THE SIGNIFICANCE OF THE OPPIAN LAW FOR WOMEN’S RIGHTS IN THE ROMAN REPUBLIC

Megan Bland

Foundations of Western Civilizations

100-05

November 18, 2016

During the height of the Second Punic War, defeat seemed impossible for the Roman army. However, even with their superior forces, the Roman army could not hold up against Hannibal. Defeat at the Battle of Cannae was ensured and soon the Roman government was scurrying to find ways to rebuild. In this state of worry, the Oppian Law, also known as Lex Oppia, was passed. The law specified “that no woman should have more than one semuncia of gold, nor wear a versicolored garment, nor ride in a carriage within one mile of the city of Rome except in the performance of public rites”.1 This law was reasonable, at best, when it was first enacted in regards to maintaining economic prosperity, however, after decades of nonuse, the Oppian Law should have been abolished. Instead, the law was redesigned to control women’s rights.2 The Oppian Law was originally enacted to curb excessive and unnecessary spending in a time of political and economic disarray, however, the legislation’s purpose was soon unfairly shifted to restrict the rights of women during the Roman Republic.

Initially, the Oppian Law was a good move for the Roman government. The law was put in place by Gaius Oppius in 215 B.C., during the Roman Republic. The actual purpose of the Oppian Law was to stop female expenditures during a time when Rome’s economy was on the verge of collapsing.3 Rome’s finances were depleted from the ongoing war and any available money was being used for defending the city.4 Consuls and senators were among the 45,500 that were slain in the Battle of Cannae and 4,500 soldiers were taken prisoner, so the city had to put up all the resources they could to fund the defense and keep Rome safe from invaders like Hannibal.5 The Oppian Law was instituted to help keep funds going to the war effort. It is doubtful, though, that women were parading around the streets in their finery, let alone even leaving their homes with the threat of Hannibal nearing the city of Rome. This thought alone made the initial purpose and effects of the Oppian Law very miniscule. With that being said, the Oppian Law should have been retracted once the war ended like many other laws were, although almost exactly the opposite happened.6

There were supporters of the repeal of the Oppian Law. Marcus Fundanius and Lucius Valerius were two tribunes that proposed a repeal of the law in 195 B.C.7 Valerius used logical facts and reason to advocate for the repeal of the law. Different from Livy’s argument, Valerius used Rome’s past (prior to the Second Punic War) and current (during the Second Punic War) financial status to back his argument up. Valerius spoke of “the empty treasury, the state’s use of credit in 215, the assessment of rowers in 214, the deposit of the funds of widows and wards in the state treasury in 214, and the contribution of gold and silver in 210”.8 Valerius continued with his opposition of the Oppian Law by saying, “Laws passed in time of peace, war frequently annuls, and peace those passed in times of war, just as in handling a ship some means are useful in fair weather and others in a storm.”9 Valerius went on to ask what class the Oppian Law belonged in.10 He believed the Oppian Law should have been repealed when the threat of Carthage went away.11

Instead of repealing the Oppian Law, the government redesigned it to control the Greeks influence on Roman values by impeding the lavishness of the Roman lifestyle. Many Romans did not like the way the Greeks were influencing their way of life.12 A major reason the Oppian Law was not repealed was because the Romans feared Hellenization. Many men were scared of what would happen if the Oppian Law was repealed. Livy recorded the words of supporters of continuing of the Oppian Law. As suggested by Livy, women preferred to be under the control of their authority, whether it be their father, husband, or brother, rather than under the control of the government and their laws.13 Livy suggested that women were not slaves and men were not their masters. He also brought up the point that more control is placed by fathers, husbands, and brothers and that women were more likely to conform to their rules rather than laws put in place by the authoritative government.14 Livy also compared women to Plebeians in relation to authority: “there is a danger…that [women] will seize the Mons Sacer or the Aventine, as the angry plebs once did”.15 The people who made these claims wanted to make a bold point to keep the repeal of the Oppian Law from happening. Livy tried to articulate certain emotional responses from the government when writing down the history so they would not pass the repeal. There were clearly many supporters of the Oppian Law who didn’t want it to be repealed. Cato the Elder was a consul that advocated for and supported the Oppian Law. Cato believed that men should have right and authority over his wife and family and if they did they would have “less difficulty with women in general”.16 He believed that men were being overruled by women in their own homes because of the Hellenization of their culture.17 Cato used the argument that his ancestors did not want men conducting business, not even in private, so the Oppian Law was a good thing to keep the women controlled.18 Cato also believed that “as soon as [women] begin to be your equals, they will have become your superiors” and that women who loved luxury could eventually control the state.19 Even with the support of many followers, Cato had to convince the government to keep the Oppian Law intact.

All the while these historical figures were arguing whether or not the Oppian Law should be repealed, women’s rights were still being restricted. Many women were being withheld from everyday activities and certain necessities that qualified as luxuries because men were afraid they would take control of the state and overpower them. This was not only unrealistic, but almost impossible considering the heavy laws that were surrounding women’s culture. Women were even unable to wear colorful clothing because of the paranoia that surrounded men during this time.20 This was all a result of the influence of Greek culture on the Romans and the Oppian Law was redesigned to help stop this influence.

Gaius Oppius’s intention for the Oppian Law was not to stop Greek influence. At the time of the Second Punic War, Greek influence was not a threat.21 The Oppian Law was aimed at stopping Hannibal and his force. The same law would have also stopped Hellenization if it had not have been repealed in 195 B.C. In a courageous and bold statement, the matrons of Rome protested to regain their rights after the speeches of Valerius and Cato had concluded and the next day, an even larger crowd of women graced the streets of Rome.22 Women proved that men and even governmental law could not keep them contained in their silence any longer. As recorded by Livy, “[women] did not stop [their pressure] until the tribunes took back their veto”.23 This showed that even during the Roman Republic, when men had a much greater authority than women, women were still ambitious enough to fight for what they believed in and change policies when they were wronged.

The repeal of the Oppian Law was not only a great achievement for women during the Roman Republic, but also a step forward in the fight for women’s rights. The Oppian Law, in retrospect, was almost pointless. It was enacted to stop the spending of women, however, it was unfairly redesigned to restrict women’s rights and curb the spread of Greek culture. Sure, it allowed money to be used for the war effort and defense, but probably not as much as the Romans needed to have a significant effect. The Oppian Law should have been repealed immediately after the threat of Hannibal was over. Obviously this didn’t happen and women had to suffer for twenty years as a result. Overall, the Oppian Law was unnecessary in the first place and continued to impede on women’s rights until it was repealed.

Notes

1. Phyllis Culham, *The Lex Oppia* (Société d'Études Latines de Bruxelles, 1982), 786.
2. Lucas Rentshler and Christopher Dawe, *Lex Oppia: An Ancient Example of the Persistence of*

*Emergency Powers* (Laissez-Faire, 2011), 24.

1. Rentshler and Dawe, *Lex Oppia,* 22.
2. Rentshler and Dawe, *Lex Oppia,* 22.
3. Livy *History of Rome* 22.49.
4. Rentshler and Dawe, *Lex Oppia,* 23.
5. Culham, *The Lex Oppia,* 786.
6. Culham, *The Lex Oppia,* 787.
7. Livy *History of Rome* 34.6.
8. Livy *History of Rome* 34.6.
9. Rentshler and Dawe, *Lex Oppia,* 26.
10. Rentshler and Dawe, *Lex Oppia,* 24.
11. Livy *History of Rome* 34.7.
12. Livy *History of Rome* 34.7.
13. Livy *History of Rome* 34.7.
14. Livy *History of Rome* 34.1.
15. Livy *History of Rome* 34.1.
16. Livy *History of Rome* 34.1.
17. Livy *History of Rome* 34.1.
18. Culham, *The Lex Oppia,* 786.
19. Livy *History of Rome* 34.1.
20. Livy *History of Rome* 34.1.
21. Livy *History of Rome* 34.1.

Bibliography

Culham, Phyllis. "The "Lex Oppia"" *Latomus* 41, no. 4 (1982): 786-93. http://www.jstor.org/stable/41532685

Livy. *History of Rome*, vol 22, 34, Trans. B. O. Foster. Cambridge, MA: Harvard University Press, 1919.

Rentshcler, Lucas., and Dawe, Christopher. *Lex Oppia: An Ancient Example of the Persistence of Emergency.* Laissez-Faire, No. 34. 2011: 22-26.