

A Favour to rich Freed Women  
(*libertinae*) in 51 A.D.  
On Sue. Cl. 19 and the Lex Papia <sup>(1)</sup>

by A.J.B. SIRKS  
(*Utrecht*)

It happened during the reign of the Roman emperor Claudius, quite probably in the year 51 A.D., that there was a shortage of corn in Rome in the winter, due to misharvests. When Claudius was administering justice in the Forum, a crowd assembled and surrounded him, shouting at him and throwing pieces of bread. At last he managed to escape from this undesirable situation with the help of a platoon of soldiers, through a back door of the Palatine palace. Claudius now thought out measures to avoid in future the anger of the urban population over the want of corn and the high prices <sup>(2)</sup>.

(1) This article is a slightly altered version of a communication, held at the XXXIIIth Congress of the S.I.D.A. at Palermo, 1979.

(2) The incident has been reported by Suetonius, *Cl.* 18.2-19: *artiore autem annona ob assiduas sterilitates detentus quondam medio foro a turba conuiciisque et simul fragminibus panis ita infestatus, ut aegre nec nisi postico euadere in Palatium ualuerit, nihil non ex[co]cogitauit ad inuolendos etiam tempore hiberno commeatus, nam et negotiatoribus certa lucra proposuit suscepto in se damno, si cui quid per tempestates accidisset, et naues mercaturae causa fabricantibus magna commoda constituit pro condicione cuiusque: ciui[s] uacationem legis Pappiae Poppaeae, Latino ius Quiritium, feminis ius IIII liberorum; quae constituta hodieque seruantur.* (C. Suetoni Tranquilli, *De Vita Caesarum libri viii*, rec. Max. Ihm, Lipsiae 1907).

Tacitus relates a similar incident for the year 51 A.D., which hardly could be another (taking also in account that both authors used the same

First of all he sought to incite the grain traders to import more grain in winter and not, like they were used to, mainly in summer as the sea was considered less hard to sail in that season. Therefore Claudius guaranteed the risk of sailing by promising to indemnify all losses caused by storms, which occurred of course mostly in the winter<sup>(3)</sup>.

Secondly he tried to enlarge the total volume of grain shipped to Rome. As Tacitus reports, Rome was of this time mainly dependent for her grain on Africa (nowadays Tunisia and the eastern part of Algeria) and Egypt<sup>(4)</sup>. The corn from those

sources, as is generally accepted; see PWRE (note 27) 617 and AILLOU (note 27) p xxxviii):

43. *Multa eo anno prodigia evenere, insessum diris avibus Capitolium, crebris terrae motibus prorutae domus, ac, dum latius metuitur, trepidatione vulgi invalidus quisque obtriti; frugum quoque egestas et orta ex eo fames in prodigium accipiebatur. nec occulti tantum questus; sed iura reddentem Claudium circumvasere clamoribus turbidis, pulsumque in extremam fori partem vi urgebant, donec militum globo infensos perripit. quindecim dierum alimenta urbi, non amplius, superfuisse constitit, magnaque deum benignitate et modestia hiemis rebus extremis subventum, at hercule olim Italia legionibus longinquas in provincias commeatus portabat, nec nunc infecunditate laboratur, sed Africam potius et Aegyptium exercemus, navibusque et casibus vita populi Romani permissa est.* (ann. 12.43; P. Cornelii Taciti libri qui supersunt, ed. E. KOESTERMANN, Lipsiae 1952, Tom. I: *Ab excessu divi Augusti*).

Orosius places Suetonius' version of the incident in the year 51 A.D. (Breviarum (CSEL 5) 7.6.17). In Eusebii Chronicorum Canonum (ed. SCHOENE, vol. II, 2065 v) a great famine in Rome is reported for the year 51 A.D.

(3) According to Vegetius, between March 10th and November 10th the sea was navigable, whereas the period of May 27th-September 14th was the sailing season par excellence (Lionel Casson, *Ships and Seamanship in the Ancient World*, Princeton N.J. 1971, Chapter 12). WALLINGA, however, argues that Vegetius had only in mind the men of war, whereas merchant ships continued to sail, though with more adverse weather, during the winter as can be proven. Claudius then tried to enlarge the winter convoys and to multiply winter crossings (H.J. WALLINGA, *Paulus' zcereis naar Rome* (St. Paul's sea trip to Rome) in: *Lampas* 11 (1978) 272/274). Dio Cassius (note 2) states that in spite of all this the granaries were filled up only in summer.

(4) Tac. ann. 12.43; Columella, *de re rust.* 1. pr. 20; Varro, *rer. rust.* 2.1.3.

provinces was carried by ships to Ostia and there stored in ware-houses. Claudius set out to promote the building of new ships for grain transport by granting privileges to the people who had those ships built<sup>(5)</sup>, namely, as Suetonius says, by giving to Roman citizens a vacancy (*vacatio*) of the Lex Papia Poppaea, to women the right of four children (*ius IIII liberorum*) and to Junian Latins the Roman citizenship. Before getting down on the *ius IIII liberorum* conferred to women (*feminae*), I will sketch the benefit of the other privileges in short.

The vacancy of the Lex Papia Poppaea was very desirable for citizens, both male and female. It meant that the prescriptions and sanctions of this law were suspended. The Lex Papia (as it is usually referred to) imposed a duty on most citizens to be married and have children, forbade some kinds of marriages (like between senators and freed women), and sanctioned citizens by taking away the capacity to inherit by testament (as we have to assume) and to receive a bequest wholly or half, wholly if one was unmarried, half if one was married but had no offspring<sup>(6)</sup>.

The Junian Latins<sup>(7)</sup> also won by the said according of citizenship. They were slaves who had been let free in a legally not recognized or imperfect way, like by *manumissio inter amicos* or if they were under thirty. In terms of civil law they were still slaves but the praetor protected them and during the reign of Augustus a Lex Junia gave them the status of Latins. This made

(5) It is not probable that the said persons did or had to build the ships themselves: the privileges aim at people (men and women) of fortune, who would not have let themselves in with manual work. Cf. also Scaev. 3 *reg. D.* 50.5.3 where a *muneris publici vacatio* is granted.

(6) See for the Lex Papia and the preceding Lex Iulia *de maritandis ordinibus*: PWRE s6, 227/231 (A.A. SCHILLER, 1935); J.E. SPRUIT, *De Lex Papia et Poppaea*, Deventer 1969; R. ASTOLFI, *La Lex Iulia et Papia*, Padova 1970; M. KASER, *Römisches Privatrecht I*, München 1971, pp. 319/320. See also note 21.

(7) The text reads "*Latino*" but the *Latini coloniarii* were not meant. This follows from the fact that Gaius put this mode of acquiring citizenship in 1.32c in a section concerning only Junian Latins. Also: A.N. SHERWIN-WHITE, *The Roman citizenship*, Oxford 1973, pp. 328/330, esp. p. 329 note 3. I hope to enter into the Lex Junia and the juxtaposition of *Latino* and *feminae* in an article in next year's RIDA.

them really free. However, when they died their assets went to their manumissor-patron (*patronus*) as if it were a kind of *peculium* (8). So if they had children or wanted to appoint someone as heir, there was no way open to them to leave or bequest anything to these persons. As Roman citizens their situation would be different: they were free now to dispose as they liked and when they would die intestate their *heredes sui*, if present, would inherit all, except for the case that the patron (or certain ones of his descendants) could claim a portion, maximal half of the inheritance, namely when the *heres* was not offspring of the freed man, e.g. an *uxor in manu* of the deceased. But the patron could always be excluded by surviving children. The Lex Papia added a restriction for the case that the freed man — now Roman citizen — had a fortune of more than 100,000 sesterces. Then, if there were one or two children, the patron had a child's portion; with three or more children the patron was excluded again (9). Apart from this a Junian Latin gained in status. He became a Roman and could think of participating in municipal government. We should not underestimate this effect.

There is no need of reminiscing that the building of a ship meant investing a lot of capital. Unfortunately we do not possess reliable figures, but it is clear that only the wealthier people were able to make that investment (10). Consequently, the citizens and the Latins Claudius addressed himself to must have been rich; but the women must have been rich too.

It might seem strange that Claudius gave freed women (*libertinae*) the *ius IIII liberorum*. Why not to the freeborn women (*ingenuae*) as well? So does Mr R. Astolfi for instance state in his "La Lex Iulia et Papia" (Padova 1970) on page 185: "Tuttavia non è probabile che il beneficio fosse limitato a loro (i.e. the

(8) Gai. 1.23, 3.56; PWRE 12, 910/924 (STEINWENTER, 1924); KASER (note 6) p. 682.

(9) Gai. 3.40/42. See for an outline of the succession the appended Table.

(10) In two papyri we learn of building or buying costs of ships, but these figures are unreliable and of later times. See: A.J.M. MEYER-TERMEER, *Die Haftung der Schiffer im Griechischen und Römischen Recht*, Zutphen 1978, p. 34 note 111.

*libertinae*): dovevano godere anche le *ingenuae*" —. "Nevertheless it is not probable that the privilege was restricted to them: the freeborn women must have enjoyed it too". He offers no arguments for his suggestion. Other writers who mention this edict of Claudius mostly suffice with a remark that the right was offered to women, just like the text says: *feminis*. But Mr Astolfi's remark, surely only meant as an expression of amazement at the exclusion of *ingenuae*, stimulates us to find out whether Claudius aimed only at the *libertinae*.

The argument to interpret *feminis* as "to freed women" (*libertinis*) is derived from the description of the privilege as *ius IIII liberorum*. The text of Suetonius is as far as we know from the manuscripts, not corrupt on this point<sup>(11)</sup>. Well, to no one else but freed women the right of four children could signify something. This right was established in 9 A.D. in the Lex Papia and could be obtained by freed women if they gave birth to four children, or if the emperor granted it. An equivalent right for freeborn women, the right of three children (*ius III liberorum*), had been created before in 18 B.C. by the Lex Iulia *de maritandis ordinibus*, which act was repeated and confirmed by the more embracing Lex Papia<sup>(12)</sup>. Both rights gave the following advantages (I follow Astolfi here): it freed from the legal guardianship (*tutela legitima*), it gave a woman certain rights on the inheritances of slaves freed by her, and it restored her full capacity to inherit or to receive by bequest, if the Lex Iulia or Papia would have her deprived hereof in some way<sup>(13)</sup>. Both freed women and freeborn women would already have this capacity under the regulations of Claudius' edict, because they would get the vacancy of the Lex Papia as citizens. Was the

(11) The edition that is considered the best, viz. C. Suetoni Tranquilli, *De Vita Caesarum libri viii*, rec. Maximilianus IHM, Lipsiae 1907, gives no manuscriptal variations. Moreover, the oldest mss. are clearly written, which by reason of the *lectio difficilior* alone should force us to accept *IIII*. As an example of the *lectio difficilior* may stand the fact that some modern writers, unlike ASTOLFI who just wondered why the *ingenuae* were excluded, report the *ius* with *III*.

(12) KASER (note 6) p. 320; SPRUIT (note 6) pp. 21, 28, 30.

(13) ASTOLFI (note 6) pp. 174/175.

reward of the *ius IIII liberorum* then lying in the two other advantages?

The presupposition in my further survey is that the advantages must somehow have been at least of a financial kind. Claudius asked for investment in ships: an investment the Romans considered as risky although profitable and as having less standing than investment in agriculture. However, if it came to amass fortunes the Romans were not easily bothered by feelings about standing. If they stood a reasonable chance of getting the more than twelve percent return on money lent for trade by ship (*pecunia traiecticia*) instead of the five or six percent return yielded by normal agriculture (I leave out the specialisms that could give more), they would prefer the *pecunia traiecticia*. Even Cato the censor did so<sup>(14)</sup>. The same reasoning will have gone for ships, but here the volume of the investment must have been much greater and consequently prohibitive; for the rest there was the same chance of shipwreck and avary which, being not mean, we see reflected in the high rate of interest for *pecunia traiecticia*. Therefore Claudius must somehow have offered a financial benefit, like he did to the grain traders and to the citizens and the Junian Latins who built ships.

The freed women stood under the guardianship of their manumissors or patrons (the *tutela legitima*). If they made some fortune and died intestate, all went to the patron. A woman had no *heredes sui*. If a freed woman wanted, however, to leave her

(14) For *pecunia traiecticia* (or *fenus nauticum*): PWRE 6, 2200/2205 (Klingmüller 1909); A. Biscardi, *Actio pecuniae traiecticiae*, Torino 1974. For *pecunia traiecticia*, a pact resembling *mutuum* in which the creditor lost his rights in case of shipwreck or avary, the usual limits of interests did not apply.

Cato, who a.o. expressed the opinion about the respectability (*De agricultura* 1.1) "nevertheless engaged in the most criticized form of lending at interest, namely maritime loans". Plutarch goes on to describe how by inviting on financing a large fleet of vessels rather than individual ships Cato minimized the risk of serious losses and ensured great profits for himself." (A.E. Astin, *Cato the Censor*, Oxford 1978, p. 320, in the Appendix 5: Cato, Usury and the Lex Iunia, pp. 319/323; the citation is from Plut. *Cato Mai.* 21.6).

property by testament to her children or others, the cooperation of her patron was needed, because he had to give his authority (*auctoritas*) as *tutor* to her testament; otherwise it was not valid. One can imagine that the patron made sure that he was left a good part of the inheritance before he gave his consent<sup>(15)</sup>. Now, when a freed woman got the *ius IIII liberorum*, she was freed of the *tutela* and she could make a testament all on her own, leaving out her patron completely<sup>(16)</sup>. The Romans found this too much, and the same Lex Papia corrected this inequity by giving the patron a child's portion, taking in account the number of children that survived the freed woman. For example: with one surviving child, the patron had a right on half the estate, with three on a quarter, etc. We can infer from this section of the Lex Papia, reported in Gai. 3.44, as well as from other passages in Gaius that if his authority was still needed, the patron would surely not have considered himself too greedy by making a legacy of at least half of the future inheritance a condition for his cooperation<sup>(17)</sup>. In the granting of the child's portion the act will have reflected the social acceptable, like in Gai. 3.41 the praetor reacted to a social inequity. But it is even more probable that in many cases the patron would have had himself made nearly sole heir: if he refused his authority the freed woman would die intestate and he would succeed to her whole estate anyway.

In such a way the freed woman could benefit from the *ius IIII liberorum*: she could leave to her children and others substantially more by testament than before. I assume, on firm grounds I think, that usually a patron would ask between 50 % and 100 % of her property, by way of bequest, in change for his authority. If the freed woman under her new condition had one child surviving her, then her patron was entitled to 50 % —

(15) Gai. 1.165, 3.43; Ulp. 29.2.

(16) Gai. 1.194, 3.44; Ulp. 29.3; ASTOLFI (note 6) pp. 236-238. See for an outline of the succession the appended Table.

(17) As with freedmen, during their lifetime their patron could obtain with the *actio pro socio* half of their property (L. JUGLAR, *Du rôle des esclaves et des affranchis dans le commerce*, Paris 1894, repr. Roma 1972, pp. 46/52).

so there was between 0 and 50 % more left for the freed woman to dispose of on occasion of her death. With two children the patron's part was 33,3 %, which left the freed woman between 16,7 % and 66,7 % more to leave behind, and with three surviving children the patron was entitled to 25 %, in consequence of which the freed woman could dispose on occasion of the death of between 25 % and 75 % of her fortune. It is not interesting to go on, as a freed woman who bore four or more children would have no reason to respond to Claudius' invitation.

In a society like the Roman (as up to a certain extent in ours) this was indeed a great commodity, as Suetonius says. Wealth, a fortiori when inherited, signified an entrance to higher social circles and positions. A minimum property of 100,000 sesterces was required if one wanted to become a municipal *decurio*, 200,000 to become a *iudex*, 400,000 to become an *eques* and 1,200,000 a senator<sup>(18)</sup>. And note that sons of freedmen (and freed women!) who met these formal requirements were still barred by their descent: Nero refused for a long time to admit sons of freedmen into the Senate, so it is evident that before and after him the possibility was very real<sup>(19)</sup>.

To a freeborn woman the *ius III liberorum* did not bring such benefit. There existed a legal guardianship (*tutela agnatorum*) until Claudius abolished this between 44 and 49 A.D.<sup>(20)</sup>. The edict I am dealing with now dates, however, most likely from 51 A.D. Only the *tutor testamentarius* and the *tutor dativus* were left for her, but if she had one and the situation troubled her, substitution for a more cooperative guardian was very easy. In any case did the said abolition shut out forever the possibility that the refusal of her guardian to give his authority would make this same guardian automatically her only heir for the whole, by intestate succession, being in the class of the agnates.

(18) R. DUNCAN-JONES, *The economy of the Roman empire*, Cambridge 1974, p. 4 note 2.

(19) Sue. *Nero* 15.4.

(20) A Lex Claudia: Gai. 1.157, 1.171; Ulp. 21.8; KASER (note 6) p. 278. The only *tutores legitimi* left were the *parens manumissor* and the *patronus*.

In short: the freeborn woman was in fact as good as free to dispose of her wealth after her death like she wanted to, and the *ius III liberorum* didn't add anything to this (21).

The *ius liberorum* also gave some rights to women on the inheritances of slaves let free by them. Originally women inherited from male and female freed slaves merely when these had died intestate and, in case of the male, without issue. The Lex Papia changed this. It assigned to freeborn women with two children and to freed women with three children half of the inheritance of a male freed slave if his heir was not his own offspring, and half of the inheritance of a female freed slave if she had instituted in her testament as heir not one of her own children. For the freeborn woman with three children the Lex Papia had an extra; it gave her the same rights to the inheritances of her freedmen rich more than 100,000 sesterces as male patrons received by the same act (22).

So as patrons freeborn and freed women were on the whole treated alike. But was the extra given to the freeborn women with the *ius III liberorum* so great that we have to assume that Suetonius thought of them too when he wrote *feminis*? And not just of the freed women? I do not think so. Of course to inherit something is nice, and a Roman or his descendants will have had a fair chance to inherit from their freed slaves: otherwise the elaborate system that was evolved (a.o. by the Lex Papia) over the succession by patrons and their descendants to the assets of their freed slaves would have been senseless (23). The lex Papia

(21) Gai. 1.190/192, where is stated: *mulieres enim quae perfectae aetatis sunt, ipsae sibi negotia tractant*; Gai. 1.115a; KASER (note 6) p. 324 note 38.

(22) Gai. 3.49/52. See also the appended Table.

(23) Generally an Augustean population policy is named as the major reason of the Lex Papia; social aspects are treated as accessory. But according to BESNIER the Lex Papia had as goals 1) « renforcer les droits de famille patronale », 2) « favoriser la procréation chez les patrons et chez les affranchis »; « La loi a un aspect politique, elle veut renforcer la position des patrons. » (R. BESNIER, *Le règlement des successions des affranchis d'après les lois caducaires* (Gaius, *Institutes*, III, 42 à 54), in: *Studia Classica* 17 (1965) 55/65, Bucuresti 1965). But in 1894 L. JUGLAR

gave a Roman woman who was freeborn and had the *ius III liberorum* even a slight advantage more, if she was daughter of a *patronus* (though a freed woman with the *ius IIII liberorum* seems to have enjoyed that too<sup>(24)</sup>). But one factor could not be controlled: procreation. With one child of the freedman or woman the advantage as a patron's daughter was gone; with three children of the freedman the advantage of the freeborn woman with the *ius III liberorum* as a patron was gone too. In addition *capitis deminutio* of the *patrona* or her freed woman annihilated all rights of succession<sup>(25)</sup>. That happened too if one had a manumitted slave promise to be celibate<sup>(26)</sup>.

Thus it was rather doubtful whether a *ingenua-patrona* would have a financial gain in this way from her ex-slaves. To invest then out of her own capital a surely not unsubstantial sum to have a ship built, just for this dubious profit, must have been a quite unattractive proposal, especially as there were surer and equal fruitful ways to invest.

For all the reasons mentioned I think we can now conclude that seen from all angles the "*feminae ius IIII liberorum*", one of the "*magna commoda*", was indeed the granting of the right of four children to freed women (*libertinae*) and indeed a great commodity. Suetonius did not have the freeborn women (*ingenuae*) in view: their advantages were not enough. This confirmation of the accuracy of the manuscripts and of Suetonius (who generally is considered to be accurate<sup>(27)</sup>); as for his rendering of the part of this edict of Claudius about the Latins we know

(note 17) already emphasized the strengthening of the patron's position in respect to the freedman's property (pp. 52/54).

(24) Gai. 3.47. For the *libertina*: P. VOGLI, *Diritto ereditario romano* II, Milano 1963, p. 744.

(25) Gai. 3.51.

(26) CJ 6.6.5; ASTOLFI (note 6) pp. 225/226, 232; P. VOGLI, *Diritto ereditario romano* I, Milano 1967, p. 340.

(27) PWRE 4a, 616/618, 621/622 (FUNAIOLI, 1932); H. AILLOUB, *Suétone, Vies des douze Césars* (Coll. Budé), Paris 1954, Tome I, pp. xxi/xxiv, esp. pp. xxxv/xxxviii; H. GUGEL, *Studien zur biografischen Technik Suetons*, Wien-Köln-Graz 1977 (Wiener Studien Beiheft 7), pp. 19, 21.

it by Gai. 1.32c and by Ulp. 3.6) yet has a remarkable effect in reverse. There must have been a group of freed women who were enough wealthy, independent and sufficient in number, to be attractive as subjects of legal encouragement<sup>(28)</sup>.

(28) That there were rich and very rich women in Antiquity is known. See: J.P.V.D. BALSDON, *Roman Women*, London-Sydney-Toronto 1962, pp. 205, 222, 276/277; Sarah POMEROY, *Goddesses, Whores, Wives and Mothers*, New York 1975, pp. 163, 177, 198/200.

## TABLE

Outline of the succession to the *bona libertorum et libertarum* by patrons and their successors, based on Gai. 3.39/53.

	PATRONUS Lex XII tabularum	Edictum praetoris	Lex Papia	PATRONA Lex XII tabularum, Edictum praet.	Lex Papia: ingenua iure II libb.	Lex Papia: libertina iure III libb.	Lex Papia: ingenua iure III libb.	FILIA PATRONI Lex XII tabularum	Edictum praetoris	Lex Papia: ingenua iure III libb.
<i>Libertus</i>										
TEST.	heres ≠ liber nat.	0	$\frac{1}{2}$	$\frac{1}{2}$	0	$\frac{1}{2}$	$\frac{1}{2}$	0	0	$\frac{1}{2}$
	heres = liber nat.	0	0	0	0	0	0	0	0	0
INT.	no heredes sui	1	1	1	1	1	1	1	1	1
	heres s. ≠ liber nat.	0	$\frac{1}{2}$	$\frac{1}{2}$	0	$\frac{1}{2}$	$\frac{1}{2}$	0	0	0
	heres s. = liber nat.	0	0	0	0	0	0	0	0	0
	liber(i) nat.	0	0	0	0	0	0	0	0	0
<i>Libertus centenarius</i>										
TEST.	heres ≠ liber nat.	0	$\frac{1}{2}$	$\frac{1}{2}$	0	$\frac{1}{2}$	$\frac{1}{2}$	0	0	$\frac{1}{2}$
	1 liber nat.	0	0	0	0	0	0	0	0	0
	2 liberi nat.	0	0	0	0	0	0	0	0	0
	3 or more liberi nat.	0	0	0	0	0	0	0	0	0
INT.	no heredes sui	1	1	1	1	1	1	1	1	1
	heres s. ≠ liber nat.	0	$\frac{1}{2}$	$\frac{1}{2}$	0	$\frac{1}{2}$	$\frac{1}{2}$	0	0	0
	1 liber nat.	0	0	0	0	0	0	0	0	0
	2 liberi nat.	0	0	0	0	0	0	0	0	0
	3 or more liberi nat.	0	0	0	0	0	0	0	0	0
<i>Liberta</i>										
TEST.	heres ≠ liber nat.	1"	1"	1"	0	$\frac{1}{2}$	$\frac{1}{2}$	0	0	$\frac{1}{2}$
	heres = liber nat.	1"	1"	1"	0	0	0	0	0	0
INT.		1	1	1	1'	1'	1'	1	0	1
<i>Liberta cum iure IV liberorum</i>										
TEST.	heres ≠ liber nat.	0	0	1=	0	$\frac{1}{2}$	$\frac{1}{2}$	0	0	$\frac{1}{2}$
	1 liber nat. superstes	0	0	$\frac{1}{2}$	0	0	0	0	0	0
	2 liberi nat. superst.	0	0	$\frac{1}{3}$	0	0	0	0	0	0
	p liberi nat. superst.	0	0	$\frac{1}{p+1}$	0	0	0	0	0	0
INT.	no liber nat.	1	1	1	1	1	1	1	1	1
	1 liber nat.	1	1	1	1	1	1	1	0	$\frac{1}{2}$
	2 liberi nat.	1	1	1	1	1	1	1	0	$\frac{1}{3}$
	p liberi nat.	1	1	1	1	1	1	1	0	$\frac{1}{p+1}$

### Explanation:

The number or fraction indicates the inheritance or the part of the inheritance to which the patronal right entitles.

TEST.: in case of a testament; INT.: without a testament; heres s. ≠ liber nat.: the *heres suus* is not offspring of the *de cuius* (e.g. an *uxor in manu*); 1": the patron's part depends on himself (his *auctoritas* is needed for the testament); 1': *capitis deminutio* reduces the patron's part to zero; 1=: if we accept GIRARD's and KRÜGER's textual reconstruction.

PATRONUS includes his *filius*, his *nepos ex filio* and his *pronepos ex nepote ex filio*.

FILIA PATRONI includes *neptis ex filio patroni* and *proneptis ex nepote ex filio patroni*, except for the Lex Papia.