

WHY WERE THE VESTALS VIRGINS?  
OR THE CHASTITY OF WOMEN AND THE  
SAFETY OF THE ROMAN STATE

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*Abstract.* Why were the Vestals virgins? An explanation drawing on anthropological studies of witchcraft and the work of Giovannini, Girard, and Douglas allows a partial solution to this and three other puzzles: 1) their unique legal status; 2) their murder at moments of political crisis; 3) the odd details of those murders. The untouched body of the Vestal Virgin is a metonymy for the untouched city of Rome. Her unique legal status frees her from all family ties so that she can incarnate the collective. Thus, in times of crisis, she serves as a *pharmakos*/*pharmakon*. Equally, Roman society reveals a deep fear of witchcraft directed at its own matrons. Danger to the *urbs* is warded off by the punishment of women, both Vestals and wives, and the foundation of public cults of chastity with admonitory and apotropaic functions. A series of incidents over a thousand-year span reveals a world view deeply rooted in sympathetic magic, where the women embody the state and their inviolability is objectified as the inviolability of the community.

[The Pontifex Maximus] was also the overseer of the holy virgins who are called Vestals. For they ascribe to Numa also the dedication of the Vestal Virgins and generally the care and worship of the inextinguishable fire which they guard, either because he considered the nature of fire to be pure and uncorrupted and so entrusted it to uncontaminated and undefiled bodies or else because he compared its fruitlessness and sterility to virginity. In fact, in all of Greece wherever there is an inextinguishable fire, as at Delphi and Athens, virgins do not have the care of it but women who are beyond the age of marriage.

(Plutarch, *Numa* 9.5)<sup>1</sup>

PLUTARCH SEEMS PUZZLED. Why did the Vestals have to be virgins? The explanations offered up until recently have tended to be, like Plutarch's own, unsatisfactory. The work of Mary Beard and Ariadne Staples' recent *From Good Goddess to Vestal Virgins* (1998) represent

<sup>1</sup> Cf. Dion. Hal. 2.66.1

major advances in our understanding of the cult of the Vestals. I believe we can go even further. By looking to analyses of similar symbolic structures in a variety of cultures, especially in the area of witchcraft, and by drawing on the work of Maureen J. Giovannini, and René Girard, as well as Mary Douglas, we can offer not only an explanation of the specific function of virginity in the cult, but also at least a partial solution to three other puzzles about the priestesses of Vesta. First, what accounts for their unique legal status? Second, how can these women, vital to the religious and magical functioning of the Roman state, be murdered so routinely at moments of political crisis? Third, what accounts for the odd details of those murders?

I also want to go beyond virginity to look at a wider symbolic role played by women's chastity. Feminine virtue was used in antiquity as a sign of the moral health of the commonwealth as commonly as it is today.<sup>2</sup> However, for Rome the connection was not merely a rhetorical commonplace but a mythical and historical reality. There is a running theme<sup>3</sup> wherein two specific charges of sexual impurity in women—violation of virginity in the Vestals, and adultery in wives—were made responsible for danger to the state. This series of strange incidents, spanning a thousand years of Roman history, reveals a world-view deeply rooted in sympathetic magic, where women in their strictly limited societal roles embodied the state, and the inviolability and control of women was objectified as the inviolability and control of the community.<sup>4</sup>

## PREVIOUS WORK

Most previous work on the Vestal Virgins has focused not on the function of the cult but on its form. Apart from George Dumézil and a few others, there has been little effort directed at an explanation of the cult's social functions and ideological purposes.<sup>5</sup> Instead, scholars have been

<sup>2</sup> For example, Aristotle points to the luxury of Spartan women as revealing an essential weakness in the constitution: *Pol.* 2.6.5–11 (1269b–70a). Cf. *Ath.* 12.517. For Roman examples: *Juv.* 6; *Livy* 1.57.6 (Roman vs. Etruscan); *Tac. Germ.* 19. See Pomeroy 1975, 211–12.

<sup>3</sup> In the anthropological sense as defined by Turner 1985, 57: “a postulate or position . . . usually controlling behavior or stimulating activity, which is tacitly approved or openly promoted.”

<sup>4</sup> An Appendix lists the chronology and sources.

<sup>5</sup> For criticism of previous work, see Dumézil 1970, 1.311–26; Beard 1980 (esp. 15–16), 1995 (a self-criticism); Staples 1998, 135–38 (and 182, n. 13, for some of Beard's previous positions).

absorbed in etymological speculation about its putative origin in the domestic structures of the early kings of Rome. Thus the question most often posed about the Vestals is whether they reflected the daughters or the wives of a supposed original royal household (Beard 1995, 167).

Three brief points should be made about what we may call the “paleontological” approach to the study of religion. First, the preoccupation with origins conceals a methodological bias. This search, though interesting in itself, is firmly rooted in the notion that ontogeny recapitulates phylogeny. In the sphere of ritual, that is, a rite is taken as primarily an amalgam of earlier rites, while features that seem archaic are explained as “survivals” of an original structure. The nineteenth-century concern with evolution is evident. Second, the search for origins or etymologies does not in itself constitute an explanation of the god, myth, or ritual. The very fact of the “survival” and the reasons for it must be explained. Projecting synchronic facts back onto a diachronic axis simply pushes the explanation a step back. Further, there is considerable range for error in the act of creating a historical event or supposed circumstance out of each individual aspect of a ritual or myth. In particular, this form of historicizing ignores the fact that a myth or rite may not in fact reflect the “survival” of anything but rather may be the narrative or ritual recreation of what the culture assumes or wishes had occurred.<sup>6</sup> Third, the assumption that the origins of the cult must lie in either the daughters of the kings or else their wives shows a desire for a monolithic explanation for the features of the Vestals and obscures the fact that the rituals and persons of the cult of Vesta, as in others, are overdetermined and multivalent.

The emphasis on the putative origins of the cult has led to an obscuring of the role of the cult. This is all the more surprising in the face of the fact that the symbolic role of the Vestal Virgins was the aspect to which the ancient texts gave the greatest prominence and explicitly labeled the most important. Oddly enough then, little emphasis had been placed on the fact that the Vestals had to be intact virgins. The usual explanations were that their pure state represented that of the original royal daughters who tended the household fire before their marriage or, among those who held that the Vestal Virgins came from the king’s wife

<sup>6</sup> This idea of a “creative era,” familiar from the Australian Aborigines’ “dream time,” has found its principal proponent in Eliade 1954 and 1961. For a brief outline and criticism, see Kirk 1974, 63–66. For its application to the status of women in various societies and myths, see Bamberger 1974.

or wives, some kind of more generalized sexual purity.<sup>7</sup> The first is clearly inadequate. The emphasis of the sources and the symbolism of the cult are not those of youth or girlish innocence but of absolute physical virginity. Virginity as merely a characteristic of youth is clearly inapplicable to Vestals, whose term of service, though beginning at ages six to ten (Gel. 1.12.1), was thirty years and frequently life long (Dion. Hal. 1.76.3, 2.67.2). Beard rightly criticized the second explanation (1980, 15–16):

It is unacceptable special pleading to suggest that the virginity of the Vestal was merely representative of a very generalized form of chastity, comparable to the  *pudicitia*  of the Roman matron. Throughout all the ancient sources which deal with the priesthood great stress is laid on the physical virginity of the women and their total abstinence from sexual intercourse during their thirty years or more in the college.

It is true one needed to be sexually pure to perform many rites in both Greek and Roman religion,<sup>8</sup> but sexual purity and virginity are not identical, and Plutarch (*Numa* 9.5, quoted above) pointed out that virginity is not everywhere required or indeed even the norm. So we may ask with Plutarch, why virgins? If the Vestals represented the wives of the early kings, why was not the pure flame in charge of virtuous matrons, *univirae*, or widows? If the Vestals represented the original young (and hence virginal) daughters of the early kings of Rome tending the royal fire, why was not the cult of Vesta confined to young girls?<sup>9</sup> For an answer we must look to the symbolic functions of the Vestal Virgins and of virginity itself.

### THE VIRGINITY OF THE VESTALS

Our understanding of the symbolic role of the Vestals was greatly advanced by Mary Beard's 1980 paper "The Sexual Status of Vestal Virgins," in which she carefully elucidated the fusion of aspects of the two categories of "virgin" and "matron" in the Vestals.<sup>10</sup> More recently, Ariadne

<sup>7</sup> For the first idea, see Hommel 1972, 403–5, 415–17; for the second, see Guizzi 1968, 113.

<sup>8</sup> See Rose 1926, 442–43, who relates the virginity of the Vestals to this notion.

<sup>9</sup> Cf. the *kanephoroi* for Athena or the *arktoi* for Artemis Brauronia (Thuc. 6.56–58; Arist. *Const. Athens* 18; Ar. *Lys.* 641–45).

<sup>10</sup> One of the purposes of this paper is to follow Beard's recently expressed desire (1995) to see how vestal virginity functioned within the play of gender at Rome. Her wish

Staples' *From Good Goddess to Vestal Virgins* (1998) presented an insight fundamental to a correct interpretation of their role and cult. In brief: the primary role of the Vestal Virgin was to be an embodiment of the city and citizenry of Rome.<sup>11</sup> I have reached similar conclusions by a different route, that of cultural anthropology. Staples' work rightly returns our focus from putative origin to actual function. This symbolic role of the absolute virginity of the Vestal Virgins was the aspect to which the ancient texts gave the greatest prominence and which they explicitly labeled the most important. The Vestals' embodiment of the city of Rome is clear throughout the sources.

Whether or not the cult of Vesta originated in the household of the Roman kings, one fact must be emphasized: from the beginning of the historical record it was not a private but a public cult.<sup>12</sup> The role of Vesta herself in symbolizing Rome is abundantly clear. She was the hearth and heart of Rome.<sup>13</sup> She stood literally at the center of the city and served to bind the city together. The common hearth and the common wall together signified the unity of Rome.<sup>14</sup> The goddess' official title was *Vesta publica populi Romani Quiritium*.<sup>15</sup> The historians appealed to Vesta to demonstrate the impossibility of abandoning Rome.<sup>16</sup> For the poets, Vesta was the metonym for Rome.<sup>17</sup>

Equally clear is the role of Vesta's priestesses. The Vestals were "taken" in a complex ceremony whose formula stressed their service to

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to subject these categories themselves to analysis is a major concern of most feminist anthropology. For cross-cultural examples, see below. See Staples 1998 (esp. 182, n. 13) for a criticism of some of Beard's previous positions.

<sup>11</sup> Staples 1998, 129–30, 135, 137, 143.

<sup>12</sup> As Brelich (1949, 9) points out, "We know nothing of a cult of Vesta that is older than the public Roman cult, whether it is at Rome or elsewhere"; cf. Wilamowitz-Moellendorff 1931, I, 158; so too Koch 1958, 1762. The cult of Vesta was *sacra publica*, rites performed for the Roman people as a whole, rather than *sacra privata*, private or household rites. Further features of public cult are that the temples or buildings stood on public land which had been made sacred (*locus sacer*) by the Roman people (or later the emperor) and that the cult was funded from the state treasury. For this distinction, see Beard, North, and Price 1998, 251; Rüpke 2001, 26–31.

<sup>13</sup> Dumézil 1970, 1.315: "The continuous fire of the *aedes Vestae*, the *ignis Vestae*, is indeed the hearth of Rome, and hence one of the guarantees of the city's being rooted in earth, of its permanence in history." Cf. Koch 1958, 1737.

<sup>14</sup> Dion. Hal. 2.66.1; Wissowa 1925, 247–53.

<sup>15</sup> See Wissowa 1912, 158; 1925, 247–48; Koch 1958, 1766, for examples.

<sup>16</sup> E.g., Livy 5.52.6–7.

<sup>17</sup> Hor. *Odes* 3.5.11–12; Verg. *A.* 1.292.

the Roman people.<sup>18</sup> The Vestals prayed for the people of Rome.<sup>19</sup> Cicero ordained that the Vestal Virgins guard the public hearth of the city.<sup>20</sup> Their temple was explicitly open to all by day, though shut to men at night.<sup>21</sup> Their *penus* was the storehouse of the state, holding not merely state documents, but also the Palladium, the “guarantee of Roman power.”<sup>22</sup> The Vestals tended the eternal fire, whose extinction was not just unlucky, but a grave prodigy, specifically said to presage the destruction of the city.<sup>23</sup> Rome, said Horace, would stand “as long as the pontifex climbs the Capitoline beside the silent Virgin.”<sup>24</sup>

It is here that we can seek the symbolic function of the Vestal’s virginity. Just as she embodied the city of Rome, so her unpenetrated body was a metaphor for the unpenetrated walls of Rome. This is manifest from the ancient sources. The powers of a Vestal were coterminous with the city walls.<sup>25</sup> Pliny the Elder (*NH* 28.13) stated: “We still believe that our Vestals root to the spot fugitive slaves, if they have not yet left the city” (cf. Dio 48.19.4). Their lives and deaths were bound by the limits of the city. Vestal Virgins were given the honor of burial within the *pomerium* (*Serv. Aen.* 11.206), most strikingly even when they were buried alive after being convicted of unchastity (see below). However, the Vestal’s virginity was more than merely the symbol of the inviolability of Rome. It was also the guarantee. The whole state depended on the state of being whole. The Vestals did not just hold the repositories of the state; they were the repositories of the state.

<sup>18</sup> Aul. Gell. *NA* 1.12.14: “sacerdotem Vestalem, quae sacra faciat, quae ius siet sacerdotem Vestalem facere pro populo Romano Quiritibus” (“As a priestess of Vesta, to perform the rites that it is right for a priestess of Vesta to perform for the Roman people, the citizens”).

<sup>19</sup> Cic. *Font.* 48; Hor. *Odes* 1.2.26–28; Gell. *NA* 1.12.14; Symm. *Ep.* 10.3.14; Cic. *Haur.* 37: *pro populo Romano*. Cf. “Expositio Totius Mundi” in *Geographi Latini Minores*, ed. A. Riese (1878; rpt. 1964), 120.12–13: “quae sacra deorum pro salute civitatis secundum antiquorum morem perficiunt” (dating to c. 350–53 C.E., *ibid.* xxx).

<sup>20</sup> *Leg.* 2.8.19–9.22.

<sup>21</sup> Dion. Hal. 2.66.5; Lact. *Inst.* 3.20.4; cf. Ov. *Fasti* 6.254.

<sup>22</sup> *pignus imperii Romani*: Fest. 296L; see Wissowa 1912, 159. Livy 28.11; *Serv. Aen.* 7.188. Porcius Latro (*Sen. Cont.* 1.3.1) also called Vesta the *Romani imperii pignus*.

<sup>23</sup> Dion. Hal. 2.67.5.

<sup>24</sup> *Odes* 3.30.8–9: *dum Capitolium / scandet cum tacita virgine pontifex*.

<sup>25</sup> So rightly Swartz 1941, 42, and n. 148; Koch 1958, 1735–36. Cf. Dion. Hal. 2.66.1.

## ROME AND MEDITERRANEAN ANTHROPOLOGY

The roles of women as symbolic counters in men's codes of honor and the special function of virginity within those codes have been a major concern in what has come to be called "Mediterranean Anthropology."<sup>26</sup> Maureen J. Giovannini's observations (1981) on the function of Woman as Sign in symbolizing and mediating various aspects of the family can help us in understanding this complex of contradictory ideas. Giovannini identified six archetypal categories into which women were placed by the citizens of the Sicilian town that she calls "Garre." At the center is the pair *la Vergine* (the Virgin) and *la Mamma* (the Mother), representing woman in her two societally sanctioned roles, unpenetrated and penetrated. Each has an anti-type: *la Puttana* (the Whore) and *la Madrigna* (the Step- or Anti-mother). On the supernatural level, just as *la Madonna* unites the beneficent aspects of woman, so *la Strega* (the Witch) unites the figures of *la Puttana* and *la Madrigna*. The honor of the family is synonymous with the chastity of its women, who, because of their inherent vice of feminine sexual weakness, are in constant danger of becoming whores and adulteresses.<sup>27</sup> For *la Vergine*, Giovannini notes (1981, 412):

Her physical intactness is also viewed as a sign that her family possesses the unity and strength necessary to protect its patrimony. . . . As family member, *la Vergine* can synecdochically (part for whole) convey the message that her family is a viable entity with its boundaries intact. . . . *la Vergine's* (and, as we shall later discover, *la Puttana's*) corporal being constitutes a kind of cognitive map for the family unit by concretely representing the boundaries of this social group along with its internal unity.<sup>28</sup>

<sup>26</sup> See Peristiany 1965; Schneider 1971; Schneider and Schneider 1976; Davis 1977; Pitt-Rivers 1977 (esp. 126–71); Brandes 1980; Gilmore 1987. For critical surveys, see Brandes 1987; Giovannini 1987.

<sup>27</sup> The fear of women's unquenchable lust is of course an ancient one; see, e.g., Hes. *WD* 695–705; *Theog.* 590–612; for two catalogues, see Prop. 3.19; Ovid *AA* 1.275–342. For a Mediterranean anthropological perspective, see also Mernissi 1975, 4, 10, 16; Fallers and Fallers 1976, 258–59.

<sup>28</sup> See also the pioneering analysis of Hastrup 1978. This symbolism is not, of course, confined to Mediterranean societies. A well-known example is the Samoan *taupou* (*taupo*) described by Mead and others. The *taupou* was a girl of high rank whose virginity was religiously preserved in order to exchange her in marriage with another village (the system was already passing in Mead's day). Mead says, "The prestige of the village is inextricably bound up with the high repute of the *taupo* and few young men in the village would dare

For ancient Rome, the cult of Vesta was the symbol for the unity of all families. Hence Giovannini's analysis applies not merely to the individual units but to the Roman state as a collective. Mary Douglas' remarks on the use of the human body as a microcosm of the social order in various societies, especially those with strong witchcraft beliefs, relate directly to the symbolic value of the Vestal Virgin (1970, viii–ix):

The group is likened to the human body; the orifices are to be carefully guarded to prevent unlawful intrusions. . . . The most fundamental assumptions about the cosmos and man's place in nature are coloured by the socially appropriate image of the human body. . . . The idea of a cherished bodily form vulnerable to attack from without tends to be transferred from one context to another. It can serve as a theory of misfortune by pinning blame on hidden enemies of society; it can serve as a guide to action, requiring the enemies to be unmasked and disabled. . . . Injustice can be rectified merely by purging the system of internal traitors allied with outside enemies. . . . Bodily symbolism in the witch fearing cosmology is endlessly rich and varied, but always the emphasis is on valuing the boundaries, guarding the orifices, avoiding improper mixtures.

### MAGICAL VIRGINITY

The Vestal was not merely a mode of representation. She was also a symbol that could be manipulated. Archaic Roman religion was based on and steeped in magical practice.<sup>29</sup> By "magical practice" I mean that technology of analogy as defined by Tambiah: "Magical acts . . . constitute 'performative' acts by which a property is imperatively transferred to a recipient object or person on an analogical basis."<sup>30</sup> Magic, since Frazer, has traditionally been divided between the imitative and the contagious. In imitative magic, the law of similarity applies: "like produces like"; in contagious magic, the law of contiguity applies: "objects which have been in contact, but since ceased to be so, continue to act on each other at a distance" (Frazer 1991, 1: 52). The Vestal, who preserved the inviolability of Rome by preserving the inviolability of her body, exemplifies both

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to be her lovers. Marriage to them is out of the question, and their companions would revile them as traitors rather than envy them such doubtful distinction" (Mead 1928, 100). For later treatments (and the controversy engendered), see Holmes 1987, 79–80, 97, 100–101; Shankman 1996.

<sup>29</sup> See *inter alia*, Fowler 1922, 47–67; recent articles in Meyer and Mirecki 1995.

<sup>30</sup> Tambiah 1985, 60, drawing on Austin's *How to Do Things with Words*.

forms of magic and indeed shows their overlap and a certain arbitrariness in the distinction. Imitative magic is perhaps better characterized as metaphoric (*similia similibus*): as she remained *integra*, so did the city. The Vestal's body served as the microcosm of the city.

Again, this is abundantly clear from the ancient sources. The Vestal must be not merely a virgin but physically perfect in every respect. The potential candidate was examined by the Pontifex Maximus to guarantee this. Both parents must be living, and neither she nor her father emancipated, since this would make her technically an orphan and hence imperfect.<sup>31</sup> Her parents' marriage must have been perfect. Neither of them could be divorced or ex-slaves or found to have engaged in *negotia sordida*. Should she fall sick, she must be removed from the *aedes Vestae* and cared for outside the holy area by a married woman (Pliny 7.19.1). Most importantly, as we have noted, her life and powers were circumscribed by the walls of the city.

Contagious magic, on the other hand, is metonymic or synecdochic: "The part is to the whole as the image is to the represented object."<sup>32</sup> The Vestal represents not only the idealized role of Woman—a fusion of the archetypal roles of *la Vergine* and *la Mamma* into the figure of *la Madonna*<sup>33</sup>—but also the citizen body as a whole.<sup>34</sup> Many cities are symbolized by women. Athens, symbolized and guarded by the virgin goddess Athena, is an obvious parallel but does not supply an explanation for the choice of a female virgin to represent a citizen body composed of men and their dependents. Pomeroy points towards an answer: "Since a virgin belongs to no man, she can incarnate the collective, the city: she can belong to everyone" (1975, 210). This insight, however, is incorrect in one important respect: an ordinary virgin in Roman law does belong to a man—she belongs to her father. Accordingly, for a virgin to incarnate the collective, she must be extraordinary. She must be freed not only from her father but also from all possible and catalogued forms of familial tie.

<sup>31</sup> Gell. *NA* 1.12; Gaius 1.133; Fronto 149 (Naber); cf. Sen. *Cont.* 1.2. See Gardner 1986, 22; Staples 1998, 138–40. This does not appear to be the case for all priests: see Morgan 1974; but cf. Sen. *Cont.* 4.2; Dio. Hal. 2.21.3; Plut. *QR* 73; Wissowa 1912, 491, n. 3.

<sup>32</sup> Mauss 1972, 12. Cf. Giovannini's remarks on *la Vergine* as synecdoche for the family, quoted above, p. 569.

<sup>33</sup> Cf. the analyses of Beard 1980 and Cornell 1981, 27; cf. Giovannini 1981, 416.

<sup>34</sup> Staples 1998, 130, 143.

## LEGAL STATUS

In the past the legal status of the Vestal Virgin has not been correctly conceptualized, since it has been approached almost entirely from a purely descriptive point of view.<sup>35</sup> Her unique legal status should be viewed less as a mark of respect than as a magical function making it possible for her to incarnate the collective. Once the ritual and symbolic purpose of the laws is considered, the legal status and consequences of that status are very clear. Gardner summarizes (1986, 25):

The oddities of her position seem rather to arise from her position as one in charge of a worship central to the state and not belonging to any one family in the state. She was taken out of her family, with certain legal consequences, but she did not cease to be a woman.<sup>36</sup>

It is necessary to go further. She was taken out of her family and not added to any other. Moreover, she was not just in charge of a worship central to the state; she was also the embodiment of that state. She did not cease to be a woman, but she ceased to be like any other woman.

Roman society was governed by a strict series of exogamic rules, and the principle of Woman as Sign is more visible there than in many other cultures.<sup>37</sup> The exchange of women to seal interfamilial bonds and political ties was a marked feature of Roman society.<sup>38</sup> Thus, if the Vestal Virgin was to represent the society as a whole, she must be exterior to all families. Since a basic principle of Roman law was that a woman always belonged to someone, the procedure to free the Vestals from ownership was both complex and comprehensive. The first step in the process was to exempt the Vestal initiate from the power of her father (*patria potestas*). Since this was normally accomplished by *coemptio*, a form of sale that merely placed her in someone else's power, she was specifically said not

<sup>35</sup> For a full description, see Guizzi 1968, 159–200. My analysis differs from that offered by Staples 1998, 138–43.

<sup>36</sup> Cf. Hallett 1984, 126–27, though I do not accept the suggestion that the lack of *patria potestas* and *tutela* are a regal survival.

<sup>37</sup> See Cowie 1978 and the succinct statement by Arthur 1973, 24.

<sup>38</sup> The anthropological idea of the exchange of women (first articulated by Lévi-Strauss in 1949) has had a profound effect on feminist anthropology (Rubin 1975; Lerner 1986, 46–49; Strathern 1988 (esp. 311–16); Klindienst 1991, 40–42) and literary theory (Irigaray 1985). It has had little impact on Roman studies, where exchange is viewed narrowly in terms of “politics.” Dixon (1992, 42–43) rightly draws attention to the suspicion that arises from the exchange of women but explains their marginality primarily in economic terms.

to have undergone emancipation, which normally simply passed a woman into the *tutela* of her nearest male relative. She was then freed from any form of *tutela* but uniquely without loss of status (*capitis minutio*), i.e., without falling into the *manus* of any other man.<sup>39</sup> Though she was under the formal discipline of the Pontifex Maximus, who could scourge her for minor offenses, he exercised neither *patria potestas* nor *tutela* over her.<sup>40</sup> Thus the complex legal procedure prevented her from being an orphan while still guaranteeing that legally and religiously she had no family. She was completely removed from her agnatic family and yet did not pass to the ownership of any other family.

A Roman woman existed legally only in relation to a man.<sup>41</sup> A woman's legal status was based entirely on this fact. The act of freeing a Vestal from any man so that she was free to incarnate all men removed her from all conventional classifications. Thus she was unmarried and so not a wife; a virgin and so not a mother; she was outside *patria potestas* and so not a daughter; she underwent no *emancipatio*, no *coemptio* and so not a ward.<sup>42</sup>

This unique status entailed a number of consequences. Since she had no family, she no longer inherited property nor did she leave property to her family if she died intestate. Rather than her property reverting to the *gens*, as would be the case for an intestate woman freed by ordinary emancipation, it reverted to the state, of which she was the embodiment.<sup>43</sup> As a free agent, she necessarily acquired the right to dispose of her property by will and acquired the right to be a witness.<sup>44</sup> It

<sup>39</sup> XII Tables apud Gaius 1.144–45, 3.114; Paul. 70; Gell. *NA* 1.12.9; Plut. *Numa* 10; cf. Ambr. *De virg.* 1.4.15; *Ep.* 1.18.11.

<sup>40</sup> Plut. *Numa* 9–10; Dio. Hal. 2.67.3; Livy 28.11.6; Obseq. 8; Fest. 94L; Lyd. *de mens.* frg. 6 (180.4W). For discussions, see Koch 1958, 1741–42; Guizzi 1968, 113, 143–44; Mommsen 1887, 2: 54–57; 1899, 18–20, 21, n. 2; Cornell 1981, 30; Staples 1998, 152, 183, n. 39; contra Wissowa 1912, 158, n. 7.

<sup>41</sup> Gardner 1986, 5–80, for an overview of the law of status.

<sup>42</sup> This is not to say that despite her legal and religious status, a Vestal would not have felt emotionally part of her birth family, still tied by affective bonds to father, mother, and siblings, or that she could not be acted upon as a member of that family, both by friends (cf. Cic. *Font.* 26–28) and political enemies (so the cases of Licinia and Fabia). Likewise, since her term of service, though long, was limited, considerations of the benefits accruing to her agnatic family might have played a part. See Hallett 1984, 83–90; Gruen 1968, 127–32; Herrmann 1964, 42–43; Staples 1998, 144.

<sup>43</sup> Labeo quoted by Gell. *NA* 1.12.18.

<sup>44</sup> Will: Gell. *NA* 1.12.9; Cic. *Rep.* 3.10; Gaius 1.145; Plut. *Numa* 10; cf. Sozom. 1.9. Witness: Gell. *NA* 7.7.3; Tac. *Ann.* 2.34 (cf. 11.32); Plut. *Numa* 8; cf. Cic. *Font.* 21.46; Suet. *Caes.* 1.

is to this unique status that I would assign the “male aspect” that Beard and Dumézil have identified.<sup>45</sup> Her “masculine” rights and privileges were side effects of the act of freeing her from all masculine ownership and not necessarily constructs designed to increase the ambiguity of her classification and thus further mark her out as sacred.<sup>46</sup>

The Vestal was thus the *totem* of Rome, and her sacred character derives from her status as the embodiment of the clan.<sup>47</sup> Her virginity is a type of binding spell familiar from ritual observances in many cultures. A single totemic item is invested with the safety of an individual or state. As long as it remains unharmed so does that which it signifies.<sup>48</sup> For Rome there was, significantly, the Palladium, which the Vestal Virgins guarded and with which they were associated and identified as the “guarantee of Roman power.”<sup>49</sup>

Thus, as long as the Vestal remained intact, so did Rome. This symbolic function is explicitly stated. For example, a Vestal’s epitaph reads: “The republic saw with good fortune day after day her exceptional discipline in morals and most exact observance of the rituals.”<sup>50</sup> Thus the Vestal Aemilia, when the sacred fire went out, prayed to Vesta (Dion. Hal. 2.68.4): “If anything unholy has been done by me, let the pollution of the city be expiated by my punishment.” Most tellingly the Vestal Cornelia, on her way to be buried alive by the order of Domitian, ties the safety of Rome explicitly to her virginity and reveals the underlying magical logic: “Does Caesar think that I have been unchaste, when he has conquered and triumphed while I have been performing the rites!”<sup>51</sup>

<sup>45</sup> Beard 1980, 15, 17–18. Cf. Dumézil 1970, 2.587.

<sup>46</sup> So rightly Koch 1958, 1734: “Als freie Persönlichkeit besitzt die Vestalin sodann das *ius testimonii dicendi*”; Staples 1998, 143. The same is true of the right to make a will. The lictors who accompany the Vestals (Plut. *Numa* 10.3: an ancient right; Dio 48.19.4: first in 42 B.C.E.) are not a specifically masculine privilege but an extra-legal honor accorded several functionaries. See Staples 1998, 145.

<sup>47</sup> Cf. Durkheim’s definition of the totem (1915, 123): “The species of things which serves to designate the clan collectively” and his analysis of the symbolic value of the totem (235–72).

<sup>48</sup> In Greek mythology, famous examples are Achilles’ heel, Nisus’ purple lock of hair, Meleager’s log. See Faraone 1992 for a survey.

<sup>49</sup> See n. 22.

<sup>50</sup> Dessau 4932: “cuius egregiam morum disciplinam et in sacris peritissimam operationem merito res publica in dies feliciter sensit.”

<sup>51</sup> Pliny 4.11.7: “me Caesar incestam putat, qua sacra faciente vicit triumphavit!”

THE SACRIFICE OF THE VESTAL VIRGIN:  
A THEORETICAL OUTLINE

The question now arises: how can a people sacrifice its symbol? How can the incarnation of the state be ritually murdered? Burkert's explanation for the sacrifice of a virgin in his reconstruction of prehistoric ritual (and perhaps in Greek myth) will not do. He proposes that: "Man declines love in order to kill: this is most graphically demonstrated in the slaughter of 'the virgin' . . . In the period of preparation, maiden-sacrifice is the strongest expression of the attempt to renounce sexuality" (1983, 64). However, there is no necessity for "virginity" in a renunciation of sexuality. Further, there is nothing in the Roman ritual of the sacrifice of the Vestal Virgin to show the connection that Burkert proposed between maiden sacrifice and hunting or preparation for warfare (as distinct from the threat of external warfare).

Rather, to summarize what the Roman sources (cited below) make clear, the sacrifice of a Vestal Virgin was the sacrifice of a scapegoat in both the popular and the ritual sense. For it is important to note that the sacrifice of a Vestal Virgin is a ritual, a precisely delineated social construction.

René Girard's careful exploration of the roles and patterns of sacrifice (1977) can aid in isolating elements and functions of the ritual sacrifice of the Vestal Virgin.<sup>52</sup> In turn, by using the society of ancient Rome as a source of anthropological data, we can cast light on and make some corrections to Girard's theory. Certain features of his analysis illuminate the sacrifice of the Vestal Virgins. A summary of his complex ideas may be presented under the two headings of the nature of the sacrifice and the nature of the victim.

For all societies, says Girard, the greatest danger is that of unchecked reciprocal violence.<sup>53</sup> As the cycle of violence increases, the society reaches a "sacrificial crisis" (Girard 1977, 39, 52), which can be, almost miraculously, resolved by further violence but of a specifically controlled type, namely sacrifice. In sacrifice, "society is seeking to deflect upon a relatively indifferent victim, a 'sacrificeable' victim, the violence that would otherwise be vented on its own members" (4). Through

<sup>52</sup> See the special volume of *Helios* (Golsan 1990) devoted to Girard; see also Golsan 1993; Hamerton-Kelly 1987; Dumouchel 1988; McKenna 1992; Reineke 1997, 128–60.

<sup>53</sup> Homer, Hesiod, and especially Greek tragedy show a heightened awareness of this. Girard curiously does not discuss the *Oresteia* and only mentions Aeschylus in passing (1977, 46). For the Roman sources (e.g., Livy 1.2; Dion. Hal. 9.40–41), see text.

sacrifice and the sacrificial victim, improper violence is channeled into proper violence. All are united in this single act, which Girard defines as “the sacred” (30–31).

For sacrifice to work in this way, it is essential that the violence be unanimous (13). Anyone left outside is a potential avenger, a source of new violence. As Girard says, “Such an attitude requires absolute faith in the guilt of the surrogate victim” (83). To restate Girard’s thesis, no victim is ever sacrificed and then found not to have been guilty.<sup>54</sup>

For Rome, we may note in the historical record the total lack of any protest against the sacrifice of a Vestal Virgin, even from the Vestal’s family.<sup>55</sup> Pliny’s eyewitness account of the murder of Cornelia is revealing. Though Pliny hated Domitian, was deeply suspicious of his motives for attacking the Vestal, and denounced the illegality of her trial and execution, he could not bring himself to believe that the charge was utterly without foundation. He was able only to go as far as writing: “I don’t know whether she was innocent, but she certainly acted as if she were innocent.”<sup>56</sup>

Further, to eliminate the possibility of a new cycle of revenge, the sacrificial act must be sharply marked off from any non-sacred act of violence; the nature of the sacrifice must be in some form, as Girard says, “disguised”: “A properly conducted ritual killing is never openly linked to another bloodletting of irregular character” (Girard 1977, 41). The murder of the Vestal was a precise form of sanctioned human sacrifice: violence broke out in a predictable pattern, and the sequence of events that led to the accusation of a Vestal was as formalized as the details of her trial and execution.<sup>57</sup>

It is clear that the victims in Girard’s analysis must possess a very stringent set of qualities if their deaths are to unite the society in a unanimous act of sacrifice. First, since “sacrifice is primarily an act of violence without risk of vengeance,” all sacrificial victims “are invariably distinguished from the nonsacrificeable beings by one essential characteristic:

<sup>54</sup> Seneca’s *Cont.* 1.3, though a fictional case only loosely based on the laws surrounding the Vestal Virgins, is a clear demonstration of this point.

<sup>55</sup> The only recorded protest comes from Cornelia as she is led to death. However, it is clear that the accused Vestal could speak in her own defense at her trial before the Pontiff; see Macr. *Sat.* 1.10.5.

<sup>56</sup> 4.11.8: “nescio an innocens, certe tamquam innocens ducta est.” This unquestioning assumption of guilt is something that Pliny shares with many modern historians.

<sup>57</sup> Dion. Hal. 2.67.4; Plut. *Numa* 10; *QR* 96; *Ti. Gr.* 15.6; Dio. apud Zonar. 7.8.7; Cato frg. 68M; Cic. *Har. Resp.* 13; Pliny 4.11.6–11.

between these victims and the community a crucial social link is missing, so they can be exposed to violence without fear of reprisal. Their death does not automatically entail an act of vengeance” (Girard 1977, 13). However, the exact opposite must also be simultaneously true. Since the victim “is a substitute for all the members of the community, offered up by the members themselves,” the victim must also be similar to and part of the community it represents. Therefore, says Girard, “The proper functioning of the sacrificial process requires not only the complete separation of the sacrificial victim from those beings for whom the victim is a substitute but also a similarity. This dual requirement can be fulfilled only through a delicately balanced mechanism of associations” (39). Anthropological data reveal that the human victims share a common status (12):

[They] are either outside or on the fringes of society: prisoners, slaves, pharmakos. . . . What we are dealing with, therefore, are exterior or marginal individuals, incapable of establishing or sharing the social bonds that link the rest of the inhabitants. Their status . . . prevents these future victims from fully integrating themselves into the community.

Following this pattern, the Vestal Virgin is both interior and exterior. She is the child of citizens, originally confined to the upper classes, perfect to represent the whole citizenry.<sup>58</sup> Yet at the same time she is carefully segregated, legally removed from all familial ties, as outlined above.

Likewise the victim must be innocent—for vengeance on a guilty party may lead to another act of vengeance—and at the same time guilty, since only a collective belief in guilt can guarantee the necessary unanimity (Girard 1977, 77). Ritual measures are taken in order to increase the future victim’s guilt. The victim is frequently charged with the most hideous crimes, violating the society’s most basic taboos, notably incest (104–6).<sup>59</sup> I use the words “charged with” in two senses. One way of charging the victims with magical power (the familiar Polynesian *mana*) is to force the members of the group of potential victims to violate taboos (as done by the kings in various African cultures). The other is its opposite: a strict and compulsive guard on the victims but with the purpose of holding the

<sup>58</sup> Including plebeians. Difficulties in recruiting led Augustus to make daughters of freedmen eligible: Dio 55.22.5.

<sup>59</sup> See also Girard’s remarks at 1986, 15. Cf. the increase in sacred value (*kapu*) when a Hawaiian king married his sister: Radcliffe-Brown 1979, 50.

victims all the more guilty for violating these taboos. Thus the Vestals were bound by a complex series of duties and prohibitions. The lesser violations were punishable by a scourging from the Pontifex Maximus, but the most awesome violation, accusation of the loss of virginity, was by burial alive.

### THE VESTAL VIRGIN AS VICTIM

The Vestal Virgin thus provides a perfect example of the *pharmakos*, as known from Greece, as described by Frazer, and as analyzed by Girard.<sup>60</sup> Even as she was a physically perfect priestess, so she could become a sacrificially perfect victim. However, Girard notes a striking exception in his description of the marginality of the victim (1977, 12):

It is clearly legitimate to define the difference between sacrificeable and nonsacrificeable individuals in terms of their degree of integration, but such a definition is not yet sufficient. In many cultures women are not considered full-fledged members of their society; yet women are never, or rarely, selected as sacrificial victims.<sup>61</sup>

This statement is not only contradicted by the analogous worlds of myth and Greek tragedy to which Girard applies his theory but also by a wide range of cross-cultural data.<sup>62</sup> He has neglected, in particular, evidence from anthropological discussions of witchcraft (see below).<sup>63</sup> Girard, however, offers an argument for his exclusion of women (1977, 12–13):

There may be a simple explanation for this fact. The married woman retains her ties with her parents' clan even after she has become in some respects the property of her husband and his family.<sup>64</sup> To kill her would be to run the risk of one of the two groups' interpreting her sacrifice as an act of murder committing it to a reciprocal act of revenge.

<sup>60</sup> See also Bremmer 1983.

<sup>61</sup> The blindness to the role of women continues in many of his explicators. There is a near total absence of women in, e.g., Hamerton-Kelly 1987; Dumouchel 1988; and McKenna 1992.

<sup>62</sup> See, however, his remarks on Dionysus and Euripides' *Bacchae* (1977, 141–42): "Like the animal and the infant, but to a lesser degree, the woman qualifies for sacrificial status by reason of her weakness and relatively marginal social status. That is why she can be viewed as a quasi-sacred figure, both desired and disdained, alternatively elevated and abused." See also the recent interview in Golsan 1993, esp. 141–43.

<sup>63</sup> Brief remarks at Hamerton-Kelly 1987, 86–88, 94.

<sup>64</sup> Not so, of course, in a variety of cultures, but this is exactly the case for virilocal and patrilineal Rome. See Parker 1998, 154–55.

Girard need not have confined himself to married women. The deaths of women in their role as daughters are equally subject to revenge.<sup>65</sup> To restate, though Girard does not use these terms, the role of Woman as Sign makes the use of Woman as Sacrifice dangerous. Women, however, are the most obviously sacrificeable class of victims; indeed they are the perfect victims. Better than any other group, they have been endowed with the marginality crucial to sacrifice. Yet it appears they cannot easily be sacrificed. Girard's own remarks point the way to the solution that culture after culture has found. If Woman as Sign prevents her use as victim, she must be made to be a sign for something else; she must be exempted from vengeance and removed completely from all social bonds.

Thus, the special status of the Vestal Virgin made it possible for her to be this perfect victim. The sacrifice of the Vestal Virgin reveals a deeply rooted cultural technology of the *pharmakos*. The magical ways of thinking are evident from the sources. A single example may suffice. Livy (2.42.9–11) described the sacrifice of the Vestal Oppia in 483 B.C.E.:

Bellum inde Veiens initum, et Volsci rebellarunt. sed ad bella externa prope supererant vires, abutebanturque iis inter semet ipsos certando. accessere ad aegras iam omnium mentes prodigia caelestia, prope cotidianas in urbe agrisque ostentantia minas; motique ita numinis causam nullam aliam vates canebant publice privatimque nunc extis nunc per aves consulti, quam haud rite sacra fieri. qui terrores tandem eo evasere ut Oppia virgo Vestalis damnata incesti poenas dederit.

War with Veii then broke out and the Volsci resumed hostilities. Roman resources were almost more than sufficient for war against an external enemy, but they were squandered by the Romans fighting among themselves. Adding to everyone's mental anxiety were heavenly prodigies, occurring in Rome and the countryside, which showed the anger of the gods almost daily. The prophets, after consulting first the entrails and then the birds about both the public and the private omens, announced that there was no other reason for the gods being so moved, except that the sacred rites were not being performed correctly. These terrors finally resulted in the Vestal Virgin Oppia being condemned for *incestum* and executed.

Note the flat narrative tone, the logical sequence of events. Girard writes (1977, 33): "Whenever violence threatens, ritual impurity is present." As Livy and the other sources make clear, this magical law is both resultative and causal. The logic runs: We are in trouble; therefore, the rites designed

<sup>65</sup> So for Verginia, one of the founding legends of Rome (Livy 3.4–54).

to protect us are not being performed properly; therefore, those entrusted with those rites have betrayed us; therefore, the way to restore safety is to sacrifice those who have betrayed us.<sup>66</sup>

### VESTAL VIRGIN AS WITCH

Throughout his work, in my opinion, Girard overemphasizes the role of internal violence at the expense of external threats. Here the Roman data can qualify his broad formulations. As various historians ancient and modern have noted, the sacrifice of the Vestal Virgin occurs primarily in times of “extreme religious hysteria and political crisis.”<sup>67</sup> The crisis, however, is not exclusively one of internal dissension but also external military threat (see Appendix). As an example, note the emphasis that Livy places on both elements in his account of the sacrifice of Oppia.

Girard, however, rightly links internal and external threats by identifying an element of “betrayal.” Girard writes on African magicians (1977, 261):

As soon as the community becomes aware of a backlash of violence, it will shift the responsibility to those who led it into temptation, the manipulators of sacred violence. They will be accused of having betrayed a community to which they only half belonged, of having used against this community a power that had always been mistrusted.

Those who work with and are in contact with the sacred are especially likely to become its victims. The primary notion is that of contagion. The fear of the contaminated insider abetting an external enemy is crucial to the thinking of many societies, and anthropological analysis of witchcraft can help illuminate how this fear manifested itself in Rome as well. Thus, Philip Mayer in a famous article describes the witch as “The Traitor within the Gates” (1970, 60):

The figure of the witch, clearly enough, embodies those characteristics that society specially disapproves. The values of the witch directly negate the values of society. . . . However, I think that another or a more particular kind of opposition is also vitally involved. I mean the opposition between “us” and “them.” . . . The witch is the figure who has turned traitor to his

<sup>66</sup> For the tone and logic, cf. the narratives in Dion. Hal. 2.68.3, 8.89.3–5, 9.40.

<sup>67</sup> Cornell 1981, 28; cf. Herrmann 1964, 52–53; Hallett 1984, 88, n. 32; Frascchetti 1984, 101; Mustakallio 1992, 56; Staples 1998, 129, 136, 143.

own group. He has secretly taken the wrong side in the basic societal opposition between “us” and “them.” This is what makes him a criminal and not only a sinner.<sup>68</sup>

These remarks cast an important light on the Vestal Virgin.<sup>69</sup> For the Vestal accused of *incestum* was held to be not only a sinner but a criminal as well, and the worst criminal of all: a traitor-*ess*. The specifically feminine form is significant. In undoing herself, she has undone Rome.

I say “undoing herself” in the same sense as “got herself pregnant.” For a feature, usually unnoticed or unremarked by both ancients and moderns, is the entirely optional presence of a man. The sequence of events is clear: misfortune results in suspicion of unchastity; unchastity implies a seducer; one is occasionally sought and found. While we know the names of several men executed or exiled for having had intercourse with Vestal Virgins<sup>70</sup> and while such a charge clearly might be used for political purposes,<sup>71</sup> Vestals were most often tried for unchastity quite by themselves with no male codefendants, or (just as revealing) the existence of male correspondents was not considered worthy of record.<sup>72</sup> There

<sup>68</sup> For cross-cultural data, cf. the Amba of western Uganda, who view witches as a secret association within the village, operating as a fifth-column attacking only fellow villagers but sharing reciprocal cannibal feasts with the witches of enemy villages (Winter 1963). So too the Kuma of New Guinea suspect witches of aiding enemy groups (Reay 1959, 136); while the Abelam of New Guinea believe that sorcery is performed by a traitor in one’s own village working with an enemy sorcerer (Forge 1970, 257–75, esp. 262–63, and cf. xxvii).

<sup>69</sup> Cf. Douglas on “internal traitors” (1970, ix) and Levine 1982, 271.

<sup>70</sup> So, L. Cantilius with Floronia (Livy 22.57.3), yet no one is accused with Opimia. Veturius (Vetutius) with Aemilia (Oros. 5.15.20–22; Plut. *QR* 83), Valerius Licinianus and Celer with Cornelia (Pliny 4.11), Maximus with Primigenia (Symm. *Ep.* 9.147–48). Fest. 277 L: a general statement that the man who makes a Vestal unchaste (*incestavisset*) is beaten to death. Even when the existence of a man is mentioned his name is seldom given: two men with Oppia (Dion. Hal. 8.89.4) and Orbinia (Dion. Hal. 9.40.3), one with Capparonia (Oros. 4.5.6–9), unknown numbers of *corruptores* and *stupratores* with Oculata and Varronilla (Suet. *Dom.* 8.3–5).

<sup>71</sup> So, for example, the cases of Antonius, Crassus, and Catiline; cf. Elagabalus. These, however, are not my concern in this paper. See Rawson 1991, 149–68; Gruen 1968, 127–32.

<sup>72</sup> So, Postumia (Livy 4.44.11–12) was accused but acquitted merely for dressing too well and being too clever (“propter cultum amoeniorem ingeniumque liberius quam virginem decet”), while Minucia is buried alive on exactly the same grounds (Livy 8.15.7). Aemilia (178 B.C.E.) is accused only on the evidence of the sacred fire being allowed to go out (Dion. Hal. 2.68.3–5; Val. Max. 1.1.7; cf. Livy. *Per.* 41; Obseq. 8); cf. the case of 206 (Livy 28.11.6). Tuccia (Dion. Hal. 2.69.1–3) is accused without even this. No man is mentioned at all for Minucia (337 B.C.E.), Opimia (215 B.C.E.), Sextilia (275 B.C.E.) (Livy *Per.* 14; Oros. 4.2.8) or

is no case recorded of a Vestal Virgin suspected or convicted because she was pregnant nor any case where a Vestal was charged with unchastity because she had been raped.<sup>73</sup> Vestals always sinned willingly. It was necessary for them to do so.

In Giovannini's analysis, just as *la Vergine* serves to mark the family's boundaries, so her anti-type, *la Puttana*, "can act as a synecdoche (part for whole) for her family's weakness in the face of external threats. . . . Also, because she was willingly penetrated, this female figure connotes individual disloyalty to the family. In fact, people commonly referred to such a woman as *una traditura* (a traitor)." Likewise, the supernatural Witch (*la Strega*), who unites Whore and Stepmother, "while actualizing the penetration of *Woman*," is called upon "to represent the uncontrollable forces that undermine family unity."<sup>74</sup>

Thus, the penetrated Vestal Virgin becomes a witch; that is, when a witch was needed, a Vestal was deemed to have been penetrated. Here we see one of the most frequent uses of witchcraft: to protect other value systems. The failure of sacred ritual can be attributed to witchcraft, specifically to betrayal by those very technicians of the sacred whose duty it was to perform the rituals that protect society.<sup>75</sup>

This linking of betrayal and unchastity in the figure of the traitoress (*traditura*) ran deep in the Roman mind. It is an intimate part of the cultural encyclopedia. It features prominently in myth and mythical history (Horatia and Tarpeia) as well as rhetoric and rhetorical history (Sempronia).<sup>76</sup> It is also enshrined in law, which allows the torture of

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for Aurelia Severa, Pomponia Rufina, and Cannutia Crescentia, executed by Caracalla (213 C.E.). See Appendix.

<sup>73</sup> Only the mythical Rhea Silvia is pregnant (Livy 1.4). Nero is accused of raping a Vestal but no further mention of her is made. The event is used to demonstrate his sexual insatiability and impiety rather than as evidence of an impending crisis (Suet. *Nero* 28.1). Thus the lack of virginity in a Vestal is of importance only when a victim is needed. The account in Dio 77.16 fuses two accusations: that Caracalla raped a Vestal and that he put four Vestals to death for unchastity.

<sup>74</sup> Giovannini 1981, 419, 422.

<sup>75</sup> Cf. Mayer's remarks (1970, 52) on the Gusii, a western Kenyan Bantu tribe, and Levine (1982) on the Nyinba, a Tibetan-speaking group in Nepal.

<sup>76</sup> For Horatia, see Livy 1.26; Dion. Hal. 3.21. Cf. the brother's words to his murdered sister: *sic eat quaecumque Romana lugebit hostem* (Livy 1.26), with his father's approval and ultimately that of all Roman men. For Tarpeia, see Prop. 4.4, who makes the reason for her betrayal erotic rather than due to feminine greed; so Antigonus of Carystus and the poet Simylus (Plut. *Rom.* 18). See Ogilvie 1965, 74–75, and Burkert 1979, 76. For Sempronia, see Sall. *Cat.* 24–25. An analysis of the adulteress/traitoress/poisoner requires a separate paper. See Currie 1998.

slaves to provide evidence against their masters only for cases of *incestum* and for treason.<sup>77</sup>

### THE TRIAL: LEGAL STATUS

The ambiguous legal status of the trial for *incestum* of the Vestal Virgin has excited the curiosity of many commentators. Two divergent views are held: one, that the trial of the Vestal was a purely secular procedure; the other, that it was a purely religious matter. Koch and others have claimed that Roman law had no procedures for dealing with offenses against the gods.<sup>78</sup> This is not precisely correct,<sup>79</sup> but leads them, nevertheless, to view the trial of the Vestal Virgin as a strictly criminal matter, with the Pontifex Maximus exercising a purely judicial and paternal authority in a trial for *incestum* (so Mommsen 1899, 18). Koch believed that the Vestal was held guilty of incest (in the English sense, German *Blutschande*) since all Romans were somehow the brothers of the Vestal.<sup>80</sup> He then likened it to a trial by a father for a daughter's adultery. Koch, however, misunderstood the very nature of the term *incestum*. *Incestum* was not just "incest," nor was it the same as *stuprum* (sexual defilement, which covers adultery and rape).<sup>81</sup> Both familial incest and the Vestal's *incestum* were species of a specific genus of un-chastity, united by the fact that each involved, unlike *stuprum*, not just legal but religious consequences, and so, danger to the state as a whole.<sup>82</sup> Likewise, the trial of a wife

<sup>77</sup> Livy 8.15.7; Cic. *Mil.* 59; Schol. Bob. Cic. 90S; Val. Max. 6.8.1. Cf. Pliny *Panegy.* 42.3–4; Livy *Per.* 77; Dio 55.5. See Cornell 1981, 34–35 and Buckland 1908, 90–91. Cases involving evidence from slaves (see Appendix): Orbinia in 472 B.C.E. (Dion. Hal. 9.40.3); Minucia in 337 B.C.E. (Livy 8.15.7); Aemilia, Licinia, Marcia in 114 B.C.E. (Plut. *QR* 83; Dio frg. 87.5 B). Note the execution of the *conscii servi* (that is, the slaves who failed to report the crime) with Caparronia (Oros. 44.5.6–9); see discussion by Guizzi 1968, 145–49. Significantly, the Lex Julia expands this to adultery by means of a fictitious sale to the state; Wiedemann 1987, 27. For *incestum*, see below. Cf. Mayer's remarks (1970, 61–62).

<sup>78</sup> Cic. *Leg.* 2.19, 22; Tac. *Ann.* 1.73 (Tiberius: *deorum iniurias dis curae*); *Cod. Just.* 4.1.2. See Koch 1958, 1747; Mommsen 1887, 2: 50–54, 1899, 36–37 (on *Sacraldelict*); Wissowa 1912, 380–409, esp. 388–89; Nock 1972, 2: 531.

<sup>79</sup> As Cornell (1981, 29) points out, "Offenses against the gods, which involved the community as well, such as sacrilege . . . were subject to the normal process of criminal law." Further, even purely religious matters could come under non-religious law. See Cornell 1981, 36–37, e.g., the censors could degrade a man for impiety (Cato frg. 72M).

<sup>80</sup> Koch 1958, 1749; 1960, 1–4; cf. Guarino 1943, 177.

<sup>81</sup> See Fantham 1991.

<sup>82</sup> See Guizzi 1968, 143–44, n. 6–7; Ogilvie 1965, 349. For the etymology and meaning, see Fest. 95L, 277L (s.v. *probrum*); Gaius 1.59, 64.

accused of adultery before the family tribunal and the trial of a Vestal accused of *incestum* before the entire pontifical college differed in numerous aspects, most importantly in the unique specification of death by being buried alive.<sup>83</sup>

Wissowa and others, noting the obvious ritual significance of the trial and punishment of a Vestal, argued that these were not criminal procedures at all but the purely religious matter of the discovery and purification of a *prodigium* (*procuratio prodigiorum*).<sup>84</sup> Cornell objects that the unchastity of a Vestal was not in itself a *prodigium* but a crime that a series of *prodigia* served to disclose (1981, 31). This is not quite correct. Rather, it is the case that prodigies give rise to prodigies.<sup>85</sup> The accused Vestal shared with other *prodigia* the essential feature of pollution.<sup>86</sup> She was a contradiction in terms, a penetrated virgin, the impure pure, and so a *miasma*. Like a hermaphrodite, she crossed boundaries that must not be crossed, and so she must be removed and destroyed. The details of her execution were those of the expiation of a prodigy.

Again, each single explanation is inadequate. The crime of the Vestal was neither against the gods alone nor against the Pontifex Maxi-

<sup>83</sup> The laws relating to adultery are notoriously confused, but only the law attributed to Romulus (Dion. Hal. 2.25.6 = *FIRA* 3) makes any mention of a trial (held by the accused's husband and her father's relations). For the trials after the Bacchanalia of 186 B.C.E., see Appendix. The Lex Julia refers not to trial but to summary execution by the father of a daughter caught in the act of adultery. See Rotondi 1912, 443–47; Richlin 1981; Beard 1980, 15, n. 20 (citing Volterra 1948); Cantarella 1976; Cohen 1991. No other crime specifies burial alive and the only analog is the execution of Antigone in Sophocles.

<sup>84</sup> Wissowa 1923–24, 201–14 (esp. 207–8); Nock 1972, 1: 254; Ogilvie 1965, 74, 349; Staples 1998, 133–34.

<sup>85</sup> Cornell (1981, 31) cites Livy 28.11.6–8 for a hard and fast distinction between the prodigies and the act that produces them: “id [a Vestal allowing the fire to go out] quamquam nihil portententibus dis ceterum neglegentia humana acciderat, tamen et hostiis maioribus procurari et supplicationem ad Vestae haberi placuit.” Livy does not, however, mean that all such events are human mistakes rather than portents, but it was so in this particular case. In fact, the proof (within the belief system) that this was *error* and not *incestum* is the very fact that the Vestal was merely scourged and not killed; cf. the case of Tuccia (c. 230 B.C.E.; see Appendix). Likewise, Livy 22.57.2: “territi etiam super tantas clades cum ceteris prodigiis [N.B.] tum quod duae Vestales eo anno, Opimia atque Floronia, stupri compertae,” shows that their crime was indeed accounted a *prodigium*, while 22.57.4: “hoc nefas cum inter tot, ut fit, clades in prodigium versum esset,” does not show that “such offenses were *not* normally considered prodigies” (Cornell 1981, 32), but rather that Livy considered himself less credulous than others.

<sup>86</sup> For sacredness and pollution as the characteristics of things that cross classificatory boundaries, see Douglas 1966, esp. 41–57. For the application of this to the sacred character of the Vestal Virgin, see Beard 1980, 20–22.

mus alone. The trial and execution of the Vestal Virgin was unique because it was simultaneously both a religious rite to drive out the pollution of *incestum* and a judicial rite for the punishment of treason.<sup>87</sup> The penetrated virgin was a monster and so must be expiated as a *prodigium*. Yet she sinned willingly and so was a traitor.<sup>88</sup> The trial therefore had two corresponding functions. First, the trial guaranteed the unanimity of the sacrifice, the “absolute faith in the guilt of the surrogate victim.”<sup>89</sup> It separated the Vestal Virgin from the community and increased the sacrificially necessary guilt. She was made responsible for all the evils that occurred in the time of crisis, especially sterility of women and diseases of cattle (note the common witchcraft charges).<sup>90</sup> Second, the trial served as the disguise necessary to the proper functioning of the sacred. The Greek and Latin sources themselves carefully distinguished between the execution of the Vestals in 215 and 113 and the sacrifice of the two Greeks and two Gauls along with them (see Appendix). The disguise has worked extraordinarily well. Pliny is not the only one to be unable to convince himself of the possibility of wrongful conviction. Modern authors commenting on the historical texts hold to an oddly naive and credulous style of reporting. The trials and executions of the Vestals are never referred to as—what they so palpably are—human sacrifice.<sup>91</sup>

<sup>87</sup> See Staples 1998, 151–52, for a different explanation.

<sup>88</sup> Koch objects that the Vestal cannot be considered a *prodigium* for this reason (1958, 1748). So too Cornell 1981, 35.

<sup>89</sup> Girard 1977, 83, quoted above.

<sup>90</sup> Mustakallio 1992.

<sup>91</sup> Cf. the comments of Frascchetti 1981, 58. E.g. Dumézil 1970, 2.450: “crime” for the Vestals vs. “quadruple murder” for the Greek and Gaulish couples; Cornell 1981, 28: “punishment” vs. “human sacrifice” and writes, “A confirmed instance of *incestum* was an extremely rare occurrence,” without asking by whom and how confirmed. Marshall (1985: 196) thinks Licinia and Marcia’s brief escape from death was due to “an obvious coverup.” Mustakallio (1992, 63) is able to tell us season of the “crimes”: “We may suggest that Orbinia, Sextilia, and even Caparronia had committed their incest crimes in spring time, thus contaminating the fertility and purification rites of this period.” Even Staples (1998, 134) merely states that the “execution of Vestals . . . coincides with two of the three known instances of human sacrifice ever recorded in Rome.” Porte (1984, 233) is almost alone in calling both “sacrifices humains.” Radke is also explicit (1975, 1129): “Sie entsprechen weder der Königin noch Königs- oder Haustöchtern, sondern wurden . . . Mädchenopfer bereitgehalten, wofür Bruch sexuellen Tabus als Motiv galt.”

EXECUTION AND BURIAL:  
THE VESTAL AS *PRODIGIUM*, *PHARMAKOS*, AND *DEVOTIO*

As *Prodigium*: The execution of the Vestal followed the same magical and religious logic as the expiation of a *prodigium*. In each case, as Wissowa notes (1923–24, 209), the first principle was to remove all traces of the *prodigium*. Thus, two oxen that had climbed up the stairs to the roof of a block of flats were burned alive and their ashes scattered in the Tiber (Livy 36.37.2). A boy born with four hands, eyes, ears, and double genitalia was likewise burned and his ashes cast into the sea (Obseq. 25). A person who had changed sex is said by Pliny the Elder to have been left on a desert island (*HN* 7.36). A hermaphrodite was sealed alive in a chest and set adrift at sea.<sup>92</sup> Cornell rightly compares the case of M. Atilius, convicted of revealing parts of the Sibylline books on the testimony of a slave, sealed in a sack and thrown alive into the sea: “The ritual purpose of the *culleus* is clearly to remove all trace of an unholy and polluting object.”<sup>93</sup> The goal, however, of such rituals is not only to remove the polluting presence of a *prodigium* but to do so without incurring that pollution. Thus, the *prodigium* is burned or abandoned alive. Death is left up to a natural force, and no one is personally responsible for the death and so tainted. No one, therefore, is the object of a further act of vengeance for that death. Girard explains the mechanism in these terms (1977, 29):

It is best, therefore, to arrange matters so that nobody, except perhaps the culprit himself, is responsible for his death, so that nobody is obliged to raise a finger against him. He may be abandoned without provisions in mid-ocean, or stranded on top of a mountain, or forced to hurl himself from a cliff . . . the object is to achieve a radically new type of violence, truly decisive and self-contained.

Thus the details of the Vestal’s execution. She was uniquely buried alive yet provided with a small amount of food, which Plutarch explicitly said was done to prevent the death of a sacred person from being attributable to anyone but herself (*QR* 96, *Numa* 10). The execution of a Vestal was in itself her trial by ordeal. If she was pure, Vesta would no doubt rescue her. Since the goddess never did, the Vestal’s guilt was proved.<sup>94</sup>

<sup>92</sup> Livy 27.37.6. For other examples, MacBain 1982, 127–33.

<sup>93</sup> Cornell 1981, 36; Briquel 1984, 226; Dion. Hal. 4.62; Zonar. 7.11; Val. Max. 1.1.13; cf. Cic. *Rosc. Am.* 71–72.

<sup>94</sup> Pomeroy 1975, 211; Rose 1970; Staples 1998, 133.

As *Pharmakos*: The Vestal Virgin was the symbol of the city, specially set apart in order to incarnate the impregnable boundaries of Rome. When Rome was subject to violence, it was because she had been violated. Yet it was this very status that made it possible for her to be used as a witch figure whose sacrifice averted the anger of the gods. She could become a *pharmakos*.<sup>95</sup>

Like the *pharmakos*, she was a ritually pure victim. Seneca (*Cont.* 4.2) explicitly compared the physical perfection of the sacrificing priest to the physical perfection of the sacrificial victim. Yet we hear of no examination to determine a loss of virginity, apart from the trial by ordeal of burial alive. To have definite medical evidence one way or the other would destroy that precarious balance that Girard points out, since the victim must be simultaneously pure and yet guilty. Like the *pharmakos*, she was paraded through the town in order “to absorb all the noxious influences that may be abroad.”<sup>96</sup> She partook, therefore, of the dual nature of the *pharmakos*, even as *pharmakon* has a dual sense. The ritual victim is both disease and cure. Dion. Hal. 9.40.1 (on the murder of Urbina in 472) makes the mechanism clear: once the Vestal was buried alive, the plague that had afflicted the women with sterility and miscarriages ceased (again, note the standard association of witchcraft with plague).

As *Devotio*: Her status as *pharmakos* means that after her execution, she was paradoxically a protection to the city. She was a prodigy: sacred before as Virgin and Mother, she was still sacred (that is, crossing category boundaries) when defiled, as both penetrated and unpenetrated. Like Oedipus, the presence of her body helped guard the very city that she was held to have betrayed. This explains the fact that not only were the bodies of Vestals ordinarily given the honor of burial inside the city walls, but even Vestals found guilty of *incestum* were buried alive within the *pomerium*. Most importantly, this explains the fact that yearly sacrifices were made on the now holy site of the burial, the *campus sceleratus*.<sup>97</sup> Plutarch expressed astonishment that the site of the burial of a traitoress should receive yearly sacrifices. Only the Vestal’s status as *pharmakos* can explain this.

The Vestal Virgin was thus the most magically effective form of

<sup>95</sup> The comparison is made by Wissowa 1923–24, 211.

<sup>96</sup> Girard 1977: 287; Plut. *Numa* 10; Dion. Hal. 2.67.4, 8.89.5, 9.40.3; Pliny *Ep.* 4.11.

<sup>97</sup> *Pomerium*: Serv. *Aen.* 11.206; Dion. Hal. 8.89.5; sacrifices: Plut. *Numa* 10; *QR* 96; Dion. Hal. 2.40.3 on Tarpeia, citing Piso.

*devotio*.<sup>98</sup> Just as the Roman general could devote any soldier from the army as a substitute for himself and as a representative of the army and the Roman people as whole, so the Vestal Virgin was devoted as sacrifice for the Roman people to expiate the anger of the gods.<sup>99</sup> Indeed, only comparison with the *devotio* explains the fact that the Vestal was buried alive. The standard punishment for both treason and incest was to be thrown off the Tarpeian rock.<sup>100</sup> However, if someone survived after being made an involuntary *devotio*, an image had to be buried seven or more feet deep, and the spot was declared sacred (Livy 8.10.2). The Vestal was thus an image of the Roman people and a *devotio* for them.

### DEATH AND THE MATRONS

The Vestal Virgin functioned as Sign, Stranger, and Sacrifice. She was the Sign for the Roman people, incarnating the collective. Yet in order to serve as the totem of Rome, she was made a Stranger, removed from all familial ties. This combination made her the ideal Sacrifice: both interior and exterior, she could serve as *prodigium*, *pharmakos*, and *devotio* to expiate and protect the city.

These uses of women were not confined to the Vestal Virgins. Rather, Roman society reveals a deep misogyny, erupting at times of crisis into murderous fear directed against its own matrons, against women in their roles as wives and as mothers.

Again, the logic of sympathetic magic is evident. The emphasis is on the element of control. Even for the Vestal Virgins, the sources are emphatic that, although the Vestals no longer belonged to any man, they were still under the discipline of the Pontifex Maximus, whose punishments extended to beatings for minor infractions and to execution for *incestum*. To control women and their sexuality was to control the state. As the state escaped control, among the omens was the escape of women from proper male control. The danger to the *Urbs* could only be warded off by the punishment of women and the subsequent founding of public

<sup>98</sup> For an overview, see Versnel 1976 (esp. 405–10) with previous literature. Versnel makes a distinction (which the Romans did not) between the *consecratio* of the general and his *devotio* of the enemy troops. He does not deal with the aftermath of the rite.

<sup>99</sup> For the details of the ceremony, the oath and the expiatory purpose, see Livy 8.9.4–10.12.

<sup>100</sup> Quint. 7.8.3f.; Tac. *Ann.* 6.19; Livy *Per.* 77; Val. Max. 6.5.7; Plut. *Sulla* 10; Sen. *Dial.* 3.16.5. Radke (1965, 311; 1972, 432) is misled by Hor. *Odes* 3.30.8 and the fictitious case of Sen. *Cont.* 1.3 into thinking that this was a punishment for the Vestal Virgins.

cults of chastity with admonitory and apotropaic functions.<sup>101</sup> Again, this was a common ploy of rhetoric and is reflected in a number of historical or quasi-historical events (see Appendix for the sources).

As in the case of the murder of the Vestals, outbreaks of witch-hunts leveled against the matrons of Rome cluster around times of external threat and internal danger. Thus in 491, the cult of Fortuna Muliebris was founded, open only to *univirae*, celebrating the salvation of Rome by the mother and wife of Coriolanus. In 331, a year of plague, twenty patrician wives were charged with a city-wide poisoning conspiracy.<sup>102</sup> The women were forced to drink the drugs that they claimed were beneficial and of course died—an obvious trial by ordeal.<sup>103</sup> A further one hundred seventy matrons were executed as a result of the subsequent investigation.<sup>104</sup> In 296, the cult of Plebeian Chastity was founded.<sup>105</sup> In the following year, an unknown number of matrons was found guilty of adultery, fined, and the money used to build the temple of Venus Obsequens as a warning to adulteresses.<sup>106</sup> In 215, following the disaster at Cannae, the Oppian law was passed, the temple of Venus Verticordia dedicated, and the Vestal Virgins Floronia and Opimia executed, together with more explicit human sacrifice.<sup>107</sup> In 213, there was a suppression of foreign cults and an unspecified number of wives exiled

<sup>101</sup> For cultic practice and the reinforcement of women's social roles, see Cantarella 1987, 150–55.

<sup>102</sup> For the ritual significance of poisoning as a charge, see Girard 1986, 16–17; Levine 1982, 265 (on the Nyinba).

<sup>103</sup> Instead, Herrmann 1964, 47–48, sees an early attempt at “women's liberation” culminating in murder. Bauman (1992, 13–14, 17–18, 20–21) sees a protest against *manus* marriage, taking “the form of a criminal conspiracy directed not only at their husbands but at public figures in general.” The resemblance to the African poison oracle should not need to be pointed out but it apparently does. Any other discipline, historical or anthropological, examining a year of plague during which 170 women are charged with poisoning and then executed would become suspicious. What is most disturbing here is the lack of the barest consideration of the possibility that these women were innocent, a failure of the historian's minimal obligation to question the sources. Given a choice between seeing a vast murderous conspiracy of wives, or acknowledging the use of ritual scapegoats, some have chosen the former (see nn. 106, 112, 113).

<sup>104</sup> See Münzer 1923, 1721; Gagé 1963, 262–64 (for doubts as to historicity); Monaco 1984. Cantarella (1987, 126) gives the number as 160; Pomeroy (1975, 176) as 116.

<sup>105</sup> See Palmer 1974, 122–25, 132–34.

<sup>106</sup> Bauman (1992, 17 and 223, n. 15) assumes they were guilty of prostitution; Gardner (1986, 123) of no more than drunken high-spirits. I see no reason to assume they were “guilty” of anything.

<sup>107</sup> See Palmer 1974, 135–36; Culham 1982.

for adultery.<sup>108</sup> In 204, there was the trial by ordeal of Claudia Quinta, charged with adultery.<sup>109</sup> In 186, the Bacchanalia crisis erupted when unknown numbers (in the thousands) of women were executed by family tribunal or the state.<sup>110</sup> In 184, there was a further series of poisoning trials, involving both men and women.<sup>111</sup> In 180, Hostilia Quarta was condemned for poisoning her husband in order to advance her son by an earlier marriage, while in Rome and environs, three thousand people were found guilty of poisoning.<sup>112</sup> In 154, Publilia and Licinia were accused of poisoning their husbands, tried by family tribunals, and strangled.<sup>113</sup> In 113, following the condemnation and execution of the Vestal Virgins, the temple of Venus Verticordia was rededicated.<sup>114</sup>

Two questions arise: Why was this fear directed against matrons, women at the center of society, rather than solely against the old, the widowed, the unprotected, or other societally marginal women, as in the European witch craze?<sup>115</sup> And why was the charge of adultery the expression of that fear? These eruptions of rage against women reveal a profound fear at the core of Roman society. In brief, the role of Woman as Sign has led to the role of Woman as Stranger: the very interchangeability and exchangeability on which Rome was based necessitated that a woman still be attached to, and be a member of, her father's family for her to have value as an exchange.<sup>116</sup> As a result, she was still a stranger in

<sup>108</sup> Bauman (1992, 25), though covering the first event, fails to note the second. Gruen (1990, 40) does not comment on implication of women in the purification.

<sup>109</sup> See Herrmann 1964, 58–59; Gallini 1970, 71–72; Beard 1995, 171.

<sup>110</sup> For the poisoning trial and the Bacchanalia of 186, see Herrmann 1964, 68–79; Gallini 1970, 11–52; Pailler 1988, 1990; Rousselle 1989; Gruen 1990, 34–78; Bauman 1992, 35–40.

<sup>111</sup> See Herrmann 1964, 78; Gallini 1970, 45. Bauman (1992, 38) is right to argue for the inclusion of women.

<sup>112</sup> Bauman (1992, 38) wonders if the remaining members of the Bacchic cult were not indulging in “a fund-raising programme” by murder; again, the idea of a witch-hunt does not occur.

<sup>113</sup> Bauman (1992, 38) speculates that Publilia was “a Bacchanalian sympathizer who killed for the cause.”

<sup>114</sup> Bauman 1992, 52–58.

<sup>115</sup> For an excellent introduction, see Briggs 1996.

<sup>116</sup> See Hallett 1989; Dixon 1992, 42–43 (purely in economic terms); Saller 1994, 76–88; Parker 1998, 154–55, for overviews of this conceptual difficulty. The most obvious sign of this lifelong possession is the fact that a woman retained her father's gentile name; Hallett 1989, 67: “Roman society thus labeled her the daughter of her father for purposes of lifelong identification”; see also Kajanto 1972, 13–30; 1977, 184; Pomeroy 1975, 152, 165; 1976, 225–26.

her marriage family and feared as a stranger, that is, as a potential traitress to her new family, as a potential witch to her husband and poisoner of his children.<sup>117</sup>

This fear, though best known to folklore as centering on the figure of the step-mother, was not confined to her. Rather, since for Rome the children were the husband's, both legally and biologically, all mothers were stepmothers, fostering another's children.<sup>118</sup> Anthropological data from a variety of cultures demonstrate the way in which accusations of witchcraft are frequent against brides brought into virilocal or patrilineal villages.<sup>119</sup> For Rome, a single example may serve to illustrate this nexus of adultery, poisoning, and betrayal. According to Plutarch (*Rom.* 22.3), the laws of Romulus specified that a husband may divorce his wife only for poisoning his children, counterfeiting his keys, or adultery.<sup>120</sup>

This very marginality of women, as we have seen, makes them the

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Even in the case of (increasingly rare) *manus* marriage, the new *materfamilias* did not lose all connection with her natal family. She was transferred to her husband's *familia* (Gel. 18.6.9; Serv. A. 11.476) for purposes of property transfer (especially intestate succession); she stood *filiae loco* (*Tit. Ulp.* 23.3), but she was not part of her husband's *gens* (see Ulpian's careful definition: *D.* 30.16.195.2). As Treggiari (1991, 30) writes: "She was not a daughter but in the position of a daughter." That is, her *pater* remained her *pater* (though she was no longer *in patria potestate*), her *mater* remained her *mater*, and so on. The most vivid proof of these agnatic ties, besides the fact that the wife *in manu* did not change her gentile name, is that a father retained the right to kill a daughter taken in adultery even after he had transferred her to the *manus* of her husband (*Coll.* 4.2.3 from Paulus = *FIRA* 2.553; but not over a daughter freed by *emancipatio*: *Coll.* 4.7.1): "Secundo vero capite permittit patri, si in filia sua, quam in potestate habet, aut in ea, quae eo auctore, cum in potestate esset, viro in manum convenerit, adulterum domi suae generive sui deprehenderit isve in eam rem socerum adhibuerit, ut is pater eum adulterum sine fraude occidat, ita ut filiam in continenti occidat." See Treggiari 1991, 282, for texts and analysis.

<sup>117</sup> Purcell 1986, 95; Edwards 1993, 51–52; Santoro L'Hoir 1992, 41–42; Wiedemann 1987, 25–26; Parker 1998, 154–55, 164 (see also the bibliography cited in n. 27).

<sup>118</sup> Noy 1991; Watson 1995.

<sup>119</sup> See Rosaldo 1974, 32–34, for an overview. Gluckman 1956, 98 (Zulu); Middleton and Winter 1963, 14–17 (E. Africa); Beidelman 1963, 86–87 (Kaguru, a Bantu-speaking people of Tanzania); Winter 1963, 278, 287–88 (Amba, mentioned above); Epstein 1967, 135–54, esp. 150 (Mysore); Harper 1969 (Brahmins in S. India); Hunter Wilson 1970, 252–63, esp. 261 (Mpondo, Bantu speaking people of S. Africa); Marwick 1970, 280–81 (South-Eastern Bantu). See also Giovannini 1981 (Sicily).

<sup>120</sup> ἐπὶ φαρμακείᾳ τέκνων ἢ κλειδῶν ὑποβολῇ καὶ μοιχευθεῖσαν. Cobet reads ἐπὶ φαρμακείᾳ καὶ τέκνων ὑποβολῇ, while Ziegler (Teubner 1957) inserts καὶ to read ἐπὶ φαρμακείᾳ (καὶ) τέκνων ἢ κλειδῶν ὑποβολῇ, "for poisoning, or for substitution of children or keys," producing a harsh zeugma. There is no reason to doubt the text, unless one has already decided that it cannot be saying what it says.

perfect victims. In times of panic, the society can easily be restored to health by the sacrifice, exile, or punishment of wives, who are central to the family yet not fully members of it; who are necessary to produce children yet expendable; who are, in short, human but less than human.<sup>121</sup> Yet why do Girard's objections to women as the ideal sacrificial victim not apply? The execution of a wife would appear to be fraught with the dangers of reciprocal violence from either her birth family or her marriage family, which Girard noted. Here we can see the role that the charge of adultery played. Adultery of a wife was the betrayal of all her male relatives, both by birth and by marriage. Only for adultery did both husband and father have the right, indeed the duty, to kill a matron. Only the charge of adultery could sever a woman from both her agnatic and her marriage families.<sup>122</sup>

The list in the Appendix makes clear the prevalence of the theme of conspiracy. We hear not of individual women put on trial but masses. We are told not of monstrous women acting alone but in consort, and not merely with adulterers, but more terrifyingly with the other outsiders, with slaves and foreigners, and most terrifyingly, with each other. They formed an anti-society, an underground where women were adulterous and poisoned their husbands, even their children. They created a witch-world whose values were distorted parodies of the values of patriarchal society: women as active, rather than passive; as sexual subjects, rather than sexual objects; as murderers, rather than victims.

Thus the magical and liminal functions of women were not confined to the Vestal Virgins. Female sexuality under male control was the basis of and paradigm for keeping society under control. Yet in times of crisis, the society turned on those elements, which it feared would threaten social stability, the very categories it created in order to have stability at all. The unpenetrated virgin and the well-regulated wife both embodied the city in the symbolic universes of sympathetic magic and ideological praxis.<sup>123</sup>

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<sup>121</sup> Cf. the famous remarks of Metellus Macedonius on the burdensome necessity of wives in order to procreate: Suet. *Aug.* 89.2; Livy *Per.* 59; Gell. *NA* 1.6.

<sup>122</sup> See n. 83.

<sup>123</sup> Versions of this paper have been previously delivered at APA 1988 (Baltimore); University of Arizona, March 1989; Miami University, April 1992; Vassar College, March 1993; and at the conference "Virginity Revisited," University of Western Ontario, October 1998.

## APPENDIX

- c. 750 B.C.E. (traditional): Vestal Tarpeia. Only three sources call her a Vestal: Varro *LL* 5.41; Prop. 4.4; Plut. *Numa* 10.1. The rest merely label her *virgo* or παρθένος; Livy 1.11.5–9; Ovid *F.* 1.261–62; Dion. Hal. 2.38 (citing Piso, Fabius, Cincius); Val. Max. 9.6.1; Plut. *Rom.* 17–18.1 (citing Juba, Sulpicius Galba, Simylus, Antigonus of Carystus); Festus 496L (464L, frg.).
- c. 616–579 (traditional): Vestal Pinaria (under Tarquin Priscus). Dion. Hal. 3.67.3; Zonar. 7.8 (no name).
- 491: Foundation of Fortuna Muliebris, open only to *univirae* (widows and others excluded since they were unlucky; Dion. Hal. 8.56.4; Tert. *Monog.* 17). Livy 2.40.12; Festus 282L; *De Vir. Ill.* 19; Val. Max. 1.8.4, 5.2.1, 4.1; App. 2.5; Plut. *Cor.* 1.2, 4.3–4, 34–36.
- 483: Vestal Oppia (during the Volscian War, with signs of “divine anger”). Livy 2.42.11; Dion. Hal. 8.89.4 (Opimia); Oros. 2.8.13 (Popilia); Euseb. 2.101 (Pompilia).
- 472: Vestal Orbinia (during a year of plague which caused miscarriages). Dion. Hal. 9.40.3.
- 420: Vestal Postumia (spoke and dressed too freely; acquitted). Livy 4.44.11; Plut. *Mor.* 89f (Pont. Max.: Sp. Minucius).
- 337: Vestal Minucia (same charge as Postumia; condemned). Livy 8.15.7–8 (*RE* Minucius 68); *Per.* 8; Hieron. *Adv. Iovinian.* 1.41; Oros. 3.9.5. Cf. *Hell. Oxy.* (*P. Oxy.* 12. col. iii, 33–37 = *FGrH* 255, 1155.6–8) under Olympiad 111, Year 1 (= 336 B.C.E.), which mentions plural Vestals.
- 331: (a year of plague): 20 patrician wives executed for a poisoning conspiracy. Further 170 matrons subsequently executed. Livy 8.18 (170); Val. Max. 2.5.3 (170); Oros. 3.10 (370).
- 296: The cult of Plebeian Chastity founded. Livy 10.23; Prop. 2.6.25.
- 295: Matrons found guilty of adultery, fined and the money used to build the temple of Venus Obsequens. Livy 10.31.9.
- 275: Vestal Sextilia. Livy *Per.* 14; Oros. 4.2.8.
- 266: Vestal Caparronia (plague). Oros. 4.5.6–9.
- c. 230: Vestal Tuccia. Livy *Per.* 20: *Tuccia, virgo vestalis, incesti damnata est*; all others know her as proven innocent by the trial of the sieve: Dion. Hal. 2.69; Val. Max. 8.1 abs. 5; Pliny *HN* 28.12; also Aug. *Civ. Dei* 10.16.
- (228: Sacrifice of two Gauls and two Greeks for the first time; in the Forum Boarium.)
- 215: (following Cannae) Vestals Floronia and Opimia.
- (a) One Vestal executed, the other commits suicide, together with more explicit human sacrifices. Livy 22.57.2; *Per.* 22; Plut. *Fab.* 18.3 (no names).
- (b) The Oppian law is passed. Livy 26.36; Tac. *Ann.* 3.34; Val. Max. 9.1.3; Oros. 4.20.14; Zonar. 9.17.1.
- (c) The temple of Venus Verticordia dedicated. Val. Max. 8.15.12; Pliny *NH* 7.180.

- 213: Wives exiled for adultery. Livy 25.2.9–10.
- 207: Lightning strikes Temple of Juno (among other prodigies). Matrons summoned and fined. The occasion of Livius Andronicus' hymn. Livy 27.37.8–10.
- 206: Sacred fire goes out; Vestal scourged by Pont. Max. P. Licinius. Livy 28.11.6.
- 204: Trial of Claudia Quinta. Livy 29.14.12; Ov. *F.* 4.305f.; Lactant. *Inst. Div.* 2.7; App. *Hann.* 56.
- 186: Bacchanalia suppressed; women are executed by family tribunal or the state. Livy 39.8–18.
- 184: Poisoning trials involving both men and women. Livy 39.41.5–6.
- 180: (a) Trial and execution of Hostilia Quarta for poisoning husband C. Calpurnius Piso (cos. 180) in favor of her son from a previous marriage, A. Fulvius Flaccus. Livy 40.37.1–7 (184; *Hell. Oxy.* 39).  
(b) 3000 people found guilty of poisoning. Livy 40.43.2–3.
- 178: Vestal Aemilia: fire went out, and eventual miracle proving her (or her disciple's) innocence. Dion Hal. 2.68.3–5; Val. Max. 1.1.7. Cf. Livy *Per.* 41; *Obseq.* 8.
- 154: Publilia and Licinia accused of poisoning their husbands, tried by family tribunals, and executed by strangling. Livy *Per.* 48; Val. Max. 6.3.8; see Licinius 178, *RE* XIII.196.
- 114 (Dec.): (a) Helvia, a girl, blown up by lightning.  
(b) Vestal Aemilia condemned (Dec. 16), but apparently not executed immediately; Saturnalia intervened (Dec. 17); Licinia tried (Dec. 18) but found innocent. Soon thereafter in the next year:
- 113: (a) The other two Vestals, Licinia and Marcia, condemned, again with more explicit human sacrifice.  
(b) The temple of Venus Verticordia rededicated. Macr. *Sat.* 1.10.5 (citing Fenestella, our source for the dates); Dio 26 (frg. 87); Ascon. *Milo* 45–46 (§32) Clark; Oros. 5.15.20–22; Plut. *QR* 83; *Obseq.* 37; Livy *Per.* 63; cf. Cic. *Nat. Deor.* 3.74. For Venus Verticordia: Val. Max. 8.15.12; Ov. *F.* 4.157–60. (Val. Max. 3.7.9, 6.8.1, cited by *MRR* I.536 and others, concern a vague charge of *incestum* against the orator M. Antonius).
- 73: (a) Accusations against Licinia (Licinius 185, *RE* XIII 498) for intercourse with Crassus (charge brought by Plotius: see *MRR* II.114). Plut. *Crass.* 1.2; *Mor.* 89e.  
(b) Accusations against Fabia for intercourse with Catiline. Cic. *Cat.* 3.9; *Brut.* 236; Sal. *Cat.* 15.1; Plut. *Cat. Min.* 19.3; Oros. 6.3.1.
- 83 C.E.: Trials of the Vestals by Domitian: Oculata, Varronilla, Cornelia. Acc. to Suetonius, Oculata and Varronilla were allowed to choose the methods of their deaths; their lovers banished. Chief Vestal, Cornelia, buried alive; her lovers beaten to death, with the exception of one ex-praetor who was exiled. According to Pliny, Cornelia buried alive; her (possible) lover, Licinianus, exiled; other accused lover, Celer, scourged. According

- to Dio, many Vestals (no names) put to death, but not by being buried alive. Suet. *Dom.* 8.3–5; Plin. *Ep.* 4.11; Dio 67.3.
- 213: Caracalla said to have raped Clodia Laeta; she was buried alive, protesting her innocence; Aurelia Severa and Pomponia Rufina buried alive; Cannutia Crescentia committed suicide. Dio 77.16; Herod. 4.6.
- 219: Elagabalus “lives with” the Vestal (Iulia) Aquilia Severa (Dio 77 [78].16); *incestum* (SHA *Ant. Elag.* 6.6–8). His marriage to her is known only from coins: see *PW* Iulius (Severa) 557. Dio 77 [78].16; SHA *Ant. Elag.* 6.6–8; Herod. 5.6.2; Zonar. 12.14.
- Late fourth century (c. 390): *Incestum* of Primigenia, Vestal at Alba, with a certain Maximus. Punished in the old way “in the custom and institution of our ancestors.” Symm. *Ep.* 9.147–48.

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