

From Mourning Decree to *lex Oppia*:
The Appearance of Roman Women in the Second Punic War

In 215 BCE during the most precarious period of the Second Punic War, the Romans passed the *lex Oppia*, a plebiscite stipulating that women not hold more than a half-ounce of gold, wear purple-bordered clothing, or be conveyed in a yoked carriage in the vicinity of a city or town (Livy 34.1.3; cf. Val. Max. 9.1.3, Plut. *Cat. Mai.* 8, Oros. 4.20.14, Zonar. 9.17.1). Despite consistency among all extant ancient sources concerning the content of the *lex Oppia*, scholarly consensus on the law's original purpose remains elusive. Some scholars have interpreted this law as an economic measure that either resulted in the confiscation of these luxury items for redeployment in support of the war effort (Pomeroy 1975, 177–78; Cambria 2009, 342–54) or simply disincentivized consumption of luxury goods in an attempt to protect the patrimonies of the growing numbers of elite female heirs due to war deaths (Vettori 2019). Others argue that the *lex Oppia* was a sumptuary law concerned only with women's display—rather than possession—of luxury items (Culham 1982; Hemelrijk 1987, 220–22). Neither explanation, however, is entirely satisfactory. On the one hand, no mechanism for confiscation of these goods is reported in our sources, and Livy's narrative of the subsequent years of the war strongly suggests that women continued to possess more than a half-ounce of gold. On the other hand, the *lex Oppia* does not appear among the standard ancient catalogues of sumptuary laws (Gell. *NA* 2.24.2–15, Macrobian *Sat.* 3.17.1–14), and it is difficult to imagine that Roman women were ostentatiously flaunting their wealth to such a degree as to require legislation at this moment of crisis during the Second Punic War (Feig Vishnia 1996, 90).

This paper offers an alternative approach to the *lex Oppia*, arguing that the law was connected to another rare measure that had been directed at Roman women's clothing only a few

months prior. After the Roman defeat at Cannae in August of 216, the senate had curtailed the mourning period for women to only thirty days rather than the traditional maximum of ten months (Livy 22.56.4–5). While this decree’s explicit rationale was to enable bereaved women to participate in religious observances, the measure also affected women’s dress. Rather than don the dark colors of mourning garb and abstain from adornment for ten months (Olson 2004), bereaved women were forced to quickly lay aside these emblems of grief and reassume their normal attire. For elite matrons, such attire included status markers like gold jewelry and purple-bordered *stolae*, precisely the items targeted by the *lex Oppia* in the following year (Livy 34.7.9–10).

Relying on close analysis of ancient texts and comparative evidence from the First World War, I argue that both decree and law were part of an ongoing contemporary debate about the “appropriate” appearance of Roman women during a difficult war. It was feared that the sight of so many women’s bodies clothed in dark mourning dress would visibly demonstrate the vast scale of war deaths, thereby dampening public morale. Yet a swift return to normal attire, glossing over wartime losses, was deemed unacceptable as well. And so, the *lex Oppia* was passed some months after the mourning decree to provide a middle path for the wartime appearance of Roman women. The omission of gold and purple, a traditional element of formal mourning, allowed Roman women to mark their losses. Yet the absence of full mourning attire ensured that the community’s morale was not impacted by daily reminders of the severity of the military crisis.

Works Cited

- Cambria, C. 2009. “‘*Res parva*’ *Magistro dicata*.” In *Studi in onore di Antonino Metro*, edited by C. Russo Ruggeri, 335–54. Milan: Giuffrè.
- Culham, P. 1982. “The *lex Oppia*.” *Latomus* 41, no. 4: 786–93.
- Feig Vishnia, R. 1996. *State, Society and Popular Leaders in Mid-Republican Rome 241–167 BC*. London and New York: Routledge.
- Hemelrijk, E. 1987. “Women’s Demonstrations in Republican Rome.” In *Sexual Asymmetry: Studies in Ancient Society*, edited by Josine Blok and Peter Mason, 217–40. Amsterdam: Gieben.
- L. Peppe, *Civis Romana*. *Forme giuridiche e modelli sociali dell'appartenenza e dell'identità femminili in Roma antica*, Edizioni Grifo, Lecce 2016.
- Olson, K. 2004. “*Insignia lugentium*: Female Mourning Garments in Roman Antiquity.” *American Journal of Ancient History* 3-4: 89–130.
- Pomeroy, S.B. 1975. *Goddesses, Whores, Wives, and Slaves: Women in Classical Antiquity*. New York: Schocken.
- Vettori, G. 2019. “Il lusso che non poteva concedere alle donne Matrone e disciplina suntuaria nella Roma d’età repubblicana.” In *Il lusso e la sua disciplina: Aspetti economici e sociali della legislazione suntuaria tra antichità e medioevo*, edited by L. Righi and G. Vettori, 51–84. Trento: Università degli Studi di Trento.