The "crimen incesti" of the Vestal Virgins and the Prodigious Pestilence

KATARIINA MUSTAKALLIO

The texts of ancient writers have preserved mentions of thirteen *incestum* cases of Vestal Virgins. They tell us that the unchastity of a Vestal was usually discovered by prodigies, which were interpreted as signs of the divine anger. According to Tim Cornell and Augusto Fraschetti, for example, it is no coincidence that cases of *incestum* were discovered in Rome at times of acute crisis.[1] In recent years special attention has been paid to two cases of *incesti*, the case of Opimia after the crushing defeat at Cannae in 216, and the case of Aemilia, Licinia and Marcia in 114–113 B.C.[2] They occurred, as we know, at a time of extreme religious hysteria and political crisis. These were exceptional cases: the punishing of Vestals was followed by human sacrifices.

The trial of *crimen incesti* of a Vestal Virgin does not fit into the common framework of Roman criminal law. Instead, the trial and punishment have been seen as an investigation and expiation of a *prodigium*. Tim Cornell, however, argues that the trial of an unchaste Vestal was a manifestation of the disciplinary powers which the *pontifex maximus* exercised over members of the priestly colleges.[3] In addition, Cornell stresses that the *crimen incesti* differed from other kinds of religious offences committed by priests and priestesses in that the Vestals' crimes could not be expiated.

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[1] T. Cornell, Some Observations of the *crimen incesti*, and A. Fraschetti, Le sepolture rituali del Foro Boario, in: Le délit religieux dans la cité antique, Collection de l'École française de Rome (from now on CEFR) 48 (Rome 1981) 27–37 and 51–116; and A. Fraschetti, La sepoltura delle vestali e la città, in: Du châtiment dans la cité. Supplices corporels et peine de mort dans le monde antique, CEFR 79 (Rome 1984) 97–128.

[2] Cf. A. J. Toynbee, Hannibal's Legacy: The Hannibalic War's Effects on Roman Life (London 1965) 374 and A. Momigliano, Terzo Contributo alla storia degli studi classici e del mondo antico I (Rome 1966) 57–58; Elisabeth Rawson, Religion and the Politics in the Late Second Century Rome, Phoenix 28 (1974) 198–200; Fraschetti 1981, 51–116.

[3] Cornell, 36–37.

Here he compares the burying alive of Vestals with other punishments we know from early Rome such as *poena cullei*, the traditional punishment of *parricidium*. According to Cornell, "the ritual function was the same in the both cases: The removal of a defiling or "prodigious" thing, just as *monstra* were burned or thrown into the sea."[4]

In this connection, however, I am not going to consider the relation between an external threat and religious hysteria or even the problem of the legal status of the punishment of a *crimen incesti*. The aim of this paper is a less considered question of the signs connected with cases of *incestum*, namely the illness of *pestilentia*.

"PESTILENTIA" AND WOMEN

I shall start from the arguments of Augusto Fraschetti whose article, *La sepoltura delle vestali e la città* deals with the process of burying alive a Vestal. His main interest is what he calls "the Roman mechanism" of keeping the *pax deorum* in society. In this context he examines the role of the "incontaminata purezza del sacerdozio di Vesta". Fraschetti argues that the world of religious signs has its own language which is not always difficult to interpret.[5] We know from our sources that among the different signs and prodigies that revealed the crime of a Vestal – like the spontaneous extinction of the sacred fire from the *atrium Vestae* and the different *prodigia caelestia* – there were three cases connected with the pestilence:

1. In describing Rome's religious situation in 472 B.C. Dionysius of Halicarnassus tells that after the election of the consuls Lucius Pinarius and Publius Furius[6] the city was filled with fear of gods caused by the occurrence of many portents. The sources do not mention an external threat as in other *incestum* cases earlier.[7] The augurs and pontiffs

[4] Cornell, 36; about *poena cullei* and its relations with other primitive forms of capital punishments, see D. Briquel, Formes de mise à mort dans la Rome primitive, CEFR 79 (Rome 1984) 225–240.

[5] Fraschetti 1984, 101 and 109: "il mondo dei prodigi possiede un suo linguazzo, talvolta non difficile di definire".

[6] Dion. Hal. 9.40.1; in the same connection Livy tells about Publilius Volero who brought the bill before the people providing that plebeian magistrates should be chosen in the tribal assembly. Publius Furius was a consul of 472 (Liv. 2.56.1) and iiivir of 467 (Liv. 3.1.6).

[7] Cf. e.g. the case of Oppia/Opimia in 483 (Liv. 2.42.11; Dion.Hal. 8.89.4).

then declared that some of the rites were not being performed in a correct and holy manner. The offence made the gods angry: the disease of *pestilentia* attacked pregnant women who died giving birth to dead offspring. This was followed by the trial of Vestal Orbinia, who was found guilty of *crimen incesti*. According to Dionysius she was whipped, which was unusual, and then, after a ritualistic procession, buried alive.[8]

2. The other case connected with the *pestilentia* is that of Vestal Sextilia. According to Livy and Orosius, she was convicted of unchastity and buried alive probably in 274 or 273 B.C.[9] Fraschetti connects the case of Sextilia with the *pestilentia* mentioned by Orosius two years before in 276. It was a disease that attacked, above all, pregnant women and cattle.[10]
3. According to Orosius, the illness arose once again after the punishment of Sextilia and lasted until the consultation of Sibylline Books and the suicide of Vestal Caparronia in 266 B.C.[11] Fraschetti regards the *pestilentia*, the consultation of Sibylline Books and the *crimen incesti* of a Vestal as part of the same process.[12]

The ancient world, and the ancient Rome in particular, often linked the idea of divine anger with occurrences of pestilence. According to Jean-Marie André, the pestilence – whatever disease or diseases it really meant – was connected with other misfortunes like years of crop failure and hunger.[13] The epidemic was related to supernatural forces, and this primitive attitude left its mark even on the narratives of historical times, not

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[8] Dion. Hal. 9.40.1–4; cf. T. R. S. Broughton, The Magistrates of the Roman Republic (MRR from now on) I (New York 1951) 30; other forms of the name: cf. Fr. Münzer RE XVIII, 1 (1939) 680–681.

[9] Liv. per. 14; *pestilentia* in 276 (Oros. 4.2.2). According to Broughton, MRR I, 197, in 273 and according to Fr. Münzer, RE II, A 2 (1923) 2038, one year before, in 274.

[10] Fraschetti 1984, 104–106.

[11] Oros. 4.5.6–9; cf. Broughton, MRR I, 201.

[12] Fraschetti 1984, 105–106. The role of the Sibylline Books and the *incestum* cases of Vestals, cf. H. W. Parke, Sibyls and Sibylline Prophecy in Classical Antiquity (London, New York 1988) 196–198 and 205.

[13] J.-M. André, La notion de *Pestilentia* à Rome: du tabou religieux à l'interprétation préscientifique, Latomus 39 (1980) 3–16.

only on those of legendary periods.[14] Fraschetti argues that the three cases of Orbinia, Sextilia and of Caparronia show that the *incestum* of a Vestal was a threat mainly to pregnant women. He stresses that the illness "colpiscono il mondo delle donne, quello stesso mondo cui appartengono anche le Vestali".[15] Fraschetti seems to indicate that the unchastity of a Vestal Virgin brought suffering to mothers because Vestal Virgins were women. This argument, however, needs more consideration.

Female sex and the sacred role of the Vestal Virgins

To explain the prodigious character of an unchaste Vestal we should start from the process after the discovering of the *crimen incesti*. Firstly, the pontiffs declared that the *sacer* was not pure any longer. The guilty Vestal was then immediately ordered to abstain from the sacred rites, *sacris abstinere*. This was the normal process of the cases we know from Livy and other sources.[16] What were these sacred rites about? What kind of ritual activities were endangered by the unchaste Vestal?

Analyzing the calendar feasts, we can get the picture of the different ritual duties of the Vestal Virgins. During the year there were several ritual activities connected with the female and especially matronal sphere. Starting from the traditional beginning of the year in March, the Vestal Virgins participated actively in the rituals of the cult of Juno Lucina and Matronalia on the first of March, two festivals dominated by the matronal tone.[17] On the first of May and at the beginning of December they celebrated with other noble ladies the cult of goddess Bona Dea.[18] The most

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[14] André, 14–15; cf. also P. Garnsey, Famine and Food Supply in the Graeco-Roman World. Responsis to Risk and Crisis (Cambridge 1988) 25–26.

[15] Fraschetti 1984, 109.

[16] E.g. the Minucia case in 337 (Liv. 8.15.7).

[17] Ov. Fast. 3.245 ff.; Plin. Nat. Hist. 16.235; Serv. Aen. 4.518. The first day of the month, the Kalends, was dedicated to Juno but in March it was distinguished by the specific dedication to Juno Lucina; cf. H. H. Scullard, Festivals and Ceremonies of the Roman Republic (London 1981) 87 and M. York, The Roman Festival Calendar of Numa Pompilius (Bern, New York, Frankfurt am Main 1986) 95. Matronalia was not listed in the Numan calendar, but mentioned in e.g. Tert. Idol. 14 and Plaut. Mil. 691. Cf. the analysis concerning the different female rituals and cult organisations: J. Gagé, Matronalia, Essai sur les dévotions et les organisations cultuelles des femmes dans l'ancienne Rome, Coll. Latomus 60 (1963) 13 and 63 ff.

[18] Vestal Claudia or Licinia dedicated the temple in 123 B.C. (Ov. Fast. 5.147 ff.; Macr.

important sacred duties of the Vestal Virgins were, of course, connected with their own cult and the celebration of the Vestalia in June.[19] The ritual tasks in their own cult have been compared with the early Roman household management. The preparation of *mola salsa* and the annual cleaning of the *aedes Vestae* have been linked to the domestic role and status of the early Roman *Hausfrau*[20] or to the duties of the daughters of the early kings.[21]

However, the meaning of the pestilence in our cases still remains without explanation. Furthermore, the structure of the narratives of the three cases differ a lot from each other. In the case of Orbinia we have a clear picture of the events, closely connected to each other by the author. There is a sign of divine anger in the form of *pestilentia* and after that the revelation of the "crime" of Orbinia. In the second case, Sextilia, the illness is once again present but without an explicit connection. We do not know if Orosius even saw any "logical tie" between them. The third case, Caparronia, supports, once again, the interpretation that in special cases *pestilentia* was seen as a sign of the *crimen incesti* of a Vestal. This was not, however, the only prodigious sign related to this case.

Fertility and ritual purity

In his article J.-M. André underlines that ancient writers and Livy in particular refer to *pestilentia* attacking at the same time human beings and domestic animals.[22] If *pestilentia* attacked cattle as well as women we have reason to doubt the explanation of Fraschetti. The violated *sacer* in these cases did not belong to the sphere dedicated to matrons alone, as

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Sat. 1.12.21; Licinia: Cic. Dom. 136), cf. Gagé, 137 and Scullard, 116; the relationship with the Greek Hygieia, see K. Latte, Römische Religionsgeschichte (München 1960) 228, and with Damia, see Festus 60L.

[19] Ov. Fast. 6.310 and 395–396; cf. Petr. Sat. 44; Scullard, 148–153.

[20] See Wissowa, Myth. Lex. VI, 260 and F. Guizzi, Aspetti Giuridici del Sacerdozio Romano. Il Sacerdozio di Vesta (Napoli 1968) 109; cf. also M. Beard, The sexual status of Vestal Virgins, JRS 70 (1980) 13.

[21] See H. J. Rose, De Virginibus Vestalibus, Mnemosyne 54 (1926) 446–448, who turns to a passage of Dion. Hal. 1.76.3; cf. also W. Warde Fowler, The Roman Festivals, 1899, 147, Beard, 14 and in particular O. de Cazanove, Exesto. L'incapacité sacrificielle des femmes à Rome, Phoenix 41 (1987) 169.

[22] André, 5.

he pointed out. In fact, this seems to indicate that Vestal Virgins had a sacred status important in a wider field. Here we should consider more closely the ritual duties they performed in order to preserve the fertility of the whole nature, of animals and human beings alike.

According to the annual calendar the first four months of the year, from March to June, were geared towards purification of the society for the new growing season. During this period there were several celebrations securing fertility of the cattle, fields and of the people.[23] The Vestal Virgins participated in old fertility cults and ceremonies such as the festivals of Fordicidia and Parilia. These two April festivals were closely connected. During this period pregnant cows were offered to the Earth goddess in the ritual led by *Virgo Vestalis Maxima*. She tore out the unborn calves from their mothers' wombs and burned them. The ashes were used as *suffimen* in Parilia festival on April 21, when the shepherds and farmers prayed Pales or Palibus to protect and purify the flocks from diseases, wolves etc.[24] These spring festivals made the role of the priestesses working for the protection of fertility very clear. This does not necessarily mean, however, that the Romans thought that a Vestal, by loosing her virginity, polluted these sacred rites and as a consequence, prevented the procreation of the whole society. According to Mary Beard "... we may reject as a final solution the notion that their (= the Vestals') status as 'holy women' is solely dependant on their purity and virginity."[25]

In fact, the *sacer* of the Vestals was extensive and – as we have already seen – only parts of their ritual duties were linked with matrons. As Mary Beard stresses, the unfemale parts of their sacred role were quite obvious.[26] For example, the Vestals had many special privileges usually connected with men. According to Plutarch and Dio, they enjoyed the services of a *lictor*, a right associated with men of great importance, consuls and praetors. It invested the Vestal Virgins with elements of a masculine

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[23] Such as the festivals of Juno Lucina and Matronalia related to the mothers, the feasts dedicated to Mars, Tellus, Pales and Ceres and the festivals like Fordicidia, and Parilia connected with the fertility; cf. York, 25–32 and Scullard, 85–87.

[24] Fordicidia, Ov. Fast. 4.631–637, cf. Fowler, 71 and Scullard, 102; Parilia, Ov. Fast. 7.721–734 urban and 735–782 rustic festival, cf. Fowler, 79–85 and Scullard, 103–105.

[25] Beard, 21.

[26] Beard, 17–18; de Cazanove, 169–171 also stresses this oversexual status of the Vestal Virgins.

status.[27] They were also capable of giving evidence in court, and being out of *tutela*, and they had all the testamentary powers usually connected with men.[28]

From this point of view, even the crime of unchastity comes into a new light. According to the theory of M. Beard, the sacral status of the Vestal Virgin depended on her religious, social and sexual role. She was a virgin having a status of a matron and at the same time enjoying some privileges usually connected with men. The maintenance of this manifold role was a precondition to the performance of the different ritual duties in "pure and holy manner". The sexual intercourse made the priestess a profane woman, attached a Vestal back to the female sex and broke her oversexual sacred status. This sacrilegious act became visible in various prodigies or portents, signs of celestial hate or the disease attacking pregnant women and cattle.

I started this article from Fraschetti's argument, which connected the pestilence in our cases with the femininity of the Vestals. As we have already shown, this argument disregards the appearance of the disease among the animals. As Fraschetti stressed, religious signs have their own specific language. However, we should not interpret this too lightly. I would rather argue that the manner in which the *ira deorum* became evident in our cases depended on the nature of the rituals performed by an incest Vestal. This being the case, we may suggest that Orbinia, Sextilia and even Caparronia had committed their incest crimes in springtime, thus contaminating the fertility and purification rites of this period.

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[27] Plut. Numa 10.3; Dio 47.

[28] Aul. Gell. 7.7.2; Plut. Publ. 8.4.; Gaius, Inst. 1.145.

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SONDERBAND II

CRUDELITAS

The Politics of Cruelty in the Ancient and Medieval World

Proceedings of the International Conference
Turku (Finland), May 1991

Edited by

Toivo Viljamaa, Asko Timonen
and Christian Krötzl

Krems 1992

Front page illustration: Martyrdom of Saint Barbara (detail),
Friedrich Pacher, Tyrolian, 1480–1490,
Neustift (Novacella), South Tyrol (Italy), Stiftsgalerie

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– ISBN 3-90 1094 05 9

Herausgeber: Medium Aevum Quotidianum. Gesellschaft zur Erforschung der materiellen Kultur des Mittelalters, Körnermarkt 13, A–3500 Krems, Österreich – Druck: KOPITU Ges. m. b. H., Wiedner Hauptstraße 8–10, A–1050 Wien.

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Preface

The present volume is a collection of the papers read at the conference which was held in May 1991 at the University of Turku on the theme *The Politics of Cruelty in the Ancient and Medieval World.* The general aim of the conference was to advance interdisciplinary and international collaboration in the fields of humanistic studies and particularly to bring together scholars who have common interests in the study of our past. The choice of the subject of cruelty naturally resulted from different study projects concerning the political and social history of late antiquity and the Middle Ages – the Roman imperial propaganda, the conflict between paganism and christianity, the history of the Vandals, the Byzantine empires, the Medieval miracle stories, to name some of them. Perhaps also contemporary events had an influence on the idea that cruelty could be the theme which conveniently would unite those various interests. And the idea emerged irrespective of considerations whether or not we should search for models in the Ancient World or join those who, as it seems to have been a fashion, insist on investigating what we have common with the Middle Ages.

One might argue – and for a good reason indeed – that cruelty is a subject for anthropologists and psychologists, not for philologists and historians. Where does the student of history find reliable criteria for defining the notion of cruelty in order to judge the men of the past and their actions, to charge with cruelty not only individuals but also nations and even ages ("the *crudelitas imperatorum*", "the Dark Ages", "the violence of the Vikings", "the cruel Muslims")? Is it not so that the only possibility is to adapt our modern sensibilities to the past and to use our own prejudices in making judgements about others? The prejudices – yes, but this is just what makes the theme interesting for the historian because our prejudices – our conception of cruelty, for instance – are part of the heritage of past centuries. The events of our own day – maybe more clearly than ever – have demonstrated that we live in a historical world. When we investigate the history of the concept of cruelty we, as it were, look ourselves at a mirror and learn to understand ourselves better. The concept of cruelty has two sides. It is a subjective concept used to define and describe those persons

and those acts that according to the user of the term are negative, harmful, humiliating, harsh, inhumane, primitive and unnatural; in everyday life it is associated with religious habits – with crude remnants of primitive religion, it is associated with passion, an uncontrolled mental state, or with violence and with the exercise of power without justice. On the other hand the term is used to classify people by their ethical and social habits, to accuse, to invalidate and injure others; therefore the accusation of cruelty refers to basic features of ancient and also Medieval thought, to the fear of anything foreign, to the aggressive curiosity to define and subsume others simply by their otherness.

Such were the considerations wich gave inspiration for arranging the "cruelty"-seminar. The conference was accommodated by the Archipelago Institute of the University of Turku, in the island Seili ("Soul island"), in an environment of quiet beauty of the remote island and sad memories of the centuries when people attacked by a cruel fate, lepers or mentally ill, were banished there from the civilized community.

The conference was organized by the Department of Classics of the University of Turku in collaboration with the Departments of Cultural History and Italian language and culture of the same university. It is a pleasure to us to be able to thank here all those who helped to make the congress possible. We would like especially to express our gratitude to Luigi de Anna and Hannu Laaksonen for their assistance in preparing and carrying out the practical arrangements. The financial assistance given by the Finnish Academy and by the Turku University Foundation was also indispensable. Finally, we close by expressing our gratitude to Gerhard Jaritz, the editor of the *Medium Aevum Quotidianum* for the *Gesellschaft für Erforschung der materiellen Kultur des Mittelalters*, for his kind co-operation and for accepting this collection of papers to be published as a supplement to the series of the studies on the Medieval everyday life. One of the starting-points for organizing the "cruelty"-conference was the firm conviction that the Graeco-Roman Antiquity did not end with the beginning of the Middle Ages, but these two eras form a continuum in many respects, and the continuity was felt not only in the literary culture, in the Greek and Latin languages which were still used, but also in the political, social and religious structures of the Middle Ages. We think that this continuity is amply demonstrated by the studies of the present volume.

Department of Classics, University of Turku, Finland