

The life of a Roman woman depended on the time and class she was born into; however, across the long stretch of Roman history, there were many constants regarding what was expected of her. Simply, a Roman woman living at any point in Rome's history was expected to be 'the ideal wife and mother' — a set of often contradictory qualities that historically reduced women to the sphere of the household, or *domus*. There is a tendency for historians, both ancient and modern, to characterise the experiences of Roman women as static across the whole of the female demographic, but it must be understood that everything from the practice of marriage to education varied widely between the upper senatorial and equestrian classes and the lower classes, which comprised most of the population. Furthermore, provincial Roman women had unique experiences unto themselves due to the prevalence of local practices in an otherwise Romanising culture. For example, *The Institutes of Gaius* note that "women are not held in guardianship among foreigners as they are with [Romans]."¹ With the fluidity of experience based on class, location, and time, it must also be recognised that almost all surviving representations of women — from literature to inscription — are idealised and presented through the male gaze, fundamentally skewing reality to better conform with the notion of a proper woman. Compared to men, women were severely disadvantaged in imperial Roman society, through their exclusion from civic office and political responsibilities as well as the creation of their limited rights and legal protections done only in relation to men.² However, while Roman women were disadvantaged, they were not disabled, exemplified through the importance of the *domus* and women in the *domus* in Roman socio-political life, as well as the influence of (upper-class) women in non-official public roles.

Women in imperial Rome, regardless of social standing or ability, were barred from all civic, judicial, and political roles on the basis of their gender. The jurist Ulpian states simply, "women are excluded from all civil and public offices" equivocating such a thing to the notion of a child filling those responsibilities.³ Furthermore, women "cannot sit on juries or hold any

¹ *The Institutes of Gaius*, trans. Francis de Zulueta (Oxford, 1946), 1.193.

² The gender binary of 'man and woman' will be used throughout this paper due to the translations of primary sources using the binary and the complex nature of gender in ancient societies. The Roman recognition of the gender spectrum and its intersection with performative culture in a highly gendered society is explored thoroughly in: Matthew J. Perry, 'Defining Gender', in Du Plessis, Paul J., Clifford Ando and Kaius Tuori eds., *The Oxford Handbook of Roman Law and Society* (Oxford, 2016).

³ Ulpian, 'Digest 50, 17.2', in Gardner, Jane F. and Thomas Wiedemann eds., *The Roman Household: A Sourcebook* (New York, 1991), p. 7.

civic magistracy or bring actions in court or act on someone else's behalf or act as procurators," meaning that women were unable to perform at all in court, regardless of their role in the case.⁴ Additionally, a woman was not a "suitable defender" at a trial.⁵ Considering that men were then the sole figures in legal contexts, women were thus always reliant on men to properly represent them. All explanations from primary sources as to why women cannot or should not engage in such behaviour is that it was "a masculine type of work" and "not because they lack judgement but because it is accepted that they do not perform civic duties."⁶ In short, women could not partake in law and civics because it was a traditionally male sector, and they were not men. While this does not pose so great of a conflict most of the time — ignoring the enormous loss of countless potentially influential women jurists — when a woman wished to bring an issue 'unbefitting her sex' to the court, especially in instances where she was making a case against a man, her chances of proper representation, serious consideration, and preservation of social standing were much more greatly diminished than if she was a man. For example, Pliny records a trial where he represented an adult woman, named Attia Viriola, who was 'suing' her octogenarian father who had written out her inheritance to her new stepmother (who her father had only met eleven days previous). From a modern perspective, the father and stepmother are very much in the wrong; however, Pliny records this trial of a woman challenging a man, never mind her father, as incredibly divided and that Viriola only won by luck.⁷ Roman women faced a considerable disadvantage in representation and justice because of the unwavering traditions that kept women from both holding civic, political, or judicial office and officially participating in any related activities.

Due to women's lack of self-representation and subjugation, laws and regulations concerning women were structured around men, ultimately preventing women from obtaining proper legal protections and rights. Starting with a woman's rights as a mother in relation to her children, in the Republican period, "the law did not even recognise the relation between mother and child," the full *potestas*, or rule, over a child came from the father.⁸ By

⁴ *Ibid.*

⁵ *The Digest of Justinian*, V. 1, trans. Alan Watson (Philadelphia, 1985), 1.3.3.54.

⁶ *Ibid.*, 1.2.14.12, 1.5.1.12.

⁷ Pliny the Younger, 'Letters 6, 33', in Gardner, Jane F. and Thomas Wiedemann eds., *The Roman Household: A Sourcebook* (New York, 1991), pp. 122-123.

⁸ Eva Cantarella, 'Women and Patriarchy in Roman Law', in Du Plessis, Paul J., Clifford Ando and Kaius Tuori eds., *The Oxford Handbook of Roman Law and Society* (Oxford, 2016), pp. 6-7.

the fall of the Republic, these notions began to shift and women had the opportunity to gain custody of their children, however, only “if the magistrate in charge of it (the *Praetor*) acknowledged the shameful conduct of the father.”⁹ Women only had the possibility of legal control over something so personal as their children if a man decided that another man was not behaving properly. For protections from sexual violence, there were very few laws and legislations until Augustus’ *Lex Iulia Adulteriis Coercendis*, which criminalised adultery and improper sexual relations. Again though, the protections of women from sexual violence were done to prevent the offence of the father or husband of the woman involved, not to protect women themselves from violence.¹⁰ In other words, this legislation protected men from sexual violence against their wives and children. Finally, in terms of a woman’s lawful legal status: regardless of the class she was born into, her social standing was determined by the class of her current husband.¹¹ Ulpian, as cited in the *Digest of Justinian*, writes that “a woman will be most honourable so long as she is married to a senator or a most honourable or is separated from him but has not married anyone else of inferior rank,” indicating that a woman’s value, as determined by the social strata she occupies, was wholly reliant on her father or husband and cannot be affected by any of her merits or accomplishments, the way that a Roman man could advance his social standing.¹² Women’s inability to self-represent and self-determine left them at the mercy of male centred legislation and the actions of their husbands, where (upper-class) men had much greater control over their lives and social standing.

While women were disadvantaged by the traditional structures and gender roles within Roman society, they were not completely disabled. The position of the *domus*, the Roman wife’s traditional sphere, in Roman society allowed women to unofficially exercise a great deal of power and influence. On the surface, women spent their time on “the supervision of domestic work, the upbringing of their children, their husband’s needs, the care of their relatives during illness and other traditionally ‘female’ tasks,” all of which was private and away from the public lens.¹³ However, in the instance of the husband’s absence, a wife was

⁹ *Ibid.*, p. 7.

¹⁰ Ari Z. Bryen, ‘Crimes against the Individual: Violence and Sexual Crimes’, in Du Plessis, Paul J., Clifford Ando and Kaius Tuori eds., *The Oxford Handbook of Roman Law and Society* (Oxford, 2016).

¹¹ Hemelrijk, Emily A., *Matrona Docta: Educated Women in the Roman Elite from Cornelia to Julia Domna* (London, 1999), p. 10.

¹² *Dig. Just.*, 1.1.10.8.

¹³ Hemelrijk, *Matrona Docta*, p. 9.

expected to “maintain his political connections and inform him of the situation in Rome during his absences abroad for military duties, governorship of a province, or in the turmoils of civil war” and unofficially insert herself into the political web.¹⁴ Furthermore, in the early Empire, there had been such an extended period of conflict and civil war that many women were left without a father, husband, or son to manage the public affairs of the family and had to do so themselves.¹⁵ Similarly, during the constant expansion of the empire and military, very often, men would leave their wives or daughters in charge of the family.¹⁶ For example, Turia, the subject of the *Laudatio Turiae*, is described by her husband in her funerary epitaph as having petitioned Caesar Augustus and other senators for her husband’s safety as well as having been her husband’s consul in political matters — among many more accomplishments — neither of which lend themselves to the helplessness that would come with complete disadvantage.¹⁷ Though the *Laudatio Turiae* is a late-Republican artefact, Turia is still a prime example of the social and political influence that women could have had in Roman society within the parameters of the *domus*, even though they could hold no official position in Roman politics.

For some elite women, their status and wealth allowed for them to exercise power in their locale or city outside of the *domus*. Across the empire, women served as benefactresses, priestesses, and patrons, and “the accumulation of wealth in the hands of [these] certain women in the local cities and their capacities to control it, made it hard for their cities to overlook them, especially when cities faced financial difficulties.”¹⁸ Like any man who came into wealth, some elite women — in efforts to influence politics and social aspects of their community — utilised their resources to circumvent the need for political office. Following the Greek tradition of the wealthy using their money to build and improve their city, Roman patrons were responsible for many of the countless edifices across the empire. The involvement of women in this role is demonstrated by statuary, portraiture, and inscriptions of them in Roman public spaces, such as forums.¹⁹ Additionally, some women experienced extreme prominence in the society (though, perhaps, more as a collective than individually)

¹⁴ *Ibid.*.

¹⁵ Cantarella, *Women and Patriarchy*, p. 8.

¹⁶ *Ibid.*.

¹⁷ *Laudatio Turiae (ILS 8393)*, trans. E. Wistrand, 0, 11.

¹⁸ Hemelrijk, Emily A., *Hidden Lives, Public Personae. Women and Civic Life in the Roman West* (Oxford, 2015), pp. 22, 24.

¹⁹ *Ibid.*, p. 29.

through religious associations, such as the Vestal Virgins — who were of such import in Roman society that they were seated in proximity to women of the Imperial family in contexts such as theatres.²⁰ Though men were granted countless more opportunities to exercise their wealth and influence in this way, Hemelrijk argues that, as women could not have a political career which would require funding, they were freer than men to spend their money as they wished — in this case, some elite women were at a greater liberty than their male counterparts to monumentalise and grant funds to the city.²¹

As a result of the inherently discriminatory institutes of imperial Rome, women were incredibly disadvantaged in terms of civic responsibilities, social status, and legal rights; however, as disadvantaged as they were to their male counterparts, they were not completely disabled. Some women — common enough in society to appear as frequently as they do in the male-oriented primary sources — utilised their position in their family and *domus* or their resources to influence their wider community. Most of this discussion, however, has been oriented to the elite and upper-class women of Rome. While most of the surviving records on women are focused on these social classes — except for artefacts like epitaphs, on which phrases like ‘freed-woman’ are not uncommon — the majority of Rome’s population lived much more basic and day-to-day lives. It seems probable that non-elite women were not so greatly affected by the identified disadvantages faced by Roman women because the access to civic offices and legal rights, for example, did not grant the lower-class men — such as slaves, freedmen, and poor freeborn citizens (some of whom have even less rights than free-born women) — much of an advantage either. In conclusion, women in Rome across all social classes, though mainly the upper class, experienced significant social and political disadvantages, but those with the means to do so could circumvent the sexist institutions and exert their influence and power in their communities.

²⁰ Hemelrijk, *Matrona Docta*, p. 13.

²¹ Hemelrijk, *Hidden Lives*, p. 24.

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