

Women's Rights in Ancient Rome: From Republic to Empire

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To study women in premodern history (ca. 3,000 BCE to ca. 1500 CE) is often to study women through the perspective of the literate men who kept the official records of the respective time and place. This is certainly true when looking at ancient Rome, from Republic to Empire. Here women were allowed no active role in public or political life.¹ And although Roman women were educated to a point, female Roman authors today are virtually nonexistent save for a few poets like Sulpicia, whose works are the only poems written by a woman known to have survived the centuries.² While Sulpicia's work gives historians insight into the lives of patrician women in Rome, the lives of plebian women are far more difficult to recover today simply because so few Roman sources survive that directly pertain to the masses of common women. In such cases the laws, customs, and practices of ancient Rome typically yield the best insights into the lives of Roman women. There is, of course, an inherent danger that relying on such evidence may result in a broad, monolithic view of Roman women whose unique experiences as individual women surely must have varied considerably from household to household, yet were rarely, if ever, recorded. And yet, these sources continue to yield our best glimpses into the lives of these women. Although women in Rome experienced more freedoms than, for example, women in ancient Athens, women living in Republican Rome (ca. 509 BCE to 30 BCE) lived in a patriarchal society that strictly controlled and restricted their movements and opportunities.³ The surviving sources suggest, however, that a dramatic shift in the liberties of women took place as the political government shifted from the Republic to the Empire with the rule of Augustus Caesar and his successors. Roman women were less constrained and instead were granted far more freedoms, often by covert means, after the transition to the Imperial government in the first century CE than they had hitherto experienced under Republican Rome.

One startling difference in the rights of men and women in Rome showed through in that “only women came into manus.”⁴ During the Republic (509 BC – 30 BC), women typically were confined, constricted, and controlled through the *manus* marriage, through which legal control of the wife was transferred from her father to the authority of her husband (*cum manu*). Marriage was the key event in a Roman woman's life, and she had to be deemed worthy and pure. To have been a worthy wife in the Roman Republic, in other words, she must have exhibited “proper restraint, [and] . . . not desire a diversity of words,” as reiterated in a eulogy for a woman in the

¹ PBS, *The Roman Empire in the First Century: Women*, <http://www.pbs.org/empires/romans/empire/women.html> (accessed November 26, 2017).

² Sulpicia, *Six Poems* (ca. 100 BCE), trans. Lee Pearcy, *Materials for the Study of Women and Gender in the Ancient World*, <http://www.stoa.org/diotima/anthology/sulpicia-anth.shtml> (accessed November 26, 2017).

³ Ugo Enrico Paoli, *Rome: It's People Life and Customs*, trans. R. D. MacNaghten (Aberdeen, U.K.: University Press Aberdeen, 1963), 113.

⁴ Grubbs, Judith Evans, ed., *Women and the Law in the Roman Empire: A Sourcebook on Marriage, Divorce, and Widowhood* (London: Routledge, 2002), 21.

1st century BCE.⁵ Typically, around the age of 14 a marriage would be arranged for a daughter by her father. Her wedding was perhaps the most important event in a woman's life. Carefully adorned and dressed, the woman remained veiled throughout the day. She would then pass from her father's control to that of her new husband.⁶ Everything she owned or would have received while under her father's control (e.g., property, inheritance, and so forth) would be transferred to the control and oversight of her husband. In this way, "a woman left the *patria potestas* of her own *pater familias* and transferred to that of her husband."⁷ Patriarchal traditions limiting women's rights ran deep in the Roman Republic.

Under Imperial Rome, however, marriages changed. The most common marriage, *sine manu* (without a transfer of control), was a legal fiction that in practice allowed Roman women more freedom and independence. Marriages were still arranged, but without a transfer of the *manus* to the husband, a wife continued to remain under the (theoretical) guardianship of her father, who, since Roman patricians often married late in life, likely was deceased by the time that his daughter reached marriageable age. Moreover, after marrying, that daughter might be expected to relocate at some distance from her own family. Despite the theoretical implications here, since she no longer lived with or near her own family and her father might no longer be living, through marriage she was in fact emancipated from control by her *pater familias*. Thus, through a *sine manu* marriage an aristocratic Roman wife typically retained control of her own inheritance and property.⁸

The Roman empire also expanded a woman's rights as a daughter or slave, including protection from sexual exploitation, as illustrated in the following late imperial law forbidding the rape of daughters or slaves:

It is Our pleasure, therefore, that such procurers [here referring to males legally responsible for women] . . . shall not be able to enjoy the right of control over their daughters or slaves, or to acquire any gain from them in this manner. . . . If the procurers should suppose that they may insist or if they should compel the women to undergo the necessity of sinning against their will, they shall . . . forfeit all the power which they had over them, . . . [and] they shall be proscribed and delivered to the punishment of being assigned to exile in the public mines. Such a punishment is less severe than that of a woman who is compelled, at the command of a procurer, to tolerate the sordidness of a condition which she does not wish."⁹

⁵ "A portion of a eulogy for Murdia delivered by her son from her first marriage", quoted in *Sexuality and Gender in the Classical World: Readings and Sources*, ed. Laura K. McClure (Oxford, U.K.: Blackwell Publishing, 2002), 160.

⁶ Harold Whetstone Johnson, *The Private Life of the Romans* (Chicago: Scott, Foresman and Company, 1907), 56-57, 114.

⁷ Karl Christ, *The Romans: An Introduction to Their History and Civilisation*, trans. Christopher Holme (Berkeley, California: University of California Press, 1984), 100.

⁸ Christ, *The Romans*, 100.

⁹ Michael Maas, ed., *Readings in Late Antiquity: A Sourcebook* (London: Routledge, 2000), 238.

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This law against rape from the Theodosian Code of 428 CE clearly reflected the influence of Christian teaching that had come with Emperor Constantine's conversion in 312 CE and with Christianity's having been declared the official religion of Rome during the later years of that century. Theodosian's Code henceforth protected women from being raped by their fathers and (at least theoretically) gave even slave women the right to say 'no' and to exert more control over their bodies.

With marriage can come divorce; whether from adultery, conflict, lack of connection, or some other reason. Divorce, much like today, was common throughout the late Roman Republic and Empire, when women finally gained the unilateral privilege of initiating divorce. This liberty, readily available until the early fourth century CE, gave women considerable control over their lives; however, following his conversion to Christianity, the Emperor Constantine made divorce more difficult for a woman to obtain, thereby further restricting them.¹⁰

Constantine limited the grounds for divorce initiated by women to cases in which the "husband is a homicide, a sorcerer, or a destroyer of tombs."¹¹ In so ruling, Constantine effectively took away what rights women had gained at the beginning of the Roman Empire. This law, which later also became part of the *Theodosian Code*, reinforces the notion that, although women gained some rights during the imperial period, the society was still patriarchal at heart. If she filed suit for divorce for any other reason or failed to prove one of these three charges against her husband, she risked losing all of her possessions as well as being deported. Any gains in "women's rights" thus were strictly the result of expedience and necessity, not of an aim for equality. This law must also be viewed within the growing moral constraints upon marriage and divorce being imposed by the Catholic Church as well as by Constantine's desire for stability among Rome's aristocratic families.

The future of a divorced or widowed woman within the imperial government was bleak. As divorces and marriages between teenage women and older aristocratic men who might only live a few years after marrying became the norm during the late Republic and Empire, having more than one marital partner over the course of one's lifetime became quite common, not only for Roman men, but also, and especially, for aristocratic Roman women.¹² Here, on the one hand, was an example of the freedom that Imperial Rome afforded women as opposed to the Republic. At the same time, even during the period of the Roman Empire a lack of employment opportunities paying a living wage made life difficult for widows and divorcees. Only if a widow or divorcee were independently wealthy or remarried could she hope to enjoy a good life, free from financial worries. This explains why widows, along with orphans, the disabled, and the elderly, often became the poorest of the poor, citizens for whom neither the state nor their families were willing to provide. At the same time, wealthy patrician and equestrian widows and

¹⁰ Grubbs, ed., *Women and the Law in the Roman Empire*, 187.

¹¹ Emperor Constantine Augustus to Ablavius, Praetorian Prefect (331 CE), *Theodosian Code* 3.16.1, in *Readings in Late Antiquity*, ed. Mass, 233.

¹² Catherine Clay, Chandrika Paul, and Christine Senecal, *Envisioning Women in World History*, vol. 1: *Prehistory—1500* (Boston: McGraw-Hill, 2009), 53.

divorcees faced enormous social pressure to marry powerful male suitors seeking access to their wealth and property.¹³

Women lacked opportunities to be financially independent because their social roles, particularly during the Republic, were almost exclusively confined to the home, even though within the home Roman women exerted the greatest degree of control over lives and their decisions.¹⁴ And in that home was also to be found the other major duty of a wife: having [legitimate] children and rearing said children. From the late Republic on, young boys and girls of prominent, wealthy families were sent to elementary schools together. There girls learned reading, writing, and math, but at the home they were taught some of the most important skills that a woman of that day could possess: spinning, weaving, and embroidering.¹⁵ Through such skills an aristocratic Roman woman could express her creativity and contribute fiscally to the household. Furthermore, aristocratic Roman women managed their estates, including delegating specific manual tasks to their slaves. Although these women were responsible for many household activities, this did not signify that they had control over other decisions made in the house. For example, husbands were legally permitted to expose unwanted children under his *patria potestas*, at least until the 4th century CE, when (again, under the influence of Christianity) it became illegal to do so. Infanticide was far more likely to occur when a girl was born, yet Roman women had little or no control over this abhorrent practice.¹⁶ Even in the home, the ideal sphere for a woman to operate within, a lack of complete control remained evident.

Despite the Christian restrictions on divorce noted above, religion in the late Republic and early years of the Empire allowed women more control and freedom over personal life choices and families. Religion played a major role in Roman society, under both Republic and Empire, whether polytheistic or Christian. Roman forms of the Greek gods viewed goddesses differently. Instead of being virginal, pious, and pure they were “sexually active” and revered patronesses of marriage and childbirth. This exaltation of goddesses demonstrates the respect for women in religion. In fact, Roman women were “free to . . . attend religious festivals as they wished.”¹⁷ And Rome had many religious festivals throughout the year.¹⁸ One of the most prestigious offices that a Roman woman could assume was that of a Vestal Virgin. The Vestal Virgins constituted the only female priesthood in Rome.¹⁹ Another opportunity in religion for women arose out of Christianity. This new religion allowed [wealthy] women to gain “prominence in the church”²⁰ and with this prominence brought women more religious freedom.

¹³ Christ, *The Romans*, 76.

¹⁴ Christ, *The Romans*, 99.

¹⁵ Paoli, *Rome*, 113-114.

¹⁶ Christ, *The Romans*, 99-100.

¹⁷ Clay, Paul, and Senecal, *Envisioning Women in World History*, 51, 55.

¹⁸ W. Warde Fowler, *The Roman Festivals of the Period of the Republic: An Introduction to the Study of the Religion of the Romans* (London: Macmillan, 1916), 21-32.

¹⁹ Maas, ed., *Readings in Late Antiquity*, 105.

²⁰ Clay, Paul, and Senecal, *Envisioning Women in World History*, 56.

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With her death, Tarbo, was able to inspire a fledging Christian community in North Africa.²¹ Another important early figure in the church was Phoebe, to whom Paul referred in Romans as “a deacon of the church.”²² As a leader of the early church, Paul supported Phoebe and other Christian women with their involvement in the church, and also asserted that in Christ “there is neither male nor female, for you are all one in Christ.”²³

Politics, too, presented Roman women with a paradox. While officially Roman women were not allowed to participate in politics, they could control, influence, and operate behind the scenes or through their husbands. Augustus’ wife Livia is a prime example of female influence on politics. She would advise him on matters of state, and it was said that he even took notes on her opinions.²⁴ Operating behind the scenes through the men in their lives was common for women, especially in the transition period between the Republic and Empire. Clodia, wife of Metellus, was often asked to influence her husband on the matters of political affairs. Cicero himself once confessed to Metellus that he had appealed to his wife, Clodia.²⁵ By asking her to speak to her husband, Cicero was acknowledging the power and equality that existed between Clodia and Metellus. Even though she was not able to serve as a public political figure, Clodia could, and did, wield her political influence in other ways. This was something that the turbulent times of the late 1st century BCE made possible. But perhaps the most influential female ‘politician’ of the Roman Empire was Theodora, wife of emperor Justinian. Before her marriage, she supported herself as a prostitute and actress. During her husband’s reign, Theodora was his trusted counselor, offering her opinion during events such as the Nika Riots in 532 CE.²⁶ Although they were not allowed to influence Imperial Roman politics directly, many women like Livia, Clodia, and Theodora took advantage of their status and the times to effect change.

An aristocratic woman’s status and her opportunities in Rome, paradoxically, were limited in both the Republic and Empire, and yet reflected a relaxation of restrictions in the late Republican and Imperial periods, often through legal fictions, that allowed her far more autonomy than Roman women had experienced heretofore. These changes impacted the marriage options and personal autonomy of these women, as well as Roman politics and religion. Thus the strife and ultimate triumphs of Roman women, however limited they may have been in a patriarchal society, exerted a long and lasting impact on the Roman Empire that extended even to the early Church.

²¹ Maas, ed., *Readings in Late Antiquity*, 217.

²² Jen McNeel, “Romans 16: Who Was Phoebe?,” *The Text in Context*, <http://thetextincontext.com/romans-16-who-was-phoebe/> (accessed January 14, 2018).

²³ Galatians 3:28 (NAS).

²⁴ Clay, Paul, and Senecal, *Envisioning Women in World History*, 59.

²⁵ Julia Dyson Hedjuk, ed., *Clodia: A Sourcebook* (Oklahoma City: University of Oklahoma Press, 2008), 34.

²⁶ Maas, ed., *Readings in Late Antiquity*, 218.

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