

## 6: WOMEN IN THE ROMAN REPUBLIC

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### IMAGES OF WOMEN IN THE EARLY REPUBLIC

Romans of the imperial period believed that many women in the archaic era inspired others by their practice of Roman virtues whereas other early women's actions illustrated the consequences of vice. Lucretia, for example, committed suicide after she was raped by an Etruscan prince of Rome while her father and her husband were away. He had threatened to kill her and a male slave in her bed as evidence that he had surprised her in base adultery. That threat to her modesty (*pudicitia*) compelled her to comply with his demands. After he left, she summoned her husband and father. They arrived with friends, and she swore them all to revenge against the rapist. Then she killed herself to prove her innocence and to keep her example from justifying a lack of chastity (*castitas*) in other women. The vengeance she had inspired supposedly brought down the Etruscan dynasty that controlled Rome and thereby led to the founding of the Roman Republic (Livy 1.58–60; Dion. Hal. 5.32.4–35.2).

The myth of Lucretia exemplifies many Roman virtues: it stresses the supreme womanly virtues of *pudicitia* and *castitas*; its heroine is a woman who held lineage and family to be more important than her personal interests; it allows a woman to exhibit the Roman virtues of bravery and determination; it demonstrates that her role in preserving the family from shame was a vital one; it ties her moral qualities to the establishment of the Roman state. Another famous example of death in defense of *pudicitia* was Verginia, killed by her father to preserve her from rape (Livy 3.44–48, Dion. Hal. 11.28–38).<sup>1</sup> One recent book argues that *pudicitia* was not so much a sexual virtue as the feminine

equivalent of male loyalty (*fides*), a measure of fidelity to male kin and to household.<sup>2</sup>

Nearly five hundred years after its creation, the Roman Republic was destroyed in a series of civil wars. During the period of “restoration” under Augustus, whom we count as the first emperor, Livy and Dionysius of Halicarnassus wrote highly colored literary versions of this legendary material about the dawn of the Republic. Neither was the modern sort of historian who aims at getting as close as possible to a sound understanding of what people actually experienced in the past. The Roman Livy wanted to inspire his contemporaries, whom he found degenerate, with moral examples (*exempla*) they could follow (or avoid, as appropriate). Dionysius, a Greek rhetorician, endeavored to find intellectually and morally attractive aspects of Roman culture that he could ascribe to Greek origins. Valerius Maximus and Plutarch also told stories about women in the early Republic. Valerius, writing in the mid-first century A.D., offered a compilation of moral *exempla* under thematic headings rather than a historical narrative that purported to explain events. Plutarch, a Greek with a superb philosophical education, wrote even later (c. A.D. 100). Although he had a serious scholar’s fascination with Roman antiquarian material, he too usually pursued a moral purpose.

Little material from the pre-Punic War Republic, let alone the regal period, can be taken seriously as history; the dramatic tales of women are even less historically reliable than the rest, with the possible exception of a few stories connected with events that might have been noted in priestly annals or preserved (with distortion) in the lore of great families. Romans of the late Republic and the Imperial era, who thought that the early Republic valued chastity and modesty in a woman above all other virtues, believed that personal and familial morality was good for the state and immorality bad. They attributed to elite women the ability to enhance or to degrade the moral order and thereby the security of the state. Consequently, they also believed that the early Republic had enforced morality among women through the unquestioned authority accorded the male heads of lineages.

Some later sources purported to offer citations to legal material from the dawn of the Republic, but none of the early codes survived into the late Republic (if the material had indeed been collected into “codes”). Later writers were working, at best, with what historical compilers and legal scholars of the middle Republic believed those laws had been. Dionysius and Plutarch believed they had material from the “Laws of Romulus,” although Romulus himself is transparently

mythical. Dionysius thought the laws provided that a husband could kill a wife for adultery or for drinking wine. Men were required by that same code to raise all sons born to them but were required to raise only the first-born daughter. Plutarch apparently believed that the Laws of Romulus forbade wives to divorce husbands but allowed a husband to divorce a wife for poisoning his children, adultery, or counterfeiting his keys.<sup>3</sup> If a man were to put his wife aside for any other reason, he would lose half of his property to his wife and the other half would be offered to Ceres (Plut. *Rom.* 22). Although these provisions appear to be extremely restrictive for women, they would also have protected women from expulsion from their households for frivolous reasons.

Most modern scholars assume that these later narratives made memories of archaic customs into “law codes,” but the ancient material also preserved implicit contradictions. The extreme reaction to women’s drinking caught the later imagination;<sup>4</sup> however, the archaic Roman élite had long been culturally entwined with their Etruscan counterparts, who shocked Greek contemporaries with integrated dinner parties and women who enjoyed wine with enthusiasm.<sup>5</sup> Many writers have noted contradictions embedded in the Roman tradition on divorce. Even the Laws of Romulus supposedly allowed for it, and Cicero believed that the famous Twelve Tables did too (*Phil.* 2.28.69). Dionysius, although obviously mistaken, asserted that the first divorce did not occur until the middle Republic in 231 B.C. (2.25.7); later Romans apparently believed that their earliest law codes provided for divorce, even though those provisions were used rarely, if at all.

Finally, Roman legend allowed one potent public role to women of the archaic era, namely intercession. The prototypical instance was the articulate intercession of Hersilia and other captured Sabine women. They dashed onto a battlefield in a rain of spears and interposed themselves between their husband-captors and the fathers and brothers who were assaulting Rome to reclaim them. It is significant that the myth made Hersilia the only married woman to be abducted (by accident, of course) and that some versions have her (re)married to Romulus himself (Livy 1.13; Dion. Hal. 2.45–6; Plut. *Rom.* 14–16). The Sabine women supposedly won over their male kin by showing them how their Roman husbands treated them with “goodwill and honor.”<sup>6</sup> Another famous instance was Veturia, the mother of Coriolanus, who together with his wife Volumnia interceded successfully to stop her son’s treacherous attack on Rome (Livy, 2.40). Clearly, the ancient sources assume that Roman women were always citizens of the state as well as members of families, which cannot be said of their Greek contemporaries.

WOMEN IN RELIGION IN THE ROMAN  
REPUBLIC

Richlin commented that “the study of Roman women’s religion is still in its infancy,” yet there is recent progress in the study of women’s participation in the Republic’s religious observances.<sup>7</sup> Roman women were not confined to women’s quarters within households, nor excluded from public space, nor relegated to women’s observances. Women had apparently been necessary to the performance of certain vital Roman rituals even before there was a Republic. One problem confronting the modern scholar is that Romans themselves did not often remember the original significance of the older aspects of their religion.

The most obvious example of the antiquity and centrality of women in state cult was the college of Vestal Virgins, who are surely today considered the most famous Roman religious figures. Later authors believed that the college of Vestals was so ancient as to antedate Rome itself; witness the legend that Romulus was born to a Vestal who had been raped. Girls who were to be Vestals had to be between six and ten years old, free of any physical imperfections, in possession of two living parents, and in the authority of the male head of the family (*patria potestas*). They were selected by the chief priest (*pontifex maximus*) from eminent families and were committed to serve for a minimum of thirty years. Many chose to remain Vestals for life. They served Vesta, the goddess of the hearth, a very old deity who was rarely personified as a woman. There were no anthropomorphic images of her in her own dwelling (*aedes*) in the Forum; she was simply and directly represented by the fire on her altar, which served as the great hearth for Rome. The Vestals lived together near the *aedes* in the Atrium Vestae and had to maintain the fire on Vesta’s altar.

Vestals have attracted much scholarly as well as popular attention because of their utterly anomalous appearance and status. They wore a distinctive hair style otherwise used only by brides on their wedding day. As soon as a Vestal entered the Atrium Vestae as a child, she was removed from the *patria potestas* of her father or grandfather. In a state that always claimed that the family was vital, Vestals were supposedly the only Romans without family. If a Vestal became ill, she would not be sent to her own birth family but to the home of a selected matron.<sup>8</sup> Although women who were *sui juris* (i.e., not under the authority of any man) and male minors not in *patria potestas* could make wills and dispose of property only with the consent of a tutor, a Vestal needed no tutor. When a Vestal went out in public, she was accompanied by a *lictor*,

a man bearing symbols of authority. *Lictores* otherwise accompanied senior magistrates, not priests (with the sole exception of holders of the very ancient position of *flamen Dialis*). Rome had no full-time male priests, but the Vestals were supported by the state and were full-time professional clergy, along with the priestess of Ceres and Proserpina. Although most women were apparently segregated into women's seating in theaters, Vestals were assigned particularly good reserved seats. They perhaps wore the *stola*, usually reserved for married women. In short, Vestals lived outside the categories of gender, legal status, and even age.

Of course, the Vestals were central to the celebration of the festival of the Vestalia in June when the *aedes* was open to other women for eight days. They made the *mola salsa*, the holy spelt cake, for that occasion. This nasty-sounding salted cake was used at observances for Jupiter Optimus Maximus and at the Lupercalia. The Vestals used ashes from the festival of the Fordicidia in April and blood from the October Horse in a concoction for the Parilia festival. The Vestals need not actually all have been present for the collection of their ritual materials or for the use of their products at the festivals, but they were certainly deeply integral to and well informed about the Roman festival year. In August they attended the Consualia, a particularly riotous festival with chariot racing. In times of crisis they made special appearances, for example, in the procession at the Amburbium when Caesar was marching against Rome in 49 B.C. The Vestals must have worked with many male priests and magistrates. They also participated in the quasi-private observances for the Bona Dea, the Good Goddess, whose worship was otherwise reserved for matrons in distinguished households, and they made offerings of their hair at the temple of Juno Lucina, who eased childbirth.

Both ancient and modern authors have paid more attention to Vestals' derelictions than to their duties.<sup>9</sup> Vestals were beaten (in the dark and through a curtain to preserve their modesty) if they let the sacred fire go out, but loss of virginity was a more serious offense. Vestals who were thought unchaste were buried alive. Vestals were sometimes accused of unchastity when something had gone wrong militarily or when political tensions were rising. However, the religious mechanisms of investigation – interpretation of prodigies and consultation of oracular books – often allowed elite men to claim to resolve a pressing problem without inquiring into such irresolvable questions as whether a Vestal was actually a virgin.<sup>10</sup>

Other female religious functionaries also demonstrated that women's religious involvement was not limited to women's observances.

The wife of the *flamen Dialis* was called the *flaminica Dialis*. The couple had to observe onerous religious prohibitions of great antiquity. The *flaminica* had a role in purificatory ceremonies in February and made a public appearance in the procession of the Argei (straw figures) in May. The two served as a pair; the death of either partner led to the appointment of another couple. Thus, one of Rome's most prestigious and ancient priesthoods required the constant participation of the priest's wife. Women were ordinary participants in the Roman crowds at major festivals, but there were some rituals that assigned roles to one gender or the other. Many women's observances featured respectable married women (*matronae*). The point of these rituals was usually to secure fertility and health.

Slaves and freedwomen had their own observances. The Nonae Caprotinae in July commemorated a legendary event during the sack of Rome by the Gauls in roughly 390 B.C., when maids (*ancillae*) supposedly gave themselves up to be raped by the invading barbarians in order to save their mistresses. The festival must have been fun for both slave women and citizen men. Men erected shacks of fig-tree branches just out of town and offered the women a feast. Slaves wearing their best clothes joked with the men and fought a mock battle among themselves.

Even prostitutes had a role in religious observances. They were apparently included in the little-understood festivities on April 1. That was the date of the Veneralia, supposedly a festival of Venus, when women also honored Fortuna Virilis (Masculine Luck). Ovid thought that prostitutes might even join married women in cleansing and redecorating the cult statue of Fortuna Virilis (*Fast.* 4.133–4). The month of April offered many opportunities for prostitutes to engage in religious activity. On April 23, 181 B.C., a second temple to Venus Erucina (Venus of Eryx, known for her temple prostitutes) was dedicated outside the city. Roman prostitutes began to make offerings there on the anniversary date, which happened to be that of the Vinalia, when wine casked the previous fall was opened. The Floralia in honor of Flora was on April 27. It was known for licentious games and performances. In the early second century A.D., Juvenal implied that prostitutes performed naked and fought in gladiatorial contests at the Floralia (6.250–1).

Women's participation in major observances on the Roman festival calendar reveals some noteworthy patterns. Women tended to be associated with the worship of deities conceived of as female, yet most of those same deities had male priests. Few of the temples or observances that featured one gender actually excluded the other. Women's participation in the ritual calendar of the Republic carefully and visibly

marked status differences among women, just as political rank awarded to men was displayed in the stripes on their togas. The assembly of women for public observances meant that women met outside their own households and had a chance to share news. It also gave them experience at organizing themselves to undertake religious functions such as the adornment of statues.<sup>11</sup>

Cults of Greek origin introduced new and foreign elements. The celebration of the Bona Dea in early December, for example, muddled the categories of public and private, male and female, and Greek and Roman. We do not even know if the goddess was originally Roman or Greek. Her festival was held in the home of a current magistrate, and the elite women selected to attend were there because of their husbands' electoral standing. The husband of the household was, nonetheless, expelled from the *domus* for the duration of the rite. The goddess's real name, the rites, and the ritual implements had to be kept hidden, reminiscent of the secrecy observed in the famous cult devoted to Demeter and Kore at Eleusis and of the Athenian exclusion of men from the festival of the Thesmophoria. In spite of the private performance of the ritual, Cicero described it as performed *pro populo Romano*, on behalf of the Roman people (*Att.* 1.12–3), and the Vestal Virgins attended with the distinguished matrons. The celebration apparently amounted to quite a party, with musicians and wine.<sup>12</sup> A notorious scandal erupted in 63 B.C. when P. Clodius, disguised as a hired female musician, attempted to sneak into the home of Julius Caesar while the rites were being held there. The Vestals assumed authority on the scene and made the very Roman decision that the rite had to be repeated. The consequences of that evening rippled through Roman politics for years.

## WOMEN IN THE MIDDLE REPUBLIC

It is a truism of Roman history that the Punic Wars in the third century B.C. were a political, military, diplomatic, and economic watershed for the Roman Republic. Changes in these spheres of activity inevitably had a great impact on women, eventually giving them more wealth and autonomy. In the crisis of the Second Punic War, much of which was fought in Italy, Roman leaders were desperate for explanations and solutions. Traditionalists among them claimed to find religious causes and cures, and much of the associated religious activity involved women.

Some of the ceremonies to placate the gods required women to assume visible public roles. In 218 and 217 B.C., as the war began, and again in 207 B.C., prodigies required matrons to make offerings to Juno Regina.<sup>13</sup> In 207 B.C., matrons had to select treasurers from among themselves to handle their contributions. Some of them conducted a public sacrifice. Selected maidens joined the matrons in performing a hymn in procession, which undoubtedly required practicing together. The events of 207 B.C. introduced “a new chapter in women’s affairs,”<sup>14</sup> presumably because prosperous farmwomen were knit into social networks in Rome. Another important occasion was the arrival of a deity new to Roman cult, the Great Mother (Cybele), from Phrygia in Asia Minor. A group of elite matrons met her at Rome’s port at Ostia in 204 B.C. and conducted her to Rome.<sup>15</sup> Because women’s participation in state cult was vital, conduct that seemed to preclude their participation drew attempts at regulation. After the disastrous battle of Cannae in 216 B.C., Fabius Maximus and then the rest of the senate were supposedly uneasy at the public lamentations by women all over the city. The senate regulated the public conduct of matrons by limiting mourning to thirty days so that they would be available for rites in honor of Ceres and Proserpina.

The year 215 saw the passage of the *lex Oppia*, which regulated the public appearance of women by keeping them from wearing more than a small amount of gold or purple garments<sup>16</sup> and riding in a carriage within a mile of the city of Rome except when performing public rites. This purely sumptuary law was meant to enhance social cohesion in a time of extreme hardship. There are two possible additional contexts for the prohibition on the use of carriages. The first is the “excessive” mourning of the previous year; taking away carriages might well have cut down on public appearances by elite women. A second problem might have been the engagement of a few elite women in extraordinary politicking.<sup>17</sup> Although women were still able to carry out all their functions in official observances, the prohibition on appearance with a large amount of gold would have affected some elite women who participated in those rites.

Of course, when the state was faring so badly and women were already under scrutiny, Vestals were in danger. Two Vestals were found wanting in chastity after Cannae. One committed suicide before she could be buried alive. The unchastity of two Vestals was so extraordinary and so dangerous a prodigy that it required a rare expedition to consult the Delphic oracle. In 206 B.C., a Vestal who let the flame go out was scourged. Livy’s highly colored account of the war years



often featured women behaving badly. In 213 B.C., many Romans were supposedly turning away from Roman rites to practice newer cults, but Livy claimed that women in particular were neglecting the traditional religion. The cult of Venus Verticordia, Changer of Hearts (toward chastity) was introduced in 215 B.C., supposedly because many women left alone by the war had entered less than respectable relationships. Those dedication rites too required the election of women to participate, although it is not clear who the electors were (Val. Max. 8.15.12; Plin. *NH* 7.120).

Women were much more visible in public during the war years. The absence of most able-bodied men would have left women less subject to male authority. The intrinsic dangers of the situation would have driven many women to seek the most current news or to supplicate the gods. Anyone inclined to view women censoriously would have had more opportunities to do so as they appeared at public shrines and other well-frequented sites. Although imminent danger to the Roman home front ended with the Second Punic War, constant deployment of manpower throughout the Mediterranean world in the second century B.C. kept Roman gender relationships from reverting to what they had been before the war.

The culture wars of the second century B.C. illustrate élite male disapproval of some social changes. Cato the Elder and others reacted to a group of concerns that they probably perceived as interrelated: a rapid increase in élite wealth from wars in the cash-rich eastern Mediterranean; decline of other families into poverty with the loss of male labor; an increase in cultural and social influence from wealthy, sophisticated Greek-speaking states in the eastern Mediterranean; élite women's acquisition and even control of financial resources; and, probably, a decrease in women's tendency to defer to men in various contexts. During the Second Punic War, women had been viewed as cultural symbols and moral bellwethers. Cato and others of his persuasion saw women in the postwar era as harbingers of a new materialism that threatened old values and social cohesion.

Plutarch's life of Cato was written nearly two and half centuries later, and Cato's devotion to the ideal of a respectfully affectionate nuclear family resonated with Plutarch's own sentimental inclinations. Nonetheless, Cato's ostentatious insistence that his family came before private (not public!) business was part and parcel of the cultural program he was always ready to urge on others. We can now recognize that enthusiastic defense of traditional configurations of the family is probably evidence that these configurations are in the midst of change.

In spite of some conventional jokes, Cato never expressed resentment of women in general. He insisted that men should not strike their wives or indulge immoderately in commercial sex (Plut. *Cat. Ma.* 20.2, 9.6; for old jokes, see 9.6, 17.7, 20.2).

Cato's own marital choices devolved from the same fears that led him to oppose the repeal of the *lex Oppia*. After the death of his first wife, who had been "more noble than wealthy," he consorted with one of his slaves. She did not behave in an obsequious fashion and thereby annoyed the rest of the household, so he married the young daughter of one of his clerical assistants (Plut. *Cat. Ma.* 20.1, 24.2–4). Cato's fear of upheaval over relative status in his household, his desire to maintain the affections of his family, and his avoidance of wealthy wives closely match the concerns of Plautus' contemporary comedies.

The movement to repeal the *lex Oppia* came in 195 B.C. Livy's version of the debate in the senate was his own creation, but the reaction from elite women themselves was much more important. Women arrived from the countryside and surrounding towns to form a crowd that blocked streets into the Forum and besieged the houses of tribunes supporting the law (Livy 34.8.1–3). Livy had Cato claim that the two tribunes proposing repeal inspired the riot, but Roman matrons had practiced organizing themselves in the religious observances of the Second Punic War. Most of those women could not have been there if male kin had objected very strongly, and all voters were male. Men who supported the repeal were probably moved less by arguments for equity such as those Livy provides than by the desire to have their female relatives display their economic success as well as by the desire to live amicably with them. Cato, who feared rising social disparities, wanted to shut down most avenues of elite and competitive display. He suffered a rare loss on the issue of regulating women's appearances; the *lex Oppia* was repealed.

Just a decade after the repeal of the *lex Oppia*, another incident revealed male uneasiness with women's preeminence and with new cultural and social developments. The alleged Bacchanalian conspiracy of 186 B.C. is surely the most discussed event of the second century among modern students of Rome. Noted earlier was the Republic's concern to maintain the worship of Ceres and Proserpina in 216 B.C. after Cannae; clearly the senate was not intrinsically hostile to Greek rites, women's rites, or meetings for rites other than those of the old state cults. A bronze copy of orders issued by the senate in 186 B.C. suggests the kinds of restrictions that were imposed on the Bacchic cult centers (*CIL* I<sup>2</sup>.581 = *ILLRP* 511 = *ILS* 18). Men were not to be priests

in the Bacchic cult; no member of the cult could hold an official-like position or be appointed an official or act as one; there were to be no secret rituals. What survived the suppression and destruction of Bacchic cult centers in 186 B.C. were small informal groups composed mainly of women and with exclusively female leadership.<sup>18</sup>

The restrictions on the popular Bacchic cult were intended to prevent the corruption of Roman manhood implied by initiation into a woman's cult suspected of engaging in moral degradation and even crime. Roman men, men with Latin status, and men from peoples allied to Rome could not enter a meeting of Bacchic women without specific authorization by the senate (lines 7–8; allegations of effeminacy at Livy 39.15.9, 13–14). At the same time, the senate wanted to ensure that the traditionally female leadership of the cult could not be confused with authoritative Roman priests and magistrates.<sup>19</sup> Women malfeasants might be executed by their male guardians. Otherwise the state saw to executions. Informers collected rewards big enough to make them wealthy, so the freedwoman prostitute who had come forward with the initial accusations certainly profited from the episode.

The decade of the 180s B.C. saw repeated outbreaks of senatorial hysteria. Livy believed that women poisoners had operated earlier in the Republic. In 331 B.C., 170 women were convicted in what he considered the first poisoning trials in Rome. Two women, singled out before the roundup of the 170, had evoked suspicion by making concoctions that they claimed were medicinal – and that probably were. It could simply be that an outbreak of illness was blamed on human agents and that women healers were targeted.<sup>20</sup> The affair was a precedent for the belief that conspiratorial networks of Roman women were out to murder their husbands and magistrates of the state. According to Livy, Bacchic worshipers had been murdering people everywhere too (39.8–19). Fear of gender and ethnic corruption in the Bacchic rites was clearly part of the atmosphere of the 180s B.C., during which decade Roman magistrates saw cabals everywhere. Two thousand people (presumably including women) from rural areas were condemned for poisoning in 184 B.C. In 180, the senate reacted to the death of a consul and other eminent men by setting up two special investigations, one for poisoning in Rome and one for poisoning in rural areas; the rural commission condemned more than three thousand alleged poisoners, presumably of both genders. A generation of relative calm intervened until the leveling of accusations in 151 against the wife of a serving consul and another woman married to a former consul. Both women were condemned and handed over to relatives for execution.

Élite women attained new levels of affluence and public visibility in the middle Republic, and that was just one element in a bundle of social changes evoking unease in many senators. Newly extreme class differentiation created very wealthy women and desperately poor women. Male mortality in the century's wars left women of all classes unsupervised. Wealthy women might aspire to influence or even power and attempt to attain their goals by violence, some thought. The justly resentful poor of both genders were caught up in mass condemnations.

## WOMEN IN THE ECONOMY OF THE ROMAN REPUBLIC

Because elite families competed at displaying prestige, and because there was simply more wealth available to distribute in the second century B.C., the disposition of dowries became an ever more important issue. Increasingly elaborate contracts governed large dowries under various unpleasant contingencies: "It is not clear whether the Romans were more materialistic than moderns or simply more realistic and efficient about their materialism."<sup>21</sup> Whatever the legal arrangements, people began to think of dowries as wives' property, although husbands administered them. On the simple dissolution of a *sine manu* marriage, the dowry was restored to the wife's family, either intact or in timed payments. Because dowries could include slaves, household goods, land, or cash for investment, repayment might be very disruptive for the husband and even for his family.

Plautine comedies of the era depicted the well-dowered wife whose husband feared her anger. This was a Roman stereotype, not borrowed along with plots from Greek originals. Underlying that stereotype was male uneasiness toward women who held the power conferred by significant assets. Even a woman's slave might fail to show adequate respect for his mistress's husband. Mere residence did not mean that one obeyed the man of the house. *Aulularia* in particular illustrates the tensions of the time. It has long been recognized that lines 498–502, in which extravagant wives want purple clothing, gold, carriages, maids, and carriage attendants, show that the play was closely contemporary to debate over the repeal of the *lex Oppia*. Plautus assumed that women who brought significant assets to a marriage would expect that more of the income of the household would be expended on them. Conversely, women without dowries were not in a good bargaining position. Given the dearth of formal markers for *sine manu* marriage,

gossips apparently assumed that a woman who entered a relationship with a man without bringing assets with her was really entering concubinage. That supposition could prove to be a great inconvenience to their children.

Losses in war from the time of the Second Punic War to the end of the next century left more women legally independent, whether it was husbands or fathers who had been killed. Unless wills dictated other arrangements, women inherited equally with all others legally subject to a man. The *lex Voconia* of 169 B.C. was an odd attempt to deal with the resulting issues. Because its limits were expressed not in absolute amounts but as a percentage of the estate, the law cannot have been intended primarily to keep women from amassing wealth, as Cicero realized (*Rep.* 3.17). Nonetheless, it kept any woman, even an only daughter, from inheriting more than half of an estate in the highest property class, given that she could not be named heir nor take more than the heir in a legacy. The general tenor of the law encouraged the naming of male heirs in the top financial strata, and it probably represented an effort to keep funds immediately available to men to support senatorial careers, a point of interest only to the most élite families.<sup>22</sup> The interests of multiple daughters in these élite families received a blow in the *lex Falcidia* of 40 B.C. at the end of the Republic. It limited to 75 percent the total portion of the estate that could be withheld from the heir and given in legacies. Doting fathers tried to evade all these provisions with significant success, and the distribution of wealth in dowries helped.

In legal theory, women never fully controlled their own assets until the Empire opened the prospect of freedom from the institution of *tutela*, the necessity of having some of one's financial activities approved by a tutor. Most scholars have recognized that *tutela* cannot have been very onerous. First, *tutela* simply did not cover most financial transactions. Women could spend income on whatever frivolities they wished or invest it to make themselves more money, and they could alienate personal property. The only items that could not be transferred were the old *res mancipi*, the items the landholder needed for farming. Indeed, *tutela* was later assumed to be onerous for the tutor, who might often be disinclined to pay much attention to a task whose supposed beneficiary was unlikely to thank him for his interference.

This understanding of the original purpose of tutors for women sheds light on another issue: the comparatively late development, under Greek influence, of the theory that women should have tutors because they were feather-brained (*propter animi levitatem*). The famous legal

scholar Gaius in the late second century A.D. referred to this as a common but false legal theory of his own day, and he ascribed its origins to the *veteres*, the jurists of the late Republic and early Empire (Gai. *Inst.* I.144.190–1). Gaius pointed out that the theory of mental incapacity as the origin of *tutela* was incompatible with the fact that women's tutors were not liable for financial losses (as were tutors of minors), and that tutors in his day were compelled to consent to just about anything. Perhaps men retained a pointless legal institution to preserve the appearance of male authority over property.<sup>23</sup>

Other women were commodities to be managed. Roman household slaves had immeasurably better lives than did those who labored in the fields, and the great majority of female slaves would have been in the home. In the late Republic, a literate élite among female slaves served in comparatively cushy clerical positions in the great households. Still, household slaves were routinely beaten and sexually exploited. Female slaves as young as seven were given to older male slaves as rewards. Plautus is often thought to have been comparatively sympathetic to slaves for a Roman writer, but the modern reader is shocked by casual orders to hang up and beat two older female slaves in a scene that we are apparently supposed to find rollicking (*Truc.* 775–82). Nor were female owners any more moderate, judging from Sassa's calling in of contract torturers to deal with her household.<sup>24</sup> Commodification meant that slave women were routinely separated from their children by the sale of children, the exposure of children as surplus (much more likely for girls), and the sending of a child or mother to another house owned by the same élite family. Slave women as well as men in household service frequently obtained freedom, but they had continuing financial and social obligations to their former owners.

Women at the upper and lower ends of the free economic spectrum had economic motives for limiting births. Although it was up to a free father to decide whether to expose a child, women could use birth control. Abortion was widely attempted but was considered a preemption of the father's right to decide. Except for an exclusive, educated élite, most Romans were confused about the distinction between contraception and abortion. Many readily available herbals were abortifacients and might act contraceptively or abortively when consumed orally or introduced into the vagina; popular confusion was therefore understandable. Women also attempted abortion by means of inserting implements into the uterus. These might perforate the uterus and cause uncontrollable bleeding or a fatal infection; however, this method must have produced more reliable abortifacient results than

did herbal concoctions (especially at later stages) or no one would have risked it. Ancient intuitive reactions and modern attempts to generate statistics both suggest that the reproductive rate at the end of the Roman Republic was remarkably low for a premodern society; witness Augustus' attempts to encourage the birth of children by legislation rewarding marriage and reproduction. The question is whether the reproductive rate fell to low levels – levels that would persist throughout most of the Empire – primarily because of the exposure of infants or because of contraception. The modern literature leans toward contraception.

Because many households in the late Republic were sites of economic production, the location of women primarily in households did not separate them from business concerns. The country villas of the élite were supposed to be economically productive as well as pleasant seasonal residences, but even the slave corps on a farm needed women's labor. The agricultural manuals, which offer a highly idealized picture of life on the well-managed farm, assume that a farm manager (*vilicus*), who might be a slave, a freedman, or even of free birth, needed a wife (*vilica*) for good management and his own happiness. The *vilica* herself was either a slave or a freedwoman. She supervised other female slaves in such traditional women's tasks as making clothing for the field slaves and cooking. Columella conceived of her household duties as encompassing work in all the buildings of the complex, including pens and stalls as well as kitchens (*Rust.* 12.3). Cato made her a sort of matron stand-in who was supposed to see to the ritual well-being of the household (*Agr.* 143). Other rural women slaves were much less fortunate. When they were not assisting the *vilica*, they were sometimes made available to male slaves as rewards. Some were even sent out with male shepherds to help tend herds, cook and carry firewood, and serve as sexual rewards (Varro, *Rust.* 2.10.6–8).

Many houses in town during the Republic leased out shop space along the street, and small retailers sold and often slept in such shops or in small freestanding structures. By the end of the Republic, there were already shops to appeal to élite men and women. We know much less about the artisanal workforce of the Republic than we do about that of the Empire, but we can assume that women who worked in operations like goldsmithing establishments and perfumeries were of freed status at best and had probably been given or sold to a skilled male worker who had originally been a slave himself. In any case, neither Roman housing nor commercial activities were strongly segregated by socioeconomic stratum, and women of all classes and legal statuses passed through the

crowded streets together. That is probably one of the factors behind wealthy women's desire for a carriage or at least a protective phalanx of maids.

Even in elite households women were supposed to work wool. The belief that good women worked wool was the equivalent of the equally romanticized and rhetorical conviction that Roman men should be farmers of simple tastes living in the countryside. Even the *vilica* was supposed to work wool whenever she had no immediate duty (Columella, *Rust.* 12.3). Lucretia was working wool when she was seized by the evil Etruscan prince. "She worked wool" (*lanam fecit*) and similar expressions were shorthand on tombstones for "she was a conventional wife who maintained respectability." When Augustus tried to lead a return to what he believed were simpler, better values, he boasted that his wife and daughter made clothes for him (Suet. *Aug.* 73). Spinning and weaving equipment could be set up in the light of the atrium, so they also served as a visible symbol of the enterprise and respectability of the *materfamilias* to anyone who walked through the door. In short, the making of wool thread, cloth, and garments was invested with so much symbolism and even emotion in the late Republic that it is difficult for us to determine how it all actually happened. In affluent households, the wife might supervise a crew of slaves (usually women) who produced garments for the whole household, while the surplus could be sold.

Some unlucky women worked in the hospitality and entertainment sectors of the economy. The vast majority were slaves, although a fortunate few attained freed status and even some affluence. Rome and other Italian cities were full of inns and brothels, which might not have been easily distinguished. Most of the female musicians who were ubiquitous by the late Republic were more like musical prostitutes than performers who might be offered respect. Their training started in early childhood. Some belonged to the great households, and others with talent might have performed mainly in those households. Of course, purely commercial establishments varied, and more luxurious brothels attempted to attract a more elite clientele. The inhabitants of such houses would have had greater material comfort than those relegated to curtained cubicles in shacks or to streetwalking.

A few especially clever women from this milieu sometimes acquired elite male friends who introduced them to new circles and, probably, to affluence. Aulus Gellius (4.14) preserved a delightful vignette of the independence exercised at the highest economic ranges reached by women in the hospitality profession. In 151 B.C., a drunken



magistrate went to the house of Manilia and tried to force his way in. She threw a rock at him; he charged her with assault. In a rare show of unanimity, all ten tribunes vetoed her prosecution on the grounds that his conduct had been outrageous. In the late Republic, women from the highest political élite, enslaved female attendants, and musicians intermingled in privately organized parties that served as occasions for public travel and consumption. Élite women with their servants – but sometimes without their husbands – attended dinner parties, musical evenings, beach parties, boating trips, and spas. Among the political élite, men often called on women in the absence of their husbands to conduct business or simply to offer social greetings. They incurred no disapproval, not even from the absent spouse.

### WOMEN IN THE LATE REPUBLIC

Modern authors have sometimes used the term “emancipation” to describe the status and activities of women by the end of the Republic. They were not referring to legal processes that formally changed the status of women so much as inferring from the sources that women were more visible in public, more involved in political activity, and less encumbered in both public and private realms than they were to be again for the better part of two millennia.<sup>25</sup> Women and men were both subjected to extreme class differentiation in a republic in which political power and even the ability to exercise rights of citizenship rested on economic status. The power of the Republic was monopolized by an élite among males in the senate, and it is not surprising that the spectacular examples of emancipation were women from those very influential households.

We can only guess at the significance of some developments within the public religious sphere, in which women had long been active. Vestals were not simply trapped in political controversy; they provoked it. As early as 143 B.C., a Vestal intervened in the rancorous, polarized politics characteristic of the late second century and first century B.C. Appius Claudius Pulcher scheduled a triumphal parade that the senate had refused to authorize. A tribune tried to exercise his veto to stop the procession and to pull Claudius from his chariot. His daughter Claudia, a Vestal, clung to her father, staying in the chariot during the parade (Val. Max. 5.4.6; Cic. *Cael.* 34). In a remarkable constitutional anomaly, the personal sanctity of a Vestal had trumped the veto power of a tribune.<sup>26</sup>

Another Vestal paid a price for her public activity. In 121 B.C., the year in which Gaius Gracchus and his adherents were murdered, the Vestal Licinia dedicated an altar and other items at the temple of the Bona Dea. The political significance of her act has been debated, but it would be foolish to think it unrelated to her trial for unchastity in 114–113 B.C. Although she and one of her colleagues were acquitted, a senatorial faction had them retried in a special court. They were condemned along with all their alleged lovers and accomplices (Dio Cass. 26.87; Asc. 39–40).<sup>27</sup>

In spite of the dangers, some Vestals continued to take political sides openly. Vestals interceded with Sulla on behalf of Julius Caesar's life and property. Intercession was a respectable activity for women, but Caesar had no relatives among the Vestals, and Sulla was a very dangerous man who was already responsible for the death of thousands. This politicization led to more accusations of Vestals in 73 B.C. The charges were heard before special courts rather than before the closed circle of the *pontifices*, and all involved were acquitted. In the mid-60s B.C., the *pontifex maximus* lost his ability to choose Vestals; he was required instead to pick twenty candidates from whom one girl would be chosen by lot. Perhaps that was an effort to depoliticize the position.

Funeral orations for aristocratic women also rendered women politically visible. Julius Caesar seized the occasion of his Aunt Julia's funeral in 69 B.C. to make a programmatic statement by the display of images of her husband, the notorious Marius, for the first time in twenty years (Plut. *Caes.* 5.2). Eulogies for women did not have to be taken up with lists of offices and could be devoted to political manifestos of principle. When Porcia, sister of Cato the Younger, died in 45 B.C., her devotion to her brother's politics gave some an opening for anti-Caesar ranting and presented a problem for those trying to stay neutral (Cic. *Att.* 13.37.3, 13.48.2).

On rare occasions, élite women entered forensic arenas themselves, an event so striking that Valerius Maximus (8.3) could collect the anecdotes of women who engaged in public argumentation. Cicero (*Ver.* 2.1.94) expressed horror at dragging respectable women into court to be stared at, but a woman who maintained a noble bearing in the unfamiliar legal arena could emerge with her reputation enhanced. Sempronia, daughter of the great Cornelia, was summoned to an irregular popular meeting by a hostile tribune. She faced down his browbeating and a hostile mob and thereby became the protagonist of an anecdote on aristocratic unflappability (Val. Max. 3.8.6).

A small group of women within the senatorial élite, namely the daughters of rhetoricians and legal experts, had access to rhetorical and legal education and even religious lore. The most spectacular instance of this phenomenon in the Republic was that of Hortensia, daughter of Cicero's great legal and rhetorical rival Hortensius. In the chaos that followed Caesar's assassination, a triumviral edict of 42 B.C. required 1,400 of the richest women on the census list to submit to a special levy on their property. Some of them supposedly tried to approach the triumvirs through the women of their families. When that failed, they marched up to the triumvirs' stand in the forum. It was Hortensia who articulated their position, and bystanders agreed that she had her father's flair (App. *B Civ.* 4.32–4; Val. Max. 8.3.3; Quint. *Inst.* 1.1.6).

Much of the argument concerning the role of women in the late Republic has focused on a small set of women to whom ancient sources attribute great influence. On the one hand, it must be said that the allegation of influence by women was a conventional political insult, that women were respected only as representatives of legitimate family interests, and that women who stepped outside narrowly bounded legitimate interests were subject to hostile vituperation. On the other hand, one must concede that women were integral parts of their powerful families, that evidence points clearly to their involvement with state affairs, and that men, too, usually acted on behalf of family and lineage and found that compatible with their own interests. One must in any case discard any evidence heavily infected with the exaggeration or stock insults of comedy and rhetoric.

The epitaph *CIL* 6.1527 (31670) = *ILS* 8393, which dates from the period of the civil wars, has been much studied by scholars interested in the social history of the senatorial class, as it preserves a husband's idealized portrait of his wife and their marriage. The text, which might have served as her eulogy, speaks of her deference to her husband, care of her home, and duty (*pietas*) to her natal family in terms that might have been used centuries earlier.<sup>28</sup> It has been less often noted that the wife was apparently sophisticated in her understanding of the law and not reluctant to use it in defending family interests. As a young, just married woman whose husband and brother-in-law were overseas, she drove the prosecution of the murderers of her father and his wife, who would otherwise have avoided punishment in the chaos of civil war. The family of her father's wife then tried to overturn her father's will. After she faced them down, they gave up without a suit.<sup>29</sup> Her husband thought it highly laudable that she took particular care to protect the

interests of her sister, who had entered a *cum manu* marriage and was legally in a different family. He could have added that she was extremely brave; many were murdered for less at the time. She also worked wool.

This eulogy is a reminder that women's lives were as disrupted as were men's by social, legal, and political chaos during the Republic's death throes, which went on for two decades. Scholars usually counsel students not to project the public actions and interventions of women in the highest stratum of power onto women in the lower strata. Perhaps the reverse would be more valid, and one should assume ubiquitous heroism by women in the preservation of family interests.<sup>30</sup> Perhaps the degree of women's emancipation or independence of action at the end of the Republic can best be measured by the degree of Augustus' determination in the imperial era to restore the ideology of what conventionally worded tombstones call the *domiseda*, the woman who confined her interests to her household.

## NOTES

- 1 The tales of Lucretia and Verginia illustrate the common theme of rape. Romulus, the founder and first king of Rome, and his twin Remus were born from the god Mars' rape of the Vestal Virgin Rhea Silvia (Livy 1.3.11–4.3). Romulus and his band of freebooters were able to turn their rude settlement into a city only by seizing the daughters of their Sabine neighbors. Lucretia's reaction to her rape set rolling the cascade of events that would establish the Republic. Beard noted that the rape motif in many Roman foundation legends embarrassed Livy, who carefully politicized the stories to take the focus off the violence and stress the policy implications. See Beard (1999, 1–10).
- 2 Fantham et al. (1994, 225).
- 3 There are difficulties in understanding the crucial lines of Plutarch's text. Many modern scholars have taken the "poisoning of children" to mean abortion, but that is not the only possible interpretation.
- 4 Dionysius was echoed by Pliny (*NH* 14.14), Valerius Maximus (6.3.9), and Cato as quoted in Aulus Gellius (10.23), where other examples of disapproval of female drinking are cited.
- 5 Ath. *Deip.* 12.517d–e; Hodos (1998, 202–3).
- 6 Plut. *Rom.* 19; Mustakallio (1999, 57).
- 7 Richlin (1997, 331). See now, e.g., Schultz (2006) and Takács (2008).
- 8 Staples (1998, 143).
- 9 Beard (1995, 172).
- 10 Staples (1998, 136).
- 11 See Richlin (1997, 344) on "women's localities" at religious sites.
- 12 If the participants consumed any of the wine, as their usually more repressed Athenian counterparts were wont to do at the Thesmophoria, that is an interesting anomaly in view of the supposed disapproval of women drinking. Juvenal (2.82–7,

- 6.314–17) maintained that the participants drank the wine all too enthusiastically in the Empire.
- 13 Affluent freedwomen made a contribution to Feronia, an old deity of the central Italian woodlands who came to be associated with Libertas, perhaps as a result of this occasion (Livy 21.62.6–9, 22.1.8–18). Note the sequestering by status in publicly assigned religious roles.
  - 14 Bauman (1992, 27).
  - 15 At that point, we leave history and enter the realm of creative historiography. Supposedly one of the matrons, Claudia Quinta, was of suspect *pudicitia*. She called on the ship, which had run aground, to follow her if she were chaste, and then she tugged it free. Later versions of the story made Claudia a Vestal. The name Quinta looks like a birth-order nickname. If so, that would indicate that the highest-ranking families like the Claudii might rear five daughters, at least according to the assumptions of later authors.
  - 16 Probably at least some restriction on the color of clothing is involved (Culham, 1986, 236–7).
  - 17 Supposedly, Pomponia, the mother of Scipio Africanus, had been campaigning for his brother to be elected *aedile*. The anecdote will not work chronologically as it stands, but since it is from the more sober Polybius (10.3.4), it is possible that women might have used the highly respectable cover of religious activities to engage in contacts for other purposes.
  - 18 Flower (2002).
  - 19 Flower (2002).
  - 20 One would simply dismiss the whole episode as a historiographic invention directed at the families of certain named women if it were not that the conviction of so many women was seen as a prodigy and led to the appointment of a dictator to drive in a ceremonial nail to dissolve the situation as though it were a plague. That should have led to entries in priestly annals.
  - 21 Dixon (1992, 67).
  - 22 Gardiner (1986, 175).
  - 23 Gardiner (1986, 22).
  - 24 Cicero (*Clu.* 177), on the basis of which Saller (1991, 160) makes the argument that there were beating and torture specialists available for hire by the end of the Republic.
  - 25 For contrasting views on the “emancipation” of women, see Dixon (1983) and Hillard (1989; 1992).
  - 26 The story is caught up in the historiographical motif of the hauteur of the Claudii, so caution is necessary.
  - 27 Licinia’s dedication at the temple of the Bona Dea was presumably taken as (and was probably meant to be) a recognition that the killers of Gaius were not patriots but murderers whose act ought to be expiated, and as criticism of the intransigent attitude of the majority of the senate. The *pontifex maximus*, the great jurist P. Mucius Scaevola, ruled that the dedication had been defective (Cic. *Dom.* 136–7). The astonishing accusations that Licinia and her colleague Aemilia had taken multiple lovers simultaneously as well as had affairs with each other’s brothers is the surest sign that senatorial factional politics was involved.
  - 28 Contemporary inscriptions even referred to a standard catalog of women’s virtues that rendered it difficult to praise an individual and win belief; cf. *CIL*

6.10230 = *ILS* 8394 = *FIRA* 3.70. Probably the complaint about formulaic expression was itself formulaic.

29 Hemelrijk (1999, 113).

30 The question of competing imperatives of human nature in time of crisis was of great interest in antiquity and led to Appian's collection of anecdotes on how women acted during the civil wars (*B Civ.* 4.23.93–5).