

Marriage and Family in Late Antiquity

Kyle Harper, University of Oklahoma

Introduction: Marriage and Family in Late Antiquity

In a series of homilies delivered around 400 CE, John Chrysostom lectured his flock on the foundations of Christian marriage.¹ These sermons represent a tour de force of pastoral activism, offering us remarkable insights into late Roman social practices and into the attitudes of the Christian intelligentsia at a moment of brisk religious change. In Chrysostom's vision, Christian matrimony was to be characterized by two distinguishing norms: firm opposition to divorce or remarriage and a single standard of sexual behavior for men and women.² At the same time, the preacher was eager to appropriate the highest ideals of Greco-Roman marriage for his own cause. He claimed, shrewdly, that virtue rather than social prestige was the path to concord and companionship. Chrysostom argued that Greco-Roman values of companionship were subverted by the very dynamics of betrothal, since social considerations outweighed moral or personal factors in the selection of partners. Marriage should be a "sharing of life," rather than a business transaction, he asserted in resonant words.³ He focused relentlessly on the intense strategy behind the making of a match, rehearsing in merciless detail the betrothal process. He exploited anxieties about unequal marriages and parodied the man who sought a rich wife by gambling his entire wealth on a nuptial gift, like a merchant overloading his ship and putting his whole fortune at risk.⁴ For Chrysostom, the betrothal process—the jostling of the lawyers and the maneuvering of the matchmakers—was ultimate proof that contemporary marriage was a material rather than spiritual affair.

Like many Christian authors of Late Antiquity, John Chrysostom conjured a deliberately negative image of marriage when it suited his rhetorical purposes. It is worth noting, though, the earnest sense within these sermons of the distance between Christian norms and the realities of marriage in the late empire. Chrysostom stressed the divide between his teaching and the "outside" world, repeatedly counterposing his vision of Christian marriage and Roman law.⁵ There was no hint in these lectures that the Roman state might be an instrument for Christianizing social practices.⁶ Indeed, modern scholarship on the late ancient family has shown that Christian influence did not deeply affect Roman family law, particularly on the issues closest to Chrysostom's heart: indissolubility and sexual exclusivity.

¹ John Chrysostom, *Propter fornicationes, De libello repudii, and Quales ducendae sint uxores*. PG 51: 207–242. On Chrysostom's preaching, see Allen and Mayer 1993, and now Maxwell 2006, esp. 157–61.

² Frequently asserted by other Christians of the period, too: see Gaudemet 1980, 122.

³ John Chrysostom, *Quales ducendae sint uxores*, 3. PG 51: 230: Οὐ γὰρ καπηλείαν, ἀλλὰ βίου κοινωνίαν εἶναι τὴν γάμον δεῖ νομίζειν. Cf. *Dig.* 23.2.1: *Nuptiae sunt coniunctio maris et feminae et consortium omnis vitae, divini et humani iuris communicatio*. See Sargenti 1985, 371.

⁴ John Chrysostom, *Quales ducendae sint uxores*, 4. PG 51: 232. See Anné 1941, 271–2.

⁵ John Chrysostom, *Quales ducendae sint uxores*, 1. PG 51: 226: μὴ τοῦς ἐξωθεν ἐναγίνωσκε νόμους μόνον. *Propter fornicationes*, 4. PG 51: 213: Μὴ γὰρ μοι τοῦς ἐξωθεν νόμους ἐπιπῶς νῦν.

⁶ It is worth noting too that these sermons were quite possibly delivered to the power set in Constantinople: see Mayer 2005, 256, for the traditional attribution to the eastern capital, though cf. 470 for a more cautious assessment.

In the larger picture, although from the perspective of a late antique bishop it may not have seemed so, Christianity was more influenced by Greco-Roman structures than vice-versa, and the church ultimately became the principal carrier of the Greco-Roman tradition of the family.⁷ Taking its cue from Chrysostom's sermons, this chapter considers both the role of the family in the making of Late Antiquity and the place of Late Antiquity in the history of the family. After briefly surveying the rise of family history in ancient studies, the analysis turns to the influence of law, religion, and social structure on the late Roman family.⁸ Throughout, the focus is on marriage as the central strand in the ancient family, indeed as "a sort of seedbed of human society."⁹

The late Roman family inherited its basic form from the high empire. Affective monogamy was a strong cultural force, but family life was inevitably structured by the needs of a high-mortality, high-fertility society. Late Roman law, following social practice, tended to recognize the nuclear family unit in the rules governing marriage, guardianship, and succession. Christianity reinforced these tendencies, and introduced two distinctive norms, articulated precisely by Chrysostom: the doctrine of indissolubility and the ideal of sexually-exclusive marriage. These very sermons of Chrysostom have been key documents in the history of the family in Late Antiquity, regularly cited as witness to the legal and religious developments of the period. Yet they hold another, neglected clue to the dynamics of family life in Late Antiquity. Chrysostom's warnings about the ambitious groom and the wealthy bride have been dismissed as mere tropes, even though the detailed criticism of match-making was the warp and woof of these speeches. Ironically, the rise of the *donatio ante nuptias*, a nuptial gift from the groom to the bride, is recognized as perhaps the principal structural change in the late Roman family, although it remains unexplained.¹⁰ This chapter argues that the social context of the late antique family, in particular the interplay between property transfers, marital strategy, and the reconstitution of the Roman aristocracy, has been underemphasized. The effort to situate Late Antiquity in an overarching narrative of family history has drawn attention towards Roman law and Christianity, away from the ordinary struggles for survival and social success which defined the horizons of the men and women who heard Chrysostom preach.

The Historiographical Tradition

Finding a universal definition of the family is not simple.¹¹ An inclusive working definition might describe the family as the social form through which the two, deeply related processes of biological reproduction and the transmission of property are pursued. The language of family life in Roman antiquity is revealing. *Familia* connoted the legal, proprietary group under the power of a *pater familias*, including biological descendants and slaves; more broadly it referred to the whole agnatic descent group. Yet *domus*, "household," was the more

⁷ A thesis inseparable from the work of Gaudemet 1980.

⁸ Here "late Roman" is c. 300–550 CE. It is important to admit that while recent studies (esp. George 2005) rightly emphasize the geographic and social diversity of the Roman family, this chapter has a pan-Mediterranean focus that tries to draw general characterizations in the space allotted without eliding important differences. We should note, however, that perhaps never before nor since were marriage practices in the Mediterranean so integrated.

⁹ Augustine, *De civitate Dei*, 15.16. Eds. B. Dombart, A. Kalb, CC 47 (Turnhout, 1955) 478: *quoddam seminarium est ciuitatis*.

¹⁰ See Reynolds 2007, 32.

¹¹ Saller and Kertzer 1991, 1–19.

common, idiomatic word.¹² *Domus* made reference to the focal point of matrimonial, biological, and proprietary bonds, including the slaves; slaves were an elemental part of the Greco-Roman family, in Late Antiquity too.¹³ In Greek, *oikos* and *oikia* were the normal expressions for the family.¹⁴ It is immediately significant that, in both languages, the basic word for the family was a term derived from the practical realm (residence) and used as a short-hand for the outcome of complex kinship and inheritance systems. In other words, the family in the Roman empire was not imagined in terms of abstract lineage structures or legal forms, but as the day-to-day experience of links within the household. The ubiquity of slavery, the ravages of death, and the residence of extended relatives made the Roman family a complex organism, but undoubtedly the conjugal bond and the parent-child relationship were at its core.¹⁵

This insight is the hard-won product of a long historiographical tradition. It is imperative to consider the way in which the modern study of the family emerged and developed, for this background has shaped the questions that have been asked and the sources that have been used to reconstruct the family.¹⁶ Family history came into its own as a distinct sub-field during the 1970s, at the convergence of three disciplines: anthropology, social history, and demography. Anthropology could claim the longest pedigree, descending from a nineteenth century discourse on the problem of kinship.¹⁷ In the 1960s, the family became an object of study among historians who took a broader view of what constituted the proper domain of historical investigation. Ariès' work on childhood was a major impetus, providing an overarching narrative of the modern family that correlated nuclear structure and sentimentality with industrialization, and the rise of women's history provided sustaining momentum.¹⁸ Finally, the study of demography brought into focus the stark differences among past and present families: the ancient family was forced to answer the heavy demands of a high-mortality, high-fertility society.¹⁹

The late 1970s and 1980s saw two concurrent if somewhat contradictory trends in the field of family history. On the one hand, the results of the previous decade were consolidated in the form of large-scale narratives tracing the history of the family in Europe. The work of Flandrin, MacFarlane, Stone, Goody, Brundage, Herlihy, and *A History of Private Life* not only signaled that the discipline had arrived, they often took the ancient family, or more specifically a legalistic reading of the Roman family, as a foil or a point of departure from which the modern, nuclear, sentimental family would develop.²⁰ At the same time, ongoing research was undermining the foundations of these narratives. More detailed investigation revealed the extreme temporal and geographic diversity of family life, and it was during this second wave of family history that the modern study of the Roman family emerged. The 1980s and 1990s were the heyday of Roman family history, with a particular emphasis on the early empire, as

¹² Saller 1984, 336–355; Shaw 1987, 10–19; Saller 1994, 74–101; McGinn 1999, 627; Hillner 2003.

¹³ Emphasized by Bradley 1991 and Wallace-Hadrill 1991. On late antique slavery, see Harper forthcoming and below.

¹⁴ Patterson 1998, 1–2; Pomeroy 1994, 214; Alston 2005, 130.

¹⁵ Shaw 1987, 50.

¹⁶ For general reviews of family history, see Stone 1981 and Hareven 1991.

¹⁷ Saller 1997, 10–18.

¹⁸ Ariès 1960.

¹⁹ Laslett and Wall 1972, was seminal. Frier 2006, is an elegant statement of this fundamental difference.

²⁰ Flandrin 1976; MacFarlane 1986; Stone 1977; Goody 1983; Brundage 1987; Herlihy 1985; and Ariès and Duby 1985–7. See Saller 1991b.

historians diligently whittled away at stereotypes of the ancient family as a legalistic, agnatic, and emotionally vacuous medium for reproduction.²¹

The model of the Roman family that emerged over the 1980s recognized the cultural value placed on private life under the empire and thus challenged the narratives correlating sentimentality with modernity. The breakthrough studies of Saller and Shaw demonstrated that large, agnatic clans were not the basic form of the Roman family.²² Nuclear structures, neo-local residence, and conjugal affection were common in the Roman empire. Demographic modeling revealed that the severer features of Roman law, such as *patria potestas*, were tempered by the mortality structures of ancient Mediterranean societies.²³ Epigraphy and papyrology were called into service and have yielded plausible models of nuptuality, fertility, and mortality in antiquity.²⁴ These studies demonstrated that Roman society was powerfully mobilized for fertility, with a low age at marriage for females (mid-to-high teens, a decade later for men) and universal marriage.²⁵ Newer research has explored the role of class, provincial diversity, and socially marginal elements in the construction of mainstream society.²⁶ Only recently has sufficient attention been given to the basic fact that the Greeks and Romans were unusual for practicing socially-imposed monogamy: this was the essential precondition for the nuclear structures and sentiments which are such striking features of the Roman family.²⁷ Absorbed by Christianity, monogamy must be reckoned one of the most profound legacies of Greece and Rome to the modern European family.

In sheer volume, study of the late Roman family has lagged behind this rapidly progressing body of work on the Roman family in the high empire. It has also been framed by its own questions, often derived from prior traditions of scholarship and from the particular nature of the evidence. The late Roman family has been framed by the interaction of three disciplinary interests: post-classical law, patristics, and, more recently, the history of gender and sexuality. The search for Christian influence on the development of late Roman law has been a major paradigm of study, not least because the two richest sources of information are the corpus of patristic literature and the late Roman legal codifications.²⁸ This focus has acted to suppress dialogue between late antique social history and the historiography of the family in early periods of Roman history. The study of gender and sexuality, however, has found fertile ground in the ascetic literature of Late Antiquity.²⁹ The ascetic impulses of Late Antiquity in fact threaten to overshadow the stronger forces of continuity in a society that went on reproducing itself with a great deal of success.

Within the venerable debate over Christian influence, a revisionist consensus of the late Roman family began to emerge in the 1980s among scholars who argued strongly *against* Christian influence.³⁰ Shaw demonstrated that the patristic sources could be read against the

²¹ Selectively, Hallett 1984; Saller and Shaw 1984a; Rawson 1986; Bradley 1991; Rawson 1991; Treggiari 1991; Dixon 1992; Saller 1994; Rawson and Weaver 1997.

²² Saller and Shaw 1984a. See also Martin 1996, whose criticisms do not undermine the importance of Saller and Shaw's intervention. Cf. Edmondson 2005, 216–7.

²³ Saller 1994.

²⁴ Going back to Hopkins 1966. Shaw 1984; Shaw 1987; Bagnall and Frier 1994; Scheidel 2001a.

²⁵ See Scheidel 2001b.

²⁶ Neri 1998; McGinn 1998; McGinn 2004; George 2005.

²⁷ MacDonald 1990; Betzig 1992a and 1992b; Herlihy 1995; Scheidel 2009.

²⁸ Gaudemet 1987; Evans Grubbs 1994.

²⁹ Clark 1986; Brown 1988; Clark 1993; Elm 1994; Cooper 1996.

³⁰ Goody 1983 argued for a rather different sort of Christian influence, contending that the church widened incest prohibitions and constricted the strategies of heirship available to a

grain for what they reveal about the realities of the late Roman family.³¹ Evans Grubbs, in a meticulous case study of Constantine's family law, showed that the social legislation of the first Christian emperor was conservative and status-conscious, rather than inspired by religious conviction.³² Arjava demonstrated that late Roman family law is more convincingly explained as a ratification of longstanding trends rather than a radical Christian departure.³³ Above all, the monumental work of Beaucamp on women in Late Antiquity, rooted in legal and papyrological evidence, dismantled any easy, linear narrative of Christianization and highlighted the overriding influence of a continued, and perhaps even more strongly inflected, patriarchy.³⁴

The study of the late Roman family in the last decades has thus emphasized continuity over change.³⁵ The church's ability to alter behavior was ultimately limited. The legal record exhibits no overarching direction, no teleological drive towards Christian, medieval, or modern structures of family life. The legal and literary sources obscure the deep patterns of continuity, and the imperatives of a high-fertility, high-mortality demographic regime, in the context of a monogamous society, continued to shape the form of the family far more strongly than the church or state could. The pastoral wing of the late antique church presented a new institutional voice against divorce, remarriage, and the sexual double standard, even as it intensified the earlier Roman valorization of harmonious, affective, marriage as "the principal affair in human life."³⁶ In short, the family in Late Antiquity saw slow and modest cultural change driven by the expanding scope of ecclesiastical institutions, yet deep structural continuity.

The remainder of this chapter is divided into three parts, considering in turn the influence of state, church, and social structure on the late Roman family.³⁷ The first section offers a brief survey of the most important developments in post-classical family law. The second section discusses the problem of Christianization, focusing on the new religion's impact on the values and habits of family life. The final section is devoted to social structure, trying to assess the degrees of continuity and change in terms of demography, urbanism, and, in particular, status hierarchies. It has recently been argued that the late antique family was influenced by changing patterns of aristocratic dominance.³⁸ This is a promising approach. This chapter argues that Late Antiquity saw a new tendency for upwardly mobile men to cement their rising status through socially favorable marriages. John Chrysostom's ferocious attack on the social climber's marital ambition was something more than generic rhetoric; it was an unnerving commentary on the use of marriage in a society where aristocratic status was in

testator. But see Shaw and Saller 1984. Sargenti 1938 and Gaudemet 1980 were important predecessors to the later work which questioned Christian influence.

³¹ Shaw 1987.

³² Evans Grubbs 1995.

³³ Arjava 1996.

³⁴ Beaucamp 1990–2.

³⁵ Nathan 2000.

³⁶ Asterius of Amasea, *Homiliae*, 5.2.3. Ed. C. Datema (Leiden, 1970) 46: γάμος... πρῶγμα τοῦ ἐνθροῦνικοῦ βίου κεφάλαιον.

³⁷ A major subtext throughout will be to consider how the nature of the surviving evidence—legal, ecclesiastical, and documentary—influences the effort to study the family. See Beaucamp 1990, 1–9.

³⁸ Cooper 2007a, 152–160.

flux. Marital strategy is a dimension of late Roman family life that has been unduly neglected and, as the discussion below demonstrates, an avenue for further research.

Roman Family Law from Constantine to Justinian

The constitutions preserved in the *Theodosian* and *Justinianic Codes* are an invaluable source for the history of the family in the post-classical period of Roman law (after c. 235 CE). Roman family law sat at the intersection of two, complex legal structures—reproduction and the transmission of property. The rules of betrothal, marriage, divorce, succession, and guardianship formed an interrelated system. In the classical period, the Roman family was legally defined by *patria potestas*, the power held by the eldest male ascendant over all of his slaves and direct descendants.³⁹ The *pater familias* enjoyed extensive control over those in his power and complete rights over their property. This power continued even after the children reached adulthood, and it could be severed only by emancipation or death. Yet the mortality regime of the ancient Mediterranean meant that relatively few adults had a living father.⁴⁰ In fact, one of the most important consequences of *patria potestas* was the relative independence it ultimately afforded adult women. In the imperial age, the Romans married *sine manu*, meaning that a married woman remained in the legal power of her father rather than her husband.⁴¹ Women married at a significantly younger age than men, so it was common for a girl's first marriage to be arranged by her parents. But after her emancipation or her father's death, an adult woman was legally independent, a status which many wives in the Roman empire must have enjoyed.⁴²

The position of women was also strengthened by the fact that the Romans practiced partible inheritance, and daughters played a major role in the devolution of property. Moreover, the Romans practiced dotal marriage (with a dowry), so that the woman brought at least part of her share with her into marriage.⁴³ Yet the dowry remained the property of the wife or, if she was still in his power, her father. The husband had the right to use the dowry during the marriage, but legally it remained a distinct fund. Roman law strictly prohibited the transmission of property between living spouses.⁴⁴ All of a woman's property remained technically separate from her husband's goods, so that on divorce or death it was returned to her or her family. Yet the Romans enjoyed considerable testamentary powers which allowed individuals to dispose of their property as they wished.⁴⁵ Testamentary customs gave nuclear structures additional salience in Roman society; agnatic principles intervened particularly when there was a dispute over property or no will to determine its ownership.⁴⁶

The marriage bond in classical Roman law was only lightly regulated by the state.⁴⁷ Marriage was a relationship formed *causa procreandorum liberorum*; it required no formal

³⁹ Arjava 1998.

⁴⁰ Saller 1986, 7–22; Saller 1987, 21–34. Emancipation was not rare, especially in Late Antiquity: Arjava 2001, 42.

⁴¹ Treggiari 1991, 32–6. Cooper 2009, 195–6, notes that this gave women a better position in Roman law than in the succeeding barbarian law codes of the West.

⁴² Arjava 1996, 41–2. On the guardianship of adult females, see below.

⁴³ Gardner 1986, 97–116; Treggiari 1991, 323–64.

⁴⁴ Gade 2001.

⁴⁵ Champlin 1991.

⁴⁶ Treggiari 1991, 365–96, emphasizes the influence of conjugal property structures already in the classical period.

⁴⁷ Corbett 1930; Gaudemet 1980, 46–103; and Treggiari 1991. For the late empire, see *CTh* 3.7.3 (428) on the informality of marriage with Sargenti 1981.

ceremony or property exchanges. It required only marital intent from the parties to the marriage, consent from all those who were a party to the marriage (including the *patres familias*), and legal capacity to marry (age, degrees of separation, status, and citizenship).⁴⁸ Because mutual intent defined marriage in classical law, a marriage could be dissolved by one of the spouses. This system of free and unilateral divorce meant that marriages could be ended, with or without cause, by either the husband or the wife, although judges could award the husband part of the dowry if the wife was culpable for the divorce or if there were children.⁴⁹ Yet this liberal legal regime of divorce belies the fact that Romans of the imperial age placed a high value on marriage.⁵⁰ Tracts, letters, and tombstones abundantly attest the importance of the marriage bond in imperial society. Monogamy was the bedrock of Roman society, marital concord was a core social value, and private life was a domain of extreme importance.⁵¹

Roman family law would undergo fundamental transformation in Late Antiquity. The reign of Constantine marked the major departure, in both style and substance. Family law was a central concern for Constantine: in one tally, at least 80 of the nearly 400 surviving extracts of Constantinian legislation concerned the family.⁵² Constantine's legislation often yielded to pragmatism over formalism, yet Constantine's laws fit into no coherent pattern, not even one organized around "Christian" principles. In many cases, especially regulations protecting female sexual honor, the first Christian emperor intensified the state's role but wholly accepted traditional boundaries, with their firm basis in social status.⁵³

Among the "most famous and misunderstood" legal enactments of Constantine was his *Ad Populum* edict of 320.⁵⁴ This broad and multi-part reform repealed the Augustan penalties for celibacy and childlessness.⁵⁵ Augustus had limited the ability of unmarried adults to receive inheritances or legacies from outside their close kin and restricted the ability of childless spouses to inherit from one another. Constantine removed the penalties for celibacy and childlessness, although he left in place the limits on inheritance between childless spouses: Roman law continued to protect a family's property against diffusion through daughters who had no children.⁵⁶ This edict has been seen as a concession to Christianity, but the enactment itself claimed to be acting against the "lurking terrors of the laws," and the other parts of the *Ad Populum* law demonstrate an effort to simplify and streamline several onerous aspects of the classical law.⁵⁷ No less important were the measures which simplified the requirements of formal language and procedure in testation.⁵⁸

⁴⁸ Treggiari 1991, 37–80.

⁴⁹ Treggiari 1991, 350–6.

⁵⁰ Treggiari 1996, esp. 38–9.

⁵¹ Veyne 1987, 33–50.

⁵² Evans Grubbs 1995, 2.

⁵³ Beaucamp 1990, 109, 203–4. See, e.g., *CTh* 9.7.1 (326) where the rules of adultery do not apply to women *quas vilitas vitae dignas legum observatione non credidit*.

⁵⁴ Evans Grubbs 1995, 118–9.

⁵⁵ Gaudemet 1992. The law originally included *CTh* 8.16.1, 3.2.1, 11.7.3, 4.12.3, *CJ* 6.9.9, 6.23.15, and 6.37.21. Evans Grubbs 1995, 119. See Mommsen, *Codex Theodosianus*, 1.1, ccxiv–ccxv. Seeck 1919, p. 59–61.

⁵⁶ Although special exemptions were apparently granted "lavishly." See Arjava 2001, 39.

⁵⁷ *CTh* 8.16.1: *imminentibus legum terroribus*.

⁵⁸ *CJ* 6.9.9, 6.23.15, 6.37.21.

Constantine also initiated a series of reforms that gave increasing legitimacy to the succession of property through the nuclear family. The Romans had long believed that children should inherit their parents' property, and they wrote their wills to that effect. But in Late Antiquity, this pattern was increasingly reinforced by public law, even where it intruded on the intricate logic of classical jurisprudence. For instance, Constantine enacted legislation protecting the ability of children to inherit from their mother by limiting the father's ownership over *bona materna*.⁵⁹ If a mother died, she could not technically leave her property to her children while they were still in the *potestas* of the father. But women did effectively leave their children property, on the condition of the children's emancipation or through *fideicommissa*. In a law of 315, Constantine declared that fathers could enjoy the *usufruct* of such property but not alienate it.⁶⁰ In a later law, fathers who remarried preemptorily lost even the control over the *bona materna* of their children from the first marriage—a solution that “did not fit very elegantly into the Roman legal system,” but which ensured the transmission of property to children.⁶¹

On the rules of succession, these reforms of Constantine were a bellwether of change. Later emperors consistently protected the customs of nuclear succession, but these reforms had precedent in the high empire. A law passed under Hadrian helped mothers with the *ius liberorum* inherit from their deceased children, and Marcus Aurelius permitted children to inherit from their mothers on intestacy.⁶² Constantine allowed mothers to succeed from their children on intestacy, regardless of their possession of the *ius liberorum*, and allowed mothers to make claims against an ungrateful will.⁶³ Later laws extended the Constantinian protections of *bona materna* by ruling that a widow with children could not give more than three-quarters of her estate in a dowry to her new husband.⁶⁴ Children also gained residual inheritance rights from their maternal grandfather, even if their mother was dead.⁶⁵ These reforms reached their natural conclusion in the reign of Justinian, who established equality between the male and female lines in the rules of succession.⁶⁶ The late antique reforms of succession exhibit a pattern of slow and piecemeal development, already begun under the high empire, away from agnatic structures (typically residual and overridden by testation) and towards nuclear property structures.⁶⁷

Constantine also initiated dramatic changes to the laws governing exchanges between betrothed couples. In Late Antiquity betrothals became increasingly formalized and enforced by public law; moreover, men began making a contribution similar to the dowry, allotting part of their property as a donation to a conjugal fund.⁶⁸ Already in the imperial period men might make engagement gifts for the sake of contracting a marriage.⁶⁹ Third-century rescripts reveal that these gifts could be reclaimed if the engagement were broken, unless the man was

⁵⁹ Arjava 1996, 100–5.

⁶⁰ *CTh* 8.18.1 (315).

⁶¹ Arjava 1996, 102 on *CTh* 8.18.3 (334). Justinian, Nov. 117.1 (542), allowed mothers to leave property directly to their children, even if the children remained *in potestate*.

⁶² Hadrian: *Dig.* 38.17.2. Marcus: *Dig.* 38.17.1. Gardner 1986, 196–200.

⁶³ *CTh* 5.1.1 (318). *CTh* 2.19.2 (321).

⁶⁴ *CTh* 2.21.1–2 (358 and 357).

⁶⁵ *CTh* 5.1.4 (389) and *CTh* 5.1.5 (402).

⁶⁶ *CJ* 6.55.12 (528). *Inst.* 3.1.16. *Nov.* 118 (543).

⁶⁷ See too Nov. Val. 21.1 (446).

⁶⁸ Anné 1941 is fundamental. Evans Grubbs 1995, 156–83; Arjava 1996, 52–62.

⁶⁹ *Dig.* 39.5.1.1; Arjava 1996, 55.

responsible for its dissolution.⁷⁰ Grooms' gifts were apparently more common in the eastern empire. Disputes over these arrangements increasingly found their way into Roman courts in the aftermath of the Antonine Constitution, so "there was a need for a general imperial ruling" on the fate of betrothal gifts in broken engagements.⁷¹ In 319, Constantine ruled that whichever party broke off the engagement lost all rights to gifts made during the betrothal.⁷² He ruled that this would hold *regardless* of cause, since any claims against the character of the fiancé(e) should have prevented the engagement in the first place. He also specified that if the engagement was ended by death, the gifts were returned. Constantine provided a rule covering an area of social life for which there was not a general principle of law, and he thus made betrothal a legally consequential act.

Later laws of Constantine fine-tuned his initial reforms of betrothal, but the system underwent a major overhaul later in the fourth century.⁷³ At some point before 380, Roman legislators instituted a system in which betrothals were insured by the exchange of earnest payments, called *arrhae*.⁷⁴ Breaking the engagement entailed repayment of the *arrhae* times four. The elaboration of this rule encouraged a distinction between the *arrhae* and the contribution made by the husband to the conjugal fund, which became known as the *donatio ante nuptias*. Such gifts were not an unusual element of local customs throughout the empire, especially in the east, but from fourth century they rapidly took on increasing significance in Roman law.⁷⁵ Ultimately, the *donatio* came to be seen and treated as a counterpart to the dowry. Legal rules governing the management and fate of the dowry were applied to the *donatio*.⁷⁶ For instance, both were forfeited by the guilty party in case of divorce.⁷⁷ Thus, during Late Antiquity, Roman law moved from a purely dotal system to one based on dual gifts into a conjugal fund. In fact, although dowry would survive in the east, it was eclipsed in the west by a nuptial exchange system dominated by the groom's gifts.⁷⁸

In step with these other reforms, the rules governing guardianship over minors were modified in the fourth century. The Roman family was surrounded by death, and it would be hard to overestimate the significance of the guardianship of minors in ancient society.⁷⁹ In the classical period, a minor who lost his or her father received a legal guardian, a *tutor*.⁸⁰ The tutor could be appointed by the father in his will.⁸¹ If none was appointed, then the nearest paternal male relative automatically occupied the role, and if no such relative existed, a trustworthy substitute was to be appointed by magistrate.⁸² The widow could not legally act as tutor for her own children, although men evaded this technicality by bequeathing their property to the

⁷⁰ *Epitome Codicum Gregoriani et Hermogeniani Wisigothica*, 2.1 (CE 259) and CJ 5.3.1–14.

⁷¹ Evans Grubbs 1995, 158.

⁷² *CTh* 3.5.2 (319).

⁷³ *CTh* 3.5.3–6 (330–335).

⁷⁴ *CTh* 3.5.10–11 (380). Anné 1941, 87–135.

⁷⁵ Anné 1941, 239–471; Arjava 1996, 56.

⁷⁶ Anné 1941, 341–2, 369–72.

⁷⁷ *CTh* 3.16.2 (421).

⁷⁸ Bougard et al. 2002; Arjava 1996, 60–2; Hughes 1978. See Falchi 1995, for the long survival of dual gifts in the east.

⁷⁹ See the demographic simulations of Saller 1997, 28–33, and Saller 1991, 37.

⁸⁰ Crook 1967, 113–8. *Dig.* 26 covers tutelage.

⁸¹ *Dig.* 26.2.1.

⁸² *Dig.* 26.4.1 and 26.5. For the role of the widow in requesting a tutor, Beaucamp 1990, 315–20.

mother under a trust or usufruct.⁸³ They also evaded it practically by ordering the widow to monitor the tutor's actions. Already in the early empire, women were often "virtual guardians" of their children, a reality that became increasingly recognized in Roman law.⁸⁴ In the fourth century, the guardianship of widows over their children was legally recognized, but only if no agnatic relatives existed; later enactments specified that she had to remain unmarried to enjoy the role.⁸⁵

Likewise, the tutelage of women was the object of significant reform, although it is notoriously difficult to follow the path of change in the laws that survive. Women without a living father were *sui iuris*, but even after the age of majority, women were subject to legal incapacities if they acted without a guardian.⁸⁶ Augustus allowed women who gave birth to three children—not unusual given the fertility patterns of the Roman population—the *ius liberorum*, enabling them to act without a tutor.⁸⁷ During the imperial period, there are signs that guardianship over adult females was becoming obsolete.⁸⁸ Little mention of it is made in post-classical law. Yet, in the papyri, women continued to cite the *ius trium liberorum* until 389 CE.⁸⁹ Moreover, they would continue for centuries to specify when they acted without a tutor. In a detailed analysis, Beaucamp demonstrated that women acting without a tutor were widows, while only husbands acted as tutors.⁹⁰ The logical conclusion is that women could act independently if their husband had died, but living husbands were expected to be present at property transactions, especially ones involving the patrimony. These developments reflect "the reinforcement of the nuclear family cell, privileging the common patrimony of the couple."⁹¹

Divorce marks the ultimate test of late Roman legislation on the family, for it sits at the crossroads of the moral, social, and economic aspects of marriage.⁹² Yet the complex history of divorce legislation in the late empire demonstrates that no clear pattern of social or ideological change can explain the development of late Roman law. In 331, Constantine overturned the system of unilateral divorce.⁹³ He issued a law restricting the grounds for divorce to the most heinous crimes.⁹⁴ If a woman repudiated her husband for any other cause, she not only lost her dowry, she was deported. If a man repudiated his wife without just cause (limited to a restricted class of offenses, but including adultery), he had to return the dowry and remain unmarried. If he took a second wife, his first wife could make a claim against the dowry of the second wife. Constantine abolished a woman's ability to divorce her husband, while making it inconvenient for a man who wished to remarry to seek a divorce.⁹⁵ This was an extraordinary reversal of classical principles, but Constantine's reforms were not to endure. His nephew Julian repealed the measure. We are informed about this development only by the comments

⁸³ Saller 1991, 40–1.

⁸⁴ Arjava 1996, 90–1.

⁸⁵ *CTh* 3.17.4 (390), which assumes that female guardianship already exists. Beaucamp 1990, 46–7, 325–30.

⁸⁶ Gardner 1986, 5–29.

⁸⁷ Gaius, *Inst.*, 1.145.

⁸⁸ Gaius, *Inst.*, 1.190.

⁸⁹ BGU 3.943 (389).

⁹⁰ Beaucamp 1992, 193–267.

⁹¹ Bagnall 1995, 77.

⁹² Bagnall 1987; Arjava 1988; and Memmer 2000.

⁹³ *CTh* 3.16.1 (331).

⁹⁴ Namely, murder, concocting poisons, and violating tombs.

⁹⁵ Evans Grubbs 1995, 228–32, for a detailed analysis.

of the author known as Ambrosiaster, who complained that Julian's law had allowed women to divorce their husbands "freely" and "constantly."⁹⁶ Perhaps this was just traditional misogyny, or perhaps men were still able to divorce their wives after the reform of Constantine. Conceivably it was easier for a husband to coerce his wife into a mutual divorce than the reverse. Nevertheless, during the reign of Julian the classical regime of free, unilateral divorce was reestablished.⁹⁷

In the fifth century, the law of divorce was the object of a back-and-forth exchange between the western and eastern halves of the empire, in which the east generally supported a more liberal regime. In 421 a law was issued in the western empire which re-established limits on unilateral divorce.⁹⁸ This law promulgated a completely new system of rules. It maintained a double standard between men and women, but now there were three categories of justification: without cause, minor cause, and grave offenses. If a woman repudiated her husband without cause, she lost the dowry and donation and was exiled; for the same offense, a man lost the property and could not remarry. Divorce on the grounds of minor cause entailed loss of the property and inability to remarry for the woman, the loss of property and a two-year inability to remarry for the man. For grave offenses, a man could unilaterally divorce his wife without penalty, and a woman could do the same to her husband but with a five-year inability to remarry. The law thus established penalties for unilateral divorce, albeit much lighter ones than Constantine had decreed. The concern with both dowry *and* nuptial donation is evident, and revealing. Mutual divorce remained entirely permissible.

When the *Theodosian Code* became effective in the east on January 1, 439, the restrictive western standard became generally valid in the eastern empire, but within a year Theodosius II repealed the law in his provinces and restored the classical system of free divorce.⁹⁹ In 448, with the adoption of Theodosius II's novels, this more liberal standard temporarily became law in the west, but in 452 Valentinian III returned again to the restrictive law of 421, which would remain the last word of Roman law on divorce in the west.¹⁰⁰ In the east, an attempt at compromise was issued in 449, with a broader list of justifications for unilateral divorce and substantially reduced penalties.¹⁰¹ The liberal attitude would prevail in the east to the reign of Justinian. Justinian first maintained the outlines of the Theodosian compromise, although he showed opposition to the double standard.¹⁰² But in 542, amidst the ravages of the plague, he instituted a rule harsher than anything imagined by Constantine or the other western rulers: he outlawed consensual divorce.¹⁰³ This radical innovation was undone by Justin II in 566, who was pressured by unhappy couples to reverse the policy of his uncle.¹⁰⁴

Even this abbreviated presentation of major legal developments prompts a series of difficult questions about the late antique family. First, what were the driving forces behind the

⁹⁶ Ambrosiaster, *Quaestiones veteris et novi testamenti*, 115.12. Ed. A. Souter, CSEL 50 (Vienne, 1908) 322: *coeperunt enim cottidie licenter viros suos dimittere*. See Arjava 1988, 9–13.

⁹⁷ For the endurance of Julian's law until 421, see Arjava 1988, 9–12.

⁹⁸ *CTh* 3.16.2 (421).

⁹⁹ *Nov. Theod.* 12 (439), with the requirement of a formal *repudium*. See Memmer 2000, 500–1. Sirks 2007, p. 189, argues that the laws retained the original geographic limitations on their validity, but Honoré 1998, p. 130–2 is convincing.

¹⁰⁰ *Nov. Val.* 35.11 (452).

¹⁰¹ *CJ* 5.17.8 (449). The law also included the requirement of a formal *repudium*.

¹⁰² *CJ* 5.17.10–1 (528).

¹⁰³ *Nov. Just.* 117.8–10 (542).

¹⁰⁴ *Nov. Just.* 140 (566). See McCail 1968.

changes to the law in Late Antiquity? The two principal suspects are Christianity, of course, and also provincial custom, whether eastern or western. Second, how are laws to be interpreted as evidence for social practice? Were the laws effective in shaping social habits, or do they represent a conversation that reveals little more than the perception and desires of the state? These are classic problems in the study of late Roman law, and in recent years new approaches to socio-legal history have brought greater clarity to these issues.

The question of Christian influence on late Roman law has been a dominant theme in the study of the late Roman family. Influence can be construed in different ways. At times, scholars have looked for the Christian—Hosius or Ambrose—whispering into the emperor's ear.¹⁰⁵ More generally, Christian ideology, in favor of a strong or indissoluble conjugal bond, is detected behind trends in law-making.¹⁰⁶ But the thesis of Christian influence has been profoundly undermined. Often, the differences between “pre-Christian” habits and Christian ideology have been overstated.¹⁰⁷ The patterns of legal development disprove any neat, linear theory of change; in many cases, Christian doctrine was too formless to be suspected of having influence, or the correspondence between law and doctrine was so weak that influence is doubtful.¹⁰⁸ Divorce is a prime example. Divorce was discouraged in pre-Christian society; the pattern of legislation throws into doubt the suspicion that Christianity was the driving force of change; only around 400 was a consensus Christian view of divorce consolidated; and none of the legal enactments, before Justinian's law of 542, closely reflect Christian teaching.¹⁰⁹

Provincial custom was a more important influence on late Roman law, but it too risks being overstated. Western (under the rubric of “vulgarization”) and eastern (“orientalizing”) influences have been detected behind the development of late Roman law, but there was no coherent pattern of borrowing.¹¹⁰ It is often the case that the imperial chancery chose to adapt, rather than adopt, provincial norms, and the impetus behind such change was pragmatic reform, rather than ideological activism or simply a breakdown of classical jurisprudence. The rules governing pre-marital exchanges are a revealing example. In the fourth century, the Roman state adapted a form of earnest payment drawn from the realm of commerce (the *arrhae*) and applied it to betrothal contracts.¹¹¹ At the same time, the government began to regulate pre-marital gifts from the groom (*donationes ante nuptias*) in slightly different form in the east and the west, recognizing local differences of practice. While such gifts from the groom were not entirely new, they were apparently increasing in importance, so the state responded by regulating an area of social practice for which it lacked an adequate set of rules.

¹⁰⁵ Gaudemet 1980, 119–20 (cautiously); Sargenti 1975, 279, suggests that Ablabius was behind the social legislation of Constantine during the later part of his reign; Evans Grubbs 1995, 134 (with further citations for Hosius' influence) and 253–260 (where she allows some Christian influence on the divorce law of Constantine and the abolition of the penalties for celibacy). For Ambrose, e.g. Watson 1995.

¹⁰⁶ E.g. Anné 1941, 127–35, 456–60; Wolff 1950. Gaudemet 1962; Reynolds 1994, 64.

¹⁰⁷ Evans Grubbs 1995, 54–102.

¹⁰⁸ Gaudemet 1980, 123: “c'est l'époque où le dogme s'affirme et se précise.” Krause 1994–5, vol. 1, 171–81.

¹⁰⁹ Bagnall 1987, 41–61. For the development of a Christian doctrine of divorce, see esp. Reynolds 1994, 173–226. For pre-Christian attitudes, see Arjava 1988, 6–7 and Treggiari 1996, 40.

¹¹⁰ The classic statements are Mitteis 1891 and Levy 1951. Cf. Sargenti 1938 and see now esp. Liebs 2008.

¹¹¹ Anné 1941, 103, 124–5.

The changes in family law during Late Antiquity are best explained by institutional, rather than social or ideological change. In the deep background of all late antique lawmaking lies the Antonine Constitution. While the reign of Diocletian saw a massive effort to enforce the rules of classical Roman law across the empire, the reign of Constantine initiated a new period, one more willing to accept regional practices, more open to pragmatism.¹¹² Constantine was ready to provide public enforcement in areas where the classical law had remained silent and relied on the self-regulating behavior of the upper classes.¹¹³ The Mediterranean scope of Roman jurisdiction in Late Antiquity provided the background for a slow, dialectical accommodation between public law and social praxis.¹¹⁴ As Menander Rhetor observed late in the third century, “In matters of state an orator considers whether the city fastidiously observes the customs and affairs of law, such as inheritances and female succession to property. But this aspect of praise is also obsolete, since the laws of the Romans are used by all.”¹¹⁵ Roman civil law in Late Antiquity answered to a wider citizen base than ever before.¹¹⁶

Not only was Roman law in the late empire universally valid, it is now broadly recognized that the late Roman administration was more effective and responsible than once believed.¹¹⁷ A revisionist view emphasizes the quality of legal training, the judicial competence of Roman officials, and the strong interaction between law and society in the late empire. A sharp awareness of Roman law and its significance runs through the literary sources of the period. “When we take wives, make a will, buy slaves, houses, fields, and such, we do it not according to private form, but as the imperial laws command.”¹¹⁸ Yet this passage equally betrays the limits of Roman law as an influence on social habits. With Roman law, the concern with property was always in the fore. The principal function of the state’s law was to regulate, to provide publicly enforceable rules for transactions between parties that might result in dispute. And in family law, private contracts were fundamental, as the documentary record shows.¹¹⁹

The example of divorce is revealing. The system of free divorce, characteristic of the classical law, was inextricable from an agnatic property regime in which the marriage bond involved few property transfers. In the late empire, the law increasingly recognized the

¹¹² For Diocletian, see Corcoran 2006, 31–62. Constantine was not alone. Cf. the rescript of Licinius: CJ 3.1.8 (314): *placuit in omnibus rebus praecipuam esse iustitiae aequitatisque quam stricti iuris rationem*.

¹¹³ Harper forthcoming.

¹¹⁴ See, e.g., Arjava 1998, 158–9, for the diffusion of *patria potestas* in the provinces.

¹¹⁵ Menander, *Division of Epideictic Speeches*, 1.364.10. Ed. Russell, Wilson, 68: ἐν μὲν τοῖς κοινοῖς ἐστὶ νόμιμα καὶ περὶ ἐν οἷς νόμοι τίθεται ἄκριβεις ἐ πόλις, κληρὸν ἐπικλήρων, καὶ ἕσα ἄλλα μέρη νόμων· ἄλλ’ καὶ τοῦτο τὸ μέρος διὰ τὸ τοῖς κοινοῖς χρῆσθαι τῶν ῥωμαίων νόμοις ἄχρηστον. See Garnsey 2004, p. 148–9.

¹¹⁶ Garnsey 2004, 133–55.

¹¹⁷ See esp. Harries 1999 and in this volume. Honoré 1994, 1998.

¹¹⁸ John Chrysostom, *Ad populum Antiochenum*, 16.2. PG 49: 164: κῶν γυναῖκας ἰγώμεθα, κῶν διαθήκας ποιῶμεν, κῶν οὐκέτας ἐνεῶσθαι μέλλωμεν, κῶν οὐκίας, κῶν ἐγροῖς, κῶν ἐτιοῦν ἕτερον ποιῶν, οὐκ οὐκεί’ ἐ γνώμ’ ἐταῦτα πράττομεν, ἐλλ’ ἐπως ἐν ἐκεῖνοι (sc. βασιλικοὶ νόμοι) διατάξωσι.

¹¹⁹ Arnaoutoglou 1995. Bagnall 1995, 73. See also Memmer 2000, 495.

realities of conjugal property, and, in tandem, unilateral divorce became more difficult.¹²⁰ The keyword is unilateral. The state penalized parties who left a marriage without coming to an agreement. The new rules would have changed the dynamics of negotiating a divorce settlement, but they did not prevent divorce.¹²¹ The papyri of the late empire show that men and women “knew and used imperial law,” without strictly following its prescriptions.¹²² The conclusion to be drawn is not that the state’s law was socially irrelevant, but that its effect (and perhaps purpose) was to discourage couples from separating, in an ever more conjugal property system, without coming to terms. Justinian’s ban on mutual divorce was the exception, for his was a piece of moral activism. But it is dangerous to read the pattern of development as though the tendencies of earlier enactments were fulfilled in the reign of the idiosyncratic Justinian, whose reputation as a Christian emperor and a *legislator uxorius* still holds.¹²³

If there is an overarching pattern of change in the legal record, it is neither Christianization nor provincialization, but a broad shift towards the recognition and regulation of nuclear principles of property ownership and transmission.¹²⁴ This was not driven by social change, for many of the underlying patterns were evident in the practices of the high empire.¹²⁵ The institutional setting of Roman law in an empire of universal citizenship and the pragmatic streak in imperial law-making reconfigured the relationship between social custom and public rules. Nuclear property structures gained ground in family law; however, this very focus on regulating property marks the essential limit on the law as evidence for the late Roman family. Roman civil law provided a script for the transmission of property through the family across time. To access the cultural and social dimensions of the Roman family, we must broaden the inquiry to include an array of literary and documentary sources.

Christian Triumph and the Family

The conversion of Constantine and the proscription of paganism under Theodosius I catalyzed a process through which Christianity became the dominant religion in the empire.¹²⁶ From Gibbon to Gaudemet to Goody, the history of the family in Late Antiquity has been inseparable from the story of Christian expansion. The written record of Late Antiquity is dominated by Christian literature, and one of the principal achievements of late antique scholarship has been simply untangling the theology and cultural logic of the vast textual corpus.¹²⁷ The problems, however, become even more daunting when historians try to move outside the texts. In other words, the hardest question is the one that MacMullen so directly posed: What difference did Christianity make?¹²⁸ To answer such a question, it is necessary to

¹²⁰ Bagnall 1987, 84, is worth quoting in full: “The liberality of the classical Roman law of marriage and divorce is inseparable from a legal structure that largely insulated the transmission of patrimonial property to male heirs from the vicissitudes of marriage. As property came to be conceived of as the goods of the couple, as *de facto* happened already under the earlier empire, this link became unstable.”

¹²¹ See Mnookin and Kornhauser 1979, for the classic discussion of how divorces are settled “in the shadow of the law.”

¹²² Beaucamp 1992, 102.

¹²³ Arjava 1996, 260–1; Beaucamp 1990, 23–4.

¹²⁴ Beaucamp 1989.

¹²⁵ See Saller 1991, 46–7.

¹²⁶ MacMullen 1984.

¹²⁷ E.g. Reynolds 1994.

¹²⁸ MacMullen 1986.

identify the distinctly Christian norms of marriage and then to evaluate the mechanisms through which Christian ideology could have effected change.

An immediate challenge is that the surviving literature over-states the importance of asceticism in late Roman society.¹²⁹ Moreover, Christian authors writing in favor of marriage were often writing *against* ascetic extremism, so that even the tracts written “on the good of marriage” offer a rather stilted perspective.¹³⁰ It is thus imperative to seek out the ideals of the family which prevailed amongst that “silent majority” who continued to reproduce ancient society, generation after generation.¹³¹ For this purpose, conciliar canons, tracts in defense of marriage, and pastoral instruction provide the essential sources. In these texts, one notices immediately the striking similarities between the ideals of pagan marriage and the norms of Christian matrimony. Christianity absorbed the structural elements of Greco-Roman marriage, based on monogamous (which, in its strict, socially-imposed form, was distinctly Greco-Roman rather than Jewish) unions for the purpose of legitimate procreation.¹³² The church accepted the patriarchal arrangements inherent in secular marriage, down to the rules of status required for *connubium*.¹³³ More profoundly, Christianity embraced the Greco-Roman valorization of marital concord; the ideal of a “partnership of mutual trust based on honorable love” was easily received into Christian ideology.¹³⁴ But there were also important divergences between pre-Christian and Christian marriage, of which two deserve special attention: a belief in the indissolubility of marriage and the ideal of sexually-exclusive marriage.¹³⁵

The doctrine of indissolubility which prevailed in late Roman Christianity held that a marriage was the joining of two into one flesh.¹³⁶ This view entailed strong opposition to both divorce and remarriage, even in the case of a spouse’s death.¹³⁷ Yet it is dangerous to speak of “Christian” thought as a uniform phenomenon. The late antique church did not present a united front, and one of the most important developments of the fourth century was the effort, in the context of mass-scale conversion to Christianity, to flesh out a model of Christian

¹²⁹ Jacobs and Krawiec, 2003, 257–63.

¹³⁰ Hunter 1989; Clark 1986.

¹³¹ Cooper 2007a, esp. 38, is an effort to do just this. Jacobs 2003; Harrison 1996.

¹³² On the continued existence of polygamy in Roman-era Judaism, see Scheidel 2009; Williams 2005; Satlow 2001, 188–92; Ilan 1996, 85–8. Augustine, for instance, recognized that monogamy was a distinctly Roman custom. Augustine, *De bono conjugali*, 7.7. Ed. J. Zycha, CSEL 41, 197: *et tamen non licet, et nostris temporibus ac more Romano nec superducere, ut amplius habeat quam unam vivam*. CJ 1.9.7 (393): *Nemo iudaeorum morem suum in coniunctionibus retinebit nec iuxta legem suam nuptias sortiatur nec in diversa sub uno tempore coniugia conveniat*.

¹³³ Basil of Caesarea, *Epistulae*, 199.40. Ed. Y. Courtonne, *Lettres*, 3 vols. (Paris, 1957–1966) vol. 2, 162: □ παρ□ γνώμην το□ δεσπότου □νδρ□ □αυτ□ν □κδιδο□σα □πόρνευσεν, □ δ□ μετ□ τα□τα πεπαρρησιασμέν□ γάμ□ χρησαμένη □γήματο. □στε □κε□νο μ□ν πορνεία, το□το δ□ γάμος. Α□ γ□ρ συνθ□και τ□ν □πεξουσίων ο□δ□ν □χουσι βέβαιον.

¹³⁴ Augustine, *De civitate Dei*, 14.26. Eds. Dombart, Kalb, CC 48, 449: *inter se coniugum fida ex honesto amore societas*. See Dixon 1996, for the Roman sentimental ideal. Treggiari 1991, 205–61. Saller 1997 criticizes the practice of using legalistic kinship structures as a paradigm for the Roman family. This is a crucial point as we consider the question of Christian influence, since there is a lingering tendency to contrast the wife’s position outside the husband’s *familia* in Roman law with the “Christian” view of the family centered on the conjugal bond.

¹³⁵ Sargenti 1985, 367–91, offers a perceptive discussion.

¹³⁶ Gaudemet 1980, 230–89.

¹³⁷ Humbert 1972, 301–45.

marriage.¹³⁸ Into the fifth century, there remained disagreement about Christian justifications for divorce (the “Matthean Exceptions”) and the capacity of men and women to remarry after a divorce.¹³⁹ In parts of the empire, even a man who legitimately divorced his wife on the grounds of fornication was punished with excommunication if he remarried while his spouse was alive.¹⁴⁰ Remarriage after the death of a spouse was strongly discouraged and in some cases punished, and on the question of widowhood Christian leaders struggled to wrest a coherent position out of a contradictory set of scriptures.¹⁴¹ Basil envisaged a short period of penance for a second marriage, but regarded a third as a sort of fornication rather than a legitimate union.¹⁴² More abstractly, in order to discourage remarriage, bishops could evoke the belief in an afterlife and an eternal family that continued to exist after death.¹⁴³

The most distinctive element of Christian marriage was its insistence on sexual exclusivity from both spouses. The Greeks and Romans were monogamous—men married and created children through one, legitimate wife.¹⁴⁴ They valued marriage and marital harmony, but the striking fact is that only one surviving author of the Roman empire, Musonius Rufus, made an unambiguously strong case for sexually-exclusive marriage.¹⁴⁵ Plutarch, in his *Advice to the Bride and Groom*, ultimately urged women to bear their husband’s escapades lightly.¹⁴⁶ The Roman model of marriage simply did not demand sexual exclusivity from men. To call it a double standard is to trivialize the problem. The Greeks and Romans operated with a dual standard, two patently different sets of expectations in sexual behavior. This pattern was rooted in social structure. Female chastity was enforced in the name of ensuring patrimonial legitimacy.¹⁴⁷ While men were viciously punished for violating free women, they were permitted to use dishonored women—prostitutes, concubines, and slaves—as sexual partners. Public law reinforced the system by protecting the sexual honor of respectable women and exposing dishonored women to the remainder of male desire.¹⁴⁸ Salvian complained that Roman policy amounted to “forbidding adulteries, building brothels.”¹⁴⁹ The average age at marriage strengthened the dual standard, with men entering marriage nearly a decade after sexual maturity. Young men were simply assumed to enter marriage with sexual experience.

¹³⁸ Crouzel 1971.

¹³⁹ Reynolds 1994, 173–226.

¹⁴⁰ Reynolds 1994, 213–26. See Augustine, *De adulterinis coniugiis*, 2.16.16. Ed. J. Zycha, CSEL 41 (Vienna, 1900) 401–2.

¹⁴¹ E.g. John Chrysostom, *De non iterando conjugio*, 3. Ed. B. Grillet, G. Ettliger, SC 138, 172–4. See Grillet 1968, 46–7.

¹⁴² Basil of Caesarea, *Epistulae*, 188.4. Ed. Courtonne, vol. 2, 125. See Dauvillier and De Clercq 1936, 195–200.

¹⁴³ John Chrysostom, *Ad viduam juniorem*, 3. Ed. G. Ettliger, B. Grillet, SC 138, 126–32. Cooper 2007a, ix. See Shaw 1984, for Christian mortuary practices.

¹⁴⁴ Betzig 1992a and 1992b.

¹⁴⁵ Treggiari 1991, 220–2. Musonius Rufus, *Discourses*, 12. Ed. C. Lutz, 84–6.

¹⁴⁶ Plutarch, *Conjug. praec.*, 140B. Ed. F. C. Babbitt, vol. 2, 308.

¹⁴⁷ E.g. Asterius of Amasea, *Sermones*, 5.11.2. Ed. Datema, 51: Γάμος γάρ τούτων χάριν τῶν δύο συνίσταται, διαθέσεως καὶ παιδοποιΐας, ὃν οὐδέτερον μετὰ μοιχείας σώζεται... Οὐ μὲν γὰρ ἄνδρες, φασί, κῆν πάνυ πολλαῖς γυναιξὶ πλησιάσωσιν, οὐδὲν τῶν ἁστίων λυμαίνονται· ἀλλὰ δὲ γυναῖκες, ἕξ ἢ ἑπταμάρτανουσι, κληρονόμους ἑλλοτρίους ταῖς οὐκίαις καὶ τοῖς γένεσιν ἁπεισάγουσιν.

¹⁴⁸ Cohen 1991. McGinn 1998, *passim*.

¹⁴⁹ Salvian, *De gubernatione Dei*, 7.22. Ed. Halm, 101–2: *adulteria uetantes, lupanaria aedificantes*.

Married men also enjoyed sexual freedom with slaves and prostitutes, since adultery was determined by the status of the woman involved.¹⁵⁰ Flagrant excess was poor form, but hardly damnable.¹⁵¹

Prostitution, concubinage, and slavery played distinct, complementary roles in this sexual economy.¹⁵² Prostitution was an accepted institution in the ancient city, regulated and taxed by the Roman authorities.¹⁵³ The prostitute was defined, legally, as a sexually available woman.¹⁵⁴ While many prostitutes were in fact slaves, what distinguished prostitution from sexual relations with concubines or household slaves was its public nature. The prostitute was the public woman. The sexual use of slaves, on the other hand, was an act of private power; masters enjoyed complete access to the bodies of their slaves, and sexual exploitation was simply a presumptive aspect of the master-slave relationship.¹⁵⁵ Augustine imagined that prostitution existed, in effect, as an alternative for those who could not afford private sexual objects.¹⁵⁶ Concubinage was a more complex institution, in its broadest form any semi-permanent relationship that could not qualify as marriage.¹⁵⁷ But in the late empire, its most common form was a stable sexual relationship between a man and a socially inferior woman, often his own freedwoman.¹⁵⁸ It played a demographically important role, allowing men to enjoy temporary sexual partnerships in the years before marriage or after the death of a wife, especially if an heir existed. Concubinage was thus more open, less casual than mere sex with household slaves, but the distinction was slippery. The lines between prostitution, concubinage, and slavery could be vague, because they played such similar roles in the social landscape of ancient sexuality.¹⁵⁹

This sexual culture was criticized by Paul in the crucial seventh chapter of his first letter to the Corinthians. He specifically allowed marriage as an alternative to fornication. The word *porneia* in this context should not be translated narrowly as prostitution, nor blandly as “extra-

¹⁵⁰ Treggiari 1991, 279–80.

¹⁵¹ The perfect example is preserved in the anecdotes about Cato the Elder, who approved of visits to the brothel, but not too often: Horace, *Sermones*, 1.2. Ed. O. Keller, A. Holder, vol. 1, 14–15. *Pseudacronis scholia in Horatium vetustiora*, 1.2. Ed. O Keller, vol. 2, 20: *postea cum frequentius eum exeuntem de eodem lupanari vidisset, dixisse fertur, adulescens ego te laudavi, tamquam huc intervenires, non tamquam hic habitares.*

¹⁵² What follows is developed in greater detail in Harper forthcoming, Chapter 7.

¹⁵³ Until CE 498. Procopius of Gaza, *In imperatorem Anastasium panegyricus*, 13. PG 87c:2812–2813. See McGinn 1998, 273.

¹⁵⁴ *Dig.* 23.2.43.1–3.

¹⁵⁵ Finley 1998, 163.

¹⁵⁶ See for instance Augustine, *De civitate Dei*, 2.20. Eds. Dombart, Kalb, CC 47, 52: *abundant publica scorta uel propter omnes, quibus frui placuerit, uel propter eos maxime, qui habere priuata non possunt.*

¹⁵⁷ Stressed by Friedl 1996.

¹⁵⁸ Beaucamp 1990, 297.

¹⁵⁹ Jerome, *Epistulae*, 69.5. Ed. I. Hilberg, CSEL 54, 688. Gregory of Nyssa, *In canticum canticorum*, 15.6.8. Ed. H. Langerbeck, vol. 6, 462–3. Asterius of Antioch, *Commentarii in Psalmos*, 11.9. Ed. M. Richard (Oslo, 1956) 80. Augustine, *Epistulae*, 259.3. Ed. A. Goldbacher, CSEL 57, 612–3. *Sermones*, 224.3. PL 38: 1095. Salvian of Marseilles, *De gubernatione Dei*, 4.5. Ed. C. Halm, MGH AA 1, 40.

marital sex".¹⁶⁰ In the Greek cities where Paul moved and preached, the word referred to a culture of sexuality in which men were freely allowed sexual access to dishonored women. In fact, the deeply gendered basis of the term explains Paul's relative silence on the sexual rules regarding women—the sexual limits on women were beyond obvious. It was the sexual laxity afforded to men that he intended to correct. Here he was followed by his late antique successors. The Christian leadership of the late empire found little trouble explaining the need for women to enter marriage as virgins and then to remain faithful to their husbands, but the notion that men were not allowed sexual access to dishonored women was radically unfamiliar.¹⁶¹ "I am not unaware that most think it is adultery only to violate a married woman. But I say that it is a wicked and licentious adultery for a man with a wife to have an affair even with a public whore, a slave girl, or any other woman without a husband."¹⁶² "What I am saying is paradoxical, but it is true."¹⁶³

Pre-Christian sexual standards urged men to exhibit moderation or self-control in their sexual behavior, but such ideals were compatible with the exploitation of dishonored women before and even during marriage.¹⁶⁴ The Christian model of marriage consistently demanded that men abstain from pre-marital sex and then remain faithful to their wives. "Among them [the Romans], the bridles of sexual restraint are unloosed for men. The Romans condemn only *stuprum* and *adulterium*, letting lust run wild through whorehouses and slave girls, as though social status makes an offense, and not sexual desire."¹⁶⁵ This was a perceptive description, rightly aware that the dual standard of sexual behavior was immanent in social structure and reinforced by Roman law. Among the most significant legacies of Late Antiquity must be reckoned the Christian adoption of Greco-Roman monogamy, overlaid with a distinctly new sense of sexual exclusivity.¹⁶⁶

To what extent was the church in Late Antiquity capable of imposing its view of marriage on society? It is clear that, even after the headlong progress of conversion in the fourth and fifth centuries, the church as an institution was not able to dominate social mores until much later, perhaps not until the middle Byzantine period in the east, perhaps not until the Gregorian Reform in the west, when it did finally possess the authority to bind and loose

¹⁶⁰ Molina 1972, Jensen 1978, Glancy 1998, Gaca 2003, Osiek 2003. Gaca has shown Paul's dependence on the Septuagint. Moreover, *porneia* is used very sparingly in non-Jewish, pre-Christian authors. This topic is the object of a future study.

¹⁶¹ Clark 1991. See Beaucamp 1990, 17–21, on continuity in the idiom of female sexual morality.

¹⁶² John Chrysostom, *Propter fornicationes*, 1.4. PG 51: 213: Οὐκ ἔγνωσμεν γὰρ ἔτι πολλοὺ μοιχείαν νομίζουσιν, ἔταν τις ἴπανδρον φθείρῃ γυναῖκα μόνον· ἴγῃ δὲ κῆν δημοσίῃ πόρνῃ, κῆν θεραπαινίδι, κῆν ἴλλῃ τινῃ γυναικῇ ἴνδρα οὐκ ἴχούσῃ πρόσχῃ κακῆς καὶ ἴκολάστως, ἴχων γυναῖκα, μοιχείαν τῇ τοιοῦτον εἶναί φημι.

¹⁶³ John Chrysostom, *Propter fornicationes*, 1.4, PG 51:213: Εἴ γὰρ καὶ παράδοξόν ἐστι τὸ εἰρημένον, ἄλλ' ἐληθές.

¹⁶⁴ Brown 1988, p. 5–32. Foucault 1986. Gaca 2003, is right to stress how different the moral grounding of Christian sexuality was from these earlier modes of self-restraint.

¹⁶⁵ Jerome, *Epistulae*, 77.3. Ed. Hilberg, CSEL 55, 39: *Apud illos viris impudicitiae frena laxantur et solo stupro atque adulterio condemnato passim per lupanaria et ancillulas libido permittitur, quasi culpam dignitas faciat, non voluptas.*

¹⁶⁶ Herlihy 1995, (though with caution at 581–2). See Beaucamp 1992, 82–104, for the increasing "moralization" of marriage visible in the papyri, especially with reference to male sexuality. Cf. Satlow 2003, for Jewish parallels.

on earth.¹⁶⁷ This long delay leaves the serious challenge of characterizing lay spirituality in the centuries of Late Antiquity and the early middle ages.¹⁶⁸ The power of the church in this period rested on the twin foundations of pastoral care and penitential discipline. Moral persuasion and spiritual punishment provided the church with the ability to influence, but not dictate, the dynamics of marriage in society. These mechanisms allowed the Christian ideology of marriage to become culturally central, if not publicly enforced, in Late Antiquity.

The homilies of Late Antiquity provide invaluable insight into the relation between ideology and social practices. The Christian leadership of the late empire preached, constantly, on the church's opposition to divorce and remarriage and the requirements of sexual exclusivity. In the sermons of John Chrysostom, Ambrose, Augustine, or Caesarius of Arles, we can watch the effort to convince an audience that Christian marriage required sexual fidelity from men. The campaign against the dual standard of sexual behavior was a common refrain through the preaching of the period. Ambrose despaired that his men felt themselves morally secure for using prostitutes, "like a law of nature."¹⁶⁹ Notably, the bishops found Roman law to be a powerful rival to their vision of Christian marriage. Augustine implored his parishioners to follow the law of heaven, not the law of the forum, on sexual manners, and, in a sermon intended to correct the *cottidiana peccata*, thundered against the sexual exploitation of household slaves.¹⁷⁰ Chrysostom sternly told his audience not to show him "the laws of the outside world."¹⁷¹ The bishops also struggled, sometimes comically, to rationalize the behavior of the Old Testament patriarchs like Abraham when laymen began to proffer such venerable precedents for their habits.¹⁷²

On the one hand, the pastoral campaign was unprecedented, but on the other, its ability to influence behavior was limited. These limits are detectible in a range of documents. Ausonius the Christian courtier could compose a hymn on his favorite slave girl that left little doubt about the nature of his interest: "My precious, my charmer, my toy, my love, my lust! A barbarian, but even you, ingénue, trump the Latin dames! Bissula, a rough name for a soft girl, a little rude to those who don't know you, but delicious in your master's ears."¹⁷³ Paulinus of Pella admitted without remorse—in a poem of thanksgiving to God—that he had restricted his adolescent sexual forays to the slave quarters and had never even known his illegitimate offspring.¹⁷⁴ Agathias could outline the social landscape of sexuality in terms lightly brushed by Christianity; sex with prostitutes and slaves was inconvenient rather than immoral.¹⁷⁵

¹⁶⁷ For Byzantium, Laiou 1985, esp. 195–6. For the Syriac world, see Selb 1992. For the west, see Daudet 1941 and Duby 1978. Though see Reynolds 2007, 15–6, Reynolds 1994, 153, and Toubert 1998, 534–5, for the strong legal position of Christian marriage norms in the Carolingian realm.

¹⁶⁸ Cooper 2007a, xi.

¹⁶⁹ Ambrose, *De Abraham*, 2.11.78. Ed. C. Schenkl, CSEL 32.1, 631: *quia uiri licito se errare credunt, si solo se abstineant adulterio, meretricios autem usus tamquam naturae legi suppetere putant.*

¹⁷⁰ Augustine, *Sermones*, 153.6. PL 38: 828. Augustine, *Sermones*, 9.12. Ed. C. Lambot, CC 41, 131.

¹⁷¹ John Chrysostom, *Propter fornicationes*, 4. PG 51: 213.

¹⁷² Ambrose, *De paradiso*, 13.65. Ed. C. Schenkl, CSEL 32.1, 324; *De Abraham*, 1.4.23. Ed. Schenkl, CSEL 32.1, 518. Augustine, *Contra Faustum*, 22.25. Ed. J. Zycha, CSEL 25.1, 620.

¹⁷³ Ausonius, *Bissula*. Ed. C. Schenkl, MGH AA 5.2, 125–7: *Delicium, blanditae, ludus, amor, voluptas / barbara, sed quae Latias vincis alumna pupas, / Bissula, nomen tenerae rusticulum puellae, / horridulum non solitis, sed domino venustum.*

¹⁷⁴ Paulinus of Pella, *Eucharisticos*, lines 159–172. Ed. C. Moussy, SC 209, 68–70.

¹⁷⁵ Agathias, in *Anthologia graeca*, 5.302. Ed. H. Beckby, vol. 1, 414.

Nevertheless, the pastoral campaign for sexually exclusive marriage was entirely without historical precedent. It marked a departure from the almost universal acceptance of separate sexual standards for men and women which had prevailed since time immemorial. There is no comparison between the feeble and isolated injunctions of a Musonius or Plutarch and the emergence of a universal institution committed to disseminating a new ideology of sexually-exclusive marriage to the public.

The church did possess a stronger reserve of power in its nascent penitential discipline.¹⁷⁶ The church's power was ultimately dependent on the need or desire of its congregants to participate in the liturgy, for its only sanction was excommunication. But the church encouraged adherence to its norms of sexuality and marriage through an elaborate set of rules providing penalties for various violations.¹⁷⁷ Of course even here a dual standard survived which punished male sexual sins more lightly than female errors.¹⁷⁸ Moreover, we might doubt the ability of the church to enforce many of its standards, especially sexual ones which could be difficult to detect or prove. Indeed, in the early fifth century, the bishop of Rome admitted that it was practically impossible to punish wayward husbands for their concealed acts, while Caesarius of Arles lamented that if he were to apply the church's discipline on sexual mores his basilica would be empty.¹⁷⁹ On the matter of divorce, even, where detection and enforcement were theoretically easier, there is little concrete evidence that the church was able to assert its authority.¹⁸⁰ But as the church grew in social importance throughout the early middle ages, it is conceivable that its norms gained institutional grounding through the mechanism of penitential discipline.¹⁸¹

The late antique church was able to wield soft influence over social behavior but not to reshape the dynamics of marriage or family life. It relied on the compliance of individual actors, and thus social agency has become an important dimension in the study of the late Roman family. One of the fundamental achievements of the study of gender in Late Antiquity has been to expose the way that Christianization played off the intricate, internal dynamics of the family.¹⁸² The family was a place of conflict between husbands and wives, parents and children. The family was never a static entity, but a set of processes that involved decisions about property, reproduction, and marriage as family members coursed through the life cycle. The church was sensitive to this fact, even opportunistic. The call of asceticism resonated with young men languishing under *patria potestas*.¹⁸³ More significantly, the church was responsive to the problem of widowhood. Widows were in a vulnerable position, socially and economically, but they also enjoyed an unusual degree of autonomy for women in ancient society.¹⁸⁴ The church was able to provide a social niche that simultaneously protected widows and made use of their independence. Thus, the Christianization of society was shaped by the distribution of power within the ancient family and the inherent tensions of private life.

¹⁷⁶ Reynolds 1994, 144–51.

¹⁷⁷ Bagnall 1987, 48–50, on the canons pertaining to divorce.

¹⁷⁸ Basil of Caesarea, *Epistulae*, 199.21. Ed. Courtonne, vol. 2, 157–8.

¹⁷⁹ Innocent I, *Epistulae*, 6.4. PL 20: 499–500. Caesarius of Arles, *Sermones*, 43.5. Ed. G. Morin, CC 103, 192: *ut in quibus propter infinitam multitudinem non possunt severitatem vel disciplinam ecclesiasticam exercere, monendo vel orando pro eis possint eos vel aliquando ad paenitentiam provocare.*

¹⁸⁰ Bagnall 1987, esp. 59–61.

¹⁸¹ See the cautious remarks of Toubert 1998, 527.

¹⁸² Clark 1984; Cloke 1995; Cooper 1992; Cooper 1996; Vuolanto 2008.

¹⁸³ See Cooper 2007a. Parental opposition became a principal trope of ascetic literature: e.g. Jerome, *Vita Malchi*, 3. Ed. C. C. Mierow, 37.

¹⁸⁴ See Shaw 2002, 216, for epigraphic evidence of the Christian emphasis on widowhood.

One final way to assess the authority of the church in the centuries between Theodosius and the Gregorian reforms is to consider the development of ritual.¹⁸⁵ A Christian ritual of marriage developed slowly and unevenly, and throughout antiquity some form of the household-based *deductio in domum* remained the dominant marriage ceremony. In the east, priests slowly became part of the traditional marriage ritual, blessing the couple and even participating in parts of the ceremony such as veiling, crowning, or the joining of hands.¹⁸⁶ Chrysostom acidly noted, however, that episcopal blessings occurred before the *deductio*, which fully retained its vulgar elements.¹⁸⁷ By the fifth century, clerical blessings became routine, although the wedding maintained its profane form and never became truly liturgical in the late antique east. In the west, clerical blessings, in which the couple was veiled, are attested in late fourth-century Italy.¹⁸⁸ The rite of blessing gave the church a chance to promote its view of marriage: only first marriages were blessed, and Caesarius reports that only virgins received the honor.¹⁸⁹ But Christian *rituals* developed late. Augustine, significantly, never mentioned a Christian ritual of marriage.¹⁹⁰ Paulinus of Nola was the first to mention a marriage inside a church, specifically at the altar.¹⁹¹ The Verona Sacramentary, reflecting sixth-century practices, finally presents a full-fledged Christian liturgy of marriage, including a nuptial mass.¹⁹² The physical movement of the wedding and the development of a Christian ritual are signs of the church's growing authority, but not until deep into the middle ages was the church the ultimate arbiter of a marriage's social legitimacy.¹⁹³

The Material Context of Family Life

The ancient family was formed at the intersection of two processes: biological reproduction and the transmission of property. Consequently, the family was shaped by its material context. Family formation was deeply influenced by the demographic, economic, and social structures in which the processes of reproduction and succession took place. In Late Antiquity, the material context of social life in the Roman empire was transformed. The extent, pace, and regional variations of this change may be debated, but in broad terms the outlines are clear.¹⁹⁴ In the middle of the fourth century, the Mediterranean was home to an

¹⁸⁵ Ritzer 1970; Hunter 2007, 590–2.

¹⁸⁶ Ritzer 1970, 134–41.

¹⁸⁷ Anné 1941, 156. John Chrysostom, *Propter fornicationes*, 2. PG 51: 211: Τίνας δὲ ἴκεν καὶ ἔρεας ἐσάγεις, μέλλων τῷ ἵστεραίῳ τοιαῦτα τελεῖν... Lack of marriage ritual: Metzger 1992, 218–9.

¹⁸⁸ Ambrosiaster, *Comm. in ep. ad Timotheum pr.*, 3.13. Ed. H. Vogels, CSEL 81.3, 268. Siricius, *Epistulae*, 1.4.5. PL 13:1136: *illa benedictio, quam nupturae sacerdos imponit*. Ambrose, *Epistulae*, 19.7. See Ritzer 1970, 223–5, and Reynolds 1994, 321–2.

¹⁸⁹ Ambrosiaster, *Comm. in ep. ad Corin. pr.*, 7.40. Ed. H. Vogels, CSEL 81.2, 90. Caesarius of Arles, *Sermones*, 42.5. Ed. Morin, CC 103, 188.

¹⁹⁰ Hunter 2003, 64.

¹⁹¹ Paulinus of Nola, *Carmina*, 25, lines 199–232. Ed. G. von Hartel, CSEL 30, 244–5. See Crouzel 1983, 622–5.

¹⁹² Ritzer 1970, 238–46. The mid-fifth century *Praedestinatus* may refer to a nuptial mass (see Ritzer 225) although the allusion (at 3.37. Ed. F. Gori, CC 25B, 123) is indeterminate: *sacerdotes nuptiarum initia benedicentes, consecrantes et in dei mysteriis sociantes*.

¹⁹³ Daudet 1941; Duby 1978; Reynolds 1994, 153; and Toubert 1998, 534–5.

¹⁹⁴ Cf. for instance Wickham 2005, 759–794, and McCormick 2001, 115–9, on the timing of eastern economic decline.

exceptionally wealthy and urbanized society, ruled by a single state, integrated economically and socially. By the end of the sixth century, urbanism had declined, the level of prosperity, particularly in the west, had plummeted, and the imperial state had fragmented.¹⁹⁵ Inevitably, these changes had an effect on the dynamics of marriage and family life in the late empire. The shifting material framework of private life deserves to be considered alongside the legal and religious factors for a complete picture of the family in Late Antiquity.

In a high-fertility, high-mortality society dominated by the basic needs of subsistence and reproduction, deep continuities were inexorable. The ancient family was dominated by its demographic structure, and those structures changed very little in the late empire. That point is too little emphasized in accounts of the late Roman family based on the legal or literary sources, even though texts such as the *Life of Melania* vividly illustrate the human toll of early marriage and infant mortality.¹⁹⁶ The study of late antique demography is less advanced than the study of Roman imperial demography, in part because hundreds of thousands of burial inscriptions and census papyri offer a unique, quantitative perspective on private life in the high empire. The demography of the early empire must act as a starting point for discussion of the late empire.

The two dominant parameters of a population's structure are mortality and fertility.¹⁹⁷ In ancient societies, mortality and fertility were high and relatively stable, although mortality could vary.¹⁹⁸ The Roman empire was characterized by a severe mortality regime. Infant mortality rates were grievously high, in the range of 25–35%.¹⁹⁹ The commemoration of deceased infants was rare outside of Christian milieux; public documents did not bother to record those aged one year or less, even in the late empire.²⁰⁰ Life expectancy at birth for women likely fell between 20 and 25 years, life expectancy at age 10 between 34.5 and 37.5 years.²⁰¹ Death stalked the ancient family. The mortality schedule tempered the structures of *patria potestas*, and marriage itself was mortally precarious. The average marriage lasted 12 years.²⁰² "Perhaps as many as one in every six marriages would be ended by death within two years of marriage, and approximately one in every four marriages was ended by death after only five years of matrimony."²⁰³ When Christian bishops warned young women that as brides they might soon exchange their white wedding gowns for the black mourner's robes, it was a morbidly real possibility.²⁰⁴

If mortality in ancient societies was beyond control, fertility was shaped by a number of contingent factors. Fertility is a function of female age at marriage, rates of marriage and remarriage, child-spacing, and mechanisms of fertility control. Greco-Roman society was

¹⁹⁵ For a neat and convincing demonstration, Ward-Perkins 2005. See Alston 2001, 161–204.

¹⁹⁶ Melania, forced into marriage at 13 by her father, lost her first two children in quick succession (a daughter around the age of 5 and a newborn infant). Gerontius, *Vita Melaniae*, 1–6. Ed. D. Gorce, SC 90, 130–6. For the chronology, see Laurence 2002, 29–76.

¹⁹⁷ Scheidel 2001b, 13. Migration is another fundamental factor but less significant for the history of the family (though see below on urbanism and sex ratios).

¹⁹⁸ Scheidel 2001a.

¹⁹⁹ Bagnall and Frier 1994, 32–6; Scheidel 2001b, 22–3, emphasizes the empirical challenge of estimating infant mortality in antiquity.

²⁰⁰ Shaw 1984, on Christian commemoration. Harper 2008, 108–9, on the lack of infants in the new Thera inscription.

²⁰¹ Bagnall and Frier 1994, 84–90.

²⁰² Shaw 2002, 29; Bagnall and Frier 1994, 123.

²⁰³ Shaw 2002, 231.

²⁰⁴ E.g. Gregory of Nyssa, *De virginitate*, 3.7. Ed. M. Aubineau, SC 119, 290–2.

forcefully mobilized for high fertility. Women married young. Age at first marriage varied, particularly by class, but most women married by their late teens, and marriage was effectively universal.²⁰⁵ The woman who survived to fifty would have given birth to nearly six children.²⁰⁶ There was a very low incidence of fertility control in the Roman empire, although moderate rates of remarriage depressed the fertility of older women.²⁰⁷ Child exposure was not uncommon and provided a means of family limitation; the practice would have raised infant mortality rates but also represented an important passage into slavery.²⁰⁸ It is doubtful that Christianity deeply affected family limitation practices such as child exposure, although ecclesiastical criticism of the practice is certainly audible.²⁰⁹ Valentinian is often wrongly credited with banning child exposure, but there were no restrictive measures before the age of Justinian.²¹⁰

The demographic structure of ancient Mediterranean society was practically immovable. It is not likely that Christianity radically affected the basic patterns of life and death. In a fascinating study, Shaw demonstrated that Lenten prohibitions reshaped seasonal birthing patterns in Italian towns, a remarkable example of Christianization, but also one that underscores the absence of basic structural change.²¹¹ In fact, it may ultimately be more profitable to consider how demography shaped religion rather than vice versa. Part of asceticism's appeal was that its practitioners had suspended the absolutely dominant rhythms of ordinary life. Demographic realities even co-opted religious ideals. For example, the dedication of female children as lifelong virgins became a pious alternative to child exposure and a new tactic for the problem of having too many girls in a family.²¹² There is little reason to believe that the new religion had any effect on age at first marriage.²¹³ Perhaps the church was able to reduce the incidence of remarriage, with its strong and calculated appeal to widows, although there is little reason to believe so.²¹⁴ But the decline in the number of inscriptions in Late Antiquity and the lack of census papyri make it difficult to answer questions about the demography of the late Roman population in quantitative terms.

²⁰⁵ Shaw 1987, 30–46; Saller 1991, 25–41. The Egyptian papyri, perhaps surprisingly, do not show high rates of remarriage for women past 30: Bagnall and Frier 1994, 153–5.

²⁰⁶ Frier and Bagnall 1994, 138–9.

²⁰⁷ Frier 1994; Frier 2006, 18.

²⁰⁸ Harris 1994; Bagnall 1997.

²⁰⁹ See Harper forthcoming, Chapter 10. Evans Grubbs 2009b emphasizing the church's impact. For the Christian authors, the concern with sex was prominent: Basil, *Epistulae*, 217.52. Ed.

Courtonne, vol. 2, 210: εἰ μὴ οὖν δυναμένη περισώσασθαι κατεφρόνησεν ἡ συγκαλύψειν τῶν ἡμαρτιῶν ἡντεθεῖεν νομίζουσα ἡ ἡλως θηριώδει καὶ ἡπανθρώπων λογισμῶ χρησαμένη, ἡς ἡπὸ φόνῳ κρινέσθω. Εἰ δὲ οὐκ ἡδυνήθη περιστεῖλαι καὶ δι' ἡρημίαν καὶ ἡπορίαν τῶν ἡναγκαίων διεφθάρη τῶ γεννηθέν, συγγνωστῶ ἡ μήτηρ.

²¹⁰ *CJ* 8.51.2 (374) mentions a “penalty” for child exposure, but this refers to a measure of Constantine, *CTh* 5.9.1 (331), which denied parents the right to redeem their exposed children from slavery—that was the penalty, now applied to masters and patrons whose dependents were exposed and enslaved. See Harper forthcoming, Chapter 10, and Corbier 2001, 60.

²¹¹ Shaw 2001.

²¹² Arjava 1996, 164–5; Evans Grubbs 2009a, 209.

²¹³ See esp. Shaw 1987 41–2, and Aubin 2000.

²¹⁴ Beaucamp 1992, 349–50. See esp. Krause 1994–5, vol. 1, 181–91.

If demography provided the framework for deep continuities in the late antique family, there were nevertheless changes in the material context of private life, of which two deserve mention: the recession of urbanism and the reconfiguration of vertical hierarchies, at the top and bottom of society. The urban lifestyle of the ancient Mediterranean reached its apex in the high Roman empire, but it is clear that throughout the fourth century, even longer in the east, a flourishing urban culture survived. Urbanism influenced family formation in numerous ways. It raised mortality rates.²¹⁵ It pulled young men out of the countryside, creating an excess mass of shiftless, un-placeable men.²¹⁶ Urbanism seems to have encouraged neo-local marriage and smaller households, a pattern with significant effects on the structure and sentimental texture of family life.²¹⁷ In the west, the reassertion of rural life over the fifth and sixth centuries would have encouraged larger residential units and a new focus on the family farm as the centerpiece of patrimonial strategy.

A largely silent development in the background of the late antique family was the decline of slavery. In the fourth century, slavery remained a vital institution. Augustine could claim, in a calm, expository sermon delivered to the middling urban classes of Hippo, that “nearly all households” included slaves, and the corroborating evidence for extensive household slavery is vast.²¹⁸ Even in the “poor” household, “the man rules his wife, the wife rules the slaves, the slaves rule their own wives, and again the men and women rule the children.”²¹⁹ The papyri of the high empire show that slavery may have touched up to one-sixth of urban households in a region not at the forefront of the slave system.²²⁰ In this regard, the Roman empire resembles the proto-bourgeois societies of the early modern period, in which non-kin residents were an important part of family life, although in the Roman period, non-kin residents were predominantly servile.²²¹ The ubiquity of slaves had tremendous consequences for the organization of domestic labor, the habits of household violence, the construction of male and female honor, and the practice of wet-nursing and child-rearing, not to mention the emotional entanglements caused by slavery.²²² Into the early fifth century, the very foundations of private life, the substance of the *domus felix*, was made of a harmonious marriage, reverent children, and slaves who quaked utterly in fear of their master.²²³ Yet, by

²¹⁵ Scheidel 2001b, 28.

²¹⁶ Bagnall and Frier 1994, 121.

²¹⁷ Alston 2005; Bagnall and Frier 1994, 66–74, on the higher incidence of complex households in the countryside. Complex households were not rare in the cities, of course (see esp. Wallace-Hadrill 1991, for Pompeii and Herculaneum).

²¹⁸ Augustine, *Enarrationes in psalmos*, 124.7. Ed. E. Dekkers, J. Fraipont, CC 40, 1840–1: *prima et quotidiana potestas hominis in hominem domini est in seruum. prope omnes domus habent huiusmodi potestatem*. See in general Harper forthcoming, Chapter 1. Also Bagnall 1993.

²¹⁹ John Chrysostom, *In epistulam ad Ephesios*, 22.2. PG 62: 158: ὁ γὰρ δὲ καὶ τὸν τὸν πενήτων οὐκίαν φημὶ πόλιν εἶναι. Καὶ γὰρ καὶ ὅντα θά εἰσιν ὀρχαί· οὐκ ὄν, κρατεῖ τὸς γυναικὸς ὁ ἄνθρωπος, ὁ γυνὴ τὸν οὐκ ἐκείν, οὐκ οὐκ ἐταί τὸν ὀδίων γυναικὸν· πάλιν αὖ γυναικὸς καὶ οὐκ ὀνδρες τὸν παίδων.

²²⁰ Bagnall and Frier 1994, 70.

²²¹ E.g. Romano 1996.

²²² Bradley 1991, for the high empire; Harper forthcoming for the late empire. See also Cooper 2007b.

²²³ Augustine, *Enarrationes in Psalmos*, 136.5. Eds. Dekkers, Fraipont, CC40, 1967: *fili obsequuntur, serui contremiscunt, coniux concors, felix dicitur domus*.

the sixth century, household slavery appears increasingly restricted to the very wealthiest strata of society.²²⁴

Rural slavery too was far from moribund in the fourth century.²²⁵ An important new inscription from Thera, dating to the fourth century, documents a large group of slaves belonging to a single landowner.²²⁶ The slaves seem to have experienced a relatively normal demographic regime. An imbalance towards females in the older age cohorts may reflect male manumission, and on the whole the inscription suggests strong patterns of familial life among the slave population.²²⁷ This should be no surprise, since the most convincing models of Roman slavery suggest the need for extensive natural reproduction, but it is necessary to recall that slaves had no legal control over their own relationships.²²⁸ Despite an often misinterpreted law of Constantine, it remained permissible to separate slave families, if the practice was probably rare, until the late fifth or sixth century, and the church seems not to have objected in the least.²²⁹ The survival of slavery through the fourth century is a reminder that Roman society was complex, structured by legal and economic relationships. The decline of rural slavery over the fifth and sixth centuries was part of a deeper cycle of economic recession that encouraged simpler social hierarchies.

The composition of the upper classes was also transformed in Late Antiquity. In fact, the reorganization of the Roman status system, with the growth of an imperial service aristocracy and new paths of social mobility, was one of the most transformative changes in late antique society, and one of the least analyzed in terms of its impact on the family. Starting already in the high empire, the senate began to draw from the provinces, but over the fourth century, the senatorial order expanded precipitously, from some 600 to ca. 3,000 members, slowly displacing the equestrian ranks and requiring, from the late fourth century, ever finer gradations of status within the order.²³⁰ This expansion was fueled both by the ascendance of local elites, principally decurions, and by the admission of new men, principally through imperial service. In short, the fourth-century aristocracy was transformed by the reorientation of local elites towards the imperial center and by an influx of social risers, a process which manifestly destabilized the normal markers of high status. The effects of this transformation should be sought in the patterns and experience of private life, of marital strategy in particular.²³¹ It is significant that John Chrysostom's sermons on marriage saw the strategic aspects of match-making as a primary obstacle to the spiritualization of marriage which he envisioned.²³² The transformation of the late Roman aristocracy, a process with such momentum in the late fourth century, looms in the background of his preaching, but his plea

²²⁴ See Fikhman 1973, 1974, and 1997 (unconvincing on the fourth century—see Bagnall 1993—but compelling for the fifth and sixth). Beaucamp 1992, 58.

²²⁵ Finley 1998, Whittaker 1987, Whittaker and Garnsey 1998, Grey forthcoming.

²²⁶ Geroussi-Bendermacher 2005.

²²⁷ Harper 2008.

²²⁸ Esp. Scheidel 1997.

²²⁹ *CTh* 2.25.1 (325). Basil of Caesarea, *Epistulae*, 199.40. Ed. Courtonne, vol. 2, 162. Cf. Reynolds 1994, 162–72, on the lack of response in the late antique church (though at 169–70 misinterpreting the law of Constantine).

²³⁰ Heather 1998; Arjava 1991.

²³¹ Bourdieu 1972 was the seminal study of “marital strategies.” McGinn 2002, 46–93; Raepsaet-Charlier 1993, 147–63, demonstrates that already in the third century, men below senatorial rank began to marry *clarissimae feminae*.

²³² Esp. John Chrysostom, *Quales ducendae sint uxores*. PG 51: 225–42.

for Christians to ignore social criteria when contracting a marriage was no less fantastic than his call for them to cease reproducing because the earth was full. His critique, in fact, demonstrates the centrality of social striving in the marriage market of Late Antiquity.

The study of late Roman marriage in terms of social strategy was pioneered by Herlihy, who argued that the growth of property transfers from grooms to brides was driven by a shortage of marriageable women: an inadequate supply of women drove up the price of marriage for men seeking a mate.²³³ This was a provocative argument, and he was right to bring property transfers into the equation. But it is hard to credit a sudden lack of eligible females in the fourth and fifth centuries.²³⁴ Instead of looking at the raw force of supply and demand in the marriage market, we should look for imbalances in social capital which men and women brought to marriage in the late empire. Marriages, in antiquity, were supposed to create a suitable match between bride and groom. But families drew on a broad menu of criteria—wealth, status, and reputation—to balance the scales of social parity.²³⁵ In the high empire, men in the Roman aristocracy tended to marry women of moderately lower status.²³⁶ It was acceptable for senatorial men to marry the daughters of equestrians, for equestrians to marry the daughters of decurions, and so on. In such cases, the women were of sufficiently high status to constitute a suitable match, while the slightly unequal marriage conformed to the patriarchal expectation that husbands would be superior to their wives. Men were discouraged, in some cases legally prohibited, from reaching too far down the social scale, while the possibility of marrying a socially superior woman raised the specter of the husband being in submission to his wife. It is exceedingly rare to find, in the high empire, senatorial women married to non-senatorial men.²³⁷

In an important recent study, Cooper has argued that ambitious men of the late empire increasingly married lower-status women whose families could not deter them from seeking their fortunes on the imperial scene; in her account the restrictive divorce legislation of the late empire was enacted to consolidate the power of such husbands against their inferior wives.²³⁸ The main evidence for this pattern lies in the fact that late antique laws pay ample attention to the problem of concubines and illegitimate children.²³⁹ This evidence is complex. Concubinage was an important complement to family strategy; it was a stable partnership which allowed men without a wife to enjoy intimate companionship (whatever that means in such grossly asymmetrical relationships). For young men, it was a way of building their social capital for a proper marriage; for older men, it was used as a way to avoid creating additional heirs.²⁴⁰ But concubinage often *did* produce children. Augustine learned “the difference between the sort of

²³³ Herlihy 1985, 14–23.

²³⁴ See Arjava 1996, 57 and Krause 1994–5, vol. 2, 73.

²³⁵ E.g. Himerius, *Orationes*, 9.12. Ed. A. Colonna, 80: φύντες □σως καὶ ἡκτραφέντες ἡμοίως, ἡπ’ ἡσων ἡπάντων τῆς κοινωνίας ἡράσθησαν. See Treggiari 1991, 83–124, for the earlier period.

²³⁶ McGinn 2002.

²³⁷ McGinn 2002, 59.

²³⁸ Cooper 2007a, 152–160.

²³⁹ The legislative record is extensive indeed. See esp. the laws in *CTh* 4.6, Beaucamp 1990, 195–201 and Tate 2008.

²⁴⁰ Caesarius of Arles, *Sermones*, 43.4. Ed. Morin, CC 103, 191–2: *tractant enim apud se, ut prius de multis calumniis et rapinis iniustas divitias et iniqua lucra conquirant, et postea contra rationem plus nobiles quam ipsi sunt vel divitiores uxores accipiant*. Augustine, *De bono conjugali*, 5.5. Ed. Zycha, CSEL 41, 193–4.

marital unions contracted for the sake of procreation [marriage] and those pacts made for sexual love [concubinage], in which children are born against our wishes, although once they are born they compel our affection."²⁴¹ This practice was hardly new in the late empire, but the fragile conspiracy of silence among early imperial elites about their illegitimate offspring gradually broke down.²⁴² The turning point came in the reign of Constantine. He extended the Augustan marriage restrictions down into the upper ranks of the town councils; as an enforcement mechanism, he prohibited testamentary bequests to concubines and their children.²⁴³ This rule grated against a deep tendency to love or at least pity illegitimate children. The case of Libanius is instructive, for he fully intended to hand down his estate to his only son, born of his slave concubine, either by special permission or by funneling the money through friends.²⁴⁴

The use of concubinage in the late empire in fact demonstrates that men were often trying to marry *up*. When concubinage worked as intended, it was a temporary, not permanent, alternative to marriage. Often, young men were trying to acquire the money or status which would allow them to secure a favorable match. We hear about the legitimation of children when men tried to substitute concubinage for marriage, *precisely because* they had failed to complete the transition to a favorable match.²⁴⁵ The transformation of the late Roman aristocracy created new modes of social ascendance, especially through the imperial service. The social mobility of the late empire meant that the social currency of men was relatively variable; they could change their status through the acquisition of wealth or rank, while the avenues for female mobility were far more limited.²⁴⁶ This is perhaps the distinctly late antique dynamic which lies in the background of fourth and fifth century developments: socially ascendant men seeking to deploy their newfound wealth and status to contract an advantageous match, especially with girls from more established, respectable families. Sometimes they succeeded, sometimes they did not. If this reconstruction is correct, then the idea of men marrying "up" or "down" does not account for the complexity of the marriage market, and it is important to recognize that, with the substance of elite status in flux, men and women were forced to navigate their family strategies through the turbulent waters of a society with an unsettling element of male social mobility.

The broad acceptance of concubinage as a holding pattern for young men, in a society where ambitious marital strategy was common, made for an unstable combination. This tension can help us explain a well-known development in late Roman law: an increased

²⁴¹ Augustine, *Confessiones*, 4.2. Ed. L. Verheijen, CC 27, 41. *in qua sane experirer exemplo meo, quid distaret inter coniugalit placiti modum, quod foederatum esset generandi gratia, et pactum libidinosi amoris, ubi proles etiam contra votum nascitur, quamvis iam nata cogat se diligi.*

²⁴² Syme 1960, on the silence in the earlier period. Cooper 2007a, 157–8. Evans Grubbs 1995, 261–316, on mixed-status unions. See also Harper forthcoming, Chapter 11, and Garnsey 2004, for the argument that these unions were not *more common* in Late Antiquity. Mixed-status liaisons were always common in Roman society but increasingly likely to come into view in Late Antiquity, not only because of universal citizenship and hence universal Roman jurisdiction, but also because fourth-century social mobility brought men of lower-class origin onto the historical stage (e.g. Ablabius, on whom see Evans Grubbs 1995, 286–7).

²⁴³ CT 4.6.3 (336). McGinn 1999, 57–73. Evans Grubbs 1995, 283–94. Beaucamp 1990, 284–8.

²⁴⁴ Libanius, *Orationes*, 1.195. Ed. R. Foerster, vol. 1, 171.

²⁴⁵ Likely the situation imagined by Jerome, *Epistulae*, 69.5. Ed. Hilberg, CSEL 54, 688. See Arjava 1996, 214–5.

²⁴⁶ Hopkins 1961; MacMullen 1964.

emphasis on the objective modes of proving a marriage's existence. Roman marriage was legally formless, defined by the intent of both partners.²⁴⁷ Although this remained the case throughout Late Antiquity, the legislation of the fifth and sixth centuries gave more attention to contracts, dowry, ceremonies, and witnesses as objective signs of marital intent.²⁴⁸ This was hardly a result of Christianity's new focus on the moment of initial intent, nor do we need to imagine mass-scale status confusion in the background of these laws.²⁴⁹ The legal doctrine of formless marriage was inherently delicate.²⁵⁰ In Late Antiquity, it was challenged by the realities of universal citizenship, in which any conflict or confusion could end up in Roman jurisdiction.²⁵¹ Moreover, the imperial aristocracy in Late Antiquity was broader, socially and geographically more diverse, than during the high empire. Above all, the line between concubinage and marriage would have been blurred by the efforts of men, surely not always successful, to delay proper marriage in the hopes of social ascendance. Augustine's concubine was of sufficiently low social status that she was disposable, but what would have become of her and Adeodatus if he had not been appointed to Milan and engaged to a young girl of high status?²⁵²

The use of marriage to mediate the process of social ascendance, especially for men with money or rank but little family reputation, illuminates other key developments in late Roman law. Whatever its origins, the rapid expansion of the *donatio ante nuptias*, the gift from groom to bride, over the fourth and fifth centuries was perhaps the most important structural change in the family during this period—and remains an unexplained development.²⁵³ The *arrha* and *donatio* swiftly entered the common parlance of the fourth century.²⁵⁴ Needless to say, a new tendency for men to marry down hardly explains why they increasingly offered “all the riches of the earth” to lure their brides.²⁵⁵ These gifts, which joined the dowry as part of the conjugal fund in the wife's ownership, should be considered a form of insurance that was especially useful in situations where *the man's* social position or social intentions were less than fully determinate. The *donatio* functioned more like a safety deposit than a true exchange, since the property went to the wife rather than her natal family—remaining in the husband's control unless he ended the marriage. Roman law, by regulating premarital gifts, was responding to a social development with its own momentum rather than catalyzing change. The divorce laws,

²⁴⁷ See Gaudemet 1980, 126, 155.

²⁴⁸ *CTh* 4.6.7 (426) and *CJ* 5.4.21 (426) hint that, for a time, ceremonies may have been formally required, but if so this did not last long, especially in the east. See esp. *CTh* 3.7.3 (428). Wolff 1950, 293. Beaucamp 1990, 262–4. Arjava 1996, 206. Toubert 1998, 518–9. Evans Grubbs 2007, 86–7. Leo I, *Epistulae*, 167.4. PL 54: 1204, famously used the dowry as a criterion to distinguish marriage from concubinage. *Nov. Maj.* 6.9–10 (458–9) required the dowry and nuptial gift to be of equal value, explicitly because *men* were being forced to pay too much.

²⁴⁹ Orestano 1947.

²⁵⁰ Arjava 1996, 205. On the ambiguities of concubinage in the classical law, see esp. McGinn 1991.

²⁵¹ Garnsey 2004.

²⁵² See Shanzer 2002.

²⁵³ Anné 1941, 455–60, attributes the growth of nuptial gifts vaguely to an elevated ideal of marriage promoted by Christianity.

²⁵⁴ For the frequent references to *arrahae* and *donationes ante nuptias* in Augustine, see Shaw 1987, 37.

²⁵⁵ Augustine, *In Iohannis ev. tract.*, 2.4. Ed. R. Willems, CC 36, 84: *offerant homines quaelibet ornamenta terrarum; aurum, argentum, lapides pretiosos, equos, mancipia, fundos, praedia.*

in turn, should be seen as part of the state's response to the more conjugal character of property.²⁵⁶

There is explicit evidence that the *donatio* was used by men as a bargaining chip to secure a socially favorable marriage. John Chrysostom is again a prime witness. He imagined that a young man would try to find a wife as rich and noble as possible. This would require intense negotiation and the help of attorneys to draft the nuptial agreements. Such an upwardly mobile man would wager his property on the match by placing it legally in the conjugal fund. Here Chrysostom used the analogy of the greedy merchant overloading his ship and thereby risking his entire fortune.²⁵⁷ Throughout his sermons, Chrysostom talked extensively about the dangers of the "rich wife."²⁵⁸ These complaints have been read as mere tropes, whereas they might also be put into context as highly acute social observation.²⁵⁹ A law of 371 explicitly tried to put a stop to men who were trying to "buy noble marriages" by marrying young widows of higher social status.²⁶⁰ The roughly contemporary letters of Libanius are a rich trove of documents that reveal the inner workings of social life among the urban gentry in the eastern Mediterranean. In one letter, Libanius referred to a recent marriage in which the groom, a young student with upward potential but apparently the social inferior of the bride, was surprisingly *not* made to render his best estate as a nuptial gift because of his father-in-law's generosity.²⁶¹ Financial ties made it more difficult for men to leave their wives, as contemporary observers noticed in a society where men might use divorce to shed old wives, "like clothes," as they rose through society.²⁶² It is widely recognized that the dowry

²⁵⁶ Arjava 1988, 17–8, also raises the possibility that restrictions on divorce reflected the attitudes of the lower-class men who filtered into the ranks of the imperial government in Late Antiquity.

²⁵⁷ John Chrysostom, *Quales ducendae sint uxores*, 4. PG 51: 232: Καὶ καθάπερ οὗ τῶν ἑμπόρων ἑπιπλοῖται, μυρίων τῶν ναῶν πλήσαντες φορτίων, καὶ πλέον τῆς δυνάμεως τῶν ἄγκων ἐπιθέντες, κατέδυσαν τὸ σκάφος, καὶ πάντα ἔπωλεσαν.

²⁵⁸ John Chrysostom, *Quales ducendae sint uxores*, 4. PG 51: 231: ὁ μὲν γὰρ ἐμπορον λαβὼν γυναῖκα, δέσποιναν μῆλλον ἔλαβεν ἢ γυναῖκα. John Chrysostom, *In Matthaëum*, 73.4. PG 58:678: ὁ δὲ δὲ φησὶν, ὁ πῶς γυναικὸς ἐμπορος γέγονεν... τί δὲ ἀσχερότερον τοῦ ἐπίσημον εἶναι ἔντεθθεν, καὶ λέγεσθαι παρὰ πάντων, ἢ δεῖνα ἑπὶ γυναικὸς ἐμπορος γέγονε; John Chrysostom, *De virginitate*, 53–5. Ed. B. Grillet, SC 125, 298–304. John Chrysostom, *In acta apostolorum*, 49.4. PG 60:344: ἵστε οὗκ ἐμπορον δεῖ ζητεῖν, ἀλλ' ἵστε κοινωνῶν βίου λάβωμεν εἰς κατάστασιν παιδοποιίας. John Chrysostom, *Ad Theodorum lapsum*, 1.5. Ed. J. Dumortier, SC 117, 70, warns against rich and poor wives. Also Jerome, *Adv. Iovinianum*, 1.28. PL 23: 261.

²⁵⁹ E.g. O'Roark 1996, 405–6.

²⁶⁰ *CTh* 3.7.1 (371): *nuptias nobiles nemo redimat... si pares sunt genere ac moribus petitores, is potior aestimetur, quem sibi consulens mulier approbaverit*. See Reynolds 2007, 58–9 and Krause 1994, vol. 1, 138–43.

²⁶¹ Libanius, *Epistulae*, 371.3. Ed. Foerster, vol. 10, 358: ἔλεγον τὸ νυμφίον μὲν δεδόσθαι παρὰ τῆς μητρὸς γὰρ ἑτεχνῶς τὸ μέσον Κορίνθου καὶ Σικυῶνος, τῆς νύμφης δὲ ταύτην οὗ γενέσθαι μεγαλοψυχίῳ σῶ. See Festugière 1959, 164–8.

²⁶² Asterius of Amasea, *Homiliae*, 5.4.1–4. Ed. Datema, 46–7: ἐκούσατε δεῖ νῦν, οὗ τοῦ των κάπηλοι καὶ τῆς γυναῖκας ἑς ἑμάτια ἐκόλως μετενδύμενοι... οὗ τῆς ἐμπορίας γαμοῦντες καὶ τῆς γυναῖκας ἑμπορευόμενοι... Πῶς δὲ ἰσθηθεῖς τῶς ἰσθολογίας ἑς ἑπὶ τὸ γάμον κατέθου;

was used as a bargaining chip to secure a favorable match for a girl, but the reverse function of the *donatio*, as a social ploy, has not received sufficient notice.

What is distinctive about the upper classes of Late Antiquity, as the *PLRE* readily reveals, is that upward and downward marriages alike were common (a comprehensive study would be welcome).²⁶³ The grammarians and rhetors of Late Antiquity, avatars of upward mobility, succeeded in attracting wives of superior wealth and reputation.²⁶⁴ Individual micro-histories, when they are available, can also be used to appreciate the complexity of marital strategies. Besides Augustine, the case of Ausonius is familiar and revealing.²⁶⁵ Both men embodied the upward social mobility which was available to those with talent and education—and savvy family strategy. Ausonius' father was the beneficiary of a favorable match. He was likely the son of a freedman who became a doctor at Bordeaux and obtained curial rank. At only the age of twenty, he was able to marry the daughter of a “relatively impoverished but noble house” who belonged to the old Gallic aristocracy.²⁶⁶ Ausonius was manifestly proud of his mother's ancestry, reticent about his father's. Ausonius was trained in rhetoric, and already during the early stages of his promising career, he married a girl from an ancient family of senatorial rank.²⁶⁷ It helped that Ausonius' maternal uncle had connections at the imperial court, but the match was nevertheless a social coup for the young professor. Over three generations, the members of this family—one of the paradigmatic cases of fourth-century social mobility—parlayed their political and cultural capital into “marriages which were socially and financially advantageous to themselves and to the *gens Ausonia*.”²⁶⁸

The epistolary corpus of Symmachus provides us another glimpse, from the very highest echelons of imperial society, of the marriage market in the west.²⁶⁹ Symmachus regularly acted, through his social connections, as patron to younger men seeking brides of high status. We can only wonder how well the western senatorial aristocracy – the wealthiest social bloc in the empire – resisted the influx of social risers. Regardless, the letters of Symmachus amply illustrate the complex material considerations that underwrote the strategic game of matchmaking.²⁷⁰ The potential grooms were advertised as *honestus*, *clarissimus*, and even, rather indelicately, *re uberior*.²⁷¹ There are several examples which

Καὶ ποίας με οἴει λέγειν; ἴρα τῶς προικῶς τῶς συγγραφείσης ἔνταῦθα, ἔτε τῶ σαυτοῦ χεῖρ
ἔπεσημῆνω τῶ βιβλίῳ ἔπισφραγιζόμενος τῶ τελούμενα;

²⁶³ For instance between women of the senatorial order (*clarissimae feminae*) and men of lower status. See e.g. *PLRE* I Claudius Amazonicus *v.e.* See Chastagnol 1979, 22–3 for more examples. Another possibility would be to study the intermarriage of Flavii and Aurelii. See Keenan 1974, 295–6, for mixed marriages. *CJ* 10.40.9 (392) imagines women marrying up and down (see Beaucamp 1990, 273).

²⁶⁴ Kaster 1997, 104–5, 129.

²⁶⁵ For Ausonius, see Hopkins 1961, Sivan 1993, 49–66, and Evans Grubbs 2009a, 202–6. As Sivan notes (50) “no other Gallic family in Late Antiquity is as well documented as Ausonius’.” For Augustine, Shaw 1987 and Shanzer 2002.

²⁶⁶ Hopkins 1961, 242.

²⁶⁷ Sivan 1993, 58–9.

²⁶⁸ Hopkins 1961, 243.

²⁶⁹ See now Sogno 2010, 57–70.

²⁷⁰ Especially Symmachus, *Epistulae*, 6.3, 7.120, 9.7, 9.43 and 9.49. Ed. Seeck: 153, 210–1, 237, 248–9, 250.

²⁷¹ Symmachus, *Epistulae*, 9.7 and 9.49 (*honestus*), 6.44 and 9.43 (*clarissimus*), and 6.3 (*re fortassis uberior*). Ed. Seeck: 237, 250, 165–6, 248–9, and 153.

document possible upward social mobility, and in two cases the men – one a philosopher and the other an advocate – had secured favorable engagements that subsequently proved fragile.²⁷² In another case, the engagement did fall apart, but another bride, of even higher status, was found for the client; the way this sequence of events is described leaves no doubt that “a brilliant match offered the same advantages of career advancement.”²⁷³ A sensitive analysis concludes that, in comparison with the idealized representation of matchmaking in the corpus of Pliny, the letters of Symmachus are more transparently “practical” and “utilitarian.”²⁷⁴

Finally, gender roles must inform the study of marital strategy. There is comparative evidence that, in periods of social dynamism, not only does marriage absorb the shocks of structural change, women in particular become the arbiters and symbols of social prestige.²⁷⁵ Because their status is relatively immobile, and because the domestic sphere is a stage for the display of social manners, women occupy a medial role between conservative social values and actual social change. Unsurprisingly, our most acute observer of female society, Jerome, has left us extraordinary portraits of elite women in the salons of Rome acting as the regulators of social prestige.²⁷⁶ Likewise, Chrysostom was outraged by the habits of conspicuous consumption among women who married upwardly mobile husbands.²⁷⁷ These critics saw nothing more than vanity in such social circles, but the carefully calibrated display of manners provided a measure of stability in uncertain times. It is surely not mere coincidence that the women of the Theodosian court were more prominent as symbols of legitimacy and as agents of dynastic power than almost any previous empresses: the gender dynamics at the top of the social pyramid are the visible surface of a deeper phenomenon.²⁷⁸ The late Roman family was not simply a private sphere; it reflected the workings of social prestige in a fiercely competitive world where wealth, status, and reputation were in flux.

From the top of society to the bottom, the processes of family formation were shaped by circumstance, and marital strategy would have differed significantly across the social spectrum. The foregoing discussion can hardly do justice to the diversity and complexity of family life in the late empire. By putting marital strategies in the fore, however, we not only expose an important undercurrent of private life in this period, but we are reminded more generally that the patterns of continuity and change cannot be explained by legal and religious factors alone. The late Roman family was shaped, profoundly, by its material context—the imperatives of fertility, the influence of habitat, and the structure of society.

Conclusion

²⁷² Symmachus, *Epistulae*, 9.39 (philosopher), 6.44 and 9.43 (advocate). Ed. Seeck: 247, 165-6, 248-9.

²⁷³ Sogno 2010, 70. Symmachus, *Epistulae*, 7.125. Ed. Seeck: 212.

²⁷⁴ Sogno 2010, 71.

²⁷⁵ E.g. Davidoff 1973. For late antiquity, Cooper 2009.

²⁷⁶ Jerome, *Epist.* 22.16. Ed. Hilberg, CSEL 54, 163–4. On Jerome and women in general, see Arjava 1989 and Laurence 1997. The remarkable passage in the *Scriptores Historiae Augustae*, *Heliogabalus*, 4.3 (ed. H. Hohl, vol. 1, 225), can also be read as an oblique commentary on late fourth-century manners. See Chastagnol 1979, 24–5 (whose interpretation may overstress religion).

²⁷⁷ John Chrysostom, *In epist. ad Eph.*, 20.7. PG 62:144.

²⁷⁸ Holum 1982.

What is the broader significance of the late antique family, both for our understanding of Late Antiquity as a period and for the history of private life in the *longue durée*? Study of the late Roman family must build off the insights earned in the investigation of the Roman imperial family. This body of work has consistently shown that marriage and family life in the high empire were shaped by conjugal structures and nuclear sentimentality, even if pervasive slavery, high mortality, and lingering notions of the agnatic group made the Roman family something different from the modern family. This revisionist model of private life not only challenges the traditional stereotypes of the Roman *familia*, it also prompts us to reconsider, fundamentally, the difference that Christianity made. The developments in late Roman law reflect the gradual triumph of conjugal structures rather than Christian change. One of the most important effects of Christianity, in the long term, was its absorption of Greco-Roman norms. John Chrysostom was eager to counterpose Roman and Christian marriage, but in the larger picture Christianity became an institutionalized carrier of Roman marital ideology.²⁷⁹ The essential differences in Christian ideology lay in a spiritualized view of marriage that, quite radically, demanded sexual exclusivity from both partners and treated marriage as a unique and indissoluble bond.

Roman law and Christian institutions were the legacy of Late Antiquity to the history of the family in succeeding ages. If we wish to recover the *experience* of the family in the centuries of Late Antiquity, the dynamics of private life must be set within the social and economic structures of the late Roman world. It was a world defined by the interplay of primitive reproductive demands and sophisticated social hierarchies, and it was a world that was changing. The fourth and fifth centuries saw the imperialization of the elite, even as the fifth and sixth centuries were marked by a decline in material conditions that resulted in a less urbanized habitat and simpler social hierarchies. Christian triumph, the Christian absorption and transformation of Roman marital ideology, took place amidst these changes. We could measure the distance travelled in Late Antiquity by listening to a Christian observer of marriage writing two centuries after Chrysostom's well-wrought invectives against contemporary social practices. Isidore of Seville, at the opposite end of the old empire, claimed that marriage was instituted for procreation, partnership, and preventing fornication.²⁸⁰ Here, the mix of Roman and Christian elements was far more settled and more practical than in Chrysostom's world. The loose energy of asceticism had been safely compartmentalized in the monastery, a society apart, while Christian marriage was reconciled to the structures of ordinary life—no contrast here between the Christian way and the “outside” world. In one regard, though, Isidore would have found himself in perfect accord with Chrysostom. “These days wives are sought whom wealth or physical beauty commend, rather than probity of morals.”²⁸¹ The complaint is familiar, but the material differences between fifth-century Constantinople and seventh-century Seville measure the gulf which separated these two spokesmen for the complex and adaptable heritage of Christian marriage.

Works Cited

Primary Sources

Ambrose, *De Abraham*. C. Schenkl, Ed. 1897. *Sancti Ambrosii opera*, CSEL 32.1. Vienna, 501–638.
Ambrose, *De paradiso*. C. Schenkl, Ed. 1897. CSEL 32.1. Vienna, 265–336.

²⁷⁹ Gaudemet 1980, 116–39; Toubert 1998, 508–9.

²⁸⁰ Isidore of Seville, *Etymologiae*, 9.7.27. Ed. W. M. Lindsay.

²⁸¹ Isidore of Seville, *Etymologiae*, 9.7.29: *Nunc autem illae quaeruntur, quas aut divitiae aut forma, non quas probitas morum commendat.*

- Ambrose, *Epistulae*. Ed. O. Faller, CSEL 82 (Vienna, 1968).
- Ambrosiaster, *Commentarius in epistulam ad Corinthios primam*. Ed. H. Vogels, CSEL 81.2 (Vienna, 1968) 3–194.
- Ambrosiaster, *Commentarius in epistulam ad Timotheum primam*. Ed. H. Vogels, CSEL 81.3 (Vienna, 1969) 251–94.
- Ambrosiaster, *Quaestiones veteris et novi testamenti*. Ed. A. Souter, CSEL 50 (Vienne, 1908).
- Anthologia Graeca*. Ed. H. Beckby, 4 vols. (Munich, 1957–8).
- Asterius of Amasea, *Homiliae*. Ed. C. Datema (Leiden, 1970).
- Asterius of Antioch, *Commentarii in Psalmos*. Ed. M. Richard, *Asterii sophistae commentariorum in Psalmos quae supersunt* (Oslo, 1956).
- Augustine, *Confessiones*. Ed. L. Verheijen, CC 27 (Turnhout, 1981).
- Augustine, *Contra Faustum*. Ed. J. Zycha, CSEL 25.1 (Vienna, 1891) 251–797.
- Augustine, *De adulterinis coniugiis*. Ed. J. Zycha, CSEL 41 (Vienna, 1900).
- Augustine, *De bono conjugali*. Ed. J. Zycha, CSEL 41 (Vienna, 1900) 187–231.
- Augustine, *De civitate Dei*. Eds. B. Dombart, A. Kalb, CC 47–48 (Turnhout, 1955).
- Augustine, *Enarrationes in Psalmos*. Ed. E. Dekkers, J. Fraipont, CC 38–40 (Turnhout, 1956).
- Augustine, *Epistulae*. Ed. A. Goldbacher, CSEL 34.1–2, 44, 57, 58 (Vienna, 1895–1923).
- Augustine, *In Iohannis evangelium tractatus*. Ed. R. Willems, CC 36 (Turnhout, 1954).
- Augustine, *Sermones*. PL 38–9.
- Augustine, *Sermones de vetere testamento (1–50)*. Ed. C. Lambot, CC 41 (Turnhout, 1961).
- Ausonius, *Bissula*. Ed. C. Schenkl, *Opuscula*, MGH AA 5.2 (Berlin, 1883) 125–7.
- Basil of Caesarea, *Epistulae*. Ed. Y. Courtonne, *Lettres*, 3 vols. (Paris, 1957–1966).
- Caesarius of Arles, *Sermones*. Ed. G. Morin, CC 103–4 (Turnhout, 1953).
- Epitome Codicum Gregoriani et Hermogeniani Wisigothica*. Ed. P. Krueger, *Collectio librorum iuris anteiustiniani*, vol. 3 (Berlin, 1890) 221–35.
- Gerontius, *Vita Melaniae*. Ed. D. Gorce, SC 90 (Paris, 1962).
- Gregory of Nyssa, *De virginitate*. Ed. M. Aubineau, SC 119 (Paris, 1966).
- Gregory of Nyssa, *In canticum canticorum*. Ed. H. Langerbeck, *Opera*, vol. 6 (Leiden, 1960).
- Himerius, *Orationes*. Ed. A. Colonna (Rome, 1951).
- Horace, *Sermones*. Ed. O. Keller, A. Holder, *Opera*, 2 vols. (Leipzig, 1899–1925).
- Innocentius I, *Epistulae*. PL 20: 457–638.
- Isidore of Seville, *Etymologiae*. Ed. W. M. Lindsay (Oxford, 1911).
- Jerome, *Adversus Iovinianum*. PL 23: 221–352.
- Jerome, *Epistulae*. Ed. I. Hilberg, CSEL 54–6 (Vienna, 1996).
- Jerome, *Vita Malchi*. Ed. C. C. Mierow, in *Classical Essays Presented to J. A. Kleist* (Saint Louis, 1946) 33–60.
- John Chrysostom, *Ad populum Antiochenum*. PG 49: 15–222.
- John Chrysostom, *Ad Theodorum lapsam*. Ed. J. Dumortier, SC 117 (Paris, 1966).
- John Chrysostom, *Ad viduam juniorem*. Ed. B. Grillet, G. Ettlinger, *A une jeune veuve. Sur le mariage unique*. SC 138 (Paris, 1968) 112–159.
- John Chrysostom, *De libello repudii*. PG 51: 217–226.
- John Chrysostom, *De non iterando conjugio*. Ed. B. Grillet, G. Ettlinger, *A une jeune veuve. Sur le mariage unique*. SC 138 (Paris, 1968) 160–201.
- John Chrysostom, *De virginitate*. Ed. B. Grillet, *La virginité*, SC 125 (Paris, 1966).
- John Chrysostom, *In acta apostolorum*. PG 60: 13–384.
- John Chrysostom, *In epistulam ad Ephesios*. PG 62: 9–176.
- John Chrysostom, *In illud: Propter fornicationes autem unusquisque suam uxorem habeat*. PG 51: 207–218.

John Chrysostom, *In Matthaeum*. PG 57: 13–472. PG 58: 471–794.
 John Chrysostom, *Quales ducendae sint uxores*. PG 51: 241–252.
 Leo I, *Epistulae*. PL 54: 551–1218.
 Libanius, *Epistulae*. Ed. R. Foerster, *Opera*, vols. 10–11 (Leipzig, 1921–2).
 Libanius, *Orationes*. Ed. R. Foerster, *Opera*, vols. 1–4 (Leipzig, 1903–8).
 Menander, *Division of Epideictic Speeches*. Ed. D. Russell, N. Wilson, *Menander Rhetor* (Oxford, 1981).
 Paulinus of Nola, *Carmina*. Ed. G. von Hartel, CSEL 30 (Vienna, 1999).
 Paulinus of Pella, *Eucharisticos*. Ed. C. Moussy, SC 209 (Paris, 1974).
 Plutarch, *Conjugalia praecepta*. Ed. F. C. Babbitt, *Plutarch's moralia*, vol. 2 (Cambridge, MA, 1928).
Praedestinatus. Ed. F. Gori, CC 25B (Turnhout, 2000).
 Procopius of Gaza, *In imperatorem Anastasium panegyricus*. PG 87c: 2793–2824.
Pseudacronis scholia in Horatium vetustiora. Ed. O Keller, vol. 2 (Leipzig, 1904).
 Salvian of Marseilles, *De gubernatione Dei*. Ed. C. Halm, *Libri qui supersunt*, MGH AA 1 (Berlin, 1877) 1–108.
Scriptores Historiae Augustae. Ed. H. Hohl, 2nd ed., 2 vols. (Leipzig, 1965).
 Siricius, *Epistulae*. PL 13: 1131–1196.
 Symmachus, *Epistulae*. Ed. O. Seeck, MGH AA 6.1 (Berlin, 1883) 1–278.

Secondary Sources

- Allen, Pauline, and Wendy Mayer. 1993. "Computer and homily: accessing the everyday life of early Christians." *Vigiliae Christianae* 47: 260–280.
- Alston, Richard. 2001. "Urban population in late Roman Egypt and the end of the ancient world." In *Debating Roman Demography*, ed. W. Scheidel, 161–204. Leiden: Brill.
- . 2005. "Searching for the Romano–Egyptian Family." In *The Roman family in the empire: Rome, Italy, and beyond*, ed. M. George, 129–57. Oxford, UK: Oxford University Press.
- Anné, Lucien. 1941. *Les rites des fiançailles et la donation pour cause de mariage sous le Bas–Empire*. Louvain: Desclée, de Brouwer.
- Ariès, Philippe and Georges Duby. 1985–7. *Histoire de la vie privée*. 5 vols. Paris: Seuil.
- Ariès, Philippe. 1960. *L'enfant et la vie familiale sous l'ancien régime*. Paris: Plon.
- Arjava, Antti. 1988. "Divorce in Later Roman Law." *Arctos* 22: 5–21.
- . 1989. "Jerome and Women." *Arctos* 23: 5–18.
- . 1991. "Zum Gebrauch der griechischen Rangprädikate des Senatorenstandes in den Papyri und Inschriften." *Tyche: Beiträge zur Alten Geschichte, Papyrologie und Epigraphik* 6: 17–35.
- . 1996. *Women and Law in Late Antiquity*. Oxford: Clarendon Press.
- . 1998. "Paternal power in late antiquity." *Journal of Roman Studies* 88: 147–65.
- . 2001. "The survival of Roman family law after the barbarian settlements." In *Law, Society, and Authority in Late Antiquity*, ed. Ralph Mathisen, 33–51. Oxford, UK: Oxford University Press.
- Arnautoglou, Ilias. 1995. "Marital disputes in Greco–Roman Egypt." *Journal of Juristic Papyrology* 25: 11–28.
- Aubin, Melissa. 2000. "More apparent than real? Questioning the difference in marital age between Christian and non–Christian women of Rome during the third and fourth centuries." *Ancient History Bulletin* 14: 1–13.
- Bagnall, Roger. 1987. "Church, state, and divorce in late Roman Egypt." In *Florilegium Columbianum: essays in honor of Paul Oskar Kristeller*, 41–61. New York: Italica Press.
- . 1991. "The prostitute tax in Roman Egypt." *Bulletin of the American Society of Papyrology*

28: 5–12.

- . 1993. "Slavery and society in late Roman Egypt." In *Law, politics, and society in the ancient Mediterranean world*, ed. B. Halperin, D. Hobson, 220–40. Sheffield: Sheffield Academic Press.
- . 1995. "Women, law and social realities in late antiquity: a review article." *Bulletin of the American Society of Papyrologists* 32: 65–86.
- . 1997. "Missing females in Roman Egypt." *Scripta classica Israelica* 16: 121–38.
- Bagnall, Roger, and Bruce Frier. 1994. *The demography of Roman Egypt*. Cambridge, UK: Cambridge University Press.
- Beaucamp, Joëlle. 1989. "L'Égypte byzantine: biens des parents, biens du couple?" In *Eherecht und Familiengut in Antike und Mittelalter*, ed. D. Simon, 61–76. Munich: R. Oldenbourg.
- . 1990–2. *Le statut de la femme à Byzance, 4e–7e siècle*. 2 vols. Paris: De Boccard.
- Betzig, Laura. "Roman monogamy." *Ethology and Sociobiology* 13: 351–83.
- . "Roman polygyny." *Ethology and Sociobiology* 13: 309–49.
- Bougard, François, Laurent Feller, and Régine Le Jan, eds. 2002. *Dots et douaires dans le haut moyen âge*. Rome: Ecole française de Rome.
- Bourdieu, Pierre. 1972. "Les stratégies matrimoniales dans le système de reproduction." *Annales: économies sociétés civilisations* 27: 1105–27.
- Bradley, Keith. 1991. *Discovering the Roman family: studies in Roman social history*. Oxford, UK: Oxford University Press.
- Brown, Peter. 1988. *The body and society: men, women, and sexual renunciation in early Christianity*. New York: Columbia University Press.
- Brundage, James. 1987. *Law, sex, and Christian society in medieval Europe*. Chicago: University of Chicago Press.
- Champlin, Edward. 1991. *Final judgments: duty and emotion in Roman wills, 200 B.C.–A.D. 250*. Berkeley: University of California Press.
- Chastagnol, André. 1979. "Les femmes dans l'ordre sénatorial: titulature et rang social à Rome." *Revue historique* 262: 3–28.
- Clark, Elizabeth. 1986. *Ascetic piety and women's faith: essays on late ancient Christianity*. Lewiston, N.Y.: E. Mellen Press.
- . 1986. "'Adam's only companion': Augustine and the early Christian debate on marriage." *Recherches augustiniennes* 21: 139–62.
- . 1991. "Sex, shame, and rhetoric: en-gendering early Christian ethics." *Journal of the American Academy of Religion* 59: 221–45.
- Clark, Gillian. 1993. *Women in late antiquity: pagan and Christian life-styles*. Oxford: Clarendon Press.
- Cloke, Gillian. 1995. *This female man of God: women and spiritual power in the patristic age, AD 350–450*. London: Routledge.
- Cohen, David. 1991. "The Augustan law on adultery: the social and cultural context." In *The family in Italy from antiquity to the present*, ed. David Kertzer and Richard Saller, 109–26.
- Cooper, Kate. 1992. "Insinuations of womanly influence: an aspect of the Christianization of the Roman aristocracy." *Journal of Roman Studies* 82: 150–164.
- . 1996. *The virgin and the bride: idealized womanhood in late antiquity*. Cambridge, Mass: Harvard University Press.
- . 2007a. *The fall of the Roman household*. Cambridge, UK: Cambridge University Press.
- . 2007b. "Closely watched households: visibility, exposure and private power in the Roman domus." *Past and Present* 197: 3–33.

- . 2009. "Gender and the fall of Rome." In *A Companion to Late Antiquity*, ed. P. Rousseau, 187–200. Malden, MA: Wiley-Blackwell.
- Corbett, Percy. 1930. *The Roman law of marriage*. Oxford, UK: Clarendon Press.
- Corbier, Mireille. 2001. "Child exposure and abandonment." In *Childhood, class and kin in the Roman world*, ed. S. Dixon, 52–73. New York: Routledge.
- Corcoran, Simon. 2006. "The Tetrarchy: policy and image as reflected in imperial announcements." In *Die Tetrarchie: ein neues Regierungssystem und seine mediale Präsentation*, ed. D. Boschung, W. Eck, 31–62. Wiesbaden: Reichert.
- Crook, John. 1967. *Law and Life of Rome*. London: Thames & Hudson.
- Crouzel, Henri. 1971. *L'Église primitive face au divorce, du premier au cinquième siècle*. Paris: Beauchesne.
- Daudet, Pierre. 1941. *L'établissement de la compétence de l'Église en matière de divorce & de consanguinité, France, Xème–XIIème*. Paris: Recueil Sirey.
- Dauvillier, Jean, and Carlo De Clercq. 1936. *Le mariage en droit canonique oriental*. Paris: Recueil Sirey.
- Davidoff, Leonore. 1973. *The best circles: women and society in Victorian England*. Totowa, N.J.: Rowman and Littlefield.
- Dixon, Suzanne. 1992. *The Roman family*. Baltimore: Johns Hopkins University Press.
- . 1996. "The sentimental ideal of the Roman family." In *Marriage, divorce, and children in ancient Rome*, ed. Beryl Rawson, 99–113. Oxford, UK: Oxford University Press.
- Duby, Georges. 1978. *Medieval marriage: two models from twelfth-century France*. Baltimore: Johns Hopkins University Press.
- Edmondson, Jonathan. 2005. "Family relations in Roman Lusitania: social change in a Roman province?" In *The Roman family in the empire: Rome, Italy, and beyond*, ed. Michele George, 183–229. Oxford, UK: Oxford University Press.
- Elm, Susanna. 1994. *Virgins of God: the making of asceticism in late antiquity*. Oxford, UK: Oxford University Press.
- Evans Grubbs, Judith. 1994. "Pagan and Christian marriage: the state of the question." *Journal of Early Christian Studies* 2: 361–412.
- . 1995. *Law and family in late antiquity: the emperor Constantine's marriage legislation*. Oxford, UK: Clarendon Press.
- . 2007. "Marrying and its documentation in later Roman law." In *To have and to hold: marrying and its documentation in western Christendom, 400–1600*, eds. Philip Reynolds, John Witte, 43–94. Cambridge, UK: Cambridge University Press.
- . 2009a. "Marriage and family relationships in the late Roman West." In *A Companion to Late Antiquity*, ed. P. Rousseau, 201–219. Malden, MA: Wiley-Blackwell.
- . 2009b. "Church, state, and children: Christian and imperial attitudes toward infant exposure in late antiquity." In *The Power of Religion in Late Antiquity*, eds. A. Cain and N. Lenski, 119–131. Burlington: Ashgate.
- Falchi, Gian Luigi. 1995. "Matrimonio 'cum scriptis' e 'sine scriptis' nel Libro Siro-Romano di diritto." *Studia et Documenta Historiae et Iuris* 61: 875–87.
- Fikhman, Itskhok. "Review of R. Bagnall, *Reading Papyri, Writing Ancient History*." *Scripta classica Israelica* 16: 279–85.
- . 1973. "Sklaven und Sklavenarbeit im spätrömischen Oxyrhynchus." *Jahrbuch für Wirtschaftsgeschichte* 2: 149–206.
- . 1974. "Slaves in Byzantine Oxyrhynchus." In *Akten des xiii internationalen papyrologenkongresses*, 117–24. Munich: Beck.

- Finley, Moses. 1998. *Ancient slavery and modern ideology* [orig. 1980]. Princeton, NJ: Markus Wiener Publishers.
- Flandrin, Jean Louis. 1976. *Familles: parenté, maison, sexualité dans l'ancienne société*. Paris: Hachette.
- Foucault, Michel. 1986. *The care of the self*. tr. R. Hurley. New York: Pantheon Books.
- Friedl, Raimund. 1996. *Der Konkubinat im kaiserzeitlichen Rom: von Augustus bis Septimius Severus*. Stuttgart: F. Steiner.
- Frier, Bruce. 2006. "Marriage and motherhood in Roman Egypt." In *Ten years of the Agnes Kirsopp Lake Michels lectures at Bryn Mawr College*, eds. Suzanne Faris and Lesley Lundeen, 1–31. Bryn Mawr: Bryn Mawr College.
- Gaca, Kathy. 2003. *The Making of Fornication: eros, ethics, and political reform in Greek philosophy and early Christianity*. Berkeley: University of California Press.
- Gade, Gunther. 2001. *Donationes inter virum et uxorem*. Berlin: Duncker & Humblot.
- Gardner, Jane. 1986. *Women in Roman law and society*. Bloomington: Indiana University Press.
- Garnsey, Peter. 2004. "Roman citizenship and Roman law in the late empire." In *Approaching late antiquity: the transformation from early to late empire*, eds. Simon Swain, Mark Edwards, 133–55. Oxford, UK: Oxford University Press.
- Gaudemet, Jean. 1962. "Les transformations de la vie familiale au Bas Empire et l'influence du Christianisme." *Romanitas: revista de cultura romana* 5: 58–85.
- . 1980. *Sociétés et mariage*. Strasbourg: Cerdic-Publications.
- . 1992. "La constitution 'ad populum' du 31 Janvier 320." In *Droit et société aus derniers siècles de l'empire romain*, 3–22. Naples: Jovene.
- George, Michele. 2005. *The Roman family in the empire: Rome, Italy, and beyond*. Oxford, UK: Oxford University Press.
- Geroussi-Bendermacher, Eugenia. 2005. "Propriété foncière et inventaire d'esclaves: un texte inédit de Perissa (Thera) tardo-antique." In *Esclavage antique et discriminations socio-culturelles*, eds. V. Anastasiadis, P. Doukellis, 335–58. New York: Peter Lang.
- Glancy, Jennifer. 1998. "Obstacles to slaves' participation in the Corinthian church." *Journal of Biblical Literature* 117: 481–501.
- Goody, Jack. 1983. *The development of the family and marriage in Europe*. Cambridge, UK: Cambridge University Press.
- Hallett, Judith. 1984. *Fathers and daughters in Roman society: women and the elite family*. Princeton, NJ: Princeton University Press.
- Hareven, Tamara. 1991. "The history of the family and the complexity of social change." *American Historical Review* 96: 95–124.
- Harper, Kyle. 2008. "The Greek census inscriptions of late antiquity." *Journal of Roman Studies* 98: 83–119.
- . forthcoming. *Slavery the late Roman world, AD 275-425*. Cambridge, UK: Cambridge University Press.
- Harries, Jill. 1999. *Law and empire in late antiquity*. Cambridge, UK: Cambridge University Press.
- Harris, William. 1994. "Child-exposure in the Roman empire." *Journal of Roman Studies* 84: 1–22.
- Harrison, Carol. 1996. "The silent majority: the family in patristic thought." In *The Family in Theological Perspective*, ed. Stephen Barton, 87–105. Edinburgh: T & T Clark.
- Heather, Peter. 1998. "Senators and senates." In *Cambridge ancient history, vol. 13: the late empire, A.D. 337–425*, eds. Averil Cameron, Peter Garnsey, 184–210. Cambridge, UK: Cambridge University Press.
- Herlihy, David. 1985. *Medieval Households*. Cambridge, MA: Harvard University Press.

- . 1995. "Biology and history: the triumph of monogamy." *Journal of Interdisciplinary History* 25: 571–83.
- Hillner, Julia. 2003. "Domus, family, and inheritance: the senatorial family house in late antique Rome." *Journal of Roman Studies* 93: 129–45.
- Holum, Kenneth. 1982. *Theodosian empresses: women and imperial dominion in late antiquity*. Berkeley: University of California Press.
- Honoré, Tony. 1994. *Emperors and Lawyers*. Oxford, UK: Clarendon Press.
- . 1998. *Law in the crisis of empire, 379–455 AD: the Theodosian dynasty and its quaestors with a palinogenesis of laws of the dynasty*. Oxford, UK: Clarendon Press.
- Hopkins, M. K. 1961. "Social mobility in the later Roman empire: the evidence of Ausonius." *Classical Quarterly* 11: 239–49.
- Hopkins, Keith. 1966. "On the probable age structure of the Roman population." *Population Studies* 20: 245–264.
- Hughes, Diane Owen. 1978. "From brideprice to dowry in Mediterranean Europe." *Journal of Family History* 3: 262–96.
- Humbert, Michel. 1972. *Le remariage à Rome: étude d'histoire juridique et sociale*. Milan: A. Giuffrè.
- Hunter, David G. 1989. "'On the sin of Adam and Eve': a little-known defense of marriage and childbearing by Ambrosiaster." *Harvard Theological Review* 82: 283–299.
- . 2003. "Augustine and the making of marriage in Roman North Africa." *Journal of Early Christian Studies* 11: 63–85.
- . 2007. "Sexuality, marriage, and the family." In *Cambridge history of Christianity, vol. 2: Constantine to c. 600*, ed. Augustine Casiday and Frederick Norris, 585–600. Cambridge, UK: Cambridge University Press.
- Ilan, Tal. 1996. *Jewish women in Greco-Roman Palestine*. Tübingen: J. C. B. Mohr.
- Jacobs, Andrew. 2003. "'Let him guard pietas': early Christian exegesis and the ascetic family." *Journal of Early Christian Studies* 11: 257–63.
- Jacobs, Andrew, and Rebecca Krawiec. 2003. "Fathers know best? Christian families in the age of asceticism." *Journal of Early Christian Studies* 11: 257–63.
- Jensen, Joseph. 1978. "Does porneia mean fornication? A critique of Bruce Malina." *Novum Testamentum* 20: 161–184.
- Keenan, James. 1973. "The names Flavius and Aurelius as status designations in later Roman Egypt." *ZPE* 11: 36–63.
- . 1974. "The names Flavius and Aurelius as status designations in later Roman Egypt." *ZPE* 13: 283–304.
- Krause, Jens-Uwe. 1994–5. *Witwen und Waisen in römischen Reich*. 4 vols. Stuttgart: F. Steiner.
- Laiou, Angeliki. 1985. "Consensus facit nuptias – et non: Pope Nicholas I's *responsa* to the Bulgarians as a source for Byzantine marriage customs." *Rechtshistorische Journal* 4: 189–201.
- Laslett, Peter, and Richard Wall. 1972. *Household and family in past time: comparative studies in the size and structure of the domestic group over the last three centuries in England, France, Serbia, Japan and Colonial North America, with further materials from western Europe*. Cambridge, UK: Cambridge University Press.
- Laurence, Patrick. 1997. "Les représentations de la domina chez Jérôme." *Recherches de science religieuse* 85: 41–55.
- . 2002. *La vie latine de sainte Mélanie*. Jerusalem: Franciscan Printing Press.
- Levy, Ernst. 1951. *West Roman vulgar law: the law of property*. Philadelphia: American Philosophical Society.

- Liebs, Detlef. 2008. "Roman vulgar law in late antiquity." In *Aspects of law in late antiquity: dedicated to A. M. Honoré on the occasion of the sixtieth year of his teaching in Oxford*, ed. A. J. B. Sirks, 35–53. Oxford: All Souls College.
- MacDonald, Kevin. 1990. "Mechanisms of sexual egalitarianism in Western Europe." *Ethology and Sociobiology* 11: 195–238.
- Macfarlane, Alan. 1986. *Marriage and love in England: modes of reproduction, 1300–1840*. Oxford, UK: B. Blackwell.
- MacMullen, Ramsay. 1964. "Social mobility and the Theodosian Code." *Journal of Roman Studies* 54: 49–53.
- . 1984. *Christianizing the Roman empire: (A.D. 100–400)*. New Haven: Yale University Press.
- . 1986. "What difference did Christianity make?" *Historia* 35: 322–43.
- Malina, B. 1972. "Does porneia mean fornication?" *Novum Testamentum* 14: 10–17.
- Martin, Dale. 1996. "The construction of the ancient family: methodological considerations." *Journal of Roman Studies* 86: 40–60.
- Maxwell, Jaclyn. 2006. *Christianization and communication in late antiquity: John Chrysostom and his congregation in Antioch*. Cambridge, UK: Cambridge University Press.
- Mayer, Wendy. 2005. *The homilies of St. John Chrysostom, provenance: reshaping the foundations*. Rome: Pontificio Istituto orientale.
- McCail, Ronald. 1968. "Three Byzantine epigrams on marital incompatibility." *Mnemosyne* 21: 76–78.
- McCormick, Michael. 2001. *Origins of the European economy*. Cambridge, UK: Cambridge University Press.
- McGinn, Thomas. 1991. "Concubinage and the *Lex Iulia* on adultery." *Transactions of the American Philological Association* 121: 335–75.
- . 1998. *Prostitution, Sexuality, and the Law in Ancient Rome*. New York: Oxford University Press.
- . 1999. "Widows, orphans, and social history." *Journal of Roman Archaeology* 12: 617–32.
- . 2002. "The Augustan marriage legislation and social practice: elite endogamy versus male marrying down." In *Speculum iuris: Roman law as a reflection of social and economic life in antiquity*, ed. J.–J. Aubert and B. Sirks: 46–93. Ann Arbor: University of Michigan Press.
- . 2004. *The economy of prostitution in the Roman world: a study of social history and the brothel*. Ann Arbor: University of Michigan Press.
- Memmer, Michael. 2000. "Die Ehescheidung im 4. und 5. Jahrhundert n. Chr." *Iurisprudentia universalis: Festschrift für Theo Mayer–Maly zum 70. Geburtstag*, ed. M. Schermaier, et al., 489–510. Cologne: Böhlau.
- Metzger, Marcel. 1992. "Apports de l'histoire de la liturgie à la théologie du mariage." *Revue de droit canonique* 42: 215–36.
- Mitteis, Ludwig. 1891. *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs. Mit Beiträgen zur Kenntniss des griechischen Rechts und der spätrömischen Rechtsentwicklung*. Leipzig: B. G. Teubner.
- Mnookin, R. H., and L. Kornhauser. 1979. "Bargaining in the shadow of the law: the case of divorce." *Yale Law Journal* 88: 950–97.
- Nathan, Geoffrey. 2000. *The family in late antiquity: the rise of Christianity and the endurance of tradition*. London: Routledge.
- Neri, Valerio. 1998. *I marginali nell'Occidente tardoantico: poveri, "infames" e criminali nella nascente società cristiana*. Bari: Edipuglia.

- O'Roark. 1996. "Close-kin marriage in late antiquity: the evidence of Chrysostom." *Greek, Roman and Byzantine Studies* 37: 399–411.
- Osiek, Carolyn. 2003. "Female slaves, *porneia*, and the limits of obedience." In *Early Christian families in context*, eds. David Balch, Carolyn Osiek, 255–74. Grand Rapids: William B. Eerdmans.
- Patterson, Cynthia. 1998. *The family in Greek history*. Cambridge, MA: Harvard University Press.
- Pomeroy, Sarah. 1994. *Xenophon, Oeconomicus: A social and historical commentary, with a new English translation*. Oxford, UK: Clarendon Press.
- Raepsaet-Charlier, Marie-Thérèse. 1993. "Les femmes sénatoriales du III^e siècle. Etude préliminaire." In *Prosopographie und Sozialgeschichte: Studien zur Methodik und Erkenntnismöglichkeit der kaiserzeitlichen Prosopographie. Kolloquium, Köln, 24.–26. November 1991*, ed. W. Eck, 147–63. Vienna: Böhlau Verlag.
- Rawson, Beryl, ed. 1986. *The family in ancient Rome: new perspectives*. London: Croom Helm.
- , ed. 1991. *Marriage, divorce, and children in ancient Rome*. Oxford, UK: Clarendon Press.
- Rawson, Beryl, and Paul Weaver. 1997. *The Roman family in Italy: status, sentiment, space*. Oxford, UK: Oxford University Press.
- Reynolds, Philip. 1994. *Marriage in the Western church: the Christianization of marriage during the patristic and early medieval periods*. Leiden: E.J. Brill.
- . 2007. "Marrying and its documentation in pre-modern Europe: consent, celebration, and property." In *To have and to hold: marrying and its documentation in western Christendom, 400–1600*, eds. Philip Reynolds, John Witte, 1–42. Cambridge, UK: Cambridge University Press.
- Ritzer, Korbinian. 1970. *Le mariage dans les Églises chrétiennes du I^{er} au XI^e siècle*. Paris: Éditions du Cerf.
- Romano, Dennis. 1996. *Housecraft and statecraft: domestic service in Renaissance Venice, 1400–1600*. Baltimore: Johns Hopkins University Press.
- Saller, Richard. 1984. "Familia, domus, and the Roman conception of the family." *Phoenix* 38: 336–355.
- . 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." *Classical Philology* 82: 21–34.
- . 1991. "European family history and Roman law." *Continuity and Change* 6: 335–46.
- . 1994. *Patriarchy, property and death in the Roman family*. Cambridge, UK: Cambridge University Press.
- . 1997. "Roman kinship: structure and sentiment." In *The Roman family in Italy: status, sentiment, space*, ed. Beryl Rawson and Paul Weaver, 7–34. Oxford, UK: Oxford University Press.
- Saller, Richard and David Kertzer. 1991. "Historical and anthropological perspectives on Italian family life." In *The Family in Italy from Antiquity to the Present*, ed. David Kertzer and Richard Saller, 1–19. New Haven: Yale University Press.
- Saller, Richard, and Brent Shaw. 1984. "Tombstones and Roman family relations in the principate: civilians, soldiers and slaves." *Journal of Roman Studies* 74: 124–156.
- Sargenti, Manlio. 1938. *Il diritto privato nella legislazione di Costantino: persone e famiglia*. Milan: A. Giuffrè.
- . 1975. "Il diritto privato nella legislazione di Costantino." In *Accademia romanistica costantiniana. Convegno internazionale, 1*, 1–109. Perugia: Libreria universitaria.
- . 1985. "Matrimonio cristiano e società pagana: spunti per una ricerca." *Studia et*

- documenta historiae et iuris* 51: 367–91.
- Satlow, Michael. 2001. *Jewish Marriage in Antiquity*. Princeton: Princeton University Press.
- . 2003. “Slipping towards sacrament: Jews, Christians, and Marriage.” In *Jewish culture and society under the Christian Roman empire*, eds. R. Kalmin, S. Schwartz, 65–89. Louvain: Peeters.
- Scheidel, Walter. 1997. “Quantifying the sources of slaves in the early Roman empire.” *Journal of Roman Studies* 87: 156–169.
- . 2001a. “Progress and problems in Roman demography.” In *Debating Roman Demography*, ed. Walter Scheidel, 1–81. Leiden: Brill.
- . 2001b. “Roman age structure: evidence and models.” *Journal of Roman Studies* 91: 1–26.
- . 2009. “A peculiar institution? Greco-Roman monogamy in global context.” *History of the Family* 14: 280–91.
- Seeck, Otto. 1919. *Regesten der Kaiser und Päpste für die Jahre 311 bis 476 n. Chr. Vorarbeit zu einer Prosopographie der christlichen Kaiserzeit*. Stuttgart: J.B. Metzler.
- Shanzer, Danuta. 2002. “*Avulsa a latere meo*: Augustine’s spare rib: *Confessions* 6.15.25.” *Journal of Roman Studies* 92: 157–176.
- Shaw, Brent. 1984. “Latin funerary epigraphy and family life in the later Roman empire.” *Historia: Zeitschrift für alte Geschichte* 33: 457–497.
- . 1987. “The family in late antiquity: the experience of Augustine.” *Past and Present* 115: 3–51.
- . 2001. “The seasonal birthing cycle of Roman women. In *Debating Roman Demography*, ed. Walter Scheidel, 83–110. Leiden: Brill.
- . 2002. “‘With whom I lived’: measuring Roman marriage.” *Ancient Society* 32: 195–242.
- Shaw, Brent, and Richard Saller. 1984. “Close-kin marriage in Roman society?” *Man, New Series* 19: 432–44.
- Sirks, A. J. B. *The Theodosian Code: A Study*. Friedrichsdorf: Éditions Tortuga.
- Sivan, Hagith. 1993. *Ausonius of Bordeaux: genesis of a Gallic aristocracy*. London: Routledge.
- Sogno, Cristiana. 2010. “Roman matchmaking.” In *From the Tetrarchs to the Theodosians: later Roman history and culture, 284–450 CE*, eds. S. McGill, C. Sogno, E. Watts, 55–71: Cambridge, UK: Cambridge University Press.
- Stone, Lawrence. 1977. *The family, sex and marriage in England 1500–1800*. London: Weidenfeld & Nicolson.
- . 1981. “Past achievements and future trends.” *Journal of Interdisciplinary History* 12: 51–87.
- Syme, Ronald. 1960. “Bastards in the Roman aristocracy.” *Proceedings of the American Philosophical Society* 104: 323–327.
- Tate, Joshua. 2008. “Inheritance rights of nonmarital children in late Roman law.” *Roman Legal Tradition* 4: 1–36.
- Toubert, Pierre. 1998. “L’institution du mariage chrétien, de l’antiquité tardive à l’an mil.” In *Morfologie sociali e culturali in Europa fra tarda antichità e alto Medioevo: 3–9 aprile 1997*, 503–553. Spoleto: Presso La sede del Centro.
- Treggiari, Susan. 1982. “Consent to Roman marriage: some aspects of law and reality.” *Classical Views* 26: 34–44.
- . 1991a. *Roman marriage: iusti coniuges from the time of Cicero to the time of Ulpian*. Oxford, UK: Clarendon Press.
- . 1991b. “Divorce Roman style: how easy and how frequent was it?” In *Marriage, Divorce, and Children in Ancient Rome*, ed. B. Rawson, 31–46. Oxford, UK: Clarendon

- Press.
- Verdon, Michel. 1988. "Virgins and widows: European kinship and early Christianity." *Man* 23: 488–505.
- Veyne, Paul. 1978. "La famille et l'amour sous le Haut-Empire romain." *Annales: économies sociétés civilisations* 33: 36–63.
- . 1987. "The Roman empire." In *A history of private life, vol. 1: from pagan Rome to Byzantium*, eds. Philippe Ariès and Georges Duby, 5–234. Cambridge, MA: Harvard University Press.
- Vuolanto, Ville. 2008. *Family and asceticism: continuity strategies in the late Roman world*. Doctoral dissertation. Tampere, Finland: University of Tampere.
- Wallace-Hadrill, Andrew. 1991. "Houses and households: sampling Pompeii and Herculaneum." In *Marriage, Divorce, and Children in Ancient Rome*, ed. B. Rawson, 191–227: Oxford, UK: Clarendon Press.
- Ward-Perkins, Bryan. 2006. *The fall of Rome: and the end of civilization*. Oxford, UK: Oxford University Press.
- Watson, Alan. 1995. "Religious and gender discrimination: St. Ambrose and the Valentiniani." *Studia et documenta historiae et iuris* 61: 313–26.
- Whittaker, C. R. 1987. "Circe's pigs: from slavery to serfdom in the later Roman world." In *Classical Slavery*, ed. M. Finley, 88–122. Totowa, N.J.: F. Cass.
- Whittaker, C. R., and Peter. Garnsey. 1999. "Rural life in the later Roman empire." In *Cambridge ancient history, vol. 13: the late empire, A.D. 337–425*, eds. Averil Cameron, Peter Garnsey, 277–311. Cambridge, UK: Cambridge University Press.
- Wickham, Chris. 2005. *Framing the early middle ages: Europe and the Mediterranean world, 400–800*. Oxford, UK: Oxford University Press.
- Williams, Margaret. 2005. "The Jewish family in Judaea from Pompey to Hadrian – the limits of Romanization." In *The Roman family in the empire: Rome, Italy, and beyond*, ed. M. George, 159–82. Oxford, UK: Oxford University Press.
- Wolff, Hans Julius. 1950. "Doctrinal trends in postclassical Roman marriage law." *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung* 67: 261–319.