An Augustan Accident: The Paradox of Augustan Sex and Marriage Laws and Augustan Ideology

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Abstract

Augustus, born Gaius Octavius, curated a specific image of himself and his purpose for the Roman people, starting with his rise to power following his victory at Actium in 31 B.C.E. and culminating in his later construction projects. Augustus was generally successful at crafting a *Pax Romana* in which the people were fed, the Empire's borders expanded, and the armies at peace. However, Augustus was fallible. When promoting themes of fertility, he enacted laws to actualize his ideology, restricting marriage based on class, ordering a minimum number of children per couple, and condemning adulteresses. Never before had state law punished citizens for sexual deviance and so plainly distinguished the bottom of moral hierarchy. In creating a model of moral behavior through law, Augustus also necessitated the existence of its antithesis, the prostitute. Additionally, Augustus put himself at odds not only with the sexual desires of the aristocracy but also with his own ideology. He attempted to hold the past as a golden standard to which Rome ought to return. Yet, many of Rome's ancestors would have been criminals under Augustus's sex laws. Ultimately, Augustus's laws did more to damage his own ideology than consolidate his power and control the aristocracy.

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By Lillian Shea

Augustus, born Gaius Octavius, curated a specific image of himself and his purpose for the Roman people, starting with his rise to power following his victory at Actium in 31 B.C.E. and culminating in his later construction projects. Augustus was generally successful at crafting a *Pax Romana* in which the people were fed, the Empire's borders expanded, and the armies at peace.[1] However, Augustus was fallible. When promoting themes of fertility, he enacted laws to actualize his ideology, restricting marriage based on class, ordering a minimum number of children per couple, and condemning adulteresses. Never before had state law punished citizens for sexual deviance and so plainly distinguished the bottom of moral hierarchy. In creating a model of moral behavior through law, Augustus also necessitated the existence of its antithesis, the prostitute. Additionally, Augustus put himself at odds not only with the sexual desires of the aristocracy but also with his own ideology. He attempted to hold the past as a golden standard to which Rome ought to return. Yet, many of Rome's ancestors would have been criminals under Augustus's sex laws. Ultimately, Augustus's laws did more to

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[1] Greg Woolf, "Provincial Perspectives," in *Age of Augustus,* ed. Karl Galinsky (NY: Cambridge University Press, 2005), 106-129.

damage his own ideology than consolidate his power and control the aristocracy.

Augustus dedicated much of his reign to curating a careful image of himself and his wishes for the empire. He prioritized images of fertility and "the blessings of children" in his art, architecture, festivals, and literature.[2] The imposing *Ara Pacis Augustae*, translating to "Altar of the Augustan Peace," exemplified these themes.[3] Completed by the Senate in 9 BCE, the marble altar promoted the state by depicting the female personification of Rome, Rome's founder, Romulus, and prominent rulers. Symbols of fertility accompanied these images. Children, such as Agrippa's sons, Gaius Caesar and Lucius Caesar, dominated the foreground of the frieze. Flowers surrounded Pax, the goddess of Peace, as she supported two children in her arms, one of whom held a fruit. Thus, Augustus used iconography to entwine images of the Roman state and sexual bounty.[4]

In addition to the arts, Augustus revived the Secular Festival in 17 B.C.E. with fertility as its central theme. He highlighted mothers and children by assigning them special roles. Matrons led prayers to Juno, Jupiter's wife and queen of the gods.

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[2] Paul Zanker, *The Power of Images in the Age of Augustus,* translated by Alan Shapiro (University of Michigan Press, 2005), 167; P.J. Davis, *Ovid and Augustus: A Political Reading of Ovid's Erotic Poems* (London: Gerald Duckworth & Co., 2006), 24.
[3] Zanker, *The Power of Images,* 120-121.
[4] Zanker, *The Power of Images,* 122, 173.

Two choirs of children, one male and one female, sang the *Carmen Saeculare*, meaning "Song of the Ages," which was commissioned by Augustus and composed by Quintus Horatius Flaccus (Horace). Horace saturated his verse with references to fecundity and addressed the Greek goddess of childbirth directly saying:

> *rite maturos aperire partus*
> *lenis, Ilithyia, tuere matres…*
>
> You whose gentle function it is to open the way for births in due season, protect our mothers, o Ilithyia…[5]

These words complemented the festival by further promoting sexual productivity as a form of civic duty.[6]

Despite his efforts to emphasize procreation, Romans, particularly aristocrats, resisted Augustus's plans. Keith Hopkins argues in his article "Contraception in the Roman Empire" that low birth rates and small aristocratic families were due in part to contraceptive practices of the upper class.[7] Augustus advanced his agenda by enacting three laws that would mandate moral procreation and limit extra-marital sex.[8] *Lex Julia de maritandis*

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[5] Horace, *Carmen Saeculare ,* ln. 13-14, Loeb Classical Library, https://www.loebclassics.com/view/horace-hymn_new_age/2004/pb_LCL033.263.xml?rskey=GxQULy&result=3.

[6] Zanker, *The Power of Images*, 122, 169, 173, 176.

[7] Keith Hopkins, 126, "Contraception in the Roman Empire" in *Comparative Studies in Society and History* 8, no. 1 (October, 1965):126, https://www.jstor.org/stable/177539.

[8] Judith Evans Grubbs, *Women and the Law in the Roman Empire: A Sourcebook on Marriage, Divorce, and Widowhood* (NY: Routledge, 2002), 83.

ordinibus, passed in 18 B.C.E., regulated marriages based on social class, *Lex Julia de adulteriis*, passed in 9 C.E., punished adultery, and *lex Papia-Poppaea* modified the 18 B.C.E. law on marriage and emphasized child-bearing.[9] These laws marked the first time the Roman state made sexual deviance an offense punishable by the government, thus altering understandings of sexual behavior and cementing the concepts of morality and immorality for Romans.

First, these laws imposed restrictions on marriages based on the class of the participants. In her 2002 work on women and Roman marriage laws, the Roman Historian, Judith Evan Grubbs explained that a marriage of any member of the senatorial order, which included "senators, their children, and their sons' children," to a former slave or actor was prohibited.[10] Such an arrangement was "not in compliance with Augustan law," making the spouses criminals and subject to financial penalties.[11] More drastic was the ban on marriages between any freeborn person and a prostitute, pimp, or adulteress. Augustus's law made prostitution the only professionals forbidden from marrying all *ingenui*, or "freemen," establishing them permanently at the bottom of the social hierarchy. Thomas A. J. McGinn, a scholar on prostitution and law

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[9] Evans Grubbs, *Women and the Law,* 13; Thomas A. J. McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome* (New York: Oxford University Press, 1998), 70.
[10] Grubbs, *Women and the Law,* 84.
[11] Grubbs, *Women and the Law,* 84.

in Ancient Rome, explained that, although Ancient Rome had no official "law of prostitution," prostitutes had been considered the face of *infamia,* or "dishonor."[12] With perceptions of chastity already closely related to the welfare of the state in Greco-Roman tradition, the Augustan laws served to strengthen this relationship, indulging the Roman tendency to "merge categories of the social and moral."[13] In this way, Augustan law served to further engrain the depravity of the prostitute's social status and keep prostitutes and pimps out of the upper class.[14]

The greatest punishments were reserved for adulteresses through the *lex Julia de adulteriis*. The law enumerated two types of prohibited sexual activity. The first was adultery, which the law defined as sex between a married woman and man other than her husband.[15] *Stuprum,* sometimes translated as "rape," was the other illicit sex act and included non-marital sex with an unmarried woman of high status.[16] In the Republic, chastisement of adulterous wives was the role of the *paterfamilias*, the male head of the household.[17] Under Augustan law, the punishment for adultery became the burden of the state which imposed fiscal penalties on the woman and man involved in the affair and forced

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[12] McGinn, *Prostitution*, 19, 65.
[13] McGinn, *Prostitution*, 26, 72.
[14] McGinn, *Prostitution*, 18, 65.
[15] Grubbs, *Women and the Law*, 84.
[16] Davis, *Ovid and Augustus*, 94.
[17] Grubbs, *Women and the Law,* 84.

the husband to divorce his wife or face prosecution himself for
lenocinium, or "pimping."[18] The inclusion of a cuckolded husband
risking the title of pimp suggested that his wife, in cheating,
became a prostitute. McGinn further supported this assertion by
arguing that women convicted of adultery had to wear a toga that
"heretofore only prostitutes among women had been accustomed to
wear," in effect turning the *adultera damnata,* or "convicted
adulteress," into a whore.[19] Such an action established adultery as a
complete loss of honor and solidified prostitution's place at the
bottom of the moral order.

Yet, as Augustus vilified prostitution, he made the
prostitute indispensable to his vision of an ideal Rome. Augustus's
laws could not completely eradicate the sexual drive that led to
adultery. To curb "uncontrolled sexuality" that threatened "moral
and political order," McGinn argued that "prostitution played an
important role in safeguarding this order."[20] In the minds of the
Romans, the profession provided a sexual outlet for predatory men
who might have targeted and sullied honorable women, while also
serving as a warning to women of what would happen if they lost
their sexual honor.[21] Thus, Augustus's law created a paradox

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[18] Grubbs, *Women and the Law,* 84.
[19] McGinn, *Prostitution*, 156, 157.
[20] McGinn, *Prostitution*, 17.
[21] McGinn, *Prostitution*, 17.

which, when considered in reference to his greater ideologies, exposed other inconsistencies within his image.

Augustus's support of moral childbearing extended to an emphasis on genealogy, not just his own, but of Rome as a whole. He utilized images of Rome and his own divine and pure ancestry to legitimize his rule and justify his moral reforms. He often referred to his familial, albeit adopted, relation to Venus through Gaius Julius Caesar. He also looked to Romulus as a predecessor of his own role as pacifier and *princeps,* or "first man," of Rome. Additionally, he held the past as an ideal and virtuous image that the empire ought to emulate in order to calm the turbulence of the Civil War and reverse the moral decay of the past centuries.[22] A contemporary historian, Titus Livius (Livy), wrote a history of Rome and its people called *Ab Urbe Condita,* meaning "From the Founding of the City." In its prelude, Livy glorified the past by telling his readers to study:

> *…quae vita qui mores fuerint… labente deinde paulatim disciplina velut desidentis1 primo mores sequatur animo, deinde ut magis magisque lapsi sint, tum ire coeperint praecipites, donec ad haec tempora quibus nec vitia nostra nec remedia pati possumus perventum est.*

> …what life and morals were like… then let him note how, with the gradual relaxation of discipline, morals first gave way, as it were, then sank lower and lower, and finally began the downward plunge which has brought us to the

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[22] Davis, *Ovid and Augustus,* 23.

present time, when we can endure neither our vices nor their cure.[23]

In Livy and Augustus's mind, modern Rome was morally corrupt and needed to realign itself according to the examples of the past. Through Augustus's elevated lineage, he could affect peace. However, with the implementation of the marriage laws, such a relationship spawned contradiction.

Although Augustus used literature like Horace's *Carmen Saeculare* to support Augustan marriage laws, not all the histories and mythology produced under his reign aligned with his new legislation. For example, his laws complicated the narrative of Romulus and Remus and their she-wolf mother. Augustus strove to associate himself with Romulus by presenting himself as the continuation of Romulus's legacy. Whereas Romulus was the "father of the city" who single-handedly fought victoriously against a Roman enemy, King Akron of Caenina, Augustus worked to restore the former glory of the city, an opportunity born from his victory over Antony and Cleopatra at Actium.[24] Augustus not only continued Romulus's legacy but completed it by establishing himself as the last to use the barbarity of war to ensure peace and civility. The chronology was physically demonstrated

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[23] Livy, *History of Rome* vol. 1, Book I, preface, ln. 9, Loeb Classical Library, https://www.loebclassics.com/view/livy-history_rome_1/1919/pb_LCL114.7.xml?result=3&rskey=bJLLFc.

[24] Zanker, *The Power of Images,* 203.

when the Senate recorded the *fasti*, a list of significant religious and state events, on marble slabs and placed Romulus' victory first. The *fasti* were displayed on Augustus's triumphal arch celebrating his victory at Actium. The proximity of the two military accomplishments on the arch suggest that Augustus saw himself paralleling Romulus's role in establishing a sound government. Augustus also worked images of the twins into his imperial art by including them on the *Ara Pacis*. By picturing the pair suckling the she-wolf, Augustus marked their place of importance in his genealogical mythology. Thus, Romulus and Augustus were linked by their roles as leaders of Rome and their blood relation.[25]

However, Augustus's sex laws complicated this connection. The problem stemmed from the various meanings of the Latin term for "she-wolf," *lupa*. The she-wolf had an extensive history in Rome. One of the earlier representations of the *Lupa Capitolina,* or "Capitoline Wolf," was a bronze statue which many believed to date between 480 and 470 B.C.E. Around 65 B.C.E., Marcus Tullius Cicero wrote about the canine when its statue was struck by lightning, interpreting it as an ill omen related to the Catiline Conspiracy. He described the wolf as "the noble nurse o' the Roman name… [who] Fed the immortal children of her god /

With the life-giving dew of sweetest milk."[26] Sextus Propertius shared similar sentiments stating, "Best of nurses to our state, thou she-wolf of Mars, what walls have grown up from thy milk!"[27] Cristina Mazzoni, a scholar of classical culture, argued that the she-wolf was admired and viewed strictly as an animal and mother of Rome.[28] However, *lupa* also referred to prostitutes, and while some brothels were called *lupanar*, or *lupanarium*, meaning "den of she-wolves."[29] This association ranked female sex workers below humans and characterized them as predatory and greedy.[30] Conversely, it also introduced an association between the she-wolf who raised the founder of Rome and prostitutes who were deemed social outcasts.

Some contemporary historians exposed the conflicting nature of the *lupa*. For example, Livy's history of Rome presented both aspects of the wolf which, under Augustan law, reflected negatively on the founder. He explained how a she-wolf found Romulus and Remus who had been abandoned in a stream.[31] One could argue that the use of a she-wolf was simply meant to signify the grand narrative of a great civilization born in savagery growing

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[26] Cristina Mazzoni, *She-Wolf: The Story of a Roman Icon* (New York: Cambridge University Press, 2010), 29.
[27] Mazzoni, *She-Wolf*, 97.
[28] Mazzoni, *She-Wolf,* 15, 22-23, 28-29.
[29] Thomas A. J. McGinn, *The Economy of Prostitution in the Roman World: A Study of Social History and the Brothel* (University of Michigan Press, 2004), 7, 8.
[30] McGinn, *The Economy of Prostitution in the Roman World,* 7-8.
[31] Livy, *History of Rome*, vol. 1, Book I, Section IV, ln. 6.

into a pinnacle of civility. However, Livy made the suggestions of prostitution even clearer with subsequent sentences. He mentioned that a shepherd, Faustulus, eventually took in the boys and gave them to his wife, Larentia, who raised them.[32] Livy wrote:

> *Sunt qui Larentiam vulgato corpore lupam inter pastores vocatam putent*

> Larentia having been free with her favors had got this name of *"she-wolf"* among the shepherds."[33]

Livy introduced the idea of "lupam" being a nickname for the shepherd's wife. Additionally, by calling her "free with her favors," he implied that she was sexually promiscuous. In this case, Livy strongly suggested that the adopted mother of the "King of Rome" was a whore. The Greek historian, Dionysius also indicated that "lupa" really functioned as a colloquialism for "prostitute" saying, "the nurse, who suckled them, was not a she-wolf, but… a woman… who, having, formerly, prostituted her beauty, was… surnamed *Lupa*."[34] While such claims were controversial in Rome preceding Augustus, the *lex Julia* and *lex Papia-Poppaea* officially displaced any honor of being raised by a prostitute.

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[32] Livy, *History of Rome*, vol. 1, Book I, Section IV, ln. 6-8.
[33] Livy, *History of Rome*, vol. 1, Book I, Section IV, ln. 7-8. Italics added by Shea.
[34] Mazzoni, *She-Wolf,* 115.

One could argue that Augustus needed Romulus to be the barbaric counterpoint to the princeps. By finishing a cycle started by Romulus, Augustus would be the most evolved part of the process. He needed to demonstrate the idea of moral growth with Augustus taking the barbaric but necessary roots of Rome and creating something more civilized.[35] Yet such an argument contradicts Livy's opening statements idolizing the morality of the past and Augustus's desire to return to it. If Augustus hoped to use the images of the she-wolf in contrast with his own evolved Rome while still proclaiming the superiority of the past, then such a fact demonstrated another paradox that existed within Augustan ideology.

Augustus's laws, specifically the *lex Julia de adulteriis,* also undermined his emphasis on his relationship to Venus during his reign. Preceding Augustus, Caesar emphasized his relationship with his ancestress Venus, the goddess of love and beauty. According to tradition, Venus's and Anchises's grandson was Iulus, whose name established the Julian line. While Caesar was in power, he reminded others of his divine lineage by building a temple to Venus Genetrix in his Forum Iulium. Augustus, once adopted by Caesar, emphasized his relationship with Caesar by

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[35] She is referencing *laus Romae* by Propertius, 4.1.37-38. Gold, Barbara K. "How Women (Re)Act in Roman Love Poetry: Inhuman She-Wolves and Unhelpful Mothers in Propertius's Elegies," in *Helios,* vol. 33, no. 2 (Texas Tech University Press), 173.

building a Temple to Caesar after Caesar was assassinated. By drawing a connection between himself and Caesar, he was also drawing a connection with Venus. He made his desire for his association to the goddess and Aeneas more obvious in coinage that pictured Aeneas carrying his father, Anchises, out of Troy as it was overrun by the Greeks. Additionally, the statue of Augustus from Livia's villa at Prima Porta portrayed Eros at Augustus's feet riding a dolphin, which Augustan scholar Paul Zanker claimed was "unquestionably an allusion to his ancestress Venus."[36] Perhaps the most prominent and lasting connection Augustus made to Venus was through Aeneas. Virgil's *Aeneid* centered on themes of ancestry following Aeneas in his travels from Troy to Italy, establishing land that would become Rome.[37] Zanker argued that Virgil shifted the Venus and Aeneas mythology from legitimizing the Julian house alone, to being an origin story for the nation as a whole.[38] Thus, Aeneas stood as an example to which the whole of Rome should look.

Unfortunately for Augustus, the traditional interpretation of Venus did not align completely with Augustus's vision of moral purity. He attempted to rebrand the goddess of love from a promiscuous adulteress to a picture of moral fertility and

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[36] Zanker, *The Power of Images,* 35, 44, 189.
[37] Davis, *Ovid and Augustus,* 36.
[38] Zanker, *The Power of Images,* 193.

genealogical superiority.[39] However, her close connection to the Greek goddess, Aphrodite, in the minds of the Romans revealed the inconsistency between Augustus's law on adultery and his desire to venerate his divine ancestress. In her book *Aphrodite*, classics historian, Monica S. Cyrino, proposed that Venus was first associated with vegetation and influenced by the Etruscan goddess of love, Turan. Over time, parallels were made between the Roman Venus and the Greek Aphrodite. Livius Andronicus adapted Homer's *Odyssey* into Latin in the third century B.C.E. and Romanized the Greek names, linking the two goddesses. By the end of the third century B.C.E. and beginning of the second, the connection was made official when the cult of Venus Erycina from the Sicilian sanctuary of Aphrodite was introduced to Rome.[40]

While the Roman Venus maintained a distinctly motherly reputation that her Greek counterpoint never attained, Venus was related to the Aphrodite of Homer's epic known to Augustan Romans.[41] Furthermore, Homer's Aphrodite was an adulteress. In Book 8 of the *Odyssey*, Aphrodite was married to Hephaestus, the deformed blacksmith god. When Hephaestus discovered that Aphrodite was having an affair with Ares, the god of war, in Hephaestus's own bed, he forged a net to catch the two and humiliate them in front of the rest of the gods. When the other gods

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[39] Zanker, *The Power of Images,* 195, 196.
[40] Monica S. Cyrino, *Aphrodite* (NY: Routledge, 2010) 127-128.
[41] Cyrino, *Aphrodite,* 127-128.

saw Aphrodite and Ares in their lovers' embrace, they were sympathetic to Ares, ordering Hephaestus to release the two rather than punish them.[42]

Even though Venus was viewed as promiscuous before Augustus's rise to power, Augustus's *lex Julia de adulteriis* that damned Venus further.[43] Since Venus had been caught in the act of adultery, the law mandated that she would have been turned out of her house and compelled to wear the harlot's toga. Augustus's law was the first legislation naming and punishing sexual licentiousness through the state, which made Venus more than an adulteress, but a prostitute. Furthermore, his laws also reinforced the idea of a prostitute being the antithesis of morality. Therefore, he branded his ancestress as the lowest form of Roman society, damaging the idea of his own pure ancestry.

One Roman poet, Publius Ovidius Naso (Ovid), was avidly vocal about the hypocrisies of Augustan law and image. Ovid's writings contradicted Augustus's ideas of virtuous sex to the point that Augustus ordered a special court to have Ovid exiled.[44] However in *Tristia* 2, Ovid complained:

> *denique composui teneros non solus amores:*

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[42] Homer, *Odyssey*, Book 8, ln. 265-270, Loeb Classical Library, https://www.loebclassics.com/view/homer-odyssey/1919/pb_LCL104.291.xml?rskey=LUJdf7&result=4. ln. 266-269, 272-310, 347-366.

[43] Zanker, *The Power of Images,* 195.

[44] Ovid, *Tristia II*, ln. 130-131, Loeb Classical Library, https://www.loebclassics.com/view/ovid-tristia/1924/pb_LCL151.65.xml?result=4&rskey=03C2Ut.

composito poenas solus amore dedi.

> In short, I am not the only one to have written about tender love: but I alone am punished
> for writing about love.[45]

If Ovid was not the only one writing about love but was singled out and punished, there must be some facet of his work that was especially offensive to Augustan sensibility. When comparing his writings to the laws Augustus established, multiple reasons arise to explain why Ovid was not just writing love poetry, but challenging Augustus.

Ovid first attacked the classicism of Augustan marriage laws. He assumed the role of teacher to educate his female and male readers in the manners of sex. By using phrases like "O mortal race" when referring to women, Ovid ignored Augustus's attempt to confine female sexuality to other high-ranking men.[46] He addressed all womankind, encouraging them to indulge in sex with as many people as possible. In his book, *Ovid and Augustus*, classics scholar, P. J. Davis, explained that Ovid went further with the idea of classless sex by offering "places listed as sources of pride in the Res Gestae [an inscription by Augustus recording his life]… as meeting-places for sex-hungry men and women."[47] Thus,

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[45] Ovid, *Tristia II* qtd. in Davis, *Ovid and Augustus* 1.
[46] Davis, *Ovid and Augustus,* 93.
[47] Davis, *Ovid and Augustus,* 97.

Ovid did not confine sex to marriage or class as Augustus did, but encouraged it across Rome.

Davis argued that Ovid also insulted Augustus by encouraging adultery, though Ovid did not explicitly use the word. Ovid consistently encouraged lovers to meet in secret and move stealthily, "suggesting an illicit relationship."[48] Additionally, the poet utilized vague words like *uir* when referring to a woman's man of interest but did not clarify if he meant "husband" or "friend." Since *uir* was often translated as "husband," Ovid seemed to suggest that a girl should pursue an adulterous relationship with her friend's husband. These strong allusions to adultery encouraged people to follow their sexual instincts and break Augustus's laws, making Ovid a threat to Augustan society.

Most significantly, Ovid highlighted the paradox of Augustus's idealization of the past and his laws on morality. In his controversial *Ars Amatoria*, meaning "Art of Love," he addressed the relationship between Romulus and the Sabine women.[49] Livy's history recounted that the Sabine women were stolen by the early Romans so that they could aid Romulus and his men in ensuring a Roman legacy.[50] Livy portrayed the rape more as a slow persuasion during which Romulus promised the women a share in their Roman husbands' citizenship in return for bearing children.

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[48] Davis, *Ovid and Augustus,* 91.
[49] Ovid, *Ars Amatoria* 1 qtd. in Davis, *Ovid and Augustus*, 103.
[50] Livy, *History of Rome,* Book 1, Section 9.

Ultimately, the Sabine women chose to stay with their Roman captors. Eve D'Ambra, a classics historian, explained that Livy's telling centered on a message of procreation for the betterment of the state.[51]

Ovid's rendition omitted the political purpose for the Sabine rape pushed by Augustus, focusing primarily on the discomfort of the Sabine women and the perversity of the Romans who took them. Ovid wrote:

> *Siqua repugnarate numium comitemque negabat,*
> *Sublatam cupido uir tulit ipse sinu…*
>
> If any girl resisted too much and denied her mate, the man picked her up and carried her
> off in lustful embrace…[52]

Ovid ended his account of the rape with a direct address to Romulus that translated to, "If you give me these rewards [sex], I will be a soldier."[53] Ovid' only justification for the early Romans' action was that it was an act of lust.[54] In this way, Ovid revealed a paradox in Augustus's policies; the princeps tried making *stuprum* illegal and yet praised the raping of foreigners in the name of the state as a moral standard.

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[51] Eve D'Ambra, *Roman Women* (NY: Cambridge University Press, 2007), 9, 10.
[52] Ovid, *Ars Amatoria* 1 qtd. in Davis, *Ovid and Augustus,* 103.
[53] Davis, *Ovid and Augustus,* 104.
[54] Davis, *Ovid and Augustus,* 104.

When considering Augustan law and ideology, these paradoxes might not have mattered if Augustus's laws had been successful. However, the laws failed. The task of controlling human sexuality proved to be unpopular and almost impossible. Grubbs pointed to the Roman historian and statesman, Cassius Dio, who reported the unhappiness of "the equites [members of the equestrian class]… [who were] asking very zealously that the law about those who weren't marrying or having children be relaxed."[55] Their wishes were answered as succeeding emperors repealed aspects of Augustus's laws, although they did not completely remove them.[56] Even during Augustus's reign, some responded to the restrictions on unions between the senatorial status and freedwoman by looking for alternatives to marriage. McGinn noted a "rise in respectable concubinage as an institution recognized in its own right."[57] Even Augustus, the example citizen, did not adhere to his own laws; he and his wife, Livia, did not have children together. Moreover, little proof existed on whether these laws succeeded in raising birthrates, so the practical end of the laws cannot be assessed.[58] Thus, the laws that sought to curb immorality and encourage procreation seemed to have little effect on either.

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[55] Grubbs, *Women and the Law,* 85.
[56] Grubbs, *Women and the Law,* 84.
[57] McGinn 1991, 338 qtd. in Grubbs, *Women and the Law,* 151.
[58] Grubbs, *Women and the Law,* 87.

Augustus rose to power immediately following a civil war. He took advantage of his circumstances by presenting himself as the bearer of peace and stability. He pointed to the past as a moral standard while putting forth legislation to promote fertility. However, Rome's past did not stand up to the moral standard Augustus expected from his people. Instead, the laws highlighted the differences between Augustus's created past and Roman realities. His attempt to control human sexuality exposed him to criticism from poets and aristocrats. Although Augustus can be considered as a master of image in many ways, his implementation of the *lex Julia* and the *lex Papia-Poppaea* complicated his ideology rather than strengthening it.

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