

*Reading Roman Women*

*modus operandi* should be the same whether the texts we are studying purport to describe particular, historic women or female types and female behaviour in general: we need in each case to assess scrupulously the particular purpose of the text, its codes, its emphases and exclusions. And to keep our brains switched on high and our fantasies on hold.

APPENDIX 1



Map drawn by D. Tully, The University of Queensland.

## APPENDIX 2

### Some Useful Dates

This is a very basic guide for the non-expert reader to the conventional divisions of Roman history. It will give some indication of where authors and characters fit in. People's names (Matidia, Naevoleia Tyche) are listed alphabetically in the General index, with brief identifying information, authors in the Index of ancient sources. Only a few are included in this Appendix.

#### THE REGAL PERIOD

conventionally dated 753-509 BCE

According to Roman tradition, **Lucretia's** rape and suicide (Chapter 4) ushered in

#### THE REPUBLICAN PERIOD, 509-27 BCE

**The Early Republic:** 509-265 BCE

445 BCE: traditional dating of the *Twelve Tables*, at the time of conflict between patricians and plebeians, the setting of the **Verginia** story (Chapter 4).

**The Mid-Republic:** 264-134 BCE

The Punic Wars and the growth of Roman imperialism and wealth.

Polybius wrote in the second century BCE.

Cornelia, mother of the Gracchi, famous for her wealth and culture, lived in this period. Its end is marked by the tribunate of her elder son, Tiberius Sempronius Gracchus (133 BCE).

**The Late Republic:** 133-27 BCE

We have better sources from this period, e.g. Cicero and Sallust, who lived then. (The imperial authors Suetonius and Plutarch also wrote about this period).

Some women from the period: **Clodia** Metelli (Chapter 9), **Sempronia** (briefly described by Sallust – Chapters 5, 9), **Fulvia** (Chapter 9).

The **Hellenistic era** (dating from the death of Alexander the Great in 323 BCE) ended with the death of Cleopatra Ptolemy in 30 BCE.

#### THE IMPERIAL PERIOD

**The Early Empire:** 27 BCE - c. 192 CE

is also relatively rich in literary and material sources. (See Appendix 3 for information on 'Late Antiquity' and Byzantine emperors who are relevant to the legal Chapters, 4 and 6)

*The Julio-Claudians:* 27 BCE (Augustus) - 68 CE (Nero)

This period is also called the **Principate**, and the emperor the *princeps*.

18 BCE and 9 CE: Augustan legislation on marriage, adultery, inheritance.

## Appendix 2

Women of the imperial family were introduced into public propaganda and iconography (see Dixon 1988: 241-4 for relevant family trees). **Livia**, wife of Augustus, mother of Tiberius, is treated in Chapter 8. Those discussed in Chapter 9 include **Julia**, daughter of Augustus (Chapter 9); **Antonia**, mother of Claudius; **Messalina**, disgraced wife of Claudius; **Agrippina** the Younger (*minor*), sister of Gaius (Caligula), wife of Claudius, mother of Nero.

*The Flavians* (Vespasian, Titus, Domitian): 69-96 CE

79 CE: the eruption of Vesuvius buried the towns of Pompeii and Herculaneum on the Bay of Naples, thus preserving evidence of a different kind. See Chapters 7 and 8 on **Eumachia**, **Naevoleia Tyche**, **Julia Felix**, **Amaryllis** and others.

*The Adoptive Emperors* (Nerva, Trajan, Hadrian): 96-138 CE

Pliny the Younger and Tacitus both wrote under Trajan. Suetonius probably wrote a little later, under Hadrian. The alimentary schemes (Chapter 7) belong particularly to this period.

**Iunia Libertas** (Chapter 7), the shoemaker **Septimia Stratonice** (Chapters 7 and 8) and the unnamed 'working women' of Ostia (Chapter 8) probably lived in this period.

*The Antonines* (Pius, Marcus, Commodus): 138-192 CE

**Matidia** (Elder and Younger) and **Faustina** (Elder and Younger) figure in imperial beneficence and propaganda (Chapter 7).

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For later emperors see Appendix 3.ii.

## APPENDIX 3

### Legal Appendix

#### (i) Some Roman legal terms

**auctoritas:** the 'authority' of *tutores* was requisite for specified legal actions by a woman *in tutela*. Their presence as well as their permission was necessary.

**filiafamilias:** a girl or woman (of any age) in her father's power (*potestas*).

**filiusfamilias:** a boy or man (of any age) in his father's power (*potestas*).

**manus:** literally, 'hand'. Certain Roman marriage forms resulted in the wife coming into the husband's *manus*. She then joined his legal (agnatic) family instead of her own and ceded rights of property ownership and administration.

**materfamilias:** originally, a woman in the *manus* of her husband. The term came to indicate a respectable married woman.

**paterfamilias:** a Roman man *sui iuris* had the capacity to exercise *potestas* over others and was classed as a *paterfamilias* even if he was young and unmarried.

**patria potestas:** the special power a Roman father had over the person and property of his children as long as he lived (unless he agreed to a formal release, 'emancipation', or a legal transfer of a child to another *paterfamilias* through adoption or *manus* marriage).

**sui iuris:** independent (i.e. of paternal authority or husband's *manus*). All those heirs (*sui heredes*) in a man's *potestas* became *sui iuris* on his death (except his son's legitimate children, who passed into their father's *potestas*). A woman *sui iuris* would still be in the *tutela* of a man or several men. A child *sui iuris* also had a *tutor* or *tutores* until the age of twelve (girls) or fourteen (boys). See Chapter 6.

**tutela:** usually translated, rather misleadingly, as 'guardianship'. It was exercised over the holdings of Roman women and children who were *sui iuris* and therefore able to own property in their own right. Children's *tutores* (*tutores impuberum*) actually administered their estates and rendered an account when the children reached twelve (girls) or fourteen (boys). For women over twelve, *tutores* provided their *auctoritas* for specified legal transfers, e.g. manumission of slaves, sale of real estate, writing a will) but did not manage the property. Apart from Vestals, women remained *in tutela* for life until the imperial period. Hence the term 'perpetual guardianship of women' (*tutela mulierum perpetua*). Chapter 6.

#### (ii) Some jurists, some emperors and some dates for Section III

The emperors whose names appear below play little role in my text apart from legal citations in Part III, Reading the Public Face. For other emperors, see Appendix 2 and the General index.

**Jurists and the Digest (Pandects):** The *opinions (sententiae)* of jurists and the judgements of emperors are recorded in Justinian's *Digest*, compiled in Byzan-

## Appendix 3

tium in the sixth century CE (See under Justinian below). References to the *Digest* therefore include the name of the jurist, e.g. *Digest* 33.7.1 (Paul).  
**Codices:** The Theodosian Code (*CT = Codex Theodosianus*) and the Justinianic Code (*CJ = Codex Iustinianus*) record decisions made by emperors in response to appeals from subjects all over the empire.

See Crook 1967: 13-35 (esp. 25-7) on sources of Roman law.  
Servius Sulpicius Rufus is the only Republican entry in this list.  
All dates are CE (AD).

**Alexander Severus:** emperor 222-235.

**Claudius:** emperor 54-68.

**Constantine:** the first Christian emperor, ruled the western empire 312-337.

**Gaius:** a jurist and law lecturer, *fl.* 160-178. Author of the *Institutes*.

**Hadrian:** emperor 117-138.

**Justinian:** Byzantine emperor 527-565.

Justinian ordered a rationalised compilation of currently applicable law. The Justinianic *Codex (CJ)*, which includes emperors' rulings in individual cases, was promulgated in April 529. An amended version, published in 534, has survived. The *Digest*, or *Pandects*, published in December 533, gives extracts from earlier jurists' authoritative opinions (for citation) arranged by subject in fifty books.

**Marcus ('Aurelius'):** emperor 161-180.

**Modestinus:** Herennius Modestinus, a jurist active in the early third century CE. He composed rescripts (responses to petitions) for Alexander Severus.

**Paul:** Iulius Paulus, *fl.* late second/early third century. He advised the emperors Septimius Severus and Alexander Severus.

**Pius:** Antoninus Pius, emperor 138-161.

**Pomponius:** Sextus Pomponius wrote books under Hadrian, Antoninus Pius and the emperor Marcus, but probably did not deliver authoritative 'opinions'.

**Stipianus Severus:** emperor 193-211.

**Servius Sulpicius Rufus:** late Republican legal expert and author; an acquaintance of Cicero.

**Theodosius:** emperor 408-450, authorised the *Codex Theodosianus* (promulgated 438).

**Ulpian:** *fl.* mid to late second century. Author of the *Titles*. His opinions are cited extensively (as authoritative) in the *Digest*.

## Introduction to Part III

1. Classical Athens continues to be invoked as the extreme of female seclusion, although that stereotype might also bear modification (Cohen 1991) and should not in any case be extended uncritically to Greek women from other places and times. Cf. Schaps 1979, Pomeroy 1984a.

2. See Chapters 5 and 9 for more detail.

## 6. Womanly weakness in Roman law

1. I owe particular thanks to Susanna Braund and Rob Wills for their suggestions about making this chapter more comprehensible and palatable to the lay reader.

2. Such as 'emancipation' or adoption. As we shall see, the most common method was the transfer of a daughter to the 'hand' (*manus*) of her husband or father-in-law.

3. *Institutes* 3.3 gives a detailed guide to the principles of intestate succession. For a clear and accessible summary, see Crook 1986a.

4. Vestals were the exception – e.g. Tables V.1; Gaius 1.144-5, 1.130; Aulus Gellius *Noctes Atticae* 1.12.1, 18.

5. Reckoned at twelve years in the case of girls, fourteen (or puberty as revealed by inspection) in the case of boys, Gaius 1.196, *Institutes* 1.22 *pr.*, *CJ* 5.60.3.

6. e.g. Calatoria Themis, whose *tutor* Petronius Telesphorus (Herc.Tab. XIII, XIV) had been a freed slave of her deceased husband Petronius Stephanus (Herc.Tab. XIII/pag. 5; Pugliese Carratelli 1948). Cf. *CIL* VI.2650, *CIL* VI.7468.

7. *Pro Cluentio* 178, 179, 181 (Sassia); *Pro Caelio* 31, 68, *Ad Atticum* 12. 44.2; 12. 32.2 (Clodia), *Ad Atticum* 2.4.5; 2.15.4, *Ad familiares* 14.1.5 (Terentia). Some of the transactions listed in these sources formally required the permission of the women's *tutores*, while others did not (Ulpian has a list at 11.27). In both cases, the women, not the *tutores*, seem to have made the decisions. The tacit assumption appears to be that their compliance could be taken for granted by these financially active matrons.

8. Gaius 1.171; 157; Ulpian 11.8; Gaius 1.165, 192

9. Gaius 1.150-4; i.e. husbands whose wives had been in their 'hand' (*in manu*). Whether there were still such husbands in Gaius' day is moot. As elsewhere, he might be referring to an earlier practice with no contemporary application. Fathers could also appoint *tutores* to daughters in their wills.

10. *Vatican Fragment* 325. And see Modrzejewski 1974: 292.

11. This action dated back to the Twelve Tables *FIRA*. I: 61: Justinian *Institutes* 1.26 *pr.*; Cicero *De officiis* 3.15.6.

12. This was the *lex (P)Laetoria*, introduced some time before 186 BCE – Rotondi 1966: 271-2. Cf. Watson 1971: 42. See the original 1984 article for more detail about the extension of this law to women and the development of *curatela*.

13. e.g. *Noctes Atticae* 5.13.2.5, where the second century CE scholar Aulus Gellius cites a speech of Cato the elder (second century BCE) about traditional moral emphasis. Given the strong cultural value on ancestral virtue, this in effect located *tutela* in a kind of moral genealogy. Cf. Cicero *De officiis* 1.25.85.

14. Cf. the definition of *tutela* in terms of need, originating with Cicero's contemporary, the jurist Servius Sulpicius, and passed on (certainly with changes), via imperial jurists at *Digest* 26.1.1 (Paul 38 *ad edictum*). See also *Institutes* 1.13.1.

15. Cf. the jurist Paul's wording at *Digest* 26.1.1: 'for the protection of one who is unable to defend himself at law by his own effort' (or 'will' = *sua sponte*).

16. See Dixon 1984: 351-3 for discussion of Schulz's suggestion that Cicero was echoing Aristotle *Politics* 1260a.

17. On this, compare Zannini 1976: 64. On pp. 63ff., he gives other instances of Cicero's reasoning in *De republica* 3.10.17; 4.6.6, to show that Cicero's expressed views were not elsewhere contemptuous of women's rights to economic equity or dignity.

18. Modestinus composed six volumes on excuses for evading *tutela* (*Digest* 27.1).

19. Gaius 1.165-6; 192; Ulpian 11.3-5; *Digest* 26.4 and esp. 5 (= Ulpian *ad edictum*); Inst. 1.17, 18

20. Gaius 1.168. And compare Ulpian 11.8.

21. Gaius 1.112, 115a. See Dixon 1984: 354 on the implications for agnatic rights. Cf. Gaius 3.21.

22. Gaius 2.118-19, 121-2.

23. *Digest* 26.1.1 and *Institutes* 1.13.2. Cf. Arangio-Ruiz 1954: 495-6 and Watson 1967: 102.

24. Valerius Maximus compiled a ready reference, classified by topic, to outstanding examples of good and bad behaviour, for orators to use in speeches. His sources were clearly varied and must have included word-of-mouth. The collection is colourful and often bizarre, and unlike modern 'strange but true' TV shows (with talk-show moralising). While not always reliable as history, it provides interesting insights into Romans' ideas about their own past. Literary references to female 'weakness' listed by Beaucamp 1976: 485-509, Schulz 1951: 182, Zannini 1976: 65-6; Arangio-Ruiz 1954: 495-6 refer chiefly to physical weakness.

25. Valerius Maximus 6.1.1. Cf. Seneca *Ad Marciam* 1.1.

26. *Digest* 16.1.1; *Codex Iustinianus (CJ)* 5.35.1 (Alexander Severus). There was a later form of maternal *tutela*, but it was very specialised – *Codex Theodosianus (CTh)* 3.17.4; *CJ* 5.35.2, 3.

27. Consider Cicero's scornful reference to the influence of women behind the scenes of the trials of Cluentius and Clodius respectively – *Pro Cluentio* 169, 192; *Pro Caelio* 1, 39. See Chapter 9.

28. *Digest* 16.1.1 (Paul 30 *ad edictum*); *Digest* 50.17.2 (Ulpian 1 *ad Sabinum*)

29. As *iudices*, not equivalent to English 'judges' – *Digest* 5.1.12.2 (Paul 17 *ad edictum*).

30. The law, passed during the war with Hannibal, limited luxurious display. It was repealed on this occasion.

31. Tacitus *Annals* 3.34. Livy's Cato had also taken the view that the individual husbands had fallen down on the job by allowing their wives to crowd the entries to the forum.

32. *Digest* 3.1.1.5 – probably the same woman whom Valerius Maximus calls Caia Afrania 8.3.2.

33. Cf. Gide 1885.

34. Suetonius *Tiberius* 50, Tacitus *Annals* 13.5.

35. Ulpian, 29 *ad edictum* (*Digest* 16.1.2.1), quoting the words of the senatorial decree passed under Claudius or Nero (i.e. the *senatus consultum Velleianum*).

36. The *senatus consultum Velleianum* prevented women from acting as loan agents unless they actually paid the debt and tied the original debtor to their own debt. Simple transfer of the debt without an intervening payment was not possible.

37. Cf. Cicero *In Verrem* II.1 105. And see Dixon 1988: 47-51, Ulpian *Digest* 38.17.2.25.
38. *Digest* 43.29.3.11; 4.4.12; 16.1.25 *pr.*; 16.1.2.3, 30; *CJ* 4.29.22-5; Novel 13.4.8 – these necessarily postdate the *senatus consultum Velleianum*, and reflect the thinking of an age which increasingly referred to female inadequacy and helplessness, but which nonetheless admitted certain socially acceptable exceptions.
39. *Digest* 16.1.2 and Crook's (1986) summary of the function of the *senatus consultum Velleianum* to confirm magistrates' response to existing practice.
40. Cf. speculation about the Voconian law, which puzzled subsequent generations of Romans – Dixon 1985.
41. *Digest* 24.1.1 (Ulpian 32 *ad Sabinum*) – the rationale being that spouses might be led by their mutual affection to erode their respective estates. See Thayer 1929.
42. *Institutes* 2.8 *pr.*; Gaius 2.63.
43. See Jolowicz 1972: 246-8.
44. *Digest* 24.3.66.1 (Javolenus citing P. Mucius Scaevola) and see Daube 1965, Waldstein 1972 and Dixon 1986 for the status of the dowry of Terentia and Fausta.
45. Thomas 1976: 243 n. 47.
46. *Digest* 16.1.1 (Paul 30 *ad edictum*) seems to represent the *senatus consultum* of his day.
47. *Digest* 16.1.2.3 (Ulpian *ad edictum*). Cf. Alexander Severus, *CJ* 4.29.5, 224 CE). The decision is at *CJ* 8.27.11 (Diocletian).
48. Cf. Gaius 1.168 on the agnatic *tutela* of children.
49. Such as the expectation that female mourning was more abandoned than its male equivalent (Livy 3.48.8).
50. Cf. *CTh* 9.24.1 *pr.* (320 CE).

## 7. Profits and patronage

1. Polybius 31.25.2. and Plutarch *Cato minor* 17-19 record some colourful contemporary complaints by Cato the Elder (as censor 185 BCE) which could have set the tone for subsequent denunciations (cf. Liv. 39.6.7), but he might not have been the first.
2. Pliny *Natural History* 34.30-1, Forbis 1990 on public statues (but see Forbis 1990: 493 on private terms of praise); Lattimore 1942: 295-9 and Larsson Lovén & Strömberg 1998 for the stock of womanly virtues, especially those listed in epitaphs.
3. The *Lex Claudia* (*Flaminia*), c. 218 BCE – Livy 21.63.2, Cicero *In Verrem* II.5.18, 45. It remained technically in force until at least the first century BCE.
4. Cicero *De officiis* 2.87, Cato *De agricultura* *pref.* i-ii on the respectability of land. Cf. Horace's retired gladiator, *Letters* 1.1.5.
5. Cf. Cicero *Paradoxa Stoicorum* 43.
6. Attitudes to jobs are examined in more detail in Chapter 8. They are included here because the category of tradespeople overlaps with that of small shopkeepers (*tabernarii*).
7. Some jurists' examples were taken from actual cases, some were hypothetical. It is not always obvious which is which. Imperial rescripts were decisions handed down by emperors in response to petitions from subjects all over the empire. Crook 1967: 13-33 has an accessible treatment of the sources of law and their authority.
8. Appian *Bella civilia* 1.1.7, Plutarch *Tiberius Gracchus* 8-9 on the plight of

- the peasantry; Tacitus *Annals* 4.13 on the imperial Sempronius Gracchus who so disgracefully travelled on ships with his own cargo.
9. See Chapter 6 on the *sc Velleianum*, its rationale and its possible consequences; Suetonius *Claudius* 18.2, 19 for the privileges granted to freed-women ship-builders in the grain trade.
10. *Digest* 14.3.7 (Ulpian), *Digest* 7.1.58 (Scaevola) on women managers; Huchthausen 1974, 1976 on women petitioners in rescripts. And see Gardner 1986.
11. Hobson 1984a: 377. In this study, Hobson succeeds in assembling a good body of examples from the early imperial period, 45-46 CE, roughly contemporaneous with the Velleian and Claudian statutes limiting female guarantors and encouraging female ship-owners.
12. Cf. Cohen 1991: 166-7 on such discrepancies in modern settings. I could add my own experience as a child, trained to lie to school and other authorities about my mother's employment and to the family about the fact that we kept a boarding-house.
13. See E. Rawson 1976 (*pace* Treggiari 1979) and consider Pliny's surprise (*Letters* 10.54) that Bithynian land did not change hands by purchase. Romans bought and sold rural land at a rate unknown to the later Italian or English aristocracy, but it could also be retained and its produce consumed by the owner or sold for profit.
14. See Wiseman 1971: 77-89, Huttunen 1974: 127-8, d'Arms 1981, Hopkins 1983b.
15. On the residential/commercial combination in Pompeii, see Brion 1960: 132-3. On brick production, see Helen 1975, Setälä 1977. Wealthy landowners took pride in supplying food for their households from their own estates (e.g. Petronius *Satyricon* 48; Horace *Letters* 2.2.160), as well as making the most of specialist crops and related manufacture. See also Finley 1973: 35-7, Veyne 1979.
16. Possibly through slave or freedman agents from whom they distanced themselves, while retaining access to the profits available from this high-risk area which was formally regarded as 'sordid' and inappropriate to the landed aristocrats of the governing senatorial order. Plutarch's account of the elder Cato's activity in the second century BCE (*Cato maior* 19-21) leaves open the question of how typical his practice might have been. On the continuing debate about senatorial involvement in commercial shipping and in commerce generally in the mid-to-late Republic, see d'Arms 1981, Pleket 1984.
17. See Finley 1973: 17-34 for the insight that there was no concept in antiquity of 'the market' – or, indeed, of 'the economy' – as a distinct entity.
18. Setälä 1977: 250-7 (on Arruntia Camilla) traces a typical example of land transmission over four generations. Even female scholars treat businesswomen as oddities. Loane (1938: 23) took for granted that Spanish women who ran export businesses (*CIL* 15.3691, 3729) had inherited the ships and the businesses from fathers and husbands. Quite likely. Most such wealth was inherited, but she never sees the need to discuss the origins of male wealth in that way.
19. Cf. Livy's apologetic rationale for recounting the female demonstration of 195 BCE against the sumptuary Oppian Law (Livia 34.1). The equally pedigreed demonstrators of 43 BCE, led by Hortensia, daughter of the famous orator, first approached the wives of the triumvirs. Rebuffed, they then ventured into the masculine sphere, appearing publicly before the triumvirs themselves, where Hortensia delivered a speech against the measure (Appian *Bella civilia* 4.32-4).
20. Or, occasionally, a military one. Cf. Busa of Canusium, who equipped and fed Roman citizen-soldiers after the battle of Cannae, 216 BCE (Livy 22.57.2-3).