FROM MARRIAGE COMES VIRGIN FLESH:

A comparison between classical male and Christian male perceptions of female sexuality with the advent of Christianity in the Roman Empire in the first four centuries AD

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Abstract

From the first to the fourth century AD, male perceptions of female sexuality underwent a radical change with the advent of Christianity. This thesis is an investigation into classical male and Christian male perceptions of female sexuality, to determine the manner and extent to which this change in perceptions took place. The investigation will be two–fold, studying both the laws that established these perceptions, as well as representations of female sexuality within specific, subjective male–authored texts. A study of the marriage legislation of Augustus and a male writer of the early Empire, Apuleius, shows an underlying pattern of thought, or paradigm, of female sexuality among classical males. Female sexuality was perceived as existing for the sole purpose of procreation, and males in positions of authority thought that it needed to be under male control in order to ensure acceptable sexual behaviour. They believed this would be best achieved by situating it under the authority of the family. With the advent of Christianity, however, a new competing paradigm on female sexuality emerged, which challenged the perceptions of men of the classical era. The church fathers spurned the classical view of female sexuality by instead advocating lifelong celibacy. They too, believed female sexuality had to be controlled, but they placed it under the authority of the church, and outside the family. Since the basis of the classical and Christian patterns of thought differed so markedly, especially when the Christian paradigm was first being formulated in the second century, it was inevitable that they would come into conflict. Advocates of the classical paradigm tried to suppress Christianity by persecuting its supporters. Some Christian women became victims of this conflict. This thesis will also include an example of this conflict – the martyrdom of the female Christian Perpetua, who left a record of her persecution in the form of a diary. The conversion of the Emperor Constantine to Christianity in the fourth century brought about the end of the conflict and a victory for the Christian paradigm. The church fathers suggest that the shift from classical to Christian was total and complete. However, closer examination of Constantine's legislation and the work of the influential church father Jerome shows that while this shift was complete in theory, it did not extend very far into social and legal practice. Although the Christian ideals of the church fathers were a major component of the

new paradigm, it also came to be composed of classical notions – now motivated by Christian thought – that were held by Constantine and the upper classes. It was these classical notions that shaped the social reality of life in the fourth century AD. The nature and extent of the paradigm shift was therefore radical and far–reaching in theory, but not in practice.

Declaration

I, Susan Louise Haskins, hereby declare that the work submitted is entirely my own unless so indicated in the text, and that no part of this work has been submitted for a degree at any other University.

Signature: _____

Supervisor's Declaration

I, Dr John L. Hilton, hereby approve this dissertation for submission.

Signature: _____

Preface

Primary source references appear in the main text. Abbreviations are those used by the Oxford Classical Dictionary third edition. Additional abbreviations can be found in the list on page one. The main primary source in each chapter is referenced with the section numbers only. Secondary source references are given in the footnotes. Unless otherwise stated, all translations are my own.

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Abbreviations

Ach. Tat.	Achilles Tatius *Clitophon and Leucippe*
Ancyra	The Council of Ancyra – Canons
Arles	The Council of Arles – Canons
Char.	Chariton *Callirhoe*
CJ	Justininian Code
CTh.	Theodosian Code
Elvira	The Council of Elvira – Canons
Just. *Dig.*	Justinian *Digests*
Just. *Inst.*	Justinian *Institutes*
Lucian *Onos*	Lucian *Lucius or The Ass*
PP	*The Passion of Perpetua*
RG	*Res Gestae Divi Augusti*

Chapter 1:
INTRODUCTION

The differences between male perceptions of female sexuality among the pagans and the early Christians of the Roman Empire seem obvious to the casual observer. At some point, the classical ideal of the Roman *matrona* gave way to that of the Christian ideal of the *virgo*. This complete reversal poses some interesting questions as to the nature of the shift in thinking that took place. In this thesis I wish to trace the change in male perceptions of women's sexuality from the time of Augustus to the establishment of the Christian church in the fourth century.

Issues to be Investigated

The first issue to be investigated is that of the changing paradigm of male perceptions of female sexuality during the period of the Roman Empire between the first and fourth centuries AD and the conflict inherent within that change. By focusing on either the early Empire or Late Antiquity, most modern scholarship has failed to trace clearly the development in male perceptions of female sexuality between these two periods.[1] As the advent of Christianity has been the dividing point between previous studies, the relationship between religion and female sexuality is another important issue to be investigated as part of this paradigm shift.

[1] Cooper (1996) is the only exception, but her focus is on the male writer's use of female chastity to reflect on the honour and status of the men to whom she is related.

Sexuality has an impact on both a personal and societal level, therefore the relationships between the individual and the family, between society and the state, and the ways in which these micro and macro human communities interrelate, is vital to the investigation. The final issue to be investigated is the nature of the conflict between these paradigms of female sexuality.

Methodology

To carry out this investigation I will mainly be concerned with analysing primary texts and inscriptions in the light of the theories to be discussed. Male perceptions of female sexuality will be investigated by looking particularly at the state legislation of both Augustus and Constantine relating to women. The investigation will also include case studies of subjective male–authored texts that portray representations of female sexuality: Apuleius' novel *Metamorphoses* and Jerome's *Letter* 22 on virginity.[2] I will also be comparing these texts in order to determine the exact manner and extent of the paradigm shift that took place, at both the individual and the state level. The conflict inherent in this shift will be demonstrated by Perpetua's account of her martyrdom. In addition, I will analyse secondary texts on theories relevant to the study of female sexuality as well as those on Roman social and legal history of the early Empire and Late Antiquity, especially those on religion and behaviour, and literary commentaries and criticisms of my primary texts.

Defining Parameters and Elucidating Discourse

Sexuality

The word sexuality is an over–used and under–defined term. In most works on ancient sexuality, scholars make no effort to define it and use it indiscriminately to mean sex, the sexes, or relations between them, without distinction, sometimes in the same work. Goldhill,[3] Martin,[4] Cooper[5] and Cameron[6] use sexuality to refer to

[2] As nearly all ancient texts available to us were written by men, often for men, insight into the actual nature of female sexuality itself is extremely difficult to achieve.
[3] Goldhill, 1995: x–xi
[4] Martin, 1997: 201
[5] Cooper, 1996: 6
[6] Cameron, 1991: 72

desire, but Cameron,[7] along with Koloski–Ostrow and Lyons,[8] also uses sexuality to refer to sexual difference, while Salisbury[9] uses sexuality interchangeably with sex, and then refers to women's sexuality as desire on the same page. Considering the ambiguous nature of the uses of this word, it is essential to define its use here before we can proceed. In his work *Sexuality*, Joseph Bristow tries to clarify the dual nature of sexuality. He suggests that, as sex can refer both to sexual activity and to the difference between sexes, sexuality also carries these dual meanings. Sexuality therefore refers both to 'sexual desires' and physically different 'sexed bodies'.[10]

The word sexuality as a critical term only came into common usage in the nineteenth century, when it started being used to describe human desire.[11] Therefore it is a relatively new term and some scholars feel that to speak of sexuality in respect of ancient society is anachronistic. They believe sexuality is not a term to describe an inherent human quality that people have always been aware of, but an historical construct that did not exist before the nineteenth century and may not exist in the future.[12] Using this modern word to investigate ancient institutions does carry the danger of imposing on them modern connotations derived from nineteenth century sexology, Freudian psychoanalysis and queer theory – all theories which have tried to explain modern sexuality and which are fast becoming obsolete in today's changing world.[13] However, Foucault and Goldhill have shown that investigating sexuality in ancient society is a profitable exercise. While the ancients were not aware of sexuality as we perceive it, they did display an overt interest in it when they discussed norms of sexual behaviour and morality.

In 1976 the social philosopher, Michel Foucault, published the original French version of *The Will to Knowledge*,[14] the first of three volumes of his now classic work *The History of Sexuality*. Foucault wanted to dispute the widely differing theories of sexuality held by Marxists and Freudian psychoanalysists. He wished to

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[7] Cameron, 1991: 72
[8] Koloski–Ostrow & Lyons, 1997: 1
[9] Salisbury, 1992: 21
[10] Bristow, 1997: 1
[11] Bristow, 1997: 2
[12] Bristow, 1997: 5
[13] Bristow, 1997: 10–11
[14] Trans. Hurley, 1978.

show firstly that their very examinations of class and the unconscious were inextricably intertwined with the 'systems of power' they wanted to describe, and secondly that they were re–imposing the 'cultural laws' they were attempting to analyse.[15] For earlier twentieth century theorists, attitudes toward sexuality underwent a change after the seventeenth century, leading to the Victorian repression of sexuality in the nineteenth century. This repression then continued into the twentieth century, although there was more discussion on the subject than before.[16] This theory suggested that sexuality was an uncontrollable force that had to be restrained and situated in its appropriate place, namely marriage.[17] For Foucault this was not what sexuality entailed. Instead he believed that the supposed discourse of repression was in fact a means of keeping sexuality in the forefront of discussion. The almost obsessive discourse on sexuality in the nineteenth and twentieth centuries gained unprecedented popularity because of, rather than in spite of, a discourse of repression.[18] Foucault also felt that, far from being an uncontrollable force in society, sexuality was actually a transfer point for the very systems of power that were supposedly trying to repress it. He described sexuality as 'an especially dense transfer point for relations of power: between men and women, young people and old people, parents and offspring, teachers and students, priests and laity, an administration and a population.'[19] These authority relationships are usually thought to be responsible for socialising normative forms of sexual behaviour and identity. Foucault believed that sexuality was instead the conduit for this authority.

Foucault published the next two volumes of *The History of Sexuality* after he realised that such a history would be incomplete without a study of its origins in Western thought. In Volume Two and Volume Three, Foucault wanted to show the beginnings of contemporary thought on sexuality and to prove that the sexual austerity believed to have arisen with the Christians, actually came from the Greeks and Romans. His work in these volumes can more accurately be described as a

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[15] Bristow, 1997: 168
[16] Foucault [tr. Hurley], 1978: 1–10
[17] Foucault [tr. Hurley], 1978: 103
[18] Foucault [tr. Hurley], 1978: 17–35
[19] Foucault [tr. Hurley], 1978: 103

'history of the discourse of sexuality.'[20] Foucault centred his study on ancient works of philosophy and overtly didactic treatises. In Volume Two,[21] Foucault examined the fifth–century philosophical, medical and economic discourse about the place of sexuality in Greek society. He concluded that sexual desire for the ancient Greek male was inferior to reason and therefore needed to be controlled, not in terms of a code of correct behaviour, but rather by an individual's will to control himself.[22] Sex was a natural act and had its time and place, but it could be hazardous for a man's health. The way to remain healthy was to follow a regimen that included exercise, the correct diet, moderation of sex, and sleep. In this cause, monogamy was encouraged because it allowed moderation of sex, although sex outside marriage was not condemned.[23] In the household a man was to be master of his wife and servants but he was also expected to be able to master himself in body and soul. To be truly free was to have self–discipline, and a man who could control himself could be a leader of others.[24] Marriage was an unequal partnership. The man, as he was stronger, was to take the active, outdoor role, while the woman contributed to the household in a passive, indoor role that was more suited to what was believed to be her weaker body. The wife was to be treated as a guest in the home, therefore the man was expected to restrain himself sexually, especially as she was considered to be unable to do so.[25] Finally, homosexual love was tolerated as part of a drive leading a man to beautiful objects, but overindulgence and passivity were considered immoral.[26]

In Volume Three,[27] Foucault showed how notions on sex and pleasure underwent a change from the early Greeks to the time of the Roman Empire. Here his focus was on similar texts and he included a discussion of Artemidorus' interpretation of sexual dreams.[28] From the philosophers writing in the two centuries before and after Christ Foucault concluded that a distrust of pleasure, and the harm it could cause to the body, gradually grew. This concern was governed by a similar regimen to those

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[20] Goldhill, 1995: x
[21] Foucault [tr. Hurley], 1985 (*The Use of Pleasure*)
[22] Foucault [tr. Hurley], 1985: 25–32
[23] Foucault [tr. Hurley], 1985: 95–140
[24] Foucault [tr. Hurley], 1985: 63–94
[25] Foucault [tr. Hurley], 1985: 152–165
[26] Foucault [tr. Hurley], 1985: 186–226
[27] Foucault [tr. Hurley], 1986 (*The Care of the Self*)
[28] Foucault [tr. Hurley], 1986: 4–36

of the early Greeks.[29] Marriage became a necessity for the good of the soul. It was to be based on a bond of affection and the husband now had a duty to respect the wife and expect the same of himself as he expected of her. Whereas previously a man's sexual relations showed his virility, now sex outside marriage was actively condemned and was to be considered a weakness, although the wife was expected to be tolerant of it. Sex was only to be for procreation and pleasure was to be a by–product, not a goal.[30] The love of boys was left to fall by the wayside in discourse and sexual austerity was now vaunted as the ideal.[31] While Foucault acknowledged that this could have been the result of Augustus' moral reforms, he instead saw it as a result of a growing sense of individualism, based on spreading Hellenistic ideas, which, in turn, generated a concern about the cultivation and care of the self. This was not a new idea, as it formed a large part of Stoic doctrine, but it came to have greater prominence in the later classical period. A man had to come to know and to take care of his entire self, body and soul. This was not intended to lead to the neglect of his social responsibilities, nor for him to become self–absorbed, but rather he was to relate all his actions, both good and bad, to the effect it would have on his self.[32]

Foucault's foray into the world of the classicist not unnaturally generated much interest. Simon Goldhill has probably written the most comprehensive critical addition to Foucault's work.[33] He criticises Foucault for his reliance on the overt philosophical and didactic texts about sexuality.[34] According to Goldhill, Foucault did not make the distinction between the philosophical ideal and the reality of philosophical practice, thereby treating these texts as factual evidence.[35] While Goldhill concurs with Foucault's notion of the care of the self, he believes that this concept can greatly be enhanced by a study of the less straightforward Greek erotic novels of the second sophistic. He believes Foucault failed to see the interaction of the novel with social reality, and how the first person narrative of fiction shows the

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[29] Foucault [tr. Hurley], 1986: 37–38, 41
[30] Foucault [tr. Hurley], 1986: 80, 148, 173–182
[31] Foucault [tr. Hurley], 1986: 187–192
[32] Foucault [tr. Hurley], 1986: 40–68
[33] See Goldhill, 1995.
[34] Goldhill, 1995: xii
[35] Goldhill, 1995: 100, 110

process of a man's cultivation and care of his self.[36] Foucault also saw humour and irony in these works as a move away from seriousness on the subject. However Goldhill feels Foucault did not recognise the way in which, firstly, humour challenges both norms and the process of teaching sexuality in novels, and secondly, the way irony reflects the self–awareness of a man as a sexual being.[37] The allusive, ironic and reflexive nature of these works makes them difficult to interpret and Foucault chose to see them as examples rather than as having an active place in the formation of a discourse on ancient sexuality. Goldhill believes that this has left his hypothesis seriously distorted.[38] Goldhill's work attempts to place ancient erotic fiction back into the 'cultural history of sexuality'.[39]

However, there is a further criticism of Foucault, which one can also make of Goldhill. Neither writer makes much of an attempt to draw conclusions about the nature, or perceptions, of female sexuality. Goldhill admits that he is working with male writers and therefore his focus will be on the construction of male sexuality,[40] but Foucault makes no such disclaimer. He presents a discussion on male sexuality as a history of sexuality in general. Both he and Goldhill[41] only include women in terms of male desire. Foucault's chapters on the wife in Volume Two and Volume Three[42] are really discussions of the way a man related to his wife. Although the philosophical works Foucault based his account on included inferences as to what was expected of a woman, he made no attempt to draw any conclusions on female sexuality, even as a male construct.

The classicists Cohen and Saller find that Foucault's 'interpretation of the Greek and Roman authors is not convincing as social or intellectual history because it ignores too many dimensions of their texts and their social contexts.'[43] Foucault fails to take into account state influence and regulation on society and the structures of political and social authority that existed in classical culture. This criticism affects

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[36] Goldhill, 1995: 93–94
[37] Goldhill, 1995: 110–111
[38] Goldhill, 1995: xii, 111, 161
[39] Goldhill, 1995: 161
[40] Goldhill, 1995: xi
[41] Goldhill, 1995: Chapter 3
[42] Foucault [tr. Hurley], 1985: Part 3; 1986: Part 5
[43] Cohen & Saller, 1994: 35

Foucault's idea of the self–fashioning subject.[44] In investigating classical Greece he assumes individuals are free to fashion themselves without any intervention from societal influences,[45] and he depicts the Greek philosophers as being concerned purely for that individual, untouched by laws.[46] For his elucidation of Roman philosophy on sexuality, Foucault follows Veyne's[47] argument that the second century saw a shift toward the conjugal bonds of matrimony. Cohen and Saller feel that it is Veyne's and Foucault's focus that has shifted rather than Roman ideas, and therefore a more broad–based investigation of the texts available casts doubt on their conclusions.[48] Finally, in finding marriage to be a bond between equals, Foucault is overlooking the insistence of the philosophers of the Imperial period that the conjugal bond is traditionally hierarchical.[49] As a whole, Cohen and Saller feel Foucault's project does not live up to the argument in his first volume. In that volume, Foucault investigated sexuality on the basis of a discourse of power and its relationship to knowledge or truth. Foucault elects not to make this connection in the latter two volumes. Rather than concentrate on relationships of power, he turns to an investigation of the development of thought and what sexuality meant for the individual, but he neglects to make full use of the philosophical texts. Instead the resulting models of historical change and social reproduction are simplistic and focus exclusively, to their detriment, on elite philosophical institutions. They ignore the wider range of societal institutions, such as education, the military, law, religion, culture and politics.[50]

I think it best to construct a relatively narrow interpretation of the term sexuality, on which to base my investigation. In this thesis, female sexuality will refer to woman as a sexual being, both the subject and object of procreative and erotic urges. I shall also look at women's sexuality not as a separate entity, as it is understood in modern terms, but within the social framework in which women as sexual beings were placed by the ancients. I do not intend to include sexuality as difference, as too often these differences overlap with what we today understand as gender difference,

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[44] Cohen & Saller, 1994: 35–36
[45] Cohen & Saller, 1994: 36–41
[46] Cohen & Saller, 1994: 41–45
[47] Veyne, 1978
[48] Cohen & Saller, 1994: 45–49
[49] Cohen & Saller, 1994: 49–55
[50] Cohen & Saller, 1994: 57–59

namely a socially constructed rather than a biological difference. I shall also not be using sexuality as a biological term at any time.

Paradigm Shift

Now that some working definition of sexuality in history has been established, we can look at the change in perceptions of female sexuality itself. First, it is necessary to outline a hypothesis on the nature of this change. It was not a natural progression in thinking, although the continual amendment of laws would seem to indicate that new ideas slowly influenced law and society, and changed society's way of thinking. Rather, Roman law and society experienced the abrupt appearance of a new mode of thought that, while it introduced few new ideas, changed the focus and importance of these ideas to the point that they came into conflict with the old ways of thinking. To put it another way, Roman law and society experienced a revolutionary paradigm shift in thinking on female sexuality.

The term paradigm shift was originally coined by Thomas S. Kuhn in his groundbreaking work on scientific progress.[51] Kuhn postulates that the history of science is not made up of a cumulative series of rational discoveries progressing steadily toward a larger knowledge and greater understanding of the truth of science. Rather, it is made up of periods of investigation, based on a particular pervasive pattern of thought – a paradigm. These periods are punctuated by 'violent revolutions', when the prevailing paradigm is persistently unable to provide a solution to a problem,[52] causing a crisis in the thought pattern of science.[53] If the crisis has given rise to an alternate paradigm, testing occurs between the old and the new and there ensues '[a] competition between two rival paradigms for the allegiance of the scientific community.'[54] This leads to a radical shift in theory in which a totally new paradigm, or 'conceptual world view', gains support and comes to replace the old one in a revolution of thought. 'Rather than a single group conversion, what occurs is an increasing shift in the distribution of professional

[51] Kuhn, 1962 (*The Structure of Scientific Revolutions*)
[52] Kuhn, 1962: 52–53
[53] Kuhn, 1962: 66–68
[54] Kuhn, 1962: 145

allegiances.'[55] The new theories in this paradigm are viewed as more complex, but are not considered to be any closer to the universal truth of science. 'Since new paradigms are born from old ones, they ordinarily incorporate much . . . that the traditional paradigm had previously employed. But they seldom employ these borrowed elements in quite the traditional way. Within the new paradigm, old terms, concepts, and experiments fall into new relationships one with the other.'[56] Although Kuhn's work was originally meant merely to explain scientific change, his theory of paradigm shifts has obvious applications in social history, where major shifts in thought occur from time to time.

A paradigm shift occurs not only in scholarship but also in the real–life social values of a community. In the investigation of the change in perceptions of female sexuality, a paradigm shift in thinking can be seen to have begun in the second century. Some theorists have noticed the radical change in thinking, but have chosen the obvious and simplistic answer: that Christianity's new ideas swept in and obliterated the old pagan ways. Other theorists, however, in an attempt to make up for this oversimplified and Christian–centred view, have traced the origins of the change back further than Christianity. They have suggested that the change was not as dramatic as it seemed because these ideas have a discernible history back to the Greeks, and argue that Christianity, while partially responsible, is also given too much credit. What few theorists have taken into account is that, whatever the origin of these ideas – Christian, provincial or a resurgence of the old ways, the new pattern or paradigm they formed was so radically different that it was a transformation rather than a progression of the old ideas. For the first time, old, marginal or seemingly obsolete ideas had been brought together in new relationships with those from outside traditional Roman culture, thus forming a new, coherent and, above all, separate entity. While the advent of a new paradigm is relatively abrupt, its acceptance is not. It took at least three centuries for this new paradigm to gain support, come into prominence, and almost totally supplant the old paradigm. Under these circumstances it is hardly surprising that these two paradigms should have come into conflict as 'society . . . divided into competing camps or parties, one seeking to defend the old institutional constellation, the others seeking to institute

[55] Kuhn, 1962: 158
[56] Kuhn, 1962: 149

some new one.'[57] This caused sporadic surges of violence in which women living by the new paradigm were often physically attacked by men living by the old one.

Honour and Shame

This conflict can best be understood in the light of two models of male/female interrelations that have been developed by social anthropologists studying Mediterranean societies. These models can also be used successfully to study the ancient societies of Greece and Rome. The first model is that of honour and shame. Honour and shame are interdependent moral values.[58] Firstly, they mutually depend on the associated representative of each value. Honour is a value conventionally applied to men, while shame is usually applied to women, although shame here has positive connotations, such as concern for reputation, or modesty.[59] A man's honour is directly proportional to the degree of protection of his women's shame. Any loss of modesty by a woman, whether intentionally or unintentionally, is automatically seen as a deficiency in the woman's male relations, and results in their loss of honour. Honour and shame do not come from within, however. They are conferred by public opinion. This is the second mutually–dependent relationship: that between the individual and the community.[60] A reputation for honour or shame comes from the social acceptance of the group. To lose honour or shame is to lose status and power within that group. From the fact that women's shame affects male honour, while male honour does not affect women's shame, it is obvious that a double standard is at work. The power in a group rests with the males, and their preservation of that power rests upon their active protection of the passive female's modesty. This means of allocating power makes the preservation of these values vitally important, especially to males. They are prepared to kill themselves, and more importantly their females, to avoid their own dishonour. Gilmore points out that what is most arresting about the 'Mediterranean variant is the relationship to sexuality and gender distinctions . . .'[61] 'Female shame is demonstrated through

[57] Kuhn, 1962: 93
[58] Gilmore, 1987: 3
[59] MacDonald, 1996: 28
[60] Gilmore, 1987: 3
[61] Gilmore, 1987: 3

sexual chastity.'[62] Therefore men have to protect their women specifically from sexual violation, and the compulsions of their own female lust. They are responsible for guarding female sexuality.

Public and Private

Not unnaturally then, women are seen as being at the mercy of both uncontrollable male desire and their own wantonness. The best way they can be protected is for there to be a social division along sexual lines.[63] This leads to the second model of male/female interrelations: that of the public and the private. The private and public spheres corresponded to the home and wider society. In theory, the best way to protect females, to keep them from the threat of being exposed to immodesty by males, and to demonstrate their chastity to the community, was by keeping them safely away from public scrutiny, within the private domain of the home. For this reason, females have become intimately associated with the private sphere, just as males have became associated with the public. Women who stepped outside the private were considered immodest and uncaring of their shame. Men too, could be affected by this view, and could be seen as feminine if they spent too much time within the home. These boundaries were not as static as they appear. Within Roman society, women could move out into the public sphere without breaking taboo, as long as they were dealing with matters relating to the private sphere, namely the home and family.[64] Even so, they were still expected to make a suitable display of modesty: obedient, submissive, perhaps veiled from the view of men.[65]

Marriage and the Family

The importance of a woman's chastity and her consequent placement inside the home means that any investigation of female sexuality must also focus on the relationships inside the home, namely '. . . marriage, that key institution of

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[62] MacDonald, 1996: 28
[63] MacDonald, 1996: 29
[64] Fischler, 1994: 118. There were always some women who participated in public life, and Roman wives are now believed to have had some influence in the family to restrain the power of the *paterfamilias* (Pomeroy, 1997: 9).
[65] MacDonald, 1996: 29

normative sexual discourse and social practice',[66] and the family. Veyne's ground–breaking theory of the change in the features of the Roman family during the second century,[67] is the definitive work of modern scholarship, although he has his critics. Veyne's argument is that the change in the characteristics of the Roman family, which has been attributed to the advent of Christianity, can actually be traced to the loss of power in society among Roman men. They were no longer able to compete as powerful family heads, but had to maintain cordial relations with their peers as they served the Emperor. This loss of authority over others left a Roman man with no excuse to exercise authority over his own household, especially his wife. He instead invented an alternative means of authority based on morality, and a myth of conjugal love.[68] The two main transformations that took place in society involved a repression of the bisexuality that often applied in warfare, in favour of a heterosexuality of reproduction, and marriage became institutionalised throughout society, at every class level.[69] By viewing sexual activity as a virtue and passivity as a vice, and by equating activity with virility and passivity with femininity, Roman men came to view heterosexuality as the correct sexuality to exhibit.[70] Marriage had always been an institution for the transmission of property, therefore unless such a transmission was required, a marriage need not have taken place. Instead a man could enter into a relationship with a concubine, for example.[71] With the rise of moral discipline in the second century, chastity within marriage became a virtue. Conjugal relations changed, as marriage became the norm throughout society.[72] This change in the family took place decades before the popularisation of Christianity. However, the morality did not conflict with that of Christianity and so society did not resist Christian ideas.[73] Cameron feels that Veyne's work has helped counteract the project of rationalist ancient historians, and has resituated Christianity as an essential element in the study of the Roman Empire.[74] However, although Veyne acknowledges Christianity in the development of the Roman family and sexuality, he still casts it in a passive role. Veyne's theory greatly influenced the

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[66] Goldhill, 1995: 113
[67] See Veyne, 1978.
[68] Veyne, 1978: 37
[69] Veyne, 1978: 39–40
[70] Veyne, 1978: 50–55
[71] Veyne, 1978: 43
[72] Veyne, 1978: 48
[73] Veyne, 1978: 56
[74] Cameron, 1986: 268

work of Foucault on the Roman period. Therefore they are subject to similar criticism. Firstly, Veyne emphasised male sexuality to the detriment of any investigation of female sexuality within the family. Secondly, Cohen and Saller feel that it was Veyne's focus that shifted, rather than the ideological basis of the Imperial Roman family.[75]

Not only has the history of science been subject to the notion of a natural progression in changing institutions, concepts of the changing family have also been formed on this notion, leading to a host of flawed assumptions. Nineteenth–century scholars constructed a paradigm of the natural evolution of the family, deriving from speculations about mythology, Herodotus's description of barbarians (whom scholars saw as somehow less civilised and therefore representing an earlier stage of the family), and the New Testament, all of which they treated as history. They also treated the societies of Greece and Rome as practically the same and believed that they followed logically on from one another, so where information was short in one area they borrowed from the other culture.[76] It is the paradigm built on this type of history that has informed most of current scholarship on the subject. Although much of the theory of this paradigm is considered to be an obsolete product of the nineteenth century and has been consigned to the realm of social philosophy,[77] Patterson believes that the ideas this paradigm fostered have become 'fossilised'[78] and taken for granted, so that now no one thinks of, or bothers to question, their conclusions. Instead they base their own arguments on assumptions made because of the paradigm.[79]

Some of the basic conclusions of this 'Evolutionary Paradigm'[80] of the ancient family are that it was primarily a blood–descended group and their kin, not unlike a clan or *genos*.[81] This family is to be seen as evolved from a general sexual 'swamp' during which there was indiscriminate mating, followed by a matriarchal society during which there was non–exclusive coupling. This kind of society was based on

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[75] Cohen & Saller, 1994: 46
[76] Pomeroy, 1997: 1–2
[77] Pomeroy, 1997: 2; Patterson, 1998: 6
[78] Patterson, 1998: 6
[79] Patterson, 1998: 5–8
[80] Patterson, 1998: 8
[81] Patterson, 1998: 9

the worship of the earth and the magic of fertility and nature, so that the woman as earth mother reigned supreme. This was followed by the final stage in the evolution of the ancient family – monogamy, with the ascendancy of the logical, spiritual male over the primitive, unenlightened female. All property was now supposed to move through the male line. The small place of women in property matters was considered to be either a left–over of the matriarchy or a result of softening patriarchal inheritance systems to include non–cognate kin.[82] The feelings of nineteenth–century scholars seem to be ambiguous on this point as they deplore the exclusion of women but acknowledge the supremacy of the male as the next step in the evolution of the ancient family. The second conclusion of the paradigm is that the family was 'defeated'[83] by new geographical groupings, as non–family groups moved into the physical territory of the family and had to be included in the ruling structure. This leads to the third conclusion, on the position of women: namely that, as a result of the triumph of the new geographical groupings, the family became a private institution rather than a public hierarchy of power. As this happened women were excluded from public life and closeted in the home, a domain from which they never emerged in ancient times.[84] These basic assumptions were entrenched by nineteenth century ancient historians and form the basis of work by twentieth century writers.[85]

The old model of the Roman family has been revised to overcome some of these dangerous assumptions. It was based mainly on the upper–class family, and took as social reality the laws of Rome and the idealisations of the ancient historians. Scholars assumed the laws on intestate succession meant that the people mentioned actually lived in the household, and that the dictatorial *paterfamilias* of ancient writers was a social reality.[86] From this, scholars believed that the Roman family was 'extended, multi–generational, frequently broken by divorce, and dominated by

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[82] Patterson, 1998: 9–11, 25
[83] Patterson, 1998: 26
[84] Patterson, 1998: 17–28. We can see from the honour and shame model that while Roman men held to this in theory, women were not so strictly regimented in practice.
[85] For example W. K. Lacey's (1968) work, *The Family in Classical Greece*. See Patterson (1998: 28–37) for further discussion.
[86] Dixon, 1992: 3–4

a stern paterfamilias, who exercised the power of life and death over all members of the family.'[87]

With the study of new areas of evidence, such as inscriptions and epitaphs, in addition to a reinterpretation of other evidence, this version has recently come under attack. A computer simulation by Saller has shown that most young men of twenty would have already lost their father, and so there would have been few instances of the older *paterfamilias* holding dominion over a household of several generations.[88] The stern, dictatorial *paterfamilias* himself is now believed to be a constructed, exaggerated ideal by the ancient historians of what they felt a *paterfamilias* would have been like in the golden past.[89]

Scholarship on the Roman family has also been influenced by scholarship on the modern family. Although ancient scholarship is not in a position to work with a large body of empirical evidence, it has attempted to compensate for this by looking at many areas of possible evidence outside the traditional areas of law and historiography. The modern, 'history from below' model has become popular in Roman scholarship and the focus on the family has shifted to the lower classes. However, very little evidence exists for the lower–class family and so this study often encompasses analysis of the slave family.[90] By accepting that the ancient historians of the late Republic and Empire cannot be considered accurate sources of the ancient past, scholars are now admitting that nothing before the time of the surviving sources can ever really be known about the nature of the Roman family.[91]

Therefore the new historical model suggests that evidence for the early Roman family is too scant for an hypothesis to be made, and that the family from the late Republic should rather be examined, with a focus on the 'lower classes with small conjugal families, affectionate regard for children, some stable marriages . . ., and

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[87] Pomeroy, 1997: 9
[88] Saller, 1994: 3
[89] Saller, 1994: 2
[90] Dixon, 1992: 12–14, 15–16. In ancient law such families technically did not exist, since slaves were legally incapable of entering into marriage contracts. Nevertheless, informal marriages among slaves did take place.
[91] Saller, 1994: 4–5

others unstable.'[92] This view shows that the Roman family is more different from the Greek family than the original model postulated.[93] However, although this model seems more precise, one cannot afford to assume that it was static for the entire history of the Roman family. Dixon warns against assigning any one family model to a particular period,[94] and instead suggests a model that fluctuates with time and circumstance.[95]

Saller adds a warning on the notion of affection in the family. While scholars like Dixon[96] have tried to date the beginning of affection in the family, he suggests that the evidence cannot conclusively point to a period during which family affection did not exist. He postulates a theory similar to that of Dixon's fluctuating–family model, to suggest that affection and abuse also fluctuated within each individual family, depending on circumstance.[97]

Many nineteenth–century conclusions as to the nature of the Roman family have been negated by recent scholarship. Women are now found to have had much more freedom and power than was originally supposed. However, one conclusion has not changed. Their freedom and power is still believed to have only been possible within the confines of the family. The family was the basic building block of Roman society. Therefore control of Roman society was maintained through family structures. If a woman wished to move out from under that control, she not only had to rebel against men but also the family itself, and her role in it.

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[92] Pomeroy, 1997: 9
[93] Pomeroy, 1997: 9
[94] Dixon, 1992: 16–17
[95] Dixon, 1992: 6–7
[96] Dixon, 1991: 99–113
[97] Saller, 1994: 5–6, 7–8

Chapter 2:
THE AUGUSTAN LEGISLATION

The laws introduced by Augustus on the regulation of the family provide an excellent platform from which to examine male perceptions of women's sexuality in the early Imperial period, and thereby establish one of the bases of the classical paradigm. Augustan legislation brought private family matters into the public space, entrenching a set of legal standards for the acceptable sexual behaviour of men and women. The *lex Julia et Papia* penalised celibacy and childlessness by making it difficult for culprits to inherit from family. They rewarded procreation and made the formerly private family matter of adultery a public charge. They also prohibited senators and their immediate families from making unequal marriages. While the laws themselves met with little success or approval, they were the most significant attempt by Romans to engineer social behaviour.[1] Women and families of the Republic came under pressure from the newly established 'traditionalist' attitude, which perceived the 'old ways' of social behaviour to be better.

The basis for ideals on female sexuality in the early Empire can be found in Augustus' legislation on the regulation of family relations. When Augustus took power, he did so at the end of a period of civil war and social upheaval. His most

[1] The Spartan king Lycurgus endeavoured to change norms of behaviour relating to sexuality and the family in the ninth century BC. He encouraged marriage and procreation negatively, by excluding the unmarried from the *Gymnopaediae*, forcing them to participate in an annual parade in which they proclaimed their status, thereby depriving them of the respect of the youth (Plut. *Vit. Lyc.* 14–15; Xen. *Lac.* 1.3–10).

important mission to secure his power was to bring peace to the region, thereby eliminating opposition and gaining the admiration and support of the senate and people. He was also riding into sole power on the coat–tails of Julius Caesar, who had been killed for this very offence. He had to be careful not to be seen as monarch. The best way for him to accomplish his goals was to suggest that he was actually restoring the old ways and ideas of the Republic (*RG* 6, 8 [Chisholm & Ferguson, 1981]),[2] including those concerning sexuality.[3]

This idea was readily accepted, for the apparent move away from Roman tradition, and the decreasing prominence of family, had been causing an outcry in society for ideological reasons. For Romans of the Republic, marriage was a state ordained by nature; a necessity rather than the consummation of all happiness. The Republican censor Quintus Metellus is reported to have said that 'since nature has ordained that we can neither live very comfortably with them (wives) nor at all without them, we must take thought for our lasting well–being rather than for the pleasure of the moment.' (*quoniam ita natura tradidit, ut nec cum illis satis commode, nec sine illis ullo modo vivi possit, saluti perpetuae potius quam brevi voluptati consulendum est,* Gell. *NA* 1.6.2, tr. Rolfe, 1927). By the late Republic, young, rich, urban men and

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[2] Augustus attributed many of his actions and honours to decrees of the senate throughout the *Res Gestae*.

[3] Many motives have been postulated by modern scholars for Augustus' legislation. Brunt (1971: 104, 114, 558) believes Augustus was almost exclusively trying to increase population numbers by encouraging the birth of children. However, this is belied by the fact that children from certain other liaisons were declared illegitimate and that poor men and women were exempt from the penalties of childlessness. Frank (1975: 47–48) has suggested that this legislation fitted into Augustus' programme of restoration; that he was legitimising his regime and trying to create and strengthen a new ruling class from among the provincial aristocracy, of which he was the new patron, to replace the declining senatorial families. But this is belied by the fact that wealthy freedmen and women were also given incentives to procreate. Csillag ([tr. Decsenyi], 1976: 55) saw these laws as a way of reasserting the power of the *paterfamilias*. This is ironic in the face of Raditsa's (1980: 299) argument that the legislation was a means of dividing and ruling the populace, through fear of prosecution, leaving it dependent on the emperor. For Nörr (1981: 350–351), legislation to resurrect the ailing family was billed as part of Augustus' programme of restoration, in response to population concerns. His laws, however, were the most important and lasting as he had the power to enforce penalties where the Republican government had not. Galinsky (1981: 129, 138) sees the legislation as a means of restoring the self–respect and moral image of the original ruling classes. Wallace–Hadrill (1981: 70–71) concentrates on the financial implications for citizens. He suggests that rather than using sanctions on inheritance to enforce his laws, Augustus was instead was trying to stop the abuse of inheritances by regulating their means of transmission, namely the family. Des Bouvrie (1984: 107) believes that Augustus did nothing radical, but merely formalised in law what was already established tradition, and so far from being concerned with morals, population or philosophy, his actions were no more than good politics. Treggiari (1991: 60) feels that Augustus was trying to breed up soldiers, as well as administrators to strengthen the empire and preserve its social structure. However, I will not be pursuing this question as it is not directly relevant to my investigation.

women were spurning the tradition of dedicating their time and effort to their marriages, their families and the country life (Hor. *Carm.* 3.24).[4] Their loves and appetites could be taken elsewhere, to slaves and their fellow sophisticates. Where the idea of romantic love governed these affairs, it would have seemed more inviting than the reality of the cold institution of marriage.[5] Some would have preferred to escape marriage altogether, as is born out by a poem of Propertius (2.7) where he suggests that the thought of marrying, and having to leave his mistress, would cause them both endless heartache.

The view of ancient high–toned writers such as the Elder Pliny, Livy and Horace was that this behaviour was a form of libertinism and moral depravity. All of these writers lauded the 'old ways' of simplicity and little wealth, and saw a decline from earlier times. Livy (*Praefatio* 9) saw a decline in morals with the relaxation of discipline. Pliny (*HN* 14.1.4–6) blamed the decline in the Republican political structure and the related way of life on avarice, resulting from the accelerated growth of the Empire and the vast increase in resources.[6] He believed wealth and the need to possess was responsible for motivating all behaviour. Wealth affected political appointments[7] and blinded people to everything except pleasure, including procreation. Horace also makes these points in *Carm.* 3.24. In addition, he illustrates his belief that money was often the motivating factor for marriage, and a wife's adultery in such a loveless marriage was commonplace (*Carm.* 3.24.18–20).[8] Augustus' legislation was seen by these writers as an unwelcome but necessary cure (Livy *Praefatio* 9; Hor. *Carm.* 3.24.28–32).

However, these were not the only reasons that were postulated by ancient authors for the marriage legislation. Cassius Dio (54.16.2) suggested that the laws were put

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[4] Frank (1975: 41–42) suggests that it was the discovery of romantic love by Romans in the Republican period that led to a breakdown in the Roman family.

[5] This was not always the case. Some famous political figures had successful marriages and families, such as Cicero, Crassus, Clodius and Pompey.

[6] These include 'the rapid increase of the number of slaves, [and] the accumulation of enormous fortunes' (Csillag [tr. Decsenyi], 1976: 36).

[7] Especially to finance political campaigns, but mostly for bribery (Tac. *Ann.* 1.2; Scullard, 1982 [5]: 13).

[8] Marriage was a means of gaining money and contacts, and children were kept to a minimum, preferably one, so as not to break up the estate. If children were born to slave women they were not a threat to wealth, as they themselves were slaves, and an urbanised woman had the means of contraception at hand to foil the problem before it started (Csillag [tr. Decsenyi], 1976: 43–44).

forward to compensate for the low number of females in the upper classes and therefore to encourage more marriages and children, by allowing freedwomen to marry free, non–senatorial men.[9] That the laws were also seen as a response to a declining population[10] are borne out by Propertius (2.7), who writes of not wanting to breed up soldiers to be killed in Augustus' army, and the *Centennial Hymn* of Horace (17–22) who asks for the goddess's blessing on the law so that more children will be born to attend the next centennial celebration.[11]

Augustus was not the first to try and enact legislation, as Cassius Dio (56.6.4) has Augustus himself attest. Augustus would have had his people believe that he was reviving ancient tradition, in spirit if not in detail. However, his way of ensuring these values was totally revolutionary. Before Augustus, no one had been prepared to undertake such wholesale social engineering in Roman society. Roman lawmakers had never considered legislation a suitable means of educating for new behaviour, but Augustus was not trying just to penalise the reprehensible actions of individuals, but to change the social norms of behaviour.[12] Marriage had never been a juridical act. It had legal effects, but it was based purely on the consent of the parties involved,[13] and therefore all matters pertaining to it were perceived to be purely under family control. For the first time legislation was infringing on the

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[9] Although not stated by him, this law would also have affected freedmen and free women. Opinion differs as to whether the legislation was aimed at everyone or only the upper classes. Freedmen who fell below a property qualification of 100 000 sesterces were exempt from the laws on inheritance (Gai. *Inst.* 3.42). Raditsa (1980: 322) believes this was also true for freemen, and for women whose property was less than 50 000. Most of the poorer citizens with no money to pass on would hardly have been affected by the laws, but by the same token they would still have suffered by being excluded from the better seating in the theatre and at the games (Suet. *Aug.* 44; Nörr, 1981: 353; Brunt, 1971: 565).

[10] The laws' success in combating childlessness appears to have been only partial. With the negligible effect of the laws on the lower classes, they would have felt no urge to procreate and cause an increase in the general population (Nörr, 1981: 353), had that been Augustus' main motive. Among the upper classes, satirists continued to mention childlessness and the resulting practice of legacy hunting (Hor. *Sat.* 2.5; Juv. 6.38–40; 10.12–14, 25–27; 12.93–130). However, the overall population appears to have increased during Augustus' reign (*RG* 8 [Chisholm & Ferguson, 1981]), which suggests the laws met some success, although this could also be attributed to the *pax Romana* or immigration.

[11] From the differing views of Propertius and Horace, it can be seen that not everyone believed that the decline in population was a matter for concern.

[12] Nörr, 1981: 361. Although Augustus was the first to try and change social norms, the issues were not new. Quintus Metellus, a censor in 131 BC is reported to have tried to encourage procreation in his speech *de Prole Augenda* ('On Increasing the Family'), a speech Augustus repeated to the senate to support his call for legislation (Suet. *Aug.* 89.2).

[13] Foucault [tr. Hurley], 1986: 72–73; Raditsa, 1980: 307

private rights of the individual citizen, entering into the formerly private matters of the family and reworking them into law as a subject for public regulation.[14]

It has been suggested that Augustus tried to put legislation into place in 28 or 27 BC, but did not have enough support or a broad enough power base to have the legislation passed, or if it did pass, he was forced to repeal it because of its unpopularity. In poem 2.7, written before 23 BC,[15] Propertius writes of his happiness at the repeal of a law that would have forced him into marriage and away from his lover, Cynthia. In 24 BC, Augustus returned from Spain and regained not only the power he had shared with the senate in 27 BC, but also the *tribunicia postestas* (tribunician power) (*RG* 10 [Chisholm & Ferguson, 1981]). He cemented his position with the triumph of the recovery of the standards from Parthia in 20 BC (*RG* 29 [Chisholm & Ferguson, 1981]), and the violent crushing of plots by nobles (Suet. *Aug.* 19). By 18 BC, after returning from the East in triumph, Augustus finally had a broad and strong enough power base to put his social reform and Republican restoration into effect,[16] including the supervision and regulation of morals. In his *Res Gestae* he claimed that the Senate and the Roman people had agreed that he should be *curator morum* ('guardian of morals', *RG* 6 [Chisholm & Ferguson, 1981]). However, he was careful not to take on the *censoria potestas* (censorial power), the office usually associated with the guardianship of morals, as this would have openly gone against the precedent of tradition, and given the lie to his assertion that he was restoring the Republic. Instead he carried out measures concerning morality with his *tribunicia potestas*.

In 18 BC, by virtue of this power, he instituted the *lex Julia de maritandis ordinibus* to encourage marriage and the *lex Julia de adulteriis coercendis* against adultery (Cass. Dio 54.16.1–2), which is believed to have been advanced at the same time. This was followed in AD 9 by the *lex Papia Poppaea* as a supplement to the *lex Julia de maritandis ordinibus* (Cass. Dio 56.10). Later jurists tended to conflate

[14] See Nörr, 1981: 352; Raditsa, 1980: 284, 312. Des Bouvrie (1984: 102) does not believe that legal intervention in marriage can be considered revolutionary when many families had state representatives, and censors watched over society. However, the point here is not what Augustus was specifically trying to legislate, but the fact that he was trying to reform, not just regulate, norms of behaviour.
[15] Chisholm & Ferguson, 1981: 178
[16] See Frank, 1975: 43–44.

these laws so it is hard to know exactly what provisions were made in which law, but according to Ulpian (14) the later law mitigated some of the conditions of the earlier law. It is obvious from the provisions of these laws that Augustus was not expecting enthusiastic application of the behaviour for which he was enacting legislation. He used a carrot and stick approach by penalising unfavourable behaviour, such as celibacy and childlessness, and rewarding the exemplary behaviour of marriage and a prolific family. Under the *lex Julia de maritandis ordinibus* and the *lex Papia Poppaea* all men between the ages of twenty–five and sixty and all women between the ages of twenty and fifty were required to be married (Ulp. 16.1). If a spouse died or a person was divorced, and they were within the age group, they had to remarry. Widows had to be remarried within one year and divorcees within six months, although this was later changed to two years for widows and eighteen months for divorcees, under the *lex Papia Poppaea* (Ulp. 14). Anyone who did not fulfil these requirements was penalised.

On the other hand, privileges could be earned by gaining the *ius [trium] liberorum*. By fulfilling the conditions for this right, any free man or woman who had a total of three children was not compelled to remarry. For freedpersons the total number of children required for the *ius liberorum* rose to four. A man in Rome could be exempt from all civil *munera*, as well as tutorships and curatorships (Just. *Inst.* 1.25.pr.1). A free woman could be exempt from *tútela* with three children and freedwomen with five (Gai. *Inst.* 1.194), and freedmen could be relieved from duty to their patrons with two children (Just. *Dig.* 38.1.37.pr). The *ius [trium] liberorum* could also be granted as an imperial privilege (Cass. Dio 55.2.6), and was much sought after because of the rewards attached to it. Candidates seeking office or administrative posts were given preference if they had three children, and were rapidly promoted (Tac. *Ann.* 2.51, 15.19; Cass. Dio 53.13.2). Augustus' wife, Livia, was granted the *ius [trium] liberorum* by the senate in consolation for her son Drusus' death in 9 BC (Cass. Dio 55.2.5–6). Vestal virgins were also granted the rights of mothers in AD 9 (Cass. Dio 56.10). Being granted the rights of mothers, rather than having these rights granted in another form considering they were confirmed virgins, suggests that at this time, a woman's role as procreator was far more important than that of a virgin in a religious cause.

To encourage marriage certain traditional barriers were removed, but others were put in place. Free–born citizens were given permission to marry freedpersons and have their children recognised as legitimate (Cass. Dio 54.16.1–2). However, this approval did not extend to senators and their children, who were prohibited from marrying freedpersons, actors and their children (Ulp. 12). It had previously been the right of a father or patron to prevent the marriage of a child, to preserve the estate, or freedperson, in order to inherit from them. Children (Just. *Dig.* 23.2.19) and freedpersons (Just. *Dig.* 37.14.6.4) now had recourse to the law. However, this last provision was offset by the provision that increased the number of children needed to keep a patron out of natural succession. This increased from one to three in the case of freedmen. Four children, in the case of freedwomen, meant the patron could only have a fifth part of her estate (Gai. *Inst.* 3.40–44).[17] Along side all these provisions to bolster marriage, the law also made invalid all marriages between free–born and unsuitable people, like prostitutes, former prostitutes, pimps, actresses and adulterers (Ulp. 13).[18] Their children were declared illegitimate and were not allowed to inherit (Ulp. 12).

The penalties laid on those who did not comply with the laws mainly involved inheritances. In the early Imperial period, landed property, the main source of wealth, was no longer easy to come by through the military or colonisation. Large–scale commerce was speculative and depended on existing wealth, and small–scale trade was not considered appropriate for the upper classes, hence inherited wealth was the main way of making money. Therefore a complicated system of inheritance sanctions was set up according to the individual infraction of the law.[19] It did not encroach on intestate inheritance or on inheritances to the sixth degree of kinship, but all other wills were subject to the law. *Caelibes*, unmarried people within marriageable age, were prevented from inheriting any part of a legacy or estate, unless they married within one hundred days. *Orbi*, people within the marriageable age limit who were married but without children, could inherit half (Gai. *Inst.* 2.111; Ulp. 17.1).

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[17] Brunt, 1971: 563, 565. Nevertheless, Raditsa (1980: 320) feels this provision was a major infringement on the formerly unquestionable power of the *paterfamilias*.

[18] Although a matter for debate, it appears that formerly, while such marriages had been considered morally and socially inappropriate, they had not been invalid (McGinn, 1998: 85–86).

[19] Nörr, 1981: 350, 359

The laws of succession between husbands and wives changed. Under the late Republic the usual mode of marriage was *sine manu*, which means the wife was not technically part of her husband's family and therefore had no natural right to inherit. Attempts by the husband to provide for his wife after his death were limited by the *lex Voconia* of 169 BC, which prevented the wife from inheriting more than 100 000 sesterces from him (Cass. Dio 56.10). Under Augustus' laws a surviving spouse outside the marriageable age limit, related within the sixth degree, or having one living, or a certain number of dead children, could inherit all. If they had not fulfilled any of these conditions they were only able to inherit a tenth, with a further tenth for each surviving child of a previous marriage and up to two children from their latest marriage (Ulp. 16.1). Any property that did not come to heirs who had not fulfilled the conditions went to other named heirs if they had children, otherwise the inheritance went into the government treasury (Tac. *Ann.* 3.28.3).

The *lex Julia de adulteriis coercendis* on adultery showed a strong concern for morality and the belief that the morality of women affected the whole state. Whereas this area had formerly been purely private and had fallen under the province of the father or husband,[20] it was now made a matter of state importance. The husband, then father, were expected to bring a public charge of adultery (Just. *Dig.* 48.5.2.8) after the necessary divorce. Prosecution of the wife could only take place after a divorce because she could not be tried until her fellow adulterer was convicted in his own trial. After that any citizen could bring charges against the adulterous wife (Just. *Dig.* 48.5.4.1).[21] By making adultery a public charge, a woman now had no chance to redeem herself or her position. Whereas before, the matter might have been dealt with quietly and privately, possibly keeping the matter secret, her reputation and position would now be lost forever.

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[20] As adultery had been conceived purely in terms of the wrong done by one man to another in leading his wife astray, the married man was not guilty of the act if it was done with unrespectable women (Foucault [tr. Hurley], 1986: 171). However, adultery reflected as much on the father's and husband's families as on the wife. Her virtue brought honour to his home, her vice brought him shame. If the husband did not kill or divorce his wife, he could be accused of pimping and lose standing in society. Under the new law however, the power of the husband or father to act in killing the adulterers, as they had customarily been allowed to do, was restricted (Paulus *Sent.* 2.26.4).

[21] The legislation actually had an unexpected success for delation. Prosecution of adultery became the main set of charges to earn *delatores* money (Tac. *Ann.* 3.25.1, 3.28.3). In fact, it became so popular that Nero later lessened the amount a *delator* could win from prosecuting an adulterer to one–fourth the former amount (Suet. *Ner.* 10).

Adultery was only one charge connected to inappropriate sexual behaviour. Men and women could also be open to charges of *stuprum* (inappropriate sexual intercourse).[22] The nature of the charge depended solely on the status of the woman involved. Technically only married women, and the men involved with them, were open to charges of adultery (*adulterium*). *Stuprum* however, covered acts of sexual intercourse with prohibited men and women, such as a woman with her slave, and men with respectable unmarried women, such as virgins, divorcees and widows (Just. *Dig.* 48.5.6.1, 48.5.35.1). Sex with women such as prostitutes, pimps, actresses and slaves–girls was exempt from prosecution. Any man not in a legal marriage could only be in a relationship with one of these women to avoid prosecution on charges of *stuprum* (Just. *Dig.* 25.7.3). In these ways Augustus' laws entrenched legal poles of sexual respectability for women, and entrenched a double standard as to the acceptable acts of men. According to a woman's birth, she was either highly respectable and subject to the legislation governing the family, or she was highly unrespectable and, by law, was considered a barely human sex object. The only movement that could occur between these poles was when a respectable woman was caught in adultery.[23] She then joined the ranks of the unrespectable, a status change marked by her having to wear the *toga* formerly associated only with prostitutes.[24]

However, there existed a class of women who did not fall into this category. Concubinage (*concubinatus*) was a stable, monogamous long–term relationship very similar to a marriage. Nearly the only difference between a wife and a concubine was her status, which prevented her contracting a legal marriage (*iustum matrimonium*) with her mate (Just. *Dig.* 32.49.4). Augustus' laws do not mention the ambiguous position of concubines. It was probably unnecessary as concubinage was an accepted relationship for a man who was not yet ready to marry, or for one

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[22] However, the terms are used interchangeably in the sources.

[23] McGinn (1998: 208) also believes this to be the case. See McGinn (1998: 147–156) who further believes that the laws established the category of respectable women under the *nomen* of *mater familias*.

[24] The *toga* was considered a male garment. Respectable women wore the *stola*; therefore, women in *togae* were recognised as unrespectable (See McGinn, 1998: 156–157). Gardner (1986: 129, 252) however, does not believe adulteresses wore the *toga* as a mark of their unrespectability, but rather that adulteresses invariable became prostitutes.

who already had legitimate children and did not wish to remarry and risk having more legitimate heirs. Nevertheless, this omission left the jurists of the early Empire the task of reconciling the *lex Julia* with tradition. Their laws appear to have been contradictory, each depending on the stance of the jurist.[25] However, contamination by the later jurists who reported these laws means it is impossible to know the exact stance of the jurists on concubinage in the early Empire.[26] Traditionally, concubines could come from all spheres of society, whether free, freed or slave. Ulpian felt any woman exempt from charges of *stuprum* under the *lex Julia* was acceptable as a concubine (Just. *Dig.* 25.7.1.1). Despite this, the status of the woman appears to have been immaterial as long as she had forfeited any right to respectability.[27] Concubines were accorded the same love and respect as wives by their men and the populace. This status as quasi–wives seems to have lent protection from charges of *stuprum* (Just. *Dig.* 48.5.35.pr). This ambiguity as to the position of concubines existed even until the wholesale condemnation of concubinage by the church fathers. Unmentioned by Augustus, the traditional position of concubines allowed them the only ease of movement between the poles. As concubines they had the respect due to wives, but were not always respectable when compared to legal wives. However, they could become fully unrespectable by becoming prostitutes or mistresses, or become respectable by marrying their partner. They were the exception that allowed the rule.

Augustus' quest to suppress adultery seemed to rebound on him when his daughter and granddaughter, both called Julia, were accused of adultery. Ancient writers expressed surprise that Augustus did not use his position to keep the matter private (Sen. *Ben.* 6.32.2). It would not have come to a head if Augustus had not publicly acknowledged it. This is borne out by Tacitus (*Ann.* 3.24) who states that adultery was still commonplace at the time of the Julias' affairs. Instead, in each instance, Augustus punished them both almost beyond the extent of his own laws, including exile (Tac. *Ann.* 3.24). He denounced his daughter's adultery as treason (Tac. *Ann.* 3.24) and contemporary historians condemned her immoral acts (Sen. *Ben.* 6.32.1;

[25] See McGinn, 1991: 335–375.
[26] Treggiari, 1981: 73–74
[27] Treggiari, 1981: 72–73

Vell. Pat. 2.100.3). However, some modern scholars[28] have suggested that the Julias' immorality was not Augustus' primary concern. The adultery charges appear to have been politically motivated, covering plots against the Emperor. The elder Julia's 'lovers' were well–known political figures (Tac. *Ann.* 3.24) and Pliny claims Julia herself was guilty of plotting against her father (*HN* 7.149).[29] In addition to this, Syme believes that by forcing a divorce between his daughter and Tiberius, Augustus was ruthlessly securing the succession for his adopted sons, Gaius and Lucius.[30] The younger Julia's husband was found guilty of treason (Scholiast to Juvenal 6.158), along with several others, although the conditions surrounding the charges against her are obscure.[31]

However, Raditsa believes that Augustus was too upset (Suet. *Aug.* 65) for his motives to have been purely political, since he consciously excluded the Julias from family burial in his will (Suet. *Aug.* 101). Instead he puts a modern psychological interpretation on the elder Julia's actions and sees her adultery as a symptom of generational angst. Growing up in the restrictive atmosphere of the Empire prevented the next generation from being able to find their own identity. Because of this, they tried to force some of the freedoms of the Republic by engaging in systematic love affairs. They thereby hoped to gain some sense of identity by rebelling against their elders. The elder Julia was well known for her defiance of her father and her sharp wit (Macrob. *Sat.* 2.5.2–6, 2.5.8–9). Bauman interprets her actions in a more personal way. He sees her defiance as a show of contempt by Julia, and her circle of friends, against the hypocrisy of Augustus' moral reforms and his title of *pater patriae* (father of the fatherland).[32] But whatever her, or her daughter's, motive, Augustus chose to sacrifice them on the altar of his authority out of a need to consolidate his position and that of his laws.[33] The circumstances surrounding the matter, especially of the elder Julia, suggest that although the laws

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[28] Such as Syme, 1939: 427; Balsdon, 1962: 84–88; Bauman, 1992: 114.
[29] See Syme (1939: 426–427); Raditsa (1980: 292) & Bauman, 1992: 108–109, 113–115 for discussion of circumstances surrounding the elder Julia.
[30] Syme, 1939: 427
[31] See Syme, 1939: 432, also note 4, for discussion of the conspiracy surrounding the younger Julia; Balsdon, 1962: 84–88; Bauman, 1992: 120–121.
[32] Bauman, 1992: 116–117
[33] Raditsa, 1980: 290–295

were enforced, there existed a stronger unwritten rule in society: not that of 'do not commit adultery' but rather 'do not get caught'.

The effect of these laws can best be summed up in one line; they met with 'praise and non–compliance'.[34] Even as critics praised Augustus for making the attempt, Romans reacted with strong opposition to the legislation cutting into their personal freedoms and way of life (Cass. Dio 56.6.6). Although they 'opposed the current laxity while preaching a return to the rigor of the old customs',[35] they in no way advocated legislation on the matter, but instead saw austerity as a way of living a better life.[36] The opposition to his laws was both personal and financial. The penalties on inheritance were seen as restrictive and harsh. They led many to use every possible loophole to avoid the law.[37] Citizens also tried to win the grant of *ius [trium] liberorum* without actually getting married or procreating.

On the side of love, poets such as Ovid continued to write of seductions rather than marriage. His love poems, the *Amores*, included many poems addressed to, or discussing his mistress, Corinna. Indeed, Ovid states that his exile in AD 8 was on the grounds of his 'immoral' work, the *Ars Amatoria* (Ov. *Tr.* 2.353–70).[38] This work is a tongue–in–cheek didactic poem on how young men could find and successfully court a mistress. But Ovid himself reinforces Augustus' laws on appropriate sexual partners, by saying that he does not intend to pursue or encourage

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[34] Treggiari, 1991: 60

[35] Foucault [tr. Hurley], 1986: 40

[36] See Foucault [tr. Hurley], 1986: 39–41.

[37] Nörr (1981: 359–360) tells us that Roman lawmaking was defective, reacting to daily situations with specific laws and avoiding generalisations. By trying to detail every instance to be covered by a law, lawmakers were incapable of covering everything and consequently left loopholes. Although Augustus' legislation on the family tried to move away from this reactionary type of lawmaking, he used the old legislative technique and left such loopholes. It is possible there was an increase in intestate succession (Nörr, 1981: 355). *Fideicommissa*, or will trusts, which were not well regulated in law, allowed the unmarried to take some part of an inheritance via this method, and the childless could inherit an entire estate (Raditsa, 1980: 324). But Nörr (1981: 353) suggests that as the usual method of succession was by a will, intestate successions would still have been fairly rare, and Brunt (1971: 561) believes that *fideicommissa* were not strictly enforced until the occasional intervention of Augustus (Just. *Inst.* 2.23.1), and only when it would not contravene the marriage laws.

[38] It is possible he was also involved in suspect politics, or with the younger Julia, or both (Syme, 1939: 468; Balsdon, 1962: 89; Bauman, 1992: 119–124).

respectable women, or break any of the rules of society (Ov. *Ars am.* 1.31–34, 2.599–600, 3.57–58, 3.612–14).[39] In his work he only targets women who are the kind of immodest women who can be found parading in public, at places like the theatre (Ov. *Ars am.* 1.89, 1.100) or the Circus (Ov. *Ars am.* 1.135–36). Therefore it could only have been Ovid's rejection of the state of marriage that would have angered Augustus.

Perhaps the most striking example of the influence of Augustus' laws and the opposition against them, can be found in the portrayal of the figure of Lucretia by Livy and Ovid respectively. Lucretia was a famous quasi–historical figure whose rape brought about the end of the reign of kings in Rome.[40] She had a reputation in Roman history as the ultimate example of chastity.[41] Livy began his project at the same time that Augustus possibly made his first attempt at legislation, 27 BC.[42] Livy also seems to have been on friendly terms with Augustus (Livy 4.20.7). It is therefore hardly surprising that Livy's portrayal of Lucretia should correspond with the image of the perfect matron that Augustus would later try to convey in his legislation.

These writers were writing in different genres, Livy in epic history, while Ovid was composing elegy, genres that lend themselves to totally different types of female characterisation, namely, the *matrona* as opposed to the mistress.[43] Ovid, writing in about AD 8[44] some forty years after Livy, was also partly reacting to his work and its political stance. Nevertheless, it is still noteworthy just how differently they approached the characterisation of Lucretia. Livy's portrait of Lucretia was of a typical, ideal Roman *matrona*. Such a *matrona* was chaste, obedient, loyal, and strong when she needed to serve her family. Even though it is Lucretia's desirability that drives the story, Livy makes no effort to extrapolate any aspect of Lucretia's sexuality. In fact he makes no attempt to personalise her in any way.[45] His only

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[39] White (2002: 13) believes Ovid introduced these sentiments, possibly in a revised edition, in response to Julia's prosecution for adultery in 2 BC, and that he was trying to sanitise his work because of anxiety about the law.
[40] Newlands, 1995: 146
[41] Newlands, 1995: 147
[42] Foster, 1919: xi
[43] Wyke, 1987: 153
[44] Frazer, 1931: xix
[45] Newlands, 1995: 149

mention of Lucretia's desirability is to write that it is Lucretia's perfection as a chaste *matrona*, rather than just her physical beauty, which first draws Tarquin's attention (Livy 1.57). He then goes on to describe how Lucretia refuses to give up her virtue even on pain of death, until Tarquin threatens to kill her and leave her lying with a dead slave, so that she will be believed to have been found in adultery with a low–born man. Rather than lose her reputation in death, she stops resisting Tarquin's rape. But then she immediately sends for her husband and father so that she can be avenged, before she kills herself as an example to other women that they should never be unchaste (Livy 1.58). The rest of the story is centred on the actions of Brutus that were precipitated by Lucretia's rape (Livy 1.59–60).[46]

Ovid, on the other hand, while he is basing his Lucretia on that of Livy,[47] portrays her with far more thought to her role as the object of Tarquin's desires than as the catalyst for a major historical event. Considering the possible reasons for his exile, Ovid was probably not an enthusiastic supporter of Augustus. Ovid describes Lucretia physically, mentioning the specific aspects of her beauty (Ov. *Fast.* 2.763–765), which Livy does not do. Ovid gives her an artlessness, and lack of *gravitas*, which is very unlike a *matrona*, but which shows her to be a loving wife. Overjoyed to see her husband she throws herself on his neck unrestrainedly (Ov. *Fast.* 2.760), even though they have an audience of his friends. Her charming unaffectedness and her beauty are what attracts Tarquin to her in Ovid (Ov. *Fast.* 2.763–765).[48] But Ovid then goes even further, writing of Tarquin's memories of Lucretia the next day in overtly sexual terms, how she looked, how she moved, detailing the attraction of her various features (Ov. *Fast.* 2.771–774). When Ovid describes her rape he specifically mentions her breasts to say how no other man had formerly touched them (Ov. *Fast.* 2.804).

After the rape, Ovid again takes the time to mention Lucretia's dishevelled and funereal appearance (Ov. *Fast.* 2.813–14), and how she veils her face in the presence of the men of her family (Ov. *Fast.* 2.819). Unlike Livy's Lucretia, she cannot at

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[46] Newlands, 1995: 147
[47] Newlands, 1995: 146
[48] Newlands (1995: 149) suggests that by being given some of the attributes of an elegiac woman, Lucretia becomes more believable as the object of Tarquin's passion.

first bring herself to discuss the rape (Ov. *Fast.* 2.823), and Ovid mentions her scarlet cheeks (Ov. *Fast.* 2.828). She is finally quiet and modest even in death. She kills herself from shame, but still falls modestly so that no part of her is exposed (Ov. *Fast.* 2.833). This proclivity Ovid has for constantly describing Lucretia in physical terms and mentioning her modest, charming nature emphasizes her sexuality. In Lee's eyes this personalisation also makes her seem far more realistic.[49] Admittedly Livy was not trying to draw a human being but a statue–like example, and Ovid's eroticizing of Livy's version is seen as typical of elegy. Nevertheless, Ovid's less idealistic portrayal of Lucretia and his successful attempt to portray a perfect example of chastity as a sexual being suggests Ovid was also railing against the Augustan notions that women were breeding machines, that marriage was about duty before love and that marriage was more important than love.[50] Yet for all this opposition, the penalties on celibacy stayed in place until Constantine and were slowly tightened up during those years.

The seeming lack of success of these laws would suggest that the effect on Roman behaviour was minimal. However, their effect on standards of female sexuality appears to have been quite radical. The consequence of this ideology was to entrench women in the legal stereotype of the ideal wife and mother, the Roman *matrona*. By insisting that women constantly remarry and procreate, procreation was entrenched as their main purpose. With the laws on adultery, the freedom upper–class women had tried to take for themselves was removed, as women were placed under the watch of all society. They were metaphorically placed back in the home as child–producers. Celibacy and waiting for a passionate love–match were no longer considered options. The freedom of women in the Republican period to express their sexuality outside the family, and the control they had over it inside marriage, were completely taken away by the restrictive laws. By keeping women tied closely to the family, men could be assured that their heirs were of their own blood. Augustan legislation encouraged the image that women were to put the family first and those that did not conform did not have the good of the state at heart.

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[49] Lee, 1953: 117. Especially when compared with Livy's Lucretia, Lee believes that the nature Ovid gives his Lucretia makes her far more likely to have acted as tradition relates.
[50] Lee (1953: 108) believes that Ovid's purpose in giving Lucretia such a sympathetic portrayal was to atone for the *Ars Amatoria*.

Fischler explains how a woman's position as *matrona* and *patrona* (female patron) enabled her to have some influence in business affairs.[51] The laws of Augustus also allowed a woman or freedwoman with *ius [trium] liberorum* to be free of a tutor for business matters and making a will (Gai. *Inst.* 1.114).[52] However, this was only accepted and tolerated if it was for the good of the family.[53] Some unrespectable women had a little sexual freedom to choose their way of life, but in return for this they and their children had no legal rights. Consequently, for Roman women of the early Imperial period, male legal perceptions placed their sexuality either solidly within the context of respectable family roles or solidly outside it.

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[51] Fischler, 1994: 118
[52] The number of children required rose to five for freedwomen.
[53] Fischler, 1994: 118

Chapter 3:

THE CLASSICAL MALE: APULEIUS

The legal realities of the classical paradigm were not its only components. The paradigm was also shaped by men who internalised these legalities and then represented women according to their own perceptions, and those of other males in society. In playing with these perceptions, the novelist illustrates what the norms and ideals of female sexuality consist of for men. Ancient Greek novelists of the Second Sophistic wrote females into their novels as important characters for the plot, namely the romantic heroine. They created interest, sympathy and dramatic effect by playing with norms and stereotypes of female behaviour, and by exploiting their male readers'[1] expectations based on these norms and stereotypes. They could invert the norms associated with women to provide comedy or horror, or they could

[1] The debate over the readership of the ancient novel still rages. The view that the novels were a form of popular fiction for the masses has been disputed by Susan Stephens (1994: 405–418), who suggests from papyrological evidence that the novels were read by an educated few. Brigitte Egger (1994: 263–264) presents evidence of educated women, able to read, although not necessarily able to engage with the text, including novel evidence, which shows female characters able to read easily. She also argues that the representation of females can be reconciled to women's concerns and aspirations of the time, and that this indicates an interested female readership. Ewen Bowie (1994: 436–438), while acknowledging the persuasiveness of Egger's argument, and feeling that Egger has removed the representation of females as an obstacle to an argument for a female readership, however, feels that she has not given a completely convincing argument for such a readership. He believes that the representations of females in the ancient novels also correspond to the male view of women, and that the novels show visible evidence of having been aimed mainly at men, although he does not discount a nominal female readership. In addition, he casts doubt on the interest in novels of women whose level of education would not have allowed them to appreciate the nuances and allusions in the novels, although he grants exceptions. Although Apuleius shows more concern for some of his female characterisations than most novelists, most of his females would probably not have been considered appropriate reading for women by a cautious *paterfamilias*.

present the stereotypes of female behaviour to portray a perfect good woman – non–threatening and sympathetic, or a cunning, lustful woman with frightening power. When they show sympathy for a woman with certain qualities, we can understand her to constitute an ideal. The considered norms of female sexuality are displayed when the idealised female shows flaws but they are forgiven or tolerated. This makes it possible to gain insight into male perceptions of female sexuality. The novelist, Apuleius, writing in Latin in the second century, at the same time that the Greek novelists were at work,[2] also made much use of these techniques. Consequently, an investigation into his work reveals the social basis of the classical paradigm of female sexuality.

Apuleius' *Metamorphoses* was based on an original Greek version of the story of Lucius, who is magically turned into an ass. The scholar Photius (*Bibl.* 129) wrote of two Greek versions, one an epitome and the other a longer version. However, insufficient evidence makes it impossible to determine the level of influence either of these texts had on Apuleius' work, or indeed on each other, as only the epitome attributed to Apuleius' contemporary, the second–century sophist Lucian, survives. Photius concluded that the epitome was based on the earlier longer version. However, without this longer version, modern scholars cannot trace any possible difference in style or tone that might have shown which version had the most impact on Apuleius. Nevertheless, the epitome shows that Apuleius definitely took the basic story of Lucius' metamorphosis, and several important female characters, from a Greek text. Where necessary, he changed the original to reflect the ideas of his own time. His innovation was to add many other stories to the original, for their entertainment value, or for dramatic or rhetorical effect.[3] Apuleius' novel is full of stories that include caricatures of evil females, such as his line of impossibly amoral adulteresses. In Venus, Apuleius inverts the normal behaviour of a dignified woman and a goddess of honourable love[4] (Apul. *Met.* 5.28.5),[5] by having her throw a tantrum, making her character an object of ridicule (5.28.6–5.30.6). To portray bad women, Apuleius creates characters that are on the very end of the scale of weakness

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[2] Harrison, 1996: 492
[3] Perry, 1967: 244
[4] This is not always the role taken by Venus, but Apuleius writes of marriage and affection disappearing when Venus disappears (Apul. *Met.* 5.28).
[5] All further references in this chapter refer to Apuleius, *Metamorphoses*, unless otherwise stated.

and depravity. However, in his portrayal of good females, Apuleius moves away from this stereotyping technique. His good women have a little more nuance to their characters, but only Psyche is given relatively in–depth treatment. He also goes beyond the Greek technique of describing actions to give his characters some emotional reactions.[6] From these depictions one can discover both acceptable and unacceptable displays of sexuality according to the character Apuleius gives each female.

The two most prominent female characters in Apuleius are Charite and Psyche. Charite can actually be said to have two stories, which I shall refer to as *Charite One* and *Charite Two*. Although both stories have Charite as their main character, the tone and the characterisation of Charite differs in each story. It is therefore more productive for this investigation to study these stories separately.[7] *Charite One* is wrapped around the tale of Psyche. Although the story of Psyche is presented as a folktale[8] so that she exists in a different literary universe to Charite, Apuleius juxtaposes their stories in such a way that one cannot help but draw parallels between these two characters. Apuleius has the story of Psyche told to Charite by the cook of the robbers who have kidnapped her. It is meant to distract her from her plight, but as one reads on one finds the story bears a marked resemblance, in tone at least, to Charite's own story. The stories of both Charite and Psyche are centred on the loss of their husbands and their suicidal despair at this loss.[9] The cook has Psyche's story end with a chastely appropriate happy ending, which seems to be a fitting means of distraction for the distraught girl and anticipates a happy ending to

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[6] Perry, 1967: 250

[7] Perry (1967: 246, 254) believes that the differing nature of the two Charite stories can probably be traced to Apuleius' 'preoccupation with the scene immediately before him' (1967: 254). This leads him to forget or ignore small details of plot or character that he has already written, in favour of the drama, aestheticism and his own craftsmanship of that scene. Consequently the logical continuity of the overall story in which he is working can be lost. In the case of Charite, he makes no effort to carry her characterisation from one story to the next, and instead treats her in each instance as if she were almost two different characters. Winkler (1985: 52–54), however, believes that the stories are linked by the tragic nature of Charite and the fact that the 'premonition of disaster [she has in her dream] turns out to have been true' (1995: 52–53).

[8] In spite of the old cook's claim that she is telling a *narrationibus lepidis anilibusque fabulis* ('a pretty story and an old woman's tale', 4.27), there has been a debate as to whether the story of *Cupid and Psyche* is in fact a folktale, myth, fable or Greek–style romance novel. Boberg (1938: 177–179) examines the story in relation to both myths and folktales, and concludes that while the story is framed as a myth, including the mythical feature of gods, it in fact corresponds most closely to a folktale.

[9] I owe this point to Winkler (1985: 55).

Charite's story.[10] These parallel stories are Apuleius' only nod to the convention of the Greek romantic heroine. The typical romance follows the format of handsome boy meets beautiful girl, they are parted, put through many trials that continually keep them apart, before they meet again and live happily ever after. Although Apuleius presents the story of Psyche in the form of a folktale, while *Charite One* occurs in real–time, both women marry, are parted from their beloveds, undergo many trials, and are then reunited with them to live happily ever after. Charite's trials, in her role as romantic heroine, are far less complex than those of Psyche. She is kidnapped from her wedding by robbers. She tries to escape, is sentenced to death by the robbers and is finally rescued by her husband.

Psyche's story however, is a self–contained narrative and is far more developed than that of *Charite One*. The story of *Cupid and Psyche*[11] is unique within ancient fiction. It is one of the longest self–contained stories within a novel, holding a central position in the text, which suggests it was meant to emphasise themes similar to its own, within Lucius' story. It is also written completely as fiction, with no link to the real world. In contrast to the rest of Apuleius' stories which all exist in a real time and space, *Cupid and Psyche* is purposely set in an unspecified, unreal time and place (*Erant in quadam civitate* ... 'There were, in a certain city ...', 4.28.1). This kind of abstractness is typical of folktale. A folktale's purpose is generally aetiological or didactic. It is the message rather than the place or characters that is important. Therefore, folktale characters are two–dimensional stock characters who contain no more than the vices or virtues needed to drive the plot. The *Cupid and Psyche* story contains many of these stock characters, such as the evil sisters and the princess heroine. However, this story is not typical in all respects. Psyche is given a few basic emotions, such as empathy for her sister's supposed pain, and suicidal despair over her tasks. Conversely, Venus, who could easily stand the stock treatment of a goddess, has been depicted with extremely lifelike behaviour, such as

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[10] Winkler (1985: 55–56) suggests that the story of Psyche is actually a betrayal by the cook in suggesting a happy ending as, in the end, Charite loses her husband and commits suicide.

[11] Erich Neumann ([tr. Manheim], 1956: 110) gives a Jungian psychological interpretation of the Cupid and Psyche story. He suggests that the story is really a metaphor for feminine psychological development and awakening, and that in this awakening the female comes to realise her femininity is closely linked to the male (See also Katz, 1976: 111). This outdated idea, based on 1950s' principles and the nineteenth century paradigm of armchair historians, like Engels, is rejected by Phyllis Katz (1976: 112). She sees the story as a 'mediation of sexual tension ... resolved by the ritual of marriage' (1976: 111). However, her interpretation is also psychological rather than narratological.

anger, tantrums and a desire for revenge. The story also contains other elements, such as real–time action and an allegorical underpinning. Psyche's name is Greek for 'soul', and her husband is the personification of Love, so the characters are as much abstracts and representations of ideas as stock characters.[12]

Cupid and Psyche also seems to be the only self–contained story to be narrated by a female character. In the Greek romances, the only narration by females is when the heroine is occasionally allowed to tell her own story, and except for the Psyche story, the same is true of the *Metamorphoses*. Charite tells the first part of *Charite One*, but even the second half of *Charite One* is told by Lucius. Charite and the cook are in the unique position of being, unusually, female narrators of stories predominantly about females, to a purely female audience.[13] By placing women as both narrator and audience, Apuleius cannot help but distort the point of view of the story of Psyche in the minds of the readers, and thereby increase the emphasis on a woman as the central character.

It is impossible not to draw some conclusions on female sexuality from a story in which a woman has such an unusual level of prominence. Her depiction, her actions, and more often her reactions, give a clear indication as to the nature of her sexuality. Throughout his novel, Apuleius' technique in creating female characters is only roughly to sketch them. However, he imbues Psyche with some unexpected depth, which is unusual as she is a typical stock folktale character and abstract figure, and therefore one with little need to be fleshed out. One of the few details he includes is an awareness of Psyche's burgeoning sexuality as her story progresses.[14] One would suspect that as a male in a patriarchal society, probably targeting his work toward a predominantly male audience, Apuleius would show little insight into, or sensitivity toward, female sexuality. However, his depictions of Psyche's

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[12] In order to draw worthwhile conclusions on female sexuality, I will be treating Psyche as a character with some degree of realism.

[13] I hesitate to include the listening ass, as he would not have been counted as an audience by the women. However, the role of the ass as audience changes later in the novel, when what he overhears at the mill allows him to directly affect the characters. He uses his knowledge to give away to the miller that his wife has a lover (9.27).

[14] Even the story of Callirhoe, in which Chariton spends much time on feminine concerns, such as the curse of Callirhoe's beauty (Char. 2.2.6, 7.5.2–3), her pregnancy (Char. 2.8.6–7) and the need of a free father for her baby – as a slave, Callirhoe's baby would have shared her status – (Char. 2.8.7, 2.10.5), does not include this kind of characterisation.

sexuality seem surprisingly perceptive. Nevertheless, as a man he could have had no first hand insight into the real nature of female sexuality, and could not have totally escaped painting Psyche with a brush tainted with his own notions of what a woman would feel.

The desirability of Psyche is what starts all her problems. Her life is defined by her physical beauty, an attribute synonymous with desirability in the ancient novels. In fact we read two chapters (4.28.1–4.29.4) on her incredible beauty before we know her name (4.30.5). But her beauty turns into a curse for her. Men are so convinced that she is beyond their reach that they admire her as one might a statue,[15] but do not try to court her (4.32.4). Her beauty therefore destroys her chance of happiness in contracting a marriage. It also arouses the wrath of a goddess, Venus, because it steals away her worshippers (4.29.3–4.30.3). Venus resolves on revenge against Psyche, and had Cupid not disobeyed her orders, Psyche would have been locked in a degrading marriage. When Psyche brings her own safety to an end by disobeying her husband, she is once again at the mercy of Venus because of her beauty. In spite of this, a desire to please her lover (*amatori*, 6.20.6) with her beauty has Psyche opening the box of beauty given to her by Proserpine for Venus, to sample its contents. If one takes the death–like sleep in the box as a metaphor for beauty, she is literally destroyed by beauty yet again (6.20.6–6.21.2). Her beauty has already been a curse for her and yet here she attempts to solve the curse of her beauty, with beauty.

This theme of unbelievable beauty as a curse is present throughout all the Greek romances. In Chariton's *Chaereas and Callirhoe*, Callirhoe too, is compared to (Char. 1.1.2, 2.2.6, 3.2.14, 3.2.17), and in some cases mistaken for (Char. 1.14.1 2.3.6, 5.9.1), the Greek version of Venus, Aphrodite. Callirhoe cannot help but feel that she has offended Aphrodite with her beauty for so many misfortunes in love to have befallen her (Char. 7.5.2–3). She constantly laments her beauty (Char. 2.2.6, 7.5.2–3) and begs, with each new twist in her life, that it will not attract and tempt

[15] The idealised statue–like beauty that Psyche is described as having is in fact a theme throughout *Cupid and Psyche*. Apuleius seems to make a conscious effort to make his narrative aesthetically pleasing by drawing incredibly beautiful images, such as his description of Venus' entourage (4.31) and Cupid's palace (5.1).

yet another man to take her even further away from happiness with Chaereas (Char. 2.2.7–8, 5.1.7, 8.8.15–16).[16] Heliodorus' Charikleia is also mistaken for a goddess (Heliod. *Aeth.* 1.2, 1.7). She is constantly worried for her virtue because of the desire her beauty inspires (Heliod. *Aeth.* 1.8, 1.25, 5.29) and is willing several times to take her own life to avoid this.

Psyche begins her adult life as a perfect new Venus, yet superior to the goddess as she is in the flower of her virginity[17] (4.28.4), thereby establishing virginity as the ideal state for a young woman. Indeed, she prizes her virginity highly, for all she wants to be married. The heroine's fear for her virtue is a theme of romance novels which appears more in Psyche than in *Charite One*. When Cupid comes to Psyche on their wedding night, all she hears is a noise and she fears for her virginity. However, she fears the unknown more than harm (5.4.2). For her, it is not the fear of rape, or the pain of deflowerment that oppresses her, but ignorance of both the emotions and mechanics of sexual intercourse. She is unacquainted with her own sexuality and she fears this more than the advent of her new husband. After showing such sensitivity for Psyche's sexuality, Apuleius suddenly changes the narrative focus to the equally 'unknown husband' (*ignobilis maritus*, 5.4.3). He glosses over the sex act with only a few words, using the euphemism of marriage[18] rather than a more explicit description, such as when he writes of Lucius' encounters with the maid, Photis. The focus then shifts back to Psyche. Apuleius refers to her virginity as *interfectae* ('killed', 5.4.4), which suggests that her sexual awakening would have been violent and painful for her. Indeed, she only comes to find pleasure in the act with time and experience. Apuleius is unusual in caring about the effects losing her virginity will have on Psyche, but his failure to keep the narrative focus on Psyche throughout the episode shows that he is only interested in her sexual characterisation insofar as it drives the story.

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[16] Most of the men Callirhoe meets make plots to try and win her sexual favours, even Dionysius, whom she marries.

[17] It is important to point out that the ancient Greeks did not conceive of virginity (*parthenia*) as it is understood today. Virginity was not just about sexual intercourse and the breaking of the hymen, it was a stage in a young woman's life, after puberty but before marriage. An unmarried woman could still technically be a virgin (*parthenos*) after intercourse, but if she was caught in the act of sex before marriage, whether the sex was by her consent or not, her virginity was lost (Sissa [tr. Goldhammer], 1990: 87–90). For the Romans, the exact nature of female virginity (*virginitas*) was a matter of constant concern (Beard, 1995: 173).

[18] Marriage as a euphemism for sexual intercourse is typical in Greek romances, especially in relation to the respectable heroine (Egger, 1994: 260–261).

When Charite is kidnapped, the robbers assure her that her virginity is safe with them and she has no need to lament (4.23). The fact that they mention this certainly suggests that she might have been considered to have some worries on the subject.[19] Her virtue is again in supposed danger when Haemus suggests she be sold to a brothel (7.9). Charite's sexuality is not nearly as developed as Psyche's. In fact her virginity is used as a joke in apposition to the ass, an animal with a reputation for being lustful and having large genitalia (7.13). When she does finally lose her virginity, Apuleius acknowledges the uniqueness of her first experience, but again writes very little on the subject (7.14). *Charite One* is more of an adventure story and her characterisation suffers accordingly. Apuleius spends more time on Psyche to build her character by portraying her sexuality subjectively, namely from the point of view of Psyche herself, because her sexuality motivates her actions early in the story.

After the inferred violence of Psyche's deflowering, Apuleius acknowledges that she would not have found pleasure immediately, but that she only came to enjoy sexual relations after time had allowed her to become accustomed to sexual intercourse and her own sexuality (5.4.5). This raises the issue of enjoyment of sexual intercourse, and love, in marriage. From his study of Roman period philosophers such as Musonius and Plutarch, Foucault concludes that moderate but enjoyable intercourse was seen as a desirable state in marriage, as a way of bringing couples closer together. In fact it was the only proper place for pleasure to occur. However, sex in marriage was for the sole goal of procreation, therefore pleasure was not to be the purpose of intercourse in itself.[20] Mutual affection was to be the main bond in a successful marriage.[21] The wife was a helpmeet and life partner for the husband. The husband was expected to accord the wife the same respect that he expected of

[19] When she is finally brought to speak over her lamentations, she shows that she is in mourning not so much for her life or her virtue, as for the supposed loss of her husband's life (4.24, 26–27).
[20] Foucault [tr. Hurley], 1986: 179, 182
[21] Foucault ([tr. Hurley], 1986: 78, 148) & Dixon (1991: 99) see a mutual bond in marriage as an innovation of the Roman period, as it was a move away from the Greek idea of the master/supplicant form of marriage.

her in the matter of fidelity (Plut. *Mor. Coniugalia praecepta* 144F–145A).[22] Psyche's sisters show that they wish for a bond of respect and affection, in addition to the material considerations which probably prompted their marriages, as they complain of not having husbands with whom they can have such a relationship, or even find pleasure, and they have to be nurses and not partners in marriage (5.9.8–5.10.3).

Apuleius however, glosses over Psyche's discovery of pleasure with only a few words. Her portrayal changes almost immediately into that of a woman very much aware, and in control, of her own sexuality. She becomes the opposite of the fearful virgin, declaring her love for her husband and her wish never to end their marriage (5.6.7). She is not above using her sexuality to seduce her new husband to get her own way.

> *et imprimens oscula suasoria et ingerens verba mulcentia et inserens membra cogentia haec etiam blanditiis astruit: 'mi mellite, mi marite, tuae Psychae dulcis anima.' vi ac potestate Venerii susurrus invitus succubuit maritus et cuncta se facturum spopondit ...*
>
> (5.6.9–10)
>
> and printing seductive kisses and pouring caressing words upon him, and wrapping her arms around him compellingly, she even added these words to her blandishments: 'My honey, my husband, sweet spirit of your Psyche.' Her husband unwilling gave way under the force and power of her whispered words of Love, and he promised to do all she asked ...

Psyche is now the cunning, wilful female who makes her husband act against his better judgement. She is aware of her sexual power and seems to have enough understanding and confidence to make use of it. This seems to contrast sharply with Apuleius' constant mention of her *simplicitas* (guilelessness or naïvety).[23] This

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[22] Foucault [tr. Hurley], 1986: 172–173. Plutarch (*Mor. Coniugalia praecepta*, 140B) stresses, however, that should the husband be weak and take his base appetites elsewhere, the wife was expected to be tolerant, because the husband had not dishonoured her by bringing his base appetites home.

[23] Psyche's *simplicitas* is constantly inferred and she is often specifically described as *simplex*. A few examples are *pro genuina simplicitate* ('because of your inborn simplicity', 5.11.5), *tunc Psyche misella ... simplex et animi tenella* ('then poor Psyche, simple and delicate in spirit', 5.18.4), *illa simplicitate nimia* ('she in her excessive simple–mindedness', 5.15.4), *simplicissima Psyche* ('Most simple–minded Psyche', 5.24.3), *at tu, simplex alioquin et expers rerum talium* ('But you, seeing as you are simple and inexperienced in matters of this kind', 6.15.3).

contrast is most obvious when she contemplates the act which brought about her pregnancy and 'marvels that from a brief pin–prick such a great growth of her rich womb should result' (*miratur de brevi punctulo*[24] *tantum incrementulum locupletis uteri*, 5.12.2). Psyche's *simplicitas* could come from her youth. Cupid refers to her womb as *infantilis uterus* (5.11.6) which suggests on the surface that she formerly had a 'child–like womb', so her childbearing years had only just started. But *infantilis* is an unusual adjective in this context as it can also mean speechless, so I feel that this word is actually referring to the fact that her womb has been formerly unproductive and has yet to influence the world, as any communication must. Apuleius shows himself surprisingly aware of the mechanics of pregnancy and it effects on women. He describes Psyche with the word *florebat* ('bloomed' or 'brightened', 5.12.1), a word not usually used to describe people in this context,[25] yet it perfectly captures the glow pregnant women often have about them. He also seems to allude again to the fear of the unknown for more than once he infers Psyche's lack of experience with pregnancy; *infantilis uterus* ('child–like womb', 5.11.6), *sarcinae nesciae* ('of her unknown [unfamiliar] burden', 5.12.2).

With the advent of her sisters' scare stories, Psyche's pleasure with her husband becomes merely endurance (*tolero*, 5.19.2). She takes it upon herself to kill him.[26] In this discovery scene, Psyche pricks herself on Cupid's arrow and falls in love with her revealed husband (5.23.1–3). She becomes consumed with lust for him, and is so uncontrolled as to throw herself on him and kiss him. Apuleius is not the first ancient novelist to describe the heart–wrenching of the heroine as she falls in love, but only he describes the actual sexual advances of the heroine toward her beloved. Of course, unlike the other heroines, Psyche is safely married to her *amator*, but her passion, brought on accidentally by the arrow, is depicted in terms that leave the audience with the impression that, had Cupid not been her husband,

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[24] *punctulo* ('pin–prick') is obviously a play on words referring to the sexual act, but it also anticipates Psyche's future knowledge as to the nature of her baby's father as the archer, and her own life–altering encounter with Cupid's arrow. See Kenney, 1990: 156.

[25] Kenney, 1990: 155

[26] It has been pointed out that the lamp and the knife held by Psyche in this averted death scene are male sexual symbols, while Cupid is described in female terms, with soft curls and milk–white skin (5.22–23). Psyche is also described as *sexum audacia mutatur* ('her sex was changed by boldness', 5.22.1). This reversal of gender assignments is certainly worthy of further study but, as it and Psyche's taking on of male characteristics are both gender issues, it would not be appropriate to examine them here.

she would still have thrown herself at him. She is *cupidine flagrans* ('burning with desire', 5.23.3) and she presses open–mouthed kisses on him desperately (*efflictim*, 5.23.3). And, although married, her passion is still forbidden as she should never have seen him to fall in love with him. She is well aware of this, because even as she kisses him she is afraid he will wake up (5.23.3). Considering the overwhelming desire the arrow awakens in Psyche, one wonders what real love she felt when she professed to love her husband before she could see him (5.6.8–9). The fact that she could control her sexuality around him enough to use it to manipulate him, but that she is now out of control, leads one to believe that, while she might earlier have understood the power of her sexuality over others, she is only now introduced to its power over herself. The seeming sophistication of Apuleius' portrayal of her continuing sexual awakening is belied by the continuing theme of Psyche's *simplicitas*. It is possible Apuleius believed sexuality was built into the female nature and was therefore separate from mental naïvety and weakness. Certainly a clear distinction is drawn here between male self–control and female lack of control. Psyche is unable to subdue her passion for Cupid and so loses him. Cupid flies from her kisses as he had promised he would (5.23.6), whereas before, he allowed himself to be swayed by her caresses (5.6.10).

From this point, Psyche seems to be permanently weakened in mind and spirit by her love. She continually seeks suicide as a way out of her problems and has to be guided toward her happy reunion with her husband. Venus is not impressed, and perhaps even a little intimidated, by the obvious evidence of Psyche's sexuality. Whereas before Psyche was described as a virgin goddess (4.28), she is now a mother–to–be, swollen with child (6.9). In the face of her obviously awakened sexuality, Venus chooses to insult her by implying she has no sexual prowess, but that she is nevertheless a typically bad female with a string of lovers (6.10.2). Indeed, Psyche's awakened sexuality seems to avail her nothing in the tasks she is to perform for Venus. The power she had in her sexuality is now overcome by her desire for Cupid and a return to his good graces, and her *simplicitas* comes strongly to the fore. At the impossibility of each task, she attempts suicide in her weakness and has to be saved from herself, as well as her tasks. After Venus rejects Psyche as

a mate for her son (6.9), the issue of Psyche's sexuality is subsumed by her tasks.[27] Only her care for her beauty to please Cupid, at the end of her final task, shows any further concern for her sexuality. Apuleius seems to have given up the sexual characterisation of Psyche in favour of furthering her mental characterisation. However, on closer inspection, one can see that Psyche's sexual awakening corresponds with her growing knowledge of her husband, Cupid, who is also the god of erotic love. Her awakening culminates in a frenzy of desire when she is exposed to Cupid in all his glory. As soon as Cupid flies from her, Apuleius' abandons her sexual characterisation, showing that he was only giving her sexuality in so far as the story required it.[28] However, he makes one final subtle reference on the issue in the very last line. Psyche finds her pleasure gradually, and becomes pregnant in the throes of an emotion that proves to be tame in the face of the desire she will have after she pricks herself on Cupid's arrow. Ironically, as the result of the weaker pleasure, she has a daughter called Pleasure (*Voluptatem*, 6.24.4). In the end, the intense desire she never should have had is revisited upon her by having a child whose nature is to inspire pleasure.

Like Psyche, the sexuality of Charite is not developed further later in her story in *Charite Two*. However, *Charite Two* sees Charite's role changing from that of the virgin romantic heroine to the sexually–aware loyal wife. A runaway slave describes the murder of Charite's husband, by another man who desires her (8.1). She is distraught by the loss of her husband and tries to kill herself with grief (8.6). She is persuaded to live until she discovers the truth of her husband's death. She then secretly makes use of her sexuality to effect punishment of the murderer (8.9), before she kills herself (8.14). Her beauty is responsible for the death of her husband and all her misfortunes in this story. This links back to her role as romantic heroine in *Charite One*. Her beauty and desirability are mentioned in *Charite One*, marking her as a high–class female worthy of a great ransom (4.23). Her tragic nature as a romantic heroine and her fatal beauty provide the impetus for both stories. Unlike in *Charite One* however, where her beauty brings about seemingly

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[27] Some sexual symbolism has been suggested to exist in the tasks, but as this appears to be minimal and overt, any investigation would be an over–analysis.

[28] This larger picture shows the allegorical element of the story, as the soul strives towards love, and then loses it because of a lack of self–control. This is a typical philosophical theme of neo–Platonists like Apuleius (Kenney, 1990: 16).

lethal misfortunes (the supposed loss of her new husband's life, 4.27) that must be borne with chastity, but that lead to a happy ending, in *Charite Two* her beauty proves to be fatal indeed. By having her romance slip into tragedy, Apuleius further inverts the romance model by having Charite turn the curse of her beauty into an asset. Knowing that the man who killed her husband desires her, and in fact killed her husband to possess her (8.3, 8.5), she uses her desirability to spin a web into which she can entrap him and punish him for the murder. She pretends to be disloyal to the memory of her husband and finally agrees to accept him into her bed (8.10). Having enticed him into her home with the promise of sex, she uses the opportunity to blind him (8.13). She then goes to her husband's grave, denounces his killer and takes her own life so that she may join the only man she can love (8.13–14). This single–minded devotion to one man through any adversity is typical of the romantic heroine, but here this love takes her to the grave like any tragic heroine.

However, this story of a wife, loyal to her husband unto death, contains themes from another form of Roman literature, the *exemplum*. *Exempla* are self–contained stories that represent examples of cultural values. Parker contends that, although there is a tendency to see *exempla* as confined to rhetoric, they in fact permeate all levels of ancient literature, and they include stories of exemplary loyalty by wives.[29] One of the themes of these tales of wifely loyalty is that of pretended betrayal: wives who threaten to, or seem to, disobey their husbands in order to help them and be with them.[30] *Charite Two* pretends disloyalty to the memory of her husband in order to punish and expose his killer (8.10). In using her sexuality to effect this example of

[29] Parker, 1998: 152–153. It is Parker's belief that these stories of loyalty were spread by men to assert their dominance in society. He propounds that men were surrounded by slaves and women who were not blood family and who were capable of betrayal at any time. These *exempla* allowed them the illusion that, while betrayal was possible, it would also not happen to them. It is therefore ironic that in taking action, the loyal wife becomes man–like while her husband becomes effeminate (Parker, 1998: 153–156).

[30] Parker, 1998: 164–165. Another theme is a willingness to commit suicide, either to assist the husband in his attempts, or to show that she cannot live without him. This theme is also present in *Charite Two*. She is prevented from committing suicide by starvation only out of loyalty to her family (8.7). A direct order from the husband not to follow him into death, or a form of living death where the wife makes only the most minimal effort to live, are the only ways women can show their loyalty in suicide tales and live (1998: 167). When Charite is prevented from starving herself to death, or living in squalor and mourning, she still torments herself with grief at night (8.7). In the end, Charite shows ultimate loyalty to her husband by finally being able to take her life in his cause (8.14).

loyalty, she is walking a fine line. Parker shows that men drew a definite distinction between pretended disloyalty and outright betrayal, even in a good cause. While Appian praises wives who have seemed disloyal to their husbands in order to help them, he blames the wife of Coponius (App. *B Civ.* 4.40) for gaining her husband's safety by giving up her chastity.[31]

In *Charite Two* it could be argued that Charite is more the tragic heroine than the loyal wife. However, Apuleius was not ignorant of *exemplum* literature. He has the fake robber, Charite's husband, tell the story of Plotina (7.6–7), a woman of exceptional loyalty, who willingly gives up all the luxury of her position to follow her husband into exile (another theme of loyal wife tales[32]), and then uses her reputation of loyalty and chastity to win a pardon for him from the Emperor.[33] Besides the power of her chastity, Plotina is also lauded by the narrator for giving her husband ten children (7.6). Mention of this achievement shows that, in a society still ruled by the *Lex Julia*, this was considered appropriate praise for a woman with such an excellent reputation.

What is particularly noteworthy about every female in Apuleius is that almost every one, good or evil, is married, widowed or about to be married. There is no question of a celibate woman, or one indulging in sex without ever having been married, unless she is a witch, which reduces her to the level of sub–human.[34] However, even the witch Pamphile is married. Likewise a slave woman is also said to be married, although slaves could not legally enter into this status. The mate of the slave woman in 8.22 cheats on her with a free woman. She considers her marriage bed to have been defiled and has her revenge by burning his account books, and then killing herself and their son.

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[31] Parker, 1998: 165
[32] Parker, 1998: 165
[33] This is an echo of the famous *Laudatio Turiae*, a funeral eulogy, which tells of Turia who gave up her jewels to send to her husband in exile and who paved the way for his return with the Emperor (CIL VI. 1527/ILS 8393 trans. in Fant & Lefkowitz, 1982: 208–211, no. 207.).
[34] It has been suggested that being a witch would make a woman superhuman. However, I believe that, although a witch may have supernatural powers, Apuleius represents witches as so lacking in morals and basic humanity as to lower them to the level of animals.

This emphasis on marriage,[35] as required by the *Lex Julia*, seems to attest to the influence of Augustus' moral reform legislation, and shows that it was still well known in the second century. It certainly seems to have had a strong influence on Apuleius. There are a quite a few references and inferences to the *Lex Julia*, on both marriage and adultery. They include the theme of the absolute necessity of marriage. In fact, this aspect of Psyche's sexuality drives the early plot. She laments her unmarried state (*Psyche virgo vidua domi residens deflet desertam suam solitudinem* 'Psyche, a virgin and unmarried, sitting at home, bewailed her abandoned loneliness', 4.32.4) and so do her parents, to the extent that her father visits an oracle in order to try and find her a husband (4.32.5). This shows that, for a woman, marriage was the driving goal of life. Without a husband Psyche's life has no purpose and she feels herself to be deprived. The oracle tells of a monstrous husband, yet although Psyche goes to her wedding as if it were a funeral, she still goes bravely (4.33.1–4.35.1), showing that any husband, even a monster, is better than no husband. Socrates' wife is encouraged to do her filial duty as a widow and remarry (1.6). Charite too, does her filial duty and stops trying to commit suicide because of the death of her husband (8.7). When she tricks Thrasyllus, she asks to be allowed to complete a full year of mourning before she is compelled to remarry (8.9).

However, there is a subtext in the story of Psyche that suggests that this idea of marriage is not as black and white as has been stated. On having married the 'monster', Psyche is now faced with the dilemma of not being suitably married. Her sisters (although this is for their own purposes) suggest that Psyche is not suitably married and that the marriage must be ended. As her husband is a monster, the marriage should end by his death (5.19.1–5.20.5). However, the sisters go on to add that the moment Psyche is a widow she must return and be remarried to someone suitable (*votivis nuptiis hominem te iungemus homini* 'we will join you in a prayed–for marriage, human to human', 5.20.6).

The preoccupation with a suitable marriage that this line shows is also a reference to the Augustan laws. In the *Lex Julia*, Augustus forbade the marriage of men to

[35] Katz (1976: 111) recognises the primary importance of the marriage theme in this story, but she places a psychological, rather than a contextual, interpretation on it.

unsuitable women, and prevented senators and their families from marrying freedmen and –women.[36] Psyche, as a princess, is of high birth and must therefore have a suitable marriage, appropriate to her status. Even her sisters are married to royal suitors (4.32.3), although they appear to be much older than their wives (5.9.8–5.10.2). Venus' method of cursing Psyche is to have her fall in love with a man of low rank and enter into a degrading marriage (4.32.3, 5.24.3). Venus also worries about an unequal marriage between Cupid and Psyche. She suggests the marriage is illegal because of this disparity in status, as well as a lack of witnesses and the father's consent (6.9.6). She accuses Psyche of being a runaway slave of hers, thereby lowering Psyche's status as far as it can go. As a slave Psyche is carrying the child of her better and Venus is degraded by having a grandchild from such a one (6.9.5), especially as the child will share its mother's status. When Jupiter intervenes in the matter, rather than declare in godly fashion that Psyche's status is unimportant, Jupiter instead tells Venus not to worry about her own status or lineage, as he will make the couple of equal status so that the marriage can be in accordance with *iure civili* ('civil law' [the *Lex Julia*], 6.23.4).

The prospect of a child for Psyche again recalls the *Lex Julia*, as the purpose of marriage was children and women were encouraged to have as many as possible.[37] Psyche rejoices in the dignity of the name of mother (*materni nominis dignitate gaudebat*, 5.12.1) and sees it as the culmination of her purpose in life, for it gives her the highest possible status a woman can obtain. In Venus, Apuleius shows the woman whose duty it is to care for her son (6.16.5).

The *Lex Julia* on adultery is also mentioned. The miller says he is not going to enforce the severity of this law and demand the lover's death. Instead he takes his punishment out on the backside of the lover, in essence raping him (9.27). This certainly makes a comment on the light in which the law was viewed and the extent to which it was enforced. The law is also mentioned indirectly in the incident of the fuller's wife. The fuller rushes to kill the adulterer as was once traditionally allowed. However, the miller stops him with the warning that they will be considered accomplices to murder (9.25), as the law on adultery removed the right

[36] Nörr: 1981, 351
[37] See Chapter Two.

of the husband to kill the adulterer on finding him *in flagrante delicto.* Even Jupiter complains to Cupid that his constant assaults are responsible for Jupiter himself indulging in extra–marital affairs and breaking the laws, especially the *Lex Julia* (*contraque leges et ipsam Juliam* 'and against the laws and the *Lex Julia* itself', 6.22.4).

While the laws themselves were obviously still well known, they do not seem to have gained any further acceptance. The number of comic incidents in which Apuleius mentions the *Lex Julia* would seem to suggest that the laws were not popular with Apuleius and his readers, as it is human nature to mock what we dislike.

Augustus' laws basically entrenched two idealised poles into which a woman's sexuality might fall.[38] These poles were reinforced over time by male perceptions of acceptable female sexual behaviour. The matter basically came down to that of respectability.[39] A respectable woman was chaste and controlled. These women were chaste maidens, pure wives and mothers, and widows and divorcees of unimpeachable character. But even these had to be closely watched, in case their baser natures took control of them.

Assumptions were already prevalent on women's sexuality. Men assumed women at their worst to be innately lustful and in a permanent state of heat. It was the duty of the ideal male, as described by the Greek philosophers of the 5th century BC, to control himself mentally, physically and sexually, for himself and others, especially women who could not control their sexual appetites. '[H]er position of weakness, ... makes her subject to the benevolence [and self–control] of the husband, like a supplicant who has been taken from her household of birth',[40] Foucault comments.[41] This stereotype appears in the Greek novels and Apuleius.

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[38] See earlier discussion in Chapter Two.
[39] Saller, 1998: 85 makes a similar distinction on the basis of honour.
[40] Foucault [tr. Hurley], 1985: 179. The bracketed portion is an idea included in the sentence prior to that which has been quoted.
[41] Even Venus suggests that, as a female, she requires male protection (5.30.1). Psyche is unable to control herself and proves herself as deserving of a place of submission.

For the lustful male, this state of affairs was hardly frowned upon. A man in love (or more accurately, lust) always stood a chance of gaining the object of his desires because of a woman's insatiable appetite. In Achilles Tatius' *Clitophon and Leucippe*, Clitophon, the hero, falls in love with Leucippe. Even though he is promised in marriage to another, though he describes Leucippe as a maiden under the protection of his father (Ach. Tat. 1.9.7), and though he expresses his shame at desiring her (Ach. Tat. 1.4), he still attempts to seduce a respectable woman, believing that her natural lust might make him acceptable to her as a lover (Ach. Tat. 1.10.4–6). Standards of acceptable behaviour forbade any woman more highly ranked than a prostitute to give in to even the most desirable man too easily (Ach. Tat. 1.10.4–5), therefore literature is full of stories of seduction. Very few women were deemed capable of controlling themselves and fending off the advances of men. Women who could were considered the best of their sex by their husbands, but to the ardent lover, they were cruel. The lover might regret that he was unable to make a conquest of the respectable woman, but he could not hold her cheaply. While men desired women from every level of respectability, ideally the roles fulfilled by respectable women were the most acceptable, in which men were to desire women, and women were to desire men,[42] and for them to procreate.

At the opposite pole were women whom society and the laws of Augustus considered impure. These were actresses, or women born to actresses, prostitutes, certain freedwomen–prostitutes and slave girls. As members of the household, most slave girls had the protection of the master should he choose to give it, and were allowed to form alliances not unlike marriage with other slaves, but they were nevertheless always at the mercy of the master's whims. None of these unrespectable women had any rights when it came to their position as sex objects. For the purpose of sex and pleasure, they were tolerated as a necessary evil for the weak.

The only movement between these two groups was by those women who were born respectable but who chose to endanger their respectability because of their uncontrollable lust, and concubines. Adulteresses were women who wilfully defiled

[42] Same sex love between women was so taboo it was not even spoken of.

the marriage bed and were therefore considered pariahs.[43] Concubines had the love accorded to wives, but not necessarily their respectability in law. No other roles existed in which women could express their sexuality, or in which men perceived it.

The theme of women unable to control their lust runs throughout Apuleius' novel, substantiating the fact that the assumption about women's sexual weakness survived for many centuries. Konstan believes that Apuleius' representation of this powerful, destructive lust shows a male suspicion of the female sexuality with which it is associated.[44] The worst is even assumed of Charite until she is vindicated. When her husband appears disguised as a robber and she allows him to take liberties, Lucius, not knowing the truth, assumes she is already reverting to her female nature of being a slut (7.11). When he discovers that the man is her husband, her actions become acceptable (7.12). Most of the other females in Apuleius are guilty of adultery[45] because of this lust.[46] The wife of Barbarus (9.18) and the fuller's wife (9.24) are both known for their chastity. Yet the fuller's wife falls for another man and apparently has no qualms about immediately beginning a series of clandestine meetings with him. Barbarus' wife has been so locked away by her husband that she has no chance to fall for a lover. She has no reason to risk her virtue and has an unsurpassed reputation for chastity, yet her natural lustful weakness as a woman has her accepting a strange man into her bed for money, without any ado at all on her part (9.19). The slave who is set to protect her has more trouble with his conscience acting as the middleman between the lover and the young wife (9.19). The adulteress at 9.5–7 is described as being a past mistress at tricking her husband over her lover. She is poor, but has no qualms about taking a lover, and the joke is on her husband who suspects nothing and takes a locked door as a sign of her virtue. Psyche's sisters are unhappy in their royal marriages because the husband of the first is too old to give her pleasure (5.10.1) and the other is kept too locked up to find

[43] This was assuming they were caught. A certain measure of grudging respect was accorded to those women cunning enough not to get caught by their family or prosecutors, but this was all the respect they had.

[44] Konstan, 1994: 126, 138. Even Psyche's passion for Cupid is destructive for them both.

[45] The sudden increase of bad women towards the end of the novel mirrors the ass's growing moral conscience as he goes from being an irresponsible young man to being able to step back and judge the actions of the women. These women also provide a counterpoint to Lucius' encounter with Isis (Book 11), a pure and good goddess, that heightens it to the level of an epiphany.

[46] Konstan (1994: 127) notes that in contrast to the Greek novels, which display a symmetry of representation of desire and love between the hero and heroine, in Apuleius most of the women hold sexual mastery over their men.

entertainment elsewhere (5.9.8). They have equally no qualms about abandoning the marriages they profess to be so worthy (5.10.9), driven by lust for Cupid (5.27.1).[47] The miller's wife has the opposite of all wifely virtues, she is 'immoral, lustful, drunken, perverse and unchaste' (9.14).[48] She takes her immorality to the next step, by trying to gain revenge on her husband's discovery of her lover, with witchcraft and murder (9.29).

Indeed it becomes a short step from the adultery of women to all forms of immorality in the eyes of men. In Apuleius, almost all bad women are adulteresses and in addition some, if not outright witches, capable of casting spells, are then murderers, who employ witchcraft or poison, or both. Witchcraft was a well–known and very real danger to ancient Greeks and Romans. This is evidenced by the harsh punishments and sanctions against witchcraft.[49] Even in the later Empire, when Constantine made unilateral divorce almost impossible, people could still divorce a spouse who was guilty of sorcery (*CTh.* 3.16.1). Harmful witchcraft was the province of women, particularly foreigners and those on the fringes of urban society,[50] who would have constituted the unknown. Witches were also naturally perverse and inverted the natural order.[51] Thus, the fear and awe with which the witches in Apuleius are viewed by the other characters is hardly surprising. Meroe, with whom Socrates has an affair, and who is the bane of Socrates' life because she will not release him, is a powerful witch who uses her powers to fulfil her lustful appetites, along with her sister Panthia (1.8, 1.12).[52] Pamphile, the wife of Lucius' host Milo, is reported by Byrrhena to be a powerful witch who uses her abilities to entrap young men into sexual relationships (2.5). The miller's wife employs the

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[47] Although this is as much for material gain, as lust.

[48] This is Kenney's (1998) pedestrian translation of a very descriptive, rhetorical passage: *saeva scaeva, virosa ebriosa, pervicax pertinax, in rapinis turpibus avara, in sumptibus foedis profusa, inimica fidei, hostis pudicitiae* ('She was cruel and perverse, crazy for men and wine, headstrong and obstinate, grasping in her mean thefts and a spendthrift in her loathsome extravagances, an enemy of fidelity and a foe to chastity', 9.14, tr. Hanson, 1989)

[49] Scobie, 1983: 81

[50] Scobie, 1983: 85; Graf [tr. Phillip], 1997: 189

[51] Scobie, 1983: 94–95

[52] Graf ([tr. Phillip], 1997: 185–186) points out that although the sources show that the usual practitioners of erotic magic seem to have been men trying to gain a woman, in literature it is always the woman who is practising magic to gain the man of her desires. As magic is a woman's concern and therefore should not be practised by men, these stories place the burden of magic on the woman and allow the writer to deny the existence of male practitioners. They also personify the threat that women's love can have for a man's autonomy (Graf [tr. Phillip], 1997: 189). See also Winkler (1990: 71–98) on erotic magical spells.

services of a witch to do away with her husband who has discovered her lover and stopped her fun (9.29). The stepmother, consumed with lust for her stepson, easily turns to poison to kill him and have her revenge. When the dose accidentally kills her own son, she shows no remorse and uses the opportunity to further her revenge (10.4–5). The widow for whom Thelyphron temporarily works is responsible for poisoning her husband to please her lover (2.29).

The only two bad women who might be considered to escape the name of adulteress are the jealous, murderous wife and the rich senatorial lady with beastly appetites (10.19–22). However, the latter, by taking her lusts outside marriage, could be considered an adulteress. She may not have to suffer the consequences of her actions because of the money she pays out for the privilege, or possibly because the original Greek character on which she is based did not suffer (Lucian *Onos* 50–52, 56), but having intercourse with an ass is not shown to be acceptable. Her actions are indirectly condemned by showing that, when the action becomes public, nothing more than the most lowly, beast–like, condemned woman can be brought in to have intercourse with the ass (10.23). This condemned woman appears briefly in the Greek original (Lucian *Onos* 52–53) but it is Apuleius who paints her so blackly. In Apuleius she becomes the jealous wife, who has reduced herself to the level of an animal by being so lacking in control as to commit five murders (with the woman's weapon of poison), sparked originally by a jealous rage (10.23–28).

It should be noted that, except for the witches and the adulteress in the joke of the cuckolded husband (9.19–22), all these adulteresses and the murderess meet their just desserts for their lack of morality. Further, when pushed into a corner, these women often revert to violence and cunning. This shows clearly that a woman who displays her sexuality outside the acceptable boundaries of the family is considered to be highly immoral, unrespectable, even downright bestial.

One of the few women to have sex outside marriage without direct repercussions is the maid, Photis. The story of Lucius' seduction of the maid to gain the knowledge of shape shifting is taken from the Greek original (Lucian *Onos* 5–11). Lucius' plan is to seduce Palaestra, as slaves know all about the goings on in a household, and he wants to keep well away from the witch herself, as the wife of his host (Lucian *Onos*

5). On the other hand, when Apuleius rewrites this scene, he changes it to such a degree that one can see he is manipulating it to suit his own moral ideas. In Apuleius, Lucius' first concern is for self–control over his lust for the witch Pamphile, and secondly he is hesitant to defile his host's marriage bed by seducing her (2.6). However, unable to have the wife, he considers her maid Photis fair game for his seductions (2.6).

> καὶ ἐπὶ τὴν θεράπαιναν τὴν Παλαίστραν ἤδη ἀποδύου – τῆς γὰρ γυναικὸς τοῦ ξένου καὶ φίλου πόρρω ἵστασο – ...δοῦλοι γὰρ ἐπίστανται καὶ καλὰ καὶ αἰσχρά.
>
> (Lucian *Onos* 5, tr. MacLeod, 1967)
>
> Strip yourself at once to wrestle with the maid, Palaestra – but keep yourself far from the wife of your host and friend ... For slaves know all that goes on, whether good or bad.
>
> *a nexu quidem venerio hospitis tuae tempera et probi Milonis genialem torum religiosus suspice, verum enimvero Photis famula petatur enixe.*
>
> (2.6)
>
> Restrain yourself from a sexual connection with your hostess and respect the marriage bed of the honest Milo, but indeed the slave–girl Photis may be pursued strenuously.

Even before the lustful nature of both slave–girls is established, they are marked as having no more worth than sex objects. Apuleius goes on to paint Photis as lustful and eager to jump into bed with Lucius (2.7). She even goes so far as to offer herself to him as a boy (3.20). While Palaestra's status as a sex object is taken for granted by Lucius when he sets out to use her, Apuleius goes out of his way to establish Photis as a legitimate alternative to adultery. The status of Photis as legitimate sex object becomes even more apparent when one considers the preoccupation with marriage in typical Greek romances. The heroine is desired by many men during the course of her trials, but even the lowliest men most often offer marriage. Although this is often a euphemism for sexual consummation, it is still telling that it is referred to in this manner. Fantasies of desire out of wedlock, while described in detail, are always eventually quelled in favour of heterosexuality and

marriage.[53] This is borne out by Heliodorus' Thisbe, the maid who is commanded by her mistress to take her stepson, Knemon, into her bed. Knemon mentions how his advances toward Thisbe, previously spurned, are now encouraged by her (Heliod. *Aeth.* 1.11). This shows that Knemon had felt no qualms about trying to seduce a maid, but he is shocked at the thought of having adulterous relations with his stepmother (Heliod. *Aeth.* 1.9). Slave girls therefore share the status of unrespectablity with adulteresses, but they do not share the stigma of betrayers and therefore do not need to be punished.

The tales of Apuleius leave us with some fascinating conclusions on the male perceptions of female sexuality, and consequently, the nature of the classical paradigm. While virginity is the ideal state for a young woman, marriage is, and must be, the aim of all women. Well–born women must only mate with men of the same status, while low–class women, specifically slaves, are forced into the position of not being worthy of marriage. Women are unable to control their natural lusts once they are aware of their sexuality. Therefore, sex, and more importantly, awareness of their sexuality, should only take place in marriage for well–born women. Low–class and slave–girls may be sexually aware outside marriage, as they have no status or honour to maintain, but any well–born woman who takes her sexuality outside marriage is immoral, betraying her status as a respectable woman and breeder. This betrayal is so terrible in the eyes of men that adulterous women take on the spectre of evil associated with witches and murderers, and deserve the harshest punishment. This all leads to the conclusion that marriage and the family were not just the normative models for the disposition of female sexuality among Roman women. For respectable women of the imperial period before Christianity, it was the only model that was acceptable, and unrespectable women had no right to it.

[53] Egger, 1994: 260–261

Chapter 4:

PARADIGM CONFLICT: FEMALE MARTYRS

Considering the rigidity of the standards held by men for acceptable female sexual behaviour, it is understandable that these men felt it necessary to punish women who stepped outside the private sphere of the family and away from male control and expectations. MacDonald points out that for men of the classical era, women's chastity represented the good reputation and moral standing of the whole household.[1] Women who moved out from the domain of the household, or the private sphere, into the public sphere were therefore thought to be immodest. Modesty was a virtue dependent to such a degree on correct sexual behaviour, namely chastity, that any woman who acted with seeming immodesty, who violated this most basic tenet of female behaviour, was suspected of sexual deviance, no matter what actions or crimes she had committed.[2] The worst act of immodesty and unchastity was adultery, the ultimate violation and betrayal of the honour of all male relatives, especially the husband. Consequently, even female criminals who had violated some other standard of acceptable behaviour could be punished as if they had committed adultery.[3] Sometimes these deviant women were accorded one of the harshest punishments; a humiliating public shaming and death by being executed in the arena. Coleman discusses several reasons for public executions, among them

[1] MacDonald, 1996: 240
[2] MacDonald, 1996: 174
[3] Shaw, 1993: 7. The jealous wife in Apuleius' *Metamorphoses* (10.23–28) is condemned to commit sexual acts in public with the ass, Lucius, for committing murder because her step–son would not consent to sleep with her.

humiliation as part of the retribution of society for the criminal act, and as an example to deter other wrongdoers. In class–conscious Rome, loss of reputation or honour by public humiliation in this manner entailed an actual loss of the rights associated with a person's position.[4] Low–class members of society (*humiliores*), who were considered to have no honour to lose, could be subjected to some of the most debasing forms of degradation. Meanwhile the *honestiores*, or men of high rank, were given less harsh punishments for similar offences.[5] Women were subjected to the same severity of punishment as men, which was unusual, especially in a society that believed in their inherent weakness under law.[6]

Criminals who belonged to the rank of the *humiliores* could be thrown to wild beasts, crucified or burned to death, while the death penalty for the *honestiores* was a quick, painless beheading.[7] The typical punishment for an adulteress was to be stripped and tied up in a transparent net.[8] This made it easier for the animal to attack her. Modesty and honour were virtues a Roman woman, especially a matron, held extremely dear. To be displayed naked in public was to strip her of both. She was then faced by, or tied to, a wild bull.

A terracotta figure from North Africa shows a woman tied to a bull, being mauled by a leopard.[9]

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[4] Coleman, 1990: 46–47, 55

[5] This dual system of penalties can be traced from the time of Hadrian. Punishments formerly applied only to slaves also began to be applied to ordinary citizens, while the sentences of those of high rank were mitigated. However, the division between *honestiores* and *humiliores* was not well defined in law. *Humiliores* seem to have included slaves, foreigners, freedmen and other citizens of low rank (*plebeians)*, while *honestiores* comprised men of *dignitas* or *honor*. There appears to have been a grey area between the two categories, which meant the administration of punishment could depend entirely on circumstance, particularly in the case of citizens. (For a legal discussion of *honestiores* and *humiliores* see Garnsey, 1970: especially 155, 222–223, 235, 260–263. For historical application, see Bauman, 1996: *passim*).

[6] See Jones, 1993: 23–34.

[7] Wiedemann, 1992: 69

[8] See Shaw, 1993: 7–8; Salisbury, 1997: 142.

[9] Terracotta from Kalaa Scira, North Africa. Louvre, inc CA 2613.

Martial (*Spect.* 5) tells us that this would have evoked the memory of the myth of Pasiphae, who was so lustful and lacking in self–control that she conceived and consummated a burning passion for a bull. This symbol would have clearly told the spectators that the woman was an adulteress. This is evident from a line in Petronius where he writes 'Rather that feminine chamber–pot deserved to be tossed by a bull' (*magis illa matella digna fuit quam taurus iactaret*, Petron. *Sat.* 45).[10] The harshness of this particular form of execution can be attested to by the rarity of the occurrences. Women were generally left to the end of the programme as the finale, because of their unusualness. This rarity, Shaw points out, 'when coupled with the dangerous and yet alluring spectacle of witnessing the public violation of norms of sexuality and the mutilation of otherwise protected and honoured female bodies, gave a special edge, a sharper culmination to the display.'[11]

These public spectacles helped to enforce the impression of male superiority on the populace, especially in the face of a female violation of accepted norms. The beast–hunts affirmed the belief of the spectators in their power and dominion over nature,[12] and the public punishment of criminals assured society that the proper social order, which the criminals had violated, had been restored. Humiliation stripped criminals of the rights they had dared to take for themselves.[13] In the time of the Empire the Games were very much a political forum. When he was present, the Emperor could assert his ideals and authority on the people by the example of his public displays, especially his position as the centre of attention in terms of seating, and his respect and approval for the spectacle. The final decision over the life and death of gladiators ultimately rested with the Emperor.[14] Even if he was seen to be swayed by the popular sentiment of the crowd, he still displayed his authority by his magnanimity. The punishment of criminals, a task that had formerly fallen to slave masters and the *paterfamilias*, was taken over more and more by the Emperor and his administration in order to centralise his authority.[15] The audience themselves

[10] See Wiedemann, 1992: 88–89; Shaw, 1993: 7–8.
[11] Shaw, 1993: 18
[12] Wiedemann, 1992: 62
[13] Wiedemann, 1992: 71
[14] See Hopkins (1983: 17–19) on political theatre.
[15] This was true of many aspects of life under Augustus (cf. the laws on adultery) and later Emperors.

defended the norms of society by participating in attacks on criminals. The humiliation of criminals distanced the spectators from them, and the belief that the criminals deserved whatever was coming to them stopped the spectators from feeling any sympathy for them.[16] Therefore they could be as blood–thirsty as the beasts in calling for a woman's degradation and death. They were both voyeurs and participants in these acts of sexual violence. Even women criminals who had not committed adultery could be punished as such if the audience called for it.

In the face of these justifications for such harsh punishment, it is hardly surprising that when faced with a type of woman who routinely violated the norms of behaviour for female sexuality, the men who had helped entrench these norms should mete out such a harsh punishment. Some Christian women not only defied the authority of the men in their families,[17] and rejected their place as solely within the authority structure of the family, but they did so openly and without compunction. Such open defiance was extremely dangerous in the eyes of men of the classical era, and even some of their womenfolk. A competing structure of authority had sprung up in the second century AD, namely that of a Christian hierarchy, which challenged their authority and threatened to destabilise the basic building block of Roman society, the patriarchal family. By rejecting traditional family authority, these Christian women left themselves open to suspicions of being lacking in modesty, hence the specifically sexual nature of their punishments. The only circumstances in which no lesser sentence than the arena was available for *honestiores* was in the case of parricide and therefore also violation of the *maiestas* of the emperor as father of the fatherland.[18] The Christian failure to observe the cult of the emperor would no doubt have fallen into this category, which is why even upper–class Christian women found themselves paying for their beliefs by means of the harshest, most humiliating punishment for sexual deviance.

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[16] See Coleman, 1990: 47, 58.

[17] Nock (1933: 210–211) and Lane Fox (1986: 330) believe that people were attracted to Christianity because it had the elements of both mystery cults and charismatic philosophy, which were both popular in the second century AD. Women especially were considered to be attracted to it because it offered them the choice of avoiding marriage and having some authority within the church (Clark, 1986: 49–50). However, Salzman (2002: 139–141) refutes this argument. She suggests that within classical culture, a wife was expected to worship the Gods of her husband, and therefore that women converted to Christianity for their husbands, who had converted before them.

[18] Coleman, 1990: 55

The punishment of Christian women, however, was only one part of a larger persecution of Christians in general, although this was not systematised.[19] In the eyes of the pagan world Christianity had one major flaw: it was violently opposed to the worship of any other god but its own one God. This made Christians intolerant, exclusive, clannish and secretive. They refused to make sacrifices, even to the Emperor cult, to participate in religious festivals or attend gladiatorial Games. Some even refused to enter the service of the Empire as soldiers or magistrates.[20] Whereas the secretiveness of other mystery cults[21] was acceptable, even if the actions they hid were deplorable, the refusal of Christians even to pay lip–service to the official gods led them to be branded as atheists,[22] whose refusal to sacrifice would bring down the wrath of the gods on the heads of all, and endanger the power of the officials who ruled in the name of those gods. Misunderstanding of what little was known of Christianity led people to accuse them of infanticide, cannibalism and ritual promiscuity (Tert. *Apol.* 2, 7).[23]

In the second century, Christianity promulgated a radical new paradigm of thought on authority, especially over female sexuality. Formerly, authority rested within the family with the *paterfamilias* and with the start of the dictatorships that characterised the Empire this notion was enlarged. The emperor was father of the Empire (*pater patriae*) and he had complete authority over his subjects who made up his 'household'. However, Christianity preached that the only authority was that of God, who was Father of all people. The ultimate authority of God clashed directly with that of the *paterfamilias* and the emperor, therefore converts were encouraged to defy traditional patriarchal authority structures if their dictates came into conflict

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[19] The prominence of women in accounts of martyrdoms, especially as they were written by males, can be attributed to the additional admiration accorded women who were seen to rise above their nature and show 'masculine' fortitude in the face of great pain and suffering (Jones, 1993: 23). The ability afforded by Christianity for a person, especially a lowly woman, to rise above him or herself, was an excellent propaganda tool to promote Christianity. Also see Cooper (1996: 3) whose main hypothesis is that both classical and Christian men used women in literature to demonstrate their own honour and to shame their opponents.

[20] Pliny on the Christian refusal to sacrifice (*Ep.* 10.96–97). *Acts of Pionius* (8) recounts Pionius' refusal even to sacrifice to the Emperor. Tertullian's *About the Spectacles* denounces the games. Constantine acknowledges those Christians who were dismissed from their rank on the grounds of their refusal to worship pagan military standards (Euseb. *Vit. Const.* 2.33).

[21] Christianity was generally perceived to be a mystery cult. See Nock, 1933: 99–113; Potter, 1999: 123, especially on Christianity within the historical context.

[22] See Frend, 1965: especially 11, on Christians seen as atheists.

[23] For classical views of Christianity see Benko, 1984: especially 21–24, 54–74.

with those of God.[24] Christians were encouraged instead to move away from their earthly families and embrace the spiritual family of Christ, their brothers and sisters of the church. Paul constantly referred to his fellow Christians as his brethren. He also reiterated Scripture that established a family of sons and daughters of God the Father (*2 Cor.* 6.18, *Phil.* 2.15). Tertullian, in his defence of Christian practices, writes of the misunderstanding of brotherly love by non–believers. He states that all men who have come from ignorance, through the same process of enlightenment, to know God as their common Father, can properly be called brothers; more so than men who are 'brothers' in their common humanity (Tert. *Apol.* 39).[25] This encouragement to women to move out from under the authority of the traditional Roman family[26] obviously alarmed men of the classical era. Society was based on the authority structure of the family and with the breakdown of that structure society was in danger of collapse. Something had to be done. 'Male superiority' had to be 'publicly reasserted' in the face of 'female attacks on both familial and governmental norms'.[27]

Christians came to be rigorously persecuted to encourage converts back to paganism and to try and stem the tide of such a pernicious and disgusting cult. They were tortured, crucified like slaves, pitted against gladiators and thrown to the beasts in the arena. Christians however, were quite willing to die passively to show the depth of their beliefs and to bear witness to the power of their God.[28] Persecution allowed Christians an excellent opportunity to emulate their Christ and enter heaven washed clean of all sin, without years of repentance.[29] They could become martyrs in the cause of God. Martyrdom was a gift from God, as Christians believed that those chosen were His choice rather than that of their persecutors.[30] Many went willingly

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[24] However, religious conflict in marriages between pagans and Christians, where the wife was usually the Christian, could cause family break–up without even needing such encouragement. Some denunciations occurred to protect the cohesion of the family. Salisbury, 1997: 80–81

[25] Lefkowitz (1981: 54) suggests that this encouragement to break with tradition was part of the appeal of early Christianity, and that this promotion by Christianity to move away from the family was typical of converts who wish to break with the old in order totally to embrace the behaviour of the new. For example, when Lucius converts to the cult of Isis in Apuleius' *Metamorphoses*, he does not return home after his ordeal.

[26] Young men were also encouraged to throw off the authority of their fathers.

[27] Lefkowitz, 1981: 56

[28] Frend, 1965: 79

[29] Frend, 1965: 82–83

[30] See Salisbury, 1997: 80.

and bravely to their deaths, although there were just as many who lapsed before they would allow themselves to be killed. Some, inspired by the example of brave martyrs, even volunteered to be martyred.[31]

In spite of this, it is important to remember that martyrs were not only witnesses to their religion, they were also victims. The fear engendered in the proponents of the classical paradigm of authority and the family, in which the norms of female sexuality were situated, could not help but lead to violent conflict with the new Christian paradigm, which was radically inverting these norms. Those that were persecuted included women who dared to put the authority of their Christian God before their fathers, and who stepped outside the accepted order.

Two of the first women to suffer for this were Perpetua and Felicitas who were martyred in 203 AD in Carthage. Perpetua was a young woman of good family. She was also a new mother, still breast–feeding, when she was arrested (*PP* 2.1–2).[32] Felicitas was her pregnant slave girl (2.1, 15.1–2). Although it is impossible to verify the complete veracity of all the accounts of martyrs, this one stands out, as it seems to have been written by the woman martyr herself. The account of Perpetua's martyrdom, *The Passion of Perpetua*, is supposed to include the diary Perpetua herself kept during her imprisonment.[33] The similarity of her account to many other martyrologies that follow, from the fourth century onwards, suggest that her description of her experiences was used as a template for most subsequent accounts.

The martyrdom of Perpetua provides an excellent example of how the dominant paradigms of thought came into conflict in a violent and individualistic way. Perpetua's account tells of her experience in prison, her visions and her relationship with her relatives. Significantly the most prominent member of her family in her

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[31] Saturus, Perpetua's mentor, voluntarily gives himself up to be martyred with her and her companions (4.5).

[32] All further references in this chapter refer to *The Passion of Perpetua*, unless otherwise stated.

[33] That she did indeed write this herself seems to be in little doubt from the clear and simple writing style, as Christians initially rejected classical rhetoric. However, the introduction and the description of her actual death, which surround her writing, were written by a man, who obviously had his own agenda in recounting her story. This cannot help but affect a reader's interpretation of her words, and causes one to see them in light of the example the male writer wished to expound. Nevertheless, the small amount of Latin writing by women, means Perpetua's diary holds a unique place in the Latin tradition. See Farrell, 2001: 75–79.

account is her father.[34] Perpetua's father is a pagan and he tries several times to turn her from Christianity, in order to compel her to save her own life. He comes to her four times in the course of Perpetua's account. The first is just before Perpetua's baptism. She does not recount anything he says, only that he sought to turn her because of his affection for her (3.1). However, she does say how he flies at her to hurt her in his frustration when she refuses to deny her faith, but he cannot bring himself to do it (3.3). Tertullian (*To the Martyrs* 2) warned martyrs that their families would try to turn them from their faith, and Perpetua certainly believes her father is partly incited by the devil (*argumentis diaboli* 'devilish arguments', 3.3).[35] His second visit comes when it becomes clear that Perpetua will go before the procurator. Here she recounts his words, which are telling. He begs Perpetua not to think of herself but of her family: himself as her loving father who showed her much affection and favouritism, her mother, brothers, aunt, and her new born son who is still breast–feeding and whose survival therefore depends on hers (5.2–3).[36] In light of the importance in which women were expected to hold their family, especially the authority of their fathers, this is not an unreasonable request. Indeed it is rather gently worded, and plays more on the intrinsic belief that a woman's first concern should be her family, rather than the fathers' authority, for he even makes himself her supplicant, throwing himself at her feet, and playing on her guilt with kisses and tears (5.4–5). Her father seems to be acknowledging her attempt to take control over herself, by 'now calling me not daughter but mistress' (*me iam non filiam nominabat sed dominam*, 5.5). But Perpetua rejects his request by citing a higher authority. She comforts her father by telling him that everything will happen as God wills, and that she is solely in His power (5.6). Her father approaches her again with her son when she appears in front of the procurator. Again he appeals to her in the name of her family, specifically her son (6.2), but again she insists she is a Christian (6.4). Her father approaches her for the last time just before her martyrdom, acting the grieving parent and trying to sway her (9.2). By now, however, she seems beyond

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[34] However, no mention is made of her husband. Probably as the result of death or divorce, or perhaps because her husband rejected her as a Christian, she seems to be back in the household of her father. For speculation as to possible reasons, see Lefkowitz, 1981: 56; Shaw, 1993: 25.

[35] It is important to note that Perpetua does not consider her father himself to be evil, but rather that he is dominated by the Devil. Believing the persecuting authority to be a tool of the Devil, rather than evil in itself, is a typical Chrisitian attitude (Jensen [tr. Dean], 1996: 104).

[36] Dronke (1984: 10) believes that the father's following warning, that Perpetua will cause her family's destruction by admitting to being a Christian, means that she may place her whole family under suspicion of Christianity.

his reach. Perpetua's rejection of her family and especially her father follows the typical pattern of rejecting the old for the new. This is obvious when one notices that while in prison she turns to the deacons, who come to minister and care for the prisoners while they are in jail (3.7), as well as her fellow male prisoners, especially Saturus (4.5).

Her rejection of her father in favour of her spiritual family can also be seen in her dreams.[37] In her first vision,[38] she dreams of an ascent to heaven. On the ladder to heaven she has to step on the head of a serpent (4.3).[39] Scholars have suggested this serpent represents her father,[40] especially when one considers Jerome's advice to a young would–be monk to step on his father if he tries to stop him (*Ep.* 14.2). In their second (5.5) and fourth encounters (9.2), Perpetua's father throws himself at her feet, while in the third he is beaten to the ground (6.5). In her rejection of his pleas she is symbolically trampling him as she did the serpent. She is guided up the ladder by her 'brother' Saturus (4.5). At the top Perpetua finds a white–haired, kindly shepherd in a garden surrounded by thousands of people (4.8). The notion of Christ as the Good Shepherd, a popular motif in the early church, as well as Perpetua's probable knowledge of the visionary shepherd guide in the mid–second century text, *Shepherd* of Hermas,[41] rather clearly marks this garden as heaven. The white–haired man is obviously a father–figure, and he welcomes her as his daughter (4.9). This spiritual father, and the new family of Christ as expressed by the heavenly congregation, are what she is striving towards as she rejects her earthly father and family. Her final vision has her competing in the arena as a gladiator. There are several men in this vision. The first is the deacon Pomponius, who echoes the father–figure from her first vision by appearing in a white robe. He also assures her that she can be fearless because he is labouring with her (10.1–4). The second

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[37] The imagery in Perpetua's dreams has been widely and varyingly commented upon. Scholars believe that this imagery would have been informed by her literary education and life experiences. However, they differ as to what this would have entailed. Dodds (1965: 51–52) believes Perpetua's dreams are full of classical imagery, while Salisbury (1997: 92–112) sees them as a combination of Roman, Carthaginian and Christian influences. As it is not pertinent to my discussion, I have tried to avoid any but the most obvious inferences.

[38] Perpetua's first vision is solicited on behalf of her 'brother'. However, scholars do not agree on whether this was a blood brother or a brother in Christ.

[39] On her ascent to heaven, Agnes too steps on the head of the serpent, who in her case is probably the devil (Prudent. *Perist.* 14.112–113).

[40] Dronke, 1984: 6; Lefkowitz, 1981: 54

[41] See Salisbury, 1997: 102.

man is her opponent, an Egyptian (10.6), and the third is an incredibly tall, richly–dressed man who has the appearance of a trainer of gladiators (10.8). She also has male supporters (10.6), which Salisbury believes represent Perpetua's sense of Christian community.[42] When Perpetua defeats the Egyptian, suggestively by trampling on his head, the tall man gives her a reward of a bough. He kisses her, calls her daughter and blesses her (10.11–13). Perpetua interprets this dream to mean she will be confronting the devil[43] in the arena, but that she will win and be rewarded (10.14). The deacon and trainer of gladiators are again symbols of the spiritual father she is striving to find. It is important to note that all of the prominent figures in Perpetua's new family are male. Perpetua's father and the Christian male father–figures in her dreams should be contrasted in terms of her rejection of this authority and the acceptance of the authority of Christian males. Her father is hostile and wishes to bring her back under his influence, while the dream men, who represent a way of life in which male/female relations are seemingly not governed by sexual alliances but by spiritual bonds, are kindly, nurturing and supportive.[44]

In Prudentius'[45] work the *Crowns of Martyrdom*, written in the fourth century, Prudentius tells of the rejection of family authority by the virgin martyr Eulalia.[46] The mother of the young Eulalia tries to keep her at home, for the girl is determined to be a witness to her faith and become a voluntary martyr (Prudent. *Perist.* 3.36–40).[47] However, Eulalia rejects her mother's care of her (Prudent. *Perist.* 3.41–45) and runs away to the seat of power of the province of Spain (Prudent. *Perist.* 3.64–

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[42] Salisbury, 1997: 108

[43] This association of the Egyptian with the devil has caused much debate. Shaw (1993: 28 note 62) believes too much is read into the choice of the Egyptian. As they were considered to be the most detested and defamed ethnic group in the Roman world, Perpetua's choice of the Egyptian as the devil was simply racism. However, Salisbury (1997: 110) sees many layers to the choice of the Egyptian. Beyond the race issue, these layers include the fact that Egypt was associated with pagan wisdom and the current Emperor, Septimius, had taken the Egyptian god Serapis as his patron deity. Further, Jensen ([tr. Dean], 1996: 105) harks back to the Old Testament, when the Egyptians were the enemies of the Jews.

[44] Lefkowitz, 1981: 58

[45] Prudentius was a fervent fourth–century Christian, probably from a Christian family, as there is no evidence of his conversion. Nevertheless, he had a classical literary and rhetorical education. He then used his skills as a poet and rhetorician to promote the Catholic Church (Thomson, 1949: vii–x).

[46] This motif of rejecting family and/or imperial authority is the driving factor in most female martyrdoms. See also the martyrdoms of Agnes (Prudentius), Anahid, Febronia, Martha (in Brock & Harvey, 1987), Irene and her companions, Crispina, Blandina (in Musurillo, 1972), and Thecla (in Kraemer, n.d.).

[47] Eulalia's mention of Maximian, a colleague of Diocletian, who was emperor from 286 to 305, places this martyrdom during this time and in Spain, which was under Maximian's rule (Thomson, 1953: 149).

65). There she presents herself to the governor and begins a diatribe denouncing him and the Emperor in the name of God (Prudent. *Perist.* 3.66–95). She publicly and purposefully flouts the traditional authority structure. The governor is angry enough to torture her as she requests, but he does not seem to be a naturally cruel man, because he tries to turn her back to the classical paradigm. He reminds her that by giving up her life she will be turning her back on the joys of honourable matrimony, and will cause her family distress, as they are forced to lose her just when she is reaching marriageable age (Prudent. *Perist.* 3.96–110). He tries to tempt her with a rich marriage and appeals to her duty and love of her elders (Prudent. *Perist.* 3.111–113). This particular technique of offering marriage rather than trying to make the virgin make a sacrifice becomes a common motif in virgin martyrologies.[48] It is obvious from the sheer impossibility of some aspects of the martyrdom that this is a literary work, and the emphasis on marriage is part of an agenda by the poet who is trying to glorify the keeping of virginity against all odds. However, the fact that the governor makes an attempt to save Eululia shows that Prudentius was aware that men of the classical era were concerned that women were rejecting the traditional authority structure of the patriarchal family, and they were eager to bring them back into the fold. In the appeal to Eulalia's expected sense of womanly duty toward her family and the recognition of the authority of her male elders (*senum* 'old men', Prudent. *Perist.* 3.112), the classical paradigm is clearly contrasted to the Christian paradigm, as Eulalia rejects his words (Prudent. *Perist.* 3.126–130).

Perpetua is not completely self–centred in rejecting her family. Her conscious removal from the earthly realm to a spiritual level in her mind, in preparation for her martyrdom, is gradual. At first, she is terrified by the prison, she is fearful for her son and is distressed over her father's anguish. Her anxiety for her child leads her to place him in the care of her mother and brother. But she suffers in prison without him and is only saved from her fear of the prison when she is allowed to have her son with her (3.5–9). She receives a heavenly confirmation that she must give up her family when her father refuses to bring her son to her after the trial, but neither she nor the baby suffers from the separation. Miraculously, he no longer wants to

[48] See also the martyrdoms of Febronia, Anahid, Martha (in Brock & Harvey, 1987).

breast–feed and in addition Perpetua does not suffer from engorged breasts (6.7–8). By the middle of her narrative, Perpetua's mother, brother and son all pass from her sphere of concern. At each meeting with her father her concern for him becomes more and more remote. Her dreams lead her to an ever more spiritual level as she is prepared for the ordeal ahead.[49] From her first encounters when her father vexes her (3.3), she tries to comfort him (5.6), and she feels his pain as if it were her own (6.5), to her last encounter when she merely grieves for him in a rather abstract way (9.3), she consciously moves from the earthly to the spiritual. Even her last concerns for her family are spiritual. Her second vision warns her that the soul of her late brother Dinocrates is languishing in purgatory (7.1–9). She uses her status as a near martyr to pray for him and is informed in her third vision that she has saved his soul (7.9–8.4).[50]

In addition, another preparation is taking place at a subconscious level, her preparation for sexual defilement in the arena. As Perpetua consciously moves onto a spiritual level she gradually suppresses her earthly sexuality. By her fourth dream, most of her earthly concerns have fallen away. In the beginning of her diary, she shows acceptance for her sexual role within the family by displaying maternal fear for her son (3.6) because he is not getting sustenance from her body (3.8). However, the particular area in which Perpetua, and other Christian women, were rejecting male authority was in the power of their fathers and the state to place their sexual role within the family above their spirituality. Augustan legislation insisted on marriage and remarriage for all women. Fathers expected their daughters to marry, partly to gain political and monetary alliances and to bear heirs. Men in general either expected a woman to be available for marriage, or for their sexual gratification, depending on her status. Christian women completely rejected the power of men within the traditional societal structure to dictate the disposition of their sexuality. In rejecting her father, Perpetua is rejecting her traditional role as procreator and therefore also rejecting her son's claim on her body. Twice her father

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[49] Dronke, 1984: 10, 13

[50] Dronke (1984: 11) suggests it is possible that from this experience Perpetua believed that she could help the rest of her family on a spiritual level, and so was no longer concerned for them. Salisbury (1997: 104–107) further suggests that Perpetua's first vision allowed her to resolve her relationship with her father. Secondly, her dreams of Dinocrates allowed her to transfer her maternal concern for her son onto a spiritual level with her concern for her brother, and so relieve her of her maternal anxiety.

calls upon her to recant in the name of her son (5.3, 6.2), and both times she rejects them. While her dreams prepare her for a conscious removal to the spiritual, her repressed sexuality manifests itself in her subconscious, as her sexually charged fourth vision. In it she takes on the body and sexuality of a man (10.7). This does not imply a change in gender however.[51] She is instead a transsexual – a woman in a man's body – as she undergoes no transformation back into a woman before the end of the dream but the trainer of gladiators addresses her as 'daughter' (*filia*, 10.13). By taking on a male body, she is subconsciously moving away from male authority over her sexuality. Instead, she has invested herself with the same power as the male to determine her own sexual destiny. The sexuality inherent in her nakedness and in an oil rubdown by her supporters (10.7) anticipates her impending sexually charged martyrdom, but her lack of shame over the rubdown – she notes that it is normal practice (10.7) – and her power over her sexuality indicate that her degradation will be physical but not mental.

Perpetua did not have to have personally committed any sexual impropriety. Her rejection of parental authority and her seemingly immodest behaviour in the face of the authority of the procurator and the crowd were enough to ensure a punishment that would mark her as a sexual deviant in the eyes of the public. While being led to the arena through the crowds, she goes against the typical behaviour of a Roman matron. Rather than being modest in the face of public scrutiny, she instead intensely returns the stare of spectators (*vigore oculorum deiciens omnium conspectum* 'putting down everyone's stare with the force of her eyes',18.2). Shaw mentions that by doing this she is also defying the right of the spectators to their voyeuristic experience.[52] She also stands up to the tribune and refuses to be dressed in the clothes of a priestess (18.4–5). She is strong enough 'to confront authority,

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[51] Torjesen (1996: 81–82) believes that Perpetua's dream of becoming a man involves a gender change, as it gives her the validity of an active pursuer of honour, a virtue associated with being male, whereas she will become the passive female victim when attacked by the beasts in the arena. Most modern scholars also see her transformation as an empowering experience (Shaw, 1993: 29; Salisbury, 1997: 111), as she strips herself of her weak female nature (Dronke, 1984: 14) and redefines her position to one of power in a male–dominated world (Lefkowitz, 1986: 104). Others have suggested that her knowledge of the games would have led her to believe that the only way she could participate in the games as a gladiator was as a man. However, this is partly negated by the fact that there had been female gladiators (Tac. *Ann.* 15.32; Suet. *Dom.* 4.1; Mart. *Spect.* 6B), even in Perpetua's lifetime. Only after AD 200 were women forbidden to participate in the games (Cass. Dio 76.16.1) (Salisbury, 1997: 108–109; Shaw, 1993: 29–30).

[52] Shaw, 1993: 4

and to reject its terms'.[53] For her actions Perpetua and Felicitas are stripped and dressed in nets (20.2).[54] However, when the crowd sees this display of a young woman, and a lactating mother, they are unusually horrified (20.2).[55] This leads the tribune to have them changed into tunics (20.3). The well–known pleasure spectators took in sexual humiliation makes the crowd's actions hard to account for. It is possible that the obviousness of the new mother, and the unacceptable mixture of the two life–giving fluids, milk and blood, offended them.[56] Perpetua and Felicitas are then confronted with a fierce cow, which Perpetua's editor[57] points out went against the custom (20.1) of the typical bull punishment. Shaw suggests several possible reasons for the use of a cow instead of a bull. Firstly and most obviously to mock their sex. Spectators would still have made the connection between the cow and the typical bull and drawn the expected assumptions. But the use of a cow suggests that Perpetua and Felicitas were not woman enough to be guilty of adultery.[58] However, I believe Shaw has not been cognisant of one of his own points in formulating his argument. Any woman could be punished as an adulteress,[59] as a catchall for the kind of deviant behaviour exhibited by Perpetua. Perpetua's punishment was meant to mark her as a sexual deviant. Salisbury suggests that punishment of females was rare in Carthage at that time and so the use of the cow was probably just meant to highlight the sex of the criminals.[60]

Later Christian writers appropriated sexual punishment as a motif to vilify classical authority figures for persecuting dedicated virgins.[61] In Prudentius' account of the

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[53] Shaw, 1993: 5

[54] Some form of public humiliation and/or sexual punishment is visited upon most female martyrs. See also the martyrdoms of Agnes (Prudentius), Febronia, Anahid and Martha (in Brock & Harvey, 1987), Thecla (in Kramer, n.d.), Crispina, Irene and Blandina (in Musurillo, 1972), although, as a slave, Blandina's modesty was not supposed to be as important to her.

[55] Criminals were expected to die cowardly deaths, but the martyr's goal, to be passive and unflinching, often angered the crowd (Salisbury, 1997: 125, 127).

[56] Salisbury, 1997: 142. Although Jones (1993: 32) suggests that women evoked sympathy simply by virtue of their sex.

[57] The identity of the editor of *The Passion of Perpetua* is a matter of speculation, although some believe his style is similar to that of Tertullian (Bomgardner, 2000: 142).

[58] Shaw, 1993: 7–8. Shaw goes so far as to suggest that because of the lack of credibility a charge of adultery would have had against Christian women, perhaps the cow was meant to mark the women as lesbians. However, I doubt the spectators or games organisers were aware enough of the Christian practice of celibacy for this to be true.

[59] Shaw, 1993: 7

[60] Salisbury, 1997: 141

[61] See Schroeder, 1999: 169–173.

martyrdom of Agnes,[62] she is martyred for defying imperial authority and refusing to worship pagan gods (Prudent. *Perist.* 14.13–14). The prosecutor tries to tempt her to change her mind with 'seductive words' (*ore blandi*, Prudent. *Perist.* 14.16). Because of her willingness to withstand torture, the prosecutor decides to torture her by placing her in a brothel, as an affront to her dedicated virginity (Prudent. *Perist.* 14.23–24). Agnes believes Christ will protect that state which he has ordained (Prudent. *Perist.* 14.31–33), and not let her body be polluted with lust (Prudent. *Perist.* 14.37). At first Agnes is put on public display (Prudent. *Perist.* 14.38). When one considers the importance Roman women attached to their modesty and their place in the home, this display marks her as immodest and therefore guilty of sexual deviance. The only man who dared to approach her, however, was blinded when he looked at her with lust in his eyes (Prudent. *Perist.* 14.46–47), and so she escaped with her chastity intact (Prudent. *Perist.* 14.55–56).[63]

This concern on the part of the pagan prosecutor with Agnes' virginity is most likely a construction by the Christian author. Dedicated virginity was a holy state, entailing a reward sixty times greater than normal in heaven (Prudent. *Perist.* 14.121). Lefkowitz believes that this led the martyrologists to place an emphasis on sexuality that was merely peripheral to the pagans.[64] I certainly believe that the pagan men were not concerned with women's virginity because it was a way to strike at the core of their religion. While they did want to fight Christianity, they saw its pernicious influence as perverting women away from the family. It was Christianity's own emphasis on virginity that would have been peripheral to them. Christian martyrologists obscured this fact, and the fact that sexual punishment was also perpetrated on pagan women, for their own purposes.

After the displays of immodesty on the part of these women, it is unusual that Perpetua's editor should later describe her as concerned for her modesty when her hair and dress are disarranged after she is attacked by the cow (20.4–5). Obviously,

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[62] Prudentius leaves no handy markers that allow us to date Agnes' martyrdom, but it was possibly before the persecution of Diocletian (Thomson, 1953: 339).

[63] When the soldier comes to kill her, Agnes speaks in sexual terms of having a real man, one she will accept as a lover, come to destroy her (Prudent. *Perist.* 14.69–84). This sexual language is strangely typical of Christian writers, who seem to fear sexuality in women, while describing their encounters with Christ in sexual terms (Cameron, 1994: 152).

[64] Lefkowitz, 1986: 111

Christianity did not rid the Christian editor of his preconceived notions about female modesty. In fact, this immodesty seems to have been unexpected by the male Christian writers who precipitated it by encouraging people to reject the family. After establishing a tradition of praise for the actions of these women, male Christian writers could not deny their own words. However, they could undermine the message by praising women in terms that showed immodesty in a negative light. For example, after Prudentius has Eulalia boldly presenting herself at the seat of the governor and denouncing him, he tries to negate this immodest picture of her by describing her hair as shielding her modesty (Prudent. *Perist.* 3.151–153). By the fourth century, the writings of male Christians had reverted for the most part to this form of encouraging women to keep within the family.

The competing structures of authority, especially over female sexuality, within the classical and Christian paradigms could not help but come into conflict in the second century, because they each completely excluded the other at that time. With the prevailing classical paradigm having control of government resources, it was natural that it should attempt to eradicate the competing authority structure. As within any conflict there is bound to be violence. This conflict manifested itself in violent persecutions of representatives of the competing paradigm. In order to testify to the strength of their paradigm, Christian women suffered and died at the hands of representatives of the classical paradigm. Had the Christians not made inroads into the government hierarchy in the third and fourth centuries, paganism probably would have won this conflict.

Chapter 5:
THE CONSTANTINIAN LEGISLATION

When investigating male perceptions of female sexuality during Late Antiquity, modern scholarship has deduced from the evidence of the church fathers of the period that these perceptions underwent a substantial change. Christianity promoted the ideal of the consecrated virgin, an ideal seemingly totally foreign to traditional Roman culture, which idealised the faithful wife. With the conversion of the Emperor Constantine to Christianity, this Christian ideal became common throughout the Roman Empire. Closer examination, however, shows that this deduction is an oversimplification of a complicated set of coexisting, yet paradoxical, perceptions of female sexuality that constituted the mature Christian paradigm of the third and fourth centuries.

In order to begin illustrating the differing aspects of this set of perceptions, it is necessary firstly to investigate the legislation of the Emperor Constantine, to see if his conversion prompted him, and later Christian Emperors, to enact legislation that would totally change male perceptions and promote the perceptions of Christianity. Constantine's conversion to Christianity occurred in AD 312.[1] He instituted many

[1] We can have no clear idea as to why Constantine chose to convert to a relatively small, foreign origin cult. Eusebius (*Hist. eccl.* 9.9.2–10; *Vit. Const.* 1.26–40) and Lactantius (*De mort. pers.* 44.1–11), writing during the fourth century, write of how Constantine had a dream or vision (their stories do not coincide) on the eve of the battle of the Milvian Bridge. In this dream he was told that in order to win the battle he must take up the sign given to him and put it on the shields of his soldiers. Having done so and won the battle, he became a Christian.

laws that were believed, by ancient and modern scholars alike, to have been motivated by this conversion,[2] as they seemed to reflect a new concern for Christian morality.[3] This is especially true for those laws pertaining to the family and female sexuality. However, closer examination shows that this is not precisely the case. Firstly, modern scholars have erroneously assumed that a coherent Christian doctrine on the family already existed at the time of Constantine, to which his laws adhered. In fact, many schisms existed within Christian thought. In addition, the Councils responsible for forming policy were still taking place and only had effect over their own province.[4] Secondly, a debate has been raging for years among modern scholars[5] as to whether Constantine really converted to Christianity in spirit, as well as in name, and therefore how much he knew of Christianity in order to be influenced by it. In Constantine's eyes, he was the chosen of God, divinely favoured (Optatus, Appendix 3.16–18, Appendix 5.28–31), and he had his own ideas about how to keep that favour. Constantine has been described by modern scholars as a simple, straightforward man,[6] not given to the kind of introspection expected by Christians for making a spiritual journey. We know he was a catechumen until just before his death, only being baptised in AD 337, and that he was occupied with running an empire.[7] Therefore, he did not seek instruction or salvation by studying the mysteries of Christianity, but instead turned himself to the more practical task of promoting it.[8] Under these circumstances, any changes in thinking on female sexuality that occurred were as much the result of Constantine's influence on Christianity, as Christianity's influence on Constantine. Thirdly, so far from promoting an ideal of virginity, Constantine instituted a long–lasting policy that

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[2] Constantine contributed to the growth of Christianity by instituting a series of seemingly pro–Christian policies. His pro–Christian biographer, Eusebius, (*Vit. Const.* 2.44) reported that he gave prominence in government positions to Christians. Although he never declared Christianity the official religion of the Roman Empire, he began to subsidise the church with state funds, funds which would formerly have gone towards pagan religious ceremonies and priests. He gave money to bishops for their congregations and Christian charities and handed out free corn to the poor from churches (*Vit. Const.* 1.42–43, 4.28). He also began a huge building programme, which included building churches, with state funds, throughout the Empire, culminating in the city of Constantinople, the 'first Christian city' (*Vit. Const.* 2.45–46, 3.48–49).

[3] Alföldi [tr. Mattingly], 1948: 25; Barnes, 1981: 52, on the laws on the family.

[4] No coherent doctrine began to be formulated until Constantine stopped the persecution of Christians and declared all doctrines but those of the Catholic Church heresy. Constantine himself hosted and attended the Council of Nicaea to try and solve the Arian controversy.

[5] See Eadie (1971) for a compilation of these arguments.

[6] Jones, 1948: 79; Alföldi [tr. Mattingly], 1948: 30 no. 1

[7] Lane Fox, 1986: 658; Jones, 1948: 79, 252

[8] See above note on pro–Christian policies. Also Jones, 1948: 98.

supported families and only tolerated the ascetic ideal.[9] Consequently, the extent of these changes has been greatly exaggerated because of the biased evidence of the early church fathers of the period.

When examining many of Constantine's laws one can see that they are not influenced as much by Christianity as other concerns, and that these concerns found their way into Christian doctrine. Most of Constantine's concerns about marriage and the family, including his perceptions of female sexuality, can be seen to echo the traditional concerns and perceptions of men of the classical era. The effect of these laws and Constantine's conversion on Christianity and the Empire was causal. It was somewhere between the adaptation of second century Christianity to Constantine's vision, and Roman citizens' adaptation to Christian motivation for their thinking that the Christian paradigm of the third and fourth centuries emerged. Constantine was essentially responsible for defining a major part of the Christian paradigm that would inform the actions and ideas of most of society, as Christianity spread.[10] He introduced into law the traditional ideas and concerns of classical culture about sexuality, marriage and the family, reaching back to Augustus and even the Republic. He also admitted previously marginal concerns into mainstream law under the aegis of Christianity. However, some of these concerns could now be interpreted as springing from Christian philosophy. They were adopted by Christianity, giving old, accepted ideas a new Christian motivation, consequently drafting old ideas in new forms into the new paradigm. One of the great attributes of Christianity, in the third to fifth centuries, was this ability to appropriate and Christianise any aspect of classical culture that would make it more acceptable, especially among the ruling aristocratic class.[11] Not only did Constantine establish old ideas on new Christian justification, his laws emphasised those areas of classical

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[9] Arjava (1996: 189) traces the state sponsorship of families over celibates far beyond the time of Constantine.

[10] Kee sees Constantine's influence on Christianity as paramount. He believes that 'Constantine was a Christian . . . not because what he believed was Christian, but because what he believed came to be called Christian' (1982: 4). However, Kee (1982: 115) understands Constantine's transformation of Christianity to imperial ideology to have been an active process on his part, which fails to take into account the adaptive powers of early Christianity.

[11] Salzman, 2002: 200

culture which were important to Romans, and which Christian fathers therefore knew to incorporate into their religion.

This appropriation is hardly surprising, when one considers the nature of a paradigm shift. Kuhn describes new paradigms as springing from old ones and therefore they incorporate many of the old paradigm's terms, concepts, ideals and preconceptions. However, these components are never understood, used or made to interact in the same way ever again.[12]

The particular traditional concerns that Constantine's laws entrenched, and which found their way into Christianity, were the Roman culture of status[13] and the notion of female modesty, to which chastity was inextricably linked.[14] This was reflected by the measures he put in place to prevent and protect women from immodesty. His status consciousness was reflected in his enlarging and entrenching the category of inappropriate marriage partners, and the widening of that law to include all men of *dignitas*, as well as his prevention of mixed–status unions. The strictness of many of these status–conscious family laws was diametrically opposed to the policies put forward by certain Christian groups at the time. In addition, the concern Christian males had had for female modesty had been negated in the second century by the bold actions of female Christian martyrs. Constantine's renewed concerns for female modesty may even have been as a result of these martyrs. In these matters therefore, it was Constantine's policies that began to influence Christian morality.

The influence of the Christian ascetic ideal on Constantine has been perceived most especially in his repeal of the Augustan penalties on celibacy. However, this can be seen as part of his policy to moderate the restrictive laws on inheritance. In addition, Constantine's other laws show esteem for marriage and family.[15] Consequently, it can be seen that the change in ideal that was supposed to have occurred did not take

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[12] Kuhn, 1962: 149

[13] This is the term coined by Salzman (2002: 201) for a societal concern for status.

[14] The notion of female modesty could more accurately be said to have refound its way into Christianity.

[15] Evans Grubbs, 1995: 112. However, Barnes (1981: 219), a scholar who believes in Christian influence on Constantine, feels Constantine's repeal of the penalties on celibacy shows the opposite to be true.

place at a state level. In fact, Constantine is praised by Nazarius for his commitment to old family values, for securing modesty, and protecting marriage.[16]

Constantine's concerns for women's modesty and consequently their chastity, are reflected in several laws, on betrothal gifts, abduction marriages and other aspects of female behaviour. Betrothal gifts, especially in the East, were an important part of a legal marriage. After Caracalla extended Roman citizenship throughout the Empire in AD 212, emperors were bombarded with requests for advice on the return of betrothal gifts. With the lessening of the system of rescripts Constantine probably felt the need to legally clarify the situation once and for all. Although his laws on the matter over the years are full of exceptions, he put down some basic guidelines. Betrothal gifts to betoken the actual betrothal, rather than just gifts of deference to the family, were generally returned if the betrothal was broken, unless it was broken by the giver.[17] Under the provisions of Constantine's law of 319 (*CTh.* 3.5.2) this was entrenched. Whoever ended the betrothal was required to return all gifts and forfeit those given. Significantly, no reason had to be given for the breaking of the betrothal. A betrothal renounced by the *sponsus* (male betrothed) could lead to questions as to the morality of the rejected *sponsa* (female betrothed) and irreparably damage her reputation. By making the betrothal breaker subject to the forfeit of gifts, Constantine's original law legally set up betrothal gifts as a form of security for the breaking of a betrothal.[18] In 332 Constantine set a statute of limitations in place on betrothals. If the marriage had not taken place within two years, it would be considered the fault of the man, and the woman would not suffer any penalty or loss of reputation for contracting another betrothal (*CTh.* 3.5.4).[19] While Constantine was no doubt motivated partly by the economic aspect of betrothals, he consistently provides for the protection of female modesty.

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[16] *novae leges regendis moribus et frangendis vitiis constitutae... pudor tutus, munita coniugia* ('new laws were enacted for the regulation of morals and the curbing of vices... Modesty was safe, marriages were protected', Nazarius *Panegyric* 10.38.4–5).

[17] Evans Grubbs, 1995: 156–157

[18] Evans Grubbs, 1995: 163–164. By 380, a four–fold penalty was seen to be in place on those who broke a betrothal, but whether this was a law of Constantine it is impossible to know.

[19] By law, in the absence of the *paterfamilias*, guardians and relatives were held responsible for the girl's betrothal, rather than penalties falling on the girl herself. A guardian could be deported for breaking a girl's betrothal to a soldier before two years was up (*CTh.* 3.5.5).

Constantine's increasingly strong feelings on the breaking of betrothals and the preservation of modesty and chastity can be seen in his 326 legislation on abduction marriages (*CTh.* 9.24.1). Such marriages involved a young man stealing and violating a young woman in the hope of winning her parents' approval of a match between them. This was the only way for either the man or woman to circumvent an arranged marriage. If the woman was unwilling, it was assumed that she would try to convince her parents in order to save her reputation. Constantine put a stop to this by placing heavy capital penalties on all parties involved. Firstly, he invalidated a woman's position to defend her abductor and made her complicit in the abduction, whether she was willing or not. By doing so Constantine removed any protection the abductor might have had from the girl's defence, and left him open to punishment. The girl was to suffer the same punishment as her abductor, as was any one who assisted him. The actual punishment is not mentioned in *CTh.* 9.24.1 but a law of 349 (*CTh.* 9.24.2), which mitigates the sentence down to capital punishment, suggests that it might have been the ultimate punishment of public degradation and a violent death in the arena. The nurses of the women were assumed to be complicit in misleading the parents. Any nurse found to have done so was to have molten lead poured down her throat. If the parents themselves condoned the actions of the abductor after the fact, and did not take any action against him, they were to be deported. Finally, slaves were encouraged with incentives to inform on such marriages.

Abduction marriages presented several problems for Constantine. They had been popular in the East since the fourth century BC,[20] and were still common practice. This is attested to by the popularity of the *topos* in Greek novels written in the third and fourth centuries. In Heliodorus' *Aethiopica* (c. 350–400) the hero Theagenes abducts the willing Chariclea before her father can marry her off to the man he has betrothed her to. In Achilles Tatius' *Leucippe and Clitophon*, the hero of the title escapes his own betrothal by 'abducting' the extremely willing Leucippe. After Constantine took over control of the Eastern half of the Empire in 324, he found himself with many more occurrences of these marriages than before. Firstly, the abduction could result in irreparable damage to the reputation of the girl, even if the

[20] The *topos* appears often in Attic Comedy, such as Menander (Lateiner, 1997: 412–413).

marriage was accepted by the family, because her willingness would be assumed. Abductions were also a threat to public order.[21] The loss of a girl's reputation as a virgin meant the loss of honour for her male relatives. An abduction that did not meet with the family's approval sullied their honour and therefore had to be avenged.[22] This could end in the death of the abductor and the start of a bloody family feud. Constantine also displayed a concern for the seizure of a virgin, similar to that of the invasion of some else's property (*CTh.* 9.1.1).[23] Constantine would have felt no qualms about taking such radical action when it came to the protection of a man's property, namely his virgin daughter, as an important commodity.[24] Constantine's concern for female modesty can be seen in the wording of his law, which punishes even the unwilling abductee on the grounds that she should have stayed at home as her modesty demanded, where an abductor could not have reached her.

These were not the only laws concerning women's modesty and chastity that Constantine put in place. In 315 he authorised husbands to act for their wives in court so that women would not have to be subjected to an unnecessary public display of themselves, and could not abuse their own modesty (*CJ* 2.12.21). Officials who exposed a female debtor to public display in court were to receive capital punishment (*CTh.* 1.22.1, AD 316). Girls over eighteen who wished to apply to be released from the care of a *curator* were not required to present themselves in court to prove themselves worthy, but could send a male representative (*CTh.* 2.17.1.1a, AD 324).[25] Days after his legislation on abduction, Constantine also made guardians responsible for the virginity of the girls under their tutelage. It was understood that a betrothal gift was in return for the girl's virginity.[26] In this case

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[21] Evans Grubbs, 1995: 191

[22] Lateiner, 1997: 423

[23] While this law concerns jurisdiction of crimes committed in the provinces, emphasis is placed on these two crimes as they are mentioned specifically: *quicumque clarissimae dignitatis virginem rapuerit, vel fines aliquos invaserit, vel in aliqua culpa seu crimine fuerit deprehensus* ('If any person of Most Noble rank should rape (seize) a virgin or invade the boundaries of another or be apprehended in any wrongdoing or crime …', *CTh.* 9.1.1, AD 317, tr. Pharr, 1952).

[24] Lateiner, 1997: 409

[25] Significantly, Constantine does not curtail the rights of these women to appear in public (Arjava, 1996: 243–244), or their powers to act in public. He is interested in preserving their modesty, not in legally placing them in a position of submission.

[26] Constantine calls a marriage gift a *praemium pudoris* ('a reward of chastity', *CTh.* 9.42.1, AD 321).

therefore, a girl's virginity had to be proven before she married. If she was found to be without her virginity, the guardian was to be punished with deportation and confiscation of all his goods by the imperial *fisc*. The law is not clear however, as to whether it was directed at guardians who were neglectful, or who had actually violated the girl themselves in order to force a marriage (*CTh.* 9.8.1). But as Constantine suggests that a guardian 'ought to suffer that penalty which the laws impose on a ravisher' (*eam poenam debuerit sustinere, quam raptori leges imponunt, CTh.* 9.8.1, tr. Pharr, 1952), it is possible the law was directed toward the guardian if he were the violator.

Although the canons of the Councils of Elvira, (held before the accession of Constantine),[27] Arles and Ancyra (both in 314), as well as Christian writers, laid down provisions for some aspects of marriage,[28] their opinion of betrothals is more implied than actually written about. Sexual relations seem to have held far more importance for Christians than men of the classical paradigm. The betrothed was not tied to the marriage agreement if the other were unfaithful (Elvira, canon 54). However, if the betrothed couple had sexual relations with each other, the betrothal could not in good conscience be broken. Sexual relations seem to have had the force of marriage, for premarital sex was excused if the couple married (Elvira, canon 14), but neither seems to have been allowed to marry anyone else. For the Council of Ancyra, betrothals seem to have held more weight than sexual relations in the matter of abductions. It was decided that a girl should be returned to her parents, or her betrothed if he would have her, rather than marry her abductor (Ancyra, canon 11). The different emphasis by the Christian Councils and Constantine on the matter of betrothals seems to negate the possibility of a Christian influence. The Christian emphasis was on sexual intercourse and the easy forgiveness of premarital sex under the right circumstances. On the other hand, Constantine's emphasis was on the classical concern for the preservation of women's modesty with no exceptions, as well as male honour. Indeed, most of the direct evidence for the importance of betrothals among Christians comes from the late fourth century, after Constantine

[27] The date of the Council of Elvira is still under debate as being anywhere from 295 to 314 (Evans Grubbs, 1995: 15).
[28] Except for the violation of betrothals and the marriage of a Christian to a pagan, these Councils did not often interfere with marriages (Evans Grubbs, 1995: 152).

enacted his laws,[29] suggesting instead his influence on Christianity. Nowhere is this traditional Roman influence on Christianity more obvious than in the accounts of the female martyrs. Martyrdoms had produced an unexpected wave of immodesty. Church fathers had encouraged women to go into public and proclaim their religion. With the influence of traditional culture, however, Christian men found themselves having to reintroduce modesty to martyrdoms, even as they praised these immodest actions. Therefore, after Perpetua immodestly confronts the crowd (*PP* 18.2) and official authority (*PP* 18.4–5), her editor describes her as modestly recovering herself after being attacked by the cow (*PP* 20.4). After publicly denouncing the governor (Prudent. *Perist.* 3.66–95), Eulalia's modesty is covered by her hair as she dies (Prudent. *Perist.* 3.151–153).

Constantine's concern for status can be seen in laws that affected marriages, mixed–unions and inheritance. As early as the third century, decurions and other members of the curial class responsible for the maintenance of individual cities chose to avoid these heavy financial responsibilities by buying their way into the senate. In doing so they left the cities to be administered by those decurions who were too poor to buy their way out, and for whom the financial burden of the city was too heavy.[30] These poorer decurions attempted to escape their responsibilities by becoming *coloni* (serfs) (Just. *Dig.* 50.5.1.2).[31] The sudden upward mobility of members of the provincial upper classes left an ever widening gap between the upper and lower classes. Constantine seems to have been extremely worried about this social mobility, as his later legislation on the family seems to have been designed to stem this movement, to keep decurions in their traditional roles.[32] Constantine also had to make provisions against an earlier law of his own, which had opened government positions to men of lower, equestrian rank, and he had to be sure that those moving up from the provinces through the ranks did not bring tainted blood from low–class wives.[33] Consequently, the prohibitions set out by Augustus on senatorial marriages

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[29] Evans Grubbs, 1995: 180

[30] Evans Grubbs, 1995: 279–280; Reinhold, 1971: 299–301; MacMullen, 1964: 50

[31] Constantine had to enact a law in 318 (*CTh.* 12.1.6), forbidding unions between slaves and men of *dignitas* to prevent the loss of curial monies, as decurions fled to private estates and handed over all of their wealth to their partner's owner to avoid their responsibilities.

[32] For example, *CTh.* 12.1.14, AD 326; *CTh.* 12.1.6, AD 319; *CTh.* 16.2.3, AD 320. But this was also for financial reasons.

[33] Evans Grubbs, 1995: 287–289

were extended by Constantine in 336 to all levels of the provincial aristocracy (*senatores seu perfectissimos, vel quos in civitatibus duumviralitas vel quinquennalitas vel flamonii vel sacerdotii provinciae ornamenta condecorant* 'Senators or persons of the rank of Most Perfect or those adorned with the honours of the duumvirate or the quinquennalitate in the municipalities or with the honour of flamen or of the civil priesthood of a province', *CTh.* 4.6.3.pr, tr. Pharr, 1952). More importantly for perceptions of female sexuality, he increased the category of women whom it was impossible to marry without fear of punishment, to include not just slaves and actors, but all women of low status.

> *ancilla vel ancillae filia vel liberta vel libertae filia, sive romana facta seu latina, vel scaenica vel scaenicae filia, vel ex tabernaria vel ex tabernari filia vel humili vel abiecta vel lenonis vel harenarii filia vel quae mercimoniis publicis praefuit.*
>
> (*CTh* 4.6.3.pr)
>
> a slave woman, a daughter of a slave woman, a freedwoman, a daughter of a freedwoman, whether made a Roman or a Latin, a woman of the stage, a daughter of a woman of the stage, a mistress of a tavern, a daughter of a tavern keeper, a low and degraded woman, the daughter of a procurer or of a gladiator, or a woman who has charge of wares for sale to the public.

He also included freedwomen who were formerly acceptable for all except the senatorial class. The marriages of these men were not only invalid,[34] their children were to be considered illegitimate and the men themselves were to suffer *infamia* if they tried to make these illegitimate families their heirs (*CTh.* 4.6.3.pr). However, Constantine's law only affected the officials themselves and not their descendants. Nevertheless, it enlarged the category of unrespectable women.

In the matter of his legislation on adultery[35] Constantine was once again showing his concern for entrenching women in categories of respectability and unrespectability.

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[34] This had not been the case under Augustus and was only enacted into law under Marcus Aurelius and Commodus.

[35] Augustus' laws on adultery had been periodically revived over the years by emperors such Domitian in the first century (Suet. *Dom.* 8.3), and Septimius Severus (Cass. Dio 76.16.4) in the second century, who were worried about the moral conduct of the citizenry. Septimius Severus and Caracalla introduced a law that allowed a *sponsus* to charge his *sponsa* with adultery, but only as a third person (Just. *Dig.* 48.5.14.3, 8).

The first of two laws on adultery, both put forward in 326,[36] extends the category of exempt women, with whom men could have sex without either of them being accused of adultery. Although the law specifically mentions the distinction between tavern–keepers and those that serve in taverns, it also thereby includes all women in base, menial positions associated with prostitution as being exempt, whether they are slave or free born (*CTh.* 9.7.1). This law also greatly increased the number of women in the category of unrespectability. It also proves Constantine's agenda was one of status not Christian morality, for which, ideally, any extra–marital affair was adultery.[37]

Constantine also enacted provisions against the union (*contubernium*) of free people and slaves, to restore the reputation of respectable women. While such unions had formerly not been valid, a free woman who cohabited with another person's slave remained free and her children shared her status, until the introduction of the *senatusconsultum Claudianum* in AD 52. The prestige and responsibility of the imperial slaves seems to have given them an honorary high status, which made them desirable mates for free women, even if it meant not having the official status of wife. However, as the children of these unions were free, the emperor probably found himself losing a valuable source of house–born slaves. The law was therefore changed to make all free women living with slaves become freedwomen of their partner's owner if he agreed to the union, or his slave if he did not (Gai. *Inst.* 1.84, 1.91, 1.160; Tac. *Ann.* 12.53). By the time Constantine came into power the traditional differentiation of status according to slave and free had been replaced by that of *honestiores* and *humiliores*. The difference between slave and low–born free was so small that it was difficult to tell the difference. Constantine seemed eager to

[36] The second law reduced the category of people who were allowed to bring charges of adultery. Specifically excluding the *delatores* allowed under Augustus, Constantine allowed only the husband and the immediate male relatives to bring charges. The husband was also no longer compelled to divorce his wife before pressing charges. But as he, as well as the rest of the family, could rescind the charges at any time, he could now accuse merely on the suspicion of the crime (*CTh.* 9.7.2). Constantine's law ended third–party delation, while his insistence that adultery remain a public crime allowed him to regulate the destructive behaviour of those who would use violence to punish the lover.

[37] Nevertheless, a double standard as to accusations of adultery existed within Christian thought as much as it did within secular law. No canons were ever put forward during this time penalising a man for adultery, although he could be guilty of fornication (Basil of Caesarea, canon 21). Meanwhile The Councils of Elvira, Arles, Ancyra and Neocaesarea (314) each outlined a similar set of types and time periods of penance to be undertaken by adulteresses (Elvira, canon 69; Ancyra, canon 20; Arles, canon 11).

restore the distinction between slave and free. As it was quite possible for a woman to find herself in a union with a slave without realising it, in 314 he allowed all women forced into unions with slaves, and having consequently been enslaved, to have recourse to the law. However, any woman who chose to live with a slave was considered to be forgetful of her reputation and was to be considered a slave (*CTh.* 4.12.1). A woman in a relationship with a slave could be open to a charge of *stuprum*, but this would depend on her status or her previous reputation. Women of low birth, or even those who had lost their reputation as respectable women, were not of interest to the law. As these were the women most likely to be in a relationship with a slave, very few charges were brought on the matter.[38]

On the other hand, a woman who lived with her own slave was considered to have committed the ultimate personal degradation. Unlike men, women were not allowed to marry their ex–slaves,[39] and so they did not have the option of freeing their slave in order to marry him. It was extremely hard to prove that the mistress and slave were committing *stuprum* unless one of the household slaves informed against them. In 326 Constantine decreed that those women were to be given a capital punishment and their partners burned. Informers were encouraged, even among slaves. Strangely however, if they had entered into a marriage (*nupta*) they were only to be exiled, and children from the union made illegitimate. Only if both parents were deceased were these children allowed to inherit. Anyone who tried to make or renew such a union after the passing of the law was to be put to death (*CTh.* 9.9.1). Arjava cannot understand the leniency of the latter provisions of this law and suggests they may refer instead to a woman who had married her freedman.[40] The use of the word *nupta*, which could never refer to any union that included a slave, suggests his interpretation is most likely the case. It is possible the compilers of the Theodosian Code left out that part of the law.[41] However, even later emperors were unsure of the interpretation of Constantine's laws,[42] so it is impossible to be sure. In instituting these laws, Constantine further entrenched the poles of unrespectable and

[38] Arjava, 1996: 224
[39] Arjava, 1996: 225
[40] Arjava, 1996: 227
[41] Evans Grubbs, 1995: 275
[42] Arjava, 1996: 227

respectable women, allowing no woman to keep her status if she herself was so forgetful of it as to cohabit with a man of low rank.

While Constantine did not like the state of free–born men who decided to live with slaves, he did not consider unions between low–born free men and slaves to be invalid. Neither does Constantine's extension of the Augustan prohibitions on marriage partners explicitly forbid the state of concubinage. Only one line of one of Constantine's laws on the subject survives in the Justinian Code: *nemini licentia concedatur constante matrimonio concubinam penes se habere* ('Let licence be given to no one to have a concubine in their homes while their marriage is still valid.', *CJ* 5.26.1, AD 326). This was obviously not all the law entailed as imperial edicts were never this short. Without the context therefore, we can have no idea what Constantine's purpose was in stating this.[43] As a man generally lived with a concubine in a quasi–marital relationship, either before or after a legitimate marriage, and tradition declared it improper to have both a wife and a concubine, Constantine would seem to be stating the obvious. However, it is possible that there were some men who were setting up their mistresses over their wives within their homes. As this would have been incredibly insulting to the wife, even grounds for a divorce, which Constantine would have tried to avoid, he might have found himself having to state his position on the subject categorically. His tightening of the laws on appropriate marriage partners would probably have increased the occurrence of this state, as men found it was the only way to live with the woman of their choice. However, they were expected to accept that the children from such a union were illegitimate and not try to benefit either the concubine or their children in their will.[44] Where concubines were free, they were considered to have given up all claims to a position of respectability. Constantine did not approve of illegitimate, and therefore low–born, children as heirs. On the other hand, Constantine mitigated the effect of his law by allowing illegitimate children born to a free concubine to be legitimised if their father married their mother after their birth (*CJ* 5.27.5, cited by

[43] Barnes (1981: 220) takes this line as he finds it, without a context, and interprets it as evidence that Constantine was enacting strict Christian morality into law.
[44] The concubine was allowed to receive gifts, however, when a wife was not (Just. *Dig.* 39.5.31.pr, 24.1.3).

Zeno in 477).[45] However, this law only applied to unions in place at the time of the law. From that point free–born concubines were not an option. Constantine's measures concerning concubines show a deep regard for ensuring and preserving good bloodlines among his new upper class,[46] but most importantly, they show a regard for respectable, legitimate marriages and family.

Proponents of a Christian influence have seen these measures as Constantine's attempt to enforce Christian morality and put an end to extra–marital relations.[47] However, Constantine's obvious status–consciousness does not correspond with the different schools of Christian thinking at the time. Constantine's main concern seems to have been to prevent the low–born children of these unions from inheriting the rights and properties of the free–born.[48] In 336 he expressly forbade any children by low–born mothers to be legitimised (*CTh.* 4.6.2, 4.6.3).[49] Paul's insistence, on the other hand, that in Christianity there is neither slave nor free (*Gal.* 3.28), had a decidedly egalitarian impact on the thinking of early Christians. The early third century bishop of Rome, Callistus, is said by his opposing contemporary Hippolytus (*Haer.* 9.7) to have allowed a woman who could not find a Christian mate from among her own class to be in a valid Christian union with a man of lower rank. While he disagreed that women should be allowed to make unions with men of lesser rank, the basic message from the time of Hippolytus to that of Augustine (*On the Good of Marriage* 5) and the Council of Toledo in AD 400 (canon 17), was that as long as a mixed–status union was monogamous and permanent, with a man having no thought of putting aside a woman in concubinage to marry another, it would be tolerated, and valid according to Christian morality, if not in Roman law.

This attitude was soon overpowered, however, by Christian writers of the late fourth century. Eager to facilitate the conversion of the ruling aristocratic class, whose status culture Constantine's laws had shown was not going to be eradicated by

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[45] This law was not meant to encourage marriage across class. As Constantine did not want illegitimate children inheriting, this law was probably geared to low–class men, without much property and whose rank would not be significantly different from their wives.
[46] Especially after the intermingling of blood between senators and concubines, and between newly promoted *curiales* and *humiliores*.
[47] Barnes, 1981: 220
[48] Evans Grubbs, 1995: 289; Arjava, 1996: 210
[49] Although there were probably exceptions (Arjava, 1996: 212).

Christianity, their attitudes became far more hostile and elitist toward mixed–status unions. The *Apostolic Constitutions* (8.32) of about AD 380 banned mixed–status unions and recommended excommunication for those who did not comply. Fourth century church fathers, such as Ambrose, Jerome, and even, to some extent, Augustine, condemned concubinage and other mixed–status unions. This was not only on the grounds of the immorality involved in an extra–marital union. They also deplored the indecency inherent in the willing loss of status of high–born women involved with low–born men (Jer. *Ep.* 128.3a), as well as the low status of the resulting children and their lack of ability to inherit and continue to uphold the family honour (Ambrose, *On Abraham* 1.3.19). By the fifth century, Church writers seem to have returned to an attitude prevalent at the time of the early Empire, that allowed a man to keep a concubine as long as he eventually put her aside when he made a legal marriage (Pope Leo *Letters* 167, reply to question 4; Sid. Apoll. *Epist.* 9.6). In this case, it was definitely imperialist policy that influenced Christianity rather than the other way around.

The law that modern scholars view as concrete evidence of Constantine's Christian ascetic principles is his repeal, in 320, of nearly every one of the inheritance penalties on celibacy and childlessness put into law by Augustus.

> *qui iure veteri caelibes habebantur, inminentibus legum terroribus liberentur adque ita vivant, ac si numero maritorum matrimonii foedere fulcirentur, sitque omnibus aequa condicio capessendi quod quisque mereatur. nec vero quisquam orbus habeatur: proposita huic nomini damna non noceant.*
>
> *1. Quam rem et circa feminas aestimamus earumque cervicibus imposita iuris imperia velut quaedam iuga solvimus promiscue omnibus.*
>
> (*CTh.* 8.16.1.pr–1, tr. Pharr, 1952)
>
> Those persons who were formerly considered celibates by the ancient law shall be freed from the threatening terrors of the law, and they shall live as though numbered among married men and supported by the bonds of matrimony, and all men shall have an equal status in that they shall be able to accept anything to which they are entitled. Nor indeed shall any person be considered childless, and the prejudices attached to that name shall not harm him.
>
> 1. We consider that the same provision shall be effective with respect to women, and we release all of them indiscriminately from the legal compulsion imposed as yokes on their necks.

The only laws he left in place were those to prevent spouses inheriting from one another in the case of intestate succession (*CTh.* 8.16.1.2), and certain cases of mothers inheriting from their children. These laws still depended on the *ius [trium] liberorum.*[50] But apart from these exceptions, Constantine unilaterally declared all people free from the earlier laws. The designation of 'childless' no longer existed and all people were to be counted as married.

Contrary to the view of modern scholars, who see Constantine's repeal of the penalties on celibacy as having a primarily Christian influence,[51] this did not show his Christian faith in the ideal of asceticism. Instead, this law has to be considered in context. From the time of his ascension to power, until the repeal of this law, Constantine put into effect a number of laws to mitigate the effect of harsh inheritance laws, specifically reining in *delatores* and avaricious government officials, as well as relaxing laws on family succession, especially from parents to children.[52] In the light of Constantine's policy, the repeal of the inheritance penalties can be seen to be the culmination of a policy favouring the family, making it easier for families to inherit and keep their inheritances from third parties, in particular the government *fisc.* Constantine would have recognised the hatred towards *delatores* and the unpopularity of the restrictive laws on inheritance, as well as their lack of success,[53] and would have won approbation for his leniency and moderation. This is borne out by the wording of his repeal that suggests the previous law was a terror and placed a yoke on citizens. In addition, rather than being hostile to the family, Constantine's other laws, such as those on mixed–status unions and divorce, also show a deep regard for marriage and family.

Finally, although Paul's views on the superiority of celibacy were established Christian doctrine (*1 Cor.* 7.6–8, 27–29, 32–40), he had never actually condemned marriage. He encouraged people to marry rather than to burn with passion (*1 Cor.* 7.9) and commit sexual immorality (*1 Cor.* 7.2). It is far more likely therefore that

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[50] Arjava, 1996: 126. An exception came into effect in 318 (*CTh.* 5.1.1).
[51] Barnes, 1981: 219; Jones, 1948: 99–100; MacMullen, 1969: 160–161. This is disputed by Evans Grubbs 1995: 112.
[52] For a discussion on these laws, see Evans Grubbs, 1995: Chapter 3, Part B.
[53] See Chapter 2.

Constantine had found a way to kill several birds with one stone. He could repeal a law no one liked anyway, while tolerating the ascetic practices of Christians, and supporting the family with the endorsement of Scripture. Once again Christianity adapted to the classical ideology of the Emperor even as it partially influenced his actions.

The issue of divorce under the first Christian emperor has been seen by many as the definitive evidence of Christian influence on his policies. Flying in the face of Classical law, Constantine put into place such restrictive measures as to totally change the face of divorce procedure in the Empire. Until Constantine, divorce was a private issue only subject to legal penalties in the case of adultery. In the case of a man committing adultery he had to pay back the entire dowry, while a woman could be brought up on charges. Apart from this, either party could initiate a unilateral divorce, without the other's consent or having to give any reasons. A more amicable form of divorce in which the couple parted by mutual agreement could also take place. The only negative public aspect to divorce was public criticism, usually by political enemies.[54]

Constantine had no real reason to stop divorce by mutual agreement, and therefore made no attempt to do so, but he did put a stop to unilateral repudiation of a spouse. In 331 Constantine put heavily restrictive measures in place that made it almost impossible for one spouse to repudiate the other. His legislation was aimed particularly at women: *mulieri non licere propter suas pravas cupiditates marito repudium mittere exquisita causa* ('It is Our pleasure that no woman, on account of her own depraved desires, shall be permitted to send a notice of divorce to her husband on trumped up grounds', *CTh.* 3.16.1, tr. Pharr, 1952). But the supposedly spurious reasons women used, namely that the husband was 'a drunkard or a gambler or philanderer' (*velut ebrioso aut aleatori aut mulierculario, CTh.* 3.16.1, tr. Pharr, 1952) are those which could easily have ended a marriage on the grounds of abuse. Under the new divorce law, wives were left with no recourse to leave abusive husbands. However, the stern, misogynistic wording suggests Constantine had no sympathy for their plight.

[54] Evans Grubbs, 1995: 226–228; Cooper, 1996: 3–4

sed in repudio mittendo a femina haec sola crimina inquiri, si homicidam vel medicamentarium vel sepulcrorum dissolutorem maritum suum esse probaverit, ut ita demum laudata omnem suam dotem recipiat. nam si praeter haec tria crimina repudium marito miserit, oportet eam usque ad acuculam capitis in domo mariti deponere, et pro tam magna sui confidentia in insulam deportari. in masculis etiam, si repudium mittant, haec tria crimina inquiri conveniet, si moecham vel medicamentariam vel conciliatricem repudiare voluerit. nam si ab his criminibus liberam eiecerit, omnem dotem restituere debet et aliam non ducere. quod si fecerit, priori coniugi facultas dabitur, domum eius invadere et omnem dotem posterioris uxoris ad semet ipsam transferre pro iniuria sibi illata.

(*CTh.* 3.16.1, tr. Pharr, 1952)

But when a woman sends a notice of divorce, the following criminal charges only shall be investigated, that is, if she should prove that her husband is a homicide, a sorcerer, or a destroyer of tombs, so that the wife may thus earn commendation and at length recover her entire dowry. For if she should send a notice of divorce to her husband on grounds other than these three criminal charges, she must leave everything, even to her last hairpin, in her husband's home, and as punishment for her supreme self confidence, she shall be deported to an island. In the case of a man also, if he should send a notice of divorce, inquiry shall be made as to the following three criminal charges, namely, if he wishes to divorce her as an adulteress, a sorceress, or a procuress. For if he should cast off a wife who is innocent of these crimes, he must restore her entire dowry, and he shall not marry another woman. But if he should do this, his former wife shall be given the right to enter and seize his home by force and to transfer to herself the entire dowry of his later wife in recompense for the outrage inflicted upon her.

Only if the husband had committed one of these three crimes could a wife repudiate him without loss of dowry and exile. A wife could no longer even repudiate her husband on the grounds of adultery. This was however, one of the three crimes that would allow a husband to gain a divorce. In order to gain a divorce on the grounds of one of the crimes, criminal charges would have had to have been brought and proven. These crimes generally carried capital punishments, including death.[55] This meant unilateral divorce would have been brought to a minimum. It is possible that after the repeal of the penalties on celibacy and childlessness, Constantine might have had to put restrictive divorce laws into place because he found himself faced

[55] Arjava, 1996: 178

with a sudden spate of divorces, as people could now please themselves, rather than the law, in this matter.

Evans Grubbs feels that, unlike his other laws, the laws on divorce were probably Constantine's only direct response to a Christian influence in his formulation of laws on the family. The laws were promulgated near the end of Constantine's life when he was far more involved in Christianity.[56] Divorce was also a well–known prohibition within Christianity, dating back to the word of Jesus (Mark 10.2–12). However, she can trace similar legal conditions to those of Constantine's harsh divorce laws back to the early Republic and the laws of Romulus.[57] Arjava also sees a similarity, which appears again in much later Germanic practice.[58] Neither of these sets of laws had any Christian influence, and therefore the overall similarity can possibly be explained by a prevailing culture of hostility toward female divorce. It was the practice for men to have the usufruct of their wives' property. Arjava suggests that among the upper classes the husband had a great deal to lose in a divorce when he lost the use of this property. Because of this, the wife had power in the marriage, as all she had to do was threaten a divorce to wield this authority. The more liberty the wife had to leave, the more power she had. It would only increase male dominance to restrict her liberty to do so.[59]

This does not account, however, for Constantine's restrictions on husbands, which increases the argument for a Christian influence. But by the same token, there was much contradictory policy on divorce in Christianity, and the ideal never met the law. Ideally, adultery by either partner, husband or wife, was the only excuse for a divorce (*Matt.* 5.32). Paul, however, allowed a divorce if one partner was a pagan and demanded it (*1 Cor.* 7.12–16). Mutual divorce was not recognised (Origen *Commentary on Matthew* 14.6). But if a divorce occurred, a divorcee could not remarry (Mark 10.2–12), at least not until the spouse died. On the other hand, Origen allowed divorcees to remarry to avoid fornication (*Commentary on Matthew* 14.23). The Council of Elvira (canon 8) was not so lenient and denied communion

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[56] Evans Grubbs, 1995: 257
[57] Evans Grubbs, 1995: 225–226
[58] Arjava, 1996: 191
[59] Arjava, 1996: 188, 185. The same would not be true for poor women, as they would have had more to lose.

even until the end to divorcees who remarried. This incoherent ideal was superseded by the custom of the double standard. Even in ecclesiastical law, men were punished far less harshly than women were. Notably, no penance is given to men who leave their wives and remarry. There were also far more types of sin and penance for women. While the remarriage of a man who had divorced his wife for adultery was tolerated, a divorced woman could not remarry, no matter what the reason, without being accused of adultery. Regulating the behaviour of women seems to have been as much of a preoccupation with Christian men as with men of the classical era. Christians themselves did not see marriage as indissoluble and the ecclesiastical laws governing divorce differed from place to place, belief to belief, and upon gender and circumstance. In spite of the fact that the ideal was somewhat different from the reality among Christians, unlimited, unilateral divorces would still have worried the Christians around Constantine and he would have been unable to avoid the issue, even if he had wanted to.

This dedication to the family on the part of Constantine, representing the state, was to stay the dominant policy on the part of the government until at least the fifth century. The state attitude echoed that of the populace, especially the ruling class, for whom family and inheritance were still paramount.[60] In condoling with Paula on the death of her daughter, Blesilla, through extreme ascetic practices, Jerome cannot help but mention the attitude of her mourners. They blamed him for her death, and were particularly hostile to the ascetic practices he advocated (Jer. *Ep.* 39.6). He was also aware that mothers did not always want celibacy for their daughters (Jer. *Ep.* 22.20). When the Younger Melania wanted to dedicate her life to Christ, her family forbade her in favour of marriage and children (Gerontius *Life of Melania theYounger* 1). It was only after she had done her duty, and her children had died, that she was finally able to convince her husband to allow her to become a celibate.

Constantine never shows any hostility to the traditions of marriage and family. Indeed, his legislation is aimed at preserving female modesty, re–establishing and entrenching a double standard based on the status of respectability, and preventing

[60] Cooper (1996) and Salzman (2002) make this traditionalist attitude to marriage and family the basis of their respective arguments, opposing modern scholars and the evidence of the biased writings of the church fathers.

the unilateral break–up of legal marriages. Constantine's laws on the family were not the foundation of a society of strict, intolerant Christian morality based on an ideal of ascetic purity, as Barnes suggests.[61] Instead they were the foundation for a society of practical Christians that respected its cultural heritage[62] and that still held many of the old ideas, such as the sanctity of marriage, virginity and children as the continuation of the family, in veneration; only now they did so on the basis of a new paradigm. The spread of this Christian paradigm was as much the result of Christian influence on Constantine's laws, as Christianity adopting the traditional beliefs behind Constantine's laws and giving them a Christian motivation. The acceptance of Christianity as the official religion of the emperor and his successors made the acceptance of this Christian motivation an attractive option for many Roman citizens. The consequences for female sexuality with the maturing of the Christian paradigm in the third century, were that very little changed in the matter of male perceptions. The importance of marriage and the family, and the place of female sexuality within that context did not change. What changed was the underlying pattern of thought informing these perceptions. However, these practical ideals did not last long within Christian theory, as they were defeated by the growing rhetoric of asceticism.

[61] Barnes, 1981: 220
[62] Cooper, 1996: 88

Chapter 6:
THE CHURCH FATHER: JEROME

Despite the church fathers' biased evidence of a Christian influence on Constantine's laws on the family, study of these laws has shown that instead, many classical values of female sexuality found their way into Christianity. However, the contribution of the church fathers in the formulation of the Christian paradigm cannot be considered to be any less on the grounds of this conclusion. While they were interested in facilitating conversions by adapting Christianity for popular appeal, they were far more concerned about ideology. Their rhetoric of asceticism was responsible for shaping much of the theory of male perceptions of female sexuality within the Christian paradigm in the third and especially fourth centuries.

The perceptions of female sexuality that had grown up among the church fathers were influenced by, but separate from, classical perceptions. They based their views on the original sin of Eve, who, by tempting Adam, had brought about the Fall from concerns of the spirit to concerns of the flesh; from virginity to marriage and carnality (Jer. *Ep.* 22.19). This view was compounded by the misogyny of classical males, who saw women as innately lustful, weak and lacking self–control.[1] Between these two views the church fathers came to see women completely in the light of their sexuality. They were seen as essentially sexual beings. On the other hand, men were perceived in the light of *imago dei* (the image of God) and were

[1] On the influence of classical male perceptions, see Clark, 1986: 29–33.

considered to have essentially spiritual natures. As such they were much closer to God than women, who had only been created from man (*Gen.* 1.26, 2.7, 2.21).[2] In the words of Paul, 'he is the image and glory of God; but woman is the glory of man' (*1 Cor.* 11.7). Consequently women were perceived as being in a state of flesh, as opposed to men who were in a state of spirit.[3]

In the eyes of Tertullian, the greatest responsibility women had was shouldering the blame for the original sin of Eve. They were to pay for this sin by suffering submission to a husband and the pain of childbirth. Women, as the daughters of Eve, were also responsible for any recurrence of the sin of tempting men, and bringing them down to carnality from the realm of the spirit (*On the Dress of Women*, 1.1.1–2). Even if a woman were not actively tempting a man, she was still more responsible than he was, by virtue of her sexual nature (*On the Dress of Women* 2.2). Under the classical paradigm women's sexuality was controlled by keeping her within the family. The church fathers felt instead that it was imperative for the danger inherent in female nature to be neutralised, not only to prevent the downfall of a man who might desire her, but also to save her from herself. The birth of Jesus by a virgin made such a neutralisation possible. The virgin birth had redeemed women and saved them from the curse of Eve (Jer. *Ep.* 22.21), but only if they chose the path of Mary the virgin, renounced the sexual part of their nature and, by doing so, actively negated their role as temptress. The church fathers further claimed that sexuality would tie a woman to earth and the concerns of a husband, keeping her from God (*1 Cor.* 7.34).[4] Only by staying celibate and dedicating herself to the spirit would she obtain true communion with God, and all the rewards of the hereafter (August. *On the Sermon on the Mount* 1.15.40). The dual face of women as both sexual sinner and chaste saint is the basis of the church fathers' perceptions of female sexuality. This dualistic point of view is not unlike that of classical males, who saw women as both inherently capable of badness at their worst, but also worthy of praise when they were chaste, and loyal to the family.

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[2] Cloke, 1995: 26–27, 33

[3] Brown, 1988: 47–48; Salisbury, 1991: 12–13. It is important to note that the body was the tool of the flesh, but was not its representative. The body could also be turned to concerns of the spirit.

[4] Reiterated by Tertullian, *To His Wife*, 1.3 and John Chrysostom, *On Virginity*, 14.6, 43.

However, the paradigm justifying this view was now totally different, as was the ideal of a praiseworthy woman.

Despite the opportunity females were given for relinquishing the flesh for true spirituality, women do not seem to have been perceived as having any spirituality of their own. By negating the sexual in favour of the spiritual, they were never seen as increasing the expectations of women. Instead women were seen as overcoming their natures and becoming 'male', because the struggle for virtue was not compatible with the passivity associated with being female.[5] Women who were capable of overcoming the weaknesses inherent in their natures, were considered to be rare and therefore worthy of praise. This praise was almost always delivered in terms of their 'masculinity', as they were perceived as having lifted themselves to the state of the spirit, the natural state of men. Jerome praises Paula as 'forgetful of sex and weakness' (*Ep.* 108.14). Melania the Younger was praised for her 'manly deeds' (Gerontius *Life of Melania the Younger*, prologue) and was said to have been 'detached from the female nature and had acquired a masculine disposition, or rather, a heavenly one' (Gerontius *Life of Melania the Younger* 39, tr. Clark, 1984). This reference to a heavenly, or angelic, nature was yet another form of praise to indicate a woman had overcome her sex. However, in this case she did not become masculine. Angels were considered to be pure spirit and therefore asexual.[6] Consequently, women who were praised as angels were also seen as asexual. Jerome exhorts virgins to tell themselves 'My vows are sexless' (*meum propositum sine sexu est*, *Ep.* 22.18).[7] Those women who could not actively seek spirituality because they were wives, could still be saved through suffering the pain of childbirth. However, this could only occur if they were also submissive, silent, modest in dress and practised self–control (wifely chastity) (*1 Tim.* 2.9–15). They were to subdue rather than overcome their natures. Considering the evidence, it would seem women who wanted to attain spirituality or salvation could not afford to be themselves.

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[5] Cloke, 1995: 220. For further discussion see Cloke, 1995: 212–216; Clark, 1986: 42–45; Torjesen, 1996: 79–87; Castelli, 1986: 74–78.

[6] On angels see Ambrose, *On Virginity* 1.11, 51–52; Jerome, *On the Perpetual Virginity of the Blessed Mary* 23.

[7] Here *sexus* refers to sex as physical difference.

Women taking on the characteristics of men to perform great or unusual feats is a classical idea, and occurs often in literature. One example can be found in Apuleius, when he describes Psyche, not as marshalling her own spirit, but rather as taking on the spirit and courage of a man. *Fati ... saevitia subministrante viribus roboratur, et prolata lucerna et adrepta novacula sexum audacia mutatur* ('with the cruelty of fate fortifying her, she was strengthened by manly strength, and having brought forth the lamp and seized the razor, she was changed in regard to her sex by boldness', Apul. *Met.* 5.22.1). This line has two references to her as having male strength. Firstly, her sex is changed to that of man because she displays an unfeminine boldness. Secondly, she is described as marshalling her *viribus*. *Viribus* is related to *vir*, the Latin word for man. Consequently, it was understood as being an extremely manly quality with connotations of strength and bravery in battle. It is therefore not a tautology to say that she was strengthened by manly strength because these words would have indicated two very different types of strengths to Latin readers. A similar example can be found in Ovid's *Fasti* where he describes Lucretia as a *matrona virilis* ('wife of manly courage', Ov. *Fast.* 2.847) after she kills herself rather than bear the shame of her rape. The difference between the classical and Christian portrayal of this idea is that under the Christians it had a direct bearing on female sexuality. By becoming masculine or angelic, the sexuality of a Christian woman was negated. She was not to be considered a sexual being, as she was no longer either desiring or desirable. Although both Psyche and Lucretia take on male characteristics, there is no indication that either loses their sexuality.

The best way for a woman to ensure her chastity was to live a life of extreme abstinence from all things. Celibate, ascetic lifestyles had been part of Christian practice from the second century and the time of Paul. This apostle had written of his desire to see all Christians, who were able to, live as he did (*1 Cor.* 7.7), namely unmarried (*1 Cor.* 7.8). But it was not until the story of Antony, an Egyptian ascetic who lived during the late third and early fourth centuries, was immortalised by Athanasius in his *Life of Antony*[8] in the mid–fourth century, that the ascetic lifestyle

[8] The *Life of Antony* was written between 356 and 362, although the story was not unknown before this. It is believed the Roman *matrona*, Marcella, was influenced to become an ascetic after hearing it in 340. The *Life of Antony* is believed to have been responsible for starting a widespread ascetic movement (Wright, 1999: 17).

was popularised across the entire Empire. Asceticism was the heir to martyrdom, which had become defunct with the conversion of Constantine. It allowed women to win salvation by virtue of a great struggle, like the martyrs of old, and the ascetic's life was often depicted in the terminology of martyrdoms.[9]

One of the main, and most extreme, proponents of the ascetic ideal as the way to save women from desiring and being desired was Jerome. He and other church fathers were responsible for designing a rhetoric of virginity that allowed them to establish parameters for authority and control over women.[10] In *Letter* 22 to the dedicated virgin Eustochium,[11] written in AD 384, Jerome outlines some of his motivation for preferring the ascetic life over marriage for women, and lays down guidelines for the guarding of virginity. However, this is not all Jerome expresses in his letter. By outlining inappropriate behaviour and giving examples of women who are guilty of such behaviour, Jerome not only illustrates his ideal of female sexuality, but also his perceptions of women in general, especially the average aristocratic woman who does not live up to his ideal. While his views were not shared by everyone, Jerome belonged to a school of influential and authoritative Christian thought that was responsible for shaping the picture of the ideal woman in the fourth century.[12]

Jerome's *Letter* 22 to the virgin Eustochium he himself describes more as a treatise (*Ep.* 31.2). His purpose appears to be to instruct Eustochium on the correct behaviour of a virgin, in order for her to preserve her virginity and lead a moral life, as well as to briefly mention his defence of virginity over marriage, which he had detailed in *On the Perpetual Virginity of the Blessed Mary*. The superiority of virginity over marriage is probably the most important part of this letter, if one intends to look at perceptions of female sexuality. Jerome is defending the position

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[9] Jerome compares the virgin Demetrias with a martyr (*Ep.* 130.5). See Castelli, 1986: 66–67; Clark, 1986: 45. The martyrs were also perceived as overcoming their weak natures; for example Perpetua, who, to fight the devil, takes on the aspect of a man in her dream (*PP* 10.7), and the many manly deeds of Thecla (See Welch, 1996: 66–78).

[10] Cameron, 1989: 200. For elucidation of this rhetoric, see Cameron, 1989: 184–201.

[11] Eustochium was the daughter of Jerome's high–born pupil, Paula.

[12] Most of the church fathers wrote on virginity, especially Tertullian, Methodius, Ambrose, Augustine, Cyprian, Gregory of Nyssa and John Chrysostom.

that to be a virgin rather than a *matrona* (married woman) is the ideal state for a woman.

When one considers Augustus' laws to enforce marriage for women, this ideal is a complete reversal. Some have argued that the development of this way of life by Christians was an attempt to be totally different from pagans.[13] However, the idea of living a strict, virgin lifestyle was certainly not new. Male philosophers had been debating the superiority of celibacy over the naturalness of marriage in promoting a true philosophic lifestyle for centuries.[14] Some members of the ancient medical community, especially Soranus, considered perpetual virginity healthy for women, on the grounds that secretion of seed was harmful, and that pregnancy and childbearing exhausted the body, leaving a woman weak and susceptible to disease (*Gyn.* 1.30, 1.32).[15] There were also dedicated female virgins in the service of pagan cults. Female pagan virgins included the vestal virgins of Rome and virgin priestesses in some Greek and Roman cults.[16] This concept did not coincide with that of Christian virginity however, as pagan virginity was not seen as an idealised, lifelong state. Virgins were expected to service the Gods in certain cults precisely because it was abnormal, and helped to reinforce the norm. Girls were given as virgins without having any choice, but after their tenure was completed they would be allowed to marry.[17]

Virginity as an idealised state of sexuality was also not unknown. It was a common characteristic of the hero and heroine in the ancient Greek novels. This virginity

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[13] See Brown, 1988: 34.

[14] Among Greek philosophers there was seen to be a relationship 'between sexual abstinence and access to truth' (Foucault [tr. Hurley], 1985: 20). Plato believed the desires of the soul to be violent and destructive, therefore succumbing to them was counterproductive to the betterment of oneself. Instead, he advocated *sophrosune*, moderation and self–control, involving sexual abstinence because the beauty of truth was attended by chastity (Foucault [tr. Hurley], 1985: 88). Musonius Rufus wrote a treatise *On the Purpose of Marriage* to try and refute ideas such as Plato's (Foucault [tr. Hurley], 1986: 151).

[15] In the *Gynaecology*, Soranus outlines the arguments for and against perpetual virginity. The opponents of perpetual virginity (such as Hippocrates) suggest that the excretion of seed is only harmful in excess, that intercourse makes a woman's period easier, and that a lack of intercourse prevents a necessary catharsis of substances during menstruation (*Gyn.* 1.31). Soranus answers these people by pointing out the good health of those women dedicated to virginity within religion, and that any problems they have with menstruation are from lack of appropriate exercise (*Gyn.* 1.32).

[16] See Lane Fox (1986: 347–348) for examples of virgin priestesses. Hera was believed to bathe ritualistically each year to renew her virginity (Paus. 2.38.2).

[17] Brown, 1988: 8–9

was intimately connected to the ideal of *sophrosune*,[18] which is often translated as 'chastity' or/and 'self–control'.[19] For the Greek novelists the natural concern for the virginity of a daughter was given an important ideological aspect when considered within the context of the virtue of *sophrosune*.[20] It was not the lack of intercourse that was of primary importance, rather that the characters could keep their virginity by means of their self–control, even in the face of great temptation. Their virginity was certainly not meant to be a lifelong state. It was expected that they would eventually come to marry and have intercourse. However, they would still have the virtue of *sophrosune*, which they would then practise within the marriage.[21] Therefore, while the Christian ideal of lifelong virginity had its forerunners, it was a somewhat different concept. Christians, especially Jerome, were arguing for permanent virginity within an ascetic lifestyle, the only way virginity of both body and mind could be preserved.

In defending his position on virginity,[22] Jerome cites a list of practical reasons why a woman would not want to marry, such as suffering through pregnancy, the curse of the pain of childbirth, a crying baby, jealousy over the husband, the cares of managing a household and, with the death of the husband, finding the married state short–lived[23] (*Ep.* 22.2, 22.18).[24] He also cites more spiritual concerns, such as finding oneself a widow, having neither mortal nor immortal husband, and knowing that one is forever without the crown of virginity that would come as a virgin's eternal reward (22.15). Virgins would be liberated from the ills and suffering of the married woman. Jerome goes on to defend virginity as the natural state, beginning with Adam and Eve. It was only after the Fall that marriage came about. When the

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[18] For a discussion of *sophrosune* in the ancient Greek novels, see Goldhill, 1995.

[19] Goldhill, 1995: 3–4. This word has many connotations which makes a translation into a single English word impossible. Goldhill (1995: 73) tells us that Christian writers tried to translate *sophrosune* as 'virginity'.

[20] Goldhill, 1995: 4

[21] Goldhill (1995: 119) gives an excellent example from Heliodorus: '...when Charicleia confesses that the one and only thing that could challenge her *sophrosune* is her love for Theagenes, she quickly adds (1.25) that even this is "lawful" and that she has given herself to him as a future husband not as a lover and has kept herself thus pure (*katharos*) from intercourse.' See Goldhill (1995: 131–132) on *sophrosune* in marriage.

[22] Jerome (*Ep.* 22.22) lists others who have written on the ills of marriage, namely Tertullian, Cyprian and Ambrose.

[23] Girls tended to marry in their mid to late teens, while men married in their mid to late twenties (Cloke, 1995: 51). Considering the age gap between husbands and wives in the upper classes, widows were probably common.

[24] All further references in this chapter refer to Jerome *Letter* 22, unless otherwise stated.

earth was new and under–populated, it was a blessing to have a family. But as the amount of people on earth grew, a few men were instructed to stay virgins. It was not until Jesus was born to a virgin however, that the curse of Eve was lifted and women could be given the gift of virginity (22.19, 22.21). Jerome is quick to point out that he is not hostile to marriage. Honourable, chaste women have their place (22.2), most importantly they give birth to more potential virgins (22.20), but marriage takes people away from God as they concentrate more on their spouses than on Him (22.22). Consequently, a chaste marriage can only ever be second to virginity, but *matronae* should take pride in their place (22.19). Even if Jerome's argument is based totally on a subjective interpretation of Old and New Testament evidence, his underlying feeling is obvious. Virginity, as a state of grace, had come to women and they would be perfect if they embraced it.

Virginity had another claim to superiority. Jerome believed the reason Paul had no commandment on virginity was because its greatness lay in that it was entirely voluntary.[25] If virginity were forced it would nullify marriage. In addition, to turn men against their own natures would only cause resentment. Virginity was worth so much more because it was given of a person's own free will (22.20).[26]

The fact that he needed to defend his position at all shows there were some church fathers who did not agree with the ideal of virginity. Among them were Helvidius, against whom Jerome's *On the Perpetual Virginity of the Blessed Mary* (about AD 383) was written (22.22), Jovinian, Vigilantius, and Ambrosiaster who defended marriage and childbearing.[27] Jovinian, for example, believed that no special merit attached to virginity, and that all chaste Christian women, married, widow or virgin, would receive the same reward. The blend of traditional and Christian principles postulated by these writers would probably have appealed to a populace for whom marriage and family were still paramount. Jerome's hard–line stance appalled even

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[25] This was not always true, however. Families learned to use consecrated virginity as a method of family planning. A child for whom a family could not provide could be consecrated at a very young age. Consecration could also save the break–up of an estate or the expense of a dowry (Salzman, 2002: 165).

[26] This sentiment was shared by John Chrysostom (*On Virginity*, 2.2).

[27] Jerome defended his views in the later treatises, *Against Jovinian* (AD 393) and *Against Vigilantius* (early fifth century). Ambrosiaster wrote *On the Sin of Adam and Eve* in the late fourth century. For discussion of these writers and their views, see Hunter, 1987: 45–64, on Jovinian and Hunter, 1989: 283–299, on Ambrosiaster.

Augustine, who supported the ideal of virginity. Even as Jerome praised marriage, his extremist language suggests that he would like to have seen virgins as the rule rather than the exception (*laudo nuptias, laudo coniugium, sed quia mihi virgines generant* 'I praise marriage, I praise the wedding bond, but because they bring forth virgins for me', 22.20). He even goes so far as to suggest in *Against Jovinian* (1.41) that virgins, not the Roman *matronae*, had always been the real models of virtue. Augustine answered him with a more moderate view in *On the Good of Marriage*. He accepted marriage but it was only to be as a means of creating children and avoiding sin (9–10). Jerome was walking a fine line of heresy,[28] because his argument was suspiciously close to that of the extreme ascetic Montanists.[29] Although the more moderate views of Augustine on virginity would eventually prevail,[30] Jerome's views on virginity and the attendant lifestyle were held by the majority of the church fathers in the fourth century.

The other of Jerome's two purposes in writing *Letter* 22, namely to instruct virgins in correct behaviour, shows not only what Jerome felt constituted ideal behaviour, but also his perceptions of 'imperfect' women. In expressing his concerns, he illustrates the behaviour he does not want virgins to engage in, and thereby discusses non–virgin women. His two main concerns for virgins are the preservation of that virginity, and the preservation of the related virtue, their modesty. In this, he is following the typical concerns of classical males for their women. His motivation is based totally on the Christian paradigm, however, as is his perception of the consequences of the loss of either virtue. Where a classical male would have been concerned for a woman's modesty and virginity because of its reflection upon himself, Jerome sees the loss of virginity in spiritual terms and the loss of modesty as leading to the loss of virginity. For him virginity, and not modesty, is the primary concern.

Jerome's first task in this letter is to warn the virgin Eustochium to be constantly vigilant against the forces of Satan, which would try to bring her down from the

[28] Other church fathers who shared Jerome's views also came close to charges of heresy.
[29] Montanism proclaimed the imminence of the Kingdom of God, an idea no longer prevalent in the second century when this movement arose. Believers were expected to prepare by living a life of rigorous abstinence (Clark, 1986: 33–34).
[30] Salisbury, 1991: 39

heights of her virginity (22.3–6). By referring to the tortures of the flesh that Paul might have undergone, and then suggesting that as a woman she would be in even more danger (22.5), he is inferring that she is naturally weaker than a man in succumbing to weaknesses of the flesh, therefore she has to fight harder. Indeed, the battle against the Devil is not over until she actually dies and leaves her body. Only then will she be safe (22.3). However, it is not only in the flesh that a virgin may fall. Jerome introduces the importance of mental virginity. He suggests that as a man may be an adulterer just for the thought, then a virgin with impure thoughts is also no longer a virgin (22.5). He is concerned not just for the physical subjugation of female sexuality, but also its mental subjugation. For Jerome then, the Christian male perception of ideal female sexuality is for it not to be expressed in either thought or deed. He does not believe, however, that lust is an unnatural state, but rather that constant vigilance can keep it from appearing. He advises a virgin that when she feels lust come upon her, she is to call on God to help her kill it while it is small (22.6). Jerome sees virginity as such a high state that he considers it better for a weak woman to marry, rather than reach for the heights of virginity and fail. To be a failed virgin is to become a whore, naked and ashamed (22.6). This point was especially important to all church fathers, not only because of the damnation of the woman, but for their own salvation as well. To exhort someone to heights of piety that they could not reach and have them fail was as bad as impious behaviour in oneself.[31]

To aid in this constant vigilance, a virgin must follow a strict ascetic lifestyle. Jerome admits that his strictures might be considered difficult to follow by Roman aristocratic standards, although he feels true faith and love of Christ would make it easy (22.39–40). But in saying this he shows how different the ascetic lifestyle is from anything in the typical Roman experience, and just how different his paradigm is. All of Jerome's strictures are meant to help keep a virgin modest (which in the Roman lexicon included being chaste), to prevent her from feeling desire for a man, or creating desire in him. Ambrose felt that, without modesty, a woman could not be a virgin (*On Virginity* 2.14). The church fathers felt strongly about the modesty of women,[32] especially virgins, because of women's guilt for the sin of Eve. They

[31] Cloke, 1995: 43
[32] Tertullian devoted a treatise specifically to this topic, *On Modesty*.

were also concerned to re–establish the authority of the patriarchal church over women. The lack of modesty, and renunciation of the family displayed by female martyrs, showed that women had come to believe they held some measure of authority in the church.[33] The church fathers had to send out a message that not only assuaged the anger of the populace for encouraging immodesty among their women, but enforced their beliefs as to woman's secondary position to man, as expressed by Paul.[34] The measures Jerome puts forward on food, dress and behaviour, to keep women from both subjective and objective desire, are echoed throughout the church fathers.

Jerome's first stricture is on the use of wine. He feels wine is responsible for inflaming lust, and instructs virgins to avoid it like poison. Lust is carried around inside a person, unlike other vices, and so it is impossible to escape. As wine only makes this condition worse, it should be studiously avoided. Paul only advocates the taking of wine for medical purposes, and that sparingly; otherwise he holds it responsible for wantonness (22.8). Jerome has similar feelings on the inflaming effects of a full stomach. If a person is satiated, their mind becomes sluggish and thoughts of lust can enter freely (22.17). Abstinence from food for short periods, followed by small meals of simple foods, helps ensure chastity (22.11). One should not fast only to then overindulge, especially in rich foods, or the fast has no meaning. Indeed, one should never be completely full, but rather go hungry (22.17).

Fasting possibly served another purpose. Constant fasting changes a woman's appearance, making her pale and thin (22.17). Having little food inside herself would leave a woman with very little energy to consummate sexual desires. By the same token, this ascetic appearance could not have been appealing to men and would no doubt have been effective in deterring the desire of men for a consecrated

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[33] The church fathers also had to establish authority over teaching. Paul had been ambiguous on the subject of women teaching. On the one hand he absolutely forbade it (*1 Tim.* 2.12), and on the other he praised woman teachers (*Rom.* 16.1, 16.2, 16.12). The church fathers chose to take the view that women should not teach, and added additional Biblical arguments of their own, such as the fact that women could not speak in church (*1 Cor.* 14.34), that Jesus did not send women out to preach (*Apostolic Constitutions*, 3.6) and that the original sin of Eve disqualified them (John Chrysostom, *Discourse 4 on Genesis*, 1).

[34] '...the head of woman is man' (*1 Cor.* 11.3); '...woman is the glory of man' (*1 Cor.* 11.7).

ascetic virgin.[35] The appearance of virgins was actually a major concern for Jerome.[36] He was not a champion of the sackcloth[37] or male garb[38] sometimes affected by virgins in their pursuit of an ascetic life. He felt these women were extremists, trying to draw attention to themselves to win praise for their piety. Jerome felt strongly about these fake virgins who he believed were more interested in the appearance of piety than in actually being pious (22.27). However, he did not advocate elaborate dress either. He felt a virgin should be neither slovenly nor overly elegant (22.29), but simply dressed, in a manner that was so ordinary as not to draw attention to itself (22.27).[39] Jerome might have felt that those women who chose to wear sackcloth or men's clothing were trying to disguise their femininity because they were ashamed of it, but he seems interested in stripping women of an identity altogether, by making them invisible.

In furtherance of this, Jerome wanted to keep virgins within their homes, and away from inappropriate companions. He believed a woman's virginity was in danger if she left her home too often, even in a worthy, pious cause, like visiting the shrine of a martyr (22.17) or attending a funeral (22.27). She was to go out for as few reasons as possible,[40] and remain subject to the will of her parents who would guide and protect her behaviour in this matter (22.17). The female body was a temple that should not be exposed to a public gaze (22.23).[41] Especially as the Bride of Christ, a dedicated virgin should not bring shame on herself by allowing her face to be seen by other men (22.25). Tertullian had advocated the wearing of a veil in order to keep both men and women safe from desire (*On the Veiling of Virgins, passim*). In

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[35] It would also have helped to disfigure the female body to make it more 'male' (Torjesen, 1996: 86).
[36] This was also true of Tertullian (*On the Dress of Women; On the Veiling of Virgins*), Cyprian (*The Dress of Virgins*) and Gregory of Nazianzus (*Orations* 8.3) who praises a female in modest, unostentatious dress.
[37] Melania the Younger was well known for her coarse woollen clothing (Gerontius *Life of Melania the Younger* 4, 6).
[38] In an effort to transcend their femininity, some ascetics chose to dress as men and allowed their female bodily characteristics to wither (breasts) or fail (menstruation) with fasting. The famous model ascetic Thecla cuts her hair and dresses in male attire (*Acts of Paul and Thecla* 25, 40). Pelagia would become famous in the fourth to fifth centuries for cross–dressing (Salisbury, 1991: 99, also see 97–98).
[39] Tertullian advocates a more neglectful appearance, characterised by cheap clothing and a mourning mien, as befits a daughter of Eve (*On the Dress of Women* 1.1.1)
[40] All Christian occasions to go abroad are those of 'sobriety and sanctity' (Tert. *On the Dress of Women* 2.11).
[41] Gregory of Nyssa (*Life of Macrina* 992) and Nazianzus (*Orations*, 8.15) both give accounts of their sisters who are so modest that they refuse to let themselves be seen by male doctors when they are ill.

an attempt to keep virgins safe and chaste at home, Jerome advises them not to go out in search of Christ or they will be interfered with, and even a veil will not be enough protection. They are to seek the Bridegroom in their own bedchambers, to shut themselves away and only let Him in.[42]

Jerome's other attempt to keep virgins modest is to ensure that they are not influenced by bad company. He recommends that they visit only those women who are pale and thin from fasting, and whose age and conduct has proved them worthy (22.17). Such women were other virgins and chaste widows. Widows held the second rank within the three levels of chastity, between virgins and *matronae*. Widows who dedicate themselves to chastity are objects of pity and reverence. Jerome uses the example of Eustochium's sister, the widowed Blesilla.[43] She has given up the possibility of the crown of virginity, but now finds herself without the pleasures of marriage. Having tasted those pleasures she fights for her chastity even harder, but she will never reach the reward of a virgin. Nevertheless, consecrated chastity is as close as a widow can come to virginity and so she is worthy of praise (22.15). She will therefore make an appropriate companion. However, if an inquisitive virgin or widow is found to be visiting with married women, then she can be considered to be indulging in vice, caring only for food, wine and lust. Such women are therefore to be cast out of the community of chaste women altogether (22.29).

Jerome especially advises virgins to stay away from married women and unchaste widows. He believes married women, especially those of high rank, are given to ostentation and pride in their husband's accomplishments. He does not want virgins to consider these women to be worthy as they themselves are. Instead, he wants them to have pride in their immortal Bridegroom. He also wants them to stay away from impure widows, who dress to attract men, who support the clergy and are overly proud of it, and who use the liberty of their widowhood inappropriately.

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[42] Jerome chooses to quote from the *Song of Songs*, whose language and images describe the relationship between a virgin and Christ in explicitly erotic terms. Cameron (1994: 157–158) discusses this strange paradox in the *Song of Songs*, and suggests that the erotic imagery of the Bible (Old Testament) was exploited and misrepresented by Christian writers to justify an ethic in which all sexuality is denied.

[43] Blesilla dies soon afterwards. The mourners at her funeral blame extreme ascetic practices (Jer. *Ep.* 39.6), and hold Jerome responsible for encouraging her to these extremes.

They claim to be chaste but surround themselves with luxury (22.16). Widowed patronesses of the church were a regular occurrence. The power that came from their money was considerable and allowed them to have authority in the church. Obviously Jerome felt these women did have some authority, which they exploited, and he did not approve. He is afraid that these women will not only persuade virgins to rank themselves below *matronae*, but that they will encourage them to affect false refinements, such as a lisp, to indulge in luxury and even to give in to their sexual appetites (22.29).

In discussing the way in which he feels virgins ought to behave, Jerome cannot help but discuss his perceptions of other women, namely *matronae*, widows and even other virgins. Jerome has shown he believes married women to be ostentatious, proud and dedicated to the pleasures of marriage rather than God (22.16, 22.29). However, the actual state of matrimony itself is holy, and women can be proud of their position as second–class Christians compared to virgins and other chaste women (22.19). He has also shown his opinion of worldly widows who do not take the opportunity to dedicate themselves to chastity, as being equally ostentatious and proud, as well as licentious (22.16).

He has a great deal to say against women who are supposed to be virgins but who flaunt their sexuality. He calls these bad virgins (*virgines malae*, 22.5) and believes they are using the liberty of their supposed virgin state to cover illicit actions. The fact that Jerome feels a need to disparage these women and to illustrate correct behaviour shows that he felt these women to be a threat, and that he perceived women as capable of trickery to further their appetites. Jerome sees these women as provocatively dressed, with tight sleeves, purple in their dress and their hair loose. They purposely attract young men with nods and winks, indulge in food and wine, commit adultery against Christ, then kill the fruits of their adultery by having an abortion and consequently, sometimes killing themselves as well. These women then defend their actions by claiming that as they are pure, all things to them are pure (22.13). Jerome's accusations do seem extreme, but he obviously considered such liberal behaviour to be immodest and reprehensible, especially as they were using the name of virgin to justify their behaviour. He is also disapproving of virgins of property, who are always caring for money matters (22.38). They are

worldly, involving themselves in business matters instead of leaving them to their parents or some other male while staying locked away at home. They fill themselves with worldly matters inappropriate to a temple of the Lord (22.24). Virgins who do not follow Jerome's strict ascetic guidelines are not true virgins in spirit and therefore probably not in body either (22.38). He no doubt also disapproves of the fact that their money gives them authority that is not commensurate with their position as humble virgins. This shows just how important Jerome considered modesty to be as the means of ensuring virginity.

Virgins who consecrate themselves within Christian sects other than that of the Catholic Church are to be considered prostitutes (22.38),[44] because virginity that is not consecrated within the true religion has no meaning. Women who insist that they are chaste but choose to leave their families to live with a man to whom they are not related are also prostitutes in Jerome's eyes. Although these women claim they seek spiritual consolation from these 'spiritual marriages', Jerome believes they are using their vows as an excuse to secretly satisfy their desires at home, making them *meretrices univirae* ('one man/husband prostitutes', 22.14).[45] The worst is thought of these women because of the sin of Eve. Jerome does not believe that women can control themselves in the face of temptation and they are definitely responsible for leading their spiritual companions into thoughts of lust.

Considering Jerome's perceptions of any woman not following his ascetic guidelines, he could easily be perceived as a misogynist.[46] He sees any woman who is not a virgin jealously guarding her state, as deceptive, lustful, dangerous, immodest, drunken, unchaste, gluttonous and revelling in luxury. When compared to Apuleius' stereotypical perceptions of bad females, one can see that they are very similar, and that the worst assumptions that could be made of women have not changed. The only crime Jerome adds to Apuleius' view is that of being desirable.

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[44] These would have included women within such heresies as Montanism and Gnosticism.

[45] John Chrysostom wrote two scathing treatises against spiritual marriages, or the *virgines subintroductae*, *Against those men who cohabit with virgins* and *That women under vows should not cohabit with men*. See Leyerle, 2001: especially 75–99.

[46] Jerome and most other church fathers are seen as misogynists by some scholars (Cameron, 1989: 184). However, Arjava (1989: 8) highlights evidence of Jerome's satirical attitude to both men and women, and suggests that Jerome was never overtly misogynistic. Clark (1986: 29) points out that any misogyny is inherited from the classical writers, like Juvenal. And Cloke (1995: 26) believes this seeming misogyny is actually the result of the church fathers' feelings about the original sin of Eve.

However, Jerome's motivation for his perceptions is radically different to that of Apuleius. In fact, in comparison to Apuleius' other views on women, there are two major changes. The first is that, unlike Apuleius' perception of the feminine ideal, the ideal place for a woman's sexuality is not within marriage and the family, but safely within the temple of virginity. Secondly, while Apuleius did not find it necessary for women with no respectability to adhere to the ideal and be bound within marriage, Jerome believed all women who were capable, regardless of rank or attendant respectability, should be bound within the vows of virginity, and they were all to be considered as equal behind the veil (22.29). Consequently, we find that, while the ideal of female sexuality altered radically from *matrona* to ascetic virgin, many basic perceptions of female sexuality did not alter with the paradigm shift.

Chapter 7:
CONCLUSION

The purpose of this investigation has been to determine the nature of male perceptions of female sexuality by examining certain relevant literary elements of the Roman Empire, specifically the legislation and the writers of the time, in light of their religions and cultures.

The Legislation

From the investigation of the Imperial legislation on marriage, we discover that the Augustan legislation entrenched two legal poles of female sexuality as part of the classical paradigm. These two poles consisted of women who were considered respectable or unrespectable, depending on the extent of honour they were believed to have. High–born women were seen as respectable and were given strict directives under the Augustan legislation to preserve that respectability. Their sexuality had to be placed within the family, specifically marriage. Girls, divorcees and widows were not allowed to stay in an unmarried state for any extended period. Girls had to be married by twenty, and divorcees and widows had only a short grace period in which to remain unmarried. On the other hand, an entire category of women were considered to be completely unrespectable, and so far from having their sexuality placed safely within marriage, they were not expected to marry at all. Unrespectable women could display and utilise their sexuality with impunity. However, if they

wished to become respectable they were generally forbidden to do so, unless they married a man of low birth. Otherwise they were seen as sex objects with no modesty to protect. By law, they were therefore open to exploitation by any man who wished to have sexual relations with one of them. The only exceptions were concubines who were at neither one pole nor the other. They were almost as respectable as wives but their sexuality was not as safely established as it would have been in marriage. Therefore they were also unrespectable as they were generally unworthy of marriage. Apart from concubines, the only women who had any movement between these two poles were adulteresses, who could descend from being respectable to unrespectable, but who could not return, not even as a concubine. If possible, adulteresses were even lower than unrespectable women were, because they had the added stigma of having betrayed their respectability.

The paradigm shift that was supposed to have changed this state–sponsored perception of female sexuality is found hardly to have changed it at all. Study of the Constantinian legislation shows that the Christian Emperor was concerned about protecting the legal poles entrenched by the Augustan legislation. His legislation undertook the matter from a different perspective but the intended results were the same. Constantine repealed the legislation that ensured that female sexuality was either placed within marriage or the category of unrespectability. But instead, he tightened the laws on unrespectable women to make it impossible for them to even marry illegally, and to entrench any women of questionable respectability within the pole of unrespectability. He took further measures in order to ensure the respectability of high–born women by enacting legislation designed to protect their modesty from public defilement. Lastly, he took the final step of preserving the institution of marriage by making unilateral divorces almost impossible. From this one can see that the state, so far from undergoing a radical change in ideology as the result of the shift from the classical paradigm to the Christian paradigm, in fact kept all of the elements connected to the male perception of where female sexuality ought to be located, namely within the legal poles of respectability.

The Writers

In Apuleius we find an application of male perceptions of female sexuality held by the male populace. Apuleius makes use of all aspects of male perceptions of female sexuality to portray a myriad of female characters. Even as Apuleius pokes fun at the Augustan legislation, his depictions of women can be seen to reinforce Augustan state–sponsored perceptions. He represents two groups of women, most safely situated within one of the poles of respectability. One group represents the ideal, who is married, respectable and worthy of praise. The other consists of unrespectable women who are only worthy of being sex objects. Included within this group, Apuleius depicts those women who have committed the ultimate betrayal of their respectability and committed adultery. In portraying these women, he shows other aspects of male perceptions of female sexuality, which are not obvious from the Augustan legislation, and of which the remainder of the classical paradigm is comprised: namely, the stereotypical perception that women at their worst are weak and have no control over their sexuality. Therefore adultery is to be expected from women and those that can control themselves are worthy of praise for being exceptional. The perception of women as weak is not the invention of the Augustan period, but consideration of the poles of respectability displayed in Apuleius shows that the Augustan legislation had an effect on the perceptions of the classical male even if the legislation itself was not well received.

When one compares the stereotypes displayed in Apuleius with the male perceptions displayed by the letter of the church father, Jerome, one sees a few similarities, but many other perceptions have changed, and the paradigm informing them is markedly different. Here the paradigm shift does seem to have instituted some radical changes. The poles are no longer acceptable for men like Jerome. For them all women are equal: equally bad, because they are all responsible for the original sin of Eve. The church fathers also assume all women are weak, but they now have a Christian rather than a classical motivation for their perceptions. Because of this different motivation they perceive the disposition of female sexuality differently. In theory, the immutable status of women within the poles of respectability and unrespectability does not exist. All women have an equal opportunity to be either respectable or unrespectable, and movement between these poles occurs often. Any

unrespectable woman can become respectable if she is willing to follow a strict prescription in order to attain and keep that respectability. At the same time, high–born women whose respectability was formerly assumed now have to fight along side their unrespectable sisters to keep their respectability. Unlike the classical male perception it becomes much more difficult for high–born women to be respectable. Marriage is no longer the acceptable place for the disposition of female sexuality in order to ensure respectability. Female sexuality must now be subsumed or completely negated in order for a woman to be respectable. Any woman who sets out to negate her sexuality by practising sexual abstinence, no matter what her station in life, could be assured of respectability. Those women who chose not to marry, but instead to deny their sexuality by remaining sexually inactive, were now considered to be the exceptional ones worthy of praise, instead of those who remained chaste in marriage. Under these conditions, marriage was only a last resort for a woman, in order for her to be protected from the consequences of her own sexuality. And this was only possible if she were a good wife and followed rules as strict as those placed on the sexually abstinent. Although, ideally, Jerome had little time for marriage, the rules governing married women were, for the most part, taken from the legislation of Constantine. The wife had to act as any classical wife, rendering her sexuality safe by remaining chaste, modest and silent. However, this was now the punishment a woman had to endure for the sins of Eve, rather than the ideal place to situate her sexuality.

Christianity and Conflict

The determining factor throughout this investigation has been the Christian religion. The dominance of the Christian paradigm was believed to be responsible for the Constantinian legislation and the perceptions of the church fathers. However, we now discover that Christianity had far less impact than was originally assumed. Instead Christianity can be said to have adapted rather than impacted. Even as a Christian, Constantine displayed classical male perceptions of female sexuality, although the advent of Christianity allowed a new justification for old ideas. He encouraged marriage, and the placement of female sexuality within it, on the grounds that, when marriage occurred, it should not be entered into lightly. The influence of Christianity on the perceptions of the average male was more profound.

The church fathers came to have a totally different perception of the ideal place for female sexuality. However, the church fathers could not eradicate marriage, even if they felt it to be a second–rate institution. Therefore they accepted Constantine's regulations for marriage when it could not be avoided. From this we can see that Christianity took as much from the old paradigm as it instituted new concepts. Had it failed to adapt, Christianity would not have had such success, even with the sponsorship of Constantine.

The resulting conflict, as the old classical paradigm came into contact with the new developing Christian paradigm in the second century, manifested itself in violence by the old dominant paradigm against the female representatives of the new paradigm, in the form of persecution. This persecution was responsible for the death of women in humiliating public sexual displays meant to strip the new paradigm of legitimacy, by showing its lack of concern for male perceptions of female sexuality. Early Christianity granted more freedom to women to abandon their modesty, challenging the old paradigm's perceptions of the appropriate place for female sexuality. The consequences of this persecution for the male representatives of both the classical and Christian paradigms was instead to give Christianity a greater degree of legitimacy, because of the way the women were proud to die as witnesses to their religion, facing their fate calmly, even with joy, thereby denying the legitimacy of the old paradigm to dictate to them. For Christian males, female martyrs also provided an entire category of women worthy of praise, with which to encourage converts and other Christians. However it also gave them a negative consequence of showing how much danger their religion was in if they continued to support the immodesty of women. This led to a great tightening of the rules on acceptable behaviour for all Christian women, as Christianity developed through the third and fourth centuries.

What then can one conclude from this investigation? Firstly, the assumption that virgins replaced *matronae* is now found to be far from obvious. While a change in male perceptions of the ideal of female sexuality does seem to have taken place at a conceptual level, for practical considerations they do not seem to have undergone any change at all. But this too is an oversimplification of the subject. A change in perceptions did indeed take place at the most fundamental level. The very basis for

all thinking on female sexuality by males was shifted, from a classical basis to that of Christian ideology. The classical paradigm on which male perceptions were based came into conflict with the paradigm of Christian thought. This conflict was expressed in violence toward representatives of the new paradigm, namely Christian women. However, with the conversion of Constantine, the Christian paradigm gained the power to fight the classical paradigm on an equal footing. By adapting itself to the needs and desires of the citizens of the Roman Empire, Christianity was able to undercut the classical paradigm. As the new paradigm took the place of the old, it took on many of its terms and concepts, although always applying a Christian meaning and justification to them. Therefore it can be seen that some perceptions did not actually change. It was the paradigm on which they were based that underwent the change. Nevertheless, the new paradigm also introduced new concepts on the nature of female sexuality that led to a totally new belief as to the ideal female. From the dust of the ideal of marriage emerged the ideal of the virgin.

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