

In the second half of the so-called *Laudatio Turiae*, the speaker expresses the wish that he had died before his wife: “*Utinam patiente utriusqu[e a]etate procedere coniugium [potuisset donec e]/lato me maiore, quod iu[sti]us erat, suprema mihi praesta[res ego vero super]/stite te excederem, orbitat[i] filia mihi supstituta*” (II, 51-53. Text and translation from Wistrand, 1976). The reading and meaning of these lines have been hotly debated. The most recent explanation (Wistrand, 1976) according to which the husband had in mind to adopt his wife in his will must be rejected. Subsequent studies of testamentary adoption (Syme, 1982; Champlin, 1991, 144ff.) have shown that, for the most part, testamentary adoption, which simply consisted in a *condicio nomen ferendi*, was used in the case of heirs not related by blood to the testator.

Huschke (Huschke, 1866) suggested that the *filia supstituta* refers not to an adopted daughter (Mommsen, 1861; Durry, 1950; Flach, 1991), but to the wife, and explained the phrase as syntactically dependent on *te*: “would that I had died, leaving you still alive and that I had you as a daughter for myself in place of my childlessness”. Huschke thought that the husband would have left behind his wife as a daughter because, before his death, he would have brought her under his *manus* by contracting a *coemptio*, thereby transforming their union into a marriage *cum manu*. According to the jurists, a wife who is married *cum manu* was in fact in the place of a daughter to her husband (*in filiae loco*). Huschke’s explanation has been rejected on the grounds that there are no other known examples of a married couple undergoing *conventio in manum* before their death.

This paper argues that quite the opposite is true: a papyrus published in 1921 by Meyer, which has not so far been discussed in relation to this inscription, has shown that *conventio in manum* was in fact one the ways in which childless couples, like the one in this inscription, sought to avoid restrictions on inheritance introduced by the Augustan marriage laws which limited to one tenth of the estate the amount a childless widow could inherit from her husband under his will (Meyer, 1921; Noy, 1988). Through *conventio in manum*, the wife would become *sua heres* to her husband on intestacy and would thus not need to be named in his will to inherit his estate. The papyrus contains fragments of a *Senatusconsultum Gaetulicianum* which closed this loophole by mandating that a wife who has no children cannot be *sua heres* to her husband, even if married *cum manu*. Noy (Noy, 1988) has suggested that the *Senatusconsultum* is part of a wave of legislation in the 1st century AD designed to close loopholes in the *Lex Papia* (Tacitus *Ann.* 3.28; 15.15.9). It is not known whether this provision was introduced in the *Lex Papia-Poppaea* of AD 9 or if it was indeed found already in the *Lex Iulia* of 18 BC, because the legal sources refer indiscriminately to the two laws as *Lex Iulia Papia* (Brunt, 1971, 560). Yet, Dio (lvi.10) tells us that the *Lex Papia* basically consisted in ameliorations to the provisions of the *Lex Iulia* to the advantage of the childless and unmarried. Since our inscription is dated anywhere between 18 and 2 BC (Horsfall, 1983), the provision would have applied to the couple, if, as it is likely, it was found already in the *Lex Iulia*. Secondly, the idea of a wife being *in filiae loco* was a defining characteristic of Roman marriage. The Augustan historian Dionysius of Halicarnassus highlights the wife’s position as a *filia* in the traditional and idealized family structure of Rome and views it as a recompense for her virtuosity and good conduct (*AR* 2.25.5). Dionysius’ idealized picture is informed by contemporary views of marriage and reflects Augustus’ concern with moral decadence in the private sphere. By referring to his wife as a *filia*, the speaker is praising his wife by emphasizing her adherence to the standards of tradition and norm.