

## Roman Women

"Esther moved through the lovely garden slowly, selecting the prettiest flowers, and carefully placing them in the shallow reed basket she carried.

A slave from the Roman province of Judah, she had been with this family, the house of Marcellus, since she was eight, and that she was a slave rarely troubled her, for her mistress Lydia was kind, and her master, while stern and aloof {distant}, was a just man. This home was usually a place of peace and happiness, and often of laughter, for the young son Marius was mischievous and always delighting his parents with his adventures. Though he was only five, he was already talking of the day when he would command a Roman legion.



Today, however, Marius was quiet. The whole house reflected the sorrow that had come to the family. In the slave quarters, Esther's friends whispered of the terrible thing that would be happening soon. Esther knew only too well what lay in store, for she had been summoned in the hours before dawn yesterday to the chambers of her mistress, where the second child of this family was being born. Esther had tended to her mistress and cleaned and wrapped the newborn. She had gazed with wonder at the delicate features of the child, and gasped as the physician told her master, "The child must be destroyed."

Even now, as she entered the cool bedroom to place the bouquet at the bedside of her mistress, she trembled as she remembered the words. Though her mistress Lydia appeared calm and impassive, Esther saw the trace of tears and the anguish in her blue eyes. How could the master cause his wife such pain? And the baby! To kill this infant, whose clear blue eyes gazed up at her now, whose strands of golden hair curled about the perfectly shaped head, whose tiny fingers nestled trustingly in the hands of its mother.

The child looked perfect, but Esther knew that underneath the blanket, one tiny foot turned inward with a crippling deformity. As tears threatened, Esther hurried from the room, almost colliding with the master, who told her brusquely, "Esther, find Marius and take him into the garden. He is to study there this afternoon."

Nodding, the slave left the room, but lingered outside listening to the conversation, and the pleading tone of Lydia's voice.



"Husband, is it really so bad? She is our child, and she is so tiny, so helpless. Can not the law be forgotten for a time? Perhaps she will not be crippled."

Esther listened at the strange, soft tone in her master's voice as he answered, "Would there were another way. But the physician says there is no chance." And then, his voice hardening, Marcellus continued, "I will do it now, for it must be done. I need not tell you this, but I will. It will be done quickly and without pain. And when I return, we shall not speak of it again."

Hearing movement, Esther shrank into the hallway alcove, to escape being seen. Roman law had long since ceased to surprise the Hebrew slave, and she knew the master of the house had the power of life and death over all who dwelled within. She also knew parental convenience, rather than romantic alliance was the main reason for Roman marriages; but in this house, the husband and wife had seemed to have real affection for each other, and she knew they both adored their son. She had seen the master defer to his wife or his son on many occasions. But they had never conflicted on a matter of law before. Possessing a keen and logical mind, Esther had been teaching herself to read with the Roman child's books, and so she knew that Romans were stern and unfeeling, and valued a logical rather than emotional approach to all situations. The law stated a deformed child must die!

So Esther was not surprised to see the master leave the room with the small bundle in his arms. She knew he would leave the house and return without it.

But she did not expect to see him stop, pause and look down upon the infant he held. It seemed a long time before he straightened and moved to his task, and only Esther saw the glistening tears within his eyes."

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#### **Laws attributed to Romulus, the founder; traditional dates, 753-716 B.C.E.**

4. Romulus compelled the citizens to rear every male child and the first-born of the females, and he forbade them to put to death any child under three years of age, unless it was a cripple or a monster from birth. He did not prevent the parents from exposing such children, provided that they had displayed them first to the five nearest neighbors and had secured their approval. For those who disobeyed the law he prescribed the confiscation of half of their property as well as other penalties.

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#### **The Twelve Tables (excerpts). Rome, 450 B.C.E. (traditional date). (*FIRA2*, vol. 1, p. 23. Tr. *ARS. L*)**

These laws, the basis of Roman civil law, have their origins in what the Romans called *mos majorum*, the tradition of their ancestors. The codification and publication of the ancestral laws on twelve bronze tablets in the Roman Forum represented a victory for the plebeian class, which hitherto had been subject to prejudiced legal interpretations by the patricians. Though some of the laws became outdated, the code was never abolished.

#### **Table IV. Paternal power**

1. A notably deformed child shall be killed immediately.
3. To reject his wife, her husband shall order her ... to have her own property for herself, shall take the keys, shall expel her.
4. A child born within ten months of the father's death shall enter into the inheritance ...

#### **Table V. Inheritance and guardianship**

1. ... Women, even though they are of full age, because of their lightness of mind shall be under guardianship ... except Vestal Virgins, who ... shall be free from guardianship.
2. The conveyable possessions of a woman who is under guardianship of male agnates {relatives on the male side} shall not be acquired by prescriptive right unless they are transferred by the woman herself with the authorization of her guardian ...

4. If anyone who has no direct heir dies intestate, the nearest male agnate shall have the estate;

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### **Husbands' punishment of wives in early Rome (Valerius Maximus, *Memorable Deeds and Sayings* 6.3.9-12, 1st cent. C.E.)**

Egnatius Metellus ... took a cudgel {heavy stick} and beat his wife to death because she had drunk some wine. Not only did no one charge him with a crime, but no one even blamed him. Everyone considered this an excellent example of one who had justly paid the penalty for violating the laws of sobriety {seriousness}. Indeed, any woman who excessively seeks the use of wine closes the door on all virtues and opens it to vices.

There was also the harsh marital severity of Gaius Sulpicius Gallus. He divorced his wife because he had caught her outdoors with her head uncovered: a stiff penalty, but not without a certain logic. 'The law,' he said, 'prescribes for you my eyes alone to which you may prove your beauty. For these eyes you should provide the ornaments of beauty, for these be lovely: entrust yourself to their more certain knowledge. If you, with needless provocation, invite the look of anyone else, you must be suspected of wrongdoing.'

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### **(Livy, 34:1-8; eds., trs. M. R. Lefkowitz, M. B. Fant, 1982)**

During the Second Punic War, men and women were barred from the ostentatious {intended to attract notice and impress others} display of wealth. When the war ended in 201 B.C.E., rich men resumed their habits of luxury, but women continued to be barred by the Oppian Law from that behavior. Six years later, they protested:

"The matrons, whom neither counsel nor shame nor their husbands' orders could keep at home, blockaded every street in the city and every entrance to the Forum. As the men came down to the Forum, the matrons besought {pleaded with} them to let them, too, have the luxuries they had enjoyed before. . . ."

The consul Marcus Porcius Cato (the Elder) spoke against their plea for the repeal of the Oppian law, and warned against female claims for sovereignty {full power and authority}:

"If each man of us, fellow citizens, had established that the right and authority of the husband should be held over the mother of his own family, we should have less difficulty with women in general; now, at home our freedom is conquered by female fury, here in the Forum it is bruised and trampled upon, and because we have not contained the individuals, we fear the lot . . . Our ancestors did not permit women to conduct any—not even private—business without a guardian; they wanted them to be under the authority of parents, brothers, or husbands. Even now let them snatch at the government and meddle in the Forum and our assemblies. . . . If they are victorious now, what will they not attempt? As soon as they begin to be your equals, they will have become your superiors."

Other speakers took the other position, and the women persisted in their protest. The Oppian Law was repealed.