

A Roman Woman's Possession of the Right of Appeal

In the fourth book of *Attic Nights*, Aulus Gellius recounts the story of a woman named Manilia who was indicted for assault on a public official and appealed her case before the Roman people (Gell. *NA* 4.14). This episode is the only surviving piece of evidence that directly links *provocatio*, the right of a citizen to appeal their case to the people, to Roman women. The story itself seems to put it beyond doubt that Roman women did possess *provocatio* (Lintott 2021, Bauman 1994).

In this paper, I first explain the reasons, both legal and otherwise, that women were once thought not to possess the right of appeal (Mommsen 1899, Peppe 1984). Here, I draw in evidence both from the jurists to show how women's lack of representation in the assembly was once thought to debar them from the right of appeal and from the annalists and historians, whose intense focus on the tribunes of the plebs has led to legal misinterpretations of cases involving women in the early and middle Republic.

Together with other legal evidence, I use the episodes of Manilia and others to demonstrate that although this right of appeal technically existed for women throughout the history of the Republic, their practical ability to exercise this right would have been limited by the development of the courts (Lintott 1999, Jones 1972). In other words, as the Republic grew in complexity and trials came to be handled by special inquisitions, and then by the standing courts, women's ability to exercise the right of appeal became increasingly circumscribed.

Then, taking into account the story of Manilia and some of the more recognized vignettes of women on trial, I argue that although this right did exist for Roman women, it is seldomly mentioned because of the types of crimes that most women were charged with. In the surviving

literature, the majority of criminal cases involving women are those in which women are accused of killing their husbands. In many such instances, women are tried and executed by family courts, to which there was no right of appeal. Put differently, it is those women, who, for whatever reason, have a more public facing career or persona, that would be the most likely to find themselves in a position to exercise their right of appeal. For example, Manilia, who was a sex worker, only came into contact with her prosecutor, the curule aedile, Mancinus, because of her profession. Interestingly, the effect of this seems to be that the practical exercise of this right would have been limited by factors other than those strictly connected to social class.

Ultimately, I argue that the right of appeal for Roman women was tightly bound to the development of the Republic itself. In fact, the exercise of this right was far more closely associated with the Republic's development than it was for men. The Conflict of the Orders, the history of the courts, and the distribution of labor and education all affected a women's ability to exercise her right of appeal.

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