. After all, our earliest sources from the second century BC present a different picture than the Twelve Tables supposedly written at the founding of the Republic.⁸ To explain this seemingly evolutionary progression, she cites anthropologist Jack Goody remarking that “it is possible to interpret a gap between ‘law’ and ‘practice’ as the result of a change over time, as many authorities have done. But such a gap often exists as a matter of course, especially when ‘codes’ are initially written down.”⁹ In other words, this gap may simply be a matter of the law catching up to a reality that it had not sufficiently described when first composed. This suggests, unlike earlier theories by Crook and Lacey, that the *potestas* of the Roman father may not have changed as drastically over the course of the Republic as once thought.

While Dixon’s theories successfully challenge evolutionism – both in the larger context of European history and within the history of Rome itself - she does fall prey to several traditional patterns. Despite citing Goody’s theories on the disjoint between law and social reality, she believes that “[i]n a generalized way, the history of marriage and the family seems to

be characterized by a very slow erosion of the powers of the *paterfamilias*, both as father and as husband.”¹⁰ She also assumes a separation of public and private spheres, stating that the *paterfamilias* “was, in a sense, the public representative of the family unit.”¹¹ These arguments contradict her other statements that such a progression cannot realistically exist, and that the Roman family did not change drastically over the course of the Republic.

Richard Saller has focused specifically on the realities of Roman life and how they made the ideological extremes of the *paterfamilias* impossible. He uses computer simulations and the limited data from the time to calculate the average lifespan of a Roman citizen. He found that by the age of 25, only 32 percent of the senatorial class had a living father, with the figure dropping to 19 percent for “ordinary Romans.”¹² He concludes that the ideal three-generation Roman family with an elderly *paterfamilias* was relatively unfeasible in most cases, and that most men by the time they married were under their own *potestas*. As an alternative to traditional views of Roman patriarchy, Saller feels that the “moral value of *pietas* offers the historian a better insight into Roman family life than the legal rules of *potestas*.”¹³ With the *paterfamilias* “based on legal powers and...associated with a legendary past,”¹⁴ it is better to view it as a reciprocal relationship. The legal and ideological evidence simply emphasizes the “steep hierarchy and fundamental distinctions of status” that are present in all aspects of Roman society¹⁵.

While Saller’s estimates of Roman life expectancy clearly show that a three-generational pattern was not feasible, they are misleading and do not

solve the problem of a Roman adult living under the *potestas* of his or her father. He does concede that the longer a Roman lived, the longer he or she was expected to survive – by the age of thirty, for example, an individual could expect to live another twenty-six years¹⁶; however, he fails to discuss the connotations of such a calculation. Members of the senatorial class generally lived longer, and therefore a higher percentage of them must have reached adulthood with a living father. We can understand Roman estimates of the life expectancy for senators in the age limits of various magistracies: surely the late age of 40 for the consulship would not have been established if a significant number of senators were not expected to reach it. For the grown man who had to marry, raise children, establish his own estate, command troops, or become an active magistrate in the Senate, the problem of the extreme rights of his father's *potestas* is not solved by Saller's calculations. There were still those individuals – many in important positions in the Republic – who had to deal with the realities of the *paterfamilias*. Therefore, there must have been other constraints on the relationship, other established mechanisms that led to an amenable and stable family life. Political and military institutions would require an independence not permitted by the statutes of *potestas* in order to function properly. What were those constraints? What boundaries existed where the power of the state, the power of the individual, and the power of the *paterfamilias* clashed? While the comparison between the two features of the *paterfamilias* – the legal or ideological, and the realistic – is an important one to make, it still sets up a system that suggests these aspects of a father's *potestas* never interacted, conflicted, or challenged each other. To move beyond this false dichotomy,

historians must look at the exceptions to the rules, and find examples of situations where the norm does not apply. Only then can we test the boundaries of the *paterfamilias* and truly see where social constraints clashed with legal doctrine and ideological values.

To further examine the exceptions to Saller's population model, we must look at several situations where life expectancy is surpassed and family members interact under the father's *potestas* for an extended period of time. Due to the present lack of evidence, we must limit ourselves to late Republican senators, and study their understanding of the ideal and common family situation. This evidence, though limited, gives us examples of the *paterfamilias* as it influenced grown men and women still under the *potestas* of their fathers. For this, we can look not only at the everyday interactions and realities of family life, but also at the extremes which arose during times of crisis in the Republic. It is not by looking at general trends that we will better our understanding of the *paterfamilias*. It is only through exceptional circumstances and moments in history when the boundaries have been pressed that we can understand the extent to which *potestas* was taken literally and in what situations it was used.

Despite the life expectancy of the average Roman, some fathers did live long enough to see their children reach adulthood, and their experiences will shed some light on their actual conceptions of *potestas*. There were many ideological examples of good Roman fathers, most of them famous for being both severe and attentive. For example, Cicero often speaks of Appius Claudius the Blind, an old man who had four sons, five daughters, and a large household staff. He maintained "absolute command over his

household”, and “the customs and discipline of his forefathers flourished beneath his roof”¹⁷; for this, he was loved by all his children. Another figure prominent in the literature on fatherhood is Cato the Elder, a stern and conservative man who also carefully organized the education of his son¹⁸. Clearly this narrative allowed Roman men in the Late Republic to glorify the past, believing that fathers used to deal with their *domus*¹⁹ “severely [and] solemnly” as opposed to “mildly, gently, and in a modern way.”²⁰

However, despite Cicero’s constant attempts to prefer the more austere and commanding fatherly role, his letters tell a different story. The most important goal for an adult woman under the *manus* of her father was marriage, as is evident in most of his letters that mention his daughter Tullia’s various engagements, marriages, and divorces. Most interesting is Tullia’s engagement to Dolabella in 50BC, which was arranged while Cicero was out of Rome. Apparently this betrothal was established “without [his] knowledge”, since Cicero “had told [his family] not to consult [him] since [he] should be so far away.”²¹ He writes to his friend Atticus that “it was the last thing [he] had expected”, which suggests that despite giving his permission to make plans without his involvement, he is surprised that this is taken literally²². It seems that he was so convinced that his advice would be needed that he “had even sent trusted agents to [his wife] Terentia and Tullia about the suit of Ti. Nero, who had made proposals.”²³ It also seems his concerns about the engagement stem from political troubles in his province, a conflict of interest in which he backed the opponent of his new son-in-law.²⁴ This is definitely a strange proceeding if Cicero has unquestionable power within his family. While it is easy to see that logistically he could not

have been in control of his *domus* while away from Rome, it is interesting to note that he does not force the dissolution of the engagement or the marriage, and supports his family in their decision. The majority of women at this time stayed under the *potestas* of their fathers after marriage, and do not pass under the *manus* of their new husbands, therefore Cicero had the right to break the engagement. If he truly believed in the ideals that he so often cites in his political speeches – the examples of Appius Claudius and Cato the Elder – would he not have done so? His political situation in his province has been compromised by this arrangement, yet he does nothing. Clearly, while certainly involved in the lives of their adult daughters, fathers did not have absolute control over some of the most important familial issues; in fact, it seems that Cicero in this example is out of touch with his family, and trusts the judgment of his wife in his absence.

The second example that can help us understand one of the major logistical problems of the *paterfamilias* is financial support. How do fathers deal with the finances of their adult sons who live elsewhere and do not legally own their own estates? Again, Cicero provides us with evidence that although he is financially in control of his son, he is fairly indulgent and gives him the *peculium* (allowance) he needs for a vast amount of independence. This seems to be the norm: sons generally were given enough money to live an almost extravagant life because they were needed to reflect their father's social standing²⁵. In Cicero's letter to Atticus in 46BC, he complains that his son wants a "liberal allowance," and although he insists that he is unwilling to support him in this manner, he nevertheless "gave him permission...for [he] saw that [Atticus] did not really dislike the idea."²⁶

This supports Dixon's claim that this was meant to be a reflection of the *paterfamilias*' wealth and glory: Cicero claims that "[i]t would be a disgrace to me that my son should run short of money in his first year, whatever he may deserve. Afterwards we will restrict him more carefully."²⁷ In fact, he seems unusually concerned when his son does not ask him for more money, and wonders why he has not complained about his allowance once his financial year is over²⁸. It is clear, then, that despite the legal authority of the *paterfamilias*, he was not unwilling to bow to his son's wishes, and give him more money than he perhaps needed or deserved. In keeping with the ideal of a strict and conservative *potestas*, Cicero refuses to accept that he is to blame for his son's behaviour. The glorification of past fathers does not seem to conflict with contemporary reality to the Roman mind.

These relationships of a father to his son and daughter are therefore significantly opposed to the legal and ideological views of the *paterfamilias*, although this did not seem to trouble Cicero. We must, of course, be careful of the bias that Cicero naturally includes in his letters: he is writing to his good friend, but still wishes to preserve his reputation, and does not want to be held responsible for any faults his son might have; he also, while admitting that his wife and daughter arranged a marriage without his consent, does not want to be viewed as either uncaring or unnecessary in the affairs of Tullia, and quickly forgives their independence in order to establish his control of the household. We cannot know whether the ideal *paterfamilias* of the past actually existed, as Cicero's letters are one of the earliest reliable sources. It is, nevertheless, safe to say that even though many Romans never had to deal with the reality of a grown son still under the *potestas* of

his father, a clear and well-established system that balanced the realities of the day and the ideologies of the past existed in the event of such a situation.

There is, of course, a more extreme example of the power of the *paterfamilias* that can help us understand the way this role interacted with other institutions and aspects of Roman society. The famous *vitae necisque potestas* is perhaps the most difficult power for the modern mind to grasp. Many scholars claim that later developments, such as the third century AD requirement that a family *consilium* was necessary before any action was taken²⁹, prevented fathers from indiscriminately killing their children. Legendary fathers who supposedly killed their sons were regularly idealized in later Roman literature, again suggesting the common Roman narrative of a glorious past and a moral decline in the present. However, “this very admiration is based on the assumption that parents would normally favor their children and that such patriotism was exceptional.”³⁰ It is also interesting to note that the few examples we have of either legendary or real uses of the *vitae necisque potestas* involve a serious crime against the Roman state, and not simply a feud among family members. This narrative serves to underline certain aspects of Roman society, and again helps us understand how the *paterfamilias* functioned in the cases where fathers lived to see their sons come of age.

Many ancient sources describe the ideological and most likely mythological story of consul T. Manlius Torquatus in 340 BC. His son, serving in the army of his father, charged into battle without first being given the order. For this infringement, his father organized a military trib-

une and, stating that he “held in reverence neither consular authority nor a father’s dignity,” ordered his execution.³¹ According to Livy, the assembly was shocked at his decision, and consequently the “orders of Manlius” were given greater authority and prestige, and after this act “the soldiers [were] more obedient to their general.”³² It is not clear if this story is meant to illustrate paternal severity or military and political strategy, since the final outcome was not only one of shock – a father was assumed to care primarily for the wellbeing of his children – but also one of obedience to both the state and the general. It is difficult to know if Torquatus was acting as a father using his *potestas* or a consul and general using his *imperium*, and thus we cannot know to what extent Romans would have perceived this as normal behaviour for a *paterfamilias*. It is clear, though, that this was not considered the norm in the Early Republic or at the time Livy was writing his history of Rome. It is equally possible that this story was invented simply to display the morality and patriotism of brave and honourable Romans, and reflect Livy’s position that the Late Republic and Early Empire represented a severe moral decline. Significantly, there are no examples in Livy of fathers using this right as private citizens, but only as political and military leaders; there are also no examples of fathers putting their daughters to death. The story of Torquatus not only displays the loyalty of the father, but also the bravery of the son: Sallust says that “the gallant young man paid the penalty for too great valour with his life,”³³ reminding us that both men acted as they did out of their love of Rome.

Sallust is the only primary source³⁴ that gives us an example of the *vitae necique potestas*. Writing about the Catilinarian conspiracy of 63BC,

he briefly mentions Fulvius, “a senator’s son, who was...put to death by the order of his father” after leaving Rome in the hopes of joining Catiline’s forces.³⁵ Again, we must be aware of how this story is used in Sallust’s narrative: he frequently mentions fathers and sons being disrespectful of each other in order to emphasize the decline in morality of the Late Republic, and to further establish the danger and importance of the crises that took place at this time. Cassius Dio, writing several centuries later, retells the story using the name Aulus Fulvius, though his source for this extended name is still unknown, calling into question the accuracy of the story itself. Dio states that Fulvius “was not the only private individual, as some think, who ever acted thus”, and that “[t]here were many others, that is to say, not only consuls, but private individuals, who slew their sons...[t]his was the course of affairs at the time.”³⁶ It is unclear how Dio knows this information, especially since it is never mentioned by Sallust that private citizens used the *vitae necisque potestas*, and Livy never provides us with earlier examples or legendary acts of this nature. All we know of Aulus Fulvius is derived from this one story, as told by Sallust, Cassius Dio, and Valerius Maximus³⁷. It is very possible that Dio uses this to display the chaos and moral depravity of the time, since there is no first-hand knowledge of this behaviour. The fact that it is emphasized in Sallust and Dio is certainly evidence that it was not normal behaviour by the first century BC, and a reflection of “the value of placing loyalty to the *patria* ahead of loyalty to the *familia* – a value as relevant to sons as to fathers.”³⁸ It is, again, difficult to know how Romans themselves perceived Fulvius’ story: was it considered an invocation of the power of the *paterfamilias* or the rights of a magistrate

to institute justice? It certainly seems that this was considered an unusually severe act for a father, especially considering Cicero's claim that one places the nuclear family at the top of one's loyalties and obligations³⁹. Polybius himself, writing before the Catilinarian conspiracy, states that examples of "men in office who have put their own sons to death" go against "every law or custom, because they valued the interest of their country more dearly than their natural ties."⁴⁰ Even in the second century BC, Polybius was aware that these stories are not examples of a father using his *potestas*, but rather exceptions to the rule that forced the *paterfamilias* to test his role in unusual circumstances that involved political crisis and treasonous adult sons.

The lack of sufficient evidence makes the study of Republican family life especially difficult for social historians. The majority of our information is second-hand, and written with a very specific ideological bias. Even our few primary sources should be studied and used with care, for they too cannot be taken literally. However, the family is not only useful for our understanding of everyday Roman life and its social organization, but can also tell us something about the ideals and values that were considered the most important. The significant gap between the ideological and realistic uses of the *patria potestas*, both in everyday interactions within the family and in times of crisis, is consistent with similar gaps in other aspects of Roman society; the constant glorification of the past and a rhetoric of moral decline are common in ancient literature of all subjects. Ultimately, the attempt to balance the gap between ideology and reality is seen as one of the hallmarks of the Republic, and the shifting boundaries between the two help us to better understand the Roman thought process.

Endnotes

¹ Inst. 1.55.

² L.H. Morgan, *Ancient Society* (Calcutta: K.P.Bagchi & Co., 1982), 399.

³ Similarly, Henry Maine, Morgan's contemporary, saw the *paterfamilias* as a denial of individual rights and identity, and saw the rise of the individual during the Enlightenment as inevitable (Cynthia B. Patterson, *The Family in Greek History* (Cambridge: Harvard University Press, 1998), 19.)

⁴ Suzanne Dixon, "Continuity and Change in Roman Social History: Retrieving 'Family Feeling(s)' in Roman Law and Literature" from *Inventing Ancient Culture: Historicism, Periodization, and the Ancient World*, Eds. Mark Golden and Peter Toohey (London: Routledge, 1997), 80.

⁵ James Crook, "*Patria Potestas*", *The Classical Quarterly* 17.1 (1967), 116.

⁶ Suzanne Dixon, *The Roman Family* (Baltimore: The John Hopkins University Press, 1992), 42

⁷ *Ibid.*, 18.

⁸ The Twelve Tables, specifically Table IV, outlines the powers of the father over his family (A.C. Johnson et al., *Ancient Roman Statues* (Austin: University of Texas Press, 1961), 10).

⁹ Dixon 1997: 86; Jack Goody, *The Oriental, The Ancient and The Primitive: Systems of marriage and the family in pre-industrial societies of Eurasia* (Cambridge: Cambridge University Press, 1990), 410.

¹⁰ Dixon 1992: 77.

¹¹ *Ibid.*, 138.

¹² Richard P. Saller, "Roman Heirship Strategies in Principle and in Practice" in *The Family in Italy from Antiquity to the Present*, Eds. David I. Kertzer and Richard P. Saller (New

Haven: Yale University Press, 1991), 37; See also Chapter 3 of Saller's 1994 book *Patriarchy, property and death in the Roman family* for a more detailed discussion of these figures. There are several different models used, and each generated slightly different numbers that could alter our understanding of life and death in Roman society.

¹³ Richard P. Saller, *Patriarchy, property and death in the Roman family* (Cambridge: Cambridge University Press, 1994), 226. Saller posits a strict dichotomy between *pietas* and *patria potestas*, believing that this difference is highly influential in our comprehension of the reciprocal relationship between father and child (130-2).

¹⁴ Ibid., 103.

¹⁵ Ibid., 72.

¹⁶ Ibid., 24.

¹⁷ Cic. *Sen.* 37 (Trans. W.A. Falconer, 1923).

¹⁸ Plut. *Cat. Mai.* 20 (Trans. R. Waterfield, 1999).

¹⁹ There is, as with most Latin terminology, great debate as to the exact definition of *domus* as opposed to *familia*. Here, I use *domus* to mean the household, family members and all other individuals living under the same roof (see Saller 1994, Chapter 4). Saller also warns against using our own definitions of words as a reflection of Roman conceptions: "historians are not required to use Latin terms in the same way as ancient authors used them, but it is necessary to be aware of the differences between ancient and modern usage" (Richard P. Saller, "Pater Familias, Mater Familias, and the Gendered Semantics of the Roman Household", *Classical Philology* 94.2. (1999), 197).

²⁰ Cic. *Cael.* 14 (Trans. R. Gardner, 1958).

²¹ Cic. *Fam.* 3.12 (Trans. D.R. Shackelton Bailey, 2001).

²² Cic. *Att.* 6.6 (Trans. E.O. Winstedt, 1912).

²³ Ibid.

²⁴ Ibid.

²⁵ Dixon 1992: 110.

²⁶ Cic. *Att.* 12.7.

²⁷ Ibid., 12.32.

²⁸ Ibid., 15.15.

²⁹ Dixon 1992: 47

³⁰ Dixon 1992: 118

³¹ Liv. 8.7 (Trans. B.O. Foster, 1924)

³² Ibid.

³³ Sall *Cat.* 52 (Trans. J.C. Rolfe, 1920).

³⁴ It is important to remember that many of what we consider to be “primary sources”, such as Livy and Cassius Dio, are in fact ancient secondary sources written by historians; we must therefore be careful when using their information.

³⁵ Sall. *Cat.* 39.

³⁶ Cass. Dio 37 (Trans. E. Cary, 1909).

³⁷ T. Robert S. Broughton. *The Magistrates of the Roman Republic* Vol. 2. (New York: American Philological Association. 1952), 491.

³⁸ Saller 1994: 115.

³⁹ Ibid., 227; Cic. *Off.* 1.54 (Trans. Walter Miller, 1913).

⁴⁰ Pol. 6.55 (Trans. I. Scott-Kilvert, 1979).

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