



CRISTINA ROSILLO-LÓPEZ and SILVIA LACORTE (eds.)

CIVES ROMANAE

**ROMAN WOMEN AS CITIZENS
DURING THE REPUBLIC**

EDITORIAL UNIVERSIDAD DE SEVILLA
PRENSAS DE LA UNIVERSIDAD DE ZARAGOZA

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Edited by
Cristina Rosillo-López and Silvia Lacorte

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INTRODUCTION

Cristina Rosillo-López and Silvia Lacorte

The woman who is looking at us from the cover of this book was a Roman citizen belonging to a community that had become, by the Late Republic, the ruling power in the Mediterranean. However, women are not often included in the historical narratives of the Roman Republic. Be that as it may, this state of affairs is gradually changing (and will hopefully continue to do so), which begs the question of why academia is showing a growing interest in this respect.

Accordingly, the intention of this book is to offer a series of perspectives and discourses on Roman citizen women during the Republic, their roles in the public sphere and their place in the community and the *res publica*. This introduction provides a brief historical overview of the topic, before establishing the notion of citizenship that will be employed throughout the book, whose general premise leaves no room for doubt: Roman women were citizens and their civic roles and public presence are essential for gaining a better understanding of this period.

Women's (and subsequently gender) history originated in the study of the ancient world with the pioneering work of Pomeroy in the 1970s.¹ There had

1 Pomeroy 1975, plus the reflections of Culham 1987. See the interesting thoughts on the role of women and gender studies expressed in a survey of reviews appearing in *Bryn Mawr Classical Review* (2000-2020) by Sebillotte Cuchet and Noûs 2020.

been previous books focusing on ancient Greek and Roman women, yet Pomeroy brought relevant methodological questions to the fore with the aim of highlighting their role in Antiquity. In the following decades, further works, like that of Schmitt Pantel, attempted to include women in a global narrative of ancient societies, rather than confining them to the corner of “female experience” or exclusively to the religious sphere.²

Since the 2010s, much progress has been made in the field especially as regards the social importance of gender distinctions, albeit without really broaching the subject of the relevance of the “woman” category.³ Leaving aside sex, gender has become a useful methodological tool, for it allows to study the prevailing discourse and division of roles in society.⁴

A second theoretical tool that has proven its worth in the study of women and gender in the ancient world is that of agency, namely, the way in which individuals perform independent actions within social structures. Finally, there is also the relevant matter of intersectionality, which helps to analyse how a person’s different identities combine to give rise to situations of discrimination or privilege.⁵ Although the connections between gender, race and other systems were noted by Scott, intersectionality has shed light on the myriad of experiences that women could have in the ancient world: an enslaved woman and her female owner, for instance, neither experienced the same type of discriminations nor had the ability or opportunity to develop a similar degree of agency. All these methodological tools have paved the way for the study of women not as a cohesive group that never existed but as individuals.

As it is impossible to cover in-depth all or even most of the research on the role of women in the Roman world in this brief introduction, the literature review performed below focuses on the Republic and, especially, on women’s experiences of the public sphere, a field that has gone from strength to strength in the past 20 years. It includes studies covering the Republic and also the Empire, provided that a substantial part of them is devoted to the first period.

2 Schmitt Pantel 1991.

3 For further considerations on the “woman” category, see Sosin 1997. As to the relevance of gender, the fundamental work is still Scott 1986; for a number of reflections on Scott’s analysis and women’s history in Spain, see Cid López 2006.

4 For some relevant considerations on this question (and the difference between sex/gender) in relation to ancient Greek history, see Sebillotte Cuchet 2022.

5 A term coined by Crenshaw 1991.

Regarding the role of women in politics, in her detailed study of Roman women during the Republic Rohr Vio has called attention, among other things, to the fact that elite women acted in the public sphere on behalf of their families, in absence of their husbands or other prominent male relatives.⁶ Given the frequency with which Roman senators served abroad and the age difference between men and women when they married, the large number of elite women, including Cornelia, Servilia and Julia, to name only the best known, who protected the interests of their sons, daughters and other relatives, should come as no surprise. Other studies have focused on the relationship between women and different members of their families, such as fathers and brothers.⁷

Richlin has called attention to “the woman in the street”, in other words, ordinary women going about their business in the city, including *matronae*, prostitutes and slaves, while underscoring their presence in Plautus’ comedies.⁸ The author contrasts this presence with the current all-male model of Roman political culture, which she exemplifies in Hölkeskamp’s remarks on “the man in the street”.⁹ Regarding the public presence of women, in contrast to Richlin, for Boatwright, taking a *longue durée* approach to the topic, this was unusual or even transgressive.¹⁰

However, the presence (and influence) of elite *matronae* in politics is gradually gaining currency. It is telling that the recently published *Companion to the Political Culture of the Roman Republic* includes a chapter on this very topic, thus challenging the aforementioned all-male model.¹¹ Rosillo-López, for instance, has included elite women as important agents in her study of political conversations; by studying them at the same time as other members of the elite, it can be assumed that women did politics in meetings and conversations not because they could not do so publicly (as was previously thought) but because it was exactly how their male peers acted. Indeed, Roman politics revolved around meetings and conversations.¹²

6 Rohr Vio 2019 and 2022a. Bauman 1992 is an early study, the Republic being covered in Chapters 2-7.

7 Fathers: Hallett 1984. Brothers: Harders 2008.

8 Richlin 2021.

9 Hölkeskamp 2014: 67.

10 Boatwright 2011.

11 Rohr Vio 2022b.

12 Rosillo-López 2022.

As to the presence of women in the religious sphere during the Republic, Schultz has observed that Roman women often participated in public religious rites and, in many cases, worshipped the same gods and goddesses as Roman men did. In light of this, the author contends that it would be incorrect to ghettoise Roman women exclusively in “women’s cults”.¹³ DiLuzio has enquired into the presence of women in Roman religion by studying female priestesses and acolytes across the board, from the Vestals to the *flaminicae*, through priestly couples. In her opinion, women played an important role in many types of fundamental rituals for ensuring the welfare of the city and the citizenry, performing them in an official capacity and, more often than not, on par with their male colleagues.¹⁴ For her part, Mowat has recently studied the agency of women who practiced divination following traditional systems in the late Roman Republic.¹⁵

In the past decades, scholars have written biographies of individual women of the Republic and the Triumviral period, including Cornelia, Clodia, Servilia, Terentia, Tullia, Publilia, Fulvia, the woman of the *Laudatio Turiae*, Livia, Octavia and Antonia.¹⁶ As could not be otherwise, they were all members of the top political elite of the Republic and as such much more likely to appear in the sources. The only exception is the anonymous woman, usually called “Turia”, known from a funerary inscription, who lived during the Triumviral period. Despite the fact that she belonged to the elite, she was not prominent enough to play a political role. Some of these biographies (Clodia Metelli, Fulvia and Turia) are included in the series *Women in Antiquity* (Oxford University Press).¹⁷ In a similar vein, Hemelrijk has addressed the issue of the education of upper-class women, their role as patronesses of literature and learning and their presence as writers of both poetry and prose.¹⁸

13 Schultz 2006.

14 DiLuzio 2016.

15 Mowat 2021. Although, as Mowat rightly notes, any attempt to impose the gender binary on this topic may be reductive (for further considerations along these lines, see especially Chapters 3 and 4).

16 Cornelia: Dixon 2007. Clodia: Skinner 2011; Agnelotti 1991; Hejduk 2008. Servilia: Treggiari 2019. Terentia, Tullia and Publilia: Ermete 2003; Treggiari 2007. Fulvia: Fischer 1999; Schultz 2021. *Laudatio Turiae*: Osgood 2014; Fontana 2020. Livia: Gross 1962; Bartman 1999; Barrett 2002; Perkounig 1995; Mudd 2005; Kunst 2008; Braccisi 2016. Octavia: García Vivas 2013. Antonia: Kokkinos 1992. These works include references to the large number of papers and book chapters on these individual women.

17 Liverpool University Press has also announced the series *Women in Ancient Cultures*.

18 Hemelrijk 1999 (for both the Republic and the Empire).

Since Evans' pioneering study, Roman imperialism has not usually been associated with gender. Nevertheless, the aim of a recent collective monograph edited by Cornwell and Woolf has been to illustrate the close relationship between both.¹⁹ Albeit without focusing exclusively on the Republic, the monograph's chapters attempt to bridge that gap and to "place women in the narratives that conventionally contain only men, and to thereby disrupt them".²⁰

Socioeconomic issues are particularly important for gaining a deeper understanding of the public role of women. *Tutela* took many different forms: what might have been a burden for many (especially freedwomen) was perfectly tolerable for others in the Republic, before the Augustan laws on *tutela* were enacted.²¹ Following Dixon's and Treggiari's groundbreaking research, the ins and outs of Roman families have been studied for decades.²² From his pioneering study in 1984 to his most recent work, Peppe has enquired into the socioeconomic role of Roman women, arguing in favour of their agency and the importance of female citizenship.²³ For its part, the forthcoming edited volume *Women, Wealth, and Power in the Roman Republic* contains a number of chapters whose subject matter encompasses the study of female patrons, women's property rights, *tutela mulierum*, female wealth and the role of women in moments of crisis.²⁴

Lastly, focusing on the public history of women during the Roman Republic, the virtual exhibition "250 mujeres de la Antigua Roma" ("Two-hundred and Fifty Women of Ancient Rome"), curated by Pavón, describes the lives and achievements of 40 women who lived during the Republic, both elite and commoners, with a summary of the sources and a bibliography.²⁵

So, drawing from these premises and the latest historiography, this book offers an overview of the public role and citizenship of Roman women revolving around the idea, already proposed by Sherwin-White, that suffrage and the right to hold public office were never defining traits of Roman citizenship.²⁶

19 Evans 1991; Cornwell and Woolf 2022.

20 Cornwell and Woolf 2022: 1. On bridging gaps and breaking silences, see Richlin 2014.

21 With respect to the *tutela mulierum*, see Watson 1967; Zannini 1976 and 1979; Medici 2013. On women and law, see Gardner 1986.

22 Dixon 1985 and 1992; Treggiari 1991 and 2007.

23 Peppe 1984 and 2016.

24 Steel and Webb forthcoming.

25 <https://grupo.us.es/conditiofeminae/index.php/250-mujeres-de-la-antigua-roma/>.

26 Sherwin-White 1973: 264-265.

In her brilliant study, Gardner called attention to the many groups of people who were considered as citizens but were excluded from the predominant conception of the adult male citizen *sui iuris*, including freedmen, adults under the *patria potestas* of their fathers, women, people of disrepute (*infames*) and the disabled.²⁷ Further studies of such restrictions have brought to light the fact that Roman law was fully aware that a person could be a citizen but without having full rights and duties.²⁸

The citizenship of some Roman citizens was restricted in several ways, but scholars have considered some of those strictures to be more relevant than others. Why should the spotlight be placed on suffrage and not on property ownership or management, for instance, which was more relevant for daily life?

With an eye to clarifying this issue, the goal of Table 1.1 is not to explore in depth all the different aspects of Roman citizenship but to call attention to the fact that these were extremely nuanced and by no means limited to the enfranchisement/disenfranchisement dichotomy, which is the approach taken in this book. One of most important differences in rights and duties was whether a person (be it a man or a woman) was *sui iuris*, that is, legally independent, which occurred upon the death of the father. For women, to this requisite should be added that they could not be married *cum manu*, since that would mean that they fell under the *auctoritas* of their spouses. The growing popularity of marriages *sine manu* as of the second century BCE led to an explosion in the number of *sui iuris* women. As the table shows, there are no noteworthy differences between *sui iuris* men and women with respect to property management. Adult men who were under the *potestas* of their fathers, and were thus not *sui iuris*, could not legally own property, make a will or engage in litigation (unless they were emancipated).²⁹ In contrast, *sui iuris* women could legally own and sell houses, estates and *instrumenta*, including slaves, engage in litigation, marry and divorce at will and inherit property. As regards military service, *proletarii* were not regarded as not being Roman citizens because they were not called to arms.³⁰ Notwithstanding the

27 Gardner 1993.

28 As to citizens with disabilities, see, for instance, Laes 2017 and 2018; Castán Pérez-Gómez 2019. On *infames*, Bur 2018.

29 (Ulp. 46 *ad ed*) *Dig.* 50.16.195.2: *cum pater familias moritur, quotquot capita ei subiecta fuerint, singulas familias incipiunt habere.*

30 For an essential study of the armies of the Roman Republic, see Cadiou 2018; see also Machado 2023.

TABLE 1.1
CATEGORIES OF CITIZENS IN REPUBLICAN ROME

	<i>Suffrage</i>	<i>Right to hold public office</i>	<i>Payment of taxes</i>	<i>Military service</i>	<i>Potestas</i>	<i>Property management</i>
Adult man <i>sui iuris</i>	✓	✓	✓	✓ (depending on his estate)	✓	✓
Adult woman <i>sui iuris</i>	✗	✗	✓	✗	✓ (only over slaves)	✓
Freedman (civil)	✓	✗	✓	✗ (except the army and garrisons)	✓	✓
Freedwoman	✗	✗	✓	✗	✓ (only over slaves)	✓
Adult man under the <i>potestas</i> of his father	✓	✓	✗	✓	✗	✗ (only <i>peculium</i> and with legal restrictions)
Adult woman under the <i>potestas</i> of her father	✗	✗	✗	✗	✗	✗
Boy <i>sui iuris</i> (orphan)	✗	✗	✓	✗	✓	✓ (with a tutor)
Girl <i>sui iuris</i> (orphan)	✗	✗	✓	✗	✓ (only over slaves)	✓ (with a tutor)
Vestal	✗	✓	✓	✗	✓ (only over slaves)	✓

fact that Roman women were not allowed to vote or hold magistracies, Broughton included the Vestals on his list of Roman magistrates, for female priestesses held public office. In sum, Roman women were indeed citizens, even though they did not possess full political rights, as occurred with other groups of citizens.

Moving on to the book's structure, it is divided into three sections, the first of which deals with the question of citizenship.

In the opening chapter, Susan Treggiari performs a specific analysis on Roman women as citizens. Drawing from the testimonies of Livius and Gaius, the author shows that even though women did not conform to the legal criteria that defined Roman citizen men, they did indeed have other duties that defined their citizen status. Similarly, the fact that the expression *civis Romana* very rarely crops up in non-legal texts does not mean that women did not form part of the Roman citizenry, since the term *civis* referred to both sexes. To argue her case, in the first part of the chapter Treggiari stresses that the principal civic duties of a Roman woman, namely, the marital duties of giving birth to legitimate children and motherhood, were not regulated by Roman law but by *mos maiorum*.

Aglaia McClintock's chapter explores the concept of citizenship by going beyond the traditional vision associated exclusively with the (male) prerogatives to hold public office and to perform military service, discussing the concept as an instrument encompassing the community as a whole and its protection. Through an etymological study of the term *civis*, she underscores two important aspects of Roman citizenship, such as the openness to foreigners and the visibility of women, the latter having played a primary role since the very foundation of Rome. McClintock draws parallels between these two aspects using as an example the Roman abduction of the Sabine women, who were both foreigners and the first Roman citizens.

Estela García Fernández's chapter concentrates on a different type of citizenship, to wit, the kind linked to the granting of *ius Latii* to the Latin women. Specifically, the author attempts to shed light on the large group of women who possessed that Latin status and who are often invisible in both the ancient sources and modern scholarship or confused with other expressions of Latin law. After proposing an idea of citizenship that has nothing to do with political participation but with the possibility of engaging in the common law system, García Fernández investigates this group of women with *ius Latii* and their possible connections with the acquisition of Roman citizenship at a local level characterised by the existence of dual citizenship.

Carla Rubiera Cancelas focuses on the path that *libertae* had to tread to achieve freedom and acquire citizenship. Through the analysis of the three prerogatives according to which an enslaved woman could be manumitted (biological reproduction, production capacity and personal relationships), the author discusses how *libertae* were far from being a subordinate social group, for their new status was expressed dynamically through informal ways of participation, linked above all to the ritual and religious sphere, thus enabling

them to do their bit indirectly at moments of political and military tension traditionally managed by men. Rubiera Cancelas shows how the change in status led not only to the possibility of acquiring citizenship but above all to the chance to gain access to a new system of female values typical of matrons, which fully integrated *libertae* into the community of Roman citizen women.

Amy Russell's chapter provides an opportunity to understand the multiple ways in which women experienced citizenship employing a concept just as multifaceted as that of *populus Romanus*. As it is impossible to provide a single, clear definition of *populus*, the author identifies three different conceptualisations of this collective entity: *populus* as an abstract form, as institutional practices and as lived experiences. In each of these three spheres of action, Russell identifies the visible traces of female participation through civic contributions and exemplary behaviour at crucial moments in the history of Rome, concrete expressions of citizenship and the presence of women in the informal spaces of political life, concluding that, although in a different way than men, they also formed part of the *populus*.

Next, Giulia Vettori examines the concept of dowry as a tool for investigating female citizenship during the middle and late Republic. In the first part, the author focuses on the causes behind the partial or complete loss of a dowry (adultery, sexual misconduct or drinking wine), as well as on the mechanisms adopted to protect dotal assets. Cases like those of Fannia and Licinia reveal not only that Roman women could take legal action to claim their dowries but above all the importance of dotal assets as an essential means of expressing their belonging to the civic community and their social respectability as citizens. Furthermore, Vettori analyses the impact that dowries could have on families, particularly in relation to the financial and social position of husbands, showing how the goods brought by wives into marriages could contribute to support their spouses' political careers, thus having an indirect influence on Roman public life.

The main thread of the second section is political agency. The intention of Kathryn Welch's chapter is to hunt for lost traces of female history through the analysis of the modern reception of Livy's story of Verginia. The author, who supports the view that the Roman historian recognised and welcomed the public role that women played in Rome, demonstrates this through the reaction of the Roman matrons to Verginia's desperate plight and death and through the subsequent reception of this episode in Florentine Renaissance art, in which Botticelli's visual art mirrors the image (and role) of those matrons as described by Livy. Along these lines, Welch reflects on how this

and other references to women in Livy's work are conspicuous by their absence in Theodor Mommsen's *Römische Geschichte*, where the spotlight is turned exclusively on men, fully in keeping with the German historian's nineteenth-century (patriarchal) context.

Examining female speech in the republican period, Henriette van der Blom discusses specific examples of women addressing public audiences, organising the different accounts by the venues where they took the floor, including courts, the Senate and *contio*, plus informal places of debate. On the basis of those testimonies, the author briefly describes some of the traits of these public speakers, including their high social status (and therefore what they symbolised for the community as a whole), their ability to speak in public (i.e. their possible education and training in oratory and rhetoric) and the circumstances of their speeches, which might have affected their personal life or the government of the state. Throughout the chapter, moreover, van der Blom highlights issues, such as (male) social expectations as regards female speech, and how these testimonies have been exploited by (also male) authors in Antiquity.

Lovisa Brännstedt explores the topic of Roman citizen women from a legal perspective, in light of the evidence of trial proceedings involving them, in order to shed light on their legal status. In the first of three sections, the author discusses the group prosecutions and mass trials against *matronae* during the early and mid-Republic. The following section focuses on the trials against the Vestal Virgins, in which the charges, which fell within the scope of the religious participation of women, now had to do with violating the rules of religious chastity and *incestum*. In the final section, however, Brännstedt turns her attention to women appearing before regular criminal courts during the late Republic.

Kit Morrell explores some of the ways in which Roman women could participate in processes of legal change during the Republic. From a wide range of accounts illustrating models and possibilities of female intervention in a fundamentally male legal-political field, the author addresses two types: collective and individual intervention. On the basis of a number of case studies, Morrell offers an account of women who attempted to push through or block legal changes, as well as those of women who intervened behind the scenes in the own or their relatives' interests.

Cristina Rosillo-López addresses a topic that has been generally denied and consigned to oblivion: the taxation of Roman women during the

Republic. Following a methodological approach that not only considers literary but especially epigraphic sources, she shows that women paid taxes and were also considered as taxpayers in the Roman dominions. Specifically, the author investigates several cases, such as non-Roman citizen women and Roman citizen women in the provinces, as well as in Rome and Italy. In all three cases, the epigraphic legal sources (especially *senatus consulta*) strongly suggest that women were indeed subject to taxation. From the perspective of global ancient history, Rosillo-López also widens the scope to include other historical-geographical realities which demonstrate that women were also taxed in Ptolemaic Egypt and Han China.

Elena Torregaray Pagola analyses the role of women in Roman diplomacy from the foundation of Rome to the Julio-Claudian dynasty, covering both the sending and receiving of embassies, as well as informal diplomatic channels. Through the analysis of the historical and literary sources, the author identifies several accounts of the capacity of Roman women for mediation, exchanging information and persuasion in the field of Roman diplomacy.

Pilar Pavón offers a sociopolitical overview of the period between the end of the third century and the end of the second century BCE through the biographies of three matrons whose proactive attitude was as visible in their “domestic” roles of wives, mothers and sisters as it was beyond the walls of the *domus*, in the political, social and even diplomatic spheres, revealing that they were no strangers to matters pertaining to the *res publica*. The author examines Aemilia Tertia, the wife of Publius Cornelius Scipio Africanus; Cornelia, not only as the mother of the Gracchi but also in the active role that she played as adviser to her children in their political dealings; and Sempronia, the sister of the Gracchi.

Frédéric Hurlet’s chapter fits into the wider context of recent studies of the informal political role of matrons between the late Republic and the Empire, exploring a moment – and a woman – that has never been previously approached from this angle, namely, the transition from one era to another, through the case study of Aemilia Lepida, accused of multiple crimes and condemned to exile by the Senate in 20 CE. Through an analysis of the individual charges, the author reveals how Aemilia Lepida’s prosecution and conviction went way beyond matters of adultery, deception, attempted murder and the practice of magic: it was rather down to the financial clout of a *matrona* who had attracted the – also economic – interest of imperial power and the emperor himself. Through the case study of Aemilia Lepida, Hurlet

shows the role that aristocratic women played not only at home and in the city but also in financial management.

The final section of the book, which focuses on spaces, memory and community, starts with Ana Mayorgas' chapter, which delves into the nature and transmission of women's memory from archaic Rome to the late Republic, identifying a specific regime of memory in each period. The author also identifies the reasons behind the changes, from the limits of oral tradition, through a masculine memory that favoured the recollection of wars and political milestones, to the recognition of the political and social prominence of elite women, as well as their greater economic power.

Francesca Rohr Vio scrutinises the different ways in which female citizenship was conceived in Rome depending on whether the topic is approached from a legal or socio-anthropological point of view. The author uses the references appearing in Plautus' comedies and the historical sources to define the civic identity of free women during the Republic, supporting this with the use of legendary episodes as a tool for fathoming the historical period under consideration. Through this analysis, Rohr Vio identifies several expressions of female citizenship including motherhood as a vehicle for transmitting citizenship, religious duties and behaviour (e.g. fidelity and chastity), those occasions when women were expected to make financial contributions and, finally, the symbols defining status and the sense of belonging to the community.

Lewis Webb analyses the *ordo matronarum* as a matronal corporate body that contributed to build the civic identity of married citizen women, thus enabling them to perform their civic duties. Through a review of the literature, the author traces the history of this group of Roman women from its definition to its impact on female citizenship, before examining the criteria for belonging to the *ordo* to demonstrate that it was a group of wealthy, high-status, married matrons or widows, as well as turning his attention to matronal privileges and symbols. Lastly, Webb employs historical examples to study matronal meetings, attesting to the performance of civic duties recognised by the Senate, magistrates and priests, while presenting evidence of matronal meetings and activities in the Italian communities.

In the final chapter, Lidia González Estrada performs a study on the civic participation of Roman women, *ingenuae* or *libertae*, through religion (*sacra*) outside Rome, in other areas of the Italian peninsula, during the republican period. The intersection of epigraphic and historical-literary sources has

allowed the author to collect interesting data. In the first part of the chapter, González Estrada focuses on the presence of priestesses of the cults of Ceres and Vesta, before identifying and analysing alternative ways in which women participated in the religious sphere, such as public rituals, ceremonies or offerings to deities. This sort of participation was monopolised by organised groups of Roman matrons who leveraged their civic identity and wealth to contribute to bolster local identity and the *pax deorum*.

The book ends with Carmen Alarcón's conclusions regarding future trends and challenges of the topic.

In conclusion, one of the goals of this book is to gain a firmer understanding of the citizenship of Roman women and their role in the community beyond simplistic considerations, still occasionally found in popular and academic books, which merely state that men were citizens and women were not or, at best, were second-class citizens. It attempts to include a variety of perspectives, discourses and nuances regarding the question of how women acted as citizens, in order to work towards what has been called "a mixed history" (*histoire mixte*) of ancient Rome.

"Mixed history" can be defined as a historical discourse that places men and women on an equal footing, considering the latter as historical actors as relevant as the former, and which incorporates gender issues into the narrative.³¹ It is high time to discard the kind of historical narratives that use supposedly ungendered language but which in fact employ generic masculine pronouns and only contemplate women separately and as an afterthought.³² The use of masculine terms to include women has made and still makes them invisible. As historians, we have a duty to paint a picture of ancient Rome that is as complete as possible, for which reason half of the population cannot be left out of the narrative. It is both a professional and ethical duty towards our readers and students, towards the past and towards society as a whole.³³

31 On "*histoire mixte*", see Dermenjian *et alii* 2010; Sebillotte Cuchet 2018a and 2018b.

32 This kind of narrative is not new, for it was exactly how Roman jurists expressed themselves: Gardner 1995; Saller 1999.

33 This book is the result of the conference entitled, "Ciudadanas: las mujeres romanas en la República", held at the Universidad Pablo de Olavide in Seville in October 2022. The conference and the book have been funded by the university and by the research project, "El censo romano en época monárquica y republicana" (PID2019-103973GB-I00, Agencia Estatal de Investigación, Ministerio de Ciencia e Innovación) and the PAIDI research group HUM 545 ("Religión y pensamiento en el mundo antiguo").

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CITIZENSHIP

CIVIS ROMANA SUM:
ROMAN WOMEN AS CITIZENS¹

Susan Treggiari

1. Introduction

When Cristina Rosillo-López asked me to give a paper and explained what the conference was about, she told me:

Lately I have asked some colleagues if they consider that women were citizens during the Republic and, to my surprise, some of them answered no. Some even said that well, maybe during the Empire, but not during the Republic.²

I was shocked, since it had not occurred to me to doubt that republican women were citizens. It is impossible to conjecture an enfranchisement in the Principate. What a stir it would have caused if Augustus or some Julio-Claudian had introduced such a radical innovation!

Cristina suggested that part of the reason for this misconception is that Nicolet's influential book of 1976 focused on male citizens.³ The indexed English edition has no entries for "women" or "marriage", though the Voconian law is mentioned.⁴

1 I am grateful to Cristina Rosillo-López and to all the participants for making the conference so pleasant and stimulating. Thanks to Kathryn Welch for help with the final draft. My paper is lightly edited. I have kept bibliography brief.

2 Email 28/10/2021. Treggiari 1996, intended to represent scholarly consensus at the time, includes women as citizens (873-875) but omits the *ordo matronarum*.

3 Contrast Gardner 1993.

4 1980: 37 = 1976: 57, 1980: 72 = 1976: 101. 1980: 389 "male citizen" perhaps gives a hint that women were *cives* too, but the original 1976: 516 "tout homme" does not and the

Neglect started before Nicolet.⁵ Few scholars asked what half the Roman population was doing. In the 1970s, following Balsdon 1962 and prompted by the women's movement and Pomeroy 1975, historians made serious studies of Roman women. In 1981, Beryl Rawson organized the seminar on the Roman family to which scholars from Australia, New Zealand, Canada, and the U. K. contributed.⁶ Subsequent conferences in this series have drawn participants from all over the world. Expansion has continued and the subject is mainstream. Here is my interim report.

2. *Prolegomena*

It can still be thought that Roman women were *not* Roman citizens. I choose a recent, nuanced, and well-documented publication to represent this view. Chatelard writes:

Whilst ancient authors generally depicted women as a section of the population obliged to remain within the private sphere, subsequent historiography has come to recognize their activity within the public sphere. However, the term "citizen" is still only rarely used to describe free women born of citizen parents; specialized studies of the citizenship of women in Rome are equally rare. It must be admitted, however, that the historiography of Roman citizenship is almost entirely based on the study of Roman law, and as noted above, the law is absolutely clear: citizenship was only possible for men.⁷

This is wrong.⁸ Nowhere does a legal text say women were *not* citizens, either in the Republic or later. What we find is women's exclusion from certain functions which were performed by male citizens who were of age and

whole eloquent passage on communication between citizens (1980: 389-390 = 1976: 515-516) leaves women out. On the Romans' conception of their *civitas*, Nicolet 1980: 21-22 (cf. 1976: 37-38) rightly says "As far back as their historical memory went, the Romans believed that they had from the first been *cives*, citizens." He then discusses the "synoecism" of Romans and their Sabine fathers-in-law without discussing the status of the women, and he explores the *curiae*, *co-viria* (1976: 38-39 = 1980: 22-23), without mentioning how they were named. Richlin 2021: 219-221 selects Hölkeskamp as similarly blind to women.

5 E.g., Berger 1953 on *Civis* and *Civitas* ignores women. Brunt 1971 and Sherwin-White 1973 take them into account.

6 Rawson 1986.

7 Chatelard, 2016b: 25 = 2016a: 24. She modifies this view later (2016b: 42 = 2016a: 41): "...even if the citizenship of women is a complex issue, the *civis Romana* did exist."

8 'Obliged' also seems alien to what Latin authors say, despite approval of women focusing on their homes.

without disability. In public life this means that women were never expected to fight as soldiers. Since they could not lead or be led in battle, they could not elect magistrates or stand for office themselves. But is army service or the franchise a condition of *citizenship*?

In modern western nations the idea that women might serve in the forces is recent. The idea that they might vote and stand for office is not much more than a century old. Universal male suffrage is often comparatively new.

L. Valerius, in Livy's account of his speech supporting the repeal of the Oppian law, puts the situation neatly:

Public offices, priesthoods, triumphs, decorations or awards or the spoils of war cannot come to women.⁹

This is too sweeping. Women could be priestesses of some deities, besides holding prestigious positions as Vestals or the wives of *flamines*, as recent scholarship has emphasized.¹⁰ But women certainly could not be magistrates or achieve military honours.

Citizen women were not unique in being excluded from these functions. *Libertini* were undoubtedly citizens. But by *mos* they did not normally join the army or stand for public office, and their tribe might be restricted by law or censorial decision.¹¹ Different people had different bundles of duties and privileges. This was dictated by *mos*, the way things 'had always been', the ancient law.¹² (Statute-law is less venerable.)

Certain functions in private law were also by custom off-limits or were later formally made off-limits to women. The jurist Ulpian in the late Principate, who no longer needs to think much about the right to vote, puts public and private law together:

Females are disqualified from all civil or public duties and therefore cannot be judges or hold magistracies or sue or intervene on behalf of anyone else or act as procurators.¹³

9 Livy 34.7.8: *non magistratus nec sacerdotia nec triumphi nec insignia nec dona aut spolia bellica iis contingere possunt...*

10 Webb 2022: 163-167.

11 Treggiari 1969: 37-64, 67-68.

12 Cf. Gardner 1993: 87-89.

13 *Dig.* 50.17 (*de diversis regulis iuris antiqui*).2, Ulp.: *Feminae ab omnibus officiis civilibus vel publicis remotae sunt et ideo nec iudices esse possunt nec magistratum gerere nec*

This item occurs in a ragbag of rules of early law, and it is clearly *mos* that women could not undertake all the duties which fell to a male, *civilia officia* or *virilia officia*.¹⁴ (The excerpt adds that under-age boys could not either.)

Various categories of people, by law, could not act as judges: the deaf and dumb and the insane were ruled out by nature; women and slaves were excluded by custom, not because they lacked judgement. (Anyone removed from the Senate was excluded by law.)¹⁵

Other duties which women could not undertake involved acting on behalf of others. By *mos* in the Republic, women did not sue for other people. A woman called Carfania who immodestly did this provoked a praetorian edict which ruled that women—and blind persons—should not do this.¹⁶

Augustus began a process of protecting women from risking their property when pressured by family members, particularly husbands.¹⁷ This

postulare nec pro alio intervenire nec procuratores existere. Item impubes omnibus officiis civilibus debet abstinere. Women, like a number of other categories, could not prosecute sc. for others (48.2.8, Macer: *prohibentur accusare alii propter sexum vel aetatem, ut mulier, ut pupillus*).

14 For *virorum officia* cf. Lact. *ant. Div. inst.* 33.5 (quoted in Cenerini, and Rohr Vio (eds.) 2016: VII): *quanta erit infelicitas urbis illius, in qua virorum officia mulieres occupabunt!*).

15 *Dig.* 5.1.12.2, Paul: *quidam enim lege impediuntur ne iudices sint, quidam natura, quidam moribus. natura, ut surdus mutus et perpetuo furiosus et impubes, quia iudicio carent. lege impeditur, qui senatu motus est. moribus feminae et serui, non quia non habent iudicium, sed quia receptum est, ut civilibus officiis non fungantur.*

16 *Dig.* 3.1.1.5, Ulp.: *Secundo loco edictum proponitur in eos, qui pro aliis ne postulent: in quo edicto exceptit praetor sexum et casum, item notavit personas in turpitudine notabiles. sexum: dum feminas prohibet pro aliis postulare. et ratio quidem prohibendi, ne contra pudicitiam sexui congruentem alienis causis se immisceant, ne uirilibus officiis fungantur mulieres: origo uero introducta est a Carfania improbissima femina, quae inuerecunde postulans et magistratum inquietans causam dedit edicto. casum: dum caecum utrisque luminibus orbatum praetor repellit.* A man blind in both eyes is disqualified (because he could not see the praetor's insignia!), as were disreputable individuals (*Dig.* 3.1.1.6). Carfania is often identified with "Afrania" who repeatedly conducted her own cases and died in 48 (Val. Max. 8.3.2, Marshall 1989 esp. 43-47. Note his judicious observation 38-39: "attested restrictions on women's role in the judicial system need logically represent neither a curtailment of preexistent rights nor the deflection by male authority of a challenge from feminism, and may reveal no more than the progressive formalization of universally accepted and socially sanctioned taboos." Maesia spoke in her own defence on a criminal charge, once (Val. Max. 8.3.1, Marshall 1990). By a rescript of Severus and Caracalla (Just. *Inst.* 1.26.3) mothers, nurses, grandmothers, sisters, or any woman the praetor considered motivated by *pietas* were allowed to sue a child's guardian. Cf. *Dig.* 3.3.41 pr.). See van der Blom and Brännstedt in this volume.

17 *Dig.* 16.1.2 pr., Ulp.: *Et primo quidem temporibus divi Augusti, mox deinde Claudii edictis eorum interdictum, ne feminae pro uiris suis intercederent.* Gardner 1986: 75.

was continued by Claudius and then by a senatorial decree (probably AD 54).¹⁸ Women could dispense with the protection of the decree if they chose. It gave rise to a whole title of juristic refinements.

Women had other restrictions. There was, since ancient times, perpetual guardianship for women, but this by the late Republic, did not much inconvenience upper-class women, though it was a major handicap to freedwomen.¹⁹ Because of the stress on *patria potestas* and agnatic succession, a woman's legal ties to her own children were weak, unless she was *in manu* (under her husband's control). In our period, a woman could not act as a guardian²⁰ or adopt children.²¹ Nor could she succeed to her children on their intestacy or pass on her estate to them on her intestacy.²² Justinian's editors in the introductory chapter on the status of human beings, after the great division into slave and free, chose a generalizing statement by Papinian:

In many sections of our law, the position of females is worse than that of males.²³

It should be noted that Roman law applies only to citizens. Roman lawyers respected persons. When they had to choose with whom a will should be deposited, Romans should always put an older person before a younger, a person of higher status before an inferior, *a male before a female*, and a freeborn person before a freed one.²⁴ But none of these differences or disabilities implies that women—or freed slaves—were not citizens.²⁵

18 *Dig.* 16.1.1.1, Paul.: *Velleiano senatus consulto plenissime comprehensum est, ne pro ullo feminae intercederent. nam sicut moribus ciuilia officia adempta sunt feminis et pleraque ipso iure non ualent, ita multo magis adimendum eis fuit id officium, in quo non sola opera nudumque ministerium earum uersaretur, sed etiam periculum rei familiaris. aequum autem uisum est ita mulieri succurri, ut in veterem debitorem aut in eum, qui pro se constituisset mulierem ream actio daretur: magis enim ille quam creditor mulierem decepit.* Cf. *Dig.* 16.1, Paulus, *Sent.* 2.11, *CJ* 4.29. Exceptions could be made. See Talbert 1984: 436, Gardner 1986a: 75-76, 152, 234-235, 1993: 97-101. Date of the *SC*: Buongiorno and Ruggio 2005.

19 Gardner 1986a: 5-29, Morrell 2020.

20 *Dig.* 26.4.10, Herm.

21 *Dig.* 5.2.29.3, Ulp.: *quoniam femina nullum adoptare filium sine iussu principis potest.*

22 *Just. Inst.* 3.3, 3.4.

23 *Dig.* 1.5.9: *In multis iuris nostri articulis deterior est condicio feminarum quam masculorum.*

24 *Dig.* 22.4.6 pr., Ulp.: *semper seniore[m] iuniori et amplioris honoris inferiori et mare[m] feminae et ingenuum libertino praefere[m]us.*

25 Romans envisioned other peoples as marrying and having children much as they did. They often called foreigners' children *liberi*, like their own legitimate offspring born from a Roman marriage (e.g., *Cic. Verr.* 1.14; *Leg. Man.* 66; *Caes. BGall.* 7.14.10; *BAfr.* 91.1-3; *Livy* 8.37.9-11; 40.38.3, 6; 40.57.6).

Citizen women's duty and function was the bear citizens. As Pomponius said in the mid-second century AD:

... it is in the public interest for women to keep their dowries, since it is particularly necessary for females to have dowries in order to breed offspring and to fill the citizen-body with descendants.²⁶

Two texts settle the question of whether Roman women were *cives Romanae*: Livy and Gaius. We shall see how they stress the importance of women as bearers of legitimate children. Let us start with the beginnings of Rome, according to the version written by a Paduan scholar who was not a member of the ruling class.

3. The abducted women

In Livy's narrative of Rome's early days, he draws on Roman traditions, on previous accounts of Greek and Roman writers (historiography, epic, drama, and so on) of which we have only fragments, and presumably on works such as Cicero's *De Republica*, to produce a coherent and dramatic story.²⁷ Like Herodotus, he makes women important agents, especially in the legendary period. Practically nothing in this narrative is historical.²⁸

26 *Dig.* 24.3.1 pr.: ...*et publice interest dotes mulieribus conservari, cum dotatas esse feminas ad subolem procreandum replendamque liberis civitatem maxime sit necessarium.*

27 E.g. for the story of the Sabine women *Enn. Sabinae* (cf. the fragment Vahlen 1854: 370: *cum spolia generis detraxeritis, I quam inscriptionem dabitis?* ('when you have stripped the spoils from your sons-in-law, what inscription will you give them?' [clearly from a speech by one of the *raptae*]) and *Annals* (1.98 [Skutsch 1985: 1.98 = *Fragmentary Republican Literature* 1.49]: †*Virgines, nam sibi quisque domi Romanus habet sas [=eas]*. *FRHist* 2 has texts from two republican authors: *Antias* 25 F5: there were 527 virgins, and *Cn. Gellius* 14 F1: the kidnapping dated to the 4th year of Romulus's reign? F2: *deabus supplicans*, "praying to the goddesses", F3: *multitudo puerorum iam erat ex raptabus*, "there was now a multitude of children born to the kidnapped women", F5: *capite cum allis paucabus consilium*, "make a plan with a few other women". *Plut. Rom.* 14.6 cites *Antias* and *Juba*. On the development of legend see *Wiseman* 1987b, 2004. *Wiseman* 2004:143-144 plausibly suggests that the story of the incorporation of the Latin towns of Caenina, Antemnae, Crustumerium (and Fidenae, not in Livy) developed in 338 BC and the later story about the Sabines in 290. *Brown* 1995 stresses Livy's originality in his treatment of the agency of the women. See *Welch's* chapter in this volume.

28 Cf. e. g. *Culham* 2004: 140-141.

Romulus first fortifies the Palatine and attends to cult.²⁹ Then he summons his followers to give them laws to fuse them into one people.³⁰ To increase the population, he offers sanctuary at the Asylum to anyone who wants to come. A crowd takes refuge there, with no distinction between slave and free.³¹ This increases Rome's manpower. Romulus promptly chooses a senate to advise him.³² It then becomes obvious that although Rome was strong enough to contend with neighbours, it could not last long because Romans could not produce children. The men are all regarded as citizens, who could only marry those with whom they had *conubium*. On the advice of his *patres*, the king sends ambassadors to ask neighbours for alliance and *conubium*, which are contemptuously denied. Neighbours even ask if Rome will open the Asylum to women, to ensure intermarriage on equal terms.³³ Romulus then develops his plan to kidnap brides. He holds a religious festival, to which the closest neighbours from Caenina, Crustum(er)ium, and Antemnae, along with all the Sabines, come with their wives and children. At the horse-races, he gives a signal, and the young men seize unmarried girls, destined sometimes for themselves and sometimes for leaders of the *patres*.³⁴ The families flee indignantly, and the young women are equally indignant, and worried about their fate. But Romulus goes round the houses to reassure them. It was all the fault of their fathers.³⁵

They will be in a marriage, in sharing of all fortunes, and of citizenship and, the dearest thing there is to the human race, of children.³⁶

They would find their husbands would be kinder because each would strive to do his duty as a husband and then to compensate for their loss of parents *and country*.

29 Livy 1.7.3; 1.7.15.

30 Livy 1.8.1-3.

31 Livy 1.8.6. Dion. Hal. *Ant. Rom.* 2.15.3-4 makes them free political refugees. Plut. *Rom.* 14.2 does not mention the Asylum but calls the incomers poor and undistinguished.

32 Livy 1.8.7.

33 Livy 1.9.1-5.

34 Livy 1.6-12.

35 Livy 1.9.7-16. Dion. Hal. *Ant. Rom.* 2.30.4-6 insists that Romulus ordered that the virgins were not to be violated but to be brought before him next day and that he performed a ritual marriage.

36 Livy 1.9.14: *illas ... in matrimonio, in societate fortunarum omnium civitatisque et quo nihil carius humano generi sit liberorum fore*; cf. Dion. Hal. *Ant. Rom.* 2.30, who does not mention citizenship, although his account is broadly similar. For *societas* as a marital ideal cf. Cic. *Off.* 1.54. Treggiari 1991: 9, 11, 208, 220.

Livy, unlike Cicero,³⁷ is unapologetic about the rough seizure, *raptus*. This was an abduction and not a rape in the modern English sense. *Enlèvement*, *secuestro*, *ratto*, abduction or kidnapping are correct.

The intention of the kidnappers was marriage, as Cicero also stresses.³⁸ This implies legitimate children. Livy emphasizes that the wives will be partners who share their husbands' lives and fortunes³⁹ and that they will have the same citizenship. There will be *conubium* between them, the capacity to form a legal Roman marriage, because both husband and wife are Roman.⁴⁰ This is the solution to their fathers' denial of intermarriage, which would have allowed a Latin woman to marry a Roman man because *conubium* had been agreed to exist between eligible citizens of two states.

The theme continues. In the wars which follow, Romulus's wife Hersilia⁴¹ urges him to receive the Antemnite parents (apparently including mothers) of abducted women into Roman citizenship, as the new wives asked. Roman colonies were sent to defeated cities and their inhabitants migrated to Rome, becoming citizens.⁴² In the final battle with the Sabines, a crowd of wives intervened.⁴³ Livy gives them a pointed speech:

If you are tired of the relationship and *inter-marriage* between you, turn your wrath on us; we are the cause of war, we are the cause of wounds and slaughter to our husbands and parents; it will be better for us to perish than to live on without one or other of you, as widows or orphans.⁴⁴

37 Cic. *Rep.* 2.12: *novum quoddam et subagreste consilium*. Cf. Verg. *Aen.* 635: *raptas sine more Sabinas*; Prop. 2.6.19-21: *tu criminis auctor, / ... tu rapere intactas docuisti impune Sabinas*. Dion. Hal. *Ant. Rom.* 2.30 exculpates Romulus.

38 Cic. *Rep.* 2.12: *Sabinas honesto ortas loco virgines ... Consualibus rapti iussit easque in familiarum amplissimarum matrimonii collocavit*. Cf. Ov. *Ars am.* 1.130: "*quod matri pater est, hoc tibi*" dixit "ero". Plut. *Rom.* 14.2 stresses *synkrisis* and *koinonia*.

39 Dion. Hal. *Ant. Rom.* 2.25 in his discussion of *confarreatio*, also stresses *koinonia*.

40 Claassen 1998: 83 stresses this: "This passage is important for the immediate context of citizenship assigned to these brides, by virtue of their marriage to Romans."

41 Hersilia is important in Plut. *Rom.* 14.6-7; 19.5; Dio Cass. 1.5.

42 Livy 1.11.1-4. Presumably this applied also to the Caeninenses (defeated earlier).

43 Livy 1.13. Cf. 34.5.8; Plut. *Rom.* 19; Dio Cass. 1.5-7. Cic. *Rep.* 2.13 says only *foedus icit matronis ipsis, quae raptae erant, orantibus*.

44 Livy 1.13.3: *Si adfinitatis inter vos, si conubii piget, in nos uertite iras; nos causa belli, nos uolnerum ac caedium uiris ac parentibus sumus; melius peribimus quam sine alteris uestrum uiduae aut orbae uiuemus*. Cf. Ov. *Fast.* 3.197-226 at 203: *quaerendum est, uiduae fieri malimus an orbae*.

Peace and a shared citizenship resulted.⁴⁵ The wives received particular honours.⁴⁶ (By now, the wives could mention their Roman children born in Roman marriage.)

Cicero calls the women *matronae*, a word used with deep respect to describe married women, most often Roman married women.⁴⁷ For both Cicero and Livy, the abducted teenage girls were transformed into Roman citizens and wives by giving their consent to marriage at the same time as their husbands acknowledged their honourable intentions of forming a legal marriage. Bilateral consent is the essence of Roman marriage. (The only other people who should have consented were the fathers of the partners, supposing they had *patria potestas*. The Sabine fathers had morally forfeited this right and lost control by the kidnapping.) The women became capable of acting as a group in defence of their new city. Where the brides' fathers had refused permission for their daughters to form a legal marriage with a foreigner and retain their own citizenship,⁴⁸ the brides by consenting share their husbands' citizenship. (Perhaps they abandon their original citizenship and are freed, by entering *manus*, from the power of their fathers.) Soon their fathers and kin

45 Livy 1.13.4.

46 Livy 1.13.6-7 (the naming of the 30 *curiae*, cf. Cic. *Rep.* 2.14. Dion. Hal. *Ant. Rom.* 2.47.3-4, Fest. 42 Lindsay: ... *hisque curiis singulis nomina Curiarum virginum inposita esse dicuntur, quas virgines quondam Romani de Sabinis rapuerunt.*) Safran 2010: 168. The *Comitia Curiata* was the earliest assembly.

47 Cic. *Rep.* 2.13. Cf. Treggiari 1991: 7, 35, 279; 2019: 16-17; Schultz 2006: 158 n. 7. For married women viewed as an *ordo* see especially Purcell 1986: 81-90, adding Welch 2011: 213, Webb 2022: 158-163; Webb in this volume. The Senate might pass a decree commissioning *matronae* (and *libertinae* separately) to undertake expiatory rites (Livy 22.1.18). *Matronae* held meetings, took counsel, and passed decrees (Cic. *Fin.* 2.12: *matronarum coetum*; Livy 5.25.8 *matronae coetibus ad eam rem consultandam habitis communi decreto* ...). The Bona Dea ritual was a *coetus mulierum* (Cic. *Sest.* 116). I envisage meetings being called by leading *matronae* of the upper class, by passing word through slaves to their friends and on occasion involving lower class women too. Meetings would be in upper-class houses (senators worried about secrecy and conspiracies), where plans could be made. Once the action moved on to the streets, the crowd could snowball. We know women could react fast and effectively. Ov. *Fast.* 3.197-215 has the *raptae* gathering at the temple of Juno, being addressed by Hersilia, who gives her advice, *consilium*, which they obey. They let down their hair, put on mourning, and proceed to the battlefield.

48 If they had accepted, their sons, according to later rules, would have been able to marry Roman women in a valid Latin/Sabine marriage. *Ius conubii*, common in scholarship, does not occur in PHI, although Serv. on Verg. *Aen.* 11.580-582: *multae / illam frustra Tyrrhena per oppida matres loptavere nurum says quod non procederet, nisi inter eos essent iura conubii.*

become Romans too. The tables are turned. Which came first, marriage or citizenship?⁴⁹

The historical background to this edifying legend is surely the real existence of a common Latin culture. The Sabines, the hill-people, are different, but we cannot go into that now. This meant that marriage and trade were by custom practised between individual Latins from different communities. As Sherwin-White says, Livy, on the settlement of 338 BC between Rome and other Latin cities, implies that the right of intermarriage and the right to trade and make contracts had always existed.⁵⁰ An individual could move into another Latin community, just as he or she could in the second century.⁵¹

In Latium inter-communal relations may be expected to predate the rise of the city-states, nor would it be surprising to find both that the division of the geographic or tribal unit into a number of smaller elements was never as complete as in Hellas, and that the Latins always retained more than a sentimental feeling of unity. Much that had to be artificially recreated in Hellas by statesmen and philosophers, may never have disappeared from the consciousness of ordinary men in Latium.⁵²

Conubium and *commercium* were part of custom, *mos*, unwritten law.⁵³ The relative accessibility of settlements in the Latin plain and a shared dialect and cults would make immigration, emigration, trade, and intermarriage natural. I argue that Livy is not only reflecting what in the time of Augustus would have been thought right and proper, but that he has a plausible view of what early Roman society was like. Discard the Herodotean kidnapping and the Homeric battles, but keep the citizenship of early Roman wives.

49 See the chapter by McClintock in this volume.

50 Sherwin-White 1973: 33-34, citing Livy 8.14.10: *ceteris Latinis populis conubia commerciaque et concilia inter se ademerunt*, 108-111. I disagree with Claassen 1998: 83, when she argues that Livy's attribution of *conubium* to the Sabines is anachronistic. Practice can precede statute. Safran 2010: 159-160 stresses *matrimonium*.

51 Livy 39.3.4-6; 41.6-12. Sherwin-White 1973: 34, 103-104, 107, 110-111; Brunt 1971: 168, 380. The Romans do not seem to have called this *ius migrationis*, Cicero has *ius mutandae civitatis* (*Balb.* 27, 52), not the same thing.

52 Sherwin-White 1973: 5-6.

53 Only later would treaties or laws grant *conubium*. See Sherwin-White 1973: 15, 32-34, 104, 109-110, 125.

4. *Civis Romana*

It is often pointed out that the phrase *civis Romana* rarely appears. Livy has it in the context of a request from the Campanians in 188 for the regularization of their marriages with *Romanae*.

The Campanians ... petitioned that they might be allowed to marry Roman citizen women, and that, if any men had married earlier, that they might keep their wives and that children born before that day should be legitimate children and heirs to them. Both requests were granted.⁵⁴

The men themselves had been debarred from Roman or Latin citizenship in 211.⁵⁵ I follow Frederiksen in supposing that they had been reinstated in 189.⁵⁶

Cicero tells us of the enfranchisement of a priestess, Calliphana of Velia, perhaps in 96:

Gaius Valerius Flaccus, the urban praetor, proposed a bill to make Calliphana of Velia (who was specifically named) a Roman citizen. Surely that did not mean that the Velians adopted the law, or that that priestess did not become a Roman citizen, or that we think that a treaty was violated by the Senate and People of Rome?⁵⁷

The rarity of the phrase *civis Romana* in non-juristic texts is more understandable when we reflect that *civis* is both masculine and feminine, and that in any case masculine nouns such as *Romani* include the feminine.⁵⁸ We can be sure of this because the jurists reject indignantly the possibility

54 Livy 38.36.5-6: *Campani ...petierunt, ut sibi cives Romanas ducere uxores liceret, et, si qui prius duxissent, ut habere eas, et nati ante eam diem ut iusti sibi liberi heredesque essent. utraque res impetrata.* See Frederiksen 1984: 249 against Sherwin-White 1973: 211; Briscoe 2008 *ad loc.*

55 Livy 26.34.6.

56 Livy 26.34.6.

57 Cic. *Balb.* 55: *C. Valerium Flaccum, praetorem urbanum, nominatim ad populum de Calliphana Veliense, ut ea civis Romana esset, tulisse. Num igitur aut fundos factos Veliensis, aut sacerdotem illam civem Romanam factam non esse, aut foedus et a senatu et a populo Romano violatum arbitramur?* Chatelard 2016a: 38 = 2016b: 39 usefully cites Plaut. *Persa* 475: *civi femina*; *Poen.* 372: *civis Attica*; *Rud.* 742: *civis tuas*.

58 *Dig.* 50.16.1 pr., Ulp.: *Verbum hoc "si quis" tam masculos quam feminas complectitur, 50.16.152 pr., Gaius: "Homini" appellatione tam feminam quam masculum contineri non dubitatur.*

that a feminine noun might include males.⁵⁹ When we get to our earliest detailed evidence on the law of Roman marriage, mention of *cives Romanae* is inevitable and frequent.

5. *Iustum matrimonium*

I can be brief on my second author. Book 1 of Gaius's *Institutes* is on Roman and natural law and surveys the law of persons.⁶⁰ By section 48 he zeroes in on Roman citizens and a Roman man's unique privilege of having his children in paternal power:

[Roman citizens are understood to have contracted a Roman law marriage and to have the children of it in power] if they take Roman citizens as wives.⁶¹

The first part of the excerpt is restored. But the sense is confirmed by other texts, for example *Tituli Ulpiani*:

Roman citizens have *conubium* (the capacity to marry each other) with Roman citizens, but with Latins and *peregrini* only if the privilege is granted.⁶²

The simplest scenario for a marriage legal in Roman law is that both husband and wife are Roman citizens by birth. Then it is a proper Roman marriage, *iustae nuptiae* or *iustum matrimonium*; the children are legitimate and in their father's power. Husband and wife must also qualify in other ways: by age and by not being closely related by blood, marriage, or adoption. *Conubium* might also exist with a non-Roman partner, a Latin or a *peregrinus*, if allowed by law.⁶³ We need not go into the intricacies of *conubium* here.

59 *Dig.* 31.45 pr., Pomp.: *exemplo enim pessimum est feminino vocabulo etiam masculos contineri*, 15.1.1.3, Ulp., 32.62, Jul. Treggiari 1979: 185-186.

60 Crook 1967: 36-67 on the law of status is useful as background to Gaius.

61 *Gai. Inst.* 1.56: Tr. W. M. Gordon and O. Robinson. [*Iustas autem nuptias contraxisse liberosque iis procreatos in potestate habere cives Romani ita intelleguntur,*] *si cives Romanas uxores duxerint* . . .

62 *Tituli Ulpiani* 5.4: *Conubium habent cives Romani cum civibus Romanis; cum Latinis autem et peregrinis ita, si concessum sit*. Cf. Gaius *epitome* 4 pr: *Legitimae sunt nuptiae, si Romanus Romanam nuptiis intervenientibus vel consensu ducat uxorem*. *Dig.* 1.5.19, Celsus: *Cum legitimae nuptiae factae sint, patrem liberi sequuntur, volgo quaesitus matrem sequitur*. *Dig.* 1.5.24, Ulp.: *Lex naturae haec est, ut qui nascitur sine legitimo matrimonio matrem sequitur*.

63 *Tit. Ulp.* 5.4 (above).

My point is that women could be Roman citizens and that the citizenship of a woman mattered a great deal in Roman life. (I note in passing that non-Roman women were regarded as being citizens of their own communities, whether Latin or peregrine. They are consistently assumed to be citizens in literary accounts.)

In the section which follows on the Roman male citizen's right to have his children in his power (1.55–107), Gaius mentions *cives Romanae* dozens of times.⁶⁴ He has to consider not only women who were Roman by birth, but foreigners who were enfranchised and slaves who were manumitted by Romans.⁶⁵ There were also the converse possibilities that a *Romana* might be interdicted from fire and water and thus lose her citizenship or that she might become a slave.⁶⁶

Sometimes Gaius uses *cives Romani* in the masculine to include women.⁶⁷ Sometimes, as when he is discussing *patria potestas*, he means only men by this phrase.⁶⁸ Roman law directly affected Roman citizens alone. Gaius deals with its application in his period to Roman women in the context of “mixed marriage” with a Latin,⁶⁹ adoption,⁷⁰ and guardianship.⁷¹

Romanae passed on their citizenship to their illegitimate children, by normal human law. This applied both to children of an unknown father, *vulgo quaesiti*, and to children of parents who regarded each other as husband and wife, but who lacked capacity for a Roman marriage.⁷² Women also bestowed Roman citizenship on their slaves of both sexes when they manumitted them.

It is obvious from both Livy and Gaius that the question of women being citizens is tied up with marriage and the ability to bear children in legal marriage, who would also be citizens, and in *patria potestas*. The city required manpower, males for military and civilian service and females to marry

64 Gai. *Inst.* 1.7, 66, 67, 68, 70, 71, 74, 75, 77, 78, 80, 84, 88, 90, 91, 92.

65 Gai. *Inst.* 1.92, 94; 88, 89.

66 Gai. *Inst.* 1.90, 91.

67 E.g. Gai. *Inst.* 1.69.

68 Gai. *Inst.* 1.55.

69 Gai. *Inst.* 1.28–32a.

70 Gai. *Inst.* 1.99–107.

71 Gai. *Inst.* 1.144–154, 165–200.

72 *Dig.* 1.5.19, 1.5.24.

Roman men and procreate citizens in their turn. If fighting and administration are the duty and function of males, giving birth and assuring the legitimacy of children are the duty and function of females. Both are essential.

Women were separately listed in the census if they were fatherless minors (*pupillae*) or widowed or divorced (*viduae*), since they had a tax liability.⁷³ Others were recorded in the reports of their fathers or husbands.⁷⁴ We know that men were specifically asked by the censors if they were legally married.⁷⁵ It is agreed that the main figure which the censors reported and Livy cites did not include women, since that concerned the manpower available for military service.⁷⁶ But certain women needed to be on a separate list for tax purposes.⁷⁷

Let us get away from law and vocabulary. How do we see women acting as citizens? Could one say “A *civis Romana* is what a *civis Romana* does”?⁷⁸

6. *Matronae*

When the Roman People came together in to act as a community, citizen-women were essential participants.⁷⁹ For instance, when Augustus returned from his campaigns in Hispania in early summer of 24 BC, Horace produced an ode (I apologise for my prose):

In the style of Hercules, o *plebs*,⁸⁰ he who was just now said to have sought the bay-branch that is purchased at the price of death, is on his way back to his household gods, a victor from the shore of Hispania.

Let his wife, rejoicing in the matchless husband who is all to her, come out sacrificing to the just gods, and the sister of our beloved leader, and, adorned with

73 See the chapter by Rosillo-López in this volume.

74 Dion. Hal. *Ant. Rom.* 4.15.6.

75 Cic. *De or.* 2.260; Dion. Hal. *Ant. Rom.* 4.15; Gell. 4.3.2, 4.20.3-6; Brunt 1971: 15-16; Treggiari 1991: 57-58.

76 The official phrase was *censa (sunt) civium capita*: Livy 3.3.9; 3.24.10; 35.9.2; 38.36.10; *RG* 8. Clarification in Livy 3.3.9: *censa civium capita centum quattuor milia septingenta quattuordecim dicuntur praeter orbos orbasque*; *Per.* 59: *praeter <pupillos > pupillas et viduas*. Widows and orphans were on a separate register (Brunt 1971: 22-23).

77 See the chapter by Rosillo-López in this volume.

78 Cf. Millar 1977: XI on his principle: “...any social system must be analysed primarily in terms of the specific pattern of action recorded of its members; the emperor ‘was’ what the emperor did.”

79 Cf. Welch 2011: 311-317.

80 This is an extraordinary expression.

the ribbon of suppliants, mothers of virgins [*virgines*] and young men lately safe; you, o boys, and girls [*pueri et puellae*] who have now known a husband, refrain from ill-omened words.⁸¹

My literal translation attempts to preserve Horace's sense and word-order as far as possible. Horace ticks all the boxes among the citizenry, except for older men, who are taken for granted. He lists not only the senior women of Augustus's family, but the mothers of virgins, who can now hope to marry, and of men of military and marriageable age, *iuvenes*. The latter include soldiers who have come back safely with Augustus, as Nisbet and Rudd 2004 suggest. I do not agree that these *iuvenes* must all be officers and that they are all going to marry the virgins. The rank-and-file of the returning army also matter. *Iuvenes* who will now not be called up would also rejoice. These would, like their mothers, go out to greet the army, along with the virgins, who are not yet of marriageable age—we might imagine them as under 12. Then there are boys, below military age, who have presumably not taken the adult toga (they would be under 15 or so) and newly married young girls, who have just transitioned to adult life and become women (like Livia, described as *mulier*, wife and woman). I do not think there is any problem with calling these brides "girls", *puellae*. They could be anything between 12 and 20. This chiasmic arrangement of the list is more interesting than a prosaic listing of adults and adolescents of each sex (wives and men who serve the state, virgins and boys who will soon become grown citizens).⁸² The important thing is that the whole population is represented. Women are part of the *plebs Romana*.⁸³

81 Hor. *Carm.* 3.14.1-12: *Herculis ritu modo dictus, o plebs, / morte venalem petiisse laurum / Caesar Hispana repetit penates / victor ab ora. / unico gaudens mulier marito / prodeat iustis operata divis, / et soror cari ducis et decorae / supplice vitta / virginum matres iuvenumque nuper / sospitum. vos, o pueri et puellae / iam virum expertae, male ominatis / parcite verbis.* This is mostly the text adopted by Williams 1968: 297-299. With one exception, the textual *crucis* do not affect my argument here. I have read *iam virum expertae*. Nisbet 1984: 113-114 had suggested *labis expertes* referring to both boys and girls; Nisbet and Rudd 2004 retain the suggestion. West 2002 adopts the emendation of Bentley 1711 of *iam* to *non*. Woodman 2022 reads *iam virum expectate* ("now await the hero").

82 Williams 1969: 93 points out the chiasmus.

83 The domestic expression of loyalty to Augustus may also include women (Hor. *Carm.* 4.15.27: *cum prole matronisque nostris*). *Plebs Romana* occurs often, especially in Cicero, Sallust, Livy. (It often refers to men only, in the *Concilium plebis* or benefiting from welfare schemes. *SENATUI POPULO PLEBEIQUE ROMANAE* was used in official announcements from magistrates e.g., Cic. *Fam.* 371/10.8.sal., 406/12.15.sal.; cf. Livy 29.27.3). Examples

Horace's contemporary evidence is confirmed by Livy's frequent mentions of women at ceremonies of intercession and thanksgiving, *supplicationes*. *Matronae* are married women in relation to the state; they are *coniuges* or *uxores* in relation to husbands.⁸⁴ They constantly appear as active citizens. They might hold meetings and pass a decree, for instance that they would subscribe gold and jewellery to the treasury.⁸⁵ In time of war, *matronae* spontaneously flocked to the temples to pray.⁸⁶ *Matronae* as a group financed and dedicated temples.⁸⁷ They attended dedications with enthusiasm.⁸⁸ They offered works of art⁸⁹ or money.⁹⁰ They supplicated as a group.⁹¹ They sacrificed.⁹² *Matronae* brought Cybele into Rome.⁹³ They performed mourning for public figures as they did for husbands and kin. They had mourned a year for the first consuls L. Brutus and [P. Valerius] Publicola.⁹⁴

Matronae did not only intercede with the gods at supplications. They took the initiative in interceding with individuals on behalf of Rome. After the failure of ambassadors and priests, the *matronae* organized an appeal to Coriolanus, with his mother and wife heading the delegation.⁹⁵ In 195, they demonstrated in favour of the repeal of the Oppian Law, when according to Livy's Cato they barely refrained from entering the Forum and the *contiones*.⁹⁶ He claimed that

where women are presumably included seem limited to shows: e.g.; Cic. *Verr.* 2.5.36, where the audience for his *ludi* are the Roman People and Roman *plebs*; *Luc.* 7.10. Men originating *de plebe* are frequently mentioned, e.g. by Livy. Females are rarely specified except for mythological women in Ovid: *Met.* 6.10-11: *occiderat mater, sed et haec de plebe suoque / aequo viro fuerat*; 9.306: *media de plebe, Galanthis*. See Russell in this volume.

84 Cf. *libertini/liberti*, Treggiari 2019: 16 n. 54.

85 Livy 5.25.8.

86 Livy 5.18.11-12; 26.9.7; 27.50.5.

87 Livy 10.23.3-10. Schultz 2006. See González Estrada in this volume.

88 Livy 5.31.3; 5.52.10.

89 Livy 21.62.8 (Iuno Regina on Aventine).

90 Livy 22.1.18 (Iuno Regina. *Libertinae* offered to Feronia), 27.37.8 (Iuno Regina).

91 Livy 25.12.15, 27.51.9: *matronae amplissima veste cum liberis*.

92 Livy 27.37.8 (Iuno Regina).

93 Livy 29.14.12-14: *matronae primores civitatis*; 34.3.8.

94 Livy 2.7.4, 2.16.8. Women performed mourning for Sulla and paid for spices: Plut. *Sull.* 38.2; Gran. Lic. 36.25.

95 Livy 2.39.10-40.10. Cf. 34.5.9.

96 Account of the repeal: Livy 34.1-8.3, Cato's remark: 34.3.6. They could not be kept inside their thresholds by the authorities, their own modesty, or their husbands, but occupied roads and approaches to the Forum (34.1.5). Cato contrasts this with women's demonstrations in favour of ransoming prisoners after Cannae in 216 (Livy 22.60.1: *feminas quoque metus ac*

this was a threat to enter public life, *capessere rem publicam*, whereas the custom of their ancestors wisely controlled women's activity even in private affairs.⁹⁷

Matronae were present in the crowds which observed Appius Claudius's attempt to rape the young and freeborn Verginia by proving that she was a slave of a client of his own.⁹⁸ This legend is as important as that of Lucretia for the revolution it accomplished.⁹⁹ *Pudicitia* (chastity) is again at the heart of the story. When her nurse appealed to the People, the crowd rushed to her support. Next day, Livy equates the crowd with the *civitas*.¹⁰⁰ A number of *matronae* accompanied Verginia and her father. Their weeping moved the rest. When the client approached, the women surrounded her, and *cried out*, and pushed him back. It was fruitless and Verginius killed his daughter to save her chastity. The *matronae* could only follow the corpse, but they *protested* eloquently and loudly.¹⁰¹ This is *quiritatio*. In the negotiations which followed, the plebeians seceded with their wives and children.¹⁰² It is important here that both the nurse and the *matronae* perform a *quiritatio*, and appeal to the *fides* of the Roman People to help a person who is being unfairly treated.¹⁰³ Non-citizens (the nurse is probably a slave) could make such appeals. But *quiritatio* would primarily be used by or on behalf of citizens.¹⁰⁴ The same applies to *provocatio*.¹⁰⁵

necessitas in foro ac turbae virorum immiscuerat). On the demonstration cf. Culham 1982, Hemerlijck 1987, Manzo 2016: 130-131. For women in the Forum see Richlin 2021: 218-225; *contra* Boatwright 2011 especially 107-123.

97 Livy 34.2.11: *maiores nostri nullam, ne privatam quidem rem agere feminas sine tutore auctore voluerunt, in manu esse parentium, fratrum, virorum; nos, si diis placet, tam etiam rem publicam capessere eas patimur et foro quoque et contionibus et comitiis inmisceri.*

98 Cf. Welch's chapter in this volume.

99 Livy 3.44-54.

100 Livy 3.47.1.

101 Livy 3.44.7: *ad clamorem nutricis fidem Quiritium implorantis fit concursus; 3.47.1: cum civitas in foro erecta staret. ... comitantibus aliquot matronis; 3.47.3: comitatus muliebris plus tacito fletu quam ulla vox movebat; 3.47.6: lamentabilisque eum mulierum comploratio excepisset; 3.47.8-48.8: Cum repelleretur adsertor virginis a globo mulierum circumstantiumque advocatorum sequentes clamitant matronae*

102 Livy 3.52.4.

103 Lintott 1999: 11-16.

104 See, e.g., Cic. *Verr.* 2.5.147: *illa vox et imploratio, "civis Romanus sum."*; *Fam.* 415/10.32.3 from Pollio: *illi misero quiritanti "c. R. natus sum"*. Lintott 1999: 13-14 cites Plaut. *Rud.* 615-626, which concerns women and is thoroughly Roman, although theoretically the characters are non-Roman.

105 Livy 3.45.8, Icilius: *non si tribunicium auxilium et provocationem plebi Romanae, duas arces libertatis tuendae, ademistis, ideo in liberos quoque nostros coniugesque regnum vestrae libidini datum est.*

Were women members of the *populus Romanus*? Richlin rightly says yes:

It is clear from the use of the word *populus* in the corpus that women were included in civic functions like coming to the rescue, passing judgment on their neighbors, and throwing things at the unpopular.¹⁰⁶

That is a neat summary of the sort of activity I have just listed.

What emerges from our survey of some of the occasions when women as a group participated in public life is a clear impression of the confidence and effectiveness with which women might act and men's acceptance of their involvement.

Women were brought up in the expectation that they would become wives and mothers.¹⁰⁷ They were not segregated from the life of an aristocratic *domus* or from the life of the streets. Lower-class women gossiped in doorways, shouted from windows, and went to market as they do today. Some ran businesses. Boys had a rite of passage when they changed the striped toga for a white one and became full participants in civic life.¹⁰⁸ Marriage made a similar transition for girls. A girl changed the striped *toga praetexta* for the *stola*.¹⁰⁹ She became a *mulier* and a potential mother. She needed to guard the interests of her husband and children as well as of her parents and siblings. That was her duty as a citizen.

7. Conclusions

Much of what I have just said is now well documented.¹¹⁰ I regard the actions by women which Livy described as acceptable and normal, as far as we know for the whole of republican history. This interpretation is well argued by, e.g., Webb 2022, Welch 2023. Others see the late Republic and especially the triumviral period as a break with tradition. Perhaps new evidence can be brought into play to resolve the question.

106 Richlin 2021: 218. Any citizen “became an integral part of the Roman People” (Berger 1953 under *Civis Romanus*). See Russell in this volume.

107 Caldwell 2015.

108 Dolansky 2008.

109 Dolansky 2008: 47-48, Hersch 2010: 65-68, Caldwell 2015: 100-104. See too perhaps Pers. 2.70: *Veneri donatae a virgine pupae*.

110 E.g. Rohr Vio 2016 and 2019, Manzo 2016, Treggiari 2019: 251-280, Webb 2022.

The question of whether Roman women were citizens is laid to rest by this book. The legalistic emphasis on citizenship stems from the French and American revolutions. An eighteenth-century Englishman would have called himself not a British citizen, but an Englishman or a subject of King George. He was not required to prove his status. Down to the British Nationality Act of 1948, I was a British subject (of George VI), not a citizen.¹¹¹ An ordinary Englishman in the early modern era, even if he could not elect his local member of Parliament and was at risk from the press-gang and savage penal laws, would regard himself as a freeborn Englishman,¹¹² with rights under the rule of law: *Magna Carta*, trial by jury, *habeas corpus*, and the rest.¹¹³ Bagehot 1867, arguing against extension of the franchise, held that England enjoyed a free government, supported by public opinion, and that it had “a free people”.¹¹⁴ I suggest that perceptions and feelings are often more important than legal definitions.

Like the Englishman (or rather English people of both sexes), Roman women had a bundle of rights and liberties. These were not, in the Republic, attested by public documents. Their birth was not registered.¹¹⁵ Their existence might be noted on sporadic and inefficient census records. They could not produce identity cards or passports. A *civis Romana* was what a *civis Romana* did. If she married with *conubium*, she produced citizen children in their father’s power. If she freed a slave, she did it by leaving a valid Roman will, or approaching a magistrate, or authorizing him or her to register at a census.

111 See *Wikipedia* on “British subject”.

112 The phrase was commonly used from at least the 17th century and could be mocked, as in George Cruikshank’s cartoon “The free born Englishman” (1819). For the belief in freedom see, e.g., Dryden’s claim that freedom was one of the blessings conferred by Charles II: “For Freedom, still maintained alive, / Freedom which in no other land will thrive, / Freedom an English subject’s sole prerogative . . .” (*Threnodia Augustalis* X). See, e. g., Thompson 1968: 84-110, Colley, 1992: 105-117, Colls 2002: 13-33.

113 *Magna Carta* (1215): “No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we [the King] proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.” The germ of trial by jury dates to the reign of Henry II (1154-1189). It was well established in its now traditional form in the fifteenth century (Trevelyan 1959: 138-139). *Habeas corpus* antedates the Habeas Corpus Act (1679). The Bill of Rights (1689) marks another milestone. The fundamental text is Blackstone 1765-1770 chapter 1.

114 Bagehot 1963: 163, 170.

115 Nor were boys’ births. See Gardner 1986b.

She might take part in cult for the good of the Roman People, appeal to tribunes, or make petitions and demonstrate to officials and Senate. She made a contribution to society and received honour as a *matrona*.

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THE FIRST ROMAN FEMALE CITIZENS WERE FOREIGNERS

Aglaia McClintock

1. Introduction

If we read closely the sources, it seems that the Romans did not doubt for one moment that women were citizens. Narrowing citizenship only to the capacity to vote and to be voted into office, and to participate in the army, has led us to undervalue how Romans themselves understood citizenship.¹ Citizenship was clearly an asymmetric concept, more a privilege than a right, and not only connected to the capacity to access public office or to the military. It involved the protection of the community and sharing the same legal rules. A proof of this is that no one would doubt that plebeians were citizens even if at first they could not be elected into office or marry patricians. Similarly, no one would doubt that *filius familias*, the male children still under the *patria potestas* of their fathers, could be elected consuls even if they could not own property in their own right. It is clear that we cannot frame Roman citizenship only linking it to political or property rights. *Civitas* is something very different from Greek *politeia* and maybe, as for many other important research fields, Greek political philosophy may have weighed on how we have come to understand Roman *civitas*.

One more methodological point. It is common to read in Roman law text books and in less recent scholarship how in the archaic age women were excluded from legal rights and how only later, slowly and gradually, they

1 See for a debate on views on citizenship Peppe 2016: 35-57.

obtained social and legal recognition. This kind of reasoning reprises an old-fashioned evolutionist theory. The sources paint a very different picture. Even in a patriarchal and unequal community, women were far from invisible and indispensable for the reproduction of the social and the legal structure.

2. *Civis*

Let us start from the etymology. What is a *civis*? The word *civis* identifies the quality of citizen as the abstract *civitas* identifies the body of citizens and the same city. *Civis* is peculiar to Latin vocabulary and it is hardly represented in Italic.² The term contains the idea of companionship implying a community of dwelling and political rights. The authentic sense of *civis* is not “citizen”, as it is traditionally translated, but co-citizen or “fellow-citizen”. A number of ancient uses show the sense of reciprocity which is inherent in *civis*, and which alone accounts for *cīvitās* as a collective notion.

It is remarkable how the abstract noun *cīvitās* derives from citizen in an opposite relation to Greek, where *polites*, the citizen, derives from *polis*, the city. In Latin first there is the *civis* and the *cives* and then comes the *civitas*. The physical city of Rome itself had its own name, *Urbs*, distinct from the body of citizens.

Furthermore, one must stress that in Latin, as Leo Peppe has recently pointed out in his seminal work *Civis Romana*, there is only one word for both male and female citizens, *civis*,³ while Greek has two different terms for a woman citizen: *aste* and *politiss*, different from *polites*. This fact must be considered a clear pointer of a trait of Roman citizenship: openness to foreigners, slaves, and even foreign gods *independently from gender and race*, as long as they abide by Roman law. It is not easy to obtain the privilege that is Roman citizenship but both male and female foreigners and male and female slaves may hope to become freedmen and freedwomen.

The *Urbs* is ‘open’, at least in principle, to the other or the others. One of the versions of the origin of Rome describes the soil of the city’s foundation as a circular ditch in which Romulus’ followers threw in the most significant cultural and agricultural productions of their respective native lands.

2 Benveniste 1976: 281.

3 Peppe 2016: 153-172.

Plut. *Rom.* 11.1.1-2: βόθρος γὰρ ὠρύγη περὶ τὸ νῦν Κομίτιον κυκλοτερής, ἀπαρχαί τε πάντων, ὅσοις νόμῳ μὲν ὡς καλοῖς ἐχρᾶντο, φύσει δ' ὡς ἀναγκαίοις, ἀπετέθησαν ἐνταῦθα. καὶ τέλος ἐξ ἧς ἀφίκτο γῆς ἕκαστος ὀλίγην κομίζων μοῖραν ἔβαλλον εἰς ταῦτ' οὐ καὶ συνεμείγνουσιν. καλοῦσι δὲ τὸν βόθρον τοῦτον ᾧ καὶ τὸν ὄλυμπον ὀνόματι μοῦνον.

“A circular trench was dug around what is now the *Comitium*, and in this were deposited the first-fruits of all things the use of which was sanctioned by custom as good and by nature as necessary; and finally, every man brought a small portion of the soil of his native land, and these were cast in among the first-fruits and mingled with them. They call this trench, as they do the heavens, by the name of *mundus*”⁴.

This mythological story blends together men on one side, clods of earth on the other, in a perfect parallel “highlights one of the principal traits of Roman culture: “opening to other cultures and identities”⁵ as well as the possibility of merging them together. *Civis* with its capacity to include allows aspiring outsiders to acquire citizenship. But Rome is also a place where citizenship together with freedom can be lost as a punishment⁶ or even as a consequence of a civil trial⁷ or forfeited by voluntary exile to avoid capital punishment.⁸

4 Translation by Bernadotte Perrin, Cambridge, MA., Harvard University Press, London 1914. If not otherwise indicated the translations are mine.

5 Bettini 2015: 23.

6 There are a series of cases in which citizenship was lost together with freedom and the offender became slave of the person he had wronged or he was sold *trans Tiberim*. For example, since the Twelve Tables the *fur manifestum*, a freeman caught in the act of stealing, was assigned as a slave to the person he had stolen from, cf. Gell. 11.18.8. The ancient jurists doubted if the thief became slave at once or after a period of time in which he was sold *trans Tiberim*, i.e. sold to foreigners beyond the river Tiber. Evasion of the census was punished with slavery: Val. Max. 6.3.4; Cic. *Caecin.* 34.99. As was evasion of the military service: Livy 1.44.1; Dion. Hal. *Ant. Rom.* 4.15; Cic. *Caecin.* 34.99, *De or.* 1.40.181; Gai. *Inst.* 1.160; Tit. Ulp. 11.11. See on the problems reduction in slavery during the republic compared to the general consequence of loss of freedom and citizenship produced by imperial death and capital punishments: McClintock 2010: 61-81.

7 It is disputed if the most ancient execution of a civil sentence could end in slavery or death of the losing party who was not able to pay as Gellius seems to imply: Gell. 20.1.47-48: *Inter eos dies trinis nundinis continuis ad praetorem in comitium producebantur, quantaeque pecuniae iudicati essent, praedicabatur. Tertius autem nundinis capite poenas dabant aut trans Tiberim peregre venum ibant. Sed eam capitis poenam sancienda, sicuti dixi, ideis gratia horriicam atrocitatis ostentu novisque terroribus metuendam reddiderunt.*

8 During the republic capital offences (as happened in large scale during the empire) did not imply automatically the loss of citizenship. Certainly *perduellio*, treason, was punished with death or with the loss of citizenship. A citizen who was being tried in criminal proceedings could choose voluntary exile before the sentence was delivered. Thus, he forfeited his Roman citizenship, took on another citizenship and could never return to Rome. After his departure a decree of *aquae et igni interdictio* (denial of water and fire)

3. *Sabines*

According to the mythological history of Rome, the first community was made up almost exclusively of men. Once the *civitas* had been founded, it needed more citizens, therefore children, hence women. As is well known, the very first marriage in Rome was celebrated with the Sabine women after their abduction to remove an obstacle, the absence of *conubium*. Actually, the Romans had asked for *conubium* with the neighboring cities, but all had refused.⁹ The act of violence¹⁰ perpetrated from the Romans was needed to overcome the absence of *conubium*, i.e. matrimonial capacity. The Romans invited the Sabines with whom they were at war according to the rules of hospitality to a religious festival with chariot races and kidnapped the virgins during the show when their fathers could not protect them. This transgressive act perpetrated by the Romans found its outcome, not as one would think in an exacerbation of the conflict with the *hostes*, but in a new institution, marriage, that created the basis for the end of the war and started *legal descent of both citizenship and property*. Although the war would continue there was no immediate act of retaliation on part of the Sabine men.

And here is a manifestation of Roman “eccentricity” – in the sense of that particular Roman ability to know how to receive and to transmit, to find what is “other” and “foreign” – as the famous philosopher Rémi Brague describes a trait of the Roman people:¹¹ the first Roman marital union is not with fellow-citizens but with foreign women and the legal consequences of this act are the access to citizenship of the Sabine brides and their children:

Livy 1.9.14. *nec raptis aut spes de se melior aut indignatio est minor. sed ipse Romulus circumibat docebatque patrum id superbia factum qui conubium finitimis negassent; illas tamen in matrimonio, in societate fortunarum omnium civitatisque et quo nihil carius humano generi sit liberum fore.*

“Nor were the abducted more hopeful of their condition, nor less indignant. But Romulus himself went around explaining that what had been done resulted from the pride of their fathers, who had refused to grant *conubium* to their neighbors; nevertheless, they should be joined in marriage and participate in all the possessions of their husbands and *in their citizenship* and, dearest privilege of all to the human race, *in their children*.”

excluded him from all legal protection and threatened him with death if he returned illicitly, e.g.: Polyb. 6.14.7-8; Cic. *Dom.* 30.78; *Caecin.* 100. On the point see Palma 2020: 23-26.

9 Livy 1.9.1-7; Dion. Hal. *Ant. Rom.* 2.30.1-2.

10 On the violence perpetrated to found a new institution see Bettini 2022: 35-38.

11 Brague 1992.

The very first marriage of Roman history establishes unprecedented parental relations with war enemies who by marriage become relatives. The Romans continue the war at first notwithstanding the new relations with the Sabines risking to kill the fathers and the brothers of their wives; hence the ambiguity of terms such as *hostis* (foreigner/enemy) and *hospes* (foreigner/friend), which share the same root.¹² A foreigner may be a guest and marriage partner but he may very quickly turn back to be a stranger and a potential enemy. In a very famous episode, the now married Sabine women used the new parental relations to point out that their husbands killing their fathers and their fathers killing their husbands and children was indeed not war but an act of homicide (*parricidium*).¹³ A homicide of this sort would pollute the entire community. Thus, the Romans and the Sabines became one kingdom with two kings: Romulus and Titus Tatius.

The new brides received many privileges. We could easily comment that the kidnapped women were convinced to stay by the almost unparalleled advantages and concessions they obtained.¹⁴ According to the story, their situation in Rome was better than in their homeland.

The first Roman female citizens were therefore ‘foreigners’, and the first weddings were celebrated according to the rites introduced by the brides.¹⁵ A concession still valid today in many different countries.

12 Cf. Benveniste 1976: 68-71; Calore 2012: 107-135; Mercogliano 2020: 17-22.

13 Livy 1.13.1-5. *Tum Sabinae mulieres, quarum ex iniuria bellum ortum erat, crinibus passis scissaque veste victo malis muliebri pavore ausae se inter tela volantia inferre, ex transverso impetu facto dirimere infestas acies, dirimere iras, hinc patres hinc viros orantes, ne se sanguine nefando soceri generique respergerent, ne parricidio macularent partus suos, nepotum illi, hi liberum progeniem “si adfinitatis inter vos, si conubii piget, in nos vertite iras; nos causa belli, nos vulnere ac caedium viris ac parentibus sumus; melius peribimus quam sine alteris vestrum viduae aut orbae vivemus. movet res cum multitudinem tum duces; silentium et repentina fit quies; inde ad foedus faciendum duces prodeunt; nec pacem modo, sed civitatem unam ex duabus faciunt. regnum consociant; imperium omne conferunt Romam. ita geminata urbe, ut Sabinis tamen aliquid daretur, Quirites a Curibus appellati. monumentum eius pugnae, ubi primum ex profunda emersus palude equus Curtium in vado statuit, Curtium lacum appellarunt.*

14 Plutarch links the great respect immediately to the kidnapping, excusing the violence: *Rom.* 9.2: ὅτι γὰρ οὐκ ἤξιον οἱ τὴν Ἄλβην οἰκοῦντες ἀναμειγνύειν τοὺς ἀποστάτας ἑαυτοῖς οὐδὲ προσδέχεσθαι πολίτας, ἐδήλωσε πρῶτον μὲν τὸ περὶ τὰς γυναῖκας ἔργον, οὐχ ὕβρει τολμηθὲν ἀλλὰ δι’ ἀνάγκην, ἐκουσίῳ ἀπορία γάμων: ἐτίμησαν γὰρ αὐτὰς ἀπάσαντες περὶ τῶς.

15 Plut. *Rom.* 15.4-5: ἐπεὶ γὰρ οἱ Σαβῖνοι πρὸς τοὺς Ῥωμαίους πολεμήσαντες διηλλάγησαν, ἐγένοντο συνθῆκαι περὶ τῶν γυναικῶν, ὅπως μὴδὲν ἄλλο ἔργον τοῖς ἀνδράσιν

John Scheid called the Sabine women, and Roman women in general, *indispensable foreigners* who “take charge of representing the troubled areas where the civilizing influence of the city world ceases”, because “with their rites they introduce the dangers of religious practices into the city which are foreign, oriental, not compliant with the rules and spirit of the city”.¹⁶ The *charter myth* of the Sabine women reveals that it is immediately necessary to naturalize foreign cults. They are an essential counterpoint to public religion. Once again we can see the trait of relative openness to cults and rites not developed in Rome.

The privileged situation granted to new brides established the particular *dignitas* which is generally attributed in Rome to *matronae*. She has no house obligations other than spinning wool,¹⁷ she must be given way to on the street, indecent words could not be uttered in her presence, nor must any man show himself naked to her. Her children would also have a special dress to mark their dignity.

Plut. *Rom.* 20.3: ἄλλα μέντοι πολλά ταῖς γυναίξιν εἰς τιμὴν ἀπέδωκαν, ὧν καὶ ταῦτ' ἐστίν· ἐξίστασθαι μὲν ὁδοῦ βαδιζούσαις, αἰσχρὸν δὲ μηδένα μηδὲν εἰπεῖν παρούσης γυναικός, μηδ' ὀφθῆναι γυμνόν, ἢ δίκην φεύγειν παρὰ τοῖς ἐπὶ τῶν φονικῶν καθεστῶσι, φορεῖν δὲ καὶ τοὺς παῖδας αὐτῶν τὴν καλουμένην βοῦλλαν ἀπὸ τοῦ σχήματος, ὅμοιον πομφόλυγι περιδέριον τι, καὶ περιπόρφυρον.

cHowever, they did make many other concessions to the women, to honor them, some of which are as follow: to give them the right of way when walking; not to utter any indecent word in the presence of a woman; that no man should be seen naked by them, or else that he be liable to prosecution before the judges competent for homicide; and that their children should wear a sort of necklace, the ‘bullae,’ so called from its shape and a robe bordered with purple.”¹⁸

ἢ τὰ περὶ τὴν θαλασίαν ὑπουργῶσι. παρέμεινεν οὖν καὶ τοῖς αὖθις γαμοῦσι τοὺς διδόντας ἢ παραπέμποντας ἢ ὅλως παρόντας ἀναφωνεῖν τὸν Ταλάσιον μετὰ παιδιᾶς, μαρτυρομένους ὡς ἐπ' οὐδὲν ἄλλο ὑπουργήμα τῆς γυναικός ἢ θαλασίαν εἰσαγομένης. διαμένει δὲ μέχρι νῦν τὸ τὴν νόμφην αὐτὴν ἀφ' αὐτῆς μὴ ὑπερβαίνειν τὸν οὐδὸν εἰς τὸ δωματίον, ἀλλ' αἰρομένην εἰσφέρεισθαι, διὰ τὸ καὶ τότε κομισθῆναι βιασθείσας, μὴ εἰσελθεῖν. ἔνιοι δὲ λέγουσι καὶ τὸ τὴν κόμην τῆς γαμουμένης αἰχμῇ διακρίνεσθαι δορατίου σύμβολον εἶναι τοῦ μετὰ μάχης καὶ πολεμικῶς τὸν πρῶτον γάμον γενέσθαι. περὶ ὧν ἐπὶ πλεόν ἐν τοῖς Αἰτίοις εἰρήκαμεν.

16 Scheid 1990: 461.

17 Plut. *Rom.* 15.4; 19.7: ἐκ τούτου συντίθενται, τῶν μὲν γυναικῶν τὰς βουλομένας συνοικεῖν τοῖς ἔχουσιν, ὥσπερ εἴρηται παντὸς ἔργου καὶ πάσης λατρείας πλὴν θαλασίας ἀφειμένας, οἰκεῖν δὲ κοινῇ τὴν πόλιν Ῥωμαίους καὶ Σαβίνους, καὶ καλεῖσθαι μὲν Ῥώμην ἐπὶ Ῥωμύλῳ τὴν πόλιν, Κυρίτας δὲ Ῥωμαίους ἅπαντας ἐπὶ τῇ Τατίου πατρίδι, βασιλεῦεν δὲ κοινῇ καὶ στρατηγεῖν ἀμφοτέρους. ὅπου δὲ ταῦτα συνέθεντο, μέχρι νῦν Κομίτιον καλεῖται: κομίρε γάρ Ῥωμαῖοι τὸ συνελθεῖν καλοῦσι.

18 Translation by Bernadotte Perrin, Cambridge, MA., Harvard University Press, London 1914.

The consequences of ill behavior towards a woman were punished harshly in front of the same magistrates competent for homicides.¹⁹ The wives participated in the wealth of their husbands²⁰ and could not abandon them; they could be repudiated only in three given cases (poisoning of children, substitution of keys, adultery) which means that they could not be disowned for a whim or for an irrelevant cause. Even worse was the punishment for a husband who sold his wife: he would be consecrated to the Chthonic deities.²¹ This means that the stability of marriage was an important objective of the city-state.

The not so idyllic integration among Roman and Sabine families is proved from one of the very first laws attributed to Romulus and Titus Taus regarding the case of the *nurus*,²² the daughter in law (an abducted Sabine!) who became *sacer* and was consecrated to the *divi parentum* (the gods of the ancestors) if she disrespected her parents in law. Such extreme form of social exclusion that qualified the offender as *sacer* was the most ancient criminal repression of Roman law: the transgressor lost human and divine protection, he or she was consecrated to the infernal (or other) deities and everyone could kill him or she without being indicted for homicide (*parricidium*). It is interesting that one of the first cases of criminal repression had to do with a daughter in law and not a son (Servius Tullius will introduce later on a law for that specific case).²³ The extreme specificity of the *nurus* as the offender given the context of the forced intermarriages in my opinion not only denounces its archaic character, but clearly states that women were considered from the start subject to criminal law and therefore were co-citizens whose behavior, even outside the boundaries of the family, could affect and endanger the whole community.

19 On the *quaestores parricidi* see McClintock 2022c: 154-159.

20 Dion. Hal. *Ant. Rom.* 2.25.2: ἦν δὲ τοιόσδε ὁ νόμος: γυναῖκα γαμετὴν τὴν κατὰ γάμους ἱεροὺς συνελθοῦσαν ἀνδρὶ κοινῶν ἀπάντων εἶναι χρημάτων τε καὶ ἱερῶν.

21 Plut. *Rom.* 22.3: ἔθηκε δὲ καὶ νόμους τινάς, ὧν σφοδρὸς μὲν ἔστιν ὁ γυναικὶ μὴ διδοὺς ἀπολείπειν ἄνδρα, γυναῖκα δὲ διδοὺς ἐκβάλλειν ἐπὶ φαρμακείᾳ τέκνων ἢ κλειδῶν ὑποβολῇ καὶ μοιχευθεῖσαν: εἰ δ' ἄλλως τις ἀποπέμψαιτο, τῆς οὐσίας αὐτοῦ τὸ μὲν τῆς γυναικὸς εἶναι, τὸ δὲ τῆς Δήμητρος ἱερὸν κελεύων: τὸν δ' ἀποδόμενον γυναῖκα θύεσθαι χθονίους θεοῖς.

22 Festus, *Gloss. Lat.* voce *plorare* (Lindsay p. 260): *plorare, flere [inclamare] nunc significat, et cum praepositione implorare, id est invocare: at apud antiquos plane inclamare. In regis Romuli et Tatii legibus: 'si nurus [...], <nurus> sacra divis parentum estod'. In Servi Tulli haec est: 'si parentem puer verberit, ast olle plorassit paren<s>, puer divis parentum sacer esto'. Id est <in>clamarit, dix<erit diem>.* Cf. Bettini 2020: 28-29; Pelloso 2022: 95-122.

23 Cf. previous note.

Women were not only subjected to public repression but they were also subjected to domestic trial and were punished by their fathers or their husbands.²⁴ We must not think that the domestic trial was uncontrolled.²⁵ Several sources²⁶ record the case of Mecennius who, during Romulus' reign, had killed brutally his wife with a rod for drinking wine²⁷ (which was forbidden in the archaic age) and for that reason had been publicly tried. In the end Mecennius had been acquitted but the only fact that he was tried for the killing of his wife demonstrates that there was some form of control on domestic trials by the city-state and that even the domestic punishment had to be fulfilled according to tradition as starvation within the house away from the public eye.²⁸

4. Transmission of citizenship through women

It must be stressed that the Sabine brides and their children were granted Roman citizenship by Romulus. A discretionary grant given by the city-state to private individuals or to categories of foreigners was one of the ways of obtaining citizenship. Marriage itself was not a requisite and during the

24 Donadio 2012: 175-195; and more recently Ramon 2015: 617-678.

25 See on the aspect of *clementia* at the end of the republic and in Augustus' age and on control of passions Rizzelli 2016: 203-216.

26 Plin. *HN* 14.89-90: *non licebat id feminis Romae bibere. invenimus inter exempla Egnati Maetenni uxorem, quod vinum bibisset e dolio, interfectam fusti a marito, eumque caedis a Romulo absolutum. Fabius Pictor in annalibus suis scripsit matronam, quod loculos in quibus erant claves cellae vinariae resignavisset, a suis inedia mori coactam, cato ideo propinquos feminis osculum dare, ut scirent an temetum olerent. hoc tum nomen vino erat, unde et temulentia appellata. Cn. Domitius iudex pronuntiavit mulierem videri plus vini bibisse quam valitudinis causa, viro insciente, et dote multavit. diuque eius rei magna parsimonia fuit.* Val. Max. 6.3.9: *[Egnatius Mecennius] uxorem quod vinum bibisset. Fusti percussam interemit, idque factum non accusatore tantum, sed etiam reprehensore caruit, uno quoque existimante optimo illam exemplo violatae sobrietatis poenas pendisse.* Tert. *Apol.* 6.4. *cum mulieres usque adeo vino abstinterentur, ut matronam ob resignatos cellae vinariae loculos sui inedia necarint, sub Romulo vero quae vinum attigerat, impune a Metennio marito trucidata sit.* Serv. *ad Aen.* 1.737: *Libato delibato. summo tenus usque ad labra. attigit ore et verecundiam reginae ostendit, et morem Romanum. nam apud maiores nostros feminae non utebantur vino, nisi sacrorum causa certis diebus. denique femina quae sub Romulo vinum bibit occisa est a marito, Mecennius absolutus, id enim nomen marito. sic Granius Licinianus cenae suae.* See on the topic McClintock 2022c: 159-160.

27 Giunti 1990; Bettini 2009: 239-258.

28 Cantarella 1996: 129-135. See also the classic Loraux 1988.

archaic and republican age the spouse was not able to transfer his right to his partner.²⁹

What was the general rule for acquiring citizenship during the republic? It is stated in the very first book of Justinian's *Digest* in a fragment of the jurist Celsus who lived during the first century BCE:

Celsus 29 *digestorum*, D. 1.5.19: *Cum legitimae nuptiae factae sint, patrem liberi sequuntur: vulgo quaesitus matrem sequitur.*

"When nuptials are legitimate, the children follow their father; the child whose father is not certain follows the mother."

A marriage contracted with all the lawful requisites confers the paternal condition; vice versa when there is illegitimate birth the child follows the maternal condition. Ulpian calls it *lex naturae*, law of nature, while Gaius (1.78) called it *ius gentium*.³⁰

Ulpianus 27 *ad Sabinum*, D.1.5.24: *Lex naturae haec est, ut qui nascitur sine legitimo matrimonio matrem sequatur, nisi lex specialis aliud inducit.*

"This law of nature is this: a child born without legitimate marriage follows his mother unless a special law provides otherwise."

As Leo Peppe writes: "From the origins, the true bearer of citizenship according to ancient sources is the woman. The female *civis* produces *cives*. If there is a legal marriage, the child follows the father's citizenship. From the marriage with *conubium* between a Roman woman and a *peregrinus*, a foreigner, the son will be a foreigner, without *conubium* the son will be a Roman citizen because he follows the mother's citizenship. But only if the mother is Roman and united with a Roman, the child born is perfect, that is why the *patrimi et matrimi* of parents united in a *confarreate* marriage had access to the high priesthoods."³¹

29 From the imperial age marriage with a Roman citizen and marriage in general started to play a role in the procedure to obtain citizenship. Cf. Gai. *Inst.* 1.80; 1.67; 1.29. The *anniculis causae probatio* (Gai. *Inst.* 1.29) has been now cleared by Camodeca 2017: 57-84, esp. 74-76, in some of its bureaucracy thanks to the epigraphic evidence from Herculaneum.

30 Same rule in Gaius' *Institutes*: 1.56: <Itaque liberos suos in potestate habent cives Romani>, si cives Romanas uxores duxerint vel etiam Latinas peregrinasve, cum quibus conubium habeant; cum enim conubium id efficiat, ut liberi patris condicionem sequantur, evenit, ut non <solum> cives Romani fiant, sed et in potestatis patris sint. In paragraph 1.78 (text at nt. 34) the jurist explains how the rule of *ius gentium* was changed by the *lex Minicia*.

31 Peppe 2016: 17.

This means that there is a total asymmetry between women and men for what concerns transmission of the right. A Roman citizen without a legal marriage could not transfer citizenship. A Roman woman could. But even if the *cives Romanae*, publicly celebrated for their role as mothers,³² were able to transfer citizenship, they never had any legal power on their children, who were not their legal heirs.³³ *Ius* attracted women and their children towards Rome and, if possible, avoided the reverse flow. Autarchy was not a viable solution for a community with an expansive vocation.

The principle of *ius gentium* remained steady until the 1st century BCE when the political, territorial and social context changed completely: a *lex Minicia*³⁴

32 Suffice it to think of Cornelia, mother of the Gracchi, see McClintock 2013; 2021: 289-303; 2022a: 88-93.

33 In the archaic age sons inherited from their fathers without having the possibility of refusing that inheritance and without any interruption in the transmission of power. Sons became in their turn *patres* and obtained the same power on their own children. As Thomas 1997: 111-112, pointed out “women were deprived of the institutional extensions of their singular personhood.” Women had no transmissible power comparable to a man. A woman was the beginning and the end of her family: 46 *ad ed.*, *Dig.* 50.16.195.5: *Mulier autem familiae suae et caput et finis est*. Daughters did receive the same shares as their brothers according to intestate succession (Gai. *Inst.* 3.1: reconstructed on the basis of Coll. 16.2.1-5 and I. 3.1) but they were not able to transmit their possessions to their children in the intestate succession except in rare cases. A woman’s heir was her nearest relative in the male line (agnatic line), see Gai. *Inst.* 3.14 corrected and integrated on the basis of Coll. 16.2.14. There were no reciprocal rights of inheritance between a mother and her son or her daughter. For a discussion of the sources see McClintock 2022a: 43-50. It would be centuries before this system would be altered. In the 2nd century CE the *senatus consultum Tertullianum* modified intestate succession so as to allow mothers to inherit from their children; later, the *senatus consultum Orphitianum* allowed children to inherit from their mother.

34 Gai. *Inst.* 1.78: *Quod autem diximus, inter civem Romanam peregrinumque <nisi conubium sit, qui> nascitur peregrinum esse, <lege Minicia cautum est>, ut is quidem <deterioris> parentis condicionem sequatur. Eadem lege ex diverso cavetur, ut si peregrinam, cum qua ei conubium non sit, uxorem duxerit civis Romanus, peregrinus ex eo coitu nascatur. Sed hoc maxime casu necessaria lex Minicia: nam remota ea lege diversam condicionem sequi debuisset, quia ex eis, inter quos non est conubium, qui nascitur iure gentium matris conditioni accedit. Qua parte autem iubet lex ex cive Romano et peregrina peregrinum nasci, supervacua videtur: nam et remota ea lege hoc utique iure gentium futurum erat. 79. Adeo autem hoc ita est, ut ex — non solum exterae nationes et gentes, sed etiam qui Latini nominantur; sed ad alios Latinos pertinet, qui proprios populos propriasque civitates habebant et erant peregrinorum numero. 80. Eadem ratione ex contrario ex Latino et cive Romana, sive ex lege Aelia Sentia sive aliter contractum fuerit matrimonium, civis Romanus nascitur. Fuerunt tamen, qui putaverunt ex lege Aelia Sentia contracto matrimonio Latinum nasci, quia videtur eo casu per legem Aeliam*

denied citizenship to a child conceived from a Roman woman and a foreigner.

Finally, one must recall that a female citizen who owns slaves could produce citizens by manumitting them.

5. *Origo*

At the end of the Republic another mechanism linked to citizenship starts to take center stage: it is *origo*.³⁵ *Origo* indicated the belonging of a Roman citizen to a municipal or colonial community: it played an important role in the classification of each citizen in the 35 tribes, classification that was indispensable for the exercise of political rights and the fulfilment of military and financial obligations.

Adopted in the 1st century BCE, following the reorganization of the tribes caused by the extension of citizenship to the Italics after the social war, the principle of *origo* replaced the ancient one of residence and property: according to the new principle, the citizen was enrolled in the tribe, according to his homeland. *Origo* constituted a bond with one's community, acquired by birth: the citizen had to be generated by *nuptae iustae* and by a father already belonging to that community. But once again in absence of a legal marriage the rule states that the mother was able to transfer *origo*:

Neratius 3 *membranarum*, D. 50.1.9 *Eius, qui iustum patrem non habet, prima origo a matre eoque die, quo ex ea editus est, numerari debet.*

“The first *origo* of someone who has no legitimate father must be taken from the mother starting from the day on which he was born.”

Sentiam et Iuniam conubium inter eos dari – et semper conubium efficit, ut qui nascitur patris conditioni accedat –, aliter vero contracto matrimonio eum qui nascitur iure gentium matris conditionem sequi et ob id esse civem Romanum. Sed hoc iure utimur ex senatus consulto, quo auctore divo Hadriano significatur, ut quoquo modo ex Latino et cive Romana natus civis Romanus nascatur. See also Tit. Ulp. 5.8: *Conubio interveniente liberi semper patrem sequuntur: non interveniente conubio matris conditioni accedunt, excepto eo qui peregrino et cive Romana peregrinus nascitur, quoniam lex Minicia ex alterutro peregrino natum deterioris parentis conditionem sequi iubet.* On the law and problems of dating it see Luraschi 1976: 97-114. Cf. also Cherry 1990: 244-266; Bagnall 1993: 25-28; Mercogliano 2015: 10-11. During the imperial age the restriction introduced by the *lex Minicia* will be tempered by imperial provisions that take into account marriage with a female Roman citizen for acquiring citizenship in very specific cases, see n. 20.

35 On the system of *origo*, cf. Thomas 1996 and Dupont 2011.

Valerio Marotta has maintained recently that “no one can doubt that women were *cives*. It must be recognized, moreover, that women were part of the *populus*, but in a different sense than the original one because they could transmit citizenship, by birth and by manumission.”³⁶

If we think back to the foundation rite of Rome in which the first inhabitants of Rome brought their homeland soils combining them all together in one,³⁷ home soil and new citizen soil, we can narratively see this very interesting institution of Roman society that allowed a Roman two have “two homelands”. Citizenship was in Cicero’s word a legal homeland. Atticus in the *De legibus* asks Cicero which was Cato’s real homeland.

This is his reply:

2.5: *Ego mehercule et illi et omnibus municipibus duas esse censeo patrias, unam naturae, alteram civitatis: ut ille Cato, quom esset Tusculi natus, in populi Romani civitatem susceptus est, ita, quom ortu Tusculanus esset, civitate Romanus, habuit alteram loci patriam, alteram iuris; (...) sic nos et eam patriam dicimus ubi nati, et illam qua excepti sumus. Sed necesse est caritate eam praestare e qua rei publicae nomen universae civitatis est, pro qua mori et cui nos totos dedere et in qua nostra omnia ponere et quasi consecrare debemus. Dulcis autem non multo secus est ea quae genuit quam illa quae excepit. Itaque ego hanc meam esse patriam prorsus numquam negabo, dum illa sit maior, haec in ea contineatur * * * habet civitatis et unam illam civitatem putat.*

“Oh by Hercules I think that there were for him, like all those who live in the municipalities, two homelands, one of nature, the other of citizenship: as that Cato, although he had been born in Tusculum, once adopted into citizenship of the Roman people, since he was Tusculan in birth, Roman in citizenship, he had one homeland of place, the other of law (*ius*) (...) we consider just as much as homeland the one that gave us birth, as we do the one that welcomed us. But it is necessary that in our attachment prevails the one for which the name of the *res publica* coincides with the common good of the entire citizenship. For that we must die and it is to it that we must consecrate ourselves entirely. But the homeland that gave us birth is no less dear to us than the one that welcomed us. For this reason I will never completely deny it as my country, although one is larger and the other is contained in the former * * * [every man] participates in citizenship and considers it as one.”

As we have seen, women were instrumental for the upkeep and preservation of Roman society and they participated in the “homeland of

36 Marotta 2018: 13. See Russell in this volume on women as *populus*.

37 Cf. Plut. *Rom.* 11.1.1-2, see above p. 51.

law”, although on them weighed the heavy political exclusion that would follow them up to recent times. This incapacity is summarized by the third century CE jurist Ulpian in the book of the *Digest* devoted to the ancient rules of Roman law:

Ulpianus 1 *ad Sabinum*, D. 50.17.2 pr.: *feminae ab omnibus officiis civilibus vel publicis remotae sunt et ideo nec iudices esse possunt nec magistratum gerere nec postulare nec pro alio intervenire nec procuratores existere.*

“Women are excluded from all civil and public offices and therefore cannot be judges or hold a magistracy or represent or intervene on behalf of anyone else in a lawsuit or act as procurators.”

So what was the role of women in the ‘homeland of law’ that was *civitas*?³⁸ Citizenship was the basis for marrying and in certain cases for transferring citizenship and *origo* to their children. It was the basis for owning property, and for accessing the law (capacity to defend oneself in a trial, capacity to sue). Not only could they own property as males. Citizenship allowed women to defend their rights. The “homeland of law” enabled women to make wills and to escape the rules of succession leaving their property to children, to husbands to whomever they wanted. Republican women were rich notwithstanding the *lex Voconia*, designed and passed to maintain the property of the wealthiest in male hands.³⁹

Women were punished for their misconduct by the republic. They were granted privileges for their service to the republic. They protested openly and privately. They were skilled enough to evade laws. Citizenship protected women from being killed and raped. To some extent citizenship protected women within the household. As we have seen there is proof that not even domestic trials were left without public control. Since the archaic age the unlawful killing of a woman was homicide. Romans despised rape of Roman women (as the cases of Lucretia and Verginia clearly suggest). Romans thought women must be respected by the same magistrates.⁴⁰

38 Brief outline of some aspects of the legal condition of Roman women in McClintock 2022b: 459-473.

39 McClintock 2022a.

40 Festus, *Gloss. Lat.* s.v. *Matronae* (Lindsay 142) *Matronae a magistratibus non summovebantur, ne pulsare contractarive viderentur, neve gravida concuterentur.* See Welch in this volume.

6. Concession of citizenship to foreign gods

Let me just add some final words on the granting of citizenship to foreign gods in Rome. I think that this perhaps not enough studied topic can shed light on how Romans conceived the right of citizenship. If we think that even foreign deities needed a formal recognition to enter the Roman Pantheon, we can better grasp the Roman way of conceiving *civitas*.

Maurizio Bettini devotes a chapter of his *In Praise of Polytheism* to explain how ancient Rome understood borrowing and receiving foreign gods. The author writes: “Romans accepted other gods as one’s own but this did not mean that a new god would automatically be honoured and worshiped within the city, as if he or she were comparable to those of established tradition. In order to obtain a full acceptance the foreign god had to first go through an official naturalization process (to borrow today’s terminology) deliberated upon by the Senate, which would end with the public establishment of the god’s cult”.⁴¹

According to the Romans:

Cic. *Leg. 2.19: Separatim nemo habessit deos neue novos neve advenas nisi publice adscitos; privatim colunt quos rite a patribus acceperint.*

“Separately no one should have new or foreign gods for themselves unless they have been publicly recognized (*publice adscitos*); privately the gods who are worshiped are those who were previously worshiped by their fathers.”

If privately citizens may worship the deities traditionally honoured in their families, in the public sphere things were very different. The government must recognize each new god may he or she be newly created or imported from foreign countries. Only a god who had been formally naturalized could be worshipped.

Maurizio Bettini highlights how the verb usually used to indicate the formal inclusion of a deity within the accepted cults is a technical verb *adscisco*, literally “to recognize”. The term borrowed from the legal jargon is used to indicate the act of co-opting someone: e.g. *adscitus* is the member of the Senate, or *adscisco* signals exactly the act of giving citizenship to a person, naturalizing him in one’s own city. Cicero calls *publice adscitos* the foreign gods whose worship had been publicly and formally approved as Attic Ceres

41 Bettini 2023: 82-89.

or Phrygian Cybele who were both *adscitae*. A foreign deity to find his or her place among the religions of the *civitas* must be naturalized just as a “citizen” of Rome, “co-opted among its members”. And this meant also that the new citizen god would be subject to Roman law and enjoy certain rights.

For Romans, citizenship was not only a legal right or a political practice, but a genuine “cognitive metaphor”, a way of thinking and organizing their culture.

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BEYOND ROMAN CITIZENSHIP: THE INVISIBILITY OF LATIN WOMEN¹

Estela García Fernández

Isabel Carreira Delgado
in memoriam

Mettez en marche, Watson; il est temps de partir
(A.C.D. in M.H.)

This chapter has two different, but related, aims. Firstly, to set out in a general way my position in relation to the subject of this book and secondly, and principally, to draw attention to the existence of a group of women who, as if they were permanently wearing the helmet of Hades, seem to be invisible, to Ancient and Modern writers alike for various reasons. This invisibility is not the same that affects slave women or other women from unprivileged social groups, since they, although mistreated by the sources, have been rescued from oblivion and are regularly the object of attention, study and research by modern historiography.

The women I am referring to do not even have their own denomination. They could be called municipal Latin women, but this term would leave out the colonial Latin women in the Gallian provinces. I am referring to the important group of women of provincial scope who would accede to a new Latin condition

1 This research is a result of the project “Nuevas bases documentales para el estudio histórico de la Hispania romana de época republicana: ciudadanía romana y latinidad (90 A.C. - 45 A.C.)” (“New documentary underpinnings for the historical study of Hispania during the Roman Republic: Roman and Latin Citizenship (BC 90-45)”; Ref. PID2019-105940GB-I00, Ministry of Science and Innovation of the Government of Spain). It has also been carried out by project AVIPES-CM (Archivo Virtual para las Investigaciones sobre Patrimonios Epigráficos Medievales de la Comunidad de Madrid, “Virtual Archive for Researching Medieval Epigraphic Heritage in the Community of Madrid”; H2019/HUM-5742, Community of Madrid-European Social Fund).

created in 89 BC which they would keep, generation after generation, until 212 AD, when Roman citizenship was extended to all the inhabitants of the Empire, thus disappearing this type of Latinity of provincial vocation.

There are two reasons why this group of women deserves attention. First of all, because of their numbers, since there were more Latin women in the Western part of the Empire than Roman women. Secondly, because of the capacities that their Latin condition confers on them in relation to Roman citizenship. It is known that upper-class Latin women could acquire Roman citizenship along with their father, husband or son if they held a local magistracy; whether she is a freeborn or a freedwoman. Likewise, Latin women ensure social cohesion within the community and thus the transmission of Roman citizenship by possessing the capacity to contract a legitimate marriage (*conubium*) with a Roman citizen. The possession of this right removes in principle the problem of the loss of Roman citizenship in an intermarriage and with it the endogamous or exogenous marriage practices, as occurs in other provincial areas.²

1. The citizenship of Roman women. A general reflection

When discussing the relationship between women and Roman citizenship, the names and private or public activities of prominent women of the Roman oligarchy are often associated with the exercise of citizenship. From Cornelia to Servilia or from Hortensia to Terentia, among many others, the discourse on Roman citizen women is built around upper-class women living in Rome and belonging to the same family and social environment as the men who governed the city. This circumstance allows them to interact indirectly in Roman politics by participating in informal political meetings, strengthening or weakening the ties between families,³ boosting the career of their husbands with their own fortune or educating and accompanying their

2 Marotta 2012: 203 points out the serious problems caused by the lack of *conubium* for the children of Roman citizens with local women in the provinces of eastern Greece, where the *ius Latii* did not spread, or the endogamous marriage practices of the oligarchy to avoid illegitimate births.

3 Cid López 2018: 621-625 emphasises the role of the *domus* as a female space to promote participation in public affairs.

children at the beginning of their careers and being attentive to their progress as was the case of Servilia, for example.⁴

It cannot be denied that we are dealing with female actions that have a public impact of a political nature through necessarily informal and non-institutional channels, since women are not allowed to participate in city government (largely forbidden also to any men who lacked the adequate estate). Even in the case of women with an apparently more traditional profile, such as Cornelia, mother of the Gracchi and a perfect representation of the *virtus* of the Roman matron, historiographical criticism has found reasons to reinterpret her figure from a political perspective.⁵

At other times, female action is not individual, but collective. The determined pressure made in 195 BC by Roman matrons in support of the repeal of the *lex Oppia* (215 BC) that limited the manifestations of wealth, is one of the best known and analyzed episodes. But it was not the only one. In the year 42 BC women again acted together to express their indignation at the imposition of a kind of tax on their fortunes.⁶

These and many other activities carried out by a significant number of women throughout the Roman Republic have been highlighted in historiography as forms of action that can be considered political because of their impact on the public sphere. The fact that this action takes a necessary

4 Servilia was very involved in politics, if only to benefit her son's career. Thanks to Cicero's letters we know she participated in political meetings in which she had authority enough to shut him up, or to commit herself to intervene in an appointment (*Att.* 15.11.1-2); for the figure of Servilia Treggiari 2019: 191-192 for the passage cited. Baumann 1992: 73-74. On the various spheres and forms that female action could take in Rome, Rohr Vio 2022 with the earlier literature; likewise, Cid López 2018.

5 Hemelrijk 1999: 89 points out that the aspects of Cornelia's life more akin to the Greek world are mentioned only by Plutarch, while the Late Republican Roman authors prefer to emphasize the virtue and dignity of her way of life as a result of the process of idealization of her figure as a model of Roman virtue. Likewise, Baumann 1992: 42-45; Cid López 2006: 31-42. On the possible ancient link between the *Sempronii* and the *Blossii* to which Blossius of Cumae the Stoic philosopher belonged (Dudley 1941: 94-95; also Livy 23.35 and 36; Cic. *Leg. agr.* II, 93). On the Stoic inspiration of the Gracchan reforms, the analysis by Erskine 1990: 150-180 is revealing. On Cornelia's serenity and imperturbability as a result of a Stoic training, Dixon 2007: 42-43 and on her relationship with Blossius and Greek intellectuals in general *ibid.* 33-48. Also on Cornelia's political influence, Cid López 2006: 36-42.

6 For both episodes I refer to Cid López 2010: 136-146 with bibliography. See also Rosillo-López in this volume regarding female taxation.

informal and non-institutional bias does not detract from their political effect.⁷ In this sense, the interest in one's own career of a senator in Rome need not be considered more political than that of a woman who, through her fortune and influence, watches over the career of her husband or her children. It is another matter whether the political impact of one who can participate directly in the government of the republic is greater.

However, we should ask whether this informal political action determines the status of Roman women as citizens; in other words, if possession of Roman citizenship should be linked to political participation.⁸ The modern answer is undoubtedly in the affirmative, but it is not certain that this would be the Roman answer. In fact, there are circumstances in the Roman citizenship itself that suggest that it lacked a truly political nerve. It has already been pointed out that the discourse on the citizenship of Roman women in the republican period is based on the behaviour of the women of the Roman oligarchy. This is partly due to the limitations imposed on the historical analysis by the available documentation on the women of the Roman oligarchy. But the social conditioning factor is not the only one to take into account. These upper-class women are the ones who live in Rome, the seat of the imperium and the only place where real politics is done. This last circumstance is in my view even more important than social class because of its impact on what is to be understood by citizenship in Rome. If we focus exclusively on the City and its social and political dynamics, we lose sight of the fact that already in the 4th century BC there were many more women with Roman citizenship living outside Rome than in the City itself. This is a striking circumstance, alien to the Greek world, for example, where citizenship did not usually extend beyond the city walls.

However, considering that Rome used the granting of its own citizenship as an instrument of domination, it is not surprising that in 380 BC, after its *deditio*, Roman citizenship was granted to *Tusculum*, which thus became the first Roman municipality in the history of Rome (Livy 6.26.7-8). A few years later, after the dissolution of the Latin league, *Lavinium*, *Aricia*, *Nomentum*, *Pedum* were also granted Roman citizenship in 338 BC (Livy 8.14. 2-7), to

7 Regarding the idea of political culture and the political impact of informal and non-institutional practices or activities, see Rosillo-López 2022 who delves into it in detail.

8 Rosillo-López 2022: 11-22 who also questions the relationship between citizenship and political participation.

which should be added the small group of “maritime” Roman colonies that Rome established along the Adriatic and Tyrrhenian coasts. The 4th century BC is also the period when Rome creates a citizen status with no political rights –*civitas sine suffragio*–, which will be used until 188 BC, when the last *sine suffragio* municipalities, *Arpinum*, *Fundi* and *Formiae* will receive *optimo iure* citizenship (Livy 38.36.7-9).⁹ In 118 BC Roman citizenship is already enjoyed in provincial territory since the first Roman colony outside of Italy, *Narbo Martius*, is deduced. Finally, the *lex Iulia de civitate* in 90 BC granted Roman citizenship to all the cities in Italy and some in Cisalpine Gaul, exponentially increasing the number of Roman women in the republic who did not live in Rome.

In all these cities lived women who did not walk in the forum, did not go to the Roman temples, did not participate in political conversations and cenacles and who probably, most of them, would never set foot in Rome except, perhaps, on the occasion of a feast or a spectacle. Nor do we know anything relevant about their lives.¹⁰ Their status as Roman citizens is, however, the same as that of women living in Rome. The difference that could be established between all of them is of another order and has to do with the advantages and benefits obtained by living in one city or another, or with belonging or not to the oligarchy, but not with the status of citizen.

This possibility of enjoying Roman citizenship outside the city of Rome from a very early date invites the question of whether it is the genuinely political contents, as understood both by Ancient Greeks and ourselves, that define a citizenship that can easily be exported outside its original home.

In reality, when we speak of citizenship, we are conditioned by our modern idea of citizenship understood as participation. For this reason, we understand Aristotle better when he states that a citizen is defined by his participation in the government of the polis (Polyb. 3.1275 b) than Cicero

9 For an analysis and references of the whole process of citizenship expansion and its use as a form of domination, see Humbert 1978: 149-284.

10 It will be the epigraphic documentation that will later tell us of their existence and their involvement in the public life of their communities. These women are alluded to in one of Livy's passages concerning the female pressure to repeal the *lex Oppia*, since the number of women in Rome was increasing daily thanks to those coming *ex oppidis conciliabulisque* (Livy 34.1.6). The term *oppidum* may refer to the surrounding Roman municipalities whose population, as Romans, would presumably be affected by the same law. This situation contrasts with that enjoyed by the Latin colonist women who, as “foreigners”, could freely display their wealth in the streets of Rome (Livy 34.7.5-6).

when he speaks of the *civitas* as a *societas iuris* (*Rep.* I. 49). Undoubtedly the Aristotelian formulation is more attractive to our eyes than the Roman one, despite being an exclusionary political ideal.¹¹ However, as Pocock observed, the Ciceronian approach contains the second great Western definition of the political universe, where the citizen is not defined by his ability to interact with others in the political space, but through the right to property and the practice of jurisprudence. A “citizen” came to mean someone free to act by law, free to ask and expect the law’s protection, a citizen of such and such a legal community of such and such a legal standing in that community.¹² The Ciceronian *societas iuris* thus means that the cohesion of the Roman people is based on the participation of all citizens, wherever they live, in the same right, not in the government of the city. This change signals the loss of the political content of citizenship and its conversion into a legal status, a character that will be accentuated in the Early Empire.¹³

One cannot decide whether a Roman woman was a citizen or not on the basis of her degree of formal or informal participation in politics. Roman women were citizens because they could participate in the *ius communis*, which gave them the right to own property and thus to own their patrimony.¹⁴ This capacity provided women with tools that gave them, at least potentially, independence.

It is true that women were in a position of inferiority to men and were always subject to family authority, either that of the father or the husband, or under perpetual *tutela* if they were *sui iuris*, a situation from which men were

11 The *polis* and its democratic functioning turned out to be an exclusionary political ideal because neither women nor slaves are polis (nor are foreigners), although the burden of maintaining the real structure of things falls on these groups. The woman because is bound to the home and the sphere of reproduction and the slave to the world of work. It is precisely this responsibility that excludes them from political life, since in this universe, those who have to work for a living are not considered citizens. See Pocock 1995: 29-52 for the whole argument. A critique of the idea of citizenship understood as political participation in an Aristotelian sense, Blok 2017.

12 Pocock 1995: 34-37.

13 Marotta 2009: 31 and 35 and in general 31-60 with discussion. Pocock 1995: 36.

14 This is, in my view, the true core of Roman citizenship, to which political activity can be added. Voting in the assemblies is certainly one expression, among others, of citizenship, but it is not the right that defines it in the Aristotelian sense. If this were so, not only women would be excluded from citizenship, but also men who are not enrolled in any of the five census classes, and who are in principle not eligible for conscription not because of their lack of citizenship, but because of their poverty (Val. Max. 2.3.1).

exempt. However, as we have been observing, in the last centuries of the Republic, new legal norms derived from the praetorian law were introduced which allowed women to improve their situation. The generalisation of marriage *sine manu* allowed women to gain their independence and to preserve their property, as well as to increase their capacity to inherit and to dispose more freely of their property. It is true that women needed a *tutor* to act, but this limitation ended up being a legal fiction (Cic. *Mur.* 27). In fact, as Cantarella states, the *tutela* went from being a potestative institution to a protective one.¹⁵

As a result of this whole process in Rome at the end of the Republic there were not only women who owned their own wealth, but also a sufficiently large number of wealthy women. Proof of this is the well-known episode of 42 BC, already mentioned, in which it was attempted to impose on the women with the greatest wealth in the city to participate in military expenses, and they refused, entrusting their defence to Hortensia.¹⁶

Logically, it was the characteristics of Roman citizenship and a combination of historical factors which led to an increase of female autonomy.¹⁷ But, undoubtedly, the possibility of having economic autonomy as an inherent right of Roman citizenship made possible the presence and action of Roman women in the public space of the cities.

It might be thought, then, that the character of a citizenship whose genuinely political content was weak allowed for its expansion. This is not to suggest that general grants of citizenship were frequent.¹⁸ In reality, both in

15 Cantarella 1997: 114-117; on marriage *sine manu* see Pérez Pérez 2017. Although there were attempts such as the *lex Voconia* (169 BC) to limit the ability of women to be instituted heirs by those who belonged to the first class of the census to avoid them accruing wealth, it is generally accepted that its application had no effect; on the *lex Voconia*, McClintock 2017 and 2022.

16 Cantarella 1997: 137-141.

17 The imperialist policy and the contact with Hellenistic culture, the influx of wealth and the continuous warfare that kept men away from Rome and the mortality, led women to inherit family property. These factors, among others, facilitated the social rise of women, Cid López 2006: 29-32.

18 Before the *constitutio Antoniniana*, there were only two general grants of Roman citizenship: the one granted in 90 BC to the cities of Italy (and to some Cisalpine ones) and later the Caesarian law granting Roman citizenship to Cisalpine Gaul in 49 BC. On the controversial granting of Roman citizenship to Sicily by Caesar, see Soraci 2023. The granting of Roman citizenship and its transmission was a process that was generally subject both to political controls that ensured its appropriateness and to legal procedures, which were not without complexity.

the Republic and in the Empire until the edict of Caracalla in 212 AD, Roman territory was a complex universe in which populations with different legal conditions coexisted and in which Roman citizens did not necessarily constitute the majority, except in the upper classes. In this context, Latinity emerged as an intermediate legal status between Roman citizenship and peregrine condition, which allowed for the selective integration of the population. In fact, the *Latinitas* or *ius Latii* will be the main means of access to the *civitas* available to the aristocracy of the provincial cities. However, the *ius Latii* will not only generate *cives Romani*, but also *cives Latini*, to which little attention is paid.

2. Beyond Roman citizenship.

The invisibility of Latin women

Among the numerous works that are published every year on women in the Roman world, it is striking that provincial Latin women have no place at all. If we bear in mind that Rome used Latinity as a preferential way of integrating the provincial population, even before Roman citizenship itself, this neglect, which condemns to invisibility the thousands of Latin women who lived in the different cities of the Roman West, is somewhat surprising. The reasons for this lack of attention are varied, not the least of which is the difficulty of identifying them in the epigraphic record, the main source of this condition. In any case, this second section of the present work aims to draw attention to this important and numerous group of women who lived alongside Roman citizens in many of the cities of the Roman West and with whom they shared both public and private spaces.

2.1. *Genera Latinarum*: the different groups of Latin women

Latinity, understood as a legal status, was instrumentalised by Rome throughout its history from the 4th century BC until its disappearance in the time of Justinian (*CJ.* 7.6).¹⁹ During this very long period of time, the *ius Latinum* logically modified its profile and function as the circumstances and needs of the state changed. Therefore, one cannot speak of *Latina*

¹⁹ On the characteristics of Latinity in the time of *Foedus Cassianum*, *vid.* Humbert 1978: 91-143 and Kremer 2006: 9-40.

women in the abstract without specifying what type of *Latina* is being referred to.

In principle, there would be three groups of women who, throughout the history of Rome, were described as Latin. The first group would be constituted by the citizens of the Latin colonies that Rome began to establish in Italy and Cisalpine Gaul from 338 BC in order to consolidate its territorial expansion. These *Latinae coloniariae* were originally Roman women who, when they were registered in the colonies, together with their fathers or husbands, were forced to lose their own citizenship in order to acquire the citizenship of the new colonial foundation.²⁰ It was precisely in relation to these Latin women that Roman citizens complained that they were not subject to the restrictions of the *lex Oppia* and could freely display their wealth in the city of Rome: *cum sociorum Latini nominis uxoribus videant ea concessa ornamenta quae sibi adempta sint* (Livy 34.7.5-6). This type of Latinity would disappear in Italy (and in Cisalpine Gaul) with the general granting of Roman citizenship through a *lex Iulia de civitate* (90 BC) which transformed the Latin colonies into Roman municipalities.

Regardless of chronological order, the second group of Latin women would be the *Latinae Iunianae*. Almost a hundred years after its disappearance, the chancellery of Augustus recovered the colonial latinity as legal working material to design a new *liberta* condition, the Junian Latin, destined to confer a legal status to all the slaves manumitted informally or before the time established by law (Gai. *Inst.* 1.22 and 3.56). The number of Junian Latin women must have been very high in the Empire judging by the attention given to them in the legal sources and the abundant regulations concerning them, among other practical reasons.²¹ The freedpersons of this status are generally referred to in the documentation as *Latini o Latinae*, hence their

20 Any Roman citizen who was inscribed as a colonist in Republic-era Latin colonies lost his original Roman citizenship. This loss had its origin in a double factor: the impossibility of enjoying a double citizenship for a Roman citizen (Cic. *Ball.* 28, 30) and the juridical design of these colonies conceived, from a formal point of view, as sovereign, and therefore possessing their own citizenship as Gaius states (Gai. *Inst.* 1, 131); regarding the loss of Roman citizenship by *coloni Latini*, Cic. *Caecin.* 98; *Dom.* 78.

21 For practical reasons, an informal manumission was probably more common in places that were distant from the provincial governor. Regarding the *lex Iunia* and the *lex Aelia Sentia*, which gave rise to Junian Latinity, the characteristics of this category of freedperson and their widespread distribution, see López Barja de Quiroga 1998 and 2007: 71-83. This Latinity will disappear under Justinian (*CJ.* 7.6) and, with it, the very idea of Latinity itself.

frequent confusion with other groups of Latins.²² Both Colonial Latinity and Junian Latinity are the subject of regular attention in the academic literature, perhaps because the information provided by literary and legal sources gives them clear profiles for study.

This is not the case of the third group of Latin women, which will center our attention henceforth, which make their appearance in the 1st century BC. This new Latin status has a precise date of appearance when, in 89 BC, the consul Pompey Strabo granted the right of Latium or *ius Latii* to the indigenous communities of Transpadana Gaul, transforming them into Latin colonies, without, in this case, any deduction of population.²³

The Transpadane episode was not an isolated event. At the same time that these colonies disappeared by Caesar's hand through a general concession of Roman citizenship to Cisalpine Gaul, a new process of Latinisation began in transalpine territory in which the local communities, through a concession of *ius Latii* and again without deduction of population, acquired Latin colonial status. The Latin colonisation of Gallia Narbonensis would confirm that the Transpadane episode was not a circumstantial solution and opened the door to the regular application of the *ius Latii* to other provincial territories, thus becoming the main instrument of integration used by Rome in the western part of the Empire.²⁴ It was not unrelated to its expansion that the Latin right was adapted to areas where the deeper roots of the indigenous world made it inadvisable to grant Roman citizenship to the entire population.²⁵

22 Junian freedmen are always designated *Latini* without adjectives in Gai. 1.29; 31; 66; 68; 70; 80, or *Tit. Ulp.* 5.4; 7.4; likewise Plin. *Ep.* 10.104. Among others, *vid.* López Barja de Quiroga 1998: 146 and López Barja de Quiroga, Rodríguez Garrido 2023. On the identification of the Latins mentioned in the *Tituli Ulpiani* with the Junian Latins (except obviously *Tit. Ulp.* 19.4) Luraschi 1979: 242-247, with convincing argumentation.

23 *Asc. in Pis.* 3 C. The exclusion of the Transpadani as beneficiaries of the *lex Iulia* of 90 BC was most probably due to the survival and vitality of the indigenous world in the Transpadane area and that this circumstance did not make their direct access to Roman citizenship convenient. On the nature and scope of this concession, it is still essential, see Luraschi 1979.

24 Caesar granted the Cisalpines Roman citizenship in 49 BC (Dio Cass. 41.36.3). Likewise, the Caesarian concession of the *ius Latii* to Narbonensis Gaul is also often dated to around 49-48 BC, Christol 1999: 15. Regarding the relation between the Latinization process in both provinces, see García Fernández 2001: 13-71.

25 The Latin right or *ius Latii* spread extensively throughout the western provinces of the Roman Empire, specifically Gallia Cisalpina, Gallia Narbonensis, Hispania, Gallia

From the Cisalpine colonies of the Republican period to the Latin municipalities of the Imperial period, all these cities were, logically, inhabited in part by women of Latin status. These women could in turn, depending on their social status, become Roman citizens or, as would probably be the case for most of them, remain for the rest of their lives as Latins.

2.2. Latin provincial women and Roman citizenship

The granting of *ius Latii* to a city transforms its population into Latins and introduces as a principal right the possibility of access to Roman citizenship through the holding of a local magistracy.²⁶ Literary sources mention this right several times (*Asc. In Pis.* 3 C; *Strab.* 4.1.12; *App. B Civ.* 2.26.98; *Gai. Inst.* 1.95-96), although it is the epigraphic documentation from the Imperial period that provides us with detailed information. According to the municipal legislation of the Flavian period (*Irmi* ch. 21), only those individuals from the local senates who held a citizen magistracy had access to Roman citizenship. What is interesting is that it is explicitly established that in this accession to citizenship the magistrate is accompanied by his parents, wife and legitimate daughters and sons, as well as grandsons and granddaughters. Thus, Latin women who belonged to the local oligarchy, whether they were mothers, wives, daughters or granddaughters of a magistrate, had the possibility to obtain Roman citizenship (see below). The conditions imposed by law for access to *civitas*, however, do not allow us to think of a progressive expansion of Roman citizenship in the community. Roman citizenship would rather be the privilege of the citizen oligarchies, who would probably gain access to the *civitas* within a few years, either through their specific path or directly by filiation. The Latin condition would be reserved for the rest of the population, with a lower social and economic

Comata, the Alpine districts, Germania, and the African and Danubian provinces. For the relevant evidence, see Kremer 2006: 121 (Gallia Cisalpina), 150-159 (Gallia Narbonensis), 159-164 (Gallia Comata), 180-188 (the provinces of Hispania, the three Alpine provinces, the Germaniae, the African and Danubian provinces), with detailed discussion. From Augustus onwards, the title generated by the *ius Latii* was modified, giving rise to the appearance of the Latin municipality. This modification probably responds, among other possible reasons, to a decision to attribute a title that was adapted to the real effects of the *ius Latii*, which were not colonial but municipal in nature. Otherwise there is no structural difference between Latin colonies and municipalities. Regarding the origin of the Latin municipality under Augustus, see García Fernández 2023: 24-26.

26 A reasoned discussion on the issue, García Fernández 2001 and 2020.

status, and in many cases still immersed in their local traditions. The Latin woman who belonged to the middle or lower strata therefore had very little chance of becoming a Roman citizen, and it was to be expected that she would remain in this condition for the rest of her life.²⁷ By social logic, this circumstance suggests that the number of Latin women in a colony or municipality must have been much higher than that of Roman women.

The possibility of access to Roman citizenship is undoubtedly the most important right of the *ius Latii* from the Roman point of view, but not the only one. However, it is not easy to define the content of Latin condition. When it comes to speaking about the rights of the Roman citizen, one turns to the *ius Romanorum*, but in the case of the Latin woman it is more difficult to specify the content of her citizenship. This is due to the fact that there is no general Latin citizenship to which to refer and from which to derive *iura*, *instituta* and *mores*.

The Latinity that emerged in 89 BC and its subsequent developments exist only within the framework of its own local citizenship, and therefore the *civitas Latina* should be understood as the result of the interweaving of the rights contained in the *ius Latii* with the *iura* of the local *civitas*. These local *iura* or *mores*, about which there is usually hardly any information, partially provide content to the *Latin civitas*. This immediately implies, regardless of subsequent standardisation processes, that the Latin condition is in principle no stranger to indigenous or local particularities. In fact, it needs them. This could be the case with marriage, for example. Since it is necessary for the Roman mentality to celebrate marriage according to the law of a particular community, and since there is no Latin marriage law, the *ius Latii* will have as one of its functions to recognise the legitimacy of marriages between Latins celebrated according to the local *ius* or *mos*.

This recognition is important because it provides not only legality to the union, but also legitimacy to the offspring and makes it possible to link the children to the father. As mentioned above, the Flavian legislation is more explicit in this respect than the literary sources. The Irnitan law (ch. 21)

27 It was probably easier for a female Junian Latin to die as a Roman citizen than for a provincial Latin who did not belong to the oligarchy of her city. The *Latini Iuniani* had at their disposal their own means of access to the *civitas*, such as the *anniculi probatio*, in addition to other ways enumerated by Gai. *Inst.* 1.28. López Barja de Quiroga 1998: 155-157, on the various paths to citizenship of Junian Latins.

allows the extension of the citizenship acquired by a former magistrate to his parents, his wife and the children born of a legitimate marriage and the grandchildren under the authority of their parents, i.e. the *iusti* children born of a Latin marriage. (*Irni* 21, ll. 41- 44: *cum parentibus coniugibusque ac liberis, qui legitimis nuptis quaesiti in potestate parentium [f]uer*ⁱ*^{nt}, item nepotibus ac neptibus filio natis, qui quaeve in potestate parentium fuer*ⁱ*^{nt} cives Romani sunt ac liberis qui legitimis nuptis quaesiti in potestate parentium fuerint...cives Romani sunt*).²⁸ Without the recognition of the *iure latino* union, whose formalisation procedure would be dictated by the *ius civitatis* of the city concerned, the Latin woman could not accede to Roman citizenship, nor could the children, since neither the marriage nor the offspring would be legitimate as required by law. In fact, some sections of the Flavian normative text would allow us to speak of the existence of provisions that would regulate the relations of the non-Roman population among themselves in the private sphere. In my opinion, this regulation would take the form of recognising previously existing family and the rights of patrons as being in accordance with the law. This recognition can also be inferred from the provisions of chapter 22 of the *lex Irnitana* (ll. 50–3): ‘*is ea in eius qui civis Romanus... erit potestate/ manu mancipio cuius esse deberet si civitate mutatus/mutata non esset*’. It was only with the acquisition of Roman citizenship that these relationships acquired a technical legal content, thereby receiving the *nomen iuris*, and becoming known as *manus*, *mancipium* and *potestas* (and *optio tutoris*: ll. 53–4) from the point of view of the *ius civile* according to which they should reorganise their characteristics. This explains the need to introduce the clause ‘*si civitate mutatus/mutata non esset*’, whose function is to presuppose that they had always been Roman citizens and no change in citizenship. This does not mean that these Roman institutions defined or regulated relations within the Latin population, but others which, at most, could be comparable to the Roman ones dictated by their own tradition and which Rome would recognise as being in accordance with the law under certain conditions.²⁹

28 Dardaine 2003: 104 suggested that the term *parentes*, which is also present in the expression *in potestate parentium*, might not be referring to the magistrate’s father and mother (this last one is evident, because it is *patria potestas* being discussed), but to the ascendants in the male line, that is, to the father, grandfather or great-grandfather, excluding the mother from the benefit of Roman citizenship. However, it is not possible to accept this suggestion because a freedwoman, mother of a local magistrate, could become a Roman citizen through the magistracy of her son (*Irni* 97).

29 This dynamic of previous recognition of the pre-existing organisation can also be observed in the Republican period, with the forma B of Verona (between 89 BC and 49 BC).

2.3. *Non tutte le strade portano alla cittadinanza romana:* Other rights of Latin women

The institutional and stable coexistence of two citizenships in the same community does not mean that both groups of citizens develop their lives in parallel, if only because the system of reproduction of Roman citizenship does not survive by resorting only to endogamous marriage practices. This means that Latin women, irrespective of their social location, possess rights that allow them to relate legally to an environment where fellow citizens are not only Latin but also Roman. Thus, the Latin woman has the right to enter into legitimate marriages not only with individuals of her own status, but also with Roman citizens. This right, known as *conubium*, allows the transmission of Roman citizenship within the community itself. Thus, if the Latin woman marries a Roman citizen, the children will be citizens of Rome, otherwise the citizenship transmitted will be Latin. In any case, the important thing is that these mixed unions are legitimate, as well as the offspring and this facilitates, for example, the transfer of property.³⁰

The second right possessed by the Latins, and therefore also by women, would be the *commercium*, through which the Latins are granted the capacity to participate in any act of acquisition or transmission of goods and patrimony with a Roman citizen and which is in accordance with the law. By virtue of the existence of this right, the Latin woman is recognised as having the capacity to own property, to inherit from a Roman citizen or to name him as her heir.³¹ Likewise, the Latin woman has the capacity to manumit and to confer on her freedmen full Latin and non-Junian citizenship (*Irni* ch. 28).³²

This document recognised and formally registered pre-existing properties; on the document and its census and fiscal repercussions Maganzani 2015: 93-117 and especially 98-99. On the restrictive nature of the conditions imposed by the *ius Latii* on the recognition of the indigenous family structure, see García Fernández 2023: 43-45.

30 On the existence of *conubium* with discussion García Fernández 2018. The problems regarding the patrimonial transmission caused to descendants coming from a union without a *conubium* are well reflected in the classic reference of Pausanias 8.43.5; on the problems that the peregrine children of Roman citizens had to face in the Greek sphere because they could not inherit from their parents, *vid.* Marotta 2012: 201-203.

31 By virtue of the *ius commercii* the Latins enjoyed *testamenti factio*, which allowed them both to pass on their property and to be designated as heirs. On *commercium* as a right of the Latins in Republican and Imperial times, see Kremer 2006: 9-15 and 113-118.

32 The Latin woman can manumit with the authorisation of her guardian (*Irni* 28 ll. 8-10). What is interesting is that the formula used for the freedman or freedwoman (*Irni* 28,

The group of Latin citizens, women and men, plays an important role in the provincial cities. Their position outside the system facilitates the maintenance of local practices in the private sphere under the terms stipulated by the *ius Latii* and above all preserves the political and cultural value of Roman citizenship since only the most economically and socially qualified Latins have access to the *civitas*. Likewise, the possession of rights such as *conubium* and *commercium* ensured social, legal and patrimonial cohesion within the city and did not hinder the transmission of Roman citizenship. Finally, a city under Latin law does not need a profound Roman-style reorganisation to become a colony or a Latin municipality and can therefore adapt to different levels of Romanisation. From Baetica to Gaul, Latin communities show in their epigraphic documentation a very varied level of Roman acculturation.

2.4. Some reasons for a hidden reality

Despite their importance, if only because of their large number, the municipal Latin women hardly arouse interest either in historical studies on women in antiquity or in the academic literature in general. Some of the reasons for this omission have to do with the ancient authors, while others are of a modern and historiographical nature. If we refer to the former, it is true that the ancient literary and juridical sources provide hardly any information on this condition, when they do not ignore it directly. The fact that we are relatively well informed by legal sources about the Junian Latin matrimonial regime and that we know almost nothing about the municipal Latina, apart from the information provided by epigraphy, both conditions being contemporary, requires some explanation.

In my opinion, this asymmetrical interest, which can be observed for example in authors such as Gaius,³³ is due to the different origin of one and

ll. 11-12 *liber liberae esto uti qui optumo iure Latini libertini liberi sunt erunt*) would refer to a full Latinity different from the Junian one since the slaves manumitted by Latins are so in a fully regular way and their condition is similar to that of their manumissors, Lamberti 1993: 56 and 285 n. 30.

³³ It is striking, in this context, that Gaius, who devotes special attention to the analysis of the laws and regulations governing Junian Latinity, pays little attention to the circumstances of the provincial Latinity. It is important to remember that both Latin conditions are contemporaneous and the provincial Latins were in clear expansion. Mentions are limited to Gai. *Inst.* 95-96, where he refers to the *patria potestas* over the

the other Latinity. The Junian latinity is a condition internal to Roman citizenship itself, since a Latin Junian *liberta* can only be generated by a Roman citizen when he or she does not manumit his or her slave under the conditions established by law. The provincial Latin status is, however, a category external to Roman citizenship, since it comes from outside, i.e. from the numerous and culturally varied peregrines communities that are legally integrated through a concession of *ius Latii* (Gai. *Inst.* 1.95: *ius (Latii) quibusdam peregrinis civitatibus datum est*). It is precisely this *peregrinus* origin that probably makes them irrelevant for Roman jurisprudence, hence the scarce information preserved in the sources on this status.³⁴

The second reason for the invisibility of Latin women is modern and historiographical as mentioned above. Most of the studies focused on the processes of integration of the provincial population do not take into account the existence of this type of population. To a large extent, the origin of this silence stems from an idea put forward by F. Millar in his book *The Emperor in the Roman World*, in which he denied the existence of *Latini ingenui* after the Social War.³⁵ It followed from this thesis that the legal status enjoyed by the population of communities with Latin law after 90 BC could only be Roman or peregrine. The explicit mentions of Latins recorded in municipal legislation and other legal sources had to be understood as references to Junian Latins, the only Latinity existing in Millar's opinion after the promulgation of the *lex Iulia de civitate*.

Consequently, for this author, the citizens of a Latin colony or municipality, if they were not Romans, would be *peregrini*. It is true that F. Millar did not pay much attention to this proposal, since he does not seem to have returned to the subject, nor did he express any firm conviction that some mentions of *Latini* did not, in fact, refer to freeborn provincial Latins. In addition, the text of the *lex Irnitana* had not yet been discovered. Millar's proposal was, however, quickly

children conferred by the *ius Latii* and to the two types of latinity existing in relation to access to the *civitas Romana*. The *Latini* cited in Gai. *Inst.* 79 do not, in my opinion, refer to the provincial *Latini*, but to the *Latini coloniarii* prior to the Social War. On this last passage, see García Fernández 2018: 390-394.

³⁴ It could be argued that the legal compilation carried out under Justinian may have suppressed any reference to the provincial Latins since they had already disappeared with the *constitutio Antoniana*. However, an earlier work such as the aforementioned *Institutiones* of Gaius, written in the 2nd century AD, shows the lack of interest of Roman jurists in the analysis of the provincial Latin condition and its idiosyncrasies.

³⁵ Millar 1977: 630-635.

accepted as it resolved the question of the presence of onomastics of the peregrin type or onomastics not fully adapted to Roman usage as documented by the complex epigraphic register of the various Gallic provinces. Consequently, in the analysis of the processes of provincial integration, any reference to the population of Latin freeborn or freedmen condition disappeared as it was considered non-existent. This position does not seem to have changed to date, despite the fact that the Irnitana law expressly establishes the existence of *municipes Latini y liberti Latini optimo iure* and non-Junians.³⁶

2.5. The black hole of Latin Women

If one rejects Millar's thesis and defends the existence of the Latin freeborn condition and its progressive expansion throughout the West since its first appearance in 89 BC, the immediate question to ask would be: where are the Latin women in the documentation? The answer to this question is as problematic and frustrating as it would be to ask about the identification of Junian Latin women. They are there before our eyes in the epigraphic record, but we cannot identify them because, like the Junian freedwomen, the municipal Latinas, in principle, use the Roman onomastic structure as a mode of naming.

If in the group of freedwomen composed of *Antonia Hedra* and *Antonia Harmerides* on the one hand and *Annia Philusa* and *Calpurnia Rhodope* on the other, we know that the first two are Junian Latin, it is only because Pliny expressly informs us of this condition (Plin. *Ep.*10.5.2). However, in the case of the freedwomen *Philusa* and *Rhodope* from the Latin municipality of Singilia Barba (*CIL* 02-05, 244) and Sabora (*CIL* 02-05, 881) respectively, it is not possible to know whether they are Roman ordinary freedwomen, Latin freedwomen or even Junian Latins.³⁷ The same is true of women who are free

36 Apart from the reference that the Flavian laws made to the vote that the *incolae qui cives R(omani) Latinive cives erunt* in a curia drawn by lot (*Mal.* 53) or the possibility of manumission before the *dumvir* which is granted to every *municeps qui Latinus erit* (*Salp. Irn.* 28), whether male or female, and which refers to a full and non-Junian latinity, the *lex Irnitana* added the manumission of the public slave (*Irni cap. 72 liber et Latinus esto; liber et Latina*).

37 Only in the case of *liberti publici* are reliable identification criteria available. The *lex Irnitana* (ch. 72) establishes that public slaves and slaves, once manumitted, will be Latins and *municipes* of the Flavian municipality (ll. 16-17 *Qui ita manumissus liberve esse iussus erit liber et Latinus esto*). The argument in Dardaine 1999: 225-227 with documentary dossier demonstrating the use of trinomial Roman onomastics by the Latin population.

and not freedwomen, such as the *Singiliensis Postumia Optatina* (CIL 02-05, 810) or *Memmia Marciana* of *Cisimbrium* (CIL 02, 1632) and of so many other women from whose onomastics or epigraphic context it is not possible to deduce whether they are Roman or Latin. But the problem of identifying Latin women does not end here.

Depending on the vitality of the indigenous tradition of a city or province, onomastic usage can be much more flexible. It reflects the tensions and adaptations between indigenous and Roman modes of naming, which are resolved onomastically in a variety of ways. The Latin woman of Baetica expresses herself by naming herself in the manner of a Roman citizen because she is authorised to do so. Authorisation, however, does not mean imposition; after all, Latinity keeps the individual, unless she holds a magistracy, outside the world of the system's administrators and its direct benefits. In areas where local onomastic traditions are alive and Romanisation is less intense, the tensions and adaptations between the deeply rooted indigenous and Roman modes of naming are resolved onomastically in different ways. This could explain the different onomastic behaviour in communities with Latin legal status, whether colonial or municipal, located in one or the other provincial territory. This does not mean defending an uncritical flexibility, but rather the capacity of Latinity to adapt to the different indigenous traditions with which it comes into contact.³⁸

In any case, the difficulties, certainly insurmountable to date, in identifying the Latin population in general and Latin women in particular in the documentation should not lead to their existence being cancelled out. It could be said, paraphrasing Weaver, that in the same black hole of unknown proportions where the Junian Latinity hides, there is a place for a provincial Latin population that has not stopped growing since 89 BC.³⁹

3. Conclusion

The weak political elements of Roman citizenship and its definition as participation in a common law, in a *societas iuris*, facilitated the conceptualisation of other categories of citizenship different from the Roman

38 This process of adaptation of naming practices has been analysed in detail by Dondin-Payre and Raepsaet-Charlier 2001. For Hispania (*conventus Cluniensis*), Gómez Martín 2023.

39 Weaver 2001: 103.

one but integrated into the system. In this sense, Latinity should be understood as a second-order citizenship that functioned as an effective instrument of hierarchical integration.

It kept out of the world of the system's administrators those population groups whose deep-rooted local traditions perhaps made their integration into the *civitas* inadvisable. At the same time, it facilitated the entry into Roman citizenship of the communities' elites. The Latin woman, depending on her social position, participated in both worlds, she could accede to Roman citizenship or in any case she facilitated its transmission within the city through the *ius conubii*. The rights inherent to Latin citizenship, beyond access to Roman citizenship, allowed the smooth internal functioning of cities with dual citizenship and strengthened their internal cohesion. From another point of view, however, it could be said that Latinity favoured the legal and social stratification of the population and generated spaces of exclusion insofar as Latin women, depending on their social rank, were, in practice, denied access to the *civitas*.

In any case, the lack of attention, even as a historical problem, to the situation of the Latin population in general and of Latin women in particular necessarily leads to a simplified view of the integration processes. Among the Roman citizens and peregrine women there is a large group of women who are still invisible and who undoubtedly constitute an important element in any social history of the Roman world.

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DE ESCLAVA A CIUDADANA. TRANSICIÓN Y NEGOCIACIÓN DE UNA NUEVA IDENTIDAD

Carla Rubiera Cancelas¹

«The slave defined what a citizen was not, and viceversa».² La frase con la que el historiador Matthew Perry inicia una de sus recientes publicaciones sintetiza la esencia de dos grupos antagónicos en el orden social romano. No obstante, a través de la manumisión el primero tenía la posibilidad de obtener la libertad y la condición de ciudadano romano; de igual modo, la *capitis deminutio maxima* refleja un proceso según el cual se perdía la libertad y, consecuentemente, el estatus familiar y la ciudadanía.

La *manumissio* implicaba salir de la *manus* del *dominus*, es decir, de su potestad: «un acto ordinario y prosaico en la vida romana, que entre las personas libres causaba poca preocupación».³ Atendía a tres procedimientos: *manumissio uindicta*, *manumissio censu* y *manumissio testamento*, según los cuales no sólo se lograba la libertad, sino también la ciudadanía. El esclavo, o la esclava, liberado de manera informal (*inter amicos*), fruto de un acuerdo privado, no adquiriría la condición ciudadana ni los derechos anejos.⁴ Así, la manu-

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2 Perry 2014: 1.

3 Bradley 1998: 14.

4 López Barja de Quiroga 2007: 15.

misión fue regulándose con el paso del tiempo; a este respecto, sobresalen las medidas impuestas durante el Principado de Augusto (Gai. *Inst.* 1.43; Gai. *Inst.* 17-18; 37-41).⁵ Estas normas venían a sumarse a otras de época republicana, por ejemplo, la *lex Manlia*, del año 357 a.C., que imponía una tasa sobre la manumisión (Liv. 7.16.7). Mención aparte merece la creación de la latinidad liberta, también en época de augustea (Gai. *Inst.* 1.22; 3.56).⁶

En cuanto a conocer el tipo de manumisión por el que se opta en cada caso, resulta un desafío gran parte de las veces. Por esta razón, y porque nos permite avanzar hacia nuestro objeto de estudio, la inscripción funeraria de Lucilia Calibe (*CIL* 9, 7256), proveniente de Corfinio y situada cronológicamente en el siglo I d.C., resulta de gran interés. Este testimonio sirve a quienes sostienen que el proceso de construcción de la ciudadanía respondió, en ocasiones, a dos actos.⁷ La expresión *bis libera facta* sería la prueba, según un reciente estudio, de una primera manumisión *inter amicos* y una segunda por *uindicta*.⁸ Así, aunque este ejemplo excede el arco cronológico de este capítulo, nos permite conocer el caso de una doble liberación que habría permitido a una esclava conseguir, en primer lugar, la condición de latina y, en un momento distinto, la de ciudadana. Un recorrido que jurídicamente nos coloca como punto de partida ante una *res*, cuya situación se resume en las palabras de Paulo: *seruile caput nullum ius habet* (Paul. *Dig.* 4.5.3.1).⁹ Se trataría de una mujer que no tiene asegurada la integridad corporal,¹⁰ siendo su cuerpo totalmente accesible,¹¹ lo que nos lleva a plan-

5 López Barja de Quiroga 2007: 71-81 y 2018.

6 A partir de este momento, si la manumisión no se realiza conforme al procedimiento (Gai. *Inst.* 1.17), no se obtenía la ciudadanía romana, sino la condición latina juniana. Sobre este tema, *vid.* López Barja de Quiroga 1998; 2007: 71-95; 2018 y Camodeca 2006.

7 Roth 2010: 117.

8 López Barja de Quiroga 2018: 586. Otra interpretación: liberada de la esclavitud y de la vida terrenal (Paci 1980: 55).

9 No obstante, no ignoramos la complejidad de los sujetos serviles a los ojos del derecho: «la condizione giuridica dello schiavo si presenta assai complessa, poichè egli è considerato da un lato come elemento patrimoniale, oggetto anziché soggetto di diritti, dall'altro come essere umano, dotato di una capacità intellettuale» (Burdese 1993: 147).

10 Partimos del cuerpo porque como concluye Jennifer Glancy, la esclavitud se identifica con él en primer lugar; a partir de ahí queda condicionada por el género y la sexualidad, a lo que se suman otros aspectos (2002: 9).

11 No olvidemos la no respetabilidad a la libertad sexual presente no sólo en la literatura, sino en las fuentes jurídicas (Peppe 2016: 62), y que tiene especial relevancia cuando nos

tearnos situaciones de vulnerabilidad y violencia. Tampoco se consideraría la legitimidad de sus vínculos familiares, una gran diferencia respecto a la ciudadana que, por ejemplo, disfruta del *ius connubium*.¹² En otras palabras, la escalada jurídica y social que observamos gracias a la lectura del epitafio de Lucilia Calibe, resume una jerarquización del género femenino que también se vuelve visible en la literatura, tal y como se refleja en un epigrama de Marcial:¹³ *Ingenuam malo, sed si tamen illa negetur, / libertina mihi proxima condicio est. / Extremo est ancilla loco: sed uincet utramque, / si facie nobis haec erit ingenua* (Mart. 3.33).¹⁴

Precisamente, en este capítulo nos interesa recorrer el camino que siguieron las esclavas hasta alcanzar la libertad, sin olvidar que también consiguieron la ciudadanía; todo ello, ejemplo de un cambio de condición jurídica y del ascenso social de un grupo subalterno. Partimos de una reflexión sobre los aspectos que pudieron aumentar la posibilidad de que las mujeres serviles obtuvieran la manumisión, haciéndonos eco de los debates en la actualidad al respecto, y contraponiéndolos a lo que con frecuencia se argumenta para justificar la libertad de los varones. A continuación, analizamos referencias en las que se relaciona a las libertas con la ciudadanía, y que a nuestro modo de ver alcanzan un gran interés, puesto que en tanto que ciudadanas formaron parte de una experiencia compartida —amparada bajo el *ius ciuile*—, que sin olvidar las diferencias de género (presentes en el arquetipo que sirvió para imponer comportamientos hegemónicos acordes a una nueva identidad), les otorgó la oportunidad de contribuir al ámbito político y militar.

referimos a las libertas ciudadanas. La accesibilidad sexual, prueba de la carencia de honor, queda limitada en el momento en el que se obtiene la libertad, como se observa en la manumisión de las prostitutas (Cal. *Dig.* 38.1.38.1).

12 Desde el punto de vista jurídico, se aprecia el abismo entre la esclava y la mujer libre (Peppe 2016: 62). No obstante, el mero acercamiento a otras fuentes evidencia una realidad compleja, en la que existen relaciones personales más allá de su consideración de ilegítimas desde el punto de vista normativo (Joshel 1992; Edmondson 2011; Mouritsen 2011b). A este respecto, recogemos las palabras de Glenys Davies sobre las relaciones maritales serviles: «slaves could not contract a legal marriage, but might on occasion be in relationships that were marriages in all but name» (2010: 184).

13 Sobre la diferenciación de la condición jurídica *vid.* Peppe 2016: 61-65.

14 «Prefiero a una libre, pero si con todo esa dice que no, la liberta es para mí la siguiente elección. La esclava está en el último lugar; pero si gana a las dos primeras en belleza esta será libre para mí».

1. Lo que ellas entregan

La manumisión genera importantes ventajas para la familia propietaria pues, al liberar a una mujer, obtiene una liberta.¹⁵ Para iniciar esa metamorfosis, comenzamos con una reflexión sobre aquello que las esclavas podían ofrecer.¹⁶ Si bien no siempre las fuentes son elocuentes a este respecto, haremos mención a tres elementos suficientemente visibles que constituyen los pilares sobre los que descansa la manumisión femenina: la reproducción biológica, su capacidad productiva y las relaciones personales.

La primera aportación, más presente a finales de la República,¹⁷ es bien conocida en la historiografía¹⁸ y aparece ante la necesidad de renovar la población esclava. Se articula como consecuencia del derecho clásico, que establecía que las criaturas fuera del matrimonio legítimo seguían la estela jurídica de las madres (Ulp. *Dig.* 38.17.2; Cels. *Dig.* 1.5.19; Mod. *Dig.* 15.23; Marcian. *Dig.* 1.5.5). La literatura, el derecho y los testimonios epigráficos se hacen eco de la existencia de los *uernae* y, por lo tanto, del uso de las mujeres como reproductoras biológicas, definidas desde una perspectiva actual como vientres gestantes de la esclavitud.¹⁹ El texto literario que vincula directamente este fenómeno con la manumisión pertenece a Columela (1.9).²⁰ El agrónomo, en clara consonancia con el *ius liberorum* del que se beneficiaron las libertas para eludir la tutela,²¹ recomienda manumitir a las mujeres que tuviesen más de cuatro hijos.²² En cualquier caso, en los textos

15 Sobre las ventajas que proporciona un liberto o liberta en atención a su nuevo estatus *vid.* Mouritsen 2011a: 36-51.

16 Para explicar el fundamento de la manumisión se ha recurrido a distintos motivos, siendo uno de ellos la recompensa en atención a algo que se pedía a cambio; también se ha planteado que sirviese para controlar a la población esclava, convirtiéndose en una esperanza que doblegaba a hombres y a mujeres (Bradley 1984: 142); como un método para aumentar el número de ciudadanos (López Barja de Quiroga 2012: 64); y, finalmente, en el caso de los junianos, para conseguir personas a las que poner al frente de los negocios (Roth 2010).

17 Sobre la propuesta de un mayor número de mujeres manumitidas partiendo de los estudios de Alföldy *vid.* López Barja de Quiroga 2007: 45-48.

18 Algunas publicaciones en las que se recoge: Biezunska-Malowist 1961, 1966; Herrmann-Otto 1994; Scheidel 1997; Harris 1999; Joshel 2010; Dasen, Späth 2010; Harper 2013; Rubiera Cancelas 2014, 2015.

19 Rubiera Cancelas 2014: 217.

20 Esta praxis se aprecia con frecuencia en las fuentes jurídicas, por ejemplo, en Tryph. *Dig.* 1.5.15 y Ulp. *Dig.* 1.5.16.

21 López Barja de Quiroga 2007: 81.

22 Hemos de tener en cuenta que no sólo se trataba de parir, sino también de criar, al menos durante un tiempo (Roth 2007: 13; 127).

que versan sobre el funcionamiento de las explotaciones rurales en época republicana también aparece el contubernio y la reproducción biológica (Varro *Rust.* 1.17.5; 2.10.6), aunque aquí el autor no la asocia directamente con la manumisión. Con todo, nos situamos en un escenario exclusivamente femenino, que se convertía en una oportunidad añadida para ellas, aunque no dejamos de pensar, al menos desde una mirada contemporánea, en el alto precio que podía suponerles desde el punto de vista personal y emocional.²³ De igual modo, hemos de considerar la situación de aquellas mujeres estériles de las que se esperaba el parto,²⁴ lo que podría haber truncado sus expectativas de adquirir la libertad.

El segundo elemento a considerar nos conduce a la capacidad productiva, causa visible en las fuentes, e indiscutible en la historiografía, para los varones. Sin embargo, si ponemos el foco en las mujeres, se genera un debate que parece responder en mayor medida a prejuicios actuales que pasados. Puede observarse esto en publicaciones recientes, en las que se expone que las esclavas carecían de valor productivo y de oportunidades reales de adquirir amplios recursos a través de su trabajo. De esta forma, se produce una ruptura con la manumisión masculina, orquestada sobre el modelo del «transaccional model», según el cual el esclavo convertido en liberto continúa siendo útil de muy diversas maneras, como agente económico.²⁵ Por el contrario, la liberta aparece normalmente desplazada de esta propuesta, puesto que su acceso a la manumisión se garantiza a través de «performance of traditional feminine roles, such as wife, mother, caregiver, more than on material or financial production».²⁶

En conjunto, este tipo de planteamientos se alejan de investigaciones que han defendido la capacidad productiva de las mujeres en tiempos republicanos:

23 Rubiera Cancelas 2015: 13.

24 Sobre este tema han de considerarse los comentarios al *Edicto de los Ediles Curules*: Ulp. *Dig.* 21.1; Ulp. *Dig.* 21.14; Paul. *Dig.* 21.1.15, Ulp. *Dig.* 21.1.14. *Vid.* también Gel. 4.2.2-11.

25 Huemoeller 2020: 127.

26 Perry 2013: 59. Este tipo de afirmaciones afectan al estudio de todo el género femenino en la sociedad romana: «Roman women were traditionally praised for their familial role, not for economic input» (Groen-Vallinga 2013: 297). La literatura nos ofrece esta imagen creada por una élite que, sin contradecir de forma absoluta una realidad social más amplia, resulta excesivamente reduccionista y esconde la activa participación femenina en la economía. Como bien señala la autora, no debemos comprometernos exclusivamente con el modelo, puesto que las mujeres que trabajaban para vivir no son citadas por norma en los textos (298).

por ejemplo, la llevada a cabo por Ulrike Roth sobre las explotaciones agrarias (2007), o bien las que se sirven de las categorías profesionales indicadas de forma específica en los testimonios epigráficos, principalmente de época imperial.²⁷ A ello sumamos otro tipo de fórmulas menos concretas. En primer lugar, nos remitimos a dos ejemplos de mujeres que fallecieron sin conseguir la libertad: Febe, esclava de Manilio (QAV-2001-42, *Opitergium*, I d.C.), y Alimma, recordada por su padre y su *conseruus*, con el consentimiento del *dominus* (CIL 10, 26, Locri Epizephyrii, I-II d.C.). Ambos epitafios contienen una mención presumiblemente asociada a su vida laboral. Alimma sirvió con *summa disciplina*,²⁸ mientras que Febe mereció *officiis praemia*. Desgraciadamente, lo que hicieron para ser recordadas con estas palabras se mantendrá oculto, porque en ambos casos parece más importante no señalar la labor concreta, sino el significado del trabajo realizado; también existe la posibilidad de que encajasen en el rol de «multiempleadas», sin quehacer especializado.²⁹ Un último ejemplo, corresponde a una inscripción funeraria dedicada a una liberta, Salustia Rufa, *quae semper meritis praestitit officia* (CIL 14, 3838, Tibur, I d.C.); es decir, de nuevo se la recuerda en atención a los servicios prestados.

Al considerar secundario el trabajo productivo, se da mayor protagonismo a la relación propietario-esclava como una de las claves para adquirir la libertad. De esta manera, resulta frecuente proponer que las *seruae* consiguen la manumisión como compañeras sexuales de sus propietarios,³⁰ mediante la prostitución o gracias al matrimonio.³¹ Desde este prisma, el trabajo de las

27 Le Gall 1969; Treggiari 1976 y 1979a; Kampen 1981 y 1993; Joshel 1992; Kleijwegt 2012: 118-121; Groen-Vallinga 2013: 304-309.

28 *Disciplina* se traduce como entrenamiento, instrucción y estudio (*Oxford Latin Dictionary*), si bien autores como Jane Gardner and Thomas Wiedemann interpretan esta palabra como autocontrol (1991: 66). Nuestra propuesta es que los dedicantes intentaron mostrarla más como una esclava cualificada, que como una *serua* obediente.

29 En la literatura contamos con ejemplos de este tipo de esclavas. Quizá el caso más claro lo personifica Fotis, en las *Metamorfosis* de Apuleyo.

30 Weiler se centra muy principalmente en el sexo como algo que canjeaban las esclavas a cambio de su libertad (2001). Resulta llamativo que este mismo argumento se ignore para explicar la manumisión masculina, teniendo en cuenta que los propietarios también tenían relaciones sexuales con los esclavos.

31 Roth 2010: 93. Sobre la manumisión por matrimonio *vid.* Wacke 2001. Ha sido muy discutida su conclusión en torno a cómo el casamiento entre esclavas y propietarios estaba basado en el afecto (139), contribuyendo así a crear una suerte de ficción romántica que difumina la desigualdad existente entre los dos sujetos. Quizá el ejemplo de Acte, quien abandona a su patrono-marido por otro hombre, lo que le cuesta una especie de *damnatio memoriae* en el monumento funerario de su hija, podría servirnos para desmitificar este tipo

mujeres se entiende como menos valioso, destacando principalmente por su valor reproductivo y sexual, lo que habría dado lugar a que se manumitiesen antes e, incluso, a que formalizasen relaciones a largo plazo con sus homólogos.³² Así, se da por hecho la escasa o nula capacidad que ellas tenían para generar el *peculium* con el que negociar su libertad.³³ Esta línea de pensamiento ignora que el trabajo y la capacidad productiva no se demuestran exclusivamente en atención a un salario o, en este caso, a un peculio.³⁴ Por ejemplo, Susan Treggiari señala que el trabajo en el espacio doméstico habría llamado la atención de los propietarios, viéndose recompensado sin alusión a una abul-

de relaciones (*CIL* 6, 20905, Roma, I d.C.). Justamente, la epigrafía, junto con la literatura jurídica, han resultado de gran utilidad para rastrearlas (Huemoeller 2020: 7-12 para lo primero, 12-14 para lo segundo). También Glenys Davies se sirve de la epigrafía funeraria para analizar el matrimonio de las libertas (2010). Además, en este trabajo, la autora selecciona testimonios con algún tipo de iconografía, con el objetivo de identificar el gusto por determinadas imágenes en la representación del matrimonio entre personas de distinto estatus. A este respecto, la investigación doctoral de Tatjana Sandon, *Freedwomen in the Roman World: The Evidence of the Latin Inscriptions* (2017), se convierte en un gran aporte. Además de la unión con los propietarios —para ella no tan común como podemos pensar, al menos en atención a los restos epigráficos—, pone el foco en el matrimonio con otros libertos, así como en el mantenimiento de las relaciones con aquellas personas que no habían sido liberadas. Igualmente, insiste en las estrategias de los matrimonios exogámicos con el fin de obtener conexiones entre las distintas familias, concluyendo que la unión marital excede la opinión individual.

32 Perry 2014: 49; 59. La capacidad reproductora de las esclavas resulta muy visible en todas las fuentes disponibles, del mismo modo que la maternidad para las mujeres libres. Sin embargo, hoy, tras décadas de investigación de Historia de las Mujeres y Estudios de Género, no concluimos que ninguno de los dos grupos se dedicase exclusivamente a ser madres; si acaso, podría permitírsele una minoría. Además, descartar la capacidad productiva de las esclavas y libertas más allá de quienes trabajan al servicio de su *domina*, sólo en atención a la literatura, parece una postura arriesgada, puesto que esta fuente esconde una gran cantidad de negocios o ambientes laborales que sí conocemos gracias a otros testimonios. Como ejemplo, mencionamos a las *ornatrices* de *uicus longus* (*A Epig.* 2000, 65, Roma, 1-30 d.C.), *Nostia Daphne* y *Nostia Cleopatra*, quienes aparentemente comparten espacio de trabajo con el *aurifex Marcus Nerius Quadratus*. Con este testimonio reflexionamos sobre cómo una ocupación que tradicionalmente asociamos al ámbito doméstico, no tiene necesariamente que desarrollarse en él (Groen-Vallinga 2013: 308). Este ejemplo junto con otros como el de *Casia Domestica* nos permiten, además, acercarnos a libertas a la cabeza de un negocio, en el caso de esta última, de lino (*CIL* 5, 5923, *Mediolanum*, I d.C.).

33 Téngase en cuenta, en atención a las disposiciones imperiales, que el peculio no siempre se entrega (Roth 2010: 94-99).

34 Se impone la cautela que anuncia Henrik Mouritsen, quien concluye que nuestra estricta lógica económica (muy apoyada en las teorías que se desarrollan a partir del siglo XIX) no siempre funciona en el análisis de la manumisión (2011a: 196).

tada contrapartida.³⁵ Precisamente, este ámbito se concibe hoy como un lugar de trabajo (relacionado a su vez con el mercado) en el que habita la familia, que asimismo definimos como «económica», es decir, una unidad de producción y de consumo.³⁶

Las escasas menciones al peculio en femenino también han servido para sembrar dudas sobre la posibilidad de que las mujeres pudieran generarlo. Sin embargo, los silencios no han de traducirse por inexistencia, como recuerda Ulrike Roth en la reseña que hace a la obra de Matthew Perry (2014). En la literatura jurídica encontramos un par de alusiones al mismo: Ulp. *Dig.* 3.5.13(14). pr. y Gai. *Dig.* 15.1.27. pr. En el último se cita de forma directa a *sarcinatrices, textrices* y a quienes ejercían *artificium uulgare*. Por lo tanto, la posibilidad de formarlo se asocia a un sector, el textil, altamente feminizado y suficientemente atestiguado.³⁷ Además de estas referencias, quisiéramos recoger otras dos. En la primera de ellas aparece una esclava que entrega a su compañero una suerte de dote que, entendemos, derivaría de su peculio (Ulp. *Dig.* 23.3.39). Asimismo, en Proc. *Dig.* 23.3.67, se presenta el caso de una *serua* que engaña a un hombre libre al que ofrece una dote para casarse con él; de nuevo, intuimos que derivaría de ahorros personales. A lo citado, debemos añadir otras alusiones en masculino que, debido al carácter androcéntrico de las fuentes, podrían incluirlas a ellas, como se indica en los textos jurídicos.³⁸

Valorar la capacidad productiva de las mujeres no significa desechar la importancia de las relaciones personales para obtener la manumisión. En la literatura, contamos con menciones notables como la relativa a la esclava favorita de Escipión el Africano, que fue liberada a la muerte de este (desconocemos el modo) para casarse con un liberto de la familia (Val. Max. 4.7.1). Igualmente, en el contexto de las guerras civiles y las persecuciones encontramos otro ejemplo, el de una esclava que como recompensa a la fidelidad hacia su *dominus* recibió la libertad (ignoramos la forma), y una dote para contraer matrimonio. A pesar de ello, aparece como una mujer depravada, puesto que

35 Treggiari 1979b: 191.

36 Groen-Vallinga 2013: 301.

37 Sin ignorar el impacto del género, no podemos depositar exclusivamente sobre él las posibilidades de obtener la libertad: «or the variety of different niches and statuses that individuals would have carved out for themselves, depending on opportunity, ability, age, gender and much else» (Roth 2010: 118).

38 Jul. *Dig.* 23.62; Mod. *Dig.* 23.81. pr; Ulp. *Dig.* 50.16.40.1; Mod. *Dig.* 50.16.101.3.

después traiciona a su patrono, fruto de los celos (Apiano, *BC* 4.24).³⁹ Casos como estos demuestran que las relaciones personales fueron relevantes para las mujeres en la obtención de la manumisión. Cabría preguntarse, ¿mucho más que para los varones? ¿Verdaderamente consideramos el acceso a la libertad sin mediar relación personal alguna? ¿La propuesta del esclavo dependiente de sí mismo y autónomo, en contraposición a la esclava, responde a un prejuicio historiográfico y a una lectura poco crítica de las fuentes?

Tanto ellos como ellas necesitaron de lazos personales: esos que se señalan con frecuencia para justificar un mayor porcentaje de manumisión en la *familia urbana*, respecto a la *rustica*.⁴⁰ En cualquier caso, considerar su contexto relacional no ha de resultar óbice para negar la capacidad productiva de las esclavas/libertas, evitando así el mantenimiento de postulados pasados que ponían en tela de juicio su contribución económica a los distintos sectores de la sociedad romana. Con todo, retornamos a las palabras de Ulrike Roth sobre los motivos que han de tenerse en cuenta para explicar la manumisión de una persona: habilidad, formación, género y oportunidad, entre otros; todo ello inmerso en un ambiente relacional heterogéneo desde el punto de vista de las identidades.⁴¹

2. Lo que ellas obtienen

Una esclava podía alcanzar la libertad y también la condición ciudadana a través de los tres modos formales de manumisión, lo que nos lleva a la discusión sobre ciudadanía femenina. Resulta imperativo dirigirse a textos fundamentales como *Le métier de citoyen dans la Rome républicain* (Claude Nicolet 1976), en el que la ciudadanía responde a la participación directa en el ejército y en las asambleas, lo que deja fuera a las mujeres. Frente a este postulado, se propone la ciudadanía romana como una experiencia compartida de estatus, identidad, derechos, normas y comportamientos. Así, estaría amparada bajo el

39 Perry 2014 se sirve de este ejemplo para presentar a las mujeres siempre como dependientes de los hombres, en la línea de lo propuesto por Keith Hopkins en 1978, quien sugería además la asistencia de sus compañeros varones en el pago de la manumisión (168).

40 López Barja de Quiroga 2012: 66. Para Marc Kleijwegt, puesto que la manumisión depende siempre del propietario, esto generaba un proceso de ansiedad (Kleijwegt 2012: 113) que podía tornarse en violencia sobre este, en caso de que no cumplierse su promesa (*Ann.* 14.42.1).

41 Ver nota 37.

ius ciuile (derecho propio y exclusivo del ciudadano y la ciudadana), que regulaba las relaciones personales, familiares y patrimoniales, además de los conflictos derivados.⁴² Desde este posicionamiento, se desligaría del concepto moderno de ciudadanía, asociada a un país específico, junto con el derecho al voto.⁴³ Obviamente, en ningún momento de la historia de Roma la situación de las mujeres y los hombres fue la misma, ni dentro de un grupo social, ni de un estatus legal; la condición ciudadana no iba a ser una excepción.

A pesar de la discusión existente y de su complejidad, el concepto *ciuis romana* está presente en las fuentes desde el periodo republicano.⁴⁴ En este sentido, y puesto que las libertas constituyen nuestro objeto de estudio, rastreamos algunos ejemplos disponibles. El primero de ellos, nos lleva a las *Comedias* de Plauto, que dan fe de las primeras menciones a la manumisión femenina en la literatura. En concreto en el *Persa*, escrita en torno al año 191 a.C., contamos con una cita lo suficientemente conocida en donde se menciona la liberación de una joven: *Sumne probus, sum lepidus ciuis, qui Atticam hodie ciuitatem / maximam maiorem feci atque auxi ciui femina?* (475).⁴⁵ Por la descripción de la escena, se trataría de una manumisión formal que habría dado lugar a la ciudadanía. Todo ello, si seguimos las indicaciones de Varrón, quien confirma que el pretor completaba el acto de *manumissio uindicta* (*Lingua Latina* 6.30). A diferencia de este relato, en otros textos el comediógrafo simplemente describe escenas en las que un hombre compra a una mujer y le da la libertad.⁴⁶ En estos casos, la narración parece anunciar un acto informal, aunque no es posible confirmarlo. Precisamente, respecto al modo de manumisión, se ha planteado que las esclavas sólo habrían tenido acceso a dos tipos, quedando excluidas de la *manumissio censu*.⁴⁷ De igual modo, Matthew Perry propone, teniendo en cuenta la imagen

42 Lázaro Guillamón 2021: 120.

43 Chatelard 2016: 26.

44 Peppe 2016: 27-100.

45 «A ver, señores, ¿no soy un buen ciudadano, un ciudadano de perlas, por haber acrecentado aún más la ciudad de Atenas al enriquecerla con una nueva ciudadana?». Se ha señalado que la clave del humor de la escena se encontraría en que se tratase de una esclava prostituta, que en términos de moralidad se convierte en la antítesis de la ciudadana. Esta mácula permanece en tiempos imperiales, pues Ulpiano manifiesta que no ha de perjudicar a la fama de una mujer haberse dedicado a la prostitución cuando era esclava (*Dig.* 3.2.24).

46 *Vid. Mos.* 1139-1140, *Epid.* 244-245; 465-466, *Cur.* 580-582. Roberta Stewart sugiere que los ejemplos de manumisiones en Plauto son reflejo de una época en la que la población esclava accedía a ellas rápidamente (2012: 131).

47 Gardner 1987: 222; Perry 2014: 60. Jane Gardner considera que la *manumissio censu* sólo era de utilidad para los esclavos, teniendo en cuenta que la declaración ante el censor la

que nos proyecta la élite sobre la división sexual del trabajo, que la asistencia personal y la cercanía a la familia las habría hecho suficientemente visibles como para ganar la libertad, acudiendo en mayor medida a las manumisiones informales, si bien es cierto, en la actualidad no tenemos información suficientemente representativa para aclarar esta cuestión.

Más allá de la asociación de la palabra *ciuis romana* a las libertas, queremos reflexionar sobre su vinculación al ámbito político y militar, al que Nicolet ligaba la ciudadanía. Obviamente, lo hacía en términos directos y a través de acciones muy concretas: quien vota (*ius suffragii*) y empuña un arma. Sin embargo, reducir la política romana al mero ejercicio del voto resulta excesivamente simplista; del mismo modo que ignorar todas aquellas actuaciones que contribuyen a la victoria en el campo de batalla. Así, la participación política de las mujeres de la élite en la última etapa republicana está suficientemente atestiguada (como se comprueba a lo largo de algunos de los capítulos de este libro),⁴⁸ tanto en ambientes privados como públicos, haciendo gala de sus influencias, más allá de su instrumentalización al servicio de los intereses políticos de los varones.⁴⁹ No existe duda sobre la participación de las mujeres en estos términos, debido a la *auctoritas* de la que disfrutaban,⁵⁰ sirviéndose de sus conexiones personales, lo que se tradujo en la progresiva recepción de honores: funerales públicos,⁵¹ estatuas o dedicación de elementos arquitectónicos. Cabe preguntarse si las libertas de estas familias aristocráticas vivirían ajenas a este ambiente o si, por el contrario, serían de utilidad como parte de esa clientela tan relevante para fomentar amistades políticas y obtener apoyos, del modo en que esclavos y libertos son mencionados, por ejemplo, en el *Commentariolum petitionis* (17; 29). De igual forma, acercándonos ya no a los espacios de la élite, sino a los del pueblo, parece pertinente pensar en la presencia de estas mujeres en las asambleas en las que se discuten públicamente

hace el *paterfamilias* (1986: 222). Otros investigadores, como Pedro López Barja de Quiroga, no comparten esta opinión, puesto que entiende que el censo debía incluir a todos los ciudadanos, entre ellos, a las libertas (2007: 31).

48 A este respecto, citamos una publicación reciente, Webb 2022, en la que el autor evalúa las estrategias de intervención femenina, a nivel formal e informal, dentro y fuera de la *domus*. Defiende que figuras como la de Servilia, Terencia u Hortensia son ejemplos de una larga tradición de mujeres comprometidas con la política.

49 En Castán Pérez-Gómez 2020: 562-578, leemos sobre un elevado número de casos que sirven para sostener lo comentado.

50 Treggiari 2007: 279.

51 Hemelrijk 2015: 320-329.

los asuntos políticos romanos (*contiones*). La queja de Valerio Máximo sobre la participación femenina en este tipo de encuentros invita a pensar que efectivamente así fuese (3.8.6). Una política imbricada con lo religioso, lo que nos conduce a un singular caso ubicado en el siglo II a.C., el de Hispala Faecenia, una liberta recompensada con algunos privilegios gracias a su servicio a Roma en la denuncia del episodio de Bacanalía (Liv. 39.19.5).⁵²

Precisamente, en la literatura, contamos con casos que se circunscriben a la República en los que las libertas actúan *pro populo* mediante la participación religiosa.⁵³ En el año 217 a.C., ante el inminente avance de Aníbal, se pidió a las matronas que hiciesen un voto a Juno Regina y a las libertas que lo dirigiesen a Feronia, divinidad particularmente popular entre su grupo (Liv. 22.1.18). También Macrobio remite a la guerra púnica con el objetivo de explicar el momento en que los hijos de los libertos adquirieron el honor de portar la *toga praetexta*. Menciona cómo las libertas que hubieron de contribuir al pago de un lectisternio hicieron uso del *uestis longa* (1.6.13), piel social que evocaba a la *pudicitia* y que enlazaba con las matronas. Concluye que, gracias a este evento, los que naciesen de esposa legítima –por lo tanto, ciudadana– podrían portar la prenda citada. En relación a este tipo de episodios, Celia Schultz aprecia una contraposición dentro de las descripciones literarias, puesto que se diferencia entre las matronas y otras mujeres, en este caso libertas.⁵⁴ Más allá de esta circunstancia, nos interesa la proyección que tienen como partícipes dentro de la comunidad, en un momento crítico desde el punto de vista político y militar.⁵⁵ Por esta razón, su participación en rituales o celebraciones religiosas habría sido vital, sin obviar que el estatus legal, marital y la consideración social determinaron la oportunidad y el modo en que podían hacerlo.⁵⁶ A diferencia de los varones, ellas no tomaron decisiones directas en la esfera política, ni portaron

52 En el relato de Tito Livio se refleja el estigma asociado a la esclavitud que arrastrarían las mujeres libertas, y que con frecuencia aparece en la literatura.

53 Chatelard 2016: 39-42.

54 Esta diferenciación se aprecia en la construcción de una figura estereotipada en torno a las libertas. Así, en lo literario se las describe frecuentemente como promiscuas y cuya conducta sexual excede lo normativo (Perry 2014: 141). Esto enlaza con una visión elitista que proyecta conductas marginales, siempre en atención al modelo cultural dominante, sobre aquellas que arrastraban un pasado servil.

55 La participación de las ciudadanas en favor de los ciudadanos no sólo se produce en tiempos de crisis. Las palabras de Cicerón sobre la organización del culto de Ceres son un buen ejemplo de las mujeres ciudadanas actuando *pro populo* (Balb. 55).

56 Schultz 2006: 147. Esta investigadora señala cómo, en general, las esclavas fueron excluidas de las *Matralias*, teniendo la única función de entrar al templo para ser expulsadas a golpes. Sí participan, por ejemplo, en otro tipo de celebraciones, como las *Nonae Caprotinae*.

armas; pero como integrantes del conjunto ciudadano, participaron haciendo uso de los itinerarios alternativos creados para las mujeres.

3. De esclava a ¿ciudadana?

El testimonio de una transición a finales de la República

Terminamos esta contribución con un monumento funerario hallado en la ciudad de Minturno, datado en la última mitad del siglo I a.C., muy posiblemente en época de César.⁵⁷ A diferencia de otros, este *carmen* epigráfico nos da la oportunidad de observar en detalle el cambio de estatus legal y la promoción social de *Larcia Horaea*.⁵⁸

P(ublius) Larcus P(ubli) l(ibertus)
 Neicia,
 Saufeia A(uli) l(iberta)
 Thalea,
 L(ucius) Larcus P(ubli) f(ilius)
 Rufus,
 P(ublius) Larcus P(ubli) f(ilius)
 Brocchus,
 Larcia P(ubli) ((mulieris)) l(iberta)
 Horaea.
 Boneis probata inveisā sum a nulla proba,
 fui parens domineis senibus, huic autem opsequens,
 ita leibertate illei me, hic me decoraat stola;
 a pupula annos veiginti optinui domum
 omnem supremus fecit iudicium dies,
 mors animam eripuit non veitae ornatum apstulis.
 L(ucius) Eprius Chilo viat(or) tr(ibunorum) pl(ebis) [E]pria Cri[---].⁵⁹

Sobre la finalidad social de esta fiesta, y su uso para normalizar la violencia contra los cuerpos femeninos serviles, *vid.* Rubiera Cancelas 2020.

⁵⁷ Sparagna 2017: 589.

⁵⁸ Puesto que citamos Minturno, aprovechamos para mencionar la relevante muestra de libertas y esclavas ejerciendo como *magistrae* y *ministrae* (100-50 a.C.) (*CIL* 1, 2685, 1, 2680, 1, 2681, 1, 2686, 1, 2688, 1, 2694, 1, 2708). Además de en el estudio de Jotham Johnson 1933, aparecen recogidas en Westermann, 1955: 78; Pousen 1950: 82; Hopkins 1981: 117. En cuanto a la definición de ambos términos: «*magistra* is a woman in charge, female chief or superintendent; a high priestess» (*Oxford Latin Dictionary*). Por el contrario: «*ministra* performs serving, helping, ministering» (*Oxford Latin Dictionary*). Nos sirven estos ejemplos para señalar la participación religiosa de ambos grupos de mujeres, y como aval de la distinción que Celia Schultz aprecia en lo literario, pues en Minturno se percibe un orden de relación en la nómina de *magistrae* y *ministrae* que responde al estatus (Schultz 2006: 74).

⁵⁹ *Epigraphic Database Rome*, responsables de la ficha epigráfica: Daniele de Meo, Sara Sparagna y Fabiola Verrec. Esta pieza ha sido descrita recientemente en Morelli 2020.

La lectura del epitafio permite suponer que *Larcia Horaea* fuese liberta de las dos primeras personas en la lista y mujer del tercero.⁶⁰ La singularidad de este texto epigráfico responde a que nos presenta un recorrido vital femenino, a modo de *cursus honorum*, en el que se perciben elementos típicos de los *elogia* aristocráticos.⁶¹ Sin embargo, no sólo resulta de interés el cambio de estatus legal, sino la información complementaria. En primer lugar, nos encontramos ante una mujer que experimentó la esclavitud siendo niña; que obtiene la libertad gracias a su buen comportamiento; y, por último, que se presenta como una persona honorable. El epitafio busca dotar de dignidad a *Larcia Horaea* y para ello se recurre a la exaltación de su persona a través de la asunción de la *stola*; es decir, de la transformación en matrona.⁶² Así, se resalta la virtud de una ex-esclava insistiendo en la *probitas* (honestidad), que la distingue entre las mujeres.⁶³ Una liberta, cuya memoria se construye sin olvidar el pasado servil, pero haciendo hincapié en su conversión en una *matrona stolata*.

Este epígrafe resulta un buen ejemplo para comprender la transición: una *serua* que, una vez libre, encarna un modelo de feminidad que en su etapa servil había sido inalcanzable. Quizá nos encontramos ante un testimonio de lo que Henrik Mouritsen denominó la *macula seruitutis*, para hacer referencia al aparente estigma que portaban quienes habían tenido un pasado servil, y que les situaba transicionalmente en una posición liminal entre la población esclava y la ciudadana. Se demuestra que la metamorfosis no sólo consistía en el cambio de un estatus legal a otro, sino que este iba acompañado de un có-

Traducción: «Publio Larcio Nicia, liberto de Publio; Saufeia Talea, liberta de Aulo; Lucio Larcio Rufo, hijo de Publio; Publio Larcio Brocco, hijo de Publio; Larcia Horaea, liberta de Publio y su mujer. Estimada por las gentes de bien, no he sido mal vista por ninguna mujer de ley. Fui obediente con los viejos patronos y complaciente con éste. Por lo que aquéllos me honraron con la libertad y éste con una túnica de matrona. Desde niña y durante veinte años cuidé de toda la casa. El día final administró justicia y la muerte me arrebató el alma, pero no pudo quitarle dignidad a mi vida. Lucio Eprio Chilo, asistente de los tribunales de la plebe, Epria Cri[...]». Para la parte central del *carmen* nos servimos de la propuesta de Fernández Martínez 1998: 109.

60 Dillon y Garland 2005: 295.

61 Sparagna 2017: 590; Morelli 2020: 64.

62 Festo recuerda que la matrona es la mujer que tiene derecho a vestir esta prenda: *stolas habendi ius* (112L).

63 Para Perry 2014 el matrimonio crea un puente hacia la dignidad: convertida en *materfamilias* es merecedora de la ciudadanía romana, circunstancia que podría coincidir con la inscripción que estamos viendo.

digo de conducta y unos valores, o al menos la expectativa de los mismos. Si Matthew Perry se preguntaba: «how is possible for a sexualized woman to recover her chastity, sexual virtue, and respectability?»,⁶⁴ el epitafio de *Larcia Horaea* parece darnos la respuesta. Las libertas tenían la oportunidad de alcanzar la respetabilidad exigible a las matronas y ciudadanas y esto se habría fraguado a lo largo de la República.⁶⁵

Si bien no es posible conocer con certeza el modo en que *Larcia Horaea* consigue la libertad, la mención expresa que la sitúa en el modelo de feminidad hegemónica nos permite concluir que la ciudadanía va acompañada de un comportamiento -y una respetabilidad- que queda personificado en la figura de la matrona.⁶⁶ El epitafio parece responder en parte a lo que refleja la literatura y, a su vez, a lo que se exige a la ciudadana.⁶⁷ Constituye el intento de presentar a una mujer que, sin renunciar al pasado, construye su memoria impregnada de un discurso hegemónico: un testimonio único sobre la negociación de un cambio de identidad. De esta forma, queda como testigo de la mutación de un estatus legal a otro, sin desligarse de las repercusiones sociales en atención a un modelo de género, ahora accesible, pues no hemos de olvidar que ese arquetipo se construye por parte del grupo ciudadano, sin tener en cuenta a las féminas ajenas al mismo, si bien creando expectativas para ellas. A través de la vida de esta liberta, materializamos la de otras que en el momento en que consiguieron la ciudadanía, pasaron a formar parte de un «selecto club» protegidas por el *ius ciuile*, y a las que se exigía participación para beneficio de la comunidad cívica, sin olvidar un comportamiento acorde a su nueva condición jurídica.

64 Perry 2014: 129.

65 En cualquier caso, no ignoramos la distinta percepción de estas mujeres respecto a quienes habían nacido libres —y no habían experimentado la esclavitud—, lo que tendrá consecuencias en las leyes que se aprueben a lo largo del alto Imperio (Perry 2014: 135-138).

66 Esto se deduce de la cita de Dionisio de Halicarnaso en su relato sobre la manumisión en Roma. El historiador recoge la propuesta de que se averiguase si los libertos eran dignos de la ciudadanía (4.24.7-8).

67 Esta reflexión parte del estigma que se reproduce en la literatura y que nos muestra una visión elitista. Del mismo modo que sobre los libertos se construye la imagen de avaricioso, ellas son descritas como prostitutas. A este respecto, contamos con el análisis de las libertas en el *Satiricón*, quienes fluctúan entre su anterior estatus y su nueva situación, víctimas de constantes ataques a lo largo de toda la obra, recordándoles su accesibilidad sexual cuando carecían de libertad (Gloyn 2012: 261-264).

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WERE ROMAN WOMEN PART OF THE *POPULUS*?

Amy Russell

This volume, taken as a whole, demonstrates conclusively that Roman women were citizens. They were certainly legally *cives*; as Susan Treggiari shows, the phrase *civis Romanus* or *Romana* is rare in existing Latin texts, but one place it does occur is alongside *cives Romana* in discussions of *connubium*, the right to form legitimate marriage, and the citizenship status of children of mixed marriages.¹ The status of being a *civis*, then, is one that is not only available to women but in fact fundamentally linked to women and the relationships they have with men. What became clear in our discussions in Seville, however, is that our search was not merely for a ‘yes’ or ‘no’; rather, we must examine the relationship women had to various aspects of being a citizen. Being a legal *civis* in the context of marriage and reproduction is only a tiny part of what is often called ‘thick citizenship’, the full range of relationships an individual holds (or is denied) with the political, economic, and social life of the community.² Women, and indeed all non-normative (-elite, -male, -cis, -able-bodied, etc.) citizens, experienced a version of citizenship which was different from that of men, and which differed from woman to woman as their gender

1 Treggiari in this volume.

2 The analysis of multiple dimensions of citizenship goes back to Marshall 2009 (originally published 1950); framing it as ‘thick’ (involving multiple dimensions of the relationship between the individual, the community, and the state, or ‘thin’ (primarily characterized by a legal relationship between state and individual) draws on the language of Geertz 1973 and can be traced to Tilly 1995. Rubenstein and Lenagh-Maguire 2014, esp. 28-30, have a good overview. For Roman female citizenship, the point is already made by Peppe 1984, 15-16.

intersected with other elements of their identity. These differences, in turn, can help us chart how the fluid, ill-defined concept of citizenship functioned, evolved, and was debated in Roman society as a whole.

One aspect of the political, legal, and institutional role of citizenship in Rome was the relationship an individual had to the *populus Romanus*, the collective entity that we can choose to translate as ‘the Roman People’, but which could in practice be something far more.³ Just as in the case of many other aspects of citizenship discussed in this volume, we do not have a single clear definition of the *populus* – and not because our sources are lacunose, but because there never was a single uncontested definition. As Claudia Moatti reminds us, our texts are not tricky clues, here for us to decipher in the quest for hidden truths about how Romans understood the concepts we study; rather, they are records of ongoing debates about what those concepts could or should be.⁴ The debates were sometimes tendentious, often rancorous, never resolved. And just as in the case of other aspects of citizenship, examining the relationship of women to the *populus* can help us tease out some of that entity’s oddities, gray areas, and contradictions, as well as helping us paint a picture of the varied inclusions and exclusions that formed a specifically female experience of citizenship.

Although the word *populus* could also be used to describe the masses, the sub-elite, in technical usages it comes closer to what Rousseau would call the Popular Will than the crowd. In its abstract form it was a singular, indivisible entity; it was the bearer of the sovereignty that was eventually handed over to the emperors; while as the protagonist of Roman politics, foreign affairs, and history, the bearer of *maiestas* and the owner of the *res publica*, it comes close to being the instantiation of the Roman state.⁵ Yet in everyday life the *populus* was defined, understood, and experienced via a set of institutions and experiences

3 Research on various roles of the *populus* in Republican politics includes Catalano 1970; Peppe 1990; Grilli 2005; Thommen 2008; Jehne 2014. For my own early work towards a full treatment of the *populus* as an institution, see Russell 2019, 2020, forthcoming.

4 Moatti 2011.

5 Singular and indivisible, bearer of the Popular Will: Russell 2019. Sovereignty: Russell forthcoming, and see e.g. *Dig.* 1.4.1*pr* = Ulpian 1 fr. 1916 and *Lex de imperio Vespasiani* = CIL 6.930, clause VIII; for various analyses, Arena 2016; Hammer 2022, but note also Ando 2013 on the potential danger of retrojecting the assumptions of these imperial-period sources. *Populus* as state: Mommsen 1887 3.1 1: 300 is categorical, but see also Peppe 1990, and Bleicken 1975: 28-32 in strong disagreement; my own pragmatic take is Russell 2020.

that could not be otherwise than a gathering of individuals: the audience at the *contio* or the games, the electorate, the army, the taxpayers, the people counted by the census. The abstract, unitary *populus* existed in constant tension with these institutions and experiences, elements of Roman life much more closely tied to the real groups of people who functioned as the *populus* in practice.⁶ If we want to know who belongs and who does not belong to the *populus*, we must look at these institutions and their attempts to count the uncountable.

TABLE 4.1
POPULUS

<i>Institutional practices</i>	<i>Lived experiences</i>	<i>Abstract concepts</i>
<ul style="list-style-type: none"> • Census • Voting: <i>populus</i> = electorate? • Taxation: <i>populus</i> = taxpayer base? • Levy: <i>populus</i> = recruitment base? 	<ul style="list-style-type: none"> • Watching/participating in political and religious activity: <i>populus</i> = crowd • Military service: <i>populus</i> = army 	<ul style="list-style-type: none"> • <i>Populus</i> = “state” • Protagonist of Roman politics • Protagonist of Roman history • Owner of the <i>res publica populi Romani</i> • Bearer of <i>maiestas</i>

In the table I lay out some of the places I have looked for the *populus*, in its abstractions and its concrete instantiations. Each list could be multiplied, and I have not included lived experiences in the religious sphere, many of which are treated elsewhere in this volume. The most obvious mode of enumerating the

6 Peppe 1990: 313 discusses, and Bleicken 1975: 28-32 implies, a distinction between *populus als Volksversammlung* and *populus als Staat*. Peppe’s notes take us into the nineteenth-century legal theory of Rubino and Savigny, both of whom are more concerned with the problem of how to reconcile an abstract Volk as the bearer of popular sovereignty and popular will with its concrete form as the entire population. Savigny 1840: 30-31 in particular notes that the position of women, who are clearly part of the population but who do not participate in the political institutions of the state, demonstrates the incommensurability of the two, a point taken up sensitively for Rome by Peppe 1984: 1-5; in fact, both the population and the political institutions that allow some citizens to wield power in practice are poor proxies for a much larger absolute sense of what the *Volk als Staat* can be. In the case of Republican Rome, however, there are no real indications that the *populus* should be equivalent to a group of people encompassing the entire population; the *Volksversammlung/Staat* distinction is still vital, but focused much more concretely on how the citizens gathered for a literal assembly do or do not equate exactly to the abstract *populus*.

membership of the *populus* was, of course, the census. Individuals were also counted when they cast their votes (though the *populus* was far larger than the electorate on any given occasion), when they registered for military service at the levy, and when (at least notionally) they paid their taxes. Each of these institutions might expect to generate some kind of logic of which individuals were included and which were not.

Moving into the realm of lived experience, as well as being counted in the *comitia*, the *populus* is the unenumerated crowd in the Forum, at *contiones* and even in the *corona* of a trial. It is also the army; in *comitia* Roman citizens assembled in their centuries, recalling army divisions. Indeed, as has often been noted, ‘army’ may be the earliest meaning of the term, as testified to by the archaic word *populor*, meaning to raid or ravage, and the dictator’s title *magister populi*, to match the *magister equitum* commanding the cavalry.⁷ Army service may well be where many ordinary Republican Romans learned how to perform their citizenship.⁸

In the following sections I will explore the relationship women had first to the *populus* as abstract concept, and then to the various institutions that served as proxies for it in practice and the lived experiences that determined individual Roman’s sense of belonging to it. Although it might seem, on first glance, that the abstract and depersonalized version of the *populus* might be the one more capable of conceptual flexibility and the inclusion of women, it is the practical instantiations of the *populus* that turn out to be more capacious.

1. The abstract *populus*

It is easy enough to find passages in our ancient texts that position Roman women as outside the *populus*, or even as the opposite of or counterpoint to the *populus*. Cicero’s description of the reception of the black stone of the Magna Mater in 204 BCE provides an indicative example:

quae vir is accepit qui est optimus populi Romani iudicatus, P. Scipio, femina autem quae matronarum castissima putabatur, Q. Claudia (Har. resp. 27).

“It was accepted by the man who was judged the best of the *populus Romanus*, Publius Scipio, and the woman who was thought to be the most virtuous of the *matronae*, Quinta Claudia.”

7 Momigliano 1969.

8 On the practices of democracy and military service, see Taylor 2018.

Women appear here as a vital part of the Roman community, but one which is complementary to, rather than a subset of, the *populus Romanus*. The *populus* provides its best *vir*, the *matronae* their best *femina*.⁹ This division of the community into, precisely, *populus* and *matronae* recurs in Livy. In 207 BCE, while waiting for news of the outcome of the battle of the Metaurus, he writes, no senator left the curia nor did the *populus* leave the forum, while the *matronae*, because they could be no help (*quia nihil in ipsis opus erit*), wandered through the city beseeching the gods at every shrine (Livy 27.50).¹⁰ The relationship drawn between the *populus* and the forum foregrounds its political definition and role, one with which the *matronae* cannot help. The *populus/matronae* pairing seems to have been one natural way of referring to the different religious roles of the two halves of Rome's population, especially in moments of crisis when the entire community must do their part; for our purposes, what matters is that it positions women as distinctively separate from the *populus*.¹¹

Yet this cannot be the final word. After all, not all women were *matronae*, so the division *populus/matronae* is necessarily schematic and fairly specific to Livy.¹² It might not represent the full range of possible understandings of the *populus* and women's relationship to it. Remember, again, that we are not looking for a single stable definition, but sampling a constantly moving discourse. Our goal is to outline the limits of that discourse, the boundaries of the possible, and the patterns within it. When and how was it possible to think of women as being part of the *populus Romanus*?

One fundamental difference between the *matronae* and the *populus* in the Cicero and Livy passages above is that the *populus* is a singular noun, while *matronae* is plural. Recall that the abstraction that is the *populus* is generally considered as single and indivisible; despite the rationalizations of lawyers, it is not an aggregate created by summing together all its members,

9 On the *matronae*, see further Webb in this volume; though, as I discuss in the next few pages, the *matronae* are not constituted here as a singular institutional unit in exactly the same way as the *populus* is.

10 The spatial contrast between *populus* stationary in the Forum and *matronae* wandering through the streets (*vagae*, in both cases) recurs at 22.7.

11 Further examples in Livy: 22.7, 25.12.

12 Much later, the author of the *Historia Augusta* taxonomizes the community into *senatus*, *populus*, and *matronae* (Gallieni 16.6); but also senate, equestrians, *mulieres*, and slaves (Gallieni 8.1), and senate, equestrians, *mulieres*, and children (Alexander Severus 57.4).

but a monolithic entity with its own logic.¹³ There is no phrase we would translate as ‘member of the *populus*’, no text that attempts to enumerate it. We do see taxonomies of various status groups within the *populus*, as for example when Cicero claims that all *ordines* and age-groups gathered to vote for his recall (*Dom.* 90). Yet the *ordines* and age-groups themselves are depicted as unitary collectives rather than aggregates of individuals, and Cicero deploys them as a way to strengthen claims to consensus rather than to express diversity and difference.

In such taxonomies, women rarely feature. One exception proves the rule: Livy’s Hispala describes the crowd gathered for the Bacchanalia as *alterum iam prope populum* – ‘almost a second *populus*’, and adds *in his nobiles quosdam viros feminasque* – ‘within it there were some nobles, both men and women’ (Livy 39.13). The role of women in the cult was certainly a cause for concern; here, I take the phrasing Livy ascribes to Hispala as implying that this monstrous crowd is an anti-*populus*, one which subverts and threatens the standard version. It challenges not only the indivisible, monolithic nature of the *populus Romanus*, but also its singularity: this is another (an Other) *populus*, a concept so strange it must be hedged with *prope*, almost.¹⁴ In this moment, to this version of the *populus*, women are a threat.

Yet it is the monolithic indivisibility of the *populus* that also shows us how women can be included within it. With no well-defined way to enumerate its membership, the *populus* as abstract, unitary entity tends to be drawn exactly as the person drawing it wishes it to be. Again, our primary witness is Cicero: he is willing to define individuals and groups as within and without its boundaries based on the rhetorical needs of the moment. The most extended of his rhetorical taxonomizations of the *populus* comes at *In Catilinam* 4.14-16, where he claims that the goodwill of the *populus Romanus*

13 Gaius (*Inst.* 1.3), falling into the same trap identified by de Savigny (n.6 above), writes *populi appellatione universi cives significantur*. Plenty has been written on how exactly, in Roman legal theory, the individual *cives* are conceived of as forming a collective *populus*: as well as the works cited at n.3 above, see e.g. Orestano 1968, and ancient texts such as Sen. *Ep.* 102.6; Alfenus at *Dig.* 5.1.76; Pomponius at *Dig.* 41.3.30pr. Perhaps lawyers’ thought-experiments could imagine breaking down the *populus* into individuals; my point is that in everyday usage and practice, as represented by non-legal (and indeed the vast majority of legal) texts, the *populus* is monolithic and indivisible.

14 Elsewhere, references to a second or divided *populus* also portend disaster, the collapse of the conceptual foundations of Roman politics and community: Caes. *BCiv.* 1.35; Cic. *Rep.* 1.31. See further Russell 2019.

heartens him in this moment of danger. Over two full paragraphs, he goes on to list the groups who stand with him: all men of all *ordines*, types, and ages; the *equites*; the *tribuni aerarii* and *scribae*; the multitude, even the poorest; even freedmen. But there are two surprising entries on the list: he explicitly excludes those who supported the conspiracy, saying *neque in improborum civium sed in acerbissimorum hostium numero habendos puto* – ‘I do not think they should be numbered even among the most wicked *cives* but among our fiercest enemies’ (15); by contrast, he includes (some) enslaved people (those *qui modo tolerabili condicione sit servitutis* – ‘who have at least tolerable conditions of enslavement’, 16). Clearly, this is no legalistic enumeration of the membership of the *populus*, and it was not meant to be understood as such; but it shows that it was thinkable to draw the boundaries of that institution based on values and behaviour rather than any particular status of the individual, and to do so in ways that might change from one occasion to the next.

Cicero’s rhetoric demonstrates the flexibility of the abstract *populus*. As a unity, and not a list of individual members, its membership was undefined and undefinable. If it is thinkable to draw a *populus* that includes, or at least gestures at the inclusion of, noncitizens, could it also be thinkable to draw one that includes women? We should be looking for evidence of Romans defining women as inside or outside it based on other factors than the strictly legal.

The abstract *populus* was the protagonist of Roman history. Cato, in his *Origines*, defines his topic as the *populi Romani gesta* (FRH F1 = Pomp. *GL* 5.208), while Livy writes of the *res populi Romani*, and as befits a sort of group biography begins his discussion with the parentage of the *populus* from Mars (Liv. *praef.*). For both authors, the story thus described clearly includes women, who contribute to the growth and flourishing of Rome in ways large and small.¹⁵ Livy’s text is full of anecdotes and *exempla* involving women both virtuous and vicious, which in his didactic, exemplary mode of history must imply that his intended readership includes women; they, like men, are encouraged to choose what they want to imitate and what to avoid *tibi tuaeque rei publicae* – ‘for yourself and your *res publica*’ (Liv. *praef.*). As for Cato, we must turn again to Livy, who in the barnstorming speech he attributes to Lucius Valerius in favour of the repeal of the Oppian Law cites the Censor’s own published history:

15 For exemplary women in Livy, see Keegan 2021.

nam quid tandem novi matronae fecerunt, quod frequentes in causa ad se pertinente in publicum processerunt? nunquam ante hoc tempus in publico apparuerunt? tuas adversus te origines revolvam (Livy 34.5).

“But what new thing have the *matronae* done by turning out in public as a group for a question that is relevant to them? Have they never before appeared in public? I will turn your own *Origines* against you.”

Valerius proceeds to cite the Sabine women who stopped the battle between their fathers and husbands in the forum, the matrons who pleaded with Coriolanus, those who contributed funds to the recovery after the Gallic sack and others who did the same during the Second Punic War, and those who welcomed the Magna Mater to Rome. All these must have been prominent episodes in the *Origines*, well known to Livy, and they formed an integral part of the *populi Romani gesta*. From the perspective of literary historiography, the *populus* is the entire community, including women.

The role of the *populus* as the protagonist of Roman history derives from its role as the protagonist of politics. It was the *populus* that passed laws, declared wars, conquered new territories. Can we see a role for women in this version of the *populus*? Livy’s Valerius is, of course, responding to a speech in which Cato himself tries to set up a separation between women and politics. Given the prominence of Cato’s speech in the scholarship, it is worth pausing to remember that it fails, both in historical and literary terms, as the repeal passes and Valerius’ speech trumps Cato’s in every way. Yet it is not uncharacteristic of a strand of Roman thought that at least wishes to keep women far from the political sphere.¹⁶ A sly intervention into that discourse comes from the famous speech attributed to Hortensia by Appian:

τί δὲ ἐσφέρωμεν αἰ μίτε ἀρχῆς μίτε τιμῆς μίτε στρατηγίας μίτε τῆς πολιτείας ὅλως, τῆς ὑμῖν ἐς τοσοῦτον ἤδη κακοῦ περιμαχίτου, μετέχουσαι (App. *B Civ.* 4.33).

“Why should we pay taxes when we have no share in rule, nor honour, nor leadership, nor the whole *politeia* over which you fight over amongst yourselves with such bad results?”

Hortensia is arguing that women should not pay tax; *politeia* is not a stand-in for *populus* here (it maps better onto *res publica* – which is of course *res populi*), but the entire gist of her speech, including that women do not share in

16 Another *locus classicus* is Val. Max. 3.8.6: *quid feminae cum contione? si patrius mos servetur, nihil*. Peppé 1984: 42-8 also discusses the relationship between Cato’s arguments and Hortensia’s.

rule or honour or leadership, seems to me to echo elements of the political role of the *populus* as political actor. One obvious reading of this text is that women are not part of the political *populus*, and thus should not be taxed as if they are. Yet the words Appian attributes to Hortensia in the end demonstrate nothing so much as the flexibility of the concepts of Roman politics. She is arguing that women do not share in these elements, but the mere fact of making that argument demonstrates that it was thinkable that they might.

2. Institutions

I have suggested that the abstract *populus* is unitary and not defined in terms of its membership. Yet Rome did have institutions that attempted to deal with the relationship of the individual to the group. The question of how and why each of these was implicated in Roman concepts of the *populus* is far larger than can be tackled in a single chapter; what is important for my purposes is that each of them could, arguably, be seen as related to the *populus*, and thus provide further ways to approach the question of the boundaries of the thinkable concerning its membership. They are different from a second set of institutions and practices that define the community; rituals like a *supplicatio* or *iustitium*, for example, require certain behaviours from women just as much as from men, but they also require participation from enslaved people, children, perhaps even animals and things. The community they constitute is important, and highly relevant for concepts of thick citizenship; but it is not necessarily the same thing as the *populus*, the abstract protagonist of Rome's story.

When we consider these 'counting institutions' that gesture towards (but necessarily fail at) enumerating the *populus*, it becomes more possible to ask a yes/no question of whether any particular person belongs or does not. They therefore allow us to make arguments for and against the inclusion of women in more concrete terms. Many of them are considered elsewhere in this volume, so my treatment of each individual institution will be brief. It would be hard to make an argument that women could vote, and we have no evidence that women had a role in the levy. But the census, the institution that from a modern perspective seems most fundamental to how membership of the community could be defined and delineated in practical terms, is a different question.

For a description of how the process functioned, we can turn to Dionysius of Halicarnassus 4.15. In a description of Servius Tullius' process,

he notes that the king had reason to want to know the number of inhabitants of the city, explicitly including the women, and therefore instituted a custom in which each person should contribute a coin to the Paganalia. Men, women, and children contribute different coins, and the resulting heap gives the religious officials a count of the entire community and its demographics. But this is a count of the population, which we cannot assume is coextensive with the citizenry or the *populus*. Later in the same paragraph, however, Dionysius describes a practice that seems more influenced by the census itself of his own time. It involves a *viva voce* declaration, in which each Roman steps forward to list his property and place of residence. Part of the declaration includes naming his wife. The implication is that only men performed this ritualized act. Yet elsewhere there is some evidence that women could be counted; Livy, on two of the occasions on which he gives the census figures, lists the number of *capita* (heads) *praeter orbos orbasque* (3.3, 465 BCE), or *praeter <pupillos> pupillas et viduas* (*Per.* 39, 131 BCE) – both of which should be translated as something like ‘excluding widows and orphans’.¹⁷ The widows and orphans seem to get counted – if only to be excluded – because they do not have a male head of household to account for them.¹⁸

The census records of property determined liability for taxation. When Hortensia, quoted above, argued that women should not pay tax because they do not have a political role, she was only forced to do so because the triumvirs had decided that they should be taxed. And there were plenty of occasions on which women did pay tax;¹⁹ and a further argument for the inclusion of widows and orphans in the census rolls is that they were apparently required (at least in legendary imagination) to provide funds supporting the cavalry.²⁰ So if the tax base is one instance of the *populus*, it is thinkable that it could include women at least in some circumstances.

Attempts to approach the question of whether women were or were not considered part of the *populus* by examining what I have called the ‘counting institutions’, then, could go either way. Both Romans themselves and

17 *Pupillos* is Mommsen’s emendation; cf. Plut. *Publ.* 12.3.

18 Hin 2008: 201-203.

19 See Peppe 1984: 48-50; Rosillo-López in this volume.

20 Livy 1.43; cf. Cic. *Rep.* 2.36. Tan 2017: 121 n.10 points out that directing their contributions separately distinguishes them from the main group of taxpayers; but it still required keeping records of them.

scholars today have room to make arguments for including or not including them. What is more, each of these ways of trying to define the membership of the *populus* can also be challenged on its own terms. As institutions, they were small and insufficient. There were plenty of people who must have considered themselves part of the *populus* but who in practice never paid tax or voted or made a census declarations, perhaps because they lived in rural areas, were deliberately attempting to avoid taxation or military service, or were simply unmotivated. There were also people who were not adult male citizens who in practice did provide the money that went towards *tributum*. All these counting institutions are epiphenomena, best understood as consequences of the way the *populus* is understood rather than ways of defining it, even if they then circle round to affect its definition. They are fudges, necessary practical ways to account for who is and is not part of a group that itself is not conceived of in terms of membership. Yet it is precisely the ways in which they fail, the oddities and exceptions, that allow us to point to concrete examples of at least some women being treated as part of the *populus*: the widows who are heads of household and must have had their property registered under their own names on the census, for example, or the rich women who contributed funds to the war effort during the Second Punic War (Livy 24.18). Their relationship to these institutions, and thus to the *populus*, was different to that of men, and apparently more tenuous. Yet there are clearly historical occasions on which they did participate in some form.

3. Lived experience

The final category in my schematic table, lived experience, includes ways in which individuals performed their role as part of the *populus*. I have already mentioned that ‘army’ is possibly the original meaning of *populus*, and that many ordinary Romans probably experienced their part in Rome’s story primarily through military service. It was the soldiers who had the fullest understanding of what it meant that the *populus Romanus* had defeated the enemy. Yet only a small minority of men actually served on the front lines. And many women, in ways large and small, contributed to the war effort in ways that matched or mirrored the contributions of the average male citizen. Archaeological and literary evidence testifies that they were present in the camps and took part in the triumph, and we must assume that they provided not just the reproductive labour but also a large chunk of the productive

labour on which the war machine depended.²¹ When we look at the Roman army in this light, it is clear that women have a vital role to play in the *populus* as protagonist of history.

Defining the *populus* as the army harks back to an assumption that those who fight for the community earn the right to wield political power within the community. Greek historiography crystallizes that claim in discourses about ‘hoplite reform’, and Romans thought that the *plebs* earned their political participation by secession, that is, by army strike.²² But the claim of a natural relationship between fighting and voting only makes sense in a world where the community must fight. In the absence of an existential threat an army is a luxury. And when the threat is existential, everyone fights. Roman women might defend their city against invaders by hurling roof-tiles, or in myth by intervening directly with the enemy commander.²³ In one tantalizing case, we even see the notion of *populus* mobilized:

Sisenna historiarum libro iv: tum in muro virile ac muliebre secus populi multitudine omni conlocata (Non. 222M=329L, Sisenna FRH F90)

“In the fourth book of his *Histories*, Sisenna writes: “Then when the entire crowd of the *populus*, men and women by sex, were arranged on the wall.”

The context must be the siege of a city, possibly Aeclanum (so these are foreigners, rather than Romans). But the fact that both men and women fight *in extremis* is emphasized, and the group of defenders is explicitly called a *populus*.²⁴

21 The scholarship on women’s relationship to the army is rapidly growing. See esp. Allison 2006, part of a special issue on the topic; Fabre-Serris and Keith 2015; Greene 2016; Cornwell and Woolf 2023. Peppe 2017: 33 raises some relevant legal objections, but these are more relevant to the centuries as counting institutions than to military service as lived experience.

22 So e.g. Raaflaub 2005: 197; on the scholarly debate about Greek ‘hoplite reform’ in the second half of the 20th century, see Snodgrass 1993.

23 Barry 1996 collects examples of roof-tiles used as weapons, though he argues that the practice seems to become less gendered in the Roman period. Roof-tiles thrown by Romans (gender not given): App. *B Civ.* 1.32; Plut. *Sull.* 8. Roof-tiles are strongly associated with women in Greek sources, most famously the old woman whose shot killed Pyrrhus (Plut. *Pyrrh.* 34); in Roman Republican sources, where Romans are more often the invaders than the invaded, foreign women throw tiles (e.g. Livy 5.21; Sall. *Jug.* 67). In legend, Veturia and Volumnia, the mother and wife of Coriolanus, caused him to retreat from his attack on the city (Livy 2.40). Historical Roman women fighting include Fulvia: Dio Cass. 48.103-104, with Hallett 2015; Verulania Gratilla: Tac. *Hist.* 3.69.

24 Note that Sisenna FRH F18 also emphasizes the traditionally feminine weapon of roof-tiles in what seems to be a series of discussions of urban warfare during the Social War.

In imagination, if not in historical reality during our period, an attack on Rome would bring Roman women out to fight.

In my table, I note that the *populus* is counted by its votes, by which I mean that the abstract *populus* is approximated in concrete form by treating it as equivalent to the electorate. But the daily business of Roman politics did not involve voting.

etenim tribus locis significari maxime de <re publica> populi Romani iudicium ac voluntas potest, contione, comitiis, ludorum gladiatorumque consessu (Cic. *Sest.* 106)

“There are three places where the judgment and wishes of the *populus Romanus* (about the *res publica*?) can be most clearly discerned: the *contio*, the elections, and the gatherings for festivals and gladiatorial combats.”²⁵

Cicero is being tendentious, as ever, but his central point is not wrong. The real action, and even real decision-making, took place in informal gatherings, *contiones* or court cases or even theatrical shows, in which elite politicians interacted with the *populus*.²⁶ Here, the conceptual movement was in the opposite direction. The crowd, the concrete group of individuals present, was equated with, treated as identical to, the abstract *populus*.

When a Roman politician – and of course it is the politicians whose opinions we can best access – treated or even addressed the crowd at a *contio* or trial, or indeed at the games, as the *populus*, his words and actions did not require a granular, additive notion of how the membership of that group should be determined. I have placed the crowd in the category of lived experience, but in fact it is the ultimate demonstration of the role of the *populus* as state. The orator is not concerned with the fact that only a tiny, unrepresentative percentage of the membership of the *populus* could ever be there in person to hear him speak or shout their approval. The people who hear him speak are figured as the monolithic, abstract, sovereign *populus*, not as a group of individual citizens. And this somewhat difficult piece of synecdoche makes room in reality for all kinds of participation. Anyone who is present at the meeting or the circus can shout, cheer, or throw stones;

25 There is a problem with the transmitted text, for which see Kaster 2006: 331-332; but the meaning is clear.

26 The contional crowd treated as exactly equivalent to the *populus*: Hölkeskamp 2013. The *corona* treated as the *populus*: e.g. Cic. *Verr.* 2.1.12. The process of discussing a bill in multiple *contiones* before a vote was taken meant that most bills that made it to the vote were approved. Those that were received negatively by the contional crowd would be withdrawn. See further Morstein-Marx 2004: 124-126, with references.

can witness the correct transaction of political and religious ritual in copresence with the elite; in short, can participate in the reality of the life of the *populus Romanus* as it instantiates the abstract People. And, in practice, that group would have included plenty of women, and indeed enslaved people, foreigners, and children.²⁷ From that perspective, the answer to the question of whether women are part of the *populus* is a resounding yes.

4. Conclusion

A priori, none of the ‘counting institutions’ and experiences I discuss in this paper fully captured the entirety of the abstract *populus*; they measured things that existed on an entirely different plane and were at best poor proxies. Roman politicians like Cicero and Clodius knew well how to exploit the gaps and slippages thus created, arguing for example that their *contio* was the true *populus* while their opponent’s was not, or that the voice of the crowd did or did not represent the popular will. But those same slippages can be investigated, including by real Roman women and by contemporary scholars, to look for places of inclusion or resistance, to explore the fuzzy boundaries of the concept of *populus*. The abstract *populus* is the object of debate and discussion, capable of being defined and redefined as each author to whom we have access wishes. Why not, then, should we not assume that it could be defined to include women? Livy and even Cato certainly seem to imply as much when they include civic contributions of women in their narratives of the achievements of the *populus Romanus*. Yet in the surviving texts, more often than not, when the question of women and the *populus* is raised explicitly, it is to exclude. The counting institutions, on the other hand, give us concrete examples of women’s inclusion. But it is the performance and experiences of citizenship, items that resist precision but still can only approximate abstraction, that offered Roman women their best opportunity to participate in the *populus*. And it is these performances and experiences that must have been most fundamental to ordinary Roman’s understanding of what the *populus* was. Roman women had a different relationship to it than Roman men did. But some must have seen themselves within it.

27 For women’s presence in the Forum, see Russell 2016; for the games, the ancient evidence is explicit, e.g. Ter. *Hec.* 35. Further discussion in Peppe 2017: 35-6.

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DOWRIES AND FEMALE CITIZENSHIP¹

Giulia Vettori

1. Introduction

Among Roman women's various privileges under civil law, property rights undoubtedly played an outstanding role. And given the social and normative pressure towards marriage and procreation,² the dowry, basically a contribution from the wife's family to the expenses of conjugal life, was undeniably a major element – albeit with a fairly peculiar status – in determining the economic position of a female citizen.³ However, many complexities actually lie behind this seemingly simple and linear statement.

Firstly, not all female citizens were endowed. Even though in the eyes of the Romans its constitution was a practice as old as the city⁴ itself and even

1 This chapter represents the revised version of the talk delivered in Seville in Autumn 2022. I am warmly grateful to Cristina Rosillo-López for her generous and patient encouragement to publish these pages and to Silvia Lacorte. Furthermore, for their inspiring papers and insightful comments, my gratitude goes to the other participants, especially Susan Treggiari: this chapter is deeply indebted to her invaluable research work about Roman marriage. All remaining shortcomings are of course my own.

2 On the pressure to marry, see Caldwell 2015: 105-134; for an in-depth discussion on singlehood in the ancient Mediterranean, see Hübner and Laes 2019.

3 On dowries see in general Saller 1984; Gardner 1986: 97-116; Treggiari 1991: 323-364; Saller 1994: 204-224; Fayer 2005: 673-750. In addition to dowry, other essential elements in determining women's wealth were undoubtedly inherited property, the *peculium* and any income from economic activities. For a recent overview concerning the patrimonial capacity of Roman matrons, see Vettori 2022a.

4 Dion. Hal. *Ant. Rom.* 2.10.2; Plut. *Rom.* 13.8.

though high social expectations were placed on its provision, both in the Republic and also in the Early Principate, giving a dowry was not compulsory; in other words, it did not represent a requirement for the validity of marriage.⁵ At the same time, given the institution's relevance both on a social and personal level, a large proportion of citizens were undoubtedly endowed. On one side, in fact, both terms of the *ius connubii et commercii* are symbolized in the dowry. As David Konstan put it, "in the relations of the community, the dowry is the exemplary use of wealth, for it represents the exchange of kin and property on which the solidarity of the several clans, of the society as a whole, is based";⁶ on the other side, there was no respectable Roman citizen who got married without a dowry. Not only, if needed, friends and clients were expected to provide their financial support in order to constitute suitable dowries and thus preserve the *dignitas* of friends and patrons,⁷ but the *res publica* itself provided dowries to some of its most illustrious citizens when necessary.⁸ Nonetheless, the dowry custom was most likely not exclusive to the upper classes, but rather widespread also down the social ladder.⁹ Thus, even if we cannot assume that all citizens were endowed, it is very likely that – however much or little – most of them were, since the presence of a dowry distinguished a *iustum matrimonium* from concubinage.¹⁰

Furthermore, not all female citizens were equally endowed, and the dowry could vary considerably in magnitude. There were, for instance, notable differences throughout the centuries, influenced mainly by the increase in the proportion of wives married without *manus* and the rise in divorces, which thus also led to a change in the dowry's function; dotal assets

5 It was not until Justinian that the dowry obligation was expressly enshrined in law. A constitution of 531 CE confirmed this prescription for daughters, while stating that it had been established by previous legislation (C. 5.11.7.2: *Imp. Iustinianus A. Ihoanni praefecto praetorio: Neque enim leges incognitae sunt, quibus cautum est omnimodo paternum esse officium dotes vel ante nuptias donationes pro sua dare progenie*).

6 Konstan 1983: 40.

7 Verboven 2002: 87-89.

8 Cnaeus Scipio's daughter and Fabricius Luscinus' daughters received modest dowries from the public treasury: Val. Max. 4.4.10. Cf. Amm. Marc.14.6.11.

9 Hin 2013: 184-186. Cf. *Dig.* 16.3.27 for the attempt to get around the impossibility of a dowry in a marriage where the husband was of servile status. According to Watson 1991: 134 the wish to create a 'dowry' indicates that the bride's father regarded the union as respectable.

10 Treggiari 1991: 323; Fayer 2005: 377; Culham 2014: 138-139.

did not exhaust a daughter's hereditary expectations and became recoverable in essence.¹¹ Nevertheless, there were also differences due to the profound changes in the social and political competition mechanisms, which underwent profound shifts between the Republic and the Principate.¹² Furthermore, variability was also based on the wealth and status of the families involved,¹³ not to mention the bride's age and attractiveness.¹⁴

The third complexity related to the dowry concerns its ambivalence and the variety of its purposes. As Susan Treggiari has stated, a dowry was "legally his, but potentially hers":¹⁵ as long as the marriage lasted at least, it was the husband who had legal control over the dowry and was entitled to enjoy the proceeds (*fructus*) from those assets, which were intended as a contribution to the new household's expenses. However, there were very specific expectations towards its repayment by the union's end through divorce or after a husband's death, and the social importance of dowries' restitution is explicitly recognized by the sources.¹⁶ Moreover, the dowry served the wife either as a means to ensure a decent existence at the end of the marriage, possibly allowing for a new union, or for her maintenance during the marriage by offsetting the so-called "burdens of marriage" (*onera matrimonii*).¹⁷

Having made these preliminary remarks, which are helpful to stress the complexities associated with an apparently linear relation, such as that between female citizens and their dowries, this chapter seeks to delve into the

11 The huge dowries paid to the two *Corneliae*, partly in the aftermath of Scipio Africanus' death and partly after the death of his wife Aemilia (162 BCE), ought to have satisfied their inheritance expectations: McClintock 2022: 65. On the intricate succession of Scipio Africanus and his wife, see Polyb. 31.26-28; McClintock 2005. On the exponential rise of dowries in the years following the Second Punic War, see Evans 1991: 59-67. Regarding the changes that affected the dowry regime, see Leese 2019. On dowry's restitution, see Dixon 1984: 97-100; Gardner 1985.

12 On these shifts see Maiuro 2023.

13 For later Imperial Rome, the jurist Celsus held that the size of the dowry given to a daughter could easily be estimated from 'the *dignitas*, the means and the number of children' a person had *Dig.* 32.43 (Cels. 15 *dig*): *quantam dotem oportet [...] non esse difficile ex dignitate, ex facultatibus, ex numero liberorum testamentum facientis aestimare.*

14 Apul. *Apol.* 91.

15 Treggiari 1991: 365.

16 See e.g. Polyb. 28.35.6 Even in this case, the regaining of the dowry by the woman (or her *paterfamilias*) did not happen automatically.

17 *Dig.* 23.3.56.1 For a full discussion about the *onera matrimonii*, see Treggiari 1991: 332-340.

concept of women's citizenship using dowry as an interpretative prism. Can dotal assets be a relevant parameter for gauging women's belonging to and participation in the civic community? Two main topics will be addressed regarding this. Firstly, in attempting to move beyond the literary and social categories of the *uxores dotatae*, or, on the opposite side of the spectrum, the *uxores indotatae*,¹⁸ attention will be paid to the processes that could lead an *uxor dotata* to lose either partially or entirely her dowry or to have it protected. What causes could compromise a dowry's integrity? Which mechanisms could be enacted for its protection? And what do they reveal about women's citizenship? The second part of the chapter will then discuss the impact a dowry could have within and beyond family finances, also with respect to a possible marital political career.

Given both the stark differences in women's status in the Roman world, the need to avoid generalizations, and taking into proper consideration the state of the evidence, what follows will mainly refer to freeborn female citizens of the upper strata living in the Roman West.¹⁹ As far as chronology is concerned, the focus will be on the Middle and Late Republic, even though some reflections will also inevitably deal with later imperial developments.

2. Losing the dowry, safeguarding the dowry

Except for some exceptional circumstances, when she was convicted of particularly dangerous crimes and her dowry was entirely seized,²⁰ one of the main reasons why a woman could lose a significant part of her dowry was her sexual misconduct.

The harshness with which Augustus' laws sought to curb adultery is very well known. The *lex Iulia de adulteriis coercendis*, which was probably enacted

18 Both categories have attracted indeed much scholarly attention already. On *uxores dotatae* in the Plautine comedy, see e.g. Schuhmann 1977; Rei 1998; Fayer 2005: 373-379; on *uxores indotatae* Fayer 2005: 677-678; Stagl 2009: 65-68; and lastly Webb 2022: esp. 121-130, cf. Rollinger 2022: esp. 149-159. As Dixon 2007: 73 n. 17 has properly highlighted, the primary aim of these dowry stories was to emphasize their male protagonists' exceptional qualities.

19 Cenerini 2009: 8; Richlin 2014: 5-16. Cf. Huemoeller 2020: 133-134.

20 *Dig.* 48.20.3 (Ulp. 33 *ad ed.*): *Quinque legibus damnatae mulieri dos publicatur: maiestatis, vis publicae, parricidii, venefici, de sicariis*. The passage is fully discussed in Daube 1965: 203-204 and n. 17.

in 17 BCE, included various penalties for adulteresses, also with specific reference to dowry.²¹ As Marilyn Skinner has recently highlighted, adultery had its economics.²² Our information about fiscal penalties comes from a late but presumably reliable source, the *Opinions (Sententiae)* doubtfully ascribed to a famous Severan lawyer, Julius Paulus: in addition to relegation to an island, the brand of infamy, and the loss of capacity to testify in court,²³ the wrongdoer was subjected to the inheritance limitations imposed on unmarried people, and was also deprived of half of her dowry and one-third of her personal assets.²⁴ Additionally, the convicted woman was forbidden to remarry a freeborn Roman citizen.²⁵ One further indignity was gender-specific, namely being stripped of the symbolic dress of a matron: the woman was forced to wear a toga, the professional garb of a prostitute. *Impudicitia* had thus a considerable impact on being a citizen: the deprivation of a substantial part of wealth resulted in severe social degradation, further increased by public shaming. Regarding the dowry in particular, since the woman could no longer fulfil her role as a wife and/or mother in an honourable manner, it became *de facto* useless, and its integrity was no longer paramount.²⁶

Nevertheless, the Augustan legislation was neither the first to regulate adultery nor the first to also provide for patrimonial sanctions involving dowries in case of sexual misconduct by women;²⁷ both practices date back to the Republic, when there were undoubtedly other means besides *leges publicae* to sanction female sexual shamelessness. The woman's family was in charge of monitoring and, if required, penalizing her behaviour; if she was not punished with death, her dotal assets could still have been significantly affected.²⁸ In a

21 On the *lex Iulia de adulteriis*, Treggiari 1991, 277-298; Rizzelli 1997; McGinn 1998: 140-225; the date of 17 BCE is persuasively argued by Buongiorno 2013.

22 Skinner 2021.

23 *Dig.* 28.1.20.6 (Ulp. 1 *ad Sab.*).

24 Paulus, *Sent.* 2.26.14: *Adulterii convictas mulieres dimidia parte dotis et tertia parte bonorum ac relegatione in insulam placuit coerceri: adulteris vero viris pari in insulam relegatione dimidiam bonorum partem auferri, dummodo in diversas insulas relegentur.*

25 *Dig.* 48.5.30.1 (Ulp. 4 *de adult.*).

26 On this point, see also the remarks made by Rohr Vio in this volume.

27 The very first chapter of the *lex Iulia* refers to the repeal of pre-existing laws, which are difficult both to identify and to clarify in their content: *Coll.* 4.2.2, Paul. *Sing.* On female crimes and their repression in the Republican era, see Cavagioni 2004.

28 On the domestic repression of offences committed by women and its relationship with public prosecution, see Ramon 2015: esp. 636-665. On capital punishments for women in Rome, see Cantarella 2011: 153-162.

quotation from his oration “On the Dowry” reported by the grammarian Aulus Gellius, Cato the Elder believed that in the event of a divorce, a husband might act as a judge and impose a fine for wine-drinking, a crime which was as harshly targeted as adultery.²⁹ Cato’s perspective seems, nonetheless, heavily biased. On the one hand, in another passage attributed to him, Cato mentions the intervention of a judge apparently unrelated to the family against women guilty of drinking wine and committing *probrum* and *adulterium* and that the husband could not decide to retain part of the dowry on a unilateral basis.³⁰ When divorce became more common, the *cautiones rei uxoriae*, namely guarantees for the wife’s property, and the *actio rei uxoriae*, i.e. the action for restoration of wife’s property (which had been part of the dowry until the divorce and belonged to the husband), were created.³¹ If the ex-husband objected to repaying the dowry, the wife could pursue legal action. Though quite peculiar, the case of Fannia and her husband Titinius, recounted by Valerius Maximus and Plutarch, is rather instructive.³² Titinius had made specious use of marriage and repudiation: Fannia’s loose morals were widely known and he had deliberately married her to steal her sizable dowry. Fannia initiated a lawsuit to have her dowry returned. C. Marius tried the case and condemned both: Titinius to return the dowry, Fannia to pay an ostensibly symbolic fine.³³

29 Gell. *NA* 10.23.4: *Atque haec quidem* [the abstinence of women] *in his, quibus dixi, libris pervulgata sunt; Verba Marci Catonis adscripsi ex oratione, quae inscribitur de dote, in qua id quoque scriptum est [...]* ‘Vir’ inquit ‘cum divortium fecit, mulieri iudex pro censore est, imperium, quod videtur, habet, si quid perverse taetrique factum est a muliere; multatur, si vinum bibit. As Fiori 2020: 39-40 n. 2 points out, the interpretation of the passage and of the husband’s role is actually controversial. For a discussion of the reasons behind the severity with which women drinking wine were punished, see Cascione 2016.

30 Gell. *NA* 10.23.3: *sed Marcus Cato non solum existimatas, set et multatas quoque a iudice mulieres refert non minus, si vinum in se, quam si probrum et adulterium admisissent*, On this point, see Treggiari 1991: 269-270.

31 Gai. *Inst.* 4.62; *Tit. Ulp.* 6.6 e 6.7.

32 Val. Max. 8.2.3 with Briscoe 2019: 105-106; *Plut. Mar.* 38.4-5; this latter ascribes the episode to 100 BCE, during Marius’ sixth consulate, but both the chronology and the exact office held by Marius are far from certain. Fannia and her husband Titinius were originally from *Minturnae*, in southern *Latium*; although not involving a particularly well-known couple, it was clearly a civil case with a unique public resonance, as demonstrated by Valerius Maximus’ choice to include the story in the section *de privatis iudiciis insignis*. Liebs 2012: 24-32.

33 Beyond the discrepancies in sources as to the fine’s actual size, Fannia did not feel she was a victim of injustice. She was instead grateful to Marius and helped him flee the Sullan troops in 89 BCE: Val. Max. 8.2.3; *Plut. Mar.* 38.6-10.

Gradually, in fact, the principle had been established that in case of dissolution of the marriage, the dowry should be returned to the wife, all the more so if there was no blame on her part.³⁴ However, by pursuing a legal action (*actio de moribus*) and proving any moral faults by the bride, the spouse might also be awarded a dowry share as compensation (*retentio propter mores*).³⁵ Even if it cannot be entirely discarded that the retention regime may have been operating even before the mid-1st century BCE,³⁶ this is only openly testified to by later sources: according to the *Tituli ex corpore Ulpiani*, an agile handbook of basic legal rules possibly compiled by the jurist Ulpian or his disciples, the husband might be allowed to retain up to a sixth of the dowry, or one-eighth for lighter offences.³⁷

In the absence of punitive intervention by the women's relatives, still full holders of the domestic *ius puniendi*, it can be inferred that the city system began to extend its jurisdiction over adultery at least from the beginning of the 3rd century BCE. Aediles could bring prosecutions against men or women for antisocial behaviour, including sexual transgressions, and also inflict severe financial penalties, although it is unclear whether and to what extent these measures affected dowries.³⁸ However, the loss of the dowry for the impudent wife must have been possible as early as the beginning of the 2nd century BCE, perhaps in connection with a *iudicium de moribus* that had been privatized by then and passed into the hands of the praetor. According to Pliny the Elder, in 194 BCE, the violation of the ban on drinking wine, a crime often associated with adultery, was prosecuted in a private suit by the

34 The case of Spurius Carvilius Ruga and his wife, dating to 231 or 227 BCE, represents a watershed in this respect: Gell. *NA* 4.3. For the infertile but blameless woman expelled from the *familia*, the legal system introduced the possibility of regaining at least part of her dowry. See e.g. Polyb. 32.8, cf. 18.35; Val Max. 4.4.9.

35 The conditions by law whereby the husband could keep parts of the dowry were manifold. In addition to *propter mores*, deductions could take place *propter liberos*, *propter impensas*, *propter res donatas*, *propter res amotas*: Gardner 1986: 112-113.

36 Nardi 1957: 3.

37 *Tit. Ulp.* 6.9, 6.12; Treggiari 1991: 363-364.

38 See e.g. Livy 10.31.9: in 295 BCE the fine levied on matrons by Quintus Fabius Gurges financed the erection of the sanctuary of Venus located near to the Circus Maximus (cf. Serv. *Ad Aen.* 1.720 for a different tradition about the temple's erection); Treggiari 1991: 275-276. For further instances of sexual misconduct enforced by aediles, see Livy 8.22.3, 25.2.9. On fines and Roman Republican finances, see Piacentin 2021: 36-76, esp. 46; in 207 BCE contributions for Juno Regina were *ex dotibus*, but the measure was prompted by the ongoing financial crisis, rather than being a fine: Livy 27.37.9-10.

praetor Gnaeus Domitius Ahenobarbus,³⁹ who fined the convicted woman the sum of her dowry.⁴⁰

In summary, since one of the fundamental levels on which the inclusion of a woman as a *civis* among *cives* operated was functional and concerned her ability to generate legitimate children and to conform to the patriarchal morality perfectly, female sexual conduct was constantly under scrutiny. The threat that her dowry might at least partly be withheld for her *impudicitia* must have been a real one and would have brought serious consequences both on a social and a financial level: not only did this have an impact on a woman's ability to maintain herself financially, but it also hindered her in having new marriages, thus severely undermining her position as a citizen.

And yet, precisely because of its ambiguous character, a citizen's dowry could be at risk even if no reprehensible behaviour on her part was involved. Since a Roman husband – or his *paterfamilias*, if still alive – acquired legal ownership of the dowry during the marriage, what happened when his possessions were seized? The answer to this question is far from straightforward: a wife's official right over her dowry after her husband's property confiscation was explicitly recognized only in 396 CE by a constitution of the emperors Arcadius and Honorius.⁴¹

Cicero's apprehension about Terentia's dotal servants fully confirms the intricacy of this issue. Writing from *Brundisium* on 29 April 58 BCE, Cicero invites his wife not to worry about the future of the servants, distinguishing different ways of proceeding according to who owned them: Terentia's dotal workforce is clearly distinguished from Cicero's one through the use of possessives (*tui/nostri*).⁴² It is well known that enslaved persons were possibly included in the dowry.⁴³ Moreover, we cannot but think of the possibility of

39 Broughton 1951: 343; 350.

40 Plin. *HN* 14.13.90.

41 C. 9.49.9 pr.

42 Cic. *Fam.* 14.4.4: *De familia liberata nihil est quod te moveat: primum tuis ita promissum est, te facturam esse, ut quisque esset meritus* [...] Dixon 1984: 80-81; Treggiari 1991: 326.

43 Roman law allows almost any property to be included in the dowry. Thus, dowries did not only comprise the so-called *deliciae muliebres*, but rather also included income-producing assets: for instance, land or money (apparently the most common items), but also property held without title, a usufruct (a right of enjoyment) on someone else's property, a claim to an inheritance, a debt owed to the dowry giver, even the extinction of a debt by the recipient, and much more. On the dowry composition, see Bonfante 1963: 296-297; Gardner 1986: 100; Treggiari 1991: 348-350; Saller 1994: 212.

a privileged relationship between these enslaved people who entered the *familia* as personal servants and their *domina*, with relevant consequences also on their path toward freedom.⁴⁴ Although only with Augustan legislation did the wife's consent become a legal requirement for manumission,⁴⁵ Cicero's need to discuss the fate of dotal enslaved people with his wife perfectly illustrates the peculiar status of dotal goods.

Uncertain whether this custom prevailed in the Late Republic, it seems that the decision to return the dowry from a husband's seized property was left up to the authorities and was not a guarantee. It is perhaps possible, though, to trace a sort of guarantor-type attitude towards dotal assets throughout the Republic. For instance, while on the whole the property of dead Pompeians was open to confiscation, Caesar provided proof of his proverbial *clementia* by also returning dowries to his enemies' widows.⁴⁶ And the triumvirs probably followed Caesar's policy. Among the measures taken to mitigate the proscription's impact on the victims' relatives, the triumvirs announced that they would have restored dowries to spouses of the proscribed.⁴⁷ Despite the doubts raised by Cassius Dio about the effective application of this norm,⁴⁸ as García Morcillo has well demonstrated in her chapter on financial strategies in the Triumviral period, one of Mark Antony, Lepidus, and Octavian's financial policy's primary goals was the gradual return to socio-economic stability.⁴⁹ Dowry safeguarding and reshaping the

44 The phenomenon, perhaps not so widespread in the Republican age (but see Daube 1965: 204-205), may be supported by the epigraphic record dated between the Augustan age and the mid-3rd century CE from *regio X*, and especially from *Altinum*: Cresci and Buonopane 2017. See also Rubiera Cancelas' chapter in this volume. On the complex figure of the *servus dotalis*, see Forschner 2020, focusing on juridical writing. The manumission of dotal servile workforce refers obviously to the broader phenomenon of female patronage, also examined by Keegan 2002; Peppe 2016a: 190-194. For the need of the guardian's *auctoritas*, see *Tit. Ulp.* 1.17.

45 *Dig.* 48.10.14.2 (Marcell. 25 *Dig.*); Vettori 2020: 49-52.

46 Cass. Dio 43.50.1-2: καὶ ἐκείνων τε τὰς ἀρχὰς προαγαγεῖν καὶ ταῖς γυναιξὶ τῶν ἀπολωλότων τὰς προίκας ἀποδοῦναι, τοῖς τε παισὶν αὐτῶν μέρη τῶν οὐσιῶν χαρίσασθαι; Morstein-Marx 2021: 443. Pompey's line (and Sulla's) would encompass several consuls of the Augustan and Tiberian ages, including four consuls *ordinarii* and two *suffecti* over the next few generations, to say nothing of others descended from Pompeia's later marriage to L. Cinna, because Pompey the Great's daughter and her offspring by Faustus Sulla were left unharmed (Syme 1986: 261-262, and Tables xiv, xvi).

47 Cass. Dio 47.14.1; García Morcillo 2020: 384-385.

48 Cass. Dio 47.14.2; 47.17.5. Cf. Peppe 1984: 29-30.

49 García Morcillo 2020.

extraordinary taxation imposed on a significant group of matrons,⁵⁰ could indicate the will to preserve families and their finances. Women inevitably played a major role in ensuring this social and financial continuity.⁵¹ In this regard, the Caesarian and the triumvirs' choices likely contrasted sharply with Sulla's practice during the proscriptions.⁵² Despite the period's institutional, political and financial instability the fate of dowries was instead a key concern for political leaders in the forties of the 1st century BCE. The system could not deprive women of the essential means to perform their duty as citizens by entering into new marriages and having children. Of course, this was not a simple altruistic or compassionate attitude nor a simple policy to enact: soldiers had not yet been paid and, in 47 BCE, Caesar had suffered a military mutiny; this type of benevolence was thus far from inexpensive. It was nevertheless a conscious strategy aimed at "winning the peace by limiting any permanent damage to those who had chosen the opposing side".⁵³

Finally, as far as confiscations are concerned, one other case does deserve mention. It dates back to 121 BCE and involves the dowry property of Gaius Gracchus' wife, Licinia.⁵⁴ According to Plutarch, after Gaius and his allies were murdered, and their bodies were thrown into the Tiber, their properties were confiscated, their widows were not allowed to wear mourning garb, and Licinia's dowry was subject to seizure.⁵⁵ Plutarch's testimony nonetheless contrasts with a quite complex passage in the *Digest*,

50 For the speech delivered by Hortensia against the special levy on matron's property, see App. *B Civ.* 4.32-34; Val. Max. 8.3.3; Quint. *Inst.* 1.1.6. with Peppe 1984: 17-72; Lucchelli and Rohr Vio 2016 and van der Blom in this volume; for the hypothesis that the 1,400 *matronae* targeted by the triumviral taxation corresponded to the *dominae insularum* registered in the census operations of 46/45 BCE, see Maiuro 2018: 162-166. On women and taxes, see Rosillo-López in this volume.

51 Vettori 2020: 55-75. This could perhaps also explain why, despite the severe penalties against those who helped the proscribed under the edict, women did not suffer capital punishment under the triumvirs: Vettori 2022b.

52 Any direct evidence about Sulla's treatment of the proscribed wives' dowries is unfortunately missing, but he was probably not too scrupulous on this matter. Moderation, in contrast with the scruple-less predecessor, was a real *leitmotif* within the proscription edict of 43 BCE quoted by Appian: App. *B Civ.* 4.10.39. For Sullan proscriptions and their consequences, see Hinard 1985: 17-223. Eckert 2019: 168-169 takes for granted that "wives of the proscribed lost their dowry".

53 Morstein-Marx 2021: 443-444.

54 *RE* 13.2, 426 nr. 180.

55 Plut. *C. Gracch.* 17.6; cf. App. *B Civ.* 1.26; Oros. 5.15.9.

where the principle of the husband's liability was clearly stated. Iavolenus, who lived in the 1st century CE, recalls a principle stated in a general way by Servius but already traceable in the authoritative judgement (*sententia*) expressed by Mucius Scaevola, known as consul, *pontifex maximus*, and jurist from the 2nd century BCE, concerning Licinia's dowry.⁵⁶ On the basis of Scaevola's opinion, Licinia was to be guaranteed the repayment of the counter value of the dotal goods that were lost during the riots that led to Gracchus' death: the *seditio* had broken out precisely through the fault of Gracchus. Within this sort of legal matryoshka doll, the very terms of the issue are blurred to the point of being untraceable. It is plausible that Mucius' opinion was formulated in response to a general request by the woman that her dowry not be included in the *publicatio bonorum* to which her husband's estate was subject. In addition to what had been confiscated for the benefit of the treasury, valuable assets had been destroyed in the turmoil.

It is still uncertain whether Licinia eventually succeeded in regaining her dowry in its entirety. Those goods were essential to guarantee her and her children a decent subsistence in widowhood, but almost certainly her request was also motivated by reasons other than purely financial ones. As mentioned above, once the union had ended and its function within the marriage had ceased, the legal system provided that a woman could take legal action to claim her dowry. Why, if she had not been guilty of any wrongdoing towards the state, fulfilling her duties as wife, mother and citizen, should Licinia accept losing part or all of her dowry? Why did she have to accept suffering the same consequences as those reserved for women guilty of the most terrible crimes or questionable morality? Therefore, by defending her dowry, Gracchus' widow was also defending her own reputation and social respectability as a citizen.

The possibility of regaining the dowry was not originally established in Rome, and the fate of dotal assets was partially determined not only by the bride and groom's behaviour but also by their source: much depended on who

56 *Dig.* 24.3.66 pr. (Iav. 6 *ex post. Lab.*): *In his rebus quas praeter numeratam pecuniam doti vir habet, dolum malum et culpam eum praestare oportere, Servius ait: ea sententia Publii Mucii est, nam in Licinia Gracchi uxore statuit, quod res dotales in ea seditione, qua Gracchus occisas erat, periissent; ait, quia Gracchi culpa ea seditio facta esset, Liciniae praestari oportere.* Daube 1965; Guarino 1981: 135-145; Treggiari 1991: 327; Palma 1998; Arévalo Caballero 2021.

had constituted them and why the marriage ended.⁵⁷ However, this possibility was crucial because, it allowed a Roman woman to publicly declare that she had behaved in a morally irreproachable way. In other words, that she had been a good citizen. Obviously, this had anything but minor consequences on a social level: the confirmation of the matron's complete respectability translated into the possibility of contracting new marriages, thus contributing not only to safeguarding and possibly consolidating her individual position but also the stability of the whole system.

This explains why, from the end of the 3rd century BCE, even in times of absolute political but also financial crises, like during civil wars, so much attention was paid to protecting dotal assets. Long before the jurisprudential elaboration of the principle, the dowry recovery by a citizen was a matter of public concern.⁵⁸

3. Dowries within and beyond family finances

After he had secured power, aiming to tear Caesar away from his ties with the Marians and to link him more closely to his own side, Sulla attempted to make him divorce Cornelia, the daughter of the Marian leader L. Cornelius Cinna, but without success. Since he could not entice or intimidate Caesar into divorcing her, he deprived him not only of his priesthood and inheritance but also of his wife's dowry.⁵⁹ The dowry seizure, therefore, was a weapon in the political struggles of Late Republican Rome. In this case, Sulla wanted to deliver a severe blow to Caesar's respectability and finances.⁶⁰ Dowries were

57 If restitution occurred while the *paterfamilias* was still alive, other factors could influence the dowry restitution process. When Dolabella defaulted on the repayment of Tullia's dowry (Cic. *Att.* 11.25.3, 11.23.3), Cicero did not even consider taking legal action until political animosities joined pecuniary disputes (Cic. *Att.* 16.15.1); Treggiari 1991: 360 and 2007: 140.

58 *Dig.* 23.3.2 (Paul. 60 *ad ed.*): *Rei publicae interest mulieres dotes salvas habere, propter quas nubere possunt.* Socio-political concerns prompted the elaboration of the guiding principle of *favor dotis*, which originated from Augustan legislation and was then implemented by jurisprudence: Stagl 2009.

59 Plut. *Caes.* 1.1; Suet. *Iul.* 1-2: *Corneliam Cinnae quater consulis filiam duxit uxorem, ex qua illi mox Iulia nata est; neque ut repudiaret compelli a dictatore Sulla ullo modo potuit. Quare et sacerdotio et uxoris dote et gentilicis hereditatibus multatus diversarum partium habebatur*; Pelling 2011: 133-134.

60 Watson 1998.

actually relevant from a personal and female perspective, even in their social and civic implications; however, one certainly cannot overlook their impact on the household's internal financial equilibrium, also with specific regard to the husband's social position.

The dowry belonged to the spouse for the duration of the marriage; it was meant for joint expenses and, ideally, for the children's benefit. But there is an additional element worth considering when addressing the issue of dotal assets as an indicator of women's belonging to the civic community: to what extent could dowries be exploited to support a man's political career? Although the husband's restitution duties undermined his *dominium* over those goods,⁶¹ the material value that marriage and dowries could sometimes take on for a political career seems indeed arduous to dispute: a member of the upper class with prospects of entering the senate, in fact, was expected to marry in his mid-twenties, shortly before canvassing for quaestorship.⁶² And from the 2nd century BCE onwards, in the framework of an increasing monetization of politics,⁶³ dowry assets – also through the income that could be gained from them – could significantly contribute to the finances of a young senatorial scion. For instance, this seems to have been the case for Cicero: according to Plutarch, Terentia's dowry was worth 400,000 sesterces and, in addition to a large amount of money, comprised pastures, woods and *insulae* in two popular quarters of Rome, the Aventine and the Argiletum, fruitfully rented by Cicero.⁶⁴ Nonetheless, it is challenging to gauge the real immediate impact of dotal goods; neither were dowries necessarily provided as a single lump-sum upon marriage,⁶⁵ nor did Roman law envisage a single contracting method.⁶⁶

And yet there is more, considering that the dowry figures provided by sources for the Late Republic and the Early Empire perfectly tally with the

61 There was no legal constraint on the husband's ownership and use of property he had received as dowry until Augustus' legislation forbidding from manumitting dotal servants, mortgaging or alienating dotal land without the wife's consent: Vettori 2020: 49-51.

62 Syme 1987: 323; Treggiari 1991: 363; for some imperial evidence, cf. Plin. *Ep.* 8.23 with Sherwin-White 1966: 476. On the high costs incurred by aediles, see Deniaux 2016. In general, see also Canas 2019: 71-91.

63 Rosillo-López 2016.

64 Plut. *Cic.* 8.2; Treggiari 2007: 32. For an overview of Cicero's financial position, see Pina Polo 2016.

65 Treggiari 1991: 347; Saller 1994: 207-209. Dowries were usually paid in three annual instalments. See *e.g.* Cic. *Att.* 11.23.4.

66 Gardner 1986.

wealth thresholds for entering the senate.⁶⁷ This unavoidably prompts questions about the potential significance of dotal assets in defining the patrimonial position of a citizen for his participation in public life. On the one hand, although a certain skepticism regarding the historical accuracy of the data reported by ancient authors may be justified,⁶⁸ the size of a member of the Julio-Claudian senatorial elite's dowry finds an epigraphical counterpart in the *Senatusconsultum de Cn. Pisone patre*, where the sum designated for Calpurnia, probably the daughter of Gnaeus Piso, precisely meets the requirements set by Augustus for admission into the senatorial order, *i.e.*, one million sesterces.⁶⁹ On the other hand, in the first decades of the 3rd century CE, a response by Julius Paulus deals precisely with the feasibility of dotal assets being included among the resources needed to perform a decurional role.⁷⁰ The legal opinion of this famous Severan jurist is negative on this point. However, inasmuch this is a jurisprudential opinion rather than an unambiguous provision on the point, it is not possible to establish whether and to what extent the prohibition might also have applied in the previous centuries and also concerned members of the equestrian or senatorial *ordo*. Given that during the marriage dowries were legally part of the husband's property, it cannot be excluded that they were usually computed as such in the *professio* to the censors.⁷¹ In any case, it must be stressed that they remained somehow perfectly distinct: in all evidence, the dowry assets could not be definitively ascribed to the patrimony of the spouse, who acted thus as a *de facto* trustee and exercised only temporary control over them. There were definite restitution expectations on these goods once the union ended.

Lastly, concerning dotal property, women were not what we could call “passive subjects”, acting merely as recipients or conduits for transferring

67 Mommsen 1876: 471 n. 3 on the basis of Tac. *Ann.* 2.86.2; Sen. *Helv.* 12. 6; Juv. 6.137; 10.335; Mart. 2.65.2, *Dig.* 22.1.6.1 (Papin. 29 *quaest.*) On the senatorial census in the Republican and Imperial age, see Nicolet 1976.

68 Scheidel 1996.

69 *CIL* 2² 5.900, ll. 104-105. For a recent *status quaestionis* see Cooley 2023: 205-206.

70 *Dig.* 50.1.21.4 (Paul. 1 *resp.*): *Idem respondit constante matrimonio dotem in bonis mariti esse: sed et si ad munera municipalia a certo modo substantiae vocentur, dotem non debere computari.*

71 It must be stressed, however, that a woman *sui iuris* made in fact her own census declarations: Rosillo-López forthcoming. Therefore, a widow or divorcee who had regained all or part of her dowry must have declared it herself.

wealth from one family to another. Instead, they were much more active, both about their own dowries and as promoters of the dowries of other female relatives and friends. In fact, among the private agreements and contracts that a matron could conclude with the guardian's consent, there were also the arrangements of dowries.⁷² In this respect, it is well known that dowry was primarily a paternal duty (*paternum officium*).⁷³ Mothers were thus not obliged to contribute to its provision, and it was eloquently put that, according to Celsus, the late republican jurist Tubero interpreted the proper size of the dowry to be established "at the discretion of a good man" (*boni viri arbitratu*).⁷⁴ Nonetheless, the evidence of dowries being funded by women is not lacking at all. By far, the most striking example is undoubtedly that of Livia. Cassius Dio reports that the senate's decision to bestow the title *mater patriae* on Livia was also motivated by her support in endowing the daughters of many senate members who had incurred financial difficulties. In any case, Livia may have resumed on a larger scale, with an initiative of undoubted civic and political impact, a practice widespread at a private level. And a female initiative in the dowry constitution indeed finds previous testimonies. Terentia probably helped Tullia pay the second instalment of her dowry to her third husband, Dolabella.⁷⁵ In a similar vein acted the so-called Turia, who had arranged with her sister to equip some worthy unmarried female relatives with appropriate dowries. The fact that Turia's husband and brother-in-law later carried out the pay-off does not diminish the resourcefulness of the two women.⁷⁶ Interestingly, despite the ban on gifts between spouses, nothing prevented a wife from giving her husband a legitimate donation by constituting a dowry for their daughter.⁷⁷

72 On *tutela mulierum*, see Morrell 2020.

73 C. 5.11.7.2.

74 *Dig.* 32.43 (Cels. 15 *dig.*).

75 *Cic. Fam.* 14.6; Dixon 1984: 88-90.

76 *CIL* 6². 41062, 1.42-51, esp. 45-51: *Eaedem / u[t condicio/nem dignam famili]ae vestrae consequi possent, dotes parastis, quas quid[em] a vobis / constitutas comm]uni consilio ego et C(aius) Cluvius excepimus, et probantes [liberalitatem, / ne vestro patrimonio]nio vos multaretis, nostram rem familiarem / sub[didimus / nostraque praedia] in dotes dedimus. Quod non venditandi nostri c[ausa] rettuli, / sed ut illa consi]lia vestra concepta pia liberalitate honori no[s] / duxisse constal[ret] exequi de nos]tris; Osgood 2014: 41.*

77 *Tit. Ulp.* 6.4: *Dotem dicere potest mulier, quae nuptura est, et debitor mulieris, si iussu eius dicat; item parens mulieris virilis sexus per virilem sexum cognatione iunctus, velut pater, avus paternus. Dare, promittere dotem omnes possunt.* On the protection of the spouses' separate property, see Gardner 1986: 74-77; Buongiorno 2018: 167-173.

Albeit fewer in number than those made by the *paterfamilias* or one of his ascendants, dowries made on women's initiative recur several times in the *Digest*.⁷⁸

4. Concluding remarks

In recent years, fundamental scholarly achievements have been made on women's prominent role in public life and politics within and beyond civic institutions.⁷⁹ Nonetheless, equally relevant profiles in shaping female participation in civic life also emerge when considering the private-law side.⁸⁰ In this regard, in an attempt to take up a point already made by Jane F. Gardner,⁸¹ this chapter has tackled the issue of dowry, whose relevance stemmed from an inextricable intertwining of social and patrimonial aspects.

The portrayal of *uxores dotatae* offered by comedy, oratory, and satire is very much influenced by cultural anxieties related to the phenomenon of female wealth and its role in gender relations.⁸² The evidence discussed has sought to go beyond literary representation. So, can dowry be considered a fruitful testing ground for assessing female citizenship in Rome? Borrowing an expression fruitfully employed by Susan Treggiari in her chapter,⁸³ if citizens were what they did, there were various actions a citizen could take concerning dotal wealth, which all may be considered remarkable indicators of female membership to the civic body. Women could risk losing part or all of their dowry as a result of morally improper behaviour not suitable for an honest citizen, thus facing marginalization. They could strive personally to get their dotal goods back, hence demonstrating their irreproachable conduct. They could recover their dowries in the framework of specific policies aimed to ensure somehow a social, financial and political continuity in times of

78 *Dig.* 23.3.14 (Ulp. 34 *ad ed.*); *Dig.* 23.3.24 (Pomp. 15 *ad Sab.*); *Dig.* 23.3.34 (Ulp. 33 *ad Sab.*); *Dig.* 23.3.62 (Mod. 5 *resp.*); *Dig.* 23.3.72.2 (Paul. 8 *resp.*); *Dig.* 24.3.33 (Afr. 7 *quaest.*); Humbert 1972: 184.

79 Among others, see Hemelrijk 2015; Rosillo-López 2022: 11-18, 108-115, 187-191; Rohr Vio 2022.

80 On this point, see Peppe 2016a; Chatelard 2016: 25: "L'exercice des droits politiques, comme le droit de vote, ne constitue donc qu'un des sens possibles de cette *civitas*".

81 Gardner 1993: 2.

82 See *e.g.* Gell. *NA* 17.6; Plaut. *Asin.* 85-87; *Aul.* 167-169, 498-502; *Men.* 765-767; *Mil.* 679-681, 685-700.

83 See *supra*, p. 45.

absolute institutional uncertainty, as occurred in the aftermath of the civil war between Caesar and Pompey or during the Triumviral period. They could contribute to consolidating their husbands' financial position, albeit not permanently, with potentially substantial implications also for these latter's participation in public life; with the guardian's consent, they could themselves constitute their dowries or provide them for others. Finally, they could grant freedom and confer citizenship through the manumission of dotal enslaved figures, a decision they could take together with their husband during the marriage, or personally by the end of the union.

Obviously, a woman's dotal rights in Rome were not the outcome of personal claims; they were promoted by Roman magistrates, judges, lawyers, politicians and legislators all of whom were men.⁸⁴ Nevertheless, the existence of a female agency concerning dowry property should not be underestimated. Both Fannia and Licinia did act independently to regain their dowries, prompting Marius' decision and Mucius Scaevola's opinion on the issue respectively.

It is apparent how women's position – at least of those who belonged to the upper strata and conformed to the prevailing morality – related to their membership in the civic community can and should be re-evaluated in terms of inclusion and belonging to the *civitas* rather than marginality.⁸⁵ Beyond the specificities associated with their gender,⁸⁶ also because of the actual wealth they could bring into marriage, regain after marriage and provide for marriage, women were undoubtedly an essential part of the Roman civic community.

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84 Vigneron-Gerkens 2000: 119.

85 Peppe 2016a and, more extensively, Peppe 2016b.

86 Thomas 1992; Peppe 2017: 29-34.

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POLITICAL AGENCY

BACKGROUND NOISE? LIVY'S *MATRONAE* AND THE STORY OF VERGINIA¹

Kathryn Welch

In 1986, Nicholas Purcell argued eloquently that Roman women had a “truly public face”. Purcell relied heavily on Livy in order to make his case.² In 2006, Rebecca Langlands drew largely upon the same author to show how *pudicitia*, the moral quality most associated with women, was “publicly celebrated and rewarded.”³ Stefan Freund proposed that Livy understood *pudicitia* as the contribution of women to the collective *mores* that made Rome great.⁴ Despite such studies, there is a contrasting view that Livy, either because Roman men expected women to be confined to “the domestic space” or because he held that view himself, is critical of any public role for women or untoward female visibility.⁵

1 Thanks are due to Cristina Rosillo-López for the invitation to join the conference in Seville in 2022 and to my fellow participants for the lively discussion that followed this and other papers. I offer particular thanks to Jocelin Chan, Jane Chaplin, Nicholas Eckstein, Tegan Gleeson, Dexter Hoyos, Evan Jewell, Sarah Lawrence, Aglaia McClintock, Gwyneth McIntyre, Kit Morrell, Frances Muecke, Nerida Newbigin, Josiah Osgood, Jaymie Orchard, Fenella Palanca, Roger Pitcher, Nicholas Purcell, Anne Rogerson, Amy Russell, Susan Treggiari, Tonya Rushmer, Celia Schultz, and Lewis Webb for comments, conversations, and suggestions. All errors remain my own.

2 See especially Purcell 1986: 81-84.

3 Langlands 2006: 37.

4 Freund 2008: 325.

5 For example, L’Hoir 1992; Joshel 2002 (=1992); Boatwright 2011; Mineo 2015; Keegan 2021.

It is beyond the scope of this paper to re-examine real Roman attitudes to real women, factors that were neither uniform nor static. Others have shouldered that burden and have already changed the conversation in several important ways.⁶ Further valuable arguments are included in this volume. My present task is firstly to support the view that Livy recognised and celebrated the public role that women were expected to play in Rome and secondly to expose one possible path to understanding why this view is not more widespread. To achieve the first, I examine the unique voice that Livy creates for one group of *matronae*. The second aim requires an examination of the systematic (and ideologically-based) erasure of women from works like Theodor Mommsen's influential *Römische Geschichte*, an erasure that is even more obvious when compared to pre-Mommsenian responses. It will become clear that Mommsen was much more disapproving of women appearing in public than Livy was, and his long shadow continues to distort our own perceptions in ways that we do not always realise.

At two vital points, Roman tradition paints the violation of women's bodies as the catalyst for dramatic political action. Despite this, the political narrative of the Roman Republic has all too often been seen as an all-male affair, leaving commentators struggling to locate women's place within it beyond familiar tropes of "a power behind the throne" and "backroom politics".⁷ Roman women were bound by significant gender constraints. They lived their lives, experienced the city, and enacted their citizenship differently from men. They were held to a different standard of behaviour. Livy's text reflects this discriminatory culture. The rules of gender division at Rome, however, were different from those that women today still struggle against. Roman women (or at least some of them) were often required to be visible in public *as women*, including at moments when great political events were taking place.⁸ Their positive interventions on behalf of the city were honoured

6 Among many other works, see Claassen 1998; Vandiver 1999; Treggiari 2005; Schultz 2006; Fögen 2005; De Sanctis 2020; Richlin 2021; Gleeson 2022; McClintock 2022; Webb forthcoming. I also acknowledge the insights gained from supervising my former students Bronwyn Hopwood (2005) and Carol Scott (2018).

7 In reviewing Keegan 2021, Ferrer-Alcantud 2022: 173 summarises his project as explaining why "Livy decided to include [women] in his work when history was supposed to focus on an exclusive all-male cast." If it can first be established that Livy did not think of history in quite this way, then the answers to that question can also vary. On this point, see Gleeson 2022 and other works cited in this paper.

8 Webb 2022; Webb forthcoming.

by monuments and public commemoration. Livy's text reflects this aspect of Roman culture also. Does he view women as citizens? Certainly yes – so much so that their citizenship, having been established in Book One, is taken for granted thereafter.⁹

1. The Story of Verginia

Verginia's death and its role in the recalibration of political power in Rome is commonly paired with the rape and suicide of Lucretia which, according to an equally dramatic legend, led to the rejection of monarchy and the institution of the Republic.¹⁰ The connection, while important, should not be allowed to overshadow the significantly different lessons the two stories offer.¹¹ The Verginia story highlights the right relationship between law, citizenship, and magisterial power by dramatizing the power of a community to serve justice on a lawgiver who has abused his office by enslaving a free citizen in defiance of the law he helped to write.¹² The victim is a young, beautiful, unmarried girl who has no defences against either the lawgiver or her father. The hero is not Verginia but the father who kills her to “preserve” her from enslavement and who then leads the community-driven process of righteous vengeance.¹³ The large crowd of citizens who attempt to protect but cannot save her is not only a chorus of commentators but also an integral part of the drama.¹⁴

9 Livy 1.9.9-16; Claassen 1998: 83; Vandiver 1999: 207, 209.

10 Joshel 2002 (=1992). Livy himself links the stories (3.44.1). Valerius Maximus (6.1.1-2) joins the two heroines under the heading of *pudicitia*; (Langlands 2006). For Lucretia, Livy 1.57-60; Dion. Hal. *Ant. Rom.* 4.64-67; Dio Cass. 79[78].17.4.

11 Langlands 2006: 108-109. Note the opening statement of Boccaccio, trans. Guarino 2011: 128: “[Verginia] is not so famous for her constancy as for her lover's wickedness and the act of her overly severe father, from which Roman liberty ensued.” Also see De Sanctis 2020: 173-174.

12 I have used “Verginia” and “Verginius” throughout the paper except when quoting an author who has used “Virginia” and “Virginius” or, as in the case of Botticelli, “Virginia” is used in the title of a painting.

13 Langlands 2006; Vasaly 2015. If this essential feature of the drama is properly weighted, Livy's silencing of Verginia becomes more understandable. It increases the pathos of her death and the determination of the community to bring about change and does not prove any general view that Livy thought women should be silent.

14 Feldherr 1998: 203-212; Langlands 2006: 102-109; Freund 2008.

Every version of the legend contains the central details.¹⁵ Appius Claudius and his colleagues (the *decemviri*) prorogue their power even after their main task is completed. This extension is already a cause for suspicion, but Appius as consul descends further into tyranny by attempting to seduce Verginia and, after she refuses him, by persuading his client Marcus Claudius to claim that she is in fact the daughter of one of the enslaved women in his house. The community, led by her promised husband Icilius, foils the first attempt to enforce this claim but on the next day she and Verginius, who has quickly returned from the military camp, appear in court. Appius uses his power as presiding magistrate to rule in favour of Marcus Claudius, despite all evidence and the support of a massive crowd. Believing that she was better off dead than alive and enslaved, Verginius grabs a knife from a nearby butcher's stall and kills her. The resulting indignation of the community inspires the second secession of the plebeians who successfully fight to overturn the decemvirate and restore their protections under the law. Appius is tried and convicted and commits suicide, and Verginia's spirit is finally at peace.¹⁶

Cicero confirms that this legend was already famous (*celebrata*) in his day.¹⁷ For this reason, it is not useful to pin a kind of psychological/anthropological explanation for the deaths of Verginia or her frequent companion Lucretia specifically on Livy. Tradition decreed that Verginia had to die at her father's hand just as Lucretia had to commit suicide.¹⁸ It is Livy's variations and additions that reveal his mindset. Reactions to such variations, in turn, reveal the assumptions of commentators. For example, he assigns a stirring speech to Lucretia in which she claims ownership of her own fate, to which Melissa Matthes responds, "Yet, Lucretia's speech after her rape demonstrates, oddly, that she was not completely passive."¹⁹ Striking out

15 The main sources for the story include Cic. *Rep.* 2.63, *Fin.* 2.66; Livy 3.43-54; Dion. Hal. *Ant. Rom.* 11.28-39; Zonar. 7.18; Val. Max. 6.1.2; Asc. 77C; Suet. *Tib.* 2.2; Flor. 1.17.24; Eutr. 1.18; Ampel. 25.2; Pompon. 1.2.2.24; *De vir. ill.* 21; Oros. 2.13.3-7; Jer. *Chron.* P.112 Helm. For an overview of what the sources cover, see Ogilvie 1965: 477-479. For its significance in discussions of freedom and citizenship, Arena 2013: 249-250.

16 Claassen 1998: 93.

17 Cic. *Rep.* 2.63. There is variation in Verginius' praenomen. Cicero offers Decimus (perhaps a copyist's error), Livy Lucius, Boccaccio Aulus. Ogilvie 1965: 479.

18 Joshel 2002 (=1992): 166 acknowledges this point, but her argument remains predicated on attributing the deeper meaning of both episodes to the Triumviral/Augustan author.

19 Matthes 2000: 39. Matthes 2000: 6 offers one example of a convoluted psychodramatic reading of Lucretia's rape which underestimates how invested Livy's Lucretia is in

“oddly” and “completely” from this sentence better indicates Livy’s intent. As Langlands notes, some treatments redeploy both Lucretia and Verginia to scholars’ “own (valid but anachronistic) ends”.²⁰

Livy’s Lucretia chooses to be part of the foundation story of the Republic.²¹ Verginia, on the other hand, chooses nothing. Livy famously silences her as soon as Marcus Claudius makes his first assault on her freedom (*pavida puella stupente*) and she is a passive victim from that moment.²² Even so, it can be argued that the story allows us a different insight into Livy’s understanding of women as integral to the citizen community. He does this not through the silent victim Verginia but rather through the voices and actions of the matrons of Rome who are there to witness her death.

2. Seeing Livy’s Matrons through the Eyes of Botticelli

Livy was a highly respected author in Florence of the fourteenth and fifteenth centuries. Padua claimed him as a favourite son, but his *ab urbe condita* resonated strongly among educated Florentines of both genders in a city that struggled with oligarchic families and unstable factions to reinvent its own Republic.²³ Giovanni Boccaccio (1313-1375) used him extensively in composing his “On Famous Women” (*de claris mulieribus*), a work that celebrates 104 women.²⁴ He probably relied solely on Livy for the biographies of Lucretia, Verginia (no. 56), Sophonisba, and Theoxena and Livy is manifestly present in that of Veturia.²⁵ During Boccaccio’s lifetime, there was a feverish attempt, led in large part by his friend Francesco Petrarca (1304-1374), to locate surviving texts. Others, including Boccaccio, compiled and

her own legacy. What Keegan 2021: 39-40 has called a “decidedly masculine preoccupation” concerning reputation in Livy’s text is rendered decidedly feminine. One should remember that Livy will have expected women to read his work as much as men did. Certainly, this was an aim of educators in renaissance Florence, Robbins 2004: 61.

20 Langlands 2006: 109. See also Claassen 1998: 75-76.

21 Vandiver 1999. On the “real life” *exempla* that Livy would have been able to observe, see Treggiari 2005; Osgood 2014; Keegan 2021: xvii-xix; Welch 2023.

22 Livy 3.44.7.

23 Cornish 2011: 20. Padua: Robbins 2004: 33-39. Florence: Najemy 2006: 375-413.

24 Robbins 2004: 31: “Lucretia, Virginia, Sophonisba, and Theoxena, seem to have been taken from Livy alone.” Boccaccio was believed to have been one of the translators of Livy, Cornish 2011.

25 Robbins 2004: 32.

translated them.²⁶ Throughout the fifteenth century, the vernacular versions allowed non-Latinate Florentine readers, including women, to imbibe his valued moral lessons.²⁷ In 1531, four years after his death, Niccolò Machiavelli's influential *Discorsi sopra la prima deca di Tito Livio* were published, but this was only one work of many to use Livy as a base for reflections on Florentine government in the absence of the Medici (1494-1512). The city, after all, was reinventing its own form of Republican government.²⁸

Popular as he was, Livy does not appear to have inspired major public works of art in the city. Rather, stories from his *ab urbe condita* can be found on *spalliera* (back-board) panels of elaborate furniture items that were frequently commissioned to celebrate noble marriages.²⁹ The domestic setting of these items encouraged artists and their patrons to seek out examples from Livy's text that could convey appropriate moral lessons and qualities for men and women, especially because the furniture items were commissioned by the family into which a bride was marrying rather than her natal family.³⁰ Some of the choices offer an alternative lens through which to view Livy's text. Like Rome, Renaissance Florence held these high status women in a position of some honour, while also subjecting them to restrictive gender-based limitations.³¹

Somewhere between 1496 and 1504, the already-famous Florentine painter Sandro Botticelli (c.1445-1510), painted two companion *spalliera* panels treating *Storia di Lucrezia* and *Storia di Virginia*.³² The sarcophagus-like dimensions (85x165cm) gave him the latitude to include his chosen elements of

26 Robbins 2004: 11, 29-31.

27 Robbins 2004; Cornish 2011: 19, 24 on the anxieties that translations of the classics held for male scholars as well as their importance for women who had had no opportunity to learn Latin. Petrarch featured Verginia as well as Lucretia in his parallel between the integrity of the female body and that of the state, Filosa 2019: 82.

28 Machiavelli: Najemy 2006: 407-413; Savonarola's Republic: Najemy 2006: 390-399. Baehr 1998: 29 provides a survey of the role of the Roman republic (including Livy) in the formation of other republics, including the United States.

29 Robbins 2004: 50-66; Silver 2019; Nethersole 2019: 77 n.35.

30 Robbins 2004: 52-53.

31 Baker 2013: 40-43: "Patriarchy does not explain how this society functioned, only how men idealised its functioning." I happily acknowledge that many discussions about women in renaissance painting with Nicholas Eckstein inspired me to look carefully at Botticelli's *Virginia* when I first saw it in Canberra in 2011. For his own thoughts on the Brancacci Chapel in Florence, see Eckstein 2005.

32 Marmor 1982: 146-151; Silver 2019: 36-39. The paintings probably graced the home of the Vespucci family although this is not certain.



Figure 8.1: Biagio di Antonio and Jacopo del Sellaio. Cassone and panel with scenes from Roman history, 1472. Wood, plaster, tempera and gold. The Courtauld Gallery London UK. Image: Web Gallery of Art.

the narrative in added consecutive frames. The *Lucrezia* is a triptych, including her assault, her suicide, and Lucius Brutus' display of her body under the watchful eye of David, already a Florentine hero.³³ The composition of the *Virginia* has seven frames.³⁴ In the first, Virginia turns her horrified face towards the onlooker as Marcus Claudius tries to seize her. In the second and third, slumped and weeping, she approaches and then stands before Appius while Icilius and Verginius, their arms raised and their mouths open, make their cases on her behalf. Virginia's murder is graphically displayed to the right of the trial scene(s). She raises her hands in agony while her father grabs her long unbound red-gold hair. The last frame to the right shows Verginius departing on horseback, but the story circles around to a group of plebeian

33 Nethersole 2019: 62. David, closely linked to Florentine politics by Donatello and to the Gonfaloniere for life Piero di Tommaso Soderini by Michelangelo, also dominates Filippino Lippi's interpretation of the same legend, Nethersole 2019: 60; Keizer 2008: 99. In both cases, and that of Jacopo del Sellaio as well, the artists emphasise the public funeral and Lucius Brutus' fiery call to expel the Tarquins, although Botticelli also includes the actions of rape and family council that take place inside Lucretia's house, Nethersole 2019: 60-65.

34 There are two separate sections at the top of the painting that include the chastisement of the Faliscan schoolmaster (Livy 5.26-27) and the punishment of Tarpeia (Livy 1.11).

soldiers positioned in the centre, directly in front of Appius. All the characters can be identified by distinctive clothing. Appius himself appears on a high podium, with one hand gesturing towards Verginia, whose fate he thinks he controls, and the other raised in horror at her death. His gaze, however, is on the soldiers whom he sees through the space that Botticelli leaves vacant so that nothing can impede the soldiers who will eventually bring him to justice.³⁵

In five of the seven frames, Botticelli includes a group of women in their distinctive white veils. They surround Verginia when Marcus Claudius first attempts to abduct her; they accompany her on her way to and inside the court; they react in horror to her murder; and they berate Verginius as he leaves the forum.

Elsa Filosa sees Boccaccio as a more important inspiration than Livy. Botticelli certainly uses the *Decameron*, Boccaccio's more famous work, for *Nastagio degli Onesti*, another *spalliera* panel series.³⁶ It is probably correct to see Boccaccio's account in the first frame as he makes Verginia herself cry out for help (*proclamante virgine*) and Livy assigns that role to her nurse.³⁷ But then Filosa continues:

... the reactions of the women around Verginia, so beautifully represented by Botticelli, are completely absent in Livy's text. In Boccaccio's version, as well as in Botticelli's painting, Roman matrons join Virginia to form strong, active, and unanimous resistance against this abuse of power.³⁸

Boccaccio's matrons do come to Verginia's aid immediately (*iuvantibus matronis*) so it is fair to say that Botticelli's decision to include them in the scene comes from Boccaccio.³⁹ But Boccaccio makes no further reference to *matronae*. The remaining four frames must owe their origin to Livy.

Filosa underestimates Livy's impact and admits as much in her conclusion.⁴⁰ Botticelli probably could not read Latin but this was not an

35 Marmor 1982: 17-25 examines Botticelli's interest in and talent for isolating the most dramatic elements of any narrative to enhance the drama of his subject.

36 Prado Museum in Madrid; Nethersole 2019: 66-71.

37 Filosa 2019: 83-86.

38 Filosa 2019: 84-85.

39 Boccaccio 2011: 129: *The Virgin Verginia*: "The girl cried out and resisted the wicked man with all her strength, and while the ladies with whom she was walking helped her, a crowd gathered quickly."

40 Filosa 2019: 92.



Figure 8.2: Sandro Botticelli, *Storia di Virginia* (1496-1504). Accademia Carrara, Bergamo, Italy. Tempera on Panel. Wikimedia Commons.

Figure 8.3: Sandro Botticelli, *Storia di Lucrezia* (1496-1504). Isabella Stewart-Gardner Museum Boston, USA. Tempera on Panel. Wikimedia Commons.

important barrier. Versions (if sometimes a paraphrase) of Livy's text in Italian had been available for at least a century and were very popular.⁴¹ It is also possible that his noble patron had had a say in the details of the composition.⁴² Nethersole argues that elements of the *Lucrezia* reflect the Latin text at points

41 Cornish 2011. Texts of the vernacular are taken from Dalmazzo 1845.

42 Marmor 1982: 164, 182-183.



Figure 8.4: Detail. Botticelli, *Virginia*, frame 1.

where the vernacular offers only a paraphrase.⁴³ In the case of the Verginia legend, the vernacular text highlights the role of the women clearly enough to account for Botticelli's composition. While a detailed history of Botticelli's reception of Livy or the history of translation is beyond the scope of this paper, Livy's influence on Botticelli's composition is manifest.

Livy introduces the matrons (*aliquot matronae* – *aliquante donne* in the vernacular edition) on the second day of the drama. In his version, they arrive as a distinct group to support Verginia as she and her father enter the forum for the trial. Their muffled weeping, he says, was “more moving than any voice” (*comitatus muliebris plus tacito fletu quam ulla vox movebat* / *il popolo aveva maggior pietà delle donne che intorno alla pulcella piagnevano, che alcuna parola che si dicesse*).⁴⁴ Botticelli depicts this sorrow in two frames when, like Verginia, the women bow their heads, and one, the closest to the viewer, copies Verginia's stance.

43 Nethersole 2019: 63. The Latin at 1.58.5 (*quo terrore cum vicisset obstinatum pudicitiam velut vi victrix libido profectusque inde Tarquinius ferox expugnato decore muliebri esset*) appears as a rather free translation in the vernacular text: *Per questo modo le fece vergogna Sesto il fellone e tornossene all'oste.*

44 Livy 3.47.4.



Figure 8.5: Details. The Matrons accompany Verginia and Icilius to court (frames 3 and 4).

In Livy's text, the women, as a specific subset of the crowd, form a ring around Verginia and wail as Marcus Claudius tries to seize her (*circumstantibus matronis iret adprehendam virginem lamentabilisque eum mulierum comploratio excepisset / tra le donne a pigliare la pulcella, elle cominciaro tutte a gridare e a piagnere di pietà*)⁴⁵ and for a time, they and the other citizens stop his approach (*cum repelleretur adsertor virginis a globo mulierum circumstantiumque advocatorum silentium factum per praeconem / Con ciò fosse cosa che la compagnia delle donne e degli avvocati risospingesse addietro M. Claudio, il banditore comandò che ciascuno si tacesse*),⁴⁶ only falling away when Appius orders his lictors to attack them. Botticelli transfers this moment to the first frame. But he returns to Livy when, as Verginia's body is displayed to the people, Livy's women shout out in protest (*clamitant; querentes*).⁴⁷

45 Livy 3.47.6.

46 Livy 3.47.8.

47 Livy 3.48.8, cf. 3.47-48. Dionysius refers to women supporters on the first day of the ordeal but, as with Boccaccio, this is his only specific reference (Dion. Hal. *Ant. Rom.* 11.31.3: μὲν ὀδυρμὸς ὑπὸ τῆς παρθένου καὶ τῶν περὶ αὐτὴν γυναικῶν ἐγένετο καὶ κοπετός). Later, he mentions women and girls attending Verginia's funeral, showering her pyre with offerings appropriate to their age and status (*Ant. Rom.* 11.39.6).

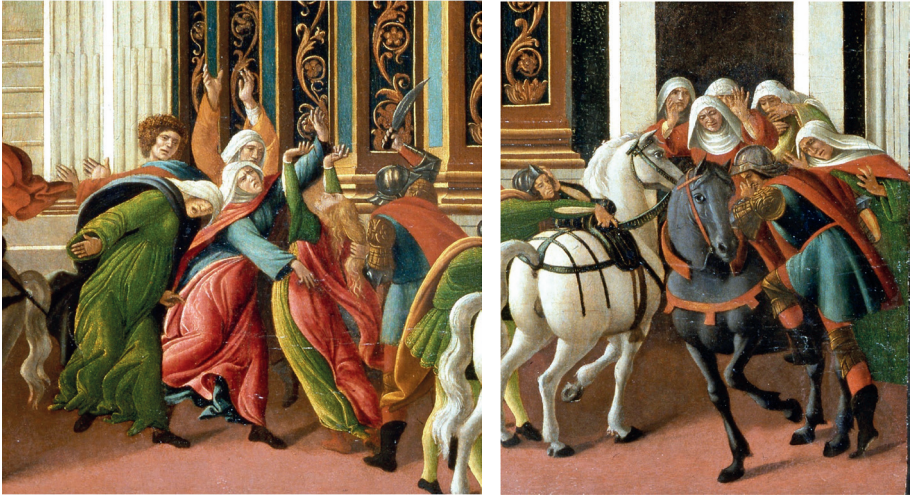


Figure 8.6: Details. The Matrons (1) react to Virginia's death and (2) speak to Verginius as he leaves. Frames 5 and 6.

Botticelli covers this element in two moments. He then imagines their absolute horror and sorrow as Virginia falls and then indicates their angry words via their stern sorrowful faces and gestures as Verginius mounts one horse and Icilius slumps against another with one hand covering his face.

In this he is more observant than many modern scholars who tend to dismiss the matrons as background noise if, indeed, they even notice them in the first place.⁴⁸ For example, in attempting to demonstrate her view that women did not routinely enter the Roman forum (“except for religious purposes”) until the middle of the second century CE, Mary T. Boatwright notes their presence but displays no interest in why they might be there:

48 Feldherr 1998 does not refer to the matrons. Joshel 2002 (= 1992): 387 mentions “weeping women” but says no more. More surprisingly, Langlands 2006: 102-103 quotes the passage in which the women accompany Virginia into the forum but says nothing about their presence or what it might mean for her discussion of *pudicitia*. Keegan 2021: 154 has noticed the women but writes them off as the equivalent of a tragic chorus that reinforces a male-centred narrative. Even less convincing is L’Hoir 1992: 83-84 who assumes that Livy is hostile to these and other women on the improbable basis of reading *mulier* as pejorative. Claassen 1998: 92 notes that they “win the day” but does not comment further on their significance. For a comparative situation, Eckstein 2005: 102.

When [Verginia] returns for adjudication the next day she is accompanied by a number of women whose “silent weeping was more moving than any words.” Livy’s pitiful account ends in Verginia’s death, when her father kills her with a knife he snatched up at the butcher shops near the shrine of Cloacina (3.48.5).⁴⁹

Boatwright then refuses to admit the Verginia episode as evidence for women routinely entering the forum, claiming that its anachronistic features and Livy’s habit of using women as “catalysts and markers of change” divorce it from any historical situation.⁵⁰ In using women as markers of change in legendary stories, Livy is at one with the entire Roman historical tradition. He includes them at other points too and usually does not feel the need to explain why or how they were there “on the spot”.⁵¹ One of his “anachronistic features” suggests the routine action of girls of marriageable age regularly leaving the house to go to school – he explains only that those schools used to be in the forum. The legendary and the contemporary are intertwined.

Boatwright continues:

To return to Verginia, to my mind her lack of agency throughout Livy’s tale – she never speaks, and neither do her weeping female companions – reflects the maleness of the Republican Forum.⁵²

The *tacitus fletus* of Livy’s women does not suggest a lack of agency. Tears and weeping are a recognised and powerful form of protest as well as part of the ritual of appeal and of mourning. Livy uses the term *comploratio mulierum*, which Lintott identifies as a specific female form of *quiritatio*.⁵³ More problematic for Boatwright, however, is the fact that Livy’s matrons do speak – they protest Verginius’ violence in specifically female terms.

49 Boatwright 2011: 118.

50 Boatwright 2011: 118-119.

51 Livy refers to named and unnamed women reasonably frequently in his first decade, Claassen 1998: 81-82; Scott 2018; Keegan 2021: 11-34. His fifth book particularly features *matronae*, including 5.23.3, 5.25.8-10, 5.31.3, 5.50.7, 5.52.10 (in Camillus’ speech). At the beginning of Book 3, women are part of the *turba* beseeching the pardon of the gods throughout the city (3.5.14). Boatwright’s (2011: 109, 119, 128, 135) exclusion of religious activity from her register is the clearest sign that her position is ultimately untenable.

52 Boatwright 2011: 119.

53 On Verginia and *squalor* more generally, Lintott 1999: 12, 16-21. DeLibero 2009 reveals the respect that Livy consistently expresses for women’s tears and Erker 2009 demonstrates that weeping is a public action. See also Gleeson 2022: 223 on Sempronia’s silence as a deliberate response.

Who are these women? We do not know their status, ages, or names. Are they there in large numbers or in a small group? Whose idea is it for them to accompany Verginia to her trial, to chaperone her and to envelop her in their manifest respectability?⁵⁴ As they are his invention, Livy could have included whatever details he wanted. “Some married women” (*aliquot matronae*), I suggest, stand in as an “everymatrona”, a recognisable and vocal part of the assembled citizen community.

3. Disappeared Women: a Modern Problem?

In a refreshing call-to-arms, Amy Richlin demonstrates the widespread nature of disappearing women from the Roman landscape. Taking aim at Karl-Joachim Hölkeskamp and his “man in the Roman street”, a ubiquitous observer of and participant in Roman political culture, she asks us to consider the extent to which women should be regarded as equally omni-present.⁵⁵ For her, the Verginia story emphasises how such an exclusion perverts our understanding of citizen rights at law.

Law, too, is stripped of the women it protects, as Hölkeskamp speaks of “the fundamental legislation *de provocatione*, guaranteeing and protecting the *libertas* of the man in the Roman street.” But one of the more memorable legends associated with this right is the story of Verginia, a young lower-class girl who is falsely claimed as a slave as she walks to school in the Forum (Livy 3.44–48); her nanny raises the traditional appeal for help to fellow city dwellers, and nearby women join in.⁵⁶

Part of the problem rests on a general devaluation of the whole Verginia episode. Gianluca de Sanctis notes its absence from Machiavelli’s *Discorsi* as well as many major historical narratives. Robert Ogilvie views it as a moment when Livy preserves “the legal fustian but betrays his ignorance of the procedures of the law”.⁵⁷ But there must be more to the story because even those who find the legend significant retell the story in ways that downplay both Verginia and the matrons. Consider, for example, Thomas Babington

54 As Susan Treggiari has observed to me (pers. comm.).

55 Günther 2017 argues (with respect to Pomponius) that Roman law is designed to be gender-neutral and that the absence of reference to individual women in legal discussions should not be regarded as dismissive.

56 Richlin 2021: 221.

57 De Sanctis 2020: 174; Ogilvie 1965: 478.

Macaulay who reimagines the story in ways that structurally exclude women even as readers. The preface to this Lay begins by saying,⁵⁸

In order that the reader may judge fairly of these fragments of the lay of Virginia, he must imagine himself a Plebeian who has just voted for the re-election of Sextius and Licinius.

The poem then addresses “ye good men of the Commons” and most of the poem is made up of speeches from Icilius and Verginius. Verginia’s voice is confined to singing on her way home from school and screaming when Marcus Claudius first approaches her.⁵⁹ The matrons have no role.

Theodor Mommsen’s account is very similar. His *Römische Geschichte*, written between 1854 and 1856, describes the episode as an almost entirely male affair. Not once does Verginia herself appear as the subject of a sentence.

A revolution was fermenting in men’s minds; and its outbreak was hastened by the unjust sentence pronounced by Appius in a process as to the freedom of the daughter of the centurion Lucius Virginius, the bride of the former tribune Lucius Icilius – a sentence which wrested the maiden from her relatives with a view to make her un-free and beyond the pale of the law, and induced the father himself to plunge his knife into the heart of his daughter in the open Forum, to rescue her from certain shame (*Schande*). While the people in amazement at the outrageous deed surrounded the dead body of the fair maiden, the decemvir commanded his lictors to bring the father and also the bridegroom before his tribunal, in order to render to him, from whose decision there lay no appeal, immediate account for their rebellion against his authority. The cup now was full.⁶⁰

58 Macaulay 2013.

59 Macaulay 2013.

60 Mommsen 1887: 1.292-293, trans. Dickson. The German is as follows: “Die Revolution gährte in den Gemüthern; zum Ausbruch brachte sie der ungerechte Wahrspruch des Appius in dem Prozess um die Freiheit der Tochter des Centurionen Lucius Verginius, der Braut des gewesenen Volkstribuns, Lucius Icilius, welcher Spruch das Mädchen den Ihrigen entriss, um sie unfrei und rechtlos zu machen und den Vater bewog seiner Tochter auf offenem Markt das Messer selber in die Brust zu stossen, um sie der gewissen Schande zu entreissen. Während das Volk erstarrt ob der unerhörten That die Leiche des schönen Mädchens umstand, befahl der Decemvir seinen Bütteln den Vater und alsdann den Bräutigam vor seinen Stuhl zu führen, um ihm, von dessen Spruch keine Berufung galt, sofort Rede zu stehen wegen ihrer Auflehnung gegen seine Gewalt. Nun war das Maß voll.” (Mommsen 1868, 1.275) Dickson’s English version (adapted when needed), which Mommsen approved, will be used for this study.

This focus on the male protagonists is reflected in other sections of the *Römische Geschichte*, suggesting that it was not accidental. Mommsen consistently omits or minimises references to women, no matter how extensive or important their actions are in the original. For example, in one magnificent Livian chapter, Veturia, the mother of Coriolanus, uses her stern and reproachful rhetoric to order her son and the enemy army he leads to withdraw. She and her female companions thus save the city and are honoured for their action.⁶¹ Boccaccio reproduces Livy's unyielding character in his pen-portrait.⁶² The artist Soma Orlai Petrich also captures his characterization: Veturia is depicted in full oratorical flight while Coriolanus looks away in shame.

In Mommsen's hands, Veturia is a nameless suppliant.

Impeached by the tribunes so that his life was in peril, it is said that [Coriolanus] left the city, only however to return at the head of a Volscian army; that when he was on the point of conquering the city of his fathers [sic] for the public foe, the earnest appeal of his mother touched his conscience; and that thus he expiated his first treason by a second, and both by death.⁶³

As often as Livy depicts women as effective and appreciated, Mommsen disappears them.⁶⁴ Only two receive his praise. He commends Cornelia, mother

61 In suggesting that Livy (or any other ancient author) is critical of these women who saved Rome from a dire fate L'Hoir 1992: 84-85 reveals the extent to which her problematic reading of *mulier* has led her astray. Claassen 1998: 91 notes: "This is one of several instances where Livy draws the women of early Rome as the political equals of their menfolk." He certainly shows them as more effective and successful than the men who made no headway at all in persuading Coriolanus to leave the city unharmed.

62 Boccaccio 2011: 117-122. Veturia was another popular topic in fifteenth and sixteenth century Florentine art, Robbins 2004: 94-95, 169-176.

63 Mommsen 1888: 1.287. For an intriguing study of the possible cultural history of Veturia and Valeria see Woodard 2020.

64 Many artists depict Veturia in an act of supplication. For example, see the interpretations of Filippo Abbiati (1661), Gerbrandt van den Eeckhout (1674), Nicolas Poussin (1652-1653) and Angelica Kauffmann (1765). Luca Signorelli (1509) depicts her overcome by sorrow but standing. Robbins 2004: 95-96 demonstrates its close relationship to Livy's text. Ciro Ferri (1680-1687) is similarly inspired. The use of Plutarch's variant name Volumnia in a painting's title bespeaks his presence in the artist's mind – all other authors call her Veturia. Dionysius has Veturia kneel but only after she has made a long and complex speech that ends with her complaint about the need to do so (*Ant. Rom.* 8.53.4: "And if it is right and lawful for a mother to grovel at the feet of her son, even to this and every other posture and office of humility will I submit in order to save my country." εἰ δὲ ὀσιόν ἐστι καὶ θεμιτὸν υἱοῦ γόνασι μητέρα προσκυλίεσθαι, καὶ τοῦτο καὶ πᾶν ἄλλο ταπεινὸν σῆμα καὶ λειτούργημα ὑπομενῶ σωτηρίας ἕνεκα τῆς πατρίδος).



Figure 8.7: Soma Orlai Petrich, *Coriolanus*, 1869 Munkácsy Mihály Museum Békéscsaba, Hungary. Wikimedia Commons.

of the Gracchi, for her excellent Latin and for opposing her errant younger son⁶⁵ and represents Caesar’s daughter Julia as the ideal wife who accepts marriage to the much older and, in his view unworthy, Gnaeus Pompeius. She has all the grace and charm that only a daughter of his hero could possess.⁶⁶

Throughout his narrative, Mommsen also stresses the necessity of keeping women firmly in subjection if the Republic is to remain viable. They had to be confined to the “domestic” space, which was to be their specific domain because they “belonged to the household, not to the community”. The view emerges in the first pages of his history even as he applauds the right of women to inherit property – so long as only men controlled it.

The Roman family from the first contained within it the conditions of a higher culture in the moral adjustment of the mutual relations of its members. Man alone could be head of a family. Woman did not indeed occupy a position inferior to man in the acquiring of property and money; on the contrary, the

65 Mommsen 1867: 3.86, 3.100, 3.470.

66 Mommsen 1887: 4.205.

daughter inherited an equal share with her brother, and the mother an equal share with her children. But woman always and necessarily belonged to the household, not to the community; and in the household itself she necessarily held a position of domestic subjection – the daughter to her father, the wife to her husband, the fatherless unmarried woman to her nearest male relatives; it was by these, and not by the king, that in case of need woman was brought to trial.⁶⁷

This state of affairs broke down in early second century, when women began to escape from this oversight, which for a second time Mommsen describes as “necessary”.

Moreover, the emancipation of women began ... now women began to aspire to independence in respect of property, and, getting quit of their agnate guardianship through evasions suggested by advocates – particularly through mock marriages – they took the management of their property into their own hands, or, in the event of being married, sought by means not much better to withdraw themselves from the marital power, which under the strict letter of the law was necessary. The mass of capital which was collected in the hands of women appeared to the statesmen of the time so dangerous that they resorted to the extravagant expedient of prohibiting by law the testamentary nomination of women as heirs, and even sought by a highly arbitrary practice to deprive women for the most part of those collateral inheritances which fell to them without testament. In like manner the family jurisdiction over women, which was connected with that marital and tutorial power, became practically more and more antiquated. Even in public matters women already began to have a will of their own and occasionally, as Cato thought, “to rule the rulers of the world” their influence could be traced in the comitia, and already statues were erected in the provinces to Roman ladies.⁶⁸

The origin, extent, and nature of the misinformation embedded in this description deserves closer attention than it will get here. What is of chief importance for present purposes is Mommsen’s reaction to the very thought of women being able to determine their own existence (whether this was in fact the case in Rome or not). In his final analysis of a fallen Republic, this entrenched prejudice is even clearer.

An equally characteristic feature in the brilliant decay of this period was the emancipation of women. In an economic point of view the women had long since made themselves independent ... But it was not merely from the economic

67 Mommsen 1887: 1.60; Welch and Scott forthcoming. For Mommsen’s approval of agnatic *tutela*, Mommsen 1887: 1.63. For the ongoing burden it enabled, see Morrell forthcoming.

68 Mommsen 1887: 2.408.

guardianship of father or husband that women felt themselves emancipated. Love intrigues of all sorts were constantly in progress...⁶⁹

Mommsen's stress on the necessity of female subjugation is not a matter of timeless misogyny. The eighteenth and nineteenth centuries witnessed its own culture war over the rights of women.⁷⁰ The necessity of keeping women under control lay at the heart of Jean-Jacques Rousseau's views on "natural law" and the state.⁷¹ For Rousseau, it was of vital importance for the Republic to prevent women from gaining the kind of power they could accrue under a monarchy. Giulia Sissa, in tracing the relationship between Aristotle's theory of natural law and its later reception, argues that Rousseau was even more contemptuous of women than Aristotle because he denied women's intellectual capacity as well as moral fortitude.⁷² Sissa shows the extent to which contemporaries contested Rousseau's point of view, paying close attention to the pamphlet, issued in 1790, of Nicolas de Condorcet arguing for women to be regarded as citizens. She summarises his scathing description of his opponents' hackneyed excuses for continued exclusion, much of which is still very familiar.⁷³ His deepest irony was reserved for the circular argument that

69 Mommsen 1887: 4.518. Some traces of this position have been identified by perceptive scholars without any comment on Mommsen's influence. See for example Claassen 1998: 76-77 on Bauman, Keegan 2021: 4-5 on Syme.

70 Marchand 2020: 147-148.

71 Sissa 2021: 235-237 traces the connections and disconnections between Rousseau and his predecessors in determining that women's nature is determined by "natural law" and cannot change. It therefore must be contained and suppressed. See also Matthes 2000: 160-161; Gerhardt 2016: 25; Welch and Scott forthcoming.

72 Sissa 2021: 269: "Plus méprisante qu'Aristote lui-même, il leur refuse la chance de 'cultiver' leur raison... car elle serait inutile." Deslauriers 2022: 6 also argues that Aristotle did not think that women were less rationally competent than men. He saw their bodies as defective and their moral courage lacking (except of course when it wasn't) but, unlike later thinking, regarded them as capable of being intelligent.

73 Sissa 2021: 270-271: "Les femmes ne seraient ni suffisamment sensibles, ni assez douées pour apprendre, ni, surtout, capables de raisonner. Les causes en sont d'abord physiques: entre grossesse, allaitement et cycle menstruel, les femmes seraient trop souvent 'indisposées'. De surcroît, elles seraient toujours obsédées par leur apparence. Le souci du corps prendrait le dessus dans leur existence. Leur force morale est également déficiente: elles n'auraient pas le sens de la justice, elles ne sauraient commander. Tout converge à affaiblir la rationalité qui, chez tout être humain, devrait ordonner la vie entière: 'On a dit que les femmes, malgré beaucoup d'esprit, de sagacité, et la faculté de raisonner portée au même degré que chez de subtils dialecticiens, n'étaient jamais conduites par ce qu'on appelle la raison.' Fussent-elles équipées de la faculté de raisonner, les femmes préfèrent s'en passer dans la gouverne de leur vie. *A fortiori*, elles ne doivent pas se mêler du gouvernement de

women were unable to reason, but any signs of capacity for reason could be disregarded because women preferred not to reason, leaving exclusion as necessary because, as Sissa explains, the ability to understand, to learn and to think reasonably that is the basis of human and citizen rights. Condorcet disagreed, arguing that women should share the same political rights as men.

Sissa argues that Condorcet's opposition to Rousseau helped to lay the foundations of later calls for universal human rights and equality for women.⁷⁴ Rousseau's view, however, prevailed. Although the provisional laws of France from 1796 to 1804 rewarded women for their contribution to the revolution and women, displaying a very clear understanding of how a discriminatory system had disadvantaged them, took full advantage while they could,⁷⁵ the Napoleonic Code of 1804 took that discrimination to new heights. It was depressingly influential in other European contexts as well.⁷⁶ Jean-Étienne-Marie Portalis, one of its authors, justifies this systemic discrimination in terms that are very close to Mommsen's "necessary subjection".

It is not... our injustice but natural temperament that subjugates women to stricter obligations for their own benefit and the safety of society...

The authority of a husband and paternal authority are republican institutions. In republics (unlike monarchies), domestic authority is consolidated in order to safely limit political and civil authority.⁷⁷

There are signs of the same debate among the ranks of those who fomented the nationally-based but internationally-linked revolutions which occurred in 1848-1849, and in which Mommsen famously participated.⁷⁸ The many women who were involved made a considerable contribution to the cause but were frequently excluded from male associations and marginalised in other ways.⁷⁹ Some later emerged as intellectual leaders and activists.⁸⁰

l'État. Leur étrangeté à l'usage de la raison les condamne, en effet, à l'exclusion de la citoyenneté puisque, par principe, c'est l'aptitude à comprendre, à apprendre et à réfléchir raisonnablement qui fonde les droits de l'homme et du citoyen."

⁷⁴ Sissa 2021: 269-287.

⁷⁵ Desan 1997.

⁷⁶ Gerhardt 2016; Welch and Scott forthcoming.

⁷⁷ Gerhardt 2016: 258.

⁷⁸ Rebenich 2002: 165-193.

⁷⁹ Frevert 1989: 61-148; Anderson 1998; Hauch 2000.

⁸⁰ Frevert 1989: 115. Louise Otto is one of the most outstanding examples but she was not alone.

Even these remarkable leaders, however, rejected the word “emancipation” (*emanzipation*) to describe their aims because it was associated with sexually-liberated, cigar-smoking, trouser-wearing women such as George Sand.⁸¹ That Mommsen uses the same term – and with the same connotation – so scathingly of Roman women is an obvious indication of which side of the debate he had chosen.

Thus the person most responsible for the grand narrative of Roman history in the modern age interprets his source material, including Livy, through a very particular ideological position. In his view, married women belong only in the “domestic” space and any evidence for their economic freedom or influence on public life was an aberration and an indication of political decay. The descent into moral turpitude of these “emancipated” women clearly indicated that the Republic was doomed.

This framework of prejudice pervades not only Mommsen’s *Römische Geschichte* but also his work on inscriptions and other sources. For example, he cites as his archetypal image of womanhood not the exciting figure who emerges from the *Laudatio Turiae* (which he published), but an epitaph for Claudia, who “kept the house and worked wool”, leading to a scholarly emphasis on what was an important activity for women but by no means their only one.⁸² Women’s involvement in religion suffers twice over because he found the intersection of religion and politics at Rome as unappealing as women having control of their own property.⁸³ Celia Schultz points to cases where Mommsen classifies some inscriptions as forgeries because they shed doubt on evidence from literature that was more suited to his taste.⁸⁴ It is ironic that some scholars now question the authenticity of the Claudia inscription.⁸⁵

The connection Mommsen sees between the lax morals of women and political instability has a base in the ancient sources.⁸⁶ The problem rests in

81 Frevert 1989: 79-80; Welch and Scott forthcoming.

82 Schultz 2006; DiLuzio 2017; Webb forthcoming.

83 Nippel 2007: 211-214; Marchand 2020: 158-160. I thank Gwyneth MacIntyre and Jaymie Orchard for providing these references and for their enlightening paper on Mommsen and Religion presented in our shared panel, *Confronting a Legacy: Theodor Mommsen and the Twenty-First Century Syllabus* (Christchurch, NZ: February 2023).

84 Schultz 2000: 295.

85 Massaro 2018; Webb forthcoming.

86 Edwards 1993: 43-52.

his refusal to engage with the images that offset and complicate such tropes. Above all, the Romans had a strong tradition that commemorated women as saviours of and contributors to the welfare of the Republic. Veturia was among the most famous but not unique.⁸⁷ In Livy's own day, one marked by civil war and the resulting social disruption, many men celebrated the women to whom they owed their physical and political survival.⁸⁸ Mommsen does not comment directly on the debate that Livy invents on the topic of whether the *Lex Oppia*, which in the context of the terrible defeats inflicted by Hannibal, had restricted women's right to display their traditional finery. He simply signals his support for M. Porcius Cato's polemical point of view.⁸⁹

In her examination of his three extant debates, Jane Chaplin points to Livy's habit of presenting both sides without seeming to declare a winner – while in fact employing historical examples to make his preference clear.⁹⁰ The *Lex Oppia* debate, set in 195, takes place between Cato (as consul) and Valerius (as tribune of the plebs). Chapman proposes that Livy's readers would have readily understood the message he embedded in Cato's speech about the destructive nature of *luxuria*: “The [reading audience] can connect Cato's speech with Livy's assessment of Rome in the Preface and recognise him as a warner figure, doomed to be ignored by his contemporaries.”⁹¹ That Livy is signalling a preference to his contemporaries must be correct, but a case can be made for declaring Valerius the winner over Cato.

In the first place, commentators have noted that Livy comes close to poking fun at Cato even if Cato normally commands his respect.⁹² He has Cato make

87 For example, Hispala Faecenia is praised for assisting the authorities to uncover the Bacchanalia scandal of 186 BCE (Livy 39.9.5); Russell 2019.

88 Hopwood 2015; Osgood 2014; Welch 2023 with references to previous contributions.

89 Mommsen 1862: 408. Tonya Rushmer (pers. com.) points out that Mommsen 1862: 2.344 distorts Plut. *Cat. Mai.* 8.1 where Cato's metaphor acknowledges that hungry people find it hard to listen to imply that the people never listen. The misrepresentation allows him to present his own view as though it was Cato's.

90 Chaplin 2000: 92.

91 Chaplin 2000: 101. For a similar argument, Mineo 2015: 142. Lewis Webb in a personal comment suggests that Livy's Cato is modelled on Plautus' Megadorus.

92 Briscoe 1981: 41; Hopwood 2001; Gleeson 2022: 135 on Cato's failure in *verecundia*. On the *lex Oppia* not being a sumptuary law, Hopwood 2001. To be fair, there was a tradition of linking Livy's description to contemporary anxieties about women's extravagance, Cornish 2011: 16; Hopwood 2017, although Elizabethan William Thomas (d.1554) voted for Valerius and the women, Carlson 1993.

mistakes, contradict himself and, ultimately, make little sense.⁹³ Finally he presents the spectacle of a self-declared traditionalist attempting to deny to women their traditional status markers (*pristinus ornatus*)⁹⁴ while blaming them for the bad habits that (in Rome's own discourse) men introduced into Rome. Livy adds richness to the subtext through verbal signals as well. He has Cato refer to the "rowdy" protesters as an *agmen mulierum*.⁹⁵ Earlier, however, he describes the women who with Veturia's help saved Rome from the Volsci as a *mulierum agmen*,⁹⁶ an episode that is a feature of Valerius' rebuttal.

If Livy's audience was aware of Cato's views, they might have been equally aware of the origin of Valerius' counterargument. Bronwyn Hopwood has argued in great detail the view that Livy drew upon the published speech of Hortensia, leader of another matronly protest in Livy's own lifetime.⁹⁷ These women successfully opposed a financial levy by arguing that it was not up to women to pay for civil wars caused by men and that women had a right to determine when and how they would place their resources at the service of the state.⁹⁸ If this is the case then, Livy is consciously inviting his audience to consider what, if given the chance, the women of his day might have replied to Cato's denial of their traditional *ornatus*. His Valerius asserts that Cato prefers clever oratory to real substance (*magis hoc consul verbo tenus ut re insimularet*).⁹⁹ He goes on: what is so strange about women appearing in public in a matter that concerns them – and produces examples of respectable women doing just this from Cato's own version of history,¹⁰⁰ including the Sabines, Veturia and her company (*nonne id agmen*),¹⁰¹ and the women who contributed to the Gallic ransom. He makes a point of bringing the examples down to the historical date of the debate (*proximo bello ne antiqua repetam nonne et cum pecunia opus fuit viduarum pecuniae adiuverunt aerarum*).¹⁰² He thereby links the legendary past, the context of 195 and the turmoil of civil war.¹⁰³

93 Gleeson 2022: 129-147.

94 Livy 34.1.5.

95 Livy 34.2.8.

96 Livy 2.40.3.

97 Hopwood 2015: 315-322, following Briscoe 1981: 39-42 and Purcell 1986: 81.

98 App. *B Civ.* 4.32-34 provides a text that alleges to be Hortensia's speech.

99 Livy 34.5.4.

100 Livy 34.8-11.

101 Livy 34.5.9.

102 Livy 34.5.10.

103 Webb 2022: 177.

Valerius concludes this section with, “We must have proud ears by heaven if we are indignant over requests made of us by respectable ladies” (*superbas, me dius fidius, aures habemus ... nos rogari ab honestis feminis indignamur!*).¹⁰⁴ He then schools Cato in Roman law. The law under question, he says, is a specifically wartime measure and never meant for the long term. The women themselves agreed to it at the time but as everything else had returned to normal why should they not now be able to display their wealth as they used to. Valerius’ relentless logic continues to drive a stake through Cato’s bluster until he reaches his climactic statement. While their male relatives live, the *servitus* of women never ends (*nunquam salvis suis exiitur servitus muliebris*)¹⁰⁵ and they are content for this to be the case. Rather than running a scare campaign on out-of-control females and their danger to morality, why not recognise this power differential and moderate the power trip (*patiendum huic infirmitati est, quodcumque vos censueritis. quo plus potestis, eo moderatius imperio uti debetis*)?¹⁰⁶ Livy hands the final victory to the women. After the debate, one united female *agmen* (*unoque agmine*) descends on the house of the opposing tribunes and cannot be moved (*nec ante abstiterunt*) until the veto is withdrawn.¹⁰⁷ All the tribes (*omnes tribus*) then vote to repeal the law.¹⁰⁸ The voting community unanimously endorses the reinstatement of full, often ceremonial, female visibility. One more aberration born of war and loss has been set to rights.

Valerius reminds his audience (and us) that Roman women were never emancipated, neither in our contemporary sense nor Mommsen’s. However, the gendered expectations in Rome are fundamentally different from Mommsen’s nineteenth-century context, especially in the realms of public visibility and access to economic independence.¹⁰⁹ Like men, they were expected to reflect their status and wealth by their dress and deportment on any occasion they were outside – or inside – their home, which was also for many a very public space.¹¹⁰

104 Livy 34.5.13.

105 Livy 34.7.12.

106 Livy 34.7.15; Purcell 1986: 83-84.

107 Livy 34.8.2-3.

108 Livy 34.8.3.

109 On women’s visibility, Langlands 2006; Webb 2022 and forthcoming; Steel and Webb forthcoming.

110 Russell 2016: 60-87.

Livy's Valerius does not see women as destabilising. On the contrary through his vocabulary choices and *exempla*, he fixes the status markers of the matrons to the cultural memory of women willingly benefitting or rescuing the Republic.¹¹¹ If he is reinventing Hortensia, he also reminds his attentive readers of the many ways that women led the moral opposition to Triumviral assaults on citizen bodies, citizen rights and citizen property, thus showing themselves worthy daughters of a great tradition.¹¹²

Possibly because it reinforced his pre-existing view, Mommsen endorses the flawed example of (a caricatured) Cato the Elder while he passes over Valerius' argument without comment. For better or worse, his agenda is still current, especially with respect to what is thought appropriate in a political history of Rome. His divisions train us out of seeing the extent to which Livy integrated women into his narrative not just when he highlights famous individuals but also when he takes the presence of groups of matrons for granted.

4. Livy's *Matronae* as Citizens

It is time to turn to a final and critical misconception about Livy's treatment of Verginia and her companions. Valerius Maximus includes her as a shining exemplar of *pudicitia*. Ogilvie assumes that Livy does the same, describing his treatment as "a supreme example of the virtue of *pudicitia*, a supreme condemnation of *libido*".¹¹³ Langlands, whose focus is on *pudicitia*, follows Valerius' agenda. Livy, on the other hand, has an interest in *pudicitia* but it is a secondary issue in his account of the Verginia legend. As Ann Vasaly demonstrates, Livy is much more interested in freedom (*libertas*).¹¹⁴ At the beginning of the story, Icilius demands that *pudicitia* should be respected even though other rights have been removed but even the person who feels he has the greatest stake in Verginia's reputation for propriety declares that he will defend Verginia's freedom to the end (*me vindicantem sponsam in libertatem vita citius deseret quam fides*).¹¹⁵ When Verginius confronts Appius, his only

111 Scott 2018; Webb 2022: 180.

112 Steel 2020: 198-201; Welch 2023.

113 Ogilvie 1965: 476-477.

114 Vasaly 2015: 70-73. Also De Sanctis 2020: 184-188.

115 Livy 3.45.6-11. The phrase had general currency in the period after Caesar's dictatorship and assassination and is generally important for Livy, Cooley 2009: 106-111.

interest is in her *libertas*. Even his declaration that he had raised his daughter for marriage and not for sexual transgression (*ad nuptias non ad stuprum educavi*) indicates a claim to freedom and citizenship because only the free could contract a legal marriage or be charged with *stuprum*.¹¹⁶ As he kills her, it is not her honour he protects but her status as a free woman (*hoc te uno quo possum modo filia in libertatem vindico*).¹¹⁷ Only in front of his fellow soldiers does he refer to her *pudicitia* and even then he links it to *libertas*.¹¹⁸ Livy has chosen to tell the story in a way that emphasises the rights of a citizen and, by extension, the rights of a female citizen.¹¹⁹

The downfall of the Decemvirate is an intrinsic point in Rome's road to the institution of laws "more powerful than human beings", one of the fundamental elements of governing a *liber populus*.¹²⁰ As others have observed, it can be no accident that Appius the villain is the very person who writes the laws, a particularly Roman twist that removes any need to place the lawgiver on the civic honour roll.¹²¹ The victim is the weakest, least protected, least vocal member of the citizen body. The law should have been powerful enough to protect her and its failure requires action and change. As Feldherr observes, the onlookers know that what is happening to Verginia could happen to any of them. Livy reinforces this commonality by uniting the community as one large *globus* under threat from Appius' lictor.¹²² Although Verginia is the *praeda* on this occasion, each member of the community could wonder who was next.

Feldherr notes that Livy is the only author to locate Verginia's death in the vicinity of the shrine of Venus Cloacina.¹²³ The shrine is connected to general purification but it has a particular relevance as well. This is where the warring Romans and Sabines performed their ritual cleansing of blood guilt after the previously-abducted Sabine women halted the fighting between them. Although he does not explicitly press the point, Livy provides another link to the Sabine/

116 Livy 3.47.7; Fantham 1991: 270; Piacentin 2018: 108, 121.

117 Livy 3.48.5.

118 Livy 3.50.6.

119 Brunt 1988: 296; Feldherr 1998: 194, 207; Arena 2013, 49-52; Vasaly 2015, 71; De Sanctis 2020.

120 Livy 2.1: *Liberi iam hinc populi Romani res pace belloque gestas, annuos magistratus, imperiaque legum potentiora quam hominum peragam*. Brunt 1988; Arena 2013.

121 Fögen 2005: 55-58; De Sanctis 2020: 183.

122 Feldherr 1998: 210.

123 Feldherr 1998: 210-211.

Roman women as citizens. The understated nature of the link is one more sign that Livy took the citizenship of Roman women for granted.

It is the *matronae* themselves who reintroduce the concept of *pudicitia*. The women's words of mourning are presented in a complex grammatical construction not easily rendered into English:

Sequentes clamitant matronae: eamne liberorum procreandorum condicionem, ea pudicitiae praemia esse? – cetera quae in tali re muliebris dolor, quo est maestior imbecillo animo, eo miserabilia magis querentibus subicit.¹²⁴

The vernacular text expands Livy's Latin.

Le donne andavano appresso, gridando “Oh lasse cattive, infantiamo noi per ciò, e nutriamo i nostri figliuoli nettamente e castamente, per averne tal guiderdone?” e altre simiglianti parole dicevano le donne, sì come il dolore, quanto è più vivo in animo donnesco, tanto più compassionevoli, le apparecchiava in cotale avvenimento.

The women followed, crying “O miserable wretches! Do we bear children for this? and do we nourish our children in purity and chastity for this reward!” and other similar words the women spoke, as grief (how much greater it is in the female heart, since they are more compassionate) instructed them in such an event.¹²⁵

This rich, dramatic vocabulary and much of its social information loses much in modern English translations. Compare, for example, three in current circulation:

B.O. Foster 1922: After them came the matrons crying aloud, “Was it on these terms that children were brought into the world? Were these the rewards of chastity?” – with such other complaints as are prompted at a time like this by a woman's anguish, and are so much the more pitiful as their lack of self-control makes them the more give way to grief.

De Selincourt 1960: Women pressed round – were children, they cried, begotten and born only for this? Was this the reward of chastity? – and much more than grief, at such a time, will wring from women's hearts, the more pitiful to hear from their very weakness.

T.J. Luce 1998: The women followed with loud laments – was this what it meant to have children, was this the reward of women's purity? – along with other things which distress suggested to them in the situation, the more pitiable given women's more emotional nature.¹²⁶

124 Livy 3.48.8.

125 Dalmazzo 1845: 312, trans. N. Newbiggin.

126 Foster 1922: 159; DeSelincourt 1971; Luce 1998: 198. This is a particular problem for translations into English. For example, Fontán and Villar Vidal 2000: 290 offer a Spanish

In each case one can see what the translator is trying to do but none does justice to Livy's meaning. In two of the three translations, the participle *sequentes* indicating physical movement is turned into the main action (for example, came crying aloud, followed with loud laments) instead of Livy's *clamitant*.

What do they say? The first question is *eamne liberorum procreandum condicionem*? Our three translators offer (1) "on these terms that children were brought into the world", (2) "were children begotten and born only for this" and (3) "was this what it meant to have children". Foster and Luce attempt to convey the contractual nature of *condicio* but for a word that carries a range of meanings, including covenant, agreement, treaty, option, legal position or status, the results are rather weak. The force of the gerundive *procreandum* is missing in action. These women are asking the men (and Verginius in particular) if this is the way to treat them, who have agreed to risk their lives in their (citizen) duty of bearing and giving birth to children, the central point of a marriage contract between two Roman citizens.¹²⁷

Now to *praemia pudicitiae*. "Chastity" is the most popular choice for *pudicitia*, but, as Langlands notes, it simply does not capture what the Romans mean by it. She prefers "sexual virtue", which is better. Even so, the English vocabulary for sexual appropriateness is all too ridden with culturally specific overtones to capture the significance of a pre-Christian value system.¹²⁸ In the case of English the moral values of "chastity" have served to reinforce a legal system that traditionally subjugated married women more completely than other equivalent systems of its times.¹²⁹ As Langlands demonstrates via a monograph-length examination, *pudicitia* is context-specific. Men and women were both expected to be *pudici* but the behavioural expectations differed according to gender and status.¹³⁰ In line with a culture that

translation that can better reflect the Latin construction: "Las matronas los siguen preguntando a gritos si a esto está destinada la procreación de los hijos, si ése es el premio a la honestidad, y todo lo que en circunstancias semejantes les sugiere el dolor a las mujeres, más agudo porque son más débiles de espíritu y, por eso mismo, más conmovedor en sus lamentos."

127 See for example Plaut. *Capt.* 889 (*liberorum quaerendorum*) and Quintus Metellus in Livy *Per.* 59 (*omnes ducere uxores liberorum creandorum causa*). I thank Lewis Webb for these observations.

128 Harper 2013: 4-8.

129 Welch and Scott forthcoming.

130 Mueller 1988; Langlands 2006; Freund 2008.

encouraged the public display of virtue, *puđicitia* in general, but especially that of women, was meant to be visible and celebrated (*spectata*).¹³¹ A woman could expect to be rewarded for acting appropriately. None of the translations comes close to capturing this because of the very different cultural expectations that lie behind our value-laden vocabulary. There is a second issue. Our three translators generalise the women's bitter question, but the women's protest is quite specific. In refusing Appius in the first place, she proves herself to be *puđica* but her appropriate behaviour eventually leads to her death.

Even more difficult is the phrase *imbecillus animus* which at first looks like an insult to these otherwise impressive women for whom Livy displays nothing but respect. The phrase is cited in the *OLD* under the meaning "lacking in intellectual and moral strength, feeble".¹³² In offering "given women's more emotional nature", Luce strives to produce something more sympathetic than that of Foster's "lack of self-control". De Selincourt's "from their very weakness" is simply strange. It might be thought unsurprising that Livy invokes the Roman view of a woman's natural weakness, but the context lends it nuance.¹³³ That belief underpinned another: men were meant to protect the community of women and not just those of their own families. *Imbecillitas* indicates an inability to protect oneself or one's interests. Its adjectival form can mean "fragile", "ineffective", "deficient in power".¹³⁴ In the face of male perfidy (Appius), male violence (Verginius), and male failure (the community of men), they are rendered powerless, fragile, anxious, and frustrated. Rather than belittling the women or their anguish (*dolor*), I suggest that Livy's intention is to stress an anxiety caused by their common helplessness.

And so, taking some liberties with the grammar to expose Livy's intention, I offer,

Following them, the matrons shriek, "Is this how you keep your end of the bargain with us who must bear your children? Is this what she gets for doing the

131 Langlands 2006. This fact is of importance for the much-misunderstood competition among the men of Ardea and Lucretia as unfortunate winner. Collatinus, according to Roman *mores*, had every right to boast about his wife. In that story, only Sextus Tarquinius was a villain.

132 *OLD*: *imbecillus* 4. This is the only use of the word to be found in Livy's surviving books. Note the vernacular *animo donnesco*.

133 Dixon 1984.

134 *OLD*: *imbecillus* 3.

right thing?” – and other things even more pitiable than womanly anguish, itself more mournful in a fragile mind, suggests in such circumstances to those lamenting.¹³⁵

The men complain differently. All of them, including the bereaved Icilius, turn immediately to politics. To a modern reader, Icilius comes across as somewhat insensitive, but this cannot be Livy’s intention. The lament of the women highlights how much their *pudicitia* as well as their *libertas* depend on the male community. As both Langlands and Freund note, *pudicitia* flourishes only when male citizens maintain the security and stability of the community.¹³⁶ Icilius answers the challenge of the women by seeking to reinstate the institutions that made this protection achievable. So does Verginius who inspires the citizens under arms to help with bringing Appius to justice and ejecting the Decemvirate.

Pudicitia opens up certain pathways of honour to some female citizens but it was not of itself a qualification for citizenship.¹³⁷ Livy’s version of the Verginia legend reveals the connection between the two. Enslavement nullified the autonomy of judgement necessary for claiming any virtue, *pudicitia* included. By focusing attention on *libertas*, Livy puts citizenship and the rights of a citizen, male or female, at the heart of Verginia’s tragedy.

5. Conclusion

Whenever a woman exhibits unacceptable behaviour, Livy is quick to cast her in the role of villain. We should not take criticism for certain actions as a universal judgement against women appearing in public or a lack of respect for their role as citizens. Quite the contrary. Livy chooses to depict a group of women – *aliquot matronae* – as legitimately present to represent what he conceives to be a woman’s view of Verginia’s fate. The stately matrons who surround Verginia are meant to impress his readers (including women) as honoured witnesses, protectors, commentators, and arbiters of men’s actions. They are also actors in the story of the fight to preserve *libertas* upon which their own reputation and its rewards depend. Only they criticise

135 With thanks for the help received from Tegan Gleeson, Roger Pitcher, Dexter Hoyos and Anne Rogerson.

136 Langlands 2006.

137 Treggiari in this volume.

Verginius for his decision to kill his daughter. Mommsen's erasure of these and other women from the narrative forms a silo in which Roman Republican political history becomes the sole preserve of men. That is not how Livy writes it. Botticelli saw the significance of this group clearly and preferred to paint them rather than an undifferentiated crowd. It is time to return to Livy's text. We will certainly not find (and should not expect to find) anything like our current standards and aspirations for gender equality, but we will find something very different from the nineteenth century European version of patriarchy that placed women in a far more marginalised and powerless space than anything Livy or his Roman contemporaries dreamed of.

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FEMALE ORATORY IN THE REPUBLIC

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Erant tamen quibus videretur illius aetatis tertius Curio, quia splendidioribus fortasse verbis utebatur et quia Latine non pessime loquebatur, usu, credo, aliquo domestico. Nam litterarum admodum nihil sciebat; sed magni interest quos quisque audiat cotidie domi, quibuscum loquatur a puero, quem ad modum patres, paedagogi, matres etiam loquantur. (211) Legimus epistulas Corneliae matris Gracchorum: apparet filios non tam in gremio educatos quam in sermone matris. Auditus est nobis Laeliae C. F. saepe sermo: ergo illam patris elegantia tinctam vidimus et filias eius Mucias ambas, quarum sermo mihi fuit notus, et neptes Licinias, quas nos quidem ambas, hanc vero Scipionis etiam tu, Brute, credo, aliquando audisti loquentem. Ego vero ac libenter quidem, inquit Brutus; et eo libentius, quod L. Crassi erat filia. (212) Quid Crassum, inquam, illum censes, istius Liciniae filium, Crassi testament qui fuit adoptatus? (Cicero, Brut. 210-212; ed. Wilkins 1903)

“Yet some thought Curio stood third in that generation, perhaps because his diction was rather fine and he didn’t speak Latin badly – thanks to his experience at home, I suppose, for he knew absolutely nothing of literature, but it matters quite a bit whom one hears daily at home, with whom one speaks from boyhood, and how fathers, attendants, and mothers speak. (211) I’ve read the letters of Cornelia, mother of the Gracchi: her sons were evidently nurtured not so much at her breast as by her speech. I’ve often heard Laelia, Gaius’ daughter, and saw that she was imbued with her father’s refinement, as are both her daughters, the Muciae: I know their manner of speaking, and

I've heard both her granddaughters, the Liciniae – and I think you at some point heard the one married to Scipio, Brutus.” “I did indeed, and gladly,” said Brutus. “In fact, all the more gladly because she was Lucius Crassus’ daughter” (212) “What’s your opinion of the Crassus who was that Licinia’s son and was adopted in Crassus’ will?” (trans. Kaster 2020).

This is the only discussion of women speaking in Cicero’s entire work on the history of oratory at Rome, the *Brutus* from 46 BCE.¹ Their speaking is mentioned only for their influence on the language development of their offspring. Although brief, this discussion includes six women from famous senatorial families: Cornelia of the Cornelii Scipiones, Laelia, the sisters Muciae of the Muciae Scaevolae, and the sisters Liciniae from the Liciniae Crassi, and Cicero describes their familial relationship of the five last women through the female line.² Cicero’s readers would have known of them all, as did his interlocutor Brutus. Moreover, these women were also related to men who were significant for Cicero, whether directly in his early life or as indicated by his selection of interlocutors in his dialogues: Cornelia was mother-in-law to Scipio Aemilianus who is a main character in *De re publica*, the object of Laelius’ discussion in *De amicitia* and a minor interlocutor in *De senectute*; Laelia was the daughter of Gaius Laelius from the *De re publica*, *De amicitia* and *De senectute* and the wife of Mucius Scaevola (Augur), an interlocutor in *De oratore* and Cicero’s real-life mentor; their daughters, the Muciae, were also thus related to Scaevola, while the sisters Liciniae were daughters of one of the Muciae and of Crassus of *De oratore* and also Cicero’s

1 I should like to thank the organiser of the conference at which I delivered the original presentation, Cristina Rosillo-López, for the invitation and creating the productive scholarly discussions at the conference, and all the participants for their comments and suggestions (not least Kathryn Welch for challenging me in her usual constructive manner), as well as Tegan Gleeson who kindly read and commented on a draft of the subsequent chapter and shared her unpublished doctoral dissertation with me.

Women are otherwise mentioned at *Brut.* 160, 217 where two female defendants (Vestal Licinia, Carbo’s wife Titinia) are mentioned in passing and without any indication of speaking in court.

2 Their relevance as family members to famous men is emphasised further in the following chapters of the work (Cic. *Brut.* 212-213) not quoted here. On Cornelia’s and Laelia’s linguistic influences on their children, see also Cic. *De or.* 3.45 (Laelia); Quint. *Inst.* 1.1.6 (Cornelia and Laelia); Tac. *Dial.* 28.5 (Cornelia). On the exemplary reproduction of the maternal educational ideal reflected in this passage, see Roller 2018: 201-203. Dutsch 2008: 200-202 uses the Laelia passage to illustrate that ancient authors praise female speech only when it reflects conservatism and the Latin of old men.

real-life mentor. This is why Cicero can say that he had heard Laelia, the Mucia and the Licinia speak, while he could only reach Cornelia's language through her letters.³ Apart from the knowledge of their language, each of these women provided further significance to Cicero's discussion in the *Brutus* as well as to his entire project of positioning oratory as a central concern in Roman history and himself at the centre of it.⁴ None of these women were chosen at random to illustrate the point about language development in good orators.

Nevertheless, these female speakers provide only a small digression from Cicero's main concern in the *Brutus* to discuss 221 Roman orators in a continuous development towards excellent Latin oratory.⁵ They are introduced in passing to explain Curio's (cos. 76 BCE) surprisingly good diction, and used as a springboard to praise the good language of Brutus' colleague Scipio Nasica (cos. 52 BCE). The role of these women is that of mothers nurturing correct Latin usage in their offspring, passing down this quality through the generations and, therefore, into the public speeches delivered by their male family members. Although they are all significant, their significance derives from their connection with the men of their families. Indeed, the perspective in the *Brutus* is elite, male and Roman, with little attention paid to non-elite, female or non-Roman orators except for the occasional equestrian or lower-class speaker and the need to open the history with the Greek orators providing the stepping stones for public speech at Rome. We understand that public speaking at Rome concerned politics and military affairs, in which women did not normally participate. Their influence on oratory at Rome was therefore through their male relatives only, if we are to trust Cicero, and then only exercised by elite women.⁶

This perspective generally reflects what we know about oratory in republican Rome when we take in all extant sources. The *Fragments of the Roman Republican Orators (FRRO)* database lists ca. 1300 orators, that is, individuals who spoke at least once in public, of which ca. 100-150 are not elite male Roman orators (mainly foreign ambassadors in the senate and

3 Cornelia's letters: Cornelius Nepos' *de viris illustribus* fr. 1 (two segments) with discussion in Hallett 2002 and 2018; Dixon 2007: 26-29; Webb 2022: 169-172.

4 Van der Blom 2018.

5 Sumner 1973: chapter I 'Register of orators', lists 221 Roman male orators.

6 Rohr Vio 2022: 9-18 for an introduction to women in Roman society and politics.

various individuals involved in trials), and of these 19 are women.⁷ These 19 is an approximation because some of these women are not explicitly recorded as speaking in public (Servilia) and others have been omitted because of the timeframe of the database, which excludes the regal and early-republican periods. Nevertheless this circa ratio of 68 male to 1 female speaker is striking.⁸ This ratio is related to four facts. Firstly, although Roman citizens, women were not eligible for public office and therefore could not act in the formal political or military capacities which often necessitated public speech.⁹ Secondly, the sources were for the vast majority written by and for elite men who might have exercised a bias in their description of situations involving speech acts. Thirdly, among these sources the important genre of history was traditionally focused on political and military affairs and therefore on the men who carried them out. Indeed (and fourthly), the ways in which women could and did engage in public affairs did not always involve formal speech or, when it did, their speech acts were not always recorded because not performed within the traditional venues for public speech, according to ancient rhetorical theory.¹⁰ Nevertheless, we know that women were actively engaged in public life and the affairs of the *res publica* throughout the republican period and through a range of formal and informal institutions such as the group of elite married women (*ordo matronarum*) and priesthoods, and through practices such as interventions, benefactions and family *consilia*.¹¹ Examples of female engagement through these institutions and practices are numerous and suggestive enough to provide a general picture of how and why women might have engaged in public affairs, but not numerous enough to be statistically significant or even included in the *FRRO* database: some instances are placed in the early republic and therefore automatically excluded in the database (e.g. Veturia and Volumnia's intervention with

7 *FRRO* website: <https://frro.gla.ac.uk/>.

8 19:1300 = 1:68.42.

9 Halbwachs 2016: 445-446 offers evidence from the imperial period which is usually extrapolated back into the republican period.

10 Kunst 2016; Webb 2022 provide useful overviews and discussions of female interventions, some of which involve speech. Ancient rhetorical theory focused on forensic speech (speech in courts of law), deliberative speech ('political' speech in formal settings such as assemblies and *boule* / senate) and epideictic speech (praise and blame speech in formal settings such as at funerals). Richlin 2021 on the visibility of women in mid-republican Rome.

11 Webb 2022, with reference to substantial earlier scholarship, and Webb in this volume.

Coriolanus),¹² some episodes do not record speech acts which again disqualify them from inclusion, and some cases take place within contexts sometimes characterised by modern scholars as ‘domestic’ or ‘private’, making them borderline ineligible for inclusion.¹³ However, although we cannot know how many occasions of female speech have been left out in our sources, the ones that do feature in our sources suggest that these women were mentioned not in spite of but exactly *because* they spoke in public.

Most of our knowledge of Roman oratory derive from the works of Cicero and imperial-period literary works of various genres, while inscriptions offer additional perspectives, mainly in terms of diplomatic oratory.¹⁴ This source picture holds true for information about female speakers in Rome, too. I shall focus on female speech in the republican period, but the imperial-period sources include mention of women speaking in public in their own period, too.¹⁵ As with all sources to ancient history, their representation and authenticity need to be considered carefully, but perhaps with a particular perspective because of the topic: since female speakers are unusual in the sources, we cannot take individual examples as representative of wider trends, unless these examples together indicate such trends. On the other hand, because they were unusual, perhaps their examples were less likely made up and to a higher degree illustrative of wider concerns about women in the public space.¹⁶ Indeed, the occasions of female speech may not have been made up by the authors but the angling of each occasion may reflect authors’ personal or societal concerns about these women. Admittedly, this depends on the period in which these women lived, because the sources discuss female speakers from the regal period up until their own day. I am not suggesting

12 Livy 2.40; Dion. Hal. *Ant. Rom.* 8.39-54; Plut. *Cor.* 33-37; App. *Ital.* 5.7-13.

13 ‘Domestic’ and ‘private’ can be misleading terms because the Romans themselves did not necessarily use these distinctions for these meanings: for the blurring of public and private spheres in the Roman republic and therefore the difficulty of defining ‘private’, see Russell 2016. For ‘domestic’, we need to consider that although *domus* meant ‘house’, ‘household’ and what happened there, the phrase *domi militiaeque* meant ‘at Rome and abroad’, i.e. in the political sphere at Rome (rather than in a house setting) and in the military sphere of the Roman armies.

14 Including the historical works of Livy, Velleius, Tacitus, Appian and Cassius Dio, the biographies of Plutarch and Suetonius, and the works of Valerius Maximus and Aulus Gellius.

15 Marshall 1989, 1990b; van der Blom (forthcoming).

16 Classic studies on Roman women, including in the public space, include Pomeroy 1975; Hallett 1984; Gardner 1986; Purcell 1986; Treggiari 1991; Bauman 1994.

that we take stories of Sabine women, Tanaquil, Veturia or Hersilia at face value,¹⁷ but I do think we need to consider the inclusion of women speakers from later periods as reflecting real public interventions.¹⁸ Moreover, the stories of these early female speakers carried some weight as *exempla* of female agency through speech, circulating widely through education, drama, literature and oral culture. Real-life women and the men around them will have heard these tales of female speakers as part of a wider cultural engagement with the Roman past and identity.¹⁹ These stories showed women acting when their family members or property were at risk, publicly defending family values and rights, or using their relationship as female relatives to advance their perspectives on the *res publica*. The political and familial were linked, but not necessarily straightforwardly or in the same way. Tanaquil's deceptive manipulation of the succession from king Tarquinius to Servius Tullius may have been presented as a negative *exemplum* of female scheming, but it was also an *exemplum* of female intervention at the most crucial moment in a monarchy, while Veturia's intervention may have been framed as that of a mother, but nevertheless concerned with the overall wellbeing of the Romans, not just her own family. All of these *exempla*, positive and negative, presented women as engaging in political discourse and influencing political decisions, and sometimes for evidently accepted reasons.

The connection between female and speech was complicated. A wealth of Greco-Roman sources attest to an anxiety with female speech, which could relate to a number of aspects such as the specific time, place and situation in which a woman spoke, her social status, the topic of speech, her voice and appearance, and associations between 'female' and loquaciousness, even mendaciousness – remember Tanaquil.²⁰ Connolly has argued that the 'problem' with women speaking or men speaking in a feminine manner was not women in themselves but rather that they represented an element of unfreedom which was anathema to the ideal of the elite male Roman citizen free

17 Livy 1.13.1-5, 1.41.1-7, 2.40; Gell. *NA* 13.23.13 (reflecting republican-period Cn. Gellius' *Annales*); Dion. Hal. *Ant. Rom.* 2.45.6, 8.39-56; Plut. *Rom.* 19.7; Dio Cass. fr. 5.5-6. See Rohr Vio 2022: 15, 197-198 for brief discussions, and Webb 2022: 169 for a similar caution around the historicity of these speeches but not the fact that women could intervene.

18 On the authenticity of women's speeches in the sources of the later Roman periods, see Hopwood 2015: 313.

19 This point is also emphasised by Rohr Vio 2022: 186-204.

20 Dutsch 2008; Fögen 2004; 2010.

to engage in public affairs and speech.²¹ Although Roman women were citizens, they were subject to certain controls exercised by their male relatives or *tutor*,²² and therefore any suggestion of effeminacy or feminine aspects in a male speaker challenged this ideal. This is the reason women speaking in public could be criticised, such as we shall see, and this is the reason why the accusation of being gossipy, high-pitched or scheming could be made to stick to any woman daring to speak out in public. Even when women were not present or not speaking, their connection with men who were speaking, such as in a trial, could be manipulated to their disfavour. Cicero's character attack on Sassia in his defence of Cluentius in 66 BCE has Sassia appear as a depraved mother and wife, a masculine private detective and a witch, thereby suggesting Sassia had violated societal expectations of what a good Roman woman should be (i.e. not a male citizen) and therefore made herself and the prosecution of Cluentius wholly unreliable.²³ The even more famous Ciceronian example from a forensic setting is his verbal attack on Clodia as involved party and prosecution witness in the trial of Caelius in 56 BCE, which saw Cicero brand her as a poisoner and a Palatine Medea.²⁴

Having introduced some of the societal and source parameters for female speech in Rome, I shall now discuss concrete examples of women addressing a public audience and use these to draw out potential trends regarding female speakers in Rome and the societal expectations they performed under or, precisely, against. My main concern is throughout to understand what we *can* know and what that knowledge allows us to understand about female speech in republican Rome. I shall organise the limited number of concrete examples according to the venue in which they spoke because this will allow for comparison with male speech and thereby place these episodes of female speech into wider historical and oratorical contexts. However, I have also included a category outside of these venues exactly because women had very limited access to these and more often engaged oratorically outside of these.

21 Connolly 2007: 214-223.

22 Gardner 1986: 4-22; Morrell 2020.

23 Cic. *Clu.*

24 Cic. *Cael.* with Skinner 2011: 147-148 who says that Clodia was at the trial as witness for the prosecution; Dyck 2013: 11-12, 13 avoids specifying her presence or absence in court but emphasises that Cicero specifies her as a witness. If so, it is unclear whether she witnessed in writing or orally; *TLLR* no. 275 does not specify Clodia as a witness, nor her presence in court.

1. The courts

The vast majority of republican female speakers known to us to have spoken in formal venues spoke in the courts. Although many of these instances are not as famous as some of the non-forensic instances, it is important to stress that the Romans would be more familiar with the female voice in court settings than in any other formal oratorical setting (leaving aside the ‘other venues’ discussed below).²⁵ Obviously, women will have spoken informally in the street or in the markets but these are not settings of formal public speech or speech with wider societal implications. The reasons for female engagement with the courts related, among others, to the legal right of women to own, inherit and trade property, and the expectations of women to look after their family.²⁶ Other reasons could be the requirement to act as witness or, indeed, to answer a summons to court as defendant.

We see women exercising their legal rights to own property, set up legal contracts and seek judicial dress as plaintiffs in the private law courts.²⁷ Women could not act as plaintiffs or represent others under public law in the criminal courts, which dealt with crimes seen to have an impact on society.²⁸ However, they could act as witnesses and defendants in both types of trials.²⁹ Apart from Clodia at Caelius’ trial in 56 BCE, we know of Julius Caesar’s mother Aurelia and sister Julia testifying against Clodius in 61 BCE,³⁰ and Clodius’ wife Fulvia and her mother Sempronia against Milo in 52 BCE.³¹ These were elite women, but we also have one rare instance of a named non-elite witness, namely the servant Habra who also testified at Clodius’ trial; usually we do not have the names of non-elite witnesses, whether female or male. Some women also engaged in trials as family members to the prosecuted,

25 Keith 2021: 76-77 emphasises “the routine nature of women’s appearances as witnesses in Roman republican trials”, while Gleeson 2022: 206 rightly points out that in order for Cicero’s invective around female witnesses to have worked, it must have rested on a general belief that good women should not be forced into witnessing.

26 On republican women’s legal right to property, see Gardner 1986: 67-77, 163-203.

27 Plaintiffs: Fannia *RE* 21, *TLLR* no. 76; Val. Max. 8.2.3; Plut. *Mar.* 38.3-5. Licinia *RE* 180, *TLLR* no. 26; Plut. *C. Gracch.* 17.5; Javol. *Dig.* 24.3.66 pr. Otacilia *RE* 19, *TLLR* no. 391; Val. Max. 8.2.2. Sulpicia *RE* 109, *TLLR* no. 156; Cic. *Verr.* 2.1.125-127, 2.1.133; 2.2.119.

28 Riggsby 2010: 165.

29 Guérin 2015: 60-62.

30 Suet. *Iul.* 74; *TLLR* no. 236.

31 Asc. 40C; *TLLR* no. 309; for Fulvia, see Rohr Vio 2013: 38-40.

appealing to the judge or jury through gestures and, importantly, words. The Vestal Virgin Fonteia, for example, embraced her brother Fonteius at the latter's trial in 69 BCE, so as to protect him through her sacrosanctity, and implored the judges and the Roman people.³² I shall come back to female speech in religious roles below. The sources provide us with the names of a few female defendants, namely the Vestal Virgins Aemilia, Licinia, Marcia, Fabia and another Licinia, who were accused of sexual relationships, which their cultic duties prohibited.³³ Cicero defended several women during his long career: as a young advocate, he defended a woman from Arretium on her citizenship status, and a Titinia on a charge of murder.³⁴ In 52 BCE, he and fellow defence advocates spoke for Milo and his wife Fausta Cornelia in a private suit over their slaves in relation to Clodius' death.³⁵ The sources do not specify that any of these female defendants spoke in court.

Valerius Maximus (writing 14-37 CE), by contrast, highlights cases where women spoke on their own behalf, and two of these cases took place in court; I shall come back to the third and final case when discussing other venues for female speech.³⁶ The fact that Valerius decided to dedicate an entire chapter consisting of female *exempla* in a work where chapters are the primary conceptual unit suggests that his readers – women and men – were likely interested in and aware of female orators.³⁷ The first of these cases is only known from this passage, and I include Valerius' preface to his three cases to illustrate his moralising angle:³⁸

(Preface) *Ne de his quidem feminis tacendum est, quas condicio naturae et verecundia stolae ut in foro et iudiciis tacerent cohibere non ualuit.*

32 Cic. *Font.* 46-48 (*vestramque, iudices, ac populi Romani fidem impleret*; 46) with Gallia 2015: 78-79; Webb 2022: 164.

33 Aemilia *RE* 153, *TLLR* no. 38; Licinia *RE* 181, *TLLR* nos. 39 and 41; Marcia *RE* 114, *TLLR* nos. 40 and 42; Fabia *RE* 172, *TLLR* no. 167; Licinia *RE* 185, *TLLR* no. 168.

34 Cic. *Caecin.* 97; *Brut.* 217; *Orat.* 129; *TLLR* nos. 132, 133; Crawford 1984: 33-34, 35-36.

35 Fausta: *RE* 436; Asc. 34C; *TLLR* no. 306.

36 Val. Max. 8.3. On the chapter as a whole, see Langlands 2000: 165-204; Briscoe 2019; Deminion 2020; Gleeson 2022: 207-216.

37 On the chapter as the primary conceptual unit in Valerius' work, see Langlands 2006: 125, 160, 170, 191; Lawrence 2015: 135.

38 On the moralising angle to the preface to 8.3 and the two factors Valerius postulates as holding back women from speaking in public, see Skidmore 1996: 57-58; Langlands 2000: 176-177. On the interpretation of *verecundia stolae* respect for the *stola* and its bearer, see Gleeson 2022: 203-227.

(1) *Maesia Sentinas rea causam suam, L. Titio praetore iudicium cogente, maximo populi concursu egit, motusque omnes ac numeros defensionis non solum diligenter sed etiam fortiter exsecuta, et prima actione et paene cunctis sententiis liberata est. quam, quia sub specie feminae uirilem animum gerebat, Androgynen appellabant.* (Val. Max. 8.3.pr.-8.3.1; ed. Briscoe 1998)

“(praef.) Nor should I be silent about those women whose natural condition and the modesty of the matron’s robe could not make them keep silent in the Forum and the courts of law.

(1) Maesia of Sentinum pleaded her own case as defendant with Praetor L. Titius as president of the court and a great concourse of people, going through all the forms and stages of a defence not only thoroughly but boldly. She was acquitted at the first hearing and by an almost unanimous vote. Because she bore a man’s spirit under the form of a woman, they called her Androgynē.” (trans. Shackleton Bailey 2000)

Valerius’ focus is on Maesia speaking in her own defence, on the crowd attracted to the spectacle, on Maesia’s well-structured and powerfully delivered speech, on the resulting verdict, and her general reception.³⁹ Scholars have argued that Maesia defended herself in a criminal trial in the period 80-50 BCE, but we have no information about the charge brought against her.⁴⁰ Valerius does not expressly say that the great crowd were there *because* of the unusual situation, but he certainly implies as much by stressing Maesia’s self-defence, her rhetorical ability and her *virilis animus* (“man’s spirit”).⁴¹ While Valerius’ comment on Maesia’s androgynous behaviour gives indication of social expectations and his own moralising message, the latter of which is further supported by the preface and the two following anecdotes, as we shall see, I am here more interested in two things: firstly, the suggestion that Maesia not only knew but were able to implement wideranging expertise in forensic oratory, by “going through *all* the forms and stages of a defence” and doing so *diligenter* and *fortiter*, and securing almost unanimous acquittal at the first

39 Maesia *RE* 10; *TLLR* no. 384; Langlands 2000: 177-181 reads the story as part of Valerius’ moral framework: “To praise Maesia as an orator must be to describe her in terms of being a man or being like a man. Equally, by speaking, Maesia has rendered herself man-like, since oratory is an activity for men to excel at.” (citation: p. 180). Gleeson 2022: 209-213 summarises scholarly interpretations of the moralising message and argues that Maesia’s *exemplum* serves “as a launching pad for what constitutes “appropriate” feminine speech in the following *exempla*: what makes an exemplary female orator.”

40 Marshall 1990a: 47 sums up the evidence and scholarly views.

41 See also Val. Max. 6.1.1 for Lucretia’s *virilis animus*, with Langlands 2006: 142-143, 175-178. Note the chiasmic position of *specie feminae – virilem animum*, which has been interpreted as combining male and female behaviour and as either a negative or more neutral comment by Valerius; cf. Gleeson 2022: 210-213.

hearing. She must have received rhetorical training or have picked up expertise from watching trials on a sustained basis to accomplish this; most certainly, only a woman from a wealthy family would have had the means to acquire rhetorical training or spend time watching trials to the extent necessary.⁴² Secondly, the fact that she spoke in her own defence in the first place. There is no indication that this was Maesia's preferred choice, and scholars have argued that this suggests a lack of male protectors to speak on her behalf.⁴³ In other words, Maesia was highly capable of defending herself in court, but might only have done so out of necessity.

While Valerius Maximus evidently manipulates known stories to fit his moralising message, comparison between his version and other versions (where possible) suggests that he did not usually fabricate concrete details, but more likely compressed, summarised and angled elements of the story.⁴⁴ That suggests that we can trust the specific details about Maesia's trial, her performance and the outcome.

The second case in Valerius' anecdotes of women who could not keep silent in the Forum and courts of law is that of C. Afrania or Carfania:⁴⁵

Carfania uero, Licini Buccionis senatoris uxor, prompta ad lites contrahendas, pro se semper apud praetorem uerba fecit, non quod aduocatis deficiebatur, sed quod impudentia abundabat. itaque inusitatis foro latratibus adsidue tribunalia exercendo muliebris calumniae notissimum exemplum euasit, adeo ut pro crimine improbis feminarum moribus Carfaniae nomen obiciatur. prorogauit autem spiritum suum ad C. Caesarem iterum <P> Seruilius consules: tale enim monstrum magis quo tempore extinctum quam quo sit ortum memoriae tradendum est. (Val. Max. 8.3.2; ed. Briscoe 1998)

"Carfania, wife of the senator Licinius Buccio, was ever ready for a lawsuit and always spoke on her own behalf before the Praetor, not because she could not find advocates but because she had impudence to spare. So by constantly plaguing the tribunals with barkings to which the Forum was unaccustomed she became

42 Lamberti 2012: 244-245 also emphasises Maesia's social status and education, while Bauman 1994: 50 underlines Maesia as indicating "a line of women versed in at least the theory of law (...) and with some practical experience".

43 Marshall 1990a: 46-59.

44 Bloomer 1992. Langlands 2000 also suggests that the stories of Maesia, Afrania and Hortensia must have been known to Valerius' audience; I take this to mean that the fundamental facts, if not the interpretation, were correct.

45 The spelling varies in the manuscripts: Briscoe 1998: 511 *ad loc.* She is listed in the *RE* under 'Carfanius'. Langlands 2000: 182 on the story as part of Valerius' moralising framework.

a notorious example of female litigiousness, so much so that women of shameless habit are taunted with the name Carfania by way of reproach. She prolonged her life to the Consulship of C. Caesar (second time) and P. Servilius: in the case of such a monster the date of extinction rather than of origin is to be recorded.” (trans. Shackleton Bailey 2000)

Afrania’s death in the second consulship of Julius Caesar (48 BCE) and her marriage to the senator Licinius Buccio places her in the late republican senatorial elite. The *Digest* records that the activities of a Carfania led to a praetorian edict against women bringing legal cases on behalf of others,⁴⁶ but this seems at odds with Valerius’ version where Afrania spoke for herself, not others.⁴⁷ The scornful description of Afrania as barking rather than speaking in the Forum,⁴⁸ as an example *muliebris calumniae* (“of female litigiousness”), and as a *monstrum* (“monster”) might reveal something about contemporary attitudes to women at the time of writing, but also about Valerius’ ambiguous use of *exempla*: while Maesia was not criticised, Afrania is vilified for speaking *pro se* in front of the praetor.⁴⁹ This could be related to his understanding of their potential motivation for speaking: where Maesia likely spoke out of necessity, Valerius says that Afrania spoke out of choice and more than once in front of the praetors. Marshall argues against the impression Valerius gives, namely that Afrania pursued litigation out of *impudentia*, and instead suggests that she spoke because of lack of male advocates to represent her.⁵⁰ We cannot know for sure, but it is clear from Valerius’ decision to single out Maesia and Afrania and from the details of his descriptions that it was considered unusual for women to advocate their own cases, even when they might have been capable of doing so, and that the circumstances for them doing so and the manner in which they conducted themselves could result in different moral judgements.⁵¹ The circumstances might have been related to claims on their

46 *Dig.* 3.1.1.5 (Ulpian).

47 Gardner 1986: 200 also rejects the connection made in the *Digest*. Gleeson 2022: 214 sees a connection between the *verecundia* highlighted in Valerius’ preface to chapter 8.3 and Ulpian’s description of Carfania as speaking *inverecunde*, and suggests that this highlights the position of Afrania in Roman memory.

48 On “barking” (*latratibus*), see the negative connotations for oratory at Cic. *Brut.* 58. On female voices, see Lamberti 2012: 244-256.

49 Gleeson 2022: 214 also points out that Maesia is speaking in a criminal court as opposed to the civil court addressed by Afrania.

50 Marshall 1989: 43-45.

51 In Rome (as opposed to Classical Athens), it was not usual even for men to advocate their own cases and they mostly engaged an advocate or team of advocates to prosecute or defend.

rights, on their family or their property – all socially accepted reasons for women to engage in public speech as the regal and early republican *exempla* showed – and this is the more likely when we consider the time period in which they appeared in court: the late republic experienced civil wars and other unrest which resulted in incursions on personal rights and property. For Valerius, it was not the fact that they were speaking but their conduct while speaking and the reception of their speaking which made a difference to his moral judgement.

In summary, women regularly engaged in forensic activity as litigants, defendants and witnesses, but may not always have spoken in court. When they did, it was sometimes remarked upon, especially if they were seen to be capable or even forceful in their oratory, or appeared to have spoken out of want rather than need.

2. The senate and the *contio*

There is no evidence of women speaking in the Roman senate and only of one woman being called to a *contio*, a public meeting. Again, Valerius is our source for the anecdote of Sempronia, sister of Tiberius and Gaius Sempronius Gracchus, being called by an unnamed tribune to the rostra in order to confirm that L. Equitius was her brother's illegitimate son. Sempronia refused to kiss Equitius and thereby signalled that they were not related:⁵²

Quid feminae cum contione? si patrius mos seruetur, nihil: sed ubi domestica quies seditionum agitata fluctibus est, priscae consuetudinis auctoritas conuellitur, plusque ualet quod uiolentia cogit quam quod suadet et praecipit uerecundia. itaque te, Sempronia, Ti. et C. Gracchorum soror, uxor Scipionis Aemiliani, non, ut absurde grauissimis uirorum operibus inserens, maligna relatione comprehendam, sed quia ab tribune plebei producta ad populum in maxima confusione nihil a tuorum amplitudine degenerasti, honorata memoria prosequar. coacta es eo loci consistere ubi principum ciuitatis perturbari frons solebat, instabat tibi toruo uultu minas profundens amplissima potestas, clamor imperitiae multitudinis obstrepebat,

52 Val. Max. 3.8.6 with Beness and Hillard 2016; Pina Polo 2018: 113; Gleeson 2022: 217-225. Chatelard 2016: 36-37 uses this episode, together with the standard formulation of the *praeco* to disperse the citizens in a *contio* to prepare for the voting assembly (Livy 2.56.12), to argue that women could be present at *contiones*. But this is a misunderstanding of the status of Roman women, who actually were citizens. The episode in Val. Max. 3.8.6 is about Sempronia as a woman on the *rostra*, not about whether women could be present as onlookers in the *contio*.

totum forum acerrimo studio nitebatur ut Equitio, cui Semproniae gentis falsum ius quaerebatur, tamquam filio Tiberi fratris tui osculum dares, tu tamen illum, nescio quibus tenebris protractum portentum, execrabili audacia ad usurpandam alienam propinquitatem tendentem reppulisti. (Val. Max. 3.8.6; ed. Briscoe 1998)

“What business has a woman with a public meeting? If ancestral custom be observed, none. But when domestic quiet is stirred by the waves of sedition, the authority of ancient usage is subverted and compulsion of violence has greater force than persuasion and precept of restraint. So, Sempronia, sister of Tiberius and Gaius Gracchus, wife of Scipio Aemilianus, it will not be my aim to comprise you in a malicious narrative, thrusting you incongruously into the serious performances of men; but since you were brought before the people by a Tribune of the Plebs at a time of great confusion and did nothing unworthy of the greatness of your family, I shall attend you with an honourable memorial. You were forced to stand in a place where leaders of the community were apt to present a troubled front, a mighty power bore down on you, grim of visage, pouring out threats, the ignorant crowd clamoured at you, the whole Forum strove forcefully to make you kiss Equitius, for whom they falsely sought a membership of the Sempronian clan, as the son of your brother Tiberius. But you repulsed him, that monster dredged from I know not what dark corner, who was advancing with execrable audacity to claim a kinship not his.” (trans. Shackleton Bailey 2000)

Valerius’ concern with this anecdote is not speech, but two interlinked points: the first is the significance of family integrity for the stability of the state and the need to stamp down threats to such integrity; the second is the destabilising activities of unruly tribunes around 100 BCE, and their cronies such as Equitius. Several separate anecdotes in Valerius’ work highlights Equitius’ preposterous yet dangerous claim to be a Sempronius and his links to the rebellious tribunes Saturninus and Glaucia,⁵³ while family integrity was not only one of the many traditional virtues extolled by Valerius, but also a concern in the early imperial period when Valerius was writing.⁵⁴ This double concern of Valerius is used to justify Sempronia’s appearance at the *contio* and Valerius’ need to drag her onto the stage, so to speak. But apart from Valerius’ purposes, the anecdote also comes back to what we have seen above: the need to transgress traditional expectations of women when the integrity of the family is endangered. Nevertheless, persuasion (*quod suadet*) is downplayed and Valerius does not indicate that Sempronia spoke even a single word. By a kiss, she could have signalled the requested confirmation and such a gesture would have been visible to more onlookers than her words

53 Val. Max. 3.2.18, 9.7.1, 9.7.2, 9.15.1.

54 Augustus’ legislation on marriage is one major expression of this concern; cf. Treggiari 1991: 60-80.

might have been audible. Her refusal (for which Valerius used a term with both legal and political connotations to underline the legal and political significance of her action)⁵⁵ to acquiesce to the demands of the tribune and the clamour of the crowd demonstrated to her audience and the reading audience that she was present out of compulsion,⁵⁶ not choice, but still powerful enough not to be pressurised.

As far as our extant sources allow, we therefore have no information about any woman speaking in the senate or the *contio* during the republican period. However, we do know about women speaking outside of the traditional venues for public speech.

3. Other venues

Within the formal venues for speech, the voices of women were most regularly heard in the courts of law. But if we consider venues and roles outside of these formal venues for speech, it becomes clear that female speech was delivered and heard more frequently than one might think.⁵⁷ Female priestesses offered *sacra publica* which could involve verbal communication, sometimes interceded with magistrates, and of these the Vestal Virgins could be consulted by the Senate on religious questions.⁵⁸ The longstanding *ordo matronarum*, an organised network of elite married women which held meetings recognised by the state, could lobby magistrates and the senate, issue a form of decree, and influence political decisions.⁵⁹ These activities

55 Valerius' verb *reppulisti* from *repello*, which can mean to repel a charge (*OLD* 2c) and the past participle of which (*repulsa*) was used to mean rejection in the polls for magistracy candidates.

56 Further underlined by the passive verbs *producta*, *coacta es*.

57 Here, I do not address the case of women in Roman drama which is more complicated for the fact that, in most dramatic genres, male actors impersonated female characters and playwrights played on gender stereotypes for entertainment and social comment; cf. Adams 1984; Dutsch 2008; Dutsch – James – Konstan 2015. In the one dramatic genre in which female actors played the female characters and spoke on stage, the mime (which included speaking and singing as opposed to the modern mime genre), the female roles did not necessarily voice concerns of real women but rather (male) societal expectations of women; cf. Panayotakis 2006; 2010: 6-7; Manuwald 2011: 179, 182; Duncan 2019.

58 Gallia 2015 on Vestal Virgins (who sometimes spoke on behalf of their families); Webb 2019: 260; Webb 2022: 163-165 with references to sources.

59 Purcell 1986: 81-85; Webb 2022: 158-163 (with reference to scholarship since Purcell 1986): "Married women must have met frequently in such meetings, discussed and debated

involved speech and rhetoric, meaning the ability to prepare and deliver an oral argument in a persuasive manner. Maesia and Afrania's abilities seem less surprising if they were members of this *ordo*, and as a senator's wife Afrania could certainly have been a member. Likewise the rhetorical and political abilities of Servilia, whose family *consilium* in 44 BCE suggests not only that she could call and lead such a gathering of men and women, as well as expect to be able to change a senatorial decision, but also that other women might have been able to do the same.⁶⁰

Indeed, the *ordo matronum* is the original agent in Valerius' final anecdote illustrating women who could not keep silent in the Forum or the courts, but Valerius focuses on Hortensia, the daughter of the famous orator, advocate and senator Hortensius:

Hortensia uero Q. Hortensi filia, cum ordo matronarum graui tributo a triumuiris esset oneratus nec quisquam uirorum patrocinium eis accommodare auderet, causam feminarum apud triumuiros et constanter et feliciter egit: repraesentata enim patris facundia impetrauit ut maior pars imperatae pecuniae iis remitteretur. reuixit tum muliebri stirpe Q. Hortensius uerbisque filiae aspirauit, cuius si uirilis sexus posteri uim sequi uoluissent, Hortensianae eloquentiae tanta hereditas una feminae actione abscissa non esset. (Val. Max. 8.3.3; ed. Briscoe 1998)

"Hortensia, daughter of Q. Hortensius, pleaded the cause of women before the Triumvirs resolutely and successfully when the order of matrons had been burdened by them with a heavy tax and none of the other sex ventured to lend them his advocacy. Reviving her father's eloquence, she won the remission of the greater part of the impost. Q. Hortensius then lived again in his female progeny and inspired his daughter's words. If his male descendants had chosen to follow her example, the great heritage of Hortensian eloquence would not have been cut short with a single speech by a woman." (trans. Shackleton Bailey 2000)

In the first extant source about this event, Valerius is keen to underline Hortensia's debt to her father's eloquence, which secured her success on the day, and the sadness in the revival of Hortensius' *eloquentia* to occur only once and then in a woman.⁶¹ Quintilian's reading is more positive: in the

numerous matters affecting themselves and the *res publica*, and issued communal decrees." (Webb 2022: 163). See Webb in this volume.

60 Cic. *Att.* 15.11 (SB 389) with Flower 2018; Treggiari 2019: 187-195; Rosillo-López 2022: 147-150. For elite and non-elite women engaging in informal political conversations, see Kunst 2016; Rosillo-López 2022: 187-194.

61 Hortensia *RE* 16. Select scholarship on the speech and occasion: Hallett 1984: 233-234; Marshall 1989; Langlands 2000: 183-189 (including interpretations of Valerius' final sentence in this anecdote); Osgood 2006; Lucchelli and Rohr Vio 2016.

same passage where he highlights Cornelia and Laelia's good Latin and their influence on their children's language, he mentions Hortensia's speech delivered before the triumvirs as still being read, and not just because it was by a woman (*non tantum in sexus honorem*).⁶² In other words, Hortensia's speech could stand up to speeches delivered by men. Appian's narrative and speech put into Hortensia's mouth (in Greek) confirms the longevity of the story and its likely authenticity, and perhaps even offers a version of the actual words of Hortensia.⁶³

In his version, Valerius seems to consider what he did not for Maesia: the possibility that no male representative could be found to argue their case. Thus, Hortensia's resort to public speech is explicitly justified. The other noteworthy differences between this anecdote and the two previous ones in Valerius' chapter are that Hortensia pleaded not only on behalf of herself but also on behalf of other elite women, and that she did so outside of the courts. According to Appian's more expansive version, in 42 BCE Hortensia and her fellow matrons first used the traditional route of appealing to the female family members of the men in power (Octavian's sister Octavia, Marcus Antonius' mother Julia and wife Fulvia) against a tax on the 1400 richest women to fund the triumvirs' war efforts,⁶⁴ thereby demonstrating that there were well-established channels for female speech, but when that failed, they went to the triumvirs' tribunal and Hortensia addressed them.⁶⁵ Valerius also indicates this venue (*apud triumviros*), and all the sources agree that Hortensia's speech was eloquent and effected a change in the tax, thanks to her inherited rhetorical skills.⁶⁶ Even in Valerius' sparse yet highly moralising version, it is clear that Hortensia's speech was a last resort to protect female and family

62 Quint. *Inst.* 1.1.6.

63 App. *B Civ.* 4.32-34. Hopwood 2015 argues that Appian's version of Hortensia's speech drew on the original speech even if Appian used the speech moment in his narrative to comment negatively on the triumvirate. Moreover, she argues that Hortensia's original speech was the model for the *lex Oppia* debate between Cato Maior and L. Valerius Tappo in Livy 34.2-4, 34.5-7, as well as for Appian's version of Hortensia's speech, which explains the many parallels between the Livian version of the *lex Oppia* debate and Appian's version of Hortensia's speech. If so, Hortensia's original speech actually inspired the (historiographical) speeches of men.

64 Rosillo-López 2022: 188-189 has rightly emphasised that women spoke and negotiated informally with not only women, as in this case, but also with men as demonstrated by ample evidence in Cicero's letters.

65 Among these were likely Cicero's former wife Terentia (Treggiari 2007: 149).

66 Hemelrijk 1987 on further reasons for the success of Hortensia's intervention.

property during the triumvirate which was so devastating to families. Moreover, her intervention on behalf of female property was also about the wider societal concern to protect property *per se*, as well to protect women's dowries and thereby the legality of their marriages and children.⁶⁷ In approaching the triumvirs in public, she put her life, property and social status in danger, but she also demonstrated her agency in politics as a Roman citizen, and she used rhetorical argument to change the minds of her audience of triumvirs and onlookers.

Likely in the same year, another woman addressed the triumvirs in public with the purpose of protecting family and property: the anonymous woman (sometimes called 'Turia') who was honoured in her husband's funeral speech afterwards recorded in an inscription.⁶⁸ She had already used firm words to defend her then fiancé's property in the early 40s BCE,⁶⁹ and now had to put her speech to good effects again. Her husband's speech allows us a flavour of her speech and approach:

... firmissimo [animo eum admone-] res edicti Caesaris cum g[r]atulatione restitutionis me[ae atque vocibus eti-]am contumeliosis et cr[ud]elibus exceptis vulneribus pa[lam ea praeferres,] ut auctor meorum peric[ul]orum notesceret. (Col. 2.15-18; *CIL* 6.1527, 6.31670, 6.37053; *ILS* 8393)

"...but most strenuously you kept reminding him about Caesar's edict with its rejoicing over my restoration, and although you had to endure Lepidus' insulting words and cruel wounds, you kept on putting forward your case in the open so that the person responsible for my trials would be publicly disgraced." (trans. Osgood 2014)

By persisting in her public shaming of Lepidus, 'Turia' persuaded him to accept and put into effect the pardon of her husband, which Lepidus'

67 See Vettori's chapter in this volume.

68 *CIL* 6.1527, 6.31670, 6.37053; *ILS* 8393 with Osgood 2014; Fontana 2020. Compare also the case of Tanusia in 39 BCE: App. *B Civ.* 4.44.187; Suet. *Aug.* 27.2, with Sumi 2004.

69 Col. 2.6a-8a: [*Pro vita rogabas apse]ntis, –quod ut conarere virtus tua te hortabatur; (7a) [verbis tuis victa me m]unibat clementia eorum, contra quos ea parabas; (8a) [nihilominus tamen v]ox tua est firmitate animi emissa.* ("You begged for my life while I was away, something your courage kept urging you to try. The clemency of those against whom you produced your words was won over and shielded me. Yet what you said was spoken with strength." Trans. Osgood 2014; Kruschwitz 1999 supports this reading of the first line). Note that 'conare' and the imperfect verbs '[rogabas]', 'hortabatur', '[m]unibat' and 'parabas' suggests that 'Turia' spoke more than once. Osgood 2014: 38-39 suggests that 'Turia' might have spoken not with Caesar to obtain this pardon, but perhaps rather with the women around Caesar.

triumviral colleague Octavian had given. Just as Hortensia, she risked the life and social status of herself and her husband, but also chose the public venue exactly to effect the desired result.⁷⁰ Her earlier successful pleading may have taught her how to exploit the speech situation most effectively.

These cases of women speaking out in public illustrate a wider trend of new speakers within the developing institutional framework of the triumviral period.⁷¹ Indeed, further evidence of the women around the triumvirs and other powerful men of the 40s and 30s BCE attests to the involvement of women in public matters, such as Servilia's *consilium* in 44 BCE and influence on senatorial debate,⁷² Fulvia's speech to the troops at Perugia in 41 BCE, and Octavia's conciliatory speech at Tarentum in 37 BCE, although the words of this latter speech reflects perhaps a declamatory tradition.⁷³ Other women are known for speaking in a public setting outside of the standard venues, such as Claudia Caeci and Claudia Quinta, but the historicity of their words and even the background events is disputed.⁷⁴

4. Conclusions

The cases of female speakers are few and diverse. However, this limited sample indicates some trends in female oratory in the republican period. First of all, these women were almost all from the socio-economic and political elite, whether mentioned in historical narratives (Claudia Caeci, Claudia Quinta, Fulvia at Perugia, Octavia at Tarentum), in Valerius Maximus' collection of anecdotes and sayings (Sempronia, Maesia, Afrania, Hortensia), or in the inscription recording 'Turia's' actions. It was also elite women who comprised the *ordo matronarum* and fulfilled the roles as priestesses, both of which engaged in speech on behalf of members of their communities and

70 For another possible example of a women publicly shaming a triumvir into pardoning a family relation, see App. *B Civ.* 4.37; cf. Plut. *Ant.* 20.3; Dio Cass. 47.8.5 for the case of Julia acquiring the pardon of her brother.

71 Cluett 1998; Steel 2020: 200-202. See also Manzo 2016.

72 Cic. *Att.* 15.11 (SB 389) with Flower 2018; Treggiari 2019: 187-195; Rosillo-López 2022: 147-150.

73 Fulvia: Dio Cass. 48.10.4. Octavia: Plut. *Ant.* 35.3-4; App. *B Civ.* 5.95 with Harders 2008: 281-287. Declamatory tradition behind: L. van Geel at 'Women, wealth and power' conference, May 2021.

74 Claudia Caeci: Livy *Per.* 19; Val. Max. 8.1.damn.4; Suet. *Tib.* 2.3; Gell. *NA* 10.6.2-4. Claudia Quinta: Ov. *Fast.* 4.313-325; Sil. *Pun.* 17.33-41 with Burns 2017: 81-98.

wider society. Non-elite women are hardly ever mentioned in sources, suffering the double disadvantage of gender and class.

Secondly, circumstances affecting their personal life rather than choice forced several of these women to speak: Sempronia – although she refused to act, Hortensia and ‘Turia’, and most likely also Maesia and Afrania. Clearly, Hortensia and ‘Turia’ spoke because of the consequences of civil war, while similar circumstances likely affected Maesia and Afrania too. All four women clearly or probably lacked male advocates when their personal property and social status were threatened.

Thirdly, all four women were evidently capable of public speech, and Maesia and Hortensia even praised for their oratorical skill. They must have received education and training in oratory and rhetoric. Whether this was formal schooling, along the lines of the rhetorical education of elite boys and men, or informal training is unclear.⁷⁵ But the fact that elite married women in the *ordo matronarum* regularly met up and debated issues of concern to them suggests that they had ample opportunity for practising and listening to articulation of structured and persuasive argumentation. Certainly, the discussion led by Servilia in her family *consilium* evidences this,⁷⁶ and the speeches put into the mouths of Valeria and Veturia shows the viability of such a representation of orating women. Elite women were able to move from female-only argumentation to deliberation in front of judges, magistrates and the crowd.

Fourthly, the fact that republican women were much more likely to be heard in the courts than in the senate or *contio* not only emphasises the different concerns of these venues – matters of property, personal rights, violation of societal rules in the courts as opposed to political matters in senate and *contio* – and accepted reasons for female engagement in these public settings, but also, and as a consequence thereof, the kinds of concrete examples of female oratory that the Romans – women and men – would have heard in the Forum and other fully public spaces:⁷⁷ less discussions of political

75 Hemelrijk 1999: 22-23, 216-221 on the few known examples of republican and imperial women enjoying rhetorical education.

76 Servilia: Cic. *Att.* 15.11 (SB 389) with Flower 2018; Treggiari 2019: 187-195; Rosillo-López 2022: 147-150.

77 Just because the extant sources do not include any speeches by republican-period women in the senate or *contio* does not necessarily mean that they never occurred; we know that women spoke at senatorial trials in the imperial period: unnamed mother of S. Papinius

or military concerns for their own sake, and more of personal or family concerns. This fact reinforced the societal norm about women keeping out of politics. Nevertheless, some of these trials, in which we know of female defendants or witnesses, were inherently political in nature, such as the trials of Caelius or Milo. Moreover, the instances of women delivering speeches outside of the three traditional oratorical venues will also have shown their audiences that women could engage in political issues when they interfered with matters of family or property. Veturia, Servilia and Hortensia all engaged in discussions around government of the state, but they clothed their interventions in maternal and female concerns, perhaps because experience told them that this was more likely to fit societal expectations and therefore elicit the intended result.

Finally, and more speculatively, we might glimpse a change from the republican to the imperial period in terms of attitudes to orating women. Certainly, the respect accorded to the members of the *ordo matronarum* and their interventions, alongside the Ciceronian evidence of elite women acting on behalf of Cicero himself and other men,⁷⁸ suggests that these engagements were normal and acceptable. Cicero's negative portrayals of Sassia and Clodia constitute special pleading for the purposes of securing acquittal for his client, and in any case Cicero does not attack these women for delivering a speech; rather, he plays on stereotypes of women meddling, scheming and poisoning. The criticism of women for their speaking comes into the record in the triumviral period – Fulvia giving orders, wearing a sword and addressing the soldiers⁷⁹ – and seems to gather momentum in the early imperial period as evidenced in Valerius Maximus' disparaging discussion of Afrania.⁸⁰ The Augustan-period concern with elite female behaviour may form part of the background to Valerius' concern with women and speech;⁸¹ is this yet another instance of Augustus shaping Roman culture and society?

in 37 CE (Tac. *Ann.* 6.49); Marcia Servilia in 66 CE (Tac. *Ann.* 16.30.2-33); Clodia Fannia in 93 CE (Plin. *Ep.* 7.19.1-6 (cf. 3.11.3, 9.13; Tac. *Agr.* 2.1, 45.1; Dio Cass. 67.13.2)), and – as witness – Vitellia in 21 CE (Tac. *Ann.* 3.49-51) with Marshall 1990b.

78 For elite and non-elite women engaging in informal political conversations, see Kunst 2016; Rosillo-López 2022: 187-194. For Terentia's engagement in informal political negotiations, see Treggiari 2007: 48-50.

79 Dio Cass. 48.10.4.

80 Tacitus (*Ann.* 6.49) also criticises female speech in the imperial-period senatorial court.

81 Augustan marriage legislation and the attention to the behaviour of the women in Augustus' family; cf. Treggiari 1991: 60-80.

Abbreviations and Bibliography

CIL = *Corpus Inscriptionum Latinarum*, Berlin, 1863-.

ILS = Hermann Dessau (1892-1916) *Inscriptiones Latinae Selectae*, Berlin.

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ROMAN WOMEN AND CRIMINAL LAW

Lovisa Brännstedt

1. Introduction

In 246 BCE Claudia, daughter of Appius Claudius Caecus, made legal history when she was the first person to be accused of having diminished the *maiestas* of the Roman people.¹ Claudia was jostled by the crowd when she was leaving the games (*ludi*) and in response, she loudly regretted that her brother was not alive and to take another fleet and reduce the crowd.² Her brother was P. Claudius Pulcher who had suffered a severe defeat at the naval battle of Drepana during the First Punic War.³ Claudia was prosecuted by the plebeian aediles Ti. Sempronius and C. Fundanius, in the *comitia tributa*, and a heavy fine of 25,000 asses was imposed on her.⁴ *Maiestas* would become

1 Research funded by the Swedish Research Council (2017-03271). I would like to thank Cristina Rosillo-López for inviting me to participate in this volume, and Lewis Webb for his invaluable comments on my paper.

For the fine imposed on Claudia see Suolahti 1977 who argues that Claudia and her brother were made scapegoats for the debilitating Punic War with its heavy losses.

2 Gell. *NA*. 10.6; Val. Max. 8.1*damn*.4; Livy *Per*. 19. See also Suet. *Tib*. 2 who reports that Claudia's *carpentum* was obstructed in a crowded street which made her openly wish that her brother was still alive. For a discussion on this episode see Bauman 1967: 27-29.

3 Livy *Per*. 19; Suet. *Tib*. 2; Val. Max. 1.4.3; Schol. Bob. 27.

4 Gell. *NA*. 10.6.2-3; Suet. *Tib*. 2. Bauman (1992: 19-20 with Livy *Per*. 24.26.19) put forth how the case of Claudia reflects the tensions that still existed between the patricians and plebs, despite (or because of) the *lex Hortensia* of 287 BCE that made plebeian legislation binding to all Roman citizens. That Claudia's action and offence was utterly politic is not least confirmed by the fact that the aediles used her fine as the basis of a fund which was used

the standard charge for all acts of treason against the state, and later, under the empire, against the imperial family.

The prosecution of Claudia demonstrates women's direct liability to trial by state authority. However, while research on Roman women has made increasing use of legal evidence such as dowries, marriage rights, inheritance, and property, their standing under the criminal law has not been given due weight.⁵ The aim of the present chapter is therefore to use evidence for female defendants in trial proceedings to deepen our understanding of the legal position of citizen women. Female witnesses exist but their relationships with the courts were different, as they did not speak for themselves and were supposed to give witness with a display of conventional modesty. Female defendants, on the other hand, had by their status as defendants transgressed social norms, which forced, or allowed, them to transgress others and speak for themselves.⁶ Furthermore, female defendants could catalyse other transgressions, or even encourage legal boundaries to change over time. An additional aim of the chapter is thus to investigate to what extent legal practice was sensitive and responsive to social and political changes in female citizenship.

Before we engage with the first cases involving female defendants, some notes on the criminal procedure during the Roman Republic.⁷ This included the domestic jurisdiction of the *paterfamilias*, the power of the *tresviri capitales* (minor magistrates with police functions), and the jurisdiction of the assemblies of the people, i.e., trials before one of the *comitia*. This public procedure is referred to as the *iudicium populi*, 'the judgement of the people.' A core feature of the processes was that it was held in public, and public presence at trials is an important characteristic of Roman justice. The final verdict however was not decided by everyone gathered, but by a formally constituted assembly of the people. In addition to this, the Senate could order a special commission, a *quaestio*, to investigate specific cases. Beginning with the *lex Calpurnia de repetundis* in 149 BCE (dealing with extortion in the provinces) several standing courts, the *quaestiones perpetuae*, were set up to investigate offences

to build a Temple of *Libertas* on the Aventine, the plebeian bastion in Rome. For the role of aedilician fines for public building activities, see Piacentin 2018.

5 E.g. Champlin 1991; Evans 1991; Saller 1994; Berg 2002; Treggiari 2002; Cantarella 2016; Steel and Webb (forthcoming).

6 The *tutela muliebris* did not limit women's legal actions, since the duties of the tutor did not include representation in legal action, see Marshall 1989: 37 with references.

7 For an overview of Roman criminal procedure see Robinson 1995: 1-14.

against the public interest. They were less flexible than the *iudicium populi* as their remit was limited to the offence defined in the statute which set up the court.⁸ On the other hand, whenever a relevant accusation was made, the praetor in charge of a particular court could proceed at once to the enrolment of a jury.⁹ The public nature of the *iudicium populi* was preserved by the standing courts that are sometimes referred to as *publica iudicia*.

I will begin by discussing group prosecutions and mass trials against *matronae* during the Early and Mid-Republic, followed by trials against Vestal Virgins. Thereafter, I will focus on women appearing before the regular criminal courts during the Late Republic. I will conclude by suggesting that the rights of free Roman women to initiate legal action before a court, to defend themselves before the courts, and to appeal to the people against a judicial decision should be seen as essential features of their citizenship. Literary sources form the basis for this study, a source type that can prove problematic. They are normally compiled by elite men and constitute a collection made for its political, moral, and artistic significance. Rhetorical *topoi* such as women being the weaker, but dangerous, sex are frequently found in the writings of Livy and others. The later legal codices can in some cases provide important information, and, unlike the literary sources that were written primarily for Rome and the upper social strata, they were compiled for the benefit of the entire empire. On the other hand, the legal texts are likely to have evolved over centuries and the later jurists were not especially interested in public criminal law because, at least in theory, the public owned it.¹⁰ Despite these challenges, familiar for the study of any group other than male elites in Classical antiquity, the sources may still provide us with some pieces of information on female defendants and trial proceedings from at least the fourth century BCE onwards.

2. Group prosecutions of *matronae*

The Early and Mid-Republic saw several mass trials against large groups of women. The first of the great trials was held in 331 BCE.¹¹ This

8 Harries 2007: 16-18.

9 Robinson 2007: 31.

10 Harries 2007: 31.

11 Livy 8.18 with Bauman 1992: 13-14.

was, according to Livy, a horrible year (*foedus annus*) during which many citizens had died of a mysterious illness. In the same year an enslaved woman (*ancilla*) approached the curule aedile, Q. Fabius Maximus, and offered to reveal the cause of the general calamity, if he would give her a pledge that she should not suffer for her testimony.¹² Fabius at once referred the matter to the consuls, and the consuls to the Senate, and a pledge was given to the witness with the unanimous approval of that body. The *ancilla* then disclosed the fact that Rome was afflicted by the criminal practices of women (*muliebris fraus*) and that those who prepared these poisons were *matronae*. She furthermore showed them where the matrons were concocting poison and stored their noxious substances. Some twenty women, in whose houses poison had been discovered, were summoned to the Forum. When two of them, Cornelia and Sergia, both of patrician birth, asserted that the substances were salutary, they were challenged to drink the mixtures in order to prove themselves right. The women agreed and, Livy tells us, perished by their own wicked practices. Thereafter a large number of matrons were arrested on information disclosed by their associates, of whom 170 were found guilty. The affair was regarded as a prodigy, and a dictator was appointed to, according to the ancient tradition, drive a nail into the temple of Jupiter to expiate the *prodigium*.¹³

This is an obscure episode, and Livy himself admits that his account is not based on solid information. It can however provide some details regarding women's standing under the criminal law. The matronal defendants were not dealt with by family courts but by a special *quaestio* established by the Senate and presided over by the curule aedile, Q. Fabius Maximus Rullianus.¹⁴ The special *quaestio* implies that their alleged crime threatened the whole Roman society. Furthermore, it is worth noting that the *matronae* seem to have been tried collectively and not one by one, which is a departure from the legal tradition. Roman criminal law normally knew humans only as individuals; a *collegium* could not be prosecuted, but the individual members of it could.¹⁵

12 In a recent article, Padilla Peralta (2023) directs the attention to the *ancilla* herself, demonstrating how her role is best understood in connection with the transmission of pharmacological knowledge and in conjunction with shifts in the institution of slavery during the fourth century BCE.

13 Livy 8.18.11.

14 See Bauman 1992: 14.

15 *Dig.* 4.3.15.1 with Robinson 1995: 17.

A similar affair took place in 295 BCE. The year was, Livy tells us, saddened by a pestilence and vexed with prodigies and the Sibylline Books were consulted.¹⁶ One of the curule aediles, Fabius Gurgus, son of the aforementioned Fabius Rullianus, acted on the advice contained in the books and tried a number of matrons (*aliquot matronae*) on charges of *stuprum*, illicit sexual acts committed by citizens.¹⁷ The fact that the *matronae* were treated within the jurisdiction of the curule aediles suggests that they were tried for prostitution rather than adulterous liaisons.¹⁸ As in 331 BCE, the trial proceedings were conducted by a magistrate *ad populum*, rather than by a family court. Gurgus furthermore levied a fine of money and, according to Servius, used it to build a temple to Venus Obsequens (Venus the Favourable).¹⁹ As argued by Richard Bauman, if the fines sufficed for a project this large, a considerable number of women must have been convicted.²⁰

There is a striking parallel between the *stuprum* trials of 295 BCE and when several matrons (Livy uses the same phrase, *aliquot matronae*) were tried for *probrum* in 213 BCE.²¹ Charges were once again brought before the people by plebeian aediles, this time L. Villius Tappulus and M. Fundanius Fundulus. As with the trials of 295 BCE, the female defendants were not likely to have committed adultery in the traditional sense of the word, but rather prostitution or other forms of sexual misconduct. As suggested by Elaine Fantham, many women had been left widowed or fatherless after the Battle of Cannae two years previously, and they might have been forced by poverty to turn to prostitution.²² However, the penalty was harsher in 213 BCE. This time a fine was not enough and the convicted *matronae* were sent into exile.²³ Perhaps the Senate was even more keen to control public behaviour during a period of war and crises. This becomes evident in connection to another event that took place in the same year. A group of Roman women had gathered in the Forum and on the Capitol where they

16 Livy 10.31.8-9.

17 For *stuprum* see Adams 1982: 200-201; Fantham 2011: 118. Slaves, sex workers, and even foreigners were not covered by the law, and so to have intercourse with such individuals was not considered illegal.

18 Bauman 1992: 14.

19 Livy 10.31.9; Serv. *ad. Aen.* 1.720.

20 Bauman 1992: 16.

21 Livy 25.2.9. For *probrum* see Adams 1982: 201.

22 Fantham 2011: 133.

23 Livy 25.2.9.

engaged in non-traditional religious rites.²⁴ Livy further narrates how the problem was aggravated by the large number of rural plebs who had been forced into the city by poverty. Enforced by an edict from the urban praetor M. Aemilius, the Senate issued a *senatus consultum* that banned the celebration of foreign rites in public or sacred places. The edict furthermore required that everyone in possession of books of oracles, prayer formulae, or a documented procedure for sacrifice should hand them in to the praetor.

The trials of 295 BCE and 213 BCE foreshadow the conspicuous suppression of the Bacchanalian cult in 186 BCE. Livy is once again our main source, together with the contemporary *Senatus consultum de Bacchanalibus*.²⁵ He vividly describes how the cult at first had been practised by women only, and tolerated by the authorities, but then a Campanian priestess, Paculla Annia, began to initiate men. Nocturnal rites were introduced, and promiscuity encouraged. The cult grew to about 7,000 members, including *matronae*, and the *senatus consultum* speaks of a common treasury which might suggest that the cult had financial independence to some degree.²⁶ In 186 BCE the consul Sp. Postumius received information about the Bacchanals and reported it to the Senate, that then set up a *quaestio extraordinaria* in the hands of the consuls. It was an extraordinary investigation indeed, as the Senate's jurisdiction was extended well beyond the city of Rome to the other Italian cities that were (at least in theory) free allies. There were charges of *stuprum*, murder, perjury, forged seals, and substitution of wills. The penalty was harsh: Livy reports that 7,000 individuals were put to death. It is likely an exaggeration, but the death penalty seems to have been widely inflicted. The female cultists were to be executed by their relatives, or if no relatives were available, by the state.²⁷ Unfortunately, Livy does not provide any information of how the convicted were put to death, and who carried out such large number of executions.

24 Livy 25.1.6-12 with Bauman 1992: 25.

25 Livy 39.8-19; *CIL* 1² 581 = *ILS* 18. See also Cic. *Leg.* 2.35-37. For parallels between Livy and the *senatus consultum* see Briscoe 2003. Although the inscription is commonly referred to as a *senatus consultum* it is rather a conflation of several senatorial regulations, issued in the form of a letter by the consuls to the local authorities. See Robinson 2007: 20 n. 60. For scholarship on the Bacchanalian cult see e.g. North 1979; Walsh 1996; Flower 2022; Robinson 2007.

26 *CIL* 1² 581.

27 Livy 39.18.4; 39.18.6.

The mass trials in 186 BCE failed in completely suppressing the Bacchanalian cult. In the following year L. Postumius Tempsanus carried on the prosecution of what remained of *reliquias Bacchanalium quaestionis*, the Bacchanalian investigation.²⁸ The work continued in 184 BCE under the praetor Q. Naevius Matho, who is said to have condemned *duo milia hominum*. As *homines* implies individuals of all sexes, women were likely among the condemned.²⁹ Two years later the praetor L. Pupius re-opened the Bacchanalian *quaestio* to quash what was left of the cult, but he did not succeed and the praetor L. Duronius was assigned to conduct yet another *quaestio de Bacchanalibus*, the outcome of which is shrouded in darkness.³⁰ It is hard to discern reliable elements in Livy's account, but he provides a picture of how praetor after praetor, with the support of the Senate, took great measure to restrict women's sexual behaviour and to punish those women who ignored, or even challenged, their religious authority. Many discussions of women's roles in the Bacchanalian cult have reached the same conclusion; that women's influence was quelled by the Senate. If we turn to the *senatus consultum* however, it, as argued by Harriet Flower, implies that it was rather men rather than women who were being targeted as they are banned from any leadership roles and forbidden to enter a meeting of the Bacchic women without special permission.³¹ The text itself, Flower suggests, 'presupposes that groups of women, led by a female priest will indeed continue to meet.'³² The senatorial decree serves as a reminder that both men and women took risks when they abandoned socially acceptable behaviours.³³

The year 180 BCE was marked by a new set of poisoning cases, including the death of the consul C. Calpurnius Piso. His wife, Quarta Hostilia, was accused of having murdered her husband to secure the consulship for her son by a previous marriage, Q. Fulvius Flaccus. He had been defeated by his stepfather, but after Piso's demise Flaccus was elected suffect consul. The praetor C. Claudius Pulcher commissioned the investigation and Hostilia was found guilty by his *quaestio*.³⁴ Lastly, in 154 BCE two women, *nobiles feminae*, Publilia

28 Livy 39.41.6-7.

29 Livy 39.41.5-6. *OLD* s.v. *homines*; Bauman 1992: 228 n. 26.

30 Livy 40.19.9-11.

31 Flower 2002.

32 Flower 2002: 86.

33 See Flower 2002: 92.

34 Livy 40.37.1-7.

(or Publicia) and Licinia were charged with poisoning their consular husbands L. Postumius Albinus and Claudius Asellus respectively.³⁵ They were heard by the praetor and thereafter handed over to their families for execution.

What conclusions can be drawn so far? That this was a period when the political aims dominated policy and created crime when it was useful. There were legal conventions that were sometimes observed, but as the Bacchanalian affair demonstrates, there was no consistent principle regarding whether the authorities engaged in large-scale repressions or not.³⁶ The prosecutors recorded by Livy were aediles and praetors, and the tendency to encourage informers to bring potential criminals to the attention of the authorities was to persist. If female citizens behaved in a way that caused a stir or a public scandal, they were tried *ad populum*, otherwise they were likely dealt with by domestic *consilia*. In times of crisis, as in the wake of the Battle of Cannae, we can see repeated senatorial investigations against both men and women. However, the penalties varied from trial to trial. In 295 BCE the convicted women had to pay a fine of money, while the punishment in 213 BCE was exile.³⁷ The outcome for the female Bacchanalian cultists was execution, performed by their families, or if no relatives were available, by the state.³⁸ Thus, it seems like the legal system commonly combined public trials (*iudicia populi*) with domestic punishment for those citizen women whose relatives were alive.

The main charges against women were sexual misconduct and poisoning. These accusations are often reported in conjunction, and authors such as Livy draw on literary stereotypes of women who overstep sexual and social boundaries and transgress their appropriate roles as wives and mothers.³⁹ Another reason for the repeated charges of poisoning might be that in the absence of forensic or medical evidence, death by poison was more easily alleged than proved (or disproved). Furthermore, mysterious or convenient deaths could generate conspiracy theories. The way the Senate handled the Bacchanalian affair suggests that the Roman state was seen as in danger, and the cult as a conspiracy

35 Livy *Per.* 48.

36 See Robinson 2007: 28-29.

37 Livy 10.31.9; Serv. *ad. Aen.* 1.720 (295); Livy 25.2.9 (213).

38 Livy 39.18.6.

39 This is a common literary stereotype, see Pollard 2014 for accusations of magic against women in Tacitus' *Annales*. See also Padilla Peralta 2023 for the gendering of potion-making and the connection between pharmacology and enslaved persons from the Greek-speaking Mediterranean.

that could have resulted in treason.⁴⁰ Yet, unlike the case of Claudia, we come across few Republican women accused of *maiestas*. One could only speculate if charges of *stuprum*, *probrum*, or poisoning in some cases were used instead of treason. In the case of Claudia, however, it was futile to charge her with anything other than *maiestas* as her offence was so overtly political.⁴¹

3. Vestal Virgins: crime and punishment

Female religious participation was crucial for the Roman state, but as some of the aforementioned trials suggest, women could also be feared as the source of religious unrest.⁴² This is even more keenly felt in the case of Vestal Virgins, to whom we will now turn.⁴³ The virginity of the Vestals guaranteed their ritual purity and ability to perform their cultic activities, while their failure of chastity put the whole Roman society at risk.⁴⁴ The charges against them were thus violation of religious chastity, *incestum*, in the stronger sense of the word.⁴⁵ Besides actual illicit sexual behaviour, charges could be laid based on prodigies. That the *incestum* of the Vestals, or the *impudicitia* of *matronae* discussed in connection with the trial proceedings of 331 BCE, could be treated as prodigies is not at all surprising as their actions ran the risk of violating the *pax deorum*, the peace of the gods.⁴⁶ Inappropriate human behaviour could appear both as a type of prodigy in its own right or as the origin of other prodigies.⁴⁷ Furthermore, Vestals could be convicted of

40 Robinson 2007: 18. Mantovani 1989: 19-21 suggests that the legal basis for the Senate's actions was the decemviral prohibition of nocturnal gatherings. Cf. Cic. *Leg.* 2.15.37.

41 Cf. Bauman 1992: 12.

42 For scholarship on female religious participation see among others Schultz 2006; DiLuzio 2016; Webb 2022.

43 From the regal period to 113 BCE eleven executions of Vestals are recorded, see Cadoux 2005: 165.

44 DiLuzio 2016: 143-153.

45 An individual who is *incestus* is in the state of not being *castus*, of being ritually unclean. See Schultz 2012: 128.

46 See Plin. *HN* 7.120.35; Val. Max. 8.15.12 for *impudicitia* of *matronae* during the Hannibalic War and Livy 22.57.2-6; *Per.* 22; Plut. *Fab. Max.* 18 for how the *incestum* of the Vestals turned into a prodigy. See also Cic. *Har. resp.* 21 on how portents could be the result of the pollution of religious rites. For scholarship on the *crimen incesti* of the Vestals see Mustakallio 1992; Rasmussen 2003: 41. For scholarship on Vestal Virgins, sexuality, and religion in Rome see Beard 1980 (revised in Beard 1995); Staples 1998.

47 Rasmussen 2003: 43.

incestum in the wake of plagues or even in the midst of war that was not going according to plan.⁴⁸ Even their dress could be a reason for trial. In the year 420 BCE the Vestal Postumia was accused of *incestum* because of her wit and conspicuous clothing.⁴⁹ Postumia was acquitted, but, according to Livy, commanded by the *pontifex maximus*, in the name of the pontifical college, to abstain from jokes, and to dress sacredly rather than elegantly.⁵⁰ Similar charges were laid on the Vestal Minucia almost a century later, in 337 BCE. She was accused of unchastity, based on her clothing that was more elaborate than her position required.⁵¹ Unlike Postumia, Minucia was convicted on the testimonies from her slaves, sentenced to death and buried alive.

The juridical proceedings clearly suggest that a Vestal could be charged with *incestum* without a male co-defendant, indicating that the conviction of a Vestal served as a mechanism for restoring stability in times of crises. As evident in the case of Postumia, Vestals were tried before the pontifical college.⁵² The fact that their crimes were not dealt with by criminal law is unique within Roman judicial procedure, and there is no parallel process for other priests under religious law.⁵³ As soon as a charge was laid, the accused priestess was immediately removed from her duties to prevent the possibility that she might perform them in a polluted state.⁵⁴ The Vestal defendant was allowed to speak in her own defence, such as Licinia (discussed below) who in 114 BCE was ordered to plead her case (*ut causam diceret iussam*).⁵⁵

Because of the religious nature of the trials and charges, the Vestal defendants had the possibility to perform miraculous deeds to prove their innocence.⁵⁶ Dionysius of Halicarnassus tells the somewhat mythical stories of two such deeds. When the fire of Vesta went out in 178 BCE (always an ill-boding *prodigium*) the *virgo maxima* Aemilia was accused of *incestum* as

48 Cf. Dion. Hal. *Ant. Rom.* 9.40.3; Oros. 4.5.6-9; Livy 2.42.14-18.

49 Livy 4.44. DiLuzio 2016: 154.

50 Livy 4.44.

51 For Minucia's trial see Livy 8.15.7-8 with Münzer 1937: 53-55, 64-65 (dating the trial to around 368 BCE); Ogilvie 1965: 98; Bauman 1992: 17.

52 For the pontifical college and the Vestal Virgins see Johnson 2007: 204-227.

53 Schultz 2012: 123. For the jurisdiction of the *pontifex maximus* see Cornell 1981; Lovisi 1998.

54 Livy 8.15.7-8; Dion. Hal. *Ant. Rom.* 2.68.3-5; Plut. *Num.* 10.4.

55 Macrob. *Sat.* 1.10.5.

56 DiLuzio 2016: 151.

she had left the sacred hearth in the care of a newly chosen Vestal.⁵⁷ To prove that she had been falsely accused, Aemilia prayed to Vesta and tore off the band of the linen garment she was wearing and threw it upon the hearth, and from the dead ashes a fire blazed up through the linen, so that the city no longer required either expiations or a new fire. Likewise, a certain Tuccia was accused of *incestum*, and when the *pontifices* ordered her to present a defence, she prayed to Vesta and then with the consent of the pontiffs, led the way to the Tiber escorted by the whole population of Rome. When she came to the river, she drew up water from it in a sieve, and carried it back to the Forum and poured it out at the feet of the pontiffs. Tuccia clearly proved her innocence by the support of the goddess, and Dionysius adds that, though great search was made for him, her accuser was never found, either alive or dead.⁵⁸

However, not all Vestals were acquitted. If a priestess was convicted, she was dressed in funereal garb and carried through the city in a covered litter in a funeral-like procession.⁵⁹ When it reached the Campus Sceleratus just inside the Colline Gate, the convicted priestess had to climb down into an underground chamber where she would find certain ritual items: oil, water, milk, some bread, and a burning lamp. Then the ladder was pulled up and the opening permanently sealed. The punishment of unchaste Vestals has attracted quite a lot of scholarly attention. Robin Lorsch Wildfang understands the live burial punishment inflicted on the priestesses as a form of sacrifice, similar to (but not identical with) the live burial of pairs of Gauls and Greeks during times of crisis.⁶⁰ More recently Celia Schultz has convincingly argued that, given the Vestals' important function in cleaning the city and people of pollution, it was necessary that they were pure and perfect themselves. If they failed to be ritually pure, their removal needed to be bloodless and permanent, so as not to taint the Roman state as whole. This view is also consistent with the ancient sources that stress how the Vestals could bring pollution and prodigies upon Roman society by failing to maintain their own sacred status. The execution of Vestals was thus simultaneously both a juridical rite — a

57 Dion. Hal. *Ant. Rom.* 2.68.5.

58 Dion. Hal. *Ant. Rom.* 2.69.1; Val. Max. 8.5.1. For women's religious practices and carrying water in a sieve see Richlin 2014.

59 The main sources for the burial of unchaste Vestals are Dion. Hal. *Ant. Rom.* 2.67.2 and Plut. *Num.* 10.4-7 together with Livy 8.15.8; Serv. 11. 206.

60 Wildfang 2006.

punishment for a committed crime — and a religious rite to clean the city from the pollution of *incestum*.

Did the transition to standing courts in 149 BCE affect the criminal procedure against Vestals? A case from 114–113 BCE suggests so. In December 114 BCE three priestesses, Aemilia, Licinia, and Marcia, were brought on trial before the pontifical college.⁶¹ The charges are not entirely clear. The only preserved source that mentions them is Dio but the *Excerpta Valesiana*, on which we depend, breaks off in the middle.⁶² A prodigy seems to have started a chain of events when Helvia, daughter of L. Helvius, was struck by lightning.⁶³ The lightning bolt shredded her dress and exposed her body. The event was interpreted by the *haruspices* as a sign that there were serious problems among the College of the Vestals. Soon after, a sexual scandal erupted when L. Veturius, member of the equestrian order, seduced Aemilia. She and Licinia had, according to Dio, a multitude of lovers while Marcia granted her favours to a single man. The Vestals' doings were kept secret for a long time, and they extended their favours to those who could inform against them. But at last, a slave betrayed them, and the three Vestals were brought to trial, presided over by the *pontifex maximus* L. Caecilius Metellus Delmaticus. The pontiff's verdict was uneven: Aemilia was condemned while Licinia and Marcia were acquitted.⁶⁴ The decision does not seem to have been accepted as correct by public opinion, or as a cover-up of guilty Vestals, and in 113 BCE the tribune Sex. Peducaeus issued a law that overruled the pontifical college and set up a special *quaestio* to investigate Licinia and Marcia. It was headed by the consul of 127 BCE, L. Cassius Longinus Ravilla, who convicted the two Vestals together with several accomplices and men with whom they had allegedly consorted.

Peducaeus' law raises questions about the Vestals' legal position.⁶⁵ They had previously been under the jurisdiction of the pontifical college and the

61 Dio Cass. 26.87.

62 Dio Cass. 26.87. As pointed out by Bauman 1992: 233 n. 40, there are some obvious similarities between Dio's account and the great Vestal scandal in Domitian's reign; cf. Suet. *Dom.* 8.3.

63 Plut. *Quaest. Rom.* 83 = Mor. 283f. - 284c; Oros. 5.15; Obseq. 97. For this episode see also DiLuzio 2016: 146-147.

64 Asconius 39-40 Stangl recounts the actual trial, including original acquittals of Licinia and Marcia and the creation of the *quaestio* under Cassius Longinus.

65 For the *lex Peducaea* see Johnson 2007: 223-227.

pontifex maximus who had the right to sentence them to death by the traditional method of burying them alive, as was the case with the aforementioned Minucia. This punishment could only be performed by the *pontifex*, and, as stressed by Bauman, in this case he had acquitted two of them, in accordance with the will of the gods, and they had not required any further action by him.⁶⁶ This means that the death sentences condemned by the *quaestio Peducaea* could not be carried out the traditional way, i.e., the convicted Vestals were executed but not entombed. On the other hand, the *pontifex maximus* was not a part of the secular legal machinery for carrying out capital sentences. In effect, therefore, the *quaestio Peducaea* created a new offence that was likely to be analogous to Vestal *incestum* but not entirely conterminous with it.⁶⁷ Elizabeth Rawson has suggested that Peducaeus' law created a *quaestio perpetua* for Vestal unchastity.⁶⁸ Bauman takes this one step further and suggests that the secular procedure had yet another important consequence. The punishment was no longer a means of expiation, and thus by the very manner of their punishment the Vestals had placed their activities squarely in the realm of mainstream politics.⁶⁹ There was still, of course, a vital religious component, but it was different compared to the expiation for a prodigy. Though it is outside the scope of this article, it should be noted that all subsequent attested *incestum* cases occur under the Imperial period and were prosecuted by the *princeps* as *pontifex maximus*.⁷⁰ As argued by Michael Johnson, this suggests that somewhere between 73 BCE and the reign of Domitian, the law fell into desuetude or was abrogated and the trials seem to have been back in the hands of the pontifical college.⁷¹

The names of the three Vestals — Aemilia, Licinia and Marcia — suggest that the trials had political overtones. We do not know how Aemilia was related to the *gens* with the same name, but Licinia was likely the daughter of C. Licinius Crassus, tribune of the plebs in 145 BCE, and Marcia the daughter of Q. Marcius Rex, praetor in 144 BCE.⁷² That the Vestals came from elite backgrounds also comes to the fore in trial proceedings held in 73 BCE. This

66 Bauman 1992: 53-58.

67 *Ibid.*

68 Rawson 1974: 208.

69 Bauman 1992: 55.

70 Cf. Plin. *Ep.* 4.11.6.

71 Johnson 2007: 223-227.

72 Schultz 2006: 140-141.

time charges were brought against the Vestal Fabia and Vestal *nomine* Licinia. Fabia was accused of having a sexual relationship with Catiline, the later conspirator.⁷³ She was acquitted, though the sources give different reasons for this. According to Cicero it was because of the advocacy of M. Piso, while Plutarch emphasizes the intervention of Cato the younger, and Sallust notes the influence of Q. Lutatius Catulus. Like Fabia, Licinia was accused of having had a sexual relationship, in her case with M. Licinius Crassus, consul in 70 BCE. They were both acquitted when Crassus proved that he had paid frequent visits to Licinia in order to persuade her to sell her pleasant villa in the suburbs to him at a low price.⁷⁴ This time both trials were conducted by a *quaestio*, a secular court based on that created by Peducaeus.⁷⁵ As previously discussed, tense political situations and military defeats had sometimes combined with prodigies to result in trials of Vestals for *incestum*. No prodigy is recorded for 73 BCE, but the enquiry into the sexual behaviour of the Vestals might have been motivated, or legitimated, by the initial military failures when the forces of the Republic tried to put down the rebellion of Spartacus. Crassus' subsequent success in quashing Spartacus' uprising might have confirmed his innocence.⁷⁶

Both Fabia and Licinia were engaged in the politics of the Late Republic. Fabia was a half-sister of Terentia, Cicero's wife, and during his exile in 58 BCE Fabia offered shelter to Terentia at the temple of Vesta. Licinia had in 62 BCE supported her close relative L. Licinius Murena when he ran for the consulship by giving up her privileged seating to him at the *ludi*.⁷⁷ Licinia's gesture lent the prestige of her priesthood to Murena and, by campaigning for him at the *ludi*, she could reach a large crowd.

4. Women appearing before regular criminal courts

The mass trials and *quaestiones extraordinariae* set up to deal with large groups of defendants in times of crisis and public panic establish women's direct liability to trial by state authority. They also reveal, together with trials

73 Asc. 91.19-23; Cic. *Brut.* 236; Plut. *Cat. Min.* 19.3; Sall. *Cat.* 15.1, 35.1.

74 Plut. *Crass.* 1.2.

75 Bauman 1992: 61.

76 Cadoux 2005.

77 Cic. *Mur.* 73. For Licinia see Rüpke 2008: 765, no. 2218. For this episode see Bauman 1985: 15-27; 1992: 63; DiLuzio 2016: 231-232.

against Vestal Virgins, how female sexual impurity constituted a danger to the state. In a society where female religious activity and roles were connected with the *salus* of the *res publica* itself, it was vital that women remain ritually and sexually pure for the very future of Rome. But were these trials typical procedures for criminal offences committed by women? To find evidence for citizen women appearing before regular criminal courts we must look elsewhere.

Aulus Gellus provides us with information about Manilia, a sex worker who in 151 BCE threw a stone at Aulus Hostilius Mancinus who was a curule aedile that year.⁷⁸ He sued before the people, but Manilia appealed to the tribunes and declared that Mancinus was drunk and had tried to break into her living quarters by force. The tribune vetoed the prosecution and decided that the aedile had rightly been refused entrance to a place to which it had been improper for him to go, especially when drunk. Clearly Manilia was aware, or was advised, to invoke *provocatio* (*Manilia ad tribunos plebi provocavit*).⁷⁹ Her case foreshadows later cases of women demonstrating legal expertise that were compiled in Valerius Maximus' *Factorum et Dictorum Memorabilium* (Memorable deeds and sayings). Under the heading 'Which women pled cases in front of magistrates on behalf either of themselves or of others' (*Quae mulieres apud magistratus pro se aut pro aliis causas egerunt*) he accounts for cases conducted by three women: Hortensia, Maesia, and Afrania (or Carfania).⁸⁰ Much has been written about Hortensia, but since her speech was not a legal hearing per se, we will leave it out of this discussion. Maesia of Sentinum on the other hand was brought before the praetor on a criminal charge during the Late Republic.⁸¹ Valerius Maximus tells us that she pleaded her own case and went through all the forms and stages of a defence not only thoroughly but boldly, and that she was acquitted at the first hearing and by an almost unanimous vote. However, Maesia's achievements in the court earned her the nickname of *Androgyne*, which parodies her apparently manly behaviour. Despite this, Valerius Maximus does not indicate that Maesia's role as defendant before a formal criminal proceeding was either inappropriate or even unusual.⁸² Her 'manliness' is satirized, but she is also praised for her

78 Gell. *NA* 4.14. Peppe 2016: 28; Buongiorno 2022. See also Webb in this volume.

79 Gell. *NA* 4.14.

80 Val. Max. 8.3. See also van der Blom in this volume.

81 The main scholarship on Maesia is Marshall 1990.

82 Marshall 1990: 48.

performance, described as executing all the forms and stages of her defence not only *fortiter* but also *diligenter*, and she managed to secure an overwhelming majority of the jurors' votes.

Valerius Maximus also discusses the senatorial woman C. Afrania (or Carfania), married to Licinius Buccio.⁸³ She is characterized as always ready for a lawsuit, and always speaking on her own behalf before the praetor. This was not, Valerius Maximus tells us, because she could not find advocates but because she was so shameless. Afrania was shouting so much in the tribunals and in the Forum that she became a notorious example of female litigiousness, and her name became a byword for female shamelessness (*muliebris calumnia*).⁸⁴ Valerius Maximus' account lacks legal precision and we do not know the nature of the lawsuits that Afrania was engaged in. But the invective aside, Afrania's repeated appearance before the praetor and how she on each occasion spoke *pro se*, despite the fact that she had male relatives who could represent her, testifies to her legal knowledge. Her activities might have been deemed improper, but they were not prohibited by any decree.

In another part of his work, Valerius Maximus recounts the case of Fannia of Minturnae in the year 100 BCE.⁸⁵ She was divorced by her husband C. Titinius who tried to retain her dowry on the grounds that she had been adulterous (*retentio propter mores*). The trial was held in public with C. Marius sitting as judge. According to Valerius Maximus, Fannia took an active part in the proceedings and conducted the case herself. She successfully argued that Titinius had known about her character before marrying her and Marius judged in her favour, the argument being that Titinius had deliberately chosen an unchaste wife in order to get hold of her property.⁸⁶

83 Val. Max. 8.3.2. Licinius Buccio was active as a senator in the Sullan period (*MRR* 2.492). Afrania is normally identified with the Carfania mentioned by Ulpian in *Digest* 3.1.5; see note 84 below.

84 Afrania's excessive zeal might have been responsible for a change in the law (so Bauman 1992: 51). In the *Digest* Ulpian states (*Dig.* 3.1.5) that the praetor's edict prohibits women from postulating for others, because of Carfania, a woman who postulated shamelessly and caused much annoyance to magistrates. The problem with the identification of Carfania as Afrania is, as noted by Marshall, that Afrania is described as suing only on her own behalf while Carfania was acting *pro aliis* (Marshall 1989: 44).

85 Val. Max. 8.2.3.

86 According to Valerius Maximus (8.2.3; 1.5.5) Fannia would later assist Marius when the Senate adjudged him a public enemy (cf. Plut. *Mar.* 88).

Lastly, when it comes to trial proceedings during the Late Republic one would expect to find some evidence in the works of Cicero. However, his only known defence speeches for female clients are to be found among his unpublished work.⁸⁷ The *Pro Titinia Cottae* was held early in Cicero's career, most likely around 79 BCE.⁸⁸ In this speech he defends Titinia, wife of C. Aurelius Cotta, who was accused of poisoning under the *lex Cornelia de sicariis et veneficis*. The prosecutors were Ser. Naevius and C. Scribonius Curio, and Cotta might have taken part in the defence together with Cicero.⁸⁹ The outcome of the case is not known, and it was never published, perhaps as suggested by Jane Crawford, because Cicero was soon to leave Rome for Greece or Asia Minor or because he was not yet established as an orator and had hence no cause to circulate his orations. The second speech, the *Pro muliere Arretina*, is also one of Cicero's earliest defence efforts, made during Sulla's dictatorship. The case does not concern a criminal charge *per se*, but the free status of a woman from Arretium, whose name is not known. The town had been disenfranchised by Sulla, and, as stressed by Crawford, Cicero's speech was brave in that it defied his actions. It was successful, as the case was decided in favour of the defendant. The reason for not publishing the speech might have to do with Cicero being not altogether comfortable with his role as Sulla's opponent, and at this time circulation of his orations was still the exception, not the rule.⁹⁰

There is a potential parallel between Maesia of Sentinum and the woman from Arretium. Anthony Marshall has argued that the trial of Maesia took place in the aftermath of the Social Wars.⁹¹ Her hometown of Sentinum had presumably been party to the Umbrian revolt in 90 BCE which might have deprived Maesia of her male relatives and forced her to defend herself in court. Likewise, the woman from Arretium came from a town whose citizens had been disenfranchised by Sulla. Maesia and the woman from Arretium remind us that women beyond the senatorial elite were affected by Roman warfare. Valerius Maximus' admiration, albeit grudging, for Maesia's rhetorical skills

87 For these two speeches see Cic. *Brut.* 217 and Cic. *Caec.* 96 with Crawford 1984: 33-36.

88 The case involves Curio and C. Cotta, and there was no other time when the three of them could have worked together, see Crawford 1984: 35 n. 1.

89 For Cicero and Cotta see Ward 1970: 58-71.

90 Crawford 1984: 34.

91 Marshall 1990.

furthermore suggests that non-elite citizen women also had legal knowledge and were familiar with formal rhetoric. There is a (stereotypical) assumption that Roman women were ignorant of the law, or too weak for court-room activities. This view is expressed in parts of the *Digest* in which the Severan jurist Ulpian characterizes women appearing before the court as *contra pudicitiam sexui congruentem*.⁹² On the other hand, the preserved imperial *responsa* in the *Codex Justinianus* indicate that about 20% were issued in reply to *libelli* submitted by women who were mostly *sui iuris*.⁹³ Their cases might be less spectacular than those of Maesia or Afrania but clearly demonstrate women's interest in legal concerns.⁹⁴

4. Conclusions

In her study on crime and punishment in ancient Rome, Olivia Robinson writes that “for the Romans the heinous crimes were treason, adultery, and murder (especially by poisoning), which could be linked with magic arts and potions (...).”⁹⁵ It is an important finding then that these were all crimes that could be committed by women. They are also crimes that were prosecuted in the public courts, as they were defined as offences against the community, which included certain forms of harm inflicted on individuals. The fact that women could commit crimes of a political nature testifies to their involvement in the political life of the *res publica*. Furthermore, the right to initiate legal action before a court, the right to appeal to the people against a judicial decision, the right to defend oneself before the courts, and the right to appeal for the defence to the tribunes should be seen as essential features of female citizenship. As argued by Aude Chatelard, in legal matters Rome allowed the same rights and responsibilities to men and women of knowing what the law was, and the right to represent oneself.⁹⁶

We do however find fewer women than men engaged in trial proceedings. The reason for this is customary, rather than legal, restraints on women. The Roman legal system required an active prosecutor as there was no police

92 *Dig.* 3.1.1.5. See also *Dig.* 22.6.8-9; 48.5.39.

93 Marshall 1989: 48.

94 Marshall 1989: 48-49.

95 Robinson 2007: 193.

96 Chatelard 2016: 30-31.

authority that could conduct investigations.⁹⁷ It is not unlikely that a woman's natural accuser, normally her own relatives, were reluctant to initiate a trial procedure that could result in a public scandal, which would also have prevented prosecutions between members of the same family. It is however important to note that it is precisely customary, rather than legal norms that discourage the regular appearance of women in criminal courts, and we see several cases where a willing prosecutor presented himself before the praetor. Furthermore, charges were commonly brought before the courts as a way for men to bolster their political careers, while the political careers of women (primarily within the religious sphere) followed a different path.

Roman justice was public, and the right to a public trial is at the core of Roman citizenship.⁹⁸ Slaves were punished at home; free citizens were tried in the Forum. Exploring female defendants provides a chance to glimpse women's presence at the Forum Romanum: the large number of *matronae* on trial, Afrania arguing before the praetor's tribune, a woman from Arretium listening to a young Cicero pleading her case. Crimes committed by women were also manifest in the cityscape of Rome: the temple to Venus Obsequens funded by the fine imposed on *matronae* in 331 BCE, or the temple of *Libertas* on the Aventine (the plebeian bastion in Rome) built using the heavy fine Claudia had to pay to the plebeian aediles in 246 BCE.⁹⁹

Crime is to a large extent a social construct. Among the most atrocious crimes listed above we find murder, but not all kinds of murder: for example, that of slaves is excluded. Nor do we find crimes such as theft, robbery, or injurious behaviour, but instead adultery and extramarital relations. It is in its treatment of honour and shame that Roman law showed the clearest traces of the social values of the lawgivers. The legal boundaries seem to have changed somewhat over time. The connection between unlawful sex and national calamity appears to have been stronger in the Early Republican period than the Later. We hear of no mass proceedings against women during the Late Republic or Imperial period. No trials of Vestal Virgins are recorded for the Early Imperial period, until Domitian tried three Vestals for unchastity under a secular process in 82/83 CE (and did so possibly as *pontifex maximus* with

97 The Twelve Tables (1.2; 3.2) state that the main responsibility for producing a defendant in court lay with the plaintiff in any action.

98 Cf. Cicero (*Verr.* 2.5.162) who in his speech against Verres famously uses the phrase *civis Romanus sum* as a plea for a public trial.

99 For fines imposed on women see Piacentin 2018.

the pontifical college), and in ca. 89/90 CE invoked the religious penalty against the *vestalis maxima*, Cornelia.¹⁰⁰ These two episodes are narrated by Suetonius, Pliny, and Dio, and they all focus on the political aspects of the trials (as symptomatic of Domitian's character as a bad emperor) rather than the religious.¹⁰¹ That there was a strong relationship between legal discourse and morality comes to the fore during the reign of Augustus when the *lex Iulia de adulteriis* of 18 BCE established adultery as a distinct criminal offence. Once it was considered a public crime, others besides the woman's relatives could be involved and any adult male citizen could come forward as prosecutor. *Maiestas* was another crime that brought women to the courts during the Imperial period, as it came to rapidly embrace many more actions than during the Republic, including casting the emperor's horoscope, threatening his position, person and family with defamation, adultery with women of the imperial family, and conspiracy to assassinate.¹⁰² Charges of *maiestas* were commonly tried before the senatorial court that during the Early Principate emerged as a court for cases involving members of the senatorial elite, i.e., the Senate became responsible for trying its own.¹⁰³ This does not imply that the *quaestiones perpetuae* established during the Republic were abolished. The *lex Iulia* passed in 18 BCE had previously set up a *quaestio perpetua* for adultery and during the reign of Tiberius trials were held both before the *quaestio* and the Senate.¹⁰⁴ And in Juvenal's Rome, citizen women still used their legal expertise as had Republican women before them. In his satire, Juvenal reveals the regular presence of women in the courts:

*Nulla fere causa est in qua non femina litem
moverit. accusat Manilia, si rea non est.
conponunt ipsae per se formantque libellos,
principium atque locos Celso dictare paratae.*¹⁰⁵

100 Suet. *Dom.* 8.3-4; Dio Cass. 67.3.4; Plin. *Ep.* 4.11 with Johnson 2007: 211-227.

101 Harries 2007: 92.

102 For a recent overview of the crime of *maiestas* see Williamson 2016.

103 Jones 1972: 91-92.

104 The following cases reported by Tacitus in *Tac. Ann.* 2.50 (Aemilia Lepida); 2.85 (Vistilia); 4.42 (Aquila) and 6.48 (Albucilla) seem to have been tried before the senatorial court, while 3.38 (Antistius Vetus) was a senatorial defendant likely tried for adultery by a *quaestio*. For the survival of the *quaestio de adulteriis* see Bauman 1968 *contra* Garnsey 1967.

105 *Juv.* 6.242-245. Celsus is Aulus Cornelius Celsus, a distinguished rhetorician, or one of the jurists named Publius Iuventius Celsus, either father or son. Trans. Susanna Morton Braund.

There's almost no lawsuit where a woman didn't start the dispute.
 Manilia will be the prosecutor if she isn't the defendant.
 On their own they compose and construct the documents, and they'll not
 draw the line at dictating to Celsus how to open his speech and what points
 to make.

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WOMEN AND LEGAL CHANGE IN THE ROMAN REPUBLIC

Kit Morrell

The practice of politics and law-making in Rome was formally the business of Roman male citizens, as the only persons capable of proposing measures or voting on laws or senatorial decrees.¹ However, recent scholarship has emphasised how far Roman politics was conducted outside the formal institutional settings of senate and *comitia*.² Other contexts, from private conversations to public demonstrations by Roman matrons, afforded opportunities for female citizens to make significant contributions to Roman politics.³ This paper builds on that work by examining some ways in which Roman women, during the republic, could be participants in processes of legal change and could even help to bring about reforms.⁴ The limited

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See e.g. Livy 34.7.8; Val. Max. 3.8.6; App. *B Civ.* 4.33; Gell. 5.19.10.

2 See esp. Rosillo-López 2022.

3 See e.g. Rosillo-López 2017: esp. 16-18, 221-222; Flower 2018; Rohr Vio 2022a: esp. ch. 6; Webb 2022.

4 The following discussion will consider examples of women's interventions concerning decrees of the senate, edicts, and statute law. The distinction between these and other forms of political intervention is somewhat artificial, however, and the methods and structures involved were the same, from private lobbying through female relations to group action by Roman *matronae*. Partly for that reason, I have included examples involving *senatus consulta* of administrative as well as normative character (notably Servilia's proposed action in 44).

evidence offers a small but varied sample, from group action against proposed laws to private lobbying for legal favours, involving actors from elite *matronae* to freedwomen prostitutes. Some stories are of questionable historicity, but these are nonetheless valuable in illustrating patterns and possibilities of female intervention, at least in the period when their authors were writing. Together, this evidence sheds light both on Roman women's political involvement and on the practice of legal change in republican Rome.

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Women's involvement in processes of legal change could take different forms, from passive to proactive: as subjects of legal change, as prompts for change, and as active participants in shaping Roman law.

To begin with, one aspect of citizenship, for Roman women as for Roman men, was that they were subject to Roman law (both its burdens and privileges).⁵ Thus, for example, women's property and inheritance rights were regulated by Roman law, and they had capacity to form legal marriages with Roman citizens.⁶ They were entitled to the protection of Roman law, if their persons or property were threatened, and they could be prosecuted for breaking the law.⁷ As such, women could be subjects of legal change, including developments in the praetor's edict as well as statute law. The *lex Oppia* and *lex Voconia* are well-known examples of laws that specifically affected the position of women, especially wealthy, elite women.⁸ There were of course also laws that affected women less directly or specifically, as well as laws that did not apply to women.⁹ For the most part, there is no

5 Cf. Treggiari and Webb in this volume.

6 See e.g. McClintock and Rosillo-López in this volume.

7 In some circumstances, at least: see Marshall 1990 and Brännstedt in this volume. For examples, see Val. Max. 5.4.7, 8.1.amb.1, 8.3.1.

8 The *lex Oppia* regulated women's use of carriages, gold, and other status-symbols (references in *LEPOR* no. 570). The *lex Voconia* (*LEPOR* no. 757) modified women's inheritance rights by preventing citizens of the first census class from instituting female heirs or leaving more than half of an estate to a woman as legacy.

9 To take just two examples, disparate in date and nature, the *lex Canuleia* on *conubium* between patricians and plebeians (references in Broughton *MRR* 1.52) affected men and women alike, and both sexes evidently could be prosecuted on charges of poisoning under the *lex Cornelia de sicariis et veneficis* (Cic. *Clu.* 148; cf. Marshall 1990); by contrast (for example), the law's provisions on 'judicial murder' applied only to (former) magistrates and senators. It is worth noting, however, that even laws that did not apply to women, such as

evidence that women had any input into the making or changing of laws that applied to them.¹⁰ However, even where women played only a passive role, their legal subjectivity gave them good reason to take an interest in legal change.¹¹ I will return to this point below.

A second scenario is where women appear as catalysts or prompts for change. One example is the story of Carfania (or Afrania), who was reportedly so litigious that the praetor responded by banning women from acting as advocates for others.¹² The rule was still in place in the time of Ulpian, who is the source for its origin.¹³ Valerius Maximus, in an obnoxious passage, also describes Carfania's habit of representing herself in the courts (8.3.2). The story is evidence that Roman women could be skilled and knowledgeable about law, as well as for how Roman men might respond to women's actions (here, the behaviour of an individual woman) by introducing legal change.

Another illustration of women's potential role in processes of reform is Livy's account of the two Fabiae and the origins of the Licinio-Sextian rogations, which eventually secured the opening of the consulship to plebeians (Livy 6.34.5-11). According to Livy's story, M. Fabius Ambustus was prompted to pursue reform after learning of the hurt suffered by his younger daughter on realising that her marriage to a plebeian (C. Licinius Stolo) meant that her house was denied the lictors and other honours enjoyed by her older sister, who had married a patrician (the consular tribune Ser. Sulpicius). In Livy's narrative (10-11), Ambustus urged the younger Fabia to be of good cheer, for the same honours would be hers before too long (implying that plebeians would be admitted to the highest office), and proceeded to make plans (*inde consilia inire ... coepit*) with his son-in-law and L. Sextius. Indeed, Livy prefaces the story with the explicit statement that this "trivial cause... set on

rules on electioneering and office-holding, could affect women indirectly, insofar as they impacted on women's male family members.

10 Some exceptions are considered below, along with the likelihood that women had more 'behind-the-scenes' involvement than our sources allow us to perceive.

11 On legal subjectivity, cf. Milnor 2005: ch. 3 (esp. 150-151). The Augustan social legislation was an important moment but certainly not the beginning of women's legal subjectivity.

12 Cf. van der Blom in this volume.

13 *Dig.* 3.1.1.5 (Ulpian): *origo uero introducta est a Carfania improbissima femina, quae inuerecunde postulans et magistratum inquietans causam dedit edicto* ("Its introduction goes back to a shameless woman called Carfania who by brazenly making applications and annoying the magistrate gave rise to the edict"; trans. Watson).

foot a mighty change.”¹⁴ The idea that Fabia’s complaint prompted a central episode in the Struggle of the Orders is not very plausible, and the story may not have any historical basis.¹⁵ Nonetheless, it is worth noticing how Livy portrays informal conversation between a woman and her father as context and stimulus for major legal change.

In both these examples, however, the woman plays only a passive role. Fabia herself is not portrayed as envisioning or seeking reform, and in Carfania’s case the new edict was intended to *repress* her activities. But there are also instances where women appear as active participants in seeking or shaping legal change. The most important and most famous involve the repeal of the *lex Oppia* in 195 and the protest by Hortensia and the matrons in 42. These episodes have been extensively studied already; however, a few points are worth emphasising from the perspective of women’s involvement in processes of legal change.

To begin with the *lex Oppia*, what we have in Livy (and other sources, which may derive from his account)¹⁶ is a case of Roman women actively seeking legal change, lobbying Roman men, and even staging collective public demonstrations to that end. Put briefly, the *lex Oppia*, passed during the Punic war, had restricted women’s rights to use carriages, gold, and other finery; the repeal of the law, twenty years later, would restore their privileges.¹⁷ Livy describes crowds of women surrounding the forum on multiple days, both to urge the passage of a bill that would repeal the law and then to oppose the veto of the repeal bill.¹⁸ The demonstration was led by wealthy Roman *matronae* and drew women from surrounding towns (Livy 34.1.6).¹⁹

14 Livy 6.34.5: *parua, ut plerumque solet, rem ingentem moliundi causa interuenit* (trans. Foster). As Kraus (1991) observes, the episode is part of a pattern in Livy where women precipitate political upheavals.

15 Cf. Oakley 1999, *ad loc.*

16 Livy 34.1-8; cf. Val. Max. 9.1.3; Zonar. 9.17. The latter has Valerius joke that the women should be brought into the assemblies. *De vir. ill.* 47 and Oros. 4.20.14 are very brief. See below on Ov. *Fast.* 1.619-628 and Plut. *Quaest. Rom.* 56.

17 The repeal of a law can amount to a significant legal change, and one that involved a separate vote of the people. On women’s jewellery, cf. Pavón Torrejón in this volume.

18 Livy 34.1.5-7 describes a large and growing crowd of women blocking the approaches to the forum daily and accosting magistrates (cf. 34.2.8, 12), though apparently not entering the forum itself (cf. 34.2.8, 34.3.6). Following the speeches by Cato and Valerius, an even larger crowd gathered and blockaded the doors of the two tribunes who were vetoing the repeal bill (34.8.1-2).

19 Webb (2022: 158-159) interprets the episode as a demonstration by the *ordo matronarum*. In any case, the *lex Oppia* affected wealthy women and ‘Cato’s’ remarks were

Although no woman speaks in Livy's account, and of course no woman could make a formal proposal, Livy depicts the women as coming forward of their own initiative to support the repeal bill and advancing their own reasons for doing so.²⁰ Whatever rationale the tribunes may have given in promulgating their bill, it is only when Livy describes the women's actions that he gives reasons for repealing the *lex Oppia* (34.1.5), and when the tribune 'Valerius' speaks, he refers to the women's own arguments in justifying his bill and the restoration of women's status-symbols.²¹ Valerius Maximus' account, though brief, is even more explicit in attributing initiative to the women.²² Indeed, while there is no direct evidence, it seems plausible that the push to repeal the *lex Oppia* came originally from Roman women, who were, after all, the people directly affected. In any case, they were markedly successful: not only was the law repealed, but Livy indicates that all the tribes voted to do so (34.8.3).

In short, what Livy depicts is a case of women seeking legal change and succeeding. Moreover, Livy's account offers indications that the women's actions in 195, though extreme, were not an isolated instance of women taking an interest in, or even seeking to influence legislative processes. This material needs to be handled with caution. The speeches Livy gives to Cato and Valerius are Livy's own compositions,²³ and 'Cato' comes off badly (from

directed at the respectable *matronae* he claimed not to want to offend: see Gleeson 2022: 143-145.

20 Livy 34.1. 'Cato' describes the demonstration as a *sedition* and secession of women (Livy 34.2.7; cf. Briscoe 1981, *ad loc.*).

21 Note esp. Livy 34.7.5-7, where 'Valerius' describes the women's feelings (*dolor et indignatio*, §6) at seeing Latin women using the carriages, gold, and purple the *lex Oppia* denied to Roman women.

22 Val. Max. 9.1.3: *quo tempore matronae Brutorum domum ausae sunt obsidere, qui abrogationi legis Oppiae intercedere parati erant, quam feminae tolli cupiebant, quia his nec ueste uarii coloris uti nec auri plus semunciam habere nec iuncto uehiculo propius urbem mille passus nisi sacrificii gratia uehi permittebat. et quidem optinuerunt ut ius per continuos XX annos seruatum aboleretur...* ("At that period the matrons dared to lay siege to the house of the Bruti, who were prepared to veto the repeal of the Oppian law. Women wanted this law annulled because it forbade them to wear multi-coloured dresses or to own more than half an ounce of gold or to ride in a yoked vehicle within a mile of the city except for the purpose of sacrifice. And they did in fact succeed in getting abolished a statute that had been observed for twenty years". Trans. Shackleton Bailey).

23 See e.g. Briscoe 1981: 39-40. Various scholars have discussed how Livy's account reflects themes and debates of his own day (e.g. Schubert 2002; Milnor 2005: ch. 3). Hopwood (2015) suggests that 'Valerius' speech was based on that of Hortensia in 42.

an ancient perspective, let alone in modern eyes).²⁴ Nonetheless, the passage sheds light on the possibilities of women's political interventions.²⁵

In Livy's account, one of 'Cato's' complaints is that Roman matrons should not concern themselves with laws and senatorial decrees "even at home," let alone in public:

equidem non sine rubore quodam paulo ante per medium agmen mulierum in forum perueni. quod nisi me uerecundia singularum magis maiestatis et pudoris quam uniuersarum tenuisset, ne compellatae a consule uiderentur, dixissem: (9) 'qui hic mos est in publicum procurrendi et obsidendi uias et uiros alienos appellandi? istud ipsum suos quaeque domi rogare non potuistis? (10) an blandiores in publico quam in priuato et alienis quam uestris estis? quamquam ne domi quidem uos, si sui iuris finibus matronas contineret pudor, quae leges hic rogarentur abrogarentur curare decuit.' (Livy 34.2.8-10)

"Frankly, I was blushing somewhat a moment ago when I came into the Forum through the midst of a crowd of women. Had I not been held back by respect for the status and modesty of some of the individuals present rather than of the group as a whole—I feared they might appear to have been rebuked by a consul—I would have said: 'What sort of conduct is this, all this running out into public places, blocking streets and accosting other women's husbands? Couldn't you all have asked your own husbands the very same thing at home? Are your charms more seductive in public than in private and to other women's spouses more than your own? And yet not even at home should the proposing or repealing of laws in this place have been any concern of yours, not if modesty kept married women within their proper limits.'" (trans. Yardley)

Cato condemns the idea, yet his suggestion that the women could have appealed to their husbands at home (9) seems to acknowledge that women sometimes or even regularly did appeal to their husbands regarding laws that affected them. In fact, Livy's earlier statement that the women could not be kept at home *nec auctoritate nec uerecundia nec imperio uirorum* suggests that they had already tried.²⁶ Likewise, 'Cato's' comment that it was improper for women constrained by *pudor* to concern themselves with laws and senatorial decrees is a complaint that the women gathered in the centre of Rome were not so constrained. Cato famously denounced many contemporary practices

²⁴ See e.g. Vassiliades 2020; Gleeson 2022: ch. 6.

²⁵ At least by Livy's day, but other evidence (including Cato's story of Papirius Praetextatus, discussed below) indicates that organised action by Roman women was a real possibility in the early second century (cf. Webb 2022: 159-160 on earlier stories).

²⁶ Especially if *uirorum* is taken with *auctoritate* and *uerecundia* as well as *imperio*: see Gleeson 2022: 130-132.

as out of line with traditional morality, as Livy's readers would be well aware,²⁷ so the criticisms Livy ascribes to him read, if anything, as confirmation of the behaviours described—the more so as he was speaking amid a public demonstration by Roman women. Indeed, Livy's Cato may be describing one 'regular' means by which women intervened in processes of legal change, namely through intervention with their husbands. At the same time, the crowd of women gathered around the forum in 195 showed that women could take their appeals outside the home, directly to magistrates and "other women's husbands", with considerable success.²⁸

The speech given to 'Valerius' adds to the picture. He objects to Cato's argument that the women's demonstration was contrary to custom, pointing out that women had often appeared in public where their own or the community's interests were at stake (Livy 34.5). Admittedly, none of Valerius' examples involve changes to laws, but he is constrained by the dramatic date of the speech: it may be that 'Valerius' comments are intended to remind Livy's readers of more closely parallel events that occurred in more recent times.²⁹ Furthermore, Valerius comments that it is *natural* for women to take an interest in laws that affect them: "Nobody was surprised at actions they took in matters pertinent to the whole population, to men and women alike, so are we surprised that they took action in an affair specifically pertaining to them?"³⁰

Thus, for all its difficulties, Livy's account of 195 presents both a concrete example of women's intervention in a significant legislative change and evidence for a broader practice of such intervention. One prominent example that Livy's readers might have been expected to think of, on reading Valerius' speech, is the protest by Hortensia and the matrons against the triumvirs in 42—in this case, an example of women successfully *obstructing* legal change.

27 Cf. Vassiliades 2020: 116-117.

28 That is, some men listened to and were persuaded by the women's arguments, as 'Cato' acknowledges at 34.4.18: "*nunc uolgo alienos uiros rogant et, quod maius est, legem et suffragia rogant et a quibusdam impetrant.*" ("At the moment they are petitioning other women's husbands in public and, what is worse, petitioning them for a law and for their votes, in some cases with success." Trans. Yardley) The use of *rogo* and *impetro* indicates that it was the women's words and appeals that persuaded the men in question, rather than force of numbers.

29 The Hortensia episode would be one, but perhaps not the only example; see below.

30 Livy 34.5.12: *ceterum quod in rebus ad omnes pariter uiros feminas pertinentibus fecisse eas nemo miratus est, in causa proprie ad ipsas pertinente miramur fecisse?* (trans. Yardley).

The occasion was the publication of a triumviral edict requiring the 1,400 wealthiest women to contribute to the cost of the civil war. Leading matrons protested, initially by what Appian's Hortensia describes as the appropriate means for women of their rank: by appealing to the triumvirs' female relations.³¹ However, when they were rudely rebuffed by Fulvia (the wife of M. Antonius), the women took their complaints to the triumvirs in the forum. As spokesperson, Hortensia made a speech protesting the injustice of a tax on women—who were not responsible for the war—along with various other complaints about the triumvirs' actions (App. *B Civ.* 4.32-33), if Appian's version reflects the original.³²

The triumvirs were angry and tried to have the women removed from the forum. However, when the crowd began to boo, they backed down and deferred the matter to the next day. The end result was a significant victory for Hortensia and the *matronae*: the triumvirs published a new edict, reducing the number of women affected to 400 and instead imposing fresh demands on men (App. *B Civ.* 4.34). That is, wealthy Roman women—supported by the crowd—had succeeded in causing the powerful triumvirs to substantially alter their edict. Moreover, like the *lex Oppia* episode, Hortensia's speech—as we have it in Appian—might hint at a broader practice of women intervening in processes of legal change. Large, public demonstrations as in 195 and 42 were probably exceptional, but appeals through the wives, mothers, and sisters of men in power, or through women's male connections, were appropriate and perhaps common.

Another important and well-known example of female intervention, although it involves a different sort of legal instrument,³³ is that of Servilia

31 App. *B Civ.* 4.32: ὁ μὲν ἤρμοξε δεομένας ὑμῶν γυναῖξι τοιαῖσδε, ἐπὶ τὰς γυναῖκας ὑμῶν κατεφύγομεν ("As was appropriate for women of our rank who wished to make an appeal to you, we resorted to your womenfolk"; trans. Carter). As Rosillo-López (2022: 188) points out, however, there is ample evidence for women speaking directly with men, with no suggestion that such conduct was exceptional. According to Val. Max. 8.3.3, Hortensia and the matrons had been unable to find a male advocate. Hortensia was the daughter of the orator Q. Hortensius Hortalus (cos. 69).

32 See e.g. Hopwood 2015, arguing that it does.

33 The *senatus consultum* at issue concerned the assignment of provinces and thus was administrative rather than normative in character. However, the same methods of intervention could apply to any senatorial decision. See Cic. *Fam.* 5.6.1 SB 4 (to P. Sestius, December 62) for another, less direct, example of women seeking to influence the assignment of provinces: Sestius' wife Cornelia had approached Cicero's wife Terentia regarding Sestius' desire to be prorogued in his province of Macedonia.

(mother of Brutus) in June 44. At a strategy meeting with Brutus, Cassius, and their supporters, Servilia not only played a leading role in discussion but undertook to have a clause appointing Brutus and Cassius as grain commissioners removed from a (proposed) decree of the senate.³⁴ As various scholars have noted, it is striking that Cicero reports Servilia's undertaking as if it were entirely feasible and not out of the ordinary for a woman to cause the senate to alter its decree.³⁵ Presumably Servilia would have acted via male contacts in the senate.³⁶ Furthermore, the meeting of 44 was not the only occasion on which Servilia is known to have taken political initiative: Cicero reports another *consilium*, convened by Servilia herself, in July 43.³⁷ As Harriet Flower comments in her study of these meetings, "speeches later delivered in front of the Senate, or in a law court, or at a *contio* might have had their initial origins in remarks first prepared for presentation in a *consilium*".³⁸ At the same time, the manner in which Cicero reports these *consilia* suggests that the participation of Servilia and the other women present was nothing unusual. Thus, private *consilia* provide another context and framework through which women could have helped to shape new laws and *senatus consulta*.

So far, we have three core examples of women intervening directly in processes of legal change, each of which illustrates significant potential for female input and also hints at a broader practice of female participation. To these we can add some other (possible) instances. I will consider, first, some additional evidence for communal action, followed by interventions by individual women (in the interests of themselves, their relatives, or others), and finally some examples where women were formally consulted in connection with legal matters.

34 Cic. *Att.* 15.11.2 SB 389, 15.12.1 SB 390. Treggiari (2019: 194-195) suggests that the decree was most likely still a draft at the time of Servilia's intervention. Servilia was not the only woman present at the meeting: Servilia's daughter Junia and niece Porcia were also part of the *consilium*.

35 Flower 2018: 258; Treggiari 2019: 192-193.

36 Flower 2018: 258; Treggiari 2019: 194-195.

37 Cic. *Ad Brut.* 1.18 SB 24. Since we hear of these meetings only because Cicero was present, it seems likely there were others. Plut. *Cat. Min.* 27 indicates that Servilia was present when Cato was deliberating the best course of action against Metellus Nepos in 62. Note also Asconius' statement (75C) that Servilia held *materna auctoritas* over her half-brother M. Porcius Cato, to the point that she was suspected of influencing his conduct as praetor presiding over the trial of M. Aemilius Scaurus in 54. Cf. Rowe 2021.

38 Flower 2018: 264.

Returning to the *lex Oppia*, Ovid and Plutarch offer what may be a more extreme account of women's protest against the law.³⁹ Supposedly, after the senate deprived women of their right to ride in the *carpentum*, the women protested by ensuring that they did not give birth to children, until the senate relented and restored their privilege.⁴⁰ The story involves a false etymology and departs sensationally from other accounts.⁴¹ Nonetheless, the underlying premise should be a plausible one: that Roman women could and did protest when faced with legal change contrary to their interests. Indeed, in view of the divergence from Livy's account of 195,⁴² it seems possible that Ovid and Plutarch (perhaps via a common source)⁴³ preserve elements of a different protest story, which may or may not have concerned the *lex Oppia*.

A particularly suggestive example, albeit of doubtful historicity, is the story of Papirius Praetextatus reported by Aulus Gellius (1.23), who knew it from a speech of the elder Cato.⁴⁴ According to the story, it was once practice for Roman senators to take their underage sons to senate meetings. One day, after young Papirius had attended the senate, his mother quizzed him about what had been discussed. Papirius was forbidden from saying, because the senate had adjourned important business to the following day and voted that no-one should speak of it until the matter was decided. Yet the boy's silence only made his mother more insistent. In the face of incessant questioning, he resorted to a fiction: that the senate had been debating whether a man should be allowed to have two wives or a woman two husbands. At that point, Papirius' mother rushed out in distress to inform the other matrons. The next day a crowd of women went to the senate house, wailing and imploring the

39 Ov. *Fast.* 1.619-628; Plut. *Quaest. Rom.* 56. Both passages are commonly regarded as referring to the *lex Oppia* and its repeal in 195 (see e.g. Hudson 2016: 243-245; Beek 2022: 200).

40 Ovid links the restoration with the addition of the second day of the Carmentalia (*Fast.* 1.627-630). Plutarch (*Quaest. Rom.* 56) states that the women responded to the repeal of the law by bearing children and founding a temple of Carmenta (Carmentis).

41 *Carpentum* / Carmentis; cf. Hudson 266: 244.

42 Beek (2022: 200) comments that the divergences from Livy are unusual for Ovid and may be the poet's own inventions. There is nothing comparable in Livy, who does not mention the *lex Oppia* in his account of 215 or any resistance to it prior to Book 34.

43 See Hudson 2016: 244.

44 Cato's *Ad milites contra Galbam* = *ORF*³ fr. 172 (167 BCE). Gellius (1.23.2) states that he could have quoted Cato directly if he had the book to hand. Macrobius *Sat.* 1.6.19-26 has a very similar version. Cf. Hemelrijk 1987: 236-237 n. 40, who wonders if Cato might have been parodying the sort of demonstration that had taken place in 195.

senators that a woman should be allowed two husbands, and not vice versa. The senators were perplexed by the women's behaviour but praised young Papirius, when he explained what had happened, and he was afterwards honoured with the name Praetextatus (referring to the toga of youth).

Several features are of interest here, whether or not they depict real people and events. The first point is the mother's keen interest in senatorial business. Gellius emphasises her determined curiosity and incessant questioning, which young Papirius ultimately could not resist.⁴⁵ Her meddling puts her in a poor light by Roman standards, but, for the story to make sense, her eagerness to learn the senate's doings should not be something unheard-of or implausible.⁴⁶ Indeed, the explanation for why Papirius could not divulge the senate's discussions on that particular occasion might imply that, in other circumstances, he could have satisfied his mother's curiosity (that is, if the matter had been less important, or had been resolved). Secondly, Papirius' mother immediately recognised the prospect of a legal change contrary to the interests of Roman women and rallied other *matronae* to oppose the two wives idea and advocate for the proposal they considered preferable.⁴⁷ (It is interesting that the women did not oppose *both* alternatives; the story is thus one of women seeking to shape legal change rather than resist it outright.) Here, despite the fanciful subject matter, we perhaps see the normal workings of female political intervention. While Gellius reports that the senators wondered (*mirabantur*) at the women's behaviour and what they were asking for, this suggests that it was the women's demand to be allowed two husbands that perplexed the senators, not the principle of women appealing to senators regarding a legislative proposal.⁴⁸ Moreover, as the story goes back to Cato, it

45 Cf. Macrob. *Sat.* 1.6.20.

46 Cf. Hallett 1984: 250.

47 Gell. 1.23: *Hoc illa ubi audiuit, animus compauescit, domo trepidans egreditur ad ceteras matronas. Peruenit ad senatum postridie matrum familias caterua; lacrimantes atque obsecrantes orant, una potius ut duobus nupta fieret, quam ut uni duae.* ("On hearing this, she is panic-stricken, rushes excitedly from the house, and carries the news to the other matrons. Next day a crowd of matrons came to the senate, imploring with tears and entreaties that one woman might have two husbands rather than one man two wives". Trans. Rolfe). Cf. Macrob. *Sat.* 1.6.22.

48 Gell. 1.23: *Senatores ingredientes in curiam, quae illa mulierum intemperies et quid sibi postulatio ista uellet, mirabantur* ("The senators, as they entered the House, were wondering at this strange madness of the women and the meaning of such a demand"; trans. Rolfe). Macrob. *Sat.* 1.6.23 has the same wording but adds that the women's frenzy was felt to portend a crisis. Emotional demonstrations before the senate house were not unheard of:

is further evidence that politically interested and involved women were conceivable and perhaps even familiar in Rome of the second century, if not the third.⁴⁹

Turning to the efforts of individual women, one example is Cornelia, the mother of the Gracchi, who is several times reported to have influenced or taken a stand on her sons' legislative ambitions. According to Plutarch, "Some writers consider that Cornelia was at least partly to blame" for Tiberius' reform programme as tribune, "since she often reproached her sons with the fact that the Romans still referred to her as the mother-in-law of Scipio and not yet as the mother of the Gracchi."⁵⁰ Cornelia might also be considered to have influenced her sons through her responsibility for their education,⁵¹ more specifically, various scholars have suggested connections between the philosophical ideas of Blossius of Cumae and Tiberius' tribunician programme.⁵² In addition, a fragment of Cassius Dio (24.83.8) describes Tiberius producing his mother and children in public in support of his suit for a second tribunate.

Cornelia may have taken a more critical approach to the plans of her younger son.⁵³ According to Plutarch (*C. Gracch.* 4), she persuaded Gaius to spare M. Octavius (whom Tiberius had deposed in 133) by revoking a law that would have prevented a deposed magistrate from holding further office.

Livy 22.60.1-2 describes the tearful appeals of men and women alike for the senators to ransom their relatives who were prisoners of war; cf. App. *B Civ.* 3.52 for Julia and Fulvia wailing before the senate house, as well as appealing to influential men individually, when M. Antonius was declared a public enemy in 43.

⁴⁹ Cato seems to have been describing a period more than a century earlier: the *Fasti Capitolini* record L.(?) Papirius Praetextatus as censor in 272 (Broughton *MRR* 1.198); cf. Kowalewski 2002: 355.

⁵⁰ Plut. *Ti. Gracch.* 8: ἔνιοι δὲ καὶ Κορνηλίαν συνεπαιτῶνται τὴν μητέρα, πολλάκις τοὺς υἱοὺς ὀνειδίζουσιν, ὅτι Ῥωμαῖοι Σκιπίωνος αὐτὴν ἔτι πενθεράν, οὐπω δὲ μητέρα Γράγγων προσαγορεύουσιν (trans. Scott-Kilvert/Pelling).

⁵¹ Cic. *Brut.* 104; Plut. *Ti. Gracch.* 1; cf. e.g. Bauman 1992: 44-45; Rohr Vio 2022: 365-366.

⁵² E.g. Nicolet 1965; Erskine 1990: ch. 7. Santangelo 2007: 483-484 reviews some more recent scholarship but inclines against the idea of Stoic influence on Tiberius' programme.

⁵³ In addition to the evidence discussed in the text, Plutarch refers to conflicting authorities who maintained that Cornelia had either devised or strongly opposed Gaius' plan of using hired foreigners disguised as harvesters as defence against the consul Opimius: Plut. *C. Gracch.* 13; cf. Pelling 2010, *ad loc.*

Gaius explained to the people that he acted at his mother's request and met with their approval.⁵⁴ The details are unclear,⁵⁵ but in Plutarch's account, at least, Cornelia was able to persuade both her son and the *concilium plebis* to repeal a law. The letter fragments attributed to Cornelia also suggest that she sought to moderate Gaius' ambitions.⁵⁶ The authenticity of the fragments is very doubtful,⁵⁷ but even if they are forgeries or later constructions, they presuppose a society where a woman like Cornelia might try to intervene in her son's political programme, in the interests of the *res publica*.⁵⁸

Two further examples of women's interventions date to 74, when Praecia (lover of P. Cornelius Cethegus)⁵⁹ and Chelidon (courtesan or mistress of C. Verres)⁶⁰ were reportedly able to broker legal favours through their influence with their male lovers. Praecia was supposed to have been instrumental in securing L. Lucullus' Cilician command via Cethegus.⁶¹ Indeed, Plutarch

54 Plut. *C. Gracch.* 4.2-3: τὸν δ' ἕτερον νόμον Γάιος αὐτὸς ἐπανείλετο, φήσας τῇ μητρὶ Κορνηλίᾳ δεηθεῖσθαι χαρίζεσθαι τὸν Ὀκτάβιον. καὶ ὁ δῆμος ἠγάσθη καὶ συνεχώρησε, τιμῶν τὴν Κορνηλίαν οὐδὲν ἦττον ἀπὸ τῶν παιδῶν ἢ τοῦ πατρὸς... ("the first law was revoked by Gaius himself, who declared that he had spared Octavius at the request of his mother Cornelia. This action pleased the people, and they gave their consent to the withdrawal of the measure, for they honoured Cornelia just as much for her sons as they did for her father". Trans. Scott-Kilvert/Pelling). Diod. Sic. 34/5.25.2 has a somewhat confused version.

55 See e.g. Stockton 1979: 115-116, who proposes that Gaius may in fact have amended a bill, removing its retroactive application to Octavius, and Elster 2020: 53, who suggests that the bill was dropped. Stockton further surmises that Cornelia's intervention was no surprise to Gaius, but rather "a calculated and carefully publicized move" (116). Cf. Rohr Vio 2022a: 131.

56 Preserved in Nep. fr. 59 (Marshall); see e.g. Webb 2022: 169-172, with text and translation.

57 See e.g. Hemelrijk 1999: 185-188 (inclining to authenticity), while Dixon (2007: 26-29) describes the letters as "at best perverted versions of something she might have written" (27) and notes that the idea of Cornelia opposing Gaius' plan to stand as tribune seems particularly unlikely.

58 Cf. Webb 2022: 171.

59 Plutarch (*Luc.* 6) describes Praecia as "In most respects... no better than a courtesan" (τὰ μὲν ἄλλα κρείττων οὐδὲν ἀνέδην ἐταιρούσης γυναικός, trans. Pelling) and she is sometimes taken for one (e.g. Hillard 1989: 168; Rauh 2011: 198; Brennan 2012: 362), but see Rohr Vio 2022a: 167-168, who suggests that she was more likely a *matrona* who was *likened* to a prostitute because of her conduct.

60 Cicero refers to her as a *meretrix* (*Verr.* 2.1.137-138). The term could be a slur, though Chelidon's name makes it quite likely that she was a courtesan and/or a freedwoman (see Treggiari 1969: 142). Cf. e.g. Berg 2018 on problems of categorisation and terminology.

61 Plut. *Luc.* 6; cf. Cic. *Parad.* 40. Lucullus' assignment would have involved a *senatus consultum*.

remarks that “control of the city effectively passed to Praecia, for nothing could be done without Cethegus’ support, and that depended on Praecia’s instructions.”⁶² In a similar vein, Cicero suggests that C. Verres’ lover Chelidon was the go-to woman for legal favours (in exchange for money) during Verres’ praetorship (*Verr.* 2.1.120, 137-8) and insinuates that Verres drew up his praetorian edict in accordance with Chelidon’s wishes (104-106, though he does not indicate what Chelidon stood to gain). Such stories are surely exaggerated, if not fabricated, and the image of the meddling courtesan is intended to reflect badly on the character of the men involved.⁶³ However, rather than dismiss the stories as a *mere* invective trope, it is possible to see the trope as reflective of real-world potential for female influence on legal instruments.

To take another possible example, Hannah Cotton has made the plausible suggestion that Cicero’s friend Caerellia solicited the decree “on the heirs of Gaius Vennonius” mentioned in one of Cicero’s letters to the younger P. Servilius Isauricus.⁶⁴ The decree was evidently in her favour and Cicero appealed to Servilius—then governor of Asia—to make use of it in aiding Caerellia’s business interests in the province.⁶⁵ If Cotton’s

62 Plut. *Luc.* 6: ὡς δὲ καὶ Κέθηγον ἀνθοῦντα τῇ δόξῃ τότε καὶ φέροντα τὴν πόλιν ὑπηγάγετο καὶ συνῆν ἐρῶντι, παντάπασιν εἰς ἐκείνην περιῆλθεν ἡ τῆς πόλεως δύναμις· οὐ[δὲ] γὰρ ἐπράττετο τι δημοσίᾳ Κεθήγου μὴ σπουδάζοντος, οὐδὲ Πραικίας μὴ κελευούσης παρὰ Κεθήγῳ. (Trans. Pelling) Cf. Dio Cass. 48.4.1 on Fulvia in 41: τότε μὲν δὴ ταῦτ’ ἐγένετο, τῷ δὲ ἐχομένῳ ἔτει ὀνόματι μὲν ὁ τε Σερουίλιος ὁ Πούπλιος καὶ ὁ Ἀντόνιος ὁ Λούκιος, ἔργῳ δὲ οὗτός τε καὶ ἡ Φουλουία ὑπάτευσαν· τοῦ τε γὰρ Καίσαρος πενθερὰ καὶ τοῦ Ἀντωνίου γυνὴ οὕσα τὸν τε Λέπιδον ὑπὸ νωθείας παρ’ οὐδὲν ἦγε καὶ αὐτὴ τὰ πράγματα διεχειρίζεν, ὥστε μήτε τὴν βουλὴν μήτε τὸν δῆμον ἄλλο τι παρὰ τὸ ἐκείνη δοκοῦν χρηματίζειν. (“The following year Publius Servilius and Lucius Antonius nominally became consuls, but in reality it was Antonius and Fulvia. She, the mother-in-law of Caesar and wife of Antony, had no respect for Lepidus because of his slothfulness, and managed affairs herself, so that neither the senate nor the people transacted any business contrary to her pleasure”. Trans. Cary).

63 Hillard 1989: esp. 167-170 on Chelidon and Praecia.

64 Cic. *Fam.* 13.72 SB 300 (to P. Servilius Isauricus, 46-44). Cotton 1979: 49 n. 72.

65 Cic. *Fam.* 13.72.2 SB 300: *Peto igitur ut memineris te omnia quae tua fides pateretur mihi cumulate recepisse. equidem existimo habere te magnam facultatem (sed hoc tui est consili et iudici) ex eo senatus consulto quod in heredes C. Vennoni factum est Caerelliae commodandi. id senatus consultum tu interpretabere pro tua sapientia; scio enim eius ordinis auctoritatem semper apud te magni fuisse. quod reliquum est, sic v. elim existimes, quibuscumque rebus Caerelliae benigne feceris, mihi te gratissimum esse facturum.* (“May I request you therefore to bear in mind the ample undertaking you gave me to do all that your conscience would permit? I

suggestion is correct, Cicero does not indicate that Caerellia had done anything unusual or inappropriate; on the contrary, he politely suggested to Servilius that using the decree to assist Caerellia would be consistent with good faith (*fides*). Indeed, it would not be surprising to learn that Cicero himself had secured the passage of the decree on Caerellia's behalf. At any rate, comparing the examples of Chelidon and Caerellia might suggest that evaluations of the appropriateness of female influence depended more on subjective judgments and on the particular individuals and circumstances involved than any blanket disapproval of women's intervention in legal matters. Naturally, Cicero wrote about his friend Caerellia very differently from how he wrote about Chelidon, late mistress of the man he was prosecuting in an extortion trial, even leaving aside questions of relative status.⁶⁶ Yet Cicero and Atticus were wary of potential criticism of Cicero's relationship with Caerellia—particularly the fact that he was in debt to her⁶⁷—and Q. Fufius Calenus later alleged an affair between the two (Cass. Dio 46.18.4). Hypothetically, an opponent might have had something to say about Cicero securing a *senatus consultum* in Caerellia's interests.

One further pattern of women's participation in processes of legal change is where women do not seek change themselves but are consulted by men in the process of enacting legal change. One example is Livy's account of the so-called Bacchanalian conspiracy in 186 (39.8-19). To summarise, the freedwoman Hispala Faecenia (a prostitute) played a central role in exposing

believe (but it is for you to consider and judge) that you have a great opportunity to accommodate Caerellia, arising out of the Senate's decree in respect of C. Vennonius' heirs. You will interpret that decree in the light of your own wisdom—I know you have always held the authority of the House in high regard. For the rest, please take it that any kindness you may do Caerellia will greatly oblige me". Trans. Shackleton Bailey).

66 As noted above, Chelidon may have been a freedwoman and/or professional courtesan, though we are at the mercy of Cicero's one-sided evidence. She was evidently a woman of some wealth, with a large house in Rome (Cic. *Verr.* 2.1.137, 2.2.116, 2.4.71; Keith 2021: 88-89). Caerellia was a friend of Cicero's (and sometime creditor: Cic. *Att.* 12.51.3 SB 293) who took an interest in his literary work (apparently to the point of stealing a draft of *De Finibus*: Cic. *Att.* 13.21a.2 SB 327, 13.22.3 SB 329). Letters between her and Cicero circulated in antiquity (Quint. *Inst.* 6.3.112; Dio Cass. 46.18.4). McCutcheon (2016: 22) suggests that she was a wealthy *matrona*. Austin (1946) argues unconvincingly for a provincial background.

67 Cic. *Att.* 12.51.3 SB 293 (20 May 45): *De Caerellia quid tibi placeret Tiro mihi narravit: debere non esse dignitatis meae* ("Tiro told me your views about Caerellia, namely that it would be undignified for me to remain in debt"; trans. Shackleton Bailey).

the nefarious deeds of Bacchic worshippers and prompting the repression of the cult.⁶⁸ Hispala first revealed the crimes that went on at Bacchic rites to her lover P. Aebutius, who, on the advice of his aunt, took the matter to the consul Sp. Postumius. Livy describes how Postumius summoned Hispala in order to question her—or, more precisely, asked his mother-in-law to summon her (39.12.1), which also illustrates the important role women could play as go-betweens.⁶⁹ Though initially reluctant and afraid, Hispala eventually provided the information that prompted the consuls and senate to suppress the Bacchanalia.⁷⁰ Afterwards, on the motion of Postumius, the senate decreed rewards for Aebutius and Hispala, “since it was thanks to them that the Bacchanalia had been brought to light.”⁷¹ In other words, although Hispala is not presented as seeking new regulations, and revealed the conspiracy originally out of concern for Aebutius, Livy’s account draws a direct link between Hispala as informant and the actions of consul and senate in passing new regulations against Bacchic worship.

Another example arose from the notorious episode in 62 when P. Clodius Pulcher infiltrated the secret rites of Bona Dea dressed in women’s clothes. In the aftermath, the senate consulted the Vestal Virgins and the pontiffs, who pronounced the incident *nefas*.⁷² Philippe Moreau suggests that, formally, the senate referred the matter to the pontiffs who then consulted the Vestals and provided a combined report to the senate.⁷³ In any case, the consultation of

68 For another case of a woman as informer, see Sall. *Cat.* 23, 26; Diod. Sic. 40.5; App. *B Civ.* 2.3 on the role of Fulvia (lover of Q. Curius) in exposing the Catilinarian conspiracy.

69 Cf. Keith 2018: 83–84 on the importance of women’s networks in the story.

70 Livy 39.12–14; cf. *CIL* I² 581.

71 Livy 39.13.3: *quod eorum opera indicata Bacchanalia essent* (trans. Yardley).

72 Cic. *Att.* 1.13.3 SB 13 (25 January 61): *credo enim te audisse, cum apud Caesarem pro populo fieret, venisse eo muliebri vestitu virum, idque sacrificium cum virgines instaurassent, mentionem a Q. Cornificio in senatu factam (is fuit princeps, ne tu forte aliquem nostrum putes); postea rem ex senatus consulto ad virgines atque pontifices relatum idque ab iis nefas esse decretum; deinde ex senatus consulto consules rogationem promulgasse...* (“I expect you have heard that at the national sacrifice in Caesar’s residence a man in woman’s clothes got in, and that after the Vestals had repeated the ceremony Q. Cornificius (he took the lead, in case you think it was one of us) raised the matter in the Senate. It was then referred back by senatorial decree to the Vestals and College of Pontiffs, who pronounced that the occurrence constituted a sacrilege. Then by senatorial decree the Consuls promulgated a bill”. Trans. Shackleton Bailey).

73 Moreau 1982: 63–64 points out that we know of no established procedure by which the senate could consult the Vestals directly, and neither is it clear how the Vestals would have delivered their report if they could not attend the senate.

the Vestals was official and weighty. The senate then proceeded to pass a decree directing the consuls to promulgate a bill establishing a court to try Clodius, and a law was eventually passed on the proposal of Q. Fufius Calenus.⁷⁴ The effect of these actions was to extend the offence of *incestum* (corrupting a Vestal Virgin) to cover Clodius' actions at the Bona Dea.⁷⁵ In this case, then, women (the Vestals) were not only active participants but were formally (if indirectly) consulted by the senate in framing a significant change to the law and facilitating a highly political trial.⁷⁶ Indeed, given the Vestals' swift response in repeating the rites and likely hostility to Clodius,⁷⁷ they may well have desired legal action.

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The foregoing examples reveal the potential for Roman women, in different ways, to participate in processes of legal change and even help to shape or solicit new laws. These ranged from expressions of opinion in private *consilia* or domestic conversations to mass public demonstrations and the formal context of state religion. Involvement was not limited to elite *matronae* and senators' relatives; freedwomen and courtesans, too, could make an impact. Moreover, in most instances we know of where women sought legal change, their efforts were successful.⁷⁸

These are the cases we hear about, despite our reliance on patchy, often uninterested, and sometimes frankly misogynistic sources, all of which were written by men.⁷⁹ It seems likely that they represent only a small glimpse of women's engagement with legal change.⁸⁰ As Livy's Valerius remarked, it was natural for women to take action on measures that affected their interests

⁷⁴ Fufius' bill, which differed only with regard to the selection of the jury, was passed following obstruction of the consular proposal (references in Broughton *MRR* 2.177, 180).

⁷⁵ See Tatum 1999: 74-75. This was necessary because, though Clodius' actions had been sacrilegious, they did not fit the definition of either of the two traditional religious offences, *sacrilegium* and *incestum*.

⁷⁶ I am grateful to Josiah Osgood for bringing this important example to my attention.

⁷⁷ Cic. *Att.* 1.13.3 SB 13 indicates that the Vestals had repeated the rites of Bona Dea without waiting for the senate to order *instauratio*: see Moreau 1982: 80; cf. 64-65 on the possible identities and attitudes of the Vestals involved.

⁷⁸ Cf. Hemelrijk 1987.

⁷⁹ On the challenges posed by the source situation, see e.g. Hillard 1989; Brennan 2012: 364-365; Rohr Vio 2022a: 206.

⁸⁰ Cf. Webb 2022: 163 (with further references).

(34.5.12). Although no source attests direct opposition, it seems unlikely that a law like the *lex Voconia*, which Cicero describes as full of injustice to women (*Rep.* 3.17), passed without comment from the citizens it most affected. In a later period, Propertius imagines Cynthia rejoicing over the repeal of a law (perhaps an early version of the Augustan marriage legislation) that had caused the lovers to weep when it was introduced.⁸¹ Again, the text presupposes a world where women were informed about and intensely interested in legal developments that affected them. (Whether or not ‘Cynthia’ might have been moved to protest against the law, we can only speculate.)⁸² Women might also have had grounds for desiring new laws. For instance, the *lex Atilia* on the assignment of guardians allowed a woman *sui iuris* who lacked a *tutor* to take the initiative in requesting one.⁸³ The law was passed before 186,⁸⁴ at a time when the Punic wars had deprived many women of male relatives and tutors. In that context, it is not hard to imagine women seeking assistance in obtaining the tutors they needed in order to manage estates and conduct business in the absence of their menfolk.⁸⁵ At the very least, the *lex Atilia* was a response to the problems of women without guardians.

81 Prop. 2.7.1-6: *Nos uxor numquam, numquam seducet amica: | semper amica mihi, semper et uxor eris. | gauisus certe sublatam, Cynthia, legem, | qua quondam edicta flemus uterque diu, | ni nos divideret: quamvis diducere amantes | non queat inuitos Iuppiter ipse duos. | “at magnus Caesar.” sed magnus Caesar in armis: | devictae gentes nil in amore valent.* (“Never shall wife, never shall mistress part us: you shall ever be mistress, ever be wife to me. How you must have rejoiced, Cynthia, at the repeal of that law, whose erstwhile issuance caused us to weep for many an hour in case it parted us! Still, not even Jove himself can part two lovers against their will. “Yet Caesar is mighty.” True, but mighty in warfare: in love the defeat of nations counts for naught”. Trans. Goold) On the nature of the legal instrument in question (possibly a draft bill or an edict rather than a *lex* proper), see e.g. Eck 2019 (arguing for an early version of the later *lex Julia de maritandis ordinibus*) and Badian 1985 (who suggests a tax on bachelors).

82 The laws provoked strenuous protest and attempts at evasion: see e.g. Suet. *Aug.* 34; Dio Cass. 56.1.2. Later, some *matronae* of senatorial family even registered themselves as prostitutes to evade the penalty of the law (Suet. *Tib.* 35.2; Tac. *Ann.* 2.85).

83 Gai. *Inst.* 1.185, 195. If later municipal laws reflect the terms of the *lex Atilia*, it also allowed a woman to choose the person she wished to have appointed as guardian (see *lex Irnitana* ch. 29 and Morrell 2020: 100, with further references). The Vestal Virgins aside, all women *sui iuris* (that is, not in *patria potestas* or *manus*) still required a tutor in order to undertake many significant legal and financial transactions, such as selling land or slaves.

84 It is usually dated c. 210 (see e.g. Watson 1971: 36). Livy’s story of Hispala Faecenia (39.9.7) indicates a date before 186.

85 Cf. Evans 1991: 28-29, who notes the practical difficulties women faced but sees the law as a response to excessive female freedom.

We might also imagine women taking an interest in legal changes that did not affect them personally. Livy's Valerius attests women's interest in matters that affected all citizens, men and women alike.⁸⁶ The story of Papirius Praetextatus' mother suggests a general curiosity—that is, in discussions that might not have affected women at all.⁸⁷ According to Plutarch, Cicero himself described Terentia as more inclined to make herself a partner in his political affairs (τὰ πολιτικά—a very broad term) than to share her domestic concerns.⁸⁸ Is it possible—as Gregory Rowe has tentatively but tantalisingly suggested—that Servilia took an interest in the trial of M. Aemilius Scaurus in 54 not (only) because the prosecutor was the son of a friend (Asc. 19C), but because she, like her half-brother Cato, was concerned about corruption and the treatment of provincials?⁸⁹ Already in the republic, we hear of female patrons of provincial communities,⁹⁰ and not much later we find Livia intervening with her husband on behalf of the Samians.⁹¹ In my view, it would be surprising if educated, well-connected women, who had grown up in households where politics was debated and played out, did not have views on the same sorts of problems and policy questions that occupied their male relations.⁹² Indeed, if Hortensia's comments in Appian are any guide (*B Civ.* 4.32-33), they may have considered themselves more sensible than the men.

Finally, we might think of additional avenues for female intervention, beyond those discussed here. Prominent women could be called upon for assistance in various causes, including legal change, as were Octavia, Julia,

86 Livy 34.5.12, where the contrast is between *in rebus ad omnes pariter uiros feminas pertinentibus* and *in causa proprie ad ipsas pertinente*.

87 Hypothetically, however, her interest could be explained partly as monitoring for developments that would affect her or other women.

88 Plut. *Cic.* 20: ὡς αὐτός φησιν ὁ Κικέρων, τῶν πολιτικῶν μεταλαμβάνουσα παρ' ἐκείνου φροντίδων ἢ μεταδιδούσα τῶν οικιακῶν ἐκείνῳ.

89 Rowe (2021: 335) dangles the possibility that Servilia may also have sought to connect Cato and Pompey to that end.

90 See Cic. *Verr.* 2.2.4 and below for examples.

91 Reynolds 1982: no. 13. Livia had appealed to her husband to grant Samos the status of free city; he refused but felt obliged to apologise for doing so. The letter must have been written before 'Augustus' assumed that name. Reynolds suggested 39-38. Badian (1984: 165-170) argued for c. 31.

92 Compare, for example, Tullia's advice to Cicero on managing Clodius (Cic. *Att.* 4.15.4 SB 90). Rohr Vio 2022a discusses women's political involvement as delegates and advisers of their male relatives.

and Fulvia in 42 (App. *B Civ.* 4.32).⁹³ *Hospitium* and patronage of provincial communities may have involved advocacy on legal matters. For instance, Cicero (*Verr.* 2.2.4) attests that Q. Hortensius' mother-in-law Servilia was the long-standing host (*hospita*) of Dio of Halaesa, who seems to have sought her help, as well as Hortensius', after Verres' wrongs against him,⁹⁴ and, in 280, King Pyrrhus' envoy Cineas reportedly saw fit to lobby—and bribe—Roman women as well as men.⁹⁵ Women's religious roles potentially provided further opportunities to shape policy.⁹⁶ Legal proceedings could influence the development of law, as we have seen already in the case of Carfania (*Dig.* 3.1.1.5); in other cases, too, women's involvement in trials and litigation could have informed legal change as well as legal decisions, whether by whispering in the praetor's ear,⁹⁷ by backing one side or the other,⁹⁸ or through their actions as parties, advocates, witnesses, or supplicants.⁹⁹ Moreover, while women could not attend senate meetings, the story of Caesar receiving a love-letter from Servilia in the middle of a senate

93 Cf. e.g. Plut. *Sull.* 6.12 on the people's appeal to Metella (wife of Sulla) for support in securing the return of Marian exiles.

94 Cf. e.g. Sempronia's role as host to the Allobroges (and Catilinarian conspirators: Sall. *Cat.* 40.5; Rohr Vio 2022a: 93-94) and Eilers 2002: no. C90 for an inscription from Ephesus honouring Caelia, wife of the city's patron Q. Mucius Scaevola (perhaps the consul of 95), though the part of the inscription giving the reason for the honour is unfortunately not preserved. Morrell 2022 discusses provincial influence on Roman law and patronage as a context for advocacy and policy development; cf. Hemelrijk 2015: ch. 5 on female patronage of provincial cities during the empire, which could include legal and political assistance via a woman's (male) connections in Rome.

95 Livy 34.4.6; Plut. *Pyrrh.* 18.2; cf. Val. Max. 4.3.14a. In addition, the story of Cornelia's marriage proposal from King Ptolemy (Plut. *Ti. Gracch.* 1), though highly doubtful, nonetheless suggests potential for women's involvement in foreign policy matters.

96 Compare also the priestess Paculla Annia's dangerous 'reforms' of the Bacchanalia (Livy 39.13.9).

97 Cicero alleges that Chelidon not only intervened with Verres on behalf of parties (*Verr.* 2.1.137) but actually caused him to reverse legal decisions (120) as well as influencing his edict (104-106). Cf. Asc. 19C and above for Servilia's alleged influence on Cato (though see Hillard 1992: 53-54 for a different interpretation).

98 Note e.g. Caecilia Metella's staunch support for Sex. Roscius in 80 (Cic. *Rosc. Am.* 27-28, 147, 149).

99 See e.g. Gladhill 2018, who emphasises Fulvia's impact on the trial of T. Annius Milo in 52 for the murder of her husband Clodius. But Fulvia's actions in stirring up the crowd, who proceeded to burn Clodius' body and the senate house along with it (Asc. 32-33C), can also be seen as influencing the *lex Pompeia de vi* and the preceding *senatus consultum*, which specifically referred to the burning of the senate house (Asc. 36C).

debate shows that women had means of getting their messages across and even into the *curia*.¹⁰⁰

Like other recent scholarship on women's political participation, all of this complicates the 'conventional' picture presented by our sources, that women have no place in public meetings. It is true that women could not vote in *comitia* or speak in the senate, but they certainly had opinions and had means of making them known—and making an impact—both in public and behind the scenes. Indeed, a well-connected *matrona* like Servilia might wield considerably more practical political power than a man from the lower census classes. What is more, the possibilities were not limited to times of war and upheaval.¹⁰¹ Of course, that does not mean that women's political involvement was comparable to Roman men's,¹⁰² but it seems possible that the patterns and mechanisms of female influence demonstrated in our few examples were at work much more often than our sources reveal, and that female input on laws and policy matters could happen quite organically, in *consilia* or even, so to speak, around the dinner table. In that respect, moreover, women's participation was not qualitatively different from that of men, at least within the elite.¹⁰³ Rather, attending to women's participation in processes of legal change underscores how far law and policy in Rome were shaped outside of formal institutions, before any proposal was put to the senate or people.

100 Plut. *Cat. Min.* 24; *Brut.* 5. Plutarch is explicit that Servilia's note was brought in during the meeting, while Cato and Caesar were in debate (Cato, who was speaking, insinuated that it was a message from the conspirators). Whether or not the story is true, it suggests the possibility of communication. In addition, the fact that senate meetings normally took place with the doors open created some possibility for people outside, including women, to learn what was being discussed inside; see e.g. Lintott 1999: 82 and Morstein-Marx 2004: 246-247, with references, though Morstein-Marx doubts that it was possible for the public to hear or see very much. Livy 22.60.2 specifically refers to women as well as men gathering outside the senate house.

101 As Val. Max. 3.8.6 has it; cf. e.g. Rohr Vio 2022a: esp. 206. Webb 2022 draws conclusions similar to those proposed here, but goes further as regards formal structures of women's political participation.

102 Nor would I go so far as Bauman's (1992) vision of female politicians and even female-led reforms as early as the fourth century (e.g. p. 17 on "matrimonial reform").

103 Certainly in the case of Servilia's *consilium* (see above); cf. e.g. Tullia and Atticus' joint advice to Cicero in 49 (Cic. *Att.* 10.8.1 SB 199).

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DID ROMAN WOMEN PAY TAXES DURING THE ROMAN REPUBLIC?

Cristina Rosillo-López

Such a simple question, such a complex answer. In view of the extant tax receipts, especially from Roman Egypt, it is possible to answer that question with confidence for the Empire but not so for the Republic. The sources are scarcer, more dispersed and less conclusive than for later periods, whereas the question, if entertained at all, is considered to have been fully answered by Hortensia's speech in 43 or 42 BCE:¹ Roman citizen women did not (and should not) pay taxes and had never done so previously.

In 1983, Klingenberg authored a brief article examining the role of women regarding the payment of taxes and their collection during both the Republic and the Empire. Focusing almost exclusively on the literary evidence, he surveyed both direct and indirect taxation before concluding that, even though they paid most taxes (as with men) and despite a few instances of women as tax collectors during the Empire, they did not play a very important role.² Hitherto, only Neesen had referred sporadically to female taxpayers in his study of direct taxation in the Roman Empire.³ Klingenberg's article has very rarely been cited and this research topic has failed to attract further

1 All dates are BCE, unless otherwise noted. This chapter has been written thanks to the research project "El censo romano en época monárquica y republicana" (PID2019-103973GB-I00, Agencia Estatal de Investigación, Ministerio de Ciencia e Innovación). I would like to thank Francesca Rohr Vio and Andrea Raggi for reading and commenting this chapter.

2 Klingenberg 1983 (p. 150: "nicht sehr bedeutend").

3 Neesen 1980.

attention, but for two recent exceptions: Le Teuff, who mentions female taxation on several occasions in her study of the census in Imperial times, and Lizarzategui.⁴ In general, modern scholarship has obscured, ignored or even denied the payment of taxes by Roman women during the Republic and even in the Roman world as a whole.⁵

The existence of female taxpayers in the Roman Republic is not a moot point. It is meaningful that Klingenberg addressed this research question in terms of men and women, and not in those of male and female citizens. Throughout history, taxation has been regarded as an essential component of the *ethos* and practices of being a citizen and taking part in a community. Indeed, taxation is commonly described as a reflection of the social contract.⁶ Contemporary scholarship actually equates the payment of taxes to citizenship; if it is accepted that women did not pay taxes, then that would be tantamount to affirming that only adult males were Roman citizens.⁷ Ignoring (at best) or even denying that Roman women paid taxes obscures their public role as part of the community and their financial contribution to the Roman State and its imperial expansion during the Republic. To this should be added the matter of whether non-citizen women residing in Roman territory paid taxes.

Furthermore, this topic also begs the question of the existence of a gender bias in tax systems and the gendered implications of tax policies, two items currently at the top of the agenda of most countries and the focus of many

4 Le Teuff 2012 and Lizarzategui 2022. Rathbone 1993: 95 n. 43 observed very briefly that women were exempt from paying taxes (the source being App. *B Civ.* 4.34, that is, Hortensia's speech).

5 It is striking that a work almost 600 pages long on taxation in pre-modern states from a global perspective (Monson and Scheidel 2015) only briefly mentions women as taxpayers five times in all: in Mesopotamia (p. 128), in Hellenistic Egypt (p. 180), in Han China (p. 286), in Greek *poleis* (p. 476) and in classical Athens (pp. 507-508). Women do not even figure in the index. In his study of public finance at Rome during the Middle and Late Republic, Tan 2017 does not mention female taxpayers but for a brief footnote (p. 121, n. 10) on the revenues collected from taxes on women and children. Female taxation is again conspicuous by its absence in the index of France 2021 who, in his fiscal history of the Roman conquests, only mentions *en passant* the taxes paid by widows and orphans (p. 55) and those levied on rich women established by the triumvirs (p. 341). An edited volume on ancient taxation (Valk and Soto Marín 2021), focused on eleven ancient states and societies, only mentions women as taxpayers twice: in a footnote on ancient Mesopotamia under the Third Dynasty of Ur (p. 88, n. 25) and regarding the tax of the *vestis militaris* in Roman Egypt (p. 355).

6 For example, Seelkopf 2021: 192 and Valk 2021: 14-15.

7 For the Roman Republic, see, for example, Tan 2017: 121. See footnote 108 below.

contemporary studies in the fields of economics, tax policies and sociology.⁸ Taxes are never neutral: who pays them, what kind of taxes are levied and how those revenues are spent have been identified as relevant issues that should also be approached from a gendered perspective, due to their role in perpetuating gender inequalities. In the case of the ancient Roman world, Klingenberg clearly posited that, with the exception of *tributum*, there were no significant tax differences between men and women, especially regarding the indirect kind. As will be seen, however, a number of extant tax receipts from Roman Egypt fully contradict this assumption, while showing that women were occasionally expected to pay higher taxes than men.

The objective of this chapter is to review the question of female taxation during the Republic by contrasting Hortensia's speech with the available evidence of this in the provinces and in Italy and Rome. To this end, it draws from epigraphic sources regarding female taxation in the Roman Republic which have been completely disregarded in previous studies in this respect. In addition, it puts Roman women into context with other female taxpayers of the ancient world, specifically of classical Athens, Ptolemaic Egypt and Han China, a comparison that has yet to be performed. Lastly, the evidence of female taxation in the Empire allows to paint a full picture of this topic and its evolution.

1. The allegedly definitive source: Hortensia's speech

In light of the speech delivered by Hortensia in 43 or 42 against the extraordinary tax imposed by the triumvirs on the 1,400 richest Roman women, following an assessment of their wealth, the sparse academic literature on the subject rules out the possibility that Roman women were taxed during the Republic (App. *B Civ.* 4.32-33).⁹ The aristocratic Hortensia confronted the three triumvirs in the forum, where she delivered a lengthy speech against such an imposition:

When have there not been wars, and when have taxes ever been imposed on women, who are exempted by their sex among all mankind?¹⁰

⁸ Seelkopf 2021, with previous bibliography. See, for instance, the 2017 report on *Gender equality and taxation in the European Union* and the European Parliament resolution, of 15 January 2019.

⁹ In favour of 43: e.g. Keegan 2021: 62-71. In favour of 42: Peppe 1984: 17.

¹⁰ App. *B Civ.* 4.33.1: καὶ πότε οὐ γεγόνασι πόλεμοι, καὶ πότε γυναῖκες συνεισήνεγκαν; ἃς ἡ μὲν φύσις ἀπολύει παρὰ ἅπασιν ἀνθρώποις.

As this affirmation, along with Hortensia's arguments, has been taken at face value, it has thus been considered as an objective statement on female taxation. As with Cicero's speeches in the law courts, however, this assertion should be critically assessed. First of all, even though the speech was obviously embellished by the historian Appian in the second century CE, as it is probably fairly close to the original, it may accurately reflect the gist of Hortensia's arguments. As Quintilian, for whom her speech was commendable, claimed that it was still read in his time, this implies that Hortensia (or someone close to her) published it; Hopwood has also found correspondences between Hortensia's speech and the text of the proscription edict in Appian.¹¹ Secondly, and most importantly, Hortensia argues her case deploying the best arguments and rhetorical weapons at her disposal, so her oratory and rhetorical skills should not be underestimated; indeed, Valerius Maximus praised them. She had probably been taught by her father, Hortensius, the most outstanding orator of the previous generation.¹²

Her main bone of contention was that Roman women should not pay the exceptional tax imposed on them in 43/42. When arguing her case, she presented a history of female taxation and contributions in the Republic, which can be summarised as follows:

- (1) Women had not acted against the triumvirs, so they should not be punished.
- (2) Women did not partake in the honours or administration of the *res publica*, so they should not pay taxes.
- (3) Women had never been taxed during wars.
- (4) During the Second Punic War, women had funded their contributions voluntarily from their jewellery, not from their landed property, fields, dowries or houses, nor were their assets subject to valuation.
- (5) Women had not been asked to make any kind of contribution in the previous civil wars of the first century (mentioning specifically Marius, Cinna and Sulla, Pompey and Caesar).

11 Hopwood 2015. Quint. *Inst.* 1.1.6. On Hortensia, Lucchelli and Rohr Vio 2016. See van der Blom on this volume for Hortensia as orator.

12 Val. Max. 8.3.3.

These arguments are more specious than they may seem at first glance, for Hortensia was conveniently omitting certain facts, being careful not to claim that no society had ever taxed women, which was incorrect (since they were usually taxed in Hellenistic kingdoms, as will be seen) and a sly sweeping statement. Nor did she mention what is (but wrongly) called “indirect taxes”, while mainly limiting herself to providing examples of war contributions, without referring to regular taxation. Furthermore, Appian’s wording is deceptive, employing the verb συνεισφέρω, translated usually as “to join in paying war-taxes” or simply “taxes”.¹³ This verb was also used twice in the *Senatus consultum de Plarasensibus et Aphrodisiensibus* of 39, just four years after Hortensia’s speech. In the first use of the term, the *senatus consultum* declares that the people of Plarasa and Aphrodisias “should be exempt in all respects from the joint levy on the Maeander”.¹⁴ Raggi and Buongiorno translate this sentence as “che ugualme]nte piace al senato che il popolo di Plarasa e di Afrod[isiade - - - -] le contribuzione di ogni genere sul Meandro”; regrettably, the text is fragmentary and its meaning, obscure.¹⁵ Reynolds considered that the verb alluded to “levy-groups” created for taxation, be it regular or extraordinary.¹⁶ Raggi and Buongiorno have admitted that “le συνεισφοραὶ menzionate non sono definibili in termini essati di tipologia di contribuzione”, refusing to accept that Reynold’s suggestion regarding levy-groups has sufficient parallels.¹⁷ The meaning of the taxes referred to in Appian is ambiguous. Was such ambiguity also present in Hortensia’s speech? Language play is one of the skills of a good orator.

However, Hortensia’s speech is not the only source regarding female taxation in the Republic. The epigraphic legal texts that conferred immunity on Roman and non-Roman women have been overlooked, despite the fact that they are an invaluable source in this regard. The close link between citizenship and taxation, plus the difficulty in tracing these questions about citizen and non-citizen women, calls for some prior methodological reflections.

13 For example, Liddell-Scott-Jones Greek English Lexicon, s.v. συνεισφέρω.

14 L. 43: [σιέων ·· c. 31 ··ω]ν πρὸς τῷ Μαιάνδρῳ συνεισφορὰς πάντων τῶν πραγμάτων κεχωρισ-. Similar use (but as a verb) in l. 61. Translation Reynolds.

15 Raggi and Buongiorno 2020: 58.

16 Reynolds 1982: 81.

17 Raggi and Buongiorno 2020: 74.

2. The invisibility of women in the sources regarding taxation

Literary sources regarding the history of the Roman Republic were written by a male elite, a truism that should be brought to the fore because it explains why the presence of women was usually disregarded or silenced, namely, because they were not of primary interest to authors. Epigraphic legal texts may help to overcome that bias. Firstly, even though they were also written at the request of that male elite, they were in no way concerned with readability or with the interests of their present or future readers. Secondly, their aim was to reproduce legal statements that could serve as precedents and guidelines for legal decision-making. In the case of grants of citizenship, these epigraphic texts, usually *edicta* or *decreta* (although the distinction may be occasionally vague), had to be as specific as possible, since much was at stake. Accordingly, they had no qualms about repeating or specifying *ad nauseam* the beneficiaries, the privileges granted to them and their limits. This precision is actually extremely helpful for studying the evolution of female citizenship and taxation, especially linked to individual concessions of citizenship and tax immunity.

The literary sources only mention the exceptional. For instance, Cicero evoked the custom of the individual concession of Roman citizenship to a priestess of Ceres: originally a priestess in Velia, she was brought to Rome and made *civis Romana* by a praetor, so that she could fulfil her duties as such with respect to her fellow citizens (*cives pro civibus*). Thus, the praetor C. Valerius Flaccus (pr. 96?) proposed to the people to bring a resolution before the Senate in order to grant citizenship to Calliphana, a Velian priestess, naming her specifically.¹⁸ It is remarkable that, for Cicero, her gender was not something

18 Cic. *Balb.* 55: *Sacra Cereris, iudices, summa maiores nostri religione confici caerimoniaque voluerunt; quae cum essent adsumpta de Graecia, et per Graecas curata sunt semper sacerdotes et Graeca omnino nominata. Sed cum illam quae Graecum illud sacrum monstraret et faceret ex Graecia deligerent, tamen sacra pro civibus civem facere voluerunt, ut deos immortalis scientia peregrina et externa, mente domestica et civili precaretur. Has sacerdotes video fere aut Neapolitanas aut Veliensis fuisse, foederatarum sine dubio civitatum. Mitto vetera; proxime dico ante civitatem Veliensibus datam de senatus sententia C. Valerium Flaccum, praetorem urbanum, nominatim ad populum de Calliphana Veliense, ut ea civis Romana esset, tulisse.* On this priestess and the question of citizenship, see Isayev 2011, esp. 376, contending that the priestess of Ceres did not gain citizenship as a reward for services rendered to Rome, but beforehand. See also Schultz 2006: 75-81 (priestesses of Ceres were the most frequently represented women on Republican tombstones with honorific epitaphs); DiLuzio 2016: 107-114. Orlin 2010: 107 has asserted that the grant of citizenship to the priestess of Ceres was

specifically worth calling attention to. Likewise, Hispala Faecenia, the freedwoman who denounced the Bacchanalia, was granted a series of privileges as a reward, which made her all but a free woman.¹⁹ The privileges granted to these two women are presented as something special, linked to exceptional circumstances or needs of the *res publica*. Furthermore, the use of the masculine plural in ancient sources to include women has made them invisible as citizens, property owners and, as I argue here, taxpayers.²⁰

For the sake of this study, individual grants of citizenship during the Republic are relevant since, after a certain moment, they were linked to those of tax immunity, that is, exempting someone from the payment of taxes that the rest of the citizenry had to pay. With the exception of the Velian priestesses, the literary sources mention exclusively the grants of citizenship *virtutis causa* to men.²¹ There are several cases from the fifth century onwards of citizenship

easier, “for such status in the case of women would be largely symbolic”; insofar as they “would not be exercising their citizenship in the *comitia* [...] these women would still find themselves restricted to the religious sphere”. I am inclined to differ with him, for as well as confining the public role of women to the religious sphere, he is implying that the only way of participating in the community was by voting. In addition, Roman citizenship conferred on both men and women a large number of relevant legal, economic and financial privileges (for a convenient summary, see Gardner 1986). See the introduction and conclusion of this volume.

19 Livy 39.19.5-6: “...that Hispala Faecenia should have the rights of bestowing and alienating property, of marriage outside her *gens*, and choice of a *tutor* just as if her husband had given it to her by his will; that she should be permitted to marry a man of free birth, nor should any fraud or disgrace on this account attach to a man who should have married her; that the consuls and praetors who were at this time in office and those who should follow them should have a care that no injury should be done to this woman and that she should be secure” (*utique Faeceniae Hispalae datio, deminutio, gentis enuptio, tutoris optio item esset, quasi ei uir testamento dedisset; utique ei ingenuo nubere liceret, neu quid ei qui eam duxisset ob id fraudi ignominiaeque esset; utique consules praetoresque, qui nunc essent quiue postea futuri essent, curarent, ne quid ei mulieri iniuriae fieret, utique tuto esset*).

20 Gardner 1995; Saller 1999. Gardner 1995: 379 pointed out that the jurist Pomponius considered that employing a feminine term to include men was an undesirable practice (*pessimum exemplum*; Pompon. 8 *ad Quintum Mucium, Dig.* 31.45 pr; this quote also mentions that the masculine term included women, specifically in relation to legacies). Iulianus, the second-century CE jurist, noted that the term *fili*, sons, included the daughters (*filia*) of the *familia*, as well (Iul. 81 *Dig., Dig.* 50.16.201). Blok 2017: 147-186 has studied the vocabulary used to describe Athenian citizen men and women, before concluding that “in the masculine plurals, *politai*, *astoi* and *Athenaioi* [the most common nouns to denote citizens] are neutral in gender reference; they may include men and women or, depending on context, specify the citizens as men”.

21 On the different categories of individual grants of citizenship, see Raggi 2016.

granted to individuals or groups of *peregrini* who had distinguished themselves during a military campaign.²²

In the late Republic, a set of laws allowed Roman magistrates to grant Roman citizenship to individuals or groups. In 89, Pompeius Strabo did just that to 30 members of the *turma Salluitana* by virtue of a *lex Iulia*, which allowed *imperatores* to make people Roman citizens *virtutis causa*, regardless of whether or not they had been born in Italy.²³ In 72, the Senate and the people allowed Pompey to grant Roman citizenship to individuals (*singillatim*).²⁴ Finally, the *lex Munatia Aemilia* of 42 permitted the triumvirs to confer the *civitas Romana* on *peregrini*.²⁵

A review of the literary evidence in search of references to women allows for arriving at a number of assumptions. For example, the historian Velleius Paterculus proudly evoked his forefather, Minatius Magius Aeculanensis, who had raised a legion loyal to Rome among the Hirpini during the war of the *socii*. In view of the fact that two of his sons became praetors, it is possible to speculate that the privilege was extended not only to his sons but also to his (possible) daughters.²⁶ In any case, as all the inhabitants of Italy, including women, were shortly to become Roman citizens, this privilege was short-lived. The same hypothesis could be entertained about the situation of C. Valerius Caburrus. Caesar mentioned that he was granted citizenship by C. Valerius Flaccus (probably while the latter was proconsul in Transalpine Gaul, 85-81?), and that his sons C. Valerius Procillus and C. Valerius Donnotaurus were also Roman citizens.²⁷ Although the sources are silent on the matter, citizenship was in all

22 Raggi 2016: 87-88 with sources.

23 *CIL* I.709; Criniti 1970; Nörr 1989.

24 *Cic. Balb.* 19. As Perifán Gómez 2011: 54-63 points out, Cicero's reference to the *lex Gellia Cornelia* is expressed in a language akin to that of the proposed law, so the orator might have (partially) reproduced its content.

25 The law is known through the *edictum* whereby Octavian granted Roman citizenship and privileges to Seleucus, a fleet commander from Rhosos (Syria): Sherk, *RDGE*, n 58, ll. 9-11. Translation: Sherk 1984: 106-107. Sherk, *RDGE*, 301 n. 5 rightly observes that although the *edictum* only mentions Octavian, the document uses the plural form (and it is a real plural, not an epistolary one). The name of Antony was omitted when the document was engraved, probably after his defeat at Actium. Would the original in the Capitol have included the name of Lepidus too?

26 *Vell. Pat.* 2.16.3: *Cuius illi pietati plenam populus Romanus gratiam rettulit ipsum viritum civitate donando, duos filios eius creando praetores, cum seni adhuc crearentur.*

27 *Caes. BGall.* 1.47.4; 7.65.2. On the proconsulship of Valerius Flaccus in Gaul, see Díaz Fernández 2015: 514-515 (with previous bibliography), who dates it to 86-81.

likelihood also granted to Caburrus' wife through *conubium*, meaning that his marriage was valid in Roman law, and probably also to his daughters.²⁸ At any event, the evidence is extremely thin on the ground and ambiguous.

Such a question would be impossible to answer if it were not for epigraphic legal texts. Chronologically speaking, the first instance was the concession of citizenship by the commander Pompeius Strabo to a group of 30 cavalymen, described as *turma Salluitana* from near the river Ebro, who had fought bravely during the war of the *socii* in Italy.²⁹ Regarding the grant, the text is succinct and clear:

[C]n. Pompeius Sex. (f. imperator) virtutis caussa / equites hispanos ceives
[romanos fecit in cast]reis apud Ausculum a. d. XIV k. dec. ex lege Iulia.³⁰

In 89, Strabo, following the advice of his *consilium*, granted them citizenship, without extending that privilege to the members of their families and without including any other related benefits.³¹ When that grant (known today as the Bronze of Ascoli) was engraved, it specified exclusively the names of the 30 soldiers.

In later epigraphic texts, which will be studied in further detail below, there is more information on female family members. The *Senatus consultum de Asclepiade* of 78 rewarded three navarchs with tax exemptions and included them among the friends of the Roman people for their assistance during the wars of the 80s.³² The bilingual text (Greek and Latin) specifically states that the navarchs and their descendants (also daughters?) are to be granted tax immunity, whereas their wives only appear in relation to privileges involving legal jurisdiction. This text is relevant in that it attests to the fact that Roman legal documents were extremely precise and specific as to which family members were to be granted certain privileges. In this case, wives were not exempt from taxation.

However, this tendency changed, with subsequent epigraphic legal texts referring regularly to privileges granted to female family members, be they

28 On *conubium* and citizenship, see Volterra 1961: 157-182.

29 Regarding the place of recruitment of those cavalymen, see Pina Polo 2003.

30 *CIL* I. 709. Criniti 1970; Nörr 1989.

31 The text granted them minor benefits, such as adornments and a double ration of grain (*torque, armilla, palereis et frumenium duplex*).

32 Latest edition: Raggi 2001.

mothers, wives or daughters. As we shall see, the edict whereby the triumvir Octavian granted citizenship and tax immunity to the navarch Seleucos extended those privileges to his parents, wife and children. The *Senatus consultum de Plarasensibus et Aphrodisiensibus* of 39 exempted all the inhabitants of the city, including their wives, children and descendants, from taxation, as did the edict conferring privileges on veterans (*edictum Octaviani triumviri de privilegiis veteranorum*, usually dated 37-31). The fragmented *lex Fonteia* of 39 gave those privileges to descendants; the words immediately before that word are broken, but it is likely that they would have been extended to parents and wives, as did the above-mentioned contemporary documents. These epigraphic texts specifically name female family members, thus contributing to remedy their invisibility in the literary sources. Roman laws could not and did not ignore women that easily, although the frequent use of the masculine plural to include them makes the task of identifying them more difficult.

3. Women and taxation during the Roman Republic

Contrary to Klingenberg's claim, the question of whether women paid taxes during the Roman Republic is not the same as that of whether they paid *tributum*.³³ In fact, it is not unusual to encounter references to taxation which only focus on poll tax or capitation taxes, while other taxes abounded in ancient Rome and were even imposed on a wider spectrum of the population. France has rightly pointed out that the usual distinction between direct and indirect taxation, which still appears in many handbooks and descriptions of ancient tax regimes, did not exist in Antiquity. In Republican Rome, there were two main categories: *tributa* (the tax paid by Roman citizens, after declaring the just value of their property in the census, whose proceeds were used to pay the troops), as opposed to *vectigalia*, understood as a general term for describing other state revenues, such as those from the lease of public land, mines, saltworks, customs duties and the 5 per cent tax on the value of manumitted slaves.³⁴ In the same vein, the distinction between the *tributum*

33 Klingenberg 1983: 142-144.

34 Naco del Hoyo 2003: 25-77; France 2007. Regarding *vectigalia*, Cicero differentiated between *vectigalia transmarina* (the revenues from the provinces; *Leg. agr.* 2.80) and *vectigal domesticum* (those from Italy; *Att.* 2.16.1). The *stipendium* was mainly a tribute imposed on vanquished communities (Naco del Hoyo 2003: 28-57).

solī and the *tributum capitis* as a way of describing Imperial taxation, since there are only two references to it in the ancient sources, has come in for criticism.³⁵ The system existed as such, but it was not that systematically applied in Rome's dominions.

Secondly, it should be stressed that the Roman territories were not subject to a unique or unified tax system. During the Republic, the tax system of each province resulted from the prior circumstances of that territory (i.e. the taxes imposed by the political regime that had previously controlled it), the circumstances of its conquest, the treaties signed, the *formula provinciae*, the privileges conferred on free cities and individual immunities.³⁶ Indeed, the complexity and variety of cases even *within* each province should not be underestimated, a necessary caveat for providing a satisfactory answer to the question of female taxation during the Republic. As many details of the tax system of some of the provinces have not come down to us, it is harder to offer a global answer. This is even more the case for non-citizens, because the regional differences in this regard were greater. In the case of Roman citizens, the rule of thumb was that, if they resided in the provinces, they paid local and regional taxes.³⁷ The *solum provinciale* paid *tributum* and other taxes, whereas territories under the *ius italicum* did not. Thus, it was the nature of the land that mattered, not the status of its owner.

The following section first addresses the taxation of non-Roman citizen women in Roman territories and then that of citizen women in the provinces and in Rome and Italy, alike.

a) Non-Roman citizen women

There is one early instance of the granting of tax immunity to women, specifically wives. Around 146-144, a Roman magistrate, probably L. Mummius, wrote a letter to the Dionysiac Artists, one of the itinerant guilds

35 App. *Pun.* 135 (passage analysed below) and (Paul.) *Dig.* 50.15.8.7.

36 On taxation before the arrival of Rome, see Rostovtzeff 1941; a brief overview in Luzzatto 1942: 60-62.

37 This distinction is based on the passage from the *Pro Flacco* (Cic. *Flac.* 80) in which the orator lambasts C. Appuleius Decianus, one of the accusers of his defendant, for twice declaring the land that he owns in the city of Apollonis: once in the city and again in the census at Rome (probably to increase his census and, therefore, his *centuria*). Cicero should never be taken at face value, least of all when he is censuring an opponent, but this distinction corresponds to the legal difference between *possessio* and *dominium* (*ex iure Quiritium*). Provincial land, irrespective of the legal status of its owner, could only be held in possession, not in full property. See Capogrossi Colognesi 1969; Bleicken 1974; France 2021: 353-358.

of Greek actors and musicians devoted to Dionysius, which appeared as of the third century and which organised dramatic performances and games, granting them a series of privileges.³⁸ Guild members had received all kinds of privileges, including tax exemptions, during the Hellenistic period, so those granted by Mummius were a matter of course.³⁹ The context of the document is relevant; once the war had ended and the 10 commissioners had arrived, Pausanias claims that Mummius adopted a series of measures, including the imposition of a tribute (φόρος).⁴⁰ This is not the place to address the thorny issue of the status of Graecia after 146, to which the fragmentary first lines of the document refer.⁴¹ There is a scholarly consensus that Pausanias conflated the measures that were imposed in several regions of Graecia at different times in a single paragraph. Regarding the tribute, Kallet-Marx refuses to accept it, at least before the First Mithridatic War.⁴² However, Hurllet and Müller have recently observed that the territory of Corinth was made *ager publicus* in 146 and thus subject to taxation; further taxes were indeed levied in Graecia after the conquest, maybe in its immediate aftermath.⁴³ Mummius' letter, addressed to the Isthmian-Nemean guild of Dionysiac Artists, thus exempted this organisation from taxation, the privileges granted by the Roman magistrate also being extended to their families:

I grant to you for the sake of Dionysos and | [of the other] gods and of the way of life which you have preferred, || that [you] in every way are to be immune from liturgies and from billeting and immune and exempt from every war-

38 Regarding these guilds, see Le Guen 2001; Aneziri 2003. These guilds had their own assemblies, magistrates, cultic community, priests and festivities. It should be noted that Mummius was making the first and original Roman grant to the Dionysiac Artists; in theory, these concessions had then to be ratified by the Senate. Subsequent examples (see footnote 45) involving Sulla and Antony attest to this procedure, both magistrates confirming previous grants made by former magistrates and the Senate.

39 See Le Guen 2001; Aneziri 2003: 243-252.

40 Paus. 7.16.9-10. Kallet-Marx 1995: 57-96 is sceptical about Pausanias' evidence; see Ferrary 1988: 199-209.

41 There are two main views: Accame 1946 suggested that the territory was an appendix of the province of Macedonia and thus surveyed by the magistrate of that region. For his part, Kallet-Marx 1995 held that there was no permanent Roman presence in the territory until Sulla. For a recent critical assessment of the evidence, see Hurllet and Müller 2020, who suggest that Graecia-Ελλάς (called Achaia from 27 onwards) was indeed a province, but to which no regular magistrate was sent, except in very exceptional circumstances, viz. a situation akin to that of the province of Africa, after the destruction of Carthage.

42 Kallet-Marx 1995: Chapter 3.

43 Hurllet and Müller 2020: 77-78, with sources.

contribution, | [both yourselves and] your wives and children until [they reach] adulthood, just as you asked.⁴⁴

The Roman magistrate granted the artists, plus their wives and children, full immunity from both local liturgies (ἀλειτουργήτους) and taxation (ἀτελεῖς καὶ ἀνεισφόρους πάσης εισφορᾶς), including providing military personnel with quarters. It was apparently an exceedingly generous gesture on the part of Mummius to include wives and children among the beneficiaries of that immunity.⁴⁵ Hellenistic cities usually imposed capitation taxes on women, with the Roman authorities subsequently following suit.⁴⁶ Although the women belonging to that guild were not Roman citizens, they were subject to taxation by their cities, including both local taxes and tributes imposed by the Roman authorities (although territorial organisation was in its early stages).

This reference to the taxation of non-Roman women in the mid-second century in a context of Roman domination is not an isolated instance. While narrating the immediate aftermath of the destruction of Carthage in 146, Appian describes the measures adopted by the Roman authorities, including the imposition of a tribute:

To those who had aided the Romans there was an allotment of lands won by the sword, and first of all to the Uticans was given the territory of Carthage itself, extending as far as Hippo. Upon all the rest a tribute was imposed, both a land tax and a personal tax, upon men and women alike.⁴⁷

44 Sherk *RDGE* no. 44, ll. 3-8: ὑμῖν ἔνεκεν τοῦ Διονύσου κα[ι] τῶν ἄλλων θε[ι]ῶν καὶ τοῦ ἐπιτηδεύματος οὗ προεστήκ[ατε] ὑμᾶς παντάπα[σι]ν ἀλειτουργήτους εἶναι καὶ ἀνεισταθ-
[μεύτους καὶ ἀτελεῖς καὶ ἀν[ει]σφό[ρ]ους πάσης εισφορᾶ[ς] καὶ αὐτοὺς καὶ γ]υναῖκας καὶ
τέκνα ἕως ἄν εἰς ἡλι[κίαν] [ἀνδρικήν ἐξίκω]νται καθὼς παρεκαλεῖτε. Translation Sherk 1984.
For this inscription (translation and commentary), see Le Guen 2001: 187-188.

45 These exemptions were not new, for Mummius was actually confirming their former privileges. In the late 80s, following the First Mithridatic War, Sulla confirmed similar privileges previously granted to the Ionian-Hellespontine guild of Dionysiac Artists by the Senate and former magistrates (Sherk, *RDGE* 49); the inscription is sadly fragmentary in the description of the privileges, so it is impossible to know whether families were included. *Mutatis mutandis*, since it was another kind of association, in 42-41 or 33-32 Antony granted similar privileges to the Association of Victorious Athletes (including immunity from liturgies, but not from tributes or other Roman taxes), but did not extend these to their families (*P.Lond* 137; Sherk, *RDGE* no. 57).

46 Rathbone 1993: 97.

47 App. *Pun.* 135: καὶ ὅσα Ῥωμαίοις ἐβεβηθήκεσαν, χώραν ἔδωκαν ἐκάστη τῆς δορικτήτου, καὶ πρῶτον μάλιστα Ἴτυκαίους τὴν μέχρι Καρχηδόνας αὐτῆς καὶ Ἰππῶνος ἐπὶ θάτερα. τοῖς δὲ λοιποῖς φόρον ὄρισαν ἐπὶ τῇ γῆ καὶ ἐπὶ τοῖς σώμασιν, ἀνδρὶ καὶ γυναικὶ ὁμοίως.

The nature of the *stipendium* and the moment in which such an extraordinary contribution became a regular tax are of no concern here, for the question of how it was levied is of greater interest for the matter at hand.⁴⁸ Appian is absolutely clear on this point: both men and women were liable to the *stipendium*, which taxed both land and individuals. Reference to taxes of this type, which appear to be similar to the Imperial *tributum soli* and *tributum capitis*, has caught the attention of some historians. In this connection, both Rathbone and France consider that it might have been a retrojection or a projection of an Imperial situation.⁴⁹ Be that as it may, not all historians agree with that suggestion, contending instead that the fact that a *stipendium* and a capitation tax were levied in the aftermath of the conquest chimes with Republican practices.⁵⁰ In any event, as in the exact contemporary situation of the Dionysiac Artists, the Roman administration was also imposing contributions on non-Roman citizen women.

As to Asia, the governor Appius Claudius imposed a poll tax in Cilicia, although the sources do not specify whether it also included women.⁵¹ We are

48 The debate on the nature of the *stipendium* in both Hispania and Africa is divided into two camps. Whereas the *stipendium* is commonly perceived as an extraordinary contribution, which was then levied on a regular basis, according to Naco del Hoyo 2003, that did not occur until the end of the Republic and such contributions continued to be extraordinary, in a kind of war economy. France 2021: 133 has suggested that such a situation did not apply to Africa, since the destruction had been so complete that threats of revolts were impossible to imagine.

49 Rathbone 1993: 95, n. 43; France 2021: 420, n. 22. It warrants noting that this very passage is, in fact, one of the two sources, together with the view expressed by Paul in the *Digestum* (see footnote 35), on which the historiographical distinction between *tributum soli* and *capitis* has been established. Can the same sentence be considered as the reflection of a distinction between two types of *tributa* and, at the same time, one of the only two sources to establish that difference? That may be too much to ask.

50 P. Goukowsky, the editor of the latest edition of Appian's text, considers that these measures belong to the Republican period (Les Belles Lettres, 2001, vol. 8: 223-224, n. 530). France 2021: 351 disagrees, since he considers that capitation taxes began with the levying of the *tributum capitis* by Augustus. On the situation in Africa and the immediate decisions made by Scipio and the *decem legati* regarding the organisation of the territory and the wording of the *formula provinciae*, see Aounallah 2010. Apart from the reference to two types of communities (*populi liberi* and those that were not free) in the *lex agraria* of 111, there is regrettably very little information on the situation in Africa until the civil war between Caesarians and Pompeians (Caes. *BAfr.* 20.4). For other (Republican and Imperial) examples of capitation taxes, see Neesen 1980: 118.

51 Cic. *Att.* 5.16.2; *Fam.* 3.8.5; 15.4.2. Did Caesar also grant tax immunity to the wives and children of Ilion (Strab. 13.1.27)? Without specifying ("the Illians"), Strabo

much better informed about the free city of Plarasa/Aphrodisias, whose citizens were all granted tax immunity in 39, an exemption that may have included their wives and children:

the people of Plarasa/Aphrodisias have extended] to our public affairs, (resolved) that it seems to be in the public interest [for the Plarasans and Aphrodisians, their wives⁵², their children] and their descendants to be exempt from all levies [.. ? .. and removed from] all taxation documents of the Roman People, themselves and their [wives, children and descendants and] to be enrolled among the number of allies.⁵³

This *senatus consultum* is relevant not only for the actual wording of the inscription and the exemptions granted, but also as an example of how preconceptions regarding female taxation may lead to a different understanding and reconstruction of a document. In the lines cited above, the reference to wives is a reconstruction. In her edition, Reynolds preferred to insert the ethnic identity of the beneficiaries (“themselves”, αὐτοὺς) in the lacuna and to omit the reference to women, albeit retaining it in the following clause, being enrolled among the number of allies. In the latest edition, Raggi and Buongiorno have argued that the insertion of αὐτοὺς is unnecessary, opting instead for the inclusion of wives as beneficiaries.⁵⁴ Throughout the first

only mentions the *plenissima immunitas* (ἀλειτουρησιὰ πάντων). In these cases, the use of the masculine plural might (or might not) conceal the fact that it was also imposed on women. On taxation in Asia during the Republic, Ceconi 2021. The *lex Gabinia Calpurnia de insula Delo* granted tax immunity to the island of Delos in 58 (ll. 26-27: *n[eue quei insulam] Delum inc[olunt incoluerunt aut] [poste]a incolent uec[te]i[gal] [debeant; “that those who inhabit or have inhabited or thereafter] shall inhabit [the island of] Delos [should not owe] tax”; translation Crawford 1996). Again, the masculine plural of the text might have included women.*

52 With respect to this lacuna, I have followed Raggi and Buongiorno 2020. See below for an explanation.

53 *LPh2007*, 8.27, ll. 29-31 (Reynolds 1982): ἐπὶ τῷ συμφέροντι τῶν δημοσίων πραγμάτων δοκεῖν εἶν[αι Πλαρασεῖς καὶ Ἀφροδισιεῖς αὐτοὺς καὶ τέκνα ἐ]γγόνους τε αὐτῶν ἀτελεῖς πάντων τῶν πραγμάτων εἶν[αι ·· c. 17 ·· ὑπεξειρημένους] [εἶναι πάν]των δέλτων προσδικῶν δήμου Ῥωμαίων αὐτοὺς καὶ τὰς ἐκεῖνων γυναῖκας τέκνα ἐγγόνους τε αὐτῶν καὶ [εἰς τὸν συ]μμάχων ἀριθμὸν καταταγῆναι. Translation Reynolds, but modified in the lacuna, following Raggi and Buongiorno 2020.

54 *LPh2007*, 8.27, ll. 29-31 (edition Raggi and Buongiorno 2020): ἐπὶ τῷ συμφέροντι τῶν δημοσίων πραγμάτων δοκεῖν εἶν[αι τοὺς αὐτοὺς καὶ τὰς ἐκεῖνων γυναῖ/κας, τέκνα ἐ]γγόνους τε αὐτῶν ἀτελεῖς πάντων τῶν πραγμάτων εἶν[αι ca. 31. / ca. 6 ἐκ] τῶν δέλτων προσδικῶν δήμου Ῥωμαίων. Raggi and Buongiorno 2020: 70. They suggest the following Latin retroversion: ll. 29-30 (Raggi and Buongiorno): *pro rei publicae utilitate videri esse eos*

century, the treaties between eastern Greek communities and Rome actually established a territorial structure, clearly setting out their financial, legal and territorial rights and obligations, thus regulating the coexistence of provincials, Roman citizens and free populations within a territory with a wide variety of financial and legal statuses.⁵⁵ Such regulations and relationships also foresaw the role of non-Roman women as taxpayers.

Owing to the nature of the sources, the previous evidence of the taxation of women who were not Roman citizens, regarding local taxes or those imposed by Rome, has been circumscribed to Africa, Graecia and Asia. Sadly, there is a dearth of information on other provinces, although there is tantalising evidence for Hispania. The Botorrita III Bronze (probably dating to the beginning of the first century) contains a fascinating list of 254 names, of which 27 belong to women. However, its objective and rationale are unknown. A register of some sort? A distribution of land or silver? A list of people affected by a disposition of unknown origin?⁵⁶ Should it be a list or register of people, can it be linked to taxation? Unfortunately, the beginning of the document is written in Celtiberian, a language that still is not understood. Anyway, the significant presence of women, who are listed as individual people belonging to a community of some sort, is worth pointing out.⁵⁷

et eorum mulieres, liberos p]osteroque eorum immunes omnium rerum ess[e ----/-- ex] censoriis tabulis populi Romani. On the tax privileges granted to these communities, see Raggi and Buongiorno 2020: 143-148. Noteworthy is the fact that the *senatus consultum* also included wives (if the reconstruction is accepted) among the number of allies of the Roman people (in contrast, Caesar's letter granting privileges to Hyrcanus, the High Priest of the Jews, only included him and his children among them; Joseph. *AJ* 14.10.2, 190-195). The relevance of these epigraphic legal documents for gender history and the visibility of women has been underscored above.

⁵⁵ Ferrary 1990; Fournier 2010.

⁵⁶ For the Botorrita III Bronze, see Beltrán Lloris, De Hoz and Untermann 1996. This bronze must have been engraved and displayed before 70s because the part of the site in which it was found (to the south of Cabezo de las Minas in Aragón) was destroyed at the time (Beltrán Lloris, De Hoz and Untermann 1996: 30 and 38-39). It is also remarkable that the list included Celtiberian, Iberian, Greek and Latin names. On the presence of women, *ibid.* 1996: 69.

⁵⁷ Beltrán Lloris, De Hoz and Untermann 1996: 26-27, 38-39 and 198-205 have linked this document to the tradition of lists of Mediterranean *poleis*. For possible parallels to other lists in which women appeared, *ibid.*: 203.

b) Roman citizen women in the provinces

As those Roman citizens living outside Italy paid local and regional taxes, did this also apply to the women among their number? The spotlight is placed here on women who were *sui iuris*, in the sense that they were no longer under the *manus* of their fathers, who had since died, and had not been married *cum manu*, a kind of marriage no longer in vogue as of the second century. Accordingly, these women managed their own wealth, adopted conveyance strategies and, as I have argued elsewhere, had to declare their assets in the Roman census.⁵⁸

The epigraphic legal sources, focusing on the Eastern provinces, refer to grants of citizenship and tax exemptions. So, it seems reasonable enough to assume that if such exemptions were granted to women, they must have paid taxes. As already noted, the *Senatus consultum de Asclepiade* of 78 is an important litmus test for the hypothesis about the taxation of women, for it shows that the Senate or the magistrates did intentionally grant privileges to some while wilfully excluding others. In this case, three navarchs who had collaborated with Rome during the wars were exempt from paying taxes, included among the allies of the Roman people and granted both legal privileges to recoup any loss that they might have sustained during their service and the *ius legationis*; in short, practically everything except citizenship. These privileges were extended to their families, but with a clear discrimination: whereas their children and descendants were exempt from taxation, their wives were not.⁵⁹ Those women were only specifically granted the privilege of choosing the jurisdiction in the event of legal proceedings, either their local jurisdiction under local laws, that of Italy under Roman laws or that of a free city.⁶⁰ However, the Greek text clearly excluded wives (albeit possibly including daughters) as beneficiaries of tax immunity:

The senate and the People of the Romans consider the deeds of these men have been good and brave and loyal to our Republic, | and for this reason the

⁵⁸ See Rosillo-López forthcoming.

⁵⁹ It is also remarkable that the *Senatus consultum de Asclepiade* exclusively included the three navarchs among the allies of the Roman people, whereas the *Senatus consultum de Plarasensibus et Aphrodisiensibus* of 39 (l. 32) included the inhabitants of the city and also specifically their wives, children and descendants as such (if the reconstruction of Raggi and Buongiorno 2020 is accepted; see above).

⁶⁰ Raggi 2001, l. 12.

senate decides that they, their children, and their descendants are to be immune in their own cities from all liturgies and financial contributions.⁶¹

The wording of these decrees and edicts is no coincidence. In this case, the *Senatus consultum de Asclepiade* does not imply that wives were not taxed, but that the Roman state had decided *not* to exempt them from taxation, which makes the decision more relevant when the *res publica* specifically granted them immunity deliberately.

The first instance of individual concessions of citizenship that included family members was Octavian's grant to Seleucos, a fleet commander from Rhosos (Syria), and his family, usually dated to between 42-30.⁶² The *lex Munatia Aemilia* of 42 conferred on Octavian, and also probably on Antony, the power to grant citizenship *viritim*.⁶³ Octavian granted Seleucos and his family Roman citizenship and tax exemption, among other important privileges, for his support during the wars, either during the campaign of Philippi or the conflict against Sextus Pompey:

[to him and his] parents, his children, his descendants, the wife who [here|after] will be his [-] we give (Roman) citizenship and tax-exemption for his present proper[ty] in the same way as [those] (Roman) citizens [who are] tax-exempt by the best law and the best legal right, | and [they are to have] immunity [from military service] and from every public [liturgy].⁶⁴

61 Raggi 2001, ll. 11-12: τῆ<ν> σ<ύ<ν>κλητον καὶ τὸν δῆμον τὸν Ρωμα<ί>ων διαλαμβάνειν τὴν τούτων ἐργασίαν καλ<ήν> καὶ ἐπανδρον καὶ πιστὴν τοῖς <δ>ημοσίοις πράγμασιν τοῖς ἡμετ<έ>ρο[ις γε]γονένα, δι' ἧ<ν> αἰτίαν τὴν σύνκλητον κρίνειν ὅπως οὗτοι τέκνα ἐκγονοί τε αὐτῶν ἐν ταῖς ἑαυτῶν πατρίσιν ἀλειτούργητοι πάντων τῶν πραγμάτων καὶ ἀνεῖσφοροι ὄσιν. Translation Sherk 1984. The Latin text (l. 3) is fragmentary on this point, except for the end: *Jomnium rerum et sine tributa sin[ft]*.

62 Sherk *RDGE*, no. 58. Latest edition with commentary: Raggi 2006.

63 The law is known precisely through the *edictum* by virtue of which Octavian granted Roman citizenship and privileges to Seleucos; Sherk, *RDGE*, n. 58, ll. 9-11. Regarding the law, it is unknown whether it specified a maximum number of newly created citizens, as previous laws had done, although the concession to the whole family of Seleucos suggests that this may not have been the case. It warrants noting that the triumvirs complied with the customary Republican procedure, to wit, a *lex* voted by the people which gave magistrates the authority to create new citizens. On the preservation of Republican procedures, despite the triumvirs' far-reaching powers, and the continuity of institutions and magisterial powers, see Pina Polo 2020.

64 Raggi 2006, document 2, ll. 19-22: [καὶ (?) αὐτῶι καὶ] γονεῦσι, τέκνοις ἐκγόνοις τε αὐτοῖ] γυναικί τε τούτου ἦτις με[τ' αὐτοῦ ἐστι ἢ] ἔσται (?) + + + + [- - - ± 11 - - -] πολειτείαν καὶ ἀνεῖσφορίαν τῶν ὑπαρχόν[των πάντων (?) δι]δομεν, οὕτω[ς ὡς οἴτινες τῶ]ι ἀρίστωι νόμωι ἀρίστωι τε δικαίωι πολεῖται [Ῥωμαῖοι ἀνεῖσ]φο[ρ]οίεῖσιν, αὐτοῖς τε στρατείας λει]τουργ[ί]ας τε δημοσίας ἀπάσης πάρε[σις ἔστωι]. Translation Sherk 1984.

Seleucos and his family were granted the most complete form of citizenship: *optima lege optimoque iure cives Romani immunes*, which is specified in Greek in the fragment above (ll. 21-22), namely, Roman citizenship with all its benefits and full legal status.⁶⁵ Furthermore, Octavian also made them *immunes*, for they received the ἀνεισφορία πάντων τῶν ὑπαρχόντων, which is the Greek translation of *immunitas omnium rerum*.⁶⁶ Raggi has pointed out that Seleucos is even once described as πολεΐτης Ῥωμαῖος ἀνεΐσφορος (ll. 28-29), the only instance of such an expression.⁶⁷ In this sense, Seleucos and his family would have had more financial privileges than any other Roman citizen living in the province, since they were completely exempt from all tributes and taxes.⁶⁸

Such benefits were extended to several women in Seleucos' family: his daughters (if any), wife and mother. If they were *sui iuris*, they had to pay taxes.⁶⁹ The convoluted way in which the text refers to Seleucos' wife has been associated with the standard Latin formula of *diplomata militaria: uxori eius quam secum habet habuerit dumtaxat singulae*. To reconstruct the lacuna, Wolff suggested that *civitas* and *immunitas* were granted only to one wife, that is, Seleucos' present wife or one whom he might marry in the future, so as to prevent Roman citizenship from being granted to all the women who he might wed in the future.⁷⁰ Revising the reading of the faint letters of the lacuna, Raggi considers that a "ricostituzione pienamente soddisfacente" of

65 De Visscher 1944 and 1945 used this document to argue the case for the existence of dual citizenship during the Republic, a debate on which much ink has been spilled but which is of no concern here.

66 This was not the first case in which citizenship and *immunitas* were granted, for in 47 Caesar conferred both on Antipater of Judaea, the father of King Herod (Joseph. *BI*. 1.194; Raggi 2006: 114-115). Such grants by Caesar are mentioned by Augustus in the third edict of Cyrene (l. 59).

67 Raggi 2006: 110.

68 Raggi 2006: 110-113 has refuted Link's 1995 claim that there were two different categories in Octavian's grants to Seleucos and to the veterans. According to this author, there were *cives Romani* and *cives Romani optima lege*, which included *immunitas*. I agree with Raggi's interpretation of the documents in the sense that *civitas* and *immunitas* were separate privileges, that is, the latter might or might not have been granted as an extra when making someone *civis Romanus optima lege* (Raggi 2006: 114-115 for further cases).

69 As orphans and *viduae*, also *sui iuris*, did in Rome (see below).

70 Wolff 1986: 77 and n. 99; Raggi 2006: 56, n. 87. Roussel, the first editor of the text, already pointed out the similarities with Octavian's edict on the privileges of the veterans (Roussel 1934).

the text is impossible at this point.⁷¹ Lacuna notwithstanding, the reference to the wife is incontestable, as is that to the children and parents, both mother and father (γονεῦσι).⁷²

The exemptions granted in Octavian's letter included the direct taxation of property and goods, be it local or imposed by the Roman administration, with no time limit.⁷³ The exemption from customs duties is contemplated in a subsequent clause (ll. 45-52), whose fragmentary state makes it impossible to ascertain whether this included all family members, including women, which is regrettable because it would have confirmed whether citizen women paid them or not. The *lex Fonteia* of 39, which granted privileges to an individual or a group of Greek citizens, might have provided more information in this regard, but it is too fragmentary and the only preserved beneficiaries are the descendants of those citizens – had the law included wives, they would have been mentioned exactly before the break in the stone.⁷⁴

71 Raggi 2006: 56.

72 Raggi 2006: 37 has proposed the following Latin retroversion: [*ei*,] *parentibus, liberis posterisque eius uxorique quae / [eius est] erit (?) [- - - - -] ciuitatem immunitatem [omnium (?) rerum / damus, ita [uti qui] optima lege optimo iure ciues / [Romani immunes] sunt, [eisque militiae] omnisque muneris publici uacatio / [esto]*. Domitian's edict on the privileges of the veterans, dated CE 88-89, granted *immunitas* to the members of the *legio X Fretensis* (who had participated in the siege of Jerusalem), plus their wives, children and parents (*ILS 9059: veterani milites omnibus vectigalib(us) / portitoribus(!) publicis liberati immunes esse debe(a)n[t] / ipsi coniuges liberique eorum parentes qui conubia [eo]rum sument omni optumo iure c(i)ues R(omani) esse possint et om[ni] / immunitate liberati apsolutique(!) sint et omnem i[mmu]nitatem q(ui) s(upra) s(cripti) s(unt) parentes liberique eorum idem iuri[s]*). Lesquier 1918: 337 suggested that, in the case of Domitian's edict, parents only received *immunitas* if they were living with their sons. To this end, he proposed substituting the word *conubia* with *convivi*, contending that, as the text had been copied from a bronze tablet, the confusion between CONVIVI and CONVBIA was likely. In my opinion, such a correction is unnecessary and does not appear in other similar texts. In subsequent texts, parents were not included and women were usually only granted *conubium* (Roussel 1934: 51).

73 Roussel 1934: 52 ff.; De Visscher 1945: 36-39; Raggi 2006: 128. Similar dispositions in the *Senatus consultum de Asclepiade*, Greek version, ll. 12-13, which translated the *sine tributa* of the Latin version and also the exemptions granted to Antipater of Judaea by Caesar in 47 (Joseph. *BJ* 1.194). Although the third edict of Cyrene contemplated similar privileges, these were limited to the property in their possession at the time of gaining citizenship, whereas they had to pay taxes on all subsequently acquired property (ll. 60-62).

74 *Lex Fonteia* (Crawford 1996, no. 36). Antony's name was erased in l. 8. The document may date from 39, before he returned to the East. Incidentally, the law states that Antony, advised by his *consilium*, approved the privileges (ll. 9-10, Cos fragments, 1 and b). Interestingly, the approval of a *consilium* concerning grants of citizenship had been a matter

There are fortunately some sources regarding taxation in Syria, where Seleucos apparently lived at the moment of the grant (taking into account that copies of the decree were sent to three neighbouring cities of the region, Tarsus, Antioquia and, probably, Seleucia Pieria), which allow to gain further insights into the context in which these exemptions were granted.⁷⁵ After its conquest by Pompey, *publicani* were tasked with tax collection in that province, where *pactiones*, the agreements between *publicani* and local institutions on the amount that the latter should collect seems to have been one of the systems employed.⁷⁶ Cicero accused Gabinius, the proconsul of the region (57-54), of having intended to dismiss the *publicani* in order to take direct control of tax collection in Syria, dispensing with the system of *pactiones* and thus undermining the financial interests of the subcontractors.⁷⁷ Cicero is not an objective source, for he loathed Gabinius because he considered him as one of the persons responsible for his exile, thereby his desire to see him convicted of provincial corruption. Merola has suggested that Gabinius probably did not intend to take full control of tax collection but had only sought to curb the abuses of the *publicani*.⁷⁸

of course since the beginning of the first century and thus corresponded to regular Republican procedure, for which reason Pompeius Strabo listed all 59 members of the *consilium* granting citizenship to the *turma Salluitana*.

75 Raggi 2006, Doc. 1, ll. 7-8. There is a lacuna of 7 or 8 letters after the reference to the council and city of Antioquia. The most accepted integration is that suggested by De Visscher 1945: Seleucia Pieria, the main port of the region of Antioquia. Octavian would have informed the customs office of the city that as Seleucos was exempt for paying taxes, nor did he have to pay customs duties. Raggi 2006: 43-47 discusses other possibilities (with previous references), before concluding that the city of Seleucia Pieria is still the best option.

76 Merola 2001: 63-66, although she suggests that it was not widespread. On *pactiones*, see Merola 2001: 101-107. The system of *pactio* was not identical in all of Rome's dominions; in Sicily, for instance, *pactiones* were arrived at between individual farmers and *publicani* (Badian 1972: 79). This is due to the fact that, following the provisions of the *lex Hieronica*, Sicilian taxes were farmed out individually in situ, whereas Asian taxes, for instance, were farmed out collectively in Rome. In all cases, one of the duties of the governor was to supervise *pactiones* so as to ensure that they were fair (e.g. Cic. *Att.* 5.14.1; *QFr.* 1.1.35; see Merola 2001: 102, n. 2 for additional sources).

77 Cic. *Prov. cons.* 9-11.

78 Merola 2001: 106. Despite Cicero's vitriol, it is worth pointing out that, during his term of office as tribune of the plebs in 67, Gabinius passed several laws in the interests of the provincials, especially the piece of legislation prohibiting them from borrowing money at Rome, a practice that had greatly indebted some of their number who had come to the city to present their cases before the Senate (see Rosillo-López 2010: 141-142).

Caesar then decided to eliminate tax farming in the East, substituting it with a fixed amount, regardless of whether there had been a good or bad harvest, which amounted to a third of the previous payment. That amount was divided among communities, following unknown criteria, with cities being in charge of collecting it and handing it over to the proconsul.⁷⁹ We do not know whether Caesar's change in the tax system also applied to Syria. Anyway, the fact that it was cities that mostly collected the taxes and then delivered the proceedings to the Roman authorities (be it directly or indirectly through *publicani*) is well established for the area where Seleucos lived. Apart from the taxes levied by Rome, Eastern cities collected their own, such as leases, which were usually respected by the Romans, although the evidence is scant for Republican times.⁸⁰ In any event, Seleucos and his family, including the female members, were granted the most complete range of exemptions, thus making them totally *immunes* to both local taxes and those imposed by Rome or by the governor of the province, for such privileges were linked to their person, not to their place of residence, so they were applicable in the Empire as a whole.

Were these privileges granted ad hoc to Seleucos and his family, thus making those new Roman citizen women the only ones exempt from taxation in the province? There has been a debate on whether the document shows traces of the *lex Munatia Aemilia* of 42, which permitted the triumvir Octavian (and possibly Antony) to grant citizenship to individuals. The text actually resembles both an *edictum* and a *decretum*. Raggi has argued that, as in the case of the *edictum Octaviani de privilegiis veteranorum*, these texts reuse the decree in a tralatician way and formulate an *edictum* ad hoc. Thus, paragraphs 3-12 (ll. 19-72) of the grant to Seleucos reflect the provisions of the *lex Munatia Aemilia*, extrapolated and slightly rearranged, especially the first two paragraphs, to fit his case.⁸¹ If so, the provision regarding the grants of citizenship, tax exemptions and other types of immunities and benefits to female family members were included in the original law and applied to the

79 Dio Cass. 42.6.3; App. *B Civ.* 5.18; Plut. *Caes.* 48.1; Merola 2001: 72-84.

80 For Republican times, see Merola 2001: 114-121. Apart from those local taxes, a limited number of cities were also granted the privilege of collecting and managing customs duties, such as Termessus Maior, in Pisidia, which controlled an important route linking the provinces of Asia and Cilicia (Merola 2001: 116-121; on Termessus, see the *lex Antonia de Termessibus* of [probably] 68, edition by Ferrary in Crawford 1996: no. 19, ll. 31-36).

81 Raggi 2006: 80.

other people whose names were inscribed on the stele in the Capitol in Rome, of which the document regarding Seleucos was an individual copy (ll. 5-6).⁸²

These tax exemptions and the fact that, as they were a privilege, they indicate that the rest of the Roman citizens in the province paid such taxes are confirmed by Octavian's edict on veterans' privileges. Dated between 37 and 31, this remarkable document discovered in Egypt describes a group of Roman citizens who had been discharged from military service and intended to settle in the provinces.⁸³ As Roman citizens, they were subject to local taxation in the provinces and, by my reckoning, this applied to both men and women. In other words, Octavian granted full tax immunity.

To themselves, their parents, their children and their wives, whoever shall so become hereafter, shall be given immunity from everything as Roman citizens are in the most privileged status and by the most privileged law. They shall have immunity.⁸⁴

This tax immunity should be framed in the complex context of early taxation in Roman Egypt. The beneficiaries of the document could have only profited from that immunity once Egypt had fallen into Roman hands in 31-30. Until then, the purview of the triumvir did not reach Egypt; there is a remarkable extant document dated 33 in which Queen Cleopatra grants several tax exemptions to a Roman absentee landlord and his heirs.⁸⁵ Although

82 Roussel 1934: 51 already posited that the case of Seleucos was not exceptional; Luzzatto 1942: 292-293 agreed, although for a short list of beneficiaries. Levi's objections (1938: 123 ff.) and his suggestion of an individual and unique grant were criticised by De Visscher 1945: 33-34. Actually, Levi's arguments were based on the clause regarding the citizenship of Seleucos' wife, arguing that there were no provisos on future marriages, as would have been expected in Imperial military diplomas. De Visscher rightly suggested that, taking into account the 16 letters missing in line 20 of that very clause, Levi's proposals were baseless. Luzzatto 1942: 293 rejected the comparison with the *diplomata militaria* especially on the grounds of Seleucos' exceptional contribution to the war.

83 Purpura 2013, with previous bibliography, based on the suggestions and edition of Raggi 2006.

84 *FIRA I*, 56, ll. 9-12: [. . .] *ipsis parentibus lib[er]isque eorum et ux[or]ibus qu[ae] sec[un]d[u]m <sunt qui>-l[icet] erunt imm[un]itatem omnium rerum d[omi]ni, utiqu[e] / optimo iure optimaqu[e] e leg[e] cives Romani {sint} {sunto}' immunes / sunt{o}*.

85 *P. Bingen* 45. The name of the landlord is badly preserved. Van Minnen 2000 suggested Publius Canidius Crassus, a Roman commander close to Antony and in charge of his land forces (Plut. *Ant.* 42.4; 56.2-3), whereas Zimmermann 2002 proposed the unknown Roman Quintus Cascellius. The document has attracted attention for the single word γινέσθαι ("make it happen") appearing at the bottom of the text, which has been interpreted

the document was found in Egypt, other veterans probably settled in territories under Roman control where they could have made good use of that tax immunity without too much difficulty. The privileges granted by Octavian are consistent with those from which Seleucos benefitted, for these people, including the women in their families, were already citizens but, by virtue of the edict, became *optima lege optimoque iure cives Romani immunes*, that is, fully immune from taxation. The rest of the citizen men and women in the province still had to pay taxes.

In sum, Roman tax policy, the evidence for Syria and Octavian's grant to the veterans are consistent. Irrespective of whether they had been born in the provinces or had moved there from Italy, Roman citizen women *sui iuris* residing in the provinces had to pay taxes. When Roman magistrates granted them the privilege of tax immunity, they did so because it was something that they could put into practice and which was as meaningful to them as it was to their husbands.

c) Roman citizen women in Rome and Italy

There is a need to return to the grant of citizenship and tax immunity to the fleet commander Seleucos and his family. They were granted, among other privileges, the right to enrol in the Cornelia tribe, one of the most ancient rural tribes, thus allowing them to vote and to be registered in the census.⁸⁶ The text is confusing, but it seems that there was a proviso conferring on Seleucos the right to take residence in any city in Italy. In that case, the

as Cleopatra's own subscription. Scholars have debated long and hard on how the tax and financial system was initially organised in Egypt, once the Romans had taken control of the country: was there some degree of continuity between Ptolemaic and Roman rule or did the Romans completely overhaul that system by implementing a thorough tax reform? See footnote 135.

86 Ll. 24-27. Taylor 2013: 21-22 on the tribal registration of new citizens; in Imperial times, *peregrini* granted citizenship were enrolled in the tribe of the emperor, probably following Republican procedure. Raggi 2006: 118-119 has suggested that this was so because it might have been Antony's tribe and that the new citizens from the East were registered in it (Octavian was enrolled in the Fabia tribe and the consuls behind the law, L. Munatius Plancus and Aemilius Lepidus, almost certainly in the Camilia and Palatina tribes, respectively). Taylor 2013: 22 posited that Seleucos and other men on the same list "may have been put on the lists of a municipality, or more probably a colony, in that tribe". Linderski in Taylor 2013: 360 considers that Taylor's assessment of the reasons behind the choice of the Cornelia tribe is "careful and hesitant" but is not convinced by Raggi's interpretation ("seems forced").

women in his family would have been Roman citizens who were exempt from taxation in Italy. Even if Seleucos did not decide to settle in the peninsula, his legal situation and privileges still applied.

Did Roman citizen women pay taxes in Rome and Italy? The answer depends on the period in question. Plutarch, in his account of the life of P. Valerius Publicola, remarks that, in the context of a war contribution in 509, “one hundred and thirty thousand names were on the assessment lists, orphans and widows being excused from the contribution”.⁸⁷ The context of this measure is the traditional account of the creation of the quaestorship as a new magistracy and of the public treasury in the temple of Saturn; according to Plutarch, it was adopted at the very beginning of the Republic, probably following the tradition that attributed its origin to Publicola.⁸⁸ It should be borne in mind that the context of Publicola’s assessment is a war contribution, subject to rules differing from those of routine taxation. Scuderi highlighted that socio-economic status was important in the case of voluntary contributions: for instance, those made during the Second Punic War were made *ex censu ordinibusque*, whereas only senators were asked to contribute in 210.⁸⁹ In 215, the cash contributions of widows and orphans were “deposited” in the treasury as part of a series of tax measures to compensate troop casualties after the Battle of Cannae.⁹⁰

The passage from Plutarch, together with similar references in Livy, has prompted many scholars to conclude that either *viduae* (in the sense of women no longer married and not only widows) and orphans were excluded from the census *tout court* or that they were not included among the taxpayers.⁹¹ Indeed, in my opinion, the tax system of Rome does not uphold such arguments. On the contrary, *viduae* and orphans (both boys and girls) were not exempt from paying taxes, but were regularly taxed throughout the Roman Republic.⁹² *Viduae* and orphans paid a tax called *aes equestrelaes*

87 Plut. *Public.* 12.3: τρισκαίδεκα γὰρ ἀπεγράψαντο μυριάδες, ὄρφανοῖς παισὶ καὶ χήραις γυναῖξιν ἀνεθείσης τῆς εἰσφορᾶς.

88 For an assessment of Plutarch’s opinion of the quaestorship, see Pina Polo and Díaz Fernández 2019: 8-10.

89 Livy 26.35.3; 26.36.2-12. Scuderi 1979: 343, 346.

90 Livy 24.18.11-15.

91 Livy 3.3.9; *Per.* 59.

92 Livy *Per.* 59 specifically mentions orphaned boys and girls (*pupilli* and *pupillae*), along with *viduae*.

hordearium, an annual levy of 2,000 asses that served to finance the maintenance of the public horses.⁹³ Occasionally, this tax has been interpreted as a war contribution or as a kind of special low tax to be paid by citizens of modest means, whereas it has also been held that these *viduae* and orphans had to pay that tax as substitutes of the deceased *pater familias*.⁹⁴

Such interpretations deprive these groups of agency and deny them the tax status that the Roman state granted them: as *viduae* and male and female orphans were *sui iuris*, they had to fulfil the same financial duties that all citizens *sui iuris* (of certain means) had to perform as members of the *res publica*. They were subject to a different tax because, as will be explained in further detail below, they were not included in the *centuriae* and were thus unable to pay *tributum*. But they were registered in the census on a special list, mentioned by Livy and Plutarch, which was updated each census and which served as the basis for determining the amount that they should pay.⁹⁵ It should be highlighted that it was an ordinary tax, not a special one, which was levied for many years: the *aes equestre* was still being paid (and thus taxed) independently in the time of Cato the Elder and is still mentioned in Gaius' *Institutes*, which dates from the second century CE.⁹⁶

Regarding the taxation of Roman women, an excellent opportunity presented itself with the spread of marriage *sine manu* as of the second century, that is, when a woman married but without coming under the *potestas* of her husband. The implications of that type of marriage were fundamental for her economic and financial life. Once her father had died or had emancipated her, a Roman woman was *sui iuris*, which implied that, among other things, she had the legal right to own and sell houses, estates and *instrumenta*, including slaves, to engage in litigation, to marry and divorce at will and to

93 Cic. *Rep.* 2.36; Livy 1.43.9; Plut. *Cam.* 2; Gai. *Inst.* 4.27. On this tax, see Hill 1943 (who considers that the *aes equestre* and *aes hordearium* were two different payments, although without specifying why); Ogilvie 1970: 172. Hill 1943: 132 called attention to the incomplete and obscure accounts of the pay and allowances of the Roman cavalry, which also applies to the sources regarding the *aes equestre*.

94 Widows as “substitutes” of the *pater familias*: e.g. Chatelard 2016: 33-34.

95 Lists of *viduae* and orphans: Livy 3.3.9; *Per.* 59. Also Plut. *Publ.* 12.3.

96 Cato: Cato apud Prisc. 2,318 = Malcovati, *ORF* (2nd edition), Cato, no. 85-86 (*de aeribus equestribus*). An *equus* could lose the *aes hordearium* entitled to him if he neglected his horse (*impolitia*): Festus, *Ep.* P. 54 (s.v. *impolitia*). Gai. *Inst.* 4.27: if payment of the *aes hordearium* was withheld, an *equus* had the right to seize it (*pignoris capio*).

inherit property.⁹⁷ During the Republic, the institution of *tutela* over women *sui iuris* meant that they needed their tutor's acquiescence for certain kinds of economic and financial transactions, the main objective of the institution being to control the conveyance of property between *familiae*. The *tutela mulieris* was concerned with wills and the sale and purchase of *res Mancipi*, namely, rural and urban land in Italy (including the buildings on it), rustic servitudes, slaves and farm animals such as oxen, horses, mules and asses. *Res Mancipi* were transferred in a solemn and ancient ceremony by means of a *mancipatio* or *in iure cessio*.⁹⁸

The institution of *tutela* does not imply that during the Republic adult women needed the acquiescence of their tutor for all transactions and for the management of their properties.⁹⁹ All that was not *res Mancipi* could be conveyed by a woman *sui iuris* without the requirement of a tutor: she could manage, buy and sell land and buildings outside Italy; she could lend money; and she could buy gold, silver, jewels, clothes, furniture and all kinds of animals, except for those mentioned above.¹⁰⁰ Economic and financial developments during the Middle and Late Republic entailed that wealth was not only restricted to land, which enhanced the financial agency of women since they did not need a tutor for most business transactions. Furthermore, by the Late Republic, the praetor could grant ownership if the *res Mancipi* had been delivered by *traditio* (mere conveyance), which enabled women *sui iuris* to buy land and buildings in Italy and which in practical terms minimised the difference between *res Mancipi* and *res nec Mancipi*. Furthermore, with the consent of her current tutor, a woman could request another of her choice, allowing her to find someone more amenable to her own financial and economic decisions.¹⁰¹

97 Although a daughter could be emancipated, she remained under the guardianship of her father (Gardner 1986: 14-15; 1998: 85-93).

98 Gai. *Inst.* 1.120; 2.17.

99 On *tutela mulierum*, see Watson 1967; Zannini 1976, 1979; Medici 2013; Morrell 2020.

100 Gai. *Inst.* 2.20-21. Cash was *res nec Mancipi*. This is evidenced by the financial dealings, extensive landholdings and moneylending activities in Asia of Cicero's correspondent Caerellia, as stated in the only recommendation letter preserved in favour of a woman (Cic. *Fam.* 13.72; Austin 1946; Deniaux 1993: 473-474). Lapini 2016: 94 has stressed that there is no mention of a tutor overseeing Caerellia's financial dealings but, as her business interests were outside Italy, the law did not require her to have one.

101 Cic. *Mur.* 27. If a woman had no tutor, she could request that the praetor and a majority of the tribunes of the plebs appoint one for her (Gai. *Inst.* 1.185; this was so following the enactment of the *lex Atilia* in the third century).

There were other restrictions to a woman *sui iuris*' financial and economic agency, such as the *lex Voconia* (169), which established limits on the inheritance of large estates.¹⁰² Nonetheless, a Roman woman *sui iuris* of the late second and first century could (and did) indeed manage her own assets with few restrictions.¹⁰³ Furthermore, as I have argued elsewhere, if she was a property owner, she had to declare her wealth in the census, as all Roman citizens *sui iuris*.¹⁰⁴

Until 167, Roman citizens had paid *tributum*, a tax that was never specifically abolished but which the Senate chose not to levy every year.¹⁰⁵ Nevertheless, as it could still be imposed, despite the fact that this had not occurred for more than a century, it was always something to fall back on. So, when Cicero entertained the possibility of levying it on the citizenry in order to finance the looming war with Antony in 44, public opinion was incensed.¹⁰⁶

The question of whether Roman women *sui iuris* paid *tributum* until 167 depends on how widespread marriage *sine manu* had become and on the number of woman *sui iuris* at the beginning of the second century, both of which are still moot points in view of the evidence available. Had there been a sizable number of women managing their own property, they would have had to declare their wealth in the census, which formed the basis for taxation. However, there was a further problem: *tributum* was collected through the *centuriae* and from the third century onwards through the tribes, which only included male citizens.¹⁰⁷ This problem could be resolved in several ways. As already seen with the war contributions of widows and orphans, if required, the Roman state drew up lists of contributors who were not enrolled in the *centuriae* but who did declare their assets in the census and could thus be taxed. However, it is unlikely that this was the procedure in the case of *tributum*, for widows and orphans did not pay different taxes because of reasons of compassion or because they were held in special esteem but because

102 On this law, see McClintock 2017 with previous bibliography.

103 The case of Terentia, the wife of Cicero, is an example of a rich woman who managed her own assets; see Treggiari 2007: 34-35.

104 Rosillo-López forthcoming.

105 For the latest analysis, see France 2021: 212-217 with previous bibliography. However, Italian communities continued to make contributions (*stipendia*) to pay the wages of their own soldiers who fought for Rome (Nicolet 1978).

106 Cic. *Off.* 2.74; *Phil.* 2.93.

107 Rosenstein 2016 has modelled that procedure. With respect to the change from *centuriae* to tribes in the census registration, see Lo Cascio 2001: 585.

they were on different lists and not enrolled in the *centuriae* or tribes, which formed the basis for deciding on who was liable to *tributum*. In plain English, it was the very organisation of *tributum* that prevented women *sui iuris* from paying it.¹⁰⁸ Had it not been suspended and as the number of women *sui iuris* gradually increased, the *res publica* might (or might not) have pondered on including them. However, this never happened.

Besides *tributum* there were other taxes, especially those that had nothing to do with the *centuriae*. During the Republic, Roman citizens were expected to make other contributions, like, for instance, *vectigalia* or the leasing of properties belonging to the Roman state.¹⁰⁹ Customs duties in ports (*portoria*) and tolls in Italy were abolished in 60, but other *vectigalia* were collected during the Republic and beyond, such as *scriptural/pascua* (revenues deriving from letting out those portions of the *ager publicus*), the revenues from salt works, the rent of shops in the forum and so forth.¹¹⁰ Badian suggested that the increase in *vectigalia* may have been one of the factors that contributed to the permanent suspension of *tributum* after 167.¹¹¹ *Vicesima libertatis*, the only

108 Should payment of *tributum* be considered as a litmus test of citizenship in that only those who paid it, namely, because they had contributed to the expansion of the Republic, should be considered as citizens? Tan 2017: 121 has recently done just that when stating that “only citizens paid *tributum*, only adult males were citizens”. It should be recalled that serving soldiers were exempt from paying *tributum* and that its payment by *proletarii* is still a matter of debate (Northwood 2008: 267-268, with previous bibliography; Dion. Hal. *Ant. Rom.* 4.18.2 is clear on the lack of payment, but the ancient evidence is inconsistent). Nicolet 1976 for instance, held that *proletarii* were exempt from taxation and military service. But even if that was the case (still a contentious point), no one has ever held that *proletarii* were not full-fledged Roman citizens or that their citizenship was merely symbolic because they did not pay taxes or serve in the army. Making a *reductio ad absurdum*, should a rich woman who paid taxes and financed the maintenance of the public horses through the *aes hordearium* be considered more of a citizen than a male *proletarius* who did not pay taxes but voted, taking into account that neither of the two served in the army? Ancient categories of citizenship, taxation and census registration did not function along these lines, for which reason they have no historical, scholarly or methodological use. See introduction, table 1.1.

109 France 2021: 207 rightly points out that historians have usually described *vectigalia* as an indirect tax, but that is a modern perception, for in ancient Rome there was no distinction between direct and indirect taxation.

110 For a recent discussion on *vectigalia*, see France 2021: 207-210 with references to previous bibliography. The abolition of *portoria*: Dio Cass. 37. 51. 3-4; Cic. *Att.* 2. 16.1; *QFr.* 1. 1.33. *Portoria* were reinstated by the triumvirs: App. *B Civ.* 4.5.19; 5.67.282; Dio Cass. 47.14-17. France 2021: 339. On triumviral taxation, see Scuderi 1979.

111 For a review of the extent of *vectigalia* during the second century, see Badian 1972: 62-63; France 2021: 211-232. Taylor 2020 for a comparison between the tax revenues of

vectigal left in Italy after the abolition of *portoria*, was a tax established by Cn. Manlius Capitolinus in 351, which required the payment of 1/20 (i.e. 5 per cent) of the price of manumitted slaves.¹¹² The proceeds were deposited in the form of gold ingots in a special fund in the *aerarium sanctius* which was reserved for extraordinary occasions and needs.¹¹³ The *vicesima libertatis* was leased and collected in Rome, Italy (organised in regions: e.g. *regio Transpadana*) and the provinces. The tax could be paid either by the owner or by the slave who was to be freed; there was no fixed rule.¹¹⁴ For instance, slaves could be manumitted in the wills of their owners, in which case there was usually an additional clause requesting the heirs to pay the *vicesima libertatis*. There are no extant references to the payment of this tax by women – nor by men – during the Republic. Nonetheless, as women *sui iuris* could own slaves, in all likelihood they also paid the tax when they were manumitted. Finally, Rome also imposed a special tax on those citizens who had reached adulthood and were still single: traditionally attributed to the censors of 403, the *aes uxorium* was paid by both men and women.¹¹⁵

Thus, as of 167, *tributum* ceased to be levied on Roman citizens of either sex living in Italy, although both were still obliged to pay *vectigalia*, a situation that changed in the last years of the Republic. In 43/42, for example, the triumvirs were in desperate need of cash to conduct the war, for which reason they established a predatory and comprehensive tax system that, as will be seen, specifically included citizen women.¹¹⁶ As mentioned beforehand, in 44 Cicero was already envisaging the re-introduction of *tributum*. At the beginning of 43, during the War of Mutina and the military actions against Antony, the Senate imposed a 4 per cent wealth tax on all citizens and an

Rome and its rivals (the Ptolemaic and Seleucid kingdoms, Antigonid Macedonia and Carthage) in the third and second centuries.

112 Livy 7.16. The *vicesimarum* estimated the price of the slave (Petron. *Sat.* 65). *Vicesima libertatis* as the only *vectigal*: Cic. *Att.* 2.16.1.

113 Livy 27.10; Cic. *Att.* 7.21.2. For instance, when 12 out of 30 colonies refused to make war contributions in 209 (Livy 27.10). It was also seized by Caesar in 49 after entering Rome during the civil war (Plut. *Caes.* 35).

114 Regarding the epigraphic sources, see Cagnat 1882: 159-167.

115 Val. Max. 2.9.1; Festus 519L. Doubt has been cast on the historicity of the *aes uxorium*. For some scholars, it was a fine rather than a tax (e.g. de Martino 2013: 35), but this difference is basically the result of attempting to describe ancient concepts employing modern terminology. For Mommsen 1888: II, 395, it was neither a tax nor a *multa*.

116 On triumviral taxation: Nicolet 1976: 89- 98; Scuderi 1979; Laffi 2001; Woytek 2016; Günther 2015; García Morcillo 2020; France 2021: 337-351.

additional tax on senators, based on the number of roof tiles of their houses.¹¹⁷ It is striking that following 167 the sources do not have much to say about taxation in Rome or Italy, with only a brief reference to the abolition of *portoria*. Nevertheless, it was precisely when taxation became one of the main issues on the political agenda that citizen women were mentioned.

As to the outcome of Hortensia's speech, the triumvirs did not abolish the tax but only levied it on the 400 richest women. Nevertheless, other less well-off women also paid taxes that year, for among the measures adopted, according to Cassius Dio, the triumvirs imposed several wealth taxes across the board, including senators, knights, freedmen and women, which caused much annoyance and displeasure. Insofar as the historian specifies that these measures were applied to "men and women alike" (καὶ ἀνδρῶν ὁμοίως καὶ γυναικῶν),¹¹⁸ this begs the question of whether he is referring to this specific case or to an additional tax. Appian's and Cassius Dio's description of the financial measures implemented by the triumvirs are intermeshed with an account of abuses and the citizenry's indignant reaction.¹¹⁹ France has called attention to the fact that the triumvirs were not only targeting the richest people but also the lower echelons of society. To my mind, women were expected to pay all the taxes, not only the one targeting the wealthiest women.¹²⁰

The triumvirs introduced a wide variety of taxes on all kinds of property and wealth.¹²¹ At the end of 43, all the inhabitants of Italy had to pay a tax (τέλος) equivalent to one year's rent for tenants and to half of this amount for owners, while there was an additional tax amounting to half of the income of rural properties.¹²² In 42, in the midst of the conflict with Sextus Pompeius, a new tax of one tenth of the value of all properties was levied. At the same time, the triumvirs imposed a tax of 25 denarii per slave on every owner.¹²³

117 Dio Cass. 46.31-32: ἐπειδὴ τε πολλῶν χρημάτων ἐς τὸν πόλεμον ἐδέοντο, πάντες μὲν τὸ πέμπτον καὶ εἰκοστὸν τῆς ὑπαρχούσης σφίσις οὐσίας ἐπέδωκαν. Cic. *Ad Caes. Iun. Frig.* 4.5. Scuderi 1979: 348-350.

118 Dio Cass. 47.16.3-5.

119 On the perception of injustice in Cassius Dio's account, see Nicolet 1976b: 90-91, who contended that women were targeted specifically because many of them had become heiresses during the civil wars. In my opinion, however, women had been taxed and had been major landholders before those wars.

120 France 2021: 340.

121 A list of all the triumviral taxes in Scuderi 1979: 367-368.

122 Dio Cass. 47.14.2-4.

123 App. *B Civ.* 5.67. Dio Cass. 48.31; this tax was halved in 40 during the food shortages resulting from Sextus Pompeius' blockade.

Although other taxes were also reintroduced, scholars have speculated on whether these were *portoria*, sales and rent taxes or even a short-lived *vicesima hereditatium*, the future Imperial inheritance tax.¹²⁴

As to whether all the previous measures included citizen women among those taxed, the 4 per cent wealth tax imposed by the Senate was, according to Cassius Dio, to be paid by “everyone” (πάντες), which was clearly secondary to the following tax exclusively paid by senators. The additional assessment of 42 was performed because the existing valuations were very much out of date; women had already had to assess and declare the just value of their own property when specific taxes were imposed on them.¹²⁵ With respect to the question of whether they were also included in the tax of one tenth of the value of all properties, this was more than likely the case. Many of the triumviral taxes were what we would call “indirect taxes”, such as those on leases and rents, plus customs duties, that is, *vectigalia*, which at the time was the most effective way of taxing as many people as possible. In that eventuality, as had occurred before the triumviral period, it is very unlikely that citizen women would have been excluded. The same applies to the tax on every slave because, if it had not been levied on women, it would have created a serious legal loophole that would have made it possible to declare that slaves were owned by a woman *sui iuris* of the family so as to avoid taxation.¹²⁶ The evidence regarding female taxation in the 40s points to the inclusion of Roman women among the taxpayers, as supported by the following indications: the language used by the historians; the kind of taxes levied; the extractive and predatory nature of triumviral taxation; the serious legal loophole that would have been created if women had been excluded; the fact that taxation was preceded by an assessment or by taxation on certain goods (and not on *centuriae*); and the fact that women citizens had been previously taxed.

124 On the *portoria*: App. *B Civ.* 4.5.19; 5.67.282; Dio Cass. 47.14-17. On the *vicesima hereditatium*, see the discussion with previous bibliography in García Morcillo 2020; see also Günther 2008: 23-94.

125 France 2021: 339 proposes that citizens were requested to assess and declare the just value of their own property because no census had been conducted since 70 and that this was a problematic procedure. See Rosillo-López forthcoming b for an argument against this hypothesis. It should be recalled, however, that during the census citizens assessed and declared the just value of their property exactly in the same way as the valuations described by Appian were performed in 43/42, including taking an oath on the accuracy of their declaration (App. *B Civ.* 4.33); the triumvirs did not update the procedure.

126 Slaves were declared in the census: e.g. Cic. *Flac.* 80.

d) Female taxpayers beyond the dominions of Rome

It is enlightening to compare the tax policy on Roman citizen women with other contemporary polities: classical Athens, the Ptolemaic Kingdom of Egypt and China under the Han Dynasty.

There are no references to direct or indirect taxes paid by Athenian citizen women in the ancient sources. Athens imposed a tax on metics, that is, foreigners residing in the city; as a matter of fact, in Antiquity metics were defined as those who had to register in the city and pay the *metoikion*. Failure to register and to pay that tax was prosecuted (*graphê aprostasiou*) and the guilty party could even be sold into slavery. The *metoikion* was levied on both men and women, the latter paying six drachmas and the former, double that amount. Only a metic woman falling into the tax category of “her own master” (*autê autês kuriâ*) was expected to pay it. In this connection, Kennedy has highlighted that those unmarried or widowed women without a male relative who could represent them were considered to be numerous enough to form a category of their own and also capable of earning sufficient income.¹²⁷ Late (and dubious) sources also mention a tax on both male and female prostitutes (*pornikon*).¹²⁸ Regarding Athenian women, the situation is more complex because there are no instances of female taxation. But that does not mean that only adult males were property owners since, as Foxhall suggested, property was not an individual but a household matter, even though adult males were engaged in the public sphere from which women were excluded.¹²⁹

Outside Athens, Polybius reports that, on the eve of the fall of Corinth to Rome in 146, Diaeus of Megalopolis, the last strategos of the Achaian League, imposed war contributions on the male and female inhabitants of all the cities belonging to the league.¹³⁰ Polybius’ description attempts to convey the desperate situation and confusion, with the cities receiving orders from the

127 Kennedy 2014: 1-3. Fawcett 2016. Fuks 1970: 83, n. 35 claimed that the *eisphora* was also paid by female property owners (but without references).

128 Aeschin. 1.119.

129 Foxhall 1989 (p. 37: “power of disposal need not to be identical with ownership”).

130 Polyb. 38.15.6: θεωρῶν δὲ τὴν ἀπορίαν τὴν ἐν τοῖς κοινοῖς ἰσχυρὰν οὖσαν διὰ τὸν πρὸς Λακεδαιμονίους γεγονότα πόλεμον, ἐπαγγελίας ποιείσθαι συνηνάγκαζε καὶ κατ’ ἴδιαν εἰσφέρειν τοὺς εὐπόρους, οὐ μόνον τοὺς ἄνδρας ἀλλὰ καὶ τὰς γυναῖκας. On these measures, see Walbank 1979 (vol. 3): 711, for whom they were different from the individual contributions of men and women of means. For the context, see Fuks 1970.

league to free their slaves in order to arm them. On the other hand, as the historian utterly despised Diaeus, he describes his orders as despicable and outrageous.¹³¹ The taxation of women, apparently not a common occurrence in the Greek continental world, was another item on the list of unspeakable measures.¹³²

In the early Ptolemaic period in Egypt, a house-to-house census was conducted in order to calculate the salt tax (*ἀλική*) imposed on both men and women, which was supposed to have disappeared in the early second century, when it was incorporated into the *syntaxis*.¹³³ Salt tax rates, which varied throughout the third century, were different for men and women, with the latter paying approximately 50 per cent less.¹³⁴ The situation might have changed with the introduction of the *syntaxis* as a poll tax.¹³⁵ Two papyri, probably dating to 61, record the *laographia* or census conducted in order to assess the *syntaxis*, a long list (*P.Teb.* 1.189) containing 272 names, all male.¹³⁶ Some taxes of the Ptolemaic period were levied exclusively on women: at Elephantine, for instance, the salt tax was equated to the shawl or veil tax (*in-šn*), amounting to 2.75 obols and paid only by women.¹³⁷

131 Regarding Polybius' animosity towards Diaeus, who he blamed for fighting a war against Rome, see Polyb. 38.15.6. Baronowski 2011: 120-124 on that hostility. Fuks 1970: 82, n. 27 added that Polybius made Diaeus responsible for the financial measures, but the Troizen inscription (*IG IV.757*) attests to the fact that there was a resolution of the league in that sense.

132 Fuks 1970: 83 highlighted the current lack of knowledge of how the Achaian tax system worked.

133 On the salt tax, see Clarysse and Thompson 2006: 36-89.

134 Annual salt tax rates and variations by sex in Clarysse and Thompson 2006: 45. Both male and female slaves also had to pay the salt tax, gender and not status establishing the rates (Clarysse and Thompson 2006: 46). When salt tax exemptions were granted, they included all the members of the family (Clarysse and Thompson 2006: 52-59).

135 The date when the *syntaxis* was introduced is still a matter of debate. Wallace 1938: 430 suggested that it had been introduced by the Ptolemies ca. 220-219, linked to a 14-year census period. However, no receipts of this tax have been found before Augustus, which has led many scholars to contend that it was introduced by the Romans (Tcherikover 1950; Evans 1957). Wallace argued that receipts were not issued, thus reducing the cost of collecting the tax. Monson 2014 has tried lately to revise and provide further grounds for Wallace's hypothesis of continuity. On the disappearance of receipts in 219, see Clarysse and Thompson 2006: 51-52. For the transition from the political and tax system of the Ptolemies to that of the Romans, see Rathbone 1993; Monson 2012.

136 Monson 2014: 131-132.

137 Clarysse and Thompson 2006: 50.

In Han China, both men and women aged between 15 and 56 paid a poll tax (*suan-fu* or *k'ou-suan*) whose proceeds was spent on weapons, carriages and horses. The tax, which probably originated before that dynasty, was perhaps akin to the *fu* or tax imposed in 348 also to fill the war chest.¹³⁸ The rate was fixed in 203, the fourth year of the founding of the dynasty, at 1 *suan* (120 *ch'ien*) per person and remained fairly stable, albeit with variations; it is remarkable that the same amount was paid by all taxpayers, regardless of their sex.¹³⁹ The state also envisaged tax immunity, such as the three-year exemption from the poll tax granted to women on the birth of a child. Women could also be subject to special taxes; in 189, all unmarried women aged between 15 and 30 were obliged to pay up to 5 *suan*, almost six times the usual rate.¹⁴⁰

The evidence suggests that Rome followed a well-attested trend in the ancient world: women were taxed when the state considered them to be economically autonomous individuals who could own property. Occasionally, they paid different taxes or at varying rates, but their assets did not escape the control of the state and, one way or another, were listed, registered and incorporated into the tax base. This was not only a trend in the ancient world, as evidenced by the anthropological study performed by Jungerberg on the matter of female taxation in preindustrial and non-capitalist chiefdoms and states the world over. He concluded that women's tax contributions were substantial in many cases, although, due to the paucity of information and studies, many crucial questions on this topic still remained unanswered.¹⁴¹

4. Female taxation during the Principate

During the Empire, capitation taxes varied from province to province, as had also been the case in the Republic.¹⁴² Rathbone has called attention to the differences between provinces, suspecting that "possibly there was a tendency

138 Kato 1926 wrote the most complete study on the poll tax in Han China. See also Nishijima 1986: 591-607; Hinsch 2011: 64.

139 On the variations, see Kato 1926: 52-55.

140 Kato 1926.

141 Jungerberg 1990.

142 There could also be regional differences within a province: for instance, men became exempt from the poll tax in Lower Egypt when they turned 62, but the situation in Upper Egypt might have been different (Wallace 1938: 106-109).

towards standardization”.¹⁴³ Be that as it may, there is no evidence of such standardisation in the Roman dominions as regards female taxpayers. As with the Republican period, there is precious little information on certain provinces. Nonetheless, Ulpian paints a clear picture of the situation in Syria:

In making the assessment the ages of persons must be given, because in certain localities age prevents it; as, for instance, in Syria, males over 14, and females over 12 are liable to personal taxation until they are 65 years old. Age also must be taken into consideration at the time that the tax is imposed.¹⁴⁴

This passage from Ulpian is one of the rare occasions when the ages at which men and women became liable to personal taxation are mentioned in a papyrus document. Syrian women had to pay, whereas in Egypt personal taxation was only imposed on men aged between 14 and 62.¹⁴⁵ Hobson suggested that as women in Egypt were not liable to the poll tax or to the same liturgies as men, they could inherit property with fewer potential liabilities.¹⁴⁶ In any case, she ruled out the possibility that men put their assets in their wives’ names so as to minimise the size of their estates and thus their tax base, in view of the fact that the evidence available does not support such a claim.¹⁴⁷

As was the case during the Republic, the spotlight should not be exclusively placed on the poll tax, for even though they were not liable to capitation taxes, women living in Roman Egypt were subject to a series of additional contributions, occasionally at even higher rates than men. Furthermore, there was a capitation tax for a certain category of women; according to the *Gnomon of the Idiologus*, an unmarried Roman woman or freedwoman with an estate of 20,000 sesterces or more was required to pay an annual wealth tax of 1 per cent until she married.¹⁴⁸

143 Rathbone 1993: 97.

144 (Ulp. 2 *de cens.*) *Dig.* 50.15.3: *Aetatem in censendo significare necesse est, quia quibusdam aetas tribuit, ne tributo onerentur: veluti in Syriis a quattuordecim annis masculi, a duodecim feminae usque ad sexagensimum quintum annum tributo capitis obligantur. Aetas autem spectatur censendi tempore.*

145 On the poll tax in Roman Egypt, see Rathbone 1993: 91-92. See above (footnote 135) for a debate on whether it was a continuation of previous second-century Ptolemaic practices or a Roman innovation.

146 Hobson 1983.

147 Hobson 1983.

148 *BGU.* V.29.

In Egypt, women paid taxes on the trades in which they were engaged (e.g. weavers) and on the sale of salt.¹⁴⁹ A receipt dated CE 31 shows that a woman had paid the licence tax for a piglet.¹⁵⁰ Another tax collection receipt discovered in the Arsinoite nome relating to the transfer, cession or inheritance of catoecic land has revealed that women who gained possession of such land paid twice and even thrice the going rate for men. Men paid 4 drachmae for each *arura* (grain-field) and 8 for each orchard, whereas women paid 8 and 16 drachmae, respectively, for the same categories of land. If a girl inherited catoecic land on which fruit trees were grown, she paid 6 drachmae, while a male child would only pay 2 drachmae.¹⁵¹ Other taxes on property, such as *Διδραχμία* were also paid by women.¹⁵² Women were compelled to make further contributions, as evidenced by papyri containing the petition of a woman to be released from the obligation to cultivate public domain land because the exceptional taxes (*ἐπικλασμοί*) had become an impossible burden.¹⁵³

Fees are another tax category in which women were charged higher rates. This tendency is not exclusive to the ancient world, for contemporary studies in low-income countries have highlighted that, while formal taxation affects a very small proportion of the female population, whose members are more often than not less engaged in formal employment and possess fewer assets and property, informal taxation (i.e. fees) has a disproportionate impact on women and is one of the main sources for financing public services.¹⁵⁴ In Roman Egypt, a pass (*πρόσταγμα* or *ἀπόστολος*) was required for emigration, in addition to documents (*γράμματα*). For the written permit allowing them to travel down the road from Coptos to the Red Sea, men had to pay a toll of 1 drachma and women, one of 4 drachmae. Other tolls reproduce that tendency, namely, 5-10 drachmae for men, 20 drachmae for women and even 108 drachmae for prostitutes.¹⁵⁵ Administrative fees were

149 *PSI* IX.1055 for a female weaver paying the tax and *WO* II.16 for a woman paying a tax on linen-weaving (Wallace 1938: 192-193). Tax on the sale of salt: Wallace 1938: 224.

150 Wallace 1938: 93-94 (*WO*. II.1031).

151 Wallace 1938: 232-233; *P. Iand.* 137.

152 Wallace 1938: 67-68 (*PO*. XII.1442, dated CE 252, and *P. Lond.* III.1217A, dated CE 246).

153 Wallace 1938: 70-71 (*PO*. VI.899).

154 van den Boogaard 2018, with previous literature.

155 Wallace 1938: 273-275. The fees were used in part for maintaining the roads, stations and guards accompanying caravans.

also higher for women: for example, a woman paid double (4 drachmae) the amount of a man for registering catoecic land or for copies of documents housed in the central record office in Alexandria (again 4 drachmae for women and 2 for men).¹⁵⁶ Women also paid a fee when applying for a legal guardian.¹⁵⁷ When accepting an inheritance in CE 226, three women, Aurelia Sarapias (Heracleia), Aurelia Tsenturbon and Aurelia Tsenosiris, declared that they were exempt from paying the *vicesima hereditarium*, which goes a long way to substantiating that it was also paid by women.¹⁵⁸ In a tax roll from Karanis for the years CE 171-174, almost two fifths of those paying taxes on privately-owned land are women.¹⁵⁹

Outside Egypt, the evidence is thinner on the ground. Emperor Gaius established a tax on the earnings of prostitutes, initially collected by *publicani* and subsequently by the Praetorian Guard, which disproportionately targeted women.¹⁶⁰

Even though the *res publica* mostly continued with the prior practices of conquered territories, the Romans could also innovate, disregarding previous customs, if they were so inclined. In 70 CE, after Titus had besieged and destroyed the city of Jerusalem, burning down the Holy Temple of the Jews, the rabbis concluded that, as there was now no temple, the payment of the temple tax should be suspended. However, the emperor Vespasian established an annual tax of 2 denarii to be paid by every Jew, male or female who had been aged one or older at the time of the siege of Jerusalem.¹⁶¹ This Ἰουδαϊκὸν τέλεσμα represented a break with previous practices and Jewish tradition, which considered that paying the temple tax was only an obligation for male Jews.¹⁶² For the Roman authorities, all the Jews, regardless of their sex or age, formed part of the community and, accordingly, were liable to that tax.

156 Wallace 1938: 234-235.

157 Wallace 1938: 235. On guardians in Ptolemaic and Roman Egypt, see Vandorpe and Waebens 2010.

158 POxy. XLIII.3103.

159 Hobson 1983; see also Montevicchi 1941.

160 Suet. *Calig.* 40. See McGinn 1989 for a study on the taxation of Roman prostitutes; Bagnall 1991 for the prostitute tax in Egypt; see also McGinn 1998: 248-287; Flemming 1999: 54-56.

161 For an analysis of the literary (Joseph. *BJ* 7. 218; Dio Cass. 65.7.2) and epigraphic sources regarding this tax, see Heemstra 2010: 9-23.

162 On this tax, see Heemstra 2010; Trotter 2019: Chapter 1. Girardin 2023 on Jewish taxation.

5. Conclusions

Hortensia was a skilled orator who was trying to argue her case to the best of her abilities. When she described the circumstances of female taxation during the Roman Republic, she was not making an objective statement or offering an unbiased overview. Despite the invisibility of women in the sources, the epigraphic evidence from the mid-second century onwards indicates that women were indeed taxpayers in Roman dominions. Taking into account the very complex and varied taxation systems in the provinces, this sweeping statement should be qualified. On the basis of the epigraphic legal sources, I have argued that non-Roman women paid taxes in the provinces, at least in those in the East, following previous Hellenistic practices, as well as in Africa, although there is no information in this regard for the Western provinces. All provincial Roman citizens, including women, paid taxes as is clearly evidenced by grants of tax exemptions. In Italy and Rome, Roman citizen women *sui iuris* also paid taxes, especially *vectigalia*. *Tributum*, suspended as of 167, was a type of tax levied on the *centuriae*, which only included male adults. Yet that does not mean that citizen women did not pay any tax, for they were included on other lists and subject to other tributes. In fact, from 167 onwards, Roman men and women *sui iuris* paid exactly the same taxes. This situation changed as of 44-43, when the demands of war and the need for money first prompted the Senate and then the triumvirs to create a comprehensive and predatory tax system, which included all kinds of taxpayers. Women were targeted together with other citizens but also specifically as a group. Of course, this was especially true for women of certain means, whereas the situation of less affluent Roman citizen women, in addition to the *proletarii*, regarding taxation is uncertain.

The consideration that citizen women were taxpayers not only in Rome is relevant for several reasons. First of all, paying taxes has long been considered a hallmark of citizenship, which further builds the case for the consideration of women as important citizens and for their presence in the public sphere. Secondly, it contextualises the war contributions of widows, divorcees and orphans, not making them exceptional or anecdotal, but a part of the regular tax system. As with their Roman adult male counterparts, women financed the military expansion of the Roman Republic (together with non-citizen men and women living in the provinces). Thirdly, it further illustrates the capacity of a woman *sui iuris* to own property and act economically and legally, reinforcing her agency. Finally, female taxation existed in other contemporary societies, like Ptolemaic Egypt and Han China, where women

were treated as independent economic and financial agents. My study has highlighted both the gender differences in taxation and the fact that a sizable proportion of the population paid their taxes because the *res publica* considered that, as part of the citizenry, Roman women should contribute to it.

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MUJERES Y PRÁCTICA DIPLOMÁTICA EN ROMA: CONTEXTOS Y OPORTUNIDADES¹

Elena Torregaray Pagola

Suele considerarse que la restricción de la intervención de las mujeres en la política romana parte de la idea de que, al no poder participar en los oficios militares, no hay una aportación lo suficientemente relevante a la defensa de la comunidad para considerar necesario e imprescindible su acceso a las magistraturas políticas. Sin embargo, la implicación de las mujeres en la práctica diplomática romana, una actividad para la que no se necesitaba el ejercicio de cargo alguno, sino el despliegue de una gran capacidad de persuasión y de representación efectiva, demostró, ya desde los *exempla* transmitidos desde los períodos históricos más tempranos en relación con la fundación y la perpetuación de la Ciudad, que su presencia y su agencia habían resultado indispensables para la defensa y la supervivencia de Roma. Al margen de la no participación efectiva en las tareas militares, la intervención femenina en el ejercicio de la diplomacia romana constituye, por lo tanto, un elemento más que ayuda a poner en valor la contribución de las féminas a la supervivencia de la comunidad y, por lo tanto, su capacidad, ganada en ese ámbito, de acceder a posiciones políticas en los escenarios de la *res publica* que, en otras circunstancias, eran adquiridas por los hombres a través de su implicación directa en acciones militares. Desde este punto de vista, la equiparación de la utilidad de hombres y mujeres en la defensa y la salvación de Roma, en tareas militares y diplomáticas respectivamente, puede considerarse como una de las vías de legitimación que cada uno de estos dos colectivos necesitó para obtener derechos políticos y representarlos en el contexto social romano.

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Considerando, por lo tanto, que la práctica diplomática resultó un elemento importante en la conformación de la representación política de las mujeres en Roma, vamos a tratar de explicar en este estudio en qué consiste la agencia femenina en la diplomacia romana. Para entender cuál fue la aportación de las mujeres al establecimiento, desarrollo y puesta en escena de los instrumentos de la política exterior de Roma desde el momento de la fundación de la Ciudad hasta el período julio-claudio es necesario comprender, en primer lugar, la dinámica de los contextos generales de la práctica diplomática romana.² Además, a mi juicio, también hay que tener en cuenta la presencia de dos importantes condicionantes de dicha práctica para las féminas, y finalmente, resulta imprescindible intentar trasladar en qué manera todo lo anteriormente señalado supeditó las posibilidades reales de intervención en las actividades diplomáticas por parte de las mujeres de época romana. En este sentido, a lo largo de las siguientes páginas, voy a tratar de explicar de forma general cuáles fueron los contextos favorables para la presencia femenina en las relaciones internacionales de Roma, y, como consecuencia de ello, de qué oportunidades gozaron algunas mujeres para intervenir en el curso de determinados acontecimientos en diversos escenarios diplomáticos desde la época arcaica hasta el Principado.³

1. Contextos

Cuando se examina la diplomacia en época romana, ya sea durante cualquier período histórico, Monarquía, República, Principado o Antigüedad Tardía, es inevitable situarla dentro del ámbito de las relaciones internacionales de Roma.⁴ Todo lo referente a estas últimas no disponía de una delimitación precisa en el ordenamiento jurídico romano, a excepción de su instrumento más privilegiado como eran los tratados, que presentan una compleja evolución y catalogación sistemática a lo largo de las diferentes épocas históricas por las que atravesó el imperio romano.⁵ No hay grandes incertezas historiográficas al respecto, más allá de las habituales por la falta de fuentes según las diferentes etapas históricas, sobre el hecho de que el principal recurso para la organización de las relaciones internacionales de Roma es la firma y el

2 Lemosse 1967; Auliard 2006.

3 Rohr Vio 2022.

4 Burton 2003: 333-369.

5 Ziegler 1989: 45-62; Günther 2022: 297-312.

mantenimiento de tratados que garanticen la seguridad y la estabilidad de la *res publica* a lo largo del tiempo. Pero también es sabido que el establecimiento de dichos tratados, su conservación, e incluso su ruptura requiere de negociación e intercambio de información. Es para ello que existe la diplomacia como un campo dentro de las relaciones internacionales que favorece el desarrollo de estrategias por parte de los órganos de poder para ayudarlos a mantener la *res publica* segura, esto es, no en paz, sino a salvo.⁶ Para conseguirlo, deben construirse alianzas, realizar negociaciones y obtener información a través de diferentes interlocutores. Y todo ello requiere de la práctica diplomática⁷ que tiene que llevarse a cabo a través de agentes que pueden ser oficiales, como es el caso de los embajadores, o extraoficiales, que ponen de manifiesto una variada tipología de interlocutores.

Al igual que ocurría con todo lo referente al derecho internacional, que en época romana se reduce casi exclusivamente a la firma de los imprescindibles tratados, la regulación de la diplomacia tampoco fue desarrollada a través de ningún código conocido, porque, por lo menos en el caso romano, gozaba de un gran componente coyuntural, es decir, se utilizaba para resolver situaciones concretas y puntuales que se generaban en un momento determinado —de negociación o tensión bélica— y no se contemplaba como una actividad que debía integrarse orgánicamente en el *cursus* de magistraturas habitual del sistema político romano. Si acaso, la práctica diplomática formaría parte de las tareas de las magistraturas superiores que, de forma habitual, como costumbre, «externalizan» y delegan su realización, sobre todo, a partir del momento de la expansión transmarina de Roma —el siglo III a.C.—,⁸ en el que el alto número de delegaciones y la inevitable movilidad geográfica asociada a las mismas, implicarían una ocupación de los magistrados bastante difícil de acometer, ya que, al mismo tiempo, tenían que dedicarse a las obligaciones fundamentales de su cargo. Hay que tener en cuenta, además, que, en la mentalidad diplomática romana, el papel fundamental de los embajadores es el de agentes que obtienen información, pero que disponen de una capacidad de toma de decisiones bastante restringida, ya que sus posibilidades de

6 Martínez López 2021: 31-48.

7 Bonnefond-Coudry 1989: 280-333; Coudry 2004: 529-565; Torregaray 2006a: 223-258; 2006: 25-62; Zecchini 2006: 11-24; Ferrary 2007: 113-122; 2009: 127-143; García Ríaza 2015: 15-42.

8 Eckstein 1988: 414-444; Berrendonner 2009: 249-266; Corbier 2009: 221-231; Stouder 2009: 185-201.

negociación son limitadas y no en muchas ocasiones se les considera capaces de liderar una acción ejecutiva. Por todo ello, la caracterización diplomática romana, en general, aunque con matices a lo largo de su historia, no aparece complementemente definida en ningún lugar. De hecho, la mayor parte de las fuentes que conservamos para la reconstrucción de las actividades diplomáticas romanas no son ni *corpora* de fuentes, ni de leyes, ni de instrucciones,⁹ ni de cartas, sino compilaciones de relatos históricos; el caso más evidente para época republicana es el del historiador griego Polibio, en cuya obra, conservada parcialmente, se explica a través de ejemplos —*exempla*— cuáles fueron las líneas maestras de la práctica diplomática romana en la interacción con otros estados y comunidades alrededor del Mediterráneo.¹⁰ Y algo similar pasa con Tito Livio, el otro gran autor, latino esta vez, a través del cual conocemos el trasiego de embajadas y embajadores desde los orígenes de Roma hasta mediados del siglo II a.C.

Atendiendo a todo lo anteriormente expuesto, y de forma general, y para comprender mejor cuáles son los contextos en los que las mujeres pudieron participar en la práctica diplomática romana desde la fundación de la Ciudad y, fundamentalmente, durante el período republicano, que es el que aborda este estudio, hay que tener en cuenta cómo se produce dicha práctica en la cultura política romana. Es decir, voy a tratar de describir cuáles fueron esos contextos en los que las mujeres de Roma, de su aristocracia en particular, tendrán la oportunidad de insertarse en la práctica diplomática de época monárquica y republicana.

1.1. Las prácticas diplomáticas básicas

1.1.1. El envío de embajadas

Con respecto al protocolo propiamente dicho, en el caso de Roma, la organización de embajadas —*legationes*— seguía un procedimiento según el cual varios miembros del Senado, 3, 5 o 10, eran enviados a cumplir una tarea encargada por dicha institución, en su mayoría de carácter informativo, al objeto de ayudarlo a tomar decisiones sobre futuras alianzas, guerras, aunque en las fuentes literarias grecolatinas podemos apreciar que hay también delegaciones de tipo religioso, honorífico, administrativo, económico,

9 Stouder 2012: 11-29.

10 Zecchini 2006: 11-24.

etc. Los embajadores —*legati*— son elegidos por los cónsules o por el propio Senado con una misión concreta y reciben unas instrucciones denominadas *mandata*, que definen bastante bien la naturaleza de dicha misión, puesto que en realidad, aparentemente, se trata de la transmisión de instrucciones, recomendaciones, y órdenes concretas. Una vez que se realiza el encargo, que puede durar un día, varias semanas o meses si se trata de las comunidades, ciudades y reinos con los que Roma desea tener relación, establecer una alianza o, en última instancia, entrar en guerra, la embajada retorna a la ciudad, donde se informa al Senado de la situación en la que se encuentra la relación con Roma con una comunidad en un espacio geográfico determinado.

Dentro de este contexto básico, que es sobradamente conocido en la historiografía moderna, hay una cuestión interesante si se observan los números referidos al envío de embajadas durante el período republicano y es que existe una diferencia sustancial en la cantidad si tenemos en cuenta cuántas se envían a Roma, que son la mayoría, y las que se organizan desde la Ciudad, por orden del Senado, a otros estados y comunidades a lo largo del Mediterráneo que son, en realidad, bastante menos. En cuanto a la recepción, la estadística es clara al respecto: Roma recibe una elevada cantidad de embajadas que alcanza su pico desde finales del siglo III a.C. y durante todo el siglo II a.C. para decaer notablemente en el I a.C. Sin embargo, por lo que se refiere a las *legationes* enviadas desde Roma, su número fue siempre muy escaso, desde mediados de la República hasta el final de la misma.¹¹ La razón de esto puede ser de naturaleza político-cultural, puesto que los romanos no estiman que la negociación sea prioritaria en las relaciones internacionales, sino que consideran necesario imponer una situación de dominación de forma verbal o factual, para luego proceder a establecer las condiciones más favorables para Roma. Desde ese punto de vista, la práctica diplomática no priorizaría la negociación, sino el establecimiento de la superioridad de Roma en cualquier circunstancia. Este tipo de actitud, en principio, apartaría a las mujeres de las actividades diplomáticas, puesto que no se presentan muchas oportunidades para que las féminas de Roma, alejadas por costumbre de la actividad política regulada, se conviertan en instrumentos para reafirmar la superioridad de la Ciudad y el imperio.

11 Stouder 2019: 11-23.

1.1.2. La recepción de embajadas

No solo el envío de embajadas forma parte del contexto diplomático, también hay que tener en cuenta la recepción de las mismas, que se produce, por un lado, en Roma, en el Senado y otros espacios consagrados en época republicana,¹² y en la residencia imperial a partir del Principado. Pero no son los únicos emplazamientos, sino que igualmente hay que recordar que, en la medida en que se producen situaciones diplomáticas en contextos militares, alejados de la Ciudad, se habilitan otros escenarios en los que también se produce la recepción de embajadas. Dichos escenarios suelen ser, o bien el campamento romano,¹³ o bien, los lugares en los que se ha decidido realizar un alto el fuego de las hostilidades, es decir, una tregua para proceder a una nueva negociación de las condiciones. Esos espacios suelen estar situados al aire libre, en fronteras geográficas como pueden ser los ríos,¹⁴ o en las orillas de las playas; y también en los claros de los bosques. Es precisamente en el momento de la recepción de embajadas, tanto en Roma como fuera de ella, en el que suele producirse una diplomacia paralela a las misiones oficiales. Esta forma de actuar es reconocida oficiosamente y, en el caso de Roma, que es de los mejor conocidos, suele llevarse a cabo en las residencias privadas, las *domus*, de los aristócratas más destacados de la Ciudad. Su objetivo es el de preparar a los senadores para las propuestas y las peticiones de las embajadas extranjeras, y ese es un contexto que nos interesa particularmente para la comprensión del papel de las mujeres como agentes diplomáticos, ya que reúne dos características esenciales para entender la intervención femenina en la práctica diplomática romana, por un lado, su lugar de actuación, ligado al ámbito doméstico; y, por otro, la legitimidad de la misma, justificada por los estrechos lazos de parentesco de las mujeres de la aristocracia con los hombres más influyentes de Roma.

Aunque es más frecuente en el momento de la recepción de embajadas, sabemos que, en ambos casos, tanto en el envío como en la acogida, existe un hábito que está reflejado en las fuentes literarias, que es la costumbre de la aproximación paralela, es decir, en general, antes de que se produzca el encuentro diplomático programado, se llevan a cabo toda una serie de presiones y acciones de influencia que se realizan en un espacio diferente del que se desarrolla la exposición pública de la práctica diplomática. Lo que caracteriza

12 Berenger 2010: 65-76.

13 Rosselló Calafell 2021: 317-318.

14 Montero Herrero 2013: 447-462.

a este tipo de negociación es que, tal y como acabamos de señalar, se desarrolla en un sitio cerrado y privado, al margen de los lugares públicos en los que tienen lugar habitualmente los intercambios diplomáticos.¹⁵ Además, se da por supuesto que el nivel comunicativo entre los interlocutores es diferente y que no requiere el grado de preparación necesario para los discursos ante las autoridades oficiales.¹⁶ En el caso de las mujeres puede entenderse que, debido a las restricciones de su presencia en los espacios políticos, hubieran de considerar desarrollar sus actividades en lugares alternativos en los que su presencia no resultaba discordante. Esos lugares son, casi siempre, de ámbito privado, y si son públicos, tienen lugar de forma mayoritaria en la esfera religiosa que es la que se consideraba aceptable para la ejecución de actividades públicas femeninas de forma habitual.

1.2. La existencia de condicionantes para la intervención femenina en la práctica diplomática

Los dos contextos antes citados son los que habitualmente acompañan el ejercicio de la diplomacia en Roma, y son en ellos en los que debe comprenderse la participación femenina, esto es, en el envío de embajadas, en la recepción de las mismas, y en las prácticas diplomáticas paralelas, no públicas, que podemos situar en el ámbito de lo que hoy en día se reconoce como la *soft diplomacy*.¹⁷ Puesto que, en realidad, como veremos a continuación, esta participación femenina se produce, según las fuentes disponibles, de forma más o menos continuada a lo largo del tiempo, y de modo más o menos público desde la fundación de la Ciudad, no deberíamos considerar esta intervención femenina como algo excepcional o una cuestión marginal en la práctica diplomática romana general, sino que formaría parte de las características de la misma y constituiría un elemento más que ayuda a comprender mejor la totalidad, el conjunto del ejercicio de la diplomacia en la *res publica*.

En cualquier caso, hay que entender que dicha aportación se produce bajo unos condicionantes específicos, que son los derivados del estatus de la mujer en época romana,¹⁸ y que resultan indispensables de recordar a la hora

15 Cornwell 2020: 81-94.

16 Moreau 1995: 58; Kruschwitz 2012: 197-229.

17 Nye 2013: 559-573; Orsini y Compagnon 2013: 105-140.

18 Dixon 1983: 91-112; Gourevitch y Raepsaet-Charlier 2001; Gerardi 2017: 144-161; Rodríguez López 2018; González Gutiérrez 2021; Richlin 2021: 213-230.

de profundizar en el análisis sobre la implicación femenina en la diplomacia romana.

El primero de estos condicionantes tiene un carácter positivo, resulta de la definición habitual de diplomacia que podemos encontrar en los diccionarios al uso y hace alusión a su sentido figurado, por lo que es de gran utilidad aplicada en el contexto romano. En concreto, se refiere a la habilidad, al tacto para saber resolver una cuestión, y no solo en relación a los asuntos internacionales, aunque la definición nace al calor de esta situación particular. Esta es una definición que se adapta mejor a las necesidades contemporáneas, pero, en la que no hay que olvidar ni perder de vista que, en época romana, la diplomacia es una actividad estrechamente ligada a la guerra. Esta cuestión condiciona desde el principio la forma de participación de las mujeres en la práctica diplomática romana, ya que su interacción en ella va a ser definida a partir de su capacidad para contribuir a resolver una cuestión específica, como será la de mantener a la ciudad a salvo —que, como hemos señalado más arriba es el objetivo principal de la diplomacia romana—, es decir, la posibilidad de realizar actividades de defensa de la ciudad.¹⁹

En esta línea, hay que remarcar otras dos cuestiones, la primera, la instrumentalización que suele realizarse de las mujeres para generar alianzas a través del matrimonio que contribuyan a la estabilidad de la Ciudad;²⁰ y, en segundo lugar, el hecho de que al ser convertidas en rehenes, prisioneras o cautivas de guerra —las no romanas— son capaces de generar un escenario particular ampliamente conocido en el mundo clásico, tanto en relatos históricos, como poéticos que les permite actuar como un «grupo de presión» ante los líderes militares del momento.

El segundo condicionante tiene que ver con este último, y es de carácter negativo en el sentido de que el hecho de que las mujeres no participen en la guerra de una forma activa de modo regular deriva en una interpretación restringida de su condición de ciudadanas, lo que no les permitiría el acceso a las magistraturas ordinarias del sistema político romano.²¹ La información más extendida con respecto a esta situación la conservamos gracias a varias citas del Digesto, la más conocida de ellas de época imperial en la que se explica un

19 Pyy 2020.

20 Treggiari 1991; Nikolaidis 1997: 27-88; Álvarez Pérez-Sostoa 2021: 85-105.

21 Peppe 1984; Pavón Torrejón 2018: 33-62; Demougin 2019: 307-308.

poco más extensamente que las mujeres están excluidas de los oficios públicos, a causa, se dice, de la tradición —*mores*—. ²²

Esas denominadas «costumbres» tienen como característica principal la idea de que las mujeres no están capacitadas para los oficios públicos porque no han sido educadas para tenerlos, y porque tampoco han alcanzado la experiencia necesaria para ejercerlos. Pero, teniendo en cuenta esta condición, hay que recordar la definición de diplomacia que acabamos de proporcionar en el punto anterior y es que se trata de una actividad cuyo objetivo fundamental es la obtención de información, la negociación, la creación de influencia, generalmente por encargo del Senado, pero, que no implica el ejercicio de un cargo oficial. De hecho, la existencia de los *mandata* —las órdenes del Senado— tiene la función expresa de limitar la acción de los embajadores enviados por los romanos. Y, en este punto, es necesario subrayar de nuevo que lo que se expresa en la ley romana con respecto a la participación política de las mujeres, es, efectivamente, la falta de hábito, de costumbre, pero no la imposibilidad de acometer dichas actividades.

A partir de ahí, lo que parecería irrealizable a efectos prácticos en la vida cotidiana de Roma a tenor de los juristas —la actividad de las mujeres en la política internacional—, toma cuerpo y carta de naturaleza, sin embargo, en el escenario del relato histórico y de la narración poética ofrecida por los autores grecorromanos. ²³ Es decir, que la particularidad de la práctica diplomática romana, su excepcionalidad y el hecho de que se trate de una tarea y no de un cargo, habrían permitido, a pesar de los juristas, y a los ojos de historiadores y poetas, contemplar la posibilidad de la existencia de una agencia femenina para su ejercicio, ya que no sería condición indispensable, aunque si recomendable, para intervenir en asuntos relacionados con el desarrollo de la

22 En las fuentes jurídicas consta la exclusión de derechos políticos: Dig. 50.17.2 pr. (*Ulp. 1 Sab.*); Dig. 1.5.9 (*Pap. 31 quaest.*), Dig. 3.1.1.5 (*Ulp. 6 ed.*), Dig. 5.1.12.2 (*Paul. 17 ed.*). Las fuentes literarias también certifican la peor condición de la mujer en el ámbito público. Algunos textos son bien elocuentes: Liv. 34.7.8: «En ellas no pueden recaer ni las magistraturas, ni los sacerdocios, ni los triunfos, ni las condecoraciones, recompensas o despojos de guerra» (trad. de J.A. Villar Vidal). Gell. *NA* 5.19.10: «...los comicios no tienen ninguna relación con las mujeres». Y por boca de una mujer, Hortensia, conocemos la situación general de todo el colectivo: «¿Por qué hemos de pagar tributos nosotras que no tenemos participación en magistraturas, honores, generalatos, ni, en absoluto, en el gobierno de la cosa pública, por las cuales razones os enzarzáis en luchas personales que abocan en calamidades tan grandes?» (*App. B Civ.* 4.33; trad. de A. Sancho Royo).

23 Mustakallio 2011; 2012: 165-174.

diplomacia romana desempeñar o haber desempeñado una magistratura pública. El único requisito que deberían cumplir los agentes encargados, porque también formaría parte de la costumbre, más que porque esté expresamente recogido en algún lugar, habría sido el de pertenecer mayoritariamente, aunque no exclusivamente, al ámbito senatorial, porque se consideraba que era el más adecuado para ejercer la representación de Roma y encarnar la *dignitas* del Senado y el pueblo romanos.

En consecuencia, a pesar de la expresión contraria recogida en las fuentes jurídicas latinas sobre la intervención de las mujeres en órganos políticos, entre los que podrían incluirse los relacionados con la política exterior, las narraciones históricas y las poéticas sobre algunos episodios de la historia de Roma pondrán a las mujeres en situaciones en las que ejercerán como agentes diplomáticos realizando tareas de negociación política con el objetivo de garantizar la seguridad de Roma frente a sus enemigos. De este modo, algunas féminas serán colocadas en posiciones en las que mostrarán una colaboración efectiva en la defensa de la Ciudad a través de la práctica diplomática, algo que, desde un punto de vista conceptual, podría considerarse como similar al objetivo que se atribuía a la contribución masculina al ejército —mantener Roma a salvo—, y que acreditaba como mérito indiscutible para la participación en la ciudadanía.

2. Oportunidades

Una vez que hemos tenido en cuenta los contextos arriba señalados, y que hemos descrito la puesta en escena habitual de la diplomacia, así como las limitaciones de la intervención de las mujeres en la vida pública y política, nos quedaría por señalar cuáles fueron las oportunidades a lo largo de la historia romana para que las féminas se incorporaran a la práctica diplomática y, en ese supuesto, de qué forma lo hicieron. Con este objetivo, vamos a seguir un esquema cronológico, en el que puedan apreciarse de forma clara los principales hitos de la evolución de la agencia femenina en ese ámbito desde el período arcaico hasta el comienzo de la época augustea.²⁴

Desde un punto de vista cronológico, el período mejor conocido para hablar de una práctica diplomática efectiva en Roma comienza a partir del

24 Hallet 1989: 59; Cortés Tovar 2005: 193-215.

siglo III a.C. Ello no quiere decir que antes no existieran dichas actividades, sino que teniendo en cuenta las fuentes literarias que conservamos se observa en las mismas un incremento exponencial de las noticias referidas a embajadas a partir de ese momento. Antes de lo que denominamos historiográficamente como la «República media» se conocen un cierto número de embajadas, pero el ejercicio de lo que consideramos como diplomacia aparece entreverado por la presencia del colegio sacerdotal de los feciales²⁵ y su intervención religiosa tanto en tratados como en declaraciones de guerra.

Paradójicamente, es durante ese período arcaico, si lo tomamos en sentido cronológico estricto, y relacionado con la época fundacional de la Ciudad,²⁶ cuando conocemos las embajadas femeninas más famosas de la historia de Roma, que son, en primer lugar, las de las Sabinas;²⁷ y, en segundo lugar, la de Veturia²⁸ y Volumnia ante Coriolano.²⁹ Además, pese a toda la ya mencionada disposición jurídica que establece la oposición a la participación de las mujeres en los cargos públicos relacionados con el poder y la administración en Roma, la intervención inicial de las mujeres en la práctica diplomática de la Ciudad no puede ser más sorprendente, puesto que comienzan por ocupar la posición de mayor representatividad y también la más alta, que es la de embajadoras. El problema es que las más extensas descripciones de todas estas actividades provienen de fuentes literarias grecolatinas correspondientes a la República tardía y el comienzo del Principado, en concreto, de las obras de Dionisio de Halicarnaso,³⁰ y Tito Livio.³¹ De este último, además, se sospecha que utilizó estas narraciones para reforzar y justificar la posición de las mujeres contemporáneas pertenecientes a la *domus* Augusta, entre fines del I a.C. y principios del I d.C.

El relato que conservamos del autor latino en torno a la creación de la comunidad romana en el siglo VIII a.C. tenía el claro objetivo de contribuir

25 Ferrary 1995: 411-432; Moskalew 1990: 105-110; Santangelo 2008: 63-93; Rich 2011: 187-242.

26 Buono-Core Varas 2013: 111-130.

27 Dion. Hal. *Ant. Rom.* 2.45; Liv. 1.13.1-4; Plut. *Rom.* 19.1-9.

28 Dion. Hal. *Ant. Rom.* 8.40.1; Liv. 2.40.1-3; Plut. *Cor.* 33.3-10.

29 Dubosson-Sbrigione 2021: 110-130; Bonjour 1975: 157-181; Mustakallio 2012: 165-174; Redondo Moyano 2016: 335-342. Las propias fuentes indican las similitudes entre los dos casos: Dion. Hal. *Ant. Rom.* 8.40.4; Plut. *Cor.* 33.5; Valette 2012: 1ss.

30 Usher 1982: 817-837; Sacks 1983: 65-87; Fox 1993: 31-47; Poucet 2004: 161-169; Rodríguez Horrillo 2015: 115-133; Sautel 2015: 51-67.

31 Liv. 1.8-13.

a la idea de que se había producido una coyuntura similar y una refundación de la Ciudad a finales del siglo I a.C., tras las guerras civiles, lo cual llegó a convertirse en un elemento recurrente en la historiografía y la literatura de la época. Asimismo, al igual que lo hacía la otra gran obra de este periodo, la *Eneida* de Virgilio en poesía, el *Ab urbe condita* de Tito Livio incluía un número no desdeñable de mujeres interviniendo en la historia de los orígenes de Roma.³² El poeta las introducía en un doble plano, el primero, de carácter bélico en el que aparecía el arquetipo de la guerrera —la amazona Camila—; y, el segundo, en un contexto diplomático, en el que la mujer asumía el rol pasivo de garante de los pactos de alianza establecidos entre diferentes comunidades —Lavinia, la hija del rey Latino—.³³ En este último caso, la protagonista se convertía en un símbolo de una paz duradera al facilitar la unión de ambas comunidades a través de la esperada progenie.

Por su parte, el *Ab urbe condita* liviano, en su descripción de la participación de las mujeres en la vida pública de Roma³⁴, incide más en la agencia de las mujeres, otorgándoles un papel activo y haciéndolas responsables de la mediación para la consecución de la reconciliación, de la *Concordia*, en la Ciudad.³⁵ Por lo tanto, la narración de Livio sobre la fundación de Roma evoca claramente un escenario en el que las acciones colectivas de las mujeres tienen el objetivo de crear una comunidad unida eligiendo actuaciones colaborativas frente a iniciativas de discordia. De este modo, el primer libro del *AUB* pone en escena un modelo de gestión de relaciones armónicas, cuya finalidad es la de conseguir una ciudad segura y a salvo.³⁶ Para conseguir dicha situación de tranquilidad social, era necesaria la existencia de mediadores, que, por lo que respecta a Tito Livio son esencialmente femeninos, esto es, mediadoras.³⁷ Este rol, sin embargo, presentaba algunas particularidades, ya que es necesario subrayar que, de forma habitual, y tal y como hemos señalado anteriormente, la descripción mayoritaria de la participación femenina en las

32 Moreno 1984: 395-404; Sullivan 1992: 64-73; Hallett 2002: 159-167; Keith 2004; Foley 2005: 105-118; Syed 2005; Cantó Llorca 2017: 777-784.

33 Cantó Llorca 2016: 35-54; Nugent 1992: 255-292; *Id.* 1999: 251-270.

34 Smethurst 1959: 80-87; Stevenson 2011, 175-189.

35 Miles 1995; Chaplin 2000; 2014: 102-113; Mineo 2014: 102-113, 139-152; Ruiz Vivas 2022: 681-684.

36 Hellegouarc'h 1972: 125-127; Richardson 1978: 260-272; Ferrary 1982: 723-804; Flory 1984: 309-330; Dixon 1991: 99-113; Brown 1995: 291-319; Akar 2013; 2015: 73-94.

37 Buono-Core 2013: 41.

relaciones internacionales a través de los relatos de los autores grecolatinos las convertía con mucha frecuencia en un objeto pasivo de la práctica diplomática. Gradualmente, este relato irá transformándose a partir del momento en el que las féminas consiguieron acreditar una función como garantes de la paz de forma proactiva y pasando directamente a la acción en favor de la armonía y la concordia en Roma. En realidad, el papel de las Sabinas, las primeras embajadoras desde el punto de vista de la cronología romana, resulta ejemplar en este proceso, ya que su posición en el relato de las fuentes literarias comienza siendo meramente pasiva, como parte del botín de una acción violenta, para terminar convirtiéndose en activa, ya que pasan de ser meros objetos a sujetos diplomáticos desde el instante en el que actúan como mediadoras de hecho en favor de sus familiares sabinos e itálicos y sus esposos romanos.³⁸

Además, el episodio de las Sabinas y las itálicas, legendario o no, nos sirve para ratificar que, una vez que se ha producido la agencia, la legitimidad de las mujeres para intervenir en la práctica diplomática, según las fuentes literarias, procede de su pertenencia, en primer lugar, por matrimonio, y después como descendientes, a familias de la aristocracia romana. Igualmente, la adscripción original de dichas mujeres a la élite sabina e itálica estaba fuera de toda duda por su propio origen, ya que al llegar a Roma en los días previos al rapto fueron alojadas en casas de familias romanas, que se presumen notables en el relato de Livio, en un claro ejercicio de hospitalidad.³⁹ Tras la abducción, estas mujeres fueron repartidas igualmente entre el propio rey Rómulo, y algunos de los hombres más destacados de Roma; por lo que desde entonces adquirieron un rango social que, posteriormente, para época republicana, se asociará de forma recurrente con el de las matronas, y, por ende, con el de los miembros de la aristocracia de la Ciudad. O, por lo menos, eso es lo que deja entrever el relato de Tito Livio.⁴⁰

La confirmación de esta particularidad la encontraremos años después en el célebre episodio concerniente a Veturia y Volumnia, puesto que su elección como embajadoras se justificará por el hecho de que son la madre y la esposa de Coriolano, respectivamente, y, por lo tanto, pertenecen a su familia. El reconocimiento de su labor de intermediación, es decir, su legitimidad para llevar a cabo una misión diplomática reside, nuevamente en el matrimonio y

38 Liv. 1.9.2-6.

39 *Ibid.*

40 *Ibid.*

la maternidad.⁴¹ Sin embargo, como en el anterior caso de las Sabinas, las fuentes literarias que narran el episodio de la suplicación femenina ante el general que asediaba Roma son tardías con respecto al momento histórico en el que se supone que sucedieron los acontecimientos, el siglo V a.C., y hay que suponer también la existencia de contaminación en el relato de los hechos del papel de las féminas cercanas al poder en época imperial. Dado que las narraciones sobre las mujeres de Coriolano, al igual que había sucedido con las Sabinas, se construyeron fundamentalmente en época tardorrepública y a comienzos del Principado, suele considerarse que el protagonismo de dichas mujeres en la acción política y diplomática que reflejan los relatos que conservamos pretendía ser el espejo de la nueva situación asumida por los miembros femeninos de la *domus Augusta*. Hay, sin lugar a dudas, una reinterpretación del pasado romano en beneficio de la necesidad de justificación del nuevo escenario de poder a comienzos del siglo I d.C., por lo que los actos diplomáticos atribuidos a la época de la fundación de Roma reflejaban, en gran parte, la época de la restauración augustea de la *res publica*. En cualquier caso, no deja de ser relevante el hecho de que Valerio Máximo⁴² convierta a Veturia y Volumnia en embajadoras debido a la falta de éxito de los anteriormente enviados, *legati* masculinos y sacerdotes. La agencia femenina, nuevamente, resultará esencial para restaurar la concordia y, fundamentalmente, para salvar la Ciudad del peligro de destrucción que la acecha. Las mujeres se convierten así tanto en mediadoras como en salvadoras y pueden llegar a equiparar su utilidad para el estado con la de los soldados que defienden Roma y contribuyen a su supervivencia: *Confessus plus salutis rei publicae in stola quam in armis fuisse*.⁴³ El reconocimiento de esa empresa es claro en la narración de Valerio Máximo, ya que implica directamente la consecución de una representación política a través de la práctica diplomática,⁴⁴ de la que, de otro modo, las mujeres estaban expresamente excluidas por el Derecho romano.

Con posterioridad al episodio de Coriolano, habrá que esperar hasta el siglo III a.C. para volver a encontrar la presencia femenina en la diplomacia romana en tanto que agente o mediadora. En términos administrativos y políticos, y por comparación con la época arcaica, la República media supuso un

41 Dubosson-Sbrigione 2021: 110-130.

42 Val. Max. 5.4.1; Liv. 2.40.

43 Val. Max. 5.2.1; Liv. 2.40.2: *quoniam armis uiri defendere urbem non possent, mulieres precibus lacrimisque defenderent*.

44 Liv. 2.40.1 manifiesta su ignorancia sobre si la representación es oficial.

período de reforzamiento de las instituciones republicanas. Es en este momento también cuando las prácticas diplomáticas romanas se sistematizan y se ordenan.⁴⁵ Por lo menos, así lo parece en las fuentes literarias que conservamos. Sin embargo, tradicionalmente, suele interpretarse que, en estos momentos de reforzamiento institucional, las mujeres tienden a perder status y presencia pública.⁴⁶ Por lo tanto, cabría preguntarse en este instante, después del claro empoderamiento atribuido a las mujeres en el ejercicio de la diplomacia durante el periodo monárquico romano, en la medida en que este pudo haber sido en parte un proceso histórico y no meramente un relato legendario idealizado, de qué forma se habría manifestado en la agencia femenina el proceso de re-institucionalización con respecto a la práctica diplomática romana en esta época republicana. En realidad, dado que carecemos de noticias precisas y contemporáneas sobre la intervención diplomática de las mujeres antes de la República media, no podemos establecer con claridad si lo sucedido a partir del siglo III a.C. constituyó una novedad o una evolución de una situación previa basada en la costumbre y la tradición. En cualquier caso, lo que sí podemos afirmar es que lo más probable es que la situación que se producirá en la República media sería el resultado de la práctica establecida durante las épocas anteriores y de su evolución posterior.

Según las narraciones que han llegado hasta nosotros sobre los sucesos históricos que se desarrollaron en torno a la expansión transmarina de Roma a partir de la guerra contra Pirro, la participación femenina en la agencia diplomática adquiere otra perspectiva desde este momento, ya que no conservamos registros de mujeres romanas formando parte de embajadas, aunque sí tenemos fuentes literarias sobre integrantes femeninas de la aristocracia romana que ejercen tareas de recepción de embajadores.⁴⁷ Por lo tanto, a partir de la República media, en las fuentes literarias, el relato de la participación de las mujeres en la práctica diplomática romana pasa a centrarse en las tareas de recibimiento de quienes llegan a Roma en misión y abandonan la función activa de embajadoras. El primer caso, que es el que marca un punto de inflexión en las modalidades de la intervención femenina en el marco de las negociaciones en las que Roma tiene protagonismo desde el siglo III a.C., gira

45 Stouder 2009: 185-201.

46 Foubert 2016: 129-150; Flower 2018: 252-264. Lewis Webb argumenta en un reciente artículo que las matronas también habrían utilizado sus funciones religiosas para reunirse, organizarse y ejercer su influencia en la vida política de la ciudad, Webb 2022: 151-188.

47 Nieto Orriols 2021: 1-25.

alrededor del episodio de los regalos que Cineas, el embajador de Pirro, ofrece a los «hombres y mujeres» de Roma.⁴⁸ Esta expresión —«hombres y mujeres»— aparece específicamente en la obra de Tito Livio, mientras que el resto de las fuentes literarias que narran el acontecimiento se centran de modo mayoritario en destacar el rechazo de las mujeres romanas a recibir en sus casas a los representantes de Pirro portando los preceptivos regalos que estaban ligados a la hospitalidad asociada al envío de embajadas. La justificación a este repudio de un protocolo habitual dentro de un acto diplomático típico como era el intercambio de regalos, estriba, según los autores clásicos, en que no resultaba apropiado para tiempos de guerra. Pero, en cualquier caso, el hecho en sí nos muestra el nuevo registro de la acción diplomática de las mujeres en la Roma republicana que se circunscribe mayoritariamente a tareas de acogida de embajadores en las *domus* de la aristocracia romana.

Uno de los ejemplos más conocidos a este respecto es el de Cornelia,⁴⁹ hija de Publio Cornelio Escipión el Africano, esposa de Tiberio Sempronio Graco, madre de los hermanos Gracos, y una de las matronas más renombradas de la República romana.⁵⁰ En primer lugar, hay que señalar que, a la hora de atribuir una agencia diplomática a Cornelia según las fuentes disponibles, es necesario subrayar que la madre de los Gracos aparece representada en los dos roles de los que ya hemos hablado con anterioridad, tanto el activo como el pasivo, que podían atribuirse a las mujeres en el ejercicio de la práctica diplomática. En cuanto a este último, no debemos olvidar la célebre oferta de matrimonio por parte de Ptolomeo VIII de Egipto, que reproduce la idea de una alianza matrimonial como instrumento diplomático entre romanos y no romanos, y que ya habíamos visto en los casos de Lavinia y de las Sabinas. Pero, en esta ocasión, Cornelia rechaza ese matrimonio, lo que supone también que tenía la posibilidad de hacerlo,⁵¹ a diferencia de lo que sucedió con sus predecesoras. Por lo tanto, su posición en la práctica diplomática ha evolucionado claramente desde la narración legendaria protagonizada por Hersilia,⁵² esposa de Rómulo, y las mujeres sabinas, que fueron obligadas a contraer matrimonio, aunque, como ya hemos señalado previamente, estas últimas también

48 Diod. Sic. 22.6.3; Liv. 34.4.6; *Per.* 13; Val. Max. 4.3.14; Plin. *HN* 7.88; Flor. 1.13.20; Plut. *Pyrrh.* 18.4-5; Dio Cass. 8.4.

49 Val. Max. 4.2.3; 4.4; 4.6.1; 6.7.1; Plut. *Ti. Gracch.* 1.4-7; 4; 8.7; 13; 19.

50 *CIL* 6, 31610. Plin. *HN* 34.31; Plut. *Ti. Gracch.* 4; *C. Gracch.* 19.2-3.

51 Liv. 45.13.7; Plut. *Ti. Gracch.* 1.5-7.

52 Landolfi 2008-2009: 157-166; Picklesimer-Pardo 2008: 349-365.

pasaron de sujeto a objeto diplomático a lo largo del relato histórico. Aún cabría la discusión sobre si la oferta matrimonial llegó a ser pública o privada, habida cuenta de que Cornelia, según Plutarco, recibía regalos diplomáticos incluso por parte de reyes en su residencia privada en Miseno.⁵³

En relación con el primer rol, el de agente activo, Cornelia ha sido comparada con Veturia, la ya citada madre de Coriolano, por J. Hallett⁵⁴ a partir de la interpretación del controvertido fragmento conservado en la obra de Cornelio Nepote⁵⁵ en referencia a la posible carta dirigida por ella a Cayo Graco en el 124 a.C. Dicha epístola habría tenido como objetivo recomendar a su hijo que abandonara la puesta en marcha de programas políticos potencialmente lesivos para Roma, que podrían incluso llegar a poner en peligro la supervivencia de Roma. Si aceptamos esta hipótesis habría que deducir que, de no haber hecho esta advertencia, Cornelia estaría traicionando el deber tradicional de las matronas de contribuir a mantener a salvo a la comunidad romana. Aunque en este caso no podemos hablar de práctica diplomática, sino de mediación, resulta evidente que Cornelia asume la función atribuida tradicionalmente a las matronas de trabajar de forma individual o colectiva por la concordia en Roma, y ello debía hacerse tanto en el ámbito de la política exterior como en el de la interior. Hemos de suponer que, en ambos casos, el mecanismo de persuasión sería parecido y que el instrumento utilizado, una carta, es una forma habitual de comunicación, tanto entre hombres y mujeres romanos, como entre sus homólogos extranjeros.

A pesar de todo lo que acabamos de señalar, y como ya hemos precisado que sucedía desde el siglo III a.C. en la agencia diplomática femenina en Roma, la hija del Africano asumió también el rol de receptora de *legati*, de extranjeros ilustres que llegaban a Italia, probablemente formando parte de todo tipo de embajadas, desde políticas hasta culturales, y que antes de llegar a la Ciudad, tras su desembarco en Italia, visitaban a una de las mujeres más influyentes de Roma en su villa de Campania. Además, como también hemos señalado, recibe regalos, que son, obviamente, regalos asociados al ritual de la hospitalidad, pero que también tenían un valor diplomático. Pero, Miseno es una población claramente alejada de Roma, en un contexto geográfico particular, ya que es el lugar al que también se exilió su padre, el primer Africano,

53 Plut. *C. Gracch.* 19.

54 Hallett 2004: 28-31.

55 Nep. *Frag.* 29. Méndez-González, 2020: 43-55.

tras su abrupta salida de Roma. Por ello, es probable que debamos considerar que esta noticia sitúa a Cornelia en un ámbito de prácticas diplomáticas privadas, en un entorno alejado de Roma, en el que solo podemos conjeturar cuál era el objeto de dichos encuentros.⁵⁶ Teniendo en cuenta la naturaleza de la práctica diplomática romana en esa época podemos suponer que el objetivo principal de estas visitas a Cornelia era el intercambio de información, sobre quienes podrían los senadores susceptibles de responder positivamente a las peticiones de una determinada *legatio* enviada desde los territorios helenísticos y, a su vez, cuáles podrían ser los interlocutores de los romanos en los lugares de los que procedían los viajeros.⁵⁷ El testimonio de Cornelia nos da la idea clara de que, al igual que habíamos visto en el caso de los embajadores de Pirro, con toda probabilidad, era habitual que las mujeres ejercieran como anfitrionas de los miembros de las embajadas extranjeras que acudían a Roma, e incluso fuera de ella, y que pudieran así obtener información con la que podían llegar a intervenir de alguna manera en el desarrollo de las relaciones internacionales romanas. De este modo, las féminas de la aristocracia romana contribuyeron a la red de información diplomática necesaria para que la política exterior romana funcionara exitosamente.

A todas estas acciones de recepción propiamente dicha que acabamos de describir, y que se desarrollan en un marco mayoritariamente político, se va a unir también a partir de la República media un nuevo contexto, que es el religioso y que, en principio, se consideraba como el más apropiado para las mujeres que desearan interactuar en el espacio público y político romano. Por eso, para esta época, entre los ejemplos de intervención femenina en la práctica diplomática romana en el ámbito de la recepción podríamos destacar el de la matrona Claudia Quinta,⁵⁸ quien participa junto con Publio Cornelio Escipión Nasica en la acogida a la diosa Cibeles en Roma en el 204 a.C., y lo hace, según las fuentes literarias, habiendo sido elegida entre el conjunto de las matronas de Roma, y tal y como se deduce por su nombre, formando parte de una de las principales familias aristocráticas romanas.⁵⁹ Tito Livio por su parte, ofrece una versión ligeramente diferente del episodio, ya que afirma que

56 Barnard 1990: 383-392; Dixon 2007; Petrocelli 1994: 21-70; Girotti 2016: 339-352; Gunther 1990: 124-128; Hallett 2002: 159-167; 2004: 26-39; Kajava 1989: 119-131; Casamayor 2016: 141-163; Mayer 2014: 657-674.

57 Baudry 2017: 107-120.

58 Burns 2017: 81-98.

59 Val. Max. 1.8.11; Tac. *Ann.* 4.64.5.

son varias las matronas seleccionadas para acompañar a Publio Cornelio Escipión Nasica a recibir a la nueva divinidad.⁶⁰ En cualquier caso, hay que recordar que, de nuevo, la representación de Roma que recae en las mujeres, tiene un «aspecto» oficial, en el sentido de que se describe un proceso de selección de la representante, se le encomienda una tarea y se espera que esta sea exitosa. Exactamente lo mismo que se requería a un hombre en la tesitura de representar a Roma ante una delegación extranjera, en esta circunstancia, adicionalmente, una divinidad. Además, el escenario en el que se sitúa a la matrona, acompañada de una figura masculina nos remite nuevamente a un acto de recepción que, como ya hemos señalado es la función principal que se asocia con las mujeres en la mediación o en la diplomacia a partir del siglo III a.C. Por lo tanto, podemos considerar que estamos de nuevo ante una escena de recibimiento, aunque en este caso sea de una diosa, para la que la casa de acogida es la propia ciudad de Roma y el templo que se le ha asignado. Hay que recordar igualmente que a todo esto se une el hecho de que la diplomacia religiosa fue especialmente activa en los primeros tiempos de la República, lo que también contribuyó a crear un escenario favorable a ese tipo de participación por parte de las mujeres.⁶¹

Después de la crisis gracana, y a lo largo del siglo I a.C., las noticias sobre el envío y la recepción de embajadas decrecen de forma notable en las fuentes literarias grecolatinas, probablemente porque la expansión militar se ralentiza al haber sido vencidos los grandes imperios orientales; también debido a que en el oeste se van produciendo otras dinámicas; y porque, finalmente, los conflictos civiles tardorrepblicanos ocupan gran parte de los relatos históricos, y no se presta tanta atención ni al envío ni a la recepción de *legationes* extranjeras. Esto no quiere decir que no las hubiera, pero como ya hemos señalado, los historiadores de la época no registran los movimientos diplomáticos que no conducen a un escenario de estrés bélico o de drama, o de ruptura militar o política. Por ello, es posible que el goteo de embajadas continuara dirigiéndose hacia Roma de forma regular a lo largo del siglo I a.C., y que otras fueran enviadas desde la Ciudad, pero que siguieran una dinámica que se consideraba habitual y que entrara dentro de la esfera del reconocimiento de la superioridad romana, de la alianza y de los diferentes niveles de relaciones diplomáticas que se producen en cada zona del imperio con la que se interactúa.

60 Goldberg 2022: 79-98.

61 Masri 2016: 325-347.

En el nuevo escenario de conflictos civiles de la República tardía, paradójicamente, se traslada la función que las mujeres han venido ejerciendo en la práctica diplomática,⁶² y retoman un protagonismo como intermediarias activas, pero ahora, entre romanos.⁶³ Hay que considerar, además que, en este caso, no estaríamos hablando de actividades diplomáticas propiamente dichas si consideramos los roles de mujeres como Mucia,⁶⁴ Fulvia⁶⁵ y Octavia⁶⁶ en las complicadas relaciones entre los Triunviros.⁶⁷ Sin embargo, resulta evidente que su actuación se convierte en una referencia para la interacción de las mujeres en las negociaciones entre hombres que representan las diferentes formas de poder en la República romana. Del mismo modo, el modelo de mediación que evoca la actuación femenina evoluciona y se diversifica a partir de su utilización tanto en contextos foráneos como locales, y, finalmente, llegará a crear una pauta de comportamiento para las mujeres de la *Domus Augusta*. De todas las citadas, la figura de la esposa de Marco Antonio y hermana de Augusto se erige como el paradigma más notable y perfilado de la intermediación femenina, nuevamente al servicio de la Concordia y la Paz, así como de la seguridad y la preservación de Roma. Su modelo de interposición entre los Triunviros enfrentados,⁶⁸ física incluso, recreado en las fuentes literarias a través del mito de los Sabinas, es un claro ejemplo del rol que se esperaba de las mujeres de la aristocracia romana en las épocas de crisis política y angustia social de la República Tardía.

Esta última etapa puede considerarse como transicional, porque desde el punto de vista de las mujeres romanas en diplomacia supone un paso más en la puesta en valor de las mismas como agentes diplomáticos, algo que se completará posteriormente con las féminas integrantes de la casa imperial, en particular con las mujeres de la dinastía julio-claudia, con Livia y Agripina la Menor como representantes más destacadas.⁶⁹ El escenario conocido en época republicana se transformará a la llegada de Augusto al poder, tal y como se expone claramente en las *Res Gestae*, en las que se pone de manifiesto que la

62 Posadas 2011a: 169-182; 2011b: 251-276.

63 App. *B Civ.* 4.32-33.

64 App. *B Civ.* 5.69-72; Dio Cass. 51.2.4-5. García Vivas 2019: 163-172.

65 App. *B Civ.* 4.32-33. Kaden 2012: 83-106; Rohr Vio 2015: 61-89.

66 Plut. *Ant.* 54.1-5. Hope 2020: 270-295.

67 Plut. *Ant.* 54.1-5. Gafforini 1994: 126-129; García Vivas 2004: 103-112; 2013; Lejeune 2012: 103.

68 Cornwell 2020: 149-170.

69 Cogitore 2016: 323-333; Brännstedt 2016.

política internacional queda en manos del *princeps* que, es quien, a partir de este momento, gestiona el envío y la recepción de embajadas. El número de *legationes* recibidas en Roma por el emperador vuelve a incrementarse notablemente, aunque nunca se alcanzarán las cifras que conocemos en época republicana. Y, además, se convierten en un instrumento de propaganda, ligadas a la representación imperial. La recepción de *legationes* aumentará su carácter teatral y representativo ya que se elogia el origen lejano de dichas embajadas que llegan desde los confines del mundo. En cuanto a las enviadas por Roma, estas serán todavía mucho menos numerosas, y esto continuará así hasta la Antigüedad Tardía, en la que la dinámica vuelve a cambiar, con otras cifras y contextos, igualmente interesantes para la participación de las mujeres en la práctica diplomática.⁷⁰

3. Conclusión

En cualquier caso, de este estudio que hemos desgranado a lo largo de estas páginas hay algo que se destaca claramente y es el incremento paulatino de la capacidad de las mujeres romanas para poder llevar a cabo actividades de mediación,⁷¹ obtención de información y persuasión en el ámbito de las relaciones diplomáticas de Roma desde el mismo instante de la fundación de la Ciudad. Estas tareas conllevarán un doble reconocimiento, en primer lugar, de orden ideológico, al permitir a las mujeres acreditarse como contribuyentes a la defensa y la supervivencia del estado romano a través de tareas civiles, y, ello, a pesar de su imposible participación directa en el ejército; en segundo lugar, de tipo político, al posibilitarles obtener ciertos niveles de intervención en las actividades de gestión de la *res publica*, aunque fuera a nivel privado. Todo ello constituirá una aportación importante en el progresivo reconocimiento de las mujeres romanas en el rol de ciudadanas.

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70 Becker 2008: 507-543; Melichar 2017: 103-128.

71 Singer 1947: 174-177; Akar 2007: 247-250.

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TRES MUJERES PARA UNA REPÚBLICA EN CRISIS: EMILIA TERCIA, CORNELIA Y SEMPRONIA¹

Pilar Pavón

1. Introducción

A propósito del relato sobre la derogación de la ley Opia, promulgada por el tribuno de la plebe Gayo Opio en el año 215 a.C. bajo el consulado de Lucio Postumio Albino y Tiberio Sempronio Graco, Livio pone en boca del cónsul del 195 a.C., Marco Porcio Catón, las siguientes palabras:

Maiores nostri nullam, ne priuatam quidem rem agere feminas sine tutore auctore uoluerunt, in manu esse parentium, fratrum, uirorum:² nos, si diis placet, iam etiam rem publicam capessere eas patimur et foro prope et contionibus et comitiis immisceri. quid enim nunc aliud per uias et compita faciunt quam rogationem tribunorum plebi suadent, quam legem abrogandam censent? date frenos impotenti

1 Este trabajo ha sido desarrollado en el marco del Proyecto de I+D+i «Marginación y visibilidad de la mujer en el Imperio Romano: Estudio de contrastes en los ámbitos políticos, jurídicos y religiosos» (PGC2018-094169-B-I00), financiado por MCIN/ AEI /10.13039/501100011033/ FEDER Una manera de hacer Europa. También es resultado del Grupo de Investigación (HUM 441) de la Universidad de Sevilla. Agradezco los comentarios y sugerencias vertidos por los profesores J. C. Saquete, J. L. Benes y Th. Hillard tras la lectura detenida del presente texto. Los errores que subyacen son míos.

2 En opinión de Dixon 1985: 148 esta frase inicial del texto es una referencia, realizada de forma adecuada y retórica, a la *patria potestas*, la *tutela agnatorum* y la *manus mariti*. Sobre la promulgación y derogación de la ley Opia existe una extensa bibliografía. *Vid.*, entre otros: Culham 1982: 786-793; Desideri 1984: 63-74; Kühne 2013: 37-52; Cuenca Boy 2017: 157-189; Sentís Vicent 2020: 13-20.

*naturae et indomito animali et sperate ipsas modum licentiae facturas: nisi uos facietis, minimum hoc eorum est quae iniquo animo feminae sibi aut moribus aut legibus iniuncta patiuntur. omnium rerum libertatem, immo licentiam, si uere dicere uolumus, desiderant. quid enim, si hoc expugnauerint, non temptabunt?*³

Para evitar la derogación de esta ley suntuaria que trató de contener la exhibición del lujo en el contexto de la Segunda Guerra Púnica, la argumentación exacerbada del cónsul se apoyaba en la costumbre y en la tradición. Según Catón, los antepasados privaron a las mujeres de cualquier intervención en asuntos públicos y, en los privados, solo podían actuar a través de un representante legal. Así mismo, recordaba que debían estar bajo la tutela de los varones de sus familias: padres, hermanos y maridos. Las matronas romanas, que veían la posibilidad, si la ley era derogada, de recuperar la capacidad para decidir qué vestidos, telas, joyas o carruajes utilizar en sus desplazamientos, buscaban por las calles de Roma el apoyo para la propuesta de los tribunos Marco Fundanio y Lucio Valerio. Se atrevieron a tanto pues tenían un gran interés en poner fin a una ley restrictiva que limitaba su libertad en lo que atañía a su acicalamiento y adorno, en definitiva, a la exhibición de su distinción y posición social.

Sin embargo, esta actitud vehemente manifestada por las matronas era para el cónsul reflejo de la naturaleza débil de las mujeres (*impotens natura*), a las que comparaba con un animal indómito (*indomitum animal*), incapaces de tener freno. Era, en definitiva, a ojos de Catón, una muestra de las ansias de libertad total (*omnis libertas*) o desenfreno (*licentia*). Y si los maridos no lograban controlar a sus esposas en esta cuestión, ellas podrían intentar cualquier cosa. La ley, como sabemos, se derogó sin mayores problemas, a pesar de los argumentos que había expuesto el cónsul y que se apoyaban en el miedo y en los peligros de consentir que las mujeres interfirieran en un asunto que concernía a la actividad política del Estado, aun cuando afectaba, aparentemente, al ámbito de lo estrictamente femenino. Era evidente que, cuanto mayor fuera la exhibición pública de joyas y lujos en los vestidos de las féminas, más propaganda se hacía del poderío económico de la familia.

Volviendo de nuevo sobre el relato de Livio, podemos pararnos un momento a pensar en lo paradójico que debió resultarle al autor, mientras describía estos hechos, reflexionar sobre lo que ocurrió después de este discurso y los acontecimientos que se sucedieron en los últimos siglos de la República y co-

3 Liv. 34.11-15.

mienzos del principado. Es bastante probable que Livio conociera nombres particulares de mujeres de la élite, a través de sus fuentes y personalmente, que habían actuado, unas con responsabilidad y otras sin ella, fuera de los márgenes que la ley, la costumbre y la sociedad les imponía. Así, por ejemplo, se podría mencionar a Duronia, la bacante, a Mesia de Sentino, la abogada, a Hortensia, la oradora, y a Fulvia, la comandante y esposa del Triunviro, entre otras. Ellas fueron una muestra de lo temido por Catón en el 195 a.C. y que, sin embargo, respondía al proceso imparable de cambios sufridos por la República romana en su tramo final hasta su transformación en el principado de Augusto.⁴

En los párrafos anteriores, se ha introducido un fragmento del famoso texto liviano sobre la derogación de la ley Opia como pretexto para realizar una aproximación a la situación de la mujer en los años finales de la República a través de tres figuras representativas del momento: Emilia Tercia, Cornelia y Sempronia. De esta forma, se realizará un recorrido de unos 130 años de la República siguiendo los datos biográficos que las fuentes dejaron sobre estas tres mujeres emparentadas entre sí. Perteneían, originariamente, a tres *gentes* destacadas: la *Aemilia*, la *Cornelia* y la *Sempronia*, cuyos varones sirvieron con fervorosa entrega al Estado romano. Cada una quedó fijada en el imaginario romano, principalmente vinculado a la propaganda augustea de recuperación de los *mores antiqui*, como modelos de matronas tradicionales. Sin embargo, la impronta política estaba sellada en ellas y contribuyó, en la medida de sus posibilidades, para sus propósitos personales y familiares. Las fuentes conservadas sobre las tres muestran, en general, aunque con matices con respecto a la tercera, como se verá más adelante, una gran admiración por sus virtudes y capacidades, que llegaron a superar y a poner en entredicho el prejuicio moral romano sobre la *fragilitas sexus* atribuida a las mujeres.

Sin pretensión de exhaustividad, a partir de los escuetos datos conservados sobre ellas, se incidirá en los aspectos más reseñables de sus vidas y en las responsabilidades que, de forma particular y desde la posición que tenían como mujeres, adquirieron con el Estado. Sus actuaciones y, sobre todo, sus compromisos asumidos fueron dignos de ser contados y contribuyeron, de alguna manera, a la evolución de la historia social y política republicana desde

4 Para Vigneron y Gerkens 2000: 110 la derogación de la ley Opia daría comienzo a la progresiva emancipación que disfrutaron las mujeres de la élite en los dos últimos siglos de la República.

el último tercio del siglo III hasta finales del siglo II a.C. A la vista de la información manejada, es evidente que fueron productos de los tiempos que vivieron. Este recorrido comienza con Emilia Tercia, *Africani uxor*.

2. Emilia Tercia, la esposa

No son muy abundantes las menciones que hacen las fuentes sobre esta matrona.⁵ Sin embargo, en su vida confluyeron dos importantes familias que dejaron una huella indeleble en la historia de la República romana: la de Lucio Emilio Paulo, su padre, y la de Publio Cornelio Escipión Africano, su marido. Ambos se encuentran vinculados estrechamente con el desarrollo de la Segunda Guerra Púnica, pues el primero, siendo cónsul en el 219, murió tres años después en Cannas frente a las tropas de Aníbal. El segundo, como es sabido, fue el adalid que trajo la victoria romana en este conflicto. Estas circunstancias, así como su marcada personalidad, evidencian que desarrolló una participación indirecta pero activa en la vida política y, por tanto, una asunción de responsabilidades ciudadanas desde el lugar que ocupaba dentro de la sociedad de su tiempo.

El nacimiento de Emilia Tercia se sitúa en el período de entreguerras, en torno al 230 a.C., al comienzo de la expansión territorial de la República romana, que disfrutaba de las mieles del éxito de la primera victoria frente a Cartago. Probablemente muriera hacia el año 163 o 162 a.C., lo que supone que tuvo una vida larga de unos 67 o 68 años, hecho que le permitiría disfrutar de los éxitos de sus familiares, pero también le supondría la tristeza de sobrevivir a su marido y a sus hijos varones. Quedó viuda con 48 años aproximadamente, conservando el prestigio y autoridad de haber sido la esposa de uno de los generales más brillantes de la República romana, que había ocupado varias veces el consulado, además de haber sido designado *princeps senatus* en el 199 a.C.⁶

5 Polyb. 32.26-28; Diod. Sic. 31.27.3-4; 7; Liv. 38.57.6; Val. Max. 1.6; 6.7.1; Plut. *Aem.* 2.3; *De vir. ill.* 49.19 (sin mencionar su nombre). Es muy probable que Polibio llegara a conocerla personalmente.

6 Liv. 34.44.4; Broughton 1951, I: 327. Como señala Treggiari (2002²: 498) la edad y la autoridad, más que el estatus de viuda, eran importantes para las mujeres; además, durante la República estas retenían para sí el prestigio de sus maridos difuntos. Su hija Cornelia la Mayor también fue esposa de un *princeps senatus*, título que obtuvo Publio Cornelio Escipión Nasica Córculo en el año 147 a.C.; *vid.* Diod. Sic. 34-35.33.6; Val. Max. 7.5.2; Plut. *Aem.* 15.2; Broughton 1951, I: 463.

Las nupcias entre ambos se celebrarían en torno al año 212 a.C., si no antes, teniendo en cuenta que la mujer romana podía acceder al matrimonio en su primera juventud y después de la primera menstruación.⁷ Para esa fecha Emilia tendría 18 años, y evidenciaría que el joven Publio Cornelio ya estaba casado con ella cuando venció a Aníbal en 202 a.C. Fue, probablemente, la madre de los hijos de Publio Cornelio Escipión: Cornelia la Mayor, esposa de un sobrino segundo de su marido, Publio Cornelio Escipión Nasica Córculo, cónsul del 155 a.C.; de Publio Cornelio Escipión, augur del 181 a.C.; de Cornelia la Menor, esposa de Tiberio Sempronio Graco, cónsul del 177 y 163 a.C.; y de Lucio Cornelio Escipión, pretor del 174 a.C.⁸

Vivió el infortunio de la muerte de sus hijos varones Publio y Lucio, en fechas muy cercanas; el primero, en torno al 167 a.C. y el segundo hacia el 170 a.C. Lucio había sido, además, apresado por los piratas en Siria antes de que se desarrollara la batalla de Magnesia contra el rey Antíoco III, en la que participaron su padre y su tío. Había sido devuelto sin el pago de un rescate y, como señala Livio, este hecho había sido tomado como una sospecha de corrupción frente a los adversarios que pretendían procesar bajo esta acusación a Publio Cornelio Escipión.⁹

Con respecto a los matrimonios de sus hijas, la primera fue casada dentro de la *gens* Cornelia, pero la segunda y la más famosa de sus hijas, Cornelia la Menor, fue entregada a un enemigo político de su padre, según la información recogida por Livio, el tribuno Tiberio Sempronio Graco.¹⁰ Este, a pesar de su enemistad con los Escipiones, se había opuesto a que el hermano

7 Sobre la edad de acceso de la niña al matrimonio, *vid.*, entre otros, Durry 1955: 268-269; 1969: 17-25; D'Ambra 2007: 46; Álvaro Bernal 2018: 104-110.

8 Es seguro que fue la madre de Publio Cornelio Escipión y de Cornelia la Menor como indican las referencias de Diod. Sic. 31. 27.4; Val. Max. 6.7.1; Liv. 38.57.7. Probablemente también lo sería de Cornelia la Mayor y de Lucio Cornelio Escipión, si bien las fuentes no hacen una mención explícita a su maternidad, aunque sí a la paternidad de su marido; así, Vell. Pat. 2.3.1; App. Syr. 30 (150); Val. Max. 2. 10.2; 4. 5.3; *De vir. ill.* 54.3. *Vid.* Bandelli, 1974-1975: 127-139. Esta circunstancia no significa que no fuera la madre de aquellos, sino que las fuentes se refieren más a ella como madre de Cornelia, debido a la fama adquirida por esta última y por sus hijos. La misma circunstancia se observa en la propia Cornelia, que aparece más veces identificada como madre de los Gracos, Tiberio y Gayo, que como madre de Sempronio. Valerio Máximo (4.5.3) refiere la existencia de un hijo del Africano, llamado Cneo Cornelio Escipión y pretor en la Galia Cisalpina en 177 a.C., pero para Broughton 1951, I: 399 se trata, probablemente, de una confusión con Lucio Cornelio Escipión.

9 Liv. 38.51.2. El episodio del secuestro también lo refiere Val. Max. 2.10.2.

10 Liv. 38.52.9; 57.4; 60.

del Africano, Lucio Cornelio Escipión Asiático, fuera conducido a la cárcel a resultas del juicio llevado a cabo contra él bajo la acusación de haberse apropiado de parte del botín obtenido en la victoria frente a Antíoco III.¹¹ En este contexto, Livio introduce una digresión a propósito de la promesa matrimonial que, a la sugerencia del senado, había hecho Escipión entre su hija Cornelia la Menor y Tiberio Sempronio Graco. En este contexto, el autor recoge una anécdota, la única que se conserva sobre la relación de la pareja y que, además, muestra a una Emilia Tercia con un fuerte carácter y con un criterio firme.¹² Cuando Escipión volvió de la cena con los senadores en el Capitolio y le comentó a su esposa que había prometido a su hija menor, ella señaló ofendida que tenía que haber sido consultada como mujer y madre sobre este asunto, aun en el caso de que hubiera sido prometida a Tiberio Graco.¹³ Escipión mostró su alegría al coincidir el parecer de su esposa con la decisión que había tomado de forma unilateral.¹⁴ Según la versión de Polibio, fueron los parientes del Africano, después de la muerte de este, quienes decidieron casar a Cornelia con Tiberio Graco.¹⁵ Es probable, como señala Dixon, que los esponsales entre Tiberio Graco y Cornelia se hicieran con posterioridad a la muerte del Africano.¹⁶ Cierta o no esta anécdota, es evidente que la tradición pretendía mostrar a Emilia Tercia como una mujer de marcada personalidad.

Fue abuela del cónsul del 138 a.C., Publio Cornelio Escipión Nasica Serapión; de su sobrino y nieto adoptivo Publio Cornelio Escipión Emiliano, hijo de su hermano Lucio Emilio Paulo Macedónico, y dos veces cónsul (147 y 134 a.C.); de los tribunos de la plebe Tiberio y Gayo Sempronio Graco y de la hermana de estos, Sempronía. Afortunadamente para ella, no vivió lo suficiente como para presenciar las luchas fratricidas que por motivos políticos

11 Otros autores también recogen la tradición sobre la enemistad entre los Escipiones y Tiberio Sempronio Graco; así, Cic. *Prov. cons.* 8.18; Val. Max. 4.1.8; Plut. *Ti. Gracch.* 1.3; Gell. *NA.12.8.1*.

12 Liv. 38.57.5-8. *Vid.* Rohr Vio 2022: 33. Sobre el control de las matronas sobre sus propios matrimonios y el de sus familiares, *vid.* bibliografía citada por la autora en nota 58.

13 En cuanto al enfado de Emilia Tercia por no haberse tenido en cuenta el *ius maternum* sobre la cuestión relativa al matrimonio de la hija, *vid.* Petrocelli 1994: 25. Plutarco (*Ti. Gracch.* 4.2-4) recoge esta anécdota, pero con Apio Claudio y su mujer Antistia como protagonistas.

14 Sobre la participación de ambos progenitores en los esponsales de las hijas, *vid.*, entre otros, Pomeroy 1976: 220; Phillips 1978: 70; Treggiari 1982: 41; Hallett 1984: 144.

15 Polyb. 31.27.

16 Dixon 2007: 5.

protagonizaron sus nietos, afectando al sistema constitucional romano, y que acabaron con sus vidas.¹⁷

Su historia familiar y personal está íntimamente unida al devenir de la República romana. Al ser hija, hermana y esposa de cónsules pudo ver cómo sus familiares varones cumplían con sus obligaciones con el Estado, sin estar exentos de polémicas en el desarrollo de estas funciones. Su padre, de origen patricio y defensor de los valores tradicionales de la aristocracia, obtuvo, junto a su colega Marco Livio Salinator, la victoria frente a Demetrio de Faros que puso fin a la Segunda Guerra Ilírica (229-219 a.C.).¹⁸ Sin embargo, ambos cónsules fueron acusados de malversación en el reparto entre los soldados del botín de guerra. El resultado del juicio fue desigual para uno y otro, pues él fue absuelto y Salinator, condenado.¹⁹ Según Livio, no ocultó su malestar hacia la plebe por la condena de su colega, mostrando una fuerte oposición a presentar de nuevo su candidatura al consulado en el año 216 a.C.²⁰ Pero la presión de la nobleza consiguió su objetivo y salió elegido de nuevo cónsul junto a Terencio Varrón. En Cannas perdió la vida, al igual que su colega y miles de soldados, mostrando la dignidad y el valor del general romano, rechazando la oferta de huida que le ofreció un tribuno.²¹ Emilia tendría aproximadamente 14 años cuando murió su padre.

Su marido fue procesado, en la última etapa de su vida, por apropiación indebida de dinero tras la victoria frente al rey seléucida Antíoco III.²² Fue acusado por los tribunos de la plebe, los hermanos Quintos Petilios, a instancias de su enemigo político Marco Porcio Catón, de haber procurado una paz ventajosa al rey de Asia a cambio de la liberación de su hijo. La sospecha se basaba en que este fue entregado a su padre sin rescate. Además, según el relato de Livio, los acusadores argumentaron con antiguas imputaciones que indirectamente le habían afectado antes de su victoria frente a Aníbal, como el escándalo de su legado Quinto Pleminio en Locros en 205 a.C.²³ Fue gracias a su brillante defensa y a la intervención del que sería su yerno, el tribuno

17 Sobre esta cuestión, entre otros, Richardson 1976: 94-95; Binot 2001: 185-190.

18 Polyb. 3.16-19.

19 Polyb. 3.16-19; 4.37; App. *Ill.* 8; Zonar. 8.20; Liv. 22.35.

20 Liv. 32.35.

21 Horacio (*Carm.* 1.12) recordó, siglos después, su grandeza de ánimo frente al enemigo cartaginés.

22 Liv. 38.50-54.

23 Liv. 29.16; 30.21. Pavón 2001: 204-208.

de la plebe Tiberio Sempronio Graco, quien, a pesar de su enemistad, apeló a la grandeza de sus acciones en beneficio del pueblo romano, que no prosperó la acusación. Sin embargo, él se retiró a Linterno, donde probablemente murió en el 183 a.C.²⁴

La acusación de corrupción que no prosperó con su marido sí logró afectar plenamente a su cuñado Lucio Cornelio Escipión, presa más fácil de atrapar por la facción contraria de la nobleza romana, abanderada por la figura de Catón el Viejo.²⁵ Según el extenso relato de Livio, Lucio fue acusado de apropiarse parte del botín de guerra obtenido tras la victoria sobre Antíoco III.²⁶ Fue condenado a pagar una multa que, si no era ingresada en el erario, conllevaba el ingreso en la cárcel.²⁷ Sin embargo, la intervención del tribuno Tiberio Sempronio Graco, futuro esposo de Cornelia la Menor, logró eliminar la pena de encarcelamiento vinculada al supuesto de que el condenado no pudiera hacer frente al pago.²⁸ Publio actuó con vehemencia en defensa de su hermano, pues, al conocer la noticia de la condena de este, abandonó una misión que se le había encargado en Etruria, y una vez en Roma se dirigió al foro, apartando violentamente al lictor que llevaba a Lucio.²⁹ Con ese gesto prepotente contravenía una decisión judicial y ponía en evidencia rasgos de su carácter que contrastaban con la moderación demostrada en el rechazo de honores y privilegios con los que había sido elogiado y gratificado por el pueblo de Roma en otras ocasiones.³⁰ No cabe la menor duda de que Emilia Tercia compartió su vida con un héroe de Roma, que había salvado a la ciudad de lo que hubiera sido una gravísima derrota frente a Cartago, y a quien, sin embargo, el juego político y las desavenencias con sus rivales pretendían ensombrecer su merecida gloria.

24 Liv. 38.52.1; 38.53.8; 45.38.7; cfr. Strab. 5.4.4; Sen. *Ep.* 86.3; 51.11; Diod. Sic. 38.26.3; Zonar. 9 20.

25 Liv. 38.54. *Vid.*, entre otros, Bandelli 1974-1975: 93-100.

26 Según Livio (38.55.6-13), se le acusaba de haber recibido seis mil libras de oro y cuatrocientas ochenta de plata. El propio autor pone en duda tales cantidades, apuntando la idea de que podría haber sido un error del copista que transcribió la información.

27 Gell. *NA.* 6.19.6-8.

28 Liv. 38.57.3-5.

29 Liv. 38.56.9-11.

30 Según Livio, el pueblo quiso nombrarlo cónsul vitalicio y dictador, además de erigirle estatuas en el Comicio, en los *Rostra*, en la Curia, en el Capitolio y en el templo de Júpiter, a lo que se negó. Todo ello indica el reconocimiento popular hacia la persona de Publio Cornelio Escipión.

Como muchas esposas de magistrados y cónsules de Roma, debió afrontar en frecuentes ocasiones la soledad de criar a sus hijos mientras su marido estaba en campaña y más si estas no acababan debido a las ambiciones de riqueza y del control de nuevos territorios de la élite romana. Podemos imaginar que los rigores e inclemencias de la vida, que no distinguen entre la nobleza y los grupos humildes, habrían forjado su carácter como el de tantas mujeres anteriores y posteriores a ella.

Es muy probable que, aunque detentara o practicara las virtudes tradicionales de la matrona romana, *casta, pudica, univira* y *lanifica* y sabiendo el lugar que ocupaba la esposa dentro de la familia, nada de lo anterior fuera óbice para que se hubiera manifestado con proactividad y contundencia, tanto en privado como en público, en la defensa de intereses que abarcaban no solo a su entorno personal y familiar, sino también al de las matronas y al del propio Estado.

En este sentido, Bauman ha visto la huella y actuación de Emilia Tercia en varios acontecimientos que envuelven la vida política y religiosa de la República en el período final de la Segunda Guerra Púnica y en la asimilación posterior del éxito conseguido tras la victoria que su marido dio a Roma frente a Aníbal. De esta forma, el autor especula sobre la posibilidad de una iniciativa de Emilia Tercia en la organización de las matronas, domiciliadas en Roma y en un radio de diez millas, que dieron parte de sus dotes, a instancias de los ediles curules, para que se realizara una ofrenda en honor a Juno Regina tras una serie de prodigios acaecidos en el año 207 a.C.³¹ Como indica Bauman, la conexión con Emilia Tercia se vislumbra en que uno de los ediles curules era Servio Cornelio Léntulo, que tenía vínculos clientelares con Escipión Africano. También señala la posibilidad de que la matrona estuviera tras las directrices de la expedición de mujeres de la élite que acompañaron a Publio Cornelio Escipión Nasica, primo de su marido, en la recepción de la *Magna Mater* en el puerto de Ostia en 204 a.C.³²

31 Bauman 1994: 27. Los hechos son relatados por Livio (27.37.5-15). Sobre la expiación de los prodigios por parte de las matronas, *vid.* Montero Herrero 1994: 50-55; Cid López 2007: 11-16. En ese mismo año tuvo lugar la batalla de Metauro donde las legiones vencieron a Asdrúbal; Polyb. 2.11.1; Liv. 26.6.1; 27.21.8.10; 22.7-19.; 24; 37-40; App. *Hann.* 8.52. Ver Webb en este volumen.

32 Bauman 1994: 28-29. Liv. 29.14.10-13. Previamente se había consultado a los Libros Sibílicos, según el relato de Livio (29.10.4-6), debido al curso de los acontecimientos de la guerra y a determinados prodigios. En aquellos se vaticinaba que se podía vencer a un enemigo que estuviera en suelo itálico si se hacía traer a Roma a la Madre del Ida. Dos años después, Publio Cornelio Escipión venció a Aníbal en Zama.

Varios investigadores consideran verosímil la participación directa de Emilia Tercia en las movilizaciones de matronas que buscaban el apoyo a la derogación de la ley Opia en el 195 a.C., pasados ya los peligros de la guerra y en un contexto histórico diferente.³³ En este sentido, no se escapa tampoco el hecho de que quien se oponía a la derogación de esta ley era el enemigo político de su marido. Este, además, fue elegido cónsul el año siguiente, en 194 a.C. Así mismo, si Emilia Tercia participó en las manifestaciones realizadas por las mujeres en la calle y que tanto escandalizaban a Catón solicitando el voto favorable para poner fin a la ley, es lógico considerar que habría tenido un doble motivo para buscar apoyos en este cometido: por un lado, para acabar con una disposición legislativa cuya motivación había dejado de existir y afectaba, entre otras cuestiones, a la indumentaria de las mujeres pudientes entre las que se encontraba ella misma y, por otro, orillar y desacreditar la argumentación del opositor y enemigo de su marido.

Por Polibio, sabemos que Emilia gustaba de hacer valer su posición económica y social al endosar joyas de gran valor, llevar en su carro utensilios de oro y plata para las ocasiones de las ceremonias religiosas que concernían a las mujeres, y estar acompañada de un séquito de esclavos y servidores.³⁴ Quizás estas manifestaciones las llevara a cabo con posterioridad a la derogación de la ley, sirviendo, en un alarde de opulencia premeditada, como rechazo rotundo contra la contención del lujo para las élites en los tiempos en los que la prosperidad económica favorecía ya dichos comportamientos.

Es probable que la reacción de Catón frente a la derogación de la ley Opia e, indirectamente al impulso de Emilia Tercia y, por tanto, al de los Escipiones en esta cuestión, se hiciera sentir más tarde durante su censura en el 184 a.C. En ese año estableció un impuesto sobre las joyas, carruajes y esclavos que valieran más de 10.000 ases.³⁵ Para C. Hermann es la primera venganza del censor contra quienes se opusieron al mantenimiento de la ley suntuaria del 215 a.C.³⁶

33 Así, entre otros, Scullard 1970: 188; Bauman 1994: 33-34; cf. Pomeroy 1999 [1ª ed. inglesa 1987]: 200-201; Culham 1982: 788; Dixon 1988: XIX, 9, 72 n.7, 8, 14, 73 n. 21; Petrocelli 1994: 39. Ver McClintock en este volumen.

34 Polyb. 31.26.3-5. Sobre esta cuestión, *vid.* Webb 2019: 266-270 quien subraya el modelo de comportamiento de Emilia Tercia como ejemplo de matrona influyente y quintaesencia de la élite femenina de su momento.

35 Plut. *Cat. Min.* 18.2; *Nep. Cat.* 2.3.

36 Herrmann 1964: 67.

Pero, sin duda, el mayor éxito de Catón en su lucha contra la ostentación del lujo y en la ejecución de la venganza, dilatada en el tiempo, contra la esposa de su difunto enemigo,³⁷ fue el apoyo a la promulgación de la ley Voconia del 169 a.C., que controlaba el aumento progresivo de la riqueza femenina, limitando la capacidad de heredar de las mujeres de la élite.³⁸ Las circunstancias políticas y financieras favorecían la independencia económica de las mujeres con la extensión del matrimonio *sine manu* y de la *optio tutoris*.³⁹ Pero esta nueva ley, a diferencia de la Opia, no estaba dirigida a controlar exclusivamente determinados comportamientos de las matronas romanas. Como observa Bauman, no hubo ninguna movilización femenina contra la ley Voconia, pues establecía entre sus prerrogativas, además de lo estipulado sobre la herencia de las mujeres, que nadie, ni hombre ni mujer, podría recibir ningún legado testamentario superior a lo que estaba estipulado para los herederos.⁴⁰

A propósito de esta cuestión, se sabe por Polibio y también por su seguidor, Diodoro Sículo, que Emilia Tercia dejó su fortuna a su nieto adoptivo y sobrino carnal, Escipión Emiliano.⁴¹ Esto indicaría que ninguno de sus hijos varones estaba vivo en el momento de su muerte.⁴² Polibio, en el elogio que escribe sobre su pupilo, indica la generosidad y liberalidad de Emiliano con sus familiares. A su madre natural, Papiria, primera esposa de Lucio Emilio Macedónico, le regaló el carro, además de los esclavos, adornos y utensilios para las ceremonias religiosas con las que solía alardear Emilia en sus desplazamientos para estas festi-

37 Así, Höbenreich 2003: 97-100.

38 Sobre la promulgación de la ley Voconia, *vid.* Liv. *Per.* 41; Gell. *NA.* 17.6. Sobre el apoyo de Catón a la propuesta del tribuno Quinto Voconio Saxa: Cic. *Balb.* 21; Gell. *NA.* 17.6 e 20.1.23; Gai. *Inst.* 2.226; 274. Existe una extensa bibliografía sobre esta ley; *vid.*, entre otros, McClintock 2013: 186-193; 2022; Köstner 2018: 177-196. Varios autores consideran que Catón pudo haber defendido la propuesta del *plebiscitum de mulierum hereditatibus* para perjudicar a Emilia Tercia, así, por ejemplo, para varios autores como, entre otros, Boyer 1950: 176-178; Walbank 1979: 503; Musti 1985: 38; McClintock 2013: 196.

39 Así, Herrmann 1964: 81-82.

40 Bauman 1983: 176-177; 1994: 34.

41 Sobre la riqueza y herencia de Emilia Tercia, *vid.* Dixon 1985: 147-170; McClintock 2022: 57-75. Sobre la figura de Escipión Emiliano, *vid.* Astin 1967.

42 Sobre esta cuestión, *vid.* Dixon 1985: 151, quien indica que, si su padre adoptivo hubiese estado vivo en el momento de la muerte de Emilia Tercia, Emiliano habría recibido una parte, como *filius familias*, y no la totalidad de la fortuna. Para McClintock 2005: 328, n. 21, el hecho de no tener testimonios sobre Publio Cornelio Escipión hijo en el momento del fallecimiento de su madre, indicaría que él habría muerto varios años antes.

vidades.⁴³ Este hecho le valió el reconocimiento de las mujeres que sabían de la pobreza con la que había vivido su madre después de la separación de su padre natural. Como señala Diodoro Sículo, este fue un gesto de piedad filial hacia su madre que fue reconocido por toda la sociedad de su momento.⁴⁴

También fue diligente en pagar a los yernos del Africano, Publio Cornelio Escipión Nasica Córculo y Tiberio Sempronio Graco, los 25 talentos restantes a cada uno por las dotes de sus respectivas esposas, las dos Cornelias, asumiendo su función y obligación de *paterfamilias* como miembro varón superviviente de la familia de aquél.⁴⁵ Emilia, según Polibio, había pagado una mitad y había establecido en su testamento que se liquidara el resto a su muerte. Como heredero, Emiliano asumió esta obligación con prontitud, sorprendiendo con ello a los propios beneficiarios, pues no estaba obligado por ley a retribuir la totalidad en ese momento, sino una tercera parte. Varios investigadores han observado en esta herencia y en la celeridad con la que se pagaron los montantes que restaban de las dotes de las dos Cornelias, un subterfugio realizado por Emilia para poder transmitir parte de su patrimonio a sus hijas, evitando la recién estrenada ley Voconia que no favorecía el nombramiento de sus hijas como herederas.⁴⁶ Es innegable la riqueza acumulada por Emilia Tercia durante su matrimonio con Publio Cornelio Escipión Africano y que ponía a ambos en un nivel económico superior a muchos de sus contemporáneos. Como señala Dixon, es una evidencia de la capacidad económica que disfrutaron las mujeres de la élite en los tiempos que siguieron a la Segunda Guerra Púnica.⁴⁷

Es posible que, a propósito de la posición que ocupó su marido como magistrado del estado, presidiera en su casa en alguna ocasión, junto con las vestales, la festividad nocturna de la noche del 3 al 4 de diciembre dedicada a la Bona Dea y que reunía a las mujeres de la élite.⁴⁸ Habría asumido en ese caso un compromiso tradicional que tenían las esposas de los magistrados romanos y que, con la participación de las vestales, se le daba una impronta de garantía estatal a las actividades culturales que se realizaban en esas celebraciones.

43 Polyb. 31.26.6-10.

44 Diod. Sic. 31.27.5.

45 Polyb. 31.27.1-16; Diod. Sic. 31.27.5.

46 Entre otros, Pomeroy 1976: 223-224; Dixon 2007: 38; McClintock 2013: 197.

47 Dixon 1985: 150. *Vid.* también al respecto, Boyer 1950: 169.

48 Sobre el culto a la Bona Dea existe una extensa bibliografía, *vid.*, entre otros, Brouwer 1989; Boëls-Janssen 1993; Mastrocinque 2014. Sobre las celebraciones nocturnas de principios de diciembre, dedicadas a esta divinidad, *vid.* Scullard 1981: 199; Brouwer 1989: 359.

Todo lo expuesto anteriormente sobre Emilia Tercia indicaría su implicación directa como ciudadana comprometida desde su condición de esposa y madre de familia. Había pasado por todos los estados biológicos y civiles de una mujer romana como hija, esposa, madre y abuela de ciudadanos. Pero, en mi opinión, el aspecto más destacable y uno de los motores de su vida, habría sido, además de saberse parte de la élite romana, ser la esposa del Africano. Su apoyo constante, su fidelidad y su lealtad se dejan sentir en lo que se sabe y se supone que hizo en el momento que le tocó vivir, donde la figura relevante de su marido impregnó la política del momento. Una anécdota, verosímil o no, pero con una intención manifiesta de mostrar esta virtud conyugal, la refiere Valerio Máximo. El autor, al tratar el capítulo *Sobre la fidelidad de las mujeres para con sus maridos*, comienza poniendo un ejemplo con la figura de Emilia Tercia.⁴⁹ Esta, en un momento determinado de su vida matrimonial, supo que su esposo mantenía relaciones con una de sus esclavas. Tuvo el autodominio suficiente para aparentar no saber estos hechos con la noble intención de no perjudicar la fama de su marido como gran general, pues con ello mostraba una falta de moderación y de contención de su libido. Eso hizo en vida de su marido, pero una vez muerto tampoco se vengó sobre la esclava amante, pues la liberó y la casó con un liberto suyo.⁵⁰ Quizás, incluso, mantuviera un contacto estrecho con ella a través de ese liberto. Observamos, también que lo que se conoce de Emilia Tercia muestra un modelo de matrona que difiere en cierto modo, del que se cree que tuvo la más famosa de sus hijas, Cornelia la Menor.

3. Cornelia, la madre

De ella se tiene más información y una extensa literatura generada, precisamente, por su condición más destacada en las fuentes: la de ser madre de los Gracos. Muchas mujeres de la élite romana pudieron sentirse orgullosas de tener hijos que alcanzaron el consulado no una, sino varias veces y con éxito. Probablemente Cornelia hubiera sido una de ellas si no hubiera tenido la desgracia de ver cómo sus dos hijos varones, que habían sobrevivido a la infancia, y que habían recibido una formación cualificada para servir al Estado, como lo habían hecho su abuelo materno, su padre, sus familiares y sus antepasados varones, morían en el desempeño del tribunado de la plebe.

49 Val. Max. 6.7.1.

50 Para Barnard 1990: 386 soportar las infidelidades de los maridos era una de las virtudes estándar que debían poseer las mujeres de las élites griega y romana.

A pesar del celo materno mostrado por Emilia Tercia sobre la participación en la decisión del matrimonio de su hija con Tiberio Sempronio Graco, la condición de esposa de Cornelia queda eclipsada por su maternidad. Según indica Petrocelli, el matrimonio ya estaría formalizado en el 162 a.C.;⁵¹ sin embargo, a diferencia de su madre, quedó viuda joven, aunque tuvo doce hijos, de los cuales solo llegaron a la edad adulta tres.⁵² Pero, al igual que su progenitora, también fue hija, madre, esposa y abuela y como ella sobrevivió a todos los miembros varones de su familia. La primera condición, es decir, la de hija, debió marcar una gran huella en la joven Cornelia, pues ambos progenitores debían tener fuertes personalidades. Es probable que su paradigma de matrona hubiera sido su madre y quizás, también, su hermana mayor, si bien se pueden observar diferencias entre madre e hija, como veremos más adelante. En contraste con esta última, Cornelia fue casada con un miembro de una *gens* diferente a la de su padre que, además, era enemigo político de los Cornelios Escipiones, aunque había demostrado respeto y reverencia hacia ellos, según transmite la tradición romana recogida por Livio.⁵³ A propósito de las nupcias entre Cornelia y Tiberio Sempronio, Beness y Hillard ponen de manifiesto, a través del análisis de referencias de Cicerón, Plinio y Solino, que los enemigos de los Gracos pudieron argumentar que el matrimonio, así como el nacimiento de su numerosa prole, se habrían conducido en contra del mandato divino.⁵⁴

El matrimonio bien avenido que disfrutó con Tiberio Sempronio Graco debió marcar bastante el papel y la función de Cornelia en su vida familiar y en su implicación para con el Estado. En primer lugar, había una gran diferencia de edad entre ambos, pues él pertenecía, aunque algo más joven, a la generación de su progenitor. En segundo lugar, quizás debió tener muy presente que fue entregada por su padre o por la familia de este a Tiberio, en pago y en agradecimiento al valiente gesto que tuvo el tribuno hacia los dos herma-

51 Petrocelli 1994: 29. Carcopino (1967²: 47-83) adelantó la fecha del matrimonio hasta el 176 a.C. Cf. Moir 1983: 145, quien sitúa la celebración del matrimonio entre el 181 y el 170 a.C. Para Beness y Hillard (2013: 67) el nacimiento de Cornelia se habría producido en torno a los años 195-190 a.C. y la fecha de su matrimonio con Tiberio Graco habría sido entre los años 183-176 a.C.

52 Plin. *HN* 7.57. Según Astin (1967: 34), Tiberio Sempronio Graco moriría hacia el 154 a.C. o un poco después; así también, Scullard 2011⁶: 20. Según Dixon 2007: XV, Cornelia habría sobrevivido a su marido unos 50 años. Sobre las fechas biográficas de Cornelia propuestas por esta autora, *vid.* p. XXI.

53 *Vid.* n. 28.

54 Beness y Hillard 2013: 61-79.

nos Escipiones. Aunque es evidente que las nupcias entre las familias de las élites eran instrumentos que servían para la estrategia política, el hecho de que la tradición recordara cómo se decidió el de Cornelia, hace pensar que tuvo mucha notoriedad.⁵⁵ Además, el recuerdo de esa enemistad en las fuentes, saldada con el matrimonio, podría estar proyectando sobre el pasado los acontecimientos que siguieron con posterioridad con el transcurso de los años y que volvieron a enfrentar, esta vez de una forma más dramática, a los Escipiones y a los Gracos en las figuras de Escipión Emiliano, Publio Cornelio Escipión Nasica Serapión, Tiberio Sempronio Graco y Cayo Sempronio Graco. En cualquier caso, los motivos aludidos para la celebración de las nupcias no fueron óbice para que el connubio entre Tiberio y Cornelia no disfrutara de un gran éxito y sirviera como ejemplo de amor conyugal.⁵⁶

En mi opinión, Cornelia asumió con fidelidad y entrega la pertenencia por matrimonio a la *gens* Sempronía y, concretamente, a la rama plebeya de los Gracos, como esposa *univira* de Tiberio y madre de sus vástagos. La leyenda sobre el rechazo a la propuesta matrimonial del rey helenístico Ptolomeo VIII Evergetes, responde a un montaje político como señala Günther,⁵⁷ pero, sin duda, pretende incidir en la imagen sobre la maternidad y el respeto venerable de Cornelia al *mos maiorum* en calidad de madre viuda fiel a la memoria de su marido y a su condición materna. Rechazar los privilegios y el estatus que hubiese supuesto convertirse en consorte real por el cuidado de sus hijos, dignificaba su maternidad. Como señala Rohr, además, el mantenimiento de su condición de *matrona univira* le garantizaba una autonomía que habría perdido si se hubiera vuelto a casar.⁵⁸

Cornelia, criada en la familia de los Escipiones hasta que alcanzó la edad para el matrimonio, pudo empaparse del amor por la cultura griega, compatible con el respeto a la tradición romana, que se respiraba en su hogar familiar.⁵⁹ Conocía el griego y dominaba la expresión oral y escrita en latín, instru-

55 Sobre el matrimonio de las élites romanas, *vid.* Treggiari 1982; 1984; 2002².

56 Como demuestra la leyenda sobre las dos serpientes, donde se decía que Tiberio había elegido soltar a la serpiente hembra y que mataran al macho para que su mujer le sobreviviera. *Vid.* Val. Max. 4.6.1; Plin. *HN* 7.122; Plut. *Ti. Gracch.* 1.2. Para Dixon (2007: 6) este relato pretendería enfatizar la importancia de la familia en general y de Cornelia en particular.

57 Günther 1990: 124-128.

58 Rohr Vio 2022: 42.

59 Para Rohr Vio (2022: 52), Cornelia pudo haberse beneficiado de la biblioteca griega traída por su tío materno, Lucio Emilio Paulo, tras la victoria sobre el rey Perseo.

mentos que le facilitarían el acceso a una formación más profunda que la mayoría de las mujeres de la élite y, en consecuencia, a un sentido crítico y a una solidez intelectual mayor en su edad adulta.⁶⁰ Cicerón rindió tributo al estilo elegante de la prosa empleada por Cornelia en sus cartas, escribiendo que sus hijos parecían haber sido educados no tanto en su regazo como por medio de sus palabras.⁶¹

Con su padre debió convivir los primeros años de su infancia, quizás hasta los siete, si aceptamos como fecha de su nacimiento el año 189 a.C. y la del fallecimiento del Africano en el 183 a.C. Su educación primera correría a cargo de su madre Emilia Tercia, así como la celebración del matrimonio con Tiberio, responsabilidad que ésta compartiría con la familia de los Escipiones.⁶² La formación intelectual recibida en su casa añadiría valor a las virtudes femeninas con las que la tradición adorna su figura. Estas se corresponderían con otras tantas virtudes masculinas que engalanaban a su marido, brillante político y militar, además de hombre sabio y ciudadano ejemplar, como lo define Cicerón.⁶³ Quizás también su marido, con el que se llevaba una gran diferencia de edad, favoreciera o, incluso, participara en su formación intelectual, como hizo Plinio con su joven esposa Calpurnia.⁶⁴ Es, precisamente, su buen nacimiento y su buena educación lo que, a ojos de Plutarco hizo que Cornelia afrontara con dignidad y resignación elogiosa los infortunios de la vida.⁶⁵

Cornelia debió crecer con una figura materna fuerte en la persona de Emilia Tercia. Probablemente habría tenido conocimiento de la implicación de su madre en asuntos de Estado, si aceptamos las propuestas de varios autores sobre la participación de aquella en las actividades políticas y religiosas señaladas en páginas anteriores, y de cómo su progenitora apoyaba en

60 Sobre la formación intelectual de Cornelia, *vid.* Petrocelli 1994: 41-48; Hemelrijk 2004: 93-97; Valentini 2012: 228; Dixon 2007: 40-42.

61 Cic. *Brut.* 211: *legimus epistulas Corneliae matris Gracchorum: apparet filios non tam in gremio educatos quam in sermone matris.* Una afirmación similar se encuentra en Quintiliano (*Inst.* 1.1.6): *in parentibus vero quam plurimum esse eruditionis optaverim, nec de patribus tantum loquor. nam Gracchorum eloquentiae multum contulisse accepimus Corneliā matrem, cuius doctissimus sermo in posteris quoque est epistolis traditus.*

62 Plut. *Ti. Gracch.* 4.

63 Cic. *Div.* 1.36.

64 Plin. *Ep.* 4.19. Sobre los maridos como educadores de sus esposas, *vid.* Hemelrijk 2004: 28-32. Según indica la autora, la evidencia más antigua sobre esta actividad marital se encuentra a finales del siglo I d.C. y, precisamente en las cartas de Plinio.

65 Plut. *C. Gracch.* 19.

todos los ámbitos a su marido, Escipión Africano. La tradición, sin embargo, destaca más en Cornelia el papel de madre que el de esposa, sin desmerecer esa condición ni la fidelidad a la memoria de su marido, pues se mantuvo *univira* hasta el final de sus días. Su interés parece radicar, siguiendo lo que refieren las fuentes de ella, en la dedicación a sus hijos, en darles la mejor formación, en transmitir a sus vástagos varones el legado de su abuelo y de su padre en el servicio al Estado, aunque ellos lo llevaran hasta un extremo insostenible, y en casar a su única hija superviviente con el mejor partido, conservándola en el seno de la *gens* Cornelia. El relato, probablemente inverosímil, transmitido por Valerio Máximo sobre la respuesta que dio Cornelia a una mujer campana que presumía de sus joyas, donde la hija del Africano mostró a sus hijos como los adornos más preciados que poseía, parece incidir en esa imagen de madre felizmente consagrada al cuidado de sus hijos. También sorprende en esta anécdota, o en la esencia de lo que se quiere transmitir con ella sobre Cornelia, el contraste de carácter entre madre e hija, pues la primera exhibía con orgullo, según Polibio, sus joyas y adornos, mientras que la segunda apreciaba su descendencia como el mejor de sus tesoros. Según Petrocelli, a la primera se la muestra con una actitud propia del entorno, podríamos decir, ideológico de los Escipiones y más expuesta a la vida pública, mientras que se consolida la imagen de mujer dedicada a la familia y a las buenas costumbres de su tiempo en Cornelia.⁶⁶ Esto, en mi opinión, podría indicar un cierto alejamiento de posturas entre madre e hija con respecto a la forma de ser matrona romana o, al menos, podría reflejar una diferencia entra ambas, marcada por la imagen que las fuentes transmiten sobre ellas que no tiene que ser necesariamente un reflejo exacto de la realidad sino de la intencionalidad del autor o los autores al respecto. Al mismo tiempo, y siempre moviéndonos en el terreno de lo hipotético, podría revelar también una identificación de Cornelia con la defensa de los valores tradicionales de la hidalguía plebeya de los Sempronios Gracos. Curiosamente, ese modelo tradicional de esposa y madre estaría en concordancia con los argumentos absolutamente moralistas y tradicionalistas que Livio atribuye a Catón en su defensa de la continuidad de la ley Opia.

Es significativo, por otra parte, que las joyas, los ornamentos, esclavos y demás enseres relacionados con los cultos femeninos de Emilia Tercia pasaran

66 Petrocelli 1994: 41.

a su nieto adoptivo y sobrino natural, según el relato transmitido por Polibio.⁶⁷ Este autor indica que Escipión Emiliano entregó todas las pertenencias de Emilia a su madre Papiria, separada hacía un tiempo de su padre natural, Lucio Emilio Paulo Macedónico, y que se encontraba en una situación económica complicada.⁶⁸ Esta decisión fue muy alabada por las mujeres, según indica Polibio, y, además, resulta una muestra evidente de piedad filial romana de Emiliano hacia su madre. Para Petrocelli y McClintock, con el primer gesto de Emilia Tercia y el posterior de Escipión Emiliano, Cornelia perdió las joyas que habían pertenecido a su madre y que eran el símbolo del estatus familiar de los Cornelios Escipiones.⁶⁹ La vía madre-hija habría sido la dirección lógica de transmisión de este tipo de enseres en el seno de la familia; sin embargo, pudo influir la publicación de la ley Voconia en la decisión de Emilia de instituir como heredero de estos objetos femeninos al único varón superviviente de los Escipiones, pues, probablemente, el valor económico sería muy elevado. Lo cierto es, según Polibio, que cuando murió Papiria, las joyas y los *ornamenta* de Emilia volvieron a pasar a Escipión Emiliano quien decidió regalárselas a sus hermanas a pesar de que, como señala el autor, no tenían derechos legales sobre ese patrimonio.⁷⁰ Esta cuestión estaría evidenciando que, quizás, si Emilia dejó instrucciones orales y no escritas a su nieto adoptivo y sobrino biológico para que transmitiera a sus hijas y a su nieta, las dos Cornelias y Sempronia, sus enseres personales, la realidad es que no fue así. Pasaron de su cuñada a las hijas de esta y sobrinas suyas, dándose la paradoja de que una de ellas estaba casada con un hijo de Catón, por lo que una parte de esas prendas fue a parar a la *gens Porcia*.⁷¹ Ni la suegra, ni la esposa de Escipión Emiliano recibieron una parte de lo que naturalmente les hubiese correspondido, en lo que a las joyas y *ornamenta* se refiere, y que había pertenecido a la madre y a la abuela, respectivamente, de aquéllas.

La imagen sobre la maternidad de Cornelia que refieren las fuentes es diferente a la de su madre, Emilia Tercia. Uno de los elementos que la diferencian es el número de hijos, pues Cornelia supera con creces a su progenitora,

67 Polyb. 31.26.1-5.

68 Polyb. 41.26.6-9.

69 Petrocelli 1994: 41; McClintock 2013: 198; 2022: 88; Cf. Valentini 2016: 137.

70 Polyb. 31.28.7-9. Sobre esta cuestión, *vid.* McClintock 2013: 197-198. Escipión Emiliano probablemente recibiera de su madre biológica instrucciones para transmitir este patrimonio a sus hijas. Sobre esta cuestión, *vid.* Dixon 1985: 165-168; 1988: 47.

71 Concretamente con Marco Porcio Catón Liciniano; Cic. *Brut.* 108; *Sen.* 15; Plut. *Aem.* 5.4; 21.1; *Cat. Min.* 20.8.

llegando a parir hasta doce.⁷² Algunos investigadores creen que debió tener partos múltiples, o bien abortos espontáneos o nacimientos de niños que no superarían los primeros días de vida, pues su matrimonio con Tiberio no pasó de los diez años.⁷³ Según Dixon, es probable que el número haya sido exagerado por las fuentes posteriores que pretendían reforzar su imagen como esposa y madre icónica.⁷⁴ Sin embargo, si bien es cierto que la fertilidad era muy apreciada en Roma, como en cualquier sociedad antigua, y fue fomentada por las leyes augusteas con unos intereses determinados,⁷⁵ la maternidad bien entendida no se demostraba por el número de hijos paridos, sino por la dedicación de la madre a su prole. Y es precisamente esa atención recibida por los Gracos de su madre Cornelia, lo que destacan las fuentes de ella. Este es, además, otro elemento que la diferencia de su madre: una dedicación mayor, quizás motivada por su temprana condición de viuda, hacia el interior de su hogar y el cuidado de sus hijos.

Esta proyección hacia su *domus* familiar no impediría que, con el desarrollo de la vida pública de sus hijos, Cornelia, mujer con una formación intelectual muy destacada, pudiera debatir las ideas políticas de aquellos.⁷⁶ De hecho, Dion Casio indica que en alguna ocasión Tiberio llevó a su madre y a sus hijos al foro ante la presencia del pueblo.⁷⁷ Así, por ejemplo, Plutarco alude a la petición de Cornelia para que su hijo Gayo retirara la propuesta de ley que afectaba directamente al desempeño de cualquier magistratura por parte de Marco Octavio, tribuno que había sido destituido de su cargo por su hermano Tiberio.⁷⁸ También se podría añadir a esta cuestión los supuestos y controvertidos fragmentos de las cartas manuscritas de Cornelia, recogidos por Cornelio Nepote, donde aquélla critica en términos generales el proyecto político de su hijo Gayo.⁷⁹ Como señalan algunos autores, se forja una imagen de Corne-

72 Plin. *HN* 7.57; Sen. *Helv.* 16.6.

73 Así, por ejemplo, Dixon 2007: 7.

74 *Vid.* nota anterior.

75 Sobre esta cuestión, *vid.* Pavón 2020/2021: 192-199 y bibliografía allí citada.

76 Así, por ejemplo, Plutarco (*Gai. Inst.* 4.2) alude a la petición de Cornelia para que su hijo Gayo retirara la propuesta de ley que afectaba directamente al desempeño de cualquier magistratura a Marco Octavio, tribuno que había sido destituido de su cargo por su hermano Tiberio.

77 Dio Cass. f. 24. 83.8.

78 Plut. *C. Gracch.* 4.2.

79 *Nep. Fr.* 1.1-2. Sobre la problemática en torno a las supuestas cartas de Cornelia transmitidas por Cornelio Nepote existe una amplia bibliografía con argumentos a favor y en contra; *vid.*, entre otros, D'Errico 1962-1963: 19-32; Instinsky 1971: 177-189; Horsfall 1987:

lia como defensora de la República, haciendo valer su autoridad materna, que recuerda a la legendaria Veturia, madre de Coriolano.⁸⁰ Para Bauman, Cornelia se mostraría en estos fragmentos más acorde con los ideales patricios de su familia de origen que con los de la familia plebeya de la que formaba parte por matrimonio.⁸¹ El propio Plutarco transmite versiones contradictorias sobre la implicación directa de Cornelia en la sedición de Gayo y sus partidarios, que, para Petrocelli, podrían tratarse de los ecos de una tradición decididamente contraria a los Gracos.⁸² Para Rohr Vio, independientemente de la verosimilitud de las cartas, mostraría que para su tiempo era creíble la intervención de Cornelia en las acciones políticas de su hijo.⁸³ En cualquier caso, todas estas noticias sobre la adhesión o rechazo de Cornelia hacia la política del único hijo varón superviviente que le quedaba incidiría en la imagen de madre preocupada por el bienestar de aquel, así como también, por el devenir de la República.

Tácito recoge la tradición que los autores anteriores a él transmitieron sobre Cornelia como paradigma de madre tradicional que consiguió que sus hijos llegaran a ser personajes ilustres.⁸⁴ El modelo de madre recordado por Tácito en el *Diálogo sobre los oradores* se preocupaba por infundir disciplina a sus vástagos, inculcar virtudes y velar por su educación para que desarrollaran sus vocaciones profesionales hasta el mayor grado posible. Cornelia se desveló por dar a sus hijos la mejor formación posible en retórica, oratoria y filosofía estoica de la mano de Diófanes de Mitilene y Bloisio de Cumas.⁸⁵ Probablemente, sabía de las expectativas que se cernían sobre sus hijos a la vista de sus

231-234; Barnard 1990: 390; Hallett 2002a: 13-24; 2002b: 159-167; 2009: 175-191; 2010: 353-373; 2018: 309-318; Hemelrijk 2004: 61, n. 30; 178; 185; Webb 2022: 169-172. Para Dixon (2007: 27-28), los fragmentos de las cartas podrían ser productos de la propaganda optimata. Agradezco a Lea Beness y a Thomas Hillard sus puntualizaciones y comentarios a este respecto, así como las referencias bibliográficas facilitadas.

80 Africa 1978: 604; Barnard 1990: 390; Petrocelli 1994: 55; Hallett 2002a, 19-20; 2018, 313-314.

81 Bauman 1994: 43.

82 Plut. *C. Gracch.* 13.2. Petrocelli 1994: 57.

83 Rohr Vio 2022: 134.

84 Tac. *Dial.* 28.6. Tácito utiliza el término *principes*, es decir, los primeros de entre los de su entorno, para referirse a los Gracos, a César y a Augusto, gracias a la educación recibida de sus respectivas madres.

85 Plut. *Ti. Gracch.* 1; Cic. *Brut.* 104; 109. Sobre la educación que Cornelia procuró a sus hijos, *vid.*, entre otros, Barnard 1990: 388-389; Dixon 2007: 18; 41; 42; 52; 58; 61; Hemelrijk 2004: 64-67; 93-94; Rohr Vio 2022: 52-55.

antepasados, por lo que no debió escatimar en gastos para su formación. Esta era una muestra de la responsabilidad materna con el Estado, y los Gracos dieron cumplido ejemplo de ello. Desafortunadamente, llevaron el desempeño del tribunado de la plebe hasta unos extremos inauditos que acabaron con sus respectivas vidas.

Cornelia es el ejemplo de madre entregada a sus hijos, pero, sin embargo, éstos, a pesar de sus desvelos, fracasaron, no llegando a vivir ni el tiempo ni lo que se esperaba de ellos. Aun así, la tradición romana la recordaba no tanto por los hechos protagonizados por sus hijos, sino porque éstos fueron capaces de llevarlos a cabo por haber tenido la madre que tuvieron. Es significativo que Tácito recordara, entre las madres tradicionales que se preocuparon por la educación de sus hijos, en primer lugar, a Cornelia y después a Aurelia y a Atia. Estas últimas fueron, con el tiempo, las madres de dos personajes muy relevantes para la historia romana que, además, fueron divinizados y recibieron cultos póstumos. Augusto fue el iniciador de una dinastía que gobernó los destinos de Roma desde el 27 a.C. hasta el 68 d.C. y, sin embargo, los ecos de la maternidad entregada de Cornelia, a pesar del infortunio de sus hijos, no dejaron de sonar durante mucho tiempo en la tradición romana.

¿Qué hacía a Cornelia ser una madre paradigmática? Otras, al igual que ella, habían quedado viudas o, en algunos casos, sin haber perdido sus esposos, debieron asumir la crianza de sus hijos solas, mientras sus maridos estaban fuera del hogar sirviendo al estado. También otras mujeres habían experimentado el dolor por la pérdida de sus hijos en el campo de batalla. En ella parecen darse varias circunstancias únicas y bien recordadas por el momento histórico que vivió. En primer lugar, su condición de viuda joven y su lealtad a la memoria de su marido, que no la hizo buscar un segundo matrimonio para afrontar la soledad y la crianza de sus hijos; en segundo lugar, su entrega, dedicación y empeño por hacer de sus hijos varones los mejores y más cualificados miembros de la élite dirigente del Estado, hecho que le hubiese correspondido a su marido si hubiese estado con vida; en tercer lugar, su estoico carácter al afrontar con dignidad y entereza, no ya la muerte de su marido y el haber sobrevivido a sus hijos, Tiberio y Gayo, sino el hecho de que éstos perdieran la vida en la defensa de sus ideas, con el agravante de morir sin honores.

El aprecio y consideración que el pueblo romano le tributó a Cornelia se observa en la estatua de bronce que, según Plinio y Plutarco, se le dedicó y que se colocó primero en la *porticus Metelli* y, posteriormente, se trasladó, en épo-

ca augustea, a la *porticus Octaviae*.⁸⁶ El destino volvió a confrontar una vez más a Escipión Africano y a Catón el Mayor, pues este se había opuesto durante su censura a que se levantaran estatuas a mujeres en las provincias⁸⁷ y, sin embargo, en la propia Roma se erigió una a la hija de su enemigo.⁸⁸ La estatua iba acompañada de un famoso texto epigráfico que identificaba a Cornelia como hija del Africano y como «la de los Gracos» (*Cornelia Africani f./ Gracchorum*).⁸⁹ La ausencia del término *mater*, así como también la no referencia al marido, puede explicarse, como señala M. Mayer, con la forma genérica *Gracchorum* mediante la cual se recordaba tanto a sus hijos como a su esposo.⁹⁰ En palabras de este autor, «la mención *mater* podría convenir a la tradición virtuosa de Cornelia, pero al mismo tiempo políticamente en época augustea podía ser vista como una indirecta lisonja a la memoria de sus hijos».⁹¹ En mi opinión, el genitivo plural *Gracchorum*, que, inevitablemente, traería el recuerdo de sus hijos, honrados, de esta forma, a través de la estatua levantada en honor a ella, quizás, aunque menos probable, también podría haber servido, aun siendo mayor su fama, para diferenciarla de su hermana homónima, casada con el varias veces cónsul Publio Cornelio Escipión Nasica Córculo, e igualmente *Africani f.*

Cornelia, al igual que su padre, se alejó de Roma en los últimos años de su vida, y se dirigió a la casa familiar de la villa del Miseno.⁹² Allí recordaba sin tristeza y con la dignidad de su nacimiento y educación, según el relato de Plutarco, a su padre y a sus hijos como si fueran personajes de un pasado lejano, y

86 Plin. *HN* 34.31; Plut. *C. Gracch.* 4.4. Sobre la datación de la estatua en torno al año 100 a.C. *vid.* Coarelli 1996: 280-299. Sobre la vinculación del traslado de la estatua a la *porticus Octaviae* con la política legislativa de Augusto sobre regeneración moral, *vid.* Petrocelli 1994: 63-64.

87 Plin. *HN* 34.31.

88 Para Bauman 1994: 44, las muestras de respeto proferidas a Cornelia podrían haber iniciado el culto al individuo, favorecido por los líderes populares en la República, y que, más tarde, se extendió a los emperadores.

89 *CIL* VI, 31610. Sobre las hipótesis suscitadas en cuanto a la elaboración y datación de esta inscripción, *vid.*, entre otros, Coarelli 1996: 280; Lewis 1988: 198-200; Kajava 1989: 130-131; Ruck 2004: 477-493. Mayer 2016: 69-75. En Velejo Patérculo (2.6-7) el orden se invierte, apareciendo primero como madre de los Gracos y luego como hija del Africano. En opinión de Mayer (2014: 657-674), la inscripción del pedestal de la estatua de Cornelia de la *porticus Aemilia* tiene un reflejo negativo en los versos 167-171 de la sátira sexta de Juvenal.

90 Mayer 2016: 74.

91 Mayer 2016: 74.

92 Plut. *C. Gracch.* 19.2; Oros. 5.12.9.

recibía con fervorosa hospitalidad a amigos, a griegos y a hombres de letras, reproduciendo, quizás, el ambiente intelectual vivido en su primera juventud en la casa paterna.⁹³ Sin duda, la reflexión de Plutarco destaca una marcada actitud estoica por parte de nuestra protagonista.⁹⁴ Séneca pone en su boca las siguientes palabras: *Numquam, «inquit», non felicem me dicam, quae Gracchos peperit.*⁹⁵ Cornelia pudo haber cumplido con convicción y vocación con lo que se esperaba de ella como hija, esposa y madre. Y fue precisamente recordada póstumamente por la posteridad como ella quería ser saludada en vida por los romanos: por ser la madre de los Gracos y no la suegra de Escipión Emiliano.⁹⁶

4. Sempronia, la hermana

Las fuentes ofrecen poca información sobre Sempronia, la tercera mujer de la saga que analizamos, y, sin embargo, sobre ella debió recaer una pesada herencia moral al ser la única superviviente de su familia. En ésta se habían entrelazado la fortuna y la desgracia como ejemplo particular de la historia republicana que se encaminaba, sin prisas, pero sin pausas, hacia su final. Sempronia, una de las tres joyas de Cornelia, varios años después de la muerte de su padre, se casaba con el mejor partido de su entorno: Publio Cornelio Escipión Emiliano, más próximo a la generación de su madre que a la de ella.⁹⁷ Aquel era doblemente pariente suyo por parte de su madre Cornelia, pues era, al mismo tiempo, primo biológico y sobrino adoptivo de esta. Existían, por tanto, lazos de consanguinidad entre Escipión Emiliano y Sempronia.

Con el matrimonio de ambos, ella ingresaba en una *gens* familiar: la Cornelia, de donde procedía su madre. Sin embargo, según la información recogida por Apiano, esta unión no fue feliz debido a que ella no amaba a su ma-

93 Sobre el ambiente cultural que se respiraba en las villas de su familia, *vid.* Dixon 2007: 45-47.

94 Así, Dixon 2007: 43.

95 Sen. *Marc.* 16.3.

96 Plut. *Ti. Gracch.* 8.7.

97 Según Dixon 2007: XXI, Sempronia nacería entre el 165-155. La misma autora (p. 12) señala la cercanía de edad entre Cornelia y Escipión Emiliano. Para Barnard (1990: 391), el matrimonio se celebraría antes del 146 a.C., momento en que Tiberio acompañó a su cuñado Emiliano en la campaña contra Cartago, según el relato de Plutarco (*Ti. Gracch.* 4.5.). Para Hallett (1984: 247-248), las buenas relaciones, que, en un principio, tuvieron Cornelia y Escipión Emiliano favorecieron el matrimonio de este con su hija, así como los vínculos con sus jóvenes cuñados.

rido y a que éste tampoco sentía amor por ella debido a una deformidad, de la que no se dice en qué consistía, y por su esterilidad.⁹⁸ No sabemos si la deformidad aludida era la causa de la infertilidad de Sempronia o si el infértil era Emiliano. A los ojos de la sociedad, debía contrastar la fertilidad de Cornelia frente a la supuesta infertilidad de su hija. La esterilidad en la esposa era causa de divorcio en el mundo romano, pero el matrimonio se mantuvo.⁹⁹

Es posible que en los primeros años de casados y con la esperanza de la concepción de hijos, la pareja no tuviera desavenencias, teniendo en cuenta, además, la armonía que se había establecido entre Escipión Emiliano y su joven cuñado Tiberio, quien lo había acompañado en la campaña contra Cartago.¹⁰⁰ Este, huérfano de padre desde muy niño, podría haber tenido en aquél un referente paterno. Fue, durante esos primeros años de matrimonio entre Sempronia y Emiliano y por la actividad política y militar de éste, por lo que Cornelia era conocida por su faceta como suegra y no tanto como madre. Sin embargo, la concordia familiar se rompió por motivos políticos, al anteponer la defensa de los intereses ideológicos por encima de las relaciones familiares y humanas.¹⁰¹ De nuevo, la historia de la República romana dividía a los Sempronios Gracos y a los Cornelios Escipiones. Cornelia y Sempronia debieron sufrir enormemente estas irreconciliables diferencias políticas, pero quizás más la segunda que la primera, al tratarse de su marido y de sus hermanos. Estos, además, se habían casado con hijas de enemigos de Emiliano, estableciendo alianzas políticas y familiares que los alejaban aún más de aquél.¹⁰² El hogar de Sempronia, sin hijos, estaba dividido. Todo ello pudo ser el origen de la desafección por su marido.

Los años 133, 129 y 121 a.C. debieron ser muy dramáticos para ella pues murieron Tiberio, Emiliano y Gayo y ninguno de ellos recibió honores de

98 App. *B Civ.* 1.20.

99 Para Austin 1967: 235-236, las dos posibles vías que podría haber elegido Escipión Emiliano eran el divorcio o la adopción, pero no escogió ninguna de ellas. Según este autor, el divorcio hubiese supuesto la devolución de la cuantiosa dote que debía haber recibido de la familia de Sempronia. Sobre la difícil relación entre Emiliano y Sempronia, *vid.* Beness, Hillard 2016: 87-93.

100 Plut. *Ti. Gracch.* 4-5.

101 Sobre la evolución de las relaciones entre Emiliano y su cuñado Tiberio, *vid.*, entre otros, Beness, Hillard 2016: 80-87.

102 Tiberio se casó con Claudia, hija de Apio Claudio Pulcro (Plut. *Ti. Gracch.* 4.2; Vell. Pat. 2.2.2) y Gayo con Licinia, hija de Publio Licinio Craso Dives (Plut. *Ti. Gracch.* 21.2). Sobre esta cuestión, *vid.* Austin 1967: 86-90.

estado. Sus dos hermanos perdieron la vida de forma violenta, anticipada por cercenarles la vida antes de tiempo y de manera deshonrosa. Sobre la muerte, también prematura, de su marido, cayó la sospecha de haber sido provocada por sicarios de sus enemigos políticos, entre los que se encontraban Marco Fulvio Flaco y Gayo Sempronio Graco, su cuñado, aunque también pudo haber sido de forma natural.¹⁰³ Fuentes posteriores a los hechos, como Livio, Velejo Patérculo, Apiano y Orosio, recogen un rumor sobre la posible implicación de Cornelia y Sempronia en la muerte de Emiliano.¹⁰⁴ Livio alude a la sospecha sobre un posible envenenamiento de Emiliano a manos de su esposa. Sin embargo, el autor indica que no se había realizado ninguna investigación sobre la muerte y que esa sospecha recaía sobre ella por ser la hermana de los Gracos. En este sentido, es bastante relevante la observación realizada por Barnard, quien, analizando los términos en los que se manifiesta Apiano y que señala la culpabilidad de Sempronia argumentando el desamor y la falta de hijos, indica que son parte de la invectiva tradicional que tacha a las mujeres estériles de brujas y asesinas de sus parientes.¹⁰⁵

Los argumentos y sospechas contra Cornelia y Sempronia caen por su propio peso al ser lugares comunes que evidencian prejuicios contra las mujeres.¹⁰⁶ Por otro lado, no habría sido lógico realizar manifestaciones honoríficas hacia Cornelia y reverenciarla durante siglos por su maternidad, si hubiera sido la asesina palmaria de su yerno. Además, tras la muerte de su marido, Sempronia podría haber contraído otro matrimonio, pero se mantuvo *univira*, como también lo fueron su madre y su abuela.

Como señala Barnard, Sempronia, según los relatos de fuentes como Apiano y el más tardío Orosio, no era receptora de la admiración que, para el pueblo, suscitaban sus hermanos, pero sí de su infamia.¹⁰⁷ La propaganda contra los Gracos debió de estar tras estas sospechas que trataban de mancillar la honorabilidad de las dos mujeres. Las fuentes no refieren en ningún caso

103 Plut. *C. Gracch.* 10.5; Cicerón (*De or.* 2.40; *Fam.* 9.21.3; *QFr.* 2.3.3) señala a Papirio Carbón.

104 Liv. *Per.* 59; Vell. Pat. 2.4; Apiano (*B Civ.* 1.20) recoge además la opinión de autores anteriores sobre un posible suicidio; Oros. 5.10.10.

105 Barnard 1990: 391.

106 Para Dixon (2007: 12) esas sospechas no fueron contemporáneas sino muy posteriores a los hechos.

107 Barnard 1990: 391. Cavaggioni 2004: 53-83 observa que la acusación de envenenamiento de maridos es recurrente y tópica en noticias recogidas por las fuentes desde el siglo IV al II a.C. para desacreditar a las mujeres.

información sobre el sufrimiento que debió padecer Sempronio con un matrimonio infeliz, cuya finalidad no se vio cumplida ante la falta de hijos, y viendo cómo iban muriendo los miembros varones de su familia.

Es muy probable que, desde la pérdida de su marido, Sempronio viviera cerca de su madre o, incluso, con ella en la villa del Miseno tras la muerte de su hermano Gayo.¹⁰⁸ Es también posible que Sempronio hubiera recibido una formación intelectual semejante a la de su madre, aunque las fuentes no informan sobre esta cuestión. La razón sobre esta omisión puede encontrarse en que la tradición se focalizó en destacar la magnífica educación recibida por los jóvenes Gracos, gracias al interés de su madre y a razón de su estatus social, destinados a servir al Estado. Una hipótesis formulada por Barnard apunta a que Sempronio, la única hija de Cornelia que llegó a la edad adulta, pudo haber dado publicidad a las cartas de Cornelia e, incluso, podría haberlas falsificado.¹⁰⁹

Probablemente, tanto ella como su madre, según Dixon, inculcarían en los hijos de Tiberio y Graco el orgullo familiar y la ambición política que los caracterizaba.¹¹⁰ Ellas pudieron ser, en opinión de esta autora, quienes mantuvieron vivos los pormenores de sus muertes violentas.¹¹¹ Así mismo, Dixon considera que Sempronio fue la vía de transmisión de los últimos años de la vida de Cornelia que recoge Plutarco en la biografía dedicada a su hijo Gayo.¹¹² Si hubiera sido así, Sempronio habría sido la memoria viva de los Cornelios Escipiones y de los Sempronios Gracos.

108 Así, Dixon 2007: 13.

109 Barnard 1990: 390.

110 Dixon 2007: XV. Tiberio tuvo tres hijos varones, uno de los cuales murió en la infancia y los otros dos muy jóvenes (Val. Max. 9.7.2). Gayo tuvo un hijo y una hija (Plut. *C. Gracch.* 15.2). Sobre la descendencia masculina de los hermanos Gracos, *vid.* Stockton 1979: 30, n. 32. Sobre la hija de Gayo Graco, probablemente homónima de su *amita* Sempronio, Münzer (1920: 272-273; 1923: col. 1446) especuló sobre la posibilidad de que fuera la famosa Sempronio aliada de Catilina y esposa de Décimo Junio Bruto, cónsul del 77 a.C. Sin embargo, aunque resulte atractiva dicha identificación, puesto que la descripción de Salustio (*Cat.* 24-25; 40.5) dice de ella que era una mujer de gran formación intelectual y fuerte personalidad, sin embargo, resulta extraño, en caso de que fuera la hija de Gayo Graco, que no aprovechara la oportunidad para hacer alusión a la familia de los Cornelios Escipiones y, sobre todo, de los Sempronios Gracos. Syme (1964: 134-135) propuso identificarla con la tía de Fulvia. Para Ciaceri 1930: 219-30; Gruen 1974: 422 y Bauman 1994: 68, entre otros, es más verosímil que perteneciera a la rama Tuditana de la *gens Sempronio*, opción por la que me inclino, *vid.* Pavón 2021: 544.

111 Dixon 2007: 9.

112 Plut. *C. Gracch.* 19; Dixon 2007: 11-12.

Tras su muerte, acaecida después del 101 a.C., Sempronia debió de ser más conocida como *Ti. et C. Gracchorum soror*, que como *Scipionis Aemiliani uxor*. Estas son, precisamente, las cartas de presentación que utiliza Valerio Máximo para ella en un conocido y extenso pasaje que le dedica con la intención de alabar su presencia de ánimo en la defensa de la memoria de los suyos, a propósito del juicio celebrado contra Lucio Equicio.¹¹³ Este aspiraba a ser elegido tribuno de la plebe y se presentaba como hijo de Tiberio Sempronio Graco.¹¹⁴ El censor Quinto Cecilio Metelo Numídico se había negado a incluirlo en la lista del censo, argumentando que conocía el número de hijos que había tenido Tiberio, así como las muertes prematuras de estos y, por tanto, declaraba la ilegalidad de tal atribución de paternidad.¹¹⁵ Metelo fue enjuiciado por los populares a instancias de su enemigo, el tribuno de la plebe Lucio Apuleyo Saturnino.¹¹⁶ Sempronia fue conducida, de forma excepcional por su condición de mujer, a la tribuna de oradores frente a la asamblea del pueblo en medio de un ambiente bastante crispado, según Valerio Máximo.¹¹⁷ Allí permaneció imperturbable y serena ante la mirada intimidante de la máxima autoridad que le profería amenazas y frente a una multitud atronadora e ignorante que pretendía que, con el solo gesto de besar a Equicio y no con palabras, admitiera la falsa paternidad que se le pretendía atribuir a Tiberio. Ella se negó a tal atropello defendiendo el honor de su familia y, sobre todo, de su hermano. Era bastante la rentabilidad política que Equicio pretendía sacar con tal atribución, pero Sempronia no accedió a que se utilizara falsa e indebidamente la memoria ni el legado político de su querido hermano, alejándose de las derivas demagógicas de los populares.¹¹⁸ Con su negativa a admitir tal impostura, defendió, así mismo, la fidelidad de Tiberio hacia su esposa.¹¹⁹

113 Val. Max. 3.8.6. Sobre esta cuestión, *vid.* Rohr Vio 2022: 50-51.

114 Sobre la falsa filiación a la *gens Sempronia* de Lucio Equicio a través de Tiberio Sempronio Graco, *vid.* Pina Polo 2014: 126-128; Beness y Hillard 2016: 94-99.

115 Val. Max. 9.7.2; 15.1.

116 Bauman 1994: 48-49; Dixon 2007: 30-31.

117 Val. Max. 3.8.6. Ver el capítulo de van der Blom en este volumen.

118 *Vid.* Bauman 1994: 49.

119 Hallett (1984: 167) utiliza el pasaje de Valerio Máximo y la actuación de Sempronia para evidenciar la autoridad de la tía paterna en la familia, sobre todo cuando la mayor parte de sus miembros han desaparecido.

A partir de las imágenes que ofrecen las fuentes sobre estas tres mujeres de finales de la República se puede observar una muestra de la implicación femenina, desde el ámbito público o privado, en la política del Estado dentro, evidentemente, de los límites marcados por la tradición y las leyes. No obstante, los autores clásicos no se fijaron en las relaciones que mantuvieron entre ellas, sino en las que desarrollaron con los varones de sus familias, sobresalientes en el ámbito militar y político. A comienzos del principado, Valerio Máximo hizo patente en sus *Hechos y dichos memorables* el recuerdo que Emilia, Cornelia y Sempronía (abuela, madre e hija) dejaron en la memoria colectiva romana para ejemplo edificante de sus lectores. De la primera, el autor destacó la fidelidad hacia su marido; de la segunda, la dedicación y la entrega a sus hijos y de la tercera, la perseverancia y la protección del honor de su hermano.¹²⁰ Las tres fueron mujeres extraordinarias para tiempos que también lo fueron. A falta de biografías que ilustren con más datos sus vidas y sus implicaciones en la política cotidiana de su momento, debemos conformarnos con los detalles, algunos de los cuales fueron recreados por los autores clásicos que esbozan sus personalidades y con la huella que dejaron en la historia romana. Tan permanente e indeleble fue aquélla, que san Jerónimo, a principios del siglo V, reclamó para su querida amiga santa Paula los méritos de los Paulos Emilios, de los Cornelios Escipiones y de los Sempronios Gracos, pero, sobre todo, las virtudes de la matrona óptima por excelencia, Cornelia, no muy dispares de las que debían adornar a la matrona cristiana.¹²¹

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120 Val. Max. 6.7.1 (Emilia Tercia); 4.4.1 (Cornelia); 3.8.6 (Sempronía).

121 La vinculación de Paula con las familias de Emilia Tercia, Cornelia y Sempronía se encuentra en la epístola 108, donde menciona el epitafio que le dedicó en su tumba en Belén: *Exegi monumentum aere perennius», quod nulla destruere possit uetustas. Incidi elogium sepulcro tuo, quod huic uolumini subdidi, ut quocumque noster sermo peruenerit, te laudatam te in Bethleem conditam lector agnoscat. Titulus sepulchri: «Scipio quam genuit, Pauli fudere parentes, Gracchorum suboles, Agamemnonis inclita proles hoc iacet in tumulo; Paulam dixere priores. Eustochii genitrix, Romani prima Senatus pauperiem Christi, et Bethlemítica rura secuta est». Et in foribus speluncae: Despicias angustum praecisa rupe sepulchrum? Hospitium Paulae est, caelestia regna tenentis. Fratrem, cognatos, Roman patriamque relinquens.* Para B. Girotti (2016: 346-347) los vínculos familiares entre santa Paula y Furia con Cornelia son ficticios. Cf. Chausson 2000: 174.

- Álvaro Bernal, Marta (2018) «La división de roles en la infancia: *puellae* educadas para el matrimonio», en Pilar Pavón (ed.), *Marginación y mujer en el Imperio romano*, Roma, 103-132.
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LAS MUJERES DE LA ARISTOCRACIA AUGUSTEA COMO ACTORES POLÍTICOS Y ECONÓMICOS. EMILIA LÉPIDA COMO CASO DE ESTUDIO

Frédéric Hurlet

«Sa femme, il ne l'a pas vue grandir, et ce soir c'est elle qui lui a donné un ordre. Pas un ordre : une instruction. Elle n'a pas dit *tu dois*, mais *il faut*, la voix de Lucretia devenue la voix de la nécessité, *il faut que tu restes à la maison*. Voix douce, mais ce qu'elle dit est inflexible» (H. Kaddour, *La nuit des orateurs*, Paris, 2021, 11).

La cuestión de la posición de las mujeres en la vida pública de Roma y como ciudadanas no es ni mucho menos novedosa. El interés actual por esta cuestión no hace sino reflejar uno de los debates contemporáneos más importantes y centrales, el del lugar de la mujer en la sociedad y sus cambios. Con respecto a Roma, durante muchas décadas se han realizado numerosos avances que resultan convincentes, siempre y cuando la historiografía logre distinguir entre un poder formal que las mujeres no pudieron en ningún caso ostentar y una influencia política que ejercieron de diferentes maneras, sobre cuyas modalidades debe centrarse el debate en la actualidad.¹ En el marco de una monografía sobre los colegas del príncipe, dedicada por definición a las carreras de los varones, tuve la oportunidad de darme cuenta de lo que las trayectorias de personalidades como Augusto, Agripa, Cayo César, Lucio César, Druso el Mayor, Tiberio, Germánico y Druso el Menor debían a su entorno femenino, ya fuera a su hijas, esposas o madres.² La visión que ofrecí en su momento, sin embargo, seguía siendo parcial, ya que se limitaba a presentar la influencia de las mujeres de la familia imperial de una forma solo pasiva, en este caso ligada a dar a luz a los sucesores masculinos y garantizar así la

1 Cf. en este sentido Bielman Sánchez, Cogitore y Kolb 2016.

2 Hurlet 1997: 432-436, 466-467, 494-496, 508-510 y 529-530.

continuidad dinástica del régimen imperial. La función reproductora de princesas como Livia, Antonia la Menor, las dos Julias, Livila y las dos Agripinas, aunque innegable, esencial y valorada por nuestra documentación (literaria, epigráfica e iconográfica), no debe hacernos olvidar, sin embargo, que también intervinieron en el debate público de forma activa. El objetivo de este estudio es, por lo tanto, devolver a las mujeres romanas su cuota de capacidad de actuación³ en una sociedad que estaba dominada por los hombres, pero que, no obstante, abría campos de acción para las mujeres en áreas y circunstancias específicas.⁴

La capacidad de acción de las mujeres romanas ha sido estudiada en las dos últimas décadas para ciertas categorías de mujeres y ciertos períodos. Hoy en día, gracias sobre todo a los trabajos de Francesca Rohr Vio, podemos apreciar mejor hasta qué punto la crisis de la República romana contribuyó a convertir a las matronas en actrices políticas que actuaban en nombre de los hombres de su familia (maridos, hijos y hermanos), aconsejándolos, actuando como mediadoras e incluso interviniendo en la esfera pública.⁵ El ejemplo más ilustrativo es el de Hortensia, la hija del gran orador Q. Hortensio Hórtalo, que se había formado en el arte de la oratoria para mantener la tradición familiar, y que tuvo el talento y la audacia suficientes para dirigirse públicamente a los Triunviros en el Foro en el año 42 a.C. y pedirles en su discurso que retiraran sus medidas fiscales.⁶ Hubo personalidades fuertes, como Fulvia, de la que Veleyo Patérculo dijo que «sólo tenía cuerpo de mujer», añadiendo que «llevaba la guerra y el desorden a todas partes» para menospreciarla,⁷ pero lo mismo se aplica a las mujeres que a los hombres: algunos eran por naturaleza más activos que otros. Para el periodo siguiente, la actuación de las mujeres se ha analizado esencialmente a través de las princesas de la familia imperial, lo que nos permite calibrar mejor hoy no sólo su papel central en la formación y en las sucesivas y forzadas reorganizaciones de la dinastía Julio-Claudia, sino también su participación en el proceso de toma de decisiones, incluyendo los límites a los que se enfrentaban, teniendo en cuenta que eran

3 Con la expresión «capacidad de actuación» o «de acción» me refiero a la compleja noción de «agency».

4 Véase en esta línea Cenerini y Rohr Vio 2016.

5 Rohr Vio 2019; véase también Rohr Vio 2016: 105-115; Lucchelli y Rohr Vio 2016.

6 Sobre este episodio, cf. App. *B Civ.* 4.32-34.135-146. Veanse los capítulos de van der Blom y Rosillo-López en este volumen.

7 Vell. Pat. 2.74.3. Cf. López Barja de Quiroga 2021: 165-173.

finalmente los hombres los que tomaban las decisiones. Destacan sobre este punto los trabajos de Mireille Corbier y Francesca Cenerini.⁸ Sin embargo, sigue existiendo un ángulo muerto en la investigación sobre el papel político de las mujeres en el periodo de transición entre la República y el Principado, a saber, el desempeñado en el periodo imperial temprano por las mujeres pertenecientes a la aristocracia senatorial y no a la familia imperial. Este estudio pretende colmar esta laguna, en parte, centrándose en un estudio de caso, el de Emilia Lépida, elegido aquí porque su biografía refleja tanto la diversidad de funciones atribuidas a una matrona como una forma de capacidad de acción, pero también las variantes de ésta y sus límites.

1. El poder del nombre y la ascendencia: Emilia Lépida en el corazón de la aristocracia

Emilia Lépida es, ante todo, un nombre prestigioso, llevado por varias mujeres de la aristocracia de la primera época imperial, que conviene no confundir. Se trata de matronas cuyo gentilicio y apodo indican que tenían en común el pertenecer por nacimiento a una de las mayores *gentes* romanas y a su rama más prestigiosa. Entre las personas atestiguadas por las fuentes y que figuran entre los personajes femeninos centrales de la historia política de la Roma Julio-Claudia, cabe mencionar las dos personalidades siguientes, de trágicos destinos: en primer lugar, la hija de L. Emilio Paulo (cos. 1 d.C.) y Julia la Joven, que primero estuvo comprometida con Claudio y luego se casó con M. Junio Silano, finalmente ejecutado en el 54 por orden de Agripina la Joven;⁹ en segundo lugar, la hija de M. Emilio Lépido (cos. 6 d.C.), que se casó con el hijo de Germánico y Agripina la Mayor, Druso, y se suicidó en el 36 tras ser acusada de adulterio con un esclavo.¹⁰

Quiero llamar la atención sobre otra Emilia Lépida, de la que se sabe que fue condenada al destierro (*interdictio aquae et igni*) por el Senado en el año 20 d.C.¹¹ La he elegido más específicamente no sólo por su condición de víctima femenina, compartida por sus homónimas, sino también y sobre todo

8 Corbier 1994 y 1995; Cenerini 2009; 2016; véanse también Hurlet 2015: 125-126 y Boatwright 2021.

9 *PIR*² A 419.

10 *PIR*² A 421.

11 Sobre esta Emilia Lépida, cf. von Rohden 1893b: col. 592; *PIR*² A 420; Raepsaet-Charlier 1987: 48-49, n° 28.

porque una de nuestras fuentes, Tácito, describe detalladamente el desarrollo del proceso que se llevó a cabo en su momento, proporcionando valiosos indicios biográficos inéditos. Antes de pasar a narrar las acciones de una matrona de la aristocracia romana, que explican su acusación y que veremos que continuaron durante el juicio, hay que resaltar que el testimonio de Tácito nos permite, en primer lugar, conocer su ascendencia, ya que especifica que Emilia Lépidia fue defendida por su hermano, M'. Lépidio. Tal nombre, Manio, poco frecuente, permite identificarlo con el cónsul del año 11 d.C., del que también se sabe que era hijo de un Quinto y nieto de un Marco, y que era un destacado aristócrata.¹² Estos indicios llevaron a Ronald Syme a hacer de Emilia Lépidia la hija de uno de los hijos del Triunviro Lépidio, el más joven,¹³ de quien no se sabe que hiciera carrera política. Esta es la interpretación más probable en el estado actual de la investigación, aunque no sea absolutamente segura. El padre de Emilia Lépidia, Quinto Emilio Lépidio, había tenido otro hermano, el mayor, Marco, eliminado en el año 30 como resultado de una conspiración.¹⁴ Pertenece, por lo tanto, a la rama de los *Aemilii Lepidi* que más sufrió la toma del poder por parte de Augusto, a diferencia de la rama de su tío abuelo, Paulo Emilio Lépidio, que alcanzó la censura y cuyo hijo fue cónsul en el año 6 d.C.

Si le debía a su padre ser una Emilia Lépidia, podía reclamar una ascendencia aún más notable por parte de su madre, una Cornelia, que Tácito recuerda que estaba emparentada con Sila y Pompeyo, siendo nieta de ambos, y que debe ser identificada con la hija de Fausto Sila y Pompeya.¹⁵ La insistencia con la que el historiador romano presenta tal ascendencia indica hasta qué punto el prestigio de una familia como los *Aemilii Lepidi* se veía reforzado por la línea materna de Emilia Lépidia. Esto demuestra que la influencia de las mujeres de la aristocracia procedía, en primer lugar, de los vínculos familiares que heredaban al nacer, tanto de su padre como de su madre, y de las redes paternas y maternas. Por lo tanto, y sólo como tal, era enteramente

12 Sobre este personaje, cf. von Rohden 1893a, col. 551; Syme 1970: 32-34 y 38-39; 1986: 97-98, 100, 112, 129-130, 262-263.

13 Syme 1986: 112, y tablas IV y XVI para los *stemmata*. Cf. también en este sentido Hayne 1973: 497-498. Hayne y Syme descartan, con razón en mi opinión, la idea de que Emilia Lépidia fuera hija del cónsul del 21 a.C., otro Emilio Lépidio también llamado Quinto, tesis defendida por Allély 2004: 243-244.

14 Cf. Cogitore 2002: 55-62.

15 Tac. *Ann.* 3.22.1: *Lepida, cui super Aemiliorum decus L. Sulla et Cn. Pompeius proauirant*; cf. también Suet. *Tib.* 49.1: *generosissimam feminam Lepidam*. Cf. Hayne 1973: 498.

pasiva, ya que no era más que el resultado de privilegios innatos; sin embargo, esto no constituía una diferencia fundamental con respecto a los hombres, que también debían su pertenencia a la nobleza y su rango dentro de ella a su ascendencia y a la calidad de ésta. Al igual que estos últimos no dejaban de recordar las hazañas de sus antepasados para justificar su deseo de entrar en la vida pública y seguir una carrera política, también lo hacían sus madres, esposas e hijas, pero desde su propia posición de dependencia: no a través del ejercicio del poder, sino por las alianzas matrimoniales que unían a dos familias.

2. La prometida de Lucio César: Emilia Lépida como lazo de unión entre la *domus Augusta* y la aristocracia

La ascendencia de Emilia Lépida, sin duda ilustre y notable incluso dentro de la más alta aristocracia romana, explica que fuera desposada inicialmente con uno de los propios hijos adoptivos de Augusto, Lucio César.¹⁶ Este compromiso se rompió debido a la muerte, en el año 2 d.C., de Lucio, que aún no tenía 20 años.¹⁷ Tal promesa de alianza matrimonial con uno de los príncipes de la juventud se había decidido entre el momento en que Lucio César tomó la toga viril, es decir, en el año 2 a.C., y el momento de su fallecimiento, cuatro años más tarde, es decir, cuando tenía quince años como mínimo y dieciocho como máximo, lo que proporciona varias indicaciones valiosas. En primer lugar, nos permite vincular a Emilia Lépida a la misma generación de Lucio César y plantear la idea, muy probable, de que nació en un año cercano al del nacimiento de su prometido, fechado en el 17 a.C.,¹⁸ probablemente un poco más tarde si tenemos en cuenta que las mujeres se comprometían y se casaban a una edad más temprana que los hombres, tan pronto como eran núbiles.¹⁹ Más fundamentalmente para el objeto de este estudio, se aprecia una de las estrategias elegidas por la familia imperial para multiplicar las alianzas familiares y fortalecer así una red cada vez más densa, basada en los vínculos matrimoniales y reforzada por los múltiples y entrelazados lazos de clientela propios de cada familia.²⁰ De hecho, los esponsales y el matrimonio

16 Tac. *Ann.* 3.23.1: *destinata quondam uxor L. Caesari ac diuo Augusto nurus.*

17 Cf. sobre este tema Hurlet 1997: 139-140.

18 Sobre la fecha de nacimiento de Lucio, véase Hurlet 1997: 113, n. 179.

19 Cf. en este sentido Townend 1962: 486.

20 Cf. sobre este tema Hurlet 2000: 128-129.

podían unir a personas que ya formaban parte de una dinastía centrada en Augusto, como en el caso de Germánico y Agripina, o a príncipes o princesas de la familia imperial con alguien ajeno a ella. En este último caso, era una forma de incorporar a la dinastía a familias que aún no formaban parte de ésta. Los esponsales de Lucio César con Emilia Lépida fueron una oportunidad para insertar a una prestigiosa rama de la aristocracia que había sido inicialmente excluida del centro del poder tras la relegación de Lépido en el 36 y la conspiración del hijo mayor de éste en el 30: una especie de reconciliación, unos diez años después de la muerte del Triunviro. La inesperada muerte de Lucio César, además de entristecer profundamente a Augusto y debilitar la organización dinástica al hacerla descansar sobre el hermano mayor, Cayo, que murió a su vez en el año 4 d.C., truncó muy pronto la integración de esta rama de los *Aemilii Lepidi* en la *domus Augusta*. Por ello, tras el tiempo de luto, Emilia Lépida fue objeto de un nuevo matrimonio, esta vez con un miembro de la aristocracia augusta.

3. Los maridos de Emilia Lépida

Emilia Lépida tuvo varios maridos. El primero fue P. Sulpicio Quirinio, cónsul ordinario del año 12 a.C., con quien se casó en una fecha indeterminada, como muy pronto en el año 3 d.C. y probablemente no antes del 4 d.C.²¹ Era unos cuarenta años mayor que ella, habiendo nacido en los años 50 a.C., y procedía de una familia sin prestigio,²² ya que era un *homo novus* del municipio de Lanuvio.²³ Hay varias razones para una unión matrimonial como ésta, que vinculó a personas de edades y orígenes sociales muy diferentes. P. Sulpicio Quirinio vio en ella la oportunidad de asociarse a través de su esposa a una antigua familia de la nobleza patricia y de dotarse, mediante esta alianza matrimonial, de un prestigio del que estaba desprovisto por sus orígenes familiares. Por su parte, Emilia Lépida, que tenía unos veinte años en el momento de su matrimonio, aceptó o se vio obligada a casarse con un hombre de más de cincuenta años, o incluso de sesenta, que era el primero de su fami-

21 Sobre P. Sulpicio Quirinio, cf. Groag 1931; *PIR*³ S 1018; Syme 1986: 73. Se había casado anteriormente probablemente con una Claudia, unión que se deduce del epitafio de una liberta de una Claudia descrita como hija de Apio y esposa de Quirinio (*CIL* 6, 15626 y 37865 = *EDR*, 131099).

22 Tac. *Ann.* 3.23.2: *obscurissimae domui*.

23 Tac. *Ann.* 3.48.1-2; cf. Wiseman 1971, n° 416, 263.

lia en llegar a ser cónsul, porque vio en ello una forma de reforzar su posición en varios sentidos. P. Sulpicio Quirinio no sólo era consular en el momento del matrimonio, sino que se encontraba sobre todo cerca del poder imperial, y además estaba vinculado a las dos principales ramas rivales que lo componían y que se habían formado a partir de los descendientes de dos princesas de la familia imperial: en primer lugar, la de Julia, que incluía a sus cinco hijos (Lucio, Cayo, Agripa Póstumo, Agripina la Mayor, Julia la Menor); y en segundo lugar, la de Livia, cuyas figuras centrales eran Tiberio y sus hijos, biológicos (Druso el Joven) y adoptados (Germánico). Sulpicio Quirinio había sido elegido expresamente en el año 2 d.C. por Augusto para unirse a Cayo César, el hijo adoptivo del príncipe que entonces se encontraba en una misión en Oriente, y para servirle de consejero como *rector*;²⁴ sustituyó en esta función a M. Lolio, que había caído en desgracia.²⁵ A diferencia de su predecesor, que había alimentado el resentimiento de Cayo contra Tiberio, mantuvo buenas relaciones con éste; además, no dudó, ya en el año 2 d.C., en acudir al lugar de exilio que el hijo de Livia había elegido voluntariamente para rendirle homenaje.²⁶ Con la muerte de Cayo César en febrero del 4 d.C. y el consiguiente ascenso de Tiberio en el verano de ese año, su proximidad personal con el hombre que ahora parecía ser el sucesor designado le convirtió en una persona influyente, cuya alianza era buscada. Al casarse con él, Emilia Lépida se mantenía cerca del poder imperial: con todos los hijos y nietos de Augusto ya muertos o casados, P. Sulpicio Quirinio era para ella, en el contexto del año 4 y los años inmediatamente posteriores, una de las mejores opciones posibles para compensar la desaparición de su prometido. El matrimonio tuvo lugar como muy pronto en el año 4, después de que él regresara de Oriente tras la muerte de Cayo, ocurrida el 21 de febrero del 4.

Otra razón, igualmente fundamental, para tal matrimonio era la enorme riqueza de P. Sulpicio Quirinio,²⁷ unida al hecho de que no había tenido hijos hasta entonces. Su situación familiar y económica lo convertían indudablemente en un buen partido. Hay un último elemento relevante a mencionar, como demostraron los acontecimientos posteriores, a saber, su ya avanzada

24 Tac. *Ann.* 3.48.1.

25 Vell. *Pat.* 2.102.1; Plin. *HN* 9.118.

26 Tac. *Ann.* 3.48.1.

27 La gran riqueza de P. Sulpicio Quirinio es mencionada de manera explícita por nuestras dos fuentes principales: Suet. *Tib.* 49.1: *praediuitis*; Tac. *Ann.* 3.22.1: *diuite*.

edad. Este hecho biológico significaba que, en caso de su muerte, Emilia Lépidia se habría quedado con toda o parte de la inmensa fortuna de su difunto marido. El derecho romano establece que en todos los casos de sucesión del *paterfamilias*, ya sea testamentaria o *ab intestat*, se daba prioridad a los que eran técnicamente los *sui heredes* del difunto, es decir, las personas que se encontraran antes de la muerte bajo la *potestas* de éste, es decir, sus hijos y su esposa, siempre que ésta se hubiera casado *in manu* y así haber estado bajo la dependencia de su marido (y ya no de su padre). Encontramos una dificultad añadida a esta teoría: desconocemos bajo qué régimen jurídico se celebraban los matrimonios entre aristócratas, y además se suele suponer que los matrimonios *sine manu* se generalizaron a finales de la República. Sin embargo, esta indefinición no cambia la centralidad de Emilia Lépidia en los asuntos sucesorios. Aunque no hubiera heredado ella misma, suponiendo que se hubiera casado *sine manu*, la fortuna podría recaer en un hijo o una hija de ese matrimonio, que a su vez podía heredar si el padre aceptaba esta paternidad. Esta realidad jurídica pone de relieve un elemento central de la condición de la mujer que va más allá del mero hecho de dar a luz y que implica su capacidad para administrar bienes —y también para ser testadora, de nuevo bajo ciertas condiciones que incluyen una forma de dependencia. La capacidad hereditaria de la mujer está en el centro del proceso de Emilia Lépidia en el año 20. Volveré sobre este asunto más adelante, pero conviene recordar que la riqueza es uno de los elementos centrales de la influencia de las mujeres en la aristocracia.

P. Sulpicio Quirinio y Emilia Lépidia se divorciaron en una fecha que ha sido objeto de debate. Suetonio recuerda que, en el año 20 d.C., el marido la acusó de intentar envenenarlo en relación con su decisión de divorciarse.²⁸ Da una indicación cronológica en la fórmula *post uicesimum annum*, aunque no está claro si se trata del intento de envenenamiento o del divorcio que tuvo lugar veinte años antes del juicio;²⁹ además, la cifra dada por Suetonio es exagerada, ya que hemos visto que el matrimonio había tenido lugar como mucho dieciséis o diecisiete años antes del juicio en el año 20 d.C.³⁰ En cual-

28 Suet. *Tib.* 49.1: *qui dimissam eam e matrimonio post uicesimum annum ueneni olim in se comparati arguebat.*

29 Hayne 1973: 498 se inclina por un vínculo entre *post uicesimum annum* y el verbo principal *arguebat*, argumentando que el intento de envenenamiento hubiera tenido lugar más de diez años antes del juicio. Sobre la otra posibilidad, cf. Rogers 1935: 54.

30 Cf. Nanna 1983: 139-140.

quier caso, según la solución que se adopte, se supondrá que el divorcio tuvo lugar o bien muy poco después del matrimonio, o bien poco antes del juicio. La primera datación parece preferible por un pasaje paralelo de Tácito, que subraya que, con ocasión del juicio, los romanos se apiadaron de Emilia Lépidia a causa de la antigüedad de este asunto, que provenía de quince años atrás. Sin embargo, resulta imposible saber si el niño o la niña que Lépidia presentó como descendiente de P. Sulpicio Quirinio era, en el momento del juicio, un(a) adolescente de unos quince años o un niño o una niña muy de corta edad.³¹

El segundo marido de Emilia Lépidia fue Mam. Emilio Escauro, que pertenecía a otra rama de los *Aemilii Lepidi*.³² La fecha del matrimonio no puede fijarse con certeza, ni siquiera de forma aproximada, ya que depende de la fecha de su divorcio del primer marido. Por lo tanto, se puede suponer que tuvo lugar, como mínimo, entre los años 5 y 6 d.C., si aceptamos que P. Sulpicio Quirinio y Emilia Lépidia se divorciaron muy poco después del matrimonio, o entre los años 15 y 20 d.C., si aceptamos la idea de un divorcio posterior. Emilia Lépidia se casó en segundas nupcias con un hombre de la misma generación que ella, que pertenecía a la nobleza romana y que sería cónsul sufecto en el año 21. De esta unión nació una hija, llamada Emilia,³³ de la que no sabemos nada más allá de su propia existencia. La perífrasis utilizada por Tácito para hablar de la hija de Mam. Emilio Escauro y Emilia Lépidia, *Scauro qui filiam ex ea genuerat*, y el hecho de que sólo ella heredara los bienes no confiscados de su madre tras su condena al exilio, llevó a la conclusión de que la pareja se había divorciado antes del juicio en el año 20 d.C.³⁴ Mam. Emilio Escauro, por su parte, se había vuelto a casar con una Sextia.³⁵

31 Sobre la cuestión de la fecha del divorcio, véase para una visión de conjunto Woodman y Martin 1996: 212-213. En cuanto al sexo del niño, no hay nada en el texto de Tácito que permita determinar si se trata de un hijo o de una hija. Townend 1962: 488, n. 2 se inclina por una hija, explicando que es difícil imaginar a Quirino repudiando a su propio hijo si lo había aceptado durante años, pero éste no es un argumento decisivo, sobre todo porque no se sabe cuándo nació este niño; además, tanto una hija como un hijo podrían haber heredado los bienes de Quirinio.

32 Cf. *PIR*² A 404.

33 Tac. *Ann.* 3.23.1: *mox Scauro, qui filiam ex ea genuerat*.

34 Cf. Woodman y Martin 1996: 213.

35 Cf. *PIR*² S 682; Raepsaet-Charlier 1987: 568-569, n° 711. Sobre el suicidio de la pareja del 34, cf. Tac. *Ann.* 6.29.3-4.

4. Emilia Lépida en el tribunal

La última etapa pública de su vida estuvo marcada por la acusación a la que fue sometida en el verano del 20 d.C. en el Senado, que se convirtió en uno de los tribunales de justicia de Roma desde Augusto,³⁶ y que fue presentada por su primer marido, P. Sulpicio Quirinio.³⁷ Es la razón por la que pasó a la posteridad y que dice mucho, además, sobre la autonomía de las mujeres y su influencia, pero también sobre sus límites. Los cargos fueron numerosos: en primer lugar una acusación de «falsificación» (*de falso*), con la que comienza Tácito —nuestra fuente principal—, por afirmar que el hijo o la hija que había dado a luz o acogido era de su primer marido, quien a su vez refutó tal paternidad argumentando que ese hijo o esa hija, lejos de ser suyo, era fruto de una relación adúltera de su esposa o había sido presentado por ella como suyo tras haber sido concebido por otra mujer;³⁸ a continuación, el envenenamiento de su marido (*uenenum*), que quedó en cualquier caso en un intento, castigado con la *interdictio aquae et igni*, es decir, el destierro; el adulterio, castigado con una fuerte pena por la legislación de Augusto sobre el tema; por último la acusación de *maiestas*, por haber consultado a astrólogos en relación con la *domus* imperial, lo que constituía un grave delito castigado con la muerte.³⁹ El veredicto es bien conocido. Tras ser absuelta del cargo de lesa majestad a petición de Tiberio, fue condenada por los otros tres cargos y sentenciada a *interdictio aqua et igni*, el castigo previsto en caso de envenenamiento.⁴⁰

36 Sobre el Senado como tribunal de justicia, cf. Hurlet 2016: 16-18.

37 Sobre este caso, cf. Rogers 1935: 51-57; Townend 1962: 484-493; Shotter 1966: 312-317; Hayne 1973; Bauman 1974: 62-65; Nanna 1983: 138-144; Mastrorosa 2010: 129-132; Valentini 2019: 233-237.

38 Tac. Ann. 3.22.1: *Lepida... defertur simulauisse partum ex P. Quirinio...* La expresión *simulare partum* no es clara en el sentido de que no permite determinar si el niño era o no el de Emilia Lépida: puede referirse en sentido literal al hecho de simular un parto (cf. Reduzzi Merola 2006) o a hacer simplemente creer de forma más general que el padre era P. Quirinio, como sugiere la insistencia en la preposición *ex P. Quirinio*; cf. Woodman y Martin 1996: 211, que no optan por ninguna de estas dos posibilidades.

39 Tac. Ann. 3.22.1-2 y Suet. Tib. 49.1.

40 Anteriormente se ha sostenido que Emilia Lépida fue declarada culpable de *falsum* solamente (Rogers 1935: 56) o de *falsum* y *adulterio* (Townsend 1962: 487 y Shotter 1966: 316), y por lo tanto absuelta del cargo de envenenamiento. Sin embargo, hay muchos argumentos a favor de una condena también por envenenamiento: en primer lugar, el castigo en sí, severo, estaba vinculado jurisprudencialmente a este delito; en segundo lugar, el contenido del pasaje de Suetonio, que liga la condena de Emilia Lépida únicamente al

El relato de este juicio por parte de Tácito y Suetonio ha causado gran perplejidad, que aún perdura.⁴¹ El caso es tan complejo que parece difícil desenredar la madeja de lo que parece ser una verdadera intriga, cuyos detalles se nos escapan por la falta de informaciones ciertas y por diversas incertidumbres en la cronología, a pesar de la publicidad dada al caso por Tácito. En particular, es difícil formarse una idea precisa y completa de la culpabilidad o no de Emilia Lépida y, como corolario, determinar si P. Sulpicio Quirinio actuaba o no de buena fe. Tácito añade que era difícil desentrañar los verdaderos pensamientos de Tiberio,⁴² ilustrando el tema característico en Tácito de la *dissimulatio*, que hizo mucho para oscurecer un caso ya complicado. Este estudio, lejos de pretender proponer una (nueva) solución, ni tratar de decidir veinte siglos después si Emilia Lépida era o no culpable de los distintos cargos, pretende más bien extraer las múltiples implicaciones de este caso. Por un lado, se trata de poner de manifiesto la visibilidad y la capacidad de acción de una aristócrata en el espacio público e incluso en la opinión pública; por otro, comprender mejor el carácter polifacético de sus acciones e iniciativas tanto en el espacio privado como en el público, las particularidades de éstas, las reacciones que suscitaron entre los hombres, y los límites de un sistema que seguía marcado por la dominación masculina y que acabó condenándola al exilio. Este enfoque, centrado en la capacidad de acción femenina, no solucionará por completo el problema, pero sugerirá nuevas vías.

Emilia Lépida es una de las veintinueve mujeres conocidas por las fuentes que fueron llevadas ante un tribunal en el siglo I d.C.⁴³ El hecho de que las mujeres aparezcan en los juicios públicos como las personas que estaban en el centro de los mismos y que obligaban a los hombres en el poder a llevar a cabo una investigación que incluía una indagación preliminar e incluso el interrogatorio de los esclavos de la casa, es ante todo digno de ser reseñado. También es destacable que Emilia Lépida no pudo defenderse en su propio juicio y re-

envenenamiento sin mencionar los otros cargos; y en tercer lugar, el contenido del pasaje de Tácito, que afirma al final no que el cargo de envenenamiento había sido desestimado, sino que había sido confirmado tras la condena también por los esclavos de Quirinio- y no sólo por los esclavos de Emilia Lépida (cf. en este sentido Hayne 1973: 498; Bauman 1974: 174; Woodman y Martin 1996: 221-223).

41 Como indica Rogers 1935: 51: «an exceedingly perplexing one»; cf. también Woodman y Martin 1996: 223: «this desperately opaque episode».

42 Tac. *Ann.* 3.22.4: *haud facile quis dispexerit illa in cognitione mentem principis*.

43 Cifra proporcionada por Marshall 1990: 333-366.

currió a un defensor, por supuesto un hombre, en la persona de su hermano M^r. Lépido. Además, ella ni siquiera estaba presente en el tribunal de justicia, el Senado, que era un espacio público reservado a los hombres.⁴⁴

4.1. La acusación *de maiestate*

Un examen más detallado de la naturaleza de los cargos sugiere el alcance de la capacidad de actuación femenina. La acusación más grave contra Emilia Lépida, la de lesa majestad vinculada a prácticas de adivinación y magia, fue retirada muy rápidamente, como ya se ha recordado, pero hay que señalar en este punto que una mujer fue situada al mismo nivel que los hombres en este aspecto. Libo Druso, también descendiente de Pompeyo, había sido condenado cuatro años antes, en el 16 d.C., por *nefaria consilia*, que formaba parte de la misma categoría que el cargo imputado a Emilia Lépida, en este caso prácticas relacionadas con la magia o ritos dudosos, asimiladas en el caso de Libo Druso a la conspiración.⁴⁵ Sin embargo, el caso del año 20 no era comparable al del 16, en el sentido de que el núcleo del juicio no era el delito de lesa majestad del que sería culpable una mujer. Por esta razón, en palabras de Tácito, Tiberio «rogó al Senado que no se ocupara de los agravios de la lesa majestad» y transfirió a los cónsules los esclavos de Emilia Lépida que inicialmente habían sido confiados a la supervisión de los soldados.⁴⁶ El príncipe sabía perfectamente que su vida no estaba amenazada por las acciones de Emilia Lépida y que éstas no le concernían, al menos no directamente.

4.2. La acusación *de ueneno*

La acusación más grave, el intento de envenenamiento, constituye la base de todo el caso.⁴⁷ Independientemente de que este acto reprobable haya sido

44 Estaba representada por su hermano. No hay que olvidar nunca que las mujeres dependían de los hombres en la esfera pública, al menos hasta cierto punto; véase para una visión equilibrada el capítulo sobre las mujeres en el procedimiento penal de Rivière 2021: 424-472, que reconoce cierta capacidad judicial a las mujeres en términos procesales, pero al mismo tiempo subraya los límites y restricciones.

45 Cf. Cogitore 2002: 181-191 y Pettinger 2012. Sobre los vínculos entre astrología y lesa majestad, cf. Berthelet y Rochette 2022.

46 Tac. *Ann.* 3.22.5-6.

47 Difiero en este punto de los análisis de Nanna 1983: 139-140, Mastrorosa 2010: 130-132 y Valentini 2019: 234-238 y 259-260, que ven en este juicio un asunto político comparable a la condena de Libo Druso y un recurso de Tiberio para eliminar a una figura

realmente perpetrado o inventado, la cuestión central es por qué una mujer asesinó a su marido —o a su ex marido, según la fecha del supuesto intento— o por qué se consideró plausible si la acusación era inventada. Las fuentes y los argumentos de verosimilitud llevan a relacionar el intento de envenenamiento con el divorcio, decidido unilateralmente por P. Sulpicio Quirinio a modo de repudio,⁴⁸ pero es difícil creer que Emilia Lépidia se guiara únicamente por el rencor o el resentimiento por haber sido despreciada así por un marido unos cuarenta años mayor que ella. Hay que encontrar otra explicación, y la única que sigue siendo plausible en este caso es una sórdida y banal historia de dinero. Emilia Lépidia sabía perfectamente que su repudio tenía la consecuencia de excluirla de la familia de P. Sulpicio Quirinio y, por tanto, de privarla de toda capacidad de gestión de la herencia de un hombre muy anciano y considerado muy rico, especialmente de su parte y de la de su hijo o de su hija. Este cálculo interesado iba a resultar cierto, ya que P. Sulpicio Quirinio murió en el año 21, apenas un año después del juicio.⁴⁹ El intento de envenenamiento por Emilia Lépidia era, por tanto, plausible, ya que el éxito de este crimen la habría situado en el centro de la gestión de la herencia.⁵⁰ Además, esta forma de homicidio suele ser presentada por las fuentes como un *modus operandi* específicamente femenino,⁵¹ pero que además dice mucho sobre el lugar central que se confería a las esposas en el contexto de una herencia y la gestión de un patrimonio.⁵²

4.3. La acusación *de falso*

El tercer cargo, el de *falsum*, que se refería a la cuestión de si el padre del niño dado a luz por Emilia Lépidia era o no P. Sulpicio Quirinio, es inseparable del de *uenenum*, del que constituía la causa inmediata y natural. El obje-

cercana a grupos que le eran hostiles. Si hubo una condena política, lo que es probable, debe estar vinculada a otro elemento que está en el centro del proceso y que es una cuestión financiera, a saber, la herencia de Quirinio.

48 Cf. en este sentido Tac. *Ann.* 3.22.3: *post dictum repudium*; cf. también Suet. *Tib.* 49.1: *dimissam eam e matrimonio*.

49 Tac. *Ann.* 3.48.1.

50 Cf. en este sentido Townend 1962: 488, así como Woodman y Martin 1996: 211-212.

51 Cf. sobre este tema Valentini 2012: 83-101.

52 Sobre la riqueza de las matronas, basada en la existencia de patrimonios en bienes muebles e inmuebles administrados por mujeres, cf. Lucchelli y Rohr Vio 2016: 189-192, basándose en el ejemplo de Hortensia en el 42, en el contexto de las grandes transferencias de bienes y confiscaciones, que no se aplicaron a las mujeres de la aristocracia por no estar directamente implicadas, como los hombres, en las proscripciones.

tivo de P. Sulpicio Quirinio era privar de su herencia no sólo a su esposa, de la que sabía que le engañaba y a la que había repudiado, sino también al hijo o la hija que había tenido de él y cuya paternidad disputaba. En ese contexto, la acusación se refería a un tema judicial muy conocido, el de un marido engañado por su mujer y que demostraba que el hijo o la hija que había dado a luz no era suyo, sino de su amante. La cuestión de la paternidad era un problema central en las sociedades antiguas, derivado de la imposibilidad de determinar con absoluta certeza quién era el padre biológico de un niño y que se agudizaba en caso de infidelidad clara de la esposa. Era esta realidad biológica la que hacía del adulterio femenino no sólo un delito moral y penal, sino también un acto que podía contaminar la línea familiar (*turbatio sanguinis*).⁵³ El derecho romano se ocupó de esta cuestión al menos en dos casos ligados a conflictos de paternidad: la muerte del cónyuge y el divorcio.⁵⁴ La cuestión que se planteaba era si el hijo(a) nacido(a) tras el fallecimiento o el divorcio era efectivamente del marido fallecido o divorciado. Por lo que respecta al proceso judicial del año 20, cabe imaginar que P. Sulpicio Quirinio sólo tenía derecho a impugnar su paternidad si el hijo o la hija de Emilia Lépidia había nacido después del divorcio; de lo contrario, suponiendo que hubiera nacido antes del divorcio, le habría sido jurídicamente imposible demostrar *a posteriori* que no era el padre.⁵⁵ El procedimiento de *cognitio*, que se basó en una investigación, no habría dejado de reunir en estas circunstancias pruebas incriminatorias y exculpatorias, por ejemplo sobre la existencia de una declaración de Emilia Lépidia para informar a su exmarido después del divorcio de que estaba embarazada, o sobre la cuestión de si el nacimiento se había producido o no dentro del período de gestación permitido, que era de diez meses.⁵⁶

En el caso de la paternidad de P. Sulpicio Quirinio, inventada o no, quedan muchas zonas grises debido a los numerosos datos inciertos, sobre todo de ca-

53 Véase sobre este tema la tesis doctoral de Nicolleau 2022: *passim*.

54 Existe toda una literatura jurídica sobre este tema. Cf. *e.g.*, Plin. *Ep.* 10.72-73; Gell. *NA* 3.16.6, 12 y 23; Plin. *HN* 7.39-40; Ulp. *Dig.* 1.6.6; 1.6.10; 25.3.1; 25.3.1.14; 25.3.3; 25.3.5.6; 25.3.5.8-9; 25.4.1.10; Scaev. *Dig.* 28.2.29.pr; Ulp. *Dig.* 38.16.3.11; Marc. *Dig.* 40.5.56.

55 Cf. sobre este tema Townsend 1962: 487-488.

56 Un senadoconsulto de época imperial ordenaba a las mujeres recién divorciadas que creyeran estar embarazadas que informaran a sus exmaridos en los treinta días siguientes al divorcio, para que pudieran reconocer al feto como propio (Ulp. *Dig.* 25.3.1). Existía un periodo de diez meses, considerado el periodo máximo de gestación y reconocido ya en la Ley de las XII Tablas.

rácter cronológico. De hecho, no se sabe si el nacimiento ocurrió poco antes del juicio o mucho antes, lo que habría complicado la investigación en este último caso. Sea como fuere, lo cierto es que, en el contexto del año 20, Emilia Lépida no tenía ninguna posibilidad de salir indemne de un juicio de este tipo, no tanto porque se opusiera a un consular como porque estaba frustrando los planes de la máxima autoridad romana del momento, Tiberio, que se hallaba en una buena posición para dirigir el juicio en el Senado. ¿Por qué? Estaban en juego nada menos que sus propios intereses financieros, si se recuerda que los legados al príncipe en un testamento se habían convertido en una práctica común. En estas condiciones, el cínico cálculo de Tiberio consistió en hacer condenar a Emilia Lépida *de falso* para convertir a su amigo P. Sulpicio Quirinio, ya muy anciano, en soltero sin hijos y, por lo tanto, sin heredero, como gustan de repetir las fuentes,⁵⁷ y aparecer así en primera línea como el que heredaría su inmensa fortuna a su muerte.⁵⁸ De hecho, el tesoro imperial se nutrió en gran parte de las numerosas herencias dejadas al príncipe; Suetonio recuerda que Augusto había recibido sólo de sus amigos durante los últimos veinte años de su principado la considerable suma de 1.400 millones de sestericios.⁵⁹ El mismo biógrafo no deja lugar a dudas sobre los motivos económicos de Tiberio en el asunto de Emilia Lépida al colocar su condena entre las acciones que supuestamente ilustran la codicia del príncipe, todas ellas recogidas en el capítulo 49 de la *Vida de Tiberio*, narrando además el deseo de Tiberio de heredar los bienes de otra persona muy rica, Cn. Cornelio Léntulo, cónsul del año 14 a.C.⁶⁰ Es preferible pensar, en estas condiciones, que Emilia Lépida fue condenada *de falso* para que fuera privado *de iure* de la herencia el presunto hijo o la presunta hija que habría tenido de P. Sulpicio Quirinio y cuya suerte no debía pesar en las apuestas que convertían a Tiberio en el heredero testamentario.⁶¹ Esto explica por qué el hijo del *princeps*, Druso el Menor, también intervino en este juicio para defender la gestión de las finanzas imperiales.⁶² Tiberio sólo esperó un año para heredar los

57 Tac. *Ann.* 3.22.1: *orbo*; 3.23.1: *senectae atque orbitati*; Suet. *Tib.* 49.1: *orbi*.

58 Cf. en este sentido Hayne 1973: 498; Woodman y Martin 1966: 211. También cabe imaginar que, si Quirinio hubiera muerto sin dejar testamento y sin tener heredero, toda la herencia habría ido a parar al tesoro imperial (el *fiscus*).

59 Suet. *Aug.* 101.

60 El comienzo del capítulo expresa claramente su propósito: «con el tiempo, incluso se dedicó al robo» (*ad rapinas conuertit animum*).

61 Esta es la posibilidad más probable prevista por Townend 1962: 485; Woodman y Martin 1996: 211.

62 Tac. *Ann.* 3.22.7 y 23.1. Cf. Shotter 1966.

bienes de P. Sulpicio Quirinio a la muerte de éste. Un último argumento a favor de esta interpretación es la no confiscación de los bienes de Emilia Lépidia según el veredicto, aduciéndose que los intereses de la hija que había tenido con Escauro no debían ser perjudicados, como favor además hacia este último.⁶³ Esta magnanimidad confirma que el propósito central de este juicio no era tanto castigar a una matrona como negar a su hijo cualquier derecho a la herencia de su primer marido y dejar a su madre fuera de juego para siempre.

Al final, se recordará que este juicio, lejos de referirse a una sola matrona y limitarse a un círculo familiar, tuvo implicaciones más generales que llegaron al corazón mismo del poder imperial. Es por ello que Tácito le da gran importancia al describirlo con detalle: era una forma de subrayar no sólo la *dissimulatio* de un Tiberio avergonzado, actitud que se puso de manifiesto a lo largo de los debates en el Senado, sino también uno de los secretos del poder imperial. Este asunto revela, en primer lugar, el poder del dinero, pero también —y de forma relevante para nuestro tema— el papel que desempeñan las mujeres de la aristocracia en la gestión financiera, ya sea por cuenta propia o por la de sus hijos.

4.4. La acusación *de adulterio*

Queda la cuestión del adulterio, delito del que Emilia Lépidia fue ciertamente declarada culpable. Esta última acusación, que sin duda era la más fácil de establecer, en realidad sólo sirvió para desencadenar y reforzar la acusación principal de *falsum*. Condenar a Emilia Lépidia por adulterio sirvió para lograr tres objetivos interconectados, todos apuntando en la misma dirección con el fin de desacreditarla: en primer lugar, desprestigiarla públicamente haciéndola culpable de haber cometido actos deshonorosos, utilizando Tácito el fuerte término *flagitium* y empleándolo en plural;⁶⁴ y en segundo lugar, dar crédito a la idea de que el niño o la niña no era de P. Sulpicio Quirinio, ya que ella habría tenido múltiples amantes; y por último, recordar que los adulterios suponían un grave riesgo a los ojos de los antiguos, que veían con obsesión y temor la profanación de la línea familiar y la contaminación de la sangre. Cabe suponer que los actos de adulterio por los que fue condenada se referían a los que había cometido durante su matrimonio tanto con su primer como con su segundo marido, Mam. Emilio Escauro. Un pasaje de Juvenal que

63 Tac. *Ann.* 3.22.2: *mox Scauro, qui filiam ex ea genuerat, datum ne bona publicarentur.*

64 Tac. *Ann.* 3.23.1.

habla de los niños sustitutos (*suppositos*) con referencia a una persona «que llevará los nombres de los Escauros con un cuerpo falso (*Scaurorum nomina falso corpore*)» lo puede sugerir,⁶⁵ pero no es concluyente: por un lado, porque había otros Escauros y, por otro lado, porque este pasaje no se refiere al adulterio, sino al engaño de una esposa que acoge a un niño abandonado tras su *expositio* y se lo presenta al marido como si lo hubiera parido. Sin embargo, este análisis no cuestiona la idea de que la acusación también se refería al comportamiento de Emilia Lépidia hacia su segundo marido, más aún si se había divorciado de él antes del juicio, como se acepta generalmente.

5. Emilia Lépidia en el teatro: la visibilidad pública de las mujeres aristócratas

El elemento más notable del destino de Emilia Lépidia no fue tanto la existencia de un juicio, ya atestiguado para otras veintiocho mujeres, como su fuerte reacción, que la llevó a manifestarse en el espacio público cuando se dio cuenta de que iba a ser condenada. Tácito aporta un nuevo dato al respecto al recordar que durante los días que se habían dedicado a los juegos (probablemente los *ludi Magni*, que tuvieron lugar entre el 4 y el 19 de septiembre, tal vez los *ludi Megalenses*, entre el 4 y el 10 de abril)⁶⁶ y durante los cuales se había interrumpido el juicio, «Lépidia... fue al teatro, donde entró rodeada de las mujeres ilustres». Añade que consiguió atraer la atención «con lamentables gemidos» en un escenario grandioso, el del teatro construido por su bisabuelo Pompeyo, provocando así la compasión del público.⁶⁷ Hay que analizar la actitud proactiva de una mujer que se sabía perdida y que logró atraer con ella a otras mujeres cuya identidad desconocemos, pero que en todo caso eran mujeres de la aristocracia romana (*cum claris feminis*), sin duda las esposas de los amigos del recientemente fallecido Germánico,⁶⁸ tal vez la viuda de éste,

65 Juv. Sat. 6.602-605: *Transeo suppositos et gaudia uotaque saepe / ad spurcos decepta claris atque inde petitos / pontifices, salios Scaurorum nomina falso / corpore laturos.*

66 Sobre la identificación de estos *ludi*, véase para una visión general Woodman y Martin 1996: 218.

67 Tac. Ann. 3.23.1: *Lepida ludorum diebus qui cognitionem interuenerant theatrum cum claris feminis ingressa, lamentatione flebili maiores suos ciens ipsumque Pompeium, cuius ea monimenta et adstantes imagines uisebantur, tantum misericordiae permouit...*

68 Como sugiere Valentini 2019: 234-238 y 259-260, que pone esta manifestación de defensa de Emilia Lépidia en relación con los grupos que se habían formado en torno a los dos Julias y a Agripina la Mayor y que se habían puesto del lado de la rama juliana de la *domus Augusta*.

Agripina la Mayor en persona. Si Emilia Lépidia fue la primera mujer que se manifestó de este modo en un contexto semejante, debemos recordar que cuatro años antes Libo Druso también había encabezado una reunión de matronas decididas a apoyarle.⁶⁹

Tácito eligió incluir una escena tan vívida en su relato del juicio para iluminar la narración de un caso tan complejo y, al mismo tiempo, ilustrar una característica de la retórica femenina, basada en la lamentación, la conmisericordia y el lamento, con todas las connotaciones peyorativas que conlleva tal comportamiento.⁷⁰ Al hacerlo, si neutralizamos los prejuicios de Tácito, propios de un aristócrata romano,⁷¹ podemos comprobar que este pasaje aporta varios indicios fundamentales que, por un lado, son inéditos o raramente atestiguados y, por otro, van más allá de la mera expresión del patetismo femenino: en primer lugar, la capacidad de una mujer para oponerse formalmente en un espacio público a una decisión tomada por hombres, más aún, los senadores y el *princeps*, aun sabiendo que sus posibilidades de éxito eran reducidas;⁷² en segundo lugar, la existencia de una opinión pública,⁷³ testigo de la supuesta injusticia y que reaccionó para apoyarla, de nuevo sin ningún resultado determinante; además, la presencia de semejante oposición femenina en el espacio público, y el mayor teatro de Roma, el de Pompeyo, que podía albergar a un gran número de espectadores, que había sido restaurado por Augusto y estaba saturado de imágenes que representaban a su glorioso abuelo, pero también a miembros de la aristocracia y del poder imperial; por último, la existencia de un grupo de mujeres manifestándose en apoyo de Emilia Lépidia, hecho que nos recuerda que las matronas de la aristocracia romana formaban un grupo social que se reunía de manera informal, por ejemplo cuando se decidía apoyar a una de ellas, u oficial, por ejemplo para actos solemnes como funerales imperiales o ceremonias religiosas.⁷⁴

69 Como recuerda Tac. *Ann.* 2.29.1: «Libo, cubierto de luto, acompañado de mujeres de primer rango (*cum primoribus feminis*), iba de casa en casa, implorando el apoyo de sus parientes y la voz de un defensor».

70 Sobre el discurso femenino en Tácito y sus características «ontológicas», cf. Cogitore y Autin 2021: 103-123, en particular 112-115 para el caso de Emilia Lépidia.

71 Para un estudio historiográfico de la opinión de Tácito sobre las mujeres, que abarca la mayor parte del siglo XX, véanse Baldwin 1972 y Wallace 1991.

72 Cf. sobre este tema Bollinger 1969.

73 Sobre la existencia de la opinión pública, tema tratado en los últimos años y que podría extenderse a la cuestión del lugar de las mujeres en su formación y difusión, véanse Rosillo-López 2017; Hurlet y Montlahuc 2018; Hurlet 2019.

74 Las matronas romanas debieron reunirse de algún modo o en algún lugar cuando tomaron la decisión de apoyar a Emilia Lépidia. Formaban o llegaron a formar un grupo

Probablemente fue un acto desesperado que no cambió nada en el juicio, pero que no se consideró ni prohibido ni siquiera indecoroso ya que, por esta acción, Emilia Lépida fue más compadecida que criticada, añadiendo Tácito que «todos los presentes rompieron a llorar y gritaron desafortadamente, mezclado esto con imprecaciones contra Quirinio».⁷⁵ El paralelo es la acción de Hortensia, que también acudió a un lugar público, esta vez el Foro, con otras mujeres de la aristocracia, para pedir a los Triunviros que retiraran sus medidas fiscales. Estas intervenciones no eran la norma, pero el silencio de nuestras fuentes no significa que fueran (casi) inexistentes. Los autores antiguos, todos ellos varones, no se interesaban por la presencia de las mujeres en el espacio público ni por su capacidad de acción. Tácito sólo se refiere a ella en su relato del alboroto causado por una mujer en un teatro porque este suceso servía a su propósito, que era condenar tanto la *dissimulatio* de Tiberio y su avaricia, como la actitud de un advenedizo que había llegado a ser consular, P. Sulpicio Quirinio, amigo íntimo del príncipe y odiado por los romanos y senadores, sus pares, durante su vida «a causa de su sórdida y omnipotente vejez», como dice el historiador romano.⁷⁶

6. Conclusión: las mujeres y el poder del dinero

Una idea común es destacar el vínculo entre el sexo y el poder cuando se habla de las mujeres, ya sea en la Antigüedad o en periodos posteriores. Aparte de que esta imagen hollywoodiense las encierra en un esquema anticuado que no concibe la influencia de la mujer más allá de las relaciones sexuales, no se corresponde en absoluto con la realidad mucho más compleja de la Antigüedad, especialmente de los romanos. Emilia Lépida es un ejemplo notable del lugar, a la vez concreto y no desdeñable, que ocupaban las mujeres en el espacio de la casa y en la ciudad. Al igual que los hombres,

social aparte, presente como tal en las ocasiones oficiales, como en el caso de los funerales con ocasión de la muerte de Septimio Severo, en los que participó «un coro de mujeres, compuesto por las que se consideran ilustres» —un coro situado a un lado del Foro en el momento de la exposición del cuerpo del difunto (Her. 4.2.5); cf. también la presencia de «matronas» en un juicio celebrado por el emperador Claudio en los jardines imperiales (BGU 2.511, col. II). Véase el capítulo de Webb.

⁷⁵ Tac. *Ann.* 3.23.1: *permouit ut effusi in lacrimas saeva et detestanda Quirinio clamitarent...*

⁷⁶ Tac. *Ann.* 3.23.1: *ut effusi in lacrimas saeva et detestanda Quirinio clamitarent*; 3.48.4: *sed ceteris haud laeta memoria Quirini erat ob... sordidamque et praepotentem senectam.*

heredaban al nacer un nombre y un linaje prestigiosos, que promovían a través de alianzas matrimoniales; pero, a diferencia de ellos, su función era dar a luz a quienes debían garantizar la continuidad familiar. Este era un elemento esencial y central que explicaba la atención prestada a sus funciones reproductivas, pero también a su posible infidelidad, fuente de preocupación por el riesgo de mezcla de sangre.⁷⁷ Sin embargo, como todas las mujeres de la aristocracia romana, Emilia Lépidia no era simplemente un estatus, caracterizado por su pertenencia a una rama familiar. Tampoco era sólo un vientre. Debemos distanciarnos del testimonio de las fuentes, que son innegablemente misóginas, y que no pueden evitar presentar a las mujeres proactivas en términos de inversión de los valores supuestamente femeninos, y que insisten en el adulterio o el envenenamiento más que en el análisis de sus habilidades. Las acciones de Emilia Lépidia, por excepcionales que sean, reflejan en realidad muchas de las funciones asignadas a las mujeres, llevándolas al límite de lo que podían hacer a pesar de los lazos de dependencia derivados de su condición. Por nacimiento o por herencia, podían heredar una fortuna familiar, a veces tan grande que podían ser una molestia. También se les podía exigir, cuando se dieran las circunstancias, que estuvieran presentes en el espacio público por diversos motivos: para ser vistas como personas que atentan contra la majestad imperial; para defenderse de una acusación, pero también para presentarla, exclusivamente con arreglo al derecho penal cuando el caso les afectara directamente —y con su familia— y no sin limitación legal; para manifestarse en el espacio público, con el apoyo de otras matronas miembros de su grupo social. Emilia Lépidia fue un chivo expiatorio por ser un obstáculo legal en un caso financiero que involucraba a hombres —y al poder imperial— y por alcanzar con su comportamiento los límites que los hombres imponían a las mujeres.

En la novela histórica de Kaddour mencionada al principio de este trabajo, la esposa de Tácito consigue salvar a su marido de las garras de Domiciano y de la muerte que le esperaba. En la realidad histórica, Emilia Lépidia no logró salvarse ni evitar el exilio por haberse enemistado irremediamente con su primer marido y por haber interferido con el poder imperial en un asunto financiero cuyos intereses la superaban.

77 Como recuerda Treggiari 1991: 379, «la confianza en la castidad» de la esposa era un punto fundamental y «la castidad es esencial para el Estado»; cf. también Rivière 2021: 471.

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SPACES, MEMORY AND COMMUNITY

REGIMES OF MEMORY. FEMALE REMEMBRANCE FROM THE ARCHAIC PERIOD TO THE END OF THE ROMAN REPUBLIC

Ana Mayorgas

This paper aims to explore the nature and transmission of archaic female memory in Rome up to the end of the Republic. It does not focus on any particular figure such as Lucretia or Verginia, who have been thoroughly studied, but rather intends to clarify the features of female memory as a whole and set it in contrast with the remembrance of women in the Mid- and Late Republic. It will argue that a specific regime of memory can be identified, spanning from the origin of the city to the fifth century BC, which is distinct from the kind of remembrance that prevailed in the period of the military expansion of Rome. This regime of memory privileges individual female figures –with the exception of the Sabine women– whose remembrance was originally attached to a variety of material or immaterial elements of the Roman tradition other than a literary account. Since the end of the third century BC, however, these female figures were forced to fit into a historiographical discourse that had the purpose of providing the new power in the Western Mediterranean with a coherent and lineal past. The ambiguities and uncertainties that surround these women in the written sources are the result of this transformation of an oral memory –lost to us– into a literary narrative. This paper aims to understand, as far as is possible, this archaic regime of memory and its reflection on the surviving evidence. It does not intend to review all the evidence, which is unfeasible for a paper, but will focus on the more significant case studies. Hopefully it will show that a thorough inquiry into archaic female memory as a whole is a worthy endeavour.

1. Female commemoration at the end of the Republic

The starting point cannot be other than the literary narratives. Any reader of Livy or Dionysius of Halicarnassus is aware of the outstanding role played by women in the accounts of early Rome in comparison to those of the Republic. When the narratives of the end of the Republic are perused, influential women such as Cornelia or Fulvia appear again in the front line. Certainly, there is a constant feature in the portrayal of female action. They always act as relatives of male characters whether as wives, daughters or mothers in the same consistent manner as male action unfolds primarily in the realm of politics and warfare.¹ Some features of ancient historical narratives did not change. However, the shifting prominence of women in the historical account is undeniable. Our knowledge of the Late Republic is based on sufficient grounds as to allow us to claim that the relevance of certain matrons in the turbulent events of the last century BC is due to a real change. Their capacity for social and political action was considerably enhanced, at least for those belonging to the elite.² In other words, the historical record is a reflection of a historical change although not in a completely straightforward way since the simple divide in the sources between praiseworthy and motherly women such as Cornelia and the loathsome and ambitious figures of the kind represented by Fulvia or Clodia obeys more to male bias than objective reality.³

This new social and political exposure of aristocratic women finds reflection in public commemoration. For the first time we have evidence of public funerary eulogies dedicated to elite women. The first sure attestation is recorded in *De oratore* (2.44) in reference to Popilia, the mother of Q. Lutatius Catulus, who was the first woman to receive such honour in the city according to Cicero (*cui primum mulieri hunc honorem in nostra civitate tributum puto*).⁴

1 Mañas Romero 2019: 28-31.

2 Cantarella 1997: 107-130; Rohr Vio 2022: 16-17.

3 Cantarella 1997: 162-173; Brennan 2012: 356-360.

4 Livy (5.50.8) and Plutarch (*Cam.* 8.3) report the granting of a funeral eulogy to the Roman women who donated gold at the time of the Gallic sack, which has made scholars reluctant to believe Cicero's words and try to qualify them (Hillard 2001: 52; Östenberg 2022: 39-44). But the granting was clearly exceptional as a reward for their contribution to the public well-being and Cicero might well have not heard of any female eulogy in recent times. Moreover, in times of Cicero women did not seem to need a special grant or perform any exceptional collective act to enjoy such an honour.

The event can be dated to the end of the second century BC and from that moment female funeral processions seem to have been more conspicuous including public eulogies and the exhibition of ancestor masks. This was probably the case with the funeral of Julia, the aunt of Julius Caesar and widow of Marius, who died in 69 BC. For that occasion, his nephew, a quaestor that year, delivered a speech at the Rostra in which he mentioned the paternal and maternal lineage of his aunt, connecting them with the goddess Venus and the king Ancus Marcius, respectively.⁵ These funerals indicate a remarkable change. Roman society was essentially patriarchal and patrilineal and elite women had to marry outside their *gentes*, which in consequence they abandoned to join their husbands' clans.⁶ Therefore, in terms of family memory elite women were traditionally a "deadline". Men claimed military and political glory through male lineage, at least until the Late Republic. The emergence of female *laudationes* shows that by that time not only could elite married women publicly boast about their own ancestry, but were also relevant relatives themselves whose ancestry and social prestige were passed down to their male descendants.⁷ It is probably at that time also that elite women started to contribute with their family's *imagines* to the house of their husbands. The *imagines* were wax masks of those elite men who had held an office. They were inherited by their descendants, kept in the *atrium* of the house and exhibited during the funerals of male members of the family.⁸ Women never had the privilege of an *imago*. However, in a speech delivered in 56 BC Cicero mentions as something common that the wife of Publius Vatinius brought the wax masks of her grandfather, Marcus Antonius the orator, and her uncle Gaius Antonius Hybrida to her new house. By mid-first century BC it seems to have been an already established tradition that would continue into the empire.⁹ The funerary record attests to this new prominence of elite women as well. For the first time, individual and singular monuments were dedicated to them, such as the tomb of Caecilia Metella on the Via Appia or the long funerary epitaph of Turia.¹⁰

5 Suet. *Caes.* 6. Also in 69 BC, Julius Caesar delivered a *laudatio* at the funeral of his wife, Cornelia, daughter of the dictator Sulla (also Plut. *Caes.* 5.4-5).

6 Treggiari 1993: 15-32; Cantarella 1997: 77-94; Smith 2006: 30-32.

7 Flower 2002: 165; Rohr Vio 2022: 63-68.

8 Flower 1996: 185-222.

9 Cic. *Vat.* 28. Webb 2017.

10 Gerding 2002 (Caecilia); Osgood 2014 (Turia).

The new limelight acquired by elite women in the funerary sphere contrasts with their almost complete absence in public official commemoration. This was still dominated by military male memory, now more competitive than ever due to the civil wars. There seems to be just one remarkable exception, that of the statue of Cornelia, mother of the Gracchi, but this case is problematic.¹¹ It is normally considered an original monument erected sometime around the end of the second century BC in the portico of Q. Caecilius Metellus Macedonicus, in the Field of Mars, to commemorate the mother of the tribunes.¹² More recently Brigitte Ruck has forcefully argued that it might have been a statue of a Greek goddess or queen brought by Metellus as part of the booty after his victory at the Fourth Macedonian War in 148 BC. The monument was to be later interpreted as the Gracchi's mother—at the latest, in times of Augustus—and its base, which has come down to us, was reinscribed with the current text: *Cornelia Africani f(ilia) Gracchorum*. This identification convincingly explains why the base is of Pentelic marble, why the figure wore, according to ancient descriptions, a Greek type of female strapless shoes (*solea*) and why it was displayed in the portico of Metellus, the first public space of its kind conceived to shelter the art collection that the winning general had looted.¹³ If that was the case, then there was no official commemoration to the Gracchi's mother until the time of Augustus when, once the original Greek inscription had been erased, the current one was carved, whether at the sole initiative of the *princeps* or following a popular interpretation of the statue.¹⁴ The occasion for this appropriation of Cornelia's memory was probably the rebuilding of the portico surrounding the temples of Jupiter Stator and Juno Regina and its rededication to the *princeps's* sister Octavia around 27 BC.¹⁵ Thus, the Gracchi's mother became the first official image of the perfect matron who had educated her children with care and bore the premature death of both with resignation.

Few other women had their image officially commemorated in the context of the last civil wars. Julius Caesar set up a gilded statue of Cleopatra in his new forum and this was still visible in times of Cassius Dio and subsequently coins were struck in the East with the faces of Fulvia, Octavia

11 Plin. *HN* 34.31; Plut. *C. Gracch.* 4.

12 Coarelli 1978; Kajava 1989; Flower 2002: 172-179.

13 Ruck 2004; Hemelrijk 2005: 312-314.

14 Hemelrijk 2005: 311-314.

15 Coarelli 1978: 14-15.

and Cleopatra at the time of the triumvirate.¹⁶ Those were not meant as tributes to laudable matrons but as rather political weapons to support one side of the contest. However, they attest that certain elite women were now of relevance to legitimise the position of their male relatives to the point that they were publicly claimed. It is in this context of the struggle between Mark Antony and Octavian that we should understand the senatorial decision to grant Octavia and Livia the right of public statues in 35 BC.¹⁷ Augustus and Tiberius made moderate use of the image of female relatives for political purposes, but in the long term a new tradition had been established in the Western Empire. Since that time women of the imperial house had the honour of public commemoration at the *Urbs* and in the provinces; meanwhile, women of the local elites enjoyed similar recognition as matrons in Roman colonies and *municipia*.¹⁸ For all these reasons, we can consider that the last century of the Republic witnessed a new regime of female memory in Roman culture that was to last until the Late Empire. The previous exclusively military and political public male commemoration gave way to a more diverse scenario in which new space was opened for elite women to have their social and political prominence recognized. They became relevant ancestors for their male descendants and they were remembered through funerals and monuments. Several factors contributed to this change: the increasing economic power of elite women in the second and first centuries BC, the emergence of a ruling family and the influence of the Hellenistic world.

2. Defining a Female Archaic Memory

Compared to the Late Republic, female memory before the Second Punic War is more elusive. Our sources are fewer in number and preserve information that is harder to interpret. Nonetheless, a broad distinction can be made between an archaic memory up to the fifth century BC and the regime of commemoration that prevails in the fourth century BC and the Middle

16 App. *B Civ.* 2.102; Dio Cass. 51.22.3. Flory 1993: 293-295.

17 Bauman 1992: 92-98; Flory 1993: 296. There allegedly existed four other official female statues in Rome at that time, those of Tarpeia, Gaia Taracia or Fufetia, Cloelia and Quinta Claudia, whose credibility has been questioned as we will see later. Recently it has been claimed that those statues were re-used or replaced by Augustus in order to present them as a precedent for what in fact was an innovative measure taken by the Senate in 35 BC. See Hemelrijk 2005 and Valentini 2011.

18 Hemelrijk 2015: 272-293; Jiménez (forthcoming).

Republic. This divide is so evident in the written sources as to draw scholarly attention. Considering the case of Livy, Jo-Marie Claassen delimits a first section of historical narrative in which female characters stand out, ending in 390 BC. For her it is a matter of sources: “when he [Livy] had more formal political and historical sources to inform him, he did not need to flesh out his narrative with domestic tales”.¹⁹ This is just partly an answer and more likely the kind of response that Livy himself would have provided if asked. Indeed, he inherited a historical narrative that had emerged by the end of the third century BC by which he was to a great extent constrained.

As is well known, Livy was quite distrustful of the remote history of the city, considering it full of legends and not based on historical documents.²⁰ At the beginning of book six he points to the reason for this lack of evidence when he claims that before the sack of the Gauls there was little use of writing in Rome and that the existing records such as the commentaries of the pontiffs (*commentarii pontificum*) and other public and private texts nearly all perished in the fire.²¹ It is hard to tell how Livy or his sources could know about the destruction of the Gaulish attack. They probably had little real information but found in this explanation a convenient way to account for what they considered an unsatisfying narrative of early Rome. Accordingly, Livy depicts the total destruction of the city at that time, for which no archaeological evidence has been found so far.²² In fact, in terms of sources and narrative structure, the real change comes with the beginning of the Republic and the emergence of a more detailed account organized by years. Independently of its reliability for ancient and current historians, the former had at their disposal a larger set of data for the period after the expulsion of Tarquin the Proud and his family. However, in the fifth century BC we can still find

19 Claassen 1998: 78, 96.

20 Livy *praef.* 6-7. Miles 1995: 14-20.

21 Livy 6.1.2.

22 Lomas 2017: 229-230. Montanari (1990: 36-41) labels this conjecture of ancient historians as an “etiological myth” following Dumézil 1949: 43. Mayorgas 2007: 157-159. Livy might have taken this approach from previous writers like the Clodius cited by Plutarch (*Num.* 1.1-2), who claimed in his *Critique of Chronology* that the sack of the Gauls destroyed the ancient records of the city which were forged by later historians. This writer has been identified with the annalist of the first half of the first century BC, Claudius Quadrigarius, who seems to have treated the early history of Rome very briefly (Frier 2002: 121-125). However, in the new edition of the *Fragments of the Roman Historians* by Tim Cornell (2013: 264-265), he is considered to be a different author, Paulus Clodius, cited by Appian (*Gall.* 1.3.8).

individual women who play a significant role in the unfolding of events, such as Veturia and Volumnia or Verginia. Therefore, the question is not just a matter of sources, but of memory regime.

The disappearance of individual women from Roman remembrance in the fourth century BC –and therefore from our sources– was most likely linked to the emergence of a new patricio-plebeian *nobilitas* whose legitimacy was based on the military and political service to the city of its members as magistrates. This new conception of the elite conditioned memory, which by the second half of the fourth century BC started to focus primarily on commemorating offices, war victories and military triumphs by means of religious rituals, monuments and temples. It is the kind of memory that prevailed in the Middle Republic.²³

Tracing the origins of archaic female memory is almost an impossible task. From a very trustful approach to the written sources, we could rely on the veracity of the main events of the Early Republic, hoping that the chronicle of the pontiffs annually recorded the current circumstances of the city, albeit from a religious perspective, and surmise that this basic information somehow went through to the Roman annalistic narrative of the late third century BC.²⁴ Even in this scenario one could doubt whether particular female characters like Lucretia or Verginia were real historical women mentioned in the religious annals, real historical characters passed down through oral memory or later elaborations by popular storytelling. Their consistency in the historical narratives is such that it is hard to believe that they were the figment of the imagination of any particular author.²⁵ In the case of pre-republican women we can just conclude that all of them belong to popular or cultural memory.²⁶

23 Hölkeskamp 2006: 483-489.

24 For a recent evaluation, Rich 2017. Mayorgas 2011 on the nature of the *Annales Maximi*.

25 For this and other arguments against the whole fabrication of the history of early Rome by ancient authors, see Cornell 1986.

26 For Jan Assmann, “cultural memory” (*kulturelle Gedächtnis*) is the recollection of the origins of a community aiming to explain and justify the existence of such a community (2011: 34-41). It can be equated with the notion of “mythical past”. Some scholars are skeptical about the usefulness of the concept and Assmann’s theoretical frame in general for the Roman case. See Wiseman 2014: 43-44, 49, who prefers the term “popular memory” and Galinsky 2016: 12-15, who has edited several volumes on Roman memory (2014; 2015; 2016). *Contra* Hölkeskamp 2006: 480-482. For a review of the study of Roman memory and historiography, see Sandberg 2017: 351-359.

This fact should not lead us to conclude that everything about them results from pure fabrication. For instance, the recollection of some female regal figures such as Tanaquil and Tullia might well have been triggered by the high social prominence of elite women in early Rome.²⁷ However, it has to be borne in mind that oral transmission of memory is always subject to a process of oblivion and actualization which is difficult for us to pin down in detail. In the following sections we will explore some of the features that distinguish female recollection prior to the fourth century BC, considering by which possible means archaic women were remembered.

Overall, archaic female remembrance rests on individual and disconnected female figures strongly linked to a material or immaterial element of Roman culture. Only the Sabines acted anonymously as a group and even in this case they are represented by Hersilia, Romulus's wife. Individuality and disconnection are features of oral memory. Human beings do not generate oral memories in abstract terms but in the form of concrete elements: places, material objects, traditions, individual persons. This is what Jan Assmann calls "figures of memory".²⁸ Scholars have especially stressed the aetiological nature of the stories built upon these figures of memory, whose main goal would be to explain and justify the present situation. Thus, Tarpeia's legend, for instance, would just serve the need of making sense of the tradition around the *saxum Tarpeium*. There is no question that oral memory is always presentist. Nevertheless, the process of its formation might have been more complicated than simply fleshing out a tale to accompany a landmark, if only because sometimes the connection between story and tradition is not so straightforward. Returning to Tarpeia, her punishment for treason was not falling off the cliff as was the case of historical death sentences recorded in our sources.²⁹ The examples of female archaic memory addressed in the following section will illustrate this complexity. Finally, it is worth noting that, in the absence of

27 Heurgon 1994: 107-136, who thought this prominence derived from the social relevance of Etruscan women. For Fay Glinister (1997: 120-122), it can be attributed to early Latin women as well. *Contra* Briquel 1998.

28 Assmann 2011: 23-24. The term *lieux de mémoire* is also used, although Pierre Nora (1984: XXIV) coined it not to refer to oral memory but to the kind of figures of memory treasured by the well-educated elites in the contemporary world to support the identity of a nation.

29 Welch 2015: 36. For the complexity of Roman aetiology, see Poucet 1985: 199-208. The link between female archaic memory and topography was already stressed by Pavón 2006: 300.

poetic compositions, figures of memory are the only means to give sense to remembrance and keep it alive. Besides, they form a heterogeneous set of memories without any chronological anchor as long as they do not become part of a written narrative. That was most likely the case of archaic Roman memory before the emergence of historiography around 200 BC.³⁰

Another relevant aspect is that most of these female figures are regarded to be of human nature. Nonetheless, in many cases an attachment to rites and religious places can be detected and this must have contributed to maintaining the memory of those women alive. One exception of a divine woman involved in the events of early Rome is worth mentioning. It is the case of Egeria. She is mainly presented as a nymph or water goddess who played the role of companion and advisor to Numa Pompilius, in which capacity she informed the king about the rites and religious festivals to be established in Rome.³¹ Her original cult place was Aricia along with Diana, and in Rome she was worshipped outside the *porta Capena* together with the *Camena*. In addition to her invocation as a fountain nymph, she was venerated by pregnant women for a successful delivery.³² But, as we said, she is an exception. Most female figures belonging to archaic memory were considered mortal. Their remembrance was originally independent from any written support and attached to particular places or traditions. The conditions for their emergence are hard to determine but they clearly conform a regime of memory whose closing coincides with the consolidation of a male military memory in times of the imperial expansion.

3. Rite and Place in Archaic Female Memory

Apart from Egeria, some other archaic women are so close to the divine that they are thought to have their remote origins in actual goddesses. Gaia Caecilia and Gaia Taracia or Fufetia fall under this category. Gaia Caecilia was identified by Pliny the Elder citing Varro with Tanaquil, the wife of Tarquinius the Proud, whose wool on the distaff and spindle (*lanam in colo et*

30 Mayorgas 2007: 41-98.

31 Livy 1.19.5 (*dea*), 1.21.3 (*dea* and *coniux*); Dion. Hal. *Ant. Rom.* 2.60.5 (*nymph*). Juvenal calls her *Numa amicae* (3.12). Montero Herrero 1994: 22-24, who rightly stresses the difference between the scepticism of Roman authors about the real contact of the king with the goddess and the faith of Greek writers in the veracity of divine communication.

32 *OCD* s.v. Egeria.

fuso) were sheltered in the temple of Semo Sancus on the Quirinal. He also claims that a pleated royal robe (*togam regiam undulatam*) made by her and worn by Servius Tullius was preserved in the temple of Fortune. Plutarch and Festus mention a statue of her located in the temple as well.³³ Gaia Taracia or Fufetia was remembered for other reasons. Pliny the Elder again refers to a statue of a Vestal under such a name. The woman received that honour for having donated the *campum Tiberinum*, an unidentified estate by the river, to the people of Rome.³⁴

Unlike the rest of archaic female figures recorded in our sources, the onomastics of these women have two elements, one of them being the name of a deity. The goddess Gaia does not seem to have ever been of such importance as her Greek counterpart; nevertheless, her cult is attested in Rome in the *Fasti Antiates Maiores*. 8 December is dedicated to this female divinity along with the god Tiberinus, whose temple stood in the Tiber Island.³⁵ Arnaldo Momigliano rightly pointed out that, even bearing a divine name, both women are consistently devoid of any godly character and considered simple mortals in the written sources.³⁶ It is worth noticing that other female figures share the same onomastic structure as Rhea Silvia and Acca Larentia. Why two mortal women were named Gaia is hard to ascertain. The Italian scholar thought that the relation of the Tarquins with the Tiber Island and the geographical proximity of the estate donated by Taracia/Fufetia to this landmark must have led to their association with Gaia.

The recollection of both women was linked to concrete elements. Gaia Caecilia was clearly attached to the temple of Semo Sancus in the Quirinal

33 Plin. *HN* 8.194. For Plutarch she was the wife of one of the sons of Tarquinius (Priscus presumably), whose sandals, spindles and bronze statue were located in the temple of Sancus (*Quaest. Rom.* 30). Festus makes her the wife of Tarquinius Priscus himself and refers to her statue in the temple of Sancus (276 L). Semo Sancus, also named Didus Fidius, was the god who guaranteed the oaths, whose festival was celebrated on 8 June. Scullard 1981: 146-147; Coarelli 1999a. On the role of Gaia Caecilia in the Roma marriage, see Boëls-Janssen 1993: 180-185.

34 Wiseman 1993; Nečas Hraste and Vuković 2015: 319-323; Plin. *HN* 34.2 and Gell. 7.7, who also names her Gaia Taracia or Fufetia, does not mention any statue and refers to the land as *campum Tiberinum sive Martium*, which would lead one to identify the donated land with the Fields of Mars. For the link of Gaia Taracia to this area, Momigliano 1969: 467-470 and recently Vuković (forthcoming).

35 Scullard 1981: 202.

36 Momigliano 1969: 463-464.

Hill, where, on the authority of Varro, her statue and sewing tools were present. In the case of Gaia Taracia/Fufetia, her name was primarily attached to a territory called *campus Tiberinum*. The existence of an actual statue in this case is not so certain. Pliny is the sole writer referring to the monument and he only claims that, according to the annals, she was given the right, not that there was or had been any extant statue of her anywhere in Rome. Therefore, it cannot be discarded in this instance that the existence of a statue in honour of Gaia Taracia/Fufetia was deduced on the rationale of her subsequent commemoration for public service to the city. In fact, most scholars consider it highly improbable that statues or monuments were erected to women in early Rome and conclude that they might have originally been statues of female divinities which were later reinterpreted as depicting honourable ancient Roman women. Two more examples of this category can be cited, the equestrian statue of Cloelia and that of Tarpeia.³⁷ Unfortunately we cannot trace the steps of this process of re-semanticization, which would inform us in more detail about how female archaic memory evolved.

Other archaic female figures have an even stronger connection with the divine realm since their names are associated to particular rites or festivals. Nevertheless, once again they are never referred to in our sources as goddesses, but as human women. They are Acca Larentia, Tarpeia, and Horatia. Doubtless the former is the most puzzling one out of the three because, despite her solid connection with the festival of Larentalia, celebrated on 23 December, ancient writers convey a confusing array of explanations about her as, variously, a wealthy prostitute who bequeathed land to Rome, the foster mother of Romulus and Remus, and the mother of the Lares.³⁸ Varro's evidence makes it clear that a public funerary rite took place (*sacerdotes nostri*

37 Flory 1993: 288-290; Hemelrijk 2005: 310-312; Valentini 2011: 201-206. For the particular case of Cloelia's statue in the context of regal monuments see Briquel 2016. The statue of Tarpeia is only attested by Festus (496 L), who places it *in aede Jovis Metellina*, i. e. in the temple of Jupiter Stator of the portico of Metellus. As Tara Welch (2015: 40-42) points out, Festus's words imply that the identification is not certain, which could lead us to consider whether, as in the case of Cornelia's monument, it was actually a Greek statue later interpreted as Tarpeia.

38 Scheid 2008 has aptly shown that her identification with the mother of the Lares is a late speculation of the times of Augustus. Mayorgas 2018; Prescendi Morresi 2020 and Mayorgas 2022: 286-292, for a recent review of the evidence on Acca Larentia. For a reflection on prostitution as an old element of the myth of the twins, see Nečas Hraste and Vuković 2015: 315-317.

publice parentant) in her honour every year on the Velabrum at the spot where, according to some, her tomb stood (*sepulchrum*).³⁹ It is worth noting that despite this annual public commemoration, recorded in the *Fasti Praenestini*, there was not a unique and clear version of her life. Which Acca Larentia did priests and attendants honour on 23 December? The prostitute, the foster mother of the twins or the *mater Larum*? Probably none of them officially regardless of what every participant might have had in mind during the ceremony.

The theory that she was originally a female divinity, although suggestive, does not help us to understand the memory of Acca Larentia in historical times. How could Romans forget about, or stop believing in, her divinity while celebrating the Larentalia annually? If she underwent a process of “humanization” at such an early stage that it left no trace in our written evidence, why would Romans have kept celebrating the religious festival without having a clear idea of who Acca Larentia was?⁴⁰ The case is hard to solve. But two facts are worth remembering. The first one is that the Larentalia implied a funerary rite that took place in the Forum Valley, an area that had been a burial place in early Iron Age –from the tenth to eighth century BC–.⁴¹ Thus, we have to conclude that, notwithstanding the name of the festival and its connection with a would-be ancient female divinity, the sense of the celebration in historical times was not that of honouring a divinity but the dead.⁴² The second one is that, from the first reference of Cato the Elder, Acca Larentia is consistently associated with the idea of land donation to Rome just like Gaia Taracia/Fufetia, only this time the reward was not a statue but a

39 Varro, *Ling.* 6.23-24: *Larentinae, quem diem quidam in scribendo Larentalia appellant, ab Acca Larentia nominatus, cui sacerdotes nostri publice parentant e sexto die, qui ab ea dicitur dies Parent<ali>um Accas Larentinas. Hoc sacrificium fit in Velabro, qua in Novam Viam exitur, ut aiunt quidam ad sepulchrum Accae, ut quod ibi prope faciunt diis Manibus servilibus sacerdotes.* The passage is not clear at several points (Mayorgas 2022: 286-287). Following Mommsen, most editors correct *tarentum* for *parent<ali>um*. For an interpretation keeping the original term, as synonymous with “crossing place”, see Nečas Hraste and Vuković 2015: 332-334.

40 The assumption that she is a Roman goddess still prevails. See for instance Coarelli 2003: 50-52 or *OCL* s.u. Acca Larentia. For the idea of a process of humanization, see García Otaola 1994. For a critique on Roman oblivion of its Indo-European mythological heritage, Bettini 2015: 13-14.

41 Lomas 2017: 39-42.

42 Dumézil 1987: 279-280.

tomb and a public cult.⁴³ Therefore, Romans came to accept as a figure of archaic memory a wealthy and generous woman whose largesse benefited Rome.

Tarpeia was remembered on different grounds. She betrayed the city to the Sabine army, giving them access to the Capitol and as a result she died at the hands of the enemy.⁴⁴ Her name was attached to a cliff on that hill named *saxum Tarpeium*, from which certain traitors were thrown as punishment.⁴⁵ Ancient authors agree that her tomb was on that spot, although none of them seems to have seen the monument personally, which, as in the case of Acca Larentia, leaves open the question of whether there was ever an identifiable grave ascribed to her or it was just an inference. The alleged rite in her honour rests on thinner support. Only Dionysius of Halicarnassus, citing Calpurnius Piso Frugi (cos. 133 BC), mentions funerary libations (χοὰς) performed to her every year, an argument apparently used by both authors along with the idea of the tomb to contend that, hence, Tarpeia could not have been a traitor but a heroine who, in framing the Sabine invaders, was herself betrayed and killed.⁴⁶ The reasoning was impeccably Greek. Graves and rites are the privilege of heroes and heroines, not of inglorious characters.⁴⁷

We have no idea what kind of ritual Calpurnius Piso Frugi referred to in his historical work, but since this is the only attestation, it is hard to believe that it was a cult mainly and openly performed *in Tarpeia's honour*. It also remains unclear whether we should accept the funerary nature of the ritual following Dionysius's use of the word *choas*, which in Greek specifically means "libations for the dead".⁴⁸ Probably we can just assume that the name of Tarpeia somehow was involved in a ritual that took place on the Capitol, meaning that it provided support for the Roman historian to see the event as a commemoration and turn Tarpeia into a heroine. The fact that only a Greek author, Dionysius, follows him shows that most Romans did not share this

43 Cato I F23 Chassignet; I F16 Cornell.

44 Recent studies on Tarpeia: Semioli 2010 and Welch 2015.

45 David 1984: 134-139.

46 Dion. Hal. *Ant. Rom.* 2.40.3.

47 Mayorgas 2022: 292-297.

48 Mommsen did and argued that the libations took place during the *Parentalia* (13 February), when a Vestal Virgin made an offering to the dead (*CIL* 1(2) p. 258). Unfortunately, no other evidence supports the claim. See Scullard 1981: 75 and Welch 2015: 37-39. It has been also claimed that the ritual was originally dedicated to the tutelary deity of the Tarpeian Rock (Baudou 1995: 88).

perception. For them, Tarpeia was a traitor and the rite did not take place to honour or commemorate her.

A third example, that of Horatia, adds complexity to the relation between female archaic memory and cult in Rome. There is no doubt about her story. She was assassinated by her brother for showing grief at her fiancé's death. He was one of the Curiatii triplets from Alba Longa who were defeated by the Roman Horatii triplets, of whom just one, Horatia's brother, survived. The contest decided the war on Rome's side with the result of Alba Longa being annexed and its population integrated. Enraged at her sister's public display of sorrow, he killed her. His father approved and the popular assembly acquitted him but forced him to take part in an expiatory rite (*piacula sacrificia*) that, according to Livy, had since then been observed by the Horatian clan (*gens Horatia*). It meant that Horatia's brother had to pass through a street, with his head covered, under a beam fixed as a yoke. Livy claims that the beam "remains to this day, being restored from time to time at the state's expense, and is known as the Sister's Beam".⁴⁹ He also mentions two more landmarks: a place called *pila Horatia* where the spoils of the Curiatii were set up and the Horatia's tomb (*sepulchrum*), built where she fell dead.⁵⁰

Dionysius of Halicarnassus's account accords basically with Livy's.⁵¹ He situates the Sister's Beam (ξύλον ἀδελφῆς) close to the *Carinae* at the western slope of the Esquiline Hill. He considers it a commemorative monument of the brother's misfortune (τὸ χωρίον τῆς συμφορᾶς τοῦ ἀνδρὸς μνημεῖον) and claims that it was honoured by the Romans with annual sacrifices. He also refers to the column (στύλις) where the arms of the Curiatii were hung as *Horatia pila*, which he places by one of the porticos in the Forum. No tomb is mentioned by him but he does mention two altars that were set up for Juno, to whom the care of sisters was allotted, and Janus Curiatius.⁵² Apart from the tomb, which, as in the case of Acca Larentia and Tarpeia, seems to be based more on speculation than on any extant and distinguishable grave, the two other monuments, the column and the beam, were apparently visible and well known. However, neither of them was probably erected as a reminder of any

49 Livy 1.26.13: *Id hodie quoque publice semper refectum manet: sororium tigillum vocant.*

50 Livy 1.26.10 and 1.26.13.

51 For a literary commentary of the narrative of both authors, see Oakley 2010.

52 Dion. Hal. *Ant. Rom.* 3.23.8-10. On the location of these monuments, see Richardson 1992: 400 and Coarelli 1999b for the *tigillum sororium*; Richardson 1992: 291 and Coarelli 1999c for the *pila Horatia*.

real duel between Alban and Roman triplets, but later became re-signified with this story. The prevalent explanation points out that the association was triggered by the name of the two divinities, Juno Sororia and Janus Curvatus, whose cult targeted young women and men in their transition to reproduction and civic life, respectively.⁵³ Again, it is hard to know in detail the emergence and evolution of this memory, but what has to be stressed is that it entailed the recollection of an archaic individual woman by means of place names and the attachment to a ritual which in essence was not commemorative.

The connection of archaic women with ritual and place adopts another form in Rome, that of the foundation of a religious festival or temple. Matronalia provides the first example. It was celebrated every 1 March in honour of Juno Lucina by married freeborn women. They made offerings and prayed to the goddess who was the protector of childbirth and motherhood in general.⁵⁴ It took place in different locations in Italy, but in Rome the main cult place was the temple of Juno on the Esquiline Hill, which was dedicated in 375 BC. Nevertheless, the festival most likely predates the building since it was located on an old sacred grove (*lucus*) on the hill consecrated to the goddess.⁵⁵ Ovid associates the festival with the Sabine women and their brave intervention in the battle between Romans and Sabines, while Plutarch asserts that it was established by both peoples to commemorate the end of the conflict at the time of their unification during the reign of Romulus.⁵⁶ There is no earlier republican attestation, but the link between Sabine women and marriage was probably very old and it represented for Romans the first instance of legal unions in the city.⁵⁷ Thus, Livy, who does not refer to the Matronalia, asserts, however, that the Roman wedding-cry *Thalassius* comes from a particular episode during the abduction of the Sabines, when captors carried away one of the women shouting the name of the Roman nobleman to whom she was allotted. Moreover, for Romans the wedding event seems to have been envisioned as the forcible taking of the bride by the groom, as

53 Dumézil 1942: 110-115; Coarelli 1983: 11-118; Boëls-Janssen 1993: 39-48; Sandberg 2017: 364-371.

54 Boëls-Janssen 1993: 309-319; Cid López 2007: 363-372.

55 Plin. *HN* 16.235. Richardson 1992: 214-15; Giannelli 1996.

56 Ov. *Fast.* 3.229-230; Plut. *Rom.* 21.1. The connection of this cult with the Sabines is also established by Varro (*Ling.* 5.74), who, citing the previous historiography as his source (*ut annales dicunt*), claims that Titus Tatius erected an altar to Juno Lucina.

57 See Aglaia McClintock's chapter in this volume.

happened to the Sabines.⁵⁸ Therefore, it is quite plausible that in the Republic the celebration of Matronalia, one of the festivals most significantly devoted to marriage and married women, was already the occasion to recollect the rape and marriage of the first Roman women, as Ovid and Plutarch implied in imperial times.

The other significant matronal cult was that of Fortuna Muliebris and this time our sources record the name of the two women, Veturia and Volumnia, who along with a company of Roman matrons approached Coriolanus's camp and convinced him not to lead the Volscian attack toward Rome in 488 BC. Thus, as respectively his mother and wife, both women managed to prevent the Roman general from fighting his own city. Livy claims that, to preserve the memory of the event (*monumento quoque quod esset*), a temple was built and dedicated to Fortuna Muliebris.⁵⁹ The temple, located on the Via Latina, and its anniversary, celebrated on 6 July, are well attested.⁶⁰ It is not so clear, however, that the cause of its foundation was any female intervention in a war against the Volscians, and the very historicity of Veturia and Volumnia can be doubted. In any case, from the perspective of memory, the relevant fact is that the recollection of the agency of two individual archaic Roman women was attached to a temple and the cult of a deity.

The examples addressed in this chapter show a variety of ways in which individual female figures were remembered in early Rome. It is noteworthy that every case is different so no clear pattern can be identified beyond the simple premise that no religious place or cult was actually established with the initial intention of commemorating those women. In fact, the notion of "commemoration" as the act of remembering and giving respect to a great person or event is problematic when approaching archaic female memory. It could only fit with some women such as Gaia Taracia/Fufetia, the Sabines, and Veturia and Volumnia. The strong link of Acca Larentia with prostitution complicates the picture, and Tarpeia and Horatia fall out of this category. The reinterpretation of Tarpeia as a heroine indicates that, for some Romans of the Late Republic, this non-commemorative memory posed problems. Another fact is worth considering. While dubious figures like Larentia were

58 Livy 1.9.12; Plut. *Rom.* 15, *Pomp.* 4; *Quaest. Rom.* 31. Bettini 2020: 22-25. On the expression "Thalassius", see Boëls-Janssen 1993: 174-180.

59 Livy 2.40.12; Dion. Hal. *Ant. Rom.* 8.39-55. On the figure of Coriolanus, Cornell 2003; Piel 2006. On the antiquity of the story, Schultz 2006: 37-44.

60 Scullard 1981: 160-161; Boëls-Janssen 1993: 373-388; Cid López 2014.

supposed to have their own ritual and an alleged tomb in the Velabrum, the very incarnations of the Roman ideal of female modesty and sexual virtue (*pudicitia*) that were Lucretia or Verginia had no monument, grave, statue, or cult to be remembered. This is all the more puzzling if we keep the perspective of a commemorative female memory in early Rome and it should probably lead us to adopt a different approach to the issue.

4. Female Memory in the Middle Republic: From Remembrance to Narrative

The archaic regime of female memory faded away beyond the fifth century BC. From that moment on, few women were remembered individually as playing a significant role in the fate of the city or linked to any monument or ritual. A remarkable exception is Quinta Claudia, who led the group of matrons at the reception of the goddess Magna Mater's cult object, a baetylus, in 204 BC. She had her own statue in the temple of the Phrygian deity on the Palatine and was featured in a play that related the arrival of the goddess to Rome, performed most likely at the great Megalesian Games.⁶¹ Overall, however, no city landmark is linked to female memory in the Middle Republic. Public space was almost entirely devoted to commemorating the military glory evincing that Rome had become the hegemonic power in the Mediterranean.

Female memory adjusted to this new context. Women were collectively remembered in historical works inasmuch as their behaviour contributed to or hindered Rome's performance. Thus, in 331 BC a group of one hundred seventy matrons was convicted of poisoning. The event was considered a prodigy, which led to the election of a dictator to carry out the expiation.⁶² Nonetheless, most of the time, they were remembered as collaborating with the city's welfare. That is, for instance, the case of the matronal procession that welcomed the goddess of Veii, Juno Regina, to Rome in 369 BC or the group of elite women who were granted a funeral eulogy for donating gold at the time of the Gallic attack.⁶³ It seems that in contrast with the military male

61 Livy 29.14.11-14 (story); Val. Max. 1.8.11 and Tac. *Ann.* 4.64.3 (statue); Ov. *Fast.* 4.321-330 (play). Flower 2002: 164, 170, 172.

62 Bauman 1992: 13-14; Cantarella 1997: 99-105.

63 Schultz 2006: 33-37; Cid López 2010: 132-136. For the grant of a female eulogy at the time of the Gallic sack, see note 4.

memory that was becoming more and more individual, female memory remained collective until the Late Republic, when particular women started to stand out not so much for their religious role, like Quinta Claudia, as for the political dimension of their performance mostly as mothers and wives.

It is also in the Middle Republic when Roman historiography emerges. For the first time the city's past could be perceived as a continued narrative that followed a chronological order. The oral memory of early times was forced to enter this outline. It was not an easy task. Some female figures such as Lucretia or Verginia played such a clear role in Rome's evolution that there was no doubt about their placement in the historical narrative. For others, the insertion could have been more random. Was the killing of Horatia originally attached to both the conquest of Alba Longa and the reign of Tullus Hostilius? Or was it "positioned there" by the historians? Sometimes the sources openly show the difficulties of dating female figures. Thus, Acca Larentia is placed in the times of Romulus, when she is identified with the twin's foster mother, but when she is only remembered as a prostitute, she is situated in the reign of Ancus Marcius, as a result of which Plutarch conveys the idea that there were actually two women with the same name.⁶⁴

It is likely as well that historical writing led to associate figures that originally had an independent memory and in this way they were chronologically anchored. Acca Larentia the prostitute and land donor did not need a precise date to make her benefaction to Rome meaningful, but the moment she is considered the twin's mother, probably in an attempt to rationalize the tale of the she-wolf, her life becomes dated. The identification of Gaia Caecilia with Tanaquil likewise offers a dating to the former and the wool objects of the temple of Semo Sancus. Sometimes, nonetheless, chronology resisted. It is what seemingly happens to Gaia Taracia/Futetia, the vestal who also donated land to Rome, whose dating is unknown and consequently is off the historical linear narrative.

Finally, historical writing did not only impose chronology on memory but also political meaning and exemplarity. Livy's *Ab urbe condita* is the best example, although both trends were most likely present in previous republican historiography in order to show the evolution of Rome as a worthy hegemonic power in the Mediterranean. But female archaic memory did not always fit

64 Plut. *Quaest. Rom.* 35.

successfully into this scheme either. Few women can be perceived as *exempla* in the sense of “role models”. That is why some female figures such as Tanaquil or Horatia can be problematic in Livy’s account because they do not offer a clear performance to imitate or even to completely reject, which the author advanced as one of his objectives in the preface.⁶⁵ The explanation for this ambiguity might lie simply in the fact that archaic female memory was not originally commemorative and exemplary and therefore it did not adjust easily to the historical narrative that aimed to glorify Rome’s past and explain the greatness of its empire.

In sum, different phases of female memory can be identified in Rome. This implies that the contents of women’s memory and their means of remembrance varied over time. An archaic regime ending up in the fifth century BC privileged those individual figures whose recollection was attached to specific places and cults. No clear pattern can be defined but all of them have a link to rituals and religious spots. Nonetheless, none of them is considered divine, whatever their origins, in the written sources. The primary nature of this recollection is elusive. Commemoration can be argued for some cases, but for others, such as those of Tarpeia or Acca Larentia, it is not tenable. The fact that laudable women like Lucretia or Verginia represent exceptions –since they were not remembered through any ritual or religious place– only adds more complexity to this archaic memory. By the end of the fourth century BC the archaic phase closed at the time when Rome became a hegemonic power in Italy. The generation of public memory was now devoted to celebrating and commemorating military victories. Thus male memory prevails. Women were recollected collectively inasmuch as they had contributed to maintain the stability and welfare of Rome. With the exception of Quinta Claudia, this memory is not reflected in the topography of the city but recorded in the written sources. Finally, the social and economic changes of the second century BC allowed elite women to acquire a new public position. As a result, they earned space in the memory of Rome. At the beginning they were just commemorated in funerals becoming part of the family ancestry. Later, female members of the imperial house enjoyed the privilege of public recognition and recollection while in provinces local elite women had access to similar prerogatives. This third phase constituted a new regime of female memory that lasted throughout imperial times.

⁶⁵ Livy *praef.* 10. Stevenson 2011. For the definition of *exemplum* as “role model” see Roller 2018: 1-23.

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CITOYENNETÉ, APPARTENANCE, IDENTITÉ: LES MATRONES AU SEIN D'UNE COMMUNAUTÉ DES *CIVES* DANS LA ROME RÉPUBLICAINE

Francesca Rohr Vio

1. Les femmes citoyennes dans la représentation des sources

Civis femina : c'est ainsi que le proxénète Dordale dans *Persa* de Plaute, qualifie Lemnisélène, une courtisane qu'il vient de faire affranchir. Il se targue d'être un citoyen exemplaire car il a agrandi Athènes, et l'a enrichie d'une nouvelle citoyenne.¹

Civis ...libera : c'est ce que deviendra, selon les propos de l'esclave Milphion, la courtisane Adelphasie, dans une autre comédie de Plaute, *Poenulus*.²

Cives tuas : dans cette acception, l'esclave Trachalion présente à l'athénienne Démonès Ampélisque et l'amie Palestra, cette dernière enlevée à Athènes et se trouvant maintenant à Cyrène, comme courtisane appartenant au proxénète Labrax.³

1 Plaut. *Per.* 474-475: *sumne probus, sum lepidus civis, qui Atticam hodie civitatem maximam maiorem feci atque auxi civi femina?* "Suis-je un brave homme, suis-je un bon citoyen d'avoir aujourd'hui agrandi encore la grande cité d'Athènes et de l'avoir enrichie d'une citoyenne?"

2 Plaut. *Poen.* 371-372: *ego faxo, si non irata es, ninnium pro te dabit atque te faciet ut sis civis Attica atque libera.* "Je te réponds, si tu n'es plus en colère, qu'il donnera pour toi tout ce qu'on voudra, et qu'il fera de toi une femme libre, une citoyenne d'Athènes".

3 Plaut. *Rud.* 742: *Opsecro, defende civis tuas, senex.* "Je t'en supplie, vieillard, défends tes concitoyennes!". Trachalion fait allusion à un fait ethnique, à savoir l'origine des deux

Plaute attribue donc à des femmes le statut de citoyennes. Quel était le sens du mot *cives* appliqué aux femmes romaines auxquelles Plaute se référait en réalité, indépendamment du contexte non romain des comédies et du fait qu'elles dérivait de modèles grecs ?⁴ Pour comprendre la question, il y a lieu d'adopter une approche d'enquête sociale et anthropologique et de considérer deux aspects étroitement liés : l'appartenance des femmes à la communauté et l'identité des citoyennes romaines. L'analyse se fonde sur les rares sources littéraires qui conservent des références sur ce sujet et sur certains témoignages légendaires : les histoires légendaires, en particulier si elles se réfèrent à des épisodes fondateurs de l'histoire de Rome – la fondation de la communauté ou celle de son ordre républicain – représentent le cadre où se définissent les valeurs et les principes constitutifs de la communauté et où les comportements sont codifiés.⁵ Ainsi, dans certains cas, ces récits répondaient davantage à la possibilité de légitimer, en les antichronisant à des périodes anciennes et significatives de l'histoire de Rome, des pratiques en réalité postérieures, se référant aux époques où cette mémoire légendaire s'était progressivement formée, plutôt qu'à la description d'un tissu événementiel précis.⁶ Les légendes constituent donc une loupe permettant de lire non pas la période à laquelle ces légendes se réfèrent, mais plutôt l'époque à laquelle elles ont été conçues.

Denys d'Halicarnasse raconte qu'en 490 av. J.-C., Valeria convainc Véturie et Volumnie d'intercéder auprès de Gnaeus Marcius Coriolan en faveur de la patrie.⁷ L'historien rapporte que Valeria avait exhorté Véturie à sauver les « concitoyennes », τὰς ἑαυτῆς πολιτίδας, qui s'étaient présentées à sa porte à ce moment-là.⁸ Ce passage, écrit au Ier siècle av. J.-C., qui attribue le

jeunes femmes et de Démonès originaire de la même ville. Cependant, le terme fait référence contextuellement à une condition juridique et sociale partagée, c'est-à-dire la citoyenneté.

4 Manuwald 2019: 26 soutient que la production théâtrale de Plaute met en scène la réalité sociale romaine de son temps et non la réalité grecque dans laquelle il situe ses comédies ; par rapport à ses modèles littéraires, Plaute remplace le lexique, adapte les costumes, inclut des références aux institutions romaines et aux lieux romains.

5 Hölkeskamp 2006: 479-495.

6 Voir Fox 1996; Forsythe 1999; Chaplin 2000; Roller 2009; Keegan 2021.

7 Sur l'action de Véturie, Volumnie et Valeria: voir Mustakallio 1990: 125-131; Buszard 2010: 104-111; Dubosson-Sbriglione 2021: 110-130; Keegan 2021: 80-85.

8 Dion. Hal. *Ant. Rom.* 8.40.5: τὸν υἱὸν κομίσασθαι, ἐλευθερῶσαι τὴν πατρίδα, σῶσαι τὰς ἑαυτῆς πολιτίδας "Emmenez votre fils avec vous, sauvez votre patrie, sauvez vos concitoyens". La formule *cives Romanae* apparaît également dans des sources juridiques tardives, relatives au statut juridique des enfants nés de femmes qualifiées, de fait, de « citoyennes romaines »:

statut de citoyenne aux femmes romaines à l'époque archaïque, semble antidater le statut des femmes à l'époque où Denys écrivit, soit la fin de la République. En ce sens, il semble donc en accord avec Plaute.

Cette interprétation du statut de *cives* des femmes romaines se retrouve dans un autre passage qui, en revanche, affiche clairement une volonté de fiabilité historique. En 56 av. J.-C., dans son discours en faveur de Lucius Cornelius Balbus, qui portait justement sur la citoyenneté, Cicéron rappelle que le culte de Cérès, importé de Grèce, était confié à des prêtresses provenant de Grande-Grèce, mais citoyennes romaines.⁹ L'Arpinate rappelle en effet que la prêtresse Calliphana avait obtenu la citoyenneté romaine alors que sa ville d'origine, Velia, avait encore le statut de *civitas foederata*.¹⁰ Ainsi, le statut juridique des prêtresses, leur reconnaissance sociale, mais surtout leur rôle dans la vie culturelle de la communauté, semblent justifier le fait que la *civitas* leur soit conférée. Comme nous tenterons de le démontrer, le lien entre le rôle social et le statut de *civis* semble pouvoir être également appliqué aux femmes romaines qui n'exerçaient pas de fonctions religieuses, mais auxquelles fut reconnu, à l'instar des prêtresses, un rôle essentiel au sein de la communauté des *cives*.

par exemple Gai. *Inst.* 1.30; 1.32; 1.67; 1.68; 1.71; 1.77; 1.84; 1.88; 1.91; 1.92. Voir Peppe 2016: 182 et 190.

⁹ Cic. *Balb.* 24.55: *Cognoscite nunc iudicium senatus, quod semper iudicio est populi comprobatum. Sacra Cereris, iudices, summa maiores nostri religione confici caerimoniaque voluerunt; quae cum essent adsumpta de Graecia, et per Graecas curata sunt semper sacerdotes et Graeca omnino nominata Sed cum illam quae Graecum illud sacrum monstraret et faceret ex Graecia deligerent, tamen sacra pro civibus civem facere voluerunt, ut deos immortalis scientia peregrina et externa, mente domestica et civili precaretur. Has sacerdotes video fere aut Neapolitanas aut Veliensis fuisse, foederatarum sine dubio civitatum.* "Apprenez maintenant la décision du sénat qui a toujours été confirmée par la décision du peuple : nos aïeux ont voulu que le culte de Cérès fût célébré avec piété et cérémonial. Comme ce culte avait été importé de Grèce, il était toujours desservi par des prêtresses grecques et tout le vocabulaire était grec. Mais tout en choisissant en Grèce une femme pour les initier à ce culte hellénistique et pour le célébrer, ils ont voulu que, célébrant un culte pour des citoyens Romains, elle fût citoyenne, afin qu'elle priât les dieux immortels selon des rites exotiques et étrangers sans doute, mais du moins avec un esprit national et civique. Je vois que ces prêtresses ont été presque toutes de Naples ou de Velia, sans contredit villes fédérées".

¹⁰ Cic. *Balb.* 24.55: *Mitto vetera; proxime dico ante civitatem Veliensibus datam de senatus sententia C. Valerium Flaccum, praetorem urbanum, nominatim ad populum de Calliphana Veliense, ut ea civis Romana esset, tulisse.* "Laissons de côté les exemples antiques ; parlons seulement d'une époque toute proche ; avant qu'on eût accordé le droit de cité aux habitants de Velia, C. Valerius Flaccus, préteur urbain, en accord avec le sénat, proposa nommément au peuple de faire citoyenne Calliphana de Velia".

2. Citoyenneté et rôle social des femmes

D'un point de vue juridique, le statut de la femme romaine à l'époque de la république et à la fin de la république n'était pas comparable à celui du *civis Romanus*. Sur les quatre droits (*iura*) fondamentaux qui caractérisaient le statut du citoyen romain, la composante féminine de la communauté ne pouvait pas bénéficier du *ius suffragii*;¹¹ cette prérogative caractérisait les *officia* qualifiés de *virilia*, donc de compétence exclusivement masculine – à commencer par la dimension institutionnelle et militaire – et faisait des femmes des *remotae*, c'est-à-dire des étrangères sur ce plan.¹² Ainsi, d'un point de vue juridique, les femmes romaines étaient exclues de la citoyenneté de plein droit et pouvaient peut-être être assimilées aux personnes, y compris les hommes, qui occupaient des postes « inférieurs », comme la *latinitas*, dans la constellation juridique complexe qui caractérisait la *res publica* romaine.

Par rapport au point de vue juridique, la perspective sociale et anthropologique brosse un tableau différent, dans lequel les femmes étaient des membres de la communauté à tous les égards parce qu'elles avaient un rôle différent mais complémentaire de celui des hommes *cives*, un rôle qui, surtout, était incontournable. En ce sens, par conséquent, elles étaient *cives*.

Sur ce point également, la légende semble servir d'outil de décodage précieux : dans sa fonction de cadre de définition des principes et des règles de la communauté, elle donne une définition précise du rôle de la femme dans la société des citoyens, un rôle qui détermine sa qualité de citoyenne à tous les égards. Tite-Live raconte en effet que peu après l'enlèvement des Sabines,

11 Au sujet du statut juridique des *cives romani*, voir Sherwin-White (1939) 1973: 3-250; voir désormais van Galen 2016: 47-59. Lamberti 2009: 553 attribue cette condition à l'homme juridiquement non soumis à un autre citoyen, c'est-à-dire au *pater familias*.

12 *Dig.* 50.17.2 pr.1 (Ulp. 1 *ad Sabinum*): *Feminae ab omnibus officiis civilibus vel publicis remotae sunt et ideo nec iudices esse possunt nec magistratum gerere nec postulare nec pro alio intervenire nec procuratores existere*. "Les femmes sont exclues de toutes les fonctions civiles ou publiques, et ne peuvent donc être juges, ni exercer une charge, ni être avocat, ni intervenir au nom d'autrui, ni faire le procureur". Entre le I^{er} et le III^{ème} siècle après J.-C. en Asie Mineure et dans les îles de la mer Égée, des femmes de haut rang et très riches, appartenant à des familles liées aux gouverneurs romains actifs dans la région et à la cour impériale, assumaient des fonctions de magistrat dans les villes où elles vivaient. Cf. Peppe 2016: 231-238; Ferrandini Troisi 2000; Dmitriev 2005: 179-188. Cenerini (2002) 2009: 120 souligne qu'il s'agit pour la plupart de fonctions honorifiques, exercées par ces matrones pour leur propre bénéfice mais surtout celui de leur propre famille.

Romulus prit la parole et expliqua quelle place serait réservée à ces femmes dans la nouvelle réalité civique: elles ne devaient pas être des concubines, mais des épouses légitimes, par l'institution du mariage, et auraient donc légitimement constitué la seconde composante du corps civique, complémentaire de la composante masculine, et grâce à la naissance de *cives* romains, elles auraient garanti l'osmose entre les différents groupes de la communauté et la pérennité de Rome de génération en génération.¹³ Ainsi, à la fondation de Rome, des femmes non latines par ethnie seraient devenues les premières *cives romanae* par mariage.

Le rôle incontournable des femmes dans la communauté – épouses puis mères – justifiait la protection que leur garantissait la loi : selon Denys d'Halicarnasse, la loi de Romulus prévoyait de lourdes amendes pour ceux qui n'auraient pas assuré la survie de leur fille aînée, dont la vie représentait une valeur précisément en raison de son futur rôle de mère de citoyens.¹⁴

La procréation de citoyens, grâce à laquelle les femmes devenaient *cives*, était une prérogative à la portée de toutes les femmes romaines libres, indépendamment de leur statut social. Le rôle de mère de citoyens distinguait, en revanche, les femmes romaines libres des esclaves et des étrangères, exclues pour cette raison du statut de *cives*.¹⁵ À Rome et dans l'Italie romaine, contrairement aux femmes de condition servile et aux étrangères, les femmes romaines libres, bien que ne jouissant pas elles-mêmes du plein droit de citoyenneté, se trouvaient en fait dans la position de vectrices nécessaires de la citoyenneté entre leurs propres pères, *cives*, et leurs propres enfants, eux-mêmes *cives*, comme en atteste le droit.¹⁶ Du reste, ce rôle indispensable de vectrices de la *civitas* est également évident dans la formule onomastique des femmes issues de familles nobles romaines : leur nom, déclinaison au féminin de celui de leur père, atteste qu'elles sont nées d'un citoyen romain ; par

13 Livy 1.9.14: *Sed ipse Romulus circumibat docebatque patrum id superbia factum, qui conubium finitimis negassent; illas tamen in matrimonio, in societate fortunarum omnium ciuitatisque et, quo nihil carius humano generis sit, liberum fore.* “Mais Romulus en personne allait de l'une à l'autre et leur expliquait que c'était la faute de leurs pères dont l'orgueil avait refusé toute union avec leurs voisins ; quant à elles, elles allaient devenir leurs épouses, partager tous leurs biens, leur patrie, et, ce que les hommes ont de plus cher au monde, l'affection de leurs enfants”.

14 Dion. Hal. *Ant. Rom.* 2.15.1.

15 Sur le mariage romain et la procréation : Treggiari 1991: 8-9; 83-85. Au sujet du *ius conubii* voir Roselaar 2013: 102-122.

16 Au sujet de la transmission de la *civitas*: Marastoni 2011: 95-118.

conséquent, cette qualité de fille de *civis* représente la garantie que les enfants nés dans le cadre de cette union, et donc ses descendants, seront *cives*. Par ailleurs, pour les femmes romaines l'absence de la référence à la tribu confirme l'absence de la citoyenneté pleine et entière.¹⁷

La façon dont les femmes devenaient *cives* en tant que mères potentielles de *cives*, trouvait sa représentation iconographique dans l'un des espaces les plus symboliques de la *domus* aristocratique : l'*atrium*. Il devait codifier et transmettre la mémoire familiale, tant aux personnes extérieures à la famille qu'à celles qui en faisaient partie, et en premier lieu aux jeunes qui apprenaient également l'histoire de leur famille grâce aux *stemmata* familiaux qui y étaient représentés: comme le fait remarquer très efficacement Lewis Webb, à côté de la composante masculine de la famille, ces *stemmata* mentionnaient également la composante féminine, tout comme les bustes des ancêtres qui comprenaient également la représentation de certaines des premières femmes ayant intégré cette lignée.¹⁸ Cette présence féminine dans la mémoire familiale répondait précisément au rôle de mère rempli par les femmes, qui dans les *stemmata* acquérait sa systématisation et sa visualisation.

L'interprétation de la *civitas* féminine proposée ici est-elle compatible avec les témoignages de Plaute à l'origine de ce discours ?

Selon une optique de représentation récurrente dans ses comédies, dans *Persa*, *Poenulus* et *Rudens*, c'est-à-dire les comédies dans lesquelles les *cives romanae* sont mentionnées, Plaute met en scène des individus, et donc aussi des femmes, de condition servile ou libertine, ou du moins considérées comme telles, dans la trame de la pièce, avant le dévoilement décisif qui révèle leur origine libre et aristocratique. Plaute attribue à trois esclaves qui exercent la profession de courtisanes – Lemnisélène, Adelphasie et Palestra – l'ambition d'obtenir le statut de *cives*, de citoyennes.

Dans les comédies de Plaute, le rire repose de façon récurrente sur la technique du retournement de situation :¹⁹ dans *Persa*, par exemple, Toxile, qui est un esclave, s'exprime avec la finesse, dans le vocabulaire et l'argumentation, à laquelle on ne s'attendrait que de la part d'un jeune homme libre ; le public est amené à saisir la parodie représentée par cette situation et

17 À propos de l'onomastique des femmes romaines voir Kantola et Nuorluoto 2016: 79-105; Nuorluoto 2021: 11-23; 36-63; 122-162.

18 Webb 2017: 140-183; cf. Flower 1996; 2002: 159-184; Baroin 2010: 18-48.

19 Tardin Cardoso 2019: 121.

ainsi, induit à rire. Dordale, qui est libre mais issu du niveau le plus bas de la pyramide sociale, se pose en citoyen honnête et aimable, bien qu'étant un proxénète, ce qui produit le même résultat caricatural.²⁰ La technique, comme chacun sait, consiste à appliquer une condition attestée dans la réalité (où il y a des gens respectables qui emploient un langage élégant) à quelqu'un qui, en revanche, n'a rien à voir avec elle (comme un proxénète ou un esclave). Dans ses comédies, Plaute adopte la même stratégie de représentation dans la description des femmes.²¹ Par exemple, il tourne les femmes en dérision, en leur attribuant une autonomie d'action qui, dans la plupart des contextes de l'époque, était exclusivement l'apanage des hommes. Dans le cas de la reconnaissance de Lemnisélène, Adelphasie et Palestra d'une citoyenneté acquise ou en devenir, Plaute semble appliquer cette technique de retournement.²² L'aspect sur lequel se produit ce retournement semble être éclairci dans *Persa* : le renversement, l'absurde pourrions-nous dire, ne semble pas résider dans la représentation de la catégorie des femmes comme citoyennes, mais dans l'attribution du statut de citoyenne à des femmes qui exercent la profession de courtisane.²³

En effet, leur comportement est contraire au premier devoir des femmes romaines, à savoir la *castitas*. Comme le montre la légende emblématique de Lucrece, la *castitas*, c'est-à-dire la fidélité à un seul homme, constituait le fondement de la société : elle mettait la fécondité de l'épouse au service exclusif de son mari, ce qui garantissait l'identité biologique des enfants et donc la transmission par voie génétique de génération en génération du patrimoine des *virtutes* – aptitudes politiques, militaires et diplomatiques.²⁴ C'est pourquoi dans la légende, les Sabines enlevées, dont l'histoire devait servir de modèle, étaient déjà représentées comme *castae*.²⁵ En revanche, le grand nombre de

20 Plaut. *Per.* 474: *sumne probus, sum lepidus civis*. Cf. Peppe 2016: 95-99.

21 Sur les femmes dans les comédies de Plaute voir Peppe 2002: 67-91.

22 Sur le renversement du modèle matronal dans le *Poenulus* voir en particulier Cenerini 2020: 18-22, qui à juste titre identifie l'inversion opérée par Plaute dans la figure d'Adelphasie par rapport au modèle féminin idéal dans l'origine de la femme, née à Carthage, ennemie de Rome; dans sa condition juridique, esclave bien que née libre; dans sa profession, la prostitution, interdite aux matrones romaines.

23 Plaut. *Per.* 474-475.

24 Bravo Bosch 2017: 69-162; Lentano 2021, *passim*.

25 Prop. 2.6.21: *tu rapere intactas docuisti impune Sabinas*; Ov. *Fast.* 2.139: *tu rapis, hic castas duce se iubet esse maritas*. Au sujet du rôle des modèles historiques et légendaires dans la construction de l'identité sociale voir l'introduction de Bell 2008: 1-39 et, particulièrement pour les femmes romaines, Stevenson 2011: 175-189.

partenaires sexuels, comme dans le cas d'une femme adultère et plus encore d'une courtisane, compromettait la certitude de ce patrimoine génétique entre individus portant le même *nomen* ; les femmes adultères et les courtisanes ne pouvaient donc pas aspirer à devenir des *cives* à part entière, car même si elles pouvaient accomplir le devoir de maternité, elles compromettaient l'ordre social et les principes constitutifs de la communauté au lieu de contribuer à son futur. Au contraire, la *castitas* assurait le rôle social des femmes et légitimaient ainsi leur statut de *cives*.²⁶

L'hypothèse selon laquelle c'est donc la condition juridique d'ancienne esclave-courtisane qui présente une incompatibilité entre femme et citoyenneté semble être étayée par les choix lexicaux de Plaute dans ses comédies. Toujours dans *Persa*, en effet, la courtisane à laquelle on promet qu'elle deviendra *civis* est appelée *femina*. Comme l'a souligné la critique, en regard de l'utilisation habituelle du mot *mulier* pour désigner la femme (trois cents occurrences), Plaute n'utilise le terme *femina* qu'en de rares occasions (treize occurrences) qui, de toute évidence, traduisent une volonté de communication bien précise. En effet, *mulier* prend un sens souvent neutre et parfois rabaissant sur le plan social, qui serait donc approprié à une femme de condition servile ou libertine. *Femina*, par contre, a un sens élevé et acquiert une fonction ennoblissante : c'est le mot qui désigne les femmes de l'élite.²⁷ Dans le mécanisme du renversement, le fait d'appliquer le terme *femina* aux trois esclaves (ou présumées telles) devient, chez Plaute, un instrument d'ironie envers ces femmes qui aspirent à accéder au rang de matrones mais qui, en réalité, devraient rester des servantes, condition qui est encore la leur au moment où elles apparaissent sur la scène.²⁸ Il devait représenter le renversement sur lequel

26 Sur les *meretrices*: Strong 2016: 62-96; sur ces femmes dans les comédies de Plaute: Witzke 2020: 337-341 et 343-344.

27 Sur la signification du mot *femina* et son utilisation, voir Santoro l'Hoir 1992: 1-2 et 30-33, qui mentionne que des couples lexicaux sont utilisés pour définir le masculin et le féminin: *homolmulier* et *vir/femina*: ce dernier couple désigne l'élite, tandis que *homolmulier* désigne tous les autres, y compris les esclaves et étrangers. Les noms *homolmulier* identifient les individus dépendants des vices: avarice, luxure, conspiration, participation à des cultes étrangers ; les comportements sont l'antithèse du modèle oligarchique et ces noms sont utilisés pour les représentants de l'aristocratie lorsqu'ils s'écartent de la bonne voie. À propos de l'emploi de *mulier* dans le lexique relatif au mariage, à la maternité et à la prostitution voir Quintillà Zanuy 2006: 475-489, part. 478, 483 et 487.

28 Le public devait bien comprendre le message confié par Plaute à ce registre linguistique: Goldberg 2005: 44; Richlin 2005: 1-23; Fontaine 2011: 15-18; Bartholomä 2019: 229; Manuwald 2019: 28.

reposait la parodie, et donc le rire, et non pas seulement l'attribution de la *civitas* à une femme, mais l'attribution de la *civitas* à une femme qui, à ce moment-là, était esclave et se livrait à la prostitution.

Même une lecture entre les lignes de Plaute semble faire apparaître un cadre dans lequel, pour les femmes romaines, le statut de citoyennes se définit d'abord, au contraire, donc par antithèse, par rapport aux esclaves et aux étrangères, et découle du privilège qui rend les matrones romaines indispensables à la communauté, c'est-à-dire la maternité.

3. Appartenance et identité : intégration et reconnaissance dans la communauté

Être *cives* semble donc avoir signifié, pour les femmes comme pour les hommes, être reconnu comme une partie essentielle de la communauté.²⁹

Une fois de plus, la légende fournit des éléments intéressants : elle semble rappeler que les Romains souhaitaient garantir une sorte de reconnaissance formelle de l'appartenance des femmes au corps civique. Dans un témoignage qui pose problème à bien des égards, Denys d'Halicarnasse situe sous le règne de Servius Tullius l'inauguration d'une pratique visant à réaliser une sorte de recensement des citoyens, incluant également les femmes.³⁰ Il rapporte, en effet, qu'à l'occasion de la fête des

29 À propos de ce sujet voir Manfredini 2014: 483-492.

30 Dion. Hal. *Ant. Rom.* 4.15.3-5: εἰς δὲ τὴν θυσίαν ταύτην καὶ τὴν σύνοδον ἅπαντας ἐκέλευσε τοὺς ὁμοπάγους κατὰ κεφαλὴν ὠρισμένον νόμισμά τι συνεισφέρειν, ἕτερον μὲν τι τοὺς ἄνδρας, ἕτερον δὲ τι τὰς γυναῖκας, ἄλλο δὲ τι τοὺς ἀνήβους. ἐξ οὗ συναριθμηθέντος ὑπὸ τῶν ἐφεστηκότων τοῖς ἱεροῖς φανερός ὁ τῶν ἀνθρώπων ἀριθμὸς ἐγένετο κατὰ γένη τε καὶ καθ' ἡλικίας. ὡς δὲ Πείσων Λεύκιος ἐν τῇ πρώτῃ τῶν ἐνιαυσίων ἀναγραφῶν ἱστορεῖ, βουλόμενος καὶ τῶν ἐν ἄστει διατριβόντων τὸ πλῆθος εἰδέναι, τῶν τε γεννωμένων καὶ τῶν ἀπογινομένων καὶ τῶν εἰς ἄνδρας ἐγγραφομένων, ἔταξεν ὅσον ἔδει νόμισμα καταφέρειν ὑπὲρ ἐκάστου τοὺς προσήκοντας, εἰς μὲν τὸν τῆς Εἰλειθυίας θησαυρόν, ἦν Ῥωμαῖοι καλοῦσιν Ἥραν φωσφόρον, ὑπὲρ τῶν γεννωμένων· εἰς δὲ τὸν τῆς Ἀφροδίτης <τῆς> ἐν ἄλσει καθιδρυμένης, ἦν προσαγορεύουσι Λιβιτίνην, ὑπὲρ τῶν ἀπογινομένων· εἰς δὲ τὸν τῆς Νεότητος, ὑπὲρ τῶν εἰς ἄνδρας ἀρχομένων συντελεῖν· ἐξ ὧν ἡμελλε διαγνώσεσθαι καθ' ἕκαστον ἐνιαυτόν, ὅσοι τε οἱ σύμπαντες ἦσαν καὶ τίνας ἐξ αὐτῶν τὴν στρατεύσιμον ἡλικίαν εἶχον. "Pour ce sacrifice et pour la réunion, il a donné l'ordre que tous ceux qui vivaient dans le même *pagus* versent une monnaie spécifique, différente pour les hommes, les femmes et les enfants. Ainsi, à partir du comptage par ceux qui étaient en charge des sacrifices des pièces payées, le nombre de personnes divisé par sexe et âge est devenu clair. Comme l'écrit Lucius Pison dans le premier livre de ses *Annales*, Tullius, voulant connaître le nombre des habitants de Rome, c'est-à-dire

Paganalia, chaque habitant des *pagi* versait une pièce de monnaie à la communauté, une pièce qui était différente pour les hommes, les femmes et les enfants. Le comptage de ces pièces aurait ainsi permis de connaître la composition du corps civique selon les trois catégories. Il en aurait été de même pour l'enregistrement des naissances et des décès, grâce au dépôt d'une pièce de monnaie dans un temple différent pour les naissances et les décès. Ce témoignage a clairement une connotation légendaire car il se réfère à une période très ancienne, situe ces procédures à une époque où la monnaie n'existait pas encore, mentionne les habitants des *pagi* qui, précisément en raison de la réforme administrative mise en œuvre par le roi étrusque, n'auraient pas bénéficié de la *civitas*, qui était octroyée exclusivement à ceux qui résidaient à l'intérieur du *pomerium*, dans ce qu'on appelle la *Roma quadrata*. Mais, dans ce cas également, le caractère exemplaire reconnu aux récits sur les origines, et en particulier l'attribution d'une campagne de recensement au roi réformateur qui était justement le responsable des initiatives visant à classer les habitants de Rome, suggère que le témoignage peut se référer à une pratique plus tardive, remontant à une époque où même les habitants des zones rurales jouissaient de la citoyenneté, et que cette collocation monarchique est le résultat de l'usage courant de légitimer des pratiques et des instituts selon la procédure d'antidatage mentionnée précédemment.

Mais au-delà de l'historicité de ces procédures, l'appartenance des femmes romaines libres au corps civique semble être attestée par les obligations que la communauté, pour sa propre protection, pouvait leur imposer comme un devoir civique. En général, ces obligations concernaient principalement le comportement des femmes, qui devait garantir l'équilibre social et les rôles incombant à chaque citoyen, dans la famille comme dans l'État : la *castitas*, la fidélité conjugale, la protection de la famille et le culte, c'est-à-dire la *pietas*.³¹

de ceux qui y sont nés et morts et de ceux qui s'y sont inscrits parmi les adultes, a établi que les parents devaient payer au trésor d'Ilithia, que les Romains appellent Juno Lucina, pour les nés, au trésor de Vénus du Bois (appelée Libitina) pour les morts, et au trésor de Juventas pour chaque adolescent qui est sur le point d'entrer dans le monde des adultes. En utilisant ces pièces, il était possible de connaître le nombre d'habitants chaque année et combien étaient en âge de se battre". Peter F 14. Voir Cornell 2013: (F 16) vol. 2, 310; vol. 3, 202. Cf. Thomsen 1980: 210-211; Peppe 2016: 354.

31 À propos des règles de conduite des femmes romaines voir Garlick, Dixon et Allen 1992; Cenerini 2002 (2009): 16-38 et 59-86; Lamberti 2014: 61-84.

La communauté demandait aux femmes de prendre un certain nombre d'initiatives, même dans des circonstances particulières et parfois exceptionnelles.

Toutes les citoyennes romaines étaient tenues de participer à la vie culturelle de la famille et de la ville.³² Rappelons les devoirs confiés aux vestales, indispensables à la survie de la communauté, et les procès dont elles faisaient l'objet en cas de désobéissance, comme Opimia et Floronia en 216 av. J.-C.³³ Rappelons les initiatives culturelles des matrones dans le contexte de guerre.³⁴ Rappelons, en ce qui concerne la fin de la république, le rôle des femmes lors des Lupercales,³⁵ mais aussi dans les cultes féminins, comme celui de la *Bona Dea*,³⁶ présidé par Terentia en 63 av. J.-C.,³⁷ et par Pompeia en 62 av. J.-C.³⁸

Le devoir civique des matrones romaines à l'égard de la famille et de la communauté était également de transmettre à des fins pédagogiques la mémoire nationale et le code de valeurs sur lequel reposait la société romaine : pensons à Cornelia mère des Gracques, à Aurélia mère de César, à Rhéa mère de Sertorius, à Actia mère d'Auguste.³⁹ À la fin de la République, le devoir de certaines femmes à l'égard de la communauté consistait également à intervenir dans la politique : rappelons Porcia, fille de Caton et épouse de Marcus Brutus, en raison de son statut de citoyenne et de son appartenance à une famille noble,⁴⁰ ou Licinia, épouse de Caius Sempronius Gracchus,⁴¹ Cornelia, épouse de Pompée le Grand, même dans la version poétique de Lucain.⁴²

32 Schultz 2007: 92-113; Holland 2012: 204-214; Valentini 2012: 23-81.

33 Livy 22.57.2. Voir Boldrini 1995: 295-296; Lorsch Wildfang 2006: 80; DiLuzio 2016: 143-149. Cf. Frascetti 1984: 97-129.

34 Livy 21.62; 22.1; 22.10.8; 26.9; 27.37. Voir Culham 1982: 789; Holland 2012: 204-214.

35 Mastrocinque 2014: 24-25.

36 Staples 1998: 13-51; Mastrocinque 2014: 27-81.

37 Plut. *Cic.* 20.3 et Ps. Sall. *In M. Tullium inv.* 3.

38 Plut. *Caes.* 10.1.

39 Tac. *Dial.* 28.6. Voir Quint. *Inst.* 1.1.1-5. À propos de Cornelia Cic. *Brut.* 104; Plut. *C. Gracch.* 19. Aurelia : Plut. *Caes.* 9; Rhéa : Plut. *Sert.* 2 et 22. Actia : Nic. Dam. F 127.3.6. Voir Rohr Vio 2022: 50-62.

40 Plut. *Brut.* 23.7 soutient que, bien que la nature féminine n'ait pas permis à Porcia d'accomplir des actions viriles, ses sentiments pour la *res publica* l'auraient amenée à agir comme les hommes. Voir Burzard 2010: 85-86 qui examine ces trois épisodes; en particulier les discours tenus par les femmes dans les trois circonstances.

41 Plut. *C. Gracch.* 15.2-4.

42 Plut. *Pomp.* 74.4-6.

Le soutien économique à la communauté faisait également partie des devoirs des femmes *cives* comme en témoigne le don de bijoux à la patrie en 396 av. J.-C., à l'occasion de la conquête de Véies, pour offrir à Apollon le trépied promis à Delphes, et en 390 av. J.-C. pour payer la rançon exigée par les Gaulois pour quitter Rome.⁴³ À plusieurs reprises, les femmes ont également été contraintes de verser des sommes à l'État, sous forme d'impôt exceptionnel.⁴⁴ Par exemple, les femmes furent appelées à contribuer aux dépenses militaires lors de la guerre d'Hannibal;⁴⁵ en 184 av. J.-C., une contribution fut exigée sur la base de leurs parures et de leurs vêtements,⁴⁶ et en 42 av. J.-C., les triumvirs les frappèrent d'un impôt exceptionnel pour financer la guerre contre les Césaricides.⁴⁷

4. Femmes citoyennes : une proposition de signification

Quel sens peut-on alors attribuer à la définition de *Civis femina* ?

Si la vision juridique établit des conditions différentes pour les hommes romains libres et les femmes romaines libres et relègue les femmes à une position subalterne, la vision sociale et anthropologique reconnaît la pleine appartenance des femmes à la communauté et, en ce sens, à la *civitas*. Cette appartenance représente une condition se référant à la catégorie des femmes libres romaines dans son ensemble, plutôt qu'à des positions individuelles. Elle découle du rôle indispensable des femmes romaines en tant que *matres*, c'est-à-dire en tant que vectrices de la *civitas* entre leurs pères romains et leurs propres enfants et ceux de leurs maris, qui seront *cives*. En effet, pour transmettre la citoyenneté romaine, les hommes ne peuvent faire autrement que d'épouser des femmes romaines. L'appartenance entraîne également des devoirs pour la composante féminine de la communauté, et parmi les devoirs

43 Au sujet de Véies voir Tite-Live 5.25.8-9; à propos des Gaulois voir Tite-Live 34.5.9; Plut. *Cam.* 8.3. Cf. Valentini 2012: 158-159.

44 Peppe 2016: 149 et 354 date de la fin du VIe siècle av. J.-C. la pratique consistant à inclure une liste de veuves sur les listes de recensement à des fins fiscales.

45 Tite-Live 24.18.14. Voir Culham 1982: 786 n.4.

46 Tite-Live 39.44.1; cf. Plut. *Cat. Mai.* 18.2-3. Voir Briscoe 2008: 364-365.

47 Val. Max. 8.3.3; Quint. *Inst.* 1.1.6; App. *B civ.* 4.32.135-146. Voir Sumi 2004: 197-201; Steel 2020: 198-201; Lucchelli et Rohr Vio (2016) 2021: 175-196. Voir Rosillo-López dans ce volume.

des femmes, le culte, le comportement et, dans des cas exceptionnels, la contribution économique jouent un rôle indispensable, tout comme la transmission de la mémoire historique et donc des valeurs de la communauté. Pour les femmes, comme pour les hommes, l'appartenance se traduit en identité. L'appartenance et l'identité s'expriment par des symboles de statut ayant un impact visuel fort, comme les bijoux et les vêtements.⁴⁸ Même dans les comédies de Plaute, fil rouge de notre discours, ils sont reconnus comme des indicateurs d'identité pour les femmes: dans le *Poenulus*, Adelphasie, qui aspire à devenir citoyenne, prétend préférer la possession de bonnes qualités à beaucoup d'or: *bono med esse ingenio ornatam quam auro multo mavolo*,⁴⁹ elle remarque qu'une courtisane doit montrer plus de modestie que de pourpre, plus de modestie que de bijoux: *meretricem pudorem gerere magis decet quam purpuram*.⁵⁰ La femme en tant que courtisane ne peut aspirer à devenir véritablement une *civis* romaine et à accéder aux symboles de statut dont jouissent ces femmes: les vêtements et les bijoux. Mais elle aspire à être citoyenne dans le comportement, c'est-à-dire à exercer *ingenium* et *pudor*, qualités distinctives des matrones selon le modèle. Le public devait saisir le contraste entre la condition de courtisane et le *pudor* évoqué : en cela la technique du renversement était mise en œuvre, à travers l'attribution de vertus réelles, mais privilège des matrones, à une femme qui, pourtant, n'avait aucun moyen d'appartenir à la catégorie qui avait accès à ces vertus. En même temps, cette dichotomie entre *pudor* et *ingenium*, d'une part, et *aurum* et *purpura*, d'autre part, semble représenter une allusion polémique de Plaute à certaines *feminae* de son temps, qui, au lieu d'appliquer le code des valeurs de la communauté, pratiquant le *pudor* par l'*ingenium* selon ce qui était établi par le modèle féminin, se limitaient à l'acquisition et à l'ostentation de l'*aurum* et de la *purpura*: elles ne se souciaient que de l'image et de l'apparence, trahissant ainsi leur rôle en tant que citoyennes et se mettaient en situation de devoir subir une leçon d'un esclave, qui par son rôle social n'était cependant pas lié à ce modèle. Le message de Plaute semble donc clair : *pudor* et *ingenium*, *aurum* et *purpura* sont des indicateurs d'appartenance, qui identifient celles qui, dans le contexte des citoyennes, appartiennent à la catégorie des matrones.

48 Sur la relation entre tenue vestimentaire et identité féminine : voir Giannarelli 2003: 47-76; Girotti, Marsili et Pomerio 2022: *passim*; Phang 2022: 95-115.

49 Plaut. *Poen.* 301.

50 Plaut. *Poen.* 304. Sur les deux vers : voir Cenerini 2020: 18-22.

La citoyenneté des femmes romaines naît du sang (ou de l'attribution de la citoyenneté à sa communauté, dans les moments exceptionnels de transition du statut juridique des nouvelles *cives*) ; elle est traduite dans le nom comme droit héréditaire, s'incarne dans l'adoption de la langue latine, à travers l'éducation domestique dans un contexte romain, dans la pratique des cultes de la famille et de l'État, et dans une série de valeurs partagées avec la composante masculine de la communauté qui se reflètent dans le comportement. La citoyenneté implique l'appartenance à la communauté, justifiée par le rôle inéluctable exercé dans la perpétuation de celle-ci. L'appartenance détermine à son tour l'identité des *cives romanae*.

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CIVES ROMANAE EMBODIED:
ORDO MATRONARUM AND FEMALE CITIZENSHIP
IN REPUBLICAN ROME¹

Lewis Webb

The literary evidence is clear. Roman women were considered citizens of the Republic.² This chapter will examine how a matronal corporate body, the *ordo matronarum* (order of married women), contributed to the civic identity of married citizen women and enabled them to perform their civic duties. I will argue that there is substantial literary evidence of this *ordo* from at least the third century BCE, and that matronal privileges and status symbols, matronal meetings, and epigraphic evidence of female corporate bodies in Republican Italy offer further corroborating support for Rome as well as other individual *civitates*. The *ordo matronarum* and its practices offer a compelling vision of the performance of female citizenship in Republican Rome.

Cicero offers a useful perspective on *cives Romanae* in his day.³ In the *Pro Balbo*, he reminds the jurors that, while a *sacerdos Cereris* (priestess of Ceres)

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2 On Roman women as *cives* (explicitly *cives* or via inclusion in census): e.g., Cic. *Balb.* 55; *Leg.* 3.7; *Rep.* 2.13; Livy 3.3.9; 38.36.5-6; *Per.* 59; Dion. Hal. *Ant. Rom.* 4.15.6; 5.75.3; 9.25.2 with Hin 2008: 201-204; Northwood 2008: 258, esp. n. 5; Chatelard and Stevens 2016; Peppe 2016; 2017; Rosillo-López (forthcoming); Treggiari and Welch in this volume.

3 For earlier Republican references to women as *cives*: Plaut. *Pers.* 474-475 (formerly enslaved sex worker Lemnisenelis becomes *civis femina* through manumission); Ter. *Eun.*

should come from Greece and celebrate Greek rites, their ancestors (*maiores*) had wished that “she should be a citizen (*civis*) when she performed *sacra* on behalf of citizens (*pro civibus*), so that she might offer prayers to the immortal gods with knowledge that was foreign and external (*scientia peregrina et externa*), but in a spirit that was domestic and citizenly (*mens domestica et civilis*).⁴ In support of his claims, Cicero cites an instance just prior to the Social War, when the urban praetor Gaius Valerius Flaccus (cos. 93 BCE), in accordance with a *sententia* of the Senate, submitted a proposal to the People regarding the *sacerdos* Calliphana of Velia, “that she should be made a Roman citizen (*ut ea civis Romana esset*).⁵ Cicero’s reference to the *maiores* suggests this practice of granting citizenship to the priestess of Ceres was well-established by Flaccus’ day.⁶ Indeed, the Greek rites and involvement of this priestess may stretch back to the third century BCE or even earlier to the foundation of the *aedes Cereris* near the Circus Maximus in the early fifth century BCE.⁷ This *sacerdos Cereris* who offers prayers *pro civibus* recalls the Vestal Fonteia in Cicero’s *Pro Fonteio*, who, he reminds the jurors, has been accustomed to extend supplicating hands (*manus supplices*) on their behalf (*pro vobis*) to the immortal gods.⁸ Elsewhere, in his rendition of the Sabine foundation myth in the *De Re Publica*, Cicero envisions the Sabine *matronae* as pleading for the *foedus* between the Romans and Titus Tatius, king of the Sabines. This treaty, according to him, added the Sabines to the *civitas* (*in civitatem adscivit*), and gave them a share in its *sacra* (*sacris communicatis*).⁹ In his *Pro Balbo* and *De Re Publica*, then, Cicero draws a clear connection between citizenship and religious activity. A passing reference in his *In Verrem*

857-858; *Ad. 725* (the Pamphilae as *virgines cives*) with Barsby 1999: 246; De Melo 2011: 509 n. 35. While neither Plautus’ Lemniselenis nor Terence’s Pamphilae were Roman citizens, the invocation of female citizenship within their plays and the centrality of legal status to citizenship speak to a Roman reality, and to popular interest in the limits and consequences of citizenship.

⁴ Cic. *Balb.* 55.

⁵ Cic. *Balb.* 55. On Calliphana, cf. Val. Max. 1.1.1. On *cives Romanae*, see e.g., Livy 38.36.5-6; Gai. *Inst.* 1.29, 32, 56, 66-68, 70-71, 74-75, 77-78, 80, 84, 88, 90-92 with Treggiari in this volume.

⁶ Helfberend 2022: 198. Cf. Cic. *Leg.* 2.21 with Dyck 2004: 312.

⁷ Interruption of rites for Ceres after Cannae in 216 BCE: Livy 22.56.4-5. Dedication of *aedes Cereris* by consul Sp. Cassius (cos. 502 BCE) in 493 BCE: Dion Hal. *Ant. Rom.* 6.94.3. Cf. Helfberend 2022: 198.

⁸ Cic. *Font.* 48 with Webb 2022: 164, 167.

⁹ Cic. *Rep.* 2.13 with Treggiari in this volume.

refers to the married women of Heraclea as *omnes matronae* of the *civitas* and indicates one of them pleaded with him on behalf of the community.¹⁰ Taken collectively, Cicero's evidence indicates that female citizenship was a legal reality in Republican Rome, and that one elite man connected female religious activity with citizen status.¹¹

A few words on the scope and limitations of female citizenship are necessary. *Cives Romanae* were legal persons (they had *caput* and were persons under the law). They were subject to the law and capable of holding rights and duties.¹² Yet they did not have *all* the same rights, duties, and benefits as *cives Romani optimo iure*¹³ or those with *civitas sine suffragio*,¹⁴ even though they shared many of them.¹⁵ Female citizens had the right of *conubium* (legal marriage), *commercium* (trade and making contracts, limited to a degree by *manus* and *tutela*), to initiate a legal action (with various limitations), to control property (limited to a degree by *manus* and *tutela*), and to hold priestly offices (e.g., as Vestals, *flaminicae*, *sacerdotes* etc.).¹⁶ Moreover, *cives Romanae* had access to either *provocatio* or *appellatio*, an appeal to the people or to the plebeian tribunes against the action of a magistrate, as evidenced by the jurist Ateius Capito's account of the sex worker (*meretrix*) Manilia's successful appeal to the plebeian tribunes against the actions of the curule aedile Hostilius Mancinus in 151 BCE.¹⁷ That free Roman women of all status groups had access to this relief from magisterial abuse indicates their place as *cives*.

10 Cic. *Verr.* 2.5.129.

11 Cf. Pepe 2017: 34-35.

12 On legal personhood: Kurki 2019. For legal personhood in Roman law: Cic. *Top.* 18, 29; Gai. *Inst.* 1.8-12. See also Mousourakis 2015: 97-113; Steel and Webb (forthcoming).

13 For this expression, cf. *optimo iure optimaq[ue] lege cives Romani sunt immunes* in ChLA X 416 = BGU II 628v.

14 For this expression, see, e.g., Livy 8.14.11; 8.17.12; 38.36.7.

15 On *status civitatis* in the Republic, see, e.g., Sherwin-White 1973: esp. 3-189, 200-202; Nicolet 1980: esp. 17-47; Mousourakis 2015: 101-102.

16 On these rights, see especially Dixon 1985; Treggiari 1991: 43-49 and in this volume; Evans Grubbs 2002: 60-80; Schultz 2006; Mousourakis 2015: 101-102; Chatelard and Stevens 2016: 27-28, 42-45; DiLuzio 2016; Pepe 2017; Morrell (forthcoming).

17 Hostilius had indicted Manilia for trial before the people in 151 BCE, as she had thrown a tile at his head for trying to enter her apartment intoxicated and by force. After her appeal, the tribunes intervened and prohibited continuation of the trial on the grounds of Hostilius' improper conduct: Ateius Capito apud Gell. *NA* 4.14 with Bauman 1992: 46-47; Pepe 2017: 28; Buongiorno 2022. Cf. Treggiari and Welch in this volume on citizen women and *quiritatio* in Livy 3.44.7; 3.47.1-48.8.

However, female citizens were not expected to become soldiers and only some paid a form of the *tributum*.¹⁸ They were also unable to vote, be jurors, take up magisterial offices or some of the sacerdotal ones (e.g., become *pontifices* or *augures*), or be senators.¹⁹ Such female exclusion from these (male) citizen duties, rights, and benefits is well-articulated by Livy's plebeian tribune Lucius Valerius (pr. 192 BCE) in his oration in support of the abrogation of the *lex Oppia* in 195 BCE: "No magistracies (*magistratus*), nor priesthoods (*sacerdotia*), nor triumphs (*triumphi*), nor insignia (*insignia*), nor gifts (*dona*), nor war spoils (*spolia bellica*) can fall to them (*iis contingere possunt*) [Roman women]."²⁰ Similarly, Appian's Hortensia, in her oration against the triumviral *tributum* in 42 BCE, demanded to know why women should pay a tax when they did not share in (μετέχω) magistracy (ἀρχή), honour (τιμή), command (στρατηγία), and the polity (πολιτεία).²¹ Juristic evidence indicates that women were excluded (*remotae sunt*) from civil and public functions (*officia civilia* and *publica*), and therefore were neither able to be judges (*iudices*), nor hold a magistracy (*magistratus*), nor bring a prosecution (*postulare*), nor intervene on behalf of another (*pro aliis intervenire*), nor act as procurators (*procuratores*).²² They were also excluded from *comitia* (assemblies) and were thus unable (if *sui iuris*) to be adopted by *adrogatio*.²³

Importantly, it was possibly custom rather than any law that prevented women's full participation in the *civitas*. This is what Paulus indicates when he attributes their exclusion to customs (*mores*) rather than a law (*lex*). He also eliminates lack of judgement (*iudicium*) as a reason for it.²⁴ Whether or not these customs—attested in late sources—were valid in the Republic is uncertain.²⁵ If custom, then it held firm with respect to participation in

18 *Viduae* and *orbae* were required from some point to provide the annual maintenance of around 2000 *asses* for the public horses of the *equites equo publico*: Cic. *Rep.* 2.36; Livy 1.43.9; Gai. *Inst.* 4.27 with Ogilvie 1965: 172. See Rosillo-López in this volume.

19 Cf. Chatelard 2016; Peppe 2017. It should be noted here that many of the significant offices, while technically open to many male citizens, were practically only accessible to wealthy men in the upper social strata.

20 Livy 34.7.8. Women could of course hold priesthoods: Schultz 2006; DiLuzio 2016.

21 App. *B Civ.* 4.33.

22 *Dig.* 50.17.2. Cf. *Dig.* 3.1.1.5.

23 Gell. *NA* 5.19.10 (women have no *comitiorum communio*); Gai. *Inst.* 1.101.

24 *Dig.* 5.1.12.2.

25 On the juristic evidence and these matters see especially: Evans Grubbs 2002: 74; Chatelard and Stevens 2016; Webb 2022.

comitia, voting, and political office.²⁶ Women were also discouraged from attending *contiones* (public meetings) and from speaking in the Forum and *iudicia* (trials), but in this case custom did not exercise the same control. The recorded examples of women speaking in *iudicia* and in the Forum are rare but frequent enough to indicate that such things happened and that they were not precluded by law (e.g., Maesia Sentinas, C. Afrania, and Hortensia). The presence of women among the crowds that gathered for *contiones* is in fact likely (e.g., Sempronia).²⁷ Even so, it is clear that citizenship for women was qualitatively and experientially different from that of men.

But these important elements and opportunities of citizenship were not the only ones valued by citizens. Famously, Gaius Fannius (cos. 122 BCE) listed some of these benefits of citizenship in a contional oration against Gaius Sempronius Gracchus' franchise bill in ca. 122 BCE: to have a place (*habere locum*) in a public meeting (*contio*) and to attend (*interesse*) games (*ludi*) and festal days (*festi dies*).²⁸ These citizenship benefits were primarily about participation in public events, particularly political and religious ones. *Contiones* (probably), *ludi*, and *festi dies* were typically open to women, and the latter (religious events) could be led by them.²⁹ As I have argued elsewhere, women's public religious roles also authorized and legitimated (some) female involvement in politics and public spaces.³⁰ Indeed such religious roles were conceptualized as essential for the continued safety and security of the *res publica*: priestesses and *matronae* performed *sacra pro civibus* and *pro populo*.³¹

Lister and Pia argue that citizenship has been and continues to be profoundly gendered.³² This is certainly the case. What we think of as the *sine*

26 Cf. Chatelard 2016; Peppe 2017.

27 Social discouragement: Val. Max. 3.8.6 (women have nothing to do with the *contio*); 8.3.pr. (*condicio naturae* and *verecundia stolae* should constrain women to silence in the Forum and *iudicium*). Counterexamples: e.g., Val. Max. 3.8.6 (Sempronia in *contio*); 8.3.1 (Maesia Sentinas in *iudicium*); 8.3.2 (C. Afrania/Carfania in *iudicium*); 8.3.3 (Hortensia's oration in the Forum); App. *B Civ* 4.32-34 (Hortensia) with Chatelard and Stevens 2016: 34-36; Webb 2022. See van der Blom and Brännstedt in this volume.

28 C. Fannius, fr. 3 *ORF*^s. Cf. Cic. *Sest.* 106 on the *iudicium* and *voluntas* of the *populi Romani* being expressed at the *contio*, *comitia*, and *consessus* for *ludi* and *gladiatores*.

29 E.g., Schultz 2006; Chatelard 2016; DiLuzio 2016; Webb 2022.

30 Webb 2022.

31 See, e.g., Cic. *Att.* 1.12.3; 1.13.3; *Balb.* 55; *Font.* 46-49; *Har. resp.* 37 with Webb 2022; forthcoming. Cf. Chatelard 2016: 39-42.

32 Lister and Pia 2008.

qua non of citizenship (suffrage, active political representation etc.) was denied to citizen women in the Republic. Marshall’s “civil citizenship” offers one conceptual alternative: such citizenship comprises “the rights necessary for individual freedom—liberty of the person, freedom of speech, thought and faith, the right to own property, and the right to justice.”³³ Now, this conception is very modern and very Anglocentric. It focuses on a white, male subject, and is part of an evolutionist model, as Mann has criticized.³⁴ But it does map closely onto female citizenship in the Republic. Feminist approaches to gender justice—a “concept of justice pertaining to the social and juridical relations that prevail between the sexes”—offer an additional way forward, particularly as such justice is often linked with citizenship for women.³⁵ Fraser’s trivalent model identifies economic redistribution, cultural recognition, and political representation as the three dimensions of gender justice.³⁶ The first two of these three were available to women in Rome. Female citizens could own significant property, and, like Calliphana and Fonteia, hold significant public religious roles, performing *sacra* on behalf of the community, male and female citizens alike, and be recognized and memorialized in various fora and mediums.³⁷ *Cives Romanae* had a form of civil citizenship, one which was culturally recognized and closely entangled with their religious activity. Along with the production of citizens,³⁸ religious activity was a key civic duty for female citizens in Rome.³⁹

I propose that we approach female citizenship in the Republic on its own terms. Married female citizens in Rome were not marginalized in the same ways that their counterparts in other societies have been, for example, those affected by the legal doctrine of coverture in England before the Married Women’s Property Act of 1870, as Welch and Scott have recently stressed.⁴⁰

33 Marshall 1950: 10.

34 Mann 1987.

35 Molyneux 2007: 60.

36 Fraser 2007.

37 On women and property: Webb 2022: 156-157 and bibliography; Steel and Webb (forthcoming). On their recognition and memorialization: e.g., Flower 2002; Valentini 2012; Rohr Vio 2019; 2022a; 2022b; Webb 2017; 2019.

38 On the production of future citizens as a key aspect of female citizenship, see Treggiari in this volume.

39 Cf. religious duties for citizen women in Classical Athens: e.g., [Dem.] 59.73 with Blok 2017: 57-94, 188-198, esp. 195-196.

40 Welch and Scott (forthcoming) and see also Welch in this volume. On coverture: Erickson 2005.

Conceiving of them as “second-class citizens” or even as *cives sine suffragio*⁴¹ is unhelpful: we risk miscomprehending the nature of their citizenship by (only) comparing it with male citizenship. While acknowledging gender disparity as a fact of Roman history, it is better to consider what *cives Romanae* could do on their own terms and how their citizenship was valued in the *civitas*.

The *ordo matronarum* was a key site of cultural recognition for married *cives Romanae*, as we will see. Subsequent sections examine the literary evidence for the existence of the *ordo* (section 1), matronal privileges and symbols (section 2), matronal meetings (section 3), and comparanda in Republican Italy (section 4). Ultimately, the *ordo* emerges as an institution that enabled the performance of female citizenship in Rome (section 5).

1. The *ordo matronarum*:

A corporate body of citizen married women

The *ordo matronarum* was a corporate body of married women (*matronae*) in the Roman Republic and Principate.⁴² The exact composition of this body is uncertain, but its members included wealthy, high-status married women and widows.⁴³ This *ordo* was an exclusive one: criteria for membership probably included a marriage, substantial wealth, and high status.⁴⁴ In its exclusivity and the latter two criteria, it was analogous to the *ordo equester*.⁴⁵ Literary evidence from Plautus to Seneca attests to its existence.

41 Cf. Chatelard and Stevens 2016: 42-43.

42 Evidence for the *ordo matronarum*: Plaut. *Cist.* 22-26; Livy 10.23.10; 34.7.1; Val. Max. 5.2.1; 8.3.3; Sen. *De remediis fortuitorum*, 16.3 Haase; Suet. *Calig.* 26.4; App. *B Civ.* 4.32-34. Key studies: Gagé 1963: 100-153; Purcell 1986: 81, 87-88, 90, 97; Bauman 1992: 81-83; Böels-Janssen 1993: 275-281; 2008; Hemelrijk 1999: 11-14, 202; 2015: 205-225; Gorrie 2004: 71-72; Thonemann 2010: 177-178; Fantham 2011: 171-174; Valentini 2012: 44-81; Webb 2019: 257-258; 2022: 158-160; Rohr Vio 2019: 142, 171, 175-177, 222; 2022a: 365, 371; 2022b: 181, 186, 210; Treggiari 2019: 16-17; Gilles 2021: 234-239; Welch 2023: 90, 108.

43 Livy 10.23.10; 34.7.1; Val. Max. 5.2.1; 8.3.3; App. *B Civ.* 4.32-34 with Webb 2019: 257-258; 2022, 158-160. *Viduae* (widows or divorcees) were also considered *matronae* or *matres familias*: Cic. *Cael.* 32, 57 (on Clodia when she was a *vidua*); Val. Max. 8.3.3 (on Hortensia when she was probably a *vidua*); *Dig.* 48.5.11 (Papin.); 50.16.46.1 (Ulp.) with *TLL* s.v. *matrona* 486.40-57; s.v. *mater familias* 440.49-50; McGinn 1998: 150-153.

44 Hemelrijk 1999: 11; Webb 2019: 257-258; 2022: 158-160.

45 This parallel is suggested by Suet. *Calig.* 26.4 with Purcell 1986: 99 n. 28. The property assessment of 100,000 drachmae/denarii in App. *B Civ.* 4.34 is also indicative of the Late Republican equestrian census: Webb 2019: 257, n. 30; 2022: 158-159, n. 43.

Plautus alludes to an *ordo* of *matronae* in the *Cistellaria*, when the *lena* (procuress) and mother of Gymnasium mentions a body of highborn daughters and high-ranking married women:

“My dear Selenium, it is fitting, by Pollux, that our order (*ordo*) be benevolent toward each other and use friendship well (*bene amicitia utier*), when you see those highborn daughters (*summo genere gnatae*), those high-ranking married women (*summatris matronae*), how they cultivate friendship (*amicitiam colunt*) and how they are connected well (*iunctam bene*) by it [*amicitia*].⁷⁴⁶

The *lena* does not explicitly mention an *ordo matronarum*, but her comparison between the *ordo* of *libertinae* and groups of highborn *gnatae* and high-ranking *matronae* is suggestive, especially as the latter cultivate and are connected by *amicitia*.⁴⁷ Plautus and his audience were clearly aware of bodies of high-status married women in the late third and early-second century BCE. This audience was diverse; the playwright himself attests to the presence of the free (*liberi*), the enslaved (*servi*), nurses (*nutrices*), infants (*pueri infantes*), married women (*matronae*), sex workers (*scorta*), magistrates’ attendants (*lictores*), ushers (*dissignatores*), and more.⁴⁸ Perhaps the *matronae* and sex workers in the audience were meant to react to these lines, recognizing a parody of their own experiences and identities therein.

In his account of the patrician and consular wife Verginia’s foundation of the shrine of Pudicitia Plebeia in 296 BCE, Livy links *matronae* and their *ordo* with the cult:

“A competition (*certamen*) that arose among married women (*matronae*) at the shrine of patrician Pudicitia, which is in the Forum Boarium by the round temple of Hercules, made this supplication [of 296 BCE] conspicuous. The married women excluded Verginia, daughter of Aulus, a patrician married to a plebeian, L. Volumnius the consul, from the religious rites (*sacra*), because she married out of the patriciate. A short altercation then blazed from feminine anger into a spirited contest, when Verginia boasted that she, both patrician and chaste, had entered the temple of Pudicitia as one married to only one man to whom she had been led [in marriage] as a virgin, and she truly did not regret her

46 Plaut. *Cist.* 22-26 with Fantham 2011: 157-174, esp. 169-174.

47 The *ordo* mentioned by the *lena* is one of freedwomen (or freedpersons): Plaut. *Cist.* 23 (*hic ordo*), 33 (*noster ordo*), 38 (*nos libertinae sumus, et ego et tua mater, ambae*) with Fantham 2011: 159, 169-174. Cf. collective activity by *libertinae* in 217 BCE: Livy 22.1.18 with Fantham 2011: 172. For an *ordo libertinus*/*libertinorum* in the Republic: Cic. *Cat.* 4.16; *Phil.* 2.3; *Verr.* 2.1.124; Cicero, *Comment. pet.* 29 with Treggiari 1969: 162-168.

48 Plaut. *Poen.* 5-35. Cf. Ter. *Hec.* 28-48 with Manuwald 2011: 98.

husband or his honours or his achievements. She then added to magnificent words an eminent deed. In the Vicus Longus where she lived, she shut off part of the house where there was enough space for a little shrine, and placed an altar there, and, having protested about the injustice of the patrician women to the assembled plebeian married women (*convocatae plebeiae matronae*), said “I dedicate this altar to plebeian Pudicitia, and I exhort you that the competition for virtue (*certamen virtutis*) that binds the men of this community (*in hac civitate tenet*) should be [a competition] for sexual virtue (*pudicitia*) among married women (*inter matronas*), and that you may strive that, if in any way it is possible, this altar shall be said to be more sacred than that one, and worshipped by chaster women (*castiores*).” And this altar was worshipped with almost the same rite as that more ancient one: no one had the right of sacrifice unless she was a married woman (*matrona*) of observed sexual virtue (*spectata pudicitia*), and she had been married to only one man. Later the religious observance was vulgarised by polluted women, and not only by married women (*matronae*), but by women (*feminae*) of every order (*omnis ordo*), and finally it fell into oblivion.”⁴⁹

Here, in the context of elite competitions (for *virtus* and *pudicitia*) within the *civitas* and organized *sacra*, high status *matronae* emerge as a relatively coherent group (even if split here along patrician and plebeian lines). That such competitions were linked to the *civitas* immediately evokes the world of the citizen. The *ordo* appears again in Livy’s famous account of the abrogation of the *lex Oppia* in 195 BCE.⁵⁰ In his suasive speech in support of the abrogation, the aforementioned plebeian tribune Lucius Valerius refers to an *ordo* of *coniuges* (wives):

[Valerius] “As it is, a most illustrious man, the consul Marcus Porcius [Cato], has censured our proposal, not merely with his authority, which itself would have carried enough weight in silence, but also in a long, carefully prepared oration. I must therefore briefly respond. He, however, has spent more words on criticizing married women (*matronae*) than he has on rebutting our proposal, to the point of making it unclear whether that for which he was reproaching the married women (*matronae*) came from their own initiative or from our initiation. I shall defend our case, not ourselves, since the consul directed at us only a verbal attack rather than an accusation based on facts. Cato has used the words “gathering” (*coetus*), “sedition” (*sedition*), and sometimes “secession of women” (*secessio muliebris*), because married women (*matronae*) have asked you in public to rescind at a time of peace, when the *res publica* was flourishing and prosperous, a law passed against them in the hard times of the war.” ... “Will all the other orders (*omnes alii ordines*), all other people feel that the state of the *res publica* has

49 Livy 10.23.3-10 with Oakley 2005: 245-259. Pudicitia Plebeia episode: Palmer 1974: 123-125; Nathan 2003; Treggiari 2019: 20.

50 Livy 34.1.1-8.3 with Briscoe 1981: 39-63.

changed for the better? Is it only to your wives (*coniuges*) that the rewards of our public peace and tranquillity are not to reach?”⁵¹

By *coniuges* here we must understand *matronae*, as Livy—and his Cato and Valerius—indicates they are the focus of the legislation and the female lobby.⁵² Livy’s Valerius later directly contrasts these *coniuges/matronae* with the *uxores sociorum Latini nominis* (wives of the allies and Latins):

[Valerius]: “He [Cato] asserts there was no competition between individual women because each woman had nothing. Yet, by Hercules, there is universal pain and indignation, when they [Roman women] see the wives of the allies and Latins (*sociorum Latini nominis uxores*) granted the ornaments (*ornamenta*) denied them, when they are distinguished by gold and purple, when they are conveyed through the city, while they themselves [women] follow on foot, just as if power (*imperium*) lay in those women’s communities (*civitates*), not in our own.”⁵³

Roman citizen wives are here directly compared with non-citizen wives from other *civitates*. The *ordo matronarum* (viz. the *ordo* of *coniuges*) appears as a body of citizen women in Rome, one which has lost its distinguishing ornaments of gold, purple clothing, and vehicles by the *lex Oppia*.⁵⁴ In these two accounts, Livy highlights the activity of groups of *matronae* in the Republic and connects them with the *civitas*.

Valerius Maximus offers two accounts of the *ordo matronarum* and its activities in the Republic, the latter of which is augmented by a comparable one from Appian. In the first, he relates how the Senate rewarded the *ordo* for the legendary intercession of Veturia and Volumnia with Marcus Coriolanus in the early fifth century BCE:

“To begin with public acts, when Marcus was making a bid against his fatherland, and had moved a huge army of Volscians to the city gates, threatening Roman power (*imperium*) with death and darkness, his mother Veturia and wife Volumnia with their prayers (*preces*) did not allow him to carry out this impious (*nefas*) plan. In their honour the Senate adorned the order of married women (*ordo matronarum*) with the most favourable decrees (*decreta*). It established that men should yield to women on footpaths (*semita*), confessing that the safety (*salus*) of the *res publica* had been found more in the *stola* than in arms, and to the

51 Livy 34.5.2-5; 34.7.1 with Briscoe 1981: 60-62. Abrogation of *lex Oppia* and *ordo*: Hemelrijk 1987; Webb 2019; 2021.

52 Livy 34.1.5; 34.2.10; 34.3.6; 34.5.3, 5, 7-10; 34.6.9; 34.6.15.

53 Livy 34.7.5-6 with Briscoe 1981: 62.

54 Webb 2021: esp. 65-68.

ancient insignia of ears (*vetusta aurium insignia*) it added the novel distinction of the fillet (*novum vittae discrimen*). It also permitted them to use purple clothing (*purpurea vestis*) and gold trimmings (*aurea segmenta*). Furthermore, it arranged for a temple and altar to be erected to Fortuna Muliebris at the place where Coriolanus had been persuaded, thus testifying its mindfulness of the benefaction (*beneficium*) by a carefully chosen religious cult.”⁵⁵

For the benefaction, the *ordo* was granted mobility privileges and status symbols (including purple clothing and gold), and a Temple of Fortuna Muliebris was dedicated at the location of the intercession—the fourth milestone on the Via Latina—in ca. 488–486 BCE.⁵⁶ Other accounts of the intercession do not mention the *ordo* but do refer to the presence of large groups of high-status women accompanying Coriolanus’ mother and wife.⁵⁷ High status *matronae* and the *ordo matronarum* were connected with the *salus* of the *res publica* itself and were memorialized for their benefaction. Effectively, the rewards from the Senate marked *matronae* out from other citizens. Secondly, Valerius refers to the *ordo* in his abbreviated account of the consular daughter and probable widow Hortensia’s oration against the triumviral *tributum* of 42 BCE:

“Hortensia, daughter of Q. Hortensius—when the order of married women (*ordo matronarum*) was burdened by a heavy *tributum* by the triumvirs, and none of the men dared to provide them with his advocacy—pleaded the cause of women (*causa feminarum*) before the triumvirs resolutely and favourably. Reviving the eloquence of her father, she succeeded in having the greater part of the prescribed money (*maior pars imperatae pecuniae*) returned to them. Q. Hortensius then lived again in his female progeny and inspired his daughter’s words. If his male descendants had chosen to follow her example, the great inheritance of Hortensian eloquence would not have been cut short by the single action of a woman.”⁵⁸

In Valerius’ telling, the *ordo* was a wealthy body of *matronae* that could select representatives from its members, in this case the high-status daughter of a famous consul and orator.

55 Val. Max. 5.2.1.

56 Val. Max. 5.2.1. For location: Val. Max. 1.8.4; Festus, *Gloss. Lat.* 282L; *De vir. ill.* 19. Dedication: Dion. Hal. *Ant. Rom.* 8.55; Livy 2.40.12 with Gorrie 2004: 68-71. The Temple of Fortuna Muliebris was later restored by the *feminae principes* Livia and Iulia Domna, indicating its long-term association with such women: *CIL* VI 833 with Purcell 1986: 88; Gorrie 2004: 68-71.

57 Dion. Hal. *Ant. Rom.* 8.39-55; Livy 2.40; Plut. *Cor.* 33-34 with Ogilvie 1965: 334-336. Notably they are *matronae* in Livy 2.40.1; 34.5.9.

58 Val. Max. 8.3.3 with Briscoe 2019: 111-112.

Appian's later account of the same incident is far more extensive but does not mention the *ordo* explicitly.⁵⁹ However, it does offer vital clarifying details. Appian indicates that the triumvirs published a list of 1400 wealthy women (presumably the *ordo* mentioned by Valerius), and that these women were required to have their property assessed and contribute to the war expenses as much as was approved for each woman by the triumvirs. Penalties were laid on women who hid their property or made a false valuation, and rewards offered for free and enslaved people who informed on them.⁶⁰ In response, these women appealed to the triumvirs' female relations: Octavia, sister of C. Julius Caesar [later Augustus] (cos. suff. 43 BCE), Iulia, mother of M. Antonius (cos. 44 BCE), and Fulvia, wife of M. Antonius. The women were successful with Octavia and Iulia, but were repulsed by Fulvia from her doors, which outraged them.⁶¹ Incensed, the women pushed their way to the triumvirs' tribunal in the Forum, and selected Hortensia to speak on their behalf. Appian's Hortensia delivered a lengthy oration, in which she recounted the failure of the high-status married women's (γυναικες τοιαίδε) initial mode of appeal, reproached the triumvirs for their attempted deprivation of female property, and reminded them of women's voluntary contributions during the conflict with the Carthaginians. These contributions came from women's jewelry (κόσμοι), not from their landed property (γῆ), rural estates (χωρία), dowries (προϊκες), or houses (οικία), and not according to a fixed valuation or under duress. Hortensia claimed women would not be inferior to their mothers when it came to the safety of their country but would never contribute to civil wars or assist the triumvirs against each other. Finally, she negatively compared the triumvirs and their novel tax to women's experiences under C. Julius Caesar (cos. 59 BCE), Cn. Pompeius Magnus (cos. 70 BCE), C. Marius (cos. 107 BCE), L. Cornelius Cinna (cos. 87 BCE), and L. Cornelius Sulla Felix (cos. 88 BCE).⁶² Despite their resultant anger at Hortensia's oration and their unsuccessful attempt to drive the women away from the tribunal—thwarted by the people—the triumvirs reduced the number of women to be assessed from 1400 to 400. They then imposed the same property assessment on all men in Rome (citizens, foreigners, freedmen, priests) in possession of

59 App. *B Civ.* 4.32-34 with Hopwood 2015.

60 App. *B Civ.* 4.32.

61 For speculation on Fulvia's reasons: Schultz 2021: 89-90.

62 App. *B Civ.* 4.32-33 with Hopwood 2015. The contributions were probably those from *viduae* in 214 BCE during the Second Punic War: Livy 24.18.13-14; 34.5.10.

property worth more than 100,000 drachmae/denarii, that is, the late Republican equestrian census qualification or above.⁶³ All of these women and men were then required to lend a fiftieth part (πεντηκοστός; 2%) of their wealth to the triumvirs and pay a year's tax toward the war.⁶⁴

Valerius and Appian's accounts of this event indicate that the *ordo matronarum* had at least 1400 members by 42 BCE and that these members had substantial wealth, high status (perhaps equestrian and above), and various types of property. Moreover, they offer evidence of the possible scope of the *ordo's* political activities, encompassing appeals to female relations of magistrates, public lobbying, and orations, and its members' capacity to meet, mobilize, select representatives, and effect political change.

Finally, Seneca invokes the numerous scandals of the *ordo matronalis* in his discussion of wives in *De remediis fortuitorum*:

“I have lost a good wife (*uxorem bonam amisi*).” What had you approved of in her? ... Dignity (*decus*)? How many began to be among the scandals (*probra*) of the matronal order (*ordo matronalis*) after being named as *exempla*?⁶⁵

This example links Roman *uxores* with an *ordo* of married women who stood as *exempla* in Seneca's day. At the very least, it indicates an awareness of organized bodies of *matronae* that persisted in some form from the Republic into the Principate.

Collectively, this literary evidence indicates the *ordo* was not an inclusive organization of *all* married women, but a more exclusive body of wealthy, high-status *matronae*, encompassing married women and widows. Although not entirely recoverable from the evidence, membership criteria probably included a marriage (past or present), substantial wealth, and high status. The *ordo* was thought to have been active already in the early Republic, was recognizable to a Plautine audience, and could be invoked in the Principate. By 42 BCE, there were perhaps 1400 wealthy members in this *ordo*, which may have been analogous to the *ordo equester* in the late Republic. Livy and Valerius' accounts moreover connect this *ordo* with the *civitas* and the *res publica*, suggesting that it was a corporate body of citizen married women.

63 App. *B Civ.* 4.34 with Webb 2019: 257, n. 30; 2022: 158-159, n. 43. Cf. Suet. *Calig.* 26.4 with Purcell 1986: 99 n. 28.

64 App. *B Civ.* 4.34.

65 Sen. *De remediis fortuitorum*, 16.3 Haase with Treggiari 2019: 16-17.

2. Matronal privileges and status symbols: Being citizens

Matronae had privileges and status symbols which rendered them visually distinguishable from other citizens.⁶⁶ These included the use of the four-wheeled carriage (*pilentum*) for religious rites (*sacra*) and games (*ludi*) and the two-wheeled carriage (*carpentum*) for festal and non-festal days (*festi* and *profesti*), funerary orations (*laudationes*), and mobility privileges in Rome.

The vehicles and funerary orations were reputedly honours granted by the people or the Senate to an unspecified group of (presumably wealthy) married women for their benefactions during financial and military crises in the fourth century BCE. These matronal benefactions included a financial contribution for a votive *donum* for Delphic Apollo in 395 BCE and a ransom for the Gauls in 390 BCE, all of which came from their jewellery.⁶⁷ As mentioned above, Valerius Maximus asserts that the *ordo matronarum* itself was honoured by the Senate for Veturia and Volumnia's intercession with Coriolanus. The Senate granted the *ordo* mobility privileges (a "right of way" on footpaths) and—alongside their pre-existing insignia of ears (*aurium insignia*)—added the distinction of the fillet (*vittae discrimen*), gold trimmings (*aurea segmenta*), and purple clothing (*purpurea vestis*).⁶⁸ While these *matronae* did not constitute *all* female citizens in Rome, they certainly had a striking appearance and were recognized within their community as *being citizens*.

66 Privileges and status symbols: Cic. *De or.* 2.44 (*laudatio* for a *mulier*); Diod. Sic. 14.116.9 (ἄρματα for γυναῖκες; reward from the people); Livy 5.25.9 (*carpenta* and *pilenta* for *matronae*; reward from Senate); 5.50.7 (*laudationes* for *matronae*; reward from Senate); Val. Max. 5.2.1 (mobility privileges, *aurium insignia*, *vittae discrimen*, *aurea segmenta*, and *purpurea vestis* for *ordo matronarum*; reward from Senate); Plut. *De mul. vir.* 1 (public ἔπαινος to γυναῖκες after death); *Cam.* 8.3-4 (public ἔπαινος to γυναῖκες after death; reward from Senate); *Rom.* 20.3 (mobility privileges for γυναῖκες; reward from Romulus); Festus, *Gloss. Lat.* 142L (mobility privileges for *matronae*), 225L (*pilenta* for *matronae*), 282L (*pilenta* and *carpenta* for *matronae*; reward); *CIL* VI 31075 (*matronae* linked with *carpenta*) with Hemelrijk 1987: 222-223, 229-230; 1999: 11; Hillard 2001; Berg 2002: 43; Hudson 2016; Webb 2019: 261-262, 263-264; 2021: 50-51; 2022: 160; Östenberg 2022.

67 Diod. Sic. 14.116.9 (Gauls; people); Livy 5.25.9 (Apollo; Senate); 5.50.7 (Gauls; Senate); 34.5.9 (Gauls); Plut. *Cam.* 8.3-4 (Apollo; Senate); Zonar. 7.21 (Apollo) with Ogilvie 1965: 684, 741; Webb 2021: 51; 2022: 160.

68 Val. Max. 5.2.1 (Coriolanus; Senate) with Webb 2021: 51; 2022: 160.

Matronae were particularly visible in their vehicles and with their mobility privileges. Plautus and Polybius indicate how elaborate and visible these vehicles could be. In Plautus' *Aulularia*, the old man Megadorus famously complains about wealthy married women's ivory decorated vehicles (*eburata vehicla*), their demands for them (and mules and muleteers to drive them), and the quantity of their wagons (*plaustra*) outside city houses.⁶⁹ Polybius' account of the consular daughter and widow Tertia Aemilia and consular daughter Papiria, and their use of a (probable) *pilentum* (ἀπήνη) in the second century BCE reveals further that these vehicles could be highly decorated, personalized, mule-drawn, and recognizable.⁷⁰ Moreover, *matronae* (or γυναῖκες) had a "right of way" and physical inviolability in Rome. According to Verrius Flaccus (*apud* Festus), Valerius Maximus, and Plutarch, men—even magistrates—had to make way for *matronae* when they travelled through public spaces (e.g., footpaths, streets), and they could not be cleared away by attendants.⁷¹ These maternal privileges recall the Vestals' right of way, and their bodily *sanctitas*.⁷² Allusive evidence from Afranius and Livy suggests *matronae* had a kind of *maiestas* (greater-ness) that rendered them physically inviolable, an inviolability that may have aimed at preserving their sexual and moral integrity as well as their *dignitas*.⁷³ Maternal vehicles were clearly spectacular, allowing individual *matronae* to be recognized from afar, and their mobility privileges ensured that their vehicular movement was conspicuous.

These various authors assume the existence of an organized body of wealthy, high-status married women in Rome's distant past. These *matronae* were distinguished by status symbols and privileges, which allowed others to quickly recognize them and move aside in the streets.⁷⁴ *Matronae* had a visible, civic identity.

69 Plaut. *Aul.* 167-169, 498-502, 505-506 with Maclennan and Stockert 2016: 127, 162-163.

70 Polyb. 31.26.3-8 with Walbank 1979: 503, 505; Webb 2019: 272-273. Cf. Plaut. *Aul.* 168; *RIC I*² Tiberius 51; *II.1*² Titus 262, 263.

71 Val. Max. 5.2.1; Plut. *Rom.* 20.3; Festus, *Gloss. Lat.* 142L; 143L (Paulus) with Böels-Janssen 2008: 42-44; Manfredini 2014: 587-593. Cf. SHA *Heliogab.* 4.4. Making way (*cedere, decedere*) for someone was a recognized honour in Rome: Manfredini 2014.

72 Vestals' right of way: Sen. *Controv.* 1.2.3; 6.8.1. Cf. Plut. *Num.* 10.3. Vestal *sanctitas*: Cic. *Cael.* 34; Livy 1.20.3-4; Val. Max. 5.4.6; Plut. *Num.* 10.3-7; *Ti. Gracch.* 15.4; Suet. *Tib.* 2.4. Cf. Dio Cass. 49.38.1; 59.3.4.

73 Afran. fr. 326 Ribbeck = Nonius 255L; Livy 34.2.8 with Böels-Janssen 2008.

74 Cf. Böels-Janssen 2008: 49-52.

3. Meetings of *matronae* in the Republic: Performing citizenship

The *ordo matronarum* is implied in accounts of the collective activity (e.g., meetings, collections, benefactions, lobbies, mourning, religious activity) of married women in Rome in the Republic.⁷⁵ Notable are matronal meetings in the fourth and third centuries BCE, a collection of money for a votive *donum* in 217 BCE, and selections of *matronae* for religious roles in the third century BCE. These meetings, collections, and selections offer insight into how *matronae* performed citizenship within the *civitas*, and the civic recognition of that performance.

Livy recounts the matronal meetings in the fourth and third centuries BCE. The first were meetings (*coetus*) of married women in 395 BCE, held to consider a contribution for the votive *donum* for Delphic Apollo, as there was not enough gold to produce an adequate *donum*:

“Money was taken from the public treasury (*aerarium*) and the military tribunes with consular power were directed to purchase gold with it [for the votive *donum* for Delphic Apollo]. Since there was not a sufficient amount, the married women (*matronae*), after holding meetings (*coetus*) to consider the matter, promised gold to the military tribunes by communal decree (*decretum commune*), and delivered all their jewelry (*ornamenta*) to the public treasury. This act was as pleasing as anything ever was to the Senate; they say that on account of this munificence an honour (*honor*) was conferred on the married women (*matronae*), that they might use the four-wheeled carriage (*pilentum*) to go to religious rites (*sacra*) and games (*ludi*), and the two-wheeled carriage (*carpentum*) on festal (*festi*) and non-festal days (*profesti*).”⁷⁶

The second meeting occurred in 207 BCE, when all *matronae* living in the city of Rome or within ten miles thereof were convoked to a meeting on the Capitoline Hill, again to discuss a financial contribution for a *donum*, in this case to expiate a prodigy concerning Juno Regina:

“The soothsayers (*haruspices*) responded that this prodigy pertained to married women (*ad matronas*), and that the goddess had to be placated with a *donum*.

⁷⁵ E.g., Livy 2.7.4; 2.16.7; 2.40.1; 3.48.8; 5.25.9; 5.50.7; 5.52.11; 6.4.2; 10.23.4-9; 21.62.8; 22.1.18; 22.7.7; 22.55.4-6; 22.56.4-5; 24.18.13-14; 25.12.15; 26.9.7-8; 27.37.7-10; 27.50.5; 27.51.9; 29.14.10-12; 34.1.5; 34.2.10; 34.5.3-10; 34.6.8-9, 15; Val. Max. 5.2.1; 8.3.3; 8.15.12; 9.1.3; Plin. *HN* 7.120; App. *B Civ.* 4.32-34. Cf. Fantham 2011: 171-173.

⁷⁶ Livy 5.25.8-9 with Ogilvie 1965: 684 (with no comment on the *coetus*). Cf. Plut. *Cam.* 8.3-4; Zonar. 7.21.

Accordingly, those [*matronae*] who had houses (*domicilia*) in the city of Rome or within the tenth milestone were convoked (*convocatae*) to the Capitoline by an edict of the curule aediles. They delegated (*delegerunt*) twenty-five from among themselves to whom they were to bring a contribution from their dowries (*ex dotibus stips*). From this a *donum* of a golden bowl was made, and taken to the Aventine, where, purely and chastely, a sacrifice was made by the married women (*matronae*).⁷⁷

As I have argued elsewhere, Livy's accounts suggest that *matronae* held formal meetings without male oversight, had a collective decision-making process, could issue communal decrees in their meetings (presumably only binding on other *matronae*/female citizens), and delegate responsibility for important tasks to meeting attendees.⁷⁸ That the Senate recognized matronal meetings and processes and honoured *matronae* as a body, and that magistrates could convoke them collectively attests to their recognition as a corporate body by other civic bodies. Moreover, the convocation of a delineated group in 207 BCE—all *matronae* with *domicilia* in Rome and within the tenth milestone—might suggest the existence of a matronal register or roll, a kind of *album matronale*, or their inclusion in a sub-list on the census, which would explain how the triumvirs targeted 1400 *matronae* in 42 BCE.⁷⁹ In both instances, *matronae* acted on behalf of the *civitas*, on their own volition (395 BCE) or by aedilician edict (207 BCE).

Other matronal events in the third century BCE are indicative. Livy recounts an earlier matronal collection for a votive *donum* for Juno Regina in 217 BCE mandated by a senatorial decree:⁸⁰

“Following the advice of the decemvirs, it was decreed that, first, a golden thunderbolt weighing fifty-pounds should be given as a *donum* to Jupiter. Then *dona* of silver should be given to Juno and Minerva, and large victims should be offered to Juno Regina on the Aventine and to Juno Sospita at Lanuvium. Married women (*matronae*), after money had been collected (*pecunia conlata*), each contributing as much as was appropriate, should bring a *donum* to Juno Regina on the Aventine and a *lectisternium* should be held. And that freedwomen also (*libertinae et ipsae*) should collect money, each according to her means, for a *donum* to be given to Feronia.”⁸¹

77 Livy 27.37.8-10 with Hänninen 1999: esp. 41-51; Schultz 2006: 34-37, 44, 135, 144.

78 Webb 2022: 161-163. On *decretum commune*, cf. Livy 36.20.3; 37.6.2. On delegation among other bodies, cf. a meeting of the equestrians on the Capitoline Hill and their delegation to the consuls and Senate in 58 BCE: Dio Cass. 38.16.2-3 with Hall 2014: 45.

79 On sub-lists, see Hin 2008: 206; Rosillo-López (forthcoming). Cf. separate lists of *viduae* and *orbae* in the census: Livy 3.3.9; *Per.* 59; Dion. Hal. *Ant. Rom.* 4.15.6; 5.75.3.

80 Collection: Livy 22.1.17-18; Macrobian *Sat.* 1.6.13-14 (*matronae* unmentioned).

81 Livy 22.1.17-18 with Briscoe and Hornblower 2020: 151-152.

This collection of money by *matronae* and *libertinae* suggests further meetings and organization and recalls the separation of matronal and libertine status groups by the *lena* in Plautus' *Cistellaria*.⁸² The senatorial decree clearly demarcated and recognized these groups, offering further evidence for a separate civic identity for *matronae*. Valerius Maximus' account of the selection of the consular wife Sulpicia to dedicate a statue for Venus Verticordia in ca. 216/215 BCE offers further insight into matronal processes:⁸³

“To the commemoration of men Sulpicia, daughter of Ser. Paterculus and wife of Q. Fulvius Flaccus, deserves to be added. After the Sibylline Books had been inspected by the decemvirs, the Senate determined that a statue of Venus Verticordia be consecrated, the more easily to turn the minds of girls (*virgines*) and women (*mulieres*) from lust (*libido*) to sexual virtue (*puicitia*); and that from all the married women (*matronae*) one hundred, and from the one hundred ten drawn by lot should make a judgement (*iudicium facerent*), who was the most sacred woman (*sanctissima femina*). She [Sulpicia] was placed above (*praelata est*) them all for chastity (*castitas*).”⁸⁴

Here, *matronae* again delegated an important task to a select group, and additionally nominated one of their own for an important religious task on behalf of the *civitas*.⁸⁵ Pliny additionally relates how this Sulpicia was the first to be judged the most sexually virtuous woman by a resolution of the married women, suggesting again that they had a collective decision-making process:

“The first instance of a woman (*femina*) judged by a resolution of married women (*matronarum sententia iudicata est*) to be most sexually virtuous (*puicissima*) was Sulpicia, daughter of Sulpicius Paterculus, wife of Fulvius Flaccus, chosen from a selection of one hundred (*electa ex centum praeceptis*) as the one who would dedicate the statue of Venus Verticordia according to the Sibylline Books; the second, in a trial of religion, Claudia, when the Mother of the Gods was brought into Rome.”⁸⁶

This account also attests to the famous selection of the consular daughter Quinta Claudia for a leading role in the inaugural procession for Magna

82 Plaut. *Cist.* 22-26.

83 Sulpicia: Val. Max. 8.15.12; Plin. *HN* 7.120; Solin. 1.126. The date of Sulpicia's selection is uncertain. For arguments for 216/215 BCE and relevant bibliography: Webb 2022: 162 n. 57.

84 Val. Max. 8.15.12 with Briscoe 2019: 234-235.

85 Cf. Langlands 2006: 58-61; Schultz 2006: 144.

86 Plin. *HN* 7.120.

Mater in 204 BCE, an event well evidenced and discussed elsewhere.⁸⁷ The matronal collection and selections feasibly entailed similar meetings and decrees as the events of 395 and 207 BCE.⁸⁸ Moreover, they indicate the exemplary role that *matronae* played for all citizen women, as alluded to critically by Seneca.⁸⁹

These meetings, collections, and selections offer us a rare glimpse into the collective decisions and organization of *matronae* in the Republic, as well as evidence of their authority in religious matters and women's property (notably dowries). Later evidence indicates such matronal meetings persisted and underwent structural transformations in the Principate, with the notable ascension of the *feminae principes* to leading roles therein.⁹⁰

Above all, these literary accounts indicate that *matronae* as a corporate body—conceivably the *ordo matronarum*—were recognized by the Senate, magistrates, and priests, could act on behalf of the *civitas* in religious matters, and were *exempla* for other citizen women. Their performance of citizenship was grounded in their religious activity, deemed essential, and rewarded.

4. Republican Italy: Comparing citizens

Much of the previously examined literary evidence for matronal institutions and practices—apart from that of Plautus and Polybius—is late and may contain anachronistic detail. It could be argued that it only dimly reflects Republican realities and instead represents Augustan or later (re)visions. Caution is certainly warranted. Nonetheless, the existence of a matronal corporate body like the *ordo matronarum* and matronal meetings is supported by epigraphic evidence of matronal dedications, benefactions, and

87 Quinta Claudia: e.g., Cic. *Cael.* 34; *Har. resp.* 27; Livy 29.14.10-14; Ov. *Fast.* 4.291-346; Val. Max. 1.8.11; Plin. *HN* 7.120; Tac. *Ann.* 4.64.3. On the selections of Sulpicia and Quinta Claudia: Flower 2002: 162-166; Langlands 2006: 58-61; Schultz 2006: 144-145; Fantham 2011: 172-173; Webb 2019: 260-261; 2022: 162-163.

88 Webb 2022: 162-163.

89 Sen. *De remediis fortuitorum*, 16.3 Haase.

90 E.g., Augustan *Acta ludorum saecularium* (CIL VI 877, 32323), 78, 112, 138 (Schnegg 2020); Suet. *Aug.* 94.4; *Iul.* 84.4; *Galb.* 5.1; Tac. *Ann.* 15.4; App. *B Civ.* 4.32-34; Severan *Acta ludorum saecularium* (CIL VI 32326-34), 63, 184, 228, 259-260 (Schnegg 2020); SHA *Aurel.* 49.6; *Heliogab.* 4.3-4; *Maximini Duo* 33.2. On transformations in the Principate: Purcell 1986; Gorrie 2004; Valentini 2012: 49-52; Hemelrijk 2015: esp. 215-217.

corporate bodies in Italian communities from the third through first centuries BCE.⁹¹ This evidence gestures towards a wider phenomenon of civic roles and identities for married women in Republican Italy.

Significant early examples include dedications of limestone *cippi* (stone-markers) as votive *dona* (*dono ded(e)ro(n)t*) by groups of *matronae* from Pisaurum to Juno Regina and Mater Matuta in the third century BCE. The former group were named as *matrona(i) Pisaurese(s)* and the latter as *matrona(i)* and as Mania Curia and Pola Livia.⁹² Another group of *matronae* from Eretum, named as *Aeret(inae) matron(ae)*, offered a dedication with good reason (*[d]ederont...m(erito)*) to Fortuna at Praeneste in the late third or early second century BCE.⁹³ In the late first century BCE or early first century CE, a group of *matronae* honoured the priestess (*sacētis*) Luceia Maxima in Cumae,⁹⁴ and in the same period another matronal group arranged for the setting up of a statue from their own collected money in the Temple of Venus in Surrentum for an unnamed public priestess of Venus and perhaps Ceres (*[s]acerd(oti) public(ae) Vener(is) / [et Cereris h]uic matronae statuam / [ex aere coll]ato in aedem Veneris / [ponendam cu]raverunt*).⁹⁵

Two fragmentary inscriptions from Cosa from ca. the first century BCE offer additional, compelling evidence for matronal dedications and corporate bodies. They may be related to a cult of Mater Matuta on the Arx at Cosa, but neither were found *in situ*. Their content is nevertheless striking. The first, which is extant, refers to married women dedicating something (to a deity?) in Cosa and to female officials (*magistrae*), including a Mania Muucia daughter of Gaius who arranged for the setting up of the inscription (*[m]atronae dederun[t ---] / [C]osano magistra[e ---] / M(ania) Muucia C(ai) filia cu[raverunt ---]*).⁹⁶ The second, which is no longer extant (known only from an apograph in *Ephem. Florent.* 1759), attests to a group of *matronae* (perhaps) dedicating something, and to *magistrae*, including (perhaps) Titia daughter of Lucius

91 E.g., *CIL* I² 3047; *CIL* X 688; *CIL* XI 2630; 6300; 6301; Bace 1983: 90-91; *AE* 2010, 301.

92 *CIL* XI 6300 (Juno Regina); 6301 (Mater Matuta) with Schultz 2006: 54-55; Hemelrijk 2015: 207-208. Cf. a late sixth/early fifth century BCE dedication by the freeborn Etruscan woman *ḥanaxvil cabarnai* (and possibly others) of a statue (?) of Thesan (Etruscan Eos/Aurora) at the sanctuary of Uni (Etruscan Hera/Juno) in Pyrgi in Caere: *ET² Cr* 4.2 with Amann 2019: 46. See González Estrada in this volume on women and religion.

93 *CIL* I² 3047 with Schultz 2006: 54-55.

94 *AE* 2010, 301 with Hemelrijk 2015: 360.

95 *CIL* X 688 with Purcell 1986: 85; Hemelrijk 2015: 207.

96 Bace 1983: 91.

(*matronae de[derunt ---] / magistræ [---] / Titia L(uci) f(ilia) [---]*).⁹⁷ These inscriptions collectively attest to an association (perhaps a *collegium*) of *matronae* led or supported by *magistræ* in Cosa, perhaps related to the cult of Mater Matuta.⁹⁸ There is substantial evidence for (later and lower status) boards of *magistræ* of Bona Dea, Diana, and Venus elsewhere in Italy, indicating that all-female associations for religious purposes were not a peculiarity of Cosa.⁹⁹

This evidence suggests that, at least from the third century BCE onwards (and probably earlier), *matronae* were acting collectively in Italian communities for religious purposes. They had a civic identity (e.g., *matrona(i) Pisaurese(s); Aere(tinae) matron(ae)*), dedicated *dona* to deities (e.g., Juno Regina, Mater Matuta, Fortuna), collected money among themselves (*[ex aere coll]ato*), honoured women in their communities (e.g., with honorific dedications and statues), had substantial organizational structures (like *collegia*), and could be led or supported by female representatives, including *magistræ*.

The examined inscriptions evince matronal collective activity, corporate bodies of married (citizen) women throughout Italy, and important civic roles for married women. They also lend credibility to the literary evidence for such activity in Rome.¹⁰⁰ The *ordo matronarum* and matronal meetings are thus eminently plausible.

5. *Cives Romanae* embodied

To return to Cicero on female citizenship. In his *In Verrem*, he relates how *omnes matronae civitatis* met him outside of the city of Heraclea and one of them pleaded with him for support against Gaius Verres (pr. 74 BCE), and that other matronal groups in Sicily did the same:

97 *CIL* XI 2630; Bace 1983: 91. The inscription also mentions *magistri*, but they are not in focus here: Bace 1983: 91.

98 Brown, Richardson, and Richardson Jr 1960: 46; Bace 1983: 90-94. Cf. Hemelrijk 2015: 205.

99 E.g., *CIL* VI 762 (Bona Dea); IX 3518 (Venus); 5295 (Venus); XI 3866 (Bona Dea); *AE* 1978, 99 (Diana) with Clark 2011; Hemelrijk 2015: 205. See also González Estrada in this volume.

100 Cf. Hemelrijk 2015: 221-225 on Roman associations of women. For Egyptian and Greek comparanda: Gibbs 2008: 48, 127-128; Thonemann 2010. *Pace* Thonemann 2010: 175, 178, such bodies cannot have been passive: Hemelrijk 2015: 206, n. 90, 215, n. 117. The public activity of the *ordo* and its Italian counterparts suggests rather the opposite.

“As I was approaching Heraclea one evening, one of them came to meet me with all the married women of the community (*omnes matronae civitatis*), and with many torches. Addressing me as her own safety (*salus*), calling you [Verres] her executioner, and appealing to the name of her son, the poor woman (*miseria*) prostrated herself at my feet, as if I could raise her son from the underworld (*ab inferis*). In the other communities (*civitates*), the elderly mothers (*grandes natu matres*), and also the little children of these poor men, did the same.”¹⁰¹

This unnamed *matrona* who spoke on behalf of the Heracleian *matronae* looks forward to Hortensia’s oration on behalf of the *ordo matronarum* in 42 BCE. Moreover, Cicero clearly represented *matronae* as a coherent institution that could act on behalf of a *civitas*, just like the *sacerdos Cereris* and Vestals. Alongside the other literary and epigraphic evidence, he testifies to a civic identity and roles for *matronae*.

Particularly for religious purposes, *matronae* were conceived of as a corporate body in Rome: the *ordo matronarum*. This body had a visible civic identity via matronal privileges and status symbols, and its meetings and processes were recognized by the Senate, magistrates, and priests. It could act on behalf of the *civitas* for religious purposes, and its members could be *exempla* for citizen women (e.g., Veturia, Volumnia, Sulpicia, Quinta Claudia). Similar phenomena existed in other communities in Republican Italy. Perhaps due to its religious dimensions and associated organizational experience, this body and its representatives could effect political changes: hence the repeal of the *lex Oppia* in 195 BCE and reduction of the triumviral tax in 42 BCE. Matronal civic identity was constructed and maintained by their performance of *sacra pro civibus*: religious activity *by citizens for citizens*.

Despite its exclusivity, the *ordo matronarum* could represent the *cives Romanae* and its members could be contradistinguished from the *uxores* of other *civitates* (e.g., *sociorum Latini nominis uxores*). That it was honoured by the Senate with privileges and status symbols, that its decisions and decrees were respected and recognized, and that its members could be convoked, targeted by legislation, enumerated, and taxed suggests substantial institutionalization. *Matronae* did not have full political representation, but they were culturally recognized and valued. In essence, the *ordo matronarum* embodied *cives Romanae*: an institution through which leading female citizens performed key civic duties.

101 Cic. *Verr.* 2.5.129.

The consul Fannius declared that a place at the *contio* and attendance at *ludi* and *festi* were core benefits of Roman citizenship. Married citizen women probably attended the former and held leading roles in the latter. On this measure, they were as citizenly as their male counterparts. *Cives Romanae* were certainly not *cives Romani optimo iure*. But, as women, they were just as essential to—and valued by—the *civitas*.

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RELIGIÓN Y PARTICIPACIÓN CÍVICA DE LAS MUJERES DURANTE LA REPÚBLICA. UNA MIRADA FUERA DE ROMA¹

Lidia González Estrada

1. Sacerdotisas y devotas.

La participación religiosa de las mujeres romanas

La atención prestada a las mujeres dentro de los estudios centrados en la religión romana ha aumentado notablemente en los últimos años, especialmente a partir de los ochenta y noventa, gracias al avance de los estudios sobre la Historia de las Mujeres y de Género y la publicación de importantes trabajos con una atención exclusiva al papel de las féminas.² Las primeras aproximaciones al tema de las devociones femeninas se realizaron en un capítulo de la obra de Boissier *La religion romaine d'Auguste aux Antonines* (1874) y en el artículo de Pichon “Le rôle religieux des femmes dans l'ancienne Rome” (1912); sin embargo, ambas publicaciones serán puntuales y no supondrán la apertura de una línea de investigación sobre la vida religiosa de las mujeres

1 Este trabajo se ha realizado al amparo de las Ayudas para la Recualificación del Sistema Universitario Español 2021-2023 en la modalidad Margarita Salas, financiada por el Ministerio de Universidades.

2 La bibliografía al respecto es extensísima y se ha renunciado de antemano a realizar una recopilación completa. No obstante, algunos títulos de notable importancia corren a cargo de Boëls-Janssen 1993; Staples 1998; Takács 2008 o Kraemer 2011. Para época republicana tiene una influencia fundamental el trabajo de Schultz 2006 quien realiza un análisis global de la actividad religiosa femenina, así como el DiLuzio 2016, sobre los sacerdocios femeninos.

romanas. El relevo fue tomado por Gagé con su influyente obra *Matronalia* (1963) sobre la actividad religiosa y la organización cultural de las matronas en la Roma arcaica. Como primera obra monográfica en abordar el tema, fue recibida inicialmente con escepticismo, si bien se convirtió en una referencia fundamental y una inspiración para trabajos posteriores. No obstante, en ella se mantenía la idea repetidamente sostenida de que la participación religiosa de las mujeres era excepcional, diferente y segregada.

De hecho, hasta época reciente, los trabajos sobre las devociones femeninas tendieron a subrayar este supuesto carácter excluyente, limitando la capacidad de acción religiosa de las féminas a ámbitos muy concretos. Se contribuía así a afianzar la idea de que los rituales y festividades en los que participaron estaban siempre relacionados con el culto a diosas y vinculados con aspectos estereotípicamente femeninos: los nacimientos, el matrimonio y el cuidado de la descendencia. De esta forma, las mujeres eran situadas por la investigación en los márgenes de la “verdadera” religión romana: pública, cívica y en estrecha relación con la organización política. En 1987, De Cazanove abogó incluso por la existencia de una supuesta incapacidad sacrificial femenina, que le negaba a la mujer la participación en los sacrificios cruentos.³ Todavía en 1991, Scheid defendía que las mujeres eran “extranjeras indispensables” en el correcto desarrollo de las actividades destinadas a mantener la *pax deorum*, y que su ámbito de participación estaba constreñido a algunos mecanismos, sacerdocios y rituales muy concretos. Por tanto, la actividad religiosa femenina servía para “completar” la masculina, pero no tenía validez por sí misma.⁴ La idea de alteridad y de la existencia de una *religión femenina*, complementaria, pero diferente y apartada de la oficial “masculina” fue mantenida incluso desde los posicionamientos cercanos a la Historia de las mujeres, que en su intento por poner de relieve su importancia, tendieron a singularizarla y separarla del resto de las experiencias religiosas de la sociedad romana.⁵

3 De Cazanove 1987: 167: “Esta incapacidad es, al fin y al cabo, solo un ejemplo concreto de lo que las convierte en el derecho, *propter sexus infirmitatem* [...]. Así que se ven reducidas, en el rito como en cualquier otro lugar, a la pasividad”.

4 Scheid 1991: 421: “¿Sería religiosamente ‘incapaz’ la mujer romana? Sí y no [...] en el plano religioso, la mujer, aunque subordinada, es el complemento del hombre”. En Scheid 2003 el autor matizará su posición, si bien mantiene la idea de complementariedad.

5 Sobre esta idea *vid.* Boëls-Janssen 1993: 469-471 o Cid López 1999 y 2007. Para un análisis historiográfico sobre las mujeres y la religión romana, *vid.* Holland 2012, Molina Torres 2015 y Oria Segura 2017, estos últimos con especial atención a la investigación española sobre el tema.

Las diosas sufrieron, por extensión, un reduccionismo similar. En la mayoría de los casos son etiquetadas como *Frauengöttinnen* o interpretadas como una atomización de la Diosa Madre primigenia en cuyos campos de acción insistentemente se privilegian los aspectos vinculados a lo femenino: la fertilidad natural y humana, la reproducción o la curotrofia.⁶ Estas asunciones se basaron a menudo en una imagen estereotipada de lo femenino, concebida como natural, de forma que las necesidades o preocupaciones vinculadas a los ámbitos antes mencionados se consideraron del “innato” interés de mujeres y diosas.⁷ Será el desarrollo del género como herramienta conceptual lo que permitirá de forma más significativa poner en entredicho tales asunciones al explorar las construcciones sociales y simbólicas asociadas a lo femenino y lo masculino y dejar claro que estas están socialmente concebidas y, por tanto, son mutables, no naturales.⁸

Estas nuevas aproximaciones, junto al avance de los estudios sensibles a la Historia de las mujeres, permitieron el desarrollo de una perspectiva más integradora y orgánica sobre el papel femenino en la religión romana, que tiene en consideración el impacto social de sus actividades religiosas, su trascendencia y su valor intrínseco.⁹ Este acercamiento parte también de una distinta percepción de la religión y de los ámbitos que la componen, por ejemplo, al interesarse por las manifestaciones del culto privado.

En los trabajos más recientes los sacerdocios femeninos han recibido una mayor atención, más allá del recurrente interés por las vestales, de forma que se ha arrojado una visión más compleja de las tareas, condiciones y contextos en los que estas mujeres llevan a cabo su labor.¹⁰ Asimismo, también se ha constatado

6 Esta percepción está ampliamente extendida en la obra de los autores hasta mediados del siglo XX e incluso se mantiene en trabajos posteriores como los de Le Glay 1986, De Cazanove 1987: 167, Lerner 1986 o Gimbutas 1974, 1982, 1989 y 1991. Ver una voraz y magnífica crítica a esta visión y al arquetipo de la Diosa Madre en Loraux 1991, con amplia repercusión. También en Goodison y Morris 1998; Morris 2006 o González Estrada 2022.

7 Wissowa 1912 [1902]: 183: “la totalidad de las esperanzas, deseos y preocupaciones de la vida de las mujeres puede muy bien tolerar la encarnación común por una deidad femenina unificada”.

8 Sobre la influencia del género en los estudios de la Antigüedad para el caso español *vid.* Cid López 2006. En concreto sobre su influencia en los estudios sobre religión romana, Oria Segura 2017: 74-75 y 85-87.

9 Holland 2012: 205-206; Oria Segura 2017: 87.

10 Se constata la existencia o se profundiza en la labor de las *flaminicae*, *saliae* y las sacerdotisas de Ceres, Liber, Mater Magna, Fortuna Muliebris, así como de las *piatrices* o *antistites* de Bona Dea. *Vid.* DiLuzio 2016: 43-123. Sobre los sacerdocios femeninos también es de gran interés la tesis de Gaspar 2012, aunque la horquilla temporal de este estudio excede el marco republicano.

la participación de las mujeres como personal religioso dedicado a la atención cotidiana del templo, de los devotos, a labores administrativas o a la asistencia durante el ritual.¹¹ Además, se revisó la labor de las *flaminicae* y la *regina sacrorum*, que se habían entendido como auxiliar, secundaria y complementaria a la de sus esposos. Recientemente DiLuzio señaló la posibilidad de comprender el rol de los *flamines* y las *flaminicae* y, posiblemente del *rex* y la *regina sacrorum*, como un único sacerdocio ostentado por una pareja.¹² La revisión de las fuentes literarias e iconográficas, permitió descartar la existencia de la supuesta incapacidad sacrificial femenina.¹³ Asimismo, el análisis epigráfico y arqueológico subrayó la complejidad de los actos de comunicación con los entes divinos, que escapan a una rígida división de género, y que conducen a eliminar las etiquetas reduccionistas también creadas para las deidades —por ejemplo la de “diosas de las mujeres”— que no tienen en cuenta el carácter poliédrico de las divinidades politeístas.¹⁴ Igualmente se ha puesto de relieve la necesidad de desechar algunos hábitos recurrentes en la investigación, como extrapolar a la totalidad del culto la segregación por género en un ritual o festividad concretos, por ejemplo, los vinculados con *Bona Dea*, Hércules o Matronalia.¹⁵ En definitiva, se pasó de una percepción marginal, segregada y constreñida de la participación femenina, sobre todo en el ámbito público, a considerarla parte fundamental e integral de la religión romana, así como a dibujar una imagen de la misma mucho menos restrictiva en términos de género.

Estas nuevas contribuciones no solo lograron subrayar la intervención femenina en los *sacra* y su valor, sino las múltiples formas en las que esta se

11 Sobre el personal de apoyo, *vid.* DiLuzio 2016: 124-177 y la bibliografía allí contenida.

12 DiLuzio 2016: 41-123. Previamente también Schultz 2006: 80-81.

13 Principalmente Hemelrijk 2009, en un planteamiento también defendido por Huet 2008, Oria Segura 2010 y 2018, Rives 2013 o DiLuzio 2016, discute la supuesta incapacidad sacrificial femenina.

14 Sobre este aspecto el estudio de los exvotos y otro tipo de ofrendas ha contribuido a percibir de forma más compleja y menos rígida las funciones de las divinidades y los vínculos entre estas y sus cultores. Al respecto *vid.*, por ejemplo, Carroll 2019.

15 *Vid.* Schultz 2000 y 2006: 61-69 quien apunta que buena parte de las fuentes que recogen la exclusión de las mujeres del culto de Hércules en Roma se refieren exclusivamente al Ara Máxima. Asimismo, Brouwer 1989 dejó claro a través de un concienzudo análisis de las fuentes disponibles sobre la *Bona Dea* que es insostenible afirmar que su culto sea femenino. Dolansky 2011 realizó un nuevo análisis de Matronalia en el que incide en que la festividad tiene una vertiente pública y privada y que los rituales incumben al conjunto de la *domus* y no exclusivamente a las matronas.

produce, sustentadas en distintas condiciones de la experiencia femenina que se intersecan: su estatus jurídico, sexual o marital, su situación socioeconómica y otros factores como la edad, el prestigio y la valoración que se realiza de su comportamiento. Las mujeres están muy lejos de constituir un grupo unitario, tanto en los actos religiosos como en otros aspectos de su vida, están marcadas por profundas diferencias. Dichas circunstancias son determinantes a la hora de otorgarles un marco más o menos amplio de acción en la religión del Estado.¹⁶ Las féminas que formaron parte de las élites coparon, por ejemplo, buena parte de los mecanismos de comunicación con las deidades, como los sacerdocios, o tuvieron un papel más significativo en ofrendas colectivas o actos representativos. No obstante, los miembros de otros colectivos, como las libertas o las esclavas, también contaron con espacios de participación más o menos reglados.

En el marco de este trabajo trataremos de centrarnos en la actividad de las ciudadanas, ingenuas o libertas, que durante época republicana contribuyeron de una u otra forma en los *sacra*, para lo que se tendrán en cuenta los factores que condicionan dicha participación y que se han mencionado previamente. Concretamente nos centraremos en los cultos, rituales y festividades públicos, o en aquellos actos que tienen una gran trascendencia para la comunidad, debido a que es en estas ocasiones en las que la identidad cívica de las mujeres tiene mayor relevancia.

2. Más allá de la *Urbs*.

Mujeres y religión en la península itálica

La mayor parte de los trabajos mencionados se centran en las manifestaciones religiosas dentro de la propia Roma, con excepciones.¹⁷ El acercamiento a la contribución de las féminas en los cultos de otras zonas de la península itálica descansa generalmente en estudios locales y los intentos por realizar una valoración de conjunto son realmente escasos o se ven profundamente condicionados

16 Por consiguiente, se demuestra la pertinencia del uso del concepto de interseccionalidad en el estudio de las manifestaciones religiosas. Este fue acuñado por Crenshaw 1989: 139 y posteriormente se ha incorporado al análisis histórico con notables resultados.

17 Gaspar 2012 realiza un amplio estudio de los sacerdocios femeninos, aunque centrado especialmente en época imperial. Destacaremos asimismo la tesis de Thibaut 2015, quien trata de reconstruir la participación ritual de las mujeres en los santuarios del Lacio y la Etruria meridional.

debido a que, cuando se hace referencia a otras realidades, a menudo el objetivo es apoyar o afianzar algunos de los presupuestos defendidos para la *Urbs*.¹⁸ Esta labor de análisis global excede con mucho las posibilidades de este trabajo y presenta como problemática la escasez y el carácter fragmentario de las fuentes disponibles. Con todo, se tratará de apuntar algunas cuestiones generales atendiendo también a los objetivos antes fijados.

1.1. Sacerdocios y personal de apoyo

Las fuentes epigráficas relativas a sacerdocios femeninos para la zona geográfica y la época abordada se centran en la zona campana, samnita y en la zona peligna, si bien también hay un buen número de inscripciones en lengua mesápica en la Puglia. Las inscripciones utilizan, con variantes, los términos *sacerdos*,¹⁹ *anaceta*,²⁰ *sacraririx*²¹ (estos dos en la zona peligna, de dialecto sabélico) y *tabara*²² (para los mesapios). A estos términos les sigue, en la mayor parte de los casos, un teónimo. *Sacerdos* es un título bien conocido para referirse a profesionales religiosos, tanto varones como mujeres, desde el siglo I a.C. en adelante.²³ Los términos en dialecto peligno, especialmente el de *an(a)c(e)ta*, del que se cuenta con multitud de ejemplos, son más discutidos. De hecho, la traducción de *anaceta* por *sacerdos* se basa en la similitud de la estructura *an(a)c(e)ta Cer(r)ia* con *sacerdos Cereris* y la comparativa con epígrafes posteriores, pero dista de ser segura. Aun así, es la que tiene más apoyos actualmente.²⁴ El término mesápico de *tabara* como “sacerdotisa” cuenta, en general, con mayor consenso.²⁵ La mayor parte de estas inscripciones datan del siglo I a.C., si bien las correspondientes a la zona más meridional de la

18 Es el caso de Schultz 2006, quien realiza un extraordinario análisis, pero cuyo foco central es Roma.

19 AE 1988, 286; *CIL* 1² 3216; *CIL* 9 2569, 3087, 3090, 3166, 3167; *CIL* 10 3926, 5073, 5191, 5422. Se han omitido aquellos epígrafes de datación insegura.

20 *CIL* 1² 1773, 3212, 3213, 3213a, 3214, 3215, 3226; Buonocore - Poccetti 2013: 60. Las inscripciones se han hallado principalmente en las antiguas *Sulmo* y *Corfinium*.

21 *CIL* 1² 3257, 3260 (*Teate Marrucinorum*); *Im.It. Corfinium* 6 (*Corfinium*).

22 *MLM* 1, 11, 16, 21 y 28 Bal; 3 Bas; 6 Car; 5, 9, 12 y 24 Gn; 50 Lup; 1 y 2 Man; 4, 20-21, 30-31, 34-36, 38-40 Me; 18 Rud; 5-9, 16, 20, 23, 29, 34 y 37 Ur.

23 Sobre este título, Gaspar 2012: 47-48 y la bibliografía allí contenida.

24 Para las distintas hipótesis *vid.* Dionisio 2013: 225-226. Sobre las inscripciones y su análisis lingüístico destacaremos el trabajo de Poccetti 1982, 1985. Recientemente en contra Schultz 2006: 51, quien considera *anaceta* parte del teónimo *Anaceta Cerria* y Adiego 2016.

25 Al respecto *vid.* De Simone 1982, Laporta 1992 y Marchesini 2018: 493-496.

península itálica se concentran especialmente en el siglo III a.C. Entre las deidades a las que parecen estar consagradas estas mujeres destaca, sin lugar a duda, Ceres/Deméter,²⁶ seguida por Venus/Herentas/Afrodita.²⁷ También hallamos varios epígrafes que mencionan a ambas divinidades.²⁸ Se discute, por tanto, si este es un sacerdocio correspondiente a un culto que las vincula o si estas mujeres simplemente dejan constancia de haber ostentado ambos sacerdocios a lo largo de su vida.²⁹

Junto a la documentación epigráfica antes referida, podemos mencionar el *Senatus Consultum de Bacchanalibus* (186 a.C.) a través del cual, y en comparación con la narración de Livio, es razonable suponer que las mujeres ejercían antes de su imposición la labor de *sacerdos* dentro del culto y, posiblemente, dado que la prohibición de ejercer como sacerdote solo atañe a los hombres, pudieron mantener dicha labor tras esta.³⁰ Las fuentes literarias también informan de la existencia de sacerdotisas en la península itálica, como ocurre con el culto de Ceres o de Vesta.³¹ Esta última diosa y las vestales se han considerado a menudo la quintaesencia de la identidad romana, por lo que el interés por rastrear su existencia y analizar su labor fuera de la *Urbs* ha sido muy limitado.³² Sin embargo, los testimonios de la tradición romana apuntan a la presencia de vestales en *Bovillae* desde época arcaica. De acuerdo con Livio, este sacerdocio procede, de hecho, de la ciudad de Alba Longa, de la que *Bovillae* se consideraba heredera, de forma que estas mujeres portaron el título de vestales albanas.³³ Además, Asconio menciona la participación de *virgines Albanae* en

26 *CIL* 10 3926, 5073; *CIL* 1² 1773, 3212, 3213, 3213a, 3214, 3215, 3226, 3257; Buonocore - Poccetti 2013: 60; *MLM* 1, 16, 21 y 28 Bal; 9 Gn; 4, 20, 34, 38-40 Me y 7 Ur. Es dudosa *AE* 1988, 286.

27 *CIL* 9 2569, 3032, 3166, 3167; *MLM* 6 Car; 5 Gn; 50 Lup; 20 y 23 Ur.

28 *CIL* 11 3087, 3090; *CIL* 10 5191; *Im.It. Corfinium* 6.

29 A favor de la primera opción, Schultz 2006: 70 o Gaspar 2012: 71; *contra* Hemelrijk 2015: 59.

30 Así lo defiende Flower 2002: 86. *CIL* 10 104, lin. 10 para la prohibición expresa: *sacerdos nequis vir eset*. En Liv. 39.13.8-9; 39.14.7 se menciona la existencia de mujeres al frente de los misterios báquicos. No obstante, al menos en Roma estos no era un culto público.

31 Cic. *Balb.* 55 para las sacerdotisas de Ceres procedentes de la Magna Grecia. En *Verrinas* también comenta la presencia de féminas al frente de este culto en Sicilia (Cic. *Verr.* 2.4.99-110).

32 Como excepción, Granino Cecere 2003 y recientemente, Buchet 2020.

33 Liv. 1.20.3: *uirginesque Vestae legit, Alba oriundum sacerdotium et genti conditoris haud alienum*.

el proceso contra Milón por el asesinato de Clodio cerca de *Bovillae* (52 a.C.) y en época imperial se hallan dos inscripciones correspondientes a mujeres que portan los títulos de *virgen Albana* o *virgen vestal Albana*.³⁴ También se ha planteado la posible existencia de vestales en época republicana en otros puntos como *Lavinium* —basado en la importancia del culto de Vesta y los Penates— o *Lanuvium* —en relación con el ritual del *draco* lanuvino del que hablaremos más adelante.³⁵ No obstante, los testimonios son dudosos o presentan problemas de interpretación.³⁶ Una vez constatada la existencia de sacerdotisas vinculadas a distintos cultos, profundizaremos en las exigencias y condiciones bajo las cuales se cumplía su labor religiosa.

La comparativa con los testimonios imperiales permite suponer que quienes reciben el título de *sacerdos* o similares ostentan puestos de prestigio dentro de la estructura de su correspondiente culto, en los que dirigen y encabezan las ceremonias bajo su responsabilidad. También son los principales agentes en el proceso sacrificial: mecanismo primordial de comunicación entre la comunidad y sus deidades que ocupa un lugar central en los *sacra publica*.³⁷ Estos toman un protagonismo fundamental en la *performance* ritual y, probablemente, hagan uso de la palabra en público, ya sea a través de formas preestablecidas o no.³⁸ Si bien existen ejemplos en los que el título de *sacerdos* puede utilizarse de forma poco estricta, al menos en una ocasión en las inscripciones republicanas fuera de la *Urbs* aparece acompañado del adjetivo *publica* para referirse a una de estas féminas, lo que apunta al reconocimiento oficial de su labor.³⁹ En otros ejemplos, la preeminencia del culto constatada

34 Asc. 40C. Las inscripciones fueron halladas en *Bovillae* (*CIL* 14 2140) y Roma (*CIL* 6 2172). En época imperial hallamos también una *virgo Vestalis Tiburtium* (*CIL* 14 3677) junto a otras evidencias para la ciudad de Tibur, *vid.* Granino Cecere 2003: 73-75.

35 Granino Cecere 2003: 72-73 respecto a los testimonios lavinates; Gordon 1938: 55 o Pailler 1997: 517, en el caso de los lanuvinos.

36 Buchet 2020: 64 sobre los testimonios de *Lavinium* y Garofalo 2014: 441-442 sobre los de *Lanuvium*.

37 En contra de la supuesta incapacidad sacrificial femenina, encontramos ejemplos iconográficos itálicos en época republicana y, sobre todo, imperial, que apuntan a la participación en el sacrificio cruento como parte fundamental de la labor, al menos, de las sacerdotisas de Ceres. Estos son: *CIL* 10 5073 (Atina, II-I a.C.), IG 14.702 (Pompeya, I d.C.), *AE* 1900, 85 (*Sulmo*, I d.C.), *CIL* 9 3089 (*Corfinium*, ¿I d.C.?). Sobre este asunto *vid.* la bibliografía contenida en la n. 13.

38 Respecto a la oratoria femenina, consúltese van der Blom en el presente volumen.

39 *CIL* 10 5191 (*Aquinum*, finales del s. I a.C.): *Serviai C(ai) f(iliae) sacerdotis Liberil publicai Aquinatis*. A partir de época augustea este título se extiende y encontramos *sacerdotes*

para su núcleo puede apuntar a que nos hallamos ante un sacerdocio público de gran trascendencia, como en el caso de las sacerdotisas de Ceres y Venus en *Sulmo* o *Corfinium*. Incluso en ocasiones es posible establecer una comparativa con testimonios posteriores en los que se hace explícita la condición de *sacerdos publica*. En definitiva, estos son puestos de alta visibilidad y gran influencia sobre los que descansa el bienestar de la comunidad a través del mantenimiento de la *pax deorum*.

Si tenemos las consideraciones previas en cuenta, es muy probable que estas mujeres sean ciudadanas libres de sus respectivas comunidades. No solo por la posición de privilegio que ostentan, sino porque este parece ser un requerimiento necesario para los cultos públicos. Cicerón lo expresa claramente al mencionar a las sacerdotisas de Ceres en la ciudad:

nuestros antepasados [...] decidieron que fuera una ciudadana (*civem*) la que llevara a cabo todos los ritos en favor de los ciudadanos (*pro civibus*) de manera que ofreciera sus plegarias a los dioses inmortales con un conocimiento extranjero y ajeno, pero con un espíritu romano y ciudadano (*mente domestica et civili*).⁴⁰

Por supuesto el Arpinate se está refiriendo a una situación muy concreta. En Roma estas sacerdotisas proceden de la Magna Grecia y de Sicilia y, por tanto, no tienen la ciudadanía romana. No obstante, su afirmación lleva implícita la idea de que para encabezar los rituales públicos y estar a cargo de los sacrificios es necesario pertenecer a la comunidad cívica a la que se representa ante los dioses.⁴¹ En los *sacra privata* la situación puede variar, si bien es probable que quienes se sitúan al frente de la comunidad de devotos y devotas sean personas que hayan alcanzado una posición de privilegio difícilmente accesible para personas ajenas a la comunidad o para la población servil.

En cambio, tanto en época republicana como posteriormente, tenemos constancia de mujeres, esclavas y libertas, ostentando cargos sacerdotales, encargadas de algunas labores religiosas o asociadas a los templos. Sin embargo,

publicae en varios lugares como *Amiternum* (CIL 9 4200), *Aquinum* (CIL 10 5414 y 5422), *Beneventum* (AE 1968, 122), *Capua* (CIL 10 3920), *Pompeya* (CIL 10 810-813, 816, 950-951, 998-999, 1036, 1074a y 1074b), *Puteoli* (AE 2005, 341 y 342; CIL 10 1812 y 1829), *Surrentum* (CIL 10 680 y 688) o *Teanum Sidicinum* (CIL 10 4791, 4793 y 4794). Buena parte de ellas ostentan el título de sacerdotisas de Ceres y/o Venus.

⁴⁰ Cic. *Balb.* 55, trad. de Cuadrado Ramos 2013.

⁴¹ Los epígrafes hallados en Roma constatan el carácter público de este sacerdocio: CIL 6 2181 y 2182.

a menudo estas se situán en un escalón inferior dentro de la estructura jerárquica del culto. Por ejemplo, se encargan de la asistencia en algunos rituales, de labores administrativas, del cuidado del templo o de atender a los devotos. Existen distintos títulos otorgados a estas mujeres —*antistitae*, *magistrae*, *ministræ* o *aedituæ*—, pero desconocemos en gran medida si cada uno de ellos lleva asociadas unas labores concretas y lo más probable es que estas varíen ampliamente según las necesidades y la organización de cada templo.⁴² En los epígrafes datados con certeza en época republicana fuera de Roma, encontramos el ejemplo de las *magistrae* de Venus en la ciudad de *Minturnae*, en las que reconocemos mujeres libertas y de origen servil, pero que aparecen inscritas tras la ciudadana *Tertia Domata*, lo que revela un orden jerárquico.⁴³ En época imperial, no obstante, se tiene constancia de varias libertas que ostentaron importantes cargos, como *Helvia Quarta*, *sacerdos Cereris et Veneris*.⁴⁴

Respecto al estatus socioeconómico de estas mujeres, es razonable pensar, si tenemos en cuenta el modelo romano, lo expuesto previamente y la comparativa con los testimonios imperiales, que los puestos que gozaron de mayor prestigio dentro de la organización cultural fueron ostentados por miembros de las élites locales, que de esta forma consiguieron una visibilidad e influencia que reforzaba su posición social.⁴⁵ El propio Cicerón comentaba que las sacerdotisas y *antistitae* de Ceres en Catania, eran *maiores natu, probatae ac nobiles mulieres*.⁴⁶ En cambio, ya en época imperial encontramos a *Ninnia Primilla* en la zona vestina, quien en una suerte de biografía triunfal se declara hija de libertos y de origen humilde, si bien se trata de una ciudadana de familia enriquecida.⁴⁷ Desconocemos si en este caso nos encontramos ante una excepción realizada en favor un próspero grupo familiar o a otras causas. Es probable, en realidad, que cada comunidad esta-

42 Remitimos a la n. 11 del presente trabajo. Asimismo, Gaspar 2012: 141-153, quien apunta la probable multiplicidad y flexibilidad de sus tareas, especialmente en el caso de las *magistrae*.

43 *CIL* 1² 2685.

44 *CIL* 9 3089. Otras libertas ostentaron el título de sacerdotisas de Ceres y/o Venus en *AE* 1900, 85 (?); *AE* 1980, 374; *CIL* 10 6109 (?). *Vid.* las tablas 2.1, 2.2 y 2.3 en Hemelrijk 2015: 346-362.

45 Para época imperial constatamos la existencia de sacerdotisas de Ceres y Venus pertenecientes tanto a la clase senatorial como ecuestre o decurional, si bien destaca esta última. Consúltense también las tablas y la información mencionada en la nota anterior.

46 *Cic. Verr.* 2.4.99.

47 *CIL* 9 3358.

bleciese sus propios criterios de acceso e incluso que estos fueran flexibles en función de distintos intereses.

Si tenemos en cuenta otros de los factores indicados en el apartado anterior, en el fragmento de Cicerón previamente mencionado podemos advertir que la edad y el comportamiento moral podrían tener un fuerte peso a la hora de elegir a las candidatas, como ha sido ampliamente discutido para otros ejemplos de la tradición romana.⁴⁸ Finalmente, respecto al estatus sexual o marital de estas mujeres existen muchas dudas y las propuestas han sido muy distintas. De hecho, dependería de las exigencias particulares de cada culto, por lo que no se entrará en esta ocasión a su análisis en detalle.⁴⁹

1.2. Otros colectivos, otras formas de contribución

Evidentemente, el sacerdocio no es la única forma de participación religiosa para las mujeres y, en nuestro caso concreto, para las ciudadanas. Fuera de la *Urbs* también podemos identificar otros grupos cuya intervención, ya sea a través de rituales públicos o de otras formas de comunicación con las deidades, tiene una gran importancia para sus respectivas comunidades.

Para la época y la zona geográfica analizadas, las matronas aparecen, como colectivo, involucradas en varias acciones religiosas. Al menos se conservan tres epígrafes de mediados del siglo II a.C. que conmemoran su ofrenda conjunta a una divinidad. En el caso de *Pisaurum*, estas son *Iuno Regina* y *Mater Matuta*.⁵⁰ Por su parte, en el de *Praeneste*, realizado por las matronas de *Eretum*, no se conserva el teónimo, pero es probable que se dirija a Fortuna

48 Respecto a los valores morales como condicionantes para los requisitos impuestos a las sacerdotisas, podemos mencionar el de la *Fortuna Muliebris* en Roma, posiblemente ostentado solo por *univirae* a partir de la información presente en Dion. Hal. *Ant. Rom.* 8.56.4. Así lo asumen Boëls-Janssen 1993: 376-377; Schultz 2006: 75 y DiLuzio 2016: 132. En cuanto requisitos como el mantenimiento de la castidad, es de sobra conocido el caso de las vestales. Asimismo, respecto a la edad, las sacerdotisas de Liber en la ciudad, o al menos aquellas encargadas de las ofrendas y sacrificios durante Liberalia, son descritas como ancianas (Varro *Ling.* 6.14; Ov. *Fast.* 3.763-768).

49 Sobre este aspecto remitimos a Schultz 2006: 139-150 y Gaspar 2012: 159-164. Para el caso concreto de las sacerdotisas de Ceres y Venus, también Dionisio 2013: 229-232, que aborda las distintas hipótesis elevadas que van desde la hierodulia a la castidad como requisito indispensable.

50 *CIL* 11 6300: *Iunone Reg(ina) / matrona / Pisaurere / dono dedrot. CIL* 11 6301: *Matre / Matuta / dono dedro? / matrona / M(ania) Curia, / Pola Livia / deda.*

Primigenia, deidad principal de esta ciudad y afamada en la Península itálica central; por tanto, una diosa con la capacidad de atraer la atención religiosa de otros grupos fuera de su núcleo.⁵¹

En estos casos podemos preguntarnos si se trata de una ofrenda privada, realizada entre un grupo de matronas que conformaron una unión, permanente o momentánea, basada en el interés particular por un culto en concreto.⁵² Se ha propuesto que, debido al género de las dedicantes, dicho interés debió radicar en algún aspecto tradicionalmente asociado con la “esfera femenina”: maternidad, cuidado, fertilidad.⁵³ Esta idea se basa, asimismo, en que la ofrenda se dirige a divinidades que han sido de nuevo interpretadas como estrechamente vinculada a estos aspectos, como es el caso de Fortuna Primigenia. No obstante, ni la documentación arqueológica ni la epigráfica permite corroborar esta asunción. De hecho, al menos en época imperial, el principal contingente de población que realiza una ofrenda a esta divinidad es masculino.⁵⁴

Por el contrario, la comparativa con la tradición romana permite al menos proponer interpretaciones alternativas. Los episodios a los que nos referimos involucran a las matronas como grupo organizado que interviene en distintos momentos ante la solicitud previa o tras la aprobación de los magistrados o sacerdotes del Estado.⁵⁵ En ellos se revela, no solo un importante grado de organización, sino la capacidad de elegir representantes, de establecer cultos propios, de realizar ofrendas en su nombre o de contribuir con la comunidad cívica en momento de emergencia a través de la financiación religiosa.⁵⁶ De hecho, en estas acciones colectivas a menudo se ha visto el reflejo de la actividad del denominado *ordo matronarum*.⁵⁷ Hallett ha calificado a estas inter-

51 *CIL* 1² 3047: [—]—]ederont Aeret(inae) matron(ae) m(erito). Sobre la inscripción y su interpretación, Degrassi 1969 y Miano 2018: 26-27.

52 Hemelrijk 2015: 207-208: “In addition to more or less formal organizations, a large number of inscriptions mention women who seem to have grouped together on a more *ad hoc* basis, though this does not preclude some level of organization”.

53 Hernández Pérez 2011: 89 para la inscripción hallada en *Praeneste*. Una crítica en Miano 2018: 38-41, 44-45 y González Estrada 2022: 87-92.

54 Miano 2018: 34-36; González Estrada 2022: 89-92.

55 Incluso en algunos casos su contribución o munificencia les garantiza honores especiales: Liv. 5.25.8-9.

56 Cic. *Cael.* 34; Liv. 2.39-40; 5.25.8-11; 22.1.17-18; 27.37.1-15; 29.14.12; Dion. Hal. *Ant. Rom.* 8.55-56. Plin. *HN* 7.120-1; Ov. *Fast.* 4.321-330; Plut. *Cam.* 8.3-4; Val. Max. 1.8.4; 5.4.1, 5.6.8; 8.15.12.

57 Sobre el *ordo matronarum* vid. Webb 2022: 158-167 y la bibliografía allí contenida, junto con el capítulo de Webb en este libro. Respecto a la participación religiosa como

venciones con el adjetivo de “matrióticas” y a menudo se mencionan en las fuentes literarias con una intención ejemplarizante.⁵⁸

Entre los epígrafes previamente mencionados, dos son especialmente interesantes en relación con lo expuesto. En primer lugar, en *CIL* 11 6301 las matronas aparecen mencionadas como oferentes a *Mater Matuta*, sin embargo, posteriormente son citadas como donantes *M(ania) Curia* y *Pola Livia*. Es tentador, por tanto, comparar este testimonio con el de Sulpicia, esposa de *Q. Fulvius Flaccus*, elegida por las matronas romanas en el 214 a.C. para dedicar una estatua en honor de *Venus Verticordia* por su condición de mujer *sanctissima*.⁵⁹ El texto de la inscripción y su carácter poco elocuente no nos permite afirmar que tras esta se produjera una elección comparable, en la que ambas mujeres fueron designadas para actuar como representantes de su colectivo.⁶⁰ No obstante, desde nuestro punto de vista, merece la pena tener en cuenta el ejemplo romano.

En el caso de la inscripción de las matronas de *Eretum*, contra la asunción de que se trata de una ofrenda privada sin mayor repercusión, podemos realizar algunas objeciones. Esta supone, por un lado, un alto nivel de organización y esfuerzo económico, dado que se deposita en una comunidad distante —aproximadamente unos 40 km—, lo que supone la existencia de algún tipo de encuentro y/o organización con una estructura más o menos formal para llevarla a cabo. Por otro lado, si bien es posible que la motivación sea privada, resulta significativo cómo estas mujeres dejaron constancia epigráfica de su piedad y de su identidad cívica no solo fuera de su núcleo, sino en un lugar de encuentro —e incluso de competición— entre distintas identidades, debido a la atracción que ejerció el santuario supralocal praenestino.⁶¹ Esto supone, de alguna manera, una cierta labor representativa, ya sea esta oficial o no.

vínculo entre las matronas romanas, Dion. Hal. *Ant. Rom.* 8.40.3: “ten piedad de las mujeres que una vez compartieron contigo los mismos sacrificios y ritos” (γυναικας κοινωνησάσας ἱερῶν ποτε καὶ ὁσίων).

58 Hallett 2004: 26, 37. También Cid López 2010: 126; 2017. Sobre género y ejemplaridad *vid.* Langlands 2000 y 2014 o Valette-Cagnac 2010.

59 Plin. *HN* 7.120-1; Val. Max. 8.15.12.

60 Coarelli 2000: 201 propone la existencia de un *ordo matronarum* en *Pisaurum*. Glinister 2006: 103 defiende la posibilidad de que las matronas actúen de manera oficial.

61 Ejemplos que apuntan al gran prestigio de este santuario durante el siglo II a.C. en Miano 2018: 28-32. Ya en el siglo III a.C. la devoción que despertaba el santuario en las comunidades vecinas se tradujo en un conflicto con el cónsul *Q. Lutatius Cerco*, al que el senado romano prohibió consultar las suertes en el santuario de la diosa al considerarlos *auspicia* extranjeros. Sobre este asunto *vid.* Miano 2018: 22-26.

Asimismo, los ejemplos romanos previamente discutidos permiten al menos proponer la posibilidad de que la iniciativa de la ofrenda tenga una dimensión pública. En concreto, es especialmente sugestivo establecer una comparativa con la donación de joyas realizada por las matronas para sufragar la consulta del oráculo de Delfos, en el contexto de la toma de Veyes (396 a.C.).⁶² Ambos son episodios en los que el esfuerzo colectivo de las mujeres tiene una repercusión directa en otro núcleo poblacional y en ambos se trata, de hecho, de un centro oracular de renombre. Por tanto, quizá este epígrafe nos sitúa ante la participación de las matronas de *Eretum* en algún evento concreto en el que se consideró apropiada o necesaria su intervención religiosa a través de la contribución económica. Si en los ejemplos romanos aludidos vemos la capacidad de acción de este colectivo que asume los gastos religiosos necesarios para el mantenimiento de la *pax deorum*, la prosperidad y el éxito de la ciudad, ¿es descabellado pensar que este deber cívico —o patriótico— podría replicarse en otros núcleos culturalmente cercanos a la *Urbs*?⁶³ En cualquier caso, y aunque estas ofrendas votivas se realizaran en condiciones muy distintas a las propuestas, tanto las matronas de *Eretum*, como las de *Pisaurum* dejan constancia en sus respectivas inscripciones que no solo se identifican como miembros de un grupo femenino o asociación religiosa, sino que también hacen gala de su identidad cívica: *matrona(e) Pisaurense; Aeret(inae) matron(ae)*.

Otros colectivos se involucran en distintas celebraciones religiosas en el ámbito público. Entre ellos, las festividades acogen la participación conjunta de diferentes grupos de féminas —y varones— de distinta edad y condición. Nuestra documentación destaca en los rituales y procesiones realizados en estas ocasiones, junto a las sacerdotisas, a las jóvenes vírgenes. Por ejemplo, en *Falerii*, ciudad falisca, estas participan en la procesión dedicada a Juno *Cu(r)itis*, deidad titular de la ciudad. Ovidio detalla el ritual que, con probabilidad, podemos retrotraer al menos al s. I a.C., pues es mencionado también por Dionisio de Halicarnaso.⁶⁴ Este último destaca el papel de una joven denominada *κανηφόρος* que daba comienzo a los sacrificios, y los coros de doncellas (*χοροί τε παρθένων*) que acompañaban a la deidad, si bien también menciona la participación de mujeres consagradas (*γυναικες ιεραι*) que atendían el lugar

62 Liv. 5.25.8-11; Val. Max. 5.6.8.

63 *Pisaurum* es una colonia romana fundada en el 184 a.C. (Liv. 39.44.10) y *Eretum* es un núcleo sabino que se incorpora en época temprana en la órbita romana (Ogilvie 1965: 80).

64 Ov. *Am.* 3.13.3-29; Dion. Hal. *Ant. Rom.* 1.21.2.

sagrado de la diosa. Ovidio, por su parte, describe la participación de jóvenes muchachas (*iuvenes puellae*) ricamente engalanadas, veladas y vestidas de blanco (*velatae vestibus albis*) que portan los objetos sagrados de la diosa (*tradita supposito vertice sacra ferunt*), posiblemente relacionadas con la *κανηφόρος* comentada por Dionisio.⁶⁵ La participación de vírgenes en procesiones y coros encuentra muchos paralelos también en los rituales y festividades romanas, como en las *supplicationes*.⁶⁶ No obstante, en la ceremonia falisca, según el relato de los dos autores, destaca un aspecto apenas abordado en el trabajo hasta ahora: la identidad local. El acto religioso se realizaba supuestamente siguiendo las costumbres griegas, como ambos comentan, y se destina con probabilidad a subrayar el carácter heleno dentro de la construcción identitaria falisca. Las jóvenes, con su vestimenta, adornos y acciones, encarnan y ponen de manifiesto a través de la *performance* ritual esa herencia griega.⁶⁷ Así, la forma en la que los ciudadanos de *Falerii* se identifican a sí mismos y su historia —sea esta real o, probablemente, construida— es representada con ocasión de la festividad de su diosa principal.⁶⁸ Ambos autores enfatizan, además, la condición virginal de las jóvenes que participan en la procesión; no obstante, no aportan más datos de su importancia para el desarrollo de la festividad y sus rituales asociados.

Por el contrario, en el caso de la ciudad latina de Lanuvio, las fuentes comentan la centralidad de dicha condición virginal en el desarrollo del célebre ritual del *draco* lanuvino. El rito, descrito por Propercio, Eliano y referido en otras fuentes tardías, es representado en una serie de acuñaciones de mediados del siglo I a.C., realizadas por *tresviri monetales* cuya procedencia lanu-

65 Junto a las féminas, los jóvenes varones también tienen una importante labor en el ritual al encargarse de la persecución y muerte de una cabra (Ov. *Am.* 3.13.22-24). Por tanto, no se trata de una ceremonia con segregación por género.

66 Sobre el papel femenino en estas ceremonias, Schultz 2006: 28-45; Cid López 2007; DiLuzio 2016: 133-134. Concretamente sobre el interés de la participación de distintos grupos de edad y género, González Estrada en prensa.

67 Es habitual en la religión romana que algunos cultos se realicen *graeco ritu*, como las *supplicationes* expiatorias. Scheid 1995 ha subrayado en un interesante artículo que esta forma de celebración del ritual se concibe como originariamente griega, pero se trata de una manifestación típicamente romana.

68 Sobre la identidad y el *ethnos* faliscos, Camporeale 1991. *Vid.* especialmente Cifani 2013: 23, quien propone que, tras la caída de Veyes, núcleo al que estaba estrechamente ligada *Falerii*, la ciudad podría haber sufrido una renovación ideológica e identitaria bajo la presión de Roma, a quien interesaba fomentar la identidad étnica falisca frente a la etrusca.

vina es segura en algunos casos y probable en la mayoría.⁶⁹ Asimismo, su asociación con la deidad tutelar del lugar, *Iuno Sospita Mater Regina*, hace probable que este se realizase durante las festividades anuales en su honor. En esta ocasión, una o varias jóvenes vírgenes realizan una ofrenda de alimento para la gran serpiente de Lanuvio que habitaría, según Eliano, en un *lucus* cercano al santuario y dedicado a la *Sospita*. El ritual se describe como una especie de ordalía destinada a demostrar la virginidad de sus participantes, pero según el relato de Propercio, también está vinculado al mantenimiento de la fertilidad de los campos y, probablemente, a garantizar la prosperidad de la comunidad en su conjunto.⁷⁰ La especial vinculación del *municipium* lanuvino con este singular ritual, así como con su diosa, una de las *Iunones* itálicas más afamadas, permite proponer que la iconografía de las acuñaciones a las que nos referimos está destinada a subrayar y publicitar la *origo* de los monetales y, por tanto, dicha ceremonia también tiene un importante papel en la definición de la identidad local lanuvina.⁷¹

Junto a la cuestión identitaria, es significativo apuntar cómo ambos rituales permiten la integración y colaboración de distintos grupos de edad en los cultos y festividades públicos. Estos colectivos adquieren, además, visibilidad a través de la *performance* ritual. Asimismo, especialmente en Lanuvio, la participación religiosa de las jóvenes contribuye a afianzar unos valores muy concretos vinculados a la feminidad: la *pietas* y, de forma destacada, la *castitas*, como aspectos a contemplar con especial cuidado, no solo para complacer a las divinidades, sino para garantizar el éxito y la prosperidad de sus comunidades. Esta inclusión de los miembros más jóvenes de la sociedad, asimismo, apunta hacia otras cuestiones relacionadas con los procesos de educación y socialización que les afectan y que se llevan a cabo, en estos casos, a través del

69 Fuentes literarias: Prop. 4.8.3-14; Ael. *NA* 11.16 y *Quodvult. Lib. Prom.* 3.38.43. Acuñaciones republicanas con representación del ritual: RRC 412/1 (64 a.C.); RRC 472/3 (45 a.C.) y RRC 480/28 (44 a.C.). Posteriormente aparecerá en varias *tesserae plumae* (I d.C.): Rostovtzeff 1898: 273, n. 4, 6, y 8.

70 Prop. 4.8.13-14: *si fuerint castae, redeunt in colla parentum, clamantque agricolae 'fertilis annus erit'*.

71 El total de acuñaciones republicanas a las que nos referimos es el siguiente: *L. Thorius Balbus* (RRC 316/1); *L. Procilius* (RRC 379/1-2); *L. Papius* (RRC 384/1); *L. Papius Celsus* (RRC 472/1, 472/3); *L. Roscius Fabatus* (RRC 412/1); *Q. Cornificius* (RRC 509/1-5); *M. Mettius* (RRC 480/2a, b y c; 480/23 y 480/28); *Thorius Flaccus* (RPC I 2063 y RPC I 2029). Esta última probablemente al inicio del gobierno de Augusto. Sobre la *origo* de estos monetales *vid.*, entre otros, Farney 2007: 260-281 y Hermans 2017: 117-119. También encontramos acuñaciones de emperadores con lazos con esta ciudad latina.

acto religioso. La asignación de distintos roles atendiendo a las razones de género y edad permiten interpretar, a través de un acto ritualizado, el papel que la sociedad vincula a cada colectivo y adquirir consciencia de las expectativas que pesan sobre él. En este caso en concreto, la importancia central que la preservación de la “maternidad en potencia” de las jóvenes ciudadanas tiene para el nacimiento de nuevos miembros de la comunidad cívica y, por tanto, para su supervivencia.

3. Conclusiones

A modo de conclusión, más allá de los primeros planteamientos que negaban o constreñían la agencia femenina dentro de la esfera religiosa, esta ofrece una oportunidad excelente a las mujeres de desplegar su capacidad de acción. Ya sea a través del sacerdocio, de grupos con una estructura más o menos formal, o con su participación en rituales y festividades públicos, las ciudadanas de los núcleos itálicos republicanos que se han abordado contribuyeron significativamente en los actos religiosos de sus respectivas comunidades. En ellos encontraron espacios de visibilidad, así como oportunidades de reunión y organización. No obstante, su participación está profundamente condicionada por diversos factores que hemos explorado previamente.

Distintos colectivos pueden y deben colaborar en el cumplimiento de las obligaciones necesarias para el mantenimiento de la *pax deorum*, pero lo hacen de manera distinta. De esta forma se proyecta en el plano religioso el orden social establecido. Por ejemplo, encontramos distintas oportunidades de contribución por razones vinculadas a la condición jurídica y al estatus socioeconómico. Asimismo, el mantenimiento de la castidad como deber, especialmente en ciertos grupos de edad, sirve para subrayar un código de valores concreto. De hecho, el comportamiento moral de las mujeres es un factor que podía convertirlas en candidatas para ostentar puestos de alta visibilidad y de prestigio o no. Los *sacra* también son un medio excepcional para modelar y (de)mostrar la identidad local y, en tanto las mujeres tienen la capacidad o el deber de participar en ellos —a veces con una posición destacada—, estas forman parte activa de dicha construcción o, al menos, de su manifestación periódica. Finalmente, la participación religiosa también ofrece no solo la oportunidad de ser una buena ciudadana, sino una ciudadana ejemplar. La contribución económica en favor del Estado es una de estas vías. Si es este el caso de las matronas de *Eretum*, desgraciadamente, no podemos afirmarlo, pero al menos merece la pena considerar esta posibilidad.

En definitiva, las féminas no solo tienen la oportunidad o el deber cívico de contribuir en los actos religiosos de sus respectivas comunidades, sino que tienen un papel fundamental e integral en su configuración, si bien su intervención no se realiza en términos de igualdad respecto a la masculina. Asimismo, las condiciones bajo las que esta se produce contribuyen a definir la forma apropiada de ser una buena ciudadana, estrechamente marcada por los roles de género, así como por otras expectativas y exigencias sociales.

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CONCLUSIONES: CIUDADANAS EN LA REPÚBLICA ROMANA

Carmen Alarcón Hernández

La Historia de las mujeres, surgida al calor de la segunda ola del feminismo, mostró el papel de las mismas como agentes de cambio histórico, convertidas en sujetos de una historia en la que tenían un lugar.¹ Posteriormente, los estudios de género, contribuyendo a la evolución de este paradigma, revelaron la utilidad del «género» como categoría científica de análisis y herramienta heurística de prolífera fertilidad en las Ciencias Sociales.² El concepto «género» introdujo una noción relacional que evitaba una aproximación al pasado de las mujeres y sus experiencias durante la Antigüedad como un compartimento estanco de la Historia. Ciertamente, había que abordar la construcción

1 Como es bien sabido, la obra de Pomeroy, *Goddesses, Whores, Wives and Slaves. Women in Classical Antiquity* (1975), constituye un hito indiscutible que marcó la dirección que tomaron los primeros estudios sobre la Historia de las mujeres del Mundo Antiguo. En efecto, se lleva a cabo una aproximación a las «mujeres» en plural, no en singular, mostrando la diversidad de las condiciones y experiencias de las mismas en la Antigüedad.

2 Sebillotte-Cuchet 2018: 14. En 1986 Lerner publica *The Creation of Patriarchy*, obra que introduce la noción de la construcción de lo femenino y los modelos patriarcales. Sin embargo, el concepto «género» como categoría de análisis es incluido explícitamente por Scott, ese mismo año, en su artículo «Gender: A Useful Category of Historical Analysis». En el descubrimiento y estudio de las mujeres de la Antigüedad fueron pioneras las especialistas angloamericanas. También fue la editorial norteamericana Wiley-Blackwell la que publicó la ambiciosa obra *A Companion to Women in the Ancient World* (2012), reseñada por la propia Pomeroy para la *Bryn Mawr Classical Review*, y que puso de manifiesto la inclusión de este tipo de análisis en la Historia de la Antigüedad a nivel internacional (Cid López 2015: 27).

cultural y social de los roles que se asignan a hombres y mujeres, pues son las diferencias percibidas entre sexos lo que convierte al género en un elemento constitutivo de las relaciones sociales y un medio por el que se articulan las relaciones de poder.³

La aproximación a las ciudadanas de la República romana que se plasma en esta obra ha sido posible gracias a las herramientas analíticas que proporcionan la Historia de las mujeres y los estudios de género, así como la incorporación de los avances recientes de la disciplina histórica. Se han desentrañado los discursos masculinos y androcéntricos dominantes que transmiten las fuentes y que legitimaron una sociedad patriarcal como la romana, que construyó lo femenino desde la alteridad. Definidas desde la otredad, quizás no sorprende las reticencias que aún despierta en el ámbito académico las referencias a las mujeres ciudadanas de la Antigüedad.⁴ Por este motivo la labor de esta obra ha sido ardua, pues a la deconstrucción de los discursos pasados se suma la de ciertas narrativas historiográficas presentes ancladas en interpretaciones que invisibilizan a las mujeres. No obstante, los progresos referidos gracias a la introducción de la perspectiva de género, unidos a los trabajos que especialmente desde los años 2000 abordaron las diversas ciudadanías en el Imperio romano, sugerían el contexto óptimo para revisar el estado de la cuestión sobre la ciudadanía de las mujeres en la República romana.⁵ Así, podría-

3 Scott 1986: 1056: «Gender is, in this definition, a social category imposed on a sexed body». El género, como construcción social, venía determinado por la identidad sexual, la edad, el estatus social, la etnicidad, etc. Sobre la evolución de las tesis de Scott, consúltese: Cid López 2006: 63-72. La existencia de una perspectiva más fluida y flexible sobre las categorías de género, que no reconoce la validez de sus definiciones esencialistas, revela que la evolución teórica continúa, sobre todo de acuerdo con la influencia que ha ejercido principalmente la obra de Butler 1990. Dicha evolución se incluye en la llamada tercera ola del feminismo. Véase la aclaratoria exposición del desarrollo del panorama teórico en: Foxhall 2013: 1-23.

4 La crítica de Sebillotte-Cuchet en su interesante artículo de 2018, «Gender studies et domination masculine. Les citoyennes de l'Athènes classique, un défi pour l'historien des institutions», al trabajo publicado por Fröhlich dos años antes, «La citoyenneté grecque entre Aristote et les modernes», es un buen ejemplo al respecto.

5 La institucionalización del campo de estudio en torno a la ciudadanía tiene lugar a finales de los años noventa del siglo pasado y comienzos de la nueva centuria (Marquès-Pereira 2013: 93-95). La publicación de la revista *Citizenship Studies* desde 1997 o la edición de Isin y Turner de la obra *Handbook of Citizenship Studies* de 2002, son buenas muestras del proceso. Los avances feministas también se dejaron sentir en este campo. En un artículo publicado en 1990, Jones criticó el carácter androcéntrico del concepto de ciudadanía. Sobre la evolución de este campo de estudio desde una perspectiva de género, véase: Marquès-

mos afirmar que las aportaciones que conforman el presente volumen permiten la exposición de una serie de conclusiones que coligen los avances alcanzados. Dichas conclusiones se han organizado en los siguientes apartados.

1. La necesidad de repensar y contextualizar la(s) ciudadanía(s)

La bondad de los análisis historiográficos revela las proyecciones apriorísticas que desde la contemporaneidad puede influir en el estudio del pasado. La ciudadanía en la Antigüedad no fue inmune a este problema. Nuestra concepción, determinada en buena medida por las experiencias de la Revolución americana (1776) y la Revolución francesa (1789), se asoció con el derecho de sufragio y elegibilidad.⁶ Sin embargo, este concepto de ciudadanía es fruto de la experiencia de las sociedades occidentales. Las investigaciones sobre la materia en diferentes contextos históricos —no solo en la Antigüedad—⁷ destacan, como no podía ser de otro modo, su diversidad tanto en diseño como en experiencias y revelan las variaciones históricas de su interpretación, de tal modo que no es posible concebirla con un carácter esencial e

Pereira 2013: 95-102. En el caso del mundo romano las influyentes obras de Sherwin-White 1973 y Nicolet 1976 no tuvieron en cuenta a las ciudadanas. Habría que esperar al trabajo de Gardner 1993 para que se produjera un cambio radical en este sentido.

6 Barthélémy, Sebillotte-Cuchet 2016: 1. Refiriéndose a sendos periodos revolucionarios Marquès-Pereira 2013: 90-91 afirma que: «La première traduit une perspective libérale qui accorde toute son importance à la liberté individuelle et à l'égalité de tous devant la loi. Elle revendique le droit de vote et le *self government*. La seconde affirme la liberté, l'égalité et la fraternité au nom de l'universalité. La tradition libérale met l'accent sur les droits-libertés (droits civils et politiques) que l'individu possède face à l'intervention de l'État, tandis que la tradition du civisme républicain s'attache à la formation de l'intérêt général à travers la participation des citoyens à une communauté d'intérêts politiques». La definición de Mommsen 1887 de la *civitas sine suffragio*, la categoría más extendida en las provincias durante el Imperio, como una semi-ciudadanía —*Halbbürgerrecht*— es un buen ejemplo de su concepción de acuerdo con los principios de elegibilidad y sufragio. Como señala Cecchet 2017: 13, el uso de Sherwin-White 1973: 251-263 de la metáfora «flood tide» para describir la extensión de la ciudadanía en las provincias desde mediados del siglo I, se debe asociar con la concepción de Mommsen del deterioro de su valor y contenido en el periodo imperial.

7 La revista *Clio. Femmes, Genre, Histoire* publicó en 2016 un número (43) titulado *Citoyennetés* que abordó la naturaleza polisémica y cambiante de la ciudadanía en diferentes sociedades y épocas, atendiendo especialmente a las situaciones de las mujeres en los contextos analizados.

invariable.⁸ Desde la Historia de las mujeres y los estudios de género, así como desde las Ciencias políticas, la Antropología o la Sociología,⁹ se ha revisado el concepto de ciudadanía abstracto y universal, se ha destacado su variabilidad en el tiempo y en el espacio, y se ha apostado por una concepción más amplia y fluida.¹⁰ En nuestro caso, Wallace-Hadrill recuerda la profunda transformación que la ciudadanía experimentó en el periodo cronológico analizado en este volumen, y señala cómo no sólo se había expandido, sino que había cambiado su naturaleza.¹¹ Precisamente, García Fernández señala, en su contribución a esta obra, que en la división que el jurista Gayo establece entre personas, cosas y acciones se observa el cambio de perspectiva que tiene lugar en el concepto, pues convertido en un estatus legal, la propiedad y el derecho de actuar *ex lege* son los que definen la ciudadanía y el privilegio, en lugar del tipo de participación política.¹² Si la reflexión se centra en los aspectos jurídicos, normativos y legislativos, los cambios y modificaciones en los mismos durante la República constituyen factores determinantes en el desarrollo de la condición de un/a ciudadano/a, pues, de acuerdo con su concepción más jurídica que política, es la participación en unos derechos, más que la intervención formal en política, la que otorga dicha condición.¹³

2. Ciudadanas: de su condición como sujetos legales a su acción cívica

Los avances introducidos en la concepción de la ciudadanía han permitido que las mujeres sean analizadas desde una perspectiva centrada en el Estado, en su dimensión legal, política e institucional. Las féminas fueron

8 Marquès-Pereira 2013: 90-103; Barthélémy, Sebillotte-Cuchet 2016: 1 y Sebillotte-Cuchet 2018: 4.

9 Tilly 1995.

10 Barthélémy, Sebillotte-Cuchet 2016: 1; Van Galen 2016: 52-53; y Cecchet 2017: 24.

11 Wallace-Hadrill 2008: 444-445: «Citizenship not merely expanded: it had changed its nature». Wallace-Hadrill 2008: 443: «The transformation of the citizenship over this same period is as dramatic and profound».

12 García Fernández en este volumen.

13 En opinión de García Fernández es precisamente la disociación de la ciudadanía de la posibilidad de acción formal en la política la que promueve su expansión. Aunque su concesión ha sido entendida como un instrumento de emancipación, no podemos olvidar que también fue una herramienta de dominación de grupos de población heterogéneos (Ando 2011: 4 y 6; García Fernández, en este volumen).

sujetos legales y, como ciudadanas, pagaron ciertas tasas, podían ser objetos y sujetos de *crimen maiestatis*, transmitieron la *origo* —o la ciudadanía romana, si no estaban unidas a un varón por el *ius conubium*—, creaban nuevos ciudadanos a través de la manumisión de esclavos, etc.¹⁴ Asimismo, la legislación en torno a la dote informa de que se trata de un elemento fundamental para que las ciudadanas cumplieran con ciertas obligaciones que permitía la consolidación y el mantenimiento del sistema —contraer matrimonios legítimos y engendrar nuevos ciudadanos, consolidar la posición económica de sus maridos y su promoción, o participación, en la vida pública, etc.—. De ahí la preocupación de determinados líderes políticos por los destinos de dichas dotes.¹⁵

No obstante, como ha apuntado Treggiari,¹⁶ ellas también fueron lo que hicieron, por lo que distinguiendo entre textos jurídicos y legales, por un lado, y prácticas sociales, por otro, ciertas contribuciones de este volumen han analizado su ciudadanía tomado como punto de partida la amplia implicación de las mismas en la ciudad y su *agency* en la vida cívica. En este sentido, cabe destacar la importancia de los *sacra*,¹⁷ pues ingenuas y libertas, aunque condicionadas por diversos factores, participaron o intervinieron en los mismos. La autoridad religiosa de las sacerdotisas provenía de su mantenimiento de la *pax deorum*, lo que les otorgaba, además, una alta visibilidad en contextos rituales y en la dirección de determinadas ceremonias públicas.¹⁸ También ciertas ciudadanas de la élite desarrollaron labores diplomáticas concretas en defensa de la comunidad;¹⁹ algunas fueron promotoras de las dotes, de parientes o amigas, que permitían a estas últimas cumplir con determinadas obligaciones del estatus ciudadano;²⁰ otras financiaron la expansión militar de la República romana, contribuyendo a la *res publica* con el

14 Sobre estos asuntos, consúltense respectivamente en este volumen las contribuciones de Rosillo-López, Brännstedt y McClintock.

15 Sobre la ciudadanía de las mujeres, utilizando la dote como prisma interpretativo, consúltese Vettori en este volumen.

16 Treggiari en este volumen.

17 González Estrada y Webb en este volumen. Sobre la actividad religiosa de las mujeres en la República es fundamental: Schultz 2006.

18 González Estrada en este volumen. La dirección de la relación con lo divino a través de los cultos como elemento fundamental de la ciudadanía en la Antigüedad en Chatelard 2016: 23-27 y Blok 2014.

19 Torregaray Pagola en este volumen.

20 Vettori en este volumen.

pago de impuestos.²¹ Por su parte, el uso de la palabra en público pudo afirmar la ciudadanía de determinadas féminas.²² Se observa, por tanto, el ineludible papel de las mismas para con su comunidad como miembros indispensables de la *civitas*.²³ La ciudadanía tiene una dimensión social y ética que puede incluso rastrearse en la construcción de la memoria femenina que, aunque no siempre fue ejemplar, incluye episodios en los que sus miembros son recordados colectivamente por sus acciones en favor de la ciudad.²⁴ Como resultado, se ha cumplido el objetivo de completar los estudios sobre los elementos legales y políticos del estatus ciudadano con la aplicación de una perspectiva más amplia que incluye la forma en la que fue vivido y performado, así como el modo en el que funcionó como herramienta para la construcción de identidades.²⁵

3. Los estereotipos de género plasmados en las fuentes

La obra pone de relieve la problemática que plantean unas fuentes literarias en su mayoría escritas por hombres y pensadas para una audiencia principalmente de varones pertenecientes a la élite social. Los estereotipos de género plasmados en dichas fuentes han creado potentes discursos sobre determinadas mujeres de la República romana —Cornelia, Sempronia, etc.—. Con todo, diferentes contribuciones de este libro han mostrado cómo desafiar el sesgo de género, no sólo de las fuentes primarias sino también de la literatura académica, a través de un proceso de deconstrucción de los estereotipos que proyectan unas fuentes androcéntricas, puede reconducir las interpretaciones sobre la *agency* de las ciudadanas de la República romana.²⁶ En relación a los testimonios clásicos, Hurlet señala que estamos ante «fuentes, que son innegablemente misóginas, y que no pueden evitar presentar a las mujeres proac-

21 Rosillo-López en este volumen.

22 Van der Blom en este volumen. Sobre el uso de la palabra en público como un medio para afirmarse ciudadana, véase: Chatelard 2016.

23 Rohr Vio en este volumen.

24 Mayorgas en este volumen. Véase también Cecchet 2017: 24.

25 Cecchet 2017: 8.

26 Como señala Foxhall 2013: 16-17, «literature tells us a great deal about perceptions and ideologies of gender [...] Such perceptions and ideologies were not monolithic, and the discourses surrounding gender were complex and contested. [...] We cannot read the representations of gender in literature at face value in historical terms».

tivas en términos de inversión de los valores supuestamente femeninos». ²⁷ Sin embargo, los estereotipos de género —masculinos o femeninos— que se imponen sobre ciertas féminas vienen determinados por la intencionalidad de la fuente. Mientras que Valerio Máximo destaca la elocuencia de su padre en el discurso de Hortensia, o el *virilis animus* y el comportamiento andrógino de Mesia de *Sentinum*, Afrania es vilipendiada por hablar frente al pretor. ²⁸ Por su parte, en la nueva mirada que propone Welch sobre la leyenda de Verginia, presenta a un Tito Livio que reconoce el papel público que se esperaba que desempeñaran ciertas féminas en Roma. La revisión de la narrativa —y las preconcepciones— de la interpretación de Mommsen sobre el relato —que determinaría buena parte de los estudios posteriores—, ²⁹ permite a la autora poner la *libertas* —y con ella la ciudadanía—, frente a la *pudicitia*, en el centro del análisis de la tragedia de Verginia. ³⁰

4. Atender a la heterogeneidad de la otredad femenina: no sólo género, también situación socioeconómica

La variedad de las condiciones jurídicas de las mujeres protagonistas de los estudios presentes en la obra —libertas, latinas no junianas, ciudadanas romanas, etc.— revela las diversas relaciones de poder y el modo en el que las interacciones humanas dependen precisamente del poder de negociación que posee cada persona en función de sus situación. En su contribución a este volumen Webb ha destacado el alcance de las acciones del *ordo matronarum* en favor de la *civitas* —así como su reconocimiento por parte de Senado, magistrados y sacerdotes— que posibilitaría, incluso, cambios políticos. ³¹ Del mismo modo, Pavón Torrejón y Hurler han llevado a cabo una aproximación a conocidas matronas de la élite romana, de época republicana e inicios del periodo imperial, con una clara capacidad de acción. ³²

27 Hurler en este volumen.

28 Val. Max. 8.3.3 (Hortensia); Val. Max. 8.3.1 (Mesia de *Sentinum*); y Val. Max. 8.3.2 (Afrania). Consúltese al respecto Van der Blom en este volumen.

29 En su opinión, «Mommsen was much more disapproving of women appearing in public than Livy» (Welch, en este volumen, 146).

30 Welch en este volumen.

31 Webb en este volumen.

32 En opinión de Hurler, «la influencia de las mujeres de la aristocracia procedía, en primer lugar, de los vínculos familiares que heredaban al nacer, tanto de su padre como de su madre, y de las redes paternas y maternas» (362). Si Pavón Torrejón ejemplifica la afirmación

Sin embargo, no pasa desapercibido que las posibilidades de actuación de las mujeres estuvieron determinada por multitud de factores como la situación legal, la condición social, la riqueza, la edad, etc. En este sentido, se podría afirmar que las relaciones de poder tienen un carácter dinámico, pues los factores mencionados pueden variar y la desigual interacción entre las personas involucradas debe renegociarse.³³ Esta realidad alerta del obstáculo que supone para el análisis la noción aislada de «dominación masculina» en la Antigüedad. Frente a la aplicación de dicha noción sin tener en cuenta la relevancia de otros principios de dominación, el concepto de interseccionalidad es de máxima utilidad y revela cómo las múltiples formas de dominación se entrecruzan, ya que los hombres y las mujeres de la República romana, no sólo fueron, eso —hombres y mujeres—, pues también había dominadores entre los dominados.³⁴ Así, mientras que un ciudadano romano varón de escasos recursos económicos tenía derecho a votar, una aristócrata ciudadana romana pudo intervenir en un proceso determinado de cambio legal, como se observa en la contribución de Morrell, o el *ordo matronarum* influir en determinadas decisiones políticas, como ha mostrado Webb. En el caso de las posibilidades que las mujeres tuvieron de ser escuchadas en determinados espacios de la ciudad, de acuerdo con la información que proporcionan las fuentes literarias, Van der Blom advierte de que las que lo consiguieron pertenecían casi todas a la élite.³⁵ En definitiva, se trata de abordar la heterogeneidad que existe en la otredad femenina debido a que no todas las mujeres pueden encuadrarse en el estereotipo de la matrona romana ideal.³⁶

5. Incrementar los análisis que vayan más allá de la matrona romana

Por otro lado, ciertas contribuciones, partiendo de los márgenes de la sociedad con análisis en torno a las situaciones y experiencias de ciertas mujeres, van más allá y centran su estudio en las féminas que no pertenecían a la

especialmente en los casos de Emilia Tercia y Cornelia, el segundo autor lo hace con Emilia Lépida.

³³ Van Galen 2016: 38-39.

³⁴ Sebillotte-Cuchet 2018: 17. Sobre el concepto de interseccionalidad, véanse por conveniencia: Crenshaw 1989: 139; y Jaunait, Chauvin 2013.

³⁵ Como afirma van der Blom en este volumen, «non-elite women are hardly ever mentioned in sources, suffering the double disadvantage of gender and class» (198).

³⁶ Sobre la heterogeneidad de la otredad véase el clásico trabajo de Spivak 1988. Consúltese también: Spivak 2010.

élite ciudadana. García Fernández señala cómo el discurso sobre la mujer ciudadana romana se ha construido principalmente en torno a las féminas que formaron parte de la élite de Roma, vinculadas a los contextos sociales y familiares de sus iguales varones que gobiernan la ciudad, probablemente como consecuencia de una concepción de la ciudadanía en relación a la intervención en los asuntos políticos, en el caso de estas mujeres a través de vías informales. Por este motivo, la autora estudia a un grupo específico de latinas que nacen en el año 89 a.C. con la concesión, por parte del cónsul Pompeyo Estrabón, del *ius Latii* a las comunidades indígenas de la Galia Traspadana. Su objetivo es paliar la falta de análisis en torno a estas féminas que, en comunidades con *ius Latii*, constituían un grupo superior en número al de las mujeres romanas y, a pesar de ello, la literatura académica general sigue sin contemplarlas.³⁷

Por su parte, Rubiera Cancelas se adentra en el análisis de las libertas y, frente a interpretaciones actuales que señalan la reproducción y su beneficio cívico como principal argumento de la manumisión, la autora atiende a su capacidad productiva y las posibilidades que les otorgaba para pagar el *peculium*.³⁸ En efecto, es especialmente relevante atender a cómo fue el proceso de creación de nuevas ciudadanas a través de la manumisión. Algunos estudios advierten de que las asunciones de género determinaron no sólo las experiencias vitales de esclavas y libertas, sino también su transición e inclusión en el cuerpo ciudadano.³⁹ Habría que preguntarse cómo la civilización romana gestionó su propia comprensión de la esclavitud para considerar a estas personas potenciales ciudadanas.⁴⁰ Ciertamente, el nuevo estatus legal de la liberta fue acompañado del esperado cumplimiento de un código de conducta concreto que emplearía como modelo el discurso hegemónico construido en torno a la matrona romana que presentan las fuentes, incluso cuando, de acuerdo con el epitafio de Larcia Horaea, una liberta pudo construir su memoria sin renunciar a su pasado servil.⁴¹

37 García Fernández en este volumen.

38 En opinión de Perry 2014: 62, por ejemplo, «family life and reproduction were central to Romans' understanding of manumission as a civic benefit».

39 Perry 2014: 155.

40 Perry 2014: 155 sostiene que la incompatibilidad de las normas sexuales aplicadas a esclavas y ciudadanas planteó preocupaciones sobre la eficacia de la institución de la manumisión en la reconciliación de estos dos estatus dialécticos. En su opinión, el matrimonio tuvo un poder redentor para estas féminas, pues permitió redefinir la conducta sexual de la liberta de acuerdo con su inclusión en el contexto conyugal (159).

41 Rubiera Cancelas en este volumen.

6. Usos del espacio: vías informales y extra-institucionales de acción política

Asistimos también a la superación de la clásica lógica binaria del uso del espacio entre hombres —esfera pública— y mujeres —contextos privados—, ⁴² principalmente proyectada por ciertas fuentes literarias que aportan una visión ideal o idealizada, y por tanto fragmentaria y sesgada, sobre la acción de las ciudadanas. La problemática que plantean la definición de las categorías público y privado en el contexto analizado es manifiesta. ⁴³ En este sentido, la *domus* es un lugar de politización y, como consecuencia, también de acción política y diplomática con repercusión pública en la que actuaron ciertas mujeres. ⁴⁴ No obstante, la intervención de las mismas en los procesos de cambios legales, por ejemplo, se pudo producir no sólo a través de conversaciones en *consilia* privados sino también mediante su manifestación pública —en la que emplearon vías informales o extra-institucionales de acción política—, ⁴⁵ así como de acuerdo con las oportunidades que les proporcionaban los contextos formales religiosos y culturales. ⁴⁶

La más amplia definición de espacio, inspirada en las aproximaciones derivadas de las Ciencias Sociales, permite concebirlo como un producto de las acciones sociales, que se negocia y construye constantemente de acuerdo con las interacciones humanas, configurando relaciones de poder. ⁴⁷ La contribución de van der Blom presenta las posibilidades que tuvieron ciertas mujeres de ser escuchadas —o no— en función de los diversos espacios —los tribunales, el Senado, las *contiones*, el foro, etc.—. La revisión de los discursos que sobre las mismas ofrecen las fuentes clásicas y las preconcepciones de cierta literatura académica, unido al análisis de los testimonios arqueológicos y la cultura material, aporta información sobre cómo los géneros han ocupado, negociado o se han apropiado de determinadas áreas del espacio cívico de

42 Trümper 2012: 290.

43 Consúltense al respecto: Russell 2016.

44 De acuerdo con la contribución de Torregaray Pagola en este volumen, la diplomacia paralela a las misiones oficiales, que se suele llevar a cabo en las residencias privadas de aristócratas, revela las posibilidades de las féminas de la élite como agentes diplomáticos.

45 Sobre el modo en el que la acción política se desarrolló fuera de los marcos institucionales formales, *vid.* Rosillo-López 2022.

46 Morrell en este volumen.

47 Trümper 2012: 290 y 302; Torre 2000: 145.

acuerdo con los usos que hacen del mismo.⁴⁸ Un análisis más profundo en este sentido, que vaya más allá del estudio de las fuentes literarias clásicas, haría posible, incluso, reconstruir el uso de dicho espacio por parte de las personas que permanecen invisibles en los textos: las voces subalternas y minoritarias.

7. La relevancia de los análisis terminológicos

El valor de los análisis terminológicos parece erigirse como un campo fructífero de la investigación en cuanto al estudio de las ciudadanas de la República romana. La identificación de los términos que refieren a estas mujeres puede ser de utilidad para determinar la evolución que experimentó la propia ciudadanía, a pesar del posible empleo de una designación fija e inmutable. Russell, por ejemplo, advierte de que su trabajo sobre el término *populus* no busca una definición única y estable, pues es un concepto susceptible de ser definido y redefinido por los autores que lo emplearon. Sin embargo, observa cómo en el caso de la «lived experience», es decir, en el desempeño y las experiencias de la ciudadanía, se les otorga a las mujeres romanas la mejor oportunidad de participar en el *populus*.⁴⁹ Asimismo, en el fructífero debate que se generó en el congreso «Ciudadanas: las mujeres romanas en la República», punto de partida de este monográfico, se llamó la atención sobre las diferentes categorías que comprende el empleo de los términos *uxor* o *mulier*, así como la disimilitud de los conceptos *matres* o *matronae* empleados por Livio.

Por otro lado, el carácter androcéntrico de las fuentes y el empleo del masculino como genérico son otras de las trabas de los análisis terminológicos. Si la denominación *civis*⁵⁰ o *populus* pudo incluir féminas, la designación *parentes* —concretamente el *cum parentibus*— del capítulo 21 de la *Lex Irnitana*, analizada por García Fernández —y frente a la interpretación de Dardaine—,⁵¹ hace referencia no sólo al padre sino también a la madre del magistrado que finaliza el cargo en el municipio Flavio Irnitano.⁵² Por su parte, al

48 Trümper 2012: 302.

49 Russell en este volumen.

50 Véase McClintock en este volumen. En su contribución a la obra, Treggiari observa que «the rarity of the phrase *civis Romana* in non-juristic texts is more understandable when we reflect that *civis* is both masculine and feminine, and that in any case masculine nouns such as *Romani* include the feminine» (37). Consúltese también: Peppe 2016.

51 Dardaine 2003: 104.

52 García Fernández en este volumen.

par de menciones al *peculium* femenino que aparece en la literatura jurídica,⁵³ Rubiera Cancela señala las alusiones en masculino, fruto del carácter androcéntrico de las fuentes, que también podrían haber incluido casos de mujeres.⁵⁴ En efecto, como señala Rosillo-López, en ciertas ocasiones el empleo del masculino plural como genérico no sólo ha tendido a invisibilizar a las mujeres como propietarias o contribuyentes —es decir, pagadoras de tasas—, sino también a presentar la terminología referente a la ciudadanía como aplicable exclusivamente a los hombres y ocultar a las ciudadanas, excepcionalmente reconocidas como tales.⁵⁵

*

En definitiva, volvemos a poner de manifiesto cómo el pasado y el presente se engarzan en una compleja conversación. El proceso de deconstrucción de discursos actuales y pasados es el resultado de los revolucionarios cambios que experimenta nuestra propia sociedad a finales del siglo XX y el siglo XXI,⁵⁶ que permiten hacer visible a las minorías y grupos subalternos en las fuentes de la Antigüedad, pero, sobre todo, repensar el mundo actual. Las conclusiones alcanzadas en este volumen contribuyen en la consecución de este objetivo.

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53 Ulp. *Dig.* 3.5.13(14). pr. y Gai. *Dig.* 15.1.27.

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55 Rosillo-López en este volumen; y Van Galen 2016: 73-76;

56 Foxhall 2013: 1.

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ROMA

This book goes beyond simplistic considerations, still occasionally found in popular and academic books, which merely state that, in Rome, men were citizens and women were not or, at best, were second-class citizens. Roman women *were* citizens and their civic roles and public presence are essential for gaining a better understanding of the Roman Republic. This monograph offers nineteen studies on Roman citizen women during this period, their roles in the public sphere and their place in the community and the *res publica* to which they belonged. It includes a variety of perspectives, discourses and nuances regarding the question of how women acted as citizens, in order to work towards a historical discourse that places men and women on an equal footing, considering the latter as historical actors as relevant as the former, and which incorporates gender issues into the narrative.

