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VENUS RESTRAINED

The Regulation of Rome's women in the
Second Punic War



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for the degree of

Master of Philosophy

Mars dubius nec certa Venus

Mars is doubtful and Venus is not certain

Ov. *Am.* 1.9.29.

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Abstract

In war, women tend to suffer great harm, yet war also presents women with opportunities. The focus of this study is how Rome's women experienced this harm and opportunity in the Second Punic War (218 – 201 BCE), where harm was the state's regulation of elite women, and opportunity was their collaboration with that regulation to their advantage.

This study establishes that the Roman state regulated elite women between 216 – 207 BCE with eight measures that targeted their social and economic independence. It reassesses the primary evidence for these acts of regulation, with reference to the work of Pomeroy, Evans and Hänninen. The argument of this study is that this regulation occurred after Cannae (216 BCE) and persisted past 207 BCE, *pace* Bauman. It will be shown that this process of regulation was motivated by the state's desire to acquire assets and establish public order.

This study further explores the ways in which elite Roman women collaborated in this regulation via religious rites c. 215 and in 204 BCE that promoted sexual virtue. It reassesses the primary evidence for these rites, and outlines the prominence of status and sexual virtue within them. Drawing on the work of Pomeroy, Hänninen, Schultz, and Langlands, the second core argument of this study is that these rites offered elite women an opportunity for status competition, and that they functioned as protective rites. It will be demonstrated that elite women used these rites to improve their status and participate in the religious protection of the state.

Rome's women were regulated throughout the Second Punic War, and some elite women collaborated with that regulation for their own benefit. Such pragmatism during wartime has a modern descendent in the collaboration of some British suffragettes with the state in World War I. In both cases Venus (restrained) transformed harm into opportunity.

Thesis Declaration

I certify that this work contains no material which has been accepted for the award of any other degree or diploma in my name, in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. In addition, I certify that no part of this work will, in the future, be used in a submission in my name, for any other degree or diploma in any university or other tertiary institution without the prior approval of the University of Adelaide and where applicable, any partner institution responsible for the joint-award of this degree.

I give consent to this copy of my thesis, when deposited in the University Library, being made available for loan and photocopying, subject to the provisions of the Copyright Act 1968.

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Date:

Acknowledgements

Amicus [...] est tamquam alter idem (Cic. *Amic.* 81).

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Texts, Abbreviations, and Notes

Texts

The primary sources listed below are quoted within this study. This study draws heavily on Livy and Plautus, and uses the Oxford Classical Texts editions of Livy's *Ab Urbe Condita* and Plautus' *Comoediae*.

Latin

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Senatu, Post Reditum ad Quirites, De Domo Sua, De Haruspicum Responsis,*

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Greek

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MA: Harvard University Press, 2012.

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Abbreviations

aed. = Aedile.

AJA = American Journal of Archaeology.

AJPh = The American Journal of Philology.

ANRW = Aufstieg und Niedergang der römischen Welt.

BCE = Before the Common Era.

c. = *Circa*.

CE = Common Era.

cens. = Censor.

ChHist = Church History.

CIL I² = Lommatzsch, E. & Mommsen, T. *Inscriptiones Latinae antiquissimae ad C. Caesaris mortem*. Berlin: F. Reimerum, 1918.

cos. = Consul.

cur. = Curule.

dict. = Dictator.

Festus p. x L = Lindsay, W. (editor) *Sexti Pompei Festi De verborum significatu quae*

supersunt cum Pauli epitome. Stuttgart and Leipzig: Teubner, 1997.

ibid. = *ibidem*.

JR = The Journal of Religion.

JRH = Journal of Religious History.

ILS = Dessau, H. (editor) *Inscriptiones Latinae Selectae*. Berlin: Weidmann, 1892-1916, 3 vols.

MRR 1. = Broughton, T. *The Magistrates of the Roman Republic: Volume 1*. Ohio: American Philological Association, 1968.

MRR 2. = Broughton, T. *The Magistrates of the Roman Republic: Volume 2*. Ohio: American Philological Association, 1968.

OLD = Glare, P. (editor) *Oxford Latin Dictionary*. Oxford: Oxford University Press, 1968.

pr. = Praetor.

p.max. = Pontifex Maximus.

REL = Revue des études latines.

s.a. = *sub anno*.

s.v. = *sub uerbo*.

TAPhA = Transactions and Proceedings of the American Philological Association.

tr. pl. = Plebeian Tribune.

viz. = *uidelicet*.

Notes

1. Primary source abbreviations are taken from the *Oxford Classical Dictionary*.
2. For quotes in Latin, this study uses u over v.
3. References follow the Chicago Manual of Style, 15th Edition.

1: Introduction

One certain effect of war is to diminish freedom of expression.

Howard Zinn, *The Zinn Reader* (1997), 236.

1.1 Themes and Structure

Lilian Wald recognised that “women more than men can strip war of its glamour, and its out-of-date heroisms and patriotisms.”¹ War is and has been intrinsically harmful for women. Yet war may also provide some women with opportunities, as it did for the British suffragettes in World War I.² This study explores how Rome’s women experienced this harm and opportunity in the Second Punic War (218 – 201 BCE),³ where harm was the Roman state’s persistent regulation of elite women, and opportunity was their collaboration with that regulation to their advantage.

In this study, I will show that the Roman state regulated elite women after the Battle of Cannae in 216, that this regulation persisted past the Battle of Metaurus in 207, and that this regulation restricted women’s social and economic independence. I will then demonstrate that some elite Roman women collaborated in this regulation in religious rites c. 215 and in 204 that promoted sexual virtue, and that they did so to compete for status and to participate in the religious protection of Rome.

What is meant here by the state and regulation? The state is defined in my study as the political apparatus of the Roman Republic in the Second Punic War, viz. the Senate, the assemblies (*concilia plebis*, *comitia centuriata* and *comitia tributa*), the executive magistrates (dictators, censors, consuls, praetors, curule aediles and quaestors), and the plebeian tribunes and aediles. By regulation, this study refers in general to actions that limited the social and economic independence of

¹ R. Duffus, *Lilian Wald, Neighbor and Crusader* (New York, NY: The Macmillan Company, 1938), 147.

² M. Pugh, *The Pankhursts* (London: Allen Lane The Penguin Press, 2001), 298-350. Cf. C. Jorgensen-Earp (ed.), *Speeches and Trials of the Militant Suffragettes* (London: Associated University Presses, 1999), 355-364.

³ All dates are henceforth BCE, unless otherwise signed.

Rome's women. Explicitly the term 'regulation' in this study encompasses state-imposed measures, including laws (*leges*) passed by the assemblies, directives of the Senate (*senatus consulta*) enforced by executive magistrates, edicts (*edicta*) passed by magistrates with the *ius edicendi* (consuls, praetors, curule aediles, quaestors), public trials conducted by the plebeian tribunes or aediles at the plebeian assembly (*concilia plebis*), the use of consular or praetorial coercion (*coercitio*) to maintain public order,⁴ and asset requisition.⁵ While suggesting that some elite women collaborated with this regulation, I do not propose that they had a part in the legislative enactment or enforcement of these measures, but, rather, that they participated in religious rites that exemplified the spirit of some of this regulation, viz. the restriction of women's sexual independence. Underlying these definitions is the assumption that politics and religion were inextricably interconnected in the Roman Republic.⁶

What is meant here by elite women, religious rites, and sexual virtue? My study primarily explores the regulation of elite Roman women, those women referred to by Evans as "women of property," as evidence for their experiences predominates in extant historical accounts due to the elite biases of their authors.⁷ By elite women, the study refers to women from patrician or plebeian families who enjoyed high status by virtue of their (or their families') "ancestry, wealth, achievements and culture."⁸ Women of the lower classes, Evans's "working women," remain "largely anonymous" due to the bias of our extant sources, and

⁴ For sources and commentary on these magistrates and officials, and this regulation, see: A. Lintott, *The Constitution of the Roman Republic* (Oxford: Oxford University Press, 1999), 94-146; P. du Plessis, *Borkowski's Textbook on Roman Law* (Oxford: Oxford University Press, 2010), 29-39.

⁵ This asset requisition could occur through taxation and *pignoris capio*, or it may have been extra-judicial. For *pignoris capio*, see: Gai. *Inst.* 4.26-29. For commentary on taxation and the *pignoris capio*, see: A. Schiller, *Roman Law: Mechanisms of Development* (Malta: Mouton, 1978), 74-75. In the context of the Second Punic War, this asset requisition may have been effected through the *Lex Minucia de triumuiris mensariis* of 216 and the *triumviri mensarii* appointed to deal with the financial crisis (Liv. 23.21.6). See: P. Niczyporuk, "Mensarii, Bankers acting for Public and Private Benefits," *Studies in Logic, Grammar and Rhetoric* 24.37 (2011): 110-113. See 2.2.

⁶ On this interconnection, see, for example: M. Beard, J. North & S. Price, *Religions of Rome: Volume I* (Cambridge: Cambridge University Press, 1998), *passim*, but esp. 27-30, 54-61, 64-68, 101, 104-110; J. Rüpke, *Religion of the Romans* (Cambridge: Polity, 2007), 54-56.

⁷ J. Evans, *War, Women, and Children in Ancient Rome* (London: Routledge, 1991), 50-88.

⁸ For this definition of high status, see: C. Edwards, *The Politics of Immorality in Ancient Rome* (Cambridge: Cambridge University Press, 1993), 14.

are not examined here.⁹ Furthermore, my study does not assess Rome's Vestals, except by way of context, as the status of Vestals within Roman society was markedly different to that of other Roman women.¹⁰ The freedoms they enjoyed, the restrictions they bore, the ritual status they held, and the unique punishments visited on them place them in a different social category to any other Roman women.¹¹ When discussing women's religious rites, my study adopts Schultz's limited definition of the category 'rite' as "an individual act of worship [...] such as a sacrifice or festival."¹² When analysing the notion of sexual virtue within these rites, my study focuses upon Roman ethical concepts surrounding sexual behaviour, and, primarily, the ethical concept of *pudicitia* (sexual virtue).¹³ *Pudicitia* is closely linked with its opposing ethical concept *impudicitia* (sexual vice), and semantically clustered with *castitas* (purity), and *sanctitas* (sanctity).¹⁴

Why examine these themes in the Second Punic War? They are worth examining partly because this war had a major impact on Roman women, and partly because of women's prominent role in religious rites that promoted sexual virtue amidst the conflict. Primary sources attest to eight measures that directly impacted women between 216 and 207, including *senatus consulta*, *leges* such as the famed *Lex Oppia*, asset requisition, an aedilician trial that led to the exile of *matronae* (married women) accused of *probrum*, and an aedilician edict impacting dowries.¹⁵ Many of these measures have been explored previously by other scholars, but they are typically assessed either in an incomplete fashion, in isolation, or with an anachronistic lens (1.4). The extent and persistence of these measures has not been well-articulated. My study reassesses the primary

⁹ Evans, *War, Women*, 87, 101.

¹⁰ For this unique status, see: A. Staples, *From Good Goddess to Vestal Virgins: Sex and Category in Roman Religion* (London: Routledge, 1998), 131-156; H. Parker, "Why Were the Vestals Virgins? Or the Chastity of Women and the Safety of the Roman State," *AJPh* 125 (2004): 563-588.

¹¹ *ibid.*

¹² C. Schultz, *Women's Religious Activity in the Roman Republic* (Chapel Hill, NC: University of North Carolina Press, 2006), 21.

¹³ For Latin sexual vocabulary and the semantic range of such terms see: J. Adams, *The Latin Sexual Vocabulary* (London: Duckworth, 1982), 118-213; R. Langlands, *Sexual Morality in Ancient Rome* (Cambridge: Cambridge University Press, 2006), 1-5.

¹⁴ Langlands, *Sexual Morality*, 2. Cf. Cic. *Prov. cons.* 24; *Phil.* 2.28.69; Livy 10.23.7-8; Val. Max. 6.1.6. See: *OLD* s.v. *pudicitia*, *impudicitia*, *castitas* (esp. def. 2), *sanctitas* (esp. def. 3).

¹⁵ See: 2.1-2.9.

evidence for these measures (2.1 – 2.9), argues for the persistence of some of them past 207 (2.10), and indicates that the regulation is predicated on social and economic concerns.

Rome's women had a vital and prominent role in the religious activity of the Second Punic War. From 218 – 201, there were multiple religious rites in which elite Roman women participated.¹⁶ Women of the Roman Republic were not “relegated to a marginal role” of the kind Scheid proposes.¹⁷ The latest research by Staples, Hänninen and Schultz¹⁸ into women's religious activity in the Roman Republic has drawn on literary, epigraphic and archaeological evidence to show that women were “essential participants in a wide range of rituals that had civic and political import in addition to observances that addressed matters of marriage, childbirth, and the continued well-being of loved ones.”¹⁹ Religion, according to Schultz, was “another area of daily life in which Roman women took an active role in both the private and public spheres.”²⁰ Two such religious rites from the Second Punic War placed a strong emphasis on sexual virtue: the rites for Venus Verticordia c. 215 and the rites for the Magna Mater in 204. Scholars have not adequately contextualised these rites amidst the regulation of Rome's women in the Second Punic War (1.4). In my study, I reassess the primary evidence for these two rites, outline the prominent role that elite Roman women and *pudicitia* had within them, and show how women were promoting normative sexual virtue in them (3.1 – 3.3). I then demonstrate how these women could display their *pudicitia* (3.4), and show that these rites were beneficial to elite Roman women (3.5 – 3.7), as they allowed them to compete for status (3.5) and participate in the religious protection of the state (3.6).

¹⁶ See: 3.1–3.7.

¹⁷ J. Scheid, “The Religious Roles of Roman Women,” in *A History of Women in the West: From Ancient Goddesses to Christian Saints. Vol.1*, eds. Georges Duby and Michelle Perrot (Harvard: Harvard University Press, 1994), 377.

¹⁸ Staples, *From Good Goddess*, 157-162; M-L. Hänninen, “Juno Regina and the Roman Matrons,” in *Female Networks and the Public Sphere in Roman Society*, eds. P. Setälä & L. Savunen (Rome: Institutum Romanum Finlandiae, 1999), 48; Schultz, *Women's Religious*, 151-152.

¹⁹ Schultz, *Women's Religious*, 152.

²⁰ *ibid.*, 151-152.

The primary intention of this study is to recover the agency of elite Roman women during a period of heavy regulation, and, in so doing, reveal their pragmatism and resourcefulness amidst the Second Punic War (4).

1.2 Research Questions

My study is built on two key questions that focus on the regulation of Rome's women in the Second Punic War:

1. How and why were Rome's women regulated from 216 to 207?
2. How and why did elite Roman women collaborate in this regulation c. 215 and in 204?

These two questions provide broad scope for exploring themes of regulation and collaboration during the Second Punic War. The first question will be addressed in **Chapter 2**, and the second in **Chapter 3**.

1.3 Significance

In my study, I will adopt a new approach to examining the state regulation of elite Roman women during the Second Punic War. In doing so, I will shed new light on the extent to which they were regulated, and on the roles that they played in that regulation. I will strive to recover their agency within this conflict, and reveal their pragmatic and resourceful approaches to regulation.

I will take my purpose from the clarion call issued by the United Nations Development Fund for Women (UNIFEM) in 2002 to address the situation of women in armed conflict, and to reveal the "harm, silence and shame" they experience when they are subject to the "rule of aggression rather than the rule of law."²¹ I do not intend to "ascribe to [Roman] women the characteristics of passivity and helplessness"²² during the Second Punic War; instead, I hope to

²¹ E. Rehn & E. Sirleaf, *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building* (New York, NY: United Nations Development Fund for Women, 2002), 1.

²² *ibid.*, 2.

recover their agency, and reveal how some elite women collaborated with the state to their own advantage. This study adopts UNIFEM's rationalisation for studying the discrimination of women where "as with all groups facing discrimination, violence and marginalization, the causes and consequences of their victimization must be addressed."²³

My study aims to follow Evans and reveal some of the effects of "Rome's seemingly unending warfare" on its women, acknowledging with him that such warfare exerted a "decisive influence on the evolving role of women in Roman society."²⁴ I intend to reveal that the rationale for the state regulation of women between 216 – 207 was primarily social and economic, and I hope to avoid some of the anachronism that emerged in Bauman's study (1.4).

The topic is novel; no previous study has been solely dedicated to the *regulation* of Rome's women in the Second Punic War, nor their collaboration with that regulation. But the study also develops previous scholarship that examines aspects of this regulation. In order to relate the study to previous scholarship, I will now assess the relevant literature in a short review.

1.4 Literature Review

In *Goddesses, Whores, Wives, And Slaves*, Pomeroy ignited interest in the status and activities of women in the ancient world.²⁵ Scholars have since produced a large body of work on the experiences of Roman women, and recent research has focused on the legal, political and religious activity of Roman women in the Roman Republic.²⁶ Reconstructing these experiences is a task

²³ *ibid.*

²⁴ Evans, *War, Women, 3*.

²⁵ S. Pomeroy, *Goddesses, Whores, Wives, And Slaves* (New York, NY: Schocken Books Inc, 1975).

²⁶ For a partial survey of the recent scholarship, see: S. Dixon, *Reading Roman Women* (London: Duckworth, 2001), 3-15. Recent works that have influenced this study include: P. Culham, "The *Lex Oppia*," *Latomus* Tome 41, Fasc. 3-4 (1982): 786-793; J. Evans, *War, Women, and Children in Ancient Rome* (London: Routledge, 1991); J. Gardner, *Women in Roman Law and Society* (Indianapolis, IN: Indiana University Press, 1991); Boëls-Janssen, *La vie religieuse des matrones dans la Rome archaïque*; E. Fantham et al., *Women in the Classical World: Image and Text* (Oxford: Oxford University Press, 1994); R. Bauman, *Women and Politics in Ancient Rome* (London: Routledge, 1994); Scheid, "The Religious Roles"; A. Richlin, "Carrying Water in a Sieve: Class and the Body in Roman Women's Religion," in *Women and Goddess Traditions in Antiquity and Today*, ed. K. King (Minneapolis: Fortress Press, 1997),

fraught with difficulty, as the art and writings that testify to these experiences are dominated by a voice and gaze that is “male, élite, Italian, middle-aged and citizen Roman.”²⁷ This has not impeded scholars from vigorously dissecting this material to “see through the veils of representations and read the women obscured by them.”²⁸ Recently, the work of Bauman and Schultz has revealed the prominent role that women played in the political and religious life of the Roman Republic.²⁹ In my study, I draw on this scholarship to explore the regulation of Rome’s women in the Second Punic War. I will provide a critical assessment of the key scholarly texts in the following review.

No study has been solely dedicated to the regulation of Rome’s women in the Second Punic War. Scholars have examined some of this regulation in the context of broader studies, and my study has been particularly influenced by the work of Pomeroy, Evans, Hänninen, Bauman, Langlands, and Schultz.³⁰ In these studies, scholars have tended to focus on iconic events, viz. the *Lex Oppia*, the rites for Venus Verticordia c. 215, the religious ferment of 213, the dotal contributions for Juno Regina in 207, and the introduction of the Magna Mater in 204. The review that follows will not be a comprehensive assessment of all the scholarship on Roman women, but, instead, will focus on eleven major studies, from Pomeroy (1975) to Takács (2008), that reflect, in some way, on the regulation

330-374; R. Saller, “Symbols of gender and status hierarchies in the Roman household,” in *Women and Slaves in Greco-Roman Culture*, eds. S. Joshel & S. Murnaghan (London: Routledge, 1998), 85-91; A. Rei, “Villains, Wives, and Slaves In the Comedies of Plautus,” in *Women and Slaves in Greco-Roman Culture*, eds. S. Joshel & S. Murnaghan (London: Routledge, 1998), 92-108; Staples, *From Good Goddess*; Hänninen, “Juno Regina”; A. Fraschetti (ed.), *Roman Women* (Chicago, IL: The University of Chicago Press, 2001); Parker, “Why Were the Vestals,” 563-601; Langlands, *Sexual Morality*; Schultz, *Women’s Religious*; R. Wildfang, *Rome’s Vestal Virgins: A Study of Rome’s Vestal Priestesses in the Late Republic and Early Empire* (New York, NY: Routledge, 2006); S. Takács, *Vestal Virgins, Sibyls, and Matrons* (Austin, TX: University of Texas Press, 2008); L. Holland, “Women and Roman Religion,” in *Blackwell Companions to the Ancient World: Companion to Women in the Ancient World*, ed. S. James (Hoboken, NJ: Wiley, 2012), 204-214.

²⁷ Dixon, *Reading*, 21.

²⁸ *ibid.*, 15.

²⁹ Bauman, *Women*; Schultz, *Women’s Religious*.

³⁰ For these broader studies, see: Pomeroy, *Goddesses*, 176-180; Culham, “The *Lex Oppia*,” 786-793; Evans, *War, Women*, 7-100; Bauman, *Women*, 22-30; R. Palmer, *Rome and Carthage at Peace* (Stuttgart: Franz Steiner Verlag, 1997), 120-129; Staples, *From Good Goddess*, 59-62; Hänninen, “Juno Regina,” 39-52; Parker, “Why Were the Vestals,” 588-592; Langlands, *Sexual Morality*, 37-77; Schultz, *Women’s Religious*, 144-145, 200-201 ns. 24-30; Takács, *Vestal Virgins*, 15-16.

of Roman women in the Second Punic War. It will demonstrate the need for a broader study that reassesses the primary sources for the regulation of women in the Second Punic War.

Pomeroy's study is a milestone in the social history of antiquity; it is wide ranging, and designed to shed light on women's status and activities in antiquity.³¹ She begins her exploration of the Second Punic War with a discussion of the *Lex Oppia*, and she suggests that the abrogation of this law in 195 was marked by the "first women's demonstration."³² Pomeroy proposes that the *Lex Oppia* was confiscatory, indicating that the state "took most of the women's gold," and she frames the *Lex Oppia* in the context of the severe manpower losses suffered by the Romans at Trasimene and Cannae.³³ She proposes that Roman women engaged in "boisterous displays" of the wealth they gained from their dead relatives, citing the example of Papiria, and suggests that the *Lex Oppia* was enacted to curtail such displays for the sake of social stability during a "dismal military situation."³⁴ Pomeroy indicates that women would have enjoyed substantial financial independence during the war, assuming that "after the passage of the Oppian Law some women continued to be fortuitously and disproportionately enriched by the deaths of male members of the family."³⁵ She considers the seizure of funds from "wards, single women, and widows" in 214 to be "the end of the windfall of any women or minor who had become rich up to that time through the intervention of Hannibal."³⁶ She argues that the dotal contributions of 207 were also confiscatory, suggesting that women "were forced to invade their dowries and make an offering to Juno Regina to elicit her aid," and that this was part of a broader set of official confiscations.³⁷ According to Pomeroy, women "were less constrained in the absence of men," and that this increased social independence had repercussions.³⁸ Arguing that "the loss of male

³¹ Pomeroy, *Goddesses*, xvii.

³² *ibid.*, 177. For the abrogation, see: Livy 34.1-8.

³³ *ibid.*

³⁴ *ibid.*, 178. For Papiria: Polyb. 31.26.6-10.

³⁵ *ibid.*

³⁶ *ibid.* For this asset seizure: 2.4.

³⁷ *ibid.*, 178. For this dotal contribution, see: 2.9.

³⁸ *ibid.*, 179.

relatives [at Trasimene and Cannae] was conducive to the formation of irregular liaisons [by Rome's women],” she considers the rites for Venus Verticordia c. 215, and the exile of *matronae* for sexual misconduct in 213, to be the Senate's response to this activity.³⁹ Pomeroy indicates that this emphasis on sexual misconduct can also be found in the texts that refer to the Magna Mater and the chastity of Q. Claudia in 204.⁴⁰ She argues that it was “the turmoil of the war that led to suspicion of Claudia and that then provided her with an opportunity to make a public demonstration of chastity.”⁴¹ In her work, Pomeroy highlights the increased economic and social independence of women in the Second Punic War and the Senate's confiscatory and punitive responses to that independence, and she consistently supports her conclusions with primary sources.⁴² She does, however, fail to acknowledge the prominent role that Rome's women play in the rites for Venus Verticordia, and the rites for the Magna Mater. How do Pomeroy's claims about these events compare with more recent scholarship?

Evans explores the impact of Rome's endless warfare on its women and children.⁴³ He indicates that one of the consequences of the Second Punic War was an increase in the “social and economic freedom of Roman women.”⁴⁴ The mobilisation of c. 108,000 men to serve with the legions between 218 – 215 would have meant that many women were no longer under the direct control of husbands or kinsmen.⁴⁵ This large-scale mobilisation of Roman men and their deaths at war meant that women experienced a heightened level of independence, and Evans argues that the Romans themselves were acutely aware of the “moral consequences of warfare that freed women from the *auctoritas* of their husbands, fathers or guardians for extended periods of time,” citing the introduction of Venus Verticordia c. 215 as an attempt to “discourage adultery.”⁴⁶ The public trial and exile of *matronae* for sexual misconduct (*probrum*) in 213 by

³⁹ *ibid.* For Venus Verticordia, see: 3.2. For the exiled *matronae*, see: 2.6.

⁴⁰ *ibid.* For the Magna Mater and Q. Claudia, see: 3.3.

⁴¹ *ibid.*

⁴² For her sources, see: *ibid.*, 246-247 n. 91-105. Cf. 2.2–2.9.

⁴³ Evans, *War, Women*, 3.

⁴⁴ *ibid.*, 27.

⁴⁵ *ibid.* For sources and discussion of manpower in this period, see: P. Brunt, *Italian Manpower*, 225 B.C.-A.D. 14 (Oxford: Clarendon Press, 1987), 418-419.

⁴⁶ Evans, *War, Women*, 27.

the plebeian aediles indicates that “the men with authority over these adulteresses were either dead or absent from Rome on military service,” and that, unconventionally, these charges had to be dealt with by a public as opposed to domestic tribunal.⁴⁷ Evans considers the *Lex Atilia* was instituted “conceivably during the course of the Second Punic War” to be a reaction to these social concerns, indicating that it “stipulated that a woman who became *in nullius manu* should apply to the praetor to appoint a *tutor*.”⁴⁸ Evans links the absence or death of male relatives in the Second Punic War with an increase in social freedom for women and with concomitant punitive and deterrent acts of the Senate. But what of their economic freedom? According to Evans, by the Second Punic War, elite women had considerable economic assets, derived through dowries and inheritance, and he claims that these assets were requisitioned and the display of these assets limited in response to wartime conditions.⁴⁹ To support the claim of asset requisition, Evans cites the matronal contributions to Juno Regina and Feronia in 217, the requisition of money from widows in 214, the contributions of 210, and the dotal contributions of 207 for Juno Regina; however, he does not carefully assess or contextualise these claims.⁵⁰ Evans reads the *Lex Oppia* as a sumptuary act designed to limit conspicuous consumption by Rome’s women, citing descriptions of such activity in Plautus’ plays and in Cato’s speech *contra* the abrogation of the *Lex Oppia* (with the caveat that this speech is scripted by Livy and may only retain the force of Cato’s rhetoric).⁵¹ According to Evans, the display of wealth by elite women constituted a form of female status competition, exemplified in Polybius’ description of Aemilia and Papiria, but it also allowed males to flaunt their wealth vicariously.⁵² Citing Plautus, Polybius and various other sources, Evans indicates that dowries for elite women had increased during and directly after the Second Punic War, that women and their agnatic relatives often had more control over these dowries than their husbands, and that this led to increased independence and agency for wives, and precarious financial

⁴⁷ *ibid.*, 28. See: 2.6.

⁴⁸ *ibid.* For the *Lex Atilia*, see: 2.7.

⁴⁹ *ibid.*, 52-53.

⁵⁰ *ibid.*, 52. See: 2.4–2.9 and 3.6.

⁵¹ For discussion and sources, see: *ibid.*, 61-65. See also: 2.3.

⁵² *ibid.*, 69–70. Polyb. 31.26.

situations for husbands.⁵³ *Dotatae uxores*, wives with large dowries, could exercise a great deal of influence over their husbands, as Evans indicates, citing Plautus' plays and Cato's speech on the *Lex Voconia*.⁵⁴ Furthermore, prior to the *Lex Voconia* of 169, inheritance was partible, and wives *in manu*, or daughters *in potestate* could inherit the wealth of their husbands or fathers.⁵⁵ As such, after the manpower losses at Trasimene and Cannae, much wealth would have devolved to elite Roman women. As Evans claims, one can read the *Lex Oppia* as a mechanism for deterring the display of such wealth, and the confiscatory acts of 214 and 210 as a mechanism for absorbing some of this wealth.⁵⁶ Evans substantiates his claims about the increased social and economic freedom of Roman women in the Second Punic War, and the senatorial reaction to these freedoms, with evidence from a wide range of primary source.⁵⁷ However, as indicated earlier, he does not carefully assess each of his claims about asset seizure, or locate them within the context of the other acts of regulation.

In her study, Culham assesses the primary evidence for the *Lex Oppia* and contextualises it within the milieu of the Second Punic War. She claims that the reasons for its enactment can be found "in the strains on Roman society in the crisis of the Second Punic War."⁵⁸ *Contra* Pomeroy, she does not accept that the law was confiscatory, citing the confiscations of 210 as evidence that women retained much of their wealth.⁵⁹ She agrees with Pomeroy that women were "freed from many constraints, because there were no male relatives around to enforce them," but she considers the law to be primarily sumptuary, and suggests that it was instituted in response to public resentment of women displaying their wealth and engaging in conspicuous consumption in public religious rites.⁶⁰ To support these contentions, she cites Polybius' description of P. Cornelius Scipio Africanus' wife, Aemilia, and her ostentatious religious display, and Plautus'

⁵³ *ibid.*, 53–71.

⁵⁴ *ibid.*, 65. See in particular: Plaut. *Aul.* 167–169. For Cato's speech on the *Lex Voconia*, see: Gell. *NA* 17.6.

⁵⁵ *ibid.*, 71–72. See: 2.3 and 2.7.

⁵⁶ *ibid.*, 52–53.

⁵⁷ For these sources, see: *ibid.* 90–95 ns. 18–95.

⁵⁸ Culham, "The *Lex Oppia*," 789.

⁵⁹ *ibid.*, 787. For these confiscations, see: 2.8.

⁶⁰ *ibid.*, 789–793.

descriptions of female conspicuous consumption and public resentment in the *Aulularia* and the *Epidicus*.⁶¹ Like Evans, Culham suspects that these displays were a form of direct status competition between women, and indirect competition between men (through their wives); she infers from Plautus that these kind of competitions would have been offensive during the “crisis of war.”⁶² Rather than viewing the dotal contributions of 207 as primarily confiscatory, *contra* Pomeroy and Evans, Culham reads the involvement of women in selecting leaders for the tax collection as evidence of female interest and increased engagement in religious affairs in the Second Punic War.⁶³ Culham’s arguments are compelling, and are borne out by her close reading of the primary evidence.⁶⁴

The purpose of Bauman’s study is to uncover the roles that women played in politics and public life in Ancient Rome.⁶⁵ He maintains that the Second Punic War was a period which displayed both a “continuation, and indeed an intensification, of discrimination and ill-treatment” of Rome’s women, and the “encouragement, by the more liberal elements in male society, not only of co-operation by women, but also of a more active role in the management of their affairs.”⁶⁶ Bauman follows Pomeroy, Evans and Culham in thinking that the pressures of war led to major social change and the “break[ing] down of old barriers” between genders, citing the public mingling of men and women in the escorting of Hannibal’s prisoners to the gates of the city in 216.⁶⁷ He proposes that “Cannae produced a sharp reaction against women,” and that the restrictions placed on female mourning in 216, and the conviction and deaths of the Vestals Opimia and Floronia for unchastity in the same year, represented some of the first major steps in the discrimination of Rome’s women during the Second Punic War.⁶⁸ Bauman submits that the prominent role women played in the religious ferment of 213 was another example of the social changes brought on by Cannae:

⁶¹ *ibid.*, 789-791. See: Polyb. 31.26; Plaut. *Aul.* 474-535; *Epid.* 223-235.

⁶² *ibid.*, 792.

⁶³ *ibid.*, 791.

⁶⁴ For her sources, see: *ibid.*, 786-793 ns. 1-25.

⁶⁵ Bauman, *Women*, 2.

⁶⁶ *ibid.*, 22.

⁶⁷ *ibid.*, 24-25. For this mingling, see: Livy 22.60.1-2.

⁶⁸ *ibid.*, 23. For the Vestal convictions and deaths, see: Livy 22.57.2-3.

women were actively making religious choices for themselves.⁶⁹ These claims find support in the primary sources: Cannae produced marked social change and a concurrent reaction against women.⁷⁰ Unlike Pomeroy, Evans and Culham, Bauman does not consider the *Lex Oppia* of 215 to be primarily confiscatory or sumptuary, but instead considers it to be a political action by Fabius Maximus to stem religious impropriety by women, to seize assets during wartime, and to frustrate P. Cornelius Scipio Africanus.⁷¹ Bauman does not directly support his conclusions about Fabius Maximus and the *Lex Oppia* with evidence from the primary sources.⁷² However, Fabius was certainly an influential individual in 215, occupying the positions of suffect consul, augur, pontifex, and dedicator for the Temple of Venus Erycina; he could have played some role in the law's institution.⁷³ Bauman also reads the women's involvement in the dotal contributions of 207 as political, suggesting their involvement constituted a "rudimentary women's organization," as the "brainchild of the Scipionic group and very possibly of Aemilia herself," which was supported by the "forward-looking" Pontifex Maximus Licinius Crassus.⁷⁴ He also proposes that by 207, after the Roman victory at the Metaurus, a "favourable climate" for women had emerged.⁷⁵ This last claim will be strongly contested in 2.10. Again, these claims are made without corroborating primary evidence. Curiously, Bauman considers the whipping of a Vestal in 206 for negligence by Licinius Crassus to be an act of "consideration," suggesting that "a less enlightened Pontifex Maximus might have looked for evidence of unchastity."⁷⁶ For Bauman, the involvement of women in the introduction of the Magna Mater in 204 was the result of machinations by the Scipionic group; he suggests that Aemilia and Licinius

⁶⁹ *ibid.*, 25. For this religious ferment, see: 2.5.

⁷⁰ See: 2.2-2.10.

⁷¹ *ibid.*, 26.

⁷² Bauman provides no corroborating evidence for Fabius' positions on these matters, excepting a reference to his grandfather fining women in 295 for *stuprum*. This is not compelling evidence, as a grandfather's actions do not define a grandson's positions *per se*. See: *ibid.*

⁷³ For Fabius Maximus and these positions, see: *MRR* 1.254-257, s.a. 215; J. Rüpke, *Fasti Sacerdotum* (Oxford: Oxford University Press, 2008), 676.

⁷⁴ Bauman, *Women*, 27-28.

⁷⁵ *ibid.*, 28.

⁷⁶ *ibid.* For the punishment of the Vestal, see: Livy 28.11.6-7.

Crassus “wanted the matrons to be prominently associated with the move.”⁷⁷ To his mind, the “Scipionic group [...] favoured the feminist cause” and Fabius Maximus directly opposed it; Bauman envisions a conflict between “conservatives and progressives” in the Senate regarding women’s affairs.⁷⁸ This reading is anachronistic and factional: we cannot refer to P. Cornelius Scipio Africanus as a feminist nor can we refer to a Scipionic group *per se*. Bauman’s insights into the social ramifications of the Second Punic War are apt, and they mirror the assessments of Pomeroy and Culham, but some of his theories about the events of the Second Punic War are anachronistic and not supported by the primary sources.

Palmer assesses the primary evidence for commercial and cultural exchange between Rome and Carthage in the Roman Republic;⁷⁹ as an appendix to this study, he speculates on Carthaginian elements in the cult of Venus Erycina and the Roman religious ferment of 213.⁸⁰ He links the religious ferment of 213 with the introduction of the cult of Venus Erycina to Rome in 217.⁸¹ He indicates that this cult of Venus “at its well springs promoted or, at least, countenanced female prostitution among its slaves,” and was also maintained by male slaves, Venerii, who may have “served the goddess for sexual purposes.”⁸² In support of these statements, Palmer cites primary sources that links the cult, the Venerii and prostitution.⁸³ Palmer suspects that the introduction of this cult led to a rise in the promotion of prostitution in Rome, citing the references to prostitutes and Venus in Plautus’ *Poenulus* as evidence of a contemporary awareness of the “social consequences of Venus Erycina.”⁸⁴ Palmer considers the c. 215 BCE rites to Venus Verticordia and the female involvement therein to be a religious attempt to “combat the licentiousness of one Venus [Erycina]” by venerating the “Venus

⁷⁷ *ibid.*, 28-29.

⁷⁸ *ibid.*, 29.

⁷⁹ Palmer, *Rome*, 11-14.

⁸⁰ *ibid.*, 120-129.

⁸¹ *ibid.*, 120. For the introduction of Venus Erycina in 217 BCE, see: Livy 22.9.7-11, 22.10.10, 23.30.13-14.

⁸² *ibid.*

⁸³ *ibid.* For the cult, the Venerii and the prostitution, see: Cic. 2 *Verr.* 2.92, 3.50, 51, 102, 4.32, 104, 5.140-142; *Div. Caec.* 55-56; Diod. Sic. 4.83; Val. Max. 2.6.15; Strabo *Geog.* 6.2.6; *ILS* 5505.

⁸⁴ *ibid.*, 121. For the Plautine references, see: Plaut. *Poen.* 210-409.

[Verticordia] who would put a stop to female promiscuity.”⁸⁵ As evidence, Palmer cites the matronal selection of a most chaste candidate to dedicate the statue of Venus Verticordia c. 215 BCE and Ovid’s prescription that those who observed the festival of Venus Verticordia were mothers, brides and those who wear neither fillet nor long gown, *quis uittae longaue vestis abest* (Ov. *Fast.* 4.134), i.e. were explicitly not prostitutes.⁸⁶ Palmer hypothesises that the religious ferment of 213 may have been due, in part, to Roman women engaging in sexual practices in honour of Venus Erycina.⁸⁷ The trial and exile of *matronae* for sexual misconduct (*probrum*) in 213 indicates that Roman women could have been engaging in some form of illicit sexual activity during this period.⁸⁸ If this activity was a form of sacral prostitution, then it could have contributed to the religious ferment of 213, but this is not clearly indicated in the primary evidence, and will be contested in 2.5 and 2.6. Palmer’s arguments are speculative, but they offer one explanation for the emphasis on sexual virtue in rites in the Second Punic War, and the trial and exile of *matronae* for shameful conduct in 213. His theories and the primary evidence cited here are, at the very least, evidence of marked change in the religious and social practices of Rome’s women after Cannae.

Staples evaluates Roman cults and rites in which women played a central role; she aims to elucidate the importance of gender and sexuality to the Roman religious system.⁸⁹ In her study, she makes a brief reference to Cato’s argument against the abrogation of the *Lex Oppia* found in Livy 34.1-4.⁹⁰ Like Culham, Staples assumes that the *Lex Oppia* was sumptuary, passed “when Rome was reeling from the defeat at Cannae” to ostensibly “curb female extravagance.”⁹¹ According to Staples, the speech of Cato indicates that Roman men were gynophobic, viz. they feared “political domination by women” and “untamed female sexuality, and that the “consequences of failing to control women would

⁸⁵ *ibid.*

⁸⁶ *ibid.*, 121-122.

⁸⁷ *ibid.*, 129.

⁸⁸ See: 2.6.

⁸⁹ Staples, *From Good Goddess*, 4-8.

⁹⁰ *ibid.*, 59-62.

⁹¹ *ibid.*, 59.

be social and political turmoil.”⁹² Staples does not deconstruct these claims, nor cite primary sources that directly support her argument.⁹³ In exploring the agency of women in the abrogation of the *Lex Oppia*, Staples marks the “semi-mythical” precedents for female organisation in Rome’s history, including the Sabine women, the female embassy to the Volsci, the women who ransomed the city from the Gauls, and the women who escorted the image of Cybele into Rome in 204.⁹⁴ Based on this evidence, she claims that Roman women could organise themselves to “act in ways which had political repercussions.”⁹⁵ This claim is evidenced by the role and influence that women played in the institution and repeal of the *Lex Oppia* (as cause of both), the religious rite for Venus Verticordia in 215 (as central participants), the religious ferment of 213 (as partial cause), the religious rites for Juno Regina in 207 (as central participants), and the introduction of the Magna Mater in 204 (as central participants). Staples follows Pomeroy, Culham and Bauman in marking the significant social ramifications of Cannae, and female participation in public life during the Second Punic War.

In her study on Juno Regina and the *matronae*, Hänninen highlights the religious prominence of women in the Second Punic War.⁹⁶ Hänninen concedes that the ideal Roman *matrona* was portrayed as a protector and guardian of the household, who maintained this role “by staying at home and by being faithful to her husband”; however, she also marks the prominent presence of women in religious and public affairs during wartime, the soteriological role they played in the traditional narratives on the Sabine women and the female embassy to the Volsci, and the contributions they made from their wealth to the state during wartime.⁹⁷ Like Staples, she argues that there was some kind of “matronal organization recognized by the state,” citing the role Roman women played in the collection of the dotal contributions for Juno Regina in 207, and in the selection of chaste candidates for the rites to Venus Verticordia c. 215 and the Magna Mater in

⁹² *ibid.*, 60-61.

⁹³ *ibid.*, 60-61, 61 n. 9. Pace Staples, Varro *apud* Gell. NA 1.17.4 does not support this claim. It speaks more to marital efficacy and instructions for husbands than social or political turmoil.

⁹⁴ *ibid.*, 62.

⁹⁵ *ibid.*

⁹⁶ Hänninen, “Juno Regina,” 39-52.

⁹⁷ *ibid.*, 46-48.

204.⁹⁸ Hänninen proposes that women were heavily involved in religious rites during the Second Punic War for the sake of tradition and duty, due to their apotropaic qualities, for economic reasons, and for the pursuit of prestige. To her mind, Rome's women had a duty to maintain traditional religious rites during wartime, and she indicates that this went awry in the religious ferment of 213.⁹⁹ Citing primary sources that discuss the apotropaic values of femininity, Hänninen suggests that Rome's women might have played an apotropaic and protective role in religious rites during the Second Punic War; she concludes that the "beneficial power of femininity was utilized in times of crisis" and "[t]he chastity and fertility of women were regarded as safeguards for the city."¹⁰⁰ Furthermore, she argues that there were economic reasons for their involvement in religious rites, indicating that in the third century BCE "a considerable amount of property had come into women's possession through dowries and inheritances" due to "constant warfare and prosperity deriving from conquests."¹⁰¹ She queries how women could finance contributions to the state, claiming that most women were not *sui iuris* and were thus unable to own property. Her solution is that "women may have used their personal jewelry for religious purposes [contributions and donations]" and that the gold collected in the total contributions of 207 may have been seized by the Roman Senate.¹⁰² Hänninen claims the Senate assumed the status of husband or tutor in dealing with dowries in the absence of living agnatic relatives; as evidence, she cites the Roman Senate's assumption of the role of tutor in the matter of the marriage and dowry of Cn. Cornelius Scipio Calvus' daughter when he was absent on campaign in Spain in the Second Punic War.¹⁰³ Noting that the rites of 207 would have required "expensive propitiatory gifts" and that the contributions of 210 would have required significant private assets, she concludes that the *Lex Oppia* did not confiscate all the matron's gold in 215.¹⁰⁴ Following Culham, she argues

⁹⁸ *ibid.*

⁹⁹ *ibid.*, 49.

¹⁰⁰ For sources, see: *ibid.* Hänninen cites: Plin. *HN* 7.15; Columella *Rust.* 10.357-62.

¹⁰¹ *ibid.*, 49-50.

¹⁰² *ibid.*, 50.

¹⁰³ *ibid.* For the Senate and Cn. Cornelius Scipio Calvus' daughter, see: Val. Max. 4.4.10.

¹⁰⁴ *ibid.* See: 2.8.

that the law was sumptuary, not confiscatory, and was designed to restrict women driving carriages in the city, wearing purple clothes and displaying their gold, as the Roman Senate deemed it inappropriate during wartime to “display one’s wealth simply to increase one’s glory.”¹⁰⁵ In spite of this sumptuary law, Hänninen argues that *matronae* used the religious rites to Juno Regina in 207 to display family wealth and seek prestige, exploiting the fact that “religious festivals were the only situation when decent women were able to appear in public and display their riches.”¹⁰⁶ Hänninen demonstrates, like Pomeroy, Culham, Bauman and Staples, that women had a central role in public life during the Second Punic War, that some had an increased level of autonomy after the death of their agnatic relatives, and that some engaged in public displays of wealth. She indicates that the Roman Senate responded to these conditions with the *Lex Oppia* and the seizure of assets in 207. Hänninen carefully substantiates her claims with evidence from the primary sources, and she rightly highlights the prominent role that women had in the religious rites of the Second Punic War.

In Parker’s exposition on the Vestals, chastity and the Roman state, he links the crisis of Cannae with the “punishment of women and the subsequent founding of public cults of chastity with admonitory and apotropaic functions,” citing as evidence the *Lex Oppia* and the Vestal execution of 215, the exile of *matronae* for adultery in 213, and “the trial by ordeal of Claudia Quinta, charged with adultery” in 204.¹⁰⁷ Parker claims that “to control women and their sexuality was to control the state,” that as the state escaped control “among the omens was the escape of women from proper male control,” and that “outbreaks of witch-hunts leveled against the matrons of Rome cluster around times of external threat and internal danger.”¹⁰⁸ Parker claims that these actions emerge from a “profound fear at the core of Roman society” in which female adultery, poisoning and betrayal are associated with the lifelong social and economic connection of a woman to her agnatic relatives; a woman was a “stranger in her marriage

¹⁰⁵ *ibid.*

¹⁰⁶ *ibid.*, 51. But this display may have been limited to carriages under the *Lex Oppia*, see: 2.3.

¹⁰⁷ Parker, “Why Were the Vestals,” 588-589. It is not clear that Claudia was charged with adultery, and this will be addressed in 3.3.

¹⁰⁸ *ibid.*

family,” feared as “a potential traitoress to her new family, as a potential witch to her husband and poisoner of his children.”¹⁰⁹ To support these claims, Parker cites as evidence anthropological data that demonstrates “accusations of witchcraft are frequent against brides brought into virilocal or patrilineal villages”; he also cites the so-called laws of Romulus on divorce which specify that “a husband may divorce his wife only for poisoning his children, counterfeiting his keys, or adultery.”¹¹⁰ He indicates that “in times of panic, the society can easily be restored to health by the sacrifice, exile, or punishment of wives,” that Roman wives were “central to the family yet not fully members of it,” and were necessary “to produce children yet expendable.”¹¹¹ Parker claims that women were charged with adultery to avoid “the dangers of reciprocal violence from either her birth family or her marriage family,” as “adultery of a wife was the betrayal of all her male relatives, both by birth and by marriage,” and that “only for adultery did both husband and father have the right, indeed the duty, to kill a matron.”¹¹² For Parker, in the Roman ideological landscape “female sexuality under male control was the basis of and paradigm for keeping society under control.”¹¹³ Parker’s claims are extreme, and he unnecessarily characterises Roman society as unapologetically misogynistic, whilst ignoring the central role that women that played in religious rites that promoted chastity. However, his connection between the crisis of Cannae and the control of women and their sexuality is supported by evidence from the primary sources,¹¹⁴ and the work of Pomeroy, Evans and Palmer.

Langland’s study assesses the Roman concept of *pudicitia* across multiple texts and contexts.¹¹⁵ In her study, she suspects the rite for Venus Verticordia and the introduction of Cybele in 204 were “the results of demands associated with the regulation of female sexuality made by the Sibylline books in response to

¹⁰⁹ *ibid.*, 590-591.

¹¹⁰ For these sources, see: *ibid.*, 591. For the ‘laws of Romulus’, see: Plut. *Rom.* 22.3.

¹¹¹ *ibid.*, 592.

¹¹² *ibid.*

¹¹³ *ibid.*

¹¹⁴ For sources, see: *ibid.*, *passim*, and esp. 593-594. See: 2.6.

¹¹⁵ Langlands, *Sexual Morality*, 36.

national crises.”¹¹⁶ For Langlands, the primary sources are “retelling versions of this ‘crisis/female sexuality/religious innovation’ story [...] to underline the importance of maintaining control over female sexuality.”¹¹⁷ She claims that the retellings of these events are characterised by “interlocking themes of women’s *pudicitia*, national crisis and competition.”¹¹⁸ National crisis, religious innovation, competition amongst Roman women, and “public acknowledgement of outstanding sexual purity in a woman” are certainly key themes found in the accounts of Venus Verticordia and Cybele; in both cases women (Sulpicia for Venus and Q. Claudia for Cybele) are judged by a “process of selection as the best of their cohort,” and display their sexual virtue through religious practice.¹¹⁹ Langlands reads these events as state-organised religious practices “designed to inculcate sexual virtue among Roman females” to ensure the “wellbeing and protection of the Roman state”; she claims that the narratives portray women as “moral agents whose moral disposition must be shaped (separately from men) by the formal structures of society.”¹²⁰ For Langlands, the display of sexual virtue by women in these scenarios is didactic and competitive – Sulpicia and Claudia signify how women should behave, and accrue status by doing so.¹²¹ Citing a variety of primary sources, Langlands claims that the *pudicitia* of a Roman woman was assessed by her external appearance and public behaviour, in particular by her dress, gait, speech, appearance and gaze – all of these had to be appropriate by some unrecoverable “visual code” for her to be *pudica*.¹²² She concludes that to quantify sexual virtue and regulate “the behaviour of those into whose souls they cannot see,” the Romans drew a “close conceptual link between the virtue and appearance of an individual”; however, “the inconsistency between the appearance of virtue and the reality of virtue” was also one of the

¹¹⁶ *ibid.*, 57. Langlands dates the rite for Venus Verticordia to c. 220 BCE, but does not substantiate this dating.

¹¹⁷ *ibid.*

¹¹⁸ *ibid.*

¹¹⁹ *ibid.*, 58. See: 3.1-3.4.

¹²⁰ *ibid.*, 58-59.

¹²¹ *ibid.*, 59-61.

¹²² For these sources, see: *ibid.*, 69-73. See, in particular: Cic. *Cael.* 49; Sen. *Controv.* 2.7.3-4. See: 3.4 and 3.5.

“central anxieties of Roman sexual ethics.”¹²³ This anxiety appears in Ovid’s elaborate story of Claudia and Cybele, where Claudia is suspected of *impudicitia* for her appearance and manners, but proves her *pudicitia* by religious test (Ov. *Fast.* 4.305-344). For the Romans, in Langland’s assessment, *pudicitia* was an “elusive quality,” that could occasionally be “pinned down only by extraordinary (even superhuman) means.”¹²⁴ While Langlands does not explore the broader context of the Second Punic War within her work, she does make strong claims about the interconnectedness of national crisis, religious innovation, female competition, and the public assessment and display of virtue within the rites for Venus Verticordia and Cybele.

Schultz critically assesses a wide range of primary sources to show that women had prominent roles in the private and public religious activity of the Roman Republic. In her study, she briefly examines the role of women in the rites for Venus Verticordia, Juno Regina in 207 and the Magna Mater in 204.¹²⁵ She highlights the role of women of “impeccable reputation and noble descent” within these rites, and indicates that in each rite a candidate or candidates was chosen by a selection process to represent the *matronae*.¹²⁶ She draws a close connection between the stories of Sulpicia and Venus Verticordia and those of Q. Claudia and the Magna Mater, indicating that Sulpicia was chosen for her status and the “outstanding propriety of her behavior,” and that Claudia was chosen for her family status and “unblemished reputation.”¹²⁷ Schultz discards the notion of Claudia’s dubious reputation, arguing that the Republican sources all depict her as a “well-known model of feminine virtue,” and that only imperial authors cast aspersions on her reputation.¹²⁸ We shall see that Schultz’s claims about the role of women, status and virtue within these rites are supported in the primary sources.¹²⁹

¹²³ *ibid.*, 72.

¹²⁴ Langlands, *Sexual Morality*, 73.

¹²⁵ Schultz, *Women’s Religious*, 144-145, 200-201 ns. 24-30.

¹²⁶ *ibid.*

¹²⁷ *ibid.*, 144-145.

¹²⁸ *ibid.*, 145.

¹²⁹ See: 3.2 and 3.3.

The purpose of Takács's study is to evaluate the role and function of women in Roman religion.¹³⁰ She claims that "there is very little information about the importance of Roman women during Rome's encounter with Carthage."¹³¹ As indicated by the previous scholarship, that is not a fair assessment of the primary source material. Takács cites Livy's account of the abrogation of the *Lex Oppia* as the "only account" that explores the importance of Roman women during this period.¹³² She identifies the *Lex Oppia* as a sumptuary act designed to retain "control over all groups comprising a society" as "any subgroup would have needed to be controlled to guarantee a common communal goal, in this case, the warding off of all outsiders"; she also sees it as a confiscatory act designed to control available resources and keep "the bulk of liquid assets (precious metals or jewelry) [...] in the hands of men."¹³³ As Culham and Hänninen have convincingly argued, the contributions of 210 and the dotal contributions of 207 indicate that the wealth of Rome's women could not have been fully confiscated under the *Lex Oppia*, and, *pace* Takács, this law is more sumptuary than confiscatory. Takács reads this law as a "defensive act during war," and links it with the male suppression of female movement and mate selection, without citing primary sources that directly support this conclusion.¹³⁴ Furthermore, she reads 'Cato's' speech about the *Lex Oppia* as evidence that Cato feared women's potential to become "masters over men" and women's control over their dowries.¹³⁵ As indicated earlier, this speech is more Livy than Cato (*cf.* 2.3), but the concern about women and their dowries is certainly present in Plautus' *Aulularia*, and dowries were, as indicated by Evans, a major issue in the Second Punic War.¹³⁶ Takács claims that, in this period, "women needed to be controlled in order to guarantee socioeconomic and sociopolitical stability," and this assertion is not without merit, given the primary source material that focuses on the restrictions imposed on women during the Second Punic War.¹³⁷ She

¹³⁰ Takács, *Vestal Virgins*, xix.

¹³¹ *ibid.*, 15.

¹³² *ibid.*

¹³³ *ibid.* 15-16.

¹³⁴ *ibid.* 16.

¹³⁵ *ibid.*

¹³⁶ Plaut. *Aul.* 474-535. See: 2.3.

¹³⁷ Takács, *Vestal Virgins*, 16.

briefly explores the role of Q. Claudia in the introduction of Magna Mater in 204, ascertaining her “public proof of innocence and moral uprightness” to be a historical reality; without assessing the source material, she considers this moment of acknowledgement to be “a glimpse at the actual workings of Roman society.”¹³⁸ While her claims about controlling women during the Second Punic War have merit,¹³⁹ Takács’ claims about the *Lex Oppia* and Q. Claudia are fraught, as they are problematic interpretations of the primary evidence.¹⁴⁰

This review of the scholarship has revealed a range of approaches to the regulation of Rome’s women in the Second Punic War; the regulation is often examined in isolation or with limited context (Culham, Langlands), and occasionally with anachronistic lenses (Bauman, Parker), problematic claims (Staples, Takács) or a minimal assessment of claims (Evans, Palmer). With the exception of Hänninen, Langlands and Schultz, scholars have failed to adequately acknowledge the prominent role that women played in the religious rites to Venus Verticordia and Magna Mater of c. 215 and 204. None of the studies that have been conducted highlight the extent to which women were regulated in the Second Punic War. This lacuna and the problems with the scholarship indicate the need for a reassessment of the primary evidence for this regulation, a contextualisation of the rites of c. 215 and 204 within that regulation, and an acknowledgement of the role that women played within these rites.

What positions does the present study take in relation to preceding scholarship? I will argue in my study that the absence and death of men in the Second Punic War led to an increase in social and financial independence for elite women, and the Senate reacted with measures designed to regulate these women. Due to the absence of male relatives, women felt freer to engage in the display of wealth, and participate in non-traditional religious and sexual activities. Such displays of wealth caused public resentment, leading to the Senate enacting the *Lex Oppia* in 215, a sumptuary measure designed to restrict conspicuous consumption. Some of this wealth, concentrated in the dowries and inheritances

¹³⁸ *ibid.*

¹³⁹ See: 2.2-2.10.

¹⁴⁰ See: 2.3 and 3.3.

of elite women, was requisitioned by the state in 214, 210 and 207. Extramarital sexual activity led to the public trial and exile of *matronae* for *probrum* in 213. As a deterrent, the Senate enacted religious rites that promoted appropriate sexual conduct c. 215 and in 204; elite women had a prominent role in these rites, which were characterized by the public assessment and display of virtue and an increase in prestige for the women involved. This study contests Bauman's proposal that a favourable climate for women had emerged by 207. Each of these positions will be assessed and explored in **Chapters 2 and 3**.

1.5 Framework

The temporal parameters of my study are restricted to state regulation that occurred from 216 to 207, and to two rites c. 215 and in 204; its spatial parameters are restricted to activities that occurred in Rome. These parameters were chosen on the basis of the material present in the primary evidence and because of the stipulated length of this study. Primary evidence provides multiple strong attestations for the state regulation of women from 216 to 207¹⁴¹ in Rome, and for the role elite women played in the rites to Venus Verticordia and Magna Mater of c. 215 and 204.

How does this study approach the primary evidence? As Olson has rightly acknowledged, there exist great problems in "extracting the history of women in antiquity from the male-authored literature of the time," and scholars must use a variety of textual sources across multiple genres, some of which are considered more 'historical' than others.¹⁴² My study operates on the assumption that all primary sources present distorted windows into the past, including those that are sometimes considered more 'historical', viz. ancient historical sources; nevertheless, I will assume that these sources can offer us some insight into the

¹⁴¹ 207 is the last year of the Second Punic War where the state clearly enacts a piece of regulation related to women, but I will propose that some of the regulation and its effects persisted past 207 (2.10).

¹⁴² K. Olson, *Dress and the Roman Woman: Self Presentation and Society* (London: Routledge, 2008), 3. Cf. Schultz, *Women's Religious*, 6-9.

social history of Rome's women, if the sources are treated cautiously and critically in terms of genre and bias.¹⁴³

As to the use of sources, I will draw the majority of my material from ancient historical sources, particularly Livy's *Ab Urbe Condita*, while acknowledging with Schultz that the "kind of information preserved for us is subject to the interests and biases of ancient authors," and that "almost all surviving ancient texts were written by men."¹⁴⁴ I accept that Roman historians did not attempt to produce a "scientifically objective account of past events," but, instead, often aimed "to provide their readers with moral tales (*exempla*) to be imitated or avoided."¹⁴⁵ Our sources do not provide us with a "clear, uncomplicated view of the past."¹⁴⁶ Furthermore, most extant historical sources were written in the 1st century BCE or later, and are thus not contemporary with the events of the Second Punic War. The authors of these sources relied on a variety of older literary sources, official documents and inscriptions to construct their histories. Many of these older sources are no longer extant, and thus cannot be corroborated with extant sources. Can our sources thus provide us with any valid testimony of the events of the Second Punic War? Schultz believes so, citing evidence of extensive literacy in archaic Rome and Latium, including the production of religious records and "the habit of inscribing and then displaying public records."¹⁴⁷ While ancient historical accounts have been "subject to some manipulation and distortion, including anachronism," I accept Schultz's contention that they cannot have all been "manufactured wholesale," and assume that "extant ancient literature can and does yield reliable information, at least in outline, about events in the distant past, certainly as far back as the period around the second Punic War."¹⁴⁸ As such, I draw on ancient historical sources for information about the experiences of Rome's women in the Second Punic

¹⁴³ *ibid.*

¹⁴⁴ Schultz, *Women's Religious*, 6-7.

¹⁴⁵ *ibid.*, 8.

¹⁴⁶ *ibid.*

¹⁴⁷ *ibid.*, 9.

¹⁴⁸ *ibid.*, 8-9.

War, whilst ensuring that I acknowledge the authorial concerns and biases present therein.

In my study, I draw some of my material from more 'literary' sources. In particular, I take material from the plays of Plautus, which were written roughly contemporaneously to or just following the Second Punic War.¹⁴⁹ Gruen, Wiseman, and Manuwald have shown that Plautus interrogated contemporary Roman issues, and that he blended both Greek and Roman themes.¹⁵⁰ In particular, Manuwald has noted Plautus' references to the *Lex Oppia* of 215.¹⁵¹ I adopt Gruen's position that the content of Plautus' plays "illuminates and elucidates the central cultural experience of his age."¹⁵² In general, I hold with Olson's position that such 'literary' sources "reveal features of the real world."¹⁵³

But how accurate are the representations of Rome's women within these sources, and what kind of caution does this study employ? As Dixon has indicated, the representations of women garnered from ancient sources are influenced by the "dominant *voice and gaze*" of authors that were "male, elite, Italian, middle-aged and citizen Roman," and even if they were not Roman (Polybius) or elite (Horace), they were still writing for "that tiny but powerful group based in the city of Rome."¹⁵⁴ These ancient representations of women are strongly affected by genre, with different stereotypes employed across satire, elegy, philosophy and history.¹⁵⁵ Female activity is often depicted sexually in these ancient sources, due, in part, to "the strong tendency of the male gaze to sexualise its female object," ensuring that "sex frequently plays a role in other representations, including the vilification of political women."¹⁵⁶ The misogyny and emphasis on sexuality present in some literary sources is not necessarily

¹⁴⁹ G. Duckworth, *The Nature of Roman Comedy* (University of Oklahoma Press, 1994), 52-56; G. Manuwald, *Roman Republican Theatre* (Cambridge: Cambridge University Press, 2011), 225-234.

¹⁵⁰ E. Gruen, *Culture and National Identity in Republican Rome* (NY: Ithaca, Cornell University Press, 1992), 79-157, esp. 156-157; T. Wiseman, *Roman Drama and Roman History* (Exeter: University of Exeter Press, 1998), 35-51; Manuwald, *Roman Republican Theatre*, 225-234, 293-301.

¹⁵¹ Manuwald, *Roman Republican Theatre*, 165.

¹⁵² Gruen, *Culture*, 157.

¹⁵³ Olson, *Dress*, 3.

¹⁵⁴ Dixon, *Reading*, 21.

¹⁵⁵ *ibid.*, 19.

¹⁵⁶ *ibid.*, 20.

indicative of a “deep-seated, physical misogyny” amongst Roman men;¹⁵⁷ Dixon has shown that representations of women are affected by genre, medium and authorial intent, and she reminds the modern reader that the literary misogyny of Martial must be countered with the knowledge that he himself was patronised by Marcella, a wealthy widow, whom he referred to respectfully.¹⁵⁸ There are thus tensions between “ideologies, self-image, public image and lived experience,” and a complex relationship between literary representation and reality.¹⁵⁹ So, we must navigate these treacherous waters with care. There are, as Dixon asserts, “no hard data, no easy routes to ancient lives”; we should be “alert to the gaps and biases which keep certain women out of some texts and to the rules determining which aspects of their lives will be highlighted in others,” but acknowledge that “all sources have their uses, if only in revealing ancient prejudices.”¹⁶⁰ I am thus acutely aware that, as I interrogate the experiences of Rome’s women in the Second Punic War, I do so “through a glass, darkly.”¹⁶¹

It is thus with tempered optimism that my study approaches the primary evidence for the regulation of Rome’s women in the Second Punic War.

¹⁵⁷ *ibid.*, 22.

¹⁵⁸ *ibid.* See: Mart. 12.21, 12.31.

¹⁵⁹ *ibid.*

¹⁶⁰ *ibid.*, 25.

¹⁶¹ 1 Cor. 13:12 (KJV).

2: Regulation

Women have always been the primary victims of war.

Hillary Clinton, El Salvador, 17/11/1998.

2.1 Introduction

What conditions led to the enactment of the *Lex Oppia* in 215? A law that regulated women and their wealth, it was championed by Cato, and famously abolished by one of the first women's movements in 195. To understand its enactment we must turn to the crisis of Hannibal.

The basic facts about the crisis brought on by Hannibal are well-known. In late 218, Rome faced a clear and present danger. Hannibal crossed the Alps with a large Carthaginian army, and entered Italy. Allying with the Cisalpine Gauls, he crushed the Romans at the Rivers Ticinus and Trebbia. In June of 217, he dealt the Romans another defeat at Lake Trasimene. The news of Trasimene caused panic throughout Rome. Livy artfully renders the response to this news in Rome:

Romae ad primum nuntium cladis eius cum ingenti terrore ac tumultu concursus in forum populi est factus. Matronae uagae per uias, quae repens clades allata quaeue fortuna exercitus esset, obuios percontantur; [...] nec quisquam satis certum habet quid aut speret aut timeat.

Livy 22.7.6-7, 22.7.10.

This panic was compounded by another defeat suffered by the Romans near Cannae in August of 216. At the news of this fourth major defeat, the Romans were at breaking point: *nunquam salua urbe tantum pauoris tumultusque intra moenia Romana fuit* (Livy 22.54.8). With these four military defeats, Carthage wreaked havoc on the Roman male population. At Cannae alone, Rome lost approximately 30,000 (15,000 citizens) to 47,000 men,¹⁶² a substantial proportion

¹⁶² For losses at Cannae, see: Livy 22.49.15. Livy places the losses at approximately 47,000, but these losses include both citizens and allies. The exact casualty figure is difficult to ascertain due to the exaggeration of such figures, but Brunt estimates that approximately 15,000 Roman citizens and

of the male citizen population of 234, which stood at 270,713.¹⁶³ After these defeats and subsequent battles, the census of 209 placed the male citizen population at 137,108, a reduction of 133,605 since 234; the war had taken its toll as Livy indicates: *minor aliquanto numerus quam qui ante bellum fuerat* (Livy 27.36.7).¹⁶⁴ Furthermore, as mentioned in 1.4, there was a high level of troop mobilisation from 218 to 215; approximately 108,000 men were “called up to serve with the legions.”¹⁶⁵ The Second Punic War entailed a large departure of men out of Rome and drastic manpower losses. It was in this context that the *Lex Oppia* was enacted. So, why and how were women targeted?

After Cannae, women were regulated through a series of measures, including *senatus consulta*, *leges*, exile, and asset requisitions. One of these measures was the enactment of the aforementioned *Lex Oppia*. Scholarly assessments of these measures differ, and the measures are rarely considered together or chronologically. Pomeroy, Evans, Hänninen, and Takács depict these measures as social ramifications of the new freedoms women enjoyed, Bauman reads in the events tensions between ‘conservative’ and ‘progressive’ factions in the Senate, and Staples and Parker characterise some of these measures as primarily misogynistic or gynophobic.¹⁶⁶ Clearly, there is neither a simple nor single explanation for the regulation of Rome’s women in the Second Punic War.

This chapter reassesses the primary evidence for this regulation to determine its causes and its extent; to wit, it reassesses eight state measures imposed on women from 216 to 207 (2.2 – 2.9). These measures are briefly outlined in Table 1:

15,000 allies perished at Cannae, see: Brunt, *Italian Manpower*, 419 and esp. n. 4. Erdkamp notes the difficulty of recovering exact percentages of citizens and allies here, and the possibility of Livian exaggeration, see: P. Erdkamp, “Manpower and Food Supply in the First and Second Punic Wars,” in *A Companion to the Punic Wars*, ed. D. Hoyos (Chichester: Blackwell Publishing, 2011), 67.

¹⁶³ For the 234 census, see: Livy *Per.* 20. For the population value 270,713, see: Brunt, *Italian Manpower*, 13, 46, 61; Erdkamp, “Manpower and Food Supply,” 63.

¹⁶⁴ For the census of 209, see: Livy 27.36.7. For commentary on the reduction, see: P. Burton, “The Summoning of the Magna Mater to Rome,” *Historia: Zeitschrift für Alte Geschichte* 45 (1996), 40. For manpower and mobilisation during the Second Punic War, see: Brunt, *Italian Manpower*, 418-419; Erdkamp, “Manpower and Food Supply”, 59-67.

¹⁶⁵ Evans, *War, Women*, 27. Evans cites Brunt, see: Brunt, *Italian Manpower*, 419.

¹⁶⁶ See: 1.4.

Table 1: Regulatory measures covered in Chapter 2.

Section	Year (BCE)	Measures
2.2	216	The enactment of the <i>senatus consultum</i> restricting female mourning.
2.3	215	The enactment of the <i>Lex Oppia</i> , a law restricting female adornment, dress and transportation.
2.4	214	The requisition of assets from widows.
2.5	213	The enactment of the <i>senatus consultum</i> restricting foreign religious activity.
2.6	213	The aedilician trial and exile of women for <i>probrum</i> .
2.7	210	The enactment of the <i>Lex Atilia</i> , a law that granted the state the power to appoint tutors for women <i>sui iuris</i> .
2.8	210	The requisition of assets from women via contributions to the public treasury.
2.9	207	The requisition of assets from women's dowries.

This chapter demonstrates that women enjoyed increased economic and social independence during the Second Punic War, and that the state reacted to this independence with these measures. I challenge the position that these measures were *primarily* misogynistic or gynophobic; referring to the social and economic concerns that faced the state, I will show that the state imposed these measures on Roman women to acquire assets and establish *concordia*. I will also contest Bauman's view that by 207 "an unequivocally favourable climate emerge[d]" for women,¹⁶⁷ and demonstrate that the longevity of the *Lex Oppia* and the *Lex Atilia* testifies to the persistence of this regulation throughout the Second Punic War (2.10).

2.2 Dangerous grief: Restricting mourning in 216 BCE

The defeat at Cannae (216) led to panic and public outpourings of grief by women. I will show that this female grief was considered 'dangerous' by the Senate in the context of Cannae and that it was a catalyst for future state regulation.

Before C. Terentius Varro's (cos. 216, pr. 218) letter detailing the degree of destruction at Cannae had reached Rome, the Senate convened to discuss defensive measures, under the instructions of the praetors P. Furius Philus (cos.

¹⁶⁷ Bauman, *Women*, 22.

223, pr. 216) and M. Pomponius Matho (pr. 216).¹⁶⁸ Livy paints a picture of a city heavy with grief, where:

[...] obstreperetque clamor lamentantium mulierum et nondum palam facto uiui mortuique et per omnes paene domos promiscue complorarentur [...]

Livy 22.55.3.

This picture, while Livian, rings true. Roman families would have been reeling with the news of the defeat, and anxious to know whether their relatives were alive. In response to this public grief, Q. Fabius Maximus Verrucosus (dict. 221, 217, cos. 233, 228, 215, 214)¹⁶⁹ proposed measures to control public order and movement through praetorial *coercitio*. Livy describes the purpose and extent of these measures:

[...] quoniam magistratum parum sit, ut tumultum ac trepidationem in urbe tollant, matronas publico arceant continerique intra suum quamque limen cogant, comploratus familiarum coerceant, silentium per urbem faciant, nuntios rerum omnium ad praetores deducendos curent, suae quisque fortunae domi auctorem expectent, custodesque praeterea ad portas ponant qui prohibeant quemquam egredi urbe cogantque homines nullam nisi urbe ac moenibus saluis salutem sperare. [...] Cum in hanc sententiam pedibus omnes issent [...]

Livy 22.55.6-8, 22.56.1.

If Livy's assessment is accurate, these measures were implemented to reduce the public chaos caused by Cannae, and prevent a mass exodus of Roman citizens.¹⁷⁰ The initial measures did not prove successful; Varro's letter arrived, with news of the death of L. Aemilius Paulus (cos. 219, 216) and the destruction of his army, and this news led to city-wide mourning that disrupted the rites of Ceres:

¹⁶⁸ For these magistrates, see: *MRR* 1.248-249, s.a. 216.

¹⁶⁹ For Q. Fabius Maximus Cunctator, see: *MRR* 1.243, s.a. 217; 1.285, s.a. 209.

¹⁷⁰ As such, these measures were directed at the entire population, not solely or even primarily at women.

Tum priuatae quoque per domos clades uolgatae sunt adeoque totam urbem oppleuit luctus ut sacrum anniuersarium Cereris intermissum sit, quia nec lugentibus id facere est fas nec ulla in illa tempestate matrona expers luctus fuerat.

Livy 22.56.4.

In response to this mourning and the cessation of the rites of Ceres, the Senate issued a *senatus consultum* that restricted mourning to a maximum of thirty days:

Itaque ne ob eandem causam alia quoque sacra publica aut priuata desererentur, senatus consulto diebus triginta luctus est finitus.

Livy 22.56.5.

Prima facie, this *senatus consultum* was issued to ensure the *pax deorum*; the Senate was championing orthopraxy in the face of warfare. The cessation of the rites for Ceres could have been particularly problematic; Ceres was firmly connected to grain and fertility, and, to the Roman mind, a break in her rites may have foreshadowed a breakdown in agriculture.¹⁷¹ Valerius Maximus also reads the event as an exercise in religious orthopraxy:

Quanto nostrae ciuitatis senatus uenerabilior in deos! qui post Cannensem cladem decreuit ne matronae ultra tricesimum diem luctus suos extenderent, uti ab iis sacra Cereris peragi possent, quia maiore paene Romanarum uirium parte in exsecrabili ac diro solo iacente nullius penates maeroris expertes erant. itaque matres ac filiae coniugesque et sorores nuper interfectorum abstersis lacrimis depositisque doloris insignibus candidam induere uestem et aris tura dare coactae sunt.

Val. Max. 1.1.15.

Livy and Valerius both read this decree in the context of religious orthopraxy, and there is no reason to question their assessments. However, there may have been supplementary reasons for such a decree. It may have been passed to

¹⁷¹ For Ceres' important connection to growth and grain, see Dion. Hal. *Ant. Rom.* 6.17; Ov. *Fast.* 4.393-620. For the cessation of these rites as dangerous, see Bauman, *Women*, 24. Ceres' theonym is inextricably tied to the word grain, see *OLD* s.v. Ceres.

control a form of grief considered particularly dangerous and disruptive: the grief of women.¹⁷²

A law of the Twelve Tables explicitly prohibits excessive female lamentation:

[...] tollit etiam lamentationem: “Mulieres genas ne radunto neue lessum funeris ergo habento.”

Cic. *Leg.* 2.59.

As such, the grief after Cannae may have been considered unlawful and dangerous. City-wide grief would have led to public disorder and paralysis;¹⁷³ this threat of chaos may have struck fear into the hearts of Roman senators. This would have especially been the case given the decimation of Rome’s male population at Cannae, and the Senate’s resulting awareness of the need for the people to focus on preserving the city and its defences, *urbe ac moenibus saluis* (Livy 22.55.8), in the face of invasion. Hughes considers that female grief was dangerous because it had the potential to disrupt public order, promote “divisive kinship mourning,” and pose a threat to “male political hierarchies.”¹⁷⁴ Similarly, Perkell interprets this decree as an attempt by the Senate to “quell the confusion and fear generated by lamentation,” observing that “the content of female lament, in its emphasis on personal loss and in its indifference to the state *per se*, functions in opposition to the male ideology of war and dedication to the city or state and has, therefore, a radicalizing potential.”¹⁷⁵ In Perkell’s assessment,

¹⁷² Both religious orthopraxy and disruptive grief were conceivably practical concerns for the Senate.

¹⁷³ The grief of men, women and children.

¹⁷⁴ Hughes views the laws of Solon that limit female mourning in this light, see: R. Hughes, *Lament, Death and Destiny* (New York, NY: Peter Lang, 2004), 18. Cicero indicates that the law limiting female mourning in the Twelve Tables was almost literally translated from the laws of Solon and for a similar purpose, see Cic. *Leg.* 2.59. Cicero could, however, be misrepresenting here the synchronicity between Athenian law and the Twelve Tables. Furthermore, Cicero is focusing on the sumptuary nature of the legislation here; to his mind it was designed to reduce extravagant funerals. As such, this evidence must be used cautiously.

¹⁷⁵ C. Perkell, “The Lament of Juturna: Pathos and Interpretation in the Aeneid,” *TAPhA* 127 (1997): 278-279. See also: C. Perkell, “Reading the Laments of *Iliad* 24,” in *Lament: Studies in the Ancient Mediterranean and Beyond: Studies in the Ancient Mediterranean and Beyond*, ed. A. Suter (Oxford: Oxford University Press, 2008), 108 n. 1.

female lament stands in opposition to the political and military ideologies of the ruling class.¹⁷⁶ The Livian and Valerian accounts certainly focus on the disruptive and public nature of the women's grief; the Senate could have viewed this grief as oppositional and dangerous. This public activity would have sharply focused the attention of the state upon women.

This acute focus on religious orthopraxy and women in 216 may have contributed to the death of two Vestal Virgins in that same year. Two Vestals, Opimia and Floronia, were convicted of *stuprum*;¹⁷⁷ one committed suicide, and the other was interred alive near the Colline Gate *uti mos est*.¹⁷⁸ A pontifical secretary, L. Cantilius, was charged with their violation, and scourged to death in the Comitium by the Pontifex Maximus, L. Cornelius Lentulus Caudinus (Livy 22.57.2-3; cf. Plut. *Fab.* 18). It is difficult to over-emphasise the impact these events would have had on the Roman consciousness. For the Romans, the chastity of the Vestals, both physical and ideological, was inextricably tied to the stability and health of Rome; the destruction of this chastity was a significant break in the *pax deorum*.¹⁷⁹ The sexual misconduct of a Vestal *had* to be punished in order to avert the *ira deorum* descending on Rome, and the Vestals had no recourse to the *ius prouocationis*, which protected ordinary citizens in the case of a capital charge.¹⁸⁰ It is important to note that the ritual interment of Vestals often occurred in times of great peril for Rome, such as the interment in 216 after Cannae, and the interment in 114-113 after the destruction of C. Porcius Cato's (cos. 114)¹⁸¹ army at the hands of the Scordisci; it would appear that the Vestals were made scapegoats when crises hit Rome.¹⁸² The state, their gaze fixed firmly on women after their

¹⁷⁶ *ibid.*

¹⁷⁷ Sexual misconduct. For this definition of *stuprum*, see: Adams, *The Latin Sexual*, 201.

¹⁷⁸ For a description of this ritual interment, see: Plut. *Num.* 10.4-7.

¹⁷⁹ Staples, *From Good Goddess*, 129-135.

¹⁸⁰ *ibid.*, 151. For the *ius prouocationis*, see Cic. *Rep.* 2.31; *De or.* 2.199. For commentary, see: L. de Libero, "Provocatio" in *Brill's New Pauly*, eds. H. Cancik and H. Schneider (Brill Online, 2012), accessed 9th June 2014, <http://referenceworks.brillonline.com.proxy.library.adelaide.edu.au/entries/brill-s-new-pauly/provocatio-e1011630>.

¹⁸¹ For C. Porcius Cato, see: *MRR* 1.533, s.a. 114.

¹⁸² For this defeat in 114-113 BCE, see Livy *Per.* 63; Dio Cass. 26.88. For the execution of the Vestals see: Livy *Per.* 63; *Obseq.* 37; Plut. *Quaest. Rom.* 83. For the Vestals as scapegoat, see Staples, *From Good Goddess*, 138.

public outpourings of grief, may have elected to ritually inter the Vestal by way of example, to restore the *pax deorum* and send a strong message to any women who might ignore their will.

While the experiences and status of the grieving women were very different to that of the Vestals, their experiences occurred in the same context: a military crisis hit Rome, and the state closely scrutinised and regulated women. It is possible that dangerous female grief, combined with a fear of invasion, elicited regulatory and punitive responses from the state. Grief may have been a catalyst for regulation. As we will see, women became the focus of the state's regulatory activities in the ensuing years.

By the end of 216, Rome was struggling with a war-induced financial crisis and so, on the proposal of the plebeian tribune M. Minucius, the *Lex Minucia de triumviris mensariis* was enacted, which provided for the appointment of a triumvirate of treasury officials, the *triumviri mensarii*, to remedy the crisis and regulate the paying out of public money.¹⁸³ This triumvirate included two eminent ex-consuls, L. Aemilius Papus (cens. 220, cos. 225) and M. Atilius Regulus (cos. 227, 217), and the plebeian tribune L. Scribonius Libo (pr. 204).¹⁸⁴ Their mandate lasted until at least 210 (Livy 24.18, 26.36); based on their status, Niczyporuk suggests they had “vast power,” and were “equipped with important prerogatives” that allowed them to “regulate citizens’ debt towards the state.”¹⁸⁵ Importantly for this study, these were perhaps the officials who put the money of the widows and orphans on “irregular deposit” in 214 (2.4),¹⁸⁶ and they were certainly the officials who collected the “voluntary contributions” from citizens in 210 (2.8).¹⁸⁷ They may have had the support of consular or praetorial *coercitio* to absorb private funds, and we shall examine this more closely in 2.4

¹⁸³ Livy 23.21. For the actions of the *triumviri* in 214 and 210, see: Livy 24.18.13-14; 26.36. For this crisis, see also Livy 26.36. For commentary, see: Niczyporuk, “*Mensarii*,” 110-113. Cf. R. Vishnia, *State, Society and Popular Leaders in Mid-Republican Rome 241-167 B.C.* (London: Routledge, 1996), 99-113.

¹⁸⁴ For this triumvirate, see: MRR 1.252, s.a. 216. For L. Aemilius Papus’ censorship, see: MRR 1.235, s.a. 220.

¹⁸⁵ Niczyporuk, “*Mensarii*,” 111.

¹⁸⁶ *ibid.*, 111-112. But Livy shows that it was a *quaestor* who regulated the paying out of these funds, see: Livy 24.18.13-14.

¹⁸⁷ *ibid.*, 113. Livy 26.36.

and 2.8. This financial crisis would certainly have heightened tension within the city, and, as we shall see, it provided the context for the regulation to follow.

2.3 Conspicuous consumption: The *Lex Oppia* in 215 BCE

By 215, the state had fixed its gaze upon Rome's women. This fixation is evidenced by the plebeian tribune C. Oppius'¹⁸⁸ proposal of the *Lex Oppia*, a law targeting women, under the consulship (suffect)¹⁸⁹ of Q. Fabius Maximus Verrucosus and T. Sempronius Gracchus (cos. 215, 213) in 215.¹⁹⁰ As we will see, the law was designed to restrict conspicuous consumption by elite women, in the context of the financial crisis of 216 and their increased financial independence during the Second Punic War.

The *Lex Oppia* restricted women from having more than a half-ounce of gold (probably jewelry),¹⁹¹ from wearing multi-shaded garments (probably purple),¹⁹² and riding in a carriage within Rome, or within a mile of any town (except in the case of religious festivals):

Tulerat eam C. Oppius tribunus plebis Q. Fabio Ti. Sempronio consulibus in medio ardore Punici belli, ne qua mulier plus semunciam auri haberet neu uestimento uersicolori uteretur neu iuncto uehiculo in urbe oppidouae aut propius inde mille passus nisi sacrorum publicorum causa ueheretur.

Livy 34.1.3.

The law's restrictions against gold, multi-shaded garments and carriages are mirrored in Livy, Dio, Valerius, and Orosius; Tacitus refers to the law but not its

¹⁸⁸ For C. Oppius, see: MRR 1.255, s.a. 215.

¹⁸⁹ For this suffect consulship, see: Livy 22.31.12-14.

¹⁹⁰ For these magistrates, see: MRR 1.253, s.a. 215.

¹⁹¹ This was plausibly a restriction on gold jewelry as opposed to gold coinage. Roman coinage in the Middle Republic was predominantly struck from silver and bronze. For silver and bronze coinage in the Middle Republic, see: A. Burnett, "Early Roman Coinage and Its Italian Context," in *The Oxford Handbook of Greek and Roman Coinage*, ed. W. Metcalf (Oxford: Oxford University Press, 2012), 297-314; B. Woytek, "The Denarius Coinage of the Roman Republic," in *The Oxford Handbook of Greek and Roman Coinage*, ed. W. Metcalf (Oxford: Oxford University Press, 2012), 315-334.

¹⁹² For this as a prohibition of women wearing purple, see the speech Livy scripts for Cato attacking the repeal of the *Lex Oppia*, Livy 34.3.9, 34.4.10, and the plebeian tribune Valerius' response in Livy 34.7.2-4.

restrictions.¹⁹³ The *Lex Oppia* appears to have targeted conspicuous consumption by élite women, particularly the public display of élite symbols of status (gold, multi-shaded (purple) garments, carriages).¹⁹⁴ Scholars are divided over whether this law was a confiscatory measure, or a sumptuary law.¹⁹⁵ Given the financial crisis of 216, it is conceivable that the state would have attempted to absorb private wealth through legal mechanisms; in this case, however, there is stronger evidence that the law was primarily sumptuary. From the evidence it does not appear that the restrictions against the public wearing of multi-shaded garments and the use of carriages were confiscatory or economic; these restrictions were certainly sumptuary.¹⁹⁶ As Hemelrijk indicates, there is also no direct evidence in our texts that women deposited their gold into the treasury in 215, or that it was removed forcibly; rather, the evidence suggests that women were forbidden from displaying more than a *semuncia* of gold jewelry publicly.¹⁹⁷ There are three later instances where there exists evidence for the wealth of women being directly accessed by the state: the depositing of widows' and orphans' funds into the public treasury in 214, the contributions of 210,¹⁹⁸ and the dotal contributions of 207. These instances suggest that women still had access to such wealth.¹⁹⁹ If the *Lex Oppia* was confiscatory and reduced women's wealth to a mere *semuncia* of

¹⁹³ Livy 34.1-8; Dio Cass. 18 = Zonar. 9.17; Val. Max. 9.1.3; Tac. *Ann.* 3.33-34; Oros. 4.20.5.

¹⁹⁴ For these objects as élite female status symbols, see: Pomeroy, *Goddesses*, 180; E. Hemelrijk, "Women's Demonstrations in Republican Rome," in *Sexual Asymmetry: Studies in Ancient Society*, eds. J. Blok and P. Mason (Amsterdam: Gieben, 1987), 221-230; Olson, *Dress*, 100-102. Hemelrijk and Olson draw on Hier. *Adv. Iov.* 1.47 = Sen. fr. *de Matr.* 49 (Haase), a fragment that Jerome attributes to Theophrastus, but which Hemelrijk and Olson both attribute to Seneca, presumably due to Haase's reading of Hier. *Adv. Iov.* 1.49. This fragment directly links these objects with status, but as the authorship is not secure, it should not be used as strong evidence of a Roman cultural practice. For this criticism see: W. Fortenbaugh, *Theophrastus of Eresus Commentary Volume 6.1: Sources on Ethics* (Leiden: Brill, 2010), 79-80. Hemelrijk and Olson draw also on Plautus and Livy 34.3-8, which make direct connections between these objects and status, and to my mind they are stronger evidence for such a link.

¹⁹⁵ Confiscatory (or asset seizure): Pomeroy, *Goddesses*, 178; Bauman, *Women in Politics*, 26; Olson, *Dress*, 101. Sumptuary: Evans, *War, Women*, 61-65; Culham, "The *Lex Oppia*," 793; Hemelrijk, "Women's Demonstrations," 220-221; Gruen, *Culture*, 144; Staples, *From Good Goddess*, 59; Hänninen, "Juno Regina," 50. Both: Takács, *Vestal Virgins*, 15-16.

¹⁹⁶ As Hemelrijk maintains, see: Hemelrijk, "Women's Demonstrations," 220.

¹⁹⁷ *ibid.*, 220-221.

¹⁹⁸ The contributions of 210 demonstrate that women still had access to more than a *semuncia* of gold. Livy refers explicitly to provisions that allow women to retain an ounce of gold, see: Livy 26.36.5 and 2.8.

¹⁹⁹ To be discussed further. 214: 2.4. 210: 2.8. 207: 2.9.

gold in total, how could their wealth be mined in 214, 210 and 207? These future instances in tandem with the law's restrictions on garments and carriages suggest that the law was designed to limit the conspicuous consumption of wealth by women.

Livy scripts two speeches for the abrogation of the *Lex Oppia* in 195; one in the voice of M. Porcius Cato (cos. 195) defending the law, and one in the voice of L. Valerius (tr. pl. 195) supporting its abrogation (Livy 34.1-8).²⁰⁰ Briscoe, Gruen, Perl and Milnor have all convincingly argued that these speeches are fundamentally Livian, reflecting his programmatic aims of exemplarity, and his *topos* of moral decline.²⁰¹ The speeches cannot be taken as approximating any actual speech by Cato or Valerius. However, Livy's speeches do make the restrictions of the *Lex Oppia* clearer, and may capture the purpose of the law.²⁰² The Livian Cato asks his fellow citizens why women are lobbying for the abrogation of the *Lex Oppia*, and answers his own question by referring to the restrictions of the *Lex Oppia*, namely gold, purple garments and carriages:

“Quid honestum dictu saltem seditioni praetenditur muliebri? “Ut auro et purpura fulgamus” inquit, “ut carpentis festis profestisque diebus, uelut triumphantes de lege uicta et abrogata et captis ereptis suffragiis uestris, per urbem uectemur: ne ullus modus sumptibus, ne luxuriae sit.””

Livy 34.3.8-9.

Clearly, Livy's Cato considers the law to be sumptuary, designed to limit conspicuous female consumption, *sumptibus* [...] *luxuriae*, in the form of sartorial extravagance and the use of carriages, which are compared negatively to triumphal chariots, *carpentis* [...] *uelut triumphantes* (Livy 34.3.8-9). Conversely, the Livian Valerius in his support for the abrogation, suggests that Roman men and women are contributing all of their wealth to the state and that there are restrictions on precious metal ownership; he dismisses the notion that women are

²⁰⁰ For Cato and Valerius, see: MRR 1.339-340, s.a. 195.

²⁰¹ See: J. Briscoe, *A Commentary on Livy, Books XXXIV-XXXVII* (Oxford: Clarendon Press, 1981), 39-43; Gruen, *Culture*, 69-70; G. Perl, “Zur Problematik der Lex Oppia (215/295 v. Chr.),” *Klio* 84/2 (2002): 414-39; K. Milnor, *Gender, Domesticity, and the Age of Augustus: Inventing Private Life* (Oxford: Oxford University Press, 2005), 164.

²⁰² Evans, *War, Women*, 63.

engaged in conspicuous consumption after Cannae, and paints the law as a wartime financial measure imposed during crisis:

“aurum et argentum omne ab senatoribus eius rei initio orto in publicum conferebamus; uiduae et pupilli pecunias suas in aerarium deferebant; cautum erat quo ne plus auri et argenti facti, quo ne plus signati argenti et aeris domi haberemus – tali tempore in luxuria et ornatu matronae occupatae erant, ut ad eam coercendam Oppia lex desiderata sit [...] Cui non apparet inopiam et miseriam ciuitatis, [et] quia omnium priuatorum pecuniae in usum publicum uertendae erant, istam legem scripsisse tam diu mansuram quam diu causa scribendae legis mansisset?”

Livy 34.6.14-15, 34.6.16.

Here Livy is, perhaps, confusing his historical references - deliberately or otherwise; it is not until 214, 210 and 207, following the institution of the *Lex Oppia*, that there are deliberate attempts by the state to absorb private funds.²⁰³ Livy himself may be conflating these dates for reasons of rhetorical artifice, source discrepancies, or genuine confusion. Further on in his abrogation speech, the Livian Valerius points out that the law has limited status competition and conspicuous consumption in what is a direct contradiction to his earlier arguments:

“Nullam aemulationem inter se singularum, quoniam nulla haberet, esse aiebat. At hercule uniuersis dolor et indignatio est, cum sociorum Latini nominis uxoribus uident ea concessa ornamenta quae sibi adempta sint, cum insignes, eas esse auro et purpura, cum illas uehi per urbem, se pedibus sequi, tamquam in illarum ciuitatibus non in sua imperium sit. Uirorum hoc animos uolnerare posset: quid muliercularum censetis, quas etiam parua mouent? Non magistratus nec sacerdotia nec triumphus nec insignia nec dona aut spolia bellica iis contingere possunt: munditiae et ornatus et cultus, haec feminarum insignia sunt, his gaudent et gloriantur, hunc mundum muliebrem appellarunt maiores nostri.”

Livy 34.7.5-9.

²⁰³ See: 2.4, 2.8, and 2.9.

Despite its deliberately patronising tone (*muliercularum*), this speech is revealing; it indicates that the public display of gold, purple and carriages was a form of status competition (*aemulatio* or *certamen*)²⁰⁴ for élite Roman women, a sort of alternate *cursus honorum*.²⁰⁵ Furthermore, it inadvertently supports the Livian Cato's claims that the law was designed to limit conspicuous consumption. It may also reveal how this conspicuous consumption affected people during the Second Punic War. The Livian Valerius claims that the law caused Rome's women to feel *dolor* and *indignatio* when they saw the *ornamenta* of the wives of the *socii*; perhaps, amidst the financial crisis of 216, the conspicuous consumption of élite women caused this very same *dolor* and *indignatio* in the general populace.

This conclusion is further supported by literary evidence from Plautus (c. 250 – 184), who illustrates the resentment of the Roman populace at this conspicuous consumption in his *Aulularia*.²⁰⁶ In this play, the old man Megadorus criticises *dotatae uxores* who afflict their husbands with huge expenses, and who display their wealth publicly and prominently. This play is particularly important for our understanding of the *Lex Oppia*, as it was produced roughly contemporaneously with the law's repeal in 195 BCE.²⁰⁷ In the *Aulularia*, the old man Megadorus complains about élite women, their dowries, their ivory decked carriages, and their purple clothing:

istas magnas factiones, animos, dotes dapsilis,
clamores, imperia, eburata uehacula, pallas, purpuram
nil moror, quae in seruitutem sumptibus redigunt uiros.

Plaut. *Aul.* 167-169.

²⁰⁴ *Aemulatio* is found from Cicero onwards, see: *OLD* s.v. *aemulatio*. *Certamen* is found in Plautus, see: *OLD* s.v. *certamen*. This study will use the term *certamen* to refer to status competition. See: 3.5.

²⁰⁵ Hemelrijk, "Women's Demonstrations," 223. See: 3.5.

²⁰⁶ See Plaut. *Aul.* 167-169; 474-535. For Plautus living between c. 250-184 BCE, see: Duckworth, *The Nature*, 49; Manuwald, *Roman Republican Theatre*, 225; E. Lefèvre, "Plautus" in *Brill's New Pauly*, eds. H. Cancik and H. Schneider (Brill Online, 2012), accessed 23rd October 2012, <http://referenceworks.brillonline.com.proxy.library.adelaide.edu.au/entries/brill-s-new-pauly/plautus-e927720>.

²⁰⁷ For this dating, and discussion, see: Culham, "The *Lex Oppia*," 790-791. Plautus' *Aulularia* is dated to c. 195 BCE by its references to the restrictions of the *Lex Oppia*, see: Culham, "The *Lex Oppia*," 790-791, and the play has a *terminus ante quem* of 184 BCE, due to Plautus' death in that year.

The wealth, dyed garments, and carriages mentioned in the *Lex Oppia* are characterised here by Megadorus as negative traits of wives with large dowries. This attitude is echoed later in the *Aulularia*, when Megadorus praises marriages between élite men and poorer women without dowries, and marriages where élite women come unaccompanied by dowries:

nam meo quidem animo si idem faciant ceteri
opulentiores, pauperiorum filias
ut indotatas ducant uxores domum,
et multo fiat ciuitas concordior,
et inuidia nos minore utamur quam utimur,
et illae malam rem metuant quam metuont magis,
et nos minore sumptu simus quam sumus. [...]
quo lubeant nubant, dum dos ne fiat comes.

Plaut. *Aul.* 478-484, 491.

Megadorus insists that such nuptial practice would increase public *concordia* (harmony), and reduce public *inuidia* (envy). Megadorus further argues that his suggestions would stop *dotatae uxores* using their dowries to extract expenses such as purple (clothing), gold and carriages from their husbands:

nulla igitur dicat "equidem dotem ad te attuli
maiores multo quam tibi erat pecunia;
enim mihi quidem aequomst purpuram atque aurum dari,
ancillas, mulos, muliones, pedisequos,
salutigerulos pueros, uehacula qui uehar."

Plaut. *Aul.* 498-502.

Again, these references to purple, gold and carriages reflect the restrictions of the *Lex Oppia*. Megadorus blames the *dotatae uxores* for these expenses. He concludes that a wife without dowry is in her husband's power, and that those with a dowry afflict their husbands with misery and loss: *nam quae indotata est, ea in potestate est uiri; / dotatae mactant et malo et damno uiros* (Plaut. *Aul.* 534-535).²⁰⁸ This

²⁰⁸ Plautus is, of course, being comic here. Nevertheless, the examples of Busa and Aemilia (to be discussed below) suggest that women wielded considerable wealth in this period. This wealth may have threatened male authority and financial stability.

concern with dowries and the financial power of the *dotatae uxores* is found also in Plautus' *Miles Gloriosus*, *Menaechmi*, *Asinaria*, and the *Mostellaria*; the concern with display is found in his *Epidicus*.²⁰⁹ Through Megadorus, Plautus grants us some insight into the negative effects of conspicuous consumption in Rome: it has led to a lack of public *concordia* and to public *invidia*, producing social discord. This kind of discord could have been magnified during wartime, especially when the state was amidst a financial crisis.

Did some women have the capacity to cause such *invidia* during the Second Punic War? As indicated in 1.4, Pomeroy, Evans and Hänninen have linked the death or absence of male relatives in the Second Punic War with increased financial independence for Roman women.²¹⁰ Before the *Lex Voconia* of 169, which stopped testators of the 1st census class (the wealthiest) from declaring female heirs in their will, Rome was a purely partible society in terms of inheritance, and wealth could be inherited by women; with the death of so many men at Trasimene and Cannae, a significant proportion of Rome's wealth would have devolved to women.²¹¹ Furthermore, wives with large dowries, the *dotatae uxores*, already had considerable wealth at their fingertips, and wielded control over them, as indicated by Plautus, and in Cato's speech in support of the *Lex Voconia* (retained by Gellius):²¹²

M. Cato Voconiam legem suadens uerbis hisce usus est: "Principio uobis mulier magnam dotem adtulit; tum magnam pecuniam recipit, quam in uiri potestatem non committit, eam pecuniam uiro mutuam dat; postea, ubi irata facta est, seruum recepticium sectari atque flagitare uirum iubet."

Gell. NA 17.6.1.

Wealth, whether through inheritance or dowries, lay in the hands of élite women during the early stages of the Second Punic War. This wealth could be stunning, as indicated in the contemporaneous cases of Busa and Aemilia. Busa, an

²⁰⁹ Plaut. *Mil.* 679-681; *Men.* 765-767; *Asin.* 87; *Mostell.* 281; *Epid.* 225-234.

²¹⁰ Pomeroy, *Goddesses*, 177; Evans, *War, Women*, 27; Hänninen, "Juno Regina," 49-50.

²¹¹ Evans, *War, Women*, 27, 53. For the *Lex Voconia*, see: Gell. NA 17.6.1; Gai. *Inst.* 2.274.

²¹² *ibid.*, 53.

Apulian woman from Canusium,²¹³ personally billeted many Roman soldiers fleeing from Cannae in 216, providing them with grain, clothing, and money:

Eos qui Canusium perfugerant mulier Apula nomine Busa, genere clara ac diuitiis, moenibus tantum tectisque a Canusinis acceptos, frumento, ueste, uiatico etiam iuuuit, pro qua ei munificentia postea bello perfecto ab senatu honores habiti sunt.

Livy 22.52.7.

Sed grauius onus Busae multitudo faciebat; et iam ad decem milia hominum erant [...]

Livy 22.54.4-5.

Valerius Maximus suggests that Busa's wealth remained relatively untouched by her generosity:

Itaque eiusdem temporis femina Busa nomine, regionis autem Apulae ditissima, merito quidem liberalitatis testimonium receperit, sed excellentes opes suas Fabianis rei familiaris angustiis non comparauerit: nam etsi circa decem milia ciuium nostrorum, Cannensis proelii reliquias, benignissime intra Canusina moenia alimentis sustentauit, saluo tamen statu fortunarum suarum munificam se populo Romano praestitit: Fabius in honorem patriae paupertatem inopia mutauit.

Val. Max. 4.8.2.

This extra detail could be a Valerian fabrication, but both Livy and Valerius agree that Busa was fabulously wealthy, capable of billeting ten thousand Roman soldiers. Such wealth would certainly cause *inuidia* amongst some. Polybius, in a description of P. Cornelius Scipio Aemilianus Africanus Numantinus' (cens. 142, cos. 147, 134)²¹⁴ generosity to his mother Papiria, outlines the wealth of P.

²¹³ Apulians were *socii*, and thus Busa was not a Roman woman; her wealth may not have been commensurate with the wealth of her Roman counterparts. However, the example of Busa show that Italic women in the Second Punic War could command significant wealth. Cf. Livy's description of the wives of the *socii* and their conspicuous consumption in the context of the abrogation of the *Lex Oppia* (Livy 34.7.5).

²¹⁴ For P. Cornelius Scipio Aemilianus Africanus Numantinus, see: *MRR* 1.494, s.a. 133.

Cornelius Scipio Africanus' (cens. 199, cos. 205, 194)²¹⁵ wife Aemilia Tertia, and her conspicuous consumption of it:

συνέβαινε δὲ τὴν Αἰμιλίαν, τοῦτο γὰρ ἦν ὄνομα τῆ προειρημένη γυναικί, μεγαλομερῆ τὴν περιστάσιν ἔχειν ἐν ταῖς γυναικείαις ἐξόδοις, ἅτε συνηκμακυῖαν τῷ βίῳ καὶ τῇ τύχῃ τῆ Σκιπίωνος· χωρὶς γὰρ τοῦ περὶ τὸ σῶμα καὶ τὴν ἀπήνην κόσμου καὶ τὰ κανᾶ καὶ τὰ ποτήρια καὶ ἄλλα τὰ πρὸς τὴν θυσίαν, ποτὲ μὲν ἀργυρᾶ, ποτὲ δὲ χρυσᾶ, πάντα συνεξηκολούθει κατὰ τὰς ἐπιφανεῖς ἐξόδους αὐτῆ, τό τε τῶν παιδισκῶν καὶ τὸ τῶν οἰκετῶν τῶν παρεπομένων πλῆθος ἀκόλουθον ἦν τούτοις.

Polyb. 31.26.3-5.

Note how her wealth here is described in terms that include echoes of the restrictions of the *Lex Oppia*: garments, carriages, and gold. The public display of such wealth could have produced public *invidia*. This is speculative, but what is clear from Plautus, Livy and Valerius, however, is that there were some very wealthy élite women in Italy and Rome during the Second Punic War, some of whom engaged in conspicuous consumption as a form of status competition. The *Lex Oppia* should be read in this context.

Plautus and Livy indicate that some élite women caused *invidia*, *dolor* and *indignatio* with their wealth and their conspicuous consumption. Plautus links these reactions to a lack of societal *concordia*, a quality badly needed during wartime. By 215, the Senate had fixed its gaze on Rome's women due to the dangerous grief they displayed in 216; furthermore, the state was in the midst of a military, financial and religious crisis. Given these precarious conditions, it is plausible that the *Lex Oppia* was a piece of sumptuary legislation designed to deter potentially divisive displays of wealth. This wealth would not long lie in the hands of Rome's women; the Senate was soon to seize it.

²¹⁵ For P. Cornelius Scipio Africanus, see: *MRR* 1.342, s.a. 194.

2.4 Robbing widows: Asset requisition in 214 BCE

The wealth of Rome's recently widowed women, so prominently on display after Cannae, was targeted by the state in 214. I will demonstrate here that the deposits made from widows' and orphans' funds into the public treasury in 214 were plausibly state requisitions; as we will see, amidst an increasing financial crisis, the state targeted widows for asset requisition, in the knowledge that a significant proportion of Rome's wealth had devolved to these women.

The financial crisis which necessitated the *Lex Minucia* in 216 had worsened by 214; according to Livy, the censors M. Atilius Regulus (cos. 227, 217) and P. Furius Philus (cos. 223, pr. 216) began to stop letting out contracts for temple upkeep, providing horses for ceremonial occasions, and other services:²¹⁶

Cum censores ob inopiam aerarii se iam locationibus abstinerent aedium sacrarum tuendarum curuliumque equorum praebendorum ac similium his rerum [...]

Livy 24.18.10.

This crisis was apparently met by public generosity and a willingness on the part of contractors to work for free:

[...] conuenere ad eos frequentes qui hastae huius generis adsueuerant hortarique censores ut omnia perinde agerent locarent ac si pecunia in aerario esset: neminem nisi bello confecto pecuniam ab aerario petiturum esse. Conuenere deinde domini eorum quos Ti. Sempronius ad Beneuentum manu emiserat accessitosque se ab triumuiris mensariis esse dixerunt ut pretia seruorum acciperent; ceterum non antequam bello confecto accepturos esse.

Livy 24.18.10-12.

²¹⁶ For the identity of these censors, see: *MRR* 1.259, s.a. 214.

Livy's depiction of universal generosity and patriotic zeal is somewhat dubious;²¹⁷ there may have been a certain amount of state-induced generosity. This is nowhere more apparent than in the deposits made from widows' and orphans' funds to the public treasury:

Cum haec inclinatio animorum plebis ad sustinendam inopiam aerarii fieret, pecuniae quoque pupillares primo, deinde uiduarum coeptae conferri, nusquam eas tutius sanctiusque deponere credentibus qui deferebant quam in publica fide; inde si quid emptum paratumque pupillis ac uiduis foret, a quaestore perscribatur.

Livy 24.18.13-14.

Scholars agree that it is likely that the state *confiscated* the wealth of widows and orphans.²¹⁸ Without male relatives to provide legal and physical protection, widows and orphans would have been particularly vulnerable to such exploitation. It is possible here that the *triumviri mensarii*, under the auspices of the censors, and with consular or praetorial *coercitio*, forcibly transferred the wealth of women and children through "irregular deposit" into the public treasury.²¹⁹ The condition that widows and orphans had to apply to the quaestor for approval for purchases or provisions is particularly telling; the state had removed their financial independence from them.²²⁰ The contemporaneous case of Cn. Cornelius Scipio Calvus (cos. 222, proconsul 217 to 211)²²¹ and his daughter is revealing: while in Spain between 217 and 211, Cn. Scipio petitioned the Senate to return home to arrange a marriage and dowry for his daughter; instead of granting his petition, the Senate, in consultation with his family,

²¹⁷ This may be anachronistic cynicism. I am reminded here of War Bonds in the UK in WWII. It may be that a universal desire to safeguard the state lay behind this generosity. I am not convinced, however, that the deposits from widows' and orphans' funds were voluntary. These deposits evoke Agathocles' requisitions from children and women, and the consequent resentment of the wealthy, see: Diod. Sic. 20.4.5-6.

²¹⁸ Pomeroy, *Goddesses*, 178; Evans, *War, Women*, 52; R. Kraemer, *Her Share of the Blessings: Women's Religions among Pagans, Jews, and Christians in the Greco-Roman World* (Oxford: Oxford University Press, 1992), 56; J. Andreau, *Banking and Business in the Roman World* (Cambridge: Cambridge University Press, 1999), 114.

²¹⁹ Niczyporuk, "Mensarii," 111.

²²⁰ Andreau, *Banking*, 114.

²²¹ For Cn. Cornelius Scipio Calvus in Spain, see: MRR 1.245-274, s.a. 217-211.

settled the dowry and marriage themselves (Val. Max. 4.4.10). This case suggests that the Senate itself could occupy a father's or tutor's role in extraordinary circumstances. Perhaps the Senate assumed such a level of control over widows and orphans in 214.

These deposits are referred to again in the speech that Livy scripts for Valerius on his support of the abrogation of the *Lex Oppia* in 195:

“Proximo bello ne antiqua repetam, nonne et, cum pecunia opus fuit, uiduarum pecuniae adiuuerunt aerarium [...]”

Livy 34.5.10.

“aurum et argentum omne ab senatoribus eius rei initio orto in publicum conferebamus; uiduae et pupilli pecunias suas in aerarium deferebant”

Livy 34.6.14.

Livy does not record senatorial contributions in 214; Livy's Valerius is clearly confusing his historical events again, viz. 214 with 210. The rhetoric of generosity in these reports perhaps masks the state's requisitions from the most vulnerable. As Pomeroy indicates, “the state readily commandeered the wealth of all those without close male relatives to defend them.”²²² It is possible to read some public discontent at these requisitions in Livy's closing words in his account for 214:

Manuit ea priuatorum benignitas ex urbe etiam in castra, ut non eques, non centurio stipendium acciperet, mercennariumque increpantes uocarent qui accepisset.

Livy 24.18.15.

There was clearly some social inducement to be generous. As such, the depositing of the widows' and orphans' funds in 214 must be viewed, at the very least, as induced contributions if not outright state requisition. While it is the case that reading the deposits as state requisitions is highly speculative, it seems the most likely scenario here. When Polybius lauds Scipio Aemilianus' financial

²²² Pomeroy, *Goddesses*, 178.

generosity to his mother Papiria, he makes an incisive cultural comment about Roman stinginess:

τοῦτο δὲ πανταχῇ μὲν ἄν εἰκότως φαίνοιτο καλόν, ἐν δὲ Ῥώμῃ καὶ
θαυμαστόν· ἀπλῶς γὰρ οὐδεὶς οὐδενὶ δίδωσι τῶν ἰδίων ὑπαρχόντων ἐκῶν
οὐδέν.

Polyb. 31.26.9.

This assessment, while clearly informed by Polybius' own biases, offers us another lens on Livy's reports of universal generosity in 214.²²³ Livy is, perhaps, exaggerating.

Requisition becomes the more likely scenario if we read this event in the context of the *Lex Oppia* and the increased financial independence of women after the death of their male relatives. Some élite women had, perhaps, been unwise in the public display of their wealth. This display reflects the extent to which they controlled liquid assets in Rome after Cannae. The *Lex Oppia* deterred social division caused by conspicuous female consumption, while the state's measures of 214 limited the financial independence of these same women.

2.5 Foreign rites: Religious restrictions in 213 BCE

In 213, the state's regulation of women encroached into the religious sphere. In response to a religious ferment involving women in the Forum and on the Capitol, the Senate issued a *senatus consultum* (enforced by a praetor's edict) that requisitioned non-traditional religious texts and banned foreign religious practices. I will show that the *senatus consultum* was issued, in part, to restrict non-traditional religious activity by Rome's women, and suggest that this act may have connections with the Bacchanalian suppression in 186.

²²³ The passage continues in this vein, see: Polyb. 31.26.8-28.9. Cf. Plin. *HN* 7.139-140, a eulogy for L. Metellus delivered in 221, where he is praised for his appropriate acquisition of wealth. Rawson comments on Roman stinginess in the Republic and a general Roman interest in the acquisition of wealth, see: E. Rawson, "Roman Tradition and The Greek World," in *The Cambridge Ancient History Volume VIII*, eds. A. Astin, F. Walbank, M. Frederiksen & R. Ogilvie (Cambridge: Cambridge University Press, 2006): 424. See: 3.5.

In his proem to Book 25, Livy emotively describes the religious anxiety produced by the Second Punic War and the intrusion of foreign superstition (*externa religio*) into the state:

Quo diutius trahebatur bellum et uariabant secundae aduersaeque res non fortunam magis quam animos hominum, tanta religio, et ea magna ex parte externa, ciuitatem inaccessit ut aut homines aut dei repente alii uiderentur facti. Nec iam in secreto modo atque intra parietes abolebantur Romani ritus [...]

Livy 25.1.6-7.

Livy identifies women, priests, oracle-mongers, and rustics as the practitioners of this foreign superstition:

[...] sed in publico etiam ac foro Capitolioque mulierum turba erat nec sacrificantium nec precantium deos patrio more. Sacrificuli ac uates ceperant hominum mentes quorum numerum auxit rustica plebs, ex incultis diutino bello infestisque agris egestate et metu in urbem compulsa; et quaestus ex alieno errore facilis, quem uelut concessae artis usu exercebant.

Livy 25.1.7-8.

This foreign superstition was, according to Livy, occurring not just privately or in secret, but in public, in the Forum and on the Capitol. The image of the *mulierum turba* in public is clearly pejorative here, and an example of a Livian topos, as L'hoir suggests; Livy is assigning much of the blame for the intrusion of *externa religio* with Rome's women.²²⁴ Presumably some women were able to engage in these non-traditional practices due to the absence or death of male relatives. Livy presents the religious practices of these women and the *rustica plebs* as diametrically opposed to *mos patrius* (cf. *mos maiorum*), ancestral custom, and accuses *sacrificuli* and *uates* of possessing their minds. Livy proceeds to narrate the escalation of these practices, the angry response of reputable individuals, the inability of the *aediles* (one of whom was P. Cornelius Scipio Africanus)²²⁵ and the

²²⁴ F. L'hoir, *The Rhetoric of Gender Terms: 'Man', 'Woman', and the Portrayal of Character in Latin Prose* (Leiden: Brill, 1992), 89-91.

²²⁵ For P. Cornelius Scipio Africanus as curule aedile in 213, see: Livy 25.2.6; MRR 1.263, s.a. 213.

triumviri capitales to quash these practices, and the abuse these officials nearly suffer at the hands of the crowds:

Primo secretae bonorum indignationes exaudiebantur; deinde ad patres etiam ac publicam querimoniam excessit res. Incusati grauiter ab senatu aediles triumviri capitales quod non prohiberent, cum emouere eam multitudinem e foro ac disicere apparatus sacrorum conati essent, haud procul afuit quin uiolarentur. Ubi potentius iam esse id malum apparuit quam ut minores per magistratus sedaretur [...]

Livy 25.1.9-11.

This malaise, and, plausibly, the threat of violence at the hands of the crowd, leads to the issuing of a *senatus consultum* by the Senate and an edict from the praetor M. Aemilius (either *pr. urbanus* or *pr. peregrinus*)²²⁶ that requisitioned sacred documents related to these foreign superstitions and banned foreign sacrifice in public or sacred location:

[...] M. Aemilio praetori [urb.] negotium ab senatu datum est ut eis religionibus populum liberaret. Is et in contione senatus consultum recitauit et edixit ut quicumque libros uaticinos precesionesue aut artem sacrificandi conscriptam haberet eos libros omnes litterasque ad se ante calendas Apriles deferret neu quis in publico sacroue loco nouo aut externo ritu sacrificaret.

Livy 25.1.11-12.

This passage suggests the state was trying to reassert control over religious practice and innovation, and avoid public disturbance and chaos. It seems that the *sacrificuli* and *uates* were usurping the religious authority of the state by introducing *externa religio*, which found willing followers, Livy suggests, in women and rustics. The Senate found the concept of female religious independence undesirable in the extreme; their engagement in non-traditional religious practice in public was undermining state authority and had to be

²²⁶ For the praetor M. Aemilius and the confusion about his praetorship, see: *MRR* 1.263-266, s.a. 213.

stopped.²²⁷ What is not clear from Livy's account here is the nature of this *externa religio*, except, perhaps, that it contained elements of sacrifice and prophecy.

Does Livy offer any further insight? The Senate's response to the collection of the sacred documents in 213 is particularly instructive; in 212 they made public two so-called prophecies of Marcius, one that predicted Cannae, and one that predicted victory over their enemy if Apollo was honoured with appropriate games and sacrifices (Livy 25.12.5-10). The Senate, after instructing the *decemviri* to approach the Sibylline Books, and assessing their findings, instituted the *ludi Apollinares* and ordained by senatorial decree sacrifices to Apollo in a Greek manner (*Graeco ritu*) (Livy 25.12.11-13). The focus on state-regulated prophecy and ritual is suggestive; Apollo may have been a state alternative to the *externa religio* of the *sacrificuli* and *uates*. The sacrifices even contained state-approved foreign content (*Graeco ritu*). Scholars are divided on the nature of the *externa religio*; the two main candidates are Venus Erycina and Bacchus. We shall see that there is more evidence for Bacchus than Venus Erycina.

Palmer proposes Venus Erycina as a candidate.²²⁸ Venus Erycina was transferred to Rome from Sicily in 217, on the instructions of the Senate and the urban praetor M. Aemilius, and her temple dedicated in 215 by Q. Fabius Maximus Verrucosus (Livy 22.9.7-11, 23.30.13-14).²²⁹ Palmer links the worship of Venus Erycina with female prostitution in Rome; this assumption is based primarily on a) evidence in other geographical locations, b) Ovid's reference in his *Fasti* to prostitutes gathering before Venus' shrine, and c) a link between Venus and prostitution in Plautus' *Poenulus*.²³⁰ He suggests, provocatively, that her introduction led to Roman women engaging in sacral prostitution, that the

²²⁷ L'hoir, *The Rhetoric of Gender*, 90; Bauman, *Women*, 25; Hänninen, "Juno Regina," 49. But note that this should not be viewed as an indictment of women in Roman religious life, see: Schultz, *Women's Religious*, 19-20.

²²⁸ Palmer, *Rome and Carthage*, 120-129.

²²⁹ For the *pr. urbanus* M. Aemilius see: MRR 1.244, s.a. 217.

²³⁰ For this argument, see: Palmer, *Rome and Carthage*, 120-123. See: Ov. *Fast.* 4.865-877; Plaut. *Poen.* 210-409.

goddess Venus Verticordia was introduced as an antidote, and that the un-Roman religious acts of women in 213 were Erycinian:

Inasmuch as the religious crisis of 213 and 212 concerned women and strangers engaged in un-Roman religious acts, we suggest that some proper Roman ladies had tainted their good name with some Erycinian practices, and that the Decemviri read the books in haste to find the antidote to their prior reading that had prompted the importation of the goddess from Western Sicily. Lacking her customary companions of Mt. Eryx, she found new ones in Rome. Venus Verticordia would have set the recent devotees straight by reversing their conversion from chastity to promiscuity.²³¹

The hypothesis that these un-Roman religious acts were Erycinian is not strongly supported by the primary evidence. Religious practices in other geographical locations should not necessarily be equated with religious practices in Rome; Ovid is writing about Venus Erycina in the Empire, not the Republic, and the connection should not be retro-projected onto Republican religious practice in the Second Punic War; Plautus does not refer to Venus Erycina explicitly in the *Poenulus*, although he does link prostitutes with the worship of Venus. It is true that Venus Verticordia was worshipped by women who, according to Ovid, were *not prostitutes*, but that does not suggest she was a divine antidote to Venus Erycina, and this is, again evidence for Imperial not Republican religious practice.²³² It also strains credulity to think that Q. Fabius Maximus Verrucosus, consul, augur, and pontifex, would link himself with shrine prostitution by dedicating the temple of Venus Erycina.²³³ Furthermore, and, perhaps more importantly, Venus Erycina is introduced into Rome *by the Senate*. Her cult can hardly be *externa religio* if the Senate itself has mandated its entry, despite possible connections between prostitutes and her worship. No, we must look elsewhere.

²³¹ Palmer, *Rome and Carthage*, 122-123.

²³² For this provision, see: Ov. *Fast.* 4.133-134.

²³³ Orlin proposes that Roman prostitutes used the temple as a base, based on the cult's connection to prostitution in Ov. *Fast.* 4.133-134, 4.865-868, and *CIL* I² 316, see: E. Orlin, *Temples, Religion and Politics* (Leiden: Brill, 1997), 103 n. 105. This is again evidence for Imperial practice, not Republican.

L'Hoir and Musiał propose an alternative candidate: Bacchus.²³⁴ In 186, the Senate responded severely to the presence of an *externa religio* that was brought to Rome via Etruria, according to Livy, by a nameless Greek (*Graecus ignobilis*) who was a *sacrificulus* and a *uates* (Livy 39.8.3-4). This *externa religio* was the cult of Bacchus: an unofficial, grass-roots religious cult, transmitted to Italy via this nameless Greek, transformed by the Campanian Paculla Annia and her sons, Minius and Herennius Cerrinius, and led in Rome by the plebs M. and C. Atinius, the Faliscan L. Opicernius, and Minius Cerrinius (Livy 39.13.8-9, 39.17.6). Importantly, the transfer of this cult to Rome was *not* sanctioned by the Senate. Livy accuses the cult of all sorts of crimes in secret and at night: notably sexual immorality, financial crime and violence (Livy 39.8.7-8). He also indicates that *matronae* took a strong sacerdotal role in the cult (Livy 39.13.8-14).

Information about the cult eventually reached the consul for 186, Sp. Postumius Albinus (cos. 186, pr. 189),²³⁵ and in collaboration with the Senate he reacted swiftly and with severity: an investigation was ordered, edicts were posted throughout Italy banning gatherings of the cult, the curule aediles were charged with apprehending the leaders of the cult, the plebeian aediles were charged with stopping clandestine gatherings, and the *triumviri capitales* were charged with stopping nighttime gatherings and potential arson (Livy 39.14-19). Livy indicates that cult adherence cut across class; it included élite and non-élite members of society (Livy 39.13.14, 39.14.4).²³⁶ Participants in this cult were severely punished in 186. Livy indicates more than seven thousand men and women were accused of conspiracy, and a large proportion executed, with women being executed both publicly and privately. Furthermore, cult centres were demolished throughout Italy, and the Senate issued a *senatus consultum* that banned the worship of Bacchus in Rome or anywhere else in Italy, except where a rite was considered essential and had the Senate's explicit permission (Livy 39.18.7-9). Livy scripts a speech for Postumius on this occasion that echoes some of the language of Livy's account of the religious ferment of 213. Livy's

²³⁴ L'hoir, *The Rhetoric of Gender*, 90; D. Musiał, *Postumius' Speech of Livy and Bacchanalian Affair* (Warsaw: Akme. Studia historica, 2009), 17-18.

²³⁵ For Sp. Postumius Albinus, see: *MRR* 1.370, s.a. 186.

²³⁶ See: L'hoir, *The Rhetoric of Gender*, 95.

Postumius assigns the blame primarily with women, *primum igitur mulierum magna pars est, et is fons mali huiusce fuit* (Livy 39.15.9), and refers directly to the events of 213:

“Quotiens hoc patrum auorumque aetate magistratibus negotium est datum uti sacra externa fieri uetarent, sacrificulos uatesque foro circo urbe prohiberent, uaticinos libros conquirerent comburerentque, omnem disciplinam sacrificandi praeterquam more Romano abolerent! Iudicabunt enim prudentissimi uiri omnis diuini humanique iuris nihil aequae dissoluendae religionis esse quam ubi non patrio sed externo ritu sacrificaretur.”

Livy 39.16.8-9.

The references to *mulieres*, *sacra externa*, *sacrificuli*, *uates*, *libri uaticini*, *sacrificandi* and *mos Romanus* immediately evoke Livy’s narrative of 213. Indeed, L’Hoir suggests that Livy’s account of 213 “foreshadows the Bacchanalian Conspiracy,” and Musiał suspects that it is “an abbreviated version of the account of the Bacchanalia.”²³⁷ Livy clearly connects the two accounts linguistically; the religious ferment of 213 may represent an earlier point in the cult’s development.

In 211, with Hannibal at the gates, another form of religious ferment occurred, bursting from private into public spaces:

Ploratus mulierum non ex priuatis solum domibus exaudiebatur, sed undique matronae in publicum effusae circa deum delubra discurrunt crinibus passis aras uerrentes, nixae genibus, supinas manus ad caelum ac deos tendentes orantesque ut urbem Romanam e manibus hostium eriperent matresque Romanas et liberos paruos inuiolatos seruarent.

Livy 26.9.7-8.

As L’Hoir has indicated, the *matronae discurrentes*, brushing the altars with their *crines passi*, evoke Livy’s Bacchanalian women of 186:²³⁸

²³⁷ L’hoir, *The Rhetoric of Gender*, 90; Musiał, *Postumius’ Speech*, 18.

²³⁸ See: L’hoir, *The Rhetoric of Gender*, 90 n. 50. L’Hoir views this as part of the Livian topos of the *peregrina mulier*.

matronas Baccharum habitu crinibus passis cum ardentibus facibus decurrere ad Tiberim [...]

Livy 39.13.12.

L'Hoir suspects that this activity in 211 may have been another possible manifestation of "proto-Bacchanalianism," and that in 213 and 211 this cult practice moved from private worship into public practice.²³⁹ The religious ferment of 213 and 211 might represent the nascence of Bacchus in Rome, but it is worth noting that the image of women lamenting in war with dishevelled hair, the *matronae* with their *crines passi*, is a standard Livian *topos* that may have little historical validity here.²⁴⁰

Is there evidence outside of Livy for Bacchus as a candidate? Plautus refers to the cult of Bacchus and its adherents in several of his plays from this period, including the *Bacchides*, the *Amphitryo*, the *Mercator*, the *Aulularia*, the *Miles Gloriosus*, and the *Cistellaria*. In these plays, which were most likely produced between c. 205 – 184,²⁴¹ the cult of Bacchus is linked with women, the night, sexual immorality, secrecy and violence.²⁴² This emphasis on women, secrecy and violence evokes Livy's account of the religious ferment of 213; the rites of 213 were practiced primarily by women; they were conducted in secret as well as in public; its adherents threatened violence when magistrates tried to demolish their sacred objects (Livy 25.1.6-12). What is clear here from Plautus and Livy is that the cult operated outside of state control; its female adherents acted with a degree of autonomy. North suspects this non-traditional practice and cult autonomy was what the Senate found most problematic: it subverted the state's traditional control and supervision of religious practice, and constituted an alternative religious and social hierarchy.²⁴³ The extant *Senatus consultum de*

²³⁹ *ibid.*

²⁴⁰ *ibid.* Cf. Livy 1.13.1; 7.40.12.

²⁴¹ Duckworth, *The Nature*, 52-55. Cf. Manuwald, *Roman Republican Theatre*, 226.

²⁴² Night, women, violence: Plaut. *Bacch.* 53-55; 369-373; Women, violence: *Amph.* 703-705; Violence, sexual immorality: *Merc.* 469; Violence, sexual immorality: *Aul.* 407-414; Secrecy, women: *Mil.* 1016-1017; Night, women, sexual immorality: *Cist.* 156-159.

²⁴³ J. North, "Religious Tolerance in Republican Rome," *Proceedings of the Cambridge Philological Society* 25 (1979): 93-97. Cf. M. Riedl, "The Containment of Dionysos: Religion and Politics in the Bacchanalia Affair of 186 BCE," *International Political Anthropology* 5.2 (2012): 113-134.

Bacchanalibus (CIL I² 581 = ILS 18) certainly focuses on the prohibition and destruction of these alternative religious and social structures. It also indicates, in its prohibition of a common treasury, *neue pecuniam quisquam eorum comoine[m] h]abuisse uelet* (CIL I² 581.11 = ILS 18), that the cult of Bacchus had a form of financial independence. Perhaps some women, their assets absorbed by the state in 214, turned to the support of such a cult. The cult, with its countercultural structures, is a plausible candidate for the *externa religio* of 213. What can be concluded about the religious ferment of 213 and the state's response in 212?

Clearly, the state found the *externa religio* of 213 undesirable, and non-traditional. It was a grass-roots religious movement, mediated by *sacrificuli* and *uates*, with a strong following amongst women and rustics. Without male relatives to control their public behaviour, some of Rome's women may have been able to engage in a broader range of religious activities. The Senate banned such foreign religious practice in public and sacred spaces, and presented an alternative, state-mandated religious outlet in 212 in the form of Apollo, with Greek rites and *ludi Apollinari*. This may have driven the *externa religio* underground, shifting the public religious expression of these rites back into into secrecy. This *externa religio* burst into the public sphere again in 211, when Hannibal was at the gates. The strongest candidate for this *externa religio* is the cult of Bacchus; Livy uses language that connects the events of 213 with the suppression of the cult of Bacchus in 186; he emphasises the role of the *sacrificuli* and *uates*, the prominent role of women, cult violence, and its opposition to the *mos maiorum*. The cult of Bacchus is characterised as clandestine in 186 by Livy, and this secrecy may have been a result of the ban in 213. The Senate's reaction in 213 may have been due, in part, to the prominent and public role women played in the *externa religio*; in the wake of the state's regulatory activity in 216, 215 and 214, women were escaping their control in the religious sphere, and the state responded swiftly.

The state had regulated the religious independence of Rome's women in 213; soon it was to move on their sexual independence.

2.6 Punishing *probrum*: *Matronae* on trial in 213 BCE

In 213, amidst the religious ferment, a group of Roman women were put on public trial for *probrum*. I will argue that the state was trying to control the sexual independence of Rome's women, and that the trial may be linked with the religious ferment of 213.

Livy indicates that this trial was managed by state religious officials, the plebeian aediles, and that it resulted in the exile of some of those being tried:

L. Villius Tappulus et M. Fundanius Fundulus, aediles plebeii, aliquot matronas apud populum probri accuserunt; quasdam ex eis damnatas in exilium egerunt.

Livy 25.2.9.

This public trial and exile was highly unusual; it was, however, occurring in unusual times.²⁴⁴ In the Roman Republic, women were traditionally subject to either the *potestas* of their father, the *manus* of their husband, or the *tutela* of their legal guardian (often an agnatic relative).²⁴⁵ The war and the resulting death or absence of male relatives, however, had led to many women becoming *sui iuris*, that is, legally autonomous. Evans proposes that “the men with authority over these adulteresses were either dead or absent from Rome on military service,” and that, unconventionally, these charges had to be dealt with by an aedilician as opposed to domestic tribunal.²⁴⁶ It is not clear here that these women committed adultery *per se*. There is, unfortunately, no contemporaneous evidence for laws against such conduct that precede Augustus' *lex Iulia de adulteriis* of 18.²⁴⁷

The term *probrum* had the sense of sexual misconduct in the Middle Republic, as evidenced by Naevius' and Plautus' use of the term in that sense.²⁴⁸ As Fantham has indicated there is a contemporaneous reference in Plautus'

²⁴⁴ Pomeroy, *Goddesses*, 179; Evans, *War, Women*, 28.

²⁴⁵ Gardner, *Women*, 5–29.

²⁴⁶ Evans, *War, Women*, 28.

²⁴⁷ Gardner, *Women*, 123. For this date: Edwards, *The Politics of Immorality*, 37.

²⁴⁸ Adams, *The Latin Sexual*, 201; E. Fantham, *Roman Readings: Roman Response to Greek Literature from Plautus to Statius and Quintilian* (Berlin: De Gruyter, 2011), 118. See, for example: Naev. *Danae* fr. 10–11 (Warmington); Plaut. *Amph.* 869; *Mil.* 423.

Curculio to what constitutes sexual misconduct in the Middle Republic: intercourse between men and other men's wives, widows, virgins, young men, and boys of free birth:²⁴⁹

nemo hinc prohibet nec uotat
quin quod palam est uenale, si argentum est, emas.
nemo ire quemquam publica prohibet uia;
dum ne per fundum saeptum facias semitam,
dum ted apstineas nupta, uidua, uirgine,
iuuentute et pueris liberis, ama quidlubet.

Plaut. *Curc.* 33-38.²⁵⁰

It is perhaps this sort of unregulated, extramarital sexual activity that the *matronae* were charged with under the term *probrum* in 213. Fantham suspects this is the case, suggesting that “after Cannae there were many widows, and loneliness or poverty would quickly turn them to irregular unions or outright prostitution,” and this view is held also by Pomeroy and Evans.²⁵¹ As discussed earlier in 2.4, widows had had much of their wealth absorbed by the state in 214; some may have felt it necessary to turn to such extramarital sexual activity or prostitution to support themselves. Fantham assesses the Republican evidence for the punishment of such activity, and concludes that women who participated in such activity were dealt with in three ways: by domestic courts, by aedilician trial (i.e. 213); or by senatorial investigation (i.e. 186).²⁵² There is a precedent to the aedilician trial in 213; Livy records a similar trial in 295, where Q. Fabius Gurges (cos. 292, 276) fined several *matronae* for *stuprum*:²⁵³

Eo anno Q. Fabius Gurges consulis filius aliquot matronas ad populum stupri damnatas pecunia multauit; ex multatio aere Veneris aedem quae prope Circum est faciendam curauit.

Livy 10.31.9.

²⁴⁹ Fantham, *Roman Readings*, 123.

²⁵⁰ Cf. Cic. *Phil.* 2.99.

²⁵¹ Fantham, *Roman Readings*, 133; Pomeroy, *Goddesses*, 179; Evans, *War, Women*, 27-28.

²⁵² For this conclusion, see: Fantham, *Roman Readings*, 134.

²⁵³ For Q. Fabius Gurges, see: *MRR* 1.178 s.a. 295. For this as precedent, see: Gardner, *Women*, 122; Fantham, *Roman Readings*, 132.

Besides the difference in punishment (exile versus fine) and the term for the offence (*probrum* versus *stuprum*), the form of these trials was remarkably similar: there was a trial of *matronae* before the people, several were charged and consequently punished. Is the *probrum* of 213 similar in sense to the *stuprum* of 295? Adams indicates that *stuprum*, like *probrum*, had the sense of sexual misconduct by the Middle Republic, and that Plautus uses it in this sense; Fantham indicates that after Naevius, *stuprum* supplants *probrum* as the most common “euphemism for unlawful intercourse.”²⁵⁴ As such, it appears that Rome’s women were, at the very least, charged with some form of sexual misconduct in 213.²⁵⁵ These charges may have arisen from these women’s violation of “private and public masculine authority” in the realm of female sexuality;²⁵⁶ such a violation could have constituted a threat to public order during wartime. The issue of whether the charges related to actual practice is immaterial here; the state saw fit to conduct a public trial admonishing women for their sexual independence.

Livy’s account of the aedilician trial of 213, like his account of the religious ferment, foreshadows the senatorial investigation of the Bacchanals in 186.²⁵⁷ In the Bacchanalian investigation, men and women were charged with *stuprum*, *caedes* (murder), and financial crimes, and sentenced to death; the women were executed at the hands of their families, or at the hands of the state if they had no family:

qui stupris aut caedibus uiolati erant, qui falsis testimoniis, signis adulterinis, subiectione testamentorum, fraudibus aliis contaminati, eos capitali poena adficiebant. [...] Mulieres damnatas cognatis aut in quorum manu essent tradebant, ut ipsi in priuato animaduertent in eas; si nemo erat idoneus supplicii exactor, in publico animaduertebatur.

Livy 39.18.4, 39.18.6.

²⁵⁴ Adams, *The Latin Sexual*, 201; Fantham, *Roman Readings*, 118. See, for example: Plaut. *Amph.* 882-883.

²⁵⁵ Livy’s use of *probrum* for the charge might be a conscious archaism or a stylistic preference.

²⁵⁶ Fantham, *Roman Readings*, 134.

²⁵⁷ Musiał, *Postumius’ Speech*, 18.

There is a clear escalation in punishment from 295 to 213 to 186: from fines to exile and eventually execution. The charges were certainly more complex in 186, incorporating, as they did, murder and financial crime. However, in all three cases, the charge of sexual misconduct (*stuprum/probrum*) is clearly one that the state took seriously, especially where it produced a public scandal or crisis.²⁵⁸ The emphasis on sexual misconduct within the cult of Bacchus is provocative; if there is any grain of truth in the charges in 186, viz. extramarital sexual activity was part of cult practice, then there are implications for the religious ferment and the aedilician trial of 213. If Rome's women were using *externa religio* in 213 (and 186) to test the boundaries of their sexual independence, and this came to the notice of the Senate or the public in general, there would have been a public scandal; these women were ignoring the religious authority of the Senate and the *mos maiorum*. Perhaps this is why the Senate swiftly regulated the *externa religio* in 213 and 186, publicly charged women with sexual misconduct, and punished them severely.

If we put aside conjecture about Bacchus, it is clear that in 213, amidst religious ferment, the state took strong measures to restrict female sexual independence, punishing women publicly for supposed sexual misconduct.

2.7 State tutelage: The *Lex Atilia* c. 210 BCE

The *Lex Atilia*, a law that allowed the urban praetor and the plebeian tribunes to appoint tutors for women *sui iuris*, was enacted by the state before 186. I will demonstrate that the *Lex Atilia* was designed to restrict female financial independence, that it was conceivably enacted in 210, and that it foreshadowed future requisitions of female wealth.

The 2nd century CE jurists Ulpian and Gaius describe a law, the *Lex Atilia*, which allowed the urban praetor and the plebeian tribunes in Rome proper to appoint a tutor to an individual without one, specifically an underage male or a woman *sui iuris*:

²⁵⁸ Fantham, *Roman Readings*, 134.

Si cui nullus omnino tutor sit, ei datur in urbe Roma ex lege Atilia a praetore urbano et maiore parte tribunorum plebis, qui Atilianus tutor uocatur; in prouinciis uero a praesidibus prouinciarum ex lege Iulia et Titia.

Gai. *Inst.* 1.185-186.

Lex Atilia iubet mulieribus pupillisue non habentibus tutores dari a praetore et maiore parte tribunorum plebis, quos tutores Atilianos appellamus. sed quia lex Atilia Romae tantum locum habet, lege Iulia et Titia prospectum est ut in prouinciis quoque similiter a praesidibus earum dentur tutores.

Ulp. 11.18.

This legislation allowed the state to appoint a *tutor Atilianus* for women (and males under puberty) who were *sui iuris*, that is, not under the *potestas* of their father, the *manus* of their husband, or the *tutela* of a *tutor legitimus* (usually an agnatic relative)²⁵⁹ or *tutor testamentarius* (appointed by the will of a father or husband).²⁶⁰ A tutor for an adult woman had *auctoritas* over some of her actions; he could give or withhold his consent for actions that “might diminish the property.”²⁶¹ These actions included: alienation of property considered *res Mancipi*,²⁶² viz. “slaves, oxen, horses, mules, asses, land [and buildings] in Italy both urban and rural and rustic servitudes”;²⁶³ entering contracts;²⁶⁴ creating dowries;²⁶⁵ entering a *cum manu* marriage;²⁶⁶ accepting inheritances;²⁶⁷ making wills.²⁶⁸ These provisions were designed to control the movement of significant property. Why was such tutelage required for women in the Middle Republic?

²⁵⁹ For a codification of agnatic relative, see: Gai. *Inst.* 1.156.

²⁶⁰ Gardner, *Women*, 5-16.

²⁶¹ *ibid.*, 18.

²⁶² Other assets, those considered *res nec Mancipi*, such as gold, bronze and silver etc. had already been requisitioned by the state in 214. See: 2.4. For the difference between *res Mancipi* and *res nec Mancipi*, see: G. Mousourakis, *Fundamentals of Roman Private Law* (Berlin: Springer, 2012), 122.

²⁶³ Gardner, *Women*, 18. *Res Mancipi*: Gai. *Inst.* 2.15-22; 2.80; Ulp. 1.17.

²⁶⁴ *ibid.* Contracts and obligations: Gai. *Inst.* 3.176.

²⁶⁵ *ibid.* Dowries: Gai. *Inst.* 1.178.

²⁶⁶ *ibid.* Marriages: Cic. *Flac.* 84.

²⁶⁷ *ibid.* Inheritances: Ius. *Inst.* 1.21.

²⁶⁸ *ibid.* Wills: Cic. *Flac.* 84; Gai. *Inst.* 2.118.

Cicero, Gaius and Ulpian hypothesise that their ancestors required such *tutela mulierum perpetua* because of the so-called infirmity or *leuitas animi* of women:

Mulieres omnes propter infirmitatem consilii maiores in tutorum potestate esse uoluerunt

Cic. *Mur.* 27.

Ueteres enim uoluerunt feminas, etiamsi perfectae aetatis sint, propter animi leuitatem in tutela esse.

Gai. *Inst.* 1.144.

Tutores constituuntur tam masculis quam feminis; sed masculis quidem inpuberibus dumtaxat propter aetatis infirmitatem; feminis autem [tam] inpuberibus quam puberibus, et propter sexus infirmitatem et propter forensium rerum ignorantiam.

Ulp. 11.1.

On the face of it, the *tutela mulierum perpetua* may seem to us a primarily misogynistic or gynophobic practice, embedded in a negative assessment of female aptitude; however, all may not be as it seems. Gaius himself indicates that the assessment of *leuitas animi* was specious, citing women's aptitude for business affairs, and noting that, in some cases, the tutelage is merely for form's sake:

Feminas uero perfectae aetatis in tutela esse fere nulla pretiosa ratio suasisse uidetur: nam quae uulgo creditur, quia leuitate animi plerumque decipiuntur et aequum erat eas tutorum auctoritate regi, magis speciosa uidetur quam uera; mulieres enim quae perfectae aetatis sunt ipsae sibi negotia tractant, et in quibusdam causis dicis gratia tutor interponit auctoritatem suam; saepe etiam inuitus auctor fieri a praetore cogitur.

Gai. *Inst.* 1.190.

Clearly, Gaius himself thought the notion problematic. Dixon has argued that the *leuitas animi* is a retrospective justification for the practice, and a Late Republican

and Imperial rationalisation of the *tutela mulierum*; it should not be read as the justification for the practice in the Middle Republic.²⁶⁹

What other reason might there be for such tutelage, especially in the context of the Second Punic War? It is possible that the primary reason for this tutelage was to control the flow of assets. Gardner and Dixon both indicate that the provisions of the tutelage are far more revelatory than the retrospective justification of *leuitas animi*.²⁷⁰ These provisions, with their strong financial emphasis (the alienation of *res Mancipi*, contracts, dowries, marriages, inheritances and wills), especially the provisions for dowries and marriage, reveal that such tutelage was designed to “control movement of property between *familiae*.”²⁷¹ In a purely partible society, pre *Lex Voconia* (169), without such tutelage, assets could easily flow from one family to another via marriages *cum manu*. I agree with Dixon’s argument that such tutelage was concerned with securing property rather than protecting women from their so-called *leuitas animi*; the *tutela mulierum perpetua* was “instituted to safeguard family property, not people,” and adult women “were subject to it because, unlike their brothers, they were likely to transfer their birth-right to a different family unit.”²⁷² In the Second Punic War, many male citizens had died, and a great deal of assets had devolved to women (2.3 and 2.4). It is probable that many of the agnatic relatives who would have acted as tutors for Rome’s women were either dead, or at war. As such, excluding the assets gained through state requisitions of *res nec Mancipi* (gold, silver, bronze etc.) (2.4),²⁷³ a significant proportion of Rome’s assets (in the form of *res Mancipi*) may have still been controlled by women *sui iuris*. The state may have perceived this female financial independence as undesirable amidst financial crisis (2.2 and 2.4), when the state was sorely in need of assets. This prompted the passage of the *Lex Atilia*, a law that granted the state the power to appoint guardians over women *sui iuris*. This law restricted female financial

²⁶⁹ Dixon, *Reading*, 74-88.

²⁷⁰ Dixon, *Reading*, 75; Gardner, *Women*, 18.

²⁷¹ Gardner, *Women*, 18.

²⁷² Dixon, *Reading*, 75. For discussion, see: Dixon, *Reading*, 75-88.

²⁷³ For *res nec Mancipi*, see: Mousourakis, *Fundamentals*, 122.

independence, reduced the liquidity of Rome's assets, and would have especially affected elite Roman women.

Is the law datable to c. 210? The enactment of the *Lex Atilia* has a *terminus ante quem* of 186. Livy refers to the law in his account of the Bacchanalian conspiracy, when the freedwoman Hispala petitions the tribunes and the urban praetor for an Atilian tutor:

Quin eo processerat consuetudine capta ut post patroni mortem, quia in nullius manu erat, tutore ab tribunis et praetore petito, cum testamentum faceret unum Aebutium institueret heredem.

Livy 39.9.7.

In this passage, Livy clearly refers to the provisions of the *Lex Atilia*: a woman *sui iuris* petitions the tribunes and the praetor for a tutor to create a will. It can be deduced from this that the *Lex Atilia* was enacted prior to 186, and that a woman *sui iuris* had to obtain an Atilian tutor to alienate *res Mancipi* during this period.²⁷⁴ More broadly, it is clear that the *Lex Atilia* inhibited or restricted the financial independence of women *sui iuris* by 186. Livy does not mention when the *Lex Atilia* was enacted, but there are some indications that the year 210 is a likely candidate. Firstly, L. Atilius, the plebeian tribune who carried the plebiscite on the Campanians in 210, may have been the proposer of the eponymous *Lex Atilia*.²⁷⁵ He may have been the same L. Atilius who was elected praetor in 197 BCE, the praetorship his reward for the legislation.²⁷⁶ Secondly, the *Lex Atilia* granted the plebeian tribunes and the urban praetor authority over women *sui iuris*, suggesting that the tribunes had a role in its formation. Thirdly, the *Lex Atilia* presupposes a legislative environment where women had no other tutors, or men with *potestas* or *manus* over them; with the death or absence of so many men in the Second Punic War, such an environment existed in 210.²⁷⁷ Fourthly, as shown in 2.2 - 2.6, 210 followed a series of years, viz. 216, 215, 214 and 213, where women were heavily regulated by the state; the institution of the *Lex Atilia* in 210

²⁷⁴ Evans, *War, Women*, 28; Gardner, *Women*, 16.

²⁷⁵ For L. Atilius, see: *MRR* 1.279, s.a. 210. For the plebiscite on the Campanians, see: Livy 26.33.12.

²⁷⁶ For this praetorship, see: Livy 32.27.8, 32.28.2.

²⁷⁷ Evans, *War, Women*, 28.

would have been a natural continuation of this regulatory climate. It is conceivable then, that the *Lex Atilia* was enacted in the Second Punic War c. 210; this is certainly the contention of Broughton, Evans, Schieman, Gardner, Watson, and Mousourakis.²⁷⁸ Agreement on this date is not universal. *Contra* these scholars, Bagnani dates the *Lex Atilia* to just prior to 186; he suggests it was a mere legislative afterthought to the *Lex Plaetoria de circumscriptione adulescentium* (a statute protecting minors of uncertain date), and, as such, a piece of “*ad hoc* legislation passed to deal with special cases.”²⁷⁹ However, such a proposition ignores the very specific targeting of women *sui iuris* within the *Lex Atilia*, and the legislative environment of the Second Punic War. *Pace* Bagnani, 210 is a strong candidate for the year of institution of the *Lex Atilia*, based on a likely proposer, the plebeian tribune L. Atilius, holding office in 210 along with the commensurately prominent role of the plebeian tribunes within the legislation, the legislative environment of the Second Punic War, and the regulatory climate preceding 210.

It is plausible that the *Lex Atilia* was enacted in 210. The law regulated the flow of Rome’s assets, inhibited the financial independence of Rome’s women, and compounded the effects of 214. By mandating guardians for women *sui iuris*, the state may have been producing an environment in which they could encourage elite women to contribute more of their assets to the state treasury. Such contributions were to occur in that very same year.

2.8 Coercing contributions: Asset requisition in 210 BCE

In 210, the Senate required fresh funds for their war chest. The public treasury was dissipated, and the Senate wanted to conscript oarsmen and provide their pay. Ostensibly, the populace followed the generous example of the

²⁷⁸ MRR 1.279, s.a. 210; Evans, *War, Women*, 28, and esp. 28 n. 127; G. Schieman, “Tutela: [1] Guardianship,” in *Brill’s New Pauly*, eds. H. Cancik & H. Schneider (Brill Online, 2012), accessed 10th April 2014, <http://referenceworks.brillonline.com.proxy.library.adelaide.edu.au/entries/brill-s-new-pauly/tutela-e1223280>; Gardner, *Women*, 16; A. Watson, *The Spirit of Roman Law* (Athens, GA: The University of Georgia Press, 2008), 13; Mousourakis, *Fundamentals*, 110-111.

²⁷⁹ G. Bagnani, “Review: The Magistrates of the Roman Republic. Volume I, 509 B. C.-100 B. C. by T. Robert S. Broughton,” *Phoenix* 6.2 (1952): 73.

Senators, and freely contributed assets to the treasury according to their property rating and class. It will be argued here that it is more plausible that these contributions were requisitions, and that such requisitions may have impacted women.

After the Senate had levied troops in 210, they found that they had neither the manpower nor the funds in the public treasury to increase the number of their oarsmen:

Scripto deinde exercitu de remigum supplemento agi coeptum; in quam rem cum neque hominum satis nec ex qua pararentur stipendiumque acciperent pecuniae quicquam ea tempestate in publico esset [...]

Livy 26.35.1-2.

In response to this lack of funds, the consuls M. Claudius Marcellus and M. Valerius Laevinus issued an edict that private individuals should provide funds for conscripting oarsmen, along with their pay and food;²⁸⁰ contributions should be made at a rate commensurate with the contributor's property rating and class. This was met with open discontent in the Forum and before the consuls:

[...] edixerunt consules ut priuatim ex censu ordinibusque, sicut antea, remiges darent cum stipendio cibariisque dierum triginta. Ad id edictum tantus fremitus hominum, tanta indignatio fuit ut magis dux quam materia seditioni deesset: secundum Siculos Campanosque plebem Romanam perdendam lacerandamque sibi consules sumpsisse. [...] si quid cui argenti aerisue fuerit, stipendio remigum et tributis annuis ablatum. se ut dent quod non habeant nulla ui nullo imperio cogi posse. bona sua uenderent; in corpora quae reliqua essent saeuirent; ne unde redimantur quidem quicquam superesse. Haec non in occulto, sed propalam in foro atque oculis ipsorum consulum ingens turba circumfusi fremebant; nec eos sedare consules nunc castigando, nunc consolando poterant.

Livy 26.35.3-4, 26.35.6-7.

According to Livy, the consuls responded to this discontent by granting the people three days to think about the matter, while they themselves consulted

²⁸⁰ For commentary, see: Vishnia, *State, Society*, 106-107.

with the Senate (Livy 26.35.8). The Senate concluded that despite the people's refusal being reasonable, they still needed to draw on private wealth to fund their navy as they had no money in the treasury (Livy 26.35.10). Livy goes on to suggest that the Senate couldn't think of a practical solution (Livy 26.36.1). In response to this indecision, he scripts a speech for the consul M. Valerius Laevinus on obligation and the importance of exemplarity:

magistratus senatui et senatum populo, sicut honore praestet, ita ad omnia quae dura atque aspera essent subeunda ducem debere esse. "Si quid iniungere inferiori uelis, id prius in te ac tuos si ipse iuris statueris, facilius omnes obedientes habeas; nec impensa grauis est, cum <ex> ea plus quam pro uirili parte sibi quemque capere principum uident." [...] "Aurum argentum <aes> signatum omne senatores crastino die in publicum conferamus, ita ut anulos sibi quisque et coniugi et liberis, et filio bullam et quibus uxor filiaeque sunt singulas uncias pondo auri relinquat: argenti qui curuli sella sederunt equi ornamenta et libras pondo, ut salinum patellamque deorum causa habere possint: ceteri senatores libram argenti tantum: aeris signati quina milia in singulos patres familiae relinquamus: ceterum omne aurum argentum aes signatum ad triumuiros mensarios extemplo deferamus nullo ante senatus consulto facto, ut uoluntaria conlatio et certamen adiuuandae rei publicae excitet ad aemulandum animos primum equestris ordinis, dein reliquae plebis." [...] "Res publica incolumis et priuatas res facile saluas praestat: publica prodendo tua nequiquam serues."

Livy 26.36.2-3, 5-8, 9.

A patriotic speech indeed, and another example of Livy's programmatic aims of exemplarity; as indicated in 2.4, these contributions are revisited in Valerius' speech of 186 (Livy 34.5-6). Laevinus' speech of 210 reveals the nature of the contributions to be made to the state; senators were to deposit all of their gold, silver, and bronze coin in the public treasury, excluding a single ring for each member of the family, an ounce of gold for each female family member, a pound of silver per person, and 5,000 bronze *asses* per family. These contributions would have stripped the liquid assets of many an elite Roman family, and many senators may not have rejoiced at the idea of such contribution.

Livy suggests that Laevinus' speech inspired the Senate to compete for primacy in patriotism, and that the Senate's actions inspired the equestrian order and plebs in turn:

In haec tanto animo consensum est ut gratiae ultro consulibus agerentur. Senatu inde misso pro se quisque aurum argentum et aes in publicum conferunt, tanto certamine iniecto ut prima aut inter primos nomina sua uellent in publicis tabulis esse ut nec triumuii accipiundo nec scribae referundo sufficerent. Hunc consensum senatus equester ordo est secutus, equestris ordinis plebs.

Livy 26.36.10-12.

Supposedly, this enthusiastic response meant that there was no need for a senatorial edict or *coercitio* from the magistrates, and that there were abundant funds for the war chest:

Ita sine edicto, sine coercionem magistratus nec remige in supplementum nec stipendio res publica eguit

Livy 26.36.12.

While it is conceivable that many Romans were interested in competing to aid the state during crisis, especially if their names were inscribed on the public records, it is implausible that this desire for competition or *certamen* was universal. Livy's embellishments are suspicious: that the senators thanked the consuls for the speech, that every senator rushed to the *triumuii* to deposit all of his wealth, all of the equestrians emulated the senators, and the plebs the equestrians. The suggestion that there was no edict or magisterial pressure is also suspect. These suggestions directly contradict Livy's earlier statements about the consular edict requisitioning funds based on property and class, the crowd's negative reaction, and the consuls' chastisement of the crowd. It is plausible that a consular edict was issued, with the provisions and exclusions outlined in Laevinus' speech, and that, after some difficulty, it was enforced by consular *coercitio* with the assistance of the *triumuii mensarii*.

But how would these contributions have affected Rome's women? According to the provisions in Laevinus' speech, women in senatorial families

under the *potestas* or *manus* of a man were encouraged to possess no more than a ring and an ounce of gold.²⁸¹ These were severe restrictions, and some senatorial women may have resented them; it is possible too that some families tried to avoid these contributions. It is not clear from the provisions whether dowries were affected by these contributions; however, as will be discussed in 2.9, some dowries must have remained relatively intact, as the curule aediles issued an edict in 207 requisitioning gold from women's dowries that yielded enough gold for a significant donation to Juno Regina (Livy 27.37.9-10). What is, perhaps, more troublesome is how women *sui iuris* were affected by these contributions; Laevinus makes no mention of such women in his speech. Were they encouraged or coerced to contribute from what remained of their wealth after 213? Did the *triumviri* already control their wealth? Unfortunately, the primary evidence does not grant us any clues about the fate of the wealth of women *sui iuris*. We can, however, make some general conclusions about these contributions of 210 and their effect on women.

The contributions of 210 provided the state with funds for their war chest. Livy's propagandistic language about the unanimity behind senatorial, equestrian and plebeian contributions is suspect; his own account suggests that an edict and some form of coercion were required to encourage contributions. These contributions would have substantially reduced the liquid assets of Roman families, and heavily restricted the amount of wealth available to Roman women. The contributions would have reduced again any financial independence enjoyed by Rome's women. Evans suspects that the contributions of 210 represent another occasion when the state requisitioned women's assets during the Second Punic War, and I concur with his assessment.²⁸²

²⁸¹ This suggests that the *Lex Oppia's* stipulation that women not have more than a *semuncia* of gold referred to public display not private ownership. See: 2.3.

²⁸² Evans, *War, Women*, 28.

2.9 Plundering dowries: Dotal requisitions in 207 BCE

In 207, new religious concerns beset Rome. Amidst these concerns, the curule aediles issued an edict that requisitioned contributions from women's dowries for religious purposes. Bauman characterises 207 as a year when there was a reduction in the "severity of the Roman reaction" towards women.²⁸³ Here I will outline the religious concerns and financial crisis in Rome in 207, argue that the dotal requisitions would have reduced the financial independence of Rome's women, and conclude that, despite the victory at the Metaurus, Rome's women did not experience a complete emancipation from regulation in 207, *pace* Bauman.

In late 208 and early 207, the shadow of Hasdrubal loomed over Italy. Livy reports growing concern in Italy as Hasdrubal and his army approached the Alps; the fear of the Romans would have been, firstly, that another Carthaginian army would cross the Alps and threaten Rome, and secondly, that Hannibal's forces would be reinforced (Livy 27.36). This concern is perhaps best exemplified by the proliferation of prodigies in 207, prodigies that had to be expiated to reduce the public's religious concerns (Livy 27.37.1-3). Amidst this, a hermaphrodite child was discovered at Frusino, and the Etrurian *haruspices*, once summoned, advised that the child was a foul and loathsome prodigy, and that the child should be consigned to ritual execution by live burial at sea:²⁸⁴

Liberatas religione mentes turbavit rursus nuntiatum Frusinone natum esse infantem quadrimo parem nec magnitudine tam mirandum quam quod is quoque, ut Sinuessae biennio ante, incertus mas an femina esset natus erat. Id uero haruspices ex Etruria acciti foedum ac turpe prodigium dicere: extorrem agro Romano, procul terrae contactu, alto mergendum. Uiuum in arcam condidere prouectumque in mare proiecerunt.

Livy 27.37.5-6.

²⁸³ Bauman, *Women*, 27.

²⁸⁴ This was not the first hermaphrodite discovery that Livy records; the first was in 209 BCE, when, in Sinuessa, a child of indeterminate sex was born, part male, part female. See: Livy 27.11.4-5.

A cruel fate indeed. It is clear from the *haruspices'* declaration, *foedum ac turpe prodigium dicere [...] procul terrae contactu* (Livy 27.37.6), that the child was somehow ritually unclean, and that, to avoid further pollution of the land, the child had to be removed from Italy and drowned (Livy 27.37.6).²⁸⁵ This conclusion is supported by Livy's declaration that hermaphrodites were taken as a sign that nature was running wild, that *foeda omnia et deformia errantisque in alienos fetus naturae uisa* (Livy 31.12.8), and by a law of the Twelve Tables that demanded any 'deformed' child be killed: *necatus tamquam ex XII tabulis insignis ad deformitatem puer*²⁸⁶ (Cic. *Leg.* 3.19). In response to this so-called pollution, the pontiffs ordered twenty-seven maidens to perform a *lustratio* in Rome, an expiatory procession used to purify contamination, and sing a hymn composed by Livius Andronicus.²⁸⁷ Livy goes on to say that, while the maidens were practicing this hymn at the Temple of Jupiter Stator, lightning hit the Temple of Juno Regina on the Aventine. The *haruspices* advised that this intervening prodigy was one related to the *matronae*, *prodigiumque id ad matronas pertinere haruspices cum respondissent* (Livy 27.37.8), and that they must give a gift to placate her, *donoque diuam placandam esse* (Livy 27.37.8). The association between such gifts to Juno Regina and *matronae* was not unusual; at the behest of the *decemuiroi*, *matronae* had already made contributions to her cult in 218 and 217.²⁸⁸ What was unusual was the process by which these gifts were requisitioned in 207, and it shall be examined here in detail.

In response to the *haruspices'* advice, the curule aediles Cn. Servilius Caepio and Ser. Cornelius Lentulus²⁸⁹ issued an edict summoning *matronae* from Rome and within ten miles of the city to the Capitol; presumably, they indicated to these *matronae* that they needed to make a contribution from their dowries to Juno Regina. These *matronae* accordingly selected twenty-five candidates from

²⁸⁵ A. Boyce, "The Expiatory Rites of 207 BCE," *TAPhA* 68 (1937): 166.

²⁸⁶ Cf. Dion. Hal. *Ant. Rom.* 2.15.2, where Dionysius attributes such a law to Romulus.

²⁸⁷ For this procession as a *lustratio*, see: Boyce, "The Expiatory Rites of 207 BCE," 158, 166; Hänninen, "Juno Regina," 41. Julius Obsequens refers to four later versions of this *lustratio*, see: *Obseq.* 27, 36, 48, 53.

²⁸⁸ 218: Livy 21.62.8 (bronze statue). 217: Livy 22.1.17-18 (money). See: Boyce, "The Expiatory Rites of 207 BCE," 171; Hänninen, "Juno Regina," 39-40.

²⁸⁹ For the identity of these curule aediles, see: *MRR* 1.295, s.a. 207.

amongst themselves to collect contributions from their dowries, had these contributions fashioned into a golden bowl, then took it to the Aventine and offered sacrifice to Juno Regina:

[...] aedilium curulium edicto in Capitolium conuocatae quibus in urbe Romana intraque decimum lapidem ab urbe domicilia essent, ipsae inter se quinque et uiginti delegerunt ad quas ex dotibus stipem conferrent; inde donum peluis aurea facta lataque in Auentinum, pureque et caste a matronis sacrificatum.

Livy 27.37.9-10.

The edict of the curule aediles here is unprecedented, as Boyce indicates, and, furthermore, the *decemuires* were traditionally associated with recommending donations of gifts from the *matronae* to Juno Regina; why did the curule aediles issue such an edict?²⁹⁰ The curule aediles had the *ius edicendi*, the power to issue edicts within their jurisdiction, along with the consuls, praetors, quaestors and governors of provinces.²⁹¹ In his *De Legibus*, Cicero reports that the aediles' jurisdiction included taking care of the city, its grain supply, and games; he elaborates on this in his second oration against Verres, where he describes the aediles' role in holding specific games, taking care of the temples, and protecting the city:

Suntoque aediles curatores urbis annonae ludorumque sollemnium [...]

Cic. *Leg.* 3.7.

Nunc sum designatus aedilis; habeo rationem quid a populo Romano acceperim; mihi ludos sanctissimos maxima cum cura et caerimonia Cereri Libero Liberaeque faciundos, mihi Floram matrem populo plebique Romanae ludorum celebritate placandam, mihi ludos antiquissimos, qui primi Romani appellati sunt, cum dignitate maxima et religione Ioui Iunoni Mineruaeque esse faciundos, mihi sacrarum aedium procurationem, mihi totam urbem tuendam esse commissam

Cic. *Verr.* 2.5.36.

²⁹⁰ Boyce, "The Expiatory Rites of 207 BCE," 167-168. For the *decemuires* and their traditional role here, see: Livy 21.62, 22.1.

²⁹¹ Gai. *Inst.* 1.6. Cf. Lintott, *The Constitution*, 94-146; du Plessis, *Borkowski's Textbook*, 29-39.

Clearly the aedilician jurisdiction extended to religious matters, the care of temples, and to the care of the city; it was urban and religious. As examined in 2.5, it extended to regulating foreign rites in the city (Livy 25.1).²⁹² The aediles also seemed to have some form of moral and financial authority.²⁹³ Livy gives examples throughout his *Ab Urbe Condita* of the aediles (both curule and plebeian) prosecuting and fining people for moral and financial infractions; these fines were then used for religious purposes, to cover the cost of games, temples, and temple dedications.²⁹⁴ As such, their summoning of the *matronae* in 207 might indicate, as Boyce suggests, that “the grounds of their action were moral rather than religious,” viz. the *matronae* were being fined for some moral infraction.²⁹⁵ Such a suggestion is, however, not directly evidenced in Livy’s account of 207, and the *matronae* clearly organised the collection of the contributions themselves (Livy 27.37.8-10).²⁹⁶ In this case, the grounds were more financial than moral; the state was still amidst financial crisis, as we will see.

As discussed in 2.8, in 210 the state was in desperate need of funds for its war chest, and it requisitioned a large amount of assets from the people (Livy 26.35-36). These assets must not have lasted long, for in 209, to fund their war chest, the magistrates raided the *aerarium sanctius*, the special reserve treasury funded by the *aurum uicesimarium* (the 5% tax on manumissions), held in the Temple of Saturn:

Cetera expedientibus quae ad bellum opus erant consulibus, aurum uicesimarium quod in sanctiore aerario ad ultimos casus seruabatur promi placuit. Prompta ad quattuor milia pondo auri. Inde quingena pondo data consulibus et M. Marcello et P. Sulpicio proconsulibus et L. Veturio praetori qui Galliam prouinciam erat sortitus, additumque Fabio consuli centum pondo auri

²⁹² Cf. Cic. *Har. resp.* 27, where Cicero indicates that this is the traditional role of the curule aediles.

²⁹³ Boyce, “The Expiatory Rites of 207 BCE,” 167-168. This seems to be the implication of Tac. *Ann.* 2.85; 3.52.

²⁹⁴ Livy 10.23.13 (prosecution and fining of money lenders and live-stock breeders); 10.31.9 (prosecution and fining of *matronae* for *stuprum*, if Quintus Fabius Gurgus was an aedile); 10.47.4 (prosecution and fining of live-stock breeders); 35.10.11-12 (prosecution and fining of livestock-breeders); 38.35.6 (prosecution and fining of grain-merchants).

²⁹⁵ Boyce, “The Expiatory Rites of 207 BCE,” 168. Boyce’s distinction here between moral and religious grounds may be anachronistic.

²⁹⁶ For this organisation, see: Hänninen, “Juno Regina,” 48-49.

praecipuum quod in arcem Tarentinam portaretur; cetero auro usi sunt ad uestimenta praesenti pecunia locanda exercitui qui in Hispania bellum secunda sua fama ducisque gerebat.

Livy 27.10.11-13.

If such emergency funds were being raided in 209, it is plausible that by 207 there was very little money available for religious purposes.²⁹⁷ Furthermore, women in Rome had had their wealth substantially reduced in 214 and 210 by subsequent requisitions (2.4 and 2.8). Nevertheless, religious concerns had consumed Rome, and the *haruspices* had advised that Juno Regina required a gift from the *matronae*. Perhaps this is why the curule aediles extended the collection for such a gift to ten miles outside of Rome. The aedilician jurisdiction seems to have been urban, and with this edict the aediles may have “overstepped their ordinary powers.”²⁹⁸ The legality of this extra-urban extension of the collection is unclear, and may have required extraordinary powers.²⁹⁹ What this action signifies is that, to procure sufficient gold, the aediles had to mine the wealth both of women in Rome and women outside of Rome proper. The targeting of dowries is also significant; such targeting suggests that that these dowries had remained relatively untouched in 214 and 210. Culham suspects that they remained untouched until 207 as dowries often had to be “restored to a wife or her family,” and were supposed to “insure the wife’s maintenance.”³⁰⁰ This is plausible, as dowries and their ownership are clearly a complex issue in this period (2.3). What is important here is that the aediles used their *ius edicendi* to reduce the assets of Rome’s women in 207, subsequent to the reductions of 214 and 210.

So, what of Bauman’s characterisation of 207 as a year where the “severity of the Roman reaction” to women had receded?³⁰¹ Bauman reads the involvement of women in the total contributions of 207 as progressive, and as a “new chapter in women’s affairs”; he describes it as a “rudimentary women’s organization,”

²⁹⁷ Boyce, “The Expiatory Rites of 207 BCE,” 168.

²⁹⁸ *ibid.* For the aedilician jurisdiction as urban, see: Gai. *Inst.* 1.6-1.7.

²⁹⁹ Cf. Livy 34.1.3, where the *Lex Oppia* extends to the first milestone.

³⁰⁰ Culham, “The *Lex Oppia*,” 788, and esp. 788 n. 9. Cf. J. Gardner, *Family and Familia in Roman Law and Life* (Oxford, Oxford University Press, 2004), 85-86.

³⁰¹ Bauman, *Women*, 27.

and locates it within the favourable climate produced by the victory at the Metaurus later in 207.³⁰² Women were certainly part of the religious life of Rome in the Second Punic War, and may have participated in matronal organisations.³⁰³ However, Bauman's suggestion that female participation in the collection was "the brainchild of the Scipionic Group," viz. P. Cornelius Scipio Africanus, Aemilia and the pontifex maximus P. Licinius Crassus Dives, and that it was a progressive move, is, frankly, specious on several levels.³⁰⁴ There is no evidence that Scipio or Crassus had a direct role in ordaining the collection; it was prompted by an aedilician edict not a pontifical decree, and Scipio was on campaign in Spain (Livy 28.1-4). Scipio himself had had negative experiences of women's religious activity in 213 when he was an aedile (Livy 25.1.9-11; 2.5), and Crassus was known for his severity, as argued by Bauman himself;³⁰⁵ it is implausible to postulate their promotion of a 'progressive' agenda. Aemilia's conspicuous consumption, as evidenced by Polybius (Polyb. 31.26.2-5), does not indicate that either Aemilia or Scipio were 'progressives'; this was clearly a common form of status competition amongst elite women, as evidenced in Plautus and by the *Lex Oppia* (2.3 and 3.5). *Pace* Bauman, the dotal requisitions of 207 were made amidst military, financial and religious crises, and were made subsequent to the previous requisitions of 214 and 210. It is difficult to read them as positive or progressive; it is more likely that they were motivated by financial exigency than by the desire to empower women that Bauman has written of.³⁰⁶

In late 207, the consuls C. Claudius Nero (cens. 204, cos. 207, pr. 212) and M. Livius Salinator (cens. 204, cos. 219, 207) won a decisive victory for the Romans at the Metauro River, crushing Hasdrubal and his army (Livy 27.49). This was a turning point in the Second Punic War; had Hasdrubal managed to reinforce Hannibal, the outcome of the war might have been very different.

³⁰² *ibid.*, 27-28.

³⁰³ Hänninen, "Juno Regina," 48. Cf. Schultz, *Women's Religious*, 151-152.

³⁰⁴ Bauman, *Women*, 27-28.

³⁰⁵ R. Bauman, *Lawyers in Roman Republican Politics: A Study of the Roman Jurists in their Political Setting, 316-82 BC* (München: C.H.Beck, 1983), 97-100. For this severity, see: Livy 26.23.8 (ejected the Flamen of Jupiter due to religious error); 27.8.5-10 (forced C. Valerius Flaccus to become the Flamen of Jupiter for his youthful misdeeds); 28.11.6 (flogged a Vestal for negligence).

³⁰⁶ Bauman, *Women*, 27-28.

According to Livy, this news was met with great celebration in Rome, and brought about a positive change in the city's financial outlook:

Senatus quod M. Liuius et C. Claudius consules incolumi exercitu ducem hostium legionesque occidissent supplicationem in triduum decreuit. Eam supplicationem C. Hostilius praetor pro contione edixit, celebrataque a uiris feminisque est. Omnia templa per totum triduum aequalem turbam habuere, cum matronae amplissima ueste cum liberis perinde ac si debellatum foret omni solutae metu deis immortalibus grates agerent. Status quoque ciuitatis ea uictoria mouit, ut iam inde haud secus quam in pace res inter se contrahere uendendo, emendo, mutuuum dando argentum creditumque soluendo auderent.

Livy 27.51.8-10.

There is no reason to deny that this victory led to great celebration, with *matronae* donning their *amplissimae uestes* and worshipping the gods, nor that it reduced the financial strain on Rome, especially if a large amount of booty was acquired. It may indeed have meant that the state no longer needed to requisition money from Rome's women. In that respect, the financial pressure on women would have been reduced. However, the victory does not negate the significant requisitions made in 214, 210 and 207; the financial independence and liquid assets of Rome's women would not have been instantly restored. Bauman's claim that from 207 "an unequivocally favourable climate emerge[d]" is not supported by the evidence;³⁰⁷ the *Lex Oppia* and *Lex Atilia* had not been repealed, and there is no indication that assets had been restored to Rome's women. While Rome's fortunes had improved, women had not been emancipated from the regulation of the previous years.

2.10 Persistent regulation: Restraining women in the Second Punic War

Throughout the Second Punic War, the state imposed measures on Roman women that restricted their social and economic independence. I have shown that these measures predominantly targeted elite women; they were not

³⁰⁷ *ibid.*, 22.

motivated primarily by misogynistic or gynophobic sentiments, but were rather born out of the state's desire to acquire assets and establish *concordia*. It is my contention that the measures persisted past 207, as evidenced by the longevity of the *Lex Oppia* and the *Lex Atilia*.

In the space of nine years, from 216 to 207, the state regulated the social and economic independence of Roman women with a number of measures: the *senatus consultum* that restricted public grieving in 216 (2.2); the *Lex Oppia* that restricted conspicuous consumption in 215 (2.3); the requisition of widows' assets in 214 (2.4); the *senatus consultum* that banned foreign rites in 213 (2.5); the aedilician trial and exile of women accused of *probrum* in 213 (2.6); the *Lex Atilia* that restricted the economic independence of women *sui iuris* c. 210 (2.7); the requisition of public assets in 210 (2.8); the dotal requisitions of 207 (2.9).

These measures predominantly targeted the public behaviour and assets of elite women; the *Lex Oppia*'s provisions (banning gold, multi-shaded garments, and carriages) presuppose significant wealth, as do the requisitions of 214, 210 and 207, and the *Lex Atilia*'s control over women and their assets, viz. *res Mancipi*, contracts, dowries, inheritances, marriage *cum manu*, and wills.³⁰⁸ The restrictions against public grieving in 216 and foreign rites in 213 were an exception; they targeted all of Rome's women. It is also unclear whether the *matronae* put on trial in 213 were elite. Despite these exceptions, it is clear that these measures impinged chiefly on the private and public lives of elite Roman women.

Staples and Parker have read some of these measures as misogynistic or gynophobic.³⁰⁹ The restrictions of 216, 215 and 213, and the trials of 213, suggest that the state was concerned with the private and public behaviour of women, particularly crowds of women, Livy's *mulierum turba*. It is possible to identify an element of gynophobia in these actions; the public actions of women were disturbing *concordia* and subverting the authority of the state, and this may have inspired some fear in the *patres*. The state's authority was patriarchal, as were the

³⁰⁸ Evan's "women of property," see: Evans, *War, Women*, 52-53.

³⁰⁹ Staples, *From Good Goddess*, 59-62; Parker, "Why Were the Vestals," 592.

Roman social structures of the time, so it is possible to read these events as a struggle between men and women. But to read them as primarily misogynistic or gynophobic seems an exaggeration and misreading of the evidence.

Instead, I prefer to follow Pomeroy, Evans, Hänninen and Takács, and read the state measures primarily as a function of wartime necessity, brought about by the death or absence of male citizens during the war.³¹⁰ Following Cannae, the state desperately needed *concordia* in Rome to conduct their war; this is the force of their restrictions against mourning in 216, the *Lex Oppia* of 215, their ban on foreign religious activity in public in 213, and the trials of 213; the state was legislating for public order. They were also under financial duress, and needed assets for their war chest; it is plausible that the requisitions of 214, 210, and 207, and the *Lex Atilia* were motivated by this need, and born of opportunity. Women were an opportune target; many would not have enjoyed the legal or physical protection of their male relatives who would have been absent or dead due to war. While I admit that these restrictions and requisitions were imposed on women by patriarchal authorities, I propose that they were motivated by a desire for assets and *concordia* during wartime, not from a desire to oppress women *per se*.

Nevertheless, these measures did oppress Rome's women, restricting their social and economic independence. Some of these measures were particularly intractable. The situation did not unequivocally improve for women from 207, *pace* Bauman.³¹¹ While the financial requisitions may have ceased (2.9), the *Lex Oppia* remained in place until 195 (Livy 34.1-8), and the *Lex Atilia* past 186 (Livy 39.9.7); they were persistent legal testaments to the regulation of women during the Second Punic War. The speech that Livy scripts for Valerius' defense of the abrogation of the *Lex Oppia* is particularly evocative; it outlines how this legislation had persisted beyond all necessity:

³¹⁰ Pomeroy, *Goddesses*, 177-179; Evans, *War, Women*, 53-71, esp. 52-53; Hänninen, "Juno Regina," 50; Takács, *Vestal Virgins*, 15-16.

³¹¹ Bauman, *Women*, 22.

“Omnes alii ordines, omnes homines mutationem in meliorem statum rei publicae sentient: ad coniuges tantum nostras pacis et tranquillitatis publicae fructus non perueniet?” [...] “At hercule uniuersis dolor et indignatio est, cum sociorum Latini nominis uxoribus uident ea concessa ornamenta quae sibi adempta sint, cum insignes eas esse auro et purpura, cum illas uehi per urbem, se pedibus sequi, tamquam in illarum ciuitatibus non in sua imperium sit.”

Livy 34.7.1, 34.7.5-6.

This legislation had clearly outlasted its wartime purpose, and was now causing social conflict between citizens and allies. Valerius goes on to deride the notion that repealing the *Lex Oppia* would lead to women slipping from male control, outlining the female preference for male control over legal controls:

“Scilicet, si legem Oppiam abrogaritis, non uestri arbitrii erit si quid eius uetare uolueritis quod nunc lex uetat: minus filiae, uxores, sorores etiam quibusdam in manu erunt. Nunquam saluis suis exiit seruitus muliebris, et ipsae libertatem quam uiduitas et orbitas facit detestantur. In uestro arbitrio suum ornatum quam in legis malunt esse; et uos in manu et tutela, non in seruitio debetis habere eas et malle patres uos aut uiros quam dominos dici.”

Livy 34.7.11-13.

A patriarchal defense, and a Livian construction, but quite a revealing one. This speech evokes male absences during wartime, the requisitions of 214, 210 and 207, and the legal controls of the *Lex Atilia*. The financial independence that women had gained through male absence had been exploited and regulated by the state; perhaps the *potestas* or *manus* of a father or husband *was* better than state control. The longevity of the *Lex Oppia* was a legislative testament to the persistent regulation of women throughout the Second Punic War, as the need for this legislation had been negated by the common peace of 195. Significantly, this onerous piece of legislation was repealed *twenty-one* years after Cannae; *pace* Bauman, it is not until 195 that a markedly improved climate for women emerged.

Throughout this exposition on the regulation of Rome’s women in the Second Punic War this study has relied principally on the historiography of Livy.

This reconstruction is thus heavily influenced by Livy's (and his sources') representations of women. L'Hoir characterises these representations as "one-dimensional," as "shadowy impersonations of womanhood, subordinated to the males who are themselves ancillary to the virtues and vices that form the woof on the loom of Roman history"; she rightly identifies Livy's use of the adjective *muliebris* as pejorative, and his use of a *femina/mulier* dichotomy as a device to delineate class and morality.³¹² My study does not contest L'Hoir's characterisation; Livy's representations of women cannot be wholly valid. Nevertheless, following Schultz, I propose that we can restore a rough outline of the experiences of Rome's women during the Second Punic War.³¹³ When Livy's material is compared with the plays of Plautus, and with other attestations, such a rough outline emerges: Rome's women gained some measure of social and financial independence after Cannae, and the Senate reacted by regulating and exploiting them. In the following chapter, I explore the role that some elite women had in collaborating with this regulation, and speculate on their motivations for doing so.

³¹² L'hoir, *The Rhetoric of Gender*, 77-99, see esp. 77, 98.

³¹³ Schultz, *Women's Religious*, 8-9.

3: Collaboration

We have our duties in this war.

Emmeline Pankhurst *apud* Jorgensen-Earp, *Speeches and Trials*, 360.

3.1 Introduction

Rome's women were regulated throughout the Second Punic War. The state regulated their conspicuous consumption in 215 (2.3), and their sexual independence in 213 (2.6). This regulation limited their ability to engage in status competition, and to engage in extramarital sexual activity. *Prima facie*, this seems to be a fundamentally patriarchal form of regulation. Yet, c. 215 and in 204, elite Roman women themselves took part in two religious rites that regulated sexual independence by promoting sexual virtue: a religious rite for Venus Verticordia c. 215 and a rite for the Magna Mater in 204.

Langlands characterises these two rites as “state-organised religious practice designed to inculcate sexual virtue among Roman females,”³¹⁴ and views the ethical function of the rites for Venus Verticordia as “cult [that] helps to direct the minds of citizens away from vice and towards virtue.”³¹⁵ She outlines the agency of women within the rites, and the evidence of female competition within. For Langlands, these rites were didactic and competitive, where the “purpose of drawing attention to such a phenomenon is clear: the anticipation of honour and recognition by the community [was] a spur to the pursuit of moral excellence.”³¹⁶ As we shall see, these rites promoted *pudicitia* (sexual virtue)³¹⁷ over sexual independence, and these women thus participated in the regulation of female sexual activity. Why would these women collaborate in this regulation?

As indicated in 1.1, Staples, Hänninen, and Schultz have established the central role that Roman women played in Republican religion; they took part in

³¹⁴ Langlands, *Sexual Morality*, 58.

³¹⁵ *ibid.*, 59.

³¹⁶ *ibid.*, 60.

³¹⁷ As defined in 1.1.

rites that had civic and political import.³¹⁸ What did élite women gain from taking part in religious rites that regulated female sexuality? This chapter explores two solutions to this quandary: status and the religious protection of the state.

Langlands has drawn a link between *pudicitia* and “married women, public display, and the negotiation of the boundaries of social status,” proposing that “*pudicitia* was a personal quality that needed to be displayed to and seen by others,” and that a Roman wife must both “regulate her sexual behaviour” and let “her virtue in this area be conspicuous [...] [and] so remarkable as to attract attention.”³¹⁹ Furthermore, Langlands cites primary sources that describe Roman women competing publicly in *pudicitia*, and receiving official honours for exemplary *pudicitia* throughout the Republic and the Empire.³²⁰ The public display of *pudicitia* in the rites of c. 215 and 204, may have been another form of status competition for Rome’s women, akin to the *certamen* of conspicuous consumption legislated against in the *Lex Oppia*. Such ‘virtuous’ rites offered élite Roman women a state-sanctioned avenue for status competition.

Beyond status competition, several scholars propose that Roman women took a central role in religious rites related to the protection of the state.³²¹ The rites of c. 215 and 204 took place amidst grave crises for Rome, and were expiatory. Élite Roman women may have thus taken part in these rites to protect the state.

This chapter assesses the plausibility of these two solutions in the context of the Second Punic War. It begins by outlining the prominent role that élite Roman women and *pudicitia* had in the religious rite to Venus Verticordia c. 215 (3.2), and the importation of Magna Mater in 204 (3.3). Drawing on the work of Langlands and Olson, it demonstrates how women may have displayed their *pudicitia* publicly (3.4). It then suggests that the public display of *pudicitia* in the rites of c. 215 and 204 can be read as a form of status competition (3.5), and that

³¹⁸ Staples, *From Good Goddess*, 157-162; Hänninen, “Juno Regina,” 48; Schultz, *Women’s Religious*, 151-152.

³¹⁹ Langlands, *Sexual Morality*, 37-38.

³²⁰ *ibid.*, 38-77. For many of these examples, see: 3.5.

³²¹ Boëls-Janssen, *La vie religieuse, passim* but esp. 2, 469; Hänninen, “Juno Regina,” 49; Schultz, *Women’s Religious*, 36.

the role of these rites was protective within the context of the Second Punic War (3.6). It concludes that élite Roman women collaborated in the regulation of female sexuality because it was beneficial to them; it granted them status and protected the state (3.7).

3.2 Sulpicia and Venus Verticordia c. 215 BCE

Circa 215, Roman matronae selected a virtuous candidate from amongst their ranks to dedicate a statue of Venus Verticordia. I will outline the prominent role that an élite Roman woman and her pudicitia had in the rite, date the rite to c. 215 based on internal evidence, and place it within the context of the Lex Oppia and Vestal misconduct after Cannae.

In the late 3rd century BCE, Roman *matronae* selected Sulpicia to dedicate a statue of Venus Verticordia, after the *decemviri sacris faciundis* had inspected the Sibylline Books and recommended its dedication. Sulpicia was daughter of the patrician Ser. Sulpicius Paterculus³²² and wife of the distinguished military hero, Q. Fulvius Flaccus (cos. 237, 224, 212, 209, pr. 215, 214);³²³ she was the

³²² Valerius mentions that Sulpicia's father's *praenomen* was Servius, *Sulpicia Ser. Paterculi filia* (Val. Max. 8.15.12). I presume here that Ser. Paterculus is from the *gens Sulpicia*, as Sulpicia would have taken the feminine form of the *nomen gentile*. Ser. Sulpicius Paterculus is not otherwise attested. Servius often takes the place of the *nomen gentile* Sulpicia, see: Tac. *Hist.* 2.48; Plut. *Galb.* 3.1. For the *gens Sulpicia* as patrician, and Paterculus as *cognomen*, see: K-L. Elvers, "Sulpicius," in *Brill's New Pauly*, eds. H. Cancik & H. Schneider (Brill Online, 2014), accessed 22nd April 2014, <http://referenceworks.brillonline.com.proxy.library.adelaide.edu.au/entries/brill-s-new-pauly/sulpicius-e1125490>. Hallett notes that only Valerius refers to the *praenomen* Servius, see: J. Hallett, "Scenarios of Sulpiciae: moral discourses and immoral verses," *EuGeStA* 1 (2011): 91. According to Hallett, it may be a conscious evocation of *Servi filia Sulpicia* (Tib. 4.10.4 (Luck)); as such, it could be a Valerian invention. The *praenomen* Servius is thus not secure. Schultz proposes that Sulpicia's father was C. Sulpicius Paterculus, consul for 258 (MRR 1.206, s.a. 258), but there is no evidence of this in the sources. See: Schultz, *Women's Religious*, 144.

³²³ Valerius supports Q. Fulvius Flaccus as husband, *Q. Fulvii Flacci uxor* (Val. Max. 8.15.12). For Q. Fulvius Flaccus and his career, see MRR 1.285 s.a. 209. Pliny does not mention a *praenomen*, *uxor Fulvi Flacci* (Plin. *HN* 7.120), but his reference may still support Q. Fulvius Flaccus as husband. Solinus proposes M. Fulvius Flaccus (cos. 264) as the husband, *M. Fulvii Flacci uxor* (Solin. 126). For M. Fulvius Flaccus, see: MRR 1.202-203, s.a. 264. Solinus' proposition is ignored by scholars. It is possible that Solinus, who often paraphrases Pliny, merely added the *praenomen* M. to Pliny's bare Fulvius Flaccus. For Solinus' use of Pliny, see: J. Taylor, *The Essenes, the Scrolls, and the Dead Sea* (Oxford: Oxford University Press, 2012), 149-159, 149 n.22, 159 n.23.

quintessential elite Roman woman.³²⁴ This rite is attested by Valerius Maximus, Pliny and Solinus, who differ on some details (the identity of the husband of Sulpicia), but not on her selection or the dedication:

Merito uirorum commemorationi Sulpicia Ser. Paterculi filia, Q. Fuluii Flacci uxor, adicitur. quae, cum senatus libris Sibyllinis per decemuiros inspectis censuisset ut Veneris Verticordiae simulacrum consecraretur, quo facilius uirginum mulierumque mens a libidine ad pudicitiam conuerteretur, et ex omnibus matronis centum, ex centum autem decem sorte ductae de sanctissima femina iudicium facerent, cunctis castitate praelata est.

Val. Max. 8.15.12.

Pudicissima femina semel matronarum sententia iudicata est Sulpicia Paterculi filia, uxor Fului Flacci, electa ex centum praeceptis quae simulacrum Veneris ex Sibyllinis libris dedicaret [...]

Plin. HN 7.120.

at Sulpicia Paterculi filia, M. Fuluii Flacci uxor, censura omnium matronarum e centum probatissimis haud temere delecta est, quae simulacrum Veneris, ut Sibyllini libri monebant, dedicaret [...]

Solin. 126.

These attestations narrate how the *matronae* select Sulpicia from a hundred of their number as the most virtuous; Valerius tells us how she is judged *sanctissima* because of her *castitas*, while Pliny describes her as *pudicissima*, and Solinus as *probatissima*. The two earliest attestations, Valerius and Pliny, make it clear that the ostensible reason for her selection was her sexual virtue. It is worth noting, however, that Sulpicia's husband, Q. Fulvius Flaccus, was urban praetor in Rome that same year.³²⁵ He may have had some role in her selection. But what was the

³²⁴ Val. Max. 8.15.12; Plin. HN 7.120; Solin. 126. For the identity of Sulpicia: R. Schilling, *La Religion romaine de Vénus depuis les origines jusqu'au temps d'Augustus* (Paris: De Boccard, 1954), 228; H. Scullard, *Festivals and Ceremonies of the Roman Republic* (London: Thames and Hudson, 1981), 97; Orlin, *Temples*, 103 n. 104; Schultz, *Women's Religious*, 144, 200-201 n. 24; K-L. Elvers, "Fulvius: [I 10] F. Flaccus, Q.," in *Brill's New Pauly*, eds. H. Cancik & H. Schneider (Brill Online, 2014), accessed 22nd April 2014, <http://referenceworks.brillonline.com.proxy.library.adelaide.edu.au/entries/brill-s-new-pauly/fulvius-e415990>.

³²⁵ For Q. Fulvius Flaccus as urban praetor in 215, see *MRR* 1.254 s.a. 215.

reason for the statue dedication? Pliny and Solinus make no mention of the purpose of the dedication, but Valerius indicates that it was to turn the minds of virgins and married women from lust to sexual virtue: *quo facilius uirginum mulierumque mens a libidine ad pudicitiam conuerteretur* (Val. Max. 8.15.12). The statue itself was a religious image meant to generate sexual virtue, just as Sulpicia herself was chosen as a living image of such virtue.³²⁶ Sulpicia, an élite Roman woman, was selected by her peers to promote *pudicitia* via a religious rite; in doing so, she gained status, and was immortalised as *sanctissima, pudicissima* and *probatissima*. The *matronae* were, broadly speaking, lauding the virtue of one of their number, and, simultaneously, assigning opprobrium to those who did not fit her example; those women who had *libido* on their *mentes*. In this event, women were collaborating with the state to promote normative sexual behaviours, and suppress non-normative ones. Is the dedication datable to c. 215, and, if so, can we glean more information from its context?

The dedication has been given a *terminus ante quem* of 204, based on the identity of Sulpicia's husband, Q. Fulvius Flaccus, and Pliny's statement that it was the first instance of such a selection prior to that of Q. Claudia in 204 (3.3).³²⁷ Most scholars hypothesise a date range of 216-214.³²⁸ The date range is attractive for a number of reasons: Q. Fulvius Flaccus, Sulpicia's husband, was co-opted into the pontifical college in 216, and, as pontifex, could have exerted religious influence over the selection process;³²⁹ Q. Fulvius Flaccus was also urban praetor in 215 and 214, and could have exerted influence as the chief magistrate in Rome;³³⁰ the Temple to Venus Erycina was dedicated in 215, and a statue to

³²⁶ Langlands, *Sexual Morality*, 58-60.

³²⁷ For this *terminus ante quem*, see: Schultz, *Women's Religious*, 144, 200 n. 24. See Plin. *HN* 7.120.

³²⁸ For dates between 216-214, see: T. Köves, "Zum Empfang der Magna Mater in Rom," *Historia* 12.3 (1963): 341 (who provides detailed reasons); Pomeroy, *Goddesses*, 179; Kraemer, *Her Share*, 57; Culham, "The *Lex Oppia*," 789 n. 14; Gruen, *Studies*, 26 n. 109; Parker, "Why Were the Vestals," 589. See also: Palmer, *Rome and Carthage*, 121-122, esp. 121 n. 14. Palmer postulates a dedication soon after 215, and reads the dedication as an antidote to Venus Erycina. For problems with this reading, see 2.5. *Contra* 216-214, Richardson dates it to 209 BCE, without explanation, but presumably due to this being the last consulship of Q. Fulvius Flaccus, husband of Sulpicia, see: L. Richardson, "The Approach to the Temple of Saturn in Rome," *AJA* 84.1 (1980): 59. Staples dates it to the late 3rd or early 2nd century BCE, see: Staples, *From Good Goddess*, 103. Hallett dates it to the late 3rd century BCE, based on the identity of Q. Fulvius Flaccus, see: Hallett, "Scenarios," 91.

³²⁹ Co-optation in 216: Livy 23.21.7.

³³⁰ Urban praetor for 215: Liv 23.24.4. Urban praetor for 214: 24.9.4.

Venus Verticordia could have been dedicated as part of that process, either within the Temple to Venus Erycina or the Temple to Venus Obsequens;³³¹ the *Lex Oppia* was instituted in 215, and the religious regulation of this dedication could have aligned with the secular regulation of that legislation;³³² Vestals were accused of and punished for *stuprum* in 216, and this dedication and its promotion of sexual virtue amongst women could have been a religious response.³³³ Furthermore, a Temple to Venus Verticordia was built in 114, after the sexual misconduct of three Vestals.³³⁴ Venus Verticordia was indelibly connected to sexual conduct in the Roman Republic. 215 is a particularly attractive date for the dedication as Q. Fulvius Flaccus was pontifex and urban praetor, it immediately followed the Vestal misconduct of 216, the *Lex Oppia* was instituted, and a temple to Venus Erycina was dedicated. Based on the evidence, we can reasonably assume that the dedication occurred *circa* 215. Sulpicia, an élite Roman woman and wife of an influential Roman politician, took part in a rite to Venus Verticordia that promoted *pudicitia* c. 215. Sulpicia and the *matronae* who selected her promoted *pudicitia* over *libido*, suppressing non-normative sexual behaviours, and were thus collaborating in the state's regulation of women's sexual independence. A similar event followed in 204.

3.3 Quinta Claudia and Magna Mater in 204 BCE

In 204, P. Cornelius Scipio Nasica, Q. Claudia and a group of élite *matronae* welcomed the cult of the Magna Mater to Rome. We will see here how status and prestige played a critical role in the importation of the cult, that Q. Claudia was selected as a sexually virtuous candidate to receive the Magna

³³¹ Dedication of the Temple to Venus Erycina: Livy 23.30.13-14. For these temples as possible locations for the statue dedication, see L. Richardson, *A New Topographical Dictionary of Ancient Rome* (Baltimore: The Johns Hopkins University Press, 1992), 411.

³³² *Lex Oppia*: 2.3.

³³³ Vestal *incestum* in 216: Livy 22.57.2-6.

³³⁴ For a brief summary of the whole event, see: Obseq. 37. For the Vestals' sexual misconduct in 114 itself, see: Plut. *Quaest. Rom.* 83; Dio Cass. 26.87; Oros. 5.20-22. For Venus Verticordia and her temple, see: Ov. *Fast.* 4.133-162. For discussion, see: Richardson, *A New Topographical*, 411; Staples, *From Good Goddess*, 103-113.

Mater, and that her selection was motivated by factors akin to those that led to the selection of Sulpicia c. 215.

A plethora of primary evidence attests to the importation of the Magna Mater to Rome in 204,³³⁵ an event that has inspired scholars to spill much ink.³³⁶ This study will not enter into the larger debates about the purpose of the importation, but rather focus on the role of status and prestige in the importation, and the role of Q. Claudia therein. The importation is a complex event, with Livy providing us with the most complete picture of the proceedings.³³⁷ As we shall see, the status of multiple Roman families was a critical part of the importation.

In 205, religious anxiety beset Rome, and the Senate sought oracular advice (Livy 29.10.4). At the instruction of the Senate, the *decemviri* approached the Sibylline Books (Livy 29.10.5-6)³³⁸ and returned with an oracle that advocated the transfer of Magna Mater to Rome to secure victory: *quandoque hostis alienigena terrae Italiae bellum intulisset eum pelli Italia uincique posse si mater Idaea a Pessinunte Romam aduecta foret* (Livy 29.10.5, cf. Cic. *Har. resp.* 27). At the same time, M.

³³⁵ For these sources, see: Cic. *Har. resp.* 24-28; *Cael.* 34; *Fin.* 5.64; Varro *Ling.* 6.15; [Verrius Flaccus] *Fast. Praen.* 4 April = *CIL* I² 235; Diod. Sic. 34.33.1-6; Strabo *Geog.* 12.5.3; Prop. 4.11.45-60; Livy 29.10.4-11.8, 29.14.1-14; Ov. *Fast.* 4.180-372; *Pont.* 1.2.136-142; Plin. *HN* 7.120; Sen. *De mat.* fr. 21 (Bickel); Val. Max. 8.15.3; Vell. Pat. 2.3.1; Stat. *Silv.* 1.2.240-6; Juv. 3.137; Sil. *Pun.* 17.1-45; Plut. *Mor.* 145 E-F; Tac. *Ann.* 4.64.3; Suet. *Tib.* 2.3; Arr. *Tact.* 33.4; Festus, p. 268 L; App. *Hann.* 56; Dio Cass. 17.61; Amp. *Lib. mem.* 24; Hdn. 1.11.1-5; Solin. 126; Min. Fel. *Oct.* 7.3; Arn. *Adv. nat.* 7.49; Lactant. *Div. Inst.* 2.7.12; Anon. *De vir. Illus.* 64; Julian. *Or.* V 159c-161b; Amm. Marc. 22.9.5; Macrobian. *Sat.* 2.5.3-4; August. *De civ. D.* 2.5, 10.16; Claud. *Carm. min.* 30.15-18, 30.28-30; Sid. Apoll. *Carm.* 24.43.

³³⁶ A selection (and just a selection) of the major studies include: E. Schmidt, *Kultübertragungen* (A. Töpelmann, 1909), 1-30; H. Graillot, *Le culte de Cybèle, mere des dieux, à Rome et dans l'Empire romain* (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1912); Köves, "Zum Empfang," 321-347; M.J. Vermaseren, *Cybele and Attis* (London: Thames and Hudson, 1977); G. Thomas, "Magna Mater and Attis," in *ANRW* II.17.3 (New York, NY: Walter de Gruyter, 1984), 1500-1535; E. Gruen, *Studies in Greek Culture and Roman Policy* (California: University of California Press, 1990), 5-33; L. Roller, *In Search of God the Mother* (Berkeley: University of California Press, 1999); Burton, "The Summoning," 36-63; M. Beard, "The Roman and the Foreign: The Cult of the "Great Mother" in Imperial Rome," in *Shamanism, History and the State*, eds. N. Thomas & C. Humphrey (Michigan: University of Michigan Press, 1999), 177-183; P. Borgeaud, *Mother of the Gods: From Cybele to the Virgin Mary* (Baltimore: The John Hopkins University Press, 2004); J. Latham, "'Fabulous Clap-Trap': Roman Masculinity, the Cult of the Magna Mater, and Literary Constructions of the *Galli* at Rome from the Late Republic to Late Antiquity," *JR* 92 (2012), 84-122; S. Satterfield, "Intention and Exoticism in Magna Mater's Introduction to Rome," *Latomus* 71 (2012), 373-391.

³³⁷ For this account, see: Livy 29.10.4-11.8, 29.14.1-14.

³³⁸ H. Parke, *Sibyls and Sibylline Prophecy in Classical Antiquity* (London: Routledge, 1988), 190-212, esp. 201-2.

Pomponius Matho and Q. Catius,³³⁹ envoys who had dedicated gifts to Pythian Apollo from the spoils of victory over Hasdrubal (Livy 28.45.12), returned from Delphi with a report for the Senate; this report included an oracular response from the Pythia promising the Roman people a greater victory, *maiolem multo uictoriam quam cuius ex spoliis dona portarent adesse populo Romano* (Livy 29.10.6).³⁴⁰ In response to this oracular advice, the Senate decided to transfer the cult of the Magna Mater to Rome, motivated by a desire for victory, *itaque quo maturius fati ominibus oraculisque portendentis sese uictoriae compotes fierent* (Livy 29.10.8).

The Senate appointed a delegation of five ex-magistrates to negotiate with Attalus I Soter of Pergamon for the transfer (Livy 29.11.2-3);³⁴¹ this delegation included two members of the patrician *gens* Valeria,³⁴² M. Valerius Laevinus (cos. 220 [dubious], 210, pr. 227, 215) and M. Valerius Falto (quaestor 206 [?], pr. 201), one member of the patrician *gens* Sulpicia, Ser. Sulpicius Galba (cur. aed. 209), one member of the influential plebeian *gens* Caecilia, M. Caecilius Metellus (pr. 206), and one member of the plebeian *gens* Tremellia, Cn. Tremellius Flaccus (quaestor 206 [?], pr. 202).³⁴³ The Senate granted this delegation five quinqueremes to maintain the dignity and prestige of the Roman people, *ut ex dignitate populi Romani adirent eas terras ad quas concilianda maiestas nomini Romano esset decernunt* (Livy 29.11.4). This was, by definition, an élite delegation.

On the way to Pergamon, the delegation approached the Pythia at Delphi with a question about the prospects of the embassy; the Pythia responded with an assurance and a command, declaring that they would gain help from Attalus, and that the goddess needed to be received in Rome by the best man within,

³³⁹ For these envoys, see: MRR 1.304, s.a. 205.

³⁴⁰ For commentary on this oracular response, see: J. Fontenrose, *The Delphic Oracle* (Berkeley, CA: The University of California Press, 1978), 345.

³⁴¹ Attalus was *adscriptus* to the Treaty of Phoenice, see: Livy 29.12.14. For the political implications of this delegation, see: P. Burton, "The Summoning," 59-62; Orlin, *Temples*, 109-111.

³⁴² The selection of two members of the *gens* Valeria may not reflect reality; it, along with the dubious so-called second consulship of M. Valerius Laevinus, may instead be Valerian (via Valerius Antias) propaganda, see: P. Smith, *Scipio Africanus & Rome's Invasion of Africa: A Historical Commentary on Titus Livius, Book XXIX* (Amsterdam: Gieben, 1993), 35-36. Cf. MRR 1.235, s.a. 220, and MRR 1.304-305, s.a. 205.

³⁴³ For these magistrates, see: MRR 1.304, s.a. 205. For commentary, see: Smith, *Scipio Africanus & Rome's Invasion of Africa*, 35-36.

ferunt per Attalum regem compotes eius fore quod peterent: cum Romam deam deuexissent, tum curarent ut eam qui uir optimus Romae esset hospitio exciperet (Livy 29.11.6).³⁴⁴ Accordingly, the delegation travelled to Pergamon, and negotiated the transfer of the cult of the Magna Mater with Attalus, who provided them with a *lapis* from Pessinus that represented the Mother of the Gods (Livy 29.11.7).³⁴⁵ M. Valerius Falto was sent to Rome ahead of the delegation's return to fulfil the Pythia's directives, viz. to ensure the Romans sought out the best man in their city-state to welcome her with the appropriate forms of hospitality, *quaerendum uirum optimum in ciuitate esse qui eam rite hospitio acciperet* (Livy 29.11.8). The delegation and the reception are clearly linked with the status and prestige of multiple Roman families.³⁴⁶

In 204, before the delegation's return, and acting on the advice of the Pythia, the Senate deliberated on the selection of the best man in the community; this was, according to Livy, a question of no small importance for the Senate, *haud paruae rei iudicium senatum tenebat* (Livy 29.14.6). It was a selection much desired by everyone, such that anyone would have preferred that honor over any other, *ueram certe uictoriam eius rei sibi quisque mallet quam ulla imperia honoresue suffragio seu patrum seu plebis delatos* (Livy 29.14.7). The Senate adjudged P. Cornelius Scipio Nasica (cos. 191, pr. 194), son of Gn. Cornelius Scipio Calvus and cousin to P. Cornelius Scipio Africanus, to be deserving of this honor, *P. Scipionem Cn. filium [...] iudicauerunt in tota ciuitate uirum bonorum optimum esse* (Livy 29.14.8);³⁴⁷ Livy himself cannot fathom the reason for the selection (Livy 29.14.9), and it is only Dio who suggests it was due to the young man's character (Dio Cass. 17.61).³⁴⁸ Nevertheless, it is clear that this selection would have improved the prestige of the patrician *gens Cornelia*, granting them status and moral authority.

³⁴⁴ For commentary on this oracular response, see: Fontenrose, *The Delphic*, 345-346.

³⁴⁵ Whether or not the delegation (or Attalus) actually travelled to Pessinus to obtain this *lapis* is a matter of considerable scholarly debate and primary source confusion, see, for example: Smith, *Scipio Africanus*, 36; Gruen, *Studies*, 15-19; Roller, *In Search*, 270-272, 278; Borgeaud, *Mother*, 74-78.

³⁴⁶ As noted by: Gruen, *Studies*, 26; Roller, *In Search*, 281-282; Schultz, *Women's Religious*, 145.

³⁴⁷ For P. Cornelius Scipio Nasica, see: MRR 1.343, s.a. 194, 1.348, s.a. 193, 1.352, s.a. 191. For commentary, see: Smith, *Scipio Africanus*, 45.

³⁴⁸ Smith, *Scipio Africanus*, 45.

Following this selection, the Senate instructed P. Cornelius Scipio Nasica to proceed to Ostia with all the *matronae* to meet the goddess, welcome her from the ship, bring her to land, and hand her to the *matronae* to be carried to the city (Livy 29.14.10). Clearly, *matronae* played a central role in the reception of the cult. It is in his account of this reception that Livy first introduces Q. Claudia along with several unnamed élite *matronae* who also took part in the reception:

Postquam nauis ad ostium amnis Tiberini accessit, sicut erat iussus, in salum naue euectus ab sacerdotibus deam accepit extulitque in terram. Matronae primores ciuitatis, inter quas unius Claudiae Quintae insigne est nomen, accepere; cui dubia, ut traditur, antea fama clariorem ad posteros tam religioso ministerio pudicitiam fecit. Eae per manus, succedentes deinde aliae aliis, omni obuiam effusa ciuitate, turibulis ante ianuas positae qua praeferebatur atque accensurae precantibus ut uolens propitiaque urbem Romanam iniret, in aedem Victoriae quae est in Palatio pertulere deam pridie idus Apriles; isque dies festus fuit. Populus frequens dona deae in Palatium tulit, lecisterniumque et ludi fuere, Megalesia appellata.

Livy 29.14.11-14.

Livy makes it clear that élite Roman women, those who were the *matronae primores ciuitatis*, played a prominent role in the reception and physical transfer of the goddess to Rome. He singles out one of these women, Q. Claudia, for her *pudicitia* and her prominent role in the reception without elucidating the exact nature of her duties. Q. Claudia's religious role, her *ministerium religiosum*, on this occasion led to her becoming well-known, *insigne est nomen*, and, in conjunction with her so-called previously dubious reputation, *dubia [...] antea fama*, improved her reputation for sexual virtue, *clariorem ad posteros tam [...] pudicitiam fecit* (Livy 29.14.12). Sexual virtue and status are critical to this reception, with Q. Claudia explicitly improving her status *ad posteros*, as conceivably, did the other *matronae primores ciuitatis*.

But how do we assess Q. Claudia's so-called *dubia fama*, and who was she? Scholars have grappled with Q. Claudia for some time;³⁴⁹ she is attested to

³⁴⁹ See, for example: Graillot, *Le culte*, 60-65; Köves, "Zum Empfang," 340-347; Pomeroy, *Goddesses*, 179-180; T. Wiseman, *Clio's Cosmetics* (Leicester: Leicester University Press, 1979), 94-99; R.

in a majority of the primary evidence for the importation, and colourfully described in Ovid's *Fasti*.³⁵⁰ The earliest source on the importation, Cicero, holds her up as an exemplum (Cic. *Har. resp.* 24, 27; *Cael.* 34). Cicero makes it very clear that virtue was important to the Roman worship of the Magna Mater,³⁵¹ and that Q. Claudia was known for her sexual virtue:

Nam quid ego de illis ludis loquar, quos in Palatio nostri maiores ante templum in ipso matris magnae conspectu Megalesibus fieri celebrarique uoluerunt? qui sunt more institutisque maxime casti, sollemnes, religiosi [...] Hac igitur uate suadente quondam, defessa Italia Punico bello atque ab Hannibale uexata, sacra ista nostri maiores ascita ex Phrygia Romae collocarunt: quae uir is accepit, qui est optimus populi Romani iudicatus, P. Scipio, femina autem, quae matronarum castissima putabatur, Q. Claudia: cuius priscam illam seueritatem mirifice tua soror existimatur imitata.

Cic. *Har. resp.* 24, 27.

“Nonne te, si nostrae imagines uiriles non commouebant, ne progenies quidem mea, Q. illa Claudia, aemulam domesticae laudis in gloria muliebri esse admonebat” [...]

Cic. *Cael.* 34.

According to Cicero, the *ludi scaenici* for the *Megalesia* were characterised by their *castitas*. Q. Claudia was judged to be *castissima*, the purest, amongst the *matronae*; she had *prisca seueritas*, antique severity, and was an example of *gloria muliebri*, the glory of women. In these passages, Cicero depicts Q. Claudia as sexually

Littlewood, “Poetic Artistry and Dynastic Politics: Ovid at the Ludi Megalenses (Fasti 4.179-372),” CQ 31:381-395; Gruen, *Studies*, 26, esp. 26 n. 109; Bauman, *Women*, 28-29; Staples, *From Good Goddess*, 116-120; J. Scheid, “Claudia the Vestal Virgin,” in *Roman Women*, ed. Augusto Fraschetti (Chicago, IL: University of Chicago Press, 2001), 23-33; Roller, *In Search*, 281-283; Schultz, *Women's Religious*, 144-145; Takács, *Vestal Virgins*, 18, 44; Hanninen, “Juno Regina,” 48; E. Leach, “Claudia Quinta (Pro Caelio 34) and an altar to Magna Mater,” *Dictynna* 4 (2007): 1-16; M. Skinner, *Clodia Metelli: The Tribune's Sister* (Oxford: Oxford University Press, 2010), 29.

³⁵⁰ For these attestations, see: Cic. *Har. resp.* 24-28; *Cael.* 34; Prop. 4.11.45-60; Livy 29.14.1-14; Ov. *Fast.* 4.179-372; *Pont.* 1.2.136-142; Val. Max. 1.8.11; Plin. *HN* 7.120; Sen. *De mat.* fr. 21 (Bickel); Stat. *Silv.* 1.2.240-6; *Sil. Pun.* 17.1-45; *Plut. Mor.* 145 E-F; Tac. *Ann.* 4.64.3; Suet. *Tib.* 2.3; App. *Hann.* 56; Dio Cass. 17.61; Solin. 126; Lactant. *Div. Inst.* 2.7.12; Anon. *De vir. Illus.* 46; Julian. *Or.* V 159c-161b; Macrob. *Sat.* 2.5.3-4; Claud. *Carm. min.* 30.15-18, 30.28-30.

³⁵¹ Noted by Lenaghan and Littlewood, see: J. Lenaghan, *A commentary on Cicero's oration De haruspicum responso* (Paris: Mouton, 1969), 121; Littlewood, “Poetic Artistry,” 382, 394.

virtuous; she is certainly not represented as a woman of *antea dubia fama* here. Wiseman and Skinner have convincingly argued Cicero intended to use Q. Claudia as a moral exemplum with which to skewer Clodius and Clodia;³⁵² Wiseman concludes that “if there had been any doubt at all about Quinta’s morals, he [Cicero] could not have used her as an *exemplum* in the Caelius case”;³⁵³ Skinner offers a similar opinion, declaring that “were there already any widespread awareness of impropriety on her [Q. Claudia’s] part, he [Cicero] would not have been able to use her, as he did in both passages, as a foil to the lustful Clodia Metelli.”³⁵⁴ Cicero’s focus on virtue in the reception of the Magna Mater is mirrored in our earliest extant historical source, Diodorus. Diodorus does not refer to Q. Claudia but instead refers to a Valeria of impeccable reputation and virtue, a personage otherwise unattested, who may have been the invention of a Valerian historian:³⁵⁵

ἐν μὲν γὰρ τοῖς τῆς Σιβύλλης χρησιμοῖς εὐρέθη γεγραμμένον ὅτι δεῖ τοὺς Ῥωμαίους ἰδρῦσασθαι νεῶν τῆς μεγάλης μητρὸς τῶν θεῶν, καὶ τῶν μὲν ἱερῶν τὴν καταγωγὴν ἐκ Πεσσινοῦντος τῆς Ἀσίας ποιήσασθαι, τὴν δὲ ἐκδοχὴν αὐτῶν ἐν τῇ Ῥώμῃ γενέσθαι πανδημεί τῆς ἀπαντήσεως γινομένης, καὶ τῶν τε ἀνδρῶν τῶν ἀρίστων καὶ γυναικῶν ὁμοίως τὴν ἀγαθὴν . . .³⁵⁶καὶ τούτους ἀφηγεῖσθαι τῆς ἀπαντήσεως γενομένης καὶ δέξασθαι τὰ ἱερά τῆς θεᾶς. τῆς δὲ συγκλήτου πάντα συντελοῦσης κατὰ τὸν χρησμόν, ἐκρίθη τῶν μὲν ἀνδρῶν ἄριστος Πόπλιος Νασικᾶς, τῶν δὲ γυναικῶν Οὐαλερία.

Diod. Sic. 34.33.2.

Diodorus indicates that élite Roman men and women took a prominent role in the reception, καὶ τῶν τε ἀνδρῶν τῶν ἀρίστων καὶ γυναικῶν ὁμοίως τὴν ἀγαθὴν, that there was a male selected as the best of all the men, ἐκρίθη τῶν μὲν ἀνδρῶν ἄριστος Πόπλιος, and a woman selected as the best of the women, τῶν δὲ γυναικῶν Οὐαλερία (Diod Sic. 34.33.2). Both Cicero and Diodorus show that

³⁵² For this interpretation, see: Wiseman, *Clio’s Cosmetics*, 95-98; Skinner, *Clodia Metelli*, 29. Cf. Lenaghan, *A commentary*, 128-131.

³⁵³ Wiseman, *Clio’s Cosmetics*, 98.

³⁵⁴ Skinner, *Clodia Metelli*, 29. *Contra* Scheid, “Claudia the Vestal,” 26, who unconvincingly postulates that Cicero is being ironic.

³⁵⁵ For this interpretation, see: Wiseman, *Clio’s Cosmetics*, 115-116.

³⁵⁶ Lacuna.

male and female candidates were selected for their virtue to receive the Magna Mater, and that status was a central part of this selection. As Wiseman has noted, in both Cicero and Diodorus, there is a parallelism between the selection of a male and female candidate.³⁵⁷ In these two Republican sources, we hear nothing of a dubious reputation; instead, the personages involved have impeccable reputations.

It is only from Livy onwards that a dubious reputation, the *antea dubia fama*, emerges. Wiseman, Fantham and Schultz link the Republican sources, Cicero and Diodorus, with the original or genuine tradition, noting that it is only in the texts of Imperial authors that this dubious reputation emerges.³⁵⁸ Schultz concludes that:

In all likelihood, Cicero's and Diodorus's presentation of Claudia [sic]³⁵⁹ is closer to the truth. Claudia and Scipio Nasica were selected to welcome the Magna Mater to Rome on the basis of their unblemished reputations and their ties to opposing political families.³⁶⁰

Wiseman, Roller and Skinner have shown that, after Livy and Ovid's treatment of the importation, Q. Claudia's dubious reputation and its vindication become part of a growing legend.³⁶¹ It is possible, as argued convincingly by Wiseman and supported by Fantham, that multiple interacting source traditions gave rise to this legend, including sources that were pro-Valerian, anti-Claudian (besmirching), pro-Claudian (vindicating), and a play from the Megalesian *ludi scaenici*.³⁶² Furthermore, Ovid's own elaborate and inventive rendition of the

³⁵⁷ Wiseman, *Clio's Cosmetics*, 96.

³⁵⁸ Wiseman, *Clio's Cosmetics*, 95-98; E. Fantham, ed. *Ovid; Fasti Book IV* (Cambridge: Cambridge University Press, 1998), 153-154; Schultz, *Women's Religious*, 144-145.

³⁵⁹ Diodorus discusses a *Ὀυάλεϋα* not a Claudia, see: Diod. Sic. 34.33.2.

³⁶⁰ Schultz, *Women's Religious*, 145.

³⁶¹ Wiseman, *Clio's Cosmetics*, 94-98; Roller, *In Search*, 264-271; Skinner, *Clodia Metelli*, 28, and esp. 28 n. 25. Cf. Schultz, *Women's Religious*, 145, 201 n. 28.

³⁶² Wiseman, *Clio's Cosmetics*, 95-99, 115-117; Fantham, ed. *Ovid; Fasti Book IV*, 153-154. For the stage as a source, see: Wiseman, *Clio's Cosmetics*, 95 n. 129, 96; Littlewood, "Poetic Artistry and Dynastic Politics: Ovid at the Ludi Megalenses (Fasti 4.179-372)," 387; M. Salzman, "Cicero, the *Megalenses*, and the Defense of Caelius," *AJPh* 103.3 (1982), 299-304; Leach, "Claudia Quinta," 12 n. 18; Skinner, *Clodia Metelli*, 29. Cf. B. Dufallo, "Appius' Indignation: Gossip, Tradition, and Performance in Republican Rome," *TAPhA* 131 (2001): 119-142. The primary evidence for this is *mira, sed et scaena testificata loquor* (Ov. *Fast.* 4.326) as noted by Fantham, ed. *Ovid; Fasti Book IV*, 158.

importation may have coloured the imperial sources that followed him.³⁶³ Putting these arguments aside, it is clear that Q. Claudia's *dubia fama* emerged after the Republican sources, and must be treated with caution.

Who was Q. Claudia, and does her identity reveal anything about her selection? Our main clue to Q. Claudia's identity lies in the *Pro Caelio*; in this work Cicero, in an elaborate *prosopopoeia*, adopts the voice of Ap. Claudius Caecus (cens. 312, cos. 307, 296, pr. 295) and refers to Q. Claudia, Claudia the Vestal, and Clodia Metelli as family (Cic. *Cael.* 34).³⁶⁴ The Ciceronian Caecus refers to Q. Claudia as *progenies [...] mea* (Cic. *Cael.* 34), and she is typically identified as his granddaughter, and the daughter of P. Claudius Pulcher (cos. 249) of the sacred chickens affair.³⁶⁵ As Austin and Leach indicate, however, *progenies* is not *neptis*, and we cannot be certain of the exact relationship between Ap. Claudius Caecus and Q. Claudia.³⁶⁶ It is relatively safe to assume that Q. Claudia was a member of the Claudii Pulchri³⁶⁷ given that the two other women referred to by Cicero here are from that branch: Clodia Metelli was the daughter of Ap. Claudius Pulcher (cos. 79, pr. 89),³⁶⁸ and Claudia the Vestal was daughter (or sister) of Clodia Metelli's paternal grandfather Ap. Claudius Pulcher (cos. 143).³⁶⁹ The Ciceronian Caecus provides some further clues to Q. Claudia's identity in the *Pro Caelio*, by indicating the magistracies held by Clodia Metelli's ancestors:

³⁶³ Wiseman, *Clio's Cosmetics*, 96. For Ovid's inventiveness in his rendition, see: Littlewood, "Poetic Artistry and Dynastic Politics: Ovid at the Ludi Megalenses (Fasti 4.179-372)," 381-395.

³⁶⁴ For Ap. Claudius Caecus, see: MRR 1.178, s.a. 295.

³⁶⁵ R. Austin, ed. *M. Tulli Ciceronis Pro M. Caelio Oratio* (Oxford: Clarendon Press, 1988), 93; J. Rüpke, *Fasti Sacerdotum* (Oxford: Oxford University Press, 2008), 609; A. Peck, ed. *Cicero; Pro Caelio* (Cambridge: CUP, 2013), 114. For P. Claudius Pulcher, see MRR 1.214, s.a. 249.

³⁶⁶ Austin, ed. *M. Tulli Ciceronis*, 93; Leach, "Claudia Quinta," 4 n. 5.

³⁶⁷ Littlewood, "Poetic Artistry and Dynastic Politics: Ovid at the Ludi Megalenses (Fasti 4.179-372)," 384.

³⁶⁸ Skinner, *Clodia Metelli*, 53. For Ap. Claudius Pulcher (cos. 79), see: MRR 2.82, s.a. 79.

³⁶⁹ For Ap. Claudius Pulcher (cos. 143) and Claudia the Vestal, see: Cic. *Cael.* 34 (daughter); Livy *Per.* 53; Val. Max. 5.4.6 (daughter); Suet. *Tib.* 2.4 (sister); Dio Cass. 22.74. See also: MRR 1.471, s.a. 143. For commentary, see: Austin, ed. *M. Tulli Ciceronis*, 93; J. Rüpke, *Fasti Sacerdotum*, 609; Peck, *Cicero; Pro Caelio*, 114. Cf. W. Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (The University of North Carolina Press, 1999), 32-36; Skinner, *Clodia Metelli*, 53.

“Non patrem tuum uideras, non patruum, non auum, non proavum, non abauum, non atauum audieras consules fuisse;” [...] “Cur te fraterna uitia potius quam bona paterna et auita et usque a nobis cum in uiris tum etiam in feminis repetita mouerunt?”

Cic. *Cael.* 34.

Based on Cicero’s reference to multiple consulships, we can hypothesise that C. Claudius Pulcher (cens. 169, cos. 177, pr. 180) was Clodia Metelli’s paternal great-grandfather,³⁷⁰ Ap. Claudius Pulcher (cos. 212, pr. 215, aed. 217) her paternal great-great-grandfather,³⁷¹ P. Claudius Pulcher (cos. 249) her paternal great-great-great-grandfather, and Ap. Claudius Caecus her paternal great-great-great-great-grandfather. If we take Caecus’ *progenies* as *neptis*, then Q. Claudia would have been Clodia Metelli’s paternal great-great-great-aunt; if we take Caecus’ *progenies* as *filia*, then she would have been her paternal great-great-great-great aunt (see Figure 1).

³⁷⁰ For this C. Claudius Pulcher, see: *MRR* 1.423, s.a. 169. Cf. Livy 33.44.3.

³⁷¹ For this Ap. Claudius Pulcher, see: *MRR* 1.267, s.a. 212.

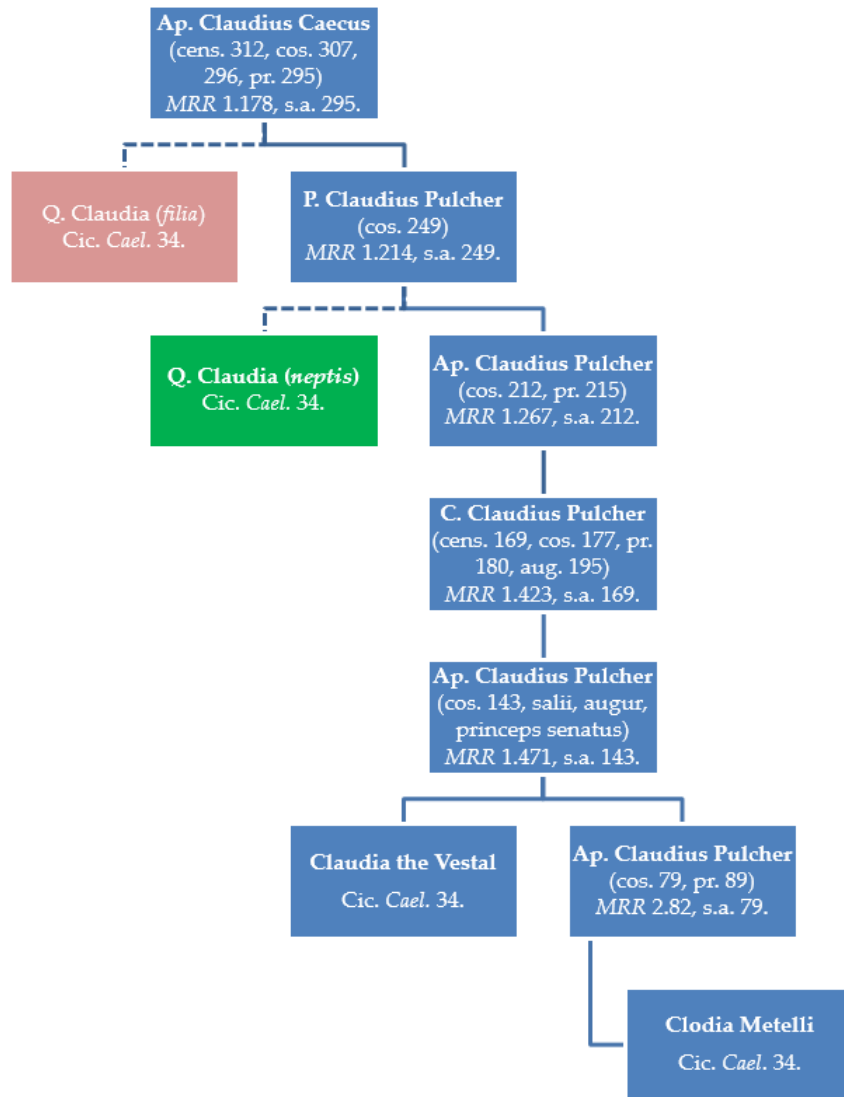


Figure 1: Hypothesised relationship between Q. Claudia and Clodia Metelli.

In either scenario, Cicero invokes virtuous aunts (Q. Claudia and Claudia the Vestal) to condemn Clodia Metelli. This genealogical exploration indicates that Q. Claudia was part of a *gens* renowned for its status throughout the Republic, and that her male ancestors and descendants occupied the most senior positions in the Republican *cursus honorum*. As such, her selection in the reception of the Magna Mater may have stemmed from her place in this prestigious *gens*.

Beyond family status, the two candidates P. Cornelius Scipio Nasica (cos. 191, pr. 194) and Q. Claudia had ties to magistrates; members of the *gentes Cornelia* and *Claudia* occupied senior magistracies in 205 and 204. On the Cornelian side, P. Cornelius Scipio Africanus (cos. 205, 194) was consul in 205, Cn. Cornelius Lentulus (cos. 201) and L. Cornelius Lentulus (cos. 199) were curule aediles in 205, and M. Cornelius Cethegus (cos. 204, pr. 211) was consul in

204.³⁷² On the Claudian side, C. Claudius Nero (cens. 204, cos. 207, pr. 212) was censor, and Ti. Claudius Nero (cos. 202, pr. 204) praetor for Sardinia, in 204.³⁷³ Furthermore, as censor, C. Claudius Nero let out the contract for the building of the Temple of the Magna Mater in 204 (Livy 29.37.1-2, 36.36.4). Both P. Cornelius Scipio Nasica and Q. Claudia were connected by their *gens* to magistrates with the *auctoritas* to influence their selection. Rawson, Wiseman, Fantham and Leach have proposed that Q. Claudia's selection stemmed from her family ties to the censor C. Claudius Nero.³⁷⁴ It is certain that the *gens Claudia*, and particularly the Claudii Pulchri, became heavily invested in the cult of the Magna Mater, as evidenced by their aedilician sponsorship of the *ludi Megalenses* in 99 and 91, and the Claudian Imperial interest.³⁷⁵ More tellingly, a statue to Q. Claudia was set up in the vestibule of the Temple to Magna Mater; this statue reportedly survived two fires that burnt the temple.³⁷⁶ Q. Claudia became a symbol of Claudian virtue and religiosity. As Rawson indicates, Q. Claudia's role in the reception was certainly *ad maiorem gloriam Claudiorum*.³⁷⁷

Köves has attempted to draw strong factional conclusions from the selection of the candidates, envisioning it as a struggle for status between Claudio-Fulvian and Scipionic political parties; this hypothesis has lately been championed by Satterfield;³⁷⁸ Gérard, Gruen, Schultz and Leach more cautiously read it as a form of political balance.³⁷⁹ However, Develin and Burton have convincingly argued against the factional theory, citing our limited knowledge of

³⁷² For these magistrates, see: *MRR* 1.301-302, s.a. 205; *MRR* 1.305, s.a. 204.

³⁷³ For these magistrates, see: *MRR* 1.306, s.a. 204.

³⁷⁴ E. Rawson, "More on the "Clientelae" of the Patrician Claudii," *Historia* 26.3 (1977): 353; Wiseman, *Clio's Cosmetics*, 98; Fantham, ed. *Ovid; Fasti Book IV*, 153; Leach, "Claudia Quinta," 9 n. 15.

³⁷⁵ For this sponsorship, see: *Cic. Har. resp.* 12, 26-27; *Verr.* 4.6, 4.133. See: Rawson, "More on the "Clientelae"," 353; Littlewood, "Poetic Artistry and Dynastic Politics: Ovid at the Ludi Megalenses (*Fasti* 4.179-372)," 384, esp. 384 n. 18; Roller, *In Search of God the Mother*, 282.

³⁷⁶ For this statue, see: *Val. Max.* 1.8.11; *Tac. Ann.* 4.64.

³⁷⁷ Rawson, "More on the "Clientelae"," 353 n. 81.

³⁷⁸ Köves, "Zum Empfang," 321-347, esp. 325, 338-339, 344 n. 68; Satterfield, "Intention," 376, and esp. 376 n. 8.

³⁷⁹ J. Gérard, "Légende et politique autour de la mère des dieux", *REL* 58 (1980): 175; Gruen, *Studies*, 24-26, esp. 26 n. 109; Schultz, *Women's Religious*, 145; Leach, "Claudia Quinta," 8 n. 14.

the individuals involved in the reception.³⁸⁰ We need not enter into the dangerous waters of this argument in this study. It is enough to say that the status of multiple élite Roman families, particularly the *gentes Cornelia* and *Claudia*, was linked with the reception of the Magna Mater, and that élite Roman women took a central role in the rite.

Q. Claudia's selection evokes the selection of Sulpicia c. 215,³⁸¹ and this connection is made explicit by Pliny, who identifies the common factor that has led to the selection of these women as *pudicitia*:

Pudicissima femina semel matronarum sententia iudicata est Sulpicia [...] iterum religionis experimento Claudia inducta Romam deum matre.

Plin. *HN* 7.120.³⁸²

Pliny and Cicero praise Sulpicia and Q. Claudia with superlatives that invoke their sexual virtue; Sulpicia is *pudicissima* (Plin. *HN* 7.120), and Q. Claudia is *castissima* (Cic. *Cael.* 34).³⁸³ Both women were ostensibly selected for their role on account of their virtue;³⁸⁴ Sulpicia by the vote of the *matronae*, *pudicissima femina* [...] *matronarum sententia iudicata* (Plin. *HN* 7.120), and Q. Claudia by the *matronae* or the Senate,³⁸⁵ *femina* [...] *quae matronarum castissima putabatur* (Cic. *Har. resp.* 27). Their selection promoted normative sexual behaviours; *pudicitia* was on display. Furthermore, they were both élite Roman women from powerful patrician families, the *gentes Sulpicia* and *Claudia*, and had family connections with influential magistrates in the year of their selection; Sulpicia to Q. Fulvius Flaccus as urban praetor in 215, and Q. Claudia to C. Claudius Nero as censor in

³⁸⁰ R. Develin, "Religion and Politics During the Third Century B.C.," *JRH* 10 (1978): 17-19; Burton, "The Summoning," 36 n. 5, 59 n. 107.

³⁸¹ As noted by: Köves, "Zum Empfang," 340-347; Gruen, *Studies*, 26 n. 109; Hanninen, "Juno Regina," 48; Langlands, *Sexual Morality*, 58; Satterfield, "Intention," 376 n. 8.

³⁸² Cf. Solin. 1.126.

³⁸³ On the relatedness of *pudicitia* and *castitas* see: Langlands, *Sexual Morality*, 2.

³⁸⁴ Gruen, *Studies*, 26; Langlands, *Sexual Morality*, 58.

³⁸⁵ *Matronae*: Hanninen, "Juno Regina," 48, citing Sulpicia as precedent for this matronal selection. Senate: Köves, "Zum Empfang," 335-347; Gruen, *Studies*, 26, esp. 26 n. 109; Langlands, *Sexual Morality*, 58; Satterfield, "Intention," 376, and esp. 376 n. 8. Selection by the Senate is supported by Diod. Sic. 34.33.2-3.

204. The selections mirror each other; both are characterised by the public assessment and display of sexual virtue and status.³⁸⁶

Q. Claudia, an elite Roman woman from a prestigious *gens*, was selected in 204 as a sexually virtuous candidate to receive the Magna Mater; she was accompanied by other *matronae primores ciuitatis*. The selection of Q. Claudia mirrors that of Sulpicia. Q. Claudia's selection, like Sulpicia's, promoted normative sexual behaviours, and she too was collaborating in the state's regulation of women's sexual independence. We will now explore how these elite Roman women may have publicly displayed their sexual virtue.

3.4 *Spectata pudicitia*: Virtue on display

How could a Roman woman display her sexual virtue publicly? How could Q. Caecilius Metellus Macedonicus (cens. 131, cos. 143, pr. 148)³⁸⁷ have a wife who was, according to Valerius Maximus, *uxorem pudicitia [...] conspicuam* (Val. Max. 7.1.1), conspicuous for her *pudicitia*? How could Sulpicia and Q. Claudia be *pudicissima* and *castissima*? I will demonstrate here that a Roman woman could display *pudicitia* (or *impudicitia*) through her public appearance and engagement in religious rites.

Langlands has argued that, for the Romans, *pudicitia* was fundamentally visual; it “was a personal quality that needed to be displayed to and seen by others.”³⁸⁸ Roman society demanded that a married woman “must strive to display the quality of *pudicitia* to the rest of the community in her person.”³⁸⁹ For the Romans, public appearance and behaviour were wrapped up in discourses of power, and linked with prestige and virtue for women.³⁹⁰ As Olson has shown, Republican sources make explicit references to the connection between seeing and the construction of social meaning; Plautus' old man Nicobulus charges the young slave Chrysalus *em specta, tum scies* (Plaut. *Bacc.* 1023), Plautus' madam

³⁸⁶ Langlands, *Sexual Morality*, 58.

³⁸⁷ For Q. Caecilius Metellus Macedonicus, see: *MRR* 1.500, s.a. 131.

³⁸⁸ Langlands, *Sexual Morality*, 37.

³⁸⁹ *ibid.*

³⁹⁰ Olson, *Dress*, 5-6, 25-41, 89-99, 113.

Cleareta sagaciously states that her hands believe what they see, *credent quod uident* (Plaut. *Asin.* 203), Plautus' soldier Stratophanes comments that those who see know distinctly, *qui uident plane sciunt* (Plaut. *Truc.* 490), and Cicero expounds on the primacy of vision:

[...] ea maxime animis effingi nostris quae essent a sensu tradita atque impressa; acerrimum autem ex omnibus nostris sensibus esse sensum uidentium

Cic. *De or.* 2.357.

A Roman's self-presentation conveyed multiple layers of meaning, relating to their "wealth, rank, birth, profession, [and] prerogative."³⁹¹ The reception of that meaning was embedded in the viewer's class and status; differences in clothing acted as a form of visual language, where colours such as purple, and certain adornment, could project nuances of prestige, rank and wealth.³⁹² Visuality was at the core of Roman constructions of social meaning, as immortalised in the words of Plautus' young man Diabolus (Plaut. *Asin.* 145) and of Ovid (*Ov. Am.* 1.4.17): "*me specta.*"

There is evidence of Roman women projecting *pudicitia* through such a visual language; Republican and Imperial sources attest to the public and visual nature of *pudicitia*.³⁹³ In Plautus' *Amphitryo*, a Republican play that focuses on the difficulties of showing and knowing *pudicitia*, the slave girl Bromia persuades Amphitryo that she can show him his wife Alcmene's *pudicitia*:

at ego faciam tu idem ut aliter praedices,
Amphitruo, piam et pudicam esse tuam uxorem ut scias.
de ea re signa atque argumenta paucis uerbis eloquar.

Plaut. *Amph.* 1085-1087.

This is, of course, ironic, as Alcmene had been *impudica*, albeit without her knowledge, by sleeping with Jupiter whilst her husband Amphitryo was away at war.³⁹⁴ Through this passage Plautus draws a connection between *pudicitia* and

³⁹¹ *ibid.*, 6.

³⁹² *ibid.*

³⁹³ For these sources, see: *ibid.*, 37, 69-73.

³⁹⁴ Langlands, *Sexual Morality*, 217.

visual signs, whilst acknowledging the difficulty of actually knowing *pudicitia*.³⁹⁵ This play evokes the context of the Second Punic War, as it describes the return of Amphitryo from war to find his wife *impudica*, and may reflect Roman male fears of female extramarital sexual behaviour during periods of extended male absence.³⁹⁶ Other Republican and Imperial authors, including Cicero, Seneca the Elder and Valerius Maximus, indicate how *impudicitia* and *pudicitia* might be shown. Several passages are particularly pertinent.

In his *Pro Caelio*, Cicero invokes Clodia Metelli's public dress and behaviour as symbols of her *lack of pudicitia*:

[...] nihilne hominum fama, nihil Baiæ denique ipsae loquuntur? Illae uero non loquuntur solum, uerum etiam personant, huc unius mulieris libidinem esse prolapsam, ut ea non modo solitudinem ac tenebras atque haec flagitiorum integumenta non quaerat, sed in turpissimis rebus frequentissima celebritate et clarissima luce laetetur. [...] Si quae non nupta mulier domum suam patefecerit omnium cupiditati palamque sese in meretricia uita collocarit, uirorum alienissimorum conuiuuiis uti instituerit, si hoc in urbe, si in hortis, si in Baiarum illa celebritate faciat, si denique ita sese gerat non incessu solum, sed ornatu atque comitatu, non flagrantia oculorum, non libertate sermonum, sed etiam complexu, osculatione, actis, nauigatione, conuiuuiis, ut non solum meretrix, sed etiam proterua meretrix procaxque uideatur

Cic. *Cael.* 47, 49.

In this passage, Cicero makes it clear that Clodia's public dress, behaviour, and association with male non-relatives, *uiri alienissimi*, signify her *libido* (lust); Cicero condemns Clodia as a *meretrix*, a prostitute, for her *incessus* (bearing), her *ornatus* (adornment), *flagrantia oculorum* (the flashing of her eyes), *libertas sermonum* (the liberality of her speech), her *complexus* (embraces), and her *osculationes* (kisses). Clearly, to Cicero, certain forms of dress and behaviour were visual indicators of *impudicitia* in women. Seneca, in his *Controversiae*, echoes Cicero's description of the visuality of *impudicitia*:

³⁹⁵ *ibid.*, 217-218.

³⁹⁶ *ibid.*, 218.

Prodite mihi fronte in omne lenocinium composita, paulo obscurius quam posita ueste nuda, exquisito in omnes facetias sermone, tantum non ultro blandientes ut quisquis uiderit non metuat accedere: deinde miramini si, cum tot argumentis impudicitiam praescripseritis, cultu, incessu, sermone, facie, aliquis repertus est qui incurrenti adulterae se non subduceret.

Sen. *Controv.* 2.7.4.

Here Seneca connects *impudicitia* with excessive adornment and overfamiliar behaviour, as well as immoderate *cultu*, *incessu*, *sermone*, and *facie* (dress, walk, talk, and appearance). Seneca considers the public dress and behaviour of women to be visual indicators of sexual virtue. He also provides examples of how Roman women can use their dress and behaviour to ward off *libido*, by wearing simple clothing, having older companions, avoiding the gaze and greetings of strangers, and maintaining a demure appearance:

Matrona, quae <tuta> esse aduersus sollicitatoris lasciuiam uolet, prodeat in tantum ornata quantum ne inmundum sit; habeat comites eius aetatis quae inpudicum, si nihil aliud, in uerecundiam annorum mouere possit; ferat iacentis in terram oculos; aduersus officiosum saluatorem inhumana potius quam inuerecunda sit; etiam in necessaria resalutandi uice multo rubore confusa <sit>. Sic se in uerecundiam pigneret <ut> longe ante impudicitiam suam ore quam uerbo neget. In has seruandae integritatis custodias nulla libido inrumpet.

Sen. *Controv.* 2.7.3.

Seneca considers simplicity in dress, a demure gaze, and reserved behaviour in the company of strangers to be indicative of *pudicitia*. Valerius Maximus confirms these visual signs of *impudicitia* and *pudicitia*, by recalling accounts of two Roman men, C. Sulpicius Galus and Q. Antistius Vetus, who divorced their wives for visual signs of *impudicitia*:

Horridum C. quoque Sulpicii Gali maritale supercilium: nam uxorem dimisit quod eam capite aperto foris uersatam cognouerat, abscisa sententia, sed tamen aliqua ratione mota: "lex enim" inquit "tibi meos tantum praefinit oculos quibus formam tuam approbes. his decoris instrumenta compara, his esto speciosa, horum te citeriori crede notitiae. ulterior tui conspectus superuacua irritatione accessus in suspitione et crimine haereat necesse est." Nec aliter sensit Q.

Antistius Vetus repudiando uxorem quod illam in publico cum quadam libertina
uulgari secreto loquentem uiderat

Val. Max. 6.3.10-11.

These two men, if Valerius is to be believed, divorced their wives for public dress and behaviour that they equated with *impudicitia*; an uncovered head, and public speech with a freedwoman. As we have seen, Republican and Imperial sources indicate that some Roman men equated over-adornment, lack of appropriate dress and overfamiliar behaviour with strangers with *impudicitia*, and, conversely, simplicity in dress, and demure public conduct with *pudicitia*. More generally, these sources indicate that a Roman woman's public dress and behaviour were "grounds for making valid decisions about [her] moral standing";³⁹⁷ a woman had to be reserved in dress and social interaction if she was to project *pudicitia*. She had to be conspicuously inconspicuous.

How could dress or behaviour project *pudicitia*? As Langlands has rightly indicated, the Romans used a "complex visual code to which we no longer have complete access" to read "the virtues of an individual on the body."³⁹⁸ We cannot know the exact connection that Romans drew between virtue and appearance. However, the words used to describe female adornment, and the types of clothing used by Roman *matronae* provide some insight into that connection. In the speech that Livy scripts for Valerius in support of the abrogation of the *Lex Oppia*, Valerius lists four common terms used to describe female ornamentation, *munditia* (cleanliness), *ornatus* (adornment), *cultus* (appearance, clothing, personal care), and *mundus muliebris* (dress, ornaments, jewelry) (Livy 34.7.9).³⁹⁹ Olson has shown that different levels of *munditia*, *ornatus* and *cultus* were indicators of a Roman woman's social class; *munditia* was an important denoter of status and class, but excessive *ornatus* or *cultus* could be read by Roman males as signs of a woman's overt sexuality and *luxuria*, or an untoward interest in wealth, foreign goods, and personal spectacle.⁴⁰⁰ As we have seen in the *Aulularia* (2.3), Plautus

³⁹⁷ Langlands, *Sexual Morality*, 71.

³⁹⁸ *ibid.*, 72.

³⁹⁹ For these definitions and commentary, see: Olson, *Dress*, 7-8.

⁴⁰⁰ *ibid.*, 7-9; 83-89.

problematizes female conspicuous consumption and the *dotatae uxores*; he suggests that they cause *invidia* and reduced *concordia*. While in a fragment from his *Nerulolaria*, Plautus denigrates a woman without *munditia*, in fragments of the *Astraba* and the *Sitellitergus*, he problematizes excessive female adornment.⁴⁰¹ A parallel to this can be found in Plautus' *Epidicus*, where the slave Epidicus characterizes excessive adornment as *sed uestita, aurata, ornata ut lepide, ut concinne, ut noue* (Plaut. *Ep.* 222), indicates that this adornment bespeaks improper conspicuous consumption, such that *quasi non fundis exornatae multae incedant per uias* (Plaut. *Ep.* 226), and declaims that this adornment is nonsense, *gerrae maxumae* (Plaut. *Ep.* 233). This interrogation of female adornment in the Middle Republic can also be found in fragments of Titinius' *Barbatus*, and a fragment of Cato's *Origines*.⁴⁰² While *munditia* was a necessary indicator of a woman's status, too much adornment could be read by men as problematic.⁴⁰³ As proclaimed by Cicero and Seneca, such sartorial activity could be read as a sign of *impudicitia*.

What then was a signal of *puđicitia*? The prescriptive or normative appearance of a Roman *matrona* (married woman) provides some indication.⁴⁰⁴ The traditional dress of a *matrona*, the *stola* (over-garment), *palla* (mantle), and *uittae* (bands for the hair), is often linked with morality in ancient sources.⁴⁰⁵ The *stola*, which may have been referred to as *longa ueste* in the Republic, was "a slip-like garment with over-the-shoulder straps, worn over the tunic and reaching to the ground, and belted under the breast with a plain cord."⁴⁰⁶ The term *stola* itself, not found in Republican sources with reference to *matronae*, may have become common only in the 1st century BCE.⁴⁰⁷ Notably, antiquarian sources indicate that *matronae* were defined by their wearing of the *stola* (Festus, p. 112 L; cf. Val. Max. 5.2.1). Imperial authors connect the *stola* with the sexual virtue of the *matrona*,

⁴⁰¹ *Nerulolaria*: Plaut. fr. 97 (Lindsay 2004) = Plaut. fr. 99 (De Melo 2013). *Astraba*: Plaut. fr. 11 (Lindsay 2004) = Plaut. fr. 11 (De Melo 2013). *Sitellitergus*: Plaut. fr. 114 (Lindsay 2004) = fr. 115 (De Melo 2013).

⁴⁰² Titin. fr. 1-3 (Guardi 1985); Cato *Orig.* 7 fr. 109 (Cornell 2013) = Festus, p. 320 L.

⁴⁰³ Olson, *Dress*, 7-8. Cf. Sen. *Controv.* 2.7.6.

⁴⁰⁴ *ibid.*, 10-11; 25-41.

⁴⁰⁵ *ibid.*, 25-41.

⁴⁰⁶ *ibid.*, 27.

⁴⁰⁷ *ibid.*, 27-28.

and Olson infers from these sources that “long and concealing gowns were the ideal clothing of the respectable woman.”⁴⁰⁸ The *palla* (mantle) was similar in function; a “large rectangle of cloth” that was wrapped around the shoulders, it could conceal most of a woman’s figure, “needed one hand to keep it in place”, and could “function as a veil.”⁴⁰⁹ As we have seen, G. Sulpicius Galus interpreted his wife’s lack of veil in public as a sign of *impudicitia*, according to Valerius Maximus (Val. Max. 6.3.10). Seneca echoes this in his *Controversiae*, declaiming that a woman could avoid her seducer by veiling her head: *totiens sollicitata non istam faciem qua placere poterat conuestisti* (Sen. *Controv.* 2.7.6). Cicero and Seneca also highlight the importance of the gaze (of the male observer and the female observed) in the visual language of *pudicitia* (Cic. *Cael.* 49; Sen. *Controv.* 2.7.3-4). The *palla*, a distinctly female garment, offered a way of concealing a woman’s form and gaze.⁴¹⁰ Plautus indicates that it could be observed:

mulierem aequom est uestimentum muliebre
dare foras, uirum uirile.

Plaut. *Men.* 659-660 (cf. Plaut. *Men.* 167).

In conspicillo
adseruabam pallium, opseruabam.

Plaut. fr. 99-100 (Lindsay 2004) = Plaut. fr. 101-102 (De Melo 2013).

Olson interprets the *palla* as a visual sign of the “social and moral status of the woman,” and suggests that it “was a mark of honor, dignity, and sexual modesty.”⁴¹¹ The *stola* and the *palla* offered concealment, hiding signs of *impudicitia*, and projecting *pudicitia*. The *uittae*, woolen bands with which a wife bound her hair, while not as well attested as the *stola* and *palla* in the primary sources,⁴¹² are linked by Imperial authors with sexual virtue;⁴¹³ Plautus’ slave

⁴⁰⁸ *ibid.*, 31. For the *stola* as an object of virtue see: Ov. *Ars am.* 1.31-32; *Pont.* 3.3.51-52; Hor. *Sat.* 1.2.94-99; Tib. 1.6.67-68; Prop. 4.11.63; Gell. *NA* 6.12.1.

⁴⁰⁹ Olson, *Dress*, 33.

⁴¹⁰ *ibid.*, 33-36.

⁴¹¹ *ibid.*, 34.

⁴¹² *ibid.*, 37-38.

⁴¹³ Ov. *Ars am.* 1.31, 3.483; *Rem. am.* 386; *Pont.* 3.3.51-2; Val. Max. 5.2.1.

Palaestrio suggests that one could add *uittae* to the hair of a prostitute to make her look like a *matrona*:

ut ad te eam iam deducas domum
itaque eam huc ornatam adducas, ex matronarum modo,
capite compto, crinis uittasque habeat adsimuletque se
tuam esse uxorem

Plaut. *Mil.* 790-793.

For Plautus, the *uittae* is a symbol of a sexually virtuous *matrona*, and Imperial authors echo this connection.⁴¹⁴ Olson suspects, due to our lack of attestations to the *uittae* in textual and artistic sources, that they were worn “only on religious or ceremonial occasions”⁴¹⁵ as clear visual signifiers of *pudicitia*. Olson warns that these “vestimentary signs” were prescriptive and normative in the ancient sources and that “the literary record describes what the *matrona* should look like and how her clothing should embody her moral stance: she is described in terms of exemplary (not actual) appearance.”⁴¹⁶ The chaste *stola*, *uittae* and *palla* were “employed as a literary shorthand to indicate a chaste woman.”⁴¹⁷ In the Republic, Rome’s women would have worn this clothing, although not at all times; it was normative rather than normal, and possibly “ceremonial, or even archaic.”⁴¹⁸ What is clear is that, if a married woman wore the concealing *stola* or *palla*, or the *uittae* in her hair, she projected *pudicitia* for all to see.

A woman’s public religious activity could also indicate her *pudicitia*. Ovid, nominating a reason for Q. Claudia’s so-called *dubia fama*, draws on the visual signs of *impudicitia* that we have just explored; she is thought *impudica* due to her *cultus*, her adorned hair, and her speech:

casta quidem [Q. Claudia], sed non et credita: rumor iniquus
laeserat, et falsi criminis acta rea est;

⁴¹⁴ Tib. 1.6.67; Serv. A. 7.403.

⁴¹⁵ Olson, *Dress*, 39.

⁴¹⁶ *ibid.*, 41.

⁴¹⁷ *ibid.*

⁴¹⁸ *ibid.*

cultus et ornatis uarie prodisse capillis
obfuit, ad rigidos promptaque lingua senes.

Ov. *Fast.* 4.307-310.

Q. Claudia is, according to Ovid, able to redeem the *dubia fama* produced by these visual signs through her participation in the religious reception of the Magna Mater:⁴¹⁹

[Q. Claudia]: “sed si crimen abest, tu nostrae pignora uitae
re dabis et castas casta sequere manus.” [...]
Claudia praecedit laeto celeberrima uoltu,
credita uix tandem teste pudica dea.

Ov. *Fast.* 4.323-324, 343-344.

Ovid provides an indication of the connection between public religious activity and *pudicitia*. Similarly, Sulpicia’s public dedication of a statue to Venus Verticordia c. 215 was linked with her being judged *pudicissima* (3.2). This connection was particularly present in the cult to the goddess Pudicitia. Livy indicates that there were two Republican shrines to Pudicitia, patrician and plebeian, in which *matronae* and their *pudicitia* had a prominent role (Livy 10.23.1-10).⁴²⁰ According to Livy, both shrines had strict requirements for sacrifice; female participants had to be *matronae*, be of manifest sexual virtue (*spectata pudicitia*), and be *uniuirae*, have been married to only one man.⁴²¹

Eodem ferme ritu et haec ara quo illa antiquior culta est, ut nulla nisi spectatae
pudicitiae matrona et quae uni uiro nupta fuisset ius sacrificandi haberet

Livy 10.23.9.

⁴¹⁹ As shown in 3.3, the historical Q. Claudia was conceivably selected for this reception for her status and manifest *pudicitia*, and did not have a *dubia fama* in the Republican sources.

⁴²⁰ Cf. Festus, p. 270 L. Plebeian Pudicitia is also attested in Festus, p. 271 L. Cf. Festus p. 282 L, 283 L. Oakley thinks some of the details of Livy’s aetiological narrative suspect, viz. the name of Verginia (too close to *uirgo*) and the *sacellum* of Patrician Pudicitia (aetiological invention?), but does not dismiss the *sacellum* or cult of Pudicitia, see: S. Oakley, *A Commentary on Livy, Books VI-X : Volume IV: Book X* (Oxford: Oxford University Press, 2005), 254-255. Richardson suspects that both shrines existed, see: Richardson, *A New Topographical*, 322.

⁴²¹ Langlands, *Sexual Morality*, 46.

This passage indicates that participation in the cult of Pudicitia would have denoted a woman's *spectata pudicitia* and her status as *uniuira*. The cult was exclusionary in its sacrificial practices; inclusion in the cult announced this *pudicitia* for all to see. The status of *uniuira* is closely linked with *pudicitia* and esteem in Republican and Imperial sources, including epitaphs for wives (e.g. *ILS* 4984, 8527, 8559).⁴²² In Plautus' *Mercator*, the old woman Syra baldly indicates this connection *nam uxor contenta est quae bona est uno uiro* (*Merc.* 824); this sentiment is echoed in a poem of Catullus (Catull. 111.1-2) and Propertius' elegy to Cornelia (Prop. 4.11.36).⁴²³ Valerius Maximus indicates that in antiquity a wife who had been *uniuira* would be honoured with a crown [perhaps wreath?] of chastity, *corona pudicitiae honorabantur* (Val. Max. 2.1.3); Langlands suspects this is a garbled reference to the cult of Pudicitia.⁴²⁴ In his foundational narrative, the Greek historian Dionysius of Halicarnassus outlines the exclusivity of the cult of Fortuna Muliebris, indicating that only *uniuirae* could dedicate a crown to or touch her statue (Dion. Hal. *Ant. Rom.* 8.56.4). According to antiquarian sources, only *uniuirae* were allowed to touch the statue of Pudicitia or Fortuna Muliebris (Festus, p. 282 L, 283 L),⁴²⁵ or act as a *pronuba*, a woman who attended a bride at a wedding (Festus, p. 283 L; cf. Varro *apud* Serv. A. 4.166; Tert. *de exhort. cast.* 13.1).⁴²⁶ Tertullian (Tert. *de monog.* 17.4) furthermore suggests that *uniuirae* are the only *matronae* allowed to dedicate a crown (or wreath) to Fortuna Muliebris or Mater Matuta.⁴²⁷ These *uniuirae* are perhaps Ovid's *bonae matres* (Ov. *Fast.* 6.475)

⁴²² For sources and commentary: M. Lightman & W. Zeisel, "Univira: An Example of Continuity and Change in Roman Society," *Church History* 46.1 (1977): 19-32; Gardner, *Women*, 50-51; Boëls-Janssen, *La vie religieuse*, 232-241; Oakley, *A Commentary*, 254-255; S. Treggiari, *Roman Marriage: Iusti Coniuges From The Time of Cicero To The Time of Ulpian* (Oxford: Clarendon Press, 1991), 232-237; Langlands, *Sexual Morality*, 47-48.

⁴²³ Boëls-Janssen, *La vie religieuse*, 232-233; Treggiari, *Roman Marriage*, 462-463. Plautus' and Catullus' references may contain some irony, see: B. Dunsch, "Plautus' *Mercator*: A Commentary" (Unpublished PhD diss., University of St. Andrews, 2000), 308.

⁴²⁴ Langlands, *Sexual Morality*, 62. Langlands indicates that Valerius could have confused a cult activity where *uniuirae* crowned the statue of Pudicitia with the crowning of a *uniuira*.

⁴²⁵ Oakley, *A Commentary*, 254-255; Langlands, *Sexual Morality*, 48; Gardner, *Women*, 50-51.

⁴²⁶ For commentary, see: Treggiari, *Roman Marriage*, 233; Oakley, *A Commentary*, 255; Schultz, *Women's Religious*, 147.

⁴²⁷ Mater Matuta was worshipped by *matronae* at the Matralia, a Republican festival (*Fast. Ant. Mai. sub Iun.* 11; cf. Ov. *Fast.* 6.473-562).

invoked in his account of the Matralia.⁴²⁸ The exclusivity of this religious activity denotes the high value placed on marital commitment in Roman society, and the connection of this commitment with *spectata pudicitia*.⁴²⁹ The religious activity of the *uniuirae* cited in these sources, as well as that of Q. Claudia and Sulpicia, indicates the “close association between religious cult and personal ethics” in the Roman Republic; this activity was a medium through which women could “parade their individual endowment with *pudicitia* before the community.”⁴³⁰ For Q. Claudia, Sulpicia, and the *uniuirae* who worshipped Pudicitia, Fortuna Muliebris and Mater Matuta, their public religious activity indicated their *spectata pudicitia*.

We have seen here how a woman’s sexual virtue could be displayed through her public appearance, through her dress, and through participation in religious activity. These behaviours were prescriptive and normative; they may have borne no relation to ‘actual’ sexual virtue.⁴³¹ As Plautus reveals in his *Amphitryo*, determining *pudicitia* is difficult indeed. Yet, as Olson rightly declares, “for the Romans, aesthetics were ethics”;⁴³² a Roman woman’s virtue (or lack thereof) was writ and judged by her appearance and behaviour.

We will now explore how the religious display of sexual virtue could be used by elite Roman women as a form of status competition.

3.5 *Certamen pudicitiae*: Virtue and status competition

What value did religious displays of sexual virtue have for elite Roman women in the Second Punic War? I will show how such religious displays were linked with status and status competition, and how they offered elite Roman women a state-sanctioned mechanism for displaying their status when conspicuous consumption was denied them by the *Lex Oppia*.

⁴²⁸ As Littlewood suggests, see: R. Littlewood, *Commentary on Ovid’s Fasti, Book 6* (Oxford: Oxford University Press, 2006), 153.

⁴²⁹ Treggiari, *Roman Marriage*, 232-237; Langlands, *Sexual Morality*, 47-49, 64.

⁴³⁰ Langlands, *Sexual Morality*, 52.

⁴³¹ *ibid.*, 72-73.

⁴³² Olson, *Dress*, 113.

The social and sexual status of a Roman woman was linked to the role she was able to play in religious activities.⁴³³ Schultz articulates this religious stratification concisely:

Across the spectrum, the division of religious responsibility generally reflected the stratification of Roman society along the lines of social status (citizen or noncitizen; patrician or plebeian; freed, freed, or slave) and sexual (or marital) status, this last division with particular significance for women.⁴³⁴

As we have seen in 3.2 – 3.4, a Roman woman's social and sexual status was linked to her religious activity; this is evidenced in the cases of Sulpicia and Q. Claudia, and in the case of the *uniuirae* and their roles in the worship of Pudicitia, Fortuna Muliebris and Mater Matuta. A few examples contemporaneous to the Second Punic War will serve to further substantiate this claim.

In 217, the Senate ordained that Roman *matronae* dedicate a monetary gift to Juno Regina and freedwomen (*libertinae*) dedicate a monetary gift to Feronia⁴³⁵ in order to expiate a range of prodigies:

Decemuirorum monitu decretum est Ioui primum donum fulmen aureum pondo quinquaginta fieret, Iunoni Mineruaeque ex argento dona darentur et Iunoni reginae in Auentino Iunonique Sospitae Lanuui maioribus hostiis sacrificaretur, matronaeque pecunia conlata quantum conferre cuique commodum esset donum Iunoni reginae in Auentinum ferrent lectisterniumque fieret, et ut libertinae et ipsae unde Feroniae donum daretur pecuniam pro facultatibus suis conferrent.

Livy 22.1.17-18.

In these rites, the religious roles of *matronae* and *libertinae* were separate and distinguishable; the rites of Juno Regina were for the *matronae*, while those of Feronia were for the *libertinae*.⁴³⁶ The social status of freeborn woman and freed woman was marked by their inclusion in differing rites. This religious stratification was also found in the Matralia, where only *matronae* who were

⁴³³ As convincingly demonstrated by Richlin and Schultz, see: Richlin, "Carrying Water in a Sieve," 357; 354-358; Schultz, *Women's Religious*, 139-150.

⁴³⁴ Schultz, *Women's Religious*, 146.

⁴³⁵ Feronia was tutelary goddess of freedmen, see: Varro *apud* Serv. A. 8.564.

⁴³⁶ Schultz, *Women's Religious*, 147.

uniuirae were allowed to dedicate a crown to the statue of Mater Matuta (Tert. *de monog.* 17.4), only *matronae* were allowed to participate in the cult activities (Ov. *Fast.* 6.475; cf. *CIL* I² 379⁴³⁷), and a token female slave was driven out of the Temple to Mater Matuta (Ov. *Fast.* 6.481-482; 551-558; Plut. *Quaest. Rom.* 16; *Cam.* 5.2) to demonstrate that slaves were not welcome in her rites.⁴³⁸ Clearly social divisions amongst women were reinforced by religious activity.⁴³⁹ As discussed in 3.4, the religious roles of *uniuirae* were markers of sexual status; this distinguishing of sexual status is also found in the rites of Juno Regina in 207 (2.9), when *matronae* expiated a prodigy with a gold bowl and sacrifices to the goddess, and 27 *uirgines* sang a hymn composed in her honour as part of a lustral procession throughout Rome:

Decreuere item pontifices ut uirgines ter nouenae per urbem euntes carmen canerent. Id cum in Iouis Statoris aede discerent conditum ab Liuio poeta carmen, tacta de caelo aedis in Auentino Iunonis reginae; prodigiumque id ad matronas pertinere haruspices cum respondissent donoque diuam placandam esse [...] inde donum peluis aurea facta lataque in Auentinum, pureque et caste a matronis sacrificatum. Confestim ad aliud sacrificium eidem diuae ab decemuiris edicta dies, cuius ordo talis fuit. Ab aede Apollinis boues feminae albae duae porta Carmentali in urbem ductae; post eas duo signa cupressea Iunonis reginae portabantur; tum septem et uiginti uirgines, longam indutae uestem, carmen in Iunonem reginam canentes ibant [...]

Livy 27.37.7-8, 10-13.

⁴³⁷ For this Republican dedication, see: *ibid.*, 170. *CIL* I² 379: *Matre Matuta dono dedro matrona M(ania) Curia Pola Livia deda.*

⁴³⁸ Richlin, "Carrying Water in a Sieve," 355-356; Schultz, *Women's Religious*, 147. For commentary on Ovid's rendition of the rites and their aetiology, see: Littlewood, *Commentary*, 153-169. For the Temple to Mater Matuta in the Forum Boarum, excavated in 1937 CE, see: Richardson, *A New Topographical*, 246. The Temple dates back to 6th century BCE. It is well attested in literary sources, see: Livy 5.19.6 (restored by Camillus following the siege of Veii in 396), 5.23.7; 25.7.6 (rebuilt in 212 after a fire in 213); 33.27.4 (L. Stertinius dedicates two arches in front of the Temple in 196); 41.28.8-10 (Ti. Sempronius Gracchus dedicates a bronze tablet in 174). The rebuilding of the Temple in the Second Punic War suggests that the rites to Mater Matuta continued through the Second Punic War, as does the inclusion of the Matralia in the Republican *Fasti Antiaties Maiores* (*Fast. Ant. Mai. sub Iun.* 11; cf. Festus, p. 113 L).

⁴³⁹ Schultz, *Women's Religious*, 147-148.

In these twin rites of Juno Regina, women performed different tasks based on their sexual status as *matronae* or *uirgines*. The *matronae* dedicated a bowl and conducted sacrifices, and the *uirgines* sung a hymn and processed through the city.⁴⁴⁰ It is clear from these Republican rites that a Roman woman's social and sexual status were linked with her inclusion in certain forms of religious activity. We shall now explore the prevalence of status competition in the Second Punic War.

During the Punic Wars, Roman politics were distinguished by intense public rivalry and status competition amongst the élite.⁴⁴¹ Flower characterises this competition as comprehensive, suggesting that Roman "society [was] permeated at every level by competition for prestige and recognition," where the élite needed "to be seen to 'win' in a 'contest'";⁴⁴² she also outlines the élite discourse of incomparability within this competition.⁴⁴³ Two pieces of Republican evidence eloquently express the importance of this competition and the discourse of incomparability; one a *laudatio* delivered by Q. Caecilius Metellus (dict. 205, cos. 206) in 221 for his father L. Caecilius Metellus (dict. 224, cos. 251, 247, p.max. 243),⁴⁴⁴ and the other an *elogium* in Old Latin for L. Cornelius Scipio (cens. 258, cos. 259) from the Tomb of the Scipios dating to some time during the Second Punic War:⁴⁴⁵

⁴⁴⁰ For commentary on this rite, see: Hänninen, "Juno Regina," 41-42.

⁴⁴¹ For this rivalry, see: H. Flower, *Ancestor Masks and Aristocratic Power in Roman Culture* (Oxford: Oxford University Press, 1996), 136-139, 177-179, see esp. 139; M. Fronda, *Between Rome and Carthage* (Cambridge: Cambridge University Press, 2010), *passim*, but see esp. 301 for conclusions; J. Serrati, "The Rise of Rome to 264 BC," in *A Companion to the Punic Wars*, ed. D. Hoyos (Chichester: Blackwell Publishing, 2011), 22; C. Champion, "Polybius and the Punic Wars," in *A Companion to the Punic Wars*, ed. D. Hoyos (Chichester: Blackwell Publishing, 2011), 107-108; B. Bleckmann, "Roman Politics in the First Punic War," in *A Companion to the Punic Wars*, ed. D. Hoyos (Chichester: Blackwell Publishing, 2011), 170-173; P. Edwell, "War Abroad: Spain, Sicily, Macedon, Africa," in *A Companion to the Punic Wars*, ed. D. Hoyos (Chichester: Blackwell Publishing, 2011), 335; K. Lomas, "Rome, Latins, and Italians in the Second Punic War" in *A Companion to the Punic Wars*, ed. D. Hoyos (Chichester: Blackwell Publishing, 2011), 350.

⁴⁴² Flower, *Ancestor Masks*, 139.

⁴⁴³ *ibid.*

⁴⁴⁴ For the dating and veracity of this *laudatio*, see: Flower, *Ancestor Masks*, 136-142. For Q. Caecilius Metellus, see: *MRR* 1.301, s.a. 205. For L. Caecilius Metellus, see: *MRR* 1.218, s.a. 243; 1.231, s.a. 224.

⁴⁴⁵ For dating of this *elogium*, see: Flower, *Ancestor Masks*, 171-179. For L. Cornelius Scipio, see: *MRR* 1.206, s.a. 258.

[Q. Metellus] [...] scriptum reliquit decem maximas res optumasque in quibus quaerendis sapientes aetatem exigent consummasse eum: uoluisse enim primarium bellatorem esse, optimum oratorem, fortissimum imperatorem, auspicio suo maximas res geri, maximo honore uti, summa sapientia esse, summum senatorem haberi, pecuniam magnam bono modo inuenire, multos liberos relinquere et clarissimum in ciuitate esse; haec contigisse ei nec ulli alii post Roman conditam.

Plin. *HN* 7.139-140.

honc. oino. ploirume. cosentiont. R[omane]
 duonoro. optumo. fuise. uiro
 Luciom. Scipione. filios. Barbati
 consol. censor. aidilis. hic. fuet. a[pud. uos]
 hec. cepit. Corsica. Aleriaque. urbe
 dedet. Tempestatebus. aide. mereto[d]

CIL I² 9⁴⁴⁶

In the *laudatio* and the *elogium*, the different aspects of Roman male public life, including warfare, oratory, the *cursus honorum*, religion, business, and family are depicted as competitions won by L. Caecilius Metellus and L. Cornelius Scipio.⁴⁴⁷ These men are portrayed as having attained exemplary status throughout their lives, their standing conveyed through numerous superlatives: L. Caecilius Metellus is associated with terms such as *primarium* [...] *optimum* [...] *fortissimum* [...] *maximas* [...] *maximo* [...] *summa* [...] *summum* [...] *magnam* [...] *clarissimum in ciuitate* (Plin. *HN* 7.139-140), and L. Cornelius Scipio is described as *duonoro optumo* [...] *uiro* (*CIL* I² 9). The discourse of incomparability found in these encomia is remarkably similar to that found in accounts by Livy: see, for example, the selection of Q. Fabius Maximus Cunctator (dict. 221, 217, cos. 233, 228, 215, 214) as the vower of the Temple of Venus Erycina in 217, *Ueneri Erycinae aedem Q. Fabius Maximus dictator uouit, quia ita ex fatalibus libris editum erat ut is uoueret cuius maximum imperium in ciuitate esset* (Livy 22.10.10), and the selection

⁴⁴⁶ J. Clackson & G. Horrocks, *The Blackwell History of the Latin Language* (Oxford: Blackwell Publishing, 2007), 140.

⁴⁴⁷ For these aspects of Roman male public life as forms of competition, cf. the *laudatio* for P. Licinius Crassus Mucianus: Gell. *NA* 1.13.10.

of P. Cornelius Scipio Nasica (cos. 191, pr. 194) in 204 as the best man, *in tota ciuitate uirum bonorum optimum esse* (Livy 29.14.8), to receive the Magna Mater. The intense competition for the latter honour is indicated by Livy (29.14.7), as mentioned previously (3.3). Status competition was a defining characteristic of the Second Punic War for élite Roman men.⁴⁴⁸ As we will see, it was important for élite Roman women as well.

There is some evidence that *pudicitia* and female religious activity was linked with élite status competition in the Republic. In his foundational narrative for the plebeian cult of Pudicitia, Livy scripts a speech for Verginia that draws an explicit connection between these themes:

“hanc ego aram” inquit “Pudicitiae Plebeiae dedico; uosque hortor ut, quod certamen uirtutis uiros in hac ciuitate tenet, hoc pudicitiae inter matronas sit detisque operam ut haec ara quam illa, si quid potest, sanctius et a castioribus coli dicatur.”

Livy 10.23.7-8.

In this speech, the Livian Verginia indicates that while men are occupied by the *certamen uirtutis* (*uirtus* competition) in the state, *matronae* (who are *uniuirae* and of *spectata pudicitia*, see above) could compete for *pudicitia* in the cult of Pudicitia; she connects *pudicitia* with the quality of *sanctitas* (sanctity) and *castitas* (purity). In this *certamen pudicitiae*, Verginia charges the *matronae* to worship at the altar to *Pudicitia* with more sanctity, and to be women of greater purity (Livy 10.23.8). Elsewhere, *sanctitas*, religion and *pudicitia* are explicitly connected by Cicero (Cic. *prov.* 24; cf. Cic. *Phil.* 2.28.69; Val. Max. 6.1.6).⁴⁴⁹ According to Livy, the *pudicitia* competition was the female equivalent of the male competition for state honours, and it could be effected through participation in religious rites. The concept of *certamen* is found in Plautus (Plaut. *Bacc.* 399; *Cas.* 516) and in Cicero (Cic. *Flac.* 62.4, cf. *OLD* s.v. *certamen*); it is a Republican élite concern, as we have seen above in the encomia to L. Caecilius Metellus and L. Cornelius Scipio. In these encomia, superlatives and the discourse of incomparability are linked with male status

⁴⁴⁸ Thus concludes Flower, see: Flower, *Ancestor Masks*, 179.

⁴⁴⁹ Oakley, *A Commentary*, 258.

competition; these same features are found in Pliny's and Valerius Maximus' descriptions of Sulpicia and Cicero and Livy's descriptions of Q. Claudia. Sulpicia was adjudged *sanctissima* (Val. Max. 8.15.12) and *pudicissima* (Plin. *HN* 7.120) out of a hundred *matronae*, placed above them all for purity, *cunctis castitate praelata est* (Val. Max. 8.15.12); this judgment granted Sulpicia the right to dedicate a statue of Venus Verticordia. Q. Claudia was held to be the *castissima matronarum* (Cic. *Har. resp.* 27), and amongst the *matronae primores ciuitatis* she was *unius [...] insigne est nomen* whose religious activity meant that her *pudicitia* was enhanced *ad posterios* (Livy 29.14.12), as evidenced by the statue erected to her in the Temple of the Magna Mater (Tac. *Ann.* 4.64; Val. Max. 1.8.11). These two women were adjudged in terms of their sexual virtue, lauded with superlatives (3.3) and the discourse of incomparability, and selected for prominent religious roles. This closely matches the language used in the encomia. The sphere of competition in this case was religion rather than oratory or war or the *cursus honorum*; however, it was still a contest for status.

As argued in 3.2 and 3.3, Sulpicia and Q. Claudia were conceivably selected for their social status and connections with influential magistrates c. 215 and in 204. Yet, according to our primary sources they were also of manifest *pudicitia*. If this attribute was not wholly post-factum familial propaganda, how were these women selected? How did they win this contest? The pre-existing social cachet of these women would have allowed them to participate in the religious activity for Venus Verticordia and the Magna Mater. We have seen earlier that social status was an important criterion for cult participation. However, these rites called for prominent roles, and hence a *certamen* amongst the *matronae primores ciuitatis*. Once in this competition, these women were selected by what was probably a group of these *matronae*⁴⁵⁰ who passed judgment on their acceptability for the role on the basis of their *spectata pudicitia*. On what criteria Sulpicia and Q. Claudia were judged might be partially recoverable. Given the importance of sexual status in cult participation, the status of *uniuira* as an indicator of *pudicitia* may have been used as a criterion in this *certamen*. It was certainly an important criterion for prominent religious roles in the cults of

⁴⁵⁰ As per Val. Max. 8.15.12; Plin. *HN* 7.120. Cf. Schultz, *Women's Religious*, 143-145.

Pudicitia and Mater Matuta. Furthermore, drawing on our discussion of *spectata pudicitia* in 3.4, these women could have been judged on their public appearance and behaviour, on how well their clothing and comportment projected *pudicitia*: in other words, a kind of *pudicitia* pageant. Valerius Maximus hints at such a judgement when he invokes Pudicitia in his *praefatio* for Book VI:

Unde te uirorum pariter ac feminarum praecipuum firmamentum, Pudicitia, inuocem? [...] tuo praesidio puerilis aetatis insignia munita sunt, tui numinis respectu sincerus iuuentae flos permanet, te custode matronalis stola censetur:

Val. Max. 6.1.praef.

In this passage, Valerius indicates that the *stola* of the *matronae* is judged under the protection of Pudicitia, *te custode matronalis stola censetur* (Val. Max. 6.1.praef.); it would seem to follow that the *pudicitia* of a *matrona* could be judged by her clothing. This is sheer speculation, but we have already demonstrated the close links between visibility and virtue in 3.4, and the selection of Sulpicia and Q. Claudia was conceivably related to a visual assessment of their *pudicitia*. Past participation in cults linked with *pudicitia* or inclusion in cults that had strict entrance requirements may have also contributed to their selection. Whatever the criteria, their selection granted them prominent roles in the rites for Venus Verticordia and the Magna Mater. Having won the *certamen pudicitiae* they would have enhanced their personal and familial status *ad posterum*.

In what context during the Second Punic War would elite Roman women take part in such a *certamen pudicitiae*? Enter the *Lex Oppia* of 215. This sumptuary law had banned conspicuous consumption, viz. the visual display of wealth and status through adornment, clothing and transportation.⁴⁵¹ Female conspicuous consumption was closely linked with elite status and status competition in the Roman Republic, as indicated earlier in 2.3 and 3.4, and convincingly demonstrated by Pomeroy, Evans, Culham, Hemelrijk, Olson and Schultz.⁴⁵²

⁴⁵¹ Note that elite women could still travel in carriages for religious festivals under the *Lex Oppia*, but they were not able to display their wealth or status through adornment or clothing, see: Livy 34.1.3.

⁴⁵² Pomeroy, *Goddesses*, 180-182; Evans, *War, Women*, 69-70; Culham, "The *Lex Oppia*," 792; Hemelrijk, "Women's Demonstrations," 223-224; Olson, *Dress*, 96-112; C. Schultz, "Sanctissima Femina: Social Categorization and Women's Religious Experience in the Roman Republic," in

Pliny records a pithy aphorism about this very phenomenon, comparing the female status symbol of a pearl with the male status symbol of a lictor: *lictorem feminae in publico unionem esse dictitantes* (Plin. *HN* 9.114). This outlet for status competition, however, had been restricted by the *Lex Oppia*. This proposition is supported by Livian Valerius' speech *contra* the *Lex Oppia*, wherein Livy makes it clear that without conspicuous consumption, women were denied their equivalent of male status competition:

Non magistratus nec sacerdotia nec triumphi nec insignia nec dona aut spolia bellica iis contingere possunt: munditiae et ornatus et cultus, haec feminarum insignia sunt, his gaudent et gloriantur, hunc mundum muliebrem appellarunt maiores nostri.

Livy 34.7.8-9.

Olson suggests that this restriction would have produced a kind of “sumptuary ghetto,” rendering women “socially mute.”⁴⁵³ Perhaps not entirely mute; *matronae* had another outlet in the form of the *certamen pudicitiae* that characterised the selection of Sulpicia and Q. Claudia. We have seen that religious rites offered Roman women a chance to display their social and sexual status, and granted them the ability to engage in status competition. These religious rites were mandated by the state, and thus offered a state-sanctioned form of status competition. Public rivalry and competition, so characteristic of the Second Punic War, was not wholly impeded for women by the *Lex Oppia*. Denied one avenue of *certamen*, elite Roman women persevered in another, the *certamen pudicitiae*.⁴⁵⁴ In doing so, they exchanged sexual independence for status, acting as exempla of traditional sexual virtue.

Status competition is only one reason for the collaboration of elite Roman women in the regulation of sexual independence. As, we shall see, their religious activity was inextricably connected to the protection of the state.

Finding Persephone: Women's Rituals in the Ancient Mediterranean, eds. M. Parca & A. Tzanetou (Bloomington, IN: University of Indiana Press, 2007), 104-107.

⁴⁵³ Olson, *Dress*, 104.

⁴⁵⁴ It should be noted here that outside of the restrictions of the *Lex Oppia*, these two forms of status competition were frequently combined, see: Schultz, “*Sanctissima Femina*,” 104-107.

3.6 Protective rites: Female religious activity and the state

Why was female religious activity so important c. 215 and in 204? It will be shown here that female religious activity was related to the protection of the state, and that Rome faced crises c. 215 and in 205 that necessitated expiatory rites. I will propose that elite Roman women took part in these rites to protect the state.

Schultz has presented a strong case for the involvement of Roman women in rites with civic import, by revealing their participation in the rites of martial Juno Sospita, their roles within expiatory rites, e.g. *supplicationes* and other rites designed to expiate prodigies, and their establishment of the cult of Fortuna Muliebris.⁴⁵⁵ The quasi-historical (or possibly legendary) narratives of the role of *matronae* in the *agmen mulierum* to Coriolanus in 488 and the subsequent founding of the cult of Fortuna Muliebris provide compelling evidence of a Roman connection between the protection of the state and female religious activity.⁴⁵⁶ According to Dionysius and Livy, when the Roman aristocrat Cn. Marcius Coriolanus⁴⁵⁷ and the Volsci threatened Rome in 488, two successive embassies, one composed of senators and the other of priests, failed to negotiate a cessation of hostilities with Coriolanus (Dion. Hal. *Ant. Rom.* 8.37.1-8.38.3; Livy 2.39.10-12; cf. Plut. *Cor.* 31-32). A third embassy of *matronae*, the *agmen mulierum*, successfully negotiated with Coriolanus, and, in so doing, protected Rome (Dion. Hal. *Ant. Rom.* 8.39.1-8.54.5; Livy 2.40.1-12). The *matronae* were accordingly celebrated by the state (Dion. Hal. *Ant. Rom.* 8.55.1-2; Livy 2.40.11-12; cf. Plut. *Cor.* 33-36), and a cult to Fortuna Muliebris was founded; the Senate ordained that public funds be diverted to build a Temple and statue to the goddess on the spot where they interceded with Coriolanus (Dion. Hal. *Ant. Rom.* 8.55.3-5; cf. Plut. *Cor.* 37),⁴⁵⁸ and

⁴⁵⁵ Schultz, *Women's Religious*, 19-45.

⁴⁵⁶ K. Mustakallio, "Some Aspects of the Story of Coriolanus and the Women Behind the Cult of Fortuna Muliebris," in *Roman Eastern Policy and Other Studies in Roman History*, eds. H. Solin & M. Kajava (Helsinki: Societas Scientiarum Fennica, 1990), 125-131; Schultz, *Women's Religious*, 39-44.

⁴⁵⁷ For his aristocratic status, see: Dion. Hal. *Ant. Rom.* 8.1-60; Livy. 2.34-40; Val. Max. 4.3.4. The *praenomen* is not secure; Cn. may have been C., see: Plut. *Cor.* 1.1.

⁴⁵⁸ It may be that the Senate's refusal to allow the *matronae* to fund and dedicate the Temple and the first statue themselves was politically motivated; such actions maintained the religious status quo,

the *matronae* themselves dedicated a second statue to the goddess within (Dion. Hal. *Ant. Rom.* 8.56.2-4; Val. Max. 1.8.4; Plut. *Cor.* 37-38). The details of this account may draw heavily on dramatic or legendary precursors,⁴⁵⁹ but they still reveal a profound connection between women, religion, and the protection of the state in Roman society.⁴⁶⁰ In Livy's introduction to the *agmen mulierum*, in the speech he scripts for Veturia, Coriolanus' mother, and in the resolution of the embassy, he draws an explicit connection between these themes:

tum matronae ad Veturiam matrem Coriolani Volumniamque uxorem frequentes
 coeunt. id publicum consilium an muliebris timor fuerit, parum inuenio:
 peruicere certe, ut et Veturia, magno natu mulier, et Volumnia duos paruos ex
 Marcio ferens filios secum in castra hostium irent et, quoniam armis uiri
 defendere urbem non possent, mulieres precibus lacrimisque defenderent. [...] [Veturia to Coriolanus] "potuisti populari hanc terram quae te genuit atque aluit? non tibi, quamuis infesto animo et minaci perueneras, ingredienti fines ira cecidit? non, cum in conspectu Roma fuit, succurrit: intra illa moenia domus ac penates mei sunt, mater coniunx liberique?" [...] uxor deinde ac liberi amplexi, fletusque ob omni turba mulierum ortus et comploratio sui patriaeque fregere tandem uirum. [...] non inuiderunt laude sua mulieribus uiri Romani—adeo sine obtrectatione gloriae alienae uiuebatur—; monumento quoque quod esset, templum Fortunae muliebri aedificatum dedicatumque est.

Livy 2.40.1-2, 6-7, 9, 11-12.

Livy draws here a clear link between women, their religious activity (prayers and lamentations) and the protection of the city from Coriolanus and the Volsci, *mulieres precibus lacrimisque defenderet* (Livy 2.40.2). Mustakallio has commented on the sacral nature of this lamentation, outlining the ritual place of lamentation in Roman society, and she has suggested that such lamentation would have "manifested the religious abilities belonging to the sacral domain of women."⁴⁶¹ Whatever the nature of lamentation in the embassy, it is clear that the *agmen*

and restored Senatorial authority, which had been bruised by their failed embassies, see: Schultz, *Women's Religious*, 37-44. For the temple, see: Festus, p. 282 L; Val. Max. 1.8.4. For commentary: R. Ogilvie, *A Commentary on Livy: Books 1-5* (London: Oxford University Press, 1965), 336.

⁴⁵⁹ Ogilvie, *A Commentary*, 334-336.

⁴⁶⁰ Mustakallio, "Some Aspects," 131.

⁴⁶¹ *ibid.*, 129.

mulierum and its protection of Rome became associated with religiosity through the cult of Fortuna Muliebris, in which *matronae*, especially *uniuirae*, came to have a central role (Dion. Hal. *Ant. Rom.* 8.56.4).⁴⁶² Mustakallio indicates that “although a clearly female cult, it was established as a sacral defense of Rome.”⁴⁶³ The aetiology of this cult stands as a paradigm of the relationship between the protection of the state and female religious activity. We shall see that this relationship is particularly present in four expiatory rites *ex libris Sibyllinis* from the Second Punic War, including the rites of Venus Verticordia and Magna Mater.

Four rites involving female religious activity, two to Juno Regina (218 and 217), one to Venus Verticordia (3.2), and one to Magna Mater (3.3), were prescribed by the Senate after a consultation of the Sibylline Books.⁴⁶⁴ As Livy and Dionysius indicate, the Sibylline Books were consulted by the *decemviri*, at the instruction of the Senate, to find a religious means to avert the *ira deum*, as exemplified by dire prodigies and danger threatening the state:

[...] quaeque piacula irae deum essent ipsos deos consulendos esse, peruicit ut, quod non ferme decernitur nisi cum taetra prodigia nuntiata sunt, decemviri libros Sibyllinos adire iuberentur.

Livy 22.9.7.

συνελόντι δ' εἰπεῖν οὐδὲν οὕτω Ῥωμαῖοι φυλάττουσιν οὐθ' ὅσιον κτῆμα οὐθ' ἰερόν ὡς τὰ Σιβύλλεια θέσφατα. χρωῶνται δ' αὐτοῖς, ὅταν ἡ βουλή ψηφίσηται, στάσεως καταλαβούσης τὴν πόλιν ἢ δυστυχίας τινὸς μεγάλης συμπεσοῦσης κατὰ πόλεμον ἢ τεράτων τινῶν καὶ φαντασμάτων μεγάλων καὶ δυσευρέτων αὐτοῖς φανέντων, οἷα πολλάκις συνέβη.

Dion. Hal. *Ant. Rom.* 4.62.5.

⁴⁶² Ogilvie, *A Commentary*, 336. Cf. Staples, *From Good Goddess*, 62; Hänninen, “Juno Regina,” 46-48.

⁴⁶³ Mustakallio, “Some Aspects,” 131. Cf. Hänninen, “Juno Regina,” 47.

⁴⁶⁴ Juno Regina in 218: *haec procurata uotaque ex libris Sibyllinis* (Livy 21.62.11). Juno Regina in 217: *decemviri libros inspexissent* (Livy 22.1.16). Venus Verticordia c. 215: *libris Sibyllinis per decemuiros inspectis* (Val. Max. 8.15.12); *ex Sibyllinis libris* (Plin. *HN* 7.120). Magna Mater in 205: *carmine in libris Sibyllinis* (Livy 29.10.4; cf. Cic. *Har. resp.* 26-27).

Parke and Orlin have demonstrated that such consultations and resultant prescriptions were designed to restore or strengthen the *pax deorum*,⁴⁶⁵ and avert danger to the state.⁴⁶⁶ The prescriptions were often elaborate public expiatory rites designed to avert the *ira deum* as exemplified by the prodigies and danger to the state.⁴⁶⁷ As we shall see, the rites to Juno Regina, Venus Verticordia and Magna Mater fit within such a context.

In late 218, following the defeat of the Romans at the Trebbia by Hannibal (Livy 21.56-57), there were many prodigies reported in Rome and its environs, which Livy ascribes to people's minds turning to *religio* (Livy 21.62.1-5). The *decemviri* were instructed to consult the Sibylline Books for most of the prodigies (Livy 21.62.6), and following their consultation, various expiatory rites were prescribed, *procurata uotaque ex libris Sibyllinis* (Livy 21.62.11), which most of the citizens participated in, *aliis procurandis prope tota ciuitas operata fuit* (Livy 21.62.6). Amongst these expiatory rites, *matronae* dedicated a bronze statue to Juno Regina, *signum aeneum matronae Iunoni in Auentino dedicauerunt* (Livy 21.62.8). Livy indicates that these expiatory rites allayed people's fears, *haec procurata uotaque ex libris Sibyllinis magna ex parte leuauerant religione animos* (Livy 21.62.11). In early 217, the danger represented by the defeat at Trebbia and the presence of Hannibal was compounded by the so-called irreligiosity of the consul C. Flaminius (cos. 223, pr. 227)⁴⁶⁸ who reportedly failed to perform several important religious rites before he left for Ariminum (Livy 21.63.5-11). Multiple prodigies were reported in Rome and elsewhere in 217 (Livy 22.1.5-13), and the *decemviri* were instructed to consult the Sibylline Books (Livy 22.1.16). On the advice of the *decemviri*, the Senate prescribed multiple expiatory rites, including a gift of money from the *matronae* to Juno Regina (Livy 22.1.18), as discussed earlier (3.5). The danger of Hannibal and the so-called irreligiosity of C. Flaminius

⁴⁶⁵ For the *pax deorum* see, for example: Plaut. *Merc.* 678; Cic. *Font.* 30; Livy 1.31.7; 3.5.14.

⁴⁶⁶ Parke, *Sibyls*, 191-212; Orlin, *Temples*, 85-97.

⁴⁶⁷ B. MacBain, *Prodigy and Expiation: a study in religion and politics in Republican Rome*, Collection Latomus 177 (Brussels: Latomus, 1982), 7-8; Orlin, *Temples*, 86; Schultz, *Women's Religions*, 29.

⁴⁶⁸ For C. Flaminius see: *MRR* 1.242, s.a. 217. Broughton indicates that the tradition of his irreligiosity is dubious. It is presumably influenced by C. Flaminius' defeat at Trasimene in the same year, see: Livy 22.3.1-7.5. Levene has demonstrated the extent to which Livy creatively constructs this narrative of impiety, see: D. Levene, *Religion in Livy* (Leiden: Brill, 1993), 38-43.

produced a rise of religiosity in the Romans, exemplified by an increase in the reporting of prodigies. To expiate the *ira deum* and restore the *pax deorum*, *matronae* took part in rites to Juno Regina in 218 and 217, thereby participating in the religious protection of the state.⁴⁶⁹

As indicated in 3.2, the rite for Venus Verticordia c. 215 is best contextualised in the wake of the defeat at Cannae and the *stuprum* of the Vestals. The defeat at Cannae in 216 had caused panic throughout Rome (Livy 22.54-55), and the *stuprum* of the Vestals was considered a prodigy itself (Livy 22.57.3-4) necessitating multiple expiatory rites. As Köves has proposed, the rite to Venus Verticordia could very well have occurred in 216;⁴⁷⁰ Livy certainly records a consultation of the Sibylline Books in that year after Cannae and the *stuprum* of the Vestals (Livy 22.57.2), and it may have been one of a number of extraordinary sacrifices in that year, *ex fatalibus libris sacrificia aliquot extraordinaria facta* (Livy 22.57.6). However, 215 is also a plausible candidate for such a rite. Towards the end of 216, one of the consul-designates for 215, L. Postumius Albinus (cos. 234, 229, pr. 216)⁴⁷¹ was killed before he could assume office by the Boii in Gaul (Livy 23.24.6-13); Livy characterises this news as part of a series of disasters, *clades [...]* *aliam super aliam cumulante in eum annum fortuna* (Livy 23.24.6). In addition to this, Himilco, one of Hannibal's commanders, took Petelia and Consentia in Bruttium (Livy 23.30.1-5), there were multiple defections of Roman allies to the Carthaginians (Livy 23.30.8, 10-12), the election of the consul M. Claudius Marcellus for 215 (cos. 222, 215, 214, 210, 208, pr. 216)⁴⁷² was declared religiously invalid by the augurs (Livy 23.31.12-14), and the patricians spread rumor of the gods' displeasure, *id deis cordi non esse* (Livy 23.13.14), at the election of two plebeians as consuls. All of these events indicate that 215 was a year pregnant with danger, and Livy records multiple prodigies followed by unnamed expiatory rites, *ceteraque prodigia cum cura expiata* (Livy 23.31.15). In this context, it is conceivable that the Sibylline Books were consulted by the *decemviri* in 215, despite the Livian omission. In this case, an expiatory rite, much like the one for

⁴⁶⁹ Schultz, *Women's Religious*, 34.

⁴⁷⁰ Köves, "Zum Empfang," 340-347.

⁴⁷¹ For L. Postumius Albinus, see: *MRR* 1.253, s.a. 215.

⁴⁷² For M. Claudius Marcellus, see: *MRR* 1.255, s.a. 215.

Juno Regina in 218, was prescribed; *matronae* dedicated a statue to Venus Verticordia, and chose Sulpicia to take a prominent role in the dedication (Val. Max. 8.15.12; Plin. *HN* 7.120). This rite may have been one of Livy's unnamed expiatory rites conducted in 215. In that same year, the *Lex Oppia* was instituted (2.3) and Q. Fabius Maximus dedicated a Temple to Venus Erycina (Livy 23.30.13-14, 31.9). Venus was certainly a religious concern in 215. In the context of the *stuprum* of the Vestals in 216, and amidst the institution of a sumptuary law targeting women, female sexuality would have been a prominent religious concern, exemplified by the focus on *pudicitia* in the rite for Venus Verticordia. In Livy's rendition of the god's displeasure in 215, *deis cordi non esse* (Livy 23.31.13), might there be a hint of Venus' epithet *Verticordia*? Perhaps the dedication was designed to change the hearts of women *and* the gods. But this is wild speculation. Whether the statue was dedicated in 216 or 215, the élite Roman women who took part in its dedication were promoting sexual continence and expiating the *ira deum*; they were protecting marital fidelity and the state.

In what context was the Magna Mater brought to Rome? The Magna Mater did not arrive "when Rome was on the brink of victory," *pace* Gruen.⁴⁷³ In 205, Rome was faced with multiple crises; Mago Barca, brother of Hannibal, threatened Rome from Liguria (Livy 28.46.7-11, 29.4.6.), Rome faced manpower shortages (Livy 27.36.7, 38.2), and a plague had devastated the army of the Pontifex Maximus P. Licinius Crassus (cos. 205, pr. 208)⁴⁷⁴ (Livy 29.10.1-3). A letter to the Senate from Sp. Lucretius,⁴⁷⁵ the praetor assigned to Gaul, warned them of the danger of Mago Barca and of his Gallic recruits; according to Livy, this letter caused great anxiety amongst the Senate:

Ea <res> litteris cognita Sp. Lucreti, ne frustra Hasdrubale cum exercitu deleto biennio ante forent laetati si par aliud inde bellum duce tantum mutato oreretur, curam ingentem accendit patribus.

Livy 28.46.12.

⁴⁷³ Gruen, *Studies*, 6-7. Burton soundly demolishes Gruen's position, see: Burton, "The Summoning," 37-42.

⁴⁷⁴ For P. Licinius Crassus, see: *MRR* 1.301, s.a. 205.

⁴⁷⁵ For Sp. Lucretius, see: *MRR* 1.302, s.a. 205.

This anxiety would have been compounded by a letter sent to the Senate in late 205 by the consul and Pontifex Maximus P. Licinius Crassus, which outlined how a plague had devastated his army in Bruttium, and indicated that he couldn't hold the elections for 204 (Livy 29.10.1-2). Furthermore, Livy records that a prodigy, viz. showers of stones, had increased that year (Livy 29.10.4).⁴⁷⁶ It is possible too that the plague on P. Licinius Crassus' army was read as a prodigy; according to Livy, plague was a potent sign of the *ira deum* and a prodigy that was linked with a consultation of the Sibylline Books and significant expiatory rites.⁴⁷⁷ Mago Barca, manpower shortages, plague and prodigies threatened Roman interests;⁴⁷⁸ it was in this context that the Sibylline Books were consulted (Livy 29.10.4, cf. 3.3), and the Senate prescribed the importation of the Magna Mater. In the elaborate reception of the cult in 204, *matronae* took a prominent role, as discussed in 3.3. Akin to the rite for Juno Regina in 218, and the rite for Venus Verticordia c. 215, the *matronae* dedicated the *lapis* (Livy 29.11.7) of the Magna Mater in the Temple to Victory on the Palatine, and dedicated many gifts to her (Livy 29.14.12-14). The oracle and the location of this dedication appear significant; the oracle expressed the Romans' desire that they drive the Carthaginians out of Italy (Livy 29.10.5, cf. Cic. *Har. resp.* 27), and the dedication expressed the connection between the Magna Mater and victory (Livy 29.14.14). This elaborate importation can be read as expiatory; this religious activity was designed to restore the *pax deorum*, avert the dangers threatening Rome in 205, and assure victory against the Carthaginians. By participating in the rites for the Magna Mater, the *matronae* were once again linking themselves with the religious protection of Rome.

⁴⁷⁶ For showers of stones and Sibylline consultation, see: Orlin, *Temples*, 88, 203-207.

⁴⁷⁷ For Livy's use of the plague as representative of the *ira deum* and the consequent consultation of the Sibylline Books, see Livy 4.25.3-4, 5.14.4, 7.21.1-2, 8.17.4, 10.31.6-8, 10.47.6-7, 38.44.7, 41.21.10-12, 42.2.6. Two cases are worth mentioning. In 433-432 BCE, Livy recorded that in response to a plague in Rome a Temple was vowed to Apollo after a consultation of the Sibylline Books to assuage the anger of the gods and ward off the plague from the populace, *placandae deum irae auertendaeque a populo pestis causa fecere* (Livy 4.25.3). Circa 292 BCE, in an importation akin to that of the Magna Mater, Asclepius was imported from Epidaurus after a consultation of the Sibylline Books in response to a plague besetting the city of Rome. For attestations to this importation c. 292-1 BCE see: Livy 10.47.6-7; *Per.* 11; *Val. Max.* 1.8.2; *Ov. Met.* 15.620; *Fast.* 1.289. For plague as a pretext for a consultation of the Sibylline Books, see: Orlin, *Temples*, 87-88.

⁴⁷⁸ For this context, Mago Barca and manpower shortages, see: Burton, "The Summoning," 37-42.

As we have seen, the relationship between Roman women, religion and the protection of the state is present in the paradigmatic Coriolanus narrative. This relationship is also present in the way that Roman women participated in expiatory rites in 218, 217, c. 215 and 204; these rites were designed to restore the *pax deorum* and protect the state. Boëls-Janssen, Hänninen and Schultz⁴⁷⁹ have all identified this relationship between female religious activity and the “political and military survival of Rome”;⁴⁸⁰ Boëls-Janssen neatly articulates this relationship between women and the protection of the state:

Dans les circonstances critiques, on décrète des *supplicationes*, qui mobilisent essentiellement l’efficacité religieuse des femmes; nombre d’anecdotes mythiques ou pseudo-historiques attribuent aux femmes le salut de la cité.⁴⁸¹

The goal of expiatory rites, Schultz concludes, was “to ensure prosperity and success for the Roman people,” and the impetus was “most frequently contemporary military or political circumstances.”⁴⁸² By participating in such expiatory rites, elite Roman women were participating in the religious defence of Rome; such rites provided them with an outlet for their concerns about the war and its progress, and a method for allaying those concerns.⁴⁸³ It is plausible that one of the reasons women took part in expiatory rites that promoted sexual virtue, viz. the rites for Venus Verticordia and Magna Mater, was to protect the state. As Burton has rightly indicated, all Romans had an interest in restoring the *pax deorum* and averting danger from the state.⁴⁸⁴

⁴⁷⁹ Boëls-Janssen, *La vie religieuse*, *passim* but esp. 2, 469; Hänninen, “Juno Regina,” 49; Schultz, *Women’s Religious*, 36.

⁴⁸⁰ Schultz, *Women’s Religious*, 36.

⁴⁸¹ Boëls-Janssen, *La vie religieuse*, 2.

⁴⁸² Schultz, *Women’s Religious*, 37.

⁴⁸³ This religious participation reminds me of Vera Brittain and her role as a Voluntary Aid Detachment (V.A.D.) nurse in WW1. The V.A.D. offered Vera and other women the opportunity to contribute to the war effort. See: V. Brittain, *Testament Of Youth: An Autobiographical Study Of The Years 1900-1925* (London: Virago Press, 1978), *passim*, but esp. 139, 151, 154, 195, 213, 215. Perhaps the expiatory rites of the Second Punic War were the ancient equivalent of the V.A.D.

⁴⁸⁴ Burton, “The Summoning,” 59 n. 107.

3.7 Beneficial collaboration: Status and the state

We return to our original question: why would élite Roman women collaborate in the religious regulation of female sexuality?

In this study, we have seen that élite Roman women, status and *pudicitia* were important elements of the rites to Venus Verticordia c. 215 (3.2) and Magna Mater in 204 (3.3), and that the display of *pudicitia* within religious rites via appearance and sexual status (3.4) was a form of status competition in a period pregnant with aristocratic rivalry (3.5). One form of such status competition, viz. conspicuous consumption, had been restricted by the *Lex Oppia* of 215. The *certamen pudicitiae* within religious rites offered élite Roman women an alternative state-sanctioned outlet for such status competition. P. Cornelius Scipio Africanus' wife Aemilia offers us a paradigm of status competition via conspicuous consumption (2.3); Sulpicia and Q. Claudia offer us paradigms of such competition via religious rites (3.2 and 3.3). By parading their *pudicitia* through rites, Sulpicia and Q. Claudia gained lasting status as *pudicissimae matronae*. Participation in such rites could grant élite Roman women *gloria*.

Furthermore, the rites to Venus Verticordia and Magna Mater occurred in the context of grave crises for Rome (3.6). Both of these rites were prescribed after a consultation of the Sibylline Books, and were expiatory; their function was to avert the *ira deum*, restore the *pax deorum*, and protect the state. By participating in these rites, élite Roman women were participating in the religious protection of the state, an activity that all Romans were invested in.

Thus two plausible reasons can be adduced for why élite Roman women would participate in religious rites that regulated sexual virtue; they offered them a chance for status and the opportunity to participate in the religious protection of the state.

I must sound a note of caution. Levene has demonstrated that Livy, our primary source on the Second Punic War, allots religion a “greater role” in his Third Decade (Books 21-30), and engages heavily in the creative enhancement

and temporal adjustment of religious themes, especially prodigy lists.⁴⁸⁵ Using Livy to draw close temporal connections between explicit prodigies and political or military circumstances is thus difficult. My study has tried not to draw too much information from explicit prodigies, but, rather, to focus on broader conclusions. The two rites of interest are also attested outside of Livy, and whilst I must temper my arguments with caution, the connections between these rites, elite women, status and religion protection stand.

⁴⁸⁵ Levene, *Religion*, 38-77, 242-243.

4: Conclusion

For the last four decades, scholars have shown a keen interest in understanding and recovering the lives of Roman women, and scholars such as Bauman and Schultz have revealed the significant roles women played in the political and religious activity of the Roman Republic. In the context of such scholarship, Evans and Bauman have noted the significant impact that the Second Punic War had on Rome's women, and various studies have explored some of the regulatory measures affecting women during this war. Few of these studies have revealed the extent of this regulation, or the role that elite women played in this regulation. This study has attempted to redress this lacuna, revealing the persistence of this regulation, the religious role that elite Roman women played in the regulation, and their motivations for doing so.

This study has shown that the Roman state regulated women between 216 – 207 with eight measures that affected their social and economic independence: the *senatus consultum* that restricted public grieving in 216 (2.2); the *Lex Oppia* that restricted conspicuous consumption in 215 (2.3); the requisition of widows' assets in 214 (2.4); the *senatus consultum* that banned foreign rites in 213 (2.5); the aedilician trial and exile of women accused of *probrum* in 213 (2.6); the *Lex Atilia* that restricted the economic independence of women *sui iuris* c. 210 (2.7); the requisition of public assets in 210 (2.8); and the dotal requisitions of 207 (2.9). It was argued that the state imposed these regulatory measures out of a desire for *concordia* and assets during wartime (2.10). Based on the longevity of the *Lex Oppia* and *Atilia*, my study concludes that some of this regulation persisted past 207 (2.10).

This study also outlined the prominent place of elite Roman women, their status, and their *pudicitia* in the rites of Venus Verticordia c. 215 (3.2) and Magna Mater in 204 (3.3). It has been argued that these women were participating in the regulation of female sexual independence by collaborating in these rites. In these religious rites, women could display their *pudicitia* via their appearance, particularly in regards to their clothing, and sexual status (3.4). It has been shown

that the religious display of *pudicitia* was a form of female status competition in a period pregnant with aristocratic rivalry (3.5). In addition, this study has demonstrated that the rites of Venus Verticordia and Magna Mater occurred in the context of grave crises for Rome, that they were expiatory, and that elite Roman women took part in these rites to protect the state (3.6). It concludes that elite Roman women collaborated in these rites because it offered them the opportunity for status and the chance to participate in the religious protection of Rome (3.7).

In my study, I have avoided viewing Rome's women as merely powerless victims of regulation; in the spirit of recent scholarship, I have outlined some of their roles within such activity. Future studies need to acknowledge the important role that some elite Roman women had in facilitating state regulation. Moreover, my study has followed Olson and Langlands by outlining the remarkable visibility of Roman virtue. In future, it would be interesting to explore Roman discourses of display, and the polyvocality of a Roman woman's self presentation.

In closing, my study has revealed the agency of Rome's women during a period of heavy regulation. Responding to UNIFEM's clarion call (1.3), I have shown that the causes of this victimisation during conflict were primarily social and economic, and that the consequences included substantial and persistent restraints on female independence. Despite this victimisation, some elite Roman women were able to flourish in this environment, competing for status and participating in the religious protection of the state. These women employed religious strategies to express their cultural capital in a period of social and economic privation. Pragmatic and resourceful, they transformed harm into opportunity. We find similar pragmatism occurring more than two millennia later, when British suffragettes collaborated with the state during World War I, consequently attaining status and enfranchisement. The adversity of war revealed their ingenuity:

[...] ingenium res
aduersae nudare solent

Hor. *Sat.* 2.8.73-74.

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