CLOSELY WATCHED HOUSEHOLDS: VISIBILITY, EXPOSURE AND PRIVATE POWER IN THE ROMAN *DOMUS**

> Think of your brothers, think of your mother and your aunt, think of your child, who will not be able to live once you are gone. Give up your pride! You will destroy all of us! None of us will ever be able to speak freely again if anything happens to you![1]

In the prison diary kept before her execution in the spring of 203, the 22-year-old Roman *matrona* Vibia Perpetua recorded a disturbing encounter with her father, who had come to visit her on the eve of her audience with the proconsul Hilarianus. The father is reduced to tears and pleading, behaviour rarely attested by a Roman father to his child. The episode is well known, yet it touches on dimensions of life in the Roman household, and of the role of the *paterfamilias* within it, that have yet to be fully understood.

What did Perpetua's father mean when he warned that 'none of us will ever be able to speak freely again'? That a *paterfamilias* should be accountable for the conduct of his dependants does not surprise. Roman men were expected to show themselves impervious to 'womanly influence' — the self-interested persuasion of wives, lovers (whether male or female) and other objects of their affection — as a way of broadcasting their willingness to

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[1] 'Aspice fratres tuos, aspice matrem tuam et materteram, aspice filium tuum qui post te vivere non poterit. depone animos; ne universos nos extermines. nemo enim nostrum libere loquetur, si tu aliquid fueris passa': *Passio of Perpetua and Felicitas*, §5, in Herbert Musurillo, *The Acts of the Christian Martyrs* (Oxford, 1972), 112–13 (trans. Musurillo).

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place the common good ahead of private interest.[2] The present study considers another aspect of the calculated performance of domestic virtue by Roman men, the terms on which they laid their households open to scrutiny by peers and rivals. Roman law and custom accorded far-reaching powers to the property-owner and head of household, so it is perfectly logical that mechanisms for evaluating his performance in that capacity should have evolved. Far from being contained or excluded, the *dominium* of the *pater-familias* benefited from substantial protection. Many of the duties of a man in public office were accomplished by drawing on resources which he owned or controlled in his capacity as a private citizen. Indeed, I shall argue, it is precisely because the powers centred on the *domus* were so important to the Romans that the *domus* was placed under such intense scrutiny.

It has become a truism that to understand the Roman family, one must first of all understand the Roman institution of *patria potestas*. Much valuable work in recent years has cast light on this institution, calling attention especially to the multiple identity of the *paterfamilias* as biological father of legitimate children and as wielder of *potestas* over these and over his slaves.[3] (From the time of Augustus to the fall of Rome his wife, as the daughter of another man, fell outside the sphere of the husband's *potestas*.)[4] The *pater-familias* was also *dominus*, an owner of private property, which could include slaves, buildings, land, animals and objects of various kinds.[5] Indeed the meaning of *paterfamilias* as owner of property carried so much semantic weight that the term could be used to describe landowners who were childless men or even women.[6] This said, the emblematic *paterfamilias* was both property-owner

[2] Kate Cooper, 'Insinuations of Womanly Influence: An Aspect of the Christianization of the Roman Aristocracy', *Jl Roman Studies*, lxxxii (1992); pp. 151–5 concentrate on the rhetoric of masculine self-mastery in the earlier Empire.

[3] The work of Richard P. Saller has been especially important in this respect, beginning with his '*Patria Potestas* and the Stereotype of the Roman Family', *Continuity and Change*, i (1986); the most relevant of Saller's more recent contributions can be found in the following footnotes.

[4] At issue here is the waning of *manus* marriage in the first century BC: Susan Treggiari, *Roman Marriage: 'Iusti Coniuges' from the Time of Cicero to the Time of Ulpian* (Oxford, 1991), 35.

[5] For this sense of *dominus*, see *Thesaurus Linguae Latinae*, s.v. *dominus*, I.B.

[6] Richard Saller, '*Pater Familias*, *Mater Familias*, and the Gendered Semantics of the Roman Household', *Classical Philology*, xciv (1999), on 'landowner' as the principal meaning of *paterfamilias*, referring to women as well as men; see also Antti Arjava, 'Paternal Power in Late Antiquity', *Jl Roman Studies*, lxxxviii (1998).

and the father of children. This assimilation of paternity to ownership is central to Roman thought on the household. The focus of the present study, however, is the identity of the *paterfamilias* as *dominus* rather than as father in the biological sense.

The competition for authority among Roman men involved both common-sense jostling and finely judged mechanisms of honour.[7] The private establishment of a *dominus* involved many elements that were crucial to his ability to attain high standing among his peers, leading in the best of circumstances to public office. Foremost, it was critical to have at his disposal a physical space, the *domus*, appointed in a way that would impress his peers and show himself and his family to advantage. *Domus* referred in Latin both to a physical building and to the cluster of people, paradigmatically but not exclusively kin, who lived there,[8] and we have already seen that in an ideal world the *dominus* was possessed of the right sort of dependants, both slaves and children, to go along with the house. Understood as an extension of the *domus* itself were also whatever holdings a man had at his disposal, ideally including rural estates and other money-making enterprises such as brick-works, mines and quarries that could be classed, at least for the purposes of argument, as a means of gaining a living from the land.[9] (The wealth of merchants and other men in trade was also held indiscriminately from their household goods, but in discussing them we have passed beyond the pale of the Roman ideal.)[10]

It was all to the good if the wherewithal of a man's private holdings could be mobilized on behalf of his city or even the Roman state. A man's private power reached out wherever possible to intertwine with the execution of public business: even quintessentially public ventures such as games and civic building projects

[7] J. E. Lendon, *Empire of Honour: The Art of Government in the Roman World* (Oxford, 1997); Carlin A. Barton, *Roman Honor: The Fire in the Bones* (Berkeley, 2001). The latter study is especially valuable in exploring our sources for the internalized emotions of honour, without which the more social and tactical dynamics of reciprocal recognition explored in the present essay would have had no force.

[8] Richard P. Saller, '*Familia*, *Domus*, and the Roman Conception of the Family', *Phoenix*, xxxviii (1984). On the mixed population in an urban *domus*, see Andrew Wallace-Hadrill, 'Domus and *Insulae* in Rome: Families and Housefuls', in David L. Balch and Carolyn Osiek (eds.), *Early Christian Families in Context: An Interdisciplinary Dialogue* (Grand Rapids, 2003).

[9] The point is made by M. I. Finley, *The Ancient Economy* (London, 1973), 58.

[10] On the Greek and Roman failure to distinguish between personal and business wealth, and its consequences for the ancient economy, see *ibid.*, 114–17.

were managed through the *domus*, whether of the aristocrat-patrons who paid for them or of the emperor.[11] The blurring of institutional and private means used by public men to 'get the job done' when in office reflects a distinctively Roman synergy between the state and the household.

Women had their place, too, in the landscape of competition for honour. They did not participate directly in the *cursus honorum*, the ladder of offices on which men rose to political prominence, but they could and did act in an official capacity. The role sometimes played by elite women as public benefactresses or official representatives of cities[12] underlines the blurring of private power and public authority which we have seen above.[13] Since Roman women could own property in their own right (some modern estimates place 40 per cent of Roman land in female hands),[14] this is a point that should not be neglected. But the *domus* was not perceived as exclusively or even principally the sphere of women. Rather, it was the domain proper to the *dominus*, the individual Roman landowner. Although the landowner might in fact be a *domina*, in symbolic terms the *dominus* was resolutely male, and we have seen above that he was frequently imagined in the guise of

[11] Lendon has assembled epistolary evidence showing magistrates collecting in-kind contributions of stone for public buildings which they intended to erect: Lendon, *Empire of Honour*, 209; see also Frank Frost Abbott and Allan Chester Johnson, *Municipal Administration in the Roman Empire* (Princeton, 1926), 94–9, on *munera patrimoniorum*, the public works projects and entertainments funded privately by individuals. Nicola Mackie, *Local Administration in Roman Spain, AD 14–212* (Brit. Archaeol. Repts, internat. ser., clxxii, Oxford, 1983), 118, discusses the priorities for use of public funds.

[12] See, for example, Elizabeth Forbis, 'Women's Public Image in Italian Honorary Inscriptions', *Amer. Jl Philology*, cxi (1990); J. Nicols, 'Patrona Civitatis: Gender and Civic Patronage', *Latomus: Studies in Latin Literature and Roman History*, v (1989); Riet van Bremen, *The Limits of Participation: Women and Civic Life in the Greek East in the Hellenistic and Roman Periods* (Amsterdam, 1996); Mary Taliaferro Boatwright, 'Plancia Magna of Perge: Women's Roles and Status in Roman Asia Minor', in Sarah B. Pomeroy (ed.), *Women's History and Ancient History* (Chapel Hill, 1991); Emily A. Hemelrijk, 'City Patronesses in the Roman Empire', *Historia*, liii (2004).

[13] Hemelrijk, 'City Patronesses in the Roman Empire', 225, suggests that a woman like Fulvia or the so-called 'Turia' could mobilize elements of 'rank, wealth, and reputation, and . . . wide social network of relatives, clients, friends, acquaintances, and friends of friends' in a way very similar to the process documented by Lendon for men, despite her limited access to the political, judicial and military channels of power available to men.

[14] For a summary of recent secondary literature on this point, see Kate Cooper, *The Fall of the Roman Household*, Cambridge Univ. Press, forthcoming.

the *pater*. A woman generally played a dual role. On the one hand, she was protagonist in the drama of her own honour, while on the other, she played a supporting role (or sometimes a role as antagonist) where her husband or father was at centre stage. A wife generally stood at a disadvantage to her husband in the exercise of authority, even where she was, de facto, also a *domina-paterfamilias*. Most husbands had greater symbolic and practical access to the means of gaining honour and authority than did their wives, although an heiress, or the daughter of a powerful father, could prove an exception to the rule.

A defining characteristic of the successful *dominus* was his ability to elicit visibly willing recognition of his authority from subordinates within the household system.[15] Although a hierarchical relationship was asymmetrical where power was concerned, the ideal of reciprocity required that *recognition* of both authority and accountability be symmetrical. If symmetrical recognition was withheld by the inferior partner, the superior partner's standing was accordingly undermined. The *domus* was a testing ground for a man's ability to sustain relationships of reciprocity with dependants and allies.

We see this clearly in another Christian source, the First Letter to Timothy written in the name of the apostle Paul, probably by a second-century bishop:

> This is a true saying, if a man desire the office of bishop, he desires a good work. A bishop then must be blameless, the husband of one wife, vigilant, sober, of good behaviour, given to hospitality, inclined to teach. Not given to wine, no striker, not greedy of filthy lucre, but patient, not a brawler, not covetous; one who rules well his own house, having his children in subjection with all gravity (for if a man know not how to rule his own house, how shall he take care of the church of God?).[16]

[15] C. A. Gregory, *Savage Money: The Anthropology and Politics of Commodity Exchange* (Amsterdam, 1997), 7–8 and 23–6, on the importance of reciprocal recognition, with summary and critique of the classic views of Louis Dumont, *Homo Hierarchicus: The Caste System and its Implications*, trans. Mark Sainsbury (Chicago, 1970), on household polity.

[16] 'πιστὸς ὁ λόγος. εἴ τις ἐπισκοπῆς ὀρέγεται, καλοῦ ἔργου ἐπιθυμεῖ. [2] δεῖ οὖν τὸν ἐπίσκοπον ἀνεπίλημπτον εἶναι, μιᾶς γυναικὸς ἄνδρα, νηφάλιον, σώφρονα, κόσμιον, φιλόξενον, διδακτικόν, [3] μὴ πάροινον, μὴ πλήκτην, ἀλλὰ ἐπιεικῆ, ἄμαχον, [4] ἀφιλάργυρον, τοῦ ἰδίου οἴκου καλῶς προϊστάμενον, [5] τέκνα ἔχοντα ἐν ὑποταγῇ μετὰ πάσης σεμνότητος· (εἰ δέ τις τοῦ ἰδίου οἴκου προστῆναι οὐκ οἶδεν, πῶς ἐκκλησίας θεοῦ ἐπιμελήσεται;)': 1 Tim. 3:1–5 (ed. Westcott and Hort).

The point here is that a man earns his standing in a community by governing his own house *kalōs*, in a manner consonant with shared ideas of virtue. If the children, for example, are inclined to be disobedient, it is the sign of a profound social failure: the father's failure to educate and perhaps his failure to behave in a way that would command the respect of his subordinates. That the text derives from a Christian source is not in itself significant; we find in Cicero and Seneca a mosaic of similar sentiments.

Each participant in both *domus* and *familia* had greater or lesser scope for action according to his or her status, but even the least could obstruct the smooth running of the unit. Just as fathers could abuse their authority, wives, children and slaves could withhold the kind of socially visible obedience that was crucial to men's standing. Thus in families not blessed with perfect harmony, there was always the danger that, as in the case of Vibia Perpetua, a dependent member of the group could make his or her dissent known to a wider audience. This was the real danger of Christianity, as of any other voluntary association, to the Roman social order: such groups could serve as a breeding ground for 'rival cognitions', interpretations of hierarchy favouring the subject position of the subordinate.[17] Left unchecked, rival cognitions could destabilize a social system.

We have already seen the humiliation of Perpetua's father as he pleaded with her to accept the governor's offer to drop charges. Not only in her defiance before the governor but even in her willingness to describe the scene, it seems that Perpetua's self-understanding as a Christian visionary allowed her to expose what the better-socialized members of her family preferred to hide. It is unusual, too, that the shame of Perpetua's father is recorded in writing, and that considerations of decorum did not prevent its transmission. Even if it was not difficult to let the neighbours know that things at home were going badly, it was rather more difficult to get them noticed in a way that would be reflected in the evidence available to later historians. This was no accident.

[17] Here again post-colonial anthropology is helpful, for example Gregory, *Savage Money*, 25–8, and C. A. Gregory, 'Cowries and Conquest: Towards a Subalternate Quality Theory of Money', *Comparative Studies in Society and Hist.*, xxxviii (1996), 203, citing Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi, 1983).

As Robert Kaster has argued, the 'high-wire act' of Roman *pudor* included 'a safety net of tacit complicity'.[18] Among friends and family not only sentiment but self-interest required that every effort should be made to shield the other from shame. 'The revelation that a friend was ethically deficient implied that you had misplaced your friendship . . . this impulse toward self-protection applied *a fortiori* to members of your own household, whose exposure to *pudor* implicated you in still more intimate ways'.[19] Violation of *pudor* could serve as an effective weapon against enemies; we see this most vividly in the splendid attacks of Cicero on Antony and Clodia among others.[20] For precisely this reason, families made every effort to resolve disputes quietly wherever possible.

This means that our sources for conflict within the household are thinner than we might wish, especially for the period before the extension of Roman citizenship. From the third century forward, however, a change in the evidence is visible. Important here are kinds of source material that are either new or better represented in late Antiquity, such as Christian sources, papyri and imperial rescripts. Each of these kinds of source offers a window into areas generally kept from view by the 'safety net of tacit complicity'.

The remainder of this essay considers first the spatial grammar of the *domus* as a stage for performance of authority by the *dominus*, with special reference to the late Republic and early Empire. Next, I discuss the dangers posed to our understanding of the extramural visibility of the household by a simplistic use of the modern vocabulary of 'public and private spheres'. Finally, I consider briefly the distinctive source materials available for the later Empire, suggesting that they reflect a changing moral economy with respect to the private power of the *paterfamilias*.

I

EXTRAMURAL AND INTRAMURAL AUDIENCES

A well-known story about the famous republican *tribunus plebis* Livius Drusus shows the awareness of constant scrutiny in a

[18] Robert A. Kaster, 'The Shame of the Romans', *Trans. Amer. Philol. Assoc.*, cxxvii (1997), 11, 15.

[19] *Ibid.*, 16.

[20] Cicero, *Second Philippic against Antony* and *Pro caelio*, with Anne Leen, 'Clodia Oppugnatrix: The Domus Motif in Cicero's *Pro caelio*', *Classical Jl*, xcvi (2000–1).

happier light than does the story of Perpetua's father. Writing in about AD 30, Velleius Paterculus recorded a discussion between Drusus and the architect whom he had engaged to build his house in Rome, on the slope of the Palatine Hill overlooking the Forum, on the site that would later belong to Cicero:

> the architect offered to build it in such a way that he would be free from the public gaze, safe from all espionage, and that no one could look down into it. He replied, 'If you have any skill you must build my house in such a way that whatever I do shall be seen by all'.[21]

I have used the phrase 'the public gaze' in the English translation here, which appears in Shipley's evocative rendering but not in the original Latin,[22] because I suspect, as we shall see below, that Shipley inadvertently set off a historiographically significant chain reaction among scholars considering this passage.

Drusus and his architect here speak for contrasting ways of using domestic architecture to enhance social dominance. As the architect suggested, one might wish to control when and how one was viewed by others: the power to shield oneself from the gaze of others was a luxury. On the other hand, visibility on one's own terms was an asset well worth cultivating. As Andrew Wallace-Hadrill has put it, 'A public figure went home not so much to shield himself from the public gaze, as to present himself to it in the best light'.[23] (Note Shipley's phrase 'the public gaze'.) Drusus, however, saw things differently. With his disdain for the risks of exposure, he showed himself to be above the self-protective considerations of lesser men. His advice to his architect can be seen as the rhetorical equivalent of conspicuous consumption, the ostentatious 'expenditure of superfluities' which Veblen saw as a central competitive strategy of the late nineteenth-century leisure class.[24]

[21] 'promitteretque ei architectus, ita se aedificaturum, ut liber a conspectu immunisque ab omnibus arbitris esset neque quisquam in eam despicere posset, tu vero, inquit, si quid in te artis est, ita compone domum meam, ut quidquid agam, ab omnibus perspici possit': Velleius Paterculus, *Compendium of Roman History: Res gestae divi Augusti*, trans. Frederick W. Shipley (Cambridge, Mass., 1961), II. 14. 3. I have modified Shipley's translation slightly. The passage is discussed both by Andrew Wallace-Hadrill, 'The Social Structure of the Roman House', *Papers of the British School at Rome*, lvi (1988), 46, and by Susan Treggiari, 'The Upper-Class House as Symbol and Focus of Emotion in Cicero', *Jl Roman Archaeol.*, xii (1999). Velleius Paterculus notes that Cicero later lived in the same house, or a house on the same site.

[22] *liber a conspectu* means 'free from being seen', without the nuances introduced by 'from the public gaze'.

[23] Wallace-Hadrill, 'Social Structure of the Roman House', 46.

[24] Thorstein Veblen, *The Theory of the Leisure Class: An Economic Study in the Evolution of Institutions* (New York, 1899), pp. iv, 76.

The strategy of maximum visibility was perilous, of course. This was part of its power. As Velleius Paterculus well knew, the point had been brought home by the murder of Drusus, in 91 BC, in the forecourt of the very house where he had wished to be watched and envied.[25]

The story of Drusus explicitly refers to the extramural audience of the *domus*, but implicitly it calls attention to the fluid relationship between external and intramural performance. If we imagine the *domus* as populated during the morning levee (*salutatio*) by business and political colleagues and at mealtimes by participants in the social rituals of aristocratic hospitality, and then add the standing cast of characters including slaves, client freedmen and others enacting the business of the head of household, we can begin to see that the audience before which the drama of the *domus* was played was considerable, and that it was of mixed composition. Members of the household appeared as part of the cast of characters on display to the individuals who passed through the portal of the *domus*; these visitors became, at least temporarily, a part of the intramural performance at the same time as they were its principal audience. Both architects and literary men were keenly aware of how important it was to attract, and impress, influential visitors.

It is to the dynamics of visibility, access and exposure within the physical space of the Roman *domus* that I now turn, beginning, of necessity, with Vitruvius. At first glance, Vitruvius seems a natural source to support a reading of the household as a 'public space'. Where his first-century *De architectura* touches on domestic architecture, it is to the commercial and political dimensions of domesticity that emphasis is given. (Indeed, Vitruvius shows such acute awareness of the role of the house and its decoration in a man's claim to social and political standing that Yvon Thébert has compared him to the modern sociologist Erving Goffman, known for his work on status, face and 'one-upmanship'.)[26] But we shall see

[25] 'in area domus suae'. The *Thesaurus Linguae Latinae* defines *area* in this passage as '[*locus*] *ante vel ab utraque parte aliorum aedificiorum* [sc. than *templorum*]'; I have rendered it as 'forecourt' by analogy with the *area* of a temple, but the location of the *area* of the house in question is in fact unknown.

[26] Yvon Thébert, 'Private Life and Domestic Architecture in Roman Africa', in Paul Veyne (ed.), *A History of Private Life*, i, *From Pagan Rome to Byzantium*, trans. Arthur Goldhammer (Cambridge, Mass., 1987), 321.

below that the passage in fact supports the view of the *domus* as a private space in which public business was sometimes conducted.

It was a gesture of respect to visit the house of another, and the higher one's standing, the more likely one was to receive others as a host than to be received by them as a guest. The literary sources tell us that maintaining a *domus frequentata*, a house where high-ranking visitors could be found, was an important indicator of a man's honour as well as a pragmatic necessity for his success in business.[27] It was at the morning *salutatio* that men of rank conducted both official and commercial business, including adjudication of disputes among dependants. The host was, literally, on his own ground, and this coloured the nature of any encounter with his guests.

Vitruvius' well-known distinction between two types of rooms in a *privatus aedificium*, the *propria* and the *communia*, calls attention to this issue of control and access:[28]

> For into the *propria*, rooms such as bedrooms, dining rooms, baths, and others which have similar purposes, no one can come uninvited. The *communia* are those, such as vestibules, courtyards, peristyles, and other rooms of similar use, into which, though uninvited, persons of the people can come of their own accord.[29]

The *communia* were rooms into which the uninvited could wander, and in which clients and business associates would routinely congregate. But correct mediation of access was important to the accountability of the *dominus*, and it had an aspect of the public interest where the *dominus* was in public office. (Although Pliny's letters famously refer to his urban residence as the place he wishes to avoid on account of the hubbub of business, Cicero prided himself on being routinely available in the *communia* of

[27] Saller, '*Familia*, *Domus*, and the Roman Conception of the Family', 352; see also Lendon, *Empire of Honour*, 44.

[28] A recent study by Kristina Milnor has attempted to clarify what she calls 'the dichotomy between public and private building' in Vitruvius: Kristina Milnor, *Gender, Domesticity, and the Age of Augustus: Inventing Private Life* (Oxford, 2005), 106. The present essay suggests a rather different view, that both the *communia* and the *propria* of the household were 'private' as the Romans understood the concept, even where they were intentionally visible and strongly associated with 'male' activity.

[29] 'Namque ex his quae propria sunt, in ea non est potestas omnibus intro eundi nisi invitatis, quemadmodum sunt cubicula, triclinia, balneae ceteraque, quae easdem habent usus rationes. Communia autem sunt, quibus etiam invocati suo iure de populo possunt venire, id est vestibula, cava aedium, peristylia, quaeque eundem habere possunt usum': Vitruvius, *De architectura*, ed. and trans. Frank Granger, 2 vols. (London, 1931–4), VI. 5. 1 (translation emended).

his own house rather than retreating to the *propria*.)[30] Scholars frequently refer to the 'public' rooms in Vitruvius.[31] The distinction he makes here between *communia* and *propria* is one of access, while in a subsquent passage he mentions rooms in the *domus* that are *comparable* to the rooms of a public building, a comparison that it was in the interest of the *dominus* to emphasize.

After a brief discussion of how the needs of each of the professions should be accommodated architecturally — stalls in the vestibule for farmers with agricultural produce or livestock to sell, or imposing lecture rooms 'with sufficient space to accommodate an audience' in the houses of advocates and professors of rhetoric — Vitruvius goes on to specify that men of standing will require space appropriate to their official duties:

> but for persons of high rank, who hold offices and magistracies, and whose duty it is to serve the citizens, we must provide princely vestibules, lofty halls and very spacious peristyles, plantations and broad avenues finished in a majestic manner; even libraries and basilicas arranged in a way that bears comparison to the magnificence of public structures, because, in such houses, public deliberations and private trials and judgements are often transacted.[32]

The urban house described by Vitruvius was designed to enhance the *auctoritas* of the head of household as he presided over a variety of functions. This meant that possession of the right premises could assist the public man in his rise through the *cursus honorum*. To possess *vestibula*, *tabulina* and *atria* was a sign not only of the wealth needed to build them, but a self-fulfilling prophecy of the social standing which would make them necessary. In *De architectura*, reception rooms are understood not only as a business asset, but as mimicking the visual cues of public architecture in a way that supported the *dominus* in minimizing the distinction between public authority and private power.

[30] 'It was a disgrace to skulk in one's house when there was private or public business to be done': Treggiari, 'Upper-Class House', 42, with discussion of the opprobrium attached to the failure to make oneself available to clients and political associates.

[31] See, for example, Susan Treggiari, 'Home and Forum: Cicero between "Public" and "Private"', *Trans. Amer. Philol. Assoc.*, cxxviii (1998), 4.

[32] 'nobilibus vero, qui honores magistratusque gerundo praestare debent officia civibus, faciunda sunt vestibula regalia alta, atria et peristylia amplissima, silvae ambulationesque laxiores ad decorem maiestatis perfectae; praeterea bybliothecas, basilicas non dissimili modo quam publicorum operum magnificentia comparatas, quod in domibus eorum saepius et publica consilia et privata iudicia arbitriaque conficiuntur': Vitruvius, *De architectura*, vi. 5. 2 (trans. Granger, with emendation).

Recent scholarship on the material premises of the Roman household has emphasized the visual cues of decoration and the alignment of space as a medium through which the *dominus* could make visible his claim to status.[33] Much of the discussion has centred on the atrium–peristyle house, an elite form best attested in the Italy of the late Republic and early Empire. This form of dwelling included rooms arranged around two main points of focus. Towards the front of the house stood the atrium, a large high-ceilinged space which was often centred around an *impluvium* open to the sky, and towards the rear of the house a peristyle, or open courtyard lined with columned porticoes. The atrium served as a venue both for business and patronage activities such as the *salutatio*, and — presumably at different times — for the wool-work of the *materfamilias* and her maids, as well as for children at play.[34] This said, the *materfamilias* was often in evidence in the midst of 'masculine' business; already in the first century BC Cornelius Nepos had noted it as a point of difference between Romans and Greeks that the *matrona* could be found moving throughout the house, rather than confined to a *gynaecaeum*.[35] A *tablinum* or alcove off the atrium close to the front of the house served as the office of the *dominus*. *Triclinia* or dining rooms, less immediately accessible to the visitor, served as the main venue for commensality or for more intimate discussion with invited guests. Not only architecture and rich decoration,

[33] A summary of this scholarship can be found in Shelley Hales, *The Roman House and Social Identity* (Cambridge, 2003). Isabella Baldini Lippolis, *La domus tardoantica: forme e rappresentazioni dello spazio domestico nelle città del Mediterraneo* (Bologna, 2002), offers an invaluable catalogue of attested houses built or renovated in later Antiquity from both Eastern and Western empires, with plans based on excavation reports where available; the variety of house types attested in this empire-wide census reminds us that even in the earlier period, the 'ideal' atrium–peristyle house known from Pompeii was only one of many house types.

[34] See Andrew Wallace-Hadrill, 'Houses and Households: Sampling Pompeii and Herculaneum', in Beryl Rawson (ed.), *Marriage, Divorce, and Children in Ancient Rome* (Canberra, 1991), 227, for literary references, and Lisa Nevett, 'Perceptions of Domestic Space in Roman Italy', in Beryl Rawson and Paul Weaver (eds.), *The Roman Family in Italy: Status, Sentiment, Space* (Canberra, 1997), 283–5, on methodological issues.

[35] On the observation of Cornelius Nepos (*Lives of the Outstanding Foreign Generals*, preface, 6–7) that the Roman *matrona* characteristically moves about freely in the spaces of male social and business life, see Michele George, 'Repopulating the Roman House', in Rawson and Weaver (eds.), *Roman Family in Italy*, 305 n. 13, and Wallace-Hadrill, 'Social Structure of the Roman House', 50–1. On the *matrona*'s reception of guests, see Treggiari, *Roman Marriage*, 420–4.

but dishes and cutlery of precious metals carried the message.[36] Again, women as well as men were involved in the conviviality of the *triclinium*.

Sight-lines into such houses — both from the street and as the visitor progressed deeper into the *domus* — were carefully judged, as will be recognized by any passer-by whose eye has been fascinated by the glimpsed interior courtyard of an early modern Roman or Florentine *palazzo*.[37] As a matter of course, the doors of an aristocratic *domus* stood open; that they did not in times of mourning was deemed worthy of note. Vitruvius' distinction between *communia* and *propria*, physical spaces within the *domus* which were open to a visitor without invitation as against those requiring permission of the inhabitant, offers a key to understanding the gesture of dominance conveyed by the architecture of the great urban residence. Spatial articulation and scale were employed along with decoration to send visual cues establishing the power dynamics of access within the *domus*, distinguishing between the grand rooms to which both invited guests and uninvited visitors would be admitted, and the less accessible but not necessarily less ornate rooms where guests would be entertained by invitation.

The open aspect of the *domus* offered the prospect of inclusion to an outsider, but on terms set by the *dominus* and within limits imposed at his whim.[38] We have seen above that one of the many responsibilities of the *dominus* was to consider, and ideally to manage, the exposure of his dependants to the constant social discipline of scrutiny by peers and rivals. His own *domus* was therefore a crucial platform for the *dominus*, since in principle it offered the background against which he had his best chance to be seen as he wished to be seen. Mark Grahame has suggested that the high status associated with the ability to penetrate into the limited-access areas was accompanied by an equal and opposite privilege of invisibility. To enjoy freedom of movement without having to

[36] Simon P. Ellis, 'Late-Antique Dining: Architecture, Furnishings and Behaviour', in Ray Laurence and Andrew Wallace-Hadrill (eds.), *Domestic Space in the Roman World: Pompeii and Beyond* (Jl Roman Archaeol., suppl. ser., xxii, Portsmouth, 1997), drawing on Sidonius (fifth-century Gaul) and Macrobius (late fourth- or early fifth-century Rome) for descriptions of late Roman dining.

[37] Bettina Bergmann, 'The Roman House as Memory Theater: The House of the Tragic Poet in Pompeii', *Art Bull.*, lxxvi (1994); see also John R. Clarke, *The Houses of Roman Italy, 100 BC – AD 250: Ritual, Space, and Decoration* (Berkeley, 1992).

[38] Wallace-Hadrill, 'Social Structure of the Roman House', 52–8.

interact with or be seen by others except at one's own discretion was a valuable asset to men and women trained in mutual scrutiny.[39] To the degree that they allowed intimates and members of the household to disappear from view and reappear at will, the *loca propria* offered an important advantage within the *domus* to those privileged with access.

In thinking about the aristocratic *domus*, it is important to remember the interaction between the articulation of space and the hierarchy of human personnel, especially the archaeologically invisible but omnipresent *servi*.[40] The visitor's experience would have been mediated, beginning with the doorman or *ostiarius*, traditionally identified as occupying a *cella* off the *fauces* or vestibule,[41] by domestic personnel whose function it was to assist but also to control his or her engagement with the space.[42] The eye could be drawn towards or diverted from certain sight-lines through the space by strategically placed domestic slaves standing duty as 'living barriers',[43] steering even invited visitors away from areas intended not for display or *negotium* but for the highly privileged *otium* of the *dominus* and his (or her) intimates, or for domestic use by women, children and slaves. Even the free members of the household were painfully aware of the eyes of the *servi* constantly watching them. We know from Augustine's *Confessions* that his mother Monnica years later told her son the story of how her own youth had been marked by the spiteful comment of an *ancilla* who knew too much,[44] while the fifth-century *Life of Melania the Younger* describes the senatorial heiress Melania's

[39] Mark Grahame, 'Public and Private in the Roman House: The Spatial Order of the *Casa del Fauno*', in Laurence and Wallace-Hadrill (eds.), *Domestic Space in the Roman World*, 145, citing Michel Foucault, 'Space, Knowledge and Power', in Paul Rabinow (ed.), *The Foucault Reader: An Introduction to Foucault's Thought* (Harmondsworth, 1977). Grahame's analysis draws on Newman's notion of 'defensible space': Oscar Newman, *Defensible Space: Crime Prevention through Defensible Design* (London, 1972), and Hillier and Hanson's methodology of 'access analysis': Bill Hillier and Julienne Hanson, *The Social Logic of Space* (Cambridge, 1984).

[40] Wallace-Hadrill, 'Social Structure of the Roman House', 78–9.

[41] Michele George, '*Servus* and *Domus*: The Slave in the Roman House', in Laurence and Wallace-Hadrill (eds.), *Domestic Space in the Roman World*, 19.

[42] Bergmann, 'Roman House as Memory Theater'.

[43] Wallace-Hadrill, 'Social Structure of the Roman House', 78.

[44] Patricia Clark, 'Women, Slaves, and the Hierarchies of Domestic Violence: The Family of St Augustine', in Sandra R. Joshel and Sheila Murnaghan (eds.), *Women and Slaves in Greco-Roman Culture: Differential Equations* (London, 1998). See also the evocative study by Brent D. Shaw, 'The Family in Late Antiquity: The Experience of Augustine', *Past and Present*, no. 115 (May 1987).

efforts to dissuade her chaperones, probably trusted female servants, from reporting her to her parents when she begins to engage in Christian ascetic practices.[45]

Being able to control when and how one would be on view to others served among other things as a status indicator. The *servi* themselves had least to lose in this game, since they stood lowest in the hierarchy of access to space.[46] As Michele George has argued on the basis of both archaeological remains and textual sources such as Apuleius' *Metamorphoses*, household slaves often did not have assigned spaces within the *domus*, and slept outside the doors of the bedrooms or at the foot of the beds of the free inhabitants of the *domus*, and sometimes in the portico of the peristyle.[47] What emerges from both Grahame's and George's work is, to put it simply, the desirability of not having to be on view all the time. High status brought with it the ability to control the temporal and spatial terms of one's visibility, while low status meant having to be available to others at times and in spaces of their choosing rather than of one's own.

We shall see below that the attempt by the *dominus* to use the *domus* as a controlled setting for self-display was counterbalanced by a tendency of rivals, and of representatives of the public interest, to try to see through his attempts to guide the eye. Indeed, where the *domus* was 'closed' to the public eye, the suspicion was that the *dominus* had something to hide.[48]

II

THE HISTORIOGRAPHIES OF 'PUBLIC' AND 'PRIVATE'

We may now consider what light our attention to the *domus* as a stage for the cultivation of private power can cast on what has recently been thought of as its 'public dimension'. It should be noted that up until now I have used the term 'public' strictly in the sense of civic or state business; this has been a conscious choice.

[45] *Vita Melaniae Junioris*, ed. Denys Gorce (Paris, 1962), §2 (pp. 32–3).

[46] On the role of *servi* in the status hierarchy of the household, see Richard P. Saller, 'The Hierarchical Household in Roman Society: A Study of Domestic Slavery', in M. L. Bush (ed.), *Serfdom and Slavery: Studies in Legal Bondage* (London, 1996).

[47] George, '*Servus* and *Domus*', 22; George, 'Repopulating the Roman House', 316.

[48] On the suspicion attached to hidden activity, see Robert McQueen Grant, 'Charges of "Immorality" against Various Religious Groups in Antiquity', in R. van den Broek and M. J. Vermaseren (eds.), *Studies in Gnosticism and Hellenistic Religions Presented to Gilles Quispel on the Occasion of his 65th Birthday* (Leiden, 1981).

This stringency of usage runs against an increasingly influential current of scholarship. English-speaking archaeologists and social historians over the past decade have begun to speak of the 'public dimension' of the *domus*, a concept present in studies by Andrew Wallace-Hadrill and others on the physical space of the *domus*[49] and in the excellent work on the Roman family by scholars such as Susan Treggiari, Richard Saller and Beryl Rawson.[50]

This line of inquiry has both implicitly and explicitly explored the parallels between the upper-class household of the Roman period and that of early modern and nineteenth-century Britain and Europe.[51] It will be suggested here, however, that the proper use of the modern historiography of public and private is as a foil against which Roman difference should be discovered. Not only ancient but modern historians, I shall suggest, have something to learn from the clarity and complexity of Roman thinking on the place of the *domus* in the wider social fabric, and on the tension obtaining between private power and the public interest.

[49] Wallace-Hadrill, 'Social Structure of the Roman House', along with Andrew Wallace-Hadrill, *Houses and Society in Pompeii and Herculaneum* (Princeton, 1994), and Andrew Wallace-Hadrill, 'Rethinking the Roman *Atrium* House', in Laurence and Wallace-Hadrill (eds.), *Domestic Space in the Roman World*. Wallace-Hadrill's work has elicited a number of intelligent responses, among them Grahame, 'Public and Private in the Roman House', and Andrew M. Riggsby, '"Public" and "Private" in Roman Culture: The Case of the *Cubiculum*', *Jl Roman Archaeol.*, x (1997). Note that Thébert, 'Private Life and Domestic Architecture', 353, observes that speaking of 'public' space within the *domus* is 'convenient, if not strictly accurate', before embarking on an influential thirty-page discussion of 'public' space within the household.

[50] So, for example, Rawson and Weaver (eds.), *Roman Family in Italy*; Richard P. Saller, *Patriarchy, Property and Death in the Roman Family* (Cambridge, 1994). Treggiari, 'Home and Forum', offers a valuable consideration of the *domus* as a symbol of the 'private', though without explicit consideration of the competing aspects (e.g. open–hidden versus communal–individual) of the public–private binary.

[51] Perhaps most explicit is Milnor, *Gender, Domesticity, and the Age of Augustus*, 29: 'The Romans shared with the Victorians, as well as many other ancient Mediterranean societies, a tradition of dividing gender roles along the line between public and private spheres'. Wallace-Hadrill, 'Social Structure of the Roman House', 56–8, 94–6, compares the Roman household to the eighteenth-century English country house as discussed in Mark Girouard, *Life in the English Country House: A Social and Architectural History* (New Haven, 1978). Grahame, 'Public and Private in the Roman House', 138–9, 143–4, invokes the work of Leonore Davidoff and Catherine Hall, 'The Architecture of Public and Private Life: English Middle Class Society in a Provincial Town, 1780 to 1850', in Derek Fraser and Anthony Sutcliffe (eds.), *The Pursuit of Urban History* (London, 1983). I do not wish to challenge the specific point made by Wallace-Hadrill and others that the Roman household had more in common with its counterpart in eighteenth-century Britain than with that of a century later; rather, I mean to suggest that the entire comparison should be approached with caution.

Here it will be convenient to make a historiographical detour. In order to explain why borrowing the now dominant 'public–private' binary lends confusion rather than precision to our thinking about the Romans, I shall offer a brief consideration of the main developments in the discourse I mean to critique, with a suggestion of how the Roman case throws up the analytic poverty of the discourse itself.

In thinking about 'the public' and 'the private', the instincts of English-speaking scholars have been schooled by two powerful currents in the study of eighteenth- and nineteenth-century Britain and Europe, one centred on the idea of 'separate spheres' for men and women and the other on the idea of 'the public sphere' (*die Öffentlichkeit*) as defined by Habermas. Both ideas have been developed in terms specific to the rise of the capitalist nation state, and although the two historiographies are distinct, both depend on an idea of the modern industrial economy as requiring media of 'public opinion' such as the free press. Here, *Öffentlichkeit* is understood as the bourgeois sphere of communication and opinion-making, allied with a collective, impersonal commercial interest and standing free of the state. The 'separate spheres' debate again sees the commercial interest as requiring specific communicative technologies, with the male sphere an 'open' sphere of communication and trade defined against a 'closed' female sphere of home and family.

Historians of women and the family have wrestled for decades with an idea of 'separate spheres' for women and men, derived from the primary sources from Georgian to Victorian Britain. It has been twenty years since Davidoff and Hall showed that the nineteenth-century notion of a 'male' sphere comprising business and politics as against a 'female' sphere of home and children whose only economic role was as consumers masked a far more complicated social and economic reality;[52] it has also been noticed that the domestic sphere served as an important setting for the negotiation of masculine authority.[53] The terms 'public' and

[52] Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780–1850* (London, 1987).

[53] See, for example, John Tosh, *A Man's Place: Masculinity and the Middle-Class Home in Victorian England* (London, 1999); Thomas Laqueur's review in *Jl Mod. Hist.*, lxxiii (2001) offers a useful assessment of Tosh's impact on the 'separate spheres' thesis. For an earlier period, see Elizabeth A. Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (Harlow, 1999).

'private', however, can each mean a number of rather different things at the same time. Critics of the 'separate spheres' thesis have argued that while a rhetoric of 'public and private spheres' certainly existed in eighteenth- and nineteenth-century sources, the binary holds little analytic value for scholars.[54] Slippage among diverging meanings has played havoc with twentieth- and twenty-first-century scholarship in much the same way as it gave flexibility and power to eighteenth- and nineteenth-century rhetoric.[55]

More influential in recent years has been the idea, developed by Jürgen Habermas, of the 'public sphere'.[56] In his *Strukturwandel der Öffentlichkeit*, first published as the author's *Habilitationsschrift* in 1962 and translated into English in 1989,[57] Habermas argued that in the early modern period an increasing availability of investment capital in conjunction with a need for stable international markets and the rise of print fostered a discourse of 'public opinion' (*öffentliche Meinung*) that was more able to stand free of the emerging 'depersonalized state authority'[58] than could an aristocracy whose very existence depended on the personal favour of an individual monarch. Modern nation states may not differ from the Romans in trying to establish a politically stable environment in which long-distance trade can flourish, but the strategy of the 'public sphere', based as it is in technologies of bourgeois communication and opinion-making, is distinctively modern.

[54] Lawrence E. Klein, 'Gender and the Public/Private Distinction in the Eighteenth Century: Some Questions about Evidence and Analytic Procedure', *Eighteenth-Century Studies*, xxix (1995); see also Amanda Vickery, 'Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History', *Hist. Jl*, xxxvi (1993), for a useful historiographical overview.

[55] In the late Victorian period, for example, women running for office in local government (decades before they were able to vote themselves) made active use of the idea of the domestic sphere as 'closed' or 'hidden' as one of the points in favour of female candidates, arguing that public policy with respect to the needs of women and children required an expertise inaccessible to their male counterparts; see Patricia Hollis, *Ladies Elect: Women in English Local Government, 1865–1914* (Oxford, 1987), discussed by Jane Lewis, 'Separate Spheres: Threat or Promise?' (review essay), *Jl British Studies*, xxx (1991), 108–10.

[56] On the intersection of the distinct historiographies of 'separate spheres' on the one hand and 'the public sphere' on the other, see Dena Goodman, 'Public Sphere and Private Life: Toward a Synthesis of Current Historiographical Approaches to the Old Regime', *History and Theory*, xxxi (1992), esp. 14–17.

[57] Jürgen Habermas, *Strukturwandel der Öffentlichkeit* (Darmstadt, 1962), trans. Thomas Burger as *The Transformation of the Public Sphere* (Cambridge, 1989).

[58] The phrase is Thomas Burger's rendering: *Transformation of the Public Sphere*, 19.

We shall see below that the Romans drew the distinction between 'the public' and 'the private' not principally in terms of communication, but rather in terms of proprietary interest. This meant that production and commerce fell, along with the household, on the 'private' side of the divide. This is partly because they were not capitalists. Just as they had no idea of reinvesting profit in order to expand manufacturing infrastructure,[59] so they had no idea of the need to keep politics stable so that commercial interests would not be disrupted.[60] It was not until the eighteenth century that Bernard Mandeville's *Fable of the Bees* argued that 'private vice' — by which he meant the self-interest of individuals in the pursuit of profit — could serve the greater good; in Antiquity, the emphasis was on arguing the utility to individuals of pursuing the common good, and greed was simply greed.[61] The Romans, in short, had no 'public sphere' as modernists use the term. It follows too, however, that they had no 'private sphere' either. A perfectly understandable need to distinguish the Roman idea of 'the private' from the modern 'private sphere' may be at the root of the misleading tendency to speak of the 'public household'.

The line drawn by the Romans between 'public' and 'private' affairs thus fell at a different point on the spectrum from household to empire than it did in eighteenth- and nineteenth-century Europe. Trade and production, for example, were classed in the Roman imagination along with the household as an aspect of 'private' enterprise, while *publicus* was a term reserved for civic, religious and other matters proper to the common interest of the *populus* or *res publica*. Private interest was everywhere, reaching across the Empire's full spectrum of business, from agriculture,

[59] A point made by Finley, *Ancient Economy*, 115–22.

[60] I do not mean to suggest that political instability could not have disastrous economic consequences, however: see, for example, the vivid account of the fifth-century downward spiral in Bryan Ward-Perkins, *The Fall of Rome and the End of Civilization* (Oxford, 2005), 128–37.

[61] This is by no means to suggest that market theory had no ancient or medieval history. See Gloria Vivenza, 'Virtù aristocratiche ed etica commerciale', *Economia e storia*, new ser., ii (1996), 39–41, and Gloria Vivenza, 'Roman Thought on Economics and Justice', in S. Todd Lowry and Barry Gordon (eds.), *Ancient and Medieval Economic Ideas and Concepts of Social Justice* (Leiden, 1998), 327. In an article entitled 'Monetary and Market Consciousness in Thirteenth and Fourteenth Century Europe' in the same volume, Joel Kaye discusses how consideration of Aristotle's *Nicomachean Ethics* on the beneficial effect of 'the binding and balancing effects of economic exchange' influenced the emergence of market theory in the later Middle Ages (p. 398).

production and trade through the negotiation of marriage alliances that fuelled the careers and consolidated the estates of the great landowners.[62]

If we wish to understand the watchful attitude of the Romans to the *domus*, it suffices to point to its pivotal economic role as the 'organizational umbrella' for Roman private enterprise.[63] The *domus* was the stronghold of the Roman landowner, the *dominus*. The Roman city, and indeed the Roman state, were dependent on *domus* and *dominus* for economic viability and demographic regeneration; at the same time, where it went unchecked, the private power of the *dominus* could undermine the health of both city and Empire. The threatening vitality of private power, so crucial to understanding social relations in the Roman period, is not a point which modern historiographies of the household have tended to stress.

The great balancing act of Roman politics was to harness the private interest of the *dominus* to the interest of the *res publica*. Public life, primarily an aristocratic male enterprise, was constituted by civic, provincial and empire-wide offices undertaken — whether by election or by appointment — on behalf of the public trust. The notion of 'the public' denoted the sphere of communal benefit, of what was proper to the Roman *populus* as a whole, a formally defined 'neutral zone' where the conflicting private interest of individuals, families and other associations was mediated by the technologies of civic *consensus*, by ritual, by political competition and by tradition. A man who had attained the status of tribune — by military service in early Rome, or by birth or recommendation under the Empire — was eligible to embark on a career as a *vir publicus* or public man. The *privatus*, by contrast, was literally a deprived man, without tribunician status and therefore unable to participate fully in the protection of the common good, or the ceremonial and political doings of the *res publica*.[64] At best, public and private interest could be made to coincide, but the danger posed to *populus* and *res publica* by the interest of *domus* and

[62] On marriage alliances, see Suzanne Dixon, 'The Marriage Alliance in the Roman Elite', *Jl Family Hist.*, x (1985), and Treggiari, *Roman Marriage*, ch. 4.

[63] On the household as the 'organizational umbrella' for trade and production, see Helen M. Parkins, 'The "Consumer City" Domesticated? The Roman City in Elite Economic Strategies', in Helen M. Parkins (ed.), *Roman Urbanism: Beyond the Consumer City* (London, 1997).

[64] For the anxiety occasioned by loss of tribunician powers, see Lendon, *Empire of Honour*, 56.

dominus was never far from the surface.[65] The *domus* remained symbolically 'private' even when the *dominus* made it available for use on state business: indeed, his gesture underlined the interdependence of public and private interest, and the dependence of the state on private co-operation (see Figure 1).

It is perfectly reasonable that archaeologists have not seen things this way, because when we try to envisage the two aspects of the extramural sphere in spatial terms, the spatial metaphor breaks down. A strong symbolic line was not drawn between commercial and political space in the Roman city: one need only think of the Basilica Julia in the Roman Forum, comprising both shops and the centumviral court. If we visualize the spheres of social engagement in spatial terms, we shall find it difficult to identify a symbolic distinction within the extramural sphere (see Figure 2). It was not an accident, of course, that venues for commercial exchange were often closely associated with the administration of justice. The commercial sphere was the area of most concentrated overlap between public benefit and private interest.

How, then, can we visualize the articulation of 'public' and 'private' interest in the Roman city?[66] By comparison to the existing paradigm, we find that the line between 'public' and 'private' has moved out of the *domus* and into the forum. We can conceive of the distinction we are trying to draw in the way shown in Figure 3.

In the specifically Roman sense, the household did indeed have a 'public dimension', at least for Roman elites, since it was the backdrop against which men engaged in what was essentially a lifelong campaign for positions of public authority.[67] We have also

[65] Cooper, 'Insinuations of Womanly Influence'.

[66] To propose a spatial articulation is in one respect misleading, since when the Romans set aside space for a given interest, the appropriation was understood as limited, sometimes to alternate use within a temporal cycle, but always as a concession by the *communitas*, which could in theory reappropriate what was rightfully its own. John Scheid, 'La spartizione sacrificiale a Roma', in C. Grottanelli and N. F. Parise (eds.), *Sacrificio e società nel mondo antico* (Rome, 1988), offers the vocabulary of *communitas* and *societas* as a valuable alternative to the public–private binary for considering these tensions; this study came to my attention too late to receive full consideration in the present article. See also Peter Birks, 'The Roman Law Concept of Dominium and the Idea of Absolute Ownership', *Acta Juridica*, ii (1985).

[67] This is an aspect of the *domus* which has been well understood in recent scholarship, particularly of the late Republic and early Empire. See Timothy Peter Wiseman, '*Conspicui postes tectaque digna deo*: The Public Image of Aristocratic and Imperial Houses in the Late Republic and Early Empire', in *L'Urbs: espace urbain et histoire (Ier siècle av. J.-C. – IIIe siècle ap. J.-C.)* (Collection de l'École française de Rome, xcviii, Rome, 1987), and Werner Eck, '*Cum dignitate otium*: Senatorial *Domus*

(cont. on p. 24)

seen in the passage cited from Vitruvius that elites were called on to use their houses for state business. The presentation of the Theodosian Code itself to the Roman senate took place in a private house, the urban residence of Anicius Acilius Glabrio Faustus, in 438.[68] Criminals being held for trial were frequently released to the custody of respected householders.[69] More informally, plaintiffs would bring cases before powerful *domini* for adjudication. Access to public justice was limited, even for the comparatively powerful;[70] the version of justice to which most Romans had access was the informal weighing of claims by a locally based *patronus*.[71]

III

RECIPROCAL SCRUTINY WITHIN AND BEYOND THE HOUSEHOLD

Having sought to understand the tension between the private interest represented by the *domus* and the public interest of *civitas* and *res publica*, we may now consider the problem of how the public interest could be represented within the *domus*. If the *domus* was understood as the symbol of private interest, it also played an important part in regulating that interest, so its workings needed to be subject to scrutiny and even correction. The Roman state can be understood as a tenuously thin net of public authority spread across a swarming hive of private interest.

(n. 67 cont.)
in Imperial Rome', *Scripta Classica Israelica*, xvi (1997). On the late Roman *domus*, see Dirk Schlinkert, *'Ordo Senatorius' und 'Nobilitas': die Konstitution des Senatsadels in der Spätantike* (Stuttgart, 1996), 132–44.

[68] A fact recorded in the *gesta senatus* discovered in 1820 and printed with modern editions of the Theodosian Code.

[69] On domestic imprisonment, see now Julia Hillner, 'Domestic Imprisonment and Monastic Penance in Justinian's Novels', *Jl Early Christian Studies*, xv (2007).

[70] See now Christopher Kelly, *Ruling the Later Roman Empire* (Cambridge, Mass., 2004), ch. 4, on the problem of regulating access to justice in provincial government in late Antiquity. See also Dennis E. Trout, *Paulinus of Nola: Life, Letters, and Poems* (Berkeley, 1999), 190–1, on the inability of even fourth-century senators to gain reliable access to public justice.

[71] Jill Harries, *Law and Empire in Late Antiquity* (Cambridge, 1998) discusses the difficulties associated with access to public justice, and late Roman strategies, such as recourse to private arbitration (ch. 9) or episcopal audience (ch. 10), for securing less expensive and more durable solutions to disputes. Indeed, Traianos Gagos and Peter van Minnen, *Settling a Dispute: Toward a Legal Anthropology of Late Antique Egypt* (Ann Arbor, 1994), suggest that 'Private settlements . . . seem to have put the courts out of business altogether. There is hardly any positive evidence for the use of the courts to settle disputes after about A.D. 500' (p. 41).

(n. -1 cont.)

FIGURE 1

THE SPHERES OF ROMAN SOCIAL ENGAGEMENT

Extramural (*civitas*)		Intramural (*domus*)	
Political	Commercial	Open (*palam*)	Hidden (*secretum*)

FIGURE 2

EXTRAMURAL AND INTRAMURAL SPACES

Extramural (*civitas*)		Intramural (*domus*)	
Political	Commercial	Domestic: open	Domestic: hidden
law court ← *forum* → market		*communia*	*propria*

FIGURE 3

ROMAN IDEALS OF 'PUBLIC' AND 'PRIVATE': A NEW PARADIGM

	Extramural (*civitas*)		Intramural (*domus*)	
	Political	Commercial	*communia*	*propria*
Existing paradigm	'Public sphere' (including 'public household')			'Private sphere'
New paradigm	Sphere of **public interest**	Sphere of **private interest**		
		Strong regulation by public authority	Weaker regulation by public authority	Beyond the reach of public authority

Note. The line between 'extramural' and 'intramural' is in all cases drawn from the point of view of the *domus*.

Certainly the legal provisions surrounding the *domus* envisaged its core activities of production and reproduction as essential to the public interest,[72] and it is clear that Roman jurists saw the well-being of dependants within the household, and especially the creation of conditions which fostered the fertility of women and the survival of their children, as a matter of civic importance. Ideally, of course, the *paterfamilias* would regulate his own behaviour with reference to an inherited idea of *pietas*. In his evocatively titled 1994 study *Patriarchy, Property and Death in the Roman Family* and other publications, Richard Saller has attempted to correct what he suggests has been an overemphasis by historians of the family on the father as a figure of fear. Roman kinship relations, he argues, were governed by cultural norms of mutual obligation rather than legalistic assertion of the rights of the powerful.[73] Yet where family members failed to be guided by *pietas* in their actions, the law could be brought to bear.

The concern of magistrates — and of the emperor himself — to protect the interests of children against abuse of paternal power is evident in a series of imperial rescripts preserved in the *Codex Justinianus*, dating predominantly from the third century and addressed to individuals involved in legal disputes with their kin. These have been studied recently by Judith Evans Grubbs, who suggests that the kinds of domestic conflict documented in the rescripts may not be so different from what one can glean from the more fragmentary sources from the earlier Empire.[74] In a number of these third-century cases, fathers attempt to dissolve the unions

[72] Annapaola Zaccaria Ruggiu, *Spazio privato e spazio pubblico nella città romana* (Rome, 1995), with Annapaola Zaccaria Ruggiu, '*Maestas urbis*: il contributo dell'architettura privata all'immagine pubblica della società pubblica', in Robert Bedon (ed.), *Les Villes de la Gaulle lyonnaise* (Caesarodunum, xxx bis, Limoges, 1996).

[73] In a more recent study, Saller has argued that too great a reliance on analysis of juridically defined relationships is misleading where ancient writers in fact saw a fluid and unceasing negotiation of roles based in the daily interactions of the *domus*. 'A systematic study of language and behaviour of the Romans, I will argue, does not suggest highly differentiated roles based on opposition of sentiments toward paternal and maternal kin, except in certain limited circumstances. On the contrary, fine distinctions of kinship were commonly elided by the Romans, whose identity was based above all on the symbols and hierarchical social relations of the *domus*': Richard P. Saller, 'Roman Kinship: Structure and Sentiment', in Rawson and Weaver (eds.), *Roman Family in Italy*, 10.

[74] Judith Evans Grubbs, 'Parent–Child Conflict in the Roman Family: The Evidence of the Code of Justinian', in Michele George (ed.), *The Roman Family in the Empire: Rome, Italy, and Beyond* (Oxford, 2005), 126; see also pp. 123–5.

of happily married daughters in order to regain control of the girl's dowry. Although it would seem to be the father's prerogative to arrange for the divorce of the girl if she was *in potestate*, from the mid second century the emperors tended to find in favour of the child. Similarly, where a child was disinherited for disobeying the parent's wishes, although disregard of a parent's wishes was frowned upon, a child who believed the parent's motives to be unjust could bring suit on the grounds that the will was undutiful (*inofficiosum testamentum*).[75] But another case, a rescript of Diocletian and Maximian addressed to a husband whose wife's parents have taken her into custody against his (and, as he sees it, her) will, offers a hint of the difficulty of obtaining justice: 'If your wife is being held by her parents against her will, our friend the governor of your province — after you have approached him for help — will relieve your desire, following the woman's own wish when she has been brought forth'.[76] The offer of help will certainly have been welcome, but we should remember that the unhappy husband, who has already shepherded his case through the system of appeals to seek and obtain the advice of the emperor himself, must now return to the provincial governor, who had presumably refused him justice at an earlier stage of the process. Each step in this sequence was time-consuming and perilously expensive.

A late hagiographical romance, the *passio* of Saint Anastasia, explores a different kind of problem, the breakdown of domestic consensus between husband and wife, and opens the question of how Christian networks changed the configuration of access to justice in domestic situations. This text tells the story of a senatorial *matrona* of Diocletian's day, although as evidence it only really tells us what the author thought readers of his own time, probably the late fifth or early sixth century, would accept as plausible.[77] Anastasia's troubles begin when she takes a vow of continence and, clad in ostentatiously humble dress (*vilissimo habitu*),

[75] *Ibid.*, 112–17, citing *Codex Justinianus*, III. 28. 18, V. 4. 7, V. 17. 5.

[76] 'Si invita detinetur uxor tua a parentibus suis, interpellatus rector provinciae amicus noster exhibita muliere voluntatem eius secutus desiderio tuo medebitur': *Codex Justinianus*, V. 4. 11, as cited by Evans Grubbs, 'Parent–Child Conflict in the Roman Family', 118.

[77] Baudouin de Gaiffier, 'Un prologue hagiographique hostile au décret de Gélase?', *Analecta Bollandiana*, lxxxii (1964), links the *passio*'s prologue to the *Decretum Gelasianum* produced around the turn of the fifth to sixth centuries.

begins to visit Christian prisoners, all without consulting her husband, the pagan Publius. In this instance, the enraged husband has Anastasia imprisoned within the *domus* on a charge of magic and sacrilege (*veluti magam atque sacrilegam*).[78] A significant detail here is that the guards are instructed to keep Anastasia away from the windows: 'Then, inflamed with anger, her husband Publius set guards in his house, instructing that they should not allow Anastasia so much as to crave access to any window, however small'.[79] Publius explicitly wishes her not to see out (*adspectare*), but he clearly also wishes to avoid her being seen. Nonetheless, our heroine is able to make her situation known to the Christian community, by using a female servant to carry letters to the priest Chrysogonus. As the story develops, Anastasia's access to the Christian community's network of prayer and material assistance — a network to which she herself had been a contributor before her imprisonment — enhances a growing certainty that God himself is witness to her trials.[80]

Anastasia's imprisonment by her husband stands out against a larger pattern in the Roman martyr romances, in which the houses of Roman senators are used on behalf of the state as sites of custody for prisoners awaiting trial. From the Republic up to the reign of Justinian public officials often undertook custody of prisoners in their own homes,[81] and the practice seems on the whole to be reflected accurately in the martyr romances, although the pagan *dominus* sometimes implausibly allows his prisoner to convert him to Christianity. The *Passion of Anastasia*, however, presents the *dominus* Publius not as a legitimate custodian acting on behalf of the public authority, but rather as a private individual abusing his de facto power over the inhabitants of his *domus*.

[78] *Passio Sanctae Anastasiae*, §4, in Hippolyte Delehaye, *Étude sur le légendier romain: les saints de novembre et décembre* (Subsidia Hagiographica, xxxvi, Brussels, 1936), 223.

[79] 'Tunc indignatus vir eius Publius tales domui suae custodes instituit ut Anastasiam non permitterent nec cuiuscumque fenestellulae aditum adspectare': *Passio Sanctae Anastasiae*, §2, in Delehaye, *Étude sur le légendier romain*, 223 (my trans.).

[80] For further discussion of this point, see Kate Cooper, *The Virgin and the Bride: Idealized Womanhood in Late Antiquity* (Cambridge, Mass., 1996), 123–7.

[81] Hillner, 'Domestic Imprisonment and Monastic Penance', and literature cited there.

We can see a number of things here about the vulnerability of women (and indeed of children and slaves)[82] where the bona fides of the *dominus* was absent. To begin with, the hagiographer clearly thinks that the unjust imprisonment of a *matrona* of high standing by her husband, even if she is the daughter of an influential father, is an entirely plausible narrative element.[83] It is somewhat surprising that the Christian community, once notified of her plight, makes no direct effort to secure her release, though it is likely that genre expectations are the issue here, since God himself frees Anastasia through the death of the evil husband.

We shall see below that Christian bishops in fact took rather a more direct approach to such cases, and that when they did, the case had at least some chance of entering the historical record. This is important, since in the sources the interests of women, even legally independent property-owners, often disappear behind those of their husbands. Women were often represented by their husbands in disputes; a case in point here is another Anastasia, who appears in the record of a land dispute in Antinopolis in about 537, preserved in the family archive by her cousin Dioscorus of Aphrodito, as being represented by her husband Phoebammon although it was she who owned the land.[84] Needless to say, it was far more difficult to gain justice if the claim was against the husband himself.[85]

An extraordinary fourth-century document preserved among the Oxyrhynchus papyri, however, records an attempt to do so. It is evidently an affidavit by an anonymous wife against her

[82] Keith Hopkins, 'Novel Evidence for Roman Slavery', *Past and Present*, no. 138 (Feb. 1993), for example pp. 9–10.

[83] Even if the father were not living, daughters could make use of their standing. A text from the Abinnaeus Archive shows a daughter applying for help to the head of the camp where her father, a soldier, had been stationed: complaint of Aurelia Ataris, landowner in the village of Hermopolis and daughter of Melas, Veteran, to Flavius Abinnaeus, *praefectus alae* of the troops stationed in the camp of Dionysias, 26 Aug. 346 (*P. Lond. 240*), in *The Abinnaeus Archive: Papers of a Roman Officer in the Reign of Constantius II*, ed. H. I. Bell *et al.* (Oxford, 1962), 110–11 (no. 51; see also no. 52).

[84] Gagos and Van Minnen, *Settling a Dispute*, 24, discussing *P. Vat. Aphrodit. 10* and *P. Mich. inv. 6922*.

[85] See Joëlle Beaucamp, *Le Statut de la femme à Byzance (4e–7e siècle)*, ii, *Les Pratiques sociales* (Paris, 1992), ch. 4. For an overview of petitions involving marital disputes, see Ilias Arnaoutoglu, 'Marital Disputes in Greco-Roman Egypt', *Jl Juristic Papyrology*, xxv (1995).

unnamed husband. The husband's violent actions are described in detail:

> He shut up his own slaves and mine with my foster-daughters and his agent and son for seven whole days in his cellars, having insulted his slaves and my slave Zoë and half killed them with blows, and he applied fire to my foster-daughters, having stripped them quite naked, which is contrary to the laws.[86]

The document goes on to describe repeated attempts to bring order to the situation. Mediation seems to have been sought through the bishop (in fact, more than one bishop), and what must originally have been a common-law marriage was made formal by a contract. But although the negotiations leading to the contract should in principle have led to a clarification of the considerable financial dispute between the couple, it had no real effect:

> He swore in the presence of the bishops and of his own brothers, 'Henceforward I will not hide all my keys from her (he trusted his slaves but would not trust me); I will stop and not insult her'. Whereupon a marriage deed was made, and after this arrangement and his oaths he again hid the keys from me; and when I had gone out to the church at Sambatho he had the outside doors shut on me, saying, 'Why did you go to the church?' and using many terms of abuse to my face.[87]

[86] 'ἐνέκλεισεν τοὺς ἑ[α]υτοῦ δούλους καὶ τοὺς
ἐμοῦ ἅμα τῶν τροφίμ[ω]ν μου καὶ τὸν προνοητὴν καὶ τὸν
υἱὸν αὐτοῦ ἐπὶ ὅλας ἑ[πτ]ὰ ἡμέρας εἰς τὰ κατάγαια αὐτοῦ,
τοὺς μὲν δοὺλους αὐτ[οῦ κ]αὶ τὴν ἐμὴν δούλην Ζωὴν ὑβρίσας
ἀποκτίνας αὐτοὺς τῶν π[λ]ηγῶν, καὶ πῦρ προσήνεγκεν ταῖς τρο-
φίμαις μου γυμνώσας αὐ[τὰ]ς παντελῶς ἃ οὐ ποιοῦσι οἱ νόμοι'
P. Oxy. 903 ('indictment of a husband by his wife . . . presumably a kind of affidavit used in proceedings taken against the husband'), in *The Oxyrhynchus Papyri*, vi, ed. Bernard P. Grenfell and Arthur S. Hunt (London, 1908), 239, with trans. at p. 240. This source is discussed by Clark, 'Women, Slaves, and the Hierarchies of Domestic Violence', and Roger Bagnall, 'Church, State, and Divorce in Late Roman Egypt', in Karl-Ludwig Selig and Robert Somerville (eds.), *Florilegium Columbianum: Essays in Honor of Paul Oskar Kristeller* (New York, 1987).

[87] 'καὶ ὤμοσεν ἐπὶ παρουσίᾳ τῶν ἐπισκόπων καὶ τῶν ἀδελφῶν αὐτοῦ
ὅτι ἀπεντεῦθεν οὐ μὴ κρύψω αὐτὴ<ν> πάσας μου τὰς κλεῖς
(καὶ τοῖς δούλοις αὐτοῦ ἐπίστευεν κἀμοὶ οὐκ ἐπίστευεν.) καὶ ἐπέχω
οὔτε ὑβρίζω αὐτὴν ἀπεντεῦθεν. καὶ γαμικὸν γέγονεν, καὶ μετὰ
τὰς συνθήκας ταύτας καὶ τοὺς ὅρκους ἔκρυψεν πάλιν ἐμὲ τὰς κλεῖς
εἰς ἐμέ. καὶ ἀπελθοῦσα [εἰ]ς τὸ κυριακὸν ἐν Σαμβάθῳ, καὶ ἐποίησεν
τὰς ἔξω θύρας αὐτοῦ ἐνκλισθῆναι ἐπάνω μου λέγων ὅτι διὰ τί ἀπῆλ-
θας εἰς τὸ κυριακόν; καὶ πολλὰ ἀσελγήματα λέγων εἰς πρόσωπόν
μου'
P. Oxy. 903, in *Oxyrhynchus Papyri*, vi, ed. Grenfell and Hunt, 239 (trans. p. 240).

The husband's suspicious questioning of the wife on her return from church reminds us of the attempt by Publius to keep his wife Anastasia away from other Christians. The link may of course be a coincidence, but it is worth noting that in the Oxyrhynchus affidavit when the wife sought recourse against her husband's cruelty, it was to the bishop that she applied for help. It is uncertain why no reference is made to her own kin, who ought in theory to have served as her first port of call in case of marital difficulty. It may be simply that none of her own kin was living. However, it is equally possible that whatever early attempts were made by her parents or siblings to contain the husband's excesses, the 'safety net of tacit complicity' meant that both kin groups wanted to keep the dispute quiet.

Ultimately, the well-being of dependent members of the Roman household was a matter of public interest, and the networks of patronage and reciprocity rooted in the *domus* were a necessary flesh on the very spare skeleton of Roman public authority. It is probably correct to think of Roman public institutions as engaged in a millennium-long struggle to channel the vitality of private power, and to contain the abuses of men such as the husband of *P. Oxy. 903*. Where the *dominus* was unable or unwilling to establish domestic harmony, it was in his interest to shield the *domus* from scrutiny by the public eye. If his abuses were egregious, his dependants might hope to find support from beyond the *domus*, but at a high social cost to all concerned.

IV

THE *DOMUS* AT THE END OF ANTIQUITY: FROM RECIPROCAL TO ASYMMETRICAL SCRUTINY

In closing, I shall suggest that Christian bishops and their clergy had an advantage when it came to gaining access to another man's household for the purpose of moral scrutiny. Like other elite Romans, elite Christians generally wished to be visible to a wide audience if they were confident that they would be seen in a flattering light. A famous early fifth-century remark by St Jerome to the Roman virgin Demetrias — heiress to one of the great senatorial families, the *gens Anicia* — shows that this awareness

of personal visibility held even in the case of one who had renounced worldly ambition. 'Had you become one man's bride', he reminded her, 'but one province would have known of you, while as a Christian virgin you are known to the whole world'.[88] We are not far here in imaginative terms from the tribune Livius Drusus swanning about, five centuries earlier, in his *domus* on the Palatine and delighting in the idea of the Romans in the Forum below looking up.

At the same time, there is reason to suspect that the addition of an all-seeing God to the domestic and civic hierarchies complicated the old dynamics of visibility and authority. It is beyond the scope of this essay to consider in any detail the decline of public power at the end of Antiquity, particularly in the West, but the relationship between the decline of state authority and the rise of an idea of divine judgement deserves further exploration.[89] The expectation of heavenly scrutiny was reflected in a new pattern of communication between the *domus* and the larger community. We have seen, for instance, a pattern of friendship, exhortation and consolation linking female members of the *domus* to male members of the clergy in Christian narrative and, to a lesser extent, in documentary sources.

If this was the case, the men at the top of the pyramid of the household could no longer aspire to control when and how they were seen and judged. Two factors conspired here, I suggest. At a theological level, the confident expectation of a final judgement demoted the interim judgements of peers and rivals to a second order of importance, while at a practical level the dovetailing of a new legal instrument, the episcopal audience, with an older Christian pastoral tradition made possible new kinds of interference in the domestic affairs of the *dominus*. It is fair to suggest that in the fourth century we begin to see a shift away from an economy of reciprocal scrutiny, in which each *dominus* can manage his own *domus* as a controlled environment where the terms of visibility are aligned to enhance his own performance, towards an economy of asymmetrical scrutiny. In this system, each *dominus* is subjected

[88] Jerome, *Letter* 130, §6 (*Patrologia Latina*, ed. J.-P. Migne, xxii (Paris, 1877), 111).
[89] Peter Brown, 'The Decline of the Empire of God: Amnesty, Penance and the Afterlife from Late Antiquity to the Early Middle Ages', in Caroline Walker Bynum and Paul Freedman (eds.), *Last Things: Death and the Apocalypse in the Middle Ages* (Philadelphia, 2000).

to the eye of God, an eye both watchful and all-powerful.[90] The omnipresence of the hidden eye of God is a point brought home by persistent encounters with God's earthly *servi*. A man could hope for little respite from their constant surveillance. If he seemed to forget that he was being watched, the task of reminding him could be handed down by God to his bishop, by the bishop to his priest, and by the priest to the man's own wife.

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[90] In the main text I have suppressed an obvious reference to Jeremy Bentham's late eighteenth-century *Panopticon: or, The Inspection-House*, and the apposite discussion by Foucault and others. Here I have been swayed by Chris Otter's critical overview of 'the contemporary over-focus on panopticism' in his *The Victorian Eye: A Political History of Light and Vision in Britain, 1800–1910*, Univ. of Chicago Press, forthcoming. I am grateful to Chris Otter for making his manuscript available to me in advance of publication.