
THE LEGAL POSITION OF ROMAN WOMEN: A DISSENTING PERSPECTIVE

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1 Introduction

In pre-classical Roman law, when adult Roman women either fell under the *manus* of their husbands or under strict *tutela mulierum*, their commercial participation was very limited. However, this position changed radically in classical and post-classical Roman law as the marriage *cum manu* was replaced by free marriage and the *tutela mulierum* became an institution of mere form, without any notable content.

However, many classicists and feminist scholars have an overly negative perception of the legal position of Roman women.¹ The opinions of Romanists are divergent on this issue. On the one hand, there are those who believe that Roman women “had something close to formal equality in the private law of Justinian”.² On the other hand, it is argued that the concept of the Roman woman as *infirmitas sexus* prevailed in Roman law to Justinianic times.³

This article does not purport to argue that Roman women were regarded as men’s equals in private, commercial and political life during classical and post-classical times, but seeks to show that Roman women’s rights to participate in the commercial sphere were not as limited as is generally believed. This statement will be substantiated by tracing the development of Roman marriage, divorce and *tutela mulierum*. Furthermore, examples will be provided of participation in commerce by Roman women. Finally, a comparison will be made between the legal position of Roman women under developed Roman law and that of South African women until 1984 when marital power was abolished.

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1 See, eg, Gardner *Women in Roman Law and Society* (1986); Gardner *Being a Roman Citizen* (1993) and Elshtain *Public Man, Private Woman* (1981).

2 Robinson “The status of women in Roman private law” 1987 *Juridical Review* 143 162; Van den Bergh “The role of education in the social and legal position of women in Roman society” 2000 *Revue Internationale des Droits de l’Antiquité* 351 353.

3 See, eg, Dixon “*Infirmitas sexus*: Womanly weakness in Roman law” 1984 *Tijdschrift voor Rechtsgeschiedenis* 343.

2 Forms of marriage

2.1 Marriage *cum manu*

A *filiafamilias* who came under the *manus* of her husband no longer fell under the *potestas* of her father. She was no longer part of her original family and thus ceased to be a member of her father's *gens*.⁴ If the wife was *sui iuris* before her marriage, a marriage *in manu* brought about a *capitis deminutio* for her since she became *alieno iuri subiecta*.⁵ Her property became the property of her husband.⁶ *Manus* placed the wife *filiae loco* and made her the sister of her own children.⁷ This fact was of special importance in the law of succession, since the wife *in manu* had the same rights of intestate succession as her husband's children.⁸

According to Gaius, the husband could acquire *manus* over his wife by one of three possible forms of marriage: *usus*, *confarreatio* and *coemptio*.⁹

2.1.1 Confarreatio

Confarreatio was probably the oldest form of marriage¹⁰ and was a religious ritual performed at the altar of *Iupiter Farreus* in front of the *Pontifex Maximus* and the *Flamen Dialis*.¹¹ Ulpian describes this form of marriage by stating that "a wife is placed in the hand of her husband by the use of certain words, in the presence of ten witnesses, and by the offering of a solemn sacrifice, in which also a cake made of spelt is employed".¹²

Only candidates born out of a *confarreatio* marriage could be considered for election as *rex sacrorum* or *Flamen Dialis*, *Martialis* or *Quirinalis*. These offices were only open to patricians.¹³ This form of marriage was probably only

4 Corbett *The Roman Law of Marriage* (1930) 109.

5 Van Oven *Leerboek van Romeinsch Privaatrecht* (1948) 449; Kaser *Das Römische Privatrecht* Vol 1 (1971) 322.

6 Gaius 3 83: *Etenim, cum pater familias se in adoptionem dedit mulierve in manum convenit, omnes eius res incorporales et corporales, quaeque ei debita sunt, patri adoptivo coemptionatorive adquiruntur.*

7 Buckland *A Text-Book of Roman Law from Augustus to Justinian* (1963) 118.

8 Gaius 2 139: *...uxor in manum conveniat vel quae in manu fuit nubat; nam eo modo filiae loco esse incipit et quasi sua.*

9 Gaius 1 110: *Olim itaque tribus modis in manum conveniebant: usu, farreo, coemptione.*

10 Van Oven (n 5) 449.

11 Gaius 1 112: *Farreo in manum conveniunt per quoddam genus sacrificii quod Iovi Farreo fit.* See Kaser (n 5) 324.

12 *Regulae Ulpiani* 9 1: *Farreo convenitur in manum certis verbis et testibus X praesentibus et solenni sacrificio facto, in quo panis farreus adhibentur.*

13 Corbett (n 4) 76.

employed by patricians.¹⁴ Nothing is heard of *confarreatio* after the time of Ulpian.¹⁵

2 1 2 Coemptio

Gaius describes *coemptio* as a form of *mancipatio* whereby the woman is bought by the man into whose *manus* she passes.¹⁶ Scholars are not unanimous on what is meant by this “sale” of the wife. On the one hand, Van Oven states that this was a contract of sale whereby the husband literally purchased his wife from her father.¹⁷ Watson also believes that it was originally a proper purchase of a woman.¹⁸ On the other hand, Buckland argues that this was not quite *mancipatio*, since she was not treated merely as a thing sold.¹⁹ It is submitted that *coemptio* was a *sui generis* form of sale since a woman was not treated as a mere *res*. However, the fact that in the case of *coemptio*, divorce was effected by means of remancipation, suggests that there definitely was an element of sale involved.

With regard to *coemptio*, it is also not clear who the seller was. Watson argues that where a woman was not *in potestate*, this was a self-sale.²⁰ However, this form of marriage was most prevalent in pre-classical times when a woman was under strict *patria potestas* if her father was still alive, or, if she was *sui iuris*, the powers of her tutor were still substantial. During these times the self-sale of a woman would not have been possible.²¹ She would not have been able to conclude a contract of sale as a *filia familias*, or, if her father was deceased, without her tutor's assistance. Only during later times, when a woman *sui iuris* was quite independent and tutelage was a mere formality, would such a self-sale have been possible. However, it is accepted that *coemptio* disappeared from use no later than the third century AD.²²

14 Buckland (n 7) 119 states that *confarreatio* was “essentially patrician”. On the other hand, Watson *The Law of Persons in the Later Roman Republic* (1967) 24 argues that there is no direct evidence that this form of marriage was legally restricted to patricians.

15 Buckland (n 7) 119.

16 Gaius 1 113: *Coemptione vero in manum conveniunt per mancipationem, id est per quondam imaginariam venditionem.*

17 Van Oven (n 5) 449.

18 Watson (n 14) 24.

19 Buckland (n 7) 119.

20 Watson (n 14) 24.

21 Corbett (n 4) 81. See, however, Buckland (n 7) 119 who is of the opinion that even though this was not *mancipatio* in the strict sense of the word, it was indeed a form of self-sale.

22 *Ibid.*

2 1 3 Usus

In the case of *usus*, the husband acquired *manus* over his wife by means of *usucapio* or acquisitive prescription.²³ The husband thus acquired *manus* over his wife if she cohabited with him for a year. Should the wife wish to escape *manus*, she could do so by being absent from her husband's house for three nights per year.²⁴ By Gaius's time, this form of marriage was obsolete.²⁵

2 2 Marriage *sine manu*

Marriage without *manus* was recognised in Rome as early as the time of the *Twelve Tables*.²⁶ It was the dominant form of marriage by the late Republic and is described as the "normal marriage of the developed law".²⁷ By the time of Justinian, the marriage *cum manu* was a relic of the past and is therefore not even mentioned in the *Digest*.

In the case of marriage *sine manu*, the wife remained a member of her original *familia*. Of great importance is the fact that the marriage *sine manu* had virtually no legal effect on the status of the husband or wife.²⁸ The wife retained ownership of her property and could accumulate an estate of her own.²⁹ She could conclude contracts and perform other juristic acts.³⁰

3 Divorce

The earliest well-documented Roman divorce is that of Carvilius Ruga.³¹ Modern commentators believe the date of this divorce to be around 230 BC,³² but ancient writers were not in agreement as to the date.³³ However, there is

23 Van Oven (n 5) 449.

24 Gaius 1 111: *...si qua nollet eo modo in manum mariti convenire, ea quotannis trinotio abesset atque eo modo cuiusque anni <usum> interrumpere*. See Kaser (n 3) 324.

25 Gaius 1 111 states in this regard: *sed hoc totum ius partim legibus sublatum est, partim ipsa desuetudine obliteratum est*.

26 Corbett (n 4) 83.

27 Thomas *Textbook of Roman Law* (1976) 419.

28 Watson (n 14) 28. Corbett (n 4) 113 states in this regard: "Free marriage had no effect on the general proprietary and contractual capacity of the wife."

29 Gaius 1 190: *mulieres enim quae perfectae aetatis sunt, ipsae sibi negotia tractant*.

30 Exceptions to this were of course that wives could not give gifts to their husbands (*D* 24 1 1) and women were prohibited by the *senatus consultum Velleianum* to act as surety (*D* 16 1 and *D* 16 2).

31 Gellius *Noctes Atticae* 4 3. This divorce is also documented by Dionysus of Halicarnassus *Antiquitates Romanae* 2 25, Plutarchus *Lycurgus and Numa* 3 and Valerius Maximus *Facta et Dicta Memorabilia* 2 1 4.

32 Corbett (n 4) 218 refers to Brini *Matrimonio e Divorzio nel Diritto Romano* (1887) 24 in this regard.

33 Valerius Maximus (n 31) 2 1 4 cites the date as 604 BC, while Plutarch (n 31) 3 proposes 524 BC.

some evidence that the act of repudiation whereby the household keys entrusted to the wife were taken back, dated back to the *Twelve Tables*.³⁴

In the case of a marriage *cum manu*, some formality was required to signify the removal of the wife from the *manus* of her husband.³⁵ With regard to *confarreatio* Festus provides evidence of the existence of a ritual called *diffareatio* which was used to signify a divorce in the case of *confarreatio*.³⁶ If *manus* was created by means of *coemptio* or *usus*, the procedure of remancipation was followed to indicate a divorce.³⁷ Gaius provides evidence of the fact that, at least from his time, the wife could initiate divorce proceedings by serving her husband a divorce notice, even where the parties had concluded a marriage *cum manu*.³⁸

Under a free marriage, a divorce had to be witnessed by seven Roman citizens of full age.³⁹ The jurists are silent on any grounds required for divorce,⁴⁰ but what is indeed required is the parties' intention to be "apart permanently".⁴¹ Divorce proceedings could be initiated by either the husband or the wife (or her father if she was in his *potestas*).

4 *Tutela mulierum*⁴²

Gaius explains that the early lawyers held that women even of full age should be in *tutela* on account of their instability of judgment.⁴³ However, he goes on to say that hardly any valid argument seems to exist in favour of women of full age being in *tutela*. He states that "women of full age conduct their own affairs, the interposition of their tutor's *auctoritas* in certain cases being a mere matter of form; indeed, often a tutor is compelled by the *praetor* to give *auctoritas* against his will".⁴⁴

34 Cicero *In M Antonium Philippicæ* 2 69 provides proof of the fact that the practice of repudiation existed in the time of the *Twelve Tables*. See also Treggiari *Roman Marriage* (1991) 442.

35 Watson (n 14) 53.

36 Festus *Breviarium* L 230; Bruns (ed) *Fontes Iuris Romani Antiqui* (1909) 7.

37 Corbett (n 4) 223. G 1 137a refers to the process of remancipation in the case of *coemptio* and states that a woman in the *manus* of her husband can compel him to release her if she has sent him a notice of divorce.

38 Gaius 1 137a: *...haec autem (virum) repudio misso proinde compellere potest atque si ei numquam nupta fuisset.*

39 D 24 2 9; Kaser (n 5) 326.

40 From the later Republican times, when marriages *sine manu* were concluded as the rule, divorce was very easy and no specific grounds were required. See Van Oven (n 5) 471.

41 D 24 2 3: *Divortium non est nisi verum, quod animo perpetuam constituendi dissensionem fit.*

42 For an overview of the development of *tutela mulierum*, see Van Oven (n 5) 493-498.

43 Gaius 1 144: *Veteres enim voluerunt feminas, etiamsi perfectae aetatis sint, propter animi levitatem in tutela esse.*

44 Gaius 1 190: *...saepe etiam invitus auctor fieri a praetore cogitur.*

Some modern scholars believe that the origin of *tutela mulierum* may be explained in terms of the early Roman system of inheritance.⁴⁵ A *filia familias* could inherit a considerable estate and it was in her male relatives' interest to see to it that she did not dispose of property which would revert back to her family after her death. Thus the practice came into being that the nearest agnatic male relative normally became her guardian.

All authorities point to the fact that *tutela mulierum* had hardly any substance from early classical law, but lasted in form until the time of Diocletian.⁴⁶ Women could get rid of tutors who provided too many impediments to their affairs in favour of a tutor who would easily give his consent.⁴⁷ Should a tutor refuse to give his consent, a woman could petition the *praetor* to force the tutor to give his *auctoritas*.⁴⁸

It must be borne in mind that the *lex Iulia* and the *lex Papia Poppaea*⁴⁹ granted a freeborn woman with three children the *ius liberorum*, exempting her from tutelage.⁵⁰ Thus, from its proclamation in 18 BC, many adult Roman women did not fall under *tutela mulierum*. *Tutela mulierum* probably died out under Diocletian, but not later than the time of Constantine.⁵¹

5 Examples of Roman women having careers of their own

Probably the most interesting reference to career women is found in Suetonius's account of Emperor Claudius's life.⁵² According to Suetonius (69-130 AD) he endeavoured to ensure that Rome had enough grain to feed her people by offering incentives to persons willing to become grain merchants or to build merchant ships in order to import grain or to those willing to become grain farmers. He encouraged women to become owners of merchant ships or grain farmers by granting any woman willing to take up these activities the *ius liberorum*. Suetonius states that these provisions of Claudius were still in force in his day. Thus it is a distinct possibility that there were a number of female farm owners and ship owners from Emperor Claudius's time onwards. A

45 Dixon (n 3) 343; Gardner *Being a Roman Citizen* (n 1) 89; Arjava *Women and Law in Late Antiquity* (1996) 112.

46 AD 284-305.

47 Gaius 1 115 describes the procedure to be followed when a woman wanted to get rid of her existing tutor and replace him with another.

48 Gaius 1 190.

49 Proclaimed by Emperor Augustus in 18 BC. See, in general, Csillag *The Augustan Laws on Family Relations* (1976).

50 Gaius 1 145: *tantum enim ex lege Iulia et Papia Poppaea iure liberorum tutela liberantur feminae*.

51 Kaser *Das Römische Privatrecht* Vol 2 (1975) 367.

52 Suetonius *Claudius* 19.

preserved inscription refers to a Valeria Maxima, who was a farm owner.⁵³ There are also inscriptions dating back to the first and second centuries BC attesting to the fact that there were female ship owners who imported wine from Spain.⁵⁴

It is interesting to note that Roman women played an important role in the brick manufacturing business. Mention needs to be made of Domitia Lucilla in this regard. In 108 AD she inherited several brick yards originally founded by Domitius Afer from Tullus and Lucanus, and she also founded a new branch factory, the Fulvianae.⁵⁵ Her daughter, the younger Domitia Lucilla, inherited the yard from her and continued with the brick manufacturing business.⁵⁶

The *Digest* provides evidence of the fact that women were also frequently appointed as business managers.⁵⁷

There are many inscriptions attesting to the fact that numerous Roman women were involved in handiwork and crafts such as weaving⁵⁸ and dressmaking.⁵⁹ Closely connected to dressmaking is the profession of cloth dyeing. An inscription refers to a woman who owned a dye shop near the *Monumenta Mariana*⁶⁰ and there is also evidence of women working in dye shops.⁶¹ Pliny gives us an account of an artist by the name of Glycera who did encaustic painting and sold her paintings to earn a living.⁶²

There are many sources that refer to female Roman gladiators, but they would most likely have been slaves or freedwomen.⁶³

Interestingly enough, there are quite a few references to female Roman doctors who worked as true *medicae*, not merely as midwives or nurses. These included both freeborn women and freedwomen. Two examples of freeborn women are Primilla, the daughter of Lucius Vibius Melito, who lived during the

53 *CIL* VI 3482.
 54 *CIL* XV 3691; 3729; 3845. See Loane *Industry and Commerce of the City of Rome* (1938) for a detailed account of the import business in Rome.
 55 *CIL* XV 1001-1014.
 56 *CIL* XV 1015-1088. Mention may also be made of Julia Procula, whose name occurred on many brick stamps. She was a Greek from Mytilene who had assumed the Latin name of her patron and owned two important brick yards, the Sulpicianae and the Tonneianae. See Loane (n 54) 105.
 57 *D* 14 3 7.
 58 *CIL* VI 9213.
 59 *CIL* VI 9214; *D* 15 27pr.
 60 *CIL* VI 37820.
 61 *CIL* VI 9846.
 62 Plinius *Naturalis Historiae* 35 40. Here Pliny discusses the possible inventors of painting in wax and of encaustic painting. He names Pausias, a pupil of Pamphilus, as a possibility and states that Glycera was a fellow townswoman of Pausias and a painter in own right.
 63 Suetonius *Domitianus* 4 1; Tacitus *Annales* 15 32 3.

first century AD,⁶⁴ and Julia Pye, whose inscription merely notes that she was a doctor.⁶⁵ With regard to inscriptions referring to freedwomen, mention may be made of Terentia Nice,⁶⁶ a physician of Terentia Prima, whose children erected a tombstone in honour of their mother and of Minucia Asste⁶⁷ and Venuleia Sosis.⁶⁸

Given the fact that Roman women attained contractual freedom almost two millennia ago and marriage *sine manu* was the predominant form of marriage from that time, it is surprising that marital power, a legal institution akin to *manus*, was only abolished in South Africa in 1984. An analysis of marital power in South African law will illustrate how advanced Roman law was in comparison to a “modern” legal system of the late twentieth century.

6 The legal position of South African women under marital power

The common law rule in terms of which a husband obtained marital power over the person and property of his wife was only repealed in South Africa in 1984 by the *Matrimonial Property Act*.⁶⁹ Until 1984, a mere twenty two years ago, when marital power was formally abolished by the mentioned Act, a South African woman’s capacity to perform juristic acts was severely limited when she entered into a marriage unless marital power was expressly excluded by means of an antenuptial contract.⁷⁰

In its widest sense, marital power may be described as a form of tutelage that the husband had over his wife’s person and property. It had the effect of reducing the wife to a legal position “analogous to that of a minor under guardianship”.⁷¹ The main difference in this regard is the fact that where guardianship of a minor serves the interests of the minor, marital power primarily served the interests of the husband.⁷²

64 *CIL* VI 7581.

65 *CIL* VI 9614.

66 *CIL* VI 9619.

67 *CIL* VI 9615.

68 *CIL* VI 9617.

69 S 11 of Act 88 of 1984. For commentary on the Act, see Van Aswegen “Transactions between a spouse and a third party: The effect of the Matrimonial Property Act 88 of 1984” 1984 *Modern Business Law* 140; Van Wyk “Gemeenskap van goedere en aanwasdeling volgens die Wet op Huweliksgoedere, 1984” 1985 January *De Rebus* 20.

70 Lee & Honoré *The South African Law of Property, Family Relations and Succession* (1954) 79.

71 Hahlo *The South African Law of Husband and Wife* (1975) 152.

72 *Idem* 161.

Marital power comprised three elements: first the husband's power as head of the family, secondly the husband's power over the person of his wife, and thirdly the husband's power over the property of the wife.⁷³ The first element included that the husband had the final say in all matters regarding the common life of the spouses, such as where they where to live. This element of marital power could not be excluded by an antenuptial contract.

The most important aspect of the second element was the fact that the husband had to assist or represent his wife in civil proceedings in court. The third element of marital power had the potential of causing the wife severe financial prejudice. The husband administered his wife property and had the power of entering into contracts that were binding on her without her knowledge or consent. He also had the right to alienate any of the wife's movable or immovable property without her knowledge or consent.⁷⁴ Should the husband encumber property forming part of the joint estate with a mortgage or servitude, the property remained subject to this burden even after dissolution of the marriage.⁷⁵ A husband was not liable to his wife for damages if he diminished the joint estate by "flagrant maladministration".⁷⁶ Even if the husband deliberately destroyed property forming part of the joint estate, his wife could not institute a claim for damages against him.⁷⁷

In general, a contract concluded by a woman falling under the marital power of her husband without his consent was not binding upon the husband or the wife.⁷⁸ The only notable exception to this was the fact that a wife could purchase "household necessities" without the consent of her husband.⁷⁹ This was a technical term with a limited content and included food, clothes and small pieces of furniture.⁸⁰

To summarise, the effect of marital power on a marriage in community of property was that the wife could not dispose of the common property, nor could she validly incur debts recoverable from the common assets. However, the husband had full capacity to administer and dispose of the assets in the joint estate. Even if the parties excluded community of property from their marriage

73 *Idem* 152.

74 *Idem* 155.

75 *Maclaren's Trustees v Couzijn* 1925 TPD 231.

76 *S v Seobi* 1974 1 SA 494 (O) at 496.

77 Hahlo (n 71) 154.

78 *Kent v Salmon* 1910 TPD 637.

79 Hahlo (n 71) 172.

80 *O'Brien v Keal* 1910 TPD 707 provides an interesting account of the content of the term "household necessary". In this case it was found that, in the case of a wife whose eyes were weak, but not so bad as to prevent her from performing her household duties, spectacles did not qualify as household necessities. Thus the wife could not purchase a pair of spectacles without her husband's consent!

by means of an antenuptial contract, the wife could not dispose of the assets of her *own* estate, nor incur debts recoverable from her estate. Furthermore, the result of marital power was that a wife could not bind herself by contract unless her husband had given his consent.⁸¹

In theory the wife was protected against the abuse of marital power by her husband. One such measure was the fact that the husband could freely make donations to third parties from the joint estate, but he could not do so in deliberate fraud of his wife. However, if the wife wanted to contest a donation, she had to prove that her husband acted with the intention to cause her financial damage.⁸² In *Pretorius v Smith* it was stated that “a *bona fide* transaction is not open to attack, however unwise it may be”.⁸³

Pont described the use of marital power by stating that the law entrusts the husband with control over marital assets because men have more experience in administering property.⁸⁴ He conceded that there might exist exceptions where the wife is the better administrator, but added that the law does not concern itself with such exceptions.⁸⁵

If the contractual capacity of married Roman women in the classical and post-classical times is compared with that of married South African women up to 1984, the conclusion may well be drawn that the latter were in a far more precarious position. A *sui iuris* married Roman woman could accumulate an estate of her own and administer it as she pleased. It is said that “Roman law did not enjoin the husband to help his spouse in financial or legal matters. The Romans did not want to give the husband any legal power which the wife could not hold back if she so wished”.⁸⁶ Thus she could conclude contracts at will, perform juristic acts and was in full control of her own property.

7 Conclusion

A study of the most important factors impacting on the legal capacity of adult Roman women reveals that they were not in such a restricted legal position as generally believed. Marriage *sine manu* already existed in the time of the

81 Specific mention needs to be made of the fact that a wife who fell under her husband's marital power could not be appointed as a director of a company without her husband's written consent. See s 218 (1)(b) of the *Companies Act* of 1973.

82 Hahlo (n 71) 163.

83 1971 4 SA 459 (T) 462.

84 Pont “The Married Women's Property Bill” 1945 *THRHR* 11-12.

85 *Ibid.*

86 Arjava (n 45) 142.

Twelve Tables and was the dominant form of marriage by the late Republican period. In the case of free marriage, a *sui iuris* wife could always initiate divorce proceedings, and at least from Gaius's time a wife in a marriage *cum manu* could also initiate divorce proceedings. *Tutela mulierum* lost most of its significant content in early classical law. Even when *tutela mulierum* played an important role, women could petition the *praetor* to compel a tutor to give his *auctoritas* if he did not want to give permission of his own volition.

Under classical Roman law a *sui iuris* married woman had virtually no restraints on her contractual capacity, could accumulate an estate of her own, and administer it herself. The legal position of a married South African woman under marital power until 1984 was far more restricted. If she was married in community of property, the wife could not dispose of the common property and even if she was married out of community of property but subject to the marital power, she could not dispose of the assets of her own estate. This comparison seeks to illustrate the relativity of the perceived restricted legal position of Roman women. The fact that married South African women's legal capacity was so curtailed until 1984 – an enlightened time – places the perceived restricted legal position of Roman women in a different perspective.⁸⁷

It is a historical fact that many Roman women did not participate actively in commerce – a phenomenon found worldwide until a few decades ago. However, in the case of Roman women living from the classical period onwards, this was the result of social conditioning,⁸⁸ not of legal restraints on her contractual capacity.

87 In general, most Roman legal statutes were gender neutral: they applied to women exactly in the same way as to men (see Arjava (n 45) 230). This cannot be said of the South African marriage laws until 1984.

88 The idea of "female modesty" was promoted throughout Roman history, see *D* 3 1 1 5; *D* 50 17 2.