

WOMEN

IN THE ANCIENT WORLD



By

Bruno Cariou

translated via DeepL machine translation software

BERSERKER

BOOKS



The Status of Women in India

A. - Aboriginal women.

I. - The family.

India is a vast land which, since the dawn of human society, has been occupied by many races, succeeding one another, mixing with one another and superimposed on one another. I cannot, in a single lesson, review all these human alluviums, nor can I confine myself to talking about the last one, the Aryan intrusion. I shall therefore divide this great subject into two parts: in the first, I shall deal with the condition of women among the inferior races of various origins, to which a common name has been given, that of the aborigines of India; then I shall speak of women in Aryan India. The contemporary aborigines are the remnants of ancient pre-Aryan populations, now almost extinct, some of whom belong to the Tamil race, others to the Mongol races, others to the Aryans; but all these small ethnic groups of aborigines, generally relegated to mountainous massifs or those with difficult access, have one common characteristic: they are still today immobilised at more or less inferior stages of sociological evolution. From the point of view of social origins, their study is therefore particularly interesting. This study confirms, from every point of view, a capital fact that I have been endeavouring to bring to light for many years: that the primary unit of society was not the family, as we understand it today, but a larger group, whose members, linked together by confused consanguinity, lived in a communal regime and at the same time in close solidarity: this primitive group is the clan, which very often, for lack of understanding, travellers and observers have confused with the tribe.

These primary clans still exist today among some Indian aborigines. The Garos, for example, are grouped into maharis or maternity homes (Matherhoods). The internal organisation of these Garo clans is very interesting. As their name suggests, they are maternal clans, meaning that filiation is uterine. What's more, they are exogamous, meaning that a man cannot take a wife from his own clan; he has to choose her from one of the maharis with whom his own clan has been in the habit of uniting since time immemorial; from which we can conclude, without being too rash, that these clans were once in a system of communal marriage. In a moment, I will describe the curious way in which the Garos understand and practise marriage.

We do not have such precise information on all the aboriginal clans of India, but we do know, roughly speaking, that the Yuangs, for example, are divided into exogamous and polygamous groups, improperly called 'tribes'. We are also told that the Muniparis are divided into four 'families' (obviously clans) that do not intermarry. Similarly, the Bhiciyas are divided into four distinct clans, and so on. All these clans are exogamous; all are still based on maternal descent, to such an extent that some of them, perhaps all of them, completely ignore paternal consanguinity. Thus, among the Khasias and Kocchs, no kinship is recognised between father and son. This kinship was no more accepted among the Sinhalese of Ceylon, of whom I shall speak later. But uterine filiation, the only form of kinship recognised, has various economic and even political consequences. Among the Koch (or Kocch), when a man marries, not only does he go to live in the clan to which his wife's mother belongs, but he obeys this mother and her daughter. For the same reason, when a Koch woman dies, her personal property is divided between her daughters and them alone. Among the Limbous, your daughters remain in their mother's clan and belong to her. Sons can become their father's property, but on condition that he pays their mother a certain price, in other words buys them: once this has been done, the sons join their father's clan. Among the aborigines living in monarchical tribes, but still under the system of maternal filiation, power, on the death of the chief (Rajah), passes to the son of the sister, who has been given a husband chosen by the assembled people, but always taken from certain families.

These archaic forms of consanguinity and kinship, when compared with similar facts observed among the primitive contemporaries of the various great human races, help to form a valuable body of facts and demonstrations that shed light on sociological origins. Sociology has often been criticised, and sometimes still is, for not having been able to formulate authentic general laws based on precise observations. Now, in the universal existence of the consanguineous and communal clan, at the origin of all societies; then in the evolution of this primary clan and its subsequent dissociation into families, first uterine, then paternal, it is impossible not to see the elements of a law, as certain and comprehensive as certain laws of the natural sciences properly so called.

II. - Marriage.

Among the aborigines of India, the methods of marriage vary naturally, depending on whether the clan is more or less primitive, and especially depending on whether one is in maternal or paternal filiation, etc. Among the Garos, whom I mentioned earlier, and who have retained the organisation in maternal clans (Maharis) with uterine filiation, etc., it is the daughters who choose the bride. Among the Garos, whom I mentioned earlier, and who have retained the

organisation of maternal clans (Maharis) with uterine filiation, etc., it is the daughters who choose their own husbands, but in accordance with certain rules. Thus, a man's sister must marry a man belonging to her sister-in-law's household; a man's son may only marry a daughter of his father's sister; his daughter may marry his paternal aunt's son, but the latter will then live with his father-in-law and, on the latter's death, he will succeed him as both landlord and wife's husband. A Garo's wife is therefore often old enough to be his mother and is in reality his mother-in-law and aunt. As I have just said, among the Garos, it is always the daughter who proposes marriage; if a young man were to make advances, the fact would be considered insulting to the daughter's clan and the man's clan would be obliged to make amends for the fault committed by libations and a pig sacrifice.

Primitive people, who still have insufficient knowledge of consanguinity, often contract unions that would scandalise us. For example, among the Reddies of India, a young girl of 16 to 20 years of age is willingly married to a boy of 5 or 6 years of age, after which the bride goes off to live intimately with another man, an uncle or maternal cousin, sometimes the father of her young husband. The children that may result from these waiting unions are attributed to the putative young husband, who himself, once grown up, will in turn have children attributable to another budding husband. In the same way, marriages that we consider incestuous, for example, between brother and sister, father and daughter, appear to be perfectly legal for those concerned, provided that the brother and sister are from different mothers, in clans where no kinship is recognised between father and daughter.

However, as soon as paternal filiation is instituted, it most often has several constant consequences: firstly, marriage by purchase, in which case the father sells his daughter; secondly, a ceremonial that simulates and is reminiscent of abduction, what has been called marriage by capture; finally, and quite often in India, a practice that consists of sacrificing certain animals and drawing a red line on the daughter's forehead with their blood. Sometimes this bloody ceremonial is reduced to drawing a line with some substance on the bride's forehead. The meaning of the simulated ceremonial struggle to hold back the bride is obvious: this mimicry is reminiscent of the real and violent abduction of yesteryear; it symbolises it. The red line, sometimes bloody, can have the same meaning and signify to the woman that she is a booty that has cost blood, a property acquired by arms.

Individual polygamy also goes hand in hand with paternal filiation and above all with patriarchy. But among the primitives of India, we find a rarer form of marriage, polyandry, usually fraternal and which, as I have already had occasion to say, may be due, where it exists, either to the

scarcity of persons of the female sex, or simply to a unilateral survival from an ancient collective marriage between groups of brothers and groups of sisters.

This second interpretation is based on indisputable facts, in particular the polygamous polyandry of the Todas of Nilguerry. There, when a man takes a wife, she becomes at the same time the common wife of his brothers, as the latter reach manhood; for the eldest marries first, and these brotherly husbands also become husbands of their common wife's sisters as the latter become nubile. If, by misfortune, a man does not have a brother, he must form a conjugal partnership with other men; otherwise, he would die a bachelor. This type of polyandry, although usually unilateral, also existed in Ceylon and has persisted until quite recently in India, in the vicinity of the sources of the Jumma. Missionaries have also reported it in other parts of India, noting that husbands shared the upkeep of their only wife: one was responsible for dressing her, the other for providing her with rice, etc. etc.

To exhaust this subject, I will say a few words about the most famous and curious form of polyandry known, that of the Nairs of Malabar. The Nairs are by no means savages; moreover, they represent an aristocratic and warlike caste; but, among them, maternal filiation has been preserved and land ownership belongs, administratively at least, to the women. Each of these women marries from 5 to 12 husbands, who do not live with her, but whose wives she is successively, for about ten days each. For their part, these partial husbands are free to participate in several other conjugal societies. Naturally, the children of these strange unions do not know their father: they are only their mother's children. - Consequently, the inheritance of men goes to the children of their sisters, to their nephews, with whom they have relations of paternal affection as well as the rights and duties of fathers. In the family of the polyandrous woman, the husbands are mere strangers and, on the other hand, the mothers or eldest sisters administer the property of the families to which the men belong.

This polyandry of the Nairs is of a very special kind; it does coexist with the system of uterine filiation, but there is nothing fraternal about it any more; it is more reminiscent of the primitive polyandry of the Arabs and their mot'a marriages. Whatever its origin, the result of this type of polyandry is to keep the system of uterine filiation in force, the only one possible with it, and to place the administration of property in female hands, without anything that could be called matriarchy. To tell the truth, so far we have not found any example of real, authentic matriarchy, and it would seem that Bachofen's matriarchal theory is in contradiction with experience. (1) After this instructive preamble, we will now be able to tackle the study of Aryan India, starting with its origins: with the Vedic Aryas.

B. - Aryan India.

I. - Women in the Rig-Veda.

The Vedic Aryas, whose descendants founded Brahmanical society and religion in the Indian peninsula, had reached a state of civilisation comparable to that of the most developed of the present-day aborigines by the time they composed the songs of the Rig Veda; but we know much less about them than we do about the latter, since in order to judge them, and especially to appreciate the status of their women, we are reduced to commenting on and interpreting the very vague texts of their hymns. I will in no way imitate our modern amateurs of Vedism, who, by dint of excogitations and imagination, have reconstituted, they believe, the picture of ancient Vedic society. Some poor sociological information, however, can be gleaned from the Vedic texts.

In the Vedic pantheon, the main gods have wives: Indra, Indrani; Agni, Agnaya; Asvins, Asvini; Varuna, Yarunàni, etc.; but these wives of the gods are not worshipped like their divine husbands. There is, however, one great goddess, Aurora, wife of the Sun, and daughter of the atmosphere, who inspired the most graceful songs of the Rig-Veda; then comes Prithivi, the earth, "the only wide one", the mother of all things, who, by marrying Heaven (Dyaus), gave birth to various other Divinities. The Vedic Aryas therefore did not deny their divine characters the female sex. Similarly, although the small Vedic world was already living under a patriarchal regime, women were not excluded from religious ceremonies any more than their husbands; they were only admitted as mothers of sons: "The privilege of a woman," says a Vedic verse, "is to share with her husband the honours of sacrifice. Rita's ally, Indra's wife, 'the mother of a son', deserves the honours. Indra is superior to all. - Was Vedic marriage monogamous? This is hardly likely, since the texts often speak of captives being rounded up and given as gifts. From certain verses we can even infer the existence of polygamy. Thus the ten fingers that make the sacred liquor, soma, are called "the wives of the God" (Rig-Veda, sect. VII, sect. VIII, hymn 26). Despite the paucity of precise information, the Rig-Veda gives the idea of a family similar to the Homeric family, where the existence of a legitimate matron did not exclude that of concubines. According to the hymns, the Vedic family is a restricted family, like our own: father and mother, son and daughter, brother and sister, grandparents, uncles and aunts, are the only designated relatives. The husband is called pati, pitar, master, owner. As generator, he bears another name, that of genitor, and to designate him fully, we combine the two designations; we call him pitā-ganità, father begetter (pater genitor).

According to these notions, painstakingly extracted from the texts, there would have been no trace of maternal filiation among the Vedic Aryas, and yet such traces have been found in modern India. A missionary of the last century tells us that in India, the children of two brothers or two sisters are declared brothers "by the custom of all the castes"; but the children of the brother and those of the sister are only cousins. In short, the small Vedic society had already gone beyond the primary forms of family and marriage, which still persist today among certain contemporary aborigines. But the Vedic Âryas were the ancestors of the Brahman populations; the evolution of the latter cannot therefore be less advanced than theirs. Their family is patriarchal.

II - The Brahman family

For the Brahmin Hindus, having at least one son is a religious duty of the highest order: "Through a son," says a verse in the Code of Manou, "a man gains the celestial worlds; through the son of a son, he obtains immortality; through the son of this grandson, he rises to the abode of the sun. The eldest son, the first-born, who is indispensable for gaining access to the celestial worlds, performs the religious ceremonies; but he is also the steward of the family property and, if he proves to be an incompetent administrator, he is replaced.

Not having a son is such a great misfortune that the legislator has sought and found ways of dealing with it; he has even devised two. The first consists in entrusting his daughter with the task of giving birth to a son who, by express intention, will be the son of the father, who needs him. To perform this miracle, all the father has to do is say: "May the male child she brings into the world become mine and perform the funeral ceremony in my honour (that's the big thing)". - A man's son," continues the Manu text, "is like himself, and a daughter, entrusted with the designated office, is like a son... She is one soul with her father." This son obtained by proxy inherits from his maternal grandfather and, in the funeral ceremony, he must offer two cakes, one to his own father, according to the flesh; the other to his maternal grandfather.

Things work out well this way, as long as you have a married daughter; but it can happen that a married man has no children at all. This is the height of misfortune. To remedy this, the ingenious legislator has devised a very simple procedure. The expedient is simply to have the wife, who has been barren until then, impregnated by a brother of the husband or another relative, after giving her proper authorisation. The method can even be used with a childless

widow. A verse in the Code of Manou forbids the parent designated for this function from procreating more than one son in this way; but more far-sighted commentators have thought that the aim would be achieved even more surely if the childless wife or widow were to sire a second son for the deceased, in accordance with the rites. Perhaps this very special custom is an altered survival of an ancient fraternal marriage. The Mahabharata is a much more vivid reminder of brotherly marriage. I hear of the story of the young Draupadi "with eyes of blue lotus", married simultaneously to the five Pandu brothers and glorifying them, while Bavana, her odious captor, takes her away through the air. Draupadi is the model polyandrous wife: she is rigorously faithful to her five husbands, whom she adores and admires without any preference. In the same poem from the Mahabharata, we find even more ancient customs, namely the tradition of a period of promiscuity, perhaps of collective marriage between clans. The poet tells us that in those distant times, women had a duty to be unfaithful, but within their caste: "Females of all classes are common... Like cows, so are women: each has its caste". Lastly, the Bayadere girls of India, bred in temples for dancing, music and prostitution, may also represent a very ancient survival. Even today, even in Pondicherry, they are forbidden to marry, and indeed Indian tradition mentions a city populated, it is said, by courtesans, the city of Vesali, where marriage was forbidden.

III. - Marriage in Brahmin India

If we were to follow the Code of Manou, all the populations of present-day India would have a regulated and uniform marriage. We know that this is not so, and that Brahmanism has not succeeded in standardising the enormous and varied population of India; but it has nevertheless imposed on it a dominant legislation, to which the higher castes, at least, have tried to conform their marriage and family life. We must therefore draw from the Code of Manou an abbreviated description of Brahman marriage.

But the Code itself speaks of eight modes of marriage: 1° the mode of Brahma, where the father gives his daughter to a Brahmin, adorned with a beautiful dress and ornaments; 2° the divine mode, where the father gives his daughter, adorned for the occasion, to the priest who officiates; 3° the mode of the saints, where the father is given, not as a gratification, but for a religious sacrifice, a cow and a bull; 4° the mode of creatures, where the father simply marries his daughter, giving her and her husband moral advice; 5° the marriage of evil geniuses, where the future gives presents to the parents, in ordinary language, buys the daughter; 6° the marriage of celestial musicians, i.e. the marriage of love; 7° the marriage of giants, i.e. by abduction; 8° finally the marriage of vampires, i.e. marriage by unscrupulous seduction.

This last mode is necessarily concluded without the father's consent, like abduction; the other unions are concluded with the father's consent and this is, according to the Code, an essential condition; since the father, master of his daughter, has the right to marry her as he pleases; but above all he has the strict duty to marry her and he is reprehensible if he does not fulfil this duty in good time. He must even do so when the girl is still very young and, if he waits until she reaches marriageable age, the suitor no longer owes him any gratuity; for "the father has lost all authority by delaying, for his daughter, the moment of becoming a mother". The regular age is indicated by the Code; it is eight years, if the husband is 24, and 12 years, if the husband is 30. It is understandable that with these young brides, the father could easily make substitutions. But if he did, Manon's Code required the purchaser to receive both sisters, the real and the false fiancées, for the sole price of the first: the rapacious father was therefore punished where he had sinned. In this case, he has even sinned doubly; for the sacred code absolutely prohibits the sale of a daughter in marriage: a father must receive nothing in exchange for his daughter; and "any gratification, small or considerable, received by a father in marrying off his daughter, constitutes a sale".

In fact, however, the sacred law of Manou seems to have failed completely in its attempt to prevent marriage by purchase. Since time immemorial, it has been customary in India to pay the father a certain sum on the day or the day after the marriage of his daughter. At first it was a gift made partly to the father, partly to the wife in the nuptial fire, as the Hindu jurists say, something like the Germanic Morgengabe. Then the voluntary gift became simply the price of an undisguised sale, but, for the most part, spent by the father on jewellery for the bride. In India, says an old missionary, "getting married and buying a wife are the same thing". It is even common to say "buy a woman" to get married. But the price to be paid is not the only obstacle to marriage, although it is attributed to the existence, for economic reasons, of polyandry in northern India. There are other impediments as well: the suitability of the caste and the existence of various conditions required of the spouses. In India, the ideal marriage is one within the caste to which one belongs. However, Manou does not absolutely prohibit unions between the higher castes; according to the Code, you can marry a woman from a lower caste than your own, but never a woman from a higher caste. Above all, it is strictly forbidden for a man of the Brahman and warrior castes, the Brahman and the Kchatriya, to take as his first wife a woman belonging to a servile caste. The expression "first wife" implies the existence of a regulated concubinage. A Brahmin who does not marry a woman of his own class and introduces a Sudra into his bed commits a kind of sacrilege "and descends into hell". The lips of a Soudra woman pollute; her breath defiles; the Brahmin who has a child with her has committed a crime for which there is no atonement. The Brahmin is, in essence, a superior being; not even a menstruating woman, a eunuch, a dog, a pig, a cock, especially a woman born of a soudra and a Brahmin, should see a Brahmin eat. Over the centuries, these rules of misalliance have become even worse. The union, in descent, between the first three castes, which was permitted at the time of the Manou

legislator, is prohibited today and other restrictions still hinder marriages. A man must never marry before his elder brother. "Such a marriage precipitates into hell (2) not only the spouses, but also the priest who married them. Finally, a Brahmin must only marry a girl who possesses the following characteristics: "She must be well built, with the graceful gait of a swan or a young elephant; her body must be covered with a light downy coat; her hair must be fine, her teeth small and her limbs charmingly soft. Does she have reddish hair? Beware of marrying her, and likewise if she is named after a constellation or a river or a bird or a snake, etc.". All these conditions, more or less reasonable, are not designed to facilitate marriage which, on the other hand, does not provide the woman with a fate worthy of envy.

Once married, while still a child or so and without having been consulted, the young bride lives in a state of complete subjection. She must never eat with her husband. Nor can she ever be freed from marital authority: she can't, says Manou, either by sale or abandonment. A husband who chatted familiarly with his wife would bring himself into disrepute, and women themselves are so well trained in this humble condition that they would despise a husband who treated them as equals. Women are essentially impure beings. When she gives birth, the house she inhabits, and all the people in it, also become impure for ten days. If a husband leaves his wife, she must wait patiently for his return, by spinning or working at an honest job, if the absent husband has left her nothing. This wait must last eight years if the husband has left for a religious reason; six years if his journey was for science or glory; only three years if he has undertaken a journey of pleasure. At the end of these graduated periods, the abandoned wife does not have the right to remarry but to join her lawful master. - What is more, the death of the master does not give the Brahman woman her freedom, nor does it make her a fate worthy of envy.

IV. - Widowhood, Divorce.

A. Widowhood. - In India, as elsewhere, marriage is dissolved by death, repudiation or divorce, and finally by adultery. - In Brahmanical India, the state of emptiness is considered to be unnatural; it is regarded as a disgrace; but the resulting duties are very different for men and women. Widows are often very young girls, even children, married off automatically by their fathers, but without their conjugal union having been practically achieved; for girls, the marriageable age is very low. According to Manou, the Brahman father must marry his daughter even before the statutory age of eight. If he neglects to fulfil this duty, the nubile daughter will have to wait another three years, after which she will choose a husband of her own rank. A small piece of jewellery called a tali is attached to the neck of little girls who are "married off" in this way by their father. If, while waiting for the marriage to be consummated, the designated

husband dies, the tali is taken away from his little wife, the expectant wife; but then the young widow can no longer marry.

The levirate, a probable survival of an ancient fraternal marriage, is, according to the Code of Manou, obligatory even after the death of a fiancé. This fraternal duty was imposed whenever the husband died without children, because it was important to create a fictitious posterity for him.

Ordinarily, and even though the state of emptiness brought general contempt, a virtuous woman not only never remarried, but had to impose an ascetic diet on herself; she had to lose weight by living "on flowers, roots and pure fruit, without ever uttering the name of another man".

According to the Code, a widow who is unfaithful to her deceased husband because she wishes to have children will be despised in this world and excluded from the heavenly abode where her husband awaits her.

In the higher castes of the Brahmins and Kchatriyas, widows obviously constituted a major embarrassment, which they had tried to avoid by persuading them to burn themselves alive at their husbands' pyres. By committing this glorious suicide, they escaped a despised, almost abject existence, and a memorial mausoleum deified them after their death. Some widows burned themselves out of vanity, simply to stand out from the crowd. Yet it was mainly among the warrior caste that such suicides by fire were common; they were rare among the Brahmin caste. The custom of *suttis* is of very ancient origin; it already existed in the time of Alexander and has only now been abolished, not without difficulty, by the English government. After the death of a great prince, it was not just one woman, but a whole harem that climbed onto the funeral pyre. In the last century, in the principality of Marava, two princes died, one leaving 17 wives and the other 13, and all of them were burnt with their husbands, except one who, being pregnant, had to wait for her release before she could imitate her widowed companions. - But the moral obligations of widowhood were very different according to sex. In the case of men, all rigorous duties vanished. The Code of Manou only prescribes that they burn the body of their deceased wife in accordance with the rites, then light the nuptial fire a second time, in the ordinary language of remarrying as soon as possible.

Some very high-ranking widows were exempt from suicide; even they had a duty to outlive their husbands, for example the widows of princes who died leaving an infant son. In this case, the mother, who was to be "the principal woman of the harem", was regent and ruled under the name of her infant son. - We saw earlier that the custom of widow suicide was peculiar to the upper castes of Brahman India. In the lower classes, widows did not burn themselves, and even the laws governing succession sometimes placed them in a fairly favourable position. In Bengal, for example, a childless widow was entitled to her husband's property for life. If the deceased had left male children, these would succeed first; then the widow would inherit with the collaterals; but as distinguished marriages were often sterile, the result was that women owned a large part of the landed property for life. It has been noted that it was mainly in Bengal that the English found the custom of *suttis* in force, and the coexistence of these two facts has led to the assumption that one, the first, could be the cause of the second: widows were willingly burnt, because they were troublesome landlords, and it was advantageous to get rid of them. The blatant iniquity with which Brahmin law treats widows is repeated when it comes to divorce, or rather repudiation.

In India, there does not seem to have been any divorce for the use of women, but the husband had a broad right of repudiation. First of all, Manou's Code made it a man's duty to leave his wife, even a lawfully wedded one, if, after marriage, he discovered any harmful marks, illnesses or defilements in her. If his wife dislikes him, he should put up with her for a year; then he should appropriate all her possessions, except what is strictly necessary for her subsistence and clothing; once this has been done, he should stop living with her. But the husband has the right to replace a wife, literally to suspend her from her duties, for a variety of reasons. A barren woman, for example, must be replaced in the eighth year; a woman whose children have all died in the tenth year; a woman who bears only daughters in the eleventh year; a woman who speaks bitterly in the eleventh year. Similarly, the husband must replace a wife who gets drunk, who has bad morals, who constantly contradicts him, who is suffering from an incurable disease, who has a wicked temper, or who dissipates his property. The replacement of a wife is not repudiation, but merely the removal of the unworthy, as can be inferred from the following article: a wife, legally replaced, who angrily abandons her husband's home, must immediately be detained or repudiated in the presence of the entire family. Replacement was therefore a simple disciplinary measure of sorts, which the husband had to take on his own authority; but to imprison or expel a wife, the consent of the husband's family was undoubtedly required.

As we have just seen, Manou's Code is not precisely feminist in everything to do with widowhood and repudiation, but it is perhaps even more iniquitous (3) when it comes to adultery. For Manou, adultery is a great crime, especially because it can alter the purity of the castes. For women, it is an inexcusable crime. Whatever a husband may do, and whatever he

may be, even if he has no good qualities and is unfaithful and fickle, his wife, if she is virtuous, must continue to revere him as a God. On the other hand, if a woman of high birth is guilty of adultery, let the king, the guardian of morals, have her publicly devoured by dogs and her accomplice burnt on a bed of iron red-hot with fire. For adulterous relations with a woman, a man is punished, but in very different ways depending on his caste and that of his accomplice. The punishment also varied according to whether or not the woman was guarded. A sôûdra, for example, a man of the last caste, who has had criminal dealings with a woman belonging to one of the three higher castes, will suffer phallotomy and the confiscation of everything he owns, if the woman was not guarded; if not, he will lose everything: life and property. For adultery with a guarded Brahmani, a Vaisya (merchant) loses all his property after serving a year in prison; a kchatriya pays a fine, has his head shaved and sprinkled with donkey urine. But an adulterous Brahmana gets off with an ignominious tonsure in cases where the punishment of the other castes is death; for "there is no greater iniquity in the world than to kill a Brahmana. The king must not even conceive the idea".

The evidence of adultery is not difficult: anyone who converses with another's wife in a secluded place is an adulterer; anyone who frolics with a woman, sends her flowers and perfumes, touches her ornaments or clothes, etc., is an adulterer. The code is full of good advice for the young novice, whose education is supervised by a Brahmin and who may be tempted to commit adultery in the future. He should avoid pouring odoriferous oil on his headmaster's wife; in general, he should refrain from pampering her too familiarly, for example by arranging her hair, serving her in the bath, touching her feet while prostrating himself to greet her, and so on. The female sex, it is said, is treacherous; it is in its nature to seek to corrupt men. A woman can lead both the wise and the foolish astray. Never stay in a secluded place with your sister, your daughter, even your mother. Sensual attraction is very powerful; it can lead the wisest astray; we can see that, if the novice succumbs, it will not be for lack of warnings.

V. - Social status of women

In no country have women been so completely subordinated and socially annihilated as in India. I have just quoted verses from the Code of Manon in which women are pointed out to men as being extremely dangerous. There are others that complete this judgement: "Manou shared with women a love of their bed, their seat and their finery, concupiscence, anger, evil inclinations, the desire to do harm, perversity". "If women were not supervised, they would be the bane of both families (their own and their husband's). Since this deeply vicious nature of women was willed in India by the divinity itself, there is no point in trying to correct it. We can only take precautions against this essentially vicious being and constantly remind her of her unworthiness. A woman is

only a thing; in war, she is taken like objects, like animals, and, like them, she unquestionably becomes the property of her captor. In the household, a woman's role is simply to obey passively. It is up to her husband to make her observe the law and allow her innocent pleasures. Never let her pronounce her husband's name. If she speaks to him, it must be in the most respectful terms. She must never be allowed the honour of sitting at his table. The husband has the right to corporal punishment for her, as well as for his servants, his children, his younger brother and his pupil, but the blows must only be applied to the back of the body. In childhood, she is dependent on her father; in youth, on her husband; as a widow, on her sons; failing them, on her closest paternal relatives; if necessary, on the sovereign: a woman must never govern herself as she pleases. As was also the case in Greece under the patriarchal system, the mother is even denied consanguinity with her children: "The law considers the woman as the field and the man as the seed". This is the exact opposite of primitive maternal filiation.

At each menstrual period, a woman is considered impure for 4 or 5 days, which she is required to spend apart. Everything she touches then becomes impure like her and, at the end of the period, she is legally obliged to purify herself by bathing and drinking. With the exception of the Bayadères, women in India receive no education whatsoever. To know how to read would even be shameful for an honest woman. At most, women are trained to take care of the household. Usually, when the husband addresses his wife, he uses a humiliating appellation, "slave", "servant"; on the contrary, the wife calls her husband "my master", "my lord", sometimes "my God".

Strabo tells us, according to Greek travellers, that Brahmins in India do not communicate their philosophical doctrines to their wives.

According to the Code of Manou, confirmed by the Greek Megasthenes, whose information Strabo recorded, women, such inferior beings, nevertheless played a considerable role in the palace of kings. Manou wanted a monarch to be served and surrounded only by women, who were to be searched frequently to see if they were hiding weapons or poison in the folds of their clothes. These women of the court were responsible for fanning the prince and carefully pouring perfumed oils or water over his august body. Strabo, or Megasthenes, confirms all these details. He adds that the women surrounding the king were bought from their parents; that they accompanied the king on hunting trips or to war, and that they were then mounted on horses or elephants and armed like Amazons, but as trained Amazons.

Brahmanism therefore imposed or allowed to be imposed on the women of India a most humble and even humiliating lot. Buddhism did not change much in their social position; it only gave them the same religious ideal as men, i.e. the hope of higher and higher rebirths (4) and Nirvana as the final end. In this world, Buddhism has also allowed women to enter religious orders. It's not much, but it is something, because a dream that is valued is better than nothing.

However, in this world, the Manu Code gives women, with caste restrictions, a small share in the inheritance of a Brahmin husband. It also prescribes that brothers, who inherit the bulk of the estate, should give something to their unmarried maternal sisters so that they can marry. This preference for the mother's sisters is a clear survival of the system of maternal filiation. In general, however, Indian legislation excludes women because they are considered unfit to perform sacred rites. However, women can own property that they have received by inheritance, purchase, division or nuptial gift, and this property, when it exists, is inalienable for the husband. Finally, on the death of their mother, unmarried uterine brothers and sisters share equally in the maternal inheritance. Women are therefore sacrificed from the point of view of property, as they are from the point of view of all the others; there is no fairness for them. She is no better treated in court, where her testimony is not even accepted. The testimony of a single man, says the Code of Manou, is admissible in certain cases; that of a large number of women, even honest women, is not admissible because of the fickle spirit of their sex. The spirit of Brahmanical India, in relation to women, has therefore been to regard them as inferior beings, dangerous, futile and sensually perverse.

Charles Letourneau, *La Condition de la femme dans les diverses races et civilisations*, V. Giard & E. Brière, Paris, 1903, pp. 382-406.

(1) The author is putting Bachofen on trial and, in so doing, is only succeeding in showing that, like most of the sociologists and anthropologists who criticise the work of the Swiss jurist, often with unwelcome condescension, he has not read his work, because, if he had, he would know that the term 'matriarchy' does not appear in it. Its two central concepts are maternal right (Mutterrecht) and gynecocracy (Gynaikokratie), the government of women (NDE.)

(2) The non-Aryan notion of "hell" as a place where the damned suffer eternal punishment is absent from the Rig-Veda; it appears in the Atharva-Veda, under the influence of the beliefs of the aborigines and their chthonic cults. (NDE.)

(3) What is considered "iniquitous" by a barely sexually differentiated individual imbued with democratic prejudices such as egalitarianism and, more precisely, equality between the sexes is, on the contrary, fair and just from the traditional white point of view (NDE.)

(4) As J. Evola has shown in *The Doctrine of Awakening*, reincarnation is a notion peculiar to the popular forms of Buddhism that developed in the Indian subcontinent under the influence of aboriginal conceptions that have nothing to do with the Aryan spirit that informed primitive Buddhism. (NDE.)

The Status of Women in Greece

I. - The family

Having researched the status of women among the Aryans of Asia, we will now continue our investigation by moving on to the Aryans of Europe, starting with our intellectual ancestors, the Greeks of classical antiquity, the creators of the fine Hellenic civilisation, representatives of a chosen race whose origin appears to have been Asiatic; But we must not forget that the Hellenes were preceded in Asia Minor, in continental Greece and in the Mediterranean archipelagos, by precursors belonging to a more primitive race, probably Berber, at least for the most part.

If we now go back as far as possible, without any further concern for ethnic origins, and look only for the origins of the Hellenic family, we can see that in Greece, as everywhere, political societies began, not with the small, relatively modern family, but with the clan, which in Greece is called *genos*. As clans joined together, they formed *phratries*, and *phratries* formed tribes and cities. Tradition cannot take us back to the very origins of the Greek clans, but it does show that, at the dawn of historical times, the Hellenic clans still had common property and a common burial ground; that their members were united by a close sense of solidarity, and that the mutual obligation of vendetta sanctioned this solidarity; and finally, that each clan had its leader, its archon. In protohistoric times, the family had already broken away from the original clan with its confused kinship; but this family was still maternal and degrees of consanguinity were regulated according to uterine descent. A passage by Varron, quoted by Saint Augustine, states that in primitive Athens, children bore their mothers' names and that their mothers had the right to vote in the public assembly (1). Cecrops was the first to give children a father and to found marriage". Following a flood, the Athenians, to appease Neptune, are said to have withdrawn their women's right to vote and forbidden their children to bear their mother's name. But the maternal family lasted for a long time to come. Homer continues to distinguish brotherhood through the mother,

uterine brotherhood, from paternal brotherhood, and he considers the latter to be much closer than the former. Lycaon, for example, tries to make Achilles feel sorry for him by telling him that he, Lycaon, is only Hector's paternal brother and not his uterine brother. In the Iliad, Helen and Briseis only talk about their brothers on their mother's side (Iliad, III, 235, XIX, 250, XI, 257, XII, 376, XXIV, 45. Odyssey, IV, 224). In Athens and Sparta, a man was allowed to marry his father's sister, but not his uterine sister. Herodotus also reports that the Lycians had what he considered to be a very peculiar custom, "which," he says, "is not found among any other men: they bear the name of their mother and not that of their father. If one of them asks another who he is, the latter, starting with his mother, lists his entire maternal lineage" (2). Herodotus adds that if a female citizen marries a slave, her children are deemed to be of free birth, but that "if a citizen, even if he is the first, marries a foreigner or a concubine, his children are degraded".

The Greeks are justly renowned for their love of the city and their local patriotism, but this patriotism must have been matrotism in principle, because the Cretans still used the word *metria* instead of *pairie*.

Primitive filiation in Greece was therefore purely maternal. When paternal kinship was established, it tried to be equally one-sided, but in the opposite direction. In his *Eumenides*, Aeschylus has Apollo explain the one-sided theory of kinship in order to justify Orestes' matricide. It is not the mother," says Apollo, "who begets what we call her child: she is only the nurse of the germ poured into her womb; the one who begets is the father. The woman, like a foreign custodian, receives the germ and, when it pleases the gods, she preserves it". Apollo gives a proof in support of his theory, but unfortunately it is a mythological proof: the gestation of Minerva in the brain of Jupiter: "She was not nourished," he says, "in the darkness of the womb. What goddess ever produced such an offspring? In his tragedy *Orestes*, Euripides puts the same idea into Orestes' mouth: "My father begat me," says Orestes, "and your daughter gave birth to me, just as the earth receives the seed entrusted to it by another, but without a father there would never be a child. This risky theory, which was placed under the patronage of the gods, perhaps because it was difficult to support with human arguments, served above all to conceal self-interested motives: the desire not to dismember the family property (3). As long as this property remained inalienable, the family system was of only theoretical and secondary importance: at most, a dowry of some kind was given to a daughter who passed to another clan or family; but when a man's personal property was shared by inheritance between his children, it was very important for the brothers to oust their sisters. At the time of Solon, paternal relatives already inherited intestate, up to the 4th degree: in the absence of a male, paternal relative, the closest maternal relative came into the succession; but, at the time of Isaeus, the law went further; it denied the mother any place among her son's heirs.

Now, the theory, which denied the mother any consanguinity whatsoever with her child, was very apt to justify this exclusion. Moreover, Athenian law made it easy to obtain male descendants, more or less fictitious. So a citizen who had sons did not have the right to adopt. Did he have only daughters? He could, on condition that the adopted person married one of his daughters. Adoption was so favoured in Athens that it was possible, even after the death of the adoptive father, by posthumous fiction and presentation of the adoptee to the members of the gens and the phratry, as was done with a new-born child. Similarly, in ancient Athens, when a citizen died intestate leaving only a nubile daughter, his closest relative had the right and duty to marry her; but the first son born of this marriage was considered to be the son of the grandfather, whose family he continued. In fact, the daughter did not inherit; she passed with the estate to the nearest agnate, who had to marry her. If one of the two had married before, divorce was granted.

II. - Marriage in Sparta.

In the various cities of historical Greece, marriage eventually took on a fairly uniform appearance; however, in Sparta, a conservative and even retrograde country, the conjugal union had particular features, which may have stemmed from the ancient marriages between the communal clans of primitive Greece. Herodotus also mentions a tribe, the Agathyrsees, who lived to the north of the Thracians and who, he says, owned their wives in common. Their sole aim was to strengthen the bonds of brotherhood between them. In Sparta, the laws attributed to Lycurgus also regulated marriage, mainly for political purposes. In the mind of the legislator, the modesty and sanctity of marriage had yielded to the reason of State. Young Lacedaemonian women wore a tunic, the shape and cut of which were designed to conceal their nakedness as little as possible; this sleeveless tunic reached only to the knees and was slit at the bottom and sides. Even, according to Plutarch, young girls got rid of this tunic, which was so unobtrusive, when they were playing certain games in the presence of young men. Plutarch strongly approves of this custom: "It was," he says, "an emorche, which attracted young men to marry, I mean these games, dances and esbatemens, which the girls did all naked in the presence of young men, not by constraint of geometrical reasons, as Plato says, but by attractions of love". Other customs include the simulated or symbolic abduction of the bride, "not a little bitch," says Amyot's Plutarch, "but a big, vigorous girl already ripe to bear a child"; the obligation on the young husband to see his wife only in secret for a certain period of time; the indulgence shown even to the actual abduction of someone else's fiancée, for example that of Percalé, fiancée of Leotychides, by Democrates, which Herodotus mentions as a very simple matter : All this seems to attest to the fact that, in Sparta, marriage was instituted and considered above all from a demographic point of view. This becomes even more obvious when we see how easily women's

marital fidelity was disregarded, when the usefulness of the social body seemed to be at stake: "it was permissible for an honest man, who loved the wife of another, to see her wise, modest and bearing beautiful children, to ask her husband to let him sleep with her in order to sow there, as in fat and fertile soil, beautiful and good children, who, by this means, came to have communication of blood and kinship with people of good and honour (4). "

In Lacedaemonia, getting married and then having children, beautiful children, were imperative civic duties. Hardened bachelors were infamous: they were forbidden to attend public games; they were forced to walk around the city in winter in a state of complete nudity. In their old age, no consideration was due to them. In one assembly, a young man refused to give up his seat to Dercyllidas, a renowned general: "You have no children," he told him, "who could one day repay me in kind".

There is no doubt that these Lacedaemonian customs are not delicate; but they are those of a people who are still crude and who have preserved traditions and vestiges dating from a much cruder social state (5).

III - Athenian marriage

In Lacedaemonia, under the laws of Lycurgus, marriage was much more a political than an individual institution. The same was undoubtedly true of primitive Athens; only Minerva was less attached to the past and less closed to innovation, and marriage developed more quickly there. According to Athenian tradition, before Caecrops, women were communal and no one could know their father. This assertion may be inspired by a confused reminiscence of communal marriage between clans (6). But once individual marriage had been instituted, the city of Athens was careful not to lose interest in it. In Greece, moreover, and from one city to another, marriage was forbidden unless there was a specific agreement; a woman was a citizen, albeit a potential one, but a citizen could only marry a citizen born into an Athenian clan, presented to the phratry at the time of her birth and accepted by it. Only poor female citizens were given public dowries.

According to an article in the laws of Solon, it seems that in return for the dowry, whether public or private, the city expected the wife to have children, since the legal text reads as follows: "In the event that the legitimate husband of a woman with a dowry should become impotent, let the wife be united with the husband's children". The dowry was a feature of legitimate marriage, so

it may be that the word "dowry" simply means "legitimation". Plutarch mentions, and criticises, this law, which nonetheless comes from Solon, and he gives the text as follows: "If any man, having married a rich heiress according to the right given him by law, finds himself impotent or unable to make carnal use of and live with her, let the woman live with whomever she pleases of her husband's relatives. The loan of a wife by the husband does not even seem to have been strictly forbidden in Athens, since, in his biography of Cimon, the same Plutarch tells how this great man gave his wife to Callias, a wealthy Athenian (7), who had fallen in love with her. Similarly, Socrates is reported to have lent his wife Xantippe to Alcibiades (8). Finally, in theory, in his *Laws* and *Republic*, Plato blames Minos and Lycurgus for not declaring women common (9).

Obviously, these customs may be social and mental remnants of a very ancient period of communal marriage, which pre-existed individual marriage. Other Greek customs even support this view, such as the Lydians' long-standing practice of allowing their daughters to amass a dowry through prostitution before marrying in lawful wedlock.

During the monogamous period, which was also the historical period of Athens, women had only very relative marital freedom. In general, women had to have a master. In the first instance, this master was the father, but if the father was absent, his brother inherited this right and could marry the orphan by force. Once married, the woman's natural master is her husband. In Athens, before marriage, the closest male relative, whoever he may be, had the right of guardianship. Under Attic law, a woman was legitimately married first by her father, then by the father's brother, then by the paternal grandfather. The marriage was only legitimate if the woman was given in marriage by her master, her legal guardian, father, paternal grandfather or paternal uncle. During his lifetime, the father could marry his daughter as he wished; he could even bequeath her by will, as and with his property. In his plea against Aphobos, Demosthenes tells how he was bequeathed along with his mother and sister: "My father Demosthenes, a judge, left when he died a fortune of about fourteen talents, a son aged seven, that was me, my sister, who was five, and our mother, who had brought fifty mines into the house. When he was about to die, he made arrangements for us and gave everything (all these things) into the hands of Aphobos and Demophon, son of Demon, his two nephews, one his brother's offspring and the other his sister's... To Demophon he gave my sister and two talents payable on the spot; to my adversary he gave our mother with eighty mines as dowry and, in addition, the use of my house and my furniture, etc.". "All these things", as the will says, i.e. the widow, the two minor children and the property, needed to be under the guardianship of a master; the father had freely provided for this in his will. When he gave his daughter to Demophon, he gave her a dowry, as was customary. Of this dowry, which belonged to a five-year-old girl, Demophon had and should never have anything but the use of it: it was the daughter's own property, even after her marriage. In his will,

Demosthenes' father had thought of and provided for everything, in accordance with the habits and customs of Athens at the time; but he had done so by disposing of his wife and daughter as masters. Moreover, in general, women were given priority over men and, in inheritance cases, they received only to pass on. The institution of the dowry in the time of Demosthenes came after the laws of Solon, who had abolished it. With this measure, the legislator sought to remedy the plague of dowry extortioners; he thought that only poor, or even very poor, girls would be married: In fact," says Plutarch, "he abolished the marriage dower and wanted women to bring their husbands only three robes and a few other items of furniture of very little value, without anything else, not wanting them to buy their husbands or for marriages to be trafficked in, like other merchandise, in order to win, but wanting the union of man and woman to be made for lineage and for pleasure and love, not for money (10). " But Solon's intentions did not stand up to the need to ensure at least the subsistence of the wife, who was so subordinate to the good pleasure of the husband. The dowry was instituted, declared inalienable and guaranteed by the husband's property. In the event of divorce and the wife's second marriage, the first husband gave the dowry to the second or paid interest of nine obols.

The Athenian marriage ceremony was purely a family affair. In the presence of all the members of the family, the father, or to be more precise, the master, declared that he was giving the daughter in marriage and thereby authorising her to renounce the cult of her ancestors.

From then on, the bride was free of all ties to her family; she had only the ancestors and the home of her husband to sacrifice to. She was led to her husband's house, no doubt using the same procedure described by Homer in his description of Achilles' shield. At the husband's door, he took his wife over the threshold, because if she had entered the house on her own, she would have been considered a stranger. Once she had entered the house, the wife's first act was to perform the rites in front of the husband's home, to show that she had changed families. In Boeotia, a symbolic custom was used to remind women that when they married they were literally transplanted. They were taken to the marital home on a chariot, the tiller of which was then burnt to put it out of action and thus out of commission.

Once in her household, the Athenian woman of free status, the only one who could marry, played a very low profile role. No doubt she was honourably admitted to the Thermophoria; but she could not receive her husband's relatives, friends or foreign visitors without his permission, and he saw her as little more than a servant: in Aristophanes' *Lysistrata*, a husband replies to his wife who takes the liberty of questioning him about public affairs: "It's none of your business. Keep quiet or you'll be beaten... Weave your web". Strict fidelity was a duty for the wife, but the husband was free to frequent courtesans, hetaerans and foreigners, whom he could not marry but

was allowed to court. Married women remained minors and, without her husband's permission, could neither alienate nor obligate themselves beyond the value of a measure of barley. Later, women took their revenge in mercantilised Greece, when property, mobilised to the utmost, was able to accumulate in the hands of the most skilful or the luckiest, when women were able to own a great deal. Aristotle had already warned Greek husbands against the tyranny of their wives, but his warning was merely sentimental. But Aristophanes, Menander and others depict something else: the arrogance of wives, rich heiresses, the insolence of money. In their writings, it's easy to pick out a bunch of typical quotations on this point.

In Menander, a husband cries out: "I married a witch with a dowry. I took her for her fields and her house, and that, O Apollo, is the worst of evils". - If, being poor, you marry a rich woman, you are reduced to being a slave and poor at the same time". - Cursed be the first who invented marriage, and then the second and the third and the fourth and all those who imitated them". But there is also, in addition to the arrogant wife, and still according to Menander, the devout and spendthrift wife, who ruins her husband with costly and pious sacrifices, with kettledrums, perfumes, gold cassettes to tie her sandals, slave women arranged in circles, etc. This is the kind of marriage that Ménandre was right to invent. - This is the kind of marriage that can be called gynocratic, the historical period when the woman, the rich woman, takes her revenge on the Homeric age, during which Hellenic husbands brought captives, slave women, into their homes and made them their concubines, with no concern whatsoever for the rights, at least the moral rights, of their legitimate matrons. Even slave women, who were simply bought, fulfilled the role of domestic concubines: they had no status; their children inherited no paternal property; they worked and openly shared the master's bed. This is what Achilles brutally says in the Iliad when he refuses to give his daughter back to the priest Chryseis: "she will weave my cloth and share my bed"; but these poor slave concubines sometimes inspired love: "I too," says the same Achilles, speaking of Breiseis, taken from him by Agamemnon; "I too loved her with all my soul, even though she was a captive.

Much later, in civilised Athens, free unions continued alongside legitimate marriages; they were even legal, since they were often preceded by an agreement concerning the property of the two contracting parties; but they did not include a dowry, which was the privilege and hallmark of legitimate marriages between Athenians.

IV. - Dissolution of marriage.

A. As a general rule, the more inferior the wife's position in conjugal society, the more the law and morality place her at the discretion of the owner-husband, the more at the same time adultery is considered criminal and the more it attracts a cruel penalty on those, and especially on those, who commit it.

In Greece, a wife was not only the ward but also the subject of her husband; she was even his property, since he could dispose of her by will as if she were a slave. On the subject of adultery, Homer, to whom we owe so much valuable information about protohistoric Greece, gives us only the story of the adulterous love affairs of Venus and Mars, in other words, what we might call the adultery of the great world in Homeric Greece. We know how the jealous Vulcan, after skilfully arranging invisible steel nets above his bed, pretended to make a trip, like a common husband, to Lemnos. Mars, always on the lookout, took advantage of the opportunity; Venus did not resist, resistance is not in her character; but as soon as they had gone to bed, the amorous couple were caught in the nets that fell over them and immobilised them. Fearing no scandal, Vulcan summoned all the gods so that they could contemplate his catch. In this somewhat ridiculous situation, he was more angry than furious and swore to keep the culprits in his trap until the father of Venus had returned to him the rich hymenal gifts he had given her by contracting such an imprudent marriage; for it was above all from the pecuniary point of view that he envisaged the accident. The people of the gods flocked to his call and admired "the marvellous work of the prudent Vulcan". In the Iliad, these Immortals are in no way scandalised and laugh at the adventure. Vulcan," they say, "will obtain the fine due for adultery". Apollo and Mercury thought that for this price they would gladly pay for the pleasure of sleeping with Venus; and these words made the Olympians laugh even more. Neptune alone was not laughing and interceded with Vulcan to release Mars, for whom he acted as guarantor. Vulcan had little confidence in this promise; however, Neptune had formally undertaken to pay, if necessary, in Mars's place, all the financial compensation that might be due to the blacksmith god, so the latter gave in and released the lovers.

This curious tale, which resembles a news item in our newspapers, seems to prove that the Homeric Greeks did not take adultery tragically and regarded it above all as a matter of money. It's true that in Vulcan's adventure, this unhappy husband was up against the gods, whom death could not touch.

But we can infer from the anecdote that the deceived spouses of the time were not always bloodthirsty, even though the laws of several Hellenic cities had enacted rigorous penalties for adultery. Among the Locrians, for example, a law of Zaleucus ordered adulterers to have their eyes gouged out. Dracon, following a law that was never abolished, left the adulterous lover to

the complete discretion of the husband. Solon still authorised the husband to kill the adulterer if he was caught in the act. At the same time, the legislator of Athens forbade fathers and brothers to sell their daughters or sisters, unless they had forfeited their honour as women, which obviously included adultery. In Athens, a wife caught in flagrante delicto could not only be killed on the spot, but even deliberately put to death by her husband in the presence of witnesses. Atimia, a civic degradation, was inflicted on any husband who went so far as to conceal his wife's adultery, in which case he was undoubtedly suspected of being an interested accomplice. The lover could be imprisoned at the request of the injured party. He was only released on payment of a fine and a guarantee of his future conduct. Other cities had enacted moral penalties for adultery. A law passed by the Thurians authorised adulterers and no-one else to be named in comedies. In Cumae, a whole degrading ceremony punished the adulteress. First of all, she was exposed on a stone used as a pedestal, then she was taken for a ride on a donkey, after which the guilty party was brought back to the infamous stone, considered to be "polluted" from then on. As for the woman, she was stigmatised with a telling epithet: Onobâtis. But in Greece, the semi-cloistered life of the gynaeceum must have meant that opportunities for adultery were rare; for the wife was not allowed to receive any strangers; not even her husband's friends sat at her table. It is unlikely that in Greece a marriage was broken by the very fact of adultery, since the husband had to repudiate his guilty wife on pain of atimia. However, the husband's right of repudiation was practically impeded by the correlative obligation to return the dowry or pay interest on it, at the rate of nine obols; not to mention the fact that the wife's guardian was entitled to claim alimony through the courts. The wife, however, and this is a sign of advanced civilisation (11), was allowed to ask for a divorce; she then had to appear in person before the archon and give him her written request.

B. Widowhood. - For the husband's heirs, widowhood entailed the same obligations as divorce, since the dowry was mortgaged against his property and, during the husband's lifetime, furniture belonging to the wife could not be seized; However, the husband often bequeathed his wife to a friend in his will, obliging her to accept the man designated by the first as her second husband; this bequest was usually accompanied by a certain donation, which made its execution probable, unless the wife's assets were sufficient to pay off the legatee. In this case, the wife remained a widow, but only changed master. In the absence of a second husband, she found a relative who had authority over her. This relative could even be her son, and the imperious tone with which Telemachus speaks to his mother in the *Odyssey* is proof enough that the fate of the unremarried widow was not always worthy of envy: "Go back to your flat; tend to your work, the spindle, the cloth; order your wives to finish their task. It's up to men to say what they want, especially me, who is the master here. Yet this imperious admonition was addressed to Penelope, the model widow, loyalty itself, and it came from Telemachus, also a model, the model of sons. What kind of brutal treatment was the widow likely to receive from her coarse and greedy parents? The husband therefore acted with human foresight, automatically marrying off his wife by

testamentary disposition. Women, moreover, were well aware of their humble position; submission was their habit, if we may judge by the way Penelope accepts her son's harsh mercurial speech in the Iliad: "Penelope, moved, went back to her chambers, depositing her son's wise speech in her soul". So she was a person perfectly trained to obey her master, whoever he was.

V. - The social condition.

All that I have just said about marriage and the family in Greece, and the place occupied by women in it, gives us the idea of great moral and legal subjection, but usually without brutal oppression. Plutarch speaks with some astonishment of the humiliating condition of barbarian women, who, he says, neither ate nor drank with their husbands, never called them by name, and so on. Athenian women were not like that, but the law and customs made them perpetual minors, one with their property, incapable of owning or inheriting property for themselves, married by the will of a father or his will, even by the will of a first husband; forced, in certain cases, to marry the principal agnate of the family. The right to divorce, in principle granted to women, was more often than not an illusory right.

Their education, moreover, predisposed them to this passive and self-effacing role. Athens had no schools for girls; in distinguished families, they only received lessons in reading and writing. In ordinary families, the mother, herself uneducated, gave her daughters a few popular notions of religion; above all, she tried to make them housewives by teaching them to spin, weave and sew. Semi-cloistered in the gynaecium, the girls lived apart, seeing little more than relatives or friends, and meeting young men of the other sex only officially, on religious festivals. Finally, they were married at around the age of fifteen, leaving the husband to complete their education. On this point of female education, Sparta had been more liberal and innovative than Athens, since it trained all its young people, girls as well as boys, in the same gymnastic exercises, dance and music, in the broad sense that the Greeks gave to this word.

Once married, Athenian women had a moral obligation to breastfeed their children themselves. Breastfeeding was considered to be of the utmost importance, as it was supposed to pass on both the physical and moral nature of the parents to their infants. In his Economics, Xenophon shows us, in the form of a dialogue with Socrates, how weak the moral and intellectual bond was between wives and their husbands; at the same time, he lets us know what, according to him, the ideal wife is: "Are there people with whom you talk less than with your wife? - There are very

few. - When you married her, wasn't she a child, or at least a woman who had seen nothing and heard nothing? - Very true. Socrates, ah! How could anyone have given me an education? She was barely fifteen when I married her. Until then she had been subjected to the laws of austere surveillance. They wanted her to see and hear almost nothing, and to ask as few questions as possible. Was it not enough, I beg you, to find a woman who knew how to spin wool into clothes; who had seen the way in which the task was distributed among the servants? As for sobriety, Socrates, she was perfectly well trained. It follows from the whole dialogue that all Xenophon asks of his wife is that she be an attentive, prudent, thrifty, hard-working housewife. Let her teach the new slaves how to spin; let her run the bakery, even kneading with her own hands, to set an example; let her allocate their work and their wool to the spinners; let her supervise the making of clothes and the distribution of provisions; she will have done her duty. She is the hard-working bee, living in the hive; man is the dog, watching over the sheep. - In Xenophon's opinion, the role of model stewardess, which he attributed to the woman of the wealthy class, went far enough, even to the point of ensuring that slaves did not have children against the wishes of their masters.

In our journey through the human race, we have so far seen women, most often enslaved, taking on a large share, often the largest share, of social labour, of mechanical work. In Homeric Greece, this was still the case, at least in the homes of the great, where all the arduous tasks were performed by women, albeit female slaves. In the palace of Alcinous, Homer shows us fifty slave women not only weaving wool but also turning the heavy grindstone used to grind the grain. In the palace of Ulysses, twelve slave women were also responsible for grinding the wheat; twenty went to the fountains to draw water; others worked indoors. Xenophon's little economic dialogue tells us that, on a smaller scale, the same was true of the wealthy bourgeoisie in Athens. However, we do know that their husbands often worked in the workshops with and like slaves: the lot of women could hardly have differed from that of their men.

That still leaves the category of *déclassées*, or courtesans. We are entitled to believe that their destiny was very similar to that of today's *femmes galantes*: a short period of idleness and mercenary debauchery, followed by abject poverty. We are always told about the aristocrats of the trade, about Aspasia, Lois and so on. But even among them, those who had not been thrifty ended up very badly, if we are to judge by what was said about the old age of Lois herself: "This Lois is now idle and drunk. All day long she watches those who eat and drink. Proud, in her youth, etc., she goes, now that the beautiful ensemble of her person has fallen into ruin, to drink with the first person who comes along. For her, a triobolus is a fortune; she extends her hand to everyone, etc." - The status of women was therefore extremely modest in Athens, and yet the composition of Hellenic Olympus proves that, in the early days of Greek society, women were not considered inferior.

(...)

VII - The character and mentality of Greek women.

From all the facts and information I have just cited and summarised, it is clear that, since the Homeric period, Hellenic women, women of free status, women citizens, have lived in a state of legal subjection. First subject to her father, who married her by authority, then to her husband, to whom paternal authority was passed on; confounded with property, obliged to marry the heir; treated, most often without brutality, but always as a being of inferior race, to whom education was useless, sometimes even given away on occasion by her husband, the Greek woman was perpetually a minor and subject to a master. Added to this was the fact that, semi-cloistered in a gynaeceum, she lived there with almost no contact with her male relatives. In such conditions, the Greek woman could hardly develop morally or intellectually; but she often had to acquire the shortcomings, defects and even vices that are common to the weak.

We have seen that the stronger sex had to suffer the consequences when women, or at least a good number of them, gained economic independence and were able to bring the tyrannical power of money to bear on men. - It is interesting to learn about the feelings of the stronger sex, and the judgments men made about women when, having been emancipated but having had neither the time nor the opportunity to ennoble their inferior instincts, they took unconscious revenge for their ancient enslavement. Greek writers had a very mediocre opinion of women in general.

In the Iliad, when one warrior wants to insult another, to show him deep contempt, he calls her a "woman". Thersite calls the Greeks "women". Hector, pursuing Ajax, shouted at him: "You run like a woman".

However, if Homer pays little attention to women, it is mainly from the point of view of their warrior value. Hesiod goes further: "He who trusts a woman trusts a thief". According to Hesiod, women are essentially treacherous, which is more serious than a lack of military courage. But here was a philosopher, the broadest mind in Greece, Aristotle. He establishes a gradation, according to the development of reason, between the slave, the woman and the child: "The

slave," he says, "is entirely deprived of the faculty of deliberation; the woman possesses it, but it is weak and ineffective, and the child also possesses it, but it is incomplete and imperfect. As is only natural, it is above all comic and satirical writers who have exercised their verve at the expense of women. By way of example, I would cite Menander, of whom only fragments remain, but who abounds in biting criticism of the fair sex. I will make a small anthology of them: "A girl is a very expensive asset, equally difficult to keep and to place". - There are many monsters on earth and in the sea, but the greatest of all is still woman. - "When a poor man marries a woman who brings him money, he does not take a wife, he gives himself over to hers." - "You want to get married; know that you will be very happy, if you are only a little unhappy." - Your life will be beautiful if you have no women. - Women know only one thing: what they want. - "Women destroy the most beautiful and well-ordered lives." - "A woman's jealousy sets the whole house on fire." - "The sea, fire, women: three plagues." - "Woman is the weed of life, a necessary evil." - Woman is a pain that never lets go. - There's nothing worse than a woman, even a beautiful woman. - Woman is golden rubbish". - "Women are the most charming of plagues." - For her husband, a bad wife is a storm at home. - According to scholars, most of these sayings have been falsely attributed to Menander, but they do reflect his spirit. In his comedies, Ménandre, the real Ménandre, does not fail to criticise money marriages and those who make them: "We have the money brought to the table, so that the expert can examine whether it is good money, money that will not remain in our hands for five months; and the woman who will sit in our home for the rest of our lives, we do not seek to reprove, we take her at random". - I have chosen these extracts from among many others. You could add quotations from Aristophanes or even Euripides, but the general meaning would be the same. All these comic, tragic, satirical and humorous judgements simply prove that, in the eyes of many Greeks, women were inferior, impulsive, sensual, treacherous and light. A society in which the majority of women deserved such criticism would obviously not be able to survive (12). Greek women had no public life; most lived quietly in the shadows of the gynæceum; it is therefore certain that this harsh criticism can only be aimed at a minority of women, who were not the elite of the sex. Finally, whatever the moral value of women in Greece, we can affirm that it was the work of men and conclude by saying that a country, a great society, always has the women that the men of that country and that society generally deserve (13).

Charles Letourneau, *La Condition de la femme dans les diverses races et civilisations*, V. Giard, E. Brière, Paris, 1903, pp. 408-433.

(1) It should be emphasised that the uterine filiation described here is specific to the matriarchal society of the period Bachofen calls "pre-Cecropsian", when Attica was still inhabited by those whom Letourneau describes as the "precursors" of the Hellenes and to whom he attributes a Berber origin; in any case, the pre-Hellenic substratum of Greece, which is referred to

generically as the Pelasges, was not of Indo-European origin. Maternal law was supplanted by paternal law when the patriarchal clans of Indo-European origin, such as the Dorians, Achaeans and the , took over from the Pelasges at the end of the Bronze Age (Thucydides, Peloponnesian War, 1, 12 ; Herodotus, 9) It is therefore an aberrant error of perspective to present the customs of ancient Greece without "considering their ethnic origins", i.e. without distinguishing, on the one hand, those that were typical of Pelagian populations with Dionysian cults and lunar spirituality and, on the other, those that were specific to clans of Indo-European origin, which will be rectified wherever necessary in this chapter. (NDE.)

(2) See note 1.

(3) It takes a singularly "modern" and, therefore, deranged mind to consider "the desire not to dismember family property" as a tendency based on "self-interested reasons". (NDE.)

(4) This custom dates from the decadence of Sparta, a decadence which coincided precisely with the emancipation of the Spartan woman (cf. D. Astle, The Babylonian Woe, 1975, chap. "Sparta, the Pelanors, Wealth, and Women"). (NDE.)

(5) Here again, it is not surprising that virile qualities such as austerity, warrior courage, rigid morals and frugality should appear "frustrating" to a "modern" and therefore essentially feminine mind (NDE.)

(6) See note 1 (NDE.)

(7) Callias was above all a metaclete. (NDE.)

(8) According to the descriptions of Socrates given by Plato and Xenophon, he had a squashed nose, bulging eyes and thick lips. But what betrays Socrates' non-Hellenic origins more than his physical appearance is his cosmopolitan thinking (NDE.)

(9) Let's not forget that Plato was a pupil of Socrates.

(10) The desire to base marriage on sentiment alone is one of the anti-traditional aspects of Solon's laws (NDE.)

(11) From the patriarchal point of view, legal authorisation for women to divorce is, in a patriarchal society, nothing more than a sign of feminisation and, therefore, of regression. (NDE.)

(12) More precisely, a patriarchal society in which women are not kept in their rightful place "could obviously not survive". (NDE.)

(13) The author does not understand, or pretends not to understand, that these judgments are not about Athenian women in particular but about women in general. (NDE.)

The Status of Women in Rome

I. - The family.

Historical Rome was, par excellence, the country where the paternal family system, the patriarchy, reigned and flourished to excess. On the face of it, in Rome there was no longer any question of the maternal family. However, the excessive power of the Roman pater familias was established only on the ruins of this maternal family; for the sociological law is general, and the Eternal City is no exception; only the traces of the great primitive family are neither very visible nor very numerous, and for a long time they escaped observation. (1) It took recent advances in scientific sociology to discover them. - However, the original existence of the family clan was known for a long time. It was rightly said, even before the advent of sociology, that until the Empire, the Roman State was a federation of families, large families, but represented by the patriarchal head, both magistrate and pontiff, above all master of his own. Historians have long focused their attention on this dominant figure, but the Roman family itself only slowly emerged from the consanguineous clan, the gens, in other words from a larger family, a group of real or fictitious consanguines, bearing the same name and living under an elected head. By coming together, several gentes formed the curia, which in Greek was called the phratry, and the curia, by joining together, formed the tribe, the Hellenic deme. At the dawn of history, the clans claimed a common ancestor, because male filiation already existed; but vestiges of uterine filiation still remained: they have been carefully noted.

First of all, among the Etruscans, who were the Romans' teachers, funerary inscriptions up until the imperial era sometimes name the mother alone, sometimes the mother with her child, without even mentioning the father. But many other clues follow. In the very ancient family, the composition of the family court included not only relatives in the male line, the agnates, but also the woman's cognates. The custom of *jus osculi* gave both the wife's cognates and her husband's the right to kiss her. In the temple of Mater Matuta, Roman women prayed for their sisters' children. - Certain events in Roman history also point in the same direction. After the rape of Lucretia by Tarquin, it was Brutus, the young woman's uncle, and not her father or husband, who took revenge. Finally, the Etruscan Porsenno, having to demand hostages from the Romans, asked them not for men but for women. A curious tradition seems to relate to a much more distant survival, that of a very ancient promiscuity. It is said that the Etruscan Servius was conceived during a great annual festival where, for one day, people reverted to the sexual freedom of their ancestors (2).

On the other hand, the words *pater* and *familia* had, in principle, a meaning that was not exclusively consanguineous. In Numa's time, the word *parricidium* meant not the murder of a father but the murder of any free man. The word *familia* did not refer exclusively to consanguines, but to all those whom the father had under his power, even and especially slaves. As far as inheritance was concerned, the Law of the Twelfth Table did not introduce any gender or primogeniture privileges for the division of inheritance. First, it called upon the children, including the wife, who was treated in the same way as a child, at least in cases where she, like the children, had been subject to the *manus* of the deceased. If there were no children and no wife, the closest agnate or paternal relative was called; finally, if there was no agnate or paternal relative, the closest *gentilis* was called. It is important to note how much all these provisions were at ease with consanguinity, and indeed, the son and daughter themselves ceased to be part of the family, when they were emancipated. Finally, if a citizen died intestate, his estate belonged to the family, i.e. to a group that included more than just relatives. This was because, in *familia*, the basis of kinship, of agnation, was not the marriage of father and mother, but paternal power, *patria potestas*. Agnates are all those who are under the same paternal power, who have been or could have been. Kinship is limited by paternal power and is also determined by it; with it, we see it begin and end. Thus, although not consanguineous, adopted children are nevertheless relatives; on the contrary, an emancipated son ceases to be an agnate. There is no legal kinship, of agnation, between children of the same mother, but of different fathers; on the contrary, children of the same father are parents, even though born of different mothers. In short, the word *familia* represents above all an idea of ownership, an economic idea. (3) On the other hand, the word *gens* relates to generation (*gignere*). In Greece, members of the same *genos*, identical to *gens*, were called *gennetes* and also "milk brothers". In Rome, in the primitive plebeian *gens*, there was no *pater*, no patriarchal head; a plebeian did not have a *pater*, but he did have a *genitor*. - Among the patricians, the *pater familias* is the political master of the family; he has what is known as absolute dominion over the wife, children and slaves. He was free to expose his child, kill it or sell it into slavery; if, by marrying off his daughter, he had not relinquished the *manus* he had over her, she remained his property; but he had the right to emancipate his son or daughter, in which case the children ceased to be under his paternal power. - In fact, neither the daughter nor the son had any right of co-ownership over the father's property; the father owed them nothing, either during his lifetime or after his death. All that was required to disinherit a daughter, for example, was for the father to omit her from his will, and this was the case until Justinian; for consanguinity alone did not give the daughter any rights. - Taken together and in series, all these facts bring the Roman *familia* within the general law of family evolution, as established by a vast survey covering the entire human race. In Rome as elsewhere, the consanguineous clan preceded the family that grew out of it. At the time when Rome entered history, it was undoubtedly in the midst of a patriarchal system; but expressive clues and survivals still attest to the earlier existence of a uterine filiation. Finally, even the *familia* of protohistoric Rome, subject to the despotic rule of its *pater familias*, was a political rather than a

consanguineous group. A family member is anyone who is subject either to the potestas or the manus of the father, and the father has the right to emancipate his son or daughter from the family, just as he can emancipate an adopted son. In these private arrangements, actual consanguinity hardly matters.

II. - Marriage.

As a Roman daughter was the property of her father, he naturally had the right to betroth and marry her. By promising to betroth his daughter, the father of the family was entering into a serious obligation, which, if not fulfilled, would result firstly in damages and then in a civic penalty, infamy. Roman girls were often betrothed at a very young age. A daughter of Agrippa and Pomponia was promised to Tiberius in his first year. Octavia, daughter of Claudius and Messalina, was betrothed at the age of seven. Moreover, girls came of age for marriage at a very early age; they could be married off at twelve. At this age, it was obviously not very difficult to obtain their consent, which was legally required. Moreover, the law forced marriage: in the time of Augustus, an unmarried girl without children was already subject to the penalties for celibacy and childlessness. - In the case of a married daughter, the father retained his power, if he had not renounced the manus, by marrying off his daughter; he then had the right to remarry her as he saw fit, and this lasted until Antoninus.

In order to contract a legitimate marriage, six conditions were necessary: 1° that one had jus connubii, the right to marry in general: this right existed between Latin and Roman, Latin and Latin, Peregrine and Peregrine; 2° that the parties had given their consent; 3° that they had the consent of the heads of the family; 4° that they had reached puberty; 5° that there was no kinship to the prohibited degree. A man who enters into an incestuous marriage is deemed to have neither wife nor children. In this case, the children have a mother but no father; they are not under the power of their author: they are said to be spurii (Instit. of Gaius, I, 64); 6° that the parties were not already in a state of marriage or cohabiting.

In Rome, however, there were several types of marriage recognised by law: 1° firstly, the solemn marriage, that of the Patricians, the marriage by confarration. In this form of marriage, in the presence of ten witnesses, the Grand Pontiff gave the spouses a cake of flour flower, which they shared; 2° marriage by coemptio, by purchase; this was plebeian marriage. In this case, the ceremony consisted in symbolising, before witnesses and in the presence of the praetor, a mutual sale by exchanging a small coin. The bridegroom then separated the bride's hair with the tip of a

javelin, a symbol of the ancient marriage by capture; 3° marriage by custom was the marriage of the poor; it was concluded without cost or ceremony by a simple declaration made before witnesses. After one year, this union became legal and the child born of it was legitimate and a citizen. Confraternity weddings, just weddings and patrician weddings gave the husband manus over the wife. This terrible right of manus, acquired by the husband in this way, was the equivalent of paternal power, which he succeeded. The wife in manu was legally considered to be her husband's daughter, and therefore the sister of his children; and if her husband was himself a son of the family, the wife in manu legally became the granddaughter of the Pater familias. This, in turn, extinguished paternal power, guardianship, patronage, kinship and agnatic rights with her consanguineous family. In a manus marriage, the husband became the owner of all his wife's assets, even the dowry, unless the father stipulated that the dowry would revert to him if his daughter died childless or was repudiated. - Now, the husband acquired this right to the manus by all forms of marriage, even by usus, by simply living together for a year, unless the wife took the precaution of spending three nights away from the marital home each year. Of all these various marriages, only confraternity involved religion in the celebration of the marital union; but the three forms, whether or not they marked the phases of an evolution, placed the wife at her husband's discretion, so much so that he acquired a broad right of correction over her. However, at least in aristocratic families, in serious cases the husband had to convene the family court, which even heard cases of murder committed by the wife.

However, marriage with manus also had its advantages for the wife. Without doubt, with manus, the wife had the position of a daughter in relation to her husband, but she acquired the right to it; she inherited from the husband, she even succeeded him for the whole of the property, if she was alone; for a male portion, if there were other heirs; whereas, without manus, she was entirely excluded from the succession. Gradually, however, women came to be given the right to inherit even in the absence of heirs within the degree of succession: they were then preferred to the taxman.

When the dowry was introduced, it improved the situation of married women. Initially, at least in Etruscan countries, the dowry was a remnant of hetatism, and many young girls earned it themselves by trafficking in their person. Later, and probably more commonly, it was a sum of money given to the girl by her family and entrusted to the husband, who was only to receive the interest. At first it was an optional gift, not an obligation for the parents; but the famous Julia and Popoea laws eventually imposed it on the father, in order to facilitate his daughter's marriage. As well as a financial benefit, the dowry was also a sign of honour, distinguishing the wife from the concubine. The woman without a dowry, the indotata, was despised for this very reason. As the strength of the marriage bond and the security of dowries entrusted to husbands diminished, the dowry was surrounded by guarantees and legal precautions, and the restitution of the wife's

property was stipulated in the event of divorce. The *Julia de adulteriis* law went so far as to prohibit the alienation of a wife's dowry, even with her consent. Little by little, the dowry regime was established, which clearly separated the two heritages, prohibited gifts between spouses, and forbade the wife from obliging herself for her husband or returning the dowry to him during the marriage. Justinian completed this system, but long before then, the dowry wife often inherited her father's property and even had it administered by a slave of her own, the dowry slave. Plautus had already criticised these customs in his *Asinaria*:

"*Argentum adcepi ; dote imperium vendidi*".

(I received money; I sold my power for a dowry),

said one husband. This deal was often struck, as dowry racketeers became very common. Especially under the Empire, wealthy patricians frequently reduced their husbands to the rank of servants, if they did not simply use them as what we call a "social reason" to cover up their misbehaviour. Horace tells us of the wife who ruled her husband by virtue of her dowry. Martial declares that he does not want a rich marriage: "to be married by his wife, he says, does not suit him" (*uxori nubere nolo meae*). Seneca mentions the "curled procurator", who eventually replaced the dowry slave. Finally, the last advance was the contracting of postulatory marriages, intended solely to evade the penalties for celibacy. Through the almighty virtue of money, the rich woman had thus succeeded in radically transforming ancient marriage: the woman's servitude now manifested itself only symbolically in the ceremonial of her capture: her hair parted with the tip of a javelin, the woman carried by the husband over his doorstep as she entered the nuptial home. All this archaic symbolism must have been laughable even to the sceptics and plutocrats of the time.

In protohistoric Rome, marriage was in fact indissoluble, since for more than five centuries there was no divorce in Rome and history has preserved the name of the first husband to repudiate his wife: his name was Spurius Carvilius and he sent his wife away for a demographic reason: because she was sterile. In Rome, as everywhere else, the right of repudiation was left solely to the husband. In Plutarch, we read that "Romulus gave the husband permission to leave his wife, if she had poisoned his children or falsified his keys or committed adultery, and if he otherwise repudiated her, half his property was awarded to his wife and the other half to the goddess Ceres". Plutarch neglects to mention in his list the main cause of termination of the marriage contract, the main reason for divorce in all ancient civilisations, the cause invoked by Spurius Carvilius: sterility. However, repudiation was not left entirely to the goodwill of the husband, who had to assemble and consult the family beforehand. When a marriage was solemnised by

confarration, a contradictory ceremony was required to dissolve it: *diffræatio*. Later, only one-sixth of the dowry was retained, even for the marital crime par excellence, adultery, and only one-eighth for other crimes. In line with the sociological evolution common to all countries, the bonds of Roman marriage gradually loosened. Even in the face of opposition from the censors, divorce by mutual consent (*bona fide*) was eventually introduced into Roman mores, a major step forward since it meant that women were no longer treated like slaves. Divorce legislation then regulated divorce by imposing financial penalties on the husband who had made the divorce necessary. But the adulterous husband lost only the customary terms for the restitution of the dowry; for, throughout the world, adultery was considered a criminal offence, especially in the case of women. If the wife divorced without serious grounds, the husband retained one-sixth of her dowry for each child, but only up to a maximum of three-sixths. Once everything was settled in one way or another, the formula *Res tuas abeto* was pronounced: "Take what belongs to you", and the marriage was dissolved. Even the husband's tyrannical *manus* eventually gave way and, by sending the repudium to her husband, the wife was able to force him to free her from the *manus*. Divorce thus became relatively easy. By abusing this facility, the great and the important set unfortunate examples, which were quickly imitated because they came from on high. Augustus forced Livia's husband to repudiate her, even though or because she was fat. Cicero repudiated his wife Terentia in order to collect a new dowry. Seneca speaks of women who count the years, not by the names of Consuls, but by those of their successive husbands; even a husband did not always last a year. Juvenal mentions a woman who married eight times in five years. Another woman, mentioned by Saint Jerome, married a man who, after having had twenty-three husbands, had also had twenty-three wives. But Christianity provoked a reaction by creating abuses to the contrary. Justinian forbade voluntary divorce, unless it was to devote oneself to God. No longer a civil contract, marriage had become "a union of souls".

III - Adultery and widowhood

Of the other two causes of dissolution of marriage, adultery and widowhood, I need to talk mainly about the first. In Rome, the way in which adultery was punished varied and evolved, like marriage itself. In protohistoric Rome, at the height of the patriarchal phase, adultery was the most serious offence against property, a capital offence; naturally, this meant adultery of the woman; even the term 'adultery' was then applied only to the woman, although her accomplice also played a big part. The Law of the Twelve Tables considered adultery to be a family crime. According to this law, a woman suspected or accused of adultery was brought before the domestic court, before all the cognates, undoubtedly those of her family, when she was under paternal power, since the father was long regarded as the great avenger of his daughter's adultery; but it is obvious that the marital *manus*, when it existed, had to relieve the family of the woman. Be that as it may, if found guilty by either family, the adulteress was punished by death and had

to be executed by the parents themselves, as they saw fit: *Cognati necanto, uti volent*. Laws, the *Scantinia* law and especially the *Julia* law, made adultery a public crime; but alongside these laws, family jurisdiction continued to persist until the Empire. Over time, however, the penalty was softened: capital punishment was replaced by banishment, relegation to a prison at least two hundred miles from Rome, and the woman was obliged to wear an infamous costume: the dress of courtesans.

An ancient Roman custom, which may well be prehistoric, punished adulterous women with one of those expressive penalties that especially appeal to savage populations (*sic*). It consisted of locking the guilty woman in a cubicle, where she was handed over to male passers-by, on the sole condition that these passers-by wore bells, no doubt to give publicity to this singular form of retaliation. (4) This custom apparently persisted until Theodosius, who abolished it; but perhaps it only applied to the proletarian class.

In the primitive law of Rome, the outraged husband had the right to kill the guilty party if he was caught in the act; but he was free to keep the lover for twenty hours to obtain evidence and, during this time, to torture him, even in such a special way that I cannot describe it, but which was called "*raffanisation*". Moreover, the law and public opinion did not forbid the husband to hold his lover to ransom. The law of *Julia*, published either by Caesar or Augustus, decreed capital punishment for those who soiled another's nuptial bed; but this was to be understood in cases where the act had been committed with violence, since seduction without violence was, under the same law, punishable only by confiscation of half the property, if the seducer was of honourable status, and, if not, by corporal punishment followed by relegation. In cases of *flagrante delicto*, the law of *Comelia* declares the murder of the lover to be excusable, if the lover is a slave or a man of ill repute, a matchmaker (*Leno*), an actor or a freedman of the husband or family. The outraged husband could not, on pain of infamy, continue to live with his adulterous wife, and she was excluded from temples, even those open to foreign women and slaves.

We saw earlier that, in ancient Rome, the word adultery did not apply to husbands, and we have just seen that the penalty for adultery was always more lenient for men. In reality, a married man could be prosecuted and punished for having intimate relations with a married woman, but otherwise his infidelities were of no consequence. It was not until the time of Antoninus that a husband who was guilty of adultery, i.e. having sex with a married woman, was not allowed to prosecute his wife who was also caught having adulterous sex. Plautus still regards a husband's infidelities as peccadilloes: "If this old man," he says, "indulged in pleasurable whims in secret from his wife, there is nothing extraordinary or strange about that; he did what others do", and we must believe Plante if, as he says, courtesans were as numerous in Rome as flies on a hot day.

Before leaving this subject of marriage proper in Rome, we need to examine two related facts, first widowhood and then concubinage.

In early Rome, public opinion condemned the remarriage of widows. Those who did not remarry were held in particular esteem and, in a funerary inscription, the deceased, named Cornelia, said to her daughter: "Imitate me and be only to one". It should be noted that in Rome, as elsewhere, this moral obligation to be faithful to a deceased husband was not reciprocal: the widowed man never felt morally obliged not to contract a second marriage; but it is particularly in countries with patriarchal civilisations that attempts are made to impose this duty of posthumous fidelity on the widow, a lesser survival of the widow sacrifices so common in many barbarian societies. Both obligations necessarily indicate that this was a social state in which women were extremely subordinate; they were considered the property of their husbands, who never had the idea of killing or burning themselves alive when their wives died, and who rarely even thought themselves obliged to be posthumously faithful. It is understandable that in Rome, where a wife was considered to be in the hand (*in manu*) of her husband, she was expected to continue to belong to him even after his death. At the end of the Republic, the Julia and Papia Poppoea laws, concerned above all with maintaining the population, authorised any widow with three children to receive the entire fortune of the deceased husband, and also obliged the widow to remarry within two years of her widowhood, failing which she would be subject to all the legal incapacities imposed on unmarried men.

The triumph of Christianity led to a return to the old ways of widowhood. (5) Constantine decreed pecuniary fines for the benefit of the children of the first marriage against those who contracted second marriages. The Church of the East also promulgated penalties for second marriages and made them more severe for third marriages. At the Council of Neocesarea, the Emperor Leo gave force of law to these ecclesiastical measures (Novelle XC), citing a singular reason: Man, said the recitals of the law, must not be inferior to beasts; yet "lovebirds do not bury a first union under a second". (6) Although the laws of the Lower Empire imposed the status of widow on women for all time, they nevertheless kept them in a subordinate position, and it was not until Justinian that they were granted custody of their children. Already in the Gospel, the woman, even the Virgin Mary, is as scorned by her "divine son" as Penelope in the Iliad is by Telemachus (7) and, following the example of Saint Paul, the Fathers of the Church generally held the female sex in very low esteem.

IV - The social condition.

Roman women, even and perhaps especially patrician daughters and matrons, were subjected by law and custom to the will of their fathers, husbands and parents. At first glance, and judging by the legal texts, the dependence of Roman women seems just as great as that of Greek women; yet Roman women enjoyed much greater domestic freedom. In Rome, there was no gynaeceum in the conjugal home; the wife even had to fulfil the role of mistress of the house; she could be her husband's companion and not his servant; she was always involved in his good or bad fortune; she received her friends and did the honours of the house. She attended banquets and took the place of honour; she walked the streets, went to the theatre with the men, all things forbidden to Greek women. However, at least in the heyday of the Republic, the Roman matron was not to be trusted, since the use of wine was strictly forbidden, even, it is claimed, on pain of death. What's more, to be decent, husbands had to love their wives with discretion, as Cato the Censor struck off the list of senators a certain Manilius, who, in the presence of his daughter, had kissed his wife too tenderly. It has to be said that Cato was hardly capable of committing such an excess himself, as tenderness had never been his strong point. Another Cato was no more affectionate, and he is quoted as saying that the Roman husband's power over his wife extended very far, even to lending her to a friend, which is an absolutely savage custom. Yet Plutarch attributes this brutal practice to the virtuous Cato of Utica. The details are curious in themselves. Hortensius, Cato's friend, began by asking Portia, Cato's daughter, who was already married to Bibulus and had two children, on loan: according to Plutarch, this was done for utilitarian reasons, just to have a child of a good race. Once this goal had been achieved, Hortensius promised to return Portia to her husband honestly. Cato was in no way shocked by the request, but he refused. So Hortensius fell back on Atartia, Cato's wife. Ever obliging, Cato referred the matter to Philip, his father-in-law, who also had no problem with it. A contract was therefore drawn up and concluded between the three men: Cato the husband, Hortensius the friend and Philip the father-in-law. It does not appear that Martia herself was called upon to give her opinion, from which we can infer that Cato had manus over his wife. Martia was therefore ceded to Hortensius, then repossessed, on the latter's death, by her former husband Cato: it must be said that at the time she was Hortensius' heiress and a good catch for a somewhat hooked marital manus. This transaction, so simply carried out, says a great deal about the subjection of the Roman wife, even at the end of the Republic, for Martia's loan cannot be a unique case; if the memory of it has been preserved for us, it is because it involved important people.

This complete lack of delicacy in married life did not prevent the simplicity of the olden days from prevailing. The Roman woman was expected to spin and weave, like the Greek woman, and it is said that, to set a good example, the emperor Augustus himself made a point of wearing only clothes made by his daughters and granddaughters. In early republican Rome, families, at least the patrician ones, were self-sufficient thanks to the work of slaves and women. The slave crushed the grain; the woman baked the bread and made the clothes. A good housewife was

highly prized. She was praised for being a skilled spinner and for managing her home well (Friedländer, I, 346). Little girls were taught to spin and weave (Friedländer, I, 346).

What is known in law as the civil capacity of women was virtually non-existent for as long as the Roman family, so specially instituted, existed. Women, who were always under the guardianship of their fathers, husbands or agnates, could not enter into obligations, alienate or testate property without authorisation. At first, the husband had full ownership of his wife's property. This state of affairs gradually changed, however, and the husband ended up giving his wife free disposal of his personal property, except for the portion allocated to the expenses of the marital home. It even came to the point where legal prohibitions were circumvented: a father emancipated his daughter to a complaisant friend; a husband emancipated his wife by will, giving her the right to choose a guardian, and so on. So much so that, after Diocletian, no vestige of the old guardianship of women remained and marriage, far from chaining rich women, gave them almost unlimited freedom.

But alongside and below Roman marriage, which had long been so rigid for women, Roman law tolerated and even recognised a less solemn form of sexual union, a kind of free marriage that had nothing in common with the just marriage of the patricians: I am referring to concubinage. The Roman concubine was an intimate union between people who could not legally marry. Often the concubine was a person of dubious reputation or servile status: a freedwoman, a slave, etc. The Julia and Papia Poppea laws expressly authorised concubinage: in reality, it was a marriage of inferior quality. Concubinage indicated paternity, but the child followed the mother's condition and for the father it was also only a natural child; it did not enter his family and did not inherit from him. Finally, in concubinage, there was no dowry as in true marriage. Until Justinian, concubinage was mainly practised between the master and a freed slave, and was protected by law. Constantine had authorised the legitimisation by marriage of children born to a free concubine, provided the man had no legitimate children. Justinian allowed legitimisation even in the latter case, but prohibited it if the woman was a slave freed by her master and already had other children.

V. - Education.

On the other hand, in art, poetry, science and philosophy, it did little more than imitate its intellectual teacher, Greece. It is therefore natural that in Rome little attention was paid to giving girls an intellectual education. For a long time, mothers brought up their daughters alone, trying

to pass on to them the traditional tastes and skills of a good housewife as well as a few notions about religion and religious practices: family life took the place of school education. Girls were married when they were still playing with dolls and the rest was up to the husband, who was above all preoccupied with dominance and usually armed with the manus. It was not until the century of Augustus that there were any girls' schools in Rome, where middle-class families could send their children every morning. The young patrician girls were, like their brothers and often with them, brought up by tutors in their father's house. This distinguished education was purely literary; the aim was to furnish the memory of the young girls with selected figures and passages. They were also taught music and dance. The slow, rhythmic Roman dances gave the girls a noble bearing and a graceful gait, advantages that were highly prized. Music, or at least vocal music, played a significant and necessary role in women's education, because, following the example of Greece, Rome often included young girls in public ceremonies, whether religious, civic or funeral. Under Augustus, some patrician women acquired what was then considered a superior culture, i.e. high-level rhetoric and knowledge of a particular system of philosophy, sometimes the doctrine of Epicurus, sometimes that of Porticus, etc. Plutarch affirms that Cornelia, the patron saint of the Roman Empire, was the first to acquire this knowledge. Plutarch asserts that Cornelia, first the wife of Crassus, then of Pompey, was a musician, well read, had attended courses in philosophy with profit and even studied geometry, then the science of sciences, as always happens as long as the sciences of observation are in their infancy. All in all, however, it is fair to say that at no period in its history did Rome provide its women, of whatever status, with an education that would develop them mentally and put them in a position to behave in a healthy and reasonable manner when the subjection to which they had been subjected for so long came to an end. (8) That time came, however, for women of a certain class, and he found them very ill-prepared.

Slowly at first, but then rapidly, the lot of noble and especially wealthy women changed greatly.

Women's financial rights and freedom of action were considerably extended from protohistoric Rome to the Lower Empire, but they were never granted civic rights under the Republic or the right to rise to sovereign power under the Empire. The daughters of emperors were simply given an apanage, a tax-free piece of land. It was only in the Eastern Empire that women were able to ascend the throne, but by then there were no civic rights for anyone. - Citizens were transformed into enslaved subjects, no longer even aware of their political and moral degradation. (9)

VI - The mental value of women in Rome.

The very brief picture I have just painted, with supporting documents, of the situation of women in ancient Rome, from protohistoric Rome to the Late Empire, shows us that, in the family, in marriage and in high society, the status of Roman women slowly evolved from servile subjection to ever greater freedom, and finally even to licence. But it should not be forgotten that the abundant and precise information on this subject left to us by Roman antiquity mainly concerns women of the upper classes, either by birth or by money. In the petty bourgeoisie, in the proletariat, women have led an obscure existence, which has left no trace other than tombstones, on which widowed husbands eulogise their virtues in a banal and uniform manner. One husband, however, did not hesitate to engrave the following joyful epitaph: "On the day of her death, I showed my gratitude to the gods and to mankind"; but most funerary inscriptions, on the contrary, praise the chastity, the homely nature of the deceased, even their qualities as good nurturers, and it would seem that on average they are telling the truth. But the satirists are not lying either, when they point out the deportations of rich women at the end of the Republic and under the Empire, their futility, their mad spending, their cold cruelty towards their slave servants, (10) their pathological and erotic whims for gladiators, athletes, mimes, etc., their need to distinguish themselves by buying dwarfs, monsters, etc. at crazy prices (11).

Seneca must have been an accurate chronicler when he recounts that, in order not to be despised by the ladies, it was necessary to have some gallant affair of good taste, or at least to make a pension to a married woman. Martial is undoubtedly truthful when he criticises a fashionable woman for being composed of nothing but lies and for wearing hair that grows on the banks of the Rhine. He is perhaps not wrong when he says to a husband: "Your wife calls you a 'maid runner'; she herself runs the litter bearers: the one is worth the other".

But these are the morals that we still see around us in every large modern city; they are the morals of a minority of morally inferior women (it took only a few decades, of course, for this "minority" to become a majority) who are degraded and, for a variety of reasons, have large sums of money at their disposal, which they are radically incapable of putting to good use. The men who frequent them, who admire them, who often defray their luxury and their unhealthy fantasies, are not of a more elevated species. They are all the same, just as their analogues were in imperial Rome. In all times and in all countries, the production of this class of eccentric degenerates and unintelligent enjoyers is a morbid phenomenon. In the social body, as in the individual organism, parasitism presupposes and activates some tendency to decomposition.

Roman greatness, which was not moral or intellectual, was based on a centuries-old abuse of power, quiet iniquity and the despoiling of the vanquished.

Early republican Rome had not thought of training its women for war and saw them above all as instruments of procreation. A speech by the censor Metellus Numidicus, urging his fellow citizens to marry, gives us a clear picture of this state of mind: "If we could live without women, we would save ourselves so much trouble; but, since nature intended that we could neither live peacefully with a woman nor live without one, let's worry more about the perpetuity of our nation than about happiness during such a short life". Since women were considered to be a necessary evil, laws and customs had accordingly organised their domestic slavery and made for them a way of life totally unsuited to their development; moreover, they were not considered to be perfectible beings.

This state of affairs had not been incompatible with primitive Roman simplicity; but when the modest city of Romulus had become a sumptuous capital, the Eternal City, gorged with the spoils of the known world, at the same time a great industrial and commercial centre, there was no longer any question of the old customs, except in the elucidations of the rhetors; then political power and money engendered each other in the hands of a morally very inferior class, without distinction of sex. The satires of the poets and the objurgations of the moralists during Rome's decadent phase were aimed particularly at the women of this class. Neither of these, however, is sufficient to establish that Roman women were essentially inferior to their male companions.

Charles Letourneau, *La Condition de la femme dans les diverses races et civilisations*, V. Giard & E. Brière, Paris, 1903, pp. 434-457.

(1) As in the previous chapter, the failure to take account of the difference in nature between the pre-Indo-European ethnic substratum and the people of Indo-European origin who later took over from it leads the author to treat the subject as if there had been continuity of civilisation between the former and the latter. This treatment, even though it is undeniable that Etruscan elements infiltrated and aggregated with Roman civilisation proper during its formation, is absurd. To give an idea of its absurdity by a sort of a *contrario* example, it would amount, once the ongoing replacement of the native European population by populations of non-European origin has been achieved, to considering, for example, that exotic polygamy has gradually replaced bourgeois monogamy on this continent, without taking into account the fact that polygamy is specific to populations that are not of the same race as the natives. (NDE.)

(2) Etruscans, that is. The orgiastic ecstasies and Dionysian abandonments referred to here refer to the cult, specific to the gynococracy, of the Great Mother in her aphrodisiac aspect, against

which Rome constantly took coercive measures. See <http://la-dissidence.org/2012/12/27/julius-evola-les-meres-et-la-virilite-olympienne/> (NDE.)

(3) "an idea of property", certainly, but not an exclusively "economic" idea, far from it, since the right to property was strictly reserved for the male members of a *genos*, i.e. the patricians, and was thus intrinsically linked to blood, to a qualitative factor. (NDE.)

(4) In fact, in most of the Indian tribes of North America, "In the event of adultery on the part of the wife, without the consent of her husband (the opposite case was provided for), he was free to punish her or not. Sometimes he bit off her nose, or cut off all her hair and sent her away disgraced", E. A. Vail, *Notice sur les Indiens de l'Amérique du Nord*, Paris, A. Bertrand, 1840, p. 203) (NDE.)

(5) A return to the old ways, of course, but in a completely different spirit: the Church's prohibition on widows remarrying, except "to the Church", was motivated by the theft of inheritance. In the Christian Empire, the laws were as "favourable to wills made in favour of the Church" as they were "contrary to those made in favour of private individuals, whether religious or ecclesiastical". The emperor Valentinian [321-375] published a law forbidding clerics and all those who professed continence from receiving anything from the estate of widows or religious women, not even by trust"; he went so far as to forbid monks and ecclesiastics from entering the homes of widows. The Church did not oppose this law, as it stipulated that widows' wills were to be made for the sole benefit of the Church (*Ancienne et nouvelle discipline de l'Église, touchant les bénéfécies et les bénéféciers, extraite de la " Discipline " du R.P. Thomassin, Osmont, 1702, p. 113*). Ladies' earwig", the nickname given by Ammianus Marcellinus, Faustinus and Marcellinus the Luciferian to Damasus (c. 315-384), himself the promulgator of a law "severely forbidding clerics to do anything that might resemble the taking of an inheritance" (*Codex Theodos., lib. XVI de episc. lex xx Valentiniani I. Constitutio ad Damasum episc. U. R. Lecta in ecclesiis urbis Romæ, 29 jul. 370, with the commentary of Godofredus*)" (J. A. Möhler, *Histoire de l'Église, tome premier*, Gaume Frères et J. Duprey, Editeurs, 1868, p. 564), shows the extent to which this pope in no way forbade himself what he forbade his subordinates. (NDE.)

(6) There is no limit to the chutzpah with which the representatives of the Church have always been able to cover up their unbridled greed with fine words designed to move the "good souls" and ponderous theological turns of phrase designed to impose them on the "thinkers". (NDE.)

(7) Telemachus reminds his mother of her duties as a wife. Jesus never calls Mary of Nazareth "mother" and does not even recognise her as such ("Woman, what is there between me and you?", John 2:4).

(8) The wisest and most reasonable commentary on the education of girls in modern times, applied to a subject other than "happiness", is as follows: "Will a man make his companion his servant? Will he deprive himself of the greatest charm of society? To enslave her better, will he prevent her from feeling or knowing anything? Will he turn her into a veritable automaton? On

the contrary, she wants them to think, to judge, to love, to know, to cultivate their minds as well as their faces; these are the weapons she gives them to make up for the strength they lack and to direct ours. They must learn many things, but only those they need to know.

(...)

On the good constitution of mothers depends first that of their children; on the care of women depends the first education of men; on women depend their morals, their passions, their tastes, their slow pleasures, their very happiness. So the whole education of women must be relative to men. To please them, to be useful to them, to be loved and honoured by them, to bring them up young, to care for them as adults, to advise them, to console them, to make their lives pleasant and gentle: these are the duties of women in all times, and what they must be taught from childhood. As long as we do not go back to this principle, we will stray from the goal, and all the precepts we give them will be of no use to their happiness or ours". (J.-J. Rousseau, *Émile ou De l'éducation*, livre V, Paris, Pourrat Frères, Editeurs, 1841, p. 21). Education develops and fosters the worst faults of feminine nature, while it stifles and distorts the best qualities of boys (NDE.)

(9) Although this is no more than an observation, it seems to be the flash of lucidity sometimes enjoyed by most male individuals blindly attached to the emancipation of women, to the extension of their rights with a view to equalising their status with that of men in the legal, political, social and economic spheres, when they are forced to recognise the harmful, disastrous consequences of the emancipation of women in a patriarchal society. (NDE.)

(10) Needless to say, these slave servants were black (NDE.)

(11) There's no need to dwell on the striking similarities between that era and our own - and, for that matter, all those in which, in a society of patriarchal essence, the feminine element comes to predominate - in this respect (NDE.)

BERSERKER

BOOKS

