CARNAL, BLOODY AND UNNATURAL ACTS: RELIGIOUS POLLUTION IN ANCIENT ROME

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Thesis submitted to the University of Nottingham for the degree of Doctor of Philosophy

Submitted: June 2011

ABSTRACT

The aim of this thesis is to define and explore the nature of pollution and purity in pre-Christian Roman religion, focussing particularly on the late Republic and the early Principate. In spite of the established position of these themes in studies of Greek religion, there remains no comprehensive treatment of pollution and purity in Roman religion. The thesis exploits the approaches established by modern anthropology and classical philology to examine several aspects of religious pollution, focussing primarily on the role of the human body within religious activity.

Chapter One examines the wide-ranging vocabulary of impurity in the Latin language, and identifies the main linguistic registers in which pollution and purity featured. The second chapter explores the various dangers posed to religious procedures by sexual acts and emissions. Chapter Three continues this theme, considering blood as a polluting and purifying agent in the context of Roman law, sacrifice and warfare. Chapter Four focuses on death pollution, in particular the removal of the corpse, the status of those who worked constantly around death, and the annual rites of propitiation and the subsequent purification of the city. These various strands are drawn together in the fifth chapter, which explores their use within the oratory of Cicero as a weapon to discredit the religious authority of his opponents.

ACKNOWLEDGEMENTS

This project would not have been possible without the support of a large number of people who have helped in various ways throughout the writing of the thesis, and it is a pleasure to offer special thanks to the following:

Fist and foremost I must thank my grandfather, Peter, and my wonderful partner, Clare, for their considerable support, both financial and emotional, throughout my time here. Without them, none of this would have been possible.

A number of staff at Nottingham offered help and guidance along the way, improving both the thesis and my overall approach to the subject. In particular, I wish to give sincere thanks to Prof. John Drinkwater, my secondary internal supervisor, for reading and re-reading various drafts of my 'purple prose' and cheerfully attempting to salvage it where possible; to Prof. John Rich, for setting me on the path that led to this thesis, and for being a constant source of encouragement and advice from the very beginning; and finally, to Dr Carl Buckland, who has been both a teacher and a friend, who helpfully lowered the bar of my expectations at every turn, and whose views, I shall now admit, have been utterly vindicated.

To Adam, Tess, Tobin, Jen, Pippa, Nick, and Becky, I hope living with me as I stumbled from one unpleasant topic to the next has not been too arduous, and that it at least made for some entertaining anecdotes. While many people within the department have helped me along the way, I must also give particular thanks to Ellie, for working, procrastinating, and above all, putting up with me all these years.

Finally, I must thank my primary supervisor Dr Mark Bradley for all the guidance, support and patience he has offered over the past three years. I have learned a great deal from him and hope to put it to good use.

This thesis is dedicated to my grandmother Dorothy.

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INTRODUCTION

ad divos adeunto caste, pietatem adhibento, opes amovento. qui secus faxit, deus ipse vindex erit.

They shall approach the gods with purity, they must bring piety, they must leave offerings. Whoever acts contrary to this, the god himself will take vengeance on him.[1]

(Cicero, *De Legibus* 2.19)

This injunction is the first set down by Cicero in his list of religious laws, which he believed would be essential in forming a stable, regulated society. Before defining which gods may be worshipped and in what manner, before setting out which days must be sacred and which offerings must be made, his stipulation is clear – purity (*castitas*) must be assured. In the field of religion it walks hand-in-hand with piety as a demonstration of the respect due to the gods. It is also the first condition which must be met before any situation where humans and gods meet.

The *De Legibus* is first and foremost a philosophical work following the tradition of Plato, attempting to define a perfect society held together by structure and order.[2] Within the religious framework of this society bodily purity represented the first crucial step, but Cicero was anxious to stress that 'purity' should refer to more than mere bodily cleanliness or sexual abstinence, and should also include the purity of the soul. Bodily impurity, he argued, could be easily rectified through the sprinkling of water, or by the passage of a predetermined number of days. A stain upon the spirit, however, could be washed away by neither, and since Cicero believed that the soul was of greater importance he argued that greater care must be taken of its condition.[3]

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[1] Unless otherwise stated, translations provided throughout are my own. Abbreviations follow those listed in the Oxford Classical Dictionary (3rd edition, revised).
[2] Cf. Rawson (1973) 334-56.
[3] Cic. *Leg.* 2.24 suggests that a man with a 'pure spirit' (*castus animus*) was better placed to receive and interpret the messages of the gods.

He went even further in his work *De Natura Deorum* in drawing a link between purity and piety, stating that 'our worship of the gods is the greatest and purest (*castissimus*), the most venerable and full of piety, as we always venerate them with a pure (*pura*), complete and uncorrupted mind and voice'.[4]

Two points are immediately apparent from these statements. Firstly, they demonstrate that purity mattered in Cicero's view in order to assure a successful relationship with the gods, a key issue which lay at the heart of Roman religion. Secondly, ideas of purity could be expressed in more than one way and be applied to differing things. But what constituted religious 'impurity'? Was pollution a definable entity, which a Roman citizen of the Republic, if asked, could describe in any clear way? In everyday Roman life one could be marked with dirt, mud, blood or food without being 'polluted', just as one could be free from such things without being 'pure'. Purity and pollution were not direct opposites of one another, but rather were two states considered 'different' from normality.[5] So why was purity stressed so vigorously in religion? What did participants in rites hope to accomplish through achieving a state of purity? For the purposes of the *De Legibus*, Cicero states that the threat of divine retribution will ensure conformity within his ordered society by the strengthening of religious authority.[6] Many ideas about what is dirty or contagious are cultural constructs and all are amplified within the sphere of religious ritual. As a result the theme of impurity works well with that of conformity. Order is imposed upon the people by pressuring them into conforming to shared ideas of purity.

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[4] Cic. *Nat. D.* 2.71 (*cultus autem deorum est optumus idemque castissimus atque sanctissimus plenissimusque pietatis, ut eos semper pura integra incorrupta et mente et voce veneremur*); Dyck (2004) 290-2.

[5] Bendlin (2007) 178-9. Susan Cole has stressed that 'the vocabulary of purity overlapped the vocabulary of cleanliness, but the two states...were not the same'; Cole (2004) 36; cf. Neumann (1992) 71-5.

[6] Cic. *Leg.* 2.25.

Cicero's ideas on the good life suggest the struggle to maintain this purity required constant vigilance. He implies that pollution could be incurred by any number of means, and that it might not be easily removed. This depended on the form of the pollution, as well as the religious context in which it occurred. Cicero was writing a philosophical work, encouraging the cultivation of the soul (hence his stress upon spiritual purity), as well as demonstrating the virtues of a society dominated by law.[7] The idea was repeated in the *De Divinatione*, where he suggested that a man whose spirit was 'pure and clean' (*castus animus purusque*) was better placed to receive and interpret the messages of the gods.[8]

Bodily impurity still mattered, however. The customs of *pietas* dictated that Aeneas could carry his father out of Troy while stained with the blood of recent battle, but he refused to touch the images of his household gods until he had cleansed himself in a stream.[9] Similarly, before the sacrifice of an animal, an early Roman priest in Livy urged a dedicator to wash in running water (*vivum flumen*) in order to ensure the successful completion of the offering.[10] For Cicero, Virgil and Livy the result of impurity, whether physical or spiritual remained the same, the person became unfit to approach the gods or to offer sacrifice. Cicero's ideal world is one of order, where citizens maintained bodily purity, but devoted the majority of their time to spiritual purity. In practice, however, a show of physical cleansing might be all that was required to meet the immediate demands of ritual purity.

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[7] North (2000) 25 stresses that the *De Legibus* presents us with Cicero's philosophical society, not necessarily with the Rome of the late Republic. Indeed, much of Cicero's theory came from pre-existing Greek philosophical ideas of 'spiritual purity'. Moulinier (1952) 168-71 notes the clear distinctions between ideas of clear/unmingled when referring to physical substances on the one hand, and philosophical truth on the other.

[8] Cic. *Div.* 1.121.

[9] Verg. *Aen.* 2.717-20. The scene mirrors Hector's refusal to offer libations at Hom. *Il.* 6.300-18.

[10] Liv. 1.45.

This is an opportune time for a study of pollution in ancient Rome, since the subject has shown various forms of resurgence in recent years. Valerio Valeri's *The Forest of Taboos* (2000) re-evaluated much of the existing scholarship from the world of anthropology, discussing a huge volume of material on pollution concepts across human culture. Even more recently, Ron Barrett has applied established theories of pollution to various Hindu sects and the purifying roles of the Ganges in *Aghor Medicine: Pollution, Death and Healing in Northern India* (2008) to reinterpret the forms of power and danger associated with dirt. This has been accompanied by a number of scholarly and popular works from the fields of sociology and biological/hygiene studies, such as Virginia Smith's *Clean: A History of Personal Hygiene and Purity* (2007).[11] The death of Mary Douglas, the subject's leading figure, in 2007 just weeks before she was due to give a keynote address at the British School of Rome on pollution in the ancient city, also led to widespread discussion of her work. Her career spanned over fifty years in which she made numerous contributions to the study of impurity in human society. The proceedings of the conference, *Rome, Pollution and Propriety: Dirt, Disease and Hygiene in the Eternal City from Antiquity to Modernity* (*forthcoming*, 2011), cover over two millennia of the city's history, and demonstrate how Douglas' ideas on the classification of pollution remain potent decades after their initial conception.[12]

Aside from this most recent development, the issue of purity in Roman society has received surprisingly little attention to date, even in the heavily debated field of religion. While the publication of Robert Parker's ground-breaking *Miasma* (1983), on pollution in archaic Greek religion, should have inspired study and discussion across classical scholarship, the subject has remained surprisingly stagnant. The central aim of this thesis, therefore, is to provide a comprehensive examination of some of the

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[11] See also Curtis (2001) 17-31; id. (2007) 660-4; Ashenburg (2008) esp. 15-47.
[12] Bradley (forthcoming, 2011a).

key forms of impurity that existed in ancient Rome. Although pollution within Roman society as a whole requires greater attention, this investigation will focus primarily on those areas of purity/pollution that concern religious ritual. Due to the nature of this subject and the limitations of evidence, the focus will be predominantly literary and concerned with the periods of the late Republic and early Principate. In particular I will aim to integrate theories derived from anthropological research (where the subject has received more widespread consideration) with the traditions and approaches of classical philology to demonstrate that the language employed in ancient literature is an essential tool in interpreting a society's own understanding of its values. Such a study must begin, however, with a more general evaluation of anthropological scholarship regarding issues of purity and pollution in human societies.

Modern Approaches

(i) Anthropology

Since its publication in 1966, Mary Douglas' *Purity and Danger: An Analysis of Concept of Pollution and Taboo* has remained the single most important work in the study of impurity across human culture. Using fieldwork gathered among the African Lele, combined with an in-depth study of the Hebrew text *Leviticus*, Douglas set out a template for the evaluation of pollution which she continued to refine throughout her extensive career.[13] Her most fundamental theory was the classification of dirt as 'matter out of place', which suggested both 'a set of ordered relations and a contravention of that order'.[14] This rejected the existing, outdated interpretation, that dirt was the result of internalised shame/guilt within the 'savage' individual, and

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[13] See also Douglas (1975) 106-15; id. (1996) esp. 72-91; id. (1998) 5-12; id. (1999) 33-45; Neusner (1973) 119-130; Harrington (2004) 71-127; Moore (2009) 270-84.
[14] Douglas (1966) 8-50 at. 44.

which was treated (in Douglas' summarisation) as 'irrational and beyond analysis'.[15] Douglas' own structuralist ideas stemmed from the theories of Émile Durkheim, which argued that religion demonstrated and reaffirmed the values of a society, rather than the fears and taboos of the individual.[16] This led her to seek an explanation for why a specific society classified a particular being or substance as impure. If impurity was disorder, these cases gave crucial information concerning what society prized as 'order'.[17] Douglas also argued that public demonstrations recognising and dealing with a perceived 'danger' helped to 'enforce conformity' amongst members of the same group.[18] As a result, when we see public demonstrations connected with purity in ancient Rome we should not view them as isolated events, but rather part of a continuing discourse in which Roman society constantly re-evaluated and readjusted its cultural principles. Religious rituals, as expressions of public feeling, are thus an ideal medium through which to interpret notions of purity and impurity, and so of order and disorder.

Central to Douglas' theory was the role of boundaries in the creation and maintenance of order. The symbolism of the human body was critical to understanding these boundaries:

> The body is a model which can stand for any bounded system. Its boundaries can represent any boundaries which are threatened or precarious. The body is a complex structure. The functions of its different parts and their relation afford a source of symbols for other complex structures. We cannot possibly interpret rituals concerning excreta, breast milk, saliva and the rest unless we are

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[15] Ibid. (1975) 108; Webster (1942) 14. This view was influential in the study of ancient Greek pollution in the early-mid twentieth century; cf. Dodds (1951) 28-63.
[16] Douglas (1966) 24-9; Metcalf and Huntington (1991) 28-9.
[17] Douglas (1966) 24-7, 80-2; Farndon (1987) 4-6.
[18] Douglas (1966) 45, 49.

> prepared to see in the body a symbol of society, and to see the powers and dangers credited to social structure reproduced in small on the human body.[19]

The body's emissions transgress its orifices, which are therefore perceived as vulnerable, and imbued with both a sense of power and/or danger.[20] *Leviticus* lists any form of bodily discharge as ritually unclean, and requiring various acts of purification to protect the community from accidental defilement of sacred places, which would result in divine retribution.[21] Natural human processes such as birth and death involved members of the community losing control over the flow of emissions, or marked a breach in the order of the body, the danger of which was expressed in terms of pollution and disorder.[22]

Some have accused Douglas of oversimplification in trying to define a universal pattern of behaviour regarding dirt.[23] However, the core of her ideas remain sound, while having also received refinement over the years, typically as a result of anthropologists reacting to phenomena within their chosen society of study. One prominent example of this appears in the work of Alison Meigs, on the Hua of New Guinea and modern North American culture.[24] Meigs lays greatest emphasis on the body as the source of pollution, focusing on fluids (sweat, blood, saliva etc.) as well as hair and fingernails. Each of these substances, according to the Hua, carry the *nu* (life essence) of the person they stem from, and this power may be considered dangerous to others. Meigs sums this relationship up as 'anything which is *nu* or a

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[19] Ibid. 142. For anthropological works employing theories of bodily symbolism, see also Zuesse (1974) 482-504; Meigs (1984) 125-36; Mullin (1996) 509- 24; Valeri (2000) 70-83; Bowie (2006) 40-5; Schilling (2003) 64-6; Cole (2004) 30-65; Gregory (2007) esp. 23-6; Barrett (2008) 25-6, 164-6.

[20] For example, Miner (1956) 503-7.

[21] Vulg. *Lev.* 15.1-32.

[22] Parker (1983) 61; Mullin (1996) 514; Schott (1988) 37.

[23] Fuller (1996b) 1-31. On the problems and limitations of comparative theory in anthropology, see Eggan (1954) 743-63, which stresses the need for comparisons to be made with awareness of their specific cultural framework, under which criteria the rituals and anecdotes regarding purity across the ancient world become most relevant to Rome as part of the wider tradition of purity in the Mediterranean. Cf. Wright (1987) 5-9.

[24] Meigs (1978) 304-18.

form of it can be polluting – anything that is polluting is a source of *nu'*.[25] Since each of these substances derives from the body, Meigs takes this idea further by arguing that behind every pollution taboo lies the fear of death.[26] Blood, saliva and all other bodily fluids function correctly within the body, and while still attached, hair and fingernails continue to grow as normal. Upon disconnection with the body the link with the body's vitality is severed, and thus the substances begin to decay, sometimes visibly; in effect, they die. The greatest threat posed by these substances is through their potential to gain unwanted access to another's body. In illustrating this, Meigs uses Douglas' own examples of muddy shoes on a dining table or hair in a bowl of soup, contrasting them with toys, paper towels and clothing, all of which are 'out of place' on a dining table, but do not arouse the same feeling of revulsion as the shoes or hair. These non-threatening forms of disorder are reclassified as 'mess' by Meigs, while the shoes, which may introduce faeces, saliva or rubbish from the streets into the food we eat, naturally give greater cause for alarm.[27] In the words of C.S. Lewis, 'Minerals are clean dirt. But the real filth is what comes from organisms – sweat, spittles, excretions…The impure and the organic are interchangeable conceptions.'[28]

The pivotal role of classification in Douglas' theory complemented the earlier anthropological work of Arnold Van Gennep's *Rites of Passage* (1960). Van Gennep saw human relationships as occurring within a clearly defined set of boundaries. Important social actions and events involved transference across one boundary to another. This began with a stage of separation, followed by a period of transition, during which phase the subject was said to be in a 'liminal' state, and culminated in successful reintegration of the person, or persons, back into everyday society.

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[25] Meigs (1978) 307. On pollution from bodily emissions, see Stevenson (1954) 45-65 at 63; Harper (1964) 169; Cole (2004) esp. 34-7; Attridge (2004) 72-3.
[26] Cf. Parry (1982) 74-110; id. (1994) esp. 151-90; Hallam, Hockey and Howarth (1999) 26-7; Barrett (2008) 164-5.
[27] Meigs (1984) 99-113. Cf. Bloch (1982) 219; Strathern (1982) 126; Parry (1985) 212-30; Valeri (2000) 100-5.
[28] Lewis (1945) 232.

Typically such liminal periods between separation and reintegration coincided with periods of danger or susceptibility for the subject and those around them, and so rituals were put in place to protect them during their rites of transition and subsequent reintegration. For example, the period in which a bride was transferred from her father's household to her new husband's was considered a liminal period. The crossing of boundaries, in this case typically the threshold of the new home, was accompanied by prophylactic signs and actions to protect the bride, maintain her fertility, and prevent danger accompanying her over the threshold.[29] More crucially, in the removal of the corpse, a period of time passed in which the deceased was between two vital stages of being, no longer one of the living, yet not fully one of the ancestral spirits.[30]

This stress on the perceived danger resulting from liminality brings us to the second major source of pollution identified by Douglas. This concerns substances and, in particular, beings, which are viewed by wider society as liminal in and of themselves, those things which Victor Turner classified as 'betwixt and between'.[31] In *Purity and Danger* this theory was tested on the various taboos and impurities attributed to animals in *Leviticus*. In her original thesis Douglas supposed these to be the result of the animals' anomalous physical form (i.e. those animals which are cloven-hoofed, but do not chew the cud). She withdrew this theory later, however, stressing instead the nature of animals accepted for eating as those which were acceptable for sacrifice on the altar. 'Non-ruminants going on four legs are unclean in a strictly technical sense, meaning that they can neither be sacrificed or eaten.' They are not unclean, merely abominable, which she takes simply to be an instruction to avoid.[32] This did not alter the main principles of 'the anomalous' espoused in *Purity and Danger*,

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29 Van Gennep (1960) 1-14, 116-45.
30 Hertz (1960) 46; Metcalf and Huntington (1991) 81-2.
31 Turner (1979) 236; Parker (1983) 62-4; Roscoe (1996) 204.
32 Douglas (1966) 68, revised in the Routledge Classics edition of *Purity and Danger* (2002) xiv-xvi.

however. The interpretation of dirt and 'matter out of place', and of an increased danger resulting from boundary transgression still stands. A clearer example, and one with particular significance in Roman religion, are 'monstrous births', typically sexually androgynous or born with extraneous limbs. Such beings crossed natural boundaries (particularly those of gender) irrevocably, and were considered deeply alarming omens. In ancient Rome their discovery was considered a matter for specialist priests, and their removal was executed in a way which coincided with an expression of purification – usually by their being thrown into the sea or burned to death.[33] As neither clearly male nor female, the hermaphrodite was permanently between classifications, and thus subject to Victor Turner's 'negative characteristics' for liminal beings: 'They have no status, property, insignia, secular clothing, rank, kinship position, nothing to demarcate them structurally from their fellows'.[34] Society, and especially the immediate family, was unable to readjust to allow for their total integration, and thus they threatened social structure as a whole.

In recent years the socio-centric theories of Douglas' have come under criticism from specialists in biology, most notably Kevin Reinhart and Val Curtis. Rejecting Douglas' scepticism regarding what she termed 'medical materialism', Curtis argues that disgust stems not from a desire for social order, but from deeply embedded genetic and evolutionary imperatives.[35] In particular, uniformity in human expressions of disgust, combined with patterns amongst those substances which are considered 'unclean', suggests a biological motivation aiming to protect the human

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[33] Cic. *Div.* 98; Obsequens 3, 12, 22, 25, 27a, 34; Macbain (1982) 127-35; Allély (2003) 127-56. The religious fear attached to such omens appears to have faded over time, and by the first century A.D. Pliny noted that though they were once feared, hermaphrodites were now used for entertainment; Plin. *HN* 9.4, 11.261-2.

[34] Turner (1979) 237 stresses the importance of sexual distinctions in societies dominated primarily by 'kinship institutions'. The patterns of behaviour expected of a particular sex cannot be employed with full confidence, nor can the child's role within the family unit be assured.

[35] Curtis (2001) 17-31; id. (2007) 660-4. Reinhart (1990) 1-24 examines Islamic religious laws regarding purification and notes the potential limitations of Douglas' theories being applied across all cultures.

body from harmful substances, especially those which result in sickness and disease.[36] For Rozin and Fallon, this danger revolves primarily around the mouth, with fears of 'oral incorporation of an offensive object'.[37] While biologists and psychologists at times distance themselves from Douglas' theories (which have obvious problems when applied universally), the argument has, perhaps, been taken too far. It is impossible to deny the obvious biological causes behind physical demonstrations of aversion, or fail to note the frequency with which bodily functions and excretions are received with disgust. Following much of Douglas' theory, similar conclusions were reached by Meigs regarding the ingestion of 'powerful' substances from the body amongst the Hua. Yet in matters of religious pollution, these issues do not present a significant obstacle, since in these instances we are seeing the ritualisation of natural behaviour – a constant aspect of religious study. The symbolism attached to prohibitions or requirements remains a significant approach for interpreting social values or beliefs, and as more evidence regarding Roman attitudes is evaluated, it may be that application of Douglas' 'social order' theory is indeed viable.

(ii) Ancient Pollution

Using the recent theories offered by Douglas, as well as those of Durkheim and Van Gennep, Robert Parker set about creating a systematic and comprehensive model of pollution within ancient Greek society. His work aimed to advance the study of Greek pollution beyond the vague notions of shame and guilt culture, developed most notably in the 1950s by Eric Dodds.[38] Using this structuralist template, Parker asked a number of questions which have to be addressed in any assessment of pollution in a given society. Most crucially, the issue of what constitutes 'pollution'

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[36] Rozin and Fallon (1987) 23-41; Phillips et al. (1997) 495-8; id. (1998) 373-5; Curtis (2001) 21-6; Smith (2007) 8-44 esp. 11-17. For biological and social reactions to smells, and the links to hygiene, cf. Poiret (1998) 89-102.
[37] Rozin and Fallon (1987) 23-5.
[38] Dodds (1951) 35-48; Parker (1983) 1-3.

must be clearly defined in order to establish the scope of the investigation. The function of pollution within a society is also significant, and may vary depending on context. Frequently referring to references from Greek tragedy and philosophy, Parker considered whether pollution represents 'a literary mechanism or a living preoccupation'. Similarly, was it a pretext or might it be a genuine cause for war? In all such cases he noted the need to understand what he calls the 'unchallengeable validity' wielded by pollution in such situations.[39]

He focused initially on Greek language, combining anthropological theory with philology. At the centre of his investigation were the Greek terms *miasma* and *agos*. While observing that the verb *miainō* might refer to corruption in a wide variety of forms (e.g. damage to personal reputation or social justice), he noted that the noun *miasma* (and its adjective, *miaros*) appears most frequently in three related contexts: 'it makes the person affected ritually impure, and thus unfit to enter a temple: it is contagious: it is dangerous, and this danger is not of familiar secular origin'.[40] However, Parker was careful to follow Douglas in rejecting as a universal concept the idea that the sacred and the unclean were interchangeable in so called 'primitive' society. Such ideas had been put forward before, in studies of Polynesian taboo, by leading religious scholars of the early twentieth century such as Mircea Eliade, and appear to be unsupported in the wider debate on social pollution.[41] This is not to say that things deemed to be sacred are not subject to rules and regulations. Eliade, Douglas and Parker all note the ambivalence inherent to the Latin term *sacer*, which even Roman sources understood could signify either sacred or accursed (See p. 52).[42] The noun *agos* (cursed) is frequently grouped together with *miasma*, and while Parker demonstrated their separate development, he also acknowledged their eventual

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39 Ibid.
40 Ibid. 3-17.
41 Douglas (1966) 11; Eliade (1957) 20-4; id. (1958) 14-15.
42 Eliade (1958) 15-19; Douglas (1966) 10; Parker (1983) 12. For *sacer*, see Macrob. *Sat.* 3.7.5; Serv. *Aen.* 3.75; Warde-Fowler (1911a) 57-63; Bennett (1930) 5-18.

convergence. Favouring the theory that *agos* stemmed from *hagnos* (sacred), he argued that this word was more specifically concerned with those offences which linked pollution in some way to the divine. His example was the unburied corpse, which exudes *miasma*, but which results in *agos* only if a survivor denies it burial, or the murderer, whose crime causes *agos* only if it is perpetrated within divine precincts.[43]

After establishing the linguistic parameters of his investigation, Parker examined key periods and substances linked to established ideas of pollution. Rites of passage appear prominently in his chapter on birth and death, which he combines due to the marked similarities of danger and upheaval which accompany them, and because he classes them equally as the most common producers of 'natural pollution'. Following Douglas' stress on the importance of control, he considered birth and death as the two most extreme scenarios in which the human body loses control over its functions. Since the change is permanent with death the reaction against it is obviously more extreme, and the sense of danger more pronounced. From this he progressed to the third form of natural, pollution – that which results from sexual behaviour. Again, the important divide between sex and religion is stressed, and once again Parker rejects the notion of pollution as a by-product of 'guilt'. For Parker 'profane life is, necessarily, sexual', and so the relationship between human sexuality and religious precincts is given considerable attention. Sexual intercourse is not polluting *per se*, and the separation of sex from ritual is, in Parker's view, an extension of social attitudes of decency, 'a mark of social distance or respect' with regard to those activities which should be hidden from public view.[44]

One area explored by Douglas and others, which is mentioned (but only in passing) by Parker, is the issue of pollution from bodily fluids such as semen and, in

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[43] Parker (1983) 7-8; Bendlin (2007) 179.
[44] Parker (1983) 74-9, 91.

particular, menstrual blood. This appears so rarely in literature beyond medical treatises that Parker tentatively suggests that this was a truly unspeakable taboo, avoided even by the writers of Old Comedy.[45] This caused Parker problems later, in his examination of pollution from bloodshed. While the theme of murder and its considerable role in shaping Greek understandings of *miasma* were discussed in detail, far less attention was given to the pollutive nature of blood itself, despite its centrality within the anthropological works Parker used in formulating his thesis. With the morally charged issue of murder, Parker follows the tradition of Durkheim by arguing that pollution serves as a social adhesive when a group is faced with the disruption caused by homicide. It encouraged family-based vengeance in societies which lacked formal legal codification – 'pollution, therefore, is not so much a rationalization as a vehicle through which social disruption is expressed'.[46]

Given the importance placed on vengeance working alongside pollution it is curious that Parker omitted reference to the far-reaching theories of cyclical violence offered by his contemporary, René Girard, particularly in his central work, *Violence and the Sacred* (1977), which utilised the theories of Douglas and Van Gennep in a broader, functionalist theory of universal violence in human psychology. Both Girard and Parker approach pollution as a means by which society expresses the danger and upheaval resulting from murder, and blood appears as a rich symbol through which this may be articulated.[47] In the later stages of social development Girard suggests that the danger and culpability for pollution shifts to appointed jurors, the 'surrogate avengers'. Parker used the *Tetralogies* of Antiphon to introduce the issue of blood-pollution in Athenian law (one of the few areas to receive attention in the years following the publication of *Miasma*), and a state in which the killer is 'polluted' only

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[45] Ibid. 102-3; Dover (1978) 173.
[46] Parker (1983) 104-43 at 121.
[47] Girard (1977) 58-61.

after being legally declared a murderer.[48] While important in any interpretation of Greek or Roman society, these theories surrounding legal oratory stray some way from the traditional concern of anthropological works such as those cited by Parker. In the study of so-called 'primitive' societies, the nature of pollution from blood is sharply focused on blood as a physical substance, especially in the contexts of contact or ingestion.

Beyond the natural, bodily pollutions most commonly discussed in examinations of impurity, Parker also gave considerable attention to more abstract concepts of Greek pollution, including sacrilege, curses and witchcraft, as well as the link between biological disease and divine vengeance. Once again a key issue within these studies concerns the mortal relationship with the divine, with pollution being both a potential cause and result when the balance of this relationship is upset. The lasting mark made by Parker's work is demonstrated most clearly by the now accepted status of pollution in studies of Greek religion. The *Oxford Classical Dictionary* has an entry (written by Parker himself) on pollution in Greek society. No corresponding entry exists for pollution in the Roman world.[49] The reasons for this are easy to appreciate, since it was perhaps not until Parker created a viable model for Greek *miasma* that such an entry was possible for ancient Greek society.

More recently, in 2002, Parker was involved in a series of Oxford seminars on pollution in the wider Mediterranean world. A preliminary paper was published online by Jonathan Kirkpatrick, discussing aspects of pollution from Greek, Jewish and Roman sources. He recognises the importance of examining 'purity vocabulary', seeks to compare Latin and Greek terms such as *purus* and *katharos*, and similarly

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[48] Parker (1983) 104-8. Cf. Arnaoutoglou (1993) 109-37; Carawan (1993) 235-70; Bendlin (1998) 412-5; Ronen (1999) 273- 86; Sealey (2002) 479-81 (with bibliography); Bendlin (2007) 178-89; Phillips (2008) 62-3, 75, 107, 209.

[49] Cf. *OCD* s.v. pollution, the Greek concept of.

notes the impact of *agos* on divine relations.[50] From this point he focuses on the Latin notion of *lustrum*, arguing that lustration did not represent 'purification', but was associated with this due to Greek writers noting similarities with their own ideas of cleansing. Instead Kirkpatrick sees *lustra* as acts of propitiation, not purification. His primary argument against purification concerns those instances where purity and pollution are recognised factors, but in which lustration is not mentioned. However, by perceiving the context in which these acts occur, such as in reaction to omens and prodigies, we see the tenuous position of his argument. The removal of the hermaphrodite or the lustration of the city in response to signs of divine displeasure both serve to re-establish the *pax deorum*, and can be viewed in terms of purification, albeit through a number of different forms. This issue is symptomatic of the difficulty classicists face when discussing Roman pollution. In the Greek world, pollution may be clearly defined, recognised and quantified, but not so in Roman society. Our greatest difficulty stems from the necessary realisation that Rome has no equivalent to *miasma*, nor could it have a form of social expression so inherently Greek.[51] Some continuity is to be expected, and in some cases ritual formulae and actions may have been deeply influenced by Greek culture in Italy.[52] However, Roman society and law evolved along paths different to those of the divided Greek states and it would be a mistake to approach pollution in the Roman world as nothing more than a continuation of pre-existing Greek beliefs.

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[50] Kirkpatrick (2002) See http://www.classics.ox.ac.uk/faculty/oxprinceton.asp.
[51] Beard (1993) 44-64 notes a similar issue with attempts to uncover Roman *mythos*.
[52] Liebeschuetz (1979) 138 and Dickie (2001) 124-8 note a similar set of circumstances regarding the import of Greek magic ritual, which subsequently developed along Roman lines of ritual expression.

(iii) Roman Religion

Over the past thirty years ancient religion has become one of the most widely studied and debated areas of the classical world. Part of this development sprang from the rejection of the evolution-based theories of James Frazer, William Robertson Smith et al. that had dominated the early twentieth century, and the use of more recent anthropological works, such as those of Douglas, which offered new routes of investigation for historians of all periods.[53] In 1980 Mary Beard used the structuralist interpretation of the human body proposed by Douglas (and subsequently refined by her successors), as well as Douglas' theories on 'interstitial beings' as potential sources of religious fear and awe, to offer a new theory regarding the status of Vestal Virgins.[54] These, she argued, derived their power precisely from their interstitial status as simultaneous matrons and virgins.[55] The structuralist approach has been used for the Vestals more recently, with considerable success, by Holt Parker, who equates the bodies of the Vestals with the walls of Rome, subject to all the vulnerabilities of Douglas' 'bounded system'.[56] This single example demonstrates that the theories of anthropology still have much to offer the study of ancient religion.

The first challenge for scholars studing pollution in Roman religion is that no single ancient work survives offering a set of purity regulations similar to those of the Judaic *Leviticus*. As such, our knowledge of what was considered 'religiously impure' must be gleaned from anecdotes across Latin literature, and in particular from reactions to events which were thought to impact upon Rome's relationship with the

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[53] An exhaustive list would be impossible to catalogue. Some central contributions include: Latte (1960); Dumézil (1966); Liebeschuetz (1979); Burkert (1983); Scheid (1987) 303-25; Detienne and Vernant (1989); Beard and North (1990); Versnel (1993); Beard, North and Price (1998); Dowden (2000); Turcan (2000); Scheid (2001); Rüpke (2007).
[54] On the refining of Douglas' theories, see Douglas (1975) 252-83.
[55] Beard (1980) 12-27. She was later to criticise many of her original ideas and approaches in Beard (1995) 21-43, although on the application of Douglas' theories to Roman cult, she remains broadly convinced.
[56] Parker (2004) 563-601.

gods. Despite lacking a category like *miasma*, which allows pollution to be envisaged as a physical entity, the Latin language was not without the notion of impurity. Numerous Latin verbs denote actions of staining or defiling, and many appear flexible in their usage and vary depending on context. Some of the most frequently used terms include *polluere*, *inquinare*, *scelerare*, *foedare*, *conlinere*, *contaminare*, *violare*, *funestare*. Along with these are various actions of sprinkling, mixing and tainting (*tingere*, *aspergere*, *commingere*, and, especially, *maculare*). Many of these may have no implicit religious implications, but may be used to evoke images of physical staining which can be transposed onto a religious situation.[57] In the sphere of Roman religion, such actions cause offence to the gods and damaged the *pax deorum*. The removal of such 'stains' was frequently achieved through ritual acts of purification, whether through the use of cleansing agents such as fire, water or sulphur or through the removal of the offending object beyond the boundaries of the society, classified by Barrett as 'transportive' purifications.[58]

Words reveal how strong images of pollution could be used to signify profound disorder. When Cicero attacked Catiline as a *pestis*, he did not mean that Catiline was physically diseased, yet it evoked the ideas of danger and corruption which Cicero needed to alienate his enemy, and to underscore the need for his removal from the city.[59] This is comparable to Churchill's reference to the smuggling of Lenin into Tsarist Russia as the transport of a 'plague bacillus', designed to infect society and

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[57] Thome (1992) 77 saw *macula* as 'the Latin key term in the field of pollution', interpreting its relative weakness as a sign of the minor role of symbolic pollution, without considering why, if at all, specific significance should be attached to *macula* above other terms of pollution, or indeed why it need be considered in isolation at all. In fact, *macula* is used most frequently to denote a simple stain, but when combined with specific substances (most typically blood), the connotations of pollution are greatly enhanced. Cf. for example, Verg. *Aen.* 3.29; Cic. *Rep.* 2.46; *Mil.* 85; Livy 1.13; Obsequens 27a; Hor. *Carm.* 4.5.22; Luc. 3.348; Festus s.v. *Pura Vestimenta.*

[58] Barrett (2008) 42-5.

[59] Cic. *Cat.* 1.10.

spread destruction from within.[60] More generally, when speaking of a rigged jury, Cicero could claim that the corruption had stained (*maculare*) the reputation of illustrious senators.[61] Parker noted similar instances in Greek rhetoric, especially in exchanges between Aeschines and Demosthenes, who used pollution as a means of rhetorical attack and similarly linked it to disturbance of social order.[62]

Pollution is not entirely absent from scholarship on Roman religion, although it remains a poorly understood factor, and seldom appears in the indices of the many books now appearing on the subject. Throughout his *Religious Experience of the Roman People* (1911) William Warde-Fowler discussed ritual purifications occurring across the Roman religious calendar, such as Augustus' 'purification' of the Roman people during the *Ludi Saeculares.*[63] Furthermore, he stressed the use of terms such as pollution and purification when discussing the danger surrounding beings undergoing rites of separation, although he offered no suggestion as to the source of this threat.[64]

The work of Fowler influenced many British academics, and issues of taboo and rites of purification were examined extensively in the following two decades. Eli Burriss' *Taboo, Magic, Spirits* (1931), and Cyril Bailey's *Phases in the Religion of Ancient Rome* (1932) demonstrate the trends that emerged from the work of Fowler, along with the contributions to the study of 'primitive' religion made by James Frazer.

Latte devoted a minor section of his *Römische Religionsgeschichte* (1960) to the presence of purity ('Reinheit') and pollution ('Unreinheit') in Roman religion, also stressing that no single Latin term was sufficient to fully replicate *miasma.* While

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60 Churchill (1929) 73.
61 Cic. *Att.* 1.16.3.
62 Parker (1983) 1.
63 Warde-Fowler (1911b) 38. The focus of Fowler's work was primarily 'taboo', based on the theories suggested in Frazer's *Golden Bough*, which influenced much of the early work linked with purity in Rome, but has been frequently criticised for its now outdated approach. Cf. Burriss (1929a) 142-63; id. (1931) 25-83. For more recent evaluations, see Douglas (1966) 23, 30; Beard (1992) 203-24.
64 Warde-Fowler (1911b) 68-9.

acknowledging some of the various words for staining, he also noted that terms such as *polluere* and *scelerare* were to some extent interchangeable, as well as pointing to the connections between pollution and impiety, misfortune and danger ('unsicher').[65] In particular, Latte highlighted the importance of *scelus* as an offensive act or object in the sphere of religion, and thus its significance within the dialogue of pollution. Such offences bring greater danger when introduced into sacred space.[66] Andrew Wallace-Hadrill places similar emphasis on the use of *scelus* in Augustan literature, describing it as 'an offence that incurs the wrath of the gods, and is liable to bring down retribution unless set right or "expiated" by the requisite ceremony (*piaculum*)'.[67] The stress upon expiation and *piacula* automatically evokes the cleansing of pollution with the re-establishment of order.

Building upon these ideas Gabriele Thome has examined some of the Latin terms mentioned above, listing them as 'conceptual equivalents' of *miasma*.[68] Her 1992 article concerns Roman attitudes to crime and guilt, and it is within this context that she discusses pollution. She, too, reads significance into *scelus*, as well as the recognised religious term *nefas* (unspeakable), but goes further than Latte and Wallace-Hadrill, viewing as *scelus* not just the offence, but also the resulting pollution, which she suggests had the potential to 'infect' those around the guilty party. She argues that this stems from the emphasis on 'concepts of action' within Latin terminology, thus explaining the importance of verbs in understanding Roman pollution. Crucially, Thome notes the importance of metaphors in Latin literature concerning purification, 'which...presupposes the concept of pollution'.[69] I will aim to demonstrate that this can be extended beyond specific incidents to encompass wider

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65 Latte (1960) 47-50. Cf. Wissowa (1912) 416; Serv. *Aen.* 3.42. Reinheit receives a single entry in Wissowa's index, while Unreinheit receives none.
66 Latte (1960) 49.
67 Wallace-Hadrill (1982) 24-9.
68 Thome (1992) 73-98.
69 Ibid. 77-8.

ritual behaviour, and that purity and order were recognised as desirable states in Roman religion. Where there was impurity within sacred boundaries there was disorder, which represented danger. If sweeping the threshold (a ritualised act of purification) following a Roman funeral indicated a return to normality through the restoration of purity, it also demonstrates that prior to this event was a state *requiring* purification – the household was disordered and impure (*funesta*) (see pp. 167-74). Similarly, when rituals of expiation were performed, the re-establishment of the *pax deorum* was achieved through purification. Objects, events or persons deemed ill-omened, impure or otherwise 'out of place' therefore fit into a wider concept of religious pollution, and may be identified as much by the purificatory reaction they incur as any implicit statement in the literature asserting that they are 'unclean'. Thus, while Parker felt the need to justify the presence of a chapter on 'sacrilege' within *Miasma*, since the act of temple robbing was not essentially 'dirty', no such justification seems necessary within a study of pollution in Roman religion, where physical action played such a crucial role. Religious order is expressed through purity, and so any act compromising that purity may be expressed as 'pollution'.[70]

Two recent treatments of pollution within Sue Johnston's *Religions of the Ancient World* (2004), by Harold Attridge and Roger Beck attempt to consider the phenomenon of pollution across the ancient world, including Rome. Again the stress is on the human relationship with the divine, and Attridge sees pollution as 'that form of "dirt" that prevented participation in the realm of the sacred', whilst also acknowledging its use by ancient societies in enforcing a specific moral agenda.[71] Otherwise, however, the emphasis on sin in Attridge's work is problematic, as is his attempt to combine purity values from Israelite, Sumerian and Greek communities to create a more unified theory of 'ancient pollution'. Rome has scarcely any mention in this theory, precisely

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[70] Parker (1983) 144-7.
[71] Attridge (2004) 72-4.

because it does not fit within such a framework. Beck's brief treatment, which is part of a wider chronological, compartmentalised, examination of pollution in ancient societies, faces similar problems.[72] For Beck the term 'pollution', like 'sin', is inadequate to express his intended meaning, 'which is simply that sense of something (a person, an object, an activity) being amiss, out of order, in relation to the gods',[73] and he suggests that this is due to the lack of a Latin *miasma*, since *polluere* is insufficient. While I would concede that *polluere*, when considered in isolation, is inadequate, I will suggest that Beck's own description of something being 'out of order' fits well within the schema laid out by Douglas, and that within the field of religion it is ideal. Furthermore, the problem of *polluere* is best answered by *refusing* to consider it in isolation, but rather accepting the diversity of language which the Romans chose to employ to demonstrate their disapproval, disgust or even fear towards actions which threatened to damage the *pax deorum*, the disorder from which would subsequently rebound upon the offending community at large.

Beyond the immediate relationship between the Romans and their gods, Beck employs only a handful of miscellaneous examples of what he deems to be 'pollution', most frequently involving sacrilege or lack of due religious care to rites and omens. Despite the prevalence of natural substances as causes of pollution in the volume's chapters on Egypt, Mesopotamia, Anatolia and Greece, Beck chooses to focus on impiety as the primary source of pollution in Rome, and goes so far as to suggest that Rome was largely free of fears regarding organisms, those 'naturally occurring things that pollute in and of themselves, for example, certain types of food source, menstruation, childbirth, and consequently women menstruating or giving birth'. The only 'natural pollution' conceded is death, and Beck suggests that this did

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[72] Beck (2004) 509-11.
[73] Ibid. 509. Once again the concept of *scelus* is recognised as (potentially) significant as a means of demonstrating an action with wider, pollutive ramifications.

not stem from the corpse itself, but its continuing presence amongst the living, and that taboos on handling corpses appear to be few. All of these ideas are contentious, and each of these claims will be examined (and in a number of instances refuted) in the course of my investigation. This thesis will aim to suggest a number of revisions to Beck's theories, and to demonstrate the deep-rooted concerns within Roman culture regarding some of the phenomena he believes are lacking.[74]

Beck's acknowledgement of the prominence of death pollution in Rome, however, sits well with the existing scholarship on death and funerary rituals, as it is one of the few areas where the extent to which pollution impacted on Roman social behaviour has received necessary attention.[75] Scholars in this field have debated the role of rites of separation imposed upon the family, as well as the various acts of avoidance and removal affecting the corpse. Many of these can be traced back to the inherent pollution of the corpse, but some also stemmed from the chaos and upheaval thrust upon the family following a death, particularly that of the *paterfamilias*. The greatest difficulty facing those who have discussed aspects of impurity in the Roman world, including death pollution, is the lack of a strong conceptual framework in which to set their conclusions. The studies of the Vestals by Beard and Parker demonstrate that Douglas' structuralist approach can be employed with considerable success for a specific group within Roman religion. By examining a wider range of material, we may gain deeper insights into various aspects of Roman religion.

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[74] Ibid.

[75] Cf. Hopkins (1983) esp. 1-30; Toynbee (1985) 43-73; Allara (1995) 69-79; Estiez (1995) 101-8; Deschamps (1995) 171-80; Bodel (1994) 1-133; id. (1999) 258-81; id. (2000) 128-51; id. (2004) 147-68; Lindsay (2000) 152-74; Sumi (2002) 559-85; Edwards (2007).

Structure and Methodology

In the broadest sense, the primary goal of this thesis will be to provide the framework that the subject is lacking, by demonstrating how and why the issue of pollution mattered in the Roman world, and discussing the crucial role it played in religion. Rather than discrediting existing approaches, I aim to show that purity needs to be integrated into existing modern discussions of how the Roman state interacted with its gods. As has already been noted, the wider study of impurity has flourished through the efforts of scholars such as Meigs, Turner and Valeri. Therefore, the main themes examined within this thesis will take their inspiration from these significant contributions of modern anthropology. Parker's study of Greece followed a similar structure, and as an investigation of a near-contemporary society, *Miasma* will also offer a number of valid comparable examples for the study of Roman religion. At the centre of many cases of pollution was the human body, whose processes and emissions frequently led to its being viewed as incompatible with many areas of religion.

(i) Language offers one of the most potent ways for a society to define its sense of order.[76] Therefore, Chapter One will explore some of the main pollution and purity categories in the Latin vocabulary. We have already seen that there are numerous Latin terms indicating pollution which may be applied to the sphere of religion, altering the seriousness of the act or substance within that setting. Parker began with a brief discussion of the origins and implications of the most central terms from the Greek religious vocabulary, *miasma* and *agos*.[77] This chapter will begin with an examination of some of the most prominent terms connected to pollution and acts of staining, as well as relevant words denoting purity/purification. While much of the

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[76] Cf. Leach (1964) 23-63, esp. 24-7.
[77] Parker (1983) 3-14.

emphasis will be on verbs, examples from ancient sources suggest the nouns *nefas* and *scelus* were also important, potentially signalling threats or damage to the *pax deorum*. *Scelus* represents a particularly interesting example, as the term could be used to describe a form of pollution, but equally could describe the result of a previous pollutive action. The religious implications of terms such as *nefas* and *scelus* will be considered separately, as both appear to have held deeper religious significance than many of the other terms we will encounter. This chapter will also consider how labels like 'sacred' affected persons and objects in terms of their susceptibility to pollution. The chapter will examine the most prominent cases of 'sacredness', such as traditional Roman priesthoods, which were subject to extensive regulation. It will also discuss the sacred character of certain animals, buildings or spaces in which rituals could be performed. Following the establishment of these primarmy indicators of pollution this study will progress, as did Parker's, thematically, examining those key acts and substances which scholars have identified as the most commonly occurring forms of pollution.

(ii) Chapter Two begins with an examination of pollutions linked to sexual intercourse. While Parker began his work with the study of birth and death (linked together as the two most frequent 'natural' pollutions), the scarcity of evidence surrounding birth-pollution in the Roman world makes this approach problematic. However, the pollutions surrounding birth, sex and menstruation are all connected to anxieties surrounding bodily fluids, which will be given a central role throughout the chapter. In many cases the concept of 'pollution' reflected social anxieties, caused by the loss of the body's control over its own functions and boundaries.

The question of whether sex was inherently polluting must be explored first, before moving on to examine when and why this was the case. This leads into a discussion of why it was dangerous to bring either the act of sex or the contamination of sexual

contact/fluids into religious space. The greatest indication that sex could be incompatible with religion appears in reports of required periods of sexual abstinence in the build-up to certain rituals. Furthermore, three prominent examples of sexual misconduct in a religious setting, the scandal surrounding the cult of Bacchus (suppressed in 186 B.C), the seduction of Paulina within a sanctuary of Isis, and the ejection of P. Clodius Pulcher from the women-only rite of the Bona Dea in 62 B.C. each demonstrate how sex might be perceived as dangerous. In each case we see the importance placed on allegations of sex within religion, regardless of their accuracy. It was a viable means of attack against foreign cults in the first two instances, and against a political figure in the latter. Once again the chapter will draw attention to the importance of the extensive Roman vocabulary and malleable discourse of pollution in the late Republic. Following these cases, where sex was illicitly introduced into ritual, the chapter moves on to examine attempts to remove, or otherwise regulate, the presence of those who were permanently stained by sexual impurity, namely pimps and prostitutes. Their direct exclusion is indicative of their incompatibility, but, on rare occasions, prostitutes were actively encouraged to take part in religious festivals despite their transgressive status.

From here the chapter moves on to the crime of sexual intercourse with Vestal Virgins and the more general crime of incest. Roman society was an inter-linked system of families, with power emanating from the *auctoritas* of the *pater familias*. Threats to this system represented a threat to order, and the punishments/prescriptions in each case took the form of ritual purification. The chapter will close with menstruation, a phenomenon that receives extensive discussion in modern anthropological literature, as it is typically one of the most common and serious forms of pollution (due to its connotations of death, loss of bodily control and unharnessed female power) identified within so-called 'primitive'

cultures. The status of menstrual blood as a polluting substance will be explored, along with the specific areas where it was felt to be a particular threat. The physical essence of menstruation raises a number of questions which set the scene for a wider examination of blood pollution in Roman society.

(iii) While the themes of sexuality, sacrilege and death in the Roman world have received some degree of attention from recent scholarship, blood remains a relatively neglected subject. This is curious considering the crucial role of sacrificial ritual in Roman religion. Blood not only figures prominently in Roman literature on religion, medicine, law and warfare, but also plays a central role in modern anthropological studies of pollution in societies across the world. Of all bodily fluids to have danger attributed to them, blood remains the most powerful and ambivalent substance and, as Meigs has demonstrated, this perceived pollution can most easily be explained by the links between blood-pollution and death-pollution.[78] The contexts in which it appears are numerous, and as a result, Chapter Three will be divided into distinct sub-sections.

It begins by exploring Roman attitudes to bloodshed in various spheres and, like Parker, this approach deals first with the pollutive nature of blood in the context of homicide. This approach will also consider the lack of explicit references to pollution in Roman law, in contrast to its repeated use in forensic rhetoric. If Roman law did not officially seek to acknowledge and expiate pollution brought about by bloodshed, why did allegations of pollution persist as a tool in the arsenal of orators? One area where homicide-pollution did persist was in cases of parricide, in which the potent stain of the father's blood was heavily emphasised by writers and orators.[79] The traditional method of execution for parricide in which the accused was sewn into a

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[78] Meigs (1978) 304-18.
[79] Gaughan (2009) 84-9.

sack along with various animals and then thrown into the sea (a punishment carried out well into the Principate) is a powerful expression of fears about pollution and will be considered in terms of religious expiation as well as judicial punishment. From here this section will examine forms of kin-murder which did not warrant punishment and appear to have no pollution attached to them, in cases where homicide was required for the preservation of the state. Rome also appears to have held strong opinions regarding responsibility for the shedding of blood. Case-studies including the deaths of Verginia and the Pontifex Maximus L. Cornelius Merula demonstrate that responsibility for bloodshed could matter more than the identity of the actual killer, but in each case blood remains the physical representation of culpability.

Parker's chapter on 'The Shedding of Blood' extended only as far as blood in the context of murder, primarily in the Athenian law courts. This represents the greatest gap in his study. Given the focus of this thesis on pollution within Roman religion, the next section of Chapter Three seeks to address blood as a potential source of pollution within rituals of animal sacrifice. Blood had the power to cleanse, but if this power was not suitably controlled and contained within formally established religious boundaries it could also damage. This section therefore examines these boundaries and asks why pollution occurred when they were transgressed. It discusses a number of examples of 'failed sacrifices' where victims broke free, staining onlookers with sacrificial blood. It also considers visual representations of sacrifice, noting the distinct lack of blood in the vast majority of images. This includes depictions of those low-born servants who performed the actual killing, but whose status would typically exclude them from sacrifices. Why was this vital function allotted to slaves? Is it possible that even sacred blood, ritually consecrated and then properly offered, could still be viewed as 'dirty'? This section concludes with a much later case study from

Christian literature, in which the blood of a pagan animal sacrifice (in this case, the *taurobolium*) is associated with dirt and impurity, as a means of discrediting the effectiveness of animal sacrifice.

The chapter proceeds to examine blood sacrifices deemed unacceptable by the pagans themselves. Sources speak of human sacrifice in predominantly negative terms, even on those few occasions when the Roman state resorted to human offerings. Each of these cases is scrutinised, and it is suggested that when committing acts of human sacrifice Romans were careful to avoid bloodshed. Roman attitudes to human blood in the sphere of religion are best demonstrated by their condemnation of barbarian nations which offered human victims, tasted human flesh, or used human entrails in divination. The chapter gives particular attention to those northern barbarian nations which were most frequently accused of human sacrifice. The accuracy of such reports has, for some time, been rightly treated with scepticism. However, this section argues that these accounts expose the ways in which Roman authors attacked barbarian religion, using blood from human sacrifice as a way of demonstrating barbarian impurity and social disorder, which is contrasted with the Romans' idealised view of their own religion, in Cicero's words, the best and purest.

The last section of Chapter Three addresses another of the most common sources of bloodshed in the Roman world, the battlefield. Attitudes towards blood shed in war vary depending on context, the greatest divide existing between the blood which was shed in external and civil wars, which form the dual focus of this section. First, it explores the nature of the war as ritually 'separate' and externalised, a time in which the pursuit of Roman victory superseded all other factors. This is suggested by the absence of impurity attributed to victorious armies on the battlefield, in contrast to the vilification of victorious enemies. A further issue that arises is the reintegration of the Roman army at the cessation of the violence. Did Roman armies require

purification, whether triumphal or otherwise? The chapter ends with the consideration of pollution generated by civil war. In such conflicts it was the state alone that was harmed, with no external enemy to conquer. Physical and religious pollution were logical expressions of fear towards a state of extreme social disorder. Particular significance is given to the category *scelus* as a means of describing the all-encompassing religious impurity attached to the Roman people. This section pays particular attention to the actions of the military leaders Marius and Sulla, as well as the later emperors including Otho and Vitellius, who were portrayed as being contaminated by civil bloodshed. The blood of the civil wars was sometimes connected aetiologically to the fratricide of Romulus, representing a stain upon the Roman people. Again, blood was crucial as a means of visualising the abstract guilt (the *scelus*), which survivors sought to expiate.

(iv) Death is a recurring feature throughout Chapters Two and Three and, if we are to follow Meigs, may be viewed as the source of all forms of bodily pollution. However, Chapter Four deals with the raw materials of death. That is to say, the focus will be on the corpse itself. While the ancient sources say relatively little about the nature of the corpse, the behaviour of those 'polluted' by its presence are most revealing. The chapter begins with the initial aftermath of death, including the signs of pollution taken on by the family, and the funeral rites they performed. This period represents one of the most significant rites of passage in Roman life, with the corpse being viewed as in a liminal state between 'the living' and 'the ancestors' (*manes*). During such periods of transition there were dangers to any who strayed too close. This section examines groups, including priests and pregnant women, who were particularly susceptible to contamination from death pollution, as well as the precautions taken by households to prevent contamination beyond the boundaries of the *domus*.

The chapter proceeds to examine the responsibilities and restrictions placed upon undertakers, corpse-bearers and executioners. Unlike families in mourning, these men were polluted in a more permanent sense. Once again the language used to describe them is explored, as are the ways in which their pollution was thought to be contagious, as they moved all over the city in their daily tasks. Particular attention is given to the rules imposed on death-workers in the law codes from Puteoli, which have received considerable attention in recent years and in which the issue of pollution does appear to have been a source of concern. This section concludes with a brief examination of the status and purity of gladiators. While executioners, who profited from bringing death, were publicly reviled in Rome, the gladiators held a unique form of status and honour in spite of their blood-stained profession. Were gladiators seen as more acceptable, or less impure than executioners? Did their displays of martial skill and bravery win them approval, or was there an inherent acceptability for death within the arena? Might a 'correct' place for death have existed *within* the sacred bounds of the city?

The final section moves away from the physical remains of death, examining what happened after corpses had been safely removed and consigned either to the ancestors or the nameless dead. At certain points in the year the dead were thought to return to the realm of the living. Two key festivals in the Roman calendar sought to propitiate, and then remove, these spirits through acts of sacrifice and ritual purification. First, in February, was the *Parentalia* in which the *Lupercalia* occurred; second, in May, was the *Lemuria,* a far more sinister affair which sought to cast out hostile spirits (*lemures*) from the city. Restrictions were placed on a number of everyday activities during this period, and this section seeks to examine the extent to which pollution may be viewed as a cause. In particular, we shall see how rituals of purification appear as a means of restoring order after these periods were over.

(v) Chapter Five brings together the various themes explored across the thesis within a single case study and, just as our study began with Cicero, so too it ends with him. Having discussed various forms of Roman pollution related to sex, blood and death, Chapter Five examines how attitudes to dirt could be harnessed by orators to amplify their rhetorical arguments. Cicero used pollution to attack many of his most significant political enemies, but these ideas played a most crucial role in ongoing polemic against Clodius. In the *post reditum* speeches, Clodius and his associates are portrayed as a disease which has corrupted the Republic, a corruption which resulted in Cicero's exile from Rome in 58 B.C. The chief focus of this chapter is the *De Domo Sua*, in which Cicero brings every accusation of pollution possible against Clodius as a means of nullifying the latter's consecration of a shrine to *Libertas* on the site of Cicero's Palatine home after his exile. We see the frequent application of pollution vocabulary again Clodius and his followers. While for many years the *De Domo Sua* has been criticised for its aggressive style, by considering the role of pollution within Cicero's arguments we can see a practical purpose behind the standard rhetorical attacks.

We also see the ways in which Cicero continued to use pollution against Clodius, adapting his emphasis to suit the particular circumstances of each case. In the *De Haruspicum Responsis*, Clodius' violation of the rites of Bona Dea, along with his continuing disregard for *religio* and his contamination of sacred rites is argued to be the cause of various portents and signs of divine anger (portents which Clodius had argued resulted from Cicero's own sacrilege at the removal of the shrine of *Libertas* the year before). In the *Pro Caelio* Cicero uses allegations of incest and sexual impurity once again to attack Clodius, and through him, his sister Clodia. In the *Pro Milone*, after the murder of Clodius by the servants of T. Annius Milo, Cicero counters the charges of public violence (*vis*) by stressing the violent nature of Clodius' tribunate

and, in particular, his blood-stained character – Clodius was the 'plague bacillus' of the Republic, Milo was the surgeon who heroically cut him out. The frequent allusions to impurity in Cicero's rhetoric demonstrate that his use of pollution was a conscious decision on his part, and one that he felt confident would sway and influence his audiences. Thus we see how flexible pollution could be as a rhetorical weapon. This in-depth anaylsis of a primary text also highlights an approach to source material frequently overlooked by anthropologists.

The evidence for various forms of pollution in Roman society is very varied, and it has already been noted that context will, to a large extent, sway each interpretation. Nevertheless, certain questions run throughout. Beyond the issue of 'what' constituted impurity, it will be important to judge precisely *who* was threatened by mortal pollution. Were the gods ever thought to be truly in danger, or did the corruption of a god's purity result in punishment for their human worshippers? Was the language of pollution simply a mechanism for social control? Was a distinction made between deliberate and accidental pollution of religious sites or festivals? Are the patterns in linguistic categories reliable, or was the concept of pollution deliberately ambiguous and open to interpretation? Were attitudes towards purity revealed solely in the act of contamination, or did the subsequent ritual purification offer further information on the nature of a specific pollution? As the answers to each of these questions become clearer we shall move closer to understanding the nature of pollution in Roman society, and the ways in which it influenced religious practice will shed further new light on this already heavily debated field of study. The conclusion of the thesis seeks to bring these themes together to demonstrate that in matters of purity, Rome stands unique in the ancient world. Although it demonstrated certain similarities with Greece and the Near East, perhaps more is

revealed by the marked differences in the ways they approached, expressed and dealt with religious impurity.

CHAPTER ONE

DEFINING POLLUTION

At first glance 'unclean' is an easy concept to grasp. We know it when we see it, by our biological and social reactions to it. But there are differing degrees of dirt, and differing responses. Our reaction to mud is not the same as it is to excrement or a corpse, yet all may justifiably be called 'dirty'. Furthermore, if dirt is straightforward, why do we need so many words for it? Something that is dirty may also be called stained, tarnished, polluted, fouled, blemished, corrupted, defiled, debased, violated, disfigured – the list goes on, and with each word the nuances and degrees of dirtiness are slightly different. We know what *we mean*, but this is unhelpful when attempting to gain insight into the categorisation. If we could ask a Roman to define his or her understanding of pollution, it is equally unlikely that he or she would be able to give a straightforward answer.[80] Words are not the automatic solution to the issue. They are, however, an indispensible starting point, providing a framework within which our world is organised, classified and systematised. If we are to begin to understand pollution in Roman society we must begin by defining how we will identify dirt when we see it in our primary sources.

Pollution is difficult to pin down in Latin vocabulary. While we have already noted the large number of verbs that might indicate staining of some sort, few may be described as exclusively relating to religion. What mattered was context. Both the meaning and the seriousness of an action shifted when perpetrated within the sphere of religion. Therefore this chapter will work towards a more structured explication of religious pollution. We will begin by examining the main Latin words for pollution and their varying meanings, their normal contexts and the threat different categories of pollution posed to social and religious life. Following this, pollution vocabulary

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[80] See, for example, Kaster (2001) 143-88 on the translation and interpretation of *fastidium* as 'disgust'.

will be contrasted with the key terms for purification; unlike with pollution terminology, we do see references to purity/purification which appear to be closely associated with religious actions. Once we have gained a clearer understanding of 'staining' and 'cleansing' we can progress more confidently towards interpreting these concepts within religious contexts.

In such an endeavour we cannot simply follow the example set by Parker, who began his study by stressing the prominence of *miasma* and its cognates, along with the difficult term *agos*, which could indicate both an act of pollution and an act of expiation.[81] He also alluded to those words referring to dirt that also appeared in connection with 'contagious religious danger', including *musos* (uncleanness), *luma* (purgations) and *chraino* (touch, smear, pollute), but these terms received little direct consideration in his opening study.[82] As we have already noted, Latin has no word which directly corresponds with *miasma* (see p. 16). Moreover, in formulating a glossary of crime and culpability, Thome stressed that in Rome 'chief emphasis lies on the concepts of action: the Romans think in concrete-practical terms rather than in a metaphorical or symbolic way'.[83] As a result, when searching for pollution in Latin contexts we should expect verbs of staining to be common, and more variable than the Greek terms examined by Parker, since no terms directly relate to religion to the exclusion of all else. There was considerable overlap between terms for pollution, and many appear to have been interchangeable, despite some being favoured in specific contexts. Like Thome, therefore, we shall begin by first outlining the specific details of each word, examining their origins and favoured uses. Since no single term appears dominant within our ancient sources, it is unwise to list words in an arbitrary 'hierarchy', and so the simplest solution is to list our central words in alphabetical

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81 Parker (1983) 3-17.
82 Ibid. 5.
83 Thome (1992) 78.

order. These terms will be grouped into verbs, nouns (specifically *nefas* and *scelus*) and adjectives, and will be listed separately. It will also be necessary to consider certain terms relating to states of purity, as well as acts of purification. In a number of cases it is the apparent desire for 'purification' that first alerts us to pollution.

Part I: Lexical Categories

i. Polluting Verbs

Contaminare: When discussing the wide-ranging implications of this word it is necessary to include various cognate terms, connected by their relation to staining or infecting through physical 'touch' (e.g *contingere*, *tangere*, *inficere*, *contagio*).[84] Contact with any impure person or substance can potentially lead to contamination, depending on context. Valerius Maximus could claim that the Athenians had contaminated their hands with the blood of citizens.[85] Virgil could describe weapons as 'infected by blood' (*arma infecta sanguine*), and Cicero could claim that senators were not contaminated by the blood of the Gracchi or Saturninus, since he believed their murders had been justified.[86] The obvious connection between disease (*pestis*), infection and *contagio* is telling, and frequently appears in reference to the dangers of death and contact with corpses.[87] Pliny states that it was customary to spit on epileptics during fits to 'throw back the infection' (*...hoc est contagia regerimus*),[88] while Gellius asserted that babies were susceptible to contamination from a low-born wet nurse.[89] In terms of physical pollution, ideas of contagion and contamination are frequently connected to the human body, whether living or dead, with bodily fluids

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[84] Vaan (2008) 131-2; Wagenvoort (1947) 128-86 discusses *contagio* in terms of negative touch, as opposed to the less specific *contactus*.
[85] Val. Max. 3.8 ext.3.
[86] Verg. *Aen.* 5.412-3; Cic. *Cat.* 1.29. However, Cicero still had to stress that the senators involved were *not* contaminated, the implication being that this shedding of blood, especially the blood of tribunes, could have been viewed as such.
[87] Hor. *Ep.* 16.61; Ov *Trist.* 3.8.25; Luc. 6.88-103; Plin. *HN* 23.157; Sil. *Pun.* 6.622, 11.13; Arn. *Adv. nat.* 7.47.
[88] Plin. *HN* 28.35.
[89] Gell. *NA* 12.1.18.

featuring prominently. However, the touch of a criminal or wrongdoer might be described in similar terms, allowing moral pollution to be described in the same terms as physical pollution (just as Cicero spoke of mental as well as bodily *castitas* – see pp. 1-2). During the mutiny on the Rhine Germanicus was described by Tacitus as stepping away from the troops as though as to avoid being contaminated by their criminal actions (*scelus*).[90] As such, *contaminare* represents one of the clearest examples of a word referring to a physical action that results in pollution.

Foedare: A verb denoting an act of polluting, or of making something 'foul' or otherwise unclean. The emphasis on disgust appears particularly strong, and things described as *foedus* appear to evoke physical repulsion or fear.[91] Food that has been touched by the Harpies becomes *foedus* because of the excrement they leave, and so it is Phineas' punishment to subsist on the unclean scraps.[92] The murder of Servius Tullius and the desecration of his corpse by his daughter was *foedus*, to such a degree as to permanently stain the ground on which it occurred (see pp. 114-5).[93] Other events, such as bloody altercations, plagues or omens could be described as equally loathsome – a year in which a consul, four tribunes and the priest of Quirinus died from plague was said to have been a *foedatus annus*.[94] Unsurprisingly, the term is used frequently by Cicero in his attacks on Antony, against both his sexual excesses and his unchecked cruelty, even towards Roman citizens.[95] The link with bloodshed also appears in an alternative meaning of *foedare* as 'wound' or 'mutilate'.[96]

Inquinare: This was one of the most commonly used verbs of pollution, and its meanings were highly variable. Once again, the context in which the pollution

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[90] Tac. *Ann.* 1.35; Woodman (2006) 303-29. Cf. Cic. *Clu.* 129; Lactant. *Div. inst.* 1.18.2.
[91] Vaan (2008) 229. Cf. Verg. *Aen.* 2.539; Tac. Germ. 5.1.
[92] Verg. *Aen.* 3.225-8. Cf. Apollod. *Bibl.* 1.9.21; Val. Fl. 4.450-6. A similar reference to excrement appears at Juv. 14.64.
[93] Liv. 1.48.7.
[94] Liv. 2.59.2-4.
[95] Cic. *Phil.* 2.6, 15, 62-3, 86, 12.12, 13.14, 35.
[96] Verg. *Aen.* 2.55, 4.673; Cic. *Har. Resp.* 49; Tac. *Hist.* 3.77.

occurred mattered more than any single word used to describe it. The grammarian Festus suggested that *inquinare* was linked to *cunire* (to defecate), suggesting a similar process to *polluere* (see p. 40-1) with regard to excreta, this time directly from the human body.[97] The verb did possess a corresponding noun, *inquinamentum*, although (like the noun *pollutio*) this was very rarely used in the early Principate.[98] Aulus Gellius offers a useful point on its meaning through a discussion of *squalor*, which he believes originally referred to unsettling overcrowding/excess (*inculcatum obsitumque*), but which came to be used for describing excess dirt with such frequency that *squalor* became predominantly associated with filth (*inquinamentum*).[99] The *Thesaurus Linguae Latinae* also attributes a connection with common (physical) filth/dirt (*caenum/stercum*).[100] For example, when swearing an oath, Horace's statue of Priapus states 'may my head be fouled (*inquinare*) by the excrement (*merda*) of crows...if I lie'.[101] The frequent associations with the human body led Richlin to note its common usage in the vocabulary of sexual impurity,[102] although its use in these contexts is no greater than in references to other forms of criminal or religious offences,[103] or in references to common acts of staining or debasement.[104]

Maculare: Despite being classified by Thome as the 'key term in the field of pollution' in Latin language, *macula* and its verb do not appear to carry any greater force within our sources than *inquinare*, *contaminare* or *polluere*, and we have already stressed that no single 'key' exists in this field.[105] With *macula* the focus is very much on physical blots,

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97 Festus s.v. *Cunire*; Vaan (2008) 304.
98 The noun *pollutio* appears very rarely, and, to my knowledge, not before the fourth century A.D, such as in the agricultural work of Palladius Rutilius Taurus Aemilianus, who reworks a sentence from Vitruvius, replacing *inquinamentum* with *pollutio* in a chapter on clean water; Pall. 9.10; Vitr. 8.4.2.
99 Gell. *NA* 2.6.24-5. Cf. Festus s.v. *Ancunulentae.*
100 *TLL* 7.1811-14.
101 Hor. *Sat.* 1.8.37.
102 Richlin (1983) 27. For example, Cic. *Cael.* 13, 78; Hor. *Carm.* 3.6.18; Petron. *Sat.* 21, 25.
103 Cic. *Rosc. Am.* 62; *Tusc.* 1.72, 5.2.6; Luc. 5.290; Sen. *Contr.* 1.7.14; Flor. 1.34.
104 Hor. *Ep.* 16.64; Petron. *Sat.* 102; Quint. 2.5.24.
105 Thome (1992) 77.

spots, smears or stains, such as to clothing.[106] It appears frequently in connection with blood, and so could be used as a means of expressing guilt.[107] It was also a useful means of disparaging people's characters or actions by describing them, their reputation, or their past, as 'stained'.[108] When referring to staining in religion, *maculare* is typically compounded with other terms. For example, Cicero stated that Clodius polluted (*maculavit*) sacred sites 'with every sort of despicable lust and offence' (*omni nefario stupro et scelere*).[109] In such cases, however, greater weight appears to have been carried by terms such as *nefas* and *scelus*, which added to the force of the accusation.

Polluere: Described by Beck as 'to make dirty', *polluere* may also be translated as to defile, violate, mix, contaminate and, of course, pollute.[110] The word is linked by Lewis and Short to the Greek *luo* (wash), as well as *luma*, which they translate as 'ruin', but which may also refer to 'scourings' or 'that which is washed off'.[111] This corresponds with Parker's view that waste matter which required removal might be considered especially impure.[112] Although *polluere* lacks a noun equivalent in the period we are concerned with, it is used frequently as a passive participle (*pollutus*). It is also one of the least specific forms of impurity, appearing across literary genres. Tacitus uses the term to refer to the effects of disease,[113] political corruption,[114] and sexual assault or deviance.[115] In republican literature it appears in connection with the pollution of religious rites or the divine and natural order, and also within the official religious rulings of the *haruspices* (*ludos minus diligenter factos pollutosque*).[116] In discussing

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106 Ov. *Trist.* 3.1.15; Val. Max. 3.5.1; Festus s.v. *Pura Vestimenta.*
107 Cic. *Rep.* 2.46; Catull. 63.7; Verg. *Aen.* 3.29; Thome (1992) 76.
108 Cic. *Att.* 1.16.3; *Rosc. Am.* 113; Tac. *Hist.* 1.17, 3.38; Plin. *Ep.* 3.13, 6.31.4.
109 Cic. *Mil.* 85.
110 Beck (2004) 509; Vaan (2008) 479.
111 Lewis and Short (1879) s.v. *polluo*; LSJ s.v. *luma.* On the associations of *polluere* with 'washing off', cf. *TLL* 10.16.2564.
112 Parker (1983) 102.
113 Tac. *Ann.* 4.49.
114 Tac. *Hist.* 2.76.
115 Ibid. 2.37. Cf. Tac. *Ann.* 12.46; *Agr.* 31.1; Plin. *Ep.* 4.11.6; Juv. 2.29; Apul. *Met.* 10.34.
116 Cic. *Har. Resp.* 21-25, 37; *Phil.* 11.29; Gell. *NA* 2.28; Bruwaene (1948) 87.

this very ruling, however, Cicero asked what greater example of pollution (*magis inquinatum*) existed than the sacrilege of Clodius, demonstrating the proximity and relative flexibility of the terms *inquinare* and *polluere*. Unlike other more neutral words associated with staining, *polluere* appears to have held predominantly negative connotations – it seldom refers to favourable or acceptable mixing.[117] When interpreting the Athenian rule that no slave be given the name Harmodius or Aristogeiton, Gellius states that the Athenians thought it would be wrong to 'pollute' these names by contact with slavery.[118] Similarly, *polluere* is often used in connection with the spilling of blood, particularly when assigning blame. In his depiction of the civil wars, Lucan criticised Caesar through Pompey's statement that 'blood has already touched the polluted swords of Caesar' (*tetigit sanguis pollutos Caesaris enses*),[119] while Ovid envisioned a Pythagorean golden age of vegetarianism, before men 'polluted their lips with blood' (...*nec polluit ora cruore*).[120]

Spurcare: Although a relatively rare word in Latin language, objects or persons described as *spurcus* offer some interesting details on bodily pollution. It is described by Lewis and Short as a general action of 'making unclean', yet has particular significance in relation to the human body, and especially the mouth. A link with the verb *spuere* 'to spit' may logically be assumed, and is also suggested by the frequent association of *spurcare* with physical disgust, or the need to spit something out.[121] Forms of the word appear throughout the comedies of Plautus in reference to various vulgar actions, such as spitting or dribbling at the dinner table.[122] Associations

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[117] See Liv. 4.7, in which the proposal to allow marriage between patricians and plebeians is described in terms of a 'pollution' of the bloodlines. A similar scenario occurs slightly earlier at Liv. 4.2, referring to the *lex Canuleia* as 'contaminating' (*contaminare*) the patrician bloodlines. Cf. Val. Max. 11.15.2.

[118] Gell. *NA* 9.2.10.

[119] Luc. 2.536. Cf. 2.114 for the 'polluted hand' of Gaius Marius.

[120] Ov. *Met.* 15.98. Also 15.459-478.

[121] For example, *sputatilica* in Cic. *Brut.* 260. Vaan (2008) 583 also stresses the need to 'spit out', and highlights the links to *sputare* and *sputum*.

[122] Plaut. *Mil.* 647; cf. *Men.* 168; *As.* 807; *Trin.* 826; *Capt.* 56.

with oral impurity (*os impurum*) or unclean saliva are also common, and Cicero makes repeated use of the term against Sextus Cloelius, whom Cicero always attacked for his 'impure mouth'.[123] Catullus also complains bitterly that a certain Gallus' 'filthy saliva (*spurca saliva*) has polluted (*comminxit*) the pure kisses of a pure girl'.[124] But saliva was not always considered impure. In other circumstances it was a healing or apotropaic substance, and Pliny lists a number of medical or ritual uses.[125] The emperor Vespasian, while in Alexandria, was said to have cured a man's blindness with his saliva (*excrementum*).[126] In those cases where saliva is deemed beneficial, the willingness of the subject appears to have been a necessity, and it is noticeable that the power of bodily fluids is still present. However, the description of saliva as *excrementum* should serve to remind us of the ambiguous position it held.

Violare: This frequently represented an act of violence or injury to an object or person, and Varro emphasised the connotations of sexual assault, which is reflected especially in late republican poetry.[127] As such, it represented an attack, potentially resulting in the shedding of blood or of literal violation of bodily boundaries. Ovid speaks of a sacred grove as never having been violated by an axe (*silva nulla violata securi*).[128] When referring to sacred space/items, therefore, an act of *violatio* was most likely a deliberate action which, Varro suggests, made offences against the gods inexpiable.[129]

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123 Cic. *Dom.* 25, 48. Catull. 108.1-5 states that the first punishment to befall Cominius, whose life was 'soiled' (*spurcata*), will be the removal of his tongue.
124 Catull. 78.7-8. *Commeiere* appears to have been very specific form of bodily pollution, typically involving urine or sex. Cf. Catull. 39.18-9, 67.30; Hor. *Sat.* 1.2.44, 1.3.90; Adams (1982) 245-6. For the connection between *spurcum* and urine (with *pollutum*), see Gell. *NA* 17.19.4. For problems arising from the use of urine in Roman fulling, cf. Bradley (2002) 21-44.
125 Plin. *HN* 28.35-40; McCartney (1934) 99-100.
126 Tac. *Hist.* 4.81.For comparable examples of healing through saliva, cf. Vulg. *John* 9:6; *Mark* 7:33, 8:23; Eve (2008) 1-17.
127 Varro, *Ling.* 6.80. Cf. Catull. 67.23; Tib. 1.6.51; Ov. *Pont.* 3.5.45.
128 Ov. *Fast.* 4.650-1.
129 Varro, *Ling.* 6.30. Cf. Burriss (1929b) 105-10; Scheid (1981) 117-71; id. (1999) 331-48.

ii. Purifying Verbs

Abluere: In this case the stress is placed not only on the action of washing (*luere*), but also on sending dirt 'away'.[130] Both Virgil and Tacitus use the term in reference to washing off the stains of battle.[131] Ovid used it in referring to both physical and ritual purification in the *Fasti*, when, after a speaker has sprinkled himself with water, he invokes a deity to wash away (*ablue*) any improper words he may have uttered, whether in his daily life or when invoking the names of the gods. Thus we see the link between acts purification and atonement.[132] The absolving of religious offences is tied to ideas of cleansing and the restoration of order, all of which the merchant expects will lead to greater success in his business.

Expiare: Just as the pollution verbs we have discussed might not refer to an act resulting in physical pollution, *expiare* usually did not typically refer to bodily cleansing. Yet it is used in reaction to many of the terms we have examined in relation to staining. Cicero discusses expiation in response to the taint of *scelus*.[133] It might also indicate the payment of a penalty or punishment. In his speech *In Pisonem* Cicero states that the punishment for the crimes (*scelera*) of Piso has fallen on the Roman troops.[134] The dual meanings of cleansing and atonement were employed by Horace with reference to the civil wars when he wrote of weapons 'smeared with blood not yet expiated'.[135] Propitiation, therefore, could walk hand in hand with purification, since both could go towards the reestablishment of physical, social and religious balance. The satirist Persius also spoke of averting (*expiare*) evil against

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130 Plin. *Ep.* 3.7.3.
131 Verg. *Aen.* 2.719; Tac. *Hist.* 3.32.
132 Ov. *Fast.* 5.673-88.
133 Cic. *Rab. Perd.* 4.11; *Phil.* 1.30. On the expiation of *scelus*, see also Hor. *Carm.* 1.2.29.
134 Cic. *Pis.* 85 (*tua scelera di immortales in nostros milites expiaverunt*). A similar combination of cleansing and atonement, this time using *luere* appears at Hor. *Carm.* 3.6.1.
135 Hor. *Carm.* 2.1.5.

newborn children by means of purification (*lustralibus*) using saliva.[136] There was safety and order in purity.

Lustrare: This term is a subject addressed in some detail in Kirkpatrick's assessment of Mediterranean purity rituals. Much of his argument concerns the original meaning of *lustrare*. He notes the potential etymological links with *luere* and *lavare* ('to wash'), as well as *lucere* ('to shine'), but seeks to prove that it did not originally indicate a purification.[137] In its earliest state, he suggests, the verb simply meant to walk around or encircle. He examines a report by the elder Cato discussing the lustration of a farm: 'no sense of change in status for the farmland is suggested. There is no mention of water or fire; the servant...is merely to lead the victims around the land, thus designating the area to be favoured.'[138] Regarding the absence of mention for fire or water, I would suggest that neither was an essential component in all acts of purification. For example, Obsequens records an occasion following a series of portents when 'twenty-seven virgins lustrated the city with a song'.[139] As to the land itself, the act of encircling it *did* change its status, in that it redefined and reinforced its boundaries. It reaffirmed order. Kirkpatrick concedes that certain *lustra* performed in response to portents and omens appear comparable to purifications, but stresses that the response to such portents was not purificatory in nature. He cites the reaction to the discovery of an owl on the Capitol as the cause of a lustration. However, it is clear that they might also be ordered after events such as rains of blood, asexual births, or wolves entering the city, many of which involved the violation of physical or natural boundaries. Contrary to Kirkpatrick's assertion, purification appears throughout. When birds of ill omen were caught, they were killed and incinerated, and their ashes removed from the city by being thrown into

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136 Pers. 2.33-4.
137 Kirkpatrick (2002); Vaan (2008) 354-5 is less certain about the connection between *lustrare* and washing.
138 Cato, *Agr.* 141; Kirkpatrick (2002).
139 Obsequens, 35 (*virgines viginti septem urbem carmine lustraverunt*).

the Tiber, following established patterns of transportive purifications used to dispose of hermaphrodites and parricides.[140] Therefore I would suggest that lustration, and all that it was felt to involve, should not be subjected to such rigid classification. The fact that lustrations appear so frequently as a direct response to breaches of order, especially in religious matters, suggests that they were part of a wider set of ritual actions dealing with matter out of place. By the late Republic the term was unequivocally concerned with purifications, with reference to circumambulation no longer required. Tibullus' Delia purified him with torches (*me lustravit taedis*); Aeneas' men purified (*lustramur*) themselves before rites to Jupiter; and Ovid described the sprinkling of water as an act of purification (*lustralis*).[141] With regard to religious matters it is clear that 'clean' might not necessarily mean 'pure'.

Purgare: While used for a number of forms of purification, this word is primarily concerned with removing or washing/carrying away matter out of place.[142] As such it was used frequently with reference to the physical purging of the body in medical works,[143] but also in poetry and satire.[144] Tibullus links the act of purging with that of lustration during the agricultural Ambarvalia festival.[145] Similarly, Lucan refers to the purging (*purgantes*) of city walls by means of lustration, which further demonstrates the ties between boundaries, order and purification.[146] Vaan has also stresses the etymological link to fire, with reference to leading fire around the object of purification.[147] The noun *purgamentum* appears to have been used more frequently than *inquinamentum* or *pollutio*, and once again points to the impurity of those things

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140 E.g. Obsequens, 26 (*cinis eius in Tiberim disperses*).
141 Tib. 1.2.61; Verg. *Aen.* 279. Cf. Liv. 1.28.1; Ov. *Pont.* 3.2.73.
142 Ov. *Ib.* 450; Plin. *HN* 20.188; Suet. *Vesp.* 8.5. Cicero famously urged Catiline to leave Rome, suggesting it would cleanse the city (*purga urbem*); Cic. *Cat.* 1.10.
143 Cato, *Agr.* 157.3; Cic. *Div.* 1.16; *Nat. D.* 3.57; Hor. *Sat.* 2.3.27; Cels. *Med.* 2.8.16, 2.12.1; Marganne (1985) 636-38
144 Ov. *Fast.* 4.460; Pers. 2.16, 57.
145 Tib. 2.1.17; Harmon (1986) 1943-55; Pascal (1988) 523-36.
146 Luc. 1.593. Also Liv. 3.18.10 (*Capitolium purgatum atque lustratum*).
147 Vaan (2008) 500.

which needed to be removed or 'washed off'.[148] Livy describes the Cloaca Maxima as 'the receptacle for all the filth of the city' (*receptaculum omnium purgamentorum urbis*).[149] While it dealt primarily to human waste, the reference to *purgamenta* might also refer to non-specific forms of dirt which were thought to require removal.

iii. *Nefas* and *Scelus*

The two Latin nouns *nefas* and *scelus* deserve separate attention at this stage. On many occasions these terms describe states that were the direct result of polluting actions, and while both could have milder, secular meanings, they appear frequently in connection with religious offences and might potentially be either the cause or the result of an act viewed as polluting.

Nefas: In its most basic form, *nefas*, derived from *fari* (to speak), refers to that which is 'unspeakable'.[150] It was, however, a word with considerable religious force, and might also refer to anything that was not right, correct, or permitted. Varro suggested that *dies nefasti* were so called because on those days the urban praetors were prohibited from speaking the three words (*do, dico, addico*) essential for rendering judgements.[151] If he spoke one of these words accidentally, he could be 'cleansed' (*piare*) by a propitiatory sacrifice (*piaculum*). If his action had been deliberate, however, it was deemed impious and could not be expiated. This again highlights the links between issues of impiety and impurity, in which an impious action was met by expiation, which resulted in the restoration of 'order' in the *pax deorum*.

In general usage the term typically referred to an atrocious (*nefarius*) action, offensive to both gods and men. Thome notes its frequent use in Latin poetry and drama,

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148 Columella, *Rust.* 8.17.12.
149 Liv. 1.56.2. Cf. Plin. *Ep.* 10.41; Petron. *Sat.* 74, 134.
150 Richlin (1983) 30.
151 Varro, *Ling.* 6.30. Cf. Liv. 1.19.7; Ov. *Fast.* 1.47; Macr. *Sat.* 1.16.11.

where it was intended to evoke fear or revulsion.[152] The most comprehensive study of *nefas* in Latin literature remains Palmira Cipriano's *Fas e Nefas* (1978), which explores the term in reference to illicit actions resulting in sacrilege, *impietas*, violations of natural law, or in states roughly comparable to sin and guilt (*peccato/colpa*).[153] The term may be used to refer to sexual, violent or impious acts, but in all cases the possibility of divine anger/retribution appears present (thus its use in invective could be considered calculated, but frequently hyperbolic).[154] Acts deemed to be *nefas* (Clodius' intrusion at the rites of Bona Dea is perhaps the most famous example, see pp. 79-81) may also have been viewed as prodigies, which also required expiation.[155] Horace stated that under Augustus 'guilt fears faith, the pure home is polluted by no dishonour; custom and law have overcome the impiety (*nefas*) of such stains (*macula*)'.[156] As a result of the potential for divine anger, as well as the need for purification, the presence of *nefas* should alert us to the possibility of pollution within religious contexts.

Scelus is frequently translated as 'crime' or 'wickedness'. It was not dirt, nor, at first glance, did it bear any relation to physical pollution. However, it is crucial to our interpretation of metaphysical pollution, and as such is particularly pertinent when examining issues of religion.[157] Thome gives the following summary:

> *scelus* is probably related to Greek σκέλος, thigh. Its Indo-European root **squel* means bending. Thus *scelus* would be crime with the implication of the distorted or inverted. From the outset, however, it is used for exceptionally vile crimes such as malicious murder, sacrilege and high treason. In extra-legal texts it can

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152 Thome (1992) 76. Cf. Verg. *G.* 1.505; *Aen.* 4.563; Ov. *Met.* 6.585; Luc. 2.507, 286, 7.432; Val. Max. 9.ext.4.
153 Cipriano (1978) esp. 82-91.
154 For example Hor. *Carm.* 2.13.1.
155 Liv. 22.57.4.
156 Hor. *Carm.* 4.5.20-2 (*culpari metuit fides, nullis polluitur casta domus stupris, mos et lex maculosum edomuit nefas*)
157 Latte (1960) 48 draws a direct comparison between *scelerare* and *polluere*.

> be a very effective word, mostly – as *nefas* – intensified by attributes. In addition there is an element not signified by the presumed etymology, the element of something fatal and pernicious, of being under a curse. *Scelestus* is therefore not always a criminal but also a man accursed and ill-fated, bringing misfortune to others.[158]

The idea of *scelus* as a form of distortion or deviation is also explored by Giovanna Rocca.[159] Like Thome, she notes the dual nature of *scelus*, which could refer to both a crime and the resulting aura, which could contaminate people and physical space. Such serious offences went against Roman custom (*mos*) and sense of right (*fas*), and appear to have had strong ties to religion.[160] The verb *scelerare*, in particular, might indicate an action resulting in pollution. Catullus described an act of incest as polluting (*scelerare*) the household gods.[161] Nevertheless, the verb *scelerare* was not the only form of action that might result in *scelus*. We have already seen Cicero's description of Clodius as staining religious sites through the *scelus* that surrounded him, and Cicero also styled himself as one who 'protected the most pure (*castissima*) priestesses of Vesta from the madness and wickedness (*scelus*) of foolish men'.[162] This implies that *scelus* was a threat not only to religion, but also to *castitas*, the building block upon which Cicero suggests religion functioned. Wallace-Hadrill takes this idea further, arguing that *scelus* held certain similarities with the Christian concept of 'sin'. Offences which caused *scelus* also offended the gods, upsetting the *pax deorum* and requiring expiation.[163] He argues that this was a major element within the literature of the Augustan 'revival', which viewed Augustus as the only man capable of removing

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158 Thome (1992) 77. See, for example Sen. *Med.* 979; Val. Max. 9.ext.2; Plin. *HN* 2.43.
159 Rocca (1994) 179-82. Cf. Vaan (2008) 544.
160 The connection is most succinctly demonstrated in Festus s.v *Impiatus* (*Impiatus: Sceleratus*). *Scelus* is similarly grouped with 'fierce impiety' (*impietas ferox*) in Sen. *Hercules Furens* 96-7.
161 Catull. 64.404.
162 Cic. *Mil.* 85; *Dom.* 144 (*...teque, Vesta mater, cuius castissimas sacerdotes ab hominum amentium furore et scelere defendi...*).
163 Wallace-Hadrill (1982) 19-36, at 24. Cf. Attridge (2004) 71-8.

the vast *scelus* which had both caused and been augmented by the civil wars.[164] At the very start of his epic narrative Lucan announced his decision to sing of a terrible war in which *scelesta* acts were judged lawful (*ius*).[165] The links between civil war and *scelus* have been developed more recently by Marcela Nasta, who highlights the Augustan authors' paralleling of the *scelus* caused by the fratricide of Romulus with the outbreaks of civil strife during the late Republic, for which Augustus was represented as the only hope of expiation.[166]

iv. Adjectives

Castus: We have seen that for Cicero *castus* was one of the most important expressions of purity in the Latin vocabulary (see p. 1). Lewis and Short link the word with the Sanskrit '*çludh*' (to cleanse) and the Greek *katharos* (clean/pure).[167] It was frequently used in poetry in reference to sexual purity (not necessarily virginity), but was by no means confined to any one form of purity, physical or spiritual.[168] It might also be referred to as an abstract concept. It appears in Virgil as an antithesis to *scelus*, as Aeneas enters the Underworld and is told that it is not right for a pure man to tread the wicked threshold (*nulli fas casto sceleratum insistere limen*).[169]

Purus: To be *purus* might refer to physical cleanliness, or indicate that the object (be it a person, place, or even thought) was unmixed, uncorrupted or otherwise 'intact'.[170] Both *purus* and *castus* were discussed in a *controversia* of Seneca, on the issue as to whether as priestess should be 'chaste and from chaste parents, pure and from pure

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164 Verg. *Ecl.* 4.11-14; *G.* 506; Hor. *Carm.* 1.2.29-30; *Ep.* 7.1-20.
165 Luc. 1.1-2.
166 Nasta (2001) 67-82; Liebeschuetz (1979) 55-100.
167 Lewis and Short (1879) s.v. *Castus*; Langlands (2006) 51, 7-9, 197-8.
168 On sexual purity, cf. Hor. *Carm.* 3.3.23, 3.7.15; Catull. 16.5; Tib. 1.3.83; Ov. *Met.* 2.711; *Fast.* 2.139; Val. Max. 8.1; Colum. *Rust.* 9.14.3.
169 Verg. *Aen.* 6.563.
170 Cic. *Div.* 1.121; *Brut.* 261; Tib. 2.1.13-4; Hor. *Carm.* 3.16.29; *Ep.* 2.15, 17.46-9; Verg. *G.* 4.163; Lucr. 1.506; Juv. 9.141

parents' (*casta e castis, pura e puris*).[171] Seneca leans towards *castus* as an expression of sexual/moral purity, while using *purus* to describe the body as free from the stain of crime or bloodshed. However, throughout this lengthy argument even he mixes the terms, occasionally using *purus* in reference to sexual purity. While these terms may have held a degree of flexibility, both states remained vulnerable to the same forms of contamination. Pollutions threatened these states, and thus purification was required to restore order by restoring 'purity'.

Profanus: The uses of *profanus* (and the verb *profanare*) were both varied and contradictory.[172] Varro viewed the origins of the term in relation to *fana* (sanctuaries), in which *profanus* meant 'before a sanctuary'. This might indicate that an object or animal had been consecrated to the gods, and thus brought before the *fanum* to be offered up.[173] In particular Varro linked *profanata* to foodstuffs to be consumed within the sanctuary. We see an example of this in Cato's *De Agricultura*, which refers to the eating of a sacred meal after dedicating it to Mars Silvanus.[174] However, for an object to be 'before a sanctuary' might also indicate that it was unsuitable *within* sacred space. Macrobius, quoting Trebatius, believed that things were referred to as *profana* 'because they have been taken from religious or sacred ownership and converted to the uses of men'.[175] In a variation of this, Festus suggests that 'something is *profanum* because it is not taken to a sanctuary for religious purposes' (*profanum est, quod fani religione non tenetur*), and quotes Plautus in stating that the sacred and the profane were clearly divided from one another.[176] So, when the temple of Vesta caught fire, Ovid imagined pious flames (from the sacred hearth) mixing with profane flames in the

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171 Sen. *Contr.* 1.2.1.
172 Wagenvoort (1949) 319-32.
173 Varro, *Ling.* 6.54. Cf. [Aur. Vict.] *De Origine Gentis Romanae* 6.5.
174 Cato, *Agr.* 50.2. Ibid. 132 stresses purity during this interaction with the god.
175 Macrob. *Sat.* 3.3.4 (*profanum id proprie dici ait quod ex religioso vel sacro in hominum usum proprietatemque conversum est*).
176 Festus s.v. *Profanum*. Cf. Cic. *Dom.* 125; Hor. *Carm.* 3.1.1; Ov. *Met.* 2.833, 4.390; Verg. *Aen.* 6.258-9; Luc. 6.515, 8.551, 9.779, 10.195; Tac. *Dial.* 11.2.

conflagration.[177] When actions, words or 'dirt' from the everyday (profane) world were brought into contact with the sacred, it damaged the latter and required expiation.[178] Livy implies that the term might equally represent a deliberate act of de-sacralisation, citing as an example the Athenians' decision that all statues, priesthoods and sacred rites established by King Philip should be removed (*profanarentur*).[179] By the Augustan age the verb *profanare* had come to describe deliberate actions which damaged the sacred, and could be equated with pollution or violation.[180] In the *Metamorphoses* Ovid described the daughters of Minyas weaving on a day sacred to Bacchus, and thus 'profaning' the holy day.[181] Earlier, in 56 B.C, the *harupsices* investigated a series of prodigies, and offered the conclusion that the gods were angry because sacred and religious places had been profaned (*loca sacra et religiosa profana haberi*).[182] Cicero and Clodius disputed the cause or this profanation, each citing the other as the culprit.

Sacer: As with *profanus*, *sacer* might indicate contradictory states, such as 'consecrated'[183] and 'accursed'.[184] In such cases, however, we again see the emphasis on separation. This is further demonstrated by the jurist Gaius, writing in the second century A.D, who detailed the legal differentiation between 'sacred' (*sacer*) and 'religious' (*religiosus*). Sacred, he suggested, referred to places or things belonging to the gods above (*dii superi*), while *religiosus* referred to things consecrated to the gods of the underworld (*Manes*). Furthermore, it was not possible for 'divine property' to be owned by private individuals.[185] The sacred needed to be protected from the secular,

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177 Ov. *Fast.* 6.44 (*mixtaque erat flammae flamma profana piae*).
178 Varro, *Ling.* 6.30.
179 Liv. 31.44.
180 Quint. *Inst.* 11.1.84; *Curt.* 5.1.38 (*pudorem profanant*); Petron. 89.
181 Ov. *Met.* 4.390 (*opus...deum festum profanat*).
182 Cic. *Har. Resp.* 9.
183 Liv. 5.25.7, 32.40.8; Catull. 68.75; Tib. 2.1.5; Verg. *Aen.* 10.316; Verg. *Georg.* 4.542; Hor. *Carm.* 1.28.29; Tac. *Ann.* 13.41.
184 Stat. *Theb.* 2.298; Verg. *Aen.* 3.57.
185 Gai. *Inst.* 2.1-10; Festus s.v. *Homo Sacer*; Warde Fowler (1911a) 57.

and might be damaged by contact with it, which could in turn be interpreted as a transgression requiring expiation or purification.

It is not our aim in this chapter to examine every word connected with either pollution or purification. Other terms for cleansing exist (e.g. *lavare*, *perfundere*), as do terms suggesting pollution or disgust (e.g. *fastidium, turpis*, *foetidus*). We have also yet to encounter words denoting specific types of impurity (*stuprum*, *cruentus*, *funestus*), which will be explored in more detail in subsequent chapters. For the remainder of this chapter I will focus on three key components of Roman religion, namely the space in which religious activities were conducted, the animals chosen for religious offerings, and those groups of people who were either chosen to perform rites, or were marked out by some form of religious ruling. Each of the terms we have examined could refer to staining/cleansing in either secular or religious circumstances, but it is in their application to religion that we are interested. Douglas argued that dirt only existed within a system of order. Religious activities were conducted within such a predetermined order, and so we must consider how the label of 'sacred' affected the status of persons or spaces, as well as their susceptibility to pollution.

Part II – The Pure and the Polluted in Roman Religion

i. Sacred Space

Sacred space was always classified as separate from the moment of its creation.[186] The ground on which temples stood and the portions of the sky used in the taking of auspices were always marked out first as a *templum* by an augur.[187] Varro states that sanctuaries (*fana*) were so called 'because the pontiffs have "spoken" (*fati*) their boundaries'.[188] These boundaries ritually separated the spaces from the rest of the world. In certain cases, where the ground had been struck by lightning, the space may

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186 Eliade (1959) 20-2; Patterson (2000) esp. 86-90; Cole (2004) 30-65.
187 Varro, *Ling.* 7.8-10; Beard, North and Price (1998) I.22.
188 Varro, *Ling.* 6.54 (*hinc fana nominata, quod pontifices in sacrando fati sint finem*).

have been thought to have been chosen by a deity (the Sibylline books would determine which), and the augurs formally marked out the space.[189]

Just as Cicero said the Romans should approach the gods with purity (*castus*), Aulus Gellius gave a similar opinion of their temples: 'Temples...are to be approached not unceremoniously and thoughtlessly, but with purity (*castitas*) and due ceremony, and must be revered and feared, rather than put to common usage.'[190] When a group of exiles seized the Capitol in 460 B.C their revolt was crushed, but Livy states that 'many of the exiles fouled the temples with their blood...the Capitol was washed and purified' (*multi exsulum caede sua foedavere templa...Capitolium purgatum atque lustratum*).[191] Unlawful bloodshed damaged the sanctity of the temples, and so purification was required. A second passage from Livy, concerning the heroic general Camillus, places greater importance on the sanctity and integrity of sacred boundaries, following the sack of Rome by the Gauls in 390 B.C:

> Firstly, because he was a most diligent worshipper, he referred those issues concerning the immortal gods to the senate, and passed a *senatus consultum*: all shrines, insofar as they had been held by the enemy, should be restored, their boundaries expiated, and expiatory sacrifices sought in the books by the *duumviri*.[192]

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189 Lightning strikes are also recorded as instigating the construction of city walls, gates and statues; Cic. *Div.* 1.11-2, 16; Festus s.v. *Fulguritum*; Wülker (1903) 39; Wissowa (1912) 122 esp. fn. 3; Burriss (1931) 120; Hekster and Rich (2006) 156-7 (with bibliography).

190 Gell. *NA* 4.11.9-10 (*templa...non volgo ac temere, sed cum castitate caerimoniaque adeundum, et reverenda et reformidanda sunt magis quam involganda.*). Cf. Quint. *Decl. Min.* 265.

191 Liv. 3.18.10.

192 Ibid. 5.40.1-2 (*Omnium primum, ut erat diligentissimus religionum cultor, quae ad deos immortales pertinebant rettulit et senatus consultum facit: fana omnia, quoad ea hostis possedisset, restituerentur terminarentur expiarenturque, expiatioque eorum in libris per duumviros quaereretur*); Glinister (2000) 64. Cf. Obsequens 33, in which wolves scattering the boundary stones set down following Gaius Gracchus' reforms was interpreted as a prodigy. On the religious weight attached to boundary stones and the god Terminus, cf. Burkert (1996) 166; Huskey (1999) 77-82.

Camillus' first action restores the order of sacred space, allowing for the restoration of social, as well as religious, integrity. Such an idea appears in Horace's famous ode on the restoration of Rome's temples by Augustus after the civil wars. The poet suggests that Romans will continue to pay (*luere*) for the offences of their ancestors until the city's temples, and the statues of the gods (made filthy (*foeda*) with black smoke), have been restored.[193]

Nor were all purifications of sacred space performed in reaction to unexpected pollutions. One of the most well-known acts of ritual cleansing was that of the temple of Vesta. The water used for this purpose was taken from a running spring. It was fetched by the priestesses themselves, and Servius implies that once full the water's container could not be set down, as its contents must not come into contact with the earth. If they did, it was an offence (*piaculum*) which required rectification.[194] Servius also states that if the water was not fetched from this running stream (*fluvius*) it could not be offered to Vesta. The purification of the temple itself was also subject to a number of ritual requirements. Specifically, the sweepings (*purgamina*) from the temple had to be taken away by the priestesses and disposed of via the Tiber.[195] Thus even everyday dirt, dust or mess was considered more dangerous when it occurred within a sacred precinct. While the exact nature of the material is unclear (Le Gall suggests it may have included the ashes of the sacred fire collected throughout the year), the need for their removal was not. That this 'sacred dirt' posed a more significant threat is suggested by the use of the Tiber in its removal, as well as the deliberate references to this method of removal in the ancient sources. Through the river it would be carried out to the sea, which, as Astrid Lindenlauf has recently

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193 Hor. *Carm.* 3.6.1-4. The potential double interpretation of *luere* as both 'wash' and 'expiate' is likely to have been a calculated inclusion.
194 Serv. *Aen.* 7.150. On the purity of water, cf. Mazzarino (1969-70) 643-5; Edlung-Berry (2006) 162-80.
195 Ov. *Fast.* 6.227.

argued, represented a 'place of no return'.[196] Such matter needed to be contained, or safely removed. Things struck by lightning had to be buried by the augurs (and so put beyond the everyday world).[197] Fay Glinister has examined tiles, columns, and votive offerings buried within the sacred precincts of some temples, suggesting that even when broken or redundant, they remained sacred property, and so 'did not belong to the human sphere'. Furthermore, if an object had been damaged (deliberately or accidentally), the action could be interpreted as a pollution. Glinister argues that the removal/burial of the items represented one stage in this expiation, and that by burying the objects the priests were able to dispose of sacred material whose 'nature could be polluting if not dealt with properly'.[198] Therefore we already begin to see the ways in which Latin pollution vocabulary could affect religious procedures and spaces. Physical pollution could damage the ritual integrity of a religious space, but equally anything from within that space could be dangerous if it was taken out.

ii. Animals

Just as Rome lacked a work like *Leviticus*, it also appears to have been free from the extensive taboos on animals listed within it. Although Cicero described Sextus Cloelius as most impure (*impurissimus*) of all two-footed or even four-footed creatures, this should not be taken as an indication of the impurity of animals, but as a measure of the depth of impurity of Cloelius.[199] Nevertheless, as we have already seen with the screech-owl and the wolf, certain animals were viewed as dangerous,

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196 Le Gall (1953) 87-8; Darian (1978) 151; Lindenlauf (2004) 416-33. On the ritual purification of the *aedes Vestae*, cf. Wildfang (2006) 6-18 (with bibliography).
197 Luc. 1.606-8; Quint. *Decl. Min.* 274.
198 Glinister (2000) esp. 68-9.
199 Cic. *Dom.* 48.

even prodigious when they transgressed boundaries. Over a third of all prodigies recorded by Julius Obsequens involve animals crossing social or religious boundaries.[200] For animals to be permitted within religious space, they would normally need to have been selected for sacrifice, which meant that they had met certain criteria which were closely tied to ideas of purity.

Sacrificial animals were classified as *sacer* before their use in a religious ceremony. Virgil, for example, speaks of a 'sacred goat' (*sacer hircus*) being brought to the altar.[201] In fact, animals chosen for sacrifice were identified as soon as possible after birth. They were carefully inspected for defects or lameness to ensure physical purity, and they were also expected to be of a particular size.[202] Following selection they were marked and separated from the rest of their kind which would be used for breeding or working in the fields. Such secular uses spoiled the 'perfection' of the sacred offering, and Ovid makes several references to heifers 'unbroken' by the yoke and unspoiled by the bull.[203] Livy mentions a sacred herd of cattle that were kept secluded in a grove outside Croton. They were permitted to graze in the surrounding fields, but no man or animal dared to violate (*violare*) their sanctity.[204] As we shall see in Chapter Three, such inspections continued with sacrificial animals following their slaughter, when the creatures' blood and internal organs were also scrutinised for blemishes, disease or impurity. If any such imperfection was discovered the sacrifice was deemed a failure, possibly even a prodigy itself, and the whole process had to be repeated to ensure the *pax deorum* was maintained (see p. 130).

One of the most prominent forms of taboo visible in other cultures, such as Judaism, are prohibitions on eating certain plants and animals. Generally speaking, however,

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200 Obsequens 7, 12-14, 20, 26-7, 27a, 28a, 30, 32, 40, 42-3, 46-7, 49, 51-2, 55-6, 63, 68.
201 Verg. *G.* 2.395.
202 Sen. *Contr.* 4.2; Plin. *HN* 8.183; Wissowa (1912) 416. Similar acts of religious selection and segregation for animals are suggested in Htd. 2.38; Plut. *De Is. et. Os.* 363B.
203 Ov. *Fast.* 1.83-5, 3.375-6, 4.335-6. Cf. Verg. *G.* 3.160, 4.538-40.
204 Liv. 24.3.4-5.

Roman society appears to have been relatively free of religious taboos concerning the consumption of animals. Deliberate adherence to vegetarianism, for example, was a choice for only a select few, such as the followers of Pythagoras, but this was a choice open to a tiny minority, and appears to have been viewed with suspicion and as a mark of foreignness.[205] It is likely that the only meat available to most came from commonly reared animals, such as those used in sacrificial contexts (which may have been the only access to meat for many poorer citizens). While some animals may have been excluded from the Roman diet, or reserved by a designated form of sanctity, our sources give us no indication that whole animal groups were deemed 'sacred' or in Douglas' terms, 'abominable', in terms of eating.[206] In fact, as Beer has stressed, Roman sources appear to be more hostile towards inflexible attitudes towards foodstuffs, such as those of Jews in the Diaspora.[207]

Of the various animals that appear connected in some way with religion, dogs, in particular, held an ambiguous position.[208] Despite being domesticated and well integrated into the Roman household (as a companion to the household gods, the *Lares*), Plutarch states that it was not permitted for them to be touched or even named by the *Flamen Dialis*.[209] The discovery of a bitch that had made a den for her litter in the temple of Juno Sospita, beneath the cult statue, was the cause of considerable anxiety, and Obsequens describes the building as 'polluted' (*coinquinatus*). Prayers were offered and the temple had to be restored to its former splendour.[210] Although they were unsuitable for general sacrifice, dogs were frequently connected with magic and the crossroads, as well as the goddess Hecate. They were used in

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205 Beer (2010) 35-43.
206 Gowers (1993) stresses throughout that taboos on food in Rome were typically based on cultural ideals rather than fears of religious impurity.
207 Beer (2010) 82.
208 See esp. Burriss (1935) 32-42; Puhvel (1978) 354-62.
209 Plut. *Quaest. Rom.* 51, 111; Rose (1924) 213. Plutarch's explanation is firmly rooted in Greek culture, however, stressing that the animal was not dedicated to any Olympian gods.
210 Obsequens 55; Cic. *Div.* 1.4, 99. Cf. Luc. 1.559-61.

various ritual purifications where they acted as scapegoats and recipients for other forms of bodily impurity or disease.[211] It is in this purificatory capacity that the most famous example of dog-sacrifice in Roman religion occurred – the Lupercalia, by which the city was cleansed of impurities (see pp. 195).[212]

iii. Humans

A person who was temed *sacer* in ancient Rome could be either protected by the inviolability of religious authority or, equally, be marked as a social outcast. In both cases, however, he or she was deliberately set apart from the rest of society, and had to be treated accordingly. For priests and tribunes, whose persons were considered 'inviolable', this meant that they had to avoid certain people, places or actions which could damage their status. Even their robes were required to be pure.[213] While visiting the Underworld, Virgil's Aeneas viewed the happy celebrations of those who had lived good lives, including those priests who had been 'pure' (*sacerdotes casti*).[214] Conversely, those priests who sullied their offices might have forfeited them, along with their privileges. Quintilian records an argument as to whether a man who killed a priest caught in adultery was guilty of murder. The defendant states that adultery is fouler (*turpius*) in a priest, and that, had he been found guilty, he would have lost his position anyway.[215]

Priests were also required, in principle, to be free from physical defects,[216] and Plutarch in the *Quaestiones Romanae* considered why priests afflicted with sores should not take auguries, noting the criteria of physical perfection required of animals due to

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211 Tib. 1.5.56; Ov. *Met.* 14.410; Luc. 6.671; Plut. *Quaest. Rom.* 52.
212 Plut. *Quaest. Rom.* 68.
213 Festus s.v. *Pura Vestimenta.*
214 Verg. *Aen.* 6.661.
215 Quint. *Decl. Min.* 284.2.
216 Dion. Hal. *Ant. Rom.* 2.21.3; Wissowa (1912) 491.

be sacrificed to the gods, and describing the defect as a form of pollution (*miasmos*).[217] Seneca explored the case of L. Caecilius Metellus, who was (according to later tradition) blinded while rescuing the sacred images from a fire in the temple of Vesta, discussing whether he could keep his office following this misfortune.[218] The prosecution argued that a blemished priest should be shunned, and that perfection must be even more carefully guarded once a man had become a priest.[219] Prospective candidates for the Vestal Virgins were also inspected for bodily defects and speech impediments.[220] Evidence exists, however, suggesting that these regulations for priests were flexible or may have relaxed over time. First, we have Pliny's assertion that L. Metellus suffered from a stammer, which he worked diligently to overcome in order to speak the formula correctly when dedicating the temple of Ops.[221] Secondly, there is the case of Julius Caesar's epilepsy.[222] Suetonius states that 'twice his epilepsy even interrupted public business' (*comitiali quoque morbo bis inter res agendas correptus est*).[223] Despite the serious obstacles presented to religious duties by both conditions, neither Metellus nor Caesar appears to have been deemed unsuitable for the position of Pontifex Maximus.

Once again we see that the sacred was felt to require protection, maintenance and, if need be, purification. Priestesses were accompanied by a lictor to clear a path and ensure they did not come into contact with prostitutes or others who were

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217 Plut. *Quaest. Rom.* 73; Rose (1924) 199.
218 Sen. *Contr.* 4.2. The argument was titled '*sacerdos integer sit*' (a priest must be 'whole'). Ovid portrayed Metellus entering the temple stating 'if it is a crime (*scelus*), let the punishment for the act fall on me'; Ov. *Fast.* 6.451; Plin. *HN* 7.141; August. *De civ. D.* 3.18; Morgan (1973) 37-8 stresses that Metellus' being blinded in the fire was a later invention, taken up as one of a number of popular myths surrounding L. Metellus.
219 Sen. *Contr.* 4.2 (*post sacerdotium magis est observanda debilitas*).
220 Gell. *NA* 1.12.3.
221 Plin. *HN* 11.174; Morgan (1973) 35-41. Elsewhere, however, Pliny states that Metellus was credited with being a skilled speaker (*optimus orator*); Plin. *HN* 7.140.
222 Plut. *Caes.* 17, 53, 60; App. *B. Civ.* 2.110.
223 Suet. *Iul.* 45.

considered impure.[224] While discussing whether a tribune should continue working in the law courts during his year of office, Pliny states that he decided against it, since it might be deemed *nefas* for a tribune to stand while others sat, or to be interrupted by an opposing speaker, or to be silenced when he ran out of time when he could order silence from his audience.[225] A person engaged in a sacred or inviolable office required a change in others' behaviour, which marked him or her out as separate. Ordinary people had the potential accidentally to invalidate the prayers or actions of priests, hence the commands to 'keep silent' (*favete linguis*) or to speak only good words (*dicamus bona verba*), before the commencement of a sacrifice or an augury.[226] If anything improper happened to a tribune he was required to take ritual measures, which Plutarch interpreted as the cleansing of a pollution.[227]

However, while being designated *sacer* could mean that a person had to guard, and be guarded, against pollution, it might also refer to an ancient tradition whereby he or she became a public enemy.[228] Festus gives the following description of this condition:

> He is *sacer*, whom the populace has indicted for a misdeed. It is not right for him to be sacrificed, but whosoever kills him shall not be condemned as a murderer.[229]

In particular, those who attempted to seize power or plotted to restore the monarchy were liable to be classed as *sacer*.[230] The law stressed that, although 'sacred', the

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[224] Sen. *Contr.* 1.2.3.
[225] Plin. *Ep.* 1.23.1-3. A tribune might also be placed in an awkward position if a defendant exercised his right of appeal. Cf. Val. Max. 11.5.2.
[226] Cic. *Div.* 1.102; Hor. *Carm.* 3.1.2; Tib. 2.2.1; Verg. *Aen.* 5.71; Ov. *Am.* 3.13.29; Ov. *Fast.* 1.71; Ov. *Ib.* 98; Prop. 4.6.1; Plin. *HN* 28.3.11.
[227] Plut. *Quaest. Rom.* 81.
[228] Hor. *Sat.* 2.3.181; Warde Fowler (1911a) 57-63; Bennett (1930) 5-18.
[229] Festus s.v. *Homo Sacer* (*homo sacer est, quem populus indicavit ob maleficium: neque fas est eum immolari, sed, qui occidit, parricidi non damnatur*). Cf. Jońca (2004) 48; Gaughan (2010) 54-6.
[230] Liv. 2.8.2, 3.55.4-7; Plut. *Vit. Publ.* 12.1.

condemned were not sacrificed in the traditional sense. They were not offered to the gods upon an altar, but for the good of the community the law protected any citizen from prosecution for homicide, deeming the action both *ius* and *fas*.[231] Servius, in his commentary on the *Aeneid*, gives another example:

> 'Sacred' is 'accursed'. The expression is derived from the custom of the Gauls. For whenever the town of Massilia was sickened by plague, one man from their poor was selected to be fed with pure foods for a whole year at public expense. After this, he was furnished with sacred sprigs and vestments, and was led around the whole town, receiving everyone's curses, so that the evils of the whole town might fall on him, and in this state he was cast out.[232]

We see the need for purity, whether it referred to food, clothing or the use of sacred plants, to ensure the recipient was fit to receive the evils of the town at the end of his year, at which point he was to be the sole ritual receptacle for the pestilence. Once he was removed, so was the danger. In the examples of Festus and Servius, the primary aim was the protection of the wider community, for which purpose the *homo sacer* had to be expelled.

iv. Conclusion

Much of the material discussed in this chapter has been concerned with the language of pollution or purification. This approach is important, since these were the categories through which Romans communicated ideas of dirt to one another. What quickly becomes apparent from Part I is that, despite not possessing a specific term for religious pollution, the Latin language appears to have no need of one in order to

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231 Liv. 3.55.5.

232 Serv. *Aen.* 3.57 (*sacer id est execrabilis. tractus est autem sermo ex more Gallorum. nam Massilienses quotiens pestilentia laborabant, unus se ex pauperibus offerebat alendus anno integro publicus et purioribus cibis. hic postea ornatus verbenis et vestibus sacris circumducebatur per totam civitatem cum exsecrationibus, ut in ipsum reciderent mala totius civitatis, et sic proiciebatur*).

express states in which religion or the *pax deorum* had been 'polluted'. While most of these terms were verbal, in many cases corresponding nouns and adjectives were also employed. For the purposes of this study, no single term can be considered in isolation. Our ancient sources make no attempt to emphasise one term above all others. Yet each of the polluting terms we have explored appear to have threatened religious stability in some way.

Part II has demonstrated the emphasis on separation with regard to religion – the need to keep sacred and profane 'unmixed', and boundaries 'intact'. Anything connected to religious activity, whether this referred to a space or a living being, was carefully selected based on a predetermined idea of physical purity. Disease could not be tolerated in a sacred animal or religious official, and pollution could express such forms of damage or unsuitability. Equally, damage could be described in terms of a pollution (e.g. *nefas*) where no physical stain was apparent. This extended to cases where purification was considered the best course of action to take to restore order, integrity, cleanliness or purity. The formulaic nature of Roman religion meant that these actions were performed on set dates throughout the year, as well as in reaction to specific events. Order had to be ensured.

Our examination of Latin pollution vocabulary is only the first step in this investigation, and we must shift our focus towards those acts and substances deemed to be polluting, moving beyond the words used to classify them. Existing anthropological studies of various societies have already highlighted some of the most prominent forms of impurity, and so, like Parker, we shall follow their example. Chapters Two, Three and Four will examine three of the most central causes of pollution – sexual acts and emissions, bloodshed, and death. These chapters, therefore, will focus on the centrality of the human body in Roman approaches to pollution. As Douglas has demonstrated, the body is an ideal template with which to

explore the importance of social and physical boundaries. It could be both threatened by outside influences, and threatening to the integrity of other people and spaces. Finally, in Chapter Five, we will draw together various strands from each of the previous chapters to consider a single speech by Cicero which demonstrates an effective and calculated use of each of the linguistic and thematic forms of pollution already considered. Within the field of polemic, the words Cicero uses are in many ways as important as the events or actions he describes, and the vocabulary we have explored in this chapter will be shown to have played a critical role in his attacks on Clodius and his allies.

CHAPTER TWO

THE WORKS OF VENUS

ut Livius ait, nihil tam sanctum religione tamque custodia clausam quo penetrare libido nequeat.

'As Livy says, nothing is made so sacred by religion, or so closed off by defences, that it cannot be penetrated by lust'.

(Jonas Bobiensis, *Vita Columbani* 87)

Across the field of anthropological study, birth and reproduction are frequently identified as the targets of religious taboo. As the opening quote demonstrates, sex was both powerful and threatening, especially to the divine. The moralising words of Livy, writing for a pagan audience, could still strike a chord with the seventh-century Christian author Jonas. Human reproduction could be offensive to the divine, and as such sexual acts are regularly kept separate from divine spaces, images and periods of time. Even the act of birth may be a reminder of human mortality. Valeri gives the following appraisal:

> The ambiguities of sexual reproduction, its evocation of death in life, of a life perennially spoiled by death, go a long way toward explaining why sex is so often taboo, especially when life is put at risk in dangerous transactions and in all other ritual activities where life is conquered at the price of death.[233]

A key to Parker's examination of religious sexual pollution was that 'profane life is, necessarily, sexual; to approach the sacred men must therefore become asexual'.[234] For Mullin and Carson, this pollution stemmed from the idea that 'impurity is mixture and sex is seen as mingling', while Meigs interpreted bodily emissions as dying once separated from the body.[235] Of course, this did not mean that sex was

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[233] Valeri (2000) 165; Parker (1983) 74.
[234] Ibid. 91.
[235] Carson (1990) 158-9; Mullin (1996) 513. Cf. Lugones (1994) 458-79; Attridge (2004) 72.

universally reviled. Provided both parties have consented, it is listed by Meigs as one of the few occasions in which a person's bodily fluids do not represent a danger to another.[236] However, its incompatibility with the divine meant that mortals were temporarily polluted in a religious sense, and thus were unfit to enter temples. Quintilian states that 'adultery is fouler (*turpius*) in a priest', and as we have seen (see pp. 58-9), he went as far as to suggest that a priest might lose the rights of his office at the moment of discovery, demonstrating how the seriousness of sexual offences might be further augmented by religion.[237] The need for this separation from religion may have stemmed from an extension of social ideas of respect, 'keeping private things private'.[238] This incompatibility also extended to animals. Virgil and Ovid reveal that when animals were selected for sacrifices as soon as they were born, they were kept away from profane usage, specifically manual labour and breeding, both of which 'spoiled' the otherwise perfect offerings.[239] Again, this alludes to the wide-ranging danger posed by sex to ritual, both in Rome's public and private religious spheres. This chapter concentrates on some of the most prominent occurrences of, and the issues surrounding, sexual impurity in the Republic and early Principate.

Issues of sexual impurity outside the realm of religion have received considerable scholarly attention in recent years. In cataloguing the range of Latin sexual vocabulary, Richlin identified a number of terms commonly associated with sexual impurity: '*spurcus*, *inquino/atus*, *putidus*, *turpis*, *lutum*, *oblimo*, *rancidus*, *immundus*, *foedus/foedo*, *taeter*, *vilis*' (although this list includes terms such as *inquino*, which we have already seen as part of the wider discourse of Latin impurity).[240] Adams collected similar data in *The Latin Sexual Vocabulary* (1982), in which he focussed in particular on physical terms, such as *cunnus* and *culus*, as well as words denoting sexual

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236 Meigs (1978) 308-9.
237 Quint. *Decl. Min.* 284.2.
238 Parker (1983) 76.
239 Verg. *Georg.* 3.157-61, 4.538-43; Ov. *Fast.* 4.335.
240 Richlin (1992) 27.

acts, such as *fellare* and *irrumare*.[241] For Adams, acts of sexual aggression were notable threats to 'purity'.[242] In both cases the focus appears firmly on the human body as the source of impurity, although the exact source of contamination varied with each context.

Birth, intercourse, and menstruation are united by their roles in the human body, whose boundaries are transgressed, whether deliberately or otherwise, during these processes.[243] Each event brought a degree of disorder or danger which could require the avoidance of religious spaces for a predetermined period of time, or an act of physical purification before further interaction with the sacred could take place. In other cases, certain beings represented a danger to the mortal, physical world through their polluted status. At the same time, however, each of these biological processes was deemed entirely necessary for the preservation of society.

This chapter begins with a brief examination of pollution resulting from birth. Very little evidence on the subject exists for the Roman world, and that which does remain suggests that a far more flexible attitude existed towards birth than was the case in the Greek world. On the contrary, much of the evidence leads us to conclude that it was the mother and child who were more at risk from outside contamination during this uncertain period of transition. Following birth, we proceed more directly to the subject of sexual impurity in religion. This begins with the theme of abstinence from sex before participation in religious rites, a subject that became a favourite motif of late Republican and Augustan poets. That abstinence could be used in such contexts offers the first indication of a need to separate the act of sex from religious ceremony. From here we proceed to examples where sex was brought directly into

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241 Adams (1982) esp. chapters 3-5.
242 Ibid. 199.
243 Von Staden (1992) 14 lists these three acts as the 'primary uterine-vaginal sources of pollution' in epigraphic evidence, stressing female sexuality in his discussion of 'impure' medical treatments for women.

the religious sphere. It comes as no surprise to learn that such cases were rare. The widespread condemnation (both literary and social) attached to sex in religious contexts is evidence of a pervasive taboo, as is the need for purification to correct the disruption caused to the *pax deorum*. The most famous and well-documented cases we shall evaluate are: the suppression of the Bacchanalia in 186 B.C, one of the most important events in Rome's religious history; the scandal that resulted in widespread persecution of the cult of Isis under Tiberius; and finally the investigation which followed Publius Clodius' intrusion at the rites of the Bona Dea in 62 B.C, which stands out as the most prominent scandal surrounding a traditional Roman cult, as opposed to the foreign rites of Bacchus and Isis.

The nature of these religious scandals leads into perhaps the most infamous examples of sexual crime in the Roman state – the violation of Vestal Virgins, and acts of incest. Both crimes, covered by the wide-ranging term *incestum*, presented a threat to both the family and to social ties at large. Equally important for society were those figures who sold sex as a commodity, but were condemned, for life in many cases, as polluted by their actions. Pimps and prostitutes were excluded from many religious ceremonies and kept at a safe distance from sacred persons. At the same time, some ceremonies deliberately incorporated prostitutes, and these must also be examined to help develop our understanding of why sexual impurity could be crucial in one context, and ignored in another. The chapter closes with a discussion of menstruation, which represents one of the most dangerous aspects of female sexuality and sexual behaviour, whilst paving the way for a more detailed discussion of blood as a physical essence in Chapter Three. While menstruation forms the focus of considerable anthropological debate, it receives little discussion within Roman scholarship, beyond the works of medical experts. However, throwaway comments by non-medical writers are shown to suggest that widespread folklore existed

concerning menstrual blood, which was thought to be both dangerous and polluting, and in some cases called for rigid control.

i. Birth

The process of birth was a frequent source of human pollution in the Greek world. It was considered sacrilegious for a birth to take place within a religious precinct, and anyone who had come into contact with, or stayed under the same roof as, a new mother was considered unfit to enter religious space.[244] Delos appears to have imposed a particularly strict prohibition on births (and burials) taking place within its sacred boundaries.[245] It was a mortal act entailing great danger for both mother and child. It involved the loss of control over both the body's boundaries and the flow of its emissions. In particular there was the shedding of blood, which may have been equated with the process of menstruation (see pp. 97-8). The mother's physical weakness left her vulnerable to medical complications, while her temporary liminal status (both physical and sexual) left her vulnerable to outside influences. Finally, the family and wider society needed time to readjust and adapt before the reintegration of the new members.[246]

The gap between Greek and Roman ideas concerning birth was bridged by the third century writer Censorinus. Quoting from the Greek tradition, he suggested that for the first forty days of pregnancy, and for forty days after birth, women were expected to avoid sacred spaces (although they could enter temples after this period to pray for a safe delivery).[247] Censorinus believed that the reason for this prohibition was that until the fortieth day after birth 'the majority of new mothers are sickly, and are sometimes unable to control the [flow of] blood, while the newborn are unhealthy

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244 Eur. *IT* 380-4; Paus. 2.27.1; Parker (1983) 33-4, 39; Cole (2004) 36.
245 Thuc. 3.104.1-2; Ar. *Ran.* 1080.
246 Van Gennep (1960) 50-64; Hertz (1960) 37-53; Parker (1983) 52; Shaw (1996) 100-38; Mullin (1996) 511-12, 520; Bendlin (2007) 182-3.
247 Censorinus *DN* 11.7.

for about the same time, without happiness, and not without danger'.[248] The stress on the loss of the body's control over its own emissions as a source of pollution is telling, and demonstrates the most threatening element of birth. The subsequent comment on dangers to infants also highlights the dangers of pollution from the outside world. A father in mourning could argue that he should not stray beyond the cemetery as he would be a 'terrible omen' (*dirum omen*) for anyone thinking of marriage or children.[249]

Evidence for birth-pollution in Roman society is relatively sparse. The words of Censorinus, writing well into the High Empire, cannot be wholly relied upon as an indicator of Roman custom, or even widespread practice in his own day.[250] One of the most important pieces of evidence comes from Festus, who writes that '*lustrici* refer to those days, the eighth for girls, the ninth for boys, on which the children are purified (*lustrare*), and assigned their names'.[251] The need for ritual lustration at the same time as the child's acceptance into the family marks a logical rite of transition and integration.[252] Yet the need for purification also implied that pollution of some sort surrounded both mother and child until their successful return to the family. Persius describes a superstitious custom of averting (*expiare*) the evil eye from newborn babies with saliva.[253] Saint Augustine records that both were protected immediately after the birth by a form of ritual sweeping of the threshold, ostensibly

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248 Ibid. (*post partum quadraginta diebus pleraeque fetae graviores sunt nec sanguinem interdum continent et parvoli ferme per hos morbidi sine risu nec sine periculo sunt*). Plin. *HN* 7.2 also refers to the 'laughter' (*risus*) of children as not beginning until after the fortieth day.

249 Sen. *Contr.* 4.1. Cf. Eur. *IT* 1226-9; Parker (1983) 49.

250 Ibid.

251 Festus s.v. *Lustrici* (*Lustrici dies infantium appellantur, puellarum octavus, puerorum nonus, quia his lustrantur atque eis nomina inponuntur*). The practice of naming girls and boys on the eighth and ninth days is also mentioned by Plutarch and Macrobius, with a variety of potential solutions; Plut. *Quaest. Rom.* 102; Macrob. *Sat.* 1.16.36; Tert. *De Idolatria* 16; Rose (1924) 210-1; Breemer and Waszink (1947) 257; Rüpke (2007) 231.

252 Van Gennep (1960) 62-4.

253 Pers. 2.31-4.

to protect them from the ancient Italian god Silvanus.[254] This is comparable to the sweeping of the threshold following a death (see p. 173), which Latte stressed was crucial for maintaining the purity and integrity of the household.[255] In both cases a period of danger and liminality was met by a ritual act of cleansing. The purification of the house's threshold may also allude to the protection of those bodily boundaries which have been breached by the birth. We hear from Juvenal that households celebrating the birth of a child also decorated their doors and thresholds with 'full-grown laurel' (*grandis laurus*).[256] Laurel appears across Roman ritual as one of the key instruments (*februum*) used in purification; one of the notable honours paid to Augustus in 27 B.C. was the perpetual decoration of his home's doorposts with laurel.[257] Less is known about the role of the goddess Candelifera, in whose honour a candle was lit during childbirth, although Rose argues that this was 'to scare away evil influences'.[258] This invites comparison with the rites of aversion against Mars Silvanus, but whether this was achieved by virtue of the purifying nature of fire is unknowable. However, the general nature of this evidence suggests that the mother and newborn child were at greater risk from outside forces than society was from them. Gellius describes the potential 'infection' (*contagio*) of a child who is suckled by a barbarous, untrustworthy, or unchaste (*inpudica*) slave instead of its natural mother.[259] Other family members do not appear to have been polluted by their proximity to the new mother. The father of Augustus attended the Senate's meeting (held in the temple of Jupiter Stator) during the revolt of Catiline on the same day as

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254 August. *De civ. D.* 6.9; Burriss (1929a) 152-3, also 61; Bailey (1932) 38. Cat. *Agr.* 83 notes that women may not attend the country rites of Mars Silvanus. Warde-Fowler viewed both deities as an offshoot of the same primal deity; Warde-Fowler (1911b) 132-2; Burriss (1925) 221; Dumézil (1966) 34-5, 616-7.

255 Latte (1960) 101-2.

256 Juv. 6.79.

257 *RG* 34; Ov. *Fast.* 2.25-6, 3.137-42, 4.725-8; Festus s.v. *Laureati*; Ogle (1910) 287-311; Curran (1981) 209-12; Parker (1983) 228; Kellum (1994) 213.

258 Tert. *Ad nat.* 2.11; Rose (1924) 79.

259 Gell. 12.1.18-9.

his son's birth, albeit having been detained by the birth itself.[260] Gellius also implies that it was acceptable to attend a home where a birth had taken place immediately, without fear or precaution.[261]

While the extent of the threat from pollution following a birth is unclear, it is certain a threat existed. Furthermore we see that the threat was frequently resolved with the use of purificatory instruments or actions. With sexual intercourse, however, a strict line needed to be drawn separating religion and the act itself.

ii. Abstinence First

The antiquarian Varro argued (incorrectly) that the Latin word for 'boy' (*puer*) had its root in the term *purus*, since boys under the age of fifteen were sexually inactive, and thus, 'pure'.[262] Columella also states that cooks, bakers and those who serve food should be chaste, and that if they had sex they should cleanse themselves with water before returning to their duties.[263] As Holt Parker observes, 'sexual purity and virginity are not identical'.[264] Amongst Roman adults sexual purity had to be achieved by a token period of abstinence, which served to distance them suitably from the act before entering divine precincts. King Numa, the mythical founder of many of Rome's most ancient religious festivals and priesthoods, was thought to have received prophecies from Pan within a sacred grove after observing a period of sexual abstinence, combined with ritual sprinklings of water and a strict vegetarian diet.[265] The *Flaminica Dialis* was forbidden to touch her husband in June until after the

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260 Suet. *Aug.* 94.
261 Gell. *NA* 12.1.1-2; Dixon (1988) 238-40.
262 Censorinus *DN* 14.2. Parker read a similar meaning in Catullus' reference to hymns sung by 'intact' children (*puellae et pueri integri*); Catull. 34; Parker (1983) 79.
263 Columella *Rust.* 12.4; Burriss (1931) 92. The fear of ingesting 'foreign matter' appears a likely explanation in this case; Valeri (2000) 102-5. Cf. Hdt. 1.198.
264 Parker (2004) 566.
265 Ov. *Fast.* 4.657.

cleansing of the temple of Vesta was completed, and the dirt expelled via the Tiber.[266] Centuries later, the piety of the emperor Severus Alexander was demonstrated through worshipping his familial *Lares* each morning, unless he had been with a woman the night before, while Pescennius Niger was said to have been selected to perform certain Gallic rites specifically because he was chaste.[267] Such acts of ritual propriety were employed as a useful device in the works of late republican poets. Both Propertius and Tibullus wrote despairingly of their mistresses, neither of whom would sleep with them in the days leading up to a festival of Isis, with Tibullus' Delia insisting that she must sleep in a pure (*purus*) bed.[268] In an interesting reworking of this idea, Propertius' Cynthia forces her lover to submit to ritual purifications after catching him in the company of other women: 'Then, fumigating every place those girl intruders had touched, she scoured the threshold with pure water, and ordered me to change my clothes again completely and touched my head three times with sulphurous flames.'[269] Sexual intercourse, therefore, has damaged not only the protagonist, but also the house itself. As a result, much of the purification involves the cleansing of the property and the restoration of its physical integrity.

However, temporary abstinence was not just confined to foreign cults, where poets could exploit long-standing preconceptions and prejudices about outlandish Egyptian religious practices.[270] Equally famous were the descriptions of a number of Italian rites, each connected in some way or other with fertility. Most prominent were the annual rites to Ceres, which were performed at all crossroads in the city by Roman

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266 Ibid. 6.227-33.

267 SHA, *Alex. Sev.* 29.2; *Pesc. Nig.* 6.7.

268 Tib. 1.3.23-6; Prop. 2.33.1-6. The requirement of ritual abstinence is also attested in Plut. *De Is. et Os.* 2.

269 Prop. 4.8.81-8 (*dein, quemcumque locum externae tetigere puellae, suffit, at pura limina tergit aqua, imperat et totas iterum mutare lucernas, terque meum tetigit sulpuris igne caput. atque ita mutato per singula pallia lecto respondi, et toto soluimus arma toro.*)

270 This tradition went as far back as Herodotus, who classed the Greeks and the Egyptians as the only people in the world who did not permit sex within sacred precincts; Hdt. 2.64; Parker (1983) 74.

matronae, commemorating the kidnap of Proserpina, and Ceres' search for her daughter which resulted in the story explaining the changing seasons.[271] Ovid repeats the theme used by Tibullus and Propertius in a description of the *Cerealia* in his *Amores*, complaining that, despite her bestowals of fertility, Ceres has caused his lover to temporarily desert his bed.[272] This is elaborated upon in the *Metamorphoses*, where Ovid reveals that the period of abstinence lasted for nine nights before the festival:

'The pious matrons were celebrating that annual festival of Ceres at which, having covered their bodies with white garments, they give as first offerings garlands made from wheat, and for nine nights they consider sex and contact with men forbidden'.[273] Aspects of the festival of Ceres have led to comparisons with the Greek rites in honour of Demeter at the Thesmophoria festival, which were also overseen by female officials. The cult of Ceres herself was thought to have been imported, and the custom of male exclusion maintained by the Romans after their annexation of the rites. [274] Cicero reveals that men were not permitted to enter the shrine to Ceres, while Livy adds that it was considered *nefas* for women to attend if they were in mourning, a stipulation which caused considerable problems in the wake of Cannae, where so many families were technically excluded by their *funesta* state.[275] Over a century later Juvenal joked of the sexual impurity that was rife throughout the city in his own time, stating that 'indeed, few women are worthy to touch (*contingere*) the bands of Ceres - what father does not fear their kisses' The dual nature of *contingere* as both touch and stain invites the interpretation of pollution here.[276] A

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271 Festus s.v. *Graeca sacra*; Serv. *Aen.* 4.609; Ov. *Fast.* 4.393-620; Frazer (1929) III.262-312.
272 Ov. *Am.* 3.10.1-18. The responsibility for fertility is emphasised by the role of Ceres in the Roman marriage ceremony; Burriss (1931) 89; Spaeth (1996) 110.
273 Ov. *Met.* 10.431-5. The reference to *matronae* confirms that virginity was not a prerequisite of the festival.
274 Cic. *Balb.* 55; *Leg.* 2.21, 36-7; Spaeth (1996) 103-13. For comparison with the Thesmophoria, see Zeitlin (1982) 129-57.
275 Cic. *Verr.* 2.4.99; Livy 22.56.4-5, 34.6.15.
276 Juv. 6.50-1 (*paucae adeo Cereris vittas contingere dignae, quarum non timeat pater oscula*). Kisses were also a famous means of transmitting the infection of sexual pollution, cf. Catull. 79, 99.10; Cic. *Dom.* 25; Sen. *Contr.* 1.2.9, 12; Richlin (1992) 27-31; Butrica (2002) 507-16.

similar case is described by Propertius for the ancient town of Lanuvium, in which the town's maidens were required to feed a sacred serpent who would only eat from their hands if they were pure. If they returned successful from their task, the farmers rejoiced, expecting a propitious harvest.[277]

In such cases agricultural fertility is linked to the chastity of Rome's maidens and the fidelity of her matrons.[278] For the ritual of the *Ambarvalia*, however, we see a more direct prohibition of sexual intercourse in general. Tibullus' idyllic scene at 2.1 describes the lustration of crops and fields. Purity and purification are emphasised throughout the passage, beginning with the order that those who have had sex the night before should not approach the altar.[279] Immediately following this, the poet orders worshippers to attend in *purae vestes*, and to carry water for the lustration from the spring with *purae manus*.[280] Sexual abstinence therefore fits into a wider scheme of purity at work in religious rituals, although how strictly such regulations were observed is debatable. Columella was aware that many people no longer observed ancestral traditions in his own day.[281] The origins of these demands of sexual abstinence appear to have been based on a perceived link between human sexuality and agricultural fertility. Burriss suggested a sympathetic connection between the two, in which human sexual activity might draw power away from the fertility of the land.[282] Given the frequent references to chastity and fidelity in relation to agricultural ceremonies, and especially the goddess Ceres, this appears plausible, and would further explain why agricultural land was felt to require purification. Equally, the build-up of expectation resulting from abstinence served to further set the rite apart from everyday activities.

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277 Prop. 4.8.3-14.
278 Spaeth (1996) 111. Cf. Burkert (1985) 243-4.
279 Tib. 2.1.11-2.
280 Ibid. 2.1.13-6. Tibullus also refers to the vestments as 'white' (*candida*), once again emphasising cleanliness.
281 Columella, *Rust.* 2.22.5.
282 Burriss (1931) 94.

So far the phenomena we have been examining have been concerned with the protection or preservation of purity, cleanliness or physical integrity. We must now proceed to those acts or persons who threatened physical or moral order through sexual activity, beginning with those cases where sexual intercourse was illicitly introduced into religious ceremonies.

iii. Sexual Scandals

Livy records that ten nights of sexual abstinence were also required in the build up to secret rites in the cult of Bacchus, which had spread from Greece into Italy by the early second century B.C.[283] An innocent youth duped into joining the cult was said to have been ordered to keep himself pure (*castus*) during this time, after which he would be cleansed (*lavare*) with pure water, and then led to the shrine for initiation. These requirements appear similar to those we have already seen and appear part of the proper preparations for any ritual observance, in keeping with Cicero's insistence that worshippers approach the gods 'with purity'. However, the practices of this cult were to form the basis of the greatest religious scandal in the history of the Republic.[284] The cult's foreign origin, alongside allegations of rape and debauchery, fraud, murder and treason, all performed under the cover of darkness, led to suppressions and executions across Italy in 186 B.C. While the threat to social stability appears to have been the primary motivation behind the senate's decision to suppress the cult, the acts of mixed-sex revelling and drunken orgies by citizens (and especially the young) were seized upon and embellished in historical reports, and pollution is a recurring motif throughout the narratives of Livy and Valerius Maximus.

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283 Liv. 39.9-10.

284 For details of the suppression of the Bacchanalia and Livy's detailed narrative of events, see esp. Pailler (1988) 195-245. Also Beard and Crawford (1985) 38-9; Scafuro (1989) 119-42; Turcan (1996) 291-325, esp. 300-7; Walsh (1996) 188-203; Beard, North and Price (1998) I.91-6; Pailler (1998) 67-86; Pagán (2004) 50-67; Robinson (2007) 7-29; Briscoe (2008) 230-91.

According to Livy the cult was originally restricted to women only, but had degenerated after spreading like an infection (*contagium*) from Etruria to Rome. Its emphasis on recruiting the young enhanced the view of the cult as a corrupting influence (*corruptela*), as did the participation of slaves on equal terms with free-born citizens and the predominance of women in general.[285] In distinguishing between physical and social boundaries Douglas stressed that marginal social groups expressed their status through a 'slackening of bodily control'.[286] However, it may be equally accurate to state that marginal groups are *perceived* as morally ambiguous, and so were thought to be a threat to the strict ritual performances of state religion. Pollution gave form to this disorder.

Repeated references are made to sexual acts or offences, primarily labelled as *stupra* and *libidines*. Livy depicted the consul breaking up these nefarious gatherings with the support of the gods, whose 'divinity has been outrageously contaminated by crimes and lustful acts' (*numen sceleribus libidinibusque contaminari indigne*), demonstrating the contaminative nature of both sexual intercourse, and *scelus*, within religious rituals (See pp. 47-9).[287] The participants were viewed as 'overwhelmed by lust' (*hi cooperti stupris*), their religion, corrupted (*prava*), and the site of their rituals, obscene (*obscaenus*).[288] In a passing reference, Valerius Maximus described the consuls being ordered to investigate women 'who had made impure (*incestus*) uses of the sacred rites of the Bacchanalia'.[289] While revelling and excess were established aspects of Bacchic worship, the introduction of men into the rites, combined with acts of sexual assault (*stupra*), led to them becoming 'sacrilegious meetings' (*nefarii coetus*), violated (*violare*) by the actions of the worshippers.[290] Across this handful of statements we see a

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285 Liv. 39.9-10, 15; Edwards (1993) 43-4.
286 Douglas (1996) 93.
287 Liv. 39.16. Cf 39.18 for contamination through *stuprum*.
288 Ibid. 39.15-16.
289 Val. Max. 6.3.7.
290 Liv. 39.16-8.

significant variety of terms denoting corruption and infection. While the suppression of the cult may have been a primarily political action, the persistence of 'out-of-place' sexuality as a cause of divine offence is revealing. Similarly, the wide range of pollution vocabulary is further testament to the flexibility of Latin language regarding impurity. Since the reality of what occurred during these revels was unknown, no specific acts could be listed, but the mingling of the sexes in an uncontrolled, sacred, environment allowed Livy and others to play upon an audience's prurience and prejudices about inappropriate religious behaviour. Following the backlash any form of Bacchic worship required the permission of the urban praetor and, most importantly, could include no more than five worshippers in attendance, with no priests or officials.[291] The requirement of ten days abstinence fits with the established tradition of agriculture and fertility, and it is likely that this regulation had existed before the 'corruption' of the cult on Italian soil.

The worship of Isis, which we have already seen linked to abstinence by Propertius and Tibullus, was also rumoured to encourage immoral behaviour. Juvenal mockingly compared the temple of Isis to a brothel.[292] Tacitus and Suetonius both refer to persecutions of Egyptian cults under the reign of Tiberius, in which large numbers of Egyptians, as well as Jews, were deported from Italy.[293] The Jewish historian Josephus reveals that this persecution stemmed from the mixing of sex with religion. A noblewoman, Paulina, after refusing the advances of one Decius Mundus, was tricked into sleeping with him within the sanctuary of Isis, while he took on the guise of Anubis. Upon discovery, her husband complained to Tiberius, who crucified the priests of Isis (who had colluded with Decius), destroyed their temple and cast the

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291 Liv. 39.18.

292 Juv. 6.488-9. Pomeroy (1975) 219 notes the role of prostitution in Isis' mythical narrative.

293 Tac. *Ann.* 2.85; Suet. *Tib.* 36; Moehring (1959) 294-5. Cf. Dio 40.47.3, 42.26.5. The passage of Tacitus lists these persecutions within a wider list of ways in which 'female immorality' (*libido feminarum*) was checked during this period.

statue of Isis into the Tiber.[294] Heidel suggests that Paulina's initial willingness to participate meant that this was an expected rite of initiation for her, and that the crime lay in Mundus' unauthorised intrusion. It is highly improbable, however, that such practices would be permitted, particularly if they involved high-ranking noblewomen. It is made all the more unlikely given the striking similarities within the story to the myth of Nectanebo II, who allegedly seduced the mother of Alexander the Great in the guise of the god Ammon.[295] Rogers argues that Mundus and the priests were tried under the rules of the *lex Iulia de adulteriis*, for accepting bribes resulting in illicit sexual intercourse (*stuprum*). Equally, 'Paulina was guilty, however excusably, of religious prostitution'.[296] By this action, the cult changed from being a curious foreign anomaly to a religious threat to Roman social conventions, specifically the chastity of respectable Roman matrons. The disposal of the image of Isis in the Tiber was far more symbolic than the senate-sanctioned dismantling of Egyptian worship sites under the Republic. Le Gall interpreted the presence of the cult, even outside the *pomerium*, as a stain ('souillure'), which the Tiber was required to expiate (the disposal of the cult statue coinciding with the expulsion of Egyptian cults from Italy).[297] It might also have been part of the expiation of the religious offence caused by Paulina's seduction.

Despite these sporadic attacks on sites of Egyptian worship the cult endured, prospering under later emperors including Otho, Vespasian and Domitian.[298] However, the cult was never entirely free from the suspicion of Roman onlookers.

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294 Jos. *AJ* 18.65-80.
295 [Callisthenes], *Alexander Romance* 8-11; Moehring (1959) 298; Ogden (2002) 59.
296 Rogers (1932) 252-3; Heidel (1920) 41-3. Both authors link this story to the prosecution of Fulvia, who also fulfilled the role of a temple prostitute by providing gold and purple cloth for the Jewish temple in Jerusalem. On sacred prostitution as an outside construct, see Budin (2006a) 77-92.
297 Le Gall (1953) 83 also suggests that other equipment from the temple was also cast into the river, based on the archaeological discovery of various foreign implements. As he notes, however, positively identifying such items as belonging to a specific temple is impossible.
298 Suet. *Oth.* 12.1; *Vesp.* 7.1; *Dom.* 1.2; Witt (1997) 222-42.

We have already seen Juvenal's comparison of an Egyptian temple to a brothel. The satirist mocked those who dressed as Anubis and demanded bribes in reparation for broken vows of chastity. Like the priests of Isis who had betrayed Paulina, such men were attacked because they valued money above religious scruples and chastity. However, he was even more scathing of those who believed their lies: 'She even believes she is instructed by the voice of Isis herself – that is the sort of spirit and mind that the gods talk to at night!' Such a comment must surely have been an intentional, and less than sympathetic, reference to Paulina's seduction on the part of Juvenal.[299]

Both the scandals of Paulina and the Bacchanalia involved what ancient authors evaluated as the suppression of corrupting foreign influences. In 62 B.C, however, there occurred a scandal involving the pollution of a traditional state sanctioned ritual by a Roman citizen, when P. Clodius was found to have intruded on the rites of Bona Dea. The wider implications of this incident are explored in greater detail in Chapter Five as part of the wider conflict between Cicero and Clodius, and for the present we need only concern ourselves with the issue of sex in a religious context, and the pollution that it might generate.

The public worship of Bona Dea was a strictly female affair, conducted every year, at the house of a magistrate with *imperium*, on behalf of the whole populace. In 62 B.C. the ceremony was held at the house of Julius Caesar, the *pontifex maximus*, and was attended and presided over by the Vestal Virgins themselves. It was within this most auspicious context that Clodius was discovered dressed as a slave girl, and attempting to gain access to the house, allegedly to seduce Caesar's wife. The scandal was widely publicised. Caesar immediately divorced his wife. The pontiffs, along with the Vestals themselves, were ordered to investigate. They concluded that the action had been

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[299] Juv. 6.530-41.

nefas, and Clodius was tried *de incesto*, only narrowly escaping through extensive bribery.[300] The verdict of *nefas* had been rendered by Rome's leading priests, however, and Cicero would continue to use this act of sacrilege in his invective against Clodius.

By his actions, Cicero asserts, Clodius had robbed the house of the *pontifex maximus* of its *religio*, making it a place of 'unclean lust' (*incestum stuprum*).[301] The presence of a man at the women-only rite would be bad enough, but Clodius 'polluted the sacred rites, not only by viewing them, but also through his twisted depravity and lust'.[302] The scene is repeatedly described as a 'violation' (*violare*), of either the rites of the Bona Dea, or, more generally, the dignity of the goddess.[303] Years later, after Clodius' assassination, Cicero described him as one 'whose unspeakable adultery upon the most sacred couches of the gods was discovered by the most honourable of Roman women; one whose punishment the senate repeatedly judged correct for the expiation of religion'.[304] The initial act of intrusion appears as only a prelude to the far more serious attempt at a sexual liaison, which was compounded further by the fact that it was an adulterous relationship, and with the wife of the chief pontiff in his own house. Whether Clodius achieved his alleged goal or not, the ritual of Bona Dea, like Caesar's wife, needed to be above suspicion.

Like the rites in honour of Ceres, the festival in honour of Bona Dea has been compared with the Greek rites of the Thesmophoria, particularly through the demands of ritual chastity in otherwise fertility-based ceremonies.[305] Versnel stresses that the 'suspension of the procreative function in an otherwise overtly procreative

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300 Cic. *Att.* 1.13; Dio 37.46.1.
301 Cic. *Dom.* 104; *Har. Resp.* 4.
302 Cic. *Dom.* 105 (*non solum aspectu, sed etiam incesto flagitio et stupro caerimonias polluit*). Cf. 126; *Har. Resp.* 8.
303 Cic. *Dom.* 112, 140; *Har. Resp.* 5, 8, 12, 37, *Mil.* 59.
304 Cic. *Mil.* 72-3 (*...cuius nefandum adulterium in pulvinaribus sanctissimis nobilissimae feminae comprehenderunt; eum, cuius supplicio senatus sollemnis religiones expiandas saepe censuit*).
305 Farnell (1907) 3.101; Rose (1924) 177-8; Parker (1983) 81-3; Versnel (1992) esp. 32-6; Beard, North and Price (1998) I.296.

context is...the core of the 'message' of this festival'.[306] He links this to a divergence between socio-biological imperative and socio-cultural ideology.[307] While the Roman *matronae* were performing fertility rites, their seclusion and permitted licence threatened patriarchal authority and assurances of chastity/fidelity. As a result they were required, temporarily, to become *virgines*. Even myrtle was excluded from the ceremony, as it was a plant associated with Venus, and therefore, seduction and sexuality.[308] This suggests that Clodius' male presence would have been thought to lead to sexual pollution; the women celebrating the rites had drunk wine and were without suitable supervision or control. Cicero was subsequently able to play rhetorically upon these fears in the *De Domo Sua* to discredit Clodius' religious authority, and again in the *De Haruspicum Responsis* to demonstrate that this violation had resulted in the outbreak of prodigies under investigation by the *haruspices*.

In terms of approaching religious rituals, Parker's theory that abstinence or purification from sex representing an act of respect towards the gods is evident in the examples we have examined. However, we have also seen that sexual pollution might cause greater damage in some cases than in others. The threat to fertility rituals, or those with an emphasis on purification, is particularly prevalent. In cases of rites not directly threatened by sexuality, references to purity may also be taken to indicate the need for fresh clothes and physical cleanliness. When Cicero spoke of approaching the gods with *castitas* he was not simply referring to sexual purity, as he later connects this stipulation to purity of the body (*castimonium corporis*) as a whole, in direct contrast to that of the spirit (*animus*).[309] Yet for a select few, the maintenance of sexual purity was the key concern of their daily lives, given that the loss of that purity might result in disaster for the entire population.

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306 Versnel (1992) 39-40.
307 Ibid. 48.
308 Plut. *Quaest. Rom.* 20; Rose (1924) 177-8. Cf. Juv. 6.339-40.
309 Cic. *Leg.* 2.24.

iv. The Vestals

The nature and status of the Vestal Virgins, perhaps Rome's most famous priest-group, cannot escape mention in a study of religious pollution. While many aspects of the priestesses' lives and rituals have been studied, however, this investigation must confine itself to those areas specifically related to sexual pollution. This primarily involves examination, first of the nature of the Vestals' purity and second, of the reaction to the loss of a Vestal's virginity, particularly the mode of punishment used against those who were condemned.

For some time now the Vestals have been the focus of considerable scholarly enquiry, in which Douglas' theories on liminality have played a consistently important role.[310] Vestals were expected to keep a constant level of spiritual and bodily purity (*castitas*) in the performance of their daily tasks. Taken from their family homes between the ages of six and ten, prospective Vestals were required to be free from all bodily defects, including speech and hearing, must be able to show that both parents were still living (and thus be free from the taint of death), and that neither parent was an ex-slave, or had engaged in a sordid profession.[311] Each of these stipulations reflects, in some way or another, a level of purity which had to be met in order for candidates to qualify.

Vestals performed a number of duties across Rome's religious calendar. Most notable of these was the day-to-day task of maintaining the sacred fire (flames described as *purae* by Ovid) that burned in the *aedes Vestae*, whose preservation was connected to

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310 Beard (1980) 12-27; id. (1995) 21-43; Cornell (1981) 26-37; Scheid (1992) 381-4; Mustakallio (1992) 56-63; Wildfang (1999) 227-34; id. (2001) 223-55; id. (2006) esp. chapters 1-5; Saquete (2000) esp. 91-101; Parker (2004) 563-601; Takács (2008) 80-9; Schultz (*forthcoming*, 2011).

311 Gell. *NA* 1.12.1-5.

the safety and prosperity of the city.[312] For these priestesses, however, abstinence was not a brief interlude in the build-up to a specific ceremony. Rather, their period of chastity lasted at least thirty years (the minimum length of their service to the goddess), in which time they existed outside the typical bounds of male ownership. The importance of the Vestals' liminality as an explanation for their prominence and power was stressed by Mary Beard, and has recently been developed further by Holt Parker, whose work is crucial for the interpretation of the punishment of unchaste Vestals.[313] In another re-evaluation of the priestesses' duties, Robin Wildfang has concluded that it was the Vestals' virginity and overall state of purity that allowed them to perform the religious rites with which they are associated. He suggests their role was always one of purification and cleansing, whatever the overall purpose of the rite itself.[314]

The loss of a Vestal's virginity represented the most serious of religious offences. The specific label given to such an act, and the charge which accompanied it, was *incestum*.[315] This term derived from *in-castum*, the antithesis of chastity, which Wildfang used to stress the theme of purification in his interpretation of the Vestals' duties.[316] The reports of Sallust and Pliny the Younger also describe acts of *incestum* in terms of sexual offence (*stuprum*), as well as the more directly religious *scelus* and *nefas*, which as we have already seen in Chapter One (see pp. 46-9) represented threats to purity without necessarily threatening 'cleanliness'.[317] The prominence of *nefas* in connection with the Vestals in the scandal of P. Clodius and the Bona Dea is also telling. Of

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312 Ov. *Fast.* 6.439-40, 6.291-2; Dion. Hal. *Ant. Rom.* 2.66.2; Plut. *Num.* 9; Festus s.v. *Ignis Vestae.*
313 Beard (1980) 12-27; Parker (2004) esp. 586-8.
314 Wildfang (2006) esp. 6-16, 22-33.
315 Livy 2.42.11, 4.44.2, 8.15.7-8; Obsequens 37; Oros. 3.9.5, 5.15.22.
316 *TLL* 7.1.893-6; Wildfang (2006) 51-7.
317 Sall. *Cat.* 15.1; Plin. *Ep.* 4.11.

particular importance was its use in the official verdict of the pontiffs and Vestals themselves, a judgement which led directly to Clodius being tried *de incesto*.[318]

The status of the unchaste Vestal has been repeatedly addressed by scholars of religion, with differing conclusions and degrees of plausibility. The theory of Wissowa (and many after him) was that the violated Vestal was a *prodigium*, whose removal constituted a religious purification.[319] This was disputed by Cornell, who noted that it is the unchaste status of a Vestal that is, itself, announced by religious prodigies, while Staples focused on the differences between how and by whom *incestum* and *prodigia* were investigated.[320] Parker, however, has stressed the similarities between the prodigy and the unchaste Vestal, arguing that they were linked by the phenomenon of pollution.

> 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.[321]

Just as hermaphrodites were removed from Roman society, typically via the Tiber, because of their liminal sexuality, so, too were unchaste Vestals, this time by live interment. Vestals found guilty of *incestum* were buried alive on the *campus Sceleratus*, which lay within the sacred bounds of the city, and may have been named for this usage.[322] Ovid states that this was done because the Vestal's action had violated (*violare*) the earth, 'for Earth (*Tellus*) and Vesta are the same'.[323] Care was still taken not to directly harm the Vestal, and to strengthen the illusion that this was not an

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318 Cic. *Att.* 1.13.
319 Wissowa (1923-4) 201-14, esp. 209-11; Nock (1972) I.254 (with bibliography); Wildfang (2006) 56-7.
320 Cornell (1981) 31; Staples (1998) 133-5.
321 Parker (2004) 584. Cf. Garland (1995) 70-1.
322 Festus s.v. *Sceleratus campus.*
323 Ov. *Fast.* 6.459-60.

execution she was placed in the chamber with a token supply of food and drink. Following this a new Vestal was appointed, and new fire brought into the temple.[324]

Considerable effort has been applied to interpreting this strange ritual (see pp. 133-4). Staples argues that the deliberate 'non-execution' of the Vestal was a means of preserving the law which forbade burial within the sacred limits of the *pomerium*, since 'her tomb was not really a tomb'.[325] Parker, however, argues that the true significance of both the Vestals' virginity, and the form of their punishment for *incestum*, lies in the equation of their unviolated bodies with unviolated walls of the city.[326] Thus the violation of a Vestal represented the weakening of the city's physical integrity. This is used by Parker to explain the execution of a Vestal as the simultaneous expiation and removal of a *prodigium*, a *pharmakos* and a *devotio*.[327] Within this framework the Vestal represents an anomaly, a pollution which must be removed (yet without incurring further pollution which might rebound upon the society). However, due to her enduring sympathetic connection with the city walls, she also represented a danger that needed to be *contained*, lest this power fall into enemy hands. Like other *prodigia*, she was removed from the community and the natural human sphere of existence, but at the same time her burial served to restore the order that her promiscuity had damaged. Within this picture, the annual sacrifices on the site of the burials may be interpreted as part of a wider reaffirmation of Rome's 'impenetrability'.

We therefore see within the Vestals' chastity, and within the punishment for their sexual misdemeanours, a concerted effort to preserve both social and structural integrity. A total state of order and 'intactness' was imposed upon physical bodies that were deemed 'perfect' at selection, to ensure that this perfection could be reflected upon the boundaries of Rome. As a result it is unsurprising that the

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[324] Dion. Hal. *Ant. Rom.* 2.67.5.
[325] Staples (1998) 151.
[326] Koch (1958) 1735-36, discussed in Parker (2004) 568.
[327] Parker (2004) esp. 586-8.

seduction of a Vestal should be considered the gravest of sexual pollutions, since it was thought to represent the total destruction of social and religious order.

v. Incest

In his examination of the punishment for the Vestals' *crimen incesti*, Carl Koch suggested that the charge of *incestum* indicated that the Vestal was guilty of a form of ritual 'incest'.[328] As we have already seen, however, *incestum* appears to have originally referred to a more general form of offence which, according to Brent Shaw, caused 'a sense of moral revulsion at specifically polluting forms of sexual intercourse'.[329] The verb *incestare* may also be used to denote a less specific act of pollution.[330] The importance of 'the incest taboo' in the study of human society has, for many years, been acknowledged as one of the most ubiquitous, constant and biologically practical forms of aversion.[331] The study of incest in the Roman world has been greatly advanced by the recent work of Philippe Moreau, *Incestus et Prohibitae Nuptiae* (2002), which offers a comprehensive examination of attitudes and occurrences of incest in literature and society. In particular, Moreau discusses incest in terms of disorder, which at its most basic level affects the family, but also the wider society, the natural order and the *pax deorum* (all of which were essentially linked in the Roman mindset). As a result the accusation of incest became an ideal tool for invective, which will be explored in greater detail in Chapter Five (see pp. 220-24).[332]

Genuine acts of incest were condemned in most circumstances of the classical world. Like accusations of cannibalism and human sacrifice, accusations of incest were an ideal means of isolating and externalising an enemy. Barbarians and tyrants including

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328 Koch (1960) 67 discussed in Wildfang (2006) 56. Wildfang also demonstrates scepticism towards this idea. For incest as *crimen*, cf. Ov. *Ib.* 358.
329 Shaw (1992) 169; Harries (2007) 90-1.
330 For example, Livy 1.45; Val. Max. 6.3.7.
331 Kroeber (1939) 447-8; Murdock (1949) 284-313; Parsons (1954) 101-17; Hopkins (1980) esp. 304-7; Meigs and Barlow (2002) 38-49.
332 Moreau (2002) esp. 29-52. Cf. Parker (1983) 326.

Caligula, Nero and Domitian were rumoured to have engaged in incestuous relationships as only one of a number of personal vices – an expression of excess, impropriety and loss of control.[333] A detailed series of laws outlining the degrees of prohibition on close-kin marriages survive in the works of jurists, all indicating a ban on biologically related persons marrying (as well as those related by law, although marriage was permissible following the emancipation of both parties).[334]

That incest was a form of *nefas* capable of offending the gods, and thereby disturbing the *pax deorum* has also been noted by Liebeschuetz, based on Cicero's stipulation in the *De Legibus* that those guilty of incest should be put to death by the pontiffs. For Cicero, the issue was so clear-cut as to require no further explanation, although his use of *incestum* has left the issue open to considerable debate.[335] The use of the pontiffs instead of a secular authority certainly implies that this crime was deemed more serious, and required expiation as well as punishment. In Roman law the act appears to have been so offensive as to warrant the special mode of execution of being flung from the Tarpeian Rock, a method reserved for especially heinous crimes.[336] Divine distaste for incest is also an occasional motif in Latin literature. When Aeneas encounters a man guilty of incest in the underworld, the crime is labelled as one of the greatest forms of *nefas*, and the incestuous are grouped with those who have scorned the gods by their actions.[337] The fear of divine retribution is also hinted at by Tacitus in his narrative on the marriage of Claudius to his niece, Agrippina the Younger.[338] He states that the emperor dared not announce the

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333 Suet. *Calig.* 24; *Ner.* 28; *Dom.* 22; Tac. *Ann.* 14.2. On incest as a mark of 'foreignness', see Pagden (1986) 82; Isaac (2004) 210-11, 379.
334 Gai. *Inst.* 1.59; Evans Grubbs (2002) 136-43.
335 Cic. *Leg.* 2.22, 41; Liebeschuetz (1979) 42, 48; Dyck (2004) 317-8 (with bibliography). On the traditional illegality (*seditio*) of incest in Rome, see Liv. 20.12a.
336 Tac. 6.19.1; Bradley (*forthcoming*, 2011b).
337 Verg. *Aen.* 6.624. Cf. Catull. 67.25-29. Cipriano (1978) 62-3, 87-9 also discusses acts of incest in terms of religious *nefas*.
338 Tac. *Ann.* 12.5.

marriage since a union of this sort still constituted incest, and if this were not heeded, it might cause a public calamity (*malum publicum*).

Ultimately Claudius' aim was achieved via a rigged senatorial recommendation, after which a decree was passed permitting marriage to a brother's daughter, although both Tacitus and Suetonius suggest there were very few who followed Claudius' example.[339] Yet this raises a key question which must be asked in any study of human marriage customs – what was classified as 'incest'? While relations between parent and child are clearly marked as unacceptable in many cultures, the point of 'acceptability' may vary from place to place.[340] The point was illustrated by L. Vitellius during the debate over Claudius' marriage:

> Marriage to a brother's daughter may be new to us, but for other peoples it is traditional, and not barred by any law. And marriages between cousins, once unknown, have become frequent over time.[341]

Bush and McHugh have offered a detailed study of Roman aristocratic marriage patterns, demonstrating that marriage between cousins was a common occurrence in the late Republic.[342] This is attributed to a desire amongst the elite to maintain their position through the formation of a closed social circle. Even by the late Republic the marriage of cousins appears to have had no stigma attached to it. When Cicero attacked Mark Antony's divorce he made no mention of the fact that Antony had married a cousin, only that he had ended the union.[343] We cannot expect Cicero to have missed so perfect an opportunity to brand Antony as incestuous, and so the marriage must have been socially acceptable. As has been noted, few opted to follow

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339 Ibid. 12.7; Suet. *Claud.* 26.
340 There may also be variation from class to class, although intermarriage between members of a ruling family may be viewed as exceptional; Murdock (1949) 288; Parsons (1954) 101-2.
341 Tac. *Ann.* 12.6 (*...nova nobis in fratrum filias coniugia: sed aliis gentibus sollemnia, neque lege ulla prohibita; et sobrinarum diu ignorata tempore addito percrebuisse*).
342 Bush and McHugh (1975) 25-45.
343 Cic. *Phil.* 2.38.99; Shaw and Saller (1984) 433.

Claudius' example by marriage to nieces but, decades later, Juvenal described the emperor Domitian as a adulterer 'polluted (*pollutus*) by a tragic union' for marriage to his niece, Julia, contrasting the act ironically with Domitian's revival of the Augustan adultery laws.[344]

Yet alternative cultures operating within the boundaries of the empire chose different boundaries in terms of defining incestuous relations. As an imperial province, Egypt has fascinated anthropologists for some time now, due to the acceptance, and practice of full brother-sister marriage between the first and third centuries A.D. Parker cited ancient Egypt as 'the only instance where full brother-sister marriages were socially acceptable and institutionalized in a relatively sizable sector of the non-royal population and for a lengthy period of time,' and it is this factor of non-royal marriage which was unique to the time of the Roman occupation.[345] The most insightful discussion of the issue remains Hopkins' 'Brother-Sister Marriage in Roman Egypt' (1980), which stresses that what is witnessed in Roman Egypt is socially acceptable, legally sanctioned marriages between full brothers and sisters, accounting for 'between 15 and 21 percent of all ongoing marriages'.[346] This raises the question of why this practice prospered in Egypt but nowhere else. One suggestion offered by Shaw is that this represented a widespread attempt by Greek settlers to maintain a sense of cultural identity and socio-economic position, both amongst the majority of the Egyptian populace, and later within the Roman province.[347] A recent attempt has been made by Heubner to discredit this interpretation of the census records, by arguing that these marriages were primarily between adopted and biological children, and thus were not incestuous, although this has been promptly dismissed by Remijsen and Clarysse, who bring much of the

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344 Juv. 2.29-33.
345 Parker (1996) 362-3. Cf. Shaw (1992) 269-99; Parker (1996) 362-76; Ager (2005) 1-34.
346 Hopkins (1980) 303-4; Arens (1986) 9.
347 Shaw (1992) 277-92.

argument back to where Hopkins left it.[348] But then why did this practice remain unchecked for so long? It was only under Diocletian in A.D. 295 that all subjects of the empire were forbidden to practice brother-sister marriage, with the law also barring those born from incestuous relationships from holding public office.[349] Ultimately it is unclear why Egyptian brother-sister marriage was tolerated when it was so vehemently condemned at Rome, and the issue is too large for exploration within this thesis. In Rome, however, such practices were unequivocally wrong, and offensive to all known order, natural or supernatural.

vi. Prostitutes

The events and persons we have examined so far may, generally, be described as involving isolated incidents. Sexual scandals, including acts of incest or the loss of a Vestal's chastity, were understandably scarce. For the majority of citizens sexual purity was demanded on only a handful of days in the year. In such cases the observance of abstinence for a token period appears to have been enough to meet ritual requirements. For those who lived perpetually in the shadow of sexual impurity, such as prostitutes, the pollution was both more serious and longer lasting, and by their presence such people might threaten the integrity and purity of other individuals and places.

Prostitutes might be viewed as the epitome of sexual impurity in Rome. By selling themselves they essentially forfeited control of their own bodies, in a way that could stain the characters of both their family and descendants. If we take Cicero's statement that Romans should approach the gods with *castitas* to be a fair reflection of religious attitudes in the Republic then the exclusion of prostitutes from religion should be viewed as the logical exclusion of sexual impurity. Regulations against

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348 Heubner (2007) 21-49; Remijsen and Clarysse (2008) 53-61.
349 Cocoran (2000) esp. 4-5. Cf. *Cod. Theod.* 3.12.

them are well attested.[350] They were forbidden to wear the *stola*, the dress reserved for Roman matrons, but conversely they alone among Roman women could wear a toga (a prostitute was typically described as a *togata*).[351] The *lex Iulia et Papia* also formalised the permanency of their status; 'The law brands with infamy (*infamia*) not only a woman who practises prostitution, but also one who has formerly done so, even though she has ceased to act in this manner, for the disgrace is not removed.'[352] While subject to a number of social restrictions because of their profession, prostitutes were also required at certain times to be debarred from religious rituals and contexts, while at other times they were directly and deliberately included. Issues of sexual impurity lie at the heart of both circumstances, but will be explored separately, beginning with the more widespread cases of exclusion.

The sexual impurity of prostitutes and their incompatibility with religion were explored extensively by Seneca in *Controversia* 2.1, which discussed whether a woman sold into prostitution could ever become a religious official. The woman in question had been captured by pirates, and subsequently sold to a pimp. She claimed to have maintained her virginity by pleading with her various clients, and ultimately killing an unyielding assailant. After being acquitted of homicide she was returned to her family, whereupon she sought a position as a priestess. In arguing against the woman prosecutors made repeated attacks on her purity which they alleged had been damaged by contact with prostitutes, even if she remained technically chaste. Porcius Latro stated that pimps and prostitutes should avoid the forum to ensure nothing damaged religious proceedings, and so she was incapable of being elected.[353] It was suggested that she had been forced, or at least kissed, made 'improper' physical

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350 See esp. McGinn (1998) 14-17.
351 Ov. *Fast.* 4.134; Hor. *Sat.* 1.2.63; Juv. 2.68-70; Cic. *Phil.* 2.18.44; Staples (1998) 70.
352 Ulp. *On the lex Julia et Papia* 1.4 discussed in Budin (2006b) I.39; Edwards (1997) 69-76.
353 Sen. *Contr.* 1.2.1. Although cf. McGinn (2006) 161-76, which argues against the suggestion that specific arears of cities were designated for prostitution in order to keep other areas free of its presence.

contact, or ensured her virginity by a 'lesser' sexual act, any of which should disqualify a candidate who wished to be thought truly chaste. Equally damaging, she had been displayed for public view, with a sign above her head naming her price. Later, Roman jurists would imply that public display permanently branded a woman as a prostitute, and Ulpian asserted that any woman who behaved promiscuously would be equally tainted.[354] The brothel was said to have served as her home (which, it was argued, violated (*violare*) her as surely as any client) and the pimp and prostitutes, her family.[355] The point at issue was that 'a priestess should be chaste and from chaste parents, pure and from pure parents' (*sacerdos casta e castis, pura e puris sit*). By counting the inhabitants as her family, the girl was said to have failed on all counts – 'even if nobody violated you, the place itself did'.[356] Reference was also made to the girl sharing food and kisses in the brothel, two of the most common means of transmitting sexual impurity. The act of sharing a meal creates a serious potential for contamination if one or more parties are 'impure', and this is repeated elsewhere in Latin literature. To disparage Trimalchio's wife (a former prostitute) in the *Satyricon*, a guest needed only to hint that 'you would not take bread from the hand of *that* woman' (*noluisses de manu illius panem accipere*).[357] Similarly, Juvenal mocks those gullible husbands who permit their wives to entertain polluted catamites (*cinaedi*), who violate (*violare*) both the food and the sacred rites of the dining-table. Cups which should be smashed after being used by such low *infames* are merely washed, and the husband drinks from a cup which would be refused 'by a whore from a rundown sepulchre'.[358]

In such cases the act of sharing either a meal or a drinking vessel may indicate acceptance into the group at the level of equals. The words of both Petronius and

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354 *Dig.* 3.2.2.5; 23.2.43.3; Gardner (1990) 251-2; Edwards (1997) 76.
355 Sen. *Contr.* 1.2.5-7.
356 Ibid. 7 (*iam te ut nemo violaverit, locus ipse violavit*).
357 Petr. *Sat.* 37.
358 Juv. 6.O1-16. The obscenity of prostitutes who worked in graveyards is also alluded to in *Mart.* 1.34.7-8.

Juvenal indicate a fear of ingestion of another's bodily excretions, and are reminiscent of Meigs' reports of eating taboos amongst the Hua. These theories were extended by Valeri, who stressed that these substances were polluting because they originated with someone else, 'and thus undermine our own intimate sense of self when they enter into contact with us...they simply reinforce a fear of loss of identity and integrity'.[359] While I would agree with this reassessment I would suggest that, in the case of Roman sexual pollution, the fear was not only that one's sense of identity might be lost, but that it might also be infected and subsequently become synonymous with one who was already sexually impure (and typically of a lower class). By sharing the dining space with the impure this danger also extended to the identity and integrity of the group, which in turn weakened the bonds of the wider society.

The theory that sexual promiscuity weakens the social fabric and, in particular, that of the family unit, has been used by Maureen Giovannini in her anthropological study of a modern Sicilian town (used subsequently to great effect by Parker in his analysis of the Vestal Virgins).[360] In Giovannini's study the female paradigms of the virgin (*la Vergine*) and the mother (*la Mamma*) are counter-balanced by their antitheses, the whore (*la Puttana*) and the step-mother (*la Madrigna*). In the case of the *la Vergine* and *la Puttana*, deep symbolism was attached to bodily boundaries:

> *la Vergine* is a particularly appropriate metaphor for the ideal kind of nuclear family, one whose boundaries have remained intact. Indeed in many important respects, *la Vergine*'s (and, as we shall later discover, *la Puttana*'s) corporal being

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359 Valeri (2000) 103-5.
360 Giovannini (1981) 408-26; Parker (2004) 582-3.

> constitutes a kind of cognitive map for the family unit by concretely representing the boundaries of this social group along with its internal unity.[361]

Conversely for *la Puttana*, her sexual promiscuity represented the weakness of her whole clan. She might even be viewed as a willing traitor against her family or city, since she allowed her body to be violated by an 'outsider'.[362] However, while Giovannini's study suggested that 'the whore' was the natural opposite to 'the virgin', a different interpretation has been offered for women participating in Roman religion. Staples views the matter as being divided along lines of women's sexual activity, particularly 'the stages of their sexual relationship with men'.[363] In this context the two groups of sexually active women are prostitutes and matrons (*matronae*), and this is certainly reflected in the most well attested instance of prostitutes being included in state religion, the Floralia.[364]

This festival took place between 28 April and 3 May in honour of the goddess Flora, (originally a prostitute herself), and involved mimes and stage shows in which prostitutes and actresses played a central role, and drink and debauchery appear to have been given a degree of licence.[365] St. Augustine would later comment that the devotion to this festival was equal to its indecency, but he also notes that Cicero had no qualms about overseeing the *ludi* in his capacity as aedile.[366] McGinn stresses that 'this participation is significant because it guarantees the integration, however

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361 Giovannini (1981) 413; Pomeroy (1975) 211-12.

362 Giovannini (1981) 420. Thus Horatia was deemed to have been justly killed by her brother for weeping over his defeated enemy (her betrothed), which was taken as a sign both of immodesty and treachery against her family; Livy 1.14.4-5. Cf. Tac. *Germ.* 19.

363 Stapes (1998) 58.

364 On the *Floralia* and connections between indecency and the stage, see Warde-Fowler (1899) 91-5; Wissowa (1912) 197; Le Bonniec (1958) 195-201; Mundle (1969) 1124-31; Fantham (1989) 153-5; Morgan (1990) 19-26; McGinn (1998) 24-6; Wiseman (1999) 195-200; Schulten (2002) 209-34; Panayotakis (2006) 135-6.

365 Ov. *Fast.* 4.943-5.414; Plin. *HN* 18.286; Min. Fel. *Oct.* 25.8; Lactant. *Div. inst.* 1.20; Wedeck (1944) 116-17; Le Bonniec (1958) 201-2.

366 Aug. *De civ. D.* 2.27; Cic. *Verr.* 2.5.36; Warde-Fowler (1899) 93; Taylor (1939) 194-5. Val. Max. 2.10.8 describes an occasion where Cato the Younger left the amphitheatre before the mimes disrobed, although he made no attempt to impede the festival.

qualified, of the prostitute into the citizen body'.[367] But since prostitutes were usually so reviled in Roman religion, the question of why they were actively included in this case must be explored. It is here that the link between *matronae* and *meretrices* may help us to interpret the toleration of sexual impurity within religious space.

For Staples the significance of the Floralia lies in its wider ritual context, and particularly with the link between the goddesses Flora and Ceres. Their temples stood adjacent to one another beside the Circus Maximus, and their festivals ran consecutively from the Cerealia on 12 April to the conclusion of the Floralia on 3 May – 'related to each other by a symmetry of opposition'.[368] The rites of Ceres celebrated sexual intercourse within marriage. We have already seen the prominence of chastity and abstinence in the build-up to those festivals celebrated by the wives of citizens wearing pure white robes. The rites of Flora, conversely, were celebrated by drunkenness, promiscuity and licence, full of brightly coloured robes more suited to prostitutes who drew attention to themselves via their clothing. It is interesting to note that within this period there also occurred the festival of Vinalia, celebrated by prostitutes as a festival of Venus and linked, as is clear from the day's name, with wine.[369] Ovid also mentions the presence of alcohol and drunkenness in connection with the Floralia.[370]

Thought to encourage immodesty amongst women, and symbolising fertility and reproduction amongst both animals and humans, the use of wine appears to fit with the themes of both festival days.[371] Yet this period was 'not a festival of prostitutes as

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367 McGinn (1998) 24.

368 Staples (1998) 84-93, 177 fn. 134. Stories by both Suetonius and Tacitus on Nero's banqueting, at times within this area, have been taken by some to intend deliberate references to the Floralia and its connections with debauchery and prostitution. The essential nature of these rites clearly did not prevent people from commenting on their potential for impropriety; Suet. *Ner.* 27.3; Tac. *Ann.* 15.37; Allen (1962) 99-109; Higgins (1985) 116-18.

369 Cf. Schilling (1954) 141-55.

370 Ov. *Fast.* 4.863-900, 5.338.

371 Plut. *Quaest. Rom.* 6, 20; Aug. *De civ. D.* 7.21; Rose (1924) 171-2; Bettini (1995) 224-35.

much as a celebration of the idea of prostitution itself'.[372] The categorisation of one set of values led naturally to the creation of its opposite, leading Reckford to state that obscenity was the most integral part aspect of the Floralia.[373] Even Augustine recognised that prostitution was a necessary evil, without which the world would be driven into chaos by lust.[374] In this context, sexual licence within the Floralia may be compared with social inversion during the Saturnalia, in which slaves spoke inappropriately to their masters and were served food first within the household. For the Floralia, it was necessary to accommodate the 'impure' feature of life into religion, if only to ensure it was controlled, while its inclusion accentuated the special circumstances and thus reinforced the status quo.

Prostitutes were ambiguous figures in Roman society. Like other marginalised groups such as corpse-handlers, they were despised but nevertheless part of everyday life. While this created difficulties for their inclusion in religion they were nevertheless incorporated in a way which managed to stress their low social position. If prostitutes were considered 'dirty', then events like the Floralia and Vinalia were their 'correct place'. These periods of acceptability were rare occurrences, and with good reason, for the status of prostitutes remained ambiguous and so they remained dangerous figures in need of control. The final phenomenon we shall explore in this chapter was an equally unavoidable, yet inherently polluting aspect of daily life – that of menstrual blood and the process of menstruation itself. Like prostitution it was a fact of female life, and considerable effort appears to have gone into controlling its potentially dangerous properties.

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372 Staples (1998) 92.
373 Reckford (1996) 313.
374 Aug. *De Ordine* 2.4.12; Brundage (1987) 106; Dittmore (2006) I.39-40.

vii. Menstruation[375]

In his study of impurity in ancient Greek society, Parker noted the curious scarcity of menstrual blood in literary evidence, with the sole exception of medical treatises. Of particular significance to him was the lack of references to menstruation (unlike other bodily functions) in Old Comedy, which led him to suggest that this may have been a deeply significant taboo, 'a fact so shaming that it could not be alluded to at all, even to the extent of requiring purity from it in a sacred law'.[376] A similar problem appears with evidence for Rome. Nevertheless it is a crucial issue to address in any study of impurity. Although a number of works have explored the place of menstruation in ancient life and literature,[377] two specific comments within Pliny's *Natural History* which remain curiously unexplored may shed further light on our understanding of Roman attitudes towards menstruation.

As an uncontrollable bodily emission, menstrual blood appears as one of the prime candidates for Douglas' criteria for pollution.[378] Yet we have seen in Beck's (brief) treatment of Roman pollution (see p. 22) the assertion that Rome was free of fears regarding menstruation and childbirth. However, we have already examined the issues surrounding birth, including Censorinus' assertion that women traditionally kept away from sanctuaries for forty days after birth, as during this period their body had not regained full control over its emissions, specifically blood flow. I suggest this

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375 An expanded version of this section has been published in a recent paper which examines attitudes towards menstruation in both ritual and secular life. Cf Lennon (*forthcoming*, 2011).

376 Parker (1983) 100-4. More recently, see Parker (2007) 121-22 demonstrating the religious incompatibility attached to menstruation, which required exclusion from religious spaces and expiation if this was not observed. Cf. Osborne (1993) 392-405; Connelly (2007) 180, 290, 337.

377 In particular, see Gourevitch (1984) 95-103; King (1987) 117-27; Roux (1988) 58-72; Pantel (1992) 464-71; Richlin (1992) 281-82; Hemelrijk (2009) 253-56. Cf. King (1983) 109-27; Dean-Jones (1989) 177-91.

378 Douglas (1966) 42, 149-59; id. (1975) 106-115. On the place of menstruation within Douglas' framework of impurity, cf. Langness (1967) 162; Girard (1977) 33-8; Meigs (1978) 304-18, esp. 307-10; id. (1984) 15, 63; Buckley and Gottlieb (1988) 3-50; Mullin (1996) 514-15; Branham (1997) 53-70; Schwartz (1998) 45-58; Valeri (2000) 163-8, 349-56; Hoskins (2002) 299-301; Stewart and Strathern (2002) 352-55; Meyer (2005) esp. 123-203; Barrett (2008) 153, 160.

may, to a degree, be compared to similar fears regarding menstruation, although the successful completion of labour means that this fear cannot have been based on the connections, noted by anthropologists, between menstruation and death.[379]

Just like the evidence from the Greek world, the subject of menstruation is most openly discussed in medical works, where we are unlikely to discover religious issues raised by biological acts. Soranus, for example, viewed the process as a natural bodily catharsis which needed to be monitored, but not feared unless it failed to occur (a medical view shared by his predecessor, Celsus).[380] Centuries later, various medical explanations for menstruation were discussed by Macrobius in his philosophical work *The Saturnalia*, which included the theory that the process was the removal of harmful (*vitiosus*) material from the body.[381] Parker has suggested that because this was material that needed to be purged we should expect the blood to be viewed as a highly impure substance.[382] Beyond the sphere of medical enquiry, however, references are few and far between. When they do appear we see that the process is repeatedly described in terms of staining and pollution.

A brief note from Festus reveals much about established attitudes to menstruation: '*Ancunulentae* refer to women during the time of menstruation, from which we derive the word *inquinamentum*.'[383] Derived from *inquinare*, Richlin has observed that '*inquinamentum* is not a neutral word, and it appears with some frequency in sexual contexts', citing Encolpius's disgust at being kissed by a *cinaedus* in Petronius'

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379 Beck (2004) 509. On the links between the pollution surrounding menstruation and death, see Friedl (1975) 29-30; Meigs (1978) 312-14; Gottlieb (1988) 67-8; Cook (1999) 50.
380 Soran. 1.19-26; Cels. *Med.* 2.7.7, 4.27.10; Gourevitch (1984) 93-4; Von Staden (1991) 271-96; Martin (2001) 101-3.
381 Macr. *Sat.* 7.7; King (1995) 144.
382 Parker (1983) 102.
383 Festus s.v. *Ancunulentae* (*Ancunulentae feminae menstro tempore appellantur; unde trahitur inquinamentum*). Cf. *Bubinare*, which also describes menstrual blood in terms of pollution using *inquinare*.

Satyricon.[384] The veracity of Festus' claim is not at issue here. It is simply important to note the link he perceived between menstruation and pollution.

Some of the most revealing details about the contaminating powers of menstrual blood are concerned with agriculture.[385] Columella asserts that a shrub of rue will live for many years 'unless a woman who is menstruating touches it, in which case it withers'.[386] He goes on to state that women should not be allowed near crops of cucumbers or gourds, 'for often the growth of plants is wilted by the contact of women. Indeed, if she is menstruating, the new crops will be killed even by her glance'.[387] Finally, Columella instructs farmers plagued by insect pests to make a girl experiencing her first menstruation walk three times around the fields bare footed, 'ashamed of the filthy blood (*obscaenus cruor*) that flows'. The result will be the death of all troublesome insects, at which point the crops may be planted.[388] Again the language used to describe both the process and the results of menstruation points to the potential for transferrable contagion.[389] The verbs *contingere* and *necare* convey staining and death respectively, while Columella's description of the blood as *obscaenus* further compounds the themes of danger and disgust.[390] Warde-Fowler commented that the reports of Pliny and Columella were unusual indications of a positive aspect

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384 Richlin (1997) 204; id. (1992) 26-31; Petron. *Sat.* 21.2. A similar reference to pollution through contact with menstrual blood occurs at Sen. *Ben.* 4.31.3. The willingness of Mamercus Scaurus to consume menstrual blood is combined with his refusal to conceal his actions, compounding his impurity in Seneca's eyes. The idea of oral impurity (*os impurum*) as a result of sexual activity was well established in Roman literature, and carried the potential for contamination of one's words or, more commonly, resulted in one's kisses being shunned as impure: Catull. 79, 80; Sen *Ep.* 87.16; Mart. 2.10, 12, 21-3, 33; Juv. 6.50-1; Von Staden (1991) 278-9; Richlin (1992) 67-70; Tatum (1993) 31-45, esp. fn. 25; Butrica (2002) 507-16. In particular, see Cicero's condemnation of Sextus Cloelius for his passive sexual relationship with Clodia Metelli; Cic. *Dom.* 25; *Har. Resp.* 11; Wiseman (1985) 39-41; Damon (1992) 239.

385 For comparable modern examples, see Meyer (2005) 5-8 (with bibliography).

386 Columella, *Rust.* 11.38 (...*frutex pluribus annis permanent innoxius, nisi si mulier, quae in menstruis est, contigerit eum, et ob hoc exaruerit*).

387 Columella, *Rust.* 11.50 (*nam fere contactu eius languescunt incrementa virentium. si vero etiam in menstruis fuerit, visu quoque suo novellas fetus necabit*). Cf. Plin. *HN* 28.79.

388 Columella, *Rust.* 10.358-66.

389 Burriss (1929a) 150; Wagenvoort (1947) 128-86, esp. 173-75 discusses the role of *contagio* in relation to menstruation in Roman society.

390 On the sexual connotations of *obscaenus*, see Richlin (1992) 29-30.

to the menstrual taboo. However, while the process of menstruation is utilised for beneficial purposes, its usefulness still derived from the destructive qualities of the blood, which could only be beneficial when carefully controlled. It is perhaps more realistic to say that the end result was beneficial, even if the means with which it was achieved was not. As a result the 'positive' nature of the taboo is questionable.[391]

The most extensive compilation and discussion of powers attributed to menstrual blood comes from Pliny the Elder. Throughout his *Natural History* he referred to the various qualities it was thought to hold, including Columella's insecticide ritual.[392] A cursory glance at Pliny's lists suggests menstrual blood has the power to sour crops, wither fruit, dull the brightness of mirrors, rust iron and bronze, blunt razors, kill bees, pollute (*polluere*) fabrics dyed with the colour purple, drive dogs insane, drive off hailstorms, winds and lightning, and cause both mares and humans to miscarry through the slightest of contacts.[393] If menstruation occurs during periods of solar or lunar eclipse Pliny's sources imply that sexual intercourse can result in disease (*pestis*) or even death for the male partner.[394] In spite of these destructive and harmful properties, Pliny also lists a number of remedial or apotropaic uses, in which the touch of the menstruating woman cures gout, scrofula, skin-growths, erysipelas and fevers, as well as bites from rabid dogs – perhaps a reverse of the process by which menstrual blood *caused* the madness in dogs?[395] Thus while contagious impurity is frequently implied, it is not ever-present, unlike the notion of ritual power, which can be destructive, but whose destruction can be harnessed for beneficial purposes.[396]

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391 Warde-Fowler (1911b) 30; Parker (1983) 103. For a similar interpretation of 'positive' menstrual qualities, see Stewart and Strathern (2002) 355.
392 Plin. *HN* 28.78. Variations of the ritual also appear at Plin. *HN* 17.266-7; Ael. *NA* 6.36.
393 Plin. *HN* 7.63-4, 17.266-7, 28.70-82; Parker (1983) 102-3; Gourevitch (1984) 96-100; Beagon (2005) 229-39.
394 Plin. *HN* 28.77.
395 Ibid. 28.82.
396 Gourevitch (1984) 101-3; Roux (1988) 60-1.

Book 28 of Pliny's *Natural History*, which deals extensively with medico-magical substances derived from animals and humans, contains two statements that neatly demonstrate the conflicting views about the process of menstruation. The first point we shall explore from Pliny's lengthy list of supernatural qualities attributed to menstrual blood concerns its use upon the threshold of a home:

> It is also agreed, and for my part there is nothing I would more willingly believe, that the arts of the Magi, the most duplicitous of peoples, are made useless if the doorposts have been touched by menstrual blood.[397]

If this blood was truly *obscaenus*, *inquinans*, or otherwise 'polluting' then this might justifiably be viewed as the most unexpected ritual use to which it could be put. Doors, gateways and thresholds were sites of great ritual power and activity in Roman religion. In particular, they were susceptible to contamination and were gateways through which harm could enter and affect those within.[398] Under such circumstances one would expect the slightest contact between a doorway and menstrual blood to cause a serious pollution that could endanger the household, yet Pliny demonstrates no such reservation. Indeed, such is his hatred of the Magi that he states there is nothing he would more willingly believe than that their powers could be negated in this way.[399] In terms of the pollution we have seen attached to menstruation this presents an anomaly, but not necessarily an insurmountable one.

One explanation may be found in the symbolism Douglas attached to the human body, which equated liminal boundaries with those found in wider society.[400] Douglas drew parallels between the entrances to the city/house and the orifices of the human

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397 Plin. *HN* 28.85 (*id quoque convenit, quo nihil equidem libentius credidierim, tactis omnino menstruo postibus inritas fieri Magorum artes, generis vanissimi...*). The Magi refer to practisers of Persian magic and are perhaps the most despised authorities discussed by Pliny in his encyclopaedia; Plin. *HN* 30.1-19; Dickie (2001) 135-36; Janowitz (2001) 92-3.

398 Ogle (1911) 251-71; Verg. *Aen.* 6.563; Plut. *Quaest. Rom.* 5; Plin. *HN* 28.135, 142; Rose (1924) 171.

399 Plin. *HN* 28.85.

400 Douglas (1966) 142.

body. Both were points of vulnerability through which unwanted entities could gain access.[401] The interpretation of the doorway with the human body, and in particular with the female genitalia, may make the use of menstrual blood appear more logical.[402] The female body during menstruation was not in danger itself, (danger is only implied if menstruation does not occur). Rather, the catharsis it underwent was only dangerous to others.[403] However, this also meant that the menstruating woman was protected to some degree from various outside forces, and it is this protection that this act seeks to harness. As we have already seen, those uses of menstrual blood deemed 'beneficial' by Pliny are viewed as acceptable primarily in cases where its destructive capabilities are focused against physical ailments. In this case the magical curse, which would harm elements within the household, corresponds to the disease seeking entry to the body. Therefore what we are seeing is the application of those menstrual remedies listed by Pliny and others on a greater scale. Consequently the potential for menstrual pollution 'gaining entry' to the house may not have been thought an issue. The danger from menstruation flowed outwards, not inward, and although this does not change the fact that it remained a dangerous polluting substance, it may explain why no threat appears to have existed for the house or its threshold. Just as in the case of Columella's report on the removal of insects and pests from agricultural land, menstrual blood retained the power to harm, and even kill. That it represented a threat to unseen magical arts, however, indicates that it was

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401 Ibid. 150-51, 156; id. (1996) xxxvii; McCartney (1927) 454-7.

402 Adams (1982) 89. Comparisons between female genitalia and the door (*ianua*) also appear at Isid. *Etym.* 8.11.69, 11.1.137.

403 Von Staden (1991) 274 notes Celsus' assertion that 'one should not be frightened if more blood should flow from a woman's body' this way (*neque terreri convenit, si plus ex muliebri corpore sanguinis profluit*). However, this refers specifically to fears for the woman's health, and does not address the wider 'supernatural' fears demonstrated in the writings of Pliny or Columella. Cf. Cels. *Med.* 7.26.4.

viewed as more than a simple physical poison. Its potential to infect could reach beyond the natural world and thus it could be viewed as a source of ritual power.[404]

Pliny concludes his discussion of the powers of menstrual blood with an equally tantalising sentence, overlooked in the key modern discussions on the subject:

> This is all it would be right for me to report and most of that I do not say without shame. That which is left is detestable and unspeakable, and so my work should hasten from the subject of man.[405]

Considering the extensive list of properties recounted by Pliny we are left wondering what could possibly have been left out. He may have declined to list the more harmful ways in which the blood could be used, such as in malignant spells or potions. Early in Book Twenty-Eight he states his intention to speak of aids (*auxilia*), not crimes (*piacula*), and so we should assume that these were the subjects avoided by Pliny. The double-meaning of *fas* should also be remembered. Richlin has commented on the importance of those words which share the root *-fa-* (*infamis / infamia / nefas* etc.), arguing that when used to describe sexually impure acts 'the idea is not so much that these things are not to be spoken of; rather, by being spoken of too much...they demean, even stain, those involved in them'.[406] Thus, following his consumption of menstrual blood Mamercus Scaurus was described by Seneca as speaking obscene words (*obscaena verba*), and being an 'openly obscene man' (*homo palam obscaenus*), illustrating how the linguistic infection reflects the physical pollution of the carrier, which takes hold and spreads, staining the character of the

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404 As such, it appears within the *Greek Magical Papyri* as an ingredient to be used in magical spells which cause sickness and delirium; *PGM* IV.2441-2621, IV.2622-2707; Betz (1986) 85-7.

405 Plin. *HN* 28.87 (*haec sunt quae retulisse fas sit ac pleraque ex his non nisi honore dicto, reliqua intestabilia, infanda, ut festinet oratio ab homine fuge*). See also 28.65 and 77.

406 Richlin (1992) 30.

perpetrator.[407] Seneca's *Controversia* on the prostitute priestess demonstrates a comparable idea, as the prosecutors argue that a priestess should not even hear words connected with prostitution or sexual immorality, as even these will sully her candidacy.[408]

In light of the number of magico-medicinal uses listed by Pliny it is probable that those things he deemed *nefas* involved uses of menstrual blood which were not performed for health or public benefit. Social convention did not prohibit him from discussing the topic, but was such that he felt the need to end with an apology, as well as to acknowledge that for the sake of decency there were things he had left 'unspoken'. Even Celsus felt the need for explanation in his medical discussions of the 'obscene parts' (*obscenae partes*) of the body, and particularly for the necessity of using 'foul words' (*foeda verba*). However, whereas Pliny fled from his subject to protect his sense of decency (*pudor*), Celsus recognised the medical importance of addressing it, albeit simultaneously striving to write within the bounds of social decency.[409]

All the above evidence above should lead us to conclude that Beck's theory, that menstruation was not viewed as inherently polluting, is incorrect. The only problem with this is the apparent lack of religious prohibition resulting from menstruation for either women or men who have come into contact with it. Festus' note on the term *ancunulentae* alone is indicative of a strong tie between pollution and menstruation, but no evidence exists comparable to Greek and Hebrew religious laws, barring those tainted by menstruation from religious proceedings. The point raised by Censorinus on the prohibition of women from temples for forty days after birth is the closest to such evidence, but this is a reference to a Greek custom and there is it not clear that

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[407] Sen. *Ben.* 4.31.4-5.
[408] Sen. *Contr.* 1.2.4-5.
[409] Cels. *Med.* 6.18.1.

similar beliefs were widespread in Italian culture. Whatever the religious implications (if there were any), menstrual blood was certainly viewed as an unclean and dangerous substance. As an uncontrollable bodily emission from an already marginalised section of society, this danger needed to be controlled to some degree. At the same time it belonged to a much wider category of bodily pollution, that of blood. Menstruation represents the sole occasion where blood was shed involuntarily, and we may be able to better understand attitudes towards it if we also examine those other forms of taboo and pollution that accompanied the deliberate shedding of this powerful substance.

viii. Conclusion

This chapter has explored a wide range of forms of sexual pollution and impurity. We have seen the emphasis placed upon abstinence and fidelity in Roman society, which was reinforced through various festivals which placed high value on virginity or marital fidelity. We have also seen, however, that seemingly impure groups such as prostitutes might be integrated into religious activities (albeit in very carefully regulated circumstances). Sexual activity could celebrate fertility in one instance, but be damaging to it in others. In particular, acts of infidelity or incest undermined the family unit, and so could be offensive to the gods. Scandals such as the Bacchanalia affair and the intrusion of Clodius at the Bona Dea show the seriousness with which sex *within* religious ceremonies was viewed. Perhaps the most damaging combination of sex with religion occurred in those instances where Vestal Virgins had been seduced. That this resulted in pollution is heavily suggested by the ritual disposal of the Vestal herself. Finally, we have seen the fear with which menstruation could be viewed. Women lost control of their bodily integrity during such times and the emissions were both dangerous and powerful. Attempts to harness this power do not

point to an inherently beneficial quality, but rather show a desire to control the danger, channelling its power like a weapon.

Throughout this chapter we have also seen the addition of a number of new terms specific to sexual impurity which help both to expand and augment our understand of the vocabulary of pollution. However, we have also seen the frequent use of terms explored in Chapter One, with reference to sexual acts within religious contexts. The topics examined have covered a number of different cases in which sexuality caused offence to divine order. Like Adams, our investigation has centred on the human body as the primary source of impurity, both physically, where its various processes and emissions were deemed incompatible with sacred space or time, and symbolically, where the boundaries of the body became synonymous with social order, prosperity or safety. Many of the themes we have encountered will continue to appear in the study of blood in Chapter Three. This is most evident with blood's status as a bodily emission, but as we have seen, natural bloodshed appeared only in the context of menstruation (or disease). Beyond these spheres we shall see the importance of place and timing in the various contexts in which blood was shed. Like sexual intercourse, bloodshed occurred frequently in the Roman world. What mattered was the setting in which the blood was shed, and that when it occurred it could be contained within a controlled environment.

CHAPTER THREE

BLOOD

nate, manantes prius manus cruenta caede et hostili expia.

'O son, first purify your hands, dripping with the blood of your slaughtered enemy'

(Seneca, *Hercules Furens*, 919)

Blood was pollutive in many contexts, and its power is manifest throughout the ancient world. The idea of Hercules approaching an altar to make a sacrifice while stained with the blood of his enemy fills his father Amphitryon with horror. Such a gross act of impiety may have been viewed as a result of the madness visited upon Hercules in Seneca's rendition of this well-known tragedy. Conversely, Rome's most pious hero, Aeneas, is aware of the impropriety of such an action, and so refuses to touch the images of his household gods while still stained with the blood of battle.[410]

Of the various powerful substances located within the human body, blood has always been one of the most prominent - 'blood impresses the imagination...but blood also arouses fear and repulsion'.[411] When it flows from the body, it becomes the ultimate matter out of place, and an assault on the senses. Its vivid colour is shocking to the eye; its smell is pungent and distinctive to humans and animals alike; its taste is metallic and bitter; its touch stains many substances and fabrics irrevocably, and whilst it is warm when fresh from the wound, it cools and congeals quickly, a process which leads to changes in all of the above factors as the blood appears to visibly 'die' once separated from the living body. The most striking indicator of physical harm, blood is frequently viewed as the life essence, from which much of its perceived power to help or harm originates, and for which reason it is offered in various forms

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410 Verg. *Aen.* 2.717.
411 McCarthy (1969) 166; (1973) 205-10.

to the divine powers across human culture.[412] It is therefore visceral and entirely interstitial, alive whilst dying. In redefining Douglas' wide-ranging theory of pollution, Meigs viewed this factor as crucial in interpreting what was impure, focussing on the 'decaying power' of separated human components, 'substances cut off from the vitality of the body and subject to imminent decay'.[413] It has the power to be either beneficial or dangerous depending upon the context of its presence and the role ascribed to it in any specific scenario.[414] The natural place of blood was therefore clear – it belonged within the body.[415] When it was shed it became a potential source of power due to its liminal status and ability to stain and threaten.[416] We should expect to see well-established social rules surrounding the shedding of blood in various contexts in Roman (or any other) society.[417] It is both powerful and at the same time, taboo, and its potency will be illustrated across Roman ritual and religion. In recent years an extensive study of biological reactions and subsequent ritual patterns concerning blood has been compiled by Melissa Meyer, combining psychological theory, sociology and anthropological data to offer numerous insights into human perceptions of blood. While much of her work focuses on feminist theory, her chapters on sacrifice and initiation rites offer interesting approaches which can be applied to evidence from the Roman world.[418]

As with so many other forms of pollution in the antiquity, however, the lingering power of bloodshed has been more clearly defined for the Greek world than that of the late Roman Republic. Parker confined himself principally to bloodshed in cases

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412 Plin. *HN.* 11.221; Vulg. *Gen.* 9.4, *Deut.* 12.23; Robertson-Smith (1927) 40, 606; James (1933) 33; id. (1962) 27, 60-1; Yerkes (1953) 45-7; Douglas (1966) 75-6; Meigs (1978) 304-18; Valeri (2000) 48-9, 347-51; Meyer (2005) 1-16.

413 Meigs (1978) 312.

414 Ibid. 312-13.

415 Lucr. 5.131.

416 Ov. *Met.* 4.120-7 shows the importance of blood's staining quality in aetiological myths.

417 Plin. *HN* 28.41.147-9.

418 Meyer (2005) esp. chapters one, four and six. Cf. Roux (1988) 57-90 which explores various forms of blood-pollution, across Greek, Roman, Jewish, early Christian and Islamic societies.

of murder, and the *Tetralogies* of Antiphon, combined with the *Eumenides* of Aeschylus provided him with a straightforward starting point.[419] He linked the pollution surrounding the guilty party with the anger of the deceased's spirit, which threatened to become a danger to the whole city if the crime went unpunished, especially if the polluted man should enter a religious sanctuary. In Roman law, however, pollution was distinctly absent from official statutes, yet was alluded to in various forms within legal rhetoric. The most striking evidence for pollution in cases of homicide appears in the rare reports of kin-murder, especially parricide. The presence of pollution is stressed both by the language used in describing the act, but also in the manner of punishment, which we shall examine as a form of purification.

Following this, the chapter will consider the roles of blood within sacred space, specifically within ritual sacrifices. The issue of a 'correct' place for blood in this context will be examined using Douglas' theory that 'incorrect' types of blood entering or leaving the *templum* posed a potential risk. In this area in particular we may draw upon the use of blood in visual evidence of Roman religion. The pose, dress and appearance of the sacrificers and victims, and the exact moments typically chosen for depiction are important in interpreting the importance of blood both within rituals, and within the artistic works themselves.

From animal sacrifice, we may logically progress to human sacrifice, and Roman responses to human blood or *exta* being placed upon the altar. Human sacrifice was an extraordinary occurrence in Roman society, and while blood was central in animal sacrifice, the offering of human victims represented the antithesis of traditional Roman religious values. As a result, a key issue in examining this area of Roman culture requires the consideration of a lack of blood within Roman sources of state-sanctioned sacrifice and ritual murder. However, the silence of Roman sources on

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[419] Antiph.1.8-11; Aesch. *Eum.* 40-5; Parker (1983) 104-6; Carawan (1993) 249-54.

their own religious shortcomings is made all the more striking when contrasted with their treatment of others. The attitudes which reveal the pollutive nature of such acts are best illustrated by the especially bloody forms of human sacrifices attributed by Roman sources to foreign (typically barbarian) cultures.

The final section considers attitudes towards bloodshed in war, firstly against foreigners and 'outsiders', and secondly, against fellow Romans in times of civil war. Blood could signify either victory or defeat on the battlefield, and the outcome typically affected the role blood played in literary reports. The chapter will also include a discussion of whether soldiers required any special form of purification upon their return: in cases of civil conflict, some authors appeared uncertain as to whether the crime was ever truly expiated.

i. Homicide and Parricide

In both Greek and Roman society, cases of homicide went beyond the simplistic question of whether the accused had killed the victim, focussing instead on the matter of whether the killer had just cause.[420] The Greek world was prepared to classify forms of justifiable homicide and many of these find parallels in the early Roman law codes of the Twelve Tables. These included murder in self-defence or of a thief within the home.[421] However, while Plato stated such killers to be free from pollution, the Twelve Tables merely labels the victim as 'lawfully killed' (*iure caesus esto*), and it is unclear whether fears of pollution existed beyond the rhetorical imagery evoked by orators.[422] In such cases the guilty party had transgressed or violated social boundaries and the killer had 'reacted'. This was certainly the line Cicero took when defending Milo. Clodius had attacked him without provocation, and Milo, in defence

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420 Cic. *Mil.* 7-8.
421 Pl. *Leg.* 874a-e; *Twelve Tables* 8.12; Cic. *Mil.* 3.8-9; Gell. *NA.* 20.1.7; Macr. *Sat.* 1.4.19; Hewitt (1910) 100; Parker (1983) 112-3; Carawan (1993) 256-7.
422 Oldfather (1908) 52. '…if any branch of literature was uninfluenced by rhetorical considerations, certainly it was the law codes'.

of both himself and his family, had reacted. In a case revolving around accusations of murder and public violence it made sense for Cicero to emphasise the bloodstained (*cruentus*) hands and character of Clodius as part of Milo's defence.[423]

One explanation for the situation in Rome may have been the nature of their law codes. Girard suggests that the original function of murder-pollution, and its links to family-administered 'vengeance', was to offer direction in societies without established judicial process.[424] By the late Republic, the Roman legal system had developed significantly. Pollution naturally does not vanish with the emergence of law, but remains for a period after its instigation, although with an altered objective, serving 'as a threat directed by the original avengers against the surrogate avengers, the jurors, and through them against the city they represented'.[425] It is in this capacity that we see references to pollution at their most effective, in the works of orators seeking to sway their audiences in the courts, and blood provided the visceral, physical indicator of both homicide and culpability. This could even extend to cases where blood had not been shed. Seneca discusses a *controversia* (10.3) in which a father instructed his daughter who betrayed him and then sought forgiveness to die. She subsequently hanged herself at his door, and Seneca questions whether the father could be declared mad for his action. The prosecution place heavy emphasis on blood, despite the bloodless method of suicide. One Moschus opens his declamation by stating 'your household gods have been polluted by the blood of your daughter' (*inquinasti filiae sanguine penates*).[426] Fulvius Sparsus began his statement in a similar

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[423] Cic. *Mil.* 20. The opposite view of Milo as polluted by Clodius' murder appears at Luc. 2.480.

[424] Girard (1977) 1-38. Girard used this idea expressly to support his theory of inherent violence, while Parker suggests a more balanced combination of the two factors of pollution and retribution, illustrated in the Greek world by the Erinyes.

[425] Parker (1983) 124-6; Girard (1977) 15-7; Douglas (1966) 150; Carawan (1993) 250-2. The greatest danger was the possibility of the polluted man entering communal shrines or temples. Citing Lys. *Against Eratosthenes* 12.99-100, Carawan discusses the implied actual danger to judges in homicide cases. Cf. Cic. *Rosc. Am.* 68.

[426] Sen. *Contr.* 10.3.1.

manner: 'The daughter writhes in her own blood before the door of her father. Why do you shudder? This is the father's satisfaction' (*filia ante limen paternum in cruore suo volutatur. quid exhorruistis? paterna satisfactio est*).[427] In both instances the blood is used to describe contamination, whether of the household gods, or the threshold. In such cases the reality of contagious pollution, thought to threaten the city at large, which had been so prominent in Greece was less apparent.[428] However, certain forms of homicide still appear to have sparked fears of pollution, and these deserve our attention. Most importantly, there were cases of parricide or other forms of kin-murder where pollution, particularly from bloodshed, appears to have been a factor, not only in the words of orators, but also in the manner of execution and disposal to which parricides were subjected.

The most well documented case of parricide in the late Republic was Cicero's defence of Sextus Roscius in 80 B.C. In describing the charge, Cicero called parricide both 'wicked and unspeakable' (*scelestum ac nefarium*), and many forms of *scelus* were brought together in this single crime.[429] Repeated references to parricide as *scelestus* already indicate something beyond a typical offence – minor transgressions typically appear as *vitia* or *flagitia*, which Cicero argues would precede the ultimate *scelus*, the action of parricide.[430] Without them, who could believe so dreadful a crime possible?[431] Cicero described a comparable case where a father was found with his throat cut and his two sons sleeping nearby. On denying the charge the sons were acquitted, since it was judged that no-one could sleep, having polluted (*polluere*) all the

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[427] Ibid. 10.3.2.
[428] Dion. Hal. *Ant. Rom.* 3.22.3 mentions the threat posed to the city by the pollution of M. Horatius, but this should perhaps be attributed to Dionysius' Greek background and interpretation of events.
[429] Cic. *Rosc. Am.* 37.
[430] For crimes as *vitia* and *flagitia* see Cic. *Rosc. Am.* 38, 48, 53, 62-3, 68; Plin. *Ep.* 10.96.7; Henrichs (1970) 20-1 deals with similar 'minor' offenses used against Christian sympathisers.
[431] Cic. *Rosc. Am.* 63-68.

laws of gods and men.[432] In explaining his reasoning for this, Cicero emphasised the highly pollutive nature of parental blood, in a particularly passionate plea:

> ...the blood (*sanguis*) of a father and mother holds great power (*vis*), great obligation, great sanctity (*religio*), which, if it produces a stain (*macula*), it not only cannot be washed away (*eluere*), but also permeates (*permanare*) the soul, followed by the greatest frenzy and insanity. Indeed, do not believe what you often see in the plays, that those men who have engaged in any impious or wicked (*sceleratus*) action are hounded and terrified by the burning torches of the Furies. For each it is their crime (*scelus*) and their own terror that torments them greatly, their own crime which plagues them and causes madness, their own dark thoughts and pangs of conscience terrifies them. These are the Furies that are the constant companions for the impious, which day and night demand punishments on behalf of parents, from sons most stained (*consceleratissimus*) by their crimes.[433]

While Cicero is quick to dismiss the traditional image of the Furies, his focus on blood as a substance that may stain physically *and* morally is striking. The passage also combines images of physical staining with acts of impiety and *scelus*. However, the greatest indicator that parricide continued to be thought of as polluting was not the language used to describe the act by orators like Cicero, but the manner of punishment inflicted upon the guilty, a punishment that ensured the ritual removal of the condemned from both Roman society and the sphere of human existence.[434]

The case of Sextus Roscius, and before him, Malleolus (condemned for matricide in 101 B.C) both mention the archaic custom of sewing the guilty man in sack (possibly made of wolf-skin) along with a viper, a cockerel, a dog and a monkey, after wooden

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[432] Ibid. 65.
[433] Ibid. 66-7.
[434] Radin (1920) 119-30 remains the most in-depth study of the *poena cullei*. See also Egmond (1995) 159-92; Bauman (1996) 30-2.

shoes had been fixed to their feet. After this he was to be thrown into running water, typically a river from which his body would be carried out to sea.[435] Cicero explained this as removing the murderer from every part of nature, from heaven, earth, sun and water – that the corpse was unsafe even to wild animals that might feed off it, and that if they were thrown uncovered into the water they might pollute (*polluere*) the sea itself, the element which supposedly could remove (*expiare*) all other pollutions.[436] Thus the threat posed by the polluted parricide had originally been thought to require their careful removal, by means of a complex transportive purification ceremony which drives the source of impurity 'outside' the community, and additionally acts as the means of execution itself.[437] This demonstrates the gulf between common acts of homicide and the murder of a parent, since those who suffered capital punishment for homicide could potentially be executed within the city, in various bloody ways which aroused far less fear or revulsion. While the act of parricide was the primary cause of pollution, blood was the best way to physically evoke the act, while its ability as a substance to irreparably stain meant that it fitted ideally with the language of pollution and impurity.

That parricide could stain spaces as well as people is suggested by Cicero's discussion of the role of the sack in separating the killer from the sea. The threat of contamination to space also appears in the myths surrounding the murder of King Servius Tullius. When he was murdered at the instigation of his daughter, Tullia, her subsequent desecration of his corpse left the ground where he was trampled being permanently marked and it remained the '*Vicus Sceleratus*', the 'Street of Crime' into

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435 *Auct. ad Her.* 13.23; Cic. *Inv. Rhet.* 2.149; *Rosc. Am.* 71-2. Only the *Auctor ad Herennium* directly mentions the use of wolf-skin. See also Radin (1920) 119-20; Rawson (1974) 202.

436 Cic. *Rosc. Am.* 71. (*non sic nudos in flumen deicere, ne, cum delati essent in mare, ipsum polluerent, quo cetera, quae violate sunt, expiari putantur*).

437 According to Valerius Maximus, M. Atilius had suffered a similar punishment for making a copy of a book of secret religious rituals, which Maximus regarded as just, viewing the 'violation of parents and of the gods' as requiring equal expiation. Cicero also speaks of parricide in terms of a violation (*violare*); Val. Max. 1.1.13; Cic. *Rosc. Am.* 70; *Leg.* 2.9.22; Radin (1920) 121.

the Principate. Contaminated (*contaminare*)[438] with her father's blood, she crossed the threshold of her home, polluting her own *Penates*, who sought revenge against her; her husband Tarquinius was described as being similarly stained (*maculare*), by his part in the deed.[439] An alternative version offered by Ovid states that, thus polluted, she dared to enter her father's temple and was shunned by his image.[440] Following her crime, according to Livy, Tullia was also shunned by society, with all men and women calling down curses upon her.[441] In all the versions of the myth, the trace of murder lasts beyond the crime, and is compounded by entering sacred space. The threat of *scelus* to the household gods as a direct result of bloodshed was emphasised by Cicero in the *Pro Rege Deiotaro*,[442] while the parricide of Solimus in Italicus' *Punica* is described as a prodigy occurring the night before the catastrophic defeat at Cannae. Despite the fact that Solimus is offered absolution by his dying father, who consoles his son by assuring him that the deed was hidden by the night, nevertheless Solimus grieves because the moon has seen the murder performed by his 'polluted hands' (*pollutae dextrae*), and is violated (*violare*) by his continued presence on earth.[443]

In a recent study of Roman homicide laws, Judy Gaughan has concluded that under the Republic murder was not a crime that the state saw fit to act against, unlike during the monarchy and, later, the Principate, where a single act of homicide could threaten the central power of the state.[444] The control and punishment of each family fell to the *paterfamilias*, and since it involved rebelling against this primary authority,

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[438] Liv. 1.48.5-7. Livy writes of Tullia's involvement in the deed as being in keeping with her *scelesta* persona. Val. Max. 9.11.1 uses *commaculare*.
[439] Varro, *Ling.* 5.159; Dion. Hal. *Rom. Ant.* 4.39; Ov. *Ib.* 363; Cic. *Rep.* 2.25.46; Festus s.v. *Vicus Sceleratus*. The vengeance of the Penates goes against Ovid's depiction of Zeus' vengeance upon Lycaön, whose household gods 'shared the guilt of their master'; Ov. *Met.* 1.230-5.
[440] Ov. *Fast.* 6.609-24. For the similar case of the *porta Scelerata* see Coarelli (1988) 409-14.
[441] Liv. 1.59.13.
[442] Cic. *Deiot.* 15. Again Cicero asks the hypothetical question of who would be so wicked as to pollute his own household with murder. The *Penates* play a significant role in emphasising the irreligious nature of the crime.
[443] Sil. *Pun.* 9.66-177.
[444] Gaughan (2010) esp. 67-89.

parricide was one of the few forms of homicide which could threaten social stability, and so warranted state intervention. Cicero stated that the murderers of Caesar were either liberators, or even worse than parricides, since the father they murdered was the *pater patriae.*[445] The site of Caesar's death had been walled up, and the day itself labelled the 'day of parricide'; senatorial business on that day was forbidden.[446]

In reality, Cicero believed that Caesar's assassins were liberators of the Republic, entirely justified in their action, and that Caesar was not 'father of the nation', but a tyrant who succeeded in establishing a monarchy.[447] From the founding of the Republic all citizens were obliged to kill those who aimed to subvert the political order. The murderer of a tyrant was specifically recorded by Dionysius of Halicarnassus as being 'pure' (*katharos*), provided that evidence proving the case could be produced.[448] When considering the murder of a tyrant in Greece, (an act which required no public sanction in Athens), Parker concludes that the deed was 'rendered non-polluting by classifying the victim as an enemy'. Such victims were subsequently no longer members of the community, and through the classification of enemies as *sacer*, the violence had become externalised. A comparable transforming of internal social threats into enemies appears in Cicero's repeated descriptions of Catiline and his followers as *hostes*, and in his first Catilinarian oration Cicero listed the killers of the Gracchi and Saturninus were 'honoured rather than polluted (*contaminare*)' by the blood of these tribunes, who were judged to be enemies of the state.[449]

Marking a tyrant as *sacer* therefore represented the first step in a ritualised murder, followed by the consecration of his property to Ceres. He had become an outsider in

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445 Cic. *Phil.* 2.31; Heyman (2007) 30.
446 Suet. *Iul.* 87.
447 Cic. *Fam.* 11.27.
448 Dion. Hal. *Ant. Rom.* 6.89.2-4.
449 Cic. *Cat.* 1.29. For *hostes*, see 1.5, 13, 27, 33. The final case once again links the behaviour of the public enemy with *scelus.*

the eyes of the community.[450] These laws, devised for the preservation of the state, transcended all others and could even excuse L. Iunius Brutus of kin-murder, following the discovery of his sons' involvement in the plot to overthrow the newly created Republic. On his command as consul, they were led into the forum in the heart of the city, scourged and beheaded. But in Livy's narrative of events, the terms we have come to expect concerning pollution are never suggested. Dionysius of Halicarnassus noted that the Roman view of this act as glorious might differ from the responses of Greek readers, and interprets the action as cruel, but again not polluting to Brutus, the onlookers, or the place of execution.[451] Dionysius does, however, devise a response from Rome's enemies, however, as Brutus is verbally abused before battle by Tarquinius' son, Arruns, who condemns him as a man polluted by the deed.[452]

ii. Bloodguilt

Some prominent examples survive within our ancient sources to suggest that the pollution of homicide did not have to fall on the head of the one who struck the blow, but instead could be thought to stain the one *responsible* for the death. When Verginius stabbed his daughter to protect her from the lust of Appius the Decemvir, he was not described as a man polluted by infanticide, but as another example of Roman strength and piety. Livy described the scene at length, and at the moment of bloodshed, Verginius turns to Appius, stating 'it is you, Appius and your life I

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[450] Spaeth (1996) 69-71 examines such instances, focussing on the role of the goddess herself in such rituals.

[451] Liv. 2.5.6-9; Dion. Hal. *Ant. Rom.* 5.8.1-6; Plut. *Publ.* 6. See also the case of Horatius, who killed his sister after she mourned the death of his enemy, her betrothed. He was acquitted in recognition of his services to Rome, but expiation was still felt to be required. This included Horatius' passing under a crossbeam as part of his 'purification' (*luere*); Liv. 1.26; Val. Max. 8.1; Oldfather (1908) 49-72.

[452] Dion. Hal. *Ant. Rom.* 5.15.1.

dedicate (*consecrare*) with this blood (*sanguis*)'.[453] Appius has threatened social stability and *mores*, Verginius has protected them. As a result, Verginius is free from pollution, while Appius is not. Verginia's body is lifted up for the crowds to see, and the people are described as 'mourning Appius' crime (*scelus*)...and the necessity of her father's act'.[454] Verginius, still spattered with blood (*respersus cruore*), appeals to the army, begging the crowds not to look upon him as a kin-slayer (*parricida*) by attributing Appius' *scelus* to himself.[455] The theme of blood is central throughout, and, since Verginius is portrayed as being free from guilt, repeated references to both him and the dagger he is still clutching serve only to condemn Appius further. The use of the *devotio*, which appears amplified by bloodshed, adds religious undertones of the narrative.

Many of these themes were variations on the primary myth from the founding of the Republic, the death of Lucretia. Following her suicide after being raped by Sextus Tarquinius, Brutus (like Verginius) holds up the bloody knife and swears an oath by the blood, which he states was 'most pure' (*castissimus*) before Tarquinius' violation.[456] The rarity of blood-oaths which are employed in ways deemed by onlookers to be 'positive' has been noted,[457] and it is this rarity that led Feldherr to postulate that Lucretia stood in proxy for a sacrificial victim, although his argument that *castus* in this case refers to 'ritual purity' (read 'sacrificial purity') is uncertain – as he himself notes, 'the only other occasion where a word related to *castus* is used of sexual purity is earlier in the Lucretia episode'.[458]

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[453] Liv. 3.48.5; Dion. Hal. *Ant. Rom.* 11.37.4-6, 11.40.1-8. Similarly no negative connotations appear in Appian's description of Crassus' murder of his son, whom he killed in order to spare him falling victim to Marius' purge; App. *B. Civ.* 1.72.
[454] Liv. 3.48.7.
[455] Ibid. 3.50.3-6.
[456] Liv. 1.59.1.
[457] Ogilvie (1965) 226.
[458] Feldherr (1998) 196-8. The suggestion that the *Regifugium* recreated this action of the King fleeing in the wake of an impure sacrifice is equally difficult, as this ceremony clearly had

A historical example of bloodguilt occurred in 87 B.C. in the reports of the suicide of L. Cornelius Merula, the *Flamen Dialis*. About to be condemned by Marius and Cinna, he opened his veins in the temple of Jupiter, taking care to observe all traditional pieties in the process, but calling down vengeance upon those responsible.[459] The various sources show minor variations in their reports, but all emphasise Merula's deliberate action of sprinkling his own blood within the temple, and the culpability of others. Velleius emphasises the altar in the bloody imagery in what may be seen as a curse (*execratio*), which focuses the guilt on Cinna and Marius. Florus connects the shedding of the blood with the image of Jupiter itself, depicting Merula spattering the cult statue in the Capitoline temple.[460] A similar case appears from the Imperial period. Tacitus describes the suicide of Demetrius, which anticipated the assassins of Nero. After cutting his wrists he describes the act to the assassins as pouring a 'libation to Jupiter Liberator'.[461]

For now it will suffice to note that pollution did not necessarily require the culprit to come into physical contact with the blood that had been shed. Acts of suicide could be deeply polluting (See p. 180), yet in the case of Merula, even when he sheds blood within the central temple in Rome, the act does not appear to pollute either him or the sacred space. Any conclusions we may draw concerning Roman fears of murder-pollution must obviously take into account specific differences and similarities with their Greek counterparts. The evidence certainly suggests pollution was still valid in the Roman mindset, with Italian 'outsiders' such as Livy and Cicero exploiting these beliefs for literary effect in their various works, and in Cicero's case, these feelings

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significance well beyond that of the expulsion of the monarch. For examples of *castus* relating to sexual purity outside of Livy's history, see Catull. 62.23; Tib. 1.3.83; Hor. *Od.* 3.3.23; Ov. *Fast.* 2.139; *Met.* 2.711; Val. Max. 8.1.

459 Vell. Pat. 2.22.1-2; App. *B. Civ.* 1.7;. Appian stresses the fact that Merula had removed his *flamen* cap before death, as it was against religious custom for the *flamen* to die while still wearing it.

460 Flor. 2.9.16 (*Merula flamen Dialis in Capitolio Iovis ipsius oculos venarum cruore respersit*).

461 Tac. *Ann.* 16.35 (*"libamus" inquit "Iovi Liberatori"*).

were clearly thought to hold continuing validity for those jurors to whom he repeatedly appealed. In official terms, however, the Roman legal system appears to have developed considerably beyond that of the Greeks, and where there had been a desire to protect the sanctuaries of the gods, emphasis was now placed on the rights of citizens, and establishing whether blood had been shed 'justly'. Thus *miasma* was superceded by *ius*. Only in the matter of kin-murder did pollution continue to hold genuine power in the Roman imagination. These fears endured into the Principate. Under the Julio-Claudians more sources would allude to the blood-pollution incurred by various emperors who had removed members of their family.[462] Therefore, quite literally in this case, as Girard puts it, 'vocabulary is...more revealing...than judicial theories'.[463]

iii. Animal Sacrifice

In the correct circumstances, blood was perhaps the most religiously efficacious substance in the ancient world, and animal sacrifice was the most prominent and frequent phenomenon in which circumstances were deemed to be 'correct'. The rules, both in the run-up to the ritual, and in the sacrifice itself, had been set, and provided they were strictly adhered to, sacrifice brought any number of personal and social benefits, and within the ritual, a chief concern was the role and place of the blood.[464] One of the earliest guarantees of Rome's future glory was the sacrifice (achieved by trickery) of a perfect Sabine heifer, offered at the temple of Diana.[465]

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[462] Most striking of these is Tacitus' description of Nero's own alleged fears in the wake of Agrippina's assassination, with the young emperor even resorting to magic in his attempts to appease the haunting spirit of his mother; Suet. *Ner.* 34; Tac. *Ann.* 14.5-10; Ogden (2001) 152-3.

[463] Girard (1977) 15.

[464] Dowden (1992) 1-7; id. (2000) 168-175, esp. 174-5 for various etymological links to blood and the sacrificial processes in Indo-European religions.

[465] Liv. 1.45.

Major social events were accompanied by sacrifice to ensure a favourable outcome; blood was shed in private contexts such as births, wedding ceremonies or harvest festivals, and during public rites such as the expiation of recognised prodigies, or at the climax of the triumphal procession.[466] Blood sacrifice therefore formed an integral part of religion in ancient Rome. At the turn of the twentieth century, Warde Fowler stated that no significant literary examples existed to illustrate a lingering Roman anxiety concerning blood. This was explained as resulting from the prominence of blood within sacrifice, warfare and gladiatorial combat, but was later dismissed by Burriss, who believed that the absence of language describing sacrificial blood was, itself, proof of a blood-taboo.[467] Neither provides significant evidence to support their theory, and it should rather be suggested that as 'both pure and impure', blood was not to be avoided by *everyone* while it was performing its intended function within the sacrificial ritual, but became threatening and ominous in other contexts, for example, when things did not go according to plan within the sacrifice.[468] Nevertheless it is inadvisable to accept Warde Fowler's idea that 'blood had curiously little part in Roman ritual and custom', not only because sacrifice was such a key recurring ritual and blood was so crucial to the process, but also because of the significant presence of blood in purification rituals and its presence in both reported prodigies and their subsequent expiation.[469]

The shedding of sacrificial blood was not an isolated event, but the climax of a series of ritual observances which had begun with the separation of the animal at birth

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466 Warde Fowler (1911b) 177-185; Beard, North and Price (1998) I.36-7.

467 Warde Fowler (1911b) 32-33, 44 fn. 29, 132-3; Burriss (1931) 29, 34-5. Fowler acknowledged the rigid control within the sphere of sacrifice, and mentions the use of *decollatio* as a punishment within the army, but discusses gladiatorial combat only within the debate over early human sacrificial acts at Rome. In fact, all three spheres existed and operated within carefully defined boundaries.

468 Green (2001) 81.

469 Fowler classes *exta* as completely separate from blood, though this too has important links to blood in the context of divination. The use of blood (animal and human) as a prophylactic device is attested for the Roman threshold; Plin. *HN* 28.104, 28.85-6; Ogle (1911) 251-71.

from the 'profane'. Burkert uses Greek preparatory rites (some of which mirror later Roman practices), to illustrate the layers of purity and ritual observance at work in the build-up to the sacrificial act. These included processions of participants, some of whom had undergone periods of sexual abstinence, as well as dancers and flute players who could drown out inauspicious noises or utterances.[470] Each of these factors served to maintain the sanctity of the victim before its paradoxical 'violation' in the kill.[471] These observances illustrate the lengthy process performed in order to maintain the acceptability of the sacrifice – the key aspects of which was the slaughter and subsequent collection and pouring of the blood.

Bloodshed is one of the most prominent aspects of animal sacrifice. But while Roman artistic depictions frequently displayed the sacrificial knives or axes in public processions as the animal was led to the altar, the moment of death was rarely shown.[472] Only in later images, such as the Mithraic tauroctony, was the moment of sacrifice itself shown, presumably because the blood had become a significant point of reference as a symbol (or even the origin) of life and fertility, and by which worshippers of Mithras had been 'saved'.[473] Yet such scenes fail to capture the emotive reactions that are felt at the moment of ritual killing, and which may lie at the root of many social classifications of fear and subsequent 'impurity' regarding bloodshed. As Warrior observes, 'Less apparent in both the literary texts and the iconography are the sordid details of animal sacrifice. The actual killing would literally have been a bloody business, requiring considerable skill and brute force ...

Particularly awful would have been the stench of blood, guts and excrement which

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470 Burkert (1983) 3-4. The importance of the flute is stressed for Roman ritual in Cic. *Har. Resp.* 11.23.

471 The paradox and its subsequent ambivalence is noted in Hubert and Mauss (1964) 33; Girard (1977) 1.

472 For a thorough evaluation of late Republican sacrificial images, see Ryberg (1955) esp. 20-37.

473 Cf. Girard (1977) 94; Scullard (1981) 23; Burkert (1983) 22-3 fn. 39; Merkelbach (1984) 193; Nabarz (2005) 24-5, 48.

would hardly have been disguised by incense'.[474] Indeed, Warrior fails to include one of the most vivid impressions left by animal sacrifice – the noise made by the process and the animal itself. The loudest, and perhaps most unsettling is the sacrifice of a pig. This may be a factor in understanding the screams required from female observers/participants at Greek rituals. The gleaming white altar reconstructions, such as that of the *Ara Pacis* in Rome, therefore represent a sanitised image of Roman religion for the modern viewer. Just as Roman buildings were covered in striking colours and pigments, so too the altars could be vividly marked by the blood of numerous victims. To put this into perspective, an adult bull contains approximately thirty-five pints of blood, the majority of which will leave a successfully slaughtered animal in minutes, potentially spurting distances of several metres. Human reactions to bloodshed have been central to theories concerned with ritual killing, focussing on elements such as shock, excitement, and the channelling of collective aggression and subsequent guilt – a recurring rite of communal intensification.[475] The prominence and impression of blood in sacrifice then, must be remembered.

'The purpose of sacrifice is to restore harmony to the community'.[476] The restoration of balance and order, envisioned in the *pax deorum*, could be achieved through sacrifice. Hence the notion of expiation, an act of ritualised cleansing, was also an act of divine appeasement. If, on one of the *dies nefasti*, the praetor accidentally happened to utter one of the three taboo words, the fault was corrected by the sacrifice of an

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474 Warrior (2002) 41; Hom. *Od.* 3.450; Hdt. 4.189-90; Burkert (1983) 5; Dowden (2000) 174. The noise of the helpless victim was evoked by Ovid in the Pythagorean verses of the Metamorphoses; Ov. *Met.* 15.460-6. It is blood, however, that leaves the most lasting physical impression, conjuring up all the emotions that are felt at the moment of death.

475 Robertson Smith (1927) esp. 312-52; Devereux (1961) 43; Douglas (1966) 13, 197; Ogilvie (1969) 45, 48-51; Girard (1977) chap. 1, esp. 33-4; Liebeschuetz (1979) 80; Burkert (1983) 21, 38-40; (1987) 149-88, esp. 170-1; Dowden (2000) 167-75; Meyer (2005) esp. 1-16.

476 Girard (1977) 8. The wider implications surrounding Girard's theory of balance connected to universal violence are not, however, under discussion in this work.

'atonement victim'.[477] In summing up the removal of any form of pollution from a community, the taint of bloodshed included, Girard concludes 'only blood itself, blood whose purity has been guaranteed by the performance of appropriate rites – the blood, in short, of sacrificial victims – can accomplish this feat'.[478] When in 460 B.C. a gang of exiles seized the Capitol and were subsequently slaughtered, the bloodshed that had 'fouled' the temple (*foedare*) could only be cleansed by the performance of physical cleansing and religious lustration (*purgatum atque lustratum*).[479] Such an example was, of course, not an institutionalised sacrifice - it was a reaction against an unexpected social disruption. More common, beneficial rituals of sacrifice are represented by agricultural purifications (*lustra*), such as those recorded in the poetry of Tibullus, and the agricultural treatise of Cato. In such cases, lustrations were performed before the new season to ensure a fresh start and propitious crops, with Cato describing the purification-rite of the *suovetaurilia* (sacrifice of a pig, a ram and a bull), for the benefit of the farm.[480]

These examples highlight the crucial issues for the acceptability of blood within sacred space. It must a) be the correct 'type' of blood, and b) it must touch only the pre-determined place within the *templum*, usually centring on a sacrificial stone, as Catullus states, 'the starved altar craves pious blood'.[481] It was through the altar and the sacrificial fires that burned upon it, that blood crossed the metaphysical divide to be offered to the gods.[482] Sacred blood became dangerous, rather than beneficial, when it left this designated space, having been promised to the gods from the earliest

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[477] Varro, *Ling.* 6.4.30; Gell. *NA* 4.9.5. Deliberate use of one of these words, however, was inexpiable.
[478] Girard (1977) 36; Bailey (1932) 78-9.
[479] Liv. 3.18.10-11.
[480] Cato, *Agr.* 138-141; Tib. 2.1.1-17. Cato offers instructions for how to proceed if any of the offerings were 'unacceptable' to the gods. For non-agricultural use of the *suovetaurilia*, see Liv. 1.44.
[481] Catull. 68.79; Sen. *Hercules Furens* 483-4. On the role of the altar, see Dowden (2000) 168-9, 174
[482] Ogilvie (1969) 45-7; Dumézil (1970) 314-16; Scullard (1981) 22-5.

possible point after the animal's birth. So, when Gaius Flaminius attempted to make a sacrifice after disregarding traditional religious requirements, the bull broke free and in its attempts to flee, soaked onlookers with its blood. Impiety is followed by pollution, which signifies the imbalance in the *pax deorum* - the incident was regarded as a terrible omen.[483] In this case it is blood upon 'onlookers', combined with the failure of the sacrificial offering, that causes the incident to be considered prodigious – but the idea that anyone involved in the sacrifice itself could be polluted by blood is problematic. Depictions show sacrificers stripped to the waist - they clearly expected to get wet. Beard, North and Price lay particular stress on the detachment of the sacrificer from the act of killing itself, which would be performed by servants (*popae, cultrarii* and *victimarii*), slaves trained to dispatch the animal as speedily as possible.[484]

Though it may be tempting to ascribe fears of pollution from the sacrificial bloodshed, which was better focussed upon expendable slaves, it cannot be stated with any real certainty.[485] It might be more prudent to assume that the slaves were chosen and trained to be specialists, to bring the victim down as efficiently and quickly as possible in order to prevent anything happening which could be interpreted as ill-omened, such as the animal escaping after in ineffective strike.[486] Nonetheless it is odd that slaves, who were not welcome at all religious events in Roman religion, should be given such a prominent role in the proceedings.[487]

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[483] Liv. 21.63.13-14; Burriss (1931) 31. Other victims escaping sacrifice, Luc. 7.170 ; Suet. *Iul.* 59.

[484] Liv. 41.15.2; Val. Max. 1.1.12, 9.14.3; Beard, North and Price (1998) II.148-51, 160-2. Also Wissowa (1912) 417-8, 498; Bailey (1932) 81-2; Ryberg (1955) 68-9, 107; Latte (1960) 383; Ogilvie (1969) 44-5; Scullard (1981) 24; Warrior (2002) 40-1.

[485] Evidence for the *popae* as slaves: Cic. *Mil.* 24.65; Suet. *Calig.* 32; Val. Max. 9.14.3; Quint. *Inst.* 6.3.57. The anecdote concerning Caligula assuming the dress of a *popa* to murder a *cultrarius* would fit with the pattern of his associating with gladiators and other low-born characters.

[486] Pollen (1874) 60-1.

[487] For examples of slave exclusion, or unacceptability in certain religious contexts, see Cic. *Har. Resp.* 12.24; Plut. *Quaest. Rom.* 16.

Sacrificial scenes prominently depicting *popae* and *victimarii* appear seven times on Trajan's column, always stripped to the waist, leading the victims towards the altar. Despite their prominence, they are typically separated somehow from the emperor who offers prayers and libations at the burning altar itself. Warde Fowler states confidently that in the earliest times the priest himself would have performed the sacrifice, and suggests this to be the origin of the purple or red stripes used by priests/magistrates and children, all of whom he links to the sacrificial process.[488]

Instead of seeking an answer based upon dangerous religious pollution, perhaps it is safer to view the process simply as a 'messy' job, for which it would have been unseemly for a consul, general, or emperor, to stoop. Aside from being extremely messy and undignified, one must not forget the considerable danger that comes with hitting a bull with an axe. Struggles are inevitable - even when animals are slaughtered in a modern abattoir it can take some time for the creature to die. Failure to deliver a mortal wound would simply leave the ceremony with an enraged animal, under which circumstances, the placement of its blood would have been seen as a secondary priority. Moving on from the animal, the removal of clothing was practical, to avoid repeatedly ruining clothes by the immovable stains of blood. In evaluating the *victimarii* scenes from Trajan's column, Pollen observed the attendants being stripped to the waist 'to save their dress from the risks of staining or pollution with blood' – a frustratingly vague interpretation that covers 'dirt' in both the sacred and profane spheres.[489] While the more secular reasoning is preferable, it may potentially be linked to the various instances of Roman ritual where 'pure' (typically white) clothes were insisted upon,[490] which in sacrificial contexts would become ominous, should the attendants' appearance become 'deformed' by bloodshed; a comparable attitude of

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488 Plin. *HN* 9.133-4; Warde Fowler (1911b) 176-7.
489 Pollen (1874) 62.
490 Tib. 1.3.23-30; Ov. *Fast.* 2.654; Parker (1983) 68.

this is reflected in Livy's criticism of the Sabine practice of wearing white into battle, which will soon be stained (*cruentus*) by the bloodshed (*deformia inter sanguinem et volnera*).[491] Moreover, in 43 B.C. a prodigy was recorded when an unnamed person slipped in sacrificial blood and then offered a bloodstained palm-branch to the consul, Pansa, who later died fighting against Antony at Mutina.[492]

Provided that every ritual detail was followed, the blood could easily be washed off the attendants' skin without further danger after the sacrifice - the blood smeared on the foreheads of the *luperci* (who were selected from the nobility) was also removed immediately by attendants using wool dipped in milk.[493] Therefore the danger of contact with the blood by onlookers could stem from the removal of sanctified blood from the ritual, and typically the space designated within the *templum*.

The dream of Germanicus in which he is sprinkled with the blood of a sacrificial victim, was similarly seen by Burriss as a sign of a priest being 'unclean until he had changed his dress' (unclean is here used in the sense of taboo, or religious danger).[494] This is not stressed by Tacitus, however, who records the incident as a dream which was viewed as a favourable omen for Germanicus during his campaign in Germany against Arminius. As his robe was spattered, his grandmother Livia Augusta handed him another, finer robe, and though blood was central to the omen, the issue of its purity within sacrifice is dubious, the emphasis surely being on the finer robe symbolising his political elevation, while the change of robes once again implies a reluctance to wear bloodstained clothing. Alternatively, the emperor Gaius (or one of his assassins, P. Nonius Asprenas) was said to have been spattered with the blood of a sacrificed flamingo and this was listed by Suetonius as one of the portents in the

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491 Tac. *Ann.* 2.14; Liv. 9.39.5-6, 10.39.12.
492 Obsequens 69 (*quidam e populo sanguine victimarum prosapsus respersam cruore palmam proficiscenti dedit*). Cf. Dio 46.33.2.
493 Plut. *Rom.* 21.3-8 offers a number of potential origins for the ritual.
494 Burriss (1931) 36.

run-up to his assassination.[495] Such a case was more ominous than pollutive – a sign of things to come.

Just as Hercules or perpetrators of civil bloodshed could not, without danger, cause blood to be brought into the sacrificial context, the onlookers of Flaminius' sacrifice or the emperor Caligula could not bring sacred blood out of it. The distance kept by sacrificers would later be reversed in the ritual of the *taurobolium*, where his role was exactly to come into contact with the victim's blood.[496] With the rules firmly established that this was the case, no fear was necessary, and the blood itself was cathartic, although it became a particular cause for criticism by Christian writers, who chose to deliberately emphasise the pollutive nature of the ritual, inverting the symbolism of the participant's contact with the blood. Though rejecting the old religious practices (or in this case, the pagans' newest 'traditional practice'), Prudentius continues to use impurity as a means of attacking unacceptable religious ritual, and stressing it in culturally familiar terms of pollution which Thomas tentatively suggests may have reflected wider public opinion, beyond the apologists, towards this alien ceremony.[497]

> ...tum per frequentes mille rimarum vias inlapsus imber tabidum rorem pluit, defossus intus quem sacerdos excipit guttas ad omnes turpe subiectans caput et veste et omni putrefactus corpore. quin os supinat, obvias offert genas, supponit aures, labra, nares obicit, oculos et ipsos perluit liquoribus, nec iam palato parcit et linguam rigat, donec cruorem totus atrum conbibat....hunc inquinatum talibus contagiis, tabo recentis sordidum piaculi, omnes salutant atque adorant eminus, vilis quod illum sanguis et bos mortuus foedis latentem sub cavernis laverint.

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[495] Jos. *AJ* 19.87; Suet. *Calig.* 57.4; Barrett (1989) 163-4. Dio 59.29.5 dubiously states that the conspirators ate some the emperor's flesh.
[496] Frazer (1922) 350-1; Rutter (1968) 226-49; Duthoy (1969); Thomas (1984) 1500-1535; McLynn (1996) 312-30.
[497] Thomas (1984) 1524-5.

Then, sliding through thousands of cracks, a shower of putrid drops falls like rain, and within the pit the priest receives it, subjecting his head to every drop, corrupting both his robe and his whole body with impurity. He even turns his face upward, and offers his cheeks to meet it, placing his ears under it, presenting his lips and nostrils, and even baths his eyes with the liquid; not sparing his mouth, he even wets his tongue, until his whole body drinks the sordid blood...Stained in this way by so much pollution, with the filthy blood of the recent sacrifice, everyone hails and pays homage to him (from a distance), and all because, lying within an obscene trench, he has been washed with the worthless blood of a dead ox.[498]

Here we see that the perception of blood within ritual sacrifice has shifted for the narrator, while the language has not. The typical language and images of staining, defilement and danger pervade the report, regardless of its historical accuracy. As well as stressing the impurity of the ceremony, the efficacy of the blood within the *taurobolium* is brought into question by the use of terms such as *tabum*. Furthermore, by using terms connected with cleansing and bathing to describe the impure substance Prudentius was also able to attack the pagans as an enemy who were utterly corrupt, since they 'purify' themselves with pollution.[499]

Even if all the rules of purity had been observed by followers and victim, the moment of bloodshed brought new potential issues with the acceptability of the sacrifice. Problems with the blood in terms of flow, appearance or texture could also be seen as signs that the sacrifice had been rejected, or was in some way unacceptable, and these were frequently described using the imagery of both impurity and disease.[500] Lucan, the master of literary prodigies, envisioned a sacrifice made in

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498 Prudent. *Perist.* 10.1006-50; Duthoy (1969) 97-101; Beard, North and Price (1998) II.161.
499 Cf. Lennon (2010a) 381-4.
500 Verg. *Georg.* 3.485-93; Ogilvie (1969) 49; North (2000) 45. On the manipulation of sacrificial blood flow, see Plin. *HN* 11.223.

the run-up to the civil wars where 'No red blood (*cruor*) spouted forth from the gaping wound, but a slimy liquid, strange and dreadful (*dirum virus*), came out instead.'[501] Even the entrails reveal signs of contagion. The blood is described as *infectus* (corrupted), and as having stained (*tingere*) the *viscera*.[502] Once again impurity is inexorably linked to natural imbalance. Cases of prodigies reported where blood was found in unnatural places, such as in rains from the sky, sweated from shields, or in streams/rivers, had to be met with expiatory sacrifices.[503] So we see again, 'good' blood is required to remove the danger of 'bad' blood. The more powerful the prodigy (and therefore, the implied danger), or actual disaster, the grander the scale of the sacrifice required to expiate it. The *suovetaurilia* was typically considered sufficient, but during times of particular crisis, such as during the war against Hannibal in 217 B.C. sacrifices were made on a massive scale to avert the growing danger, with all fresh livestock born after a specified date being killed. This was used by Silius Italicus in his epic portrayal of the Punic war, when Rome was ordered by the Delphic oracle to 'offer prayers and supplications to the gods and offer warm blood to the altars' (*Dis vota precesque ferte modo et tepidos aris libate cruores*).[504]

In the context of animal sacrificial, therefore, blood was essential, but so was the need to control it. The emphasis on offering a 'pure' animal within a pre-designated sacred space ensured the victim was entirely pleasing to the gods. Those instances where the offering was not pleasing most frequently involve flaws in the state, or placement of the blood, whether it escaped the space by spattering onlookers, or was corrupted in some form or other, along with the animal's organs. It is only in later artistic representations of sacrifice (and even then, primarily in the foreign mystery cult of Mithras), that the actual moment of sacrifice was frequently depicted, most

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501 Luc. 1.614-15.
502 Ibid. 1.616-37.
503 Liv. 24.10;
504 Ibid. 22.10.3; 33.34.1; 34.44.6; Strab. *Geog.* 5.250; Sil. *Pun.* 12.328; Wissowa (1912) 60; Dowden (2000) 172.

probably because of the central role of the bull's blood in the Mithraic myth and liturgy. Earlier scenes focussed primarily on the procession to the altar, with some showing the axe raised, preparing to strike. Only in the reign of Trajan do we see a depiction of post-sacrificial butchery and inspection.[505] One constant of such scenes which deserve more comment are the attendants, from whom we can deduce that the rules of cleanliness extended to the inclusion of slaves in most religious ceremonies in order to avoid the dangerous task of actually killing the animal. Therefore blood was the central feature of animal sacrifice. In the following section we turn our attention to human sacrifice, which appears to have been so abhorred by Roman onlookers that every effort was made to distance themselves from the reality of their actions. A key factor in this was the deliberate avoidance of direct bloodshed in their own religious ceremonies, while potentially overstating the prominence of blood in the sacrifices of other nations.

iv. Human Blood

Generally, human sacrifice was disapproved of by Roman society. Such rites were thought of as the actions of barbarians. Nevertheless, at certain points in Roman history, typically in the context of some form of public disaster, the state appears to have resorted to forms of human sacrifice,[506] and the practice was not officially outlawed in the empire until 97 B.C.[507] A typical problem with examining the various cases poses itself in the question of how to classify 'human sacrifice'. More specifically, scholars argue over how to sort out what was sacrifice from what was 'simply' ritual killing or execution (which took place every day in the various guises of Roman execution which involved ritual activity).[508] The distinction is critical, for

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505 Ryberg (1955) 128-9.
506 Schwenn (1915) 140-87; Eckstein (1982) 69-95; Rives (1995) 65-85. Beard, North and Price (1998) II.156-60; Futrell (1997) 182-210; Bremmer (2007b) 6; Schultz (2010) 516-41.
507 Plin. *HN* 30.12; Beard, North and Price (1998) II.156, 264; Dowden (2000) 179.
508 Hughes (1991) 1-12; Kyle (1998) 36-42.

while ritual executions in the arena involved sometime copious degrees of bloodshed, acts specifically labelled by the Romans themselves as 'sacrifice', will be shown to have been careful to *avoid* bloodshed unless responsibility could be passed on to outsiders.[509] Since our current focus is concerned with religious pollution, however, I intend to include certain instances of killing which are not usually classified as 'typical' human sacrifices.[510] Any form of ritual violence which came into contact with the sacred appears to have had numerous rules surrounding it, and the avoidance of human bloodshed in such cases is notable. The themes of impiety and pollution will also be shown to appear less frequently in the Roman accounts of human sacrifice within their own society, while they are both more frequent and more explicit, in their reports of the religious practices of other cultures in the Mediterranean. Both areas can offer significant insights into the Roman mentality towards blood which was shed in religious contexts.

The most widely known, and obvious, acts of human sacrifice in Rome took place in 228, 216, and 114 B.C, each case seeing the live burial of two Gauls and two Greeks, thought to represent a *Kriegsopfer* of generic Roman enemies, established by the Sibylline books.[511] Gradel disagrees with the classification of human sacrifice on the grounds that no sacrificial language appears in the primary sources, and no gods are named as recipients of the offerings.[512] However, it is uncertain whether or not ritual formulae were used in the process, and the silence of sources such as Livy and Plutarch, who would not have known in the first place can hardly be taken as proof against the use of religious elements within the acts. Also, while Livy states that the

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509 Even some ritual killings were bloodless when the proximity to religion might have been too close for comfort.

510 Rives (1995) 65-85, esp. 65-6 follows a similar principle in his examination of allegations of human sacrifice between pagans and Christians.

511 Liv. 22.57.2-6; Plut. *Marc.* 3; *Quaest. Rom.* 83; Schwenn (1915) 148-52; Dumézil (1970) 449-50; Balsdon (1979) 246; Fraschetti (1981) 51-115; Eckstein (1982) 69-70; Schmitz (1988) 169-73; Beard, North and Price (1998) II.158-9; Grottanelli (2000) 277-92; Rosenberger (2003) 47-64.

512 Gradel (2002) 237.

acts were extraordinary, they are specifically labelled as *sacrificia*, which Plutarch states were remembered with secret rituals in November. Added to this, the use of the Sibylline Books in the various historical reports also suggests a religious dimension in the proceedings.[513] Despite being described as un-Roman, no sign of pollution appears in the reports of either Livy, or Plutarch. The lack of the 'killer blow', and resultant bloodshed, is so curious in the wider sacrificial context of Roman religion that one must conclude it was deliberate. Parallels with the ritual inhumation of unchaste Vestal Virgins immediately suggest themselves, particularly given that Plutarch also states the offerings were also made at the site of Vestal interments.[514] The different motivations behind the two sets of execution are obvious, but they are similar in their ability to kill human victims without bringing the subsequent pollution upon the society itself. 'Blaming victims is a coping strategy for human anxieties about vulnerability', but in this case, blame had to be directed against a victim without the possibility of repercussions.[515] The refusal of classical scholars to refer to the interments of Vestals as human sacrifices has been criticised recently by Holt Parker, who uses Girard's theories on internal crisis and violence in response to external threats to reclassify Vestal executions as scapegoat sacrifices on behalf of the community. He suggests that these served as expiatory offerings for the violation of the Vestal's body, which he interprets as the human embodiment of the city's violated walls – thus explaining why even an unchaste Vestal had to be kept within the boundaries of the *pomerium* in death, while on the nature of the execution itself, he argues that 'the goal...of such rituals is not only to remove the polluting presence of a *prodigium* but to do so without incurring that pollution'.[516] Whether the Vestal

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513 Fraschetti (1981) 55-6; Várhelyi (2007) 285, 297-300 sees in the November ritual a form of sympathetic 'binding'/purification against the 'avenging spirits'.
514 Plut. *Quaest. Rom.* 96; Gradel (2002) 237 suggests that this may have been 'dictated by the sacrosanctity of the Vestals'.
515 Barrett (2008) 27.
516 Parker (2004) 563-601 esp. 570, 576-85; Cornell (1981) 36-7; Porte (1984) 233-43; Mustakallio (1992) 56-7. Douglas' theories of the human body as a microcosm of the social

interments constituted sacrifice remains largely a matter of interpretation, and the lack of traditional sacrificial behaviour concerning blood and *exta* remains unexplored in Parker's argument.[517] Nevertheless, no-one has denied the strikingly ritualized manner of their deaths, and the avoidance of bloodshed must surely be linked to the aim of removing impurity without causing it to be amplified.

The avoidance of pollution is achieved through two methods in the cases of inhumation-sacrifice. Firstly, no single member of the community is responsible for causing death, and therefore, in Girard's terms, no one could be subject to reprisal. Vestals were buried with a ration of food and drink, and so death could be thought simply to have 'occurred' at a later stage. Secondly, the Romans appear to have been careful to *avoid* bloodshed at all costs in such ceremonies – an extension of the first point that no-one should be responsible for the act, and thus represent a continuing pollutive presence in the society.[518] The motives lying behind the differing forms of burial may vary. Unlike the *Kriegsopfer* rituals during foreign wars, the Vestal executions may represent the desire to maintain their sanctity, although their use as a communal scapegoat during their execution/sacrifice is more convincing, and in keeping with established patterns of behaviour concerning scapegoat rituals in the Mediterranean.[519] An interesting comparison perhaps exists in Columella, who mentions an Egyptian source which states that to prevent the spread of disease in a flock the shepherd should bury one of the sheep alive on a threshold, and subsequently drive the remaining sheep over the site, thus sympathetically transferring all the impurity into a single 'scapesheep', which would absorb the sickness before its death, by which stage it was already removed from the natural

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whole and the importance of the vulnerability of bodily orifices are crucial to Parker's wider conclusions; Douglas (1996) xxxvii-xxxix..

517 Beard, North and Price (1998) I.80-2.

518 Várhelyi (2007) 282. Also Green (2001) 113.

519 Parker (2004) 578-88. On patterns from the Greek world and beyond, see Bremmer (1983) 299-320.

plain of existence.[520] The key here is surely the established pattern of ritual burial as a means of transferring/removing various forms of impurity, including physical disease. To spill the animal's blood would be to release the power/danger with which it had been ritually 'infected' before its burial.

In the burial of both human cases we perhaps also see an extension of Meuli's 'comedy of innocence', taken up particularly in recent years by Walter Burkert, representing a desire to see the kill through to completion whilst simultaneously distancing oneself from responsibility, and thereby pollution (sacrificial animals were typically expected to give their assent by nodding their heads, and were cajoled into doing so if they were not immediately forthcoming).[521] In these cases of human death the subsequent guilt is reflected in the ongoing secret offerings made to the dead. The taboo towards bloodshed in these contexts, however, is better illustrated when considered alongside other cases of blood-avoidance in the Romans' own society, and in the differences between themselves and the foreign customs they depicted (which will be examined in greater detail at a later stage). One example at this stage will illustrate this point. Tacitus offers a comparable example of a *Kriegsopfer* vow to Mars amongst the Germans. In this instance, however, the result is deliberately far bloodier and barbaric. No victim is offered before the battle, but its successful resolution is followed by the bloody slaughter of all prisoners and animals.[522]

In the special case of Marcus Curtius, the potential for guilt was removed entirely. In 362 B.C, according to Livy, the earth in the forum was torn open, and a sacrifice of the greatest strength of the Roman people was demanded by the gods. Curtius, as a soldier, interpreted this as referring to himself, and in full military garb, prayed to the gods of heaven and the *Di Manes*, devoting himself on behalf of the city, and rode

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520 Columella *Rust.* 7.5.17.
521 Meuli (1946) esp. 224-52; Burkert (1983) 16; (1987) 164-8; Hughes (1991) 6-8; Georgoudi (2008) 140-3.
522 Tac. *Ann.* 13.57; Todd (1975) 183; Dowden (2000) 181.

into the chasm which closed around him.[523] Again we see an instance of a human being as an offering to a higher power for the preservation of the city, and again the method involved was inhumation, without bloodshed. The willingness of the victim in this case removes the need for guilt and fear and the placatory ceremonies which follow, and instead Curtius' story may be proudly narrated as a show of true Roman *virtus*, and the scene was even depicted on the spot in the Forum. The alternative story involved the leader of an enemy force drowning in the swampy marshland in full armour,[524] and the potential to view either tale as a human sacrifice goes seemingly unnoticed by Livy, recalling the idea that the performers of such acts may (deliberately or otherwise) sometimes deny that a sacrifice has taken place. Furthermore, Brown's conclusion, based on studies of Carthaginian human sacrifice, that social minorities or 'outsiders' will inevitably interpret sacrifices differently is extended by Várhelyi to include Livy's descriptions of acts that occurred in the middle-Republican period, centuries in the past by his day. Despite the use of military imagery, no blood is shed in either report, yet was regarded by Livy as the expiation of a portent.[525]

The example set by Marcus Curtius leads on to the more common form of self-dedication in Roman rituals of sacrifice – that of *devotio*. The lines between human sacrifice, warfare and pollution are further emphasised in this ritual, as bloodshed may be said to be the natural, successful conclusion to the process, though it was not performed by the Romans, but by their enemies. This time the difficulties surrounding the religious significance of *devotio* were resolved by the ancient evidence, as Livy describes a detailed religious formula which must be recited by a Roman general at the moment of imminent defeat. Having followed the pontiff's orders the

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523 Varro, *Ling.* 5.148; Liv. 7.6.4; Val. Max. 5.6.2; Plin. *HN* 15.78; Versnel (1981) 152-6 sees significance in the role of horses in the soldiers' sacrifice, in part representing the 'cultic' status that will follow their deaths.
524 Liv. 1.12.13; Dion. Hal. *Ant. Rom.* 2.42.50.
525 Maccoby (1982) 7-9; Burkert (1987) 173; Brown (1991) 148-54; Várhelyi (2007) 283-4.

commander has become a dangerous (*sacer*) object – and must willingly fling himself into the enemy's ranks to be killed. This action by the outsiders resulted in the completion of the commander's vow, dedicating both himself and the enemy forces to the *Di Manes* and the earth (Tellus). Only three instances of *devotio* are recorded, all from the mid-Republican period, representing three generations of the Decii.[526]

Once again the overtones of scapegoat ritual appear prominently. Bremmer gives numerous examples of self-sacrifice in the Greek world, committed with the aims of social preservation and military victory, such as in Pausanias, who tells of two Theban girls who sacrifice themselves to bring their city victory in a war against Orchomenos.[527] He even includes a Hittite scapegoat ritual evoked during times of plague whereby rams and a single woman were ritually consecrated, and then deliberately chased over the borders of an enemy territory with a prayer which aimed to transfer the communal danger (now embodied within the victims), onto the enemy people, stating that 'the country that finds them shall take over this evil pestilence'.[528] In such cases, the scapegoat must not be killed before they cross the border, or the pollution they carried would not be successfully removed – 'If there is annihilation in the scapegoat complex, it is characteristically left to "the others," to hostile forces, be they demons or real enemies'.[529]

In cases of Roman military *devotio*, the willingness and the social importance of the commander made him the ideal vessel to transport danger into the enemy – in the context of battle he need only enter their ranks to be considered 'within their territory', and when his blood was shed the enemy host, through this act of violation, would become contaminated. The direct naming of the enemy forces in the

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526 Liv. 8.9.1-10; Plin. *HN* 28.3.12; Deubner (1905) 66-81; Warde Fowler (1911b) 207; Schwenn (1915) 154-64; Dumézil (1970) 94; Beard, North and Price (1998) II.157-8; Versnel (1976) 365-410; id. (1993) 217-27; Janssen (1981) 357-81.

527 Paus. 9.17.1; Bremmer (1983) 302.

528 Ibid. 305-6.

529 Burkert (1987) 172; Bremmer (1983) 315-18;

commander's prayer shows another similarity with the Hittite practice of driving a dangerous scapegoat object 'away' to cause harm to their enemies,[530] and in his description of the *devotio* of Decius Mus, Livy envisioned the commander prominently riding into the fray 'as if he had been sent from heaven to expiate all the anger of the gods and turn destruction away from his own men and bring it upon their adversaries'.[531]

It was considered a potential source of religious danger if a devoted man survived the battle, and the completion of the vow was achieved by the burial of a large human image which took his place. Furthermore Livy states that if a commander survived, he could never enter the confines of religious space to make any form of sacrifice, living or otherwise.[532] The role of purity in this scenario is stressed by Livy, for while such prohibitions are typically explained as either *non fas* or *non iure*, in this instance the devoted commander cannot sacrifice 'with purity' (*pure*).[533] The act of self-sacrifice itself is designed in Livy's words to deflect the *pestis* which threatens the Roman forces onto the *hostes*, and though this may be fairly translated as 'destruction', its alternative possibility deserves consideration in this context.[534]

In considering the *devotio* ritual, Dumézil dismissed Wagenvoort's theory that the Roman commander transferred power via physical contact, in the same way as the touch of an augur performing a *consecratio*.[535] Technically Dumézil is correct, although I would suggest that it was not the 'touch' of the commander that was intended to impart danger, but his death within the ranks of the enemy. No Roman hand was polluted by the (consecrated) blood of a fellow Roman, or played any part in an

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530 Versnel (1981) 139-40.
531 Liv. 8.9.1-11; Warrior (2002) 45-6.
532 Liv. 8.10.11-14; Janssen (1981) 370-1.
533 Liv. 8.10.13-4. For example, should the spear used in the *devotio* formula be captured, it is described as *non fas*. Nevertheless, such an occurrence must also be answered by a purification (*piaculum*).
534 Ibid. 8.9.10.
535 Wagenvoort (1947) 12-58, esp. 31-4; Dumézil (1970) 22.

unwilling death, while the enemy defiled their own 'community' by what Thome termed 'immediate and bodily contact'; thus they completed the consecration, demonstrating the multiple layers of ritual power at work.[536] Here we see similarities with the Hittite practice of scapegoat rituals, as well as Columella's agricultural cure for diseased flocks. In such cases the victim cannot be killed without risking the release of the dangerous energy the ritual had focussed within them. Yet the *devotio* diverges from other scapegoat rituals in one crucial and fascinating way: a surviving commander could return to the society from which he had departed in the battle. Crucially, however, the trace of lingering power/danger resulted in his exclusion from the community's religio-ritual practices.

A more curious example of blood-avoidance in ritual killing occurred in the midst of one of Rome's most glorious, and pious, religious ceremonies – the triumph.[537] The essence of the Roman triumph was a ritual procession through the city, culminating in the victorious general sacrificing an ox to Jupiter Optimus Maximus on the Capitol.[538] Within this ceremony, however, the Romans resorted, on occasion, to the ritual murder of enemy commanders, most notably Jugurtha and Vercingetorix.[539] This was done out of sight, with victims being led behind the triumphal chariot, before being ritually cast down into the Tullianum. The general and celebrating crowds waited above for news of the death before proceeding with the ceremony.[540] While not a necessity in the ritual, when such killings did occur the Romans appear to have walked dangerously close to the line of human sacrifice proper. True, the

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536 Power certainly surrounded the general in some form or other – when performing the ceremony he stood upon a spear, which, if captured by the enemy, required expiation by means of a *suovetaurilia*. While Versnel emphasises the element of self-sacrifice over transference of danger, he does not address the issue of pollution; Warde Fowler (1911b) 208-9; Dumézil (1970) 238; Versnel (1981) 135-85, esp. 141, 149; Thome (1992) 87; Heyman (2007) 181.

537 Combès (1966) 86-93; Versnel (1970); Bonfante (1970) 49-66; Scullard (1981) 213-4; Rüpke (1990) 223-34; Beard, North and Price (1998) I.44-5, 142-3.

538 Plut. *Aem.* 32-4; Dumézil (1970) 288-90, 566-7.

539 Sall. *Iug.* 64.3-4; Plut. *Mar.* 12.3, *Caes.* 27.10; Dio 43.19.

540 Cic. *Verr.* 2.5.77; Joseph. *BJ* 7.153; Versnel (1970) 95; Kyle (1998) 217-20, esp. fn. 25.

victims were not 'offered' to Jupiter directly, but the fact remains that human death, which would otherwise taint religious ceremonies, had in this instance been deliberately incorporated into proceedings. But again it appears bloodshed was avoided, the enemy commander being executed by strangulation, and again the action of sending the triumphal victims 'away', (i.e. underground, just as in the cases of Vestals and war-sacrifices) appears to be overlooked by many. Communal guilt was thereby nullified – out of sight, out of mind, and certainly out of everyday space.[541]

So far we have primarily concerned ourselves with an absence of human blood within the sphere of religion in order to illustrate its deliberate avoidance in Roman custom. Yet the potential taboo and absence in each of these instances is stressed all the more by the varying reports of human sacrifices beyond the empire's borders. Whatever the purpose of the sacrifices, barbarian rites within historical and literary sources were characteristically bloody, and contrasted by Várhelyi with the bloodless forms, barely acknowledged in the first place, found at Rome.[542] Thus Silius Italicus envisioned the Carthaginians' barbaric sacrifice of Hannibal's own son, as his mother looked on and asked 'what piety is this, that spatters sanctuaries with human gore?'[543] Though this was a poetic work, Italicus employed an established Roman idea of Carthaginian barbarism, and bloodthirsty cruelty. Valerius Maximus had heard similar tales, recalling that Carthaginians had crushed Roman prisoners with their ships' keels, and with the polluted (*pollutus*) ships, subsequently violated the sea by their crimes.[544] Tertullian also says that children were sacrificed in Africa until the

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541 The Tullianum was known for its terrible impurity amongst contemporaries; Sall. *Cat.* 55.3-5; Flor. *Ep.* 2.12.11; Le Gall (1939) 60-80. On the similar removal of sacrificial scapegoat victims in Germany (in these cases, under water), see Struve (1967) 48-9; Todd (1975) 202-3.

542 Várhelyi (2007) 289.

543 Sil. *Pun.* 4.779-99 (*quae porro haec pietas, delubra aspergere tabo?*).

544 Val. Max. 11.ext.1-2. The transference of pollution via blood upon a vehicle is reminiscent of Tullia's violation of her father's corpse.

proconsul Tiberius crucified the guilty priests around their own temple.[545] In the *De Re Publica* Cicero listed seemingly well established views that the Taurians, Celts, Egyptians and Carthaginians all committed acts of human sacrifice at some point, while Josephus recalled a rumour that Jewish priests offered human sacrifices (of foreigners) in secret, and tasted the victims' entrails in a similar manner to the Greek human sacrifices to Lycaean Zeus.[546]

Accusations of human sacrifice appear most commonly in Roman accounts of northern barbarians. Florus described an invading Thracian army which penetrated into the Adriatic as making offerings of blood (*sanguis*) to their gods, as well as drinking it from human skulls.[547] Pliny the Elder (most probably following the tradition of Herodotus), reported human sacrifice as well as cannibalism amongst the various tribes around the Black Sea, comparing them to the Cyclopes in savagery. Though the act itself was viewed as utterly foreign, certain elements, such as the pouring of wine over the victims' heads is similar to the established Greco-Roman patterns of animal sacrifice.[548] Despite comparisons between druidic priests and Pythagorean philosophers, both the Gauls and Britons appear to have resorted to human sacrifices, the bloody aspects of which are stressed as being opposed to civilised customs.[549] Both Strabo and Diodorus Siculus report the Celtic practice of impaling prisoners in honour of the gods (in Strabo's *Geography* these killings are said to take place within the temples themselves),[550] and both describe the Gallic practice of human sacrifice for divinatory purposes, either from the flowing of the victim's

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545 Tert. *Apol.* 9.2.
546 Cic. *Rep.* 3.9.15; Sil. *Pun.* 4.769; Pl. *Rep.* 565d; Paus. 7.19.1-5, 8.48.6; Ov. *Ars.* 1.649-52; Sen. *Hercules Furens* 481-3 Joseph. *Ap.* 2.8; Dio 72.4.1; Burkert (1983) 83-134; Cook (1914) I.70-81; Griffiths (1948) 409-23; Brown (1991) 159-70; Rives (1995) 70-4, esp. 70-2; Velde (2007) 129.
547 Flor. 1.39.
548 Plin. *HN* 7.9; Hdt. 4.62-5, 94; Tert. *Scorp.* 7; Porph. *Abst.* 2.56; Eliade (1972) 48-50; Brown (1991) 165-6; Isaac (2004) 474-5.
549 Caes. *B Gall.* 6.16.
550 Strabo 4.5.4; Diod. Sic. 5.32.5-6.

blood, his death throws, or his entrails.[551] When cross-examining the testimony of a Gaul in the *Pro Fonteio*, Cicero asked 'Can anything seem sacred or holy to these men who...pollute (*funestare*) the altars and temples of the gods with human sacrifices, so that they cannot perform religious acts without first violating (*violare*) that same religion with wickedness (*scelus*)?'[552]

The image of the bloody altar was again evoked in Lucan's description of Gallic religion, describing the Treviri, the Ligurians and 'those who propitiate cruel Teutates with dreadful blood, and Esus, with savage shrines, and Taranis whose altar is no gentler than that of Scythian Diana'.[553] He later goes on to envision the sacred grove outside Massalia, which included 'a rude altar with terrible offerings, and every tree soaked (*lustrare*) with human gore (*cruor*)'.[554] These images were given seemingly historical validity in Tacitus' report of the Roman assault on the British sanctuary of Mona, which crushed both a British rebellion and the barbarous rites which had been maintained there; '...for they thought it right to adorn their altars with the blood of prisoners, and to divine the future from human entrails' (*nam cruore captivo adolere aras et hominum fibris consulere deos fas habebant*).[555] The use of prisoners of war in such killings was noted by Caesar during his campaign in Gaul, and may point to misunderstanding, deliberate or otherwise, on the Romans' part. Prisoners may have been the principle source of these sacrifices, and so their executions could be viewed as misinterpreted (comparable to Roman executions of people in the arena who would, in Roman society, be classed merely as *noxii*), were it not for Caesar's

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551 Strabo 3.3.6; Diod. Sic. 5.31.3. Strabo 7.2.3 describes a similar German ritual in which the women cut the throats of war-prisoners, specifically collecting the blood in a huge ritual vessel (approximately twenty amphorae) for divination; Kendrick (1927) 81-4; Chadwick (1966) 17-25; Piggott (1968) 116-8; Todd (1975) 183; Ross (1999) 33, 55; Dowden (2000) 179-88.

552 Cic. *Font.* 31.

553 Luc. 1.444-6.

554 Ibid. 3.405.

555 Tac. 14.30. Tacitus may well have relied on the eyewitness account of his father-in-law Agricola, who was serving in Briton under Paulinus at the time; Tac. *Agr.* 5.

deliberate use of *immolare* to describe their deaths, and his addition that when no criminals are available, they turn upon the innocent. In this case, the accuracy of the description is uncertain, but also unimportant. It illustrates that Caesar could use such imagery to draw attention to the alien culture of the Gauls.[556]

The use of blood in subversive religious rituals was also used to depict those Roman citizens who needed to be shown as 'outside' the civilized orders. Best known of these cases is Sallust's report concerning Catiline and his fellow conspirators, who sealed their pact with the drinking of human blood mixed with wine, an act intended to bind the men together by shared knowledge of their guilt.[557] This motif was exploited by Plutarch in his report of the conspiracy, involving L. Iunius Brutus' sons, to restore the deposed King Tarquin to the throne. The conspirators swore their oaths over human entrails, and further sealed their bonds by touching them.[558] Both instances are primarily concerned with acts of cannibalism, although in the case of Catiline, Rives suggests the implication of human sacrifice is unavoidable.[559] Across Roman literary genres the practice of drinking blood is viewed in the same irreligious manner as human sacrifice. Indeed, while commenting on Scythian ritual cannibalism, Pliny adds that they are given over to human sacrifice, 'which is not far short of eating men'.[560] The incompatibility of such acts with the divine is expressed clearly by Statius' description of Tydeus, who pollutes (*scelerare*) his jaws with the

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556 Caes. *B. Gall.* 6.16; Ellis-Davidson (1988) 61 notes a similar practice of criminal selection in Norse tradition. Also Kyle (1998) 12, 78; Dowden (2000) 180; Strabo 4.4.4 mentions only criminals.

557 Sall. *Cat.* 22; Burkert (1983) 36-7.

558 Plut. *Publ.* 4.1.

559 Rives (1995) 72. On accusations of cannibalism as the a means of identifying and demonising 'the other', see also Arens (1979) esp. Chapter 2; Edwards (1992) 71-82; McGowan (1994) 413-42; Nagy (2009).

560 Plin. *HN* 7.2.9 (*nuperrime trans Alpis hominem immolari gentium earum more solitum, quod paulum a mandendo abest.*)

blood of an enemy, causing Athena to flee from his presence, and purify herself before returning to Olympus.[561]

Such literary creations highlight Roman cultural distaste towards consuming human blood. They appear more curious, however, when contrasted with the medical qualities attached to human blood. Both Pliny and Celsus state that those afflicted with epilepsy resorted out of desperation to drinking the blood of freshly slain gladiators from the arena, yet their attitudes differed greatly.[562] Pliny stated that it was against custom (*mos*) for humans to put their mouths to the wounds of animals, and so it was that much worse to suck the life-force (*viva anima*) out of another man. Celsus, on the other hand, showed apparent sympathy for the desperately afflicted, believing it was a pitiable cure, made tolerable only by the severity of the illness (*apud quos miserum auxilium tolerabile miserius malum fecit*). Celsus makes no mention of other, more extreme, cures for the disease, while Pliny recounts various tales of cannibalism, including the medicinal consumption of bone marrow and children's brains. This is summed up as a cure which reduces men to beasts, and deserves the very punishment they seek to cure, for 'if it is *nefas* for human entrails to be seen, how much worse is it for them to be eaten?'.[563] Again we see links between things associated with bloody human sacrifice and cannibalism, those same links which caused Pliny to draw parallels in the first place.

In avoiding the physical act of killing, the Romans may have intended to distance themselves from this very issue. While accepting the confusion within the ancient sources, Beard et. al. are clear in their refusal to accept live burials as sacrifices, since 'there was no immolation of the victims, no act of killing, no return of *exta* to the

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561 Stat. *Theb.* 8.761.
562 Plin. *HN* 28.4-5; Cels. *Med.* 3.23.7.
563 Plin. *HN* 28.5 (*aspici humana exta nefas habetur, quid mandi?*)

gods.'[564] Yet as we have seen, scapegoat sacrifices were frequently *not* killed across Mediterranean culture.[565] Furthermore, rituals designed to culminate in butchery and a communal meal would naturally be avoided in cases where human victims were used, especially by a culture which showed abhorrence to eating any form of human flesh.[566] While the *devotio* of the Roman general shows obvious elements of a *do-ut-des* offering, the cases of live interment are less clear, though the apparent desire was to avert future disaster.[567]

Jupiter Latiaris

The patterns of blood-avoidance and pollution observed so far make the final case we must consider all the more complex – the alleged use of human blood in the cult of Jupiter Latiaris. Described by Servius as a *deus antiquissimus*, his sanctuary was located on the Alban Mount, and formed the cult-centre of the early Latin league and the *feriae Latinae*.[568] Yet this seemingly venerable deity was subject to numerous accusations by Christian apologists, who circulated various rumours of human sacrifice within the cult. The principal accusation was that during the *feriae Latinae* a series of games and gladiatorial fights were performed, after which the statue of Jupiter Latiaris was decorated with the blood of defeated fighters.[569] The issue has been debated for over a century, and no consensus has yet been reached. For our purposes, however, what is more important is the language used by the apologists

564 Beard, North and Price (1998) I.81.

565 See for example, the Yom Kippur scapegoat ritual of expelling the victim into the desert to be taken by Azazel; James (1962) 55.

566 On the ritual of the sacrificial meal, see Burkert (1983) 37-8; Detienne (1989) 13; Durand (1989) 100-5; Dowden (2000) 159-61.

567 Cf. Mauss (1990) 16-22.

568 Serv. *Aen.* 12.135; Warde Fowler (1911b) 237-8; Latte (1960) 144-6; Dumezil (1970) 204; Bonfante (1970) 49-66; Versnel (1970) 115, 280-4; Liebeschuetz (1979) 82, fn. 3; Finocchi (1980) 156-8.

569 Min. Fel. 23.6, 30.4; Justin, *Apol.* 2.12; Tert. *Apol.* 9.5. The allegation is also mentioned in Porph. *Abst.* 2.56.9. The accusations were rejected by Wissowa and Schwenn, and the silence of many scholars in the twentieth century indicated that this had become orthodoxy; Wissowa (1912) 124 fn.8; Schwenn (1915) 180-1; Rose (1927) 273-9; Latte (1960) 144; Ville (1960) 281-90; Rives (1995) 75-6; Kyle (1998) 37, 39-40. More recently, however, in support of the allegations, cf. Gradel (2002) 235-54; Grandazzi (2008) 2.653-62.

when constructing their polemic. Like Prudentius' verse description of the *taurobolium*, Christian apologists integrated the theme of impurity with actions of cleansing.

Tertullian states that the statue was 'washed' (*proluere*) with the blood of a *bestiarius*, an act which he believes is made 'fouler' (*turpius*) by the fact that it is the blood of a bad man, stressing his feeling of revulsion towards the ritual, as well as the ironic use of 'purification' with human blood for the statue.[570] Minucius Felix, a near contemporary of Tertullian, also describes Latiaris as 'bathed in gore' (*cruore perfunditur*),[571] and later in his work offers an extended diatribe:

> ...And even today Jupiter Latiaris himself is worshipped with murder, and as is appropriate for the son of Saturn, he is fattened (*saginare*) with the blood of the wicked and the condemned. I believe it was he who taught Catiline to seal his oath with a contract of blood; and Bellona to wet (*imbuere*) her sacred rites with a draught of human gore (*cruor*); and to heal the falling sickness with human blood – a disease which is worse to cure! They are not dissimilar who devour the beasts from the arena, smeared (*inlinere*) and corrupted with gore (*infectus cruor*), fattened (*saginare*) on the limbs and entrails of men. For us it is lawful neither to see nor to hear of murder, and so much must we avoid human blood that in our meals we avoid the blood of animals bred for eating.[572]

Here the emphasis shifts from washing with human blood to consuming it, which Rives takes to be an attempt by apologists to turn the tables on their accusers and the specific allegations circulated about Christian rituals.[573] That an actual human sacrifice took place in this festival remains unlikely, and the most probable explanation is a highly negative interpretation on the part of the apologists of the gladiatorial shows

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570 Tert. *Apol.* 9.5; Lennon (2010a) 381.
571 Min. Fel. *Oct.* 23.6.
572 Ibid. 30.4-6.
573 Rives (1995) 74-7. Cf. Nagy (2004) 69-80.

connected to the games. The proximity of shows in the arena to such religious rituals again calls to mind Hopkins' point that the events strayed close to human sacrifices.[574] Within these Christian reports we see a similar line of attack used against traditional Roman practices to those which pagans had, themselves, used against barbarian nations. To invert notions of piety and purity were thought to be marks of barbarism, and so the apologists used these very traits to condemn their pagan persecutors.

In the strictest sense of the term, therefore, Roman religion carefully avoided the practice of human sacrifice. Those times when it did occur were typically as a result of military disaster or imminent danger to the state, and specifically involved the removal of the victim, sending them 'away' to prevent contamination. The less certain exceptions of the triumph and the *feriae Latinae* both share links to the sphere of warfare. It is to this specific area that we must now turn.

Bellum Iustum

The greatest degree of contact with blood in the ancient world would undoubtedly be within the sphere of warfare. Yet war in the Roman world was subject to copious ritualisation,[575] and the blood of conflict could be viewed in a positive or negative light, depending on the context of its shedding. Despite significant levels of contact with both bloodshed and death, the subject of pollution from war in the Greek world receives surprisingly little attention in Parker's *Miasma*, which focuses instead on the purity status of individual killers within Greek society. Parker gives particular attention to the so-called 'silence of Homer' on the subject of purification, although again the focus on the whole avoids the *Iliad* and the theme of warfare, as well as the potential for the battlefield to be marked out as yet another potentially acceptable

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574 Hopkin (1983) 5. Cf. Val. Max. 2.4.7; Serv. *Aen.* 3.67; Werner (1963) 399-400; Alföldi (1965) 19; Versnel (1970) 280; Plass (1995) 58-60; Futrell (1997) 188-9.
575 Cf. Rich (*forthcoming*).

place for bloodshed.[576] By exploring various reports of blood in Roman warfare I aim to demonstrate that war could be used both to glorify and to demonise the various protagonists, and while blood could be shed upon the battlefield (an 'acceptable' place both for blood and general conflict), purification might be required for the safe reintegration of soldiers into society.[577] This angle of 'acceptability' is then contrasted with perhaps the most irreligious blood and, perhaps, event of all in Roman eyes – blood which was shed in civil war, which represented the most tainted 'matter out of place' for Roman commentators, especially those writers of the late Republic and early Augustan period who had lived through the turbulent years of proscription and civil war.

We begin, however, with a victory, and an event marked out as glorious by the morally conscientious Livy – the root of the family name Torquatus. During a battle against the Gauls in 361 B.C. we are told that an exceptionally large Gaul challenged the best man of the Roman army to single combat. Only Titus Manlius accepted the challenge, and was victorious. The only material prize he took was said to be a golden torque, which he wore while it was still spattered with the blood (*cruor*) of his enemy, subsequently leading to his family name.[578] Aulus Gellius recorded an even more bloody account by Quintus Claudius in which the young Manlius cut off the head of his enemy before wrenching the bloody (*sanguinulentus*) torque from the headless neck.[579] Burriss interpreted this as a deliberate attempt by Torquatus to transfer his enemy's *mana* to himself via the blood in the same way that Wagenvoort interpreted the use of blood in his examination of *contagio*.[580] Burriss used the report of the emperor Commodus wiping the blood of a defeated gladiator on his face as a

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576 Parker (1983) 130-43.
577 Hence the perceived danger in omens such as military shields becoming bloody with no apparent cause; Liv. 22.1; Obsequens 27a.
578 Liv. 7.10.11; Néraudau (1976) 685-94.
579 Gellius *NA* 9.13. For a similar event with Romulus Quirinus see Prop. *El.* 4.10.11-12.
580 Burriss (1931) 28-9; Wagenvoort (1947) 148 fn. 2.

comparison to further emphasise this idea,[581] yet his conclusion is far from sound. The 'use' of blood in each instance is not entirely compatible, and appears in the *Historia Augusta* as an established biographical means of condemning Commodus' rule, while in the story of Torquatus it appears as an acceptable by-product of his military victory. In the later years of Torquatus' life he was reported to have ordered the execution of his son who had disobeyed an order not to engage the enemy. His son had triumphed in single combat just as his father had, but the senior Manlius had not broken military discipline in doing so. The judgement was recognised as harsh by commentators, especially Polybius, and caused the term 'Manlian' to be used for severe commands from then on.[582] Yet this act causes no direct rebuke, beyond the indignation of Manlius' troops, or mention of pollution, and is more suitably comparable with the actions of L. Iunius Brutus. Both men place the welfare of the Republic above their own children, who in both cases have acted contrary to the interests of the state. Their actions re-establish paternal authority and discipline, and thus were to be commended.[583] The actions of Manlius were later called upon by the younger Cato, who cited the execution of a son for undermining the authority of the state as a clear precedent when considering the fate of the Catilinarian conspirators.[584]

Given these striking examples it may be easier to forgive Warde Fowler's belief that no taboo on blood existed, and in summing up his reasoning Burriss suggested Roman citizens were 'hardened to the shedding of blood on battlefields, and that the blood of sacrifices at the altars and at the gladiatorial combats was an everyday sight'.[585] In these varied circumstances, however, we see listed the three most common forms of bloodshed, and also the most heavily regulated by various forms

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581 SHA *Comm.* 16.6.
582 Polyb. 6.54; Liv. 8.7-22.
583 Gaughan (2010) 37-41.
584 Sall. *Cat.* 52.32. Cf. Bremmer (1993) 159 on the militaristic nature of Rome's gradually emerging myth-system. Similarly, Val. Max. 2.7.11 narrates Q. Fabius Maximus' decision to cut off the hands of those Roman soldiers who attempted desertion as a warning to others.
585 Warde Fowler (1911b) 33; Rose (1926) 193-4; Burriss (1929a) 145; (1931) 29-30.

of ritual, designed to contain such violent acts within specific times and places. These rituals are crucial in any interpretation of historical anecdotes from the Roman historians, as they marked out the time in which bloodshed could be forgivable. In Burkert's words, 'hunting, sacrifice and war were symbolically interchangeable'.[586] Yet each of these examples describes the actions of Roman citizens. Just as the 'outsider' Arruns could interpret L. Iunius Brutus as polluted, so too the Roman perception could be altered in their perception of barbarian 'successes'. So, in the *Punica*, Hannibal is portrayed pouring a libation of blood (*cruor*) to the Stygian gods in his prayers for success, exclaiming 'How much Roman blood will wet this armour!' and later, in the heat of battle, 'When can I wash away this stain, and how much Roman blood (*cruor*) will be needed to cleanse it?'[587] The barbaric willingness to embrace bloody images and practices thus condemns Rome's polluted enemy. Again we see the construction of an enemy who believes that pollution can cleanse, a belief which places him firmly outside civilised society. When commenting on the carnage of Pharsalus, Lucan wished that the blood shed that day might be of barbarians instead, again implying the 'correctness' of blood which was shed in Rome's normal military victories.[588]

In examining ritual behaviour in war, Georges Bataille noted the widespread presence of seemingly essential rules of separation in primitive warfare, which were required to mark off 'war time' from 'peace time', as well as define who 'the enemy' were.[589] In Rome, most obviously, there was the initial declaration of war by the *fetiales*, the priests who issued demands to foreign peoples and were entrusted with the formal, religious declaration of war, which called the gods to witness that the Romans were

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586 Burkert (1983) 46-7.
587 Sil. *Pun.* 2.425-6, 55, 12.283-4.
588 Luc. 7.535-6 (*utinam, Pharsalia, campis sufficiat cruor iste tuis, quem Barbara fundunt pectora*).
589 Bataille (1986) 73-6.

engaged upon a definitively 'just war', a *bellum iustum*.[590] Similarly there was the ceremony of the opening/closing of the gates to the temple of Janus which marked the beginning/cessation of hostilities, which Livy ascribed to the mythical King Numa, but which perhaps came to greatest prominence under the Augustan 'revival'.[591] However, each of these rites was tied up in the beginning and the end of the conflict in official terms, and did not affect the purity status of the returning Roman troops. For the most prominent ceremony of potential cleansing from bloodguilt we must once again turn to the triumph.

Several aspects of the triumphal procession suggest elements of ritual purification existed in the rite's antiquity. The most direct mention of purification in this context comes from Festus, who stated that the returning troops each wore laurel to cleanse themselves of the blood which had been shed in the recent battles, before they entered the city (...*ut quasi purgati a caede humana intrarent urbem*).[592] Some effort appears to have been made to externalize various forms and symbols of violence, just as temples to Mars and Bellona had traditionally been kept outside of the *pomerium* until the Augustan period. Indeed, one of the clearest indications that laurel maintained its perceived powers of purification was that the senate, amongst its many awards given to Augustus was the right to have laurel trees at his doorposts – a right traditionally reserved for the thresholds of sacred places, where they would purify any who passed between them.[593]

The tradition of cleansing bloodshed with laurel was known across Greece and Rome. Ogle notes a number of prominent cases, notably the purification of Orestes

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590 Liv. 1.24.3-9, 1.32.6-14; Dion. Hal. *Ant. Rom.* 2.72.3-4; Warrior (2002) 71-3, although on the disputed antiquity and role of the college, see Wiedemann (1986) 478-90.
591 Liv. 1.19-3; Verg. *Aen.* 1.293-6, 7.607-15; *RG* 13.
592 Fest. s.v. *Laureati*; Plin. *HN* 15.133-8; McCartney (1929) 201-3; Burriss (1931) 39; Bailey (1932) 23.
593 *RG* 34; Hor. *Od.* 4.2.34-5; Ov. *Met.* 1.562; *Fast.* 4.953-4; Juv. *Sat.* 2.157-8; Dio 53.16.4; Ogle (1910) 287-311; (1911) 263-4; Lacey (1981) 113; Curran (1981) 209-12; Parker (1983) 228-9; Zanker (1988) 92-4; Rich (1990) 148.

from matricide, as well as the crowning of Hercules after he had slain Cacus.[594] Thus when Pliny described the laurel as the bringer of peace, it was partly achieved through the cleansing of blood in the aftermath of conflict.[595] Yet the issue was uncertain even amongst Roman writers, and Pliny disputed Masurius' claims (similar to those of Festus), about the use of laurel in the triumph, instead believing it was given pride of place because it was loved by Jupiter, as was evident from the fact it was never struck by lightning.[596] Pliny's point is noted by Beard, who criticises modern interpretations which ignore these alternative explanations (although she regards the alternatives with seemingly equal scepticism).[597] The fact that Pliny felt the need to record (and dismiss) the purification theory, combined with the fact that it had survived to Festus' day, suggests that this was one of the most widely known theories. Pliny concedes that it was deemed *nefas* to pollute (*polluere*) the laurel in any way, and combined with the use of laurel in temples and by priests, a religious explanation appears highly plausible, although it is uncertain whether the laurel was used to cleanse the army of bloodshed, or simply because it was taking part in a religious procession in honour of Jupiter. However, despite Rüpke's insistence that the ritual lustration of Roman forces (*lustratio exercitus*) was not intended as a purification, but as an apotropaic ritual of protection, he does concede that in this ritual, like the triumph, soldiers were decked with laurel crowns and that the laurel had a long-standing tradition of being used in rites of purification ('Reinigungsritualen').[598]

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[594] Ogle (1910) 288; Dion. Hal. *Ant. Rom.* 1.40.
[595] Plin. *HN* 15.133.
[596] Ibid. 15.135.
[597] Beard (2007) 50, 52, 246-7.
[598] Rüpke (1990) 26, 145-7 (with bibliography); Rich (*forthcoming*). Although Rüpke states at 238 that laurel was primarily a symbol of victory at this time, and that its purificatory functions had been superseded, nevertheless laurel continued to play a prominent role in religious rituals, and so these two symbols could not, and probably did not need, to be completely divorced from one another.

The triumph also contained a second potential act of purification in the army's passage under the triumphal arch, the *porta triumphalis*.[599] Van Gennep's rites of separation and reintegration appear prominently in Roman religion, especially those rites which dealt with blood and death. Indeed, he made special mention of the triumphal arch in considering the development 'from magical portal to monument'. 'The victor was first required to separate himself from the enemy world through a series of rites, in order to be able to return to the Roman world by passing through the arch. The rite of incorporation in this case was a sacrifice to Jupiter Capitoline and to the deities protecting the city'.[600] Under such circumstances the custom requiring the army to wait outside the city represented a liminal phase in its reintegration, which was decided upon by the senate.[601] Once permission had been granted, the army progressed through the arch and thus left the bloodshed behind them, along with the rules of behaviour which made such violence permissible.[602] Wagenvoort considered whether armies entering the city in triumph were required to undergo a more intensive purification than those who received no such honours, and believes this must be so, due to the more extreme levels of blood pollution they must logically have absorbed in their victory.[603] This is unlikely to have been the case, however, although I would agree that soldiers participating in the triumph ceremony might take further ritual measures. While Roman rituals frequently placed great emphasis on particular gates and thresholds for particular purposes,[604] the wider

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599 Coarelli (1983) I.111-118; id. (1988) 363-437; Versnel (1970) 132-63; Rüpke (1990) 223-34; Beard, North and Price (1998) I.44-5.

600 Van Gennep (1960) 15-25, esp. 21; Wagenvoort (1947) 163.

601 Liv. 3.63; Polyb. 6.15; Plut. *Aem.* 33.

602 Beard, North and Price (1998) I.179-80.

603 Wagenvoort (1947) 163-4; Versnel (1970) 151-63, esp. 151-3, 161-3.

604 For example the various designated *portae* in the gladiatorial arenas, which distinguished between the victorious (*Porta Sanivivaria*), and the dead (*Porta Libitinaria*); Dio 73.21.3; Kyle (1998) 156. Davies (1999) 183-4 argues for the symbolism of the gates as representing 'the awesome power of Caesar'. While this may have developed in the Imperial period, in its earliest form it represented a clear ritual of separation for the dead. This superstition lingered well into the Imperial period also, as Commodus' act of twice having his helmet carried

context of the triumph must be remembered. Although the Roman commander received significant political honours in the ceremony, it was Jupiter who received the ultimate honours of the commander's wreath, and the sacrifice of a bull on the Capitol.[605] Under these circumstances the triumphant army should be viewed as taking part in a massive, continuous ritual in honour of Jupiter, perhaps with the arch representing the victorious entrance, as opposed to the humiliation of the yoke? We should recall Cicero's first religious stipulation from the *De Legibus*: 'they shall approach the gods with purity, they must bring piety, they must leave offerings'.[606] Each of these elements was suitably answered in the traditional triumphal ceremony. The transition through the triumphal arch, combined especially with the wearing of laurel leaves ensured the participants' purity from both bloodshed and any other form of impurity before approaching religious sanctuaries within the city.[607] The strict religious observance at the occasion, combined with the rich sacrifices and *spolia* ensured that no fault might offend the gods.

Our investigation so far suggests that blood upon the (victorious) battlefield was at least acceptable. This is further implied by the Germanicus' ability to conduct funerals for soldiers when in command of an army, albeit with criticism from the emperor Tiberius.[608] Peretz takes the logical step from this to conclude 'that the Roman fallen soldiers were not considered as taboo'.[609] Nevertheless, the greatest effort was taken to keep these aspects of life 'outside' Roman society, and particularly from religion. The need for Hector, and later Aeneas, to purify themselves from the

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through the gate of the dead was regarded as a clear omen in the run-up to his assassination; SHA *Comm.* 16.

605 Versnel (1970) 95.

606 Cic. *Rep.* 2.8.19.

607 Versnel (1970) 162-3 refuses to accept Wagenvoort's support of Van Gennep in considering this return an apotropaic 'rite of passage', unlike the passage through the *Tigillum Sororium*. Neither side, however, considers the army's entrance into a separate religious ceremony in the triumph alongside the army's wider 'entrance' back into Roman society.

608 Tac. *Ann.* 1.62.

609 Peretz (2005) 126. The issue of the priest's relationship with the corpse is considered in greater detail in chapter four.

stains of battle before touching or making offerings to the divine indicates that even victory and just cause could not always excuse such pollution, the natural result of human warfare. The most important form of war pollution still remains to be examined, however, bloodshed in civil war, which many Roman authors described as the greatest impiety and which resulted in the deepest stains.

Bellum Civile

In Plato's examination of kin-murder in the *Laws*, he concluded that a man who killed his brother in civil or political conflict was free from pollution, for the man he killed was justly called an 'enemy'.[610] In this case we see perhaps the greatest divergence from typical Roman attitudes in the sphere of pollution. To the Roman authors of the late Republic and early Principate, civil war represented the ultimate crime, and resulted in the ultimate pollution, described by Virgil as the time when *fas* and *nefas* were inverted.[611] The examination of the civil wars has two focuses: firstly, the widespread *scelus* which was perceived to have infected the entire Roman race, and which was still being expiated under the reign of Augustus; secondly, the issue of individual responsibility, which was directed in later literature towards the leaders of the various outbreaks of violence. This was notable in Lucan's depiction of Caesar in the *Pharsalia*, but perhaps the most lurid reports concerned the earlier conflicts between Marius and Sulla, who were equally condemned as 'polluted' by their crimes by both historical and literary writers. In these cases particularly, bloodguilt is attached to the two men regardless of whether they struck the killing blows or not, as we have already seen in the case of Merula's suicide.

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610 Pl. *Leg.* 869b-c; Parker (1983) 112.
611 Verg. *Georg.* 1.505; Luc. 2.286.

In evoking the recent history of the civil wars, Horace spoke to Pollio of 'arms stained with blood still unexpiated' (*arma nondum expiatis uncta cruoribus*).[612] Such a sentiment reflects the wider literary view of civil conflict in the first century B.C, and as Wallace-Hadrill has illustrated, this view fitted into Augustus' programme of restoration, a process which represented the gradual expiation of pollution which still clung to the Roman people, and had done since the first mythical instance of civil bloodshed – the fratricide of Romulus.[613] Livy's emphasis on the long-lasting effects of civil war is voiced poignantly by the Sabine women, who intercede between their warring Roman husbands and Sabine relations pleading that 'fathers-in-law and sons-in-law should not spatter themselves with unspeakable blood, (*ne se sanguine nefando…respergerent*) nor stain their children by kin-murder (*ne parricidio macularent*)'.[614] It is uncertain whether we may infer from this statement that serious pollution always attached itself to later generations. Wagenvoort believed that in the sphere myth, and in the aftermath of a long series of civil conflicts, the possibility was there, demonstrated by the *scelus* of Romulus, for which he cited Ovid's report of the *Lemuria*, originally as *Remuria*, 'to offer satisfaction to the *umbra cruenta Remi*'.[615] As Liebeschuetz has pointed out, the emotional scars of the civil war had a significant impact upon those writers who survived it and they followed the traditional practice of assigning a religious, as well as secular explanation to the events.[616] This resulted in reforms designed to redress the *pax deorum*, the upsetting of which had resulted in 'divine wounds' (*volnera sacra*) dealt to the Roman state, which had meant no sacrifice

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612 Hor. *Carm.* 2.1.5.
613 Wallace-Hadrill (1982) 19-36, esp. 24; Nasta (2001) 67-80, esp. 69-73; Hor. *Epod.* 7.14-20; Luc. 1.95.
614 Liv. 1.13.2.
615 Ov. *Fast.* 5.419-92, esp. 457; Wagenvoort (1956) 174-7; Carrubba (1966) 29-34.
616 Liebeschuetz (1979) 55-6; Hor. *Epod.* 16.

was accepted by the gods, leading to prodigies of blood and unsuccessful offerings throughout Lucan's epic.[617]

As with any case of murder, the most evocative physical symbol of the act was blood, and so references to bloody swords, battlefields and earth were the perfect way to illustrate the crimes of the preceding decades. It was also ideal for the assigning of blame. In the *Philippics*, Cicero invited obvious comparisons with Antony by praising Lepidus, describing him as a man of noble birth, rank and achievement, whose fortune was not only great, but also without the stain of civil blood upon it (...*res familiaris cum ampla, tum casta a cruore civili*).[618] This may be compared with the theft of the state treasury from the temple of Saturn by Caesar and his army. Lucan described the tribune Metellus' attempt to block the robbery, challenging Caesar that he should never achieve his aim without staining the money with the sacred blood of a tribune (...*nullasque feres nisi sanguine sacro sparsas, raptor, opes*).[619] Caesar deliberately avoids the confrontation, directly stating 'my hand shall never be polluted (*polluere*) by your blood'.[620] This represents the wider themes of Lucan's work, the pollution of civil bloodshed, and the *scelus* it brings to *all* those who indulge willingly in it. As Gorman has illustrated, the only true hero of the *Pharsalia* is Cato, who from the beginning described the war as *nefas*, and whose suicide was later imagined by Seneca, using his sword, 'pure to last from citizen blood' (*et illas usque ad ultimum diem puras a civili sanguine manus in pecus sacerrimum armavit*).[621] Even Pompey, who fought on the side of the Republic, receives some portion of blame for the irreligious conflict. Lucan has Caesar remind his troops that Pompey served a bloody apprenticeship under Sulla,

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617 Luc. 1.608-37; 3.315; 7.137.
618 Cic. *Phil.* 13.4.8, 4.11. The dependence upon the speaker's outlook is illustrated by Valerius Maximus' attack upon Brutus, whom he claims is guilty of all the bloodshed and carnage of the civil wars by his act of patricide; Val. Max. 6.4.5.
619 Luc. 3.124-5.
620 Ibid. 3.135-6.
621 Gorman (2001) 263-90; Luc. 2.286; Sen. *Suas.* 6.2. Also Dick (1967) 235-42, esp. 237; Frank (1970) 59-61.

whose sword he licked clean of blood, and thus was thirsty still, for 'once blood has been swallowed, it never allows the polluted mouth to give up its ferocity' (*nullus semel ore receptus pollutas patitur sanguis mansuescere fauces*),[622] further illustrating the abhorrence felt towards tasting human blood, which Lucan exploited form maximum effect in depicting Pompey's madness (and Caesar's own hypocrisy).

It was earlier, however, in the early stages of the civil violence which plagued the late Republic that we see the figures of Marius and Sulla most strongly criticised for their actions which resulted in the first significant numbers of Roman civil casualties, as each side vied for supremacy in the city, alternately 'purging' Rome of any who sympathised with the other side.[623] The various stories of bloodshed and slaughter are frequently given religious overtones to increase the sacrilegious nature of their offences, and the impurity and bloodguilt for the carnage is directed specifically towards these two leaders.

Beginning with Marius' assault on the city, Lucan stressed the pollution of the sacred, as well as profane: *stat cruor in templis, multaque rubentia caede lubrica saxa madent.*[624] The sacrilege was further envisioned by the blood of tribunes upon the *rostra* (*saeva tribunicio maduerunt robora tabo*). The blood of Scaeva, 'sacrificed' (*mactavere*) outside the temple of Vesta, snuffs out the sacred flame, and in the centre of the carnage is Marius, the *cruentus victor*, dealing out death and mercy according to his personal grudges. Only those who kissed his polluted hand' (*pollutae dextrae*) were spared.[625]

This horrific scene is made more tragic by the subsequent vengeance of Sulla, which shed the last drops of blood left within the city. Virgil's statement that in civil war *fas* and *nefas* are inverted is illustrated by the brutality, as sons are stained with the blood of their fathers, brothers turn on one another, tombs are filled with fugitives while

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622 Luc. 1.331-2.
623 Val. Max. 9.2.1-2; Plut. *Mar.* 43-4, *Sull.* 30-2; App. *B Civ.* 1.71-5, 4.1.
624 Luc. 2.103.
625 Ibid. 2.98-138.

the multitude of corpses remain unburied; an inverted, bloody and polluted series of events.[626] The Tiber, traditionally the instrument of purification in transporting impure objects 'away', struggles under the burden of blood and corpses.[627]

Both men are recounted in Valerius Maximus' collection of anecdotes, in close succession and in similar events. Sulla is said to have had the severed heads of his enemies brought into his presence, according to Valerius, so that his eyes could feast on what his mouth could not (...*ut oculis illa, quia ore nefas erat, manderet*). It is unlikely that Sulla was thought to have deserved praise for holding back from this last nefarious action. Marius, too, was imagined with the head of his enemy, M. Antonius, which he examined while dining, and thus 'allowed the rites of the table to be contaminated by the blood of a most famous citizen and orator, and even embraced man who had brought it, Publius Annius, spattered with the vestiges of recent murder'.[628] That the decencies, or *sacra*, of the dining-table have been violated is not the primary focus, yet it does create a further layer of impurity, and, like the anecdote of Sulla before it, both bring in the suggestion of cannibalism (although both hold back from the direct act). The direct mention of the head being brought to Marius' table calls to mind Meigs' threefold classification of dangerous pollution:

> 1) Substances which are perceived as decaying, carriers of such substances [i.e. P. Annius]...2) in those contexts in which the substances, their carriers, or symbols are threatening to gain access to the body; 3) where access is not desired.[629]

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[626] Ibid. 2.139-153.
[627] Val. Max. 9.2.1.
[628] Ibid. 9.2.2 (*idem caput M. Antonii abscisum laetis manibus inter epulas per summam animi ac verborum insolentiam aliquamdiu tenuit, clarissimique et civis et oratoris sanguine contaminari mensae sacra passus <est>, atque etiam P. Annium, qui id attulerat, in sinum suum recentis caedis vestigiis aspersum recepit*). The emphasis on the sheer quantity of decapitations may be an allusion to the turmoil which led to the deaths of so many great statesmen, thus leaving the state 'headless'. This historical/biographical theme is further explored in Ash (1997) 196-200.
[629] Meigs (1978) 310-13, esp. 313; Douglas (1966) 75, 150.

Marius' willingness to embrace Annius does not discount, so much as enhance, the third point in regard to his condemnation in the report, and the description of the severed head appears throughout various reports of the proscriptions, particularly in Appian, who emphasised that the consul Octavius' head was the first to adorn the rostra, but by no means the last.[630] The irreligious actions of Marius were further compounded by Appian's narration of the death of Ancharius, who attempted, unsuccessfully, to appeal to Marius as he was preparing to sacrifice on the Capitol; in spite of the occasion, Marius nevertheless ordered his murder on the spot.[631]

Once again we see that specific contexts, unavoidably tied to the Roman outlook, dominate the perception of blood in warfare. Upon the field of victory, it was a sight to revel in – in the aftermath of defeat, it was a further symbol of the enemy's barbarity, such as Hannibal's supposed creation of a bridge of corpses of the river Vergellus 'so that Earth suffered an advance of Carthaginian forces as wicked (*scelus*) as that which Neptune had of their sea forces'.[632] In times of civil war there was no external victim to glory over; the usual rules had been inverted and the blood that was shed was all the more ambivalent and out of place. Equally the *scelus* was presented as all the worse when envisioned by men like Horace and Virgil who had suffered through it. In his comparison with later (Christian) values, Robert Turcan argued that the idea of collective sin was 'totally alien even to oriental paganisms'.[633] The truth is open to interpretation, but those Romans who survived the decades of civil bloodshed probably came closer than any others to this sentiment of collective *scelus*.

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630 App. *B Civ.* 1.71
631 Ibid. 1.73.
632 Val. Max. 9.ext.2 (*ut aeque terrestrium scelestum Cathaginiensium copiarum ingressum Terra quam maritimarum Neptunus experiretur*) – A reference to the use of ships' keels to crush Roman prisoners before setting sail.
633 Turcan (1996) 338; Davies (1999) 182.

viii. Conclusion

Anxiety towards blood in various forms clearly existed in Republican Rome, though attitudes diverged significantly in certain areas from their Greek predecessors. The advancement of legal codification which had begun to develop in the Greek *polis* had come to full fruition, the result being that pollution was no longer the direct, primary concern of the law. The image of the bloodstained hands remained powerful, however, and advocates could still conjure up such images in order to sway the opinions of their juries. In the sphere of religion, Warde Fowler's assertion that the long-standing repetition of sacrifice had erased all Roman anxiety towards bloodshed cannot stand. In fact, it appears that their anxiety was greater than ever; not always towards the blood itself, but certainly in the need to control it, to successfully complete sacrifices which were essential in the maintenance of the *pax deorum*. The spaces where blood could be safely spilled were carefully chosen, and the continued performance of established processions and rituals were designed to ensure the greatest chance of success. To this end, slave-specialists were frequently employed to perform the dangerous task as quickly and cleanly as possible, to minimise the possibility of sacrificial animals escaping. Even in the case of *popae* and *victimarii*, steps were taken to reduce the appearance of excessively stained clothing, while the priest himself stood at a distance, recalling the pure, white armour of the Sabines which became foul (*deformia*) to look at in the carnage of battle.

The unpleasantness attributed to human gore goes some way towards explaining the deliberate aversion to shedding blood in those rare cases where circumstances demanded human sacrifice from the Romans. In such cases, as ever, the reasons shifted depending on circumstances. Live interment ensured no member of the community to be directly blamed (and subsequently considered polluted) by the act. Similar rules may have applied to the burial of foreign prisoners. If we follow Holt

Parker's view of Vestal internment the burial not only avoided pollution of a member of the community by both committing murder, and violating the sanctity of a Vestal, but also removed the danger of her pollution while simultaneously keeping her within the boundaries of the city, whose walls had been violated with her chastity. The practice of burial as a means of avoiding direct action runs throughout the examples of ritual killing, as was a useful device in removing an enemy commander from the society during executions in the triumph, which would otherwise mar the ceremony in honour of Jupiter. Similarly in the Roman army burial of an effigy removed the danger of a commander who survived his *devotio*, albeit with numerous religious restrictions upon his return to private life. Where bloodshed did occur in this offering, it was conducted by the enemy, who sealed their own fate by the act of violation and bloodshed.

That the aim of these actions was specifically to avoid bloodshed is not certain, but is certainly suggested by the frequent condemnation of barbarian nations for practices which may have been closer to Roman customs than many commentators would care to admit. In evaluating these examples it is certainly necessary to give up the restrictive view that without a sacrificial blow, followed by division and examination of *exta*, the acts of ritual murder could not constitute sacrifice. As with sacrificial rituals, blood shed in war was marked out as 'separate' from everyday society for those who were to participate, further illustrating the obsessive need for control through ritual. Nevertheless, whilst within these parameters, the blood of the slain enemy could be a potent symbol of Roman power and victory, as it was in the case of Torquatus' single combat, or in the description of Marius' troops drinking their glut of barbarian blood from the stream following their crushing victory over the Cimbri.[634] This symbol was then inverted in times of civil war, and if Roman victory

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[634] Flor. 1.38.

was the optimum state of being, then civil war was considered the very worst. The images of victory contrast with Lucan's image of Pompey, who first spilt the blood of citizens under Sulla, and once corrupted, continues to shed the blood of fellow Romans.

Therefore we see the central role of blood in many aspects of Roman life, and while it could be put to beneficial uses when under control, it was a serious source of pollution when it spread beyond these carefully defined boundaries. It remained a powerful image, a motif that strengthened rhetorical and literary arguments, for good or ill. Thus it remained a liminal source of power and contention, not only physically, but also in Rome's collective imagination. Part of this imagined power evidently stemmed from the connotations of death held by blood, and as we have seen it was one of the strongest physical indicators of such danger, in Meigs' words, because it was, itself, dying when it left the body. Death has run throughout this chapter. Indeed, when examining bloodshed it would be impossible to avoid it entirely, but it is to the actual state of 'death' that we now turn. Similar concepts which led to fears surrounding blood may be seen in attitudes towards the corpse (also physical evidence of the metaphysical pollution of death). While the treatment of the corpse serves as a logical starting point, death played many roles in Roman ritual and fears of pollution beyond its immediate danger, and therefore we will need to look further, beyond the immediate aftermath of death to explore the subject more fully.

CHAPTER FOUR

DEATH – SEPARATION AND REMEMBRANCE

The belief that death is polluting and has wide-ranging ramifications for the community is one of the most widespread in human culture. Fear of the corpse runs throughout human society, but as Douglas has emphasised, the classification of dirt may manifest itself in any number of ways. In formulating his initial arguments concerning impurity, Parker grouped the pollutions of birth and death together, as the two most widespread and powerful forms of 'natural' pollution. The dirt and disorder resulting from these occurrences, in his words 'the stench of the corpse' and 'the mess of the birth room', may also be taken to be symbolic of the wider social disorder caused by the events;[635] 'the events of birth and death are outside human control and therefore they bring with them pollution'.[636]

The human desire to impose control and order on death, over which we have no control whatsoever, appears even in modern Western culture. Hospital instructions for dealing with corpses advise the closing of the deceased's eyes, the straightening of hair, propping of the head (to remove blood which will otherwise congeal or leak from the eyes, nose and mouth). Even the straightening of chairs and blankets in the room before admitting family members indicates an attempt to force some semblance of order (and thus, control) amidst chaos.[637] Some of these acts have no obvious medical purpose, and have certain equivalents in Roman customs.

In 1971 Toynbee gave the following appraisal of Roman beliefs, in what remains one the central works on death in the ancient world:

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635 Parker (1983) 63-4. Also Hertz (1960) 49, 82-3; Barber (1988) esp. 102-119.
636 Hershman (1974) 290; Meigs (1978) 310; Parker (1983) 62. Meigs asserts that the 'threat' of unwanted bodily invasion by 'impure' substances is used to further symbolise disruption.
637 Barber (1988) 115; Parry (1994) 4-5, 114-15; Hallam, Hockey and Howarth (1999) esp. 61-2; Lindsay (2000) 152-3.

> All Roman funerary practice was influenced by two basic notions – first, that death brought pollution and demanded from the survivors acts of purification and expiation; secondly, that to leave a corpse unburied had unpleasant repercussions on the fate of the departed soul.[638]

Toynbee's study, combined with more recent advances in scholarship on the subject, means that the pollutive nature of the corpse will form only the initial stage of this investigation. The impact of death extended beyond initial contact with the corpse, affecting family, household and physical space. Then there was the aftermath, the rituals designed to propitiate the spirits of the dead, whose brief returns to the land of the living caused fear and religious disruption.[639] The corpse ceased to pose a threat once removed from the space of the living, and placed within its correct place, usually the graveyard. With regard to the wider picture, the nature of this transition lay at the heart of Van Gennep's *Rites of Passage*, which discussed numerous instances where humans underwent ritual separation, transition and reintegration. Metcalf and Huntington have questioned the pertinence of Van Gennep's theories if they are not 'positively related to the values of the particular culture', and so we must be cautious in assuming total uniformity with the Roman world.[640] Beyond those instances when Van Gennep called upon Roman examples in the construction of his hypotheses on death, however, certain aspects of the Roman funerary process will also be shown to support his theories. For example, when considering funerary rituals he noted that while one might expect rites of separation to be predominant, they are, in fact, relatively simple, while rites of transition and reintegration are more prominent and

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638 Toynbee (1971) 43; Kyle (1998) 128-33. Cf. Scobie (1986) 399-433; Shaw (1996) 100-38; Bodel (2000) 128-35.

639 In this we see Malinowski's theory regarding the mixed emotions of 'horror at the corpse and...fear of the ghost', alongside the 'love of the dead', which came into being once they had safely made the transition (physically and temporally) to 'ancestor'; Malinowski (1948) 47-8. Cf. Hopkins (1983) 224; Ducos (1995) 135-44; Bodel (2000) 135.

640 Metcalf and Huntington (1991) 112.

complex.[641] Moreover the various rituals involved focused relatively little on the corpse, while the surviving family members continued to be affected for some time after the event. This will, of course, be important to remember in our study, for it is the survivors of death who are at risk of contamination, and contaminating others.

Humans were not the only beings tainted by the pollution of death. Carrion animals such as birds and wild dogs that fed upon unburied corpses were feared, and in turn used as a further means of punishment when the bodies of the condemned were deliberately left for 'the wolves and birds that haunt the Esquiline hill'.[642] In the sphere of religion, even dead animals could damage sanctity, as Cicero stated that materials like ivory were not pure enough to be offered to the gods because it was taken from the corpse of an animal.[643] Furthermore, we shall see that the long-term threat of pollution from spirits extended to the gods and their precincts, as indicated by certain actions made to protect the gods during festivals of death throughout the year.

Not all the dead were treated equally, nor were they viewed as equally pollutive. As Cilliers and Retief have noted, the rituals surrounding death pollution may not even have been observed in many cases, while practical, hygiene-based practices would obviously continue.[644] Also, while a degree of pollution could attach itself to family members following the death of a relative, far worse were those whose livelihood depended upon death, such as undertakers, corpse-bearers or executioners. Each of these had rigid requirements controlling their location, appearance and ritual role within society, indicating widespread disdain for an otherwise essential group. Similarly, there were the gladiatorial fighters and executions which took place in the

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641 Van Gennep (1960) 146.
642 Hor. *Sat.* 1.8.19; Kyle (1998) 132, 168, 186; Rüpke (2007) 232. For Greek fears regarding carrion animals and their threat to religion, see Soph. *Ant.* 1081-4; Parker (1983) 33.
643 Cic. *Leg.* 2.45 (*tum ebur ex inani corpore extractum haud satis castum donum deo*).
644 Cilliers and Retief (2002) 27-37, esp. 27-8.

arena. These came with further rituals of dress and behaviour, as well as social sanctions and prohibitions resulting from the lowly status. There was also the problem of disposing of the vast number of bodies the city produced, which resulted in certain places becoming synonymous with body-dumping (and, therefore, pollution). Like those who worked with the bodies themselves, such places needed to be outside the city.

The chapter closes with a brief examination of those festivals performed each year in honour of the spirits of the dead, who were thought to return to the city during these periods. Their return appears to have caused some anxiety, and the city and its religious sanctuaries were thought to require protection during the events and purification during and after them. In particular, I shall focus on the two most prominent festivals of death, the Parentalia and the Lemuria. Each of the festivals that occurred within these periods may be interpreted as playing a crucial role within the celebrations/propitiations of the dead.

i. Family and the Dead

Traditionally Numa had attempted to teach the Roman people not to view the corpse as pollutive, but this appears to have had little impact. Fear surrounded interactions between the living and the dead in Roman life, the best known regulation being the ban on burials or cremations taking place within the sacred boundary of the city.[645] In his first book of *Odes*, Horace envisioned the unburied corpse of a sailor speaking to a nameless passer-by, imploring him to perform his burial rites. The spirit warns him not to ignore his request, which could endanger his children by an inexpiable offence.[646] All he asks is three handfuls of earth, the minimum requirement to

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645 Plut. *Quaest. Rom.* 23; *Twelve Tables* 10.1; Cic. *Leg.* 2.58; Beard, North and Price (1998) I.180; Kyle (1998) 13; Parker (2004) 563-601 explores the reasoning behind the Vestals' exemption from this rule.

646 Hor. *Carm.* 1.28.2.10-14 (*neglegis immeritis nocituram postmodo te natis fraudem committere?*)

constitute a burial. Without this act the pollution of the corpse is not nullified and the spirit is left, angry, amongst the living where it may be a source of danger to others, thus illustrating the perceived threat of pollution.[647]

A similar phenomenon is noted for the assassinated emperor Gaius, whose ghost was reported to haunt the Lamian gardens, where he had been buried in a shallow grave after partial cremation.[648] His ghost was not put to rest until his sisters returned from exile and performed the necessary funeral rites. Varro's discussion of inhumation went further, and he specified earth as a purifying agent which eased the removal of the spirit, while Pliny described the goddess Terra as one who makes all mortals sacred (referring to the metamorphosis from corpse to ancestor through burial).[649] Yet Horace's example represents the smallest degree of effort and ritual in dealing with the dead, and should be assumed to have been required only for the poorest citizens, or those without any relations to perform the established rites.[650] Those who died leaving family were the object and focus of a number of more complex rituals, performed as much for the protection of the family as the wellbeing of the corpse.

The death of a relative could throw a household into disruption, and into an extraordinary condition, existing outside the boundaries of everyday life; they were polluted and possibly dangerous to others.[651] As with so many societies proximity to the deceased, as well as their social position, determined the initial levels of pollution

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647 Parker (1983) 44; Metcalf and Huntington (1991) 81; Hope (2000) 120; Graham (*forthcoming*, 2011).
648 Suet. *Gai.* 59; Lindsay (1998) 74; Hope (2000) 106; Noy (2000a) 189, 192-3.
649 Varro, *Ling.* 5.23; Plin. *HN* 2.154; Hope (2007) 109.
650 Peretz (2005) 123-38 notes the authority of military commanders to oversee the appropriate burial rites for fallen soldiers near to the battlefield. Such a function was fulfilled by Germanicus for the legions of Varus that had died in the Teutoburg forest; Tac. *Ann.* 1.61.
651 For comparable examples of social upheaval from modern anthropology, see Malinowski (1948) 47-53; Hertz (1960) 27-34; Goldschmidt (1973) 77-84.

incurred.[652] Children, in particular, might not bring pollution upon a household if they died before puberty, and for this reason they were reportedly carried out at night. This was, in part, due to the lack of social upheaval caused to a family by the death of a child. There was no shift in authority, and thus no brief period of readjustment.[653] Mortality rates amongst young children must also have been a factor. Yet Plutarch indicates that even the suggestion of death was enough to potentially pollute a household. He reveals in the *Quaestiones Romanae* that soldiers returning home after falsely being reported as dead were compelled to enter via the roof, in a curious ritual of reintegration and ceremonial 'rebirth' before the threat of death pollution ceased to be a threat to the house.[654] It should also be noted that in times of war officials could be 'excused' the cumbersome rituals and signals required of those polluted by death.[655]

Several duties were given to the nearest relative to perform, involving direct contact with the body, including the final kiss, to catch the departing breath as it left the body, and the closing of the eyes before the moment of death.[656] Rose saw the catching of breath by the nearest relative, particularly in the case of the death of a *paterfamilias*, as a means of passing on authority to the nearest relative, his son, who now became *sui iuris*.[657] Pliny also recounts the custom of closing the eyes before death, opening them again only at the cremation, since it was considered *nefas* for the

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652 Radcliffe-Brown (1952) 102; Douglas (1966) 82; Burke (1979) 220-8. Proximity here refers to the ties of family, rather than physical proximity which does not appear to have been a factor in Roman society. For example, enemies of the consul Horatius attempted to interrupt a religious ceremony he was conducting by announcing that his son had died, and thus it was not right for him to continue thus polluted by death. Since the ceremony had already begun, however, Horatius was able to complete the proceedings before going into mourning; Vell. Pat, 2.4.6.

653 Serv. *Aen.* 11.143, discussed in Rose (1923) 192-3. Cf. Lindsay (2000) 154-5; Retief and Cilliers (2005b) 130.

654 Plut. *Quaest. Rom.* 5. The chief requirement was the lowering of the soldier through the roof, thus avoiding the threshold. Plutarch dismisses Varro's explanation, and includes a Greek legend involve a full ceremonial rebirth, suggesting Rome had, at some point, annexed the ceremony.

655 Dio 56.31.3; Retief (2005a) 130.

656 Verg. *Aen.* 4.684; Van Gennep (1960) 146; Toynbee (1971) 43-4; Prieur (1986) 18-20.

657 Rose (1923) 193.

last moment to be seen in the eyes of the dying, suggesting that this marked one of what Watson labelled the 'aversion points' in the process of separation.[658] The use of *nefas* here implies danger. Perhaps it brought those present perilously close to the departing spirit, letting it attach itself more strongly to them, a danger stemming from the 'spirit' or spark of reason which dwelt behind the eyes: *in oculis animus habitat.* The opening of the eyes at the moment of cremation would therefore most likely have been necessary to aid the spirit's release from the body.[659] Once death had been confirmed the deceased's name was called three times (*conclamare*), which according to Servius was part of the wider ritual to ease the transition of the spirit from the home, as well as part of the preliminary purification of the corpse with warm water.[660] Similarly the ritual of placing of a coin in the deceased's mouth, traditionally to pay Charon's fee across the river Styx, ensured the spirit was not left loitering between worlds where it might be a danger to the living.[661]

While only the family were immediately 'polluted' by the stress and disorder resulting from death, a potential threat to outsiders appears to have existed. To minimise the threat, a number of outward signs of mourning were displayed. Firstly, branches of cypress (*invisa cupressus*) or pine, sacred to Dis, were placed at the entrance of houses to announce the mourning status to outsiders.[662] A similar practice has been observed in early twentieth century working-class English communities, where houses which

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658 Plin. *HN* 11.150 (*Quiritium magno ritu sacrum est, ita more condito ut neque ab homine supremum eos spectari fas sit et caelo non ostendi nefas*); Watson (1982) 158-9. Aversion points are deemed crucial in the successful transition of the spirit, most importantly because it protected the survivors, and carefully avoided giving offence to the departing spirit.

659 Ibid. 11.145-6; Plaut. *Mil.* 1260-1; Cic. *Leg.* 1.27; Quint. *Inst.* 11.3.75; August. *De civ. D.* 7.5; Evans (1935) 59-60; McCartney (1952) 187-8. Just as in modern practice, the closing of the eyes also added a degree of normality to the scene, giving the appearance of sleep, rather than death.

660 Serv. *Aen.* 6.218; (*Plinius in naturali historia dicit hanc esse causam ut mortui et calida abluantur et per intervalla conclamentur, quod solet plerumque vitalis spiritus exclusus putari et homines fallere*). Cf. Toynbee (1971) 44, 288 fn.119.

661 Prop. *El.* 4.11.7-8; Juv. *Sat.* 3.267.

662 Hor. *Carm.* 2.14.23; Plin. *HN* 16.40; Festus s.v. *Cupressi*; Serv. *Aen.* 3.64; Smith (1891) s.v. *Funus*; Corbeill (2004) 68.

had suffered recent deaths would announce the event through a black board in the front window, to warn the community of the bereavement.[663] Lindsay has argued that this precaution in ancient Rome was primarily designed to protect the sanctity of Roman priesthoods, particularly the *pontifices*, who might accidentally be polluted by their proximity.[664] Such a sentiment is similarly perceived by Burriss in Tiberius' criticism of Germanicus for taking part in the funeral rites for the remains of Varus' legions, since a man who was an *augur* should have avoided direct participation.[665]

This warning may have extended further, to those in society deemed particularly susceptible from the damaging effects of pollution, such as pregnant women and infants, whom Parker noted were endangered precisely because of their own liminal status in Greek society. Citing Euripides *Iphigenia Taurica*, Parker notes that the danger of impending pollution is announced to warn 'priests, pregnant women and those about to marry'.[666] These groups appear to have been similarly at risk in Roman society. Marriage also appears to have been susceptible to pollution from death in Roman society, as both Ovid and Plutarch recall the tradition that no marriages take place on the days in February and May in which offerings are made to the spirits of the dead.[667]

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663 Gore (2001) 214.

664 Lindsay (2000) 155; Serv. *Aen.* 3.64; de Visscher (1963) 32-6. The *flamen Dialis* was also forbidden to touch a corpse or enter a graveyard, although he could attend a funeral; Gell. *NA* 10.15.23-5.

665 Tac. *Ann.* 1.62; Burriss (1931) 75. Gellius' stipulation that the priest of Jupiter could attend a funeral without danger makes the validity of this assertion questionable.

666 Parker (1983) 49.

667 Ov. *Fast.* 2.557; 5.587; Plut. *Quaest. Rom.* 86; Frazer (1929) 2.438. The likely explanation for this custom may stem from the fear that death was considered damaging to fertility, hence menstrual blood (ritually associated with death, in that it represented the 'antithesis of life', as Friedl states) has the power to cause miscarriage and damage crop growth; the numerous *dies nefasti* during such occasions already lent an air of ill-omen to proceedings. Similarly the child selected to carry the torch during a Roman wedding was required to have both parents living, and the leather from dead animals was not permitted within the sanctuary of Carmentis (a goddess of childbirth), because of the threat of pollution; Gell. *NA* 4.9; 5.17; Festus s.v. *Patrimi et Matrimi*; Ov. *Fast.* 1.629; Varro, *Ling.* 7.84; Frazer (1929) 2.237-8; Friedl (1975) 29; Buckley and Gottlieb (1988) 38-9; Mantle (2002) 85-106.

During the prescribed period of mourning family members were also obliged to observe a number of rules with regard to their appearance. Their clothes were dark, typically black, and in the procession Plutarch reveals that sons were expected to cover their heads, while daughters were to walk uncovered with hair dishevelled similar in appearance to Greek practices.[668] Cicero noted a law from the Twelve Tables, similar to that of Solon, setting restrictions on mourning expense, and forbidding women from rending their cheeks during the funeral (indicating at least that the practice was not unknown).[669] Actions involving changes of dress and appearance, along with acts of self-pollution with dust and dirt, were viewed by Parker as 'traditional modes for the expression of grief'.[670] They also served as an outward sign to the community of the danger attached to them during this period, just as in the case of cypress branches outside the home. Dirt rubbed on clothes and in the hair therefore offered a physical symbol of the metaphysical stain upon the family during the mourning phase, and contrasted with the pure, white robes which adorned the corpse.[671]

Before being dressed in robes which would indicate the social status of the deceased, the corpse was washed and prepared with perfumes – actions which were later mocked by Lucian as irrelevant, but which made the deceased the picture of serenity and dignity, in the midst of the chaos of grief.[672] Once prepared, it would lie in state,

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668 Plut. *Quaest. Rom.* 14; Cic. *Vat.* 30-2; Juv. *Sat.* 10.245; Toynbee (1971) 46. The wife of the *flamen Dialis* also attended the rite of the Argei in a state of mourning, marked by her unkempt hair, indicating the nature and solemnity of the event; this will be discussed below in reference to the role of death within the *fasti*; Gell. *NA* 10.15.29-30. Cic. *Sest.* 144-6 suggests white robes may have also been deliberately sullied to indicate the polluted state of mourners; Heskel (2001) 133-45.

669 *Twelve Tables* 10.1-3; Cic. *Leg.* 2.59; Watkins (1969) 237; Hopkins (1983) 218. This may represent an attempt by impose a further degree of control over the grieving process, offering as close an illusion of normality as possible, while not disregarding the impurity surrounding the family.

670 Parker (1983) 68; Bloch (1986) 80-1.

671 Hope (2007) 97.

672 Lucian *Dial. Mort.* 11-15; Verg. *Aen.* 6.6.218-20; Juv. *Sat.* 3.171-2; Barrett (2008) 77; Edmondson (2008) 39. Blackman (1918) 117-24 and Bleeker (1966) 86-7 examine Egyptian

normally at the house's threshold, with the deceased's feet facing the door, once again apparently in an effort to facilitate the successful departure of the lingering spirit.[673] This was further ensured during the removal of the corpse on the eighth day, with torches being carried before the body.[674] As the corpse was carried out, the nearest relative (also assumed to be the chief beneficiary in the deceased's will), performed the role of *everriator*, and purified the threshold by sprinkling it with spelt and then sweeping it clean.[675] That the ritual was apotropaic is corroborated by Augustine's description of a similar ritual following a birth in the household (see p. 70), where sweeping was used as part of a procedure designed to protect the new-born child from the ancient Italian god Silvanus.[676] Protection was assured through a ritualised form of everyday purificatory action, with each act of cleansing representing a step towards the restoration of social order. The family was further purified through the sacrifice of a pig. This action not only purified the family, but as Spaeth has observed, was also instrumental in cementing the deceased's place amongst the ancestors, making the burial site *religiosus*.[677] The ritual meal, eaten at the gravesite before the family's return to their home is also indicative of a rite of

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mortuary practice, viewing the lustration of the corpse as part of a rite of transition, 'Three categories of people in particular are required to be pure: the king, the priests and the dead'. In terms of Roman practice, the physical purification was also an integral part of the corpse's journey towards acceptance into the *Di Manes*. Though more acceptable under the High Empire, the Egyptian practice of embalming was viewed with hostility under the Republic; Cic. *Tusc.* 1.45.108; Dio 50.24; Counts (1996) 189-202.

673 Pers. *Sat.* 3.98-106; Burriss (1931) 72 sees this as a crucial factor in ensuring that the spirit could not return once it had been removed for its final journey to the cemetery. Cf. Corbeill (2004) 98.

674 Serv. *Aen.* 5.64.

675 Ov. *Fast.* 2.23-6; Festus s.v. *Everriator*; Frazer (1929) 2.279-83. Frazer notes the possibility that the sweeping was performed by a religious officer, since Ovid mentions the presence of a *lictor*.

676 August. *De civ. D.* 6.9; Burriss (1931) 57-8. Similarly these funerary rituals took place after the same specified number of days as were allotted before Roman children were officially named and incorporated into the household.

677 Cic. *Leg.* 2.55-7; Festus s.v. *Praesentanea porca*; id. *Praecidanea porca*; Gell. *NA* 4.6.8; Sabbatucci (1957) 57-60; Latte (1960) 101-2; Toynbee (1971) 50-1; Deschamps (1995) 178-9; Spaeth (1996) 53-6; Lindsay (1998) 73; Dowden (2000) 153. The *porca praecidanea* ritual appears to have been optional, and Spaeth is cautious of accepting Latte's theory that the sacrifice was separate from the *novendialis* feast. Both Lindsay and Dowden explore the significance of pigs in the removal of death pollution.

intensification, renewing bonds of kinship after the disturbance of death.[678] Food and drink were also offered to the deceased and, as such, any of those living that ate it were viewed as polluted (although such offerings would doubtless have been targeted by the homeless and starving).[679] On the return from the graveyard the family was once again purified in the ritual known as *suffitio*, in which relatives were required to touch fire and water.[680]Although uncertain, the identical requirement during weddings suggests that this might have been performed at the house threshold, before the total reintegration of the family into normal society. The repeated use of fire throughout Roman death rituals suggests it was more than a mere practical measure for night rituals, but was also a ceremonial requirement.[681]

One final instruction was in place in cases of cremation, the rite of *os resectum*. This required relatives to sever a bone from the finger of the deceased, which was kept separate from the main funeral pyre and, according to ancient sources, was buried later. Cicero listed this as one of the key requirements for the correct completion of the funeral ceremony.[682] This curious practice has been a cause of significant debate in recent years, yet scholars generally agree that its role was, in some form, purificatory. For some time now it has been accepted that the custom of burial was in place before cremation was introduced, and that by keeping a portion of the body separate to undergo physical burial, the rite ensured the traditional customs were observed, allaying fears of lingering death pollution. This idea has recently been challenged by Emma-Jane Graham, who sees Varro's comment on the rite as central in correctly interpreting its ritual function: 'if a bone of the dead man has been kept out for the ceremony of purifying the household, the household remains in

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678 Dumézil (1966) 616-17; Dowden (2000) 264-5; Festus s.v. *Silicernium*.
679 Tib.1.5.53-4; Catull. 59.1-5; Lindsay (1998) 73; Hope (2007) 117.
680 Festus s.v. *Aqua et Igni*.
681 Mart. *Ep.* 8.43; Rose (1923) 191-4.
682 Cic. *Leg.* 2.55; Varro, *Ling.* 5.23; Estiez (1995) 103-5.

mourning; in the latter case, until in the purification the bone is covered with soil'.[683] Much of Graham's overall theory depends upon this statement, and she suggests that the finger bone was brought back from the grave and used in the rite of *suffitio*, being placed in the cleansing fire, which severed the final ties of the deceased to the realm of the living. In the same action it was used to purify the surviving family members who would step over the flames and smoke to be cleansed upon their re-entry into both the home, and 'normal' Roman society.[684] This had, in Graham's view, the added bonus of facilitating the processes of ancestral remembrance, creating a valuable physical link with the deceased at the moment of the family's progression. The theory is indeed tempting to follow, but there is some cause for uncertainty.

The greatest obstacle is the emphasis on permanent separation of the spirit from the household which was attempted following the moment of death to the corpse's final removal to the graveyard.[685] Every effort was made to prevent the spirit of the deceased returning, along with the pollution this entailed. The 'calling out' of the deceased's name and the carrying out ceremony both indicate this. We must assume the removal of the body 'feet first' was specified because it held some ritual significance, and to prevent the spirit's return appears a logical conclusion, especially when combined with the 'sweeping out' of the spirit. Once both corpse and spirit were removed the pollution was gone. To bring back a portion of the body to the house where it had once resided creates a problem. In such circumstances some trace of the spirit might be able to gain access to the house. Moreover, while the fires of cremation 'cleansed' the corpse on the pyre, when the flames were intended to

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683 Varro, *Ling.* 5.23; Graham (*forthcoming*, 2011).
684 Ibid. esp. 9-13.
685 Allara (1995) 69-79, at 70 stresses the moment of 'definitive separation' at cremation or inhumation – the climax and completion of the preceding rituals.

cleanse the living family members, the inclusion of the finger might also taint the element of their purification in the *suffitio*.[686]

No conclusions on the issue can be certain and it is important to remember that, despite stern traditionalism in matter of religion, the Roman state at times also demonstrated remarkable flexibility. The practices reported by Varro, Cicero and other Republican authors, in particular, may be far from an accurate reflection of death rituals amongst the lower classes – the extended lying-in-state period is especially unlikely given the cramped living conditions within the city. At this stage it will suffice to note the central roles of 'separation' and 'removal' which followed bereavement. Much of this initial examination has, out of necessity, been a narrative of fundamental principles concerning death. From this, however, we may progress to a topic which may offer both insights and contradictions for the evidence examined thus far, that is, the practices, regulations and customs concerning the treatment and disposal of the considerable numbers of corpses across Italy, and within the city of Rome itself.

ii. The Business of Death

If death resulted in the pollution of immediate family members, as well as those who came into contact either with the *funesta casa* or the corpse itself, then an area of particular importance in the study of pollution must be the physical, social, and religious status of those groups tasked permanently with dealing with death, whether through the preparation of funerals and removal of corpses from the city, or those paid to bring death to others. Such categories cover a wide range of occupations, some of which also contained various substrata depending on the precise role each played. These range from the undertakers, funeral directors and professional mourners who worked day to day within the city, to the more seriously excluded

686 On the tainting of fire by death, see Hdt. 3.16. Cf. Ov. *Fast.* 6.437-40; Noy (2000b) 30-45.

professions, such as the executioner, gladiator and those others who worked in the arena. This section will deal with some of these issues, which may help to demonstrate the more general attitudes towards death and the corpse, beyond the elaborate display of the aristocracy. We must begin, however, by considering those facilities which were in place to deal with the urban dead, and whether religious concerns were a factor in what was otherwise considered a secular necessity.

In a city where conservative estimates suggest approximately thirty thousand people died each year, it must be assumed that a system was in place to deal effectively with the disposal of corpses.[687] This appears to have originally involved the use of mass-grave pits, which Varro tells use were located outside the Esquiline Hill, and named *puticuli*, from *putescere* – to rot.[688] Such pits may have been open for months at a time, used for the dumping of both bodies and more general refuse. This practice was eventually ended by Maecenas' construction of his lavish gardens on the former 'potter's field', immortalised in Horace's *Satires*, in which a statue of Priapus recalls how the site used to be the dumping ground for the whole city 'where lately sad folk looked upon a hideous field of white bones'.[689] Bodel suggests Maecenas' covering of the pits coincided with a senatorial decree also prohibiting the burning of corpses within two miles of the city, and marked a turning point in Roman culture, as mass cremation became the preferred method of disposal for the unclaimed dead.[690] Most striking for Bodel was the lack of concern voiced about such changes from a religious point of view, and in considering the site of the *puticuli* he asserts that 'there is no sign in any of this of a Roman concern with religious pollution'.[691] In opposition to this view, when considering the law of the Twelve Tables forbidding

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687 Bodel (2000) 128-34.
688 Varro, *Ling.* 5.25; Hor. *Sat.* 1.8.8-16; Allara (1995) 76-7.
689 Hor. *Sat.* 1.8.15-16 (*quo modo tristes albis informem spectabant ossibus agrum*).
690 Bodel (2000) 133-4. Cf. Dio 48.43.3; Häuber (1996) III.70-4; Hope (2009) 157-9. On the various social and religious issues of burial and cremation, see de Visscher (1963) 17-42.
691 Bodel (2000) 134.

burials within the *pomerium*, Kyle states that the ban 'probably arose more from Roman religious concerns about pollution within the city's sacred boundaries than from pragmatic concerns about unhygienic contamination and disease'.[692] These statements represent two extremes of opinion which must be evaluated through examination of the various source materials.

We begin with the most widely attested urban centre for dealing with the various physical and religious issues posed by death – the grove of Libitina, a goddess closely associated with the dead, although she does not appear to have been worshipped directly.[693] Located outside the city, it lay conveniently near to the Esquiline gate which led to the *puticuli*.[694] The site served as a base for undertakers (*libitinarii*), as well as the selling or hiring of various other instruments necessary for funerals. Their primacy in corpse-disposal is assumed across sources, with 'escaping Libitina' becoming a catchphrase for narrowly avoiding death.[695] Following two instances of plague in the Republic, Julius Obsequens speaks of Libitina being overwhelmed (*pestilentiae Libitina non suffecit*) by the number of corpses, the result being that many were left to rot in the street.[696]

Despite the essential public service they provided, undertakers were always an unwelcome sight. Permanently under the shadow of death, they were marked out professionally by their black clothing, as were the rest of their retinue.[697] These could include a variety of workers, each with specific roles to play in the funerary process.

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692 Kyle (1998) 129.

693 On the location, origin and functions of Libitina, see especially Bodel (1994) 1-133. Also Picard (1939) 121-35; Thaniel (1973a) 46-9; Freyburger (1995) 213-22; Scheid (2004) 13-20; Rüpke (2007) 231-5.

694 Varro, *Ling.* 6.47; Dion. Hal. *Ant. Rom.* 4.15.5; Plut. *Quaest. Rom.* 23; Tac. *Ann.* 2.32.3.

695 Juv. *Sat.* 12.122-3. Also Hor. *Carm.* 3.30.7.

696 Obsequens 6, 10. For comparable practices amongst specialist death-workers in Cantonese society, see Watson (1982) 157.

697 Hor. *Sat.* 1.7.6; Toynbee (1971) 45; Hope (2007) 90-2. Horace speaks of the *dissignator*, accompanied by his black-dressed attendants (*lictores*). The use of the term *lictor* supports Frazer's suggestion that the 'sweeping-out' ceremony might be performed by a religious official, instead of a family member; Frazer (1929) II.279-83.

There were the *pollinctores* who were originally used to apply powder to the deceased's face to conceal discolouration.[698] The *vespillones* were carriers, whose name suggests they operated primarily at night, out of public sight when possible, except in cases of aristocrats, for whom ostentatious display, even in death, was expected.[699] For burials there were *fossores* to dig, while for cremations, the *ustores* were employed as burners of corpses.[700] Even though cremators had less direct contact, and were the instrument of purification, nevertheless they were similarly branded as unclean, and Lucan prayed that Pompey's corpse would not lack a pyre and *sordidus ustor* (unclean kindler).[701] Finally there were the *praeficae*, professional female mourners from Libitina, who we are told stood publicly lamenting before the deceased's house.[702]

Our understanding of the social and religious status of those who earned their livings from death has been significantly increased by a law-code found in Puteoli, which details the rules and restrictions placed upon funerary workers, including their agreement to perform public or private punishments if so required. The numerous details provided by the law have been taken by Rüpke to represent a working template for the rest of Italy, and a simpler version of laws in place at Rome itself.[703]

> If anyone disposes of a corpse without burial, he shall be required to pay sixty sesterces per corpse. . . The slave workers must be engaged before the start of the contract. They may not remain, or wash, in the building where the 'grove of Libitina' is situated after the first hour of the night. They may not enter the city except to pick up a corpse for burial, or to inflict a punishment. On these

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698 Plaut. *Poen.* 62; Mart. *Ep.* 10.97.
699 Mart. *Ep.* 1.47.1-2; Suet. *Dom.* 17 notes that Domitian's corpse was carried on a bier for the poor.
700 Cat. 59.5; Mart. *Ep.* 3.93 draws ironic comparisons with the marriage torch.
701 Luc. 8.738. That an unclean man to perform the task is required implies that all such men were thought of as 'unclean', yet also necessary.
702 Varro, *Ling.* 7.70.
703 Rüpke (2007) 232; Dumont (1995) 182; Hinard and Dumont (2003) 57-68. Bodel (2000) 142-3 warns against assuming too great a uniformity between cities. For example, Mart. *Ep.* 8.75.9 describes tattooed *inscripti* carrying a corpse, while in Puteoli the inscription suggests this would have been forbidden.

occasions, whether *en route* or in the city, they are required to wear a coloured hat. They are to be aged between twenty and fifty years of age. None of them may have sores, be one-eyed, mutilated, lame, blind, or bear tattoos inflicted as a punishment. The contractor shall retain a minimum staff of thirty-two.

If a private client wishes on his own account to inflict physical punishment on a slave, male or female, the contractor shall carry out the punishment according to the manner requested by the client who has ordered the punishment; if he wishes an execution by the 'cross and fork', it shall be the responsibility of the contractor to provide the pole, the cross-bars, the lashings, and the whips for the men who carry out the whipping. . . If he is ordered to remove the victim with the hook, his men, dressed in red, must remove the corpse to where they are piled, ringing a bell while they do so.

When a client wishes to make use of the services required in each circumstance under this regulation, he must notify, or cause to be notified, the contractor of the service or his associate or the person responsible for the relevant department. . .

Once this notification has duly taken place, the contractor, or his associate, or the person responsible for that department, shall be obliged to furnish the client...with all requisite services, and then all the others in the order of their notification, unless the notification concerns the funeral of a Decurion, or of a young person (*funus acervum*), who must be given priority. In such cases, the order of the other notifications must be respected.

In cases of a reported suicide by hanging, the contractor must at once see to the body being cut down and removed; in the case of a slave, male or female, if the message comes before the tenth hour of the day, the body is to be removed the same day, if later, before the second hour of the following day. . .[704]

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[704] *Lex Libitinae Puteolana* cols. I.32-2.23 (trans. Gordon, adapted); Bove (1967) 22-48, esp. 28-32; Gardner and Wiedemann (1991) 24-6; Bodel (1994) 72-80; Hinard (1995b) 205-12. Bove understands *funus acervum* to mean '*acerbum*', i.e. an unfortunate death, probably a child (*decesso immaturo*). Gardner and Wiedemann question why such a death would receive special

The first point to note is that, as with laws regarding murder, pollution receives no direct mention in the official records; for example, the issue of body-dumping is here reduced to a public nuisance, punishable by a simple fine. In this case, however, a number of legal requirements indicate that pollution was considered a factor, and the language (e.g. *sordidus*) applied to the undertakers fits into a wider social context beyond that reflected in the law. If an unburied corpse was really nothing more than an unpleasant nuisance, there would be no sense in Horace's *carmen* on the threats of the unburied sailor. As with Euripides' Iphigeneia leading Orestes through the streets, the ringing of a bell warns the populace of the imminent presence of pollution.

Although they held a monopoly over funerary business, undertakers were physically excluded from society, required (like the corpses they handled), to reside beyond the boundaries of the city.[705] They were made to wash separately, and enter the city only on official business, during which times they had to be clearly marked by their clothing. It is also important to note that, as well as being employed for disposal, the undertakers could also be expected to act as torturers and executioners, although this was not uniform across Italy.[706] The insistence on death-workers bathing separately is particularly interesting. Such men, who needed cleansing the most, may have been damaging to the purifying waters, recalling Martial's insulting poems to 'unclean' citizens, who would surely corrupt bath-water by their moral and physical impurity.[707]

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treatment, yet as we have seen, the death of a child was a ritually exceptional event, not technically resulting in the pollution for the household. As a result a speedy removal might have been desirable. Alternatively, as the name suggests, the tragic nature of the bereavement may have been felt sufficient to warrant preferential treatment; cf. Boyance (1952) 275-89.

705 Patterson (2000) 85-103, esp. 90-5. For comparisons with grave-workers forced to live beyond the boundaries of towns in Roman Egypt, see Derda (1991) 19-21, 28-31, 34-6.

706 Suet. *Claud.* 34.1; Vell. Pat. 2.19.2-3; Sen. *Contr.* 9.2.3; Plut. *Mar.* 39; Bodel (2004) 147-8. For the literary combination of the two groups, see Mart. *Ep.* 2.61; Juv. *Sat.* 8.175-6.

707 Mart. *Ep.* 2.42, 11.95.

Despite the dangerous aura that surrounded undertakers, the *Lex Libitinae Puteolana* insists on a degree of physical 'perfection' from its workers. The list of physical disqualifications is reminiscent of Gellius' list of requirements for prospective priests or Vestal Virgins, who had to display similar bodily 'purity'.[708] This may have stemmed from nothing more than a practical desire on the part of Puteoli to avoid employing socially disreputable or physically deformed workers (an option less applicable in the vast urban metropolis of Rome).[709] But while prohibition of tattooing may be attributed to slaves, physical deformities cannot. Again it is tempting to suggest the requirement of physical purity for liminal beings, although once again the practical solution appears more likely – that in a large town, with a staff as small as thirty-two men, the workers needed to be fit enough to carry out their duties without affliction.

However, no practical explanation can easily explain the forced wearing of markedly coloured clothing, such as the hat, or the red garments (*russati*) which must be worn while removing victims with 'the hook'. The use of vivid red colours, as opposed to the usual dark undertaker's robes must be linked to their function as torturers or executioners in such cases. The red imagery is striking. The connection of red as a symbol for both bloodshed and pollution (in terms of Greek *miasma*) has been detailed extensively by Wunderlich,[710] while a scholion on the *Aeneid* reveals that Roman soldiers were called 'red-ones' (*russati*), because red was deliberately used to mask wounds and blood stains (*aspersiones sanguinis*).[711] Combined with the ringing of the bell, these also served as a clear warning to priests and other groups threatened in

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708 E.g. Sen. *Contr.* 4.2 (*sacerdos integer sit*).

709 Jones (1987) 139-55. Bodel (1994) 74-5 also notes that the inscription is dated no later than the Julio-Claudian era, potentially explaining Martial's conflicting (poetic) description of tattooed corpse-bearers as a later development, comparable with the gradual acceptance of hermaphrodites as entertaining, as opposed to portentous, by the time of Pliny; Plin. *HN* 11.261-2; Gell. *NA* 9.4.

710 Wunderlich (1925) 1-69.

711 Thilo and Hagen (1884) 172-3. Cf. Val. Max. 2.6.2; Isid. *Eytm.* 19.22.10.

some way by the presence of a corpse.[712] It may also have warned people of the pollution attached to the perpetrators themselves, even when sanctioned and paid by the state.

Similarly, the argument for a purely practical approach to removal is undermined by some of the legal exceptions. The process appears to have been 'first come, first served' in normal circumstances (except for slaves, who could be made to wait), but exceptions were made for town officials, children, and those who had committed suicide by hanging. The use of *suspendium* demonstrates that this was not a sweeping rule concerning all suicide, so why were hanged suicides felt to require immediate removal? Attitudes to hanging are examined in detail by van Hooff, who notes that in the Roman world the general attitude suggests 'an outspoken disgust'. When Horatius Balbus created a public cemetery it was strictly prohibited to those who had hanged themselves.[713] Hanging represented a shameful form of death, unlike the stoic bravery of citizens like Cato the Younger, whose suicide by the sword was viewed as admirable by later writers. Hanging is even described as a foul (*foeda*) death in the case of Quintus Fulvius Flaccus, who removed slabs of marble from the temple of Juno Lacinia and was later driven mad by the death of his son, whereupon the senate corrected his *impius* actions and returned the marble to its rightful place, again underlining a link between impious action and pollution, in this case reflected by the manner of Flaccus' death.[714] If this form of death was viewed as particularly foul, it

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712 Bodel (2000) 147 suggests a change of attitudes over time, since the bell could also announce the punishment, which became a form of public spectacle. This may have been an alternative interpretation from the beginning, serving as an advertisement to the general public while simultaneously warning those susceptible to the dangers of pollution, such as those priests who either could not look upon a corpse, or who might be obliged to show mercy to suppliants, as in the case of the Vestals; Plut. *Num.* 10; Rose (1924) 109. Plutarch stresses the need for the meeting to have been accidental and unavoidable.

713 *CIL* 11.6528; Van Hooff (1990) 64-72 at 66. The author draws particular attention to established Greek heroins who committed suicide by hanging, but whose actions were reworked by Seneca, dying instead by the sword.

714 Liv. 42.28.10; Val. Max. 1.1.20; Mueller (2002) 35-9.

helps to explain why undertakers were expected to deal with the problem immediately.

Such prolonged exposure to the pollution of death was clearly a factor in the public perception of the *sordidus* undertaker. Some have taken this argument further, however, suggesting that the chief cause of public hostility towards death-workers was because they sought profit from the misery of others, and were willing to expose themselves to constant contact with impurity in the process.[715] This is implied by Horace, who describes autumn's grave weather as 'the profit of bitter Libitina',[716] and Valerius Maximus, who appears surprised at the undertakers' offers to bury the consuls Hirtius and Pansa free of charge, as 'those who live for nothing but profit scorned it'.[717] However, it must be stressed that despite this typically negative view of 'performing for pay what was regarded as a natural obligation of humanity', undertakers were not permanently branded as impure for their actions, but only as long as they continued to practise the profession (unlike prostitutes, actors and gladiators, who were permanently shamed with *infamia*).[718] Just as with the *funesta familia*, the pollution of death faded with time and expiation, though while men were engaged in undertaking or corpse-bearing, their continuing contact with both the physical and metaphysical pollution of death meant that they remained socially ostracised.[719]

While the role and person of the undertaker were often viewed as ambiguous, due to the crucial yet unpleasant service they provided, no such ambiguity existed for the

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715 Gardner (1993) 130-4.
716 Hor. *Sat.* 2.6.18-19 (...*autumnusque gravis, Libitinae quaestus acerbate*).
717 Val. Max. 5.2.10. Also Suet. *Ner.* 39.1.
718 Bodel (2000) 141; McGinn (1998) 32-9. On the status of *infames*, see Edwards (1997) 66-90.
719 Petr. *Sat.* 38.14 implies that ex-*libitinarii* could still face discrimination, although no comment is made as to their purity status.

socially feared and despised executioner.[720] The notion of pollution is understandably complex with regard to state sanctioned capital punishment. As Rüpke has observed, methods of execution went in and out of fashion throughout the Republican period, yet the practice maintained a place in Roman society throughout the Imperial period.[721] Executioners had to live outside the city, yet close enough to be called in quickly.[722] Places associated with execution carried with them notoriety and ideas of impurity, most notably the Tullianum which, despite being within the *pomerium*, was still geographically 'removed' from society, located underground – a foul (*foedus*) place from which there could be no return for the condemned, but which was traversed frequently by executioners.[723] Similarly, unchaste Vestals were led to their deaths on the *Campus Sceleratus*, the name of which clearly illustrates the religious implications attached to both the crime and the punishment.[724]

Like the undertaker, the executioner worked for profit, but with the added dimension of responsibility for those corpses he created in his role as *carnifex* (meat-maker).[725] Bodel places emphasis on the fact that the executioner necessarily came into contact with those who had been cast out of the community, and therefore 'he was inevitably infected with the pollution of his victim, and therefore, like the victim, had to be shunned'.[726] Furthermore, those who were deemed fit to die by the hand of the executioner were typically from the lowest social strata, such as slaves or foreigners, although they could be employed against those aristocrats who refused the more

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720 Bodel (2000) 144-8; Curt. *Alex.* 8.2.2.
721 Rüpke (1992) 58-79 stresses that executions, like burials, involved a number of public signals, such as a fanfare. While this drew attention to the act, it also served once again as a public warning.
722 Plaut. *Pseud.* 331-2.
723 Sall. *Cat.* 55.3-4; Prieur (1986) 40-2; Peters (1995) 17-9. Cf. Dion. Hal. *Ant. Rom.* 31.9.
724 Liv. 8.15; Dion. Hal. *Ant. Rom.* 2.67; Plut. *Num.* 10; Festus s.v. *Sceleratus campus*; Serv. *Aen.* 11.206. Hinard (1987) 111-25 argues that the place of execution was ritually determined by the nature of the offence committed, although see Kyle (1998) 60.
725 Isid. *Etym.* 10.49 (*carnifex, quod carnem afficiat*).
726 Bodel (2000) 144-5.

honourable options of suicide or exile.[727] This explanation may overstate the role of the victim's crime as a source of impurity, however, against the equally pollutive action required from the executioner, and the space in which he performed his duties. This is suggested by the frequent focus on the executioner's hands. Calpurnius Flaccus envisioned a son pleading to his father to escape the *vilis manus* (mean hand) of the *carnifex*,[728] and Pliny the Younger writes that when the condemned chief Vestal, Cornelia, was taken to her place of interment, her dress snagged, and when the executioner offered his hand 'she drew away in disgust and thrust his foul touch (*foedum contactum*) from her chaste (*castus*) and pure (*pura*) body as if by a last act of chastity'.[729] The hands of the *carnifex* were the instruments of justice, but as we have seen in the rhetoric and literature surrounding bloodshed, they might also be the instruments through which pollution was transmitted.[730]

The infectious danger of the executioner is illustrated in Cicero's defence of C. Rabirius, as he states his intention to prevent the meeting from being tainted (*funestari*) by the 'pollution of the executioner' (*contagio carnificis*).[731] Cicero goes on to describe the meeting-place, the *campus* and the Roman people, as *castus*, *sanctus*, and *inviolatus*, the implication being that these states will be damaged by the use of the executioner (both through his contaminative presence and the unjust nature of the punishment itself). He later suggests the executioner and his tools should be kept not only from the persons of Roman citizens, but also from his thoughts, eyes and ears.[732] By contrast, Cicero portrays himself as one seeking to 'expiate' the forum from 'those vestiges of unspeakable wickedness' (*qui expiandum forum populi Romani ab illis nefarii sceleris vestigiis esse dico*). The use of the term *funestare* at the start of this

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727 Rüpke (1992) 64; Kyle (1998) 91.
728 Calpurnius Flaccus *Declamations* 24.
729 Plin. *Ep.* 4.11.9.
730 Cic. *Verr.* 2.5.113; Sen. *Contr.* 1.3.1, 2.3.19; Ov. *Ib.* 165; Val. Max. 6.9.13, 7.2ext.1, 9.1.1; Plin. *Ep.* 4.11.9; Apul. *Met.* 9.1.1.
731 Cic. *Rab. Perd.* 11.
732 Ibid. 16.

section leaves no doubt of the source of the executioner's pollution. While other words are non-specific, and must be interpreted through their contextual use, *funestus* appears primarily as the pollution caused through proximity to death, which is in keeping with Bodel's theory that the restrictions on bathing and dress for undertakers and other death-workers paralleled restrictions for those who were in mourning.[733]

Despite the public distaste for the executioner himself, the emergence of capital punishment as a major form of public spectacle illustrates that widespread 'fear' is not to be assumed for Roman society as a whole. Critics of execution as *spectacula*, such as Seneca, were clearly in the minority.[734] Capital punishment performed a vital social service, providing unconcealed displays of public vengeance, but as Kyle has noted, at the same time society was 'trying to cleanse itself of criminal and blasphemous miasma'.[735] We can, of course, appreciate the loaded nature of such terms in this context, yet they mirror the sentiments of Gernet, who states that 'the death penalty is a means of eliminating pollution ... It purifies the affected group, who are often partly or wholly absolved of responsibility for the newly spilt blood'.[736] This is most easily achieved in those cases where the victim is designated a *homo sacer*, which removes all culpability from his murder. In more typical cases, the executioner did not have such religious sanction. Nevertheless, the event was highly regulated, in terms of both time and place. No executions were performed during religious festivals, and when they were performed the executioner was given the instruction 'act in accordance with the law' (*age lege*), publicly emphasising the legality of his action.[737] He willingly took on the responsibility, which, combined with his use of death as a means of profit, meant he became as polluted as those he was required to

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733 Bodel (2000) 146.
734 Sen. *Ep.* 7.3-5.
735 Kyle (1998) 102; Rüpke (1992) 63.
736 Gernet (1968) 326-7 (trans. Gregory); Girard (1977) 298.
737 Sen. *Contr.* 5.4, 9.2.22. Cf. 9.2.12, 14; Suet. *Tib.* 61; Prieur (1986) 43-5. On the formula of condemnation, see Liv. 1.26.6; Ogilvie (1965) 115-16.

deal with, and as a result was removed from the gaze of 'normal' society whenever possible.

These points raise important questions about the social perceptions of capital punishment, as well as the ritual status and treatment of the condemned. Our investigation must therefore proceed more directly from the executioner to those members of the lowest orders subjected to public punishment. Over time such victims became part of a wider form of public entertainment within the arena, and entered the same state as those most loathed and celebrated figures in Roman society – the gladiators.

Like the undertaker, or the suicide by hanging, the gladiator could be excluded from burial in public cemeteries, such as that offered by Horatius Balbus.[738] Unlike the others, however, the gladiator lived an ambiguous life of simultaneous popularity and disapproval. He profited from death and was stained with the blood of his victims, yet through a twisted form of traditional military values, became idolised by the adoring crowds.[739] Quintilian argued that fighting was not disgusting (*turpis*) in itself, only dishonourable fighting, such as gladiatorial combat.[740]

Class appears to have been a major factor, with senators and equestrians being severely discouraged from fighting in the arena (although not always successfully).[741] Juvenal envisioned a homosexual aristocrat fighting with a net and trident in the arena before his 'wedding', and asks what his ancestors would say if confronted with such a sight in Hades: 'They would be eager to be purified (*lustrari*)! If only sulphur

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738 *CIL* 11.6528. Such regulations were not universal, however, and many tombs and epitaphs survive recording the lives and exploits of gladiators; cf. *CIL* 6.10197 discussed by Hope (2007) 30.

739 Hopkins (1983) 23. Cf. Ville (1981) 344; Aigner (1988) 201-20 on the divided social status of the gladiators and comparisons with the public executioner.

740 Quint. *Decl. Min.* 302.

741 Cicero frequently used *gladiator* as a term of abuse against Antonius; Cic. *Phil.* 2.7, 63, 3.18, 5.10, 32 (*sceleratus gladiator*).

and torches and damp laurels could be found'.[742] Similarly, an edict from Marcus Aurelius and Commodus, which separated profits from the arena from the Imperial finances stated 'All the money of these emperors is pure (*pura*), not polluted (*contaminata*) by the sprinkling of human gore (*cruor*), not soiled (*foedus*) with the filth of sordid (*sordidus*) gains'.[743] From this we see that the social stigma to which the gladiator was subject was partly based on, or at least expressed in terms of, both physical and religious pollution. The issue of profit also appears to contribute to the stigma of the gladiator, who performed a manual task which, like the executioner, caused him to willingly pollute himself for financial gain.

Why, then, was such extensive impurity and degradation permitted to take place in Roman society, and even within the sacred *pomerium*? Roman observers were well aware of the positive aspects of martial skill and bravery contained within gladiatorial combat, but this does not mean that Roman society was willing to permit such widespread and varied forms of bloodshed without reservation. We have already seen how rituals were designed to separate the bloodshed of war from everyday life, and Hopkins suggests a similar form of artificial boundary was imposed around the arena, with acts of war and conflict being safely contained within the 'domesticated battlefield of the amphitheatre'.[744] Further comparison with the military is highlighted by Barton, who viewed the gladiator's oath to be 'burned by fire, bound in chains, to be beaten, to die by the sword' as a form of *devotio*, resulting in the 'sacralisation' of gladiators, helping to remove all feeling of culpability from their deaths.[745] Similarly, in the case of execution spectacles, Kyle suggests that Roman society had to convince itself that the deaths were both justified and necessary, purging the city of the *noxii*

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742 Juv. *Sat.* 2.157-8.
743 Oliver and Palmer (1955) 330, 340 (*omnis pecunia horum principum <p>ura est, null[a] cruoris humani adspergine contaminata, nullis sordibus foedi quae{s}*).
744 Hopkins (1983) 2, 29.
745 Barton (1994) 51-2. Petr. *Sat.* 117.5-6; Sen. *Ep.* 4.37.1; Hor. *Sat.* 2.7.58-9; Hopkins (1983) 24; Kyle (1998) 87.

and *damnati*, whose pollution could not be risked on the state or its sanctuaries, whilst reaffirming its martial and cultural dominance over those prisoners who were captives from war.[746] Like executioners and the Tullianum, gladiators and condemned prisoners belonged within this space, which was both polluted and polluting. It was meant for the lowest of the low. As such, under the Empire, it became an ideal means of demonising unpopular emperors. For example, the *Historia Augusta* depicted Commodus fighting in the arena, and plunging his hand into the wounds of an opponent, before smearing his face with the fresh blood, illustrating the degraded and bloody nature of his reign, whilst also foreshadowing his own death.[747]

One key aspect of the gladiatorial games which may have stronger ties to ritual pollution was the use of hooks in the disposal of the slain. We have already seen the use of hooks in the removal of corpses in the tablets from Puteoli, which ordered men disposing of corpses by such means to dress in bright clothes, and ring a bell as they went. These corpses were singled out for particular public spectacle and hatred, and this, too, became a method of punishing tyrannical emperors *post mortem*.[748] The *Historia Augusta* describes the senate repeatedly calling for this punishment to be inflicted upon the body of Commodus, crying 'let him be dragged with the hook' (*unco trahatur*) sixteen times in a single, brief section.[749] The use of the hook served primarily as a further form of corpse abuse; just as the *carnifex* was the 'meat-maker', so the corpses were treated as nothing more than meat. It is possible, however, that the hook combined the typical acts of corpse-abuse with an open display of avoidance. Kyle notes that this was reserved for the especially hated or dangerous members of society, and that 'when hooks...are mentioned, dumping in the Tiber

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746 Ibid. 13.
747 SHA, *Comm.* 16.
748 Suet. *Vit.* 17.1; *Tib.* 47.1, 54.2; SHA, *Heliog.* 17.1-3; Kyle (1998) 222-3.
749 SHA, *Comm.* 19. Commodus is also referred to as *impurus*, *carnifex* and *gladiator* within the passage.

can be assumed'.[750] Such scenarios are reminiscent of the disposal of parricides, which also required the careful avoiding of *contactus* via the sack, and once again made use of the Tiber is carrying away the pollutive traces of the corpse. Thus the most reviled classes of Roman society were disposed of in a way which ensured that there was minimal contact with their bodies, and that their corpses were sent 'outside', beyond the boundaries of the community. In the case of gladiators, who could potentially be given decent burials, there was still the possibility of exclusion from certain graveyards, such as the grounds dedicated by Horatius Balbus.[751]

So far this chapter has dealt with various immediate issues of pollution surrounding death, whether within the respectable religious actions of law-abiding families, or in the sordid businesses of corpse-removal, execution and combat/punishment as entertainment. All were concerned, in some form or other, with the separation of death from everyday space, along with the safe removal of the corpse, to a place from which it could do no harm – its 'correct' place. For the condemned, the exact location was irrelevant, provided it was beyond the reaches of society. Disposal via the Tiber or the Cloaca Maxima removed the unworthy from place and memory. Yet in the case of traditional burials, the funeral was not the end. As Hopkins observed, 'burial did away with the corpse, but not with the dead',[752] and we must now turn to those rites performed each year in honour, propitiation, or placation of the spirits of the dead.

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750 Kyle (1998) 170, 219; Prieur (1986) 43-4.
751 Voisin (1987) 259-62; Kyle (1998) 161; Edwards (2007) 107-8.
752 Hopkins (1983) 233.

iii. Death and the Fasti

The immediate pollution of death was dealt with through the removal and subsequent burial of the corpse, combined with the eventual completion of the mourning period. Nevertheless, Rome was a city founded on tradition and remembrance. At certain points in the year there were widespread rites connected with the spirits of the dead, whether they were benevolent ancestral spirits who guarded the household, or malevolent, restless ghosts seeking to harm the living. The two most crucial periods of public ritual occurred in the months of February and May, and the circumstances around each of these must be considered in detail in order to complete our picture of Roman death-rituals, and the extent to which religious pollution and purification played a part in them. We shall begin with the more significant of the two periods, the month of February.

According to Roman tradition, February had originally been the final month of the old year, and had been consecrated to the shades of the dead.[753] As such, along with various acts of respect and propitiation, it also contained numerous forms of purification, not only to protect the living members of the household during the festivals when the threat from the spirits was greatest, but also to banish them once again at the conclusion of the celebrations. Festus describes it as the final month, in which the populace is cleansed (*id est extremo mense anni, populus februaretur, id est lustraretur ac purgaretur*).[754] His language is emphatic, emphasising the role of purification during this period, and these mass acts of lustration ensured the new year began with all due purity. That purification was the primary aim of the February festivals is further revealed in the aetiology of the month's name. Both Ovid and Varro believed it to derive from *februum*, from the Sabine word for 'purification'

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753 Ov. *Fast.* 2.47-52; Plut. *Quaest. Rom.* 34; Rose (1924) 184-5.
754 Festus s.v. *Februarius.*

(Varro uses *purgamentum*, while Ovid chooses *piamen*, though both have connections with purification, see pp. 43-6).[755] Among those items listed by Ovid as *februa* are: cloths of wool offered by the *Rex Sacrorum* or the *Flamen Dialis* to the pontiffs; the crumbs of spelt that were ritually sprinkled and then swept from the threshold of the *funesta* household; any cutting from a 'pure tree' (*arbor pura*) worn by a Roman priest, or pine when used by the *Flaminica*. Each of these played a role in the rites which were performed throughout the month of February, each with the aim of removing either the spirits themselves or the stain they left upon the city.

The crucial days of ancestor worship were collectively called the *Parentalia*, and took place from the sixth hour of the 13th February until the 21st on the *Feralia*.[756] During this period Ovid suggests all young girls wishing to marry should wait until the 'pure days' (*dies puri*), and that the gods should be shielded (*celare*) by the closing of all temple doors, and the removal of all sacrificial fires from their altars and hearths, because the shades of the dead roam the streets seeking their due.[757] The first stipulation, regarding weddings, is understandable given the lengths to which Romans went to ensure good omens and ritual purity during the bride's period of transition between homes. Contact of any sort with death could be particularly damaging, especially with regard to the fertility of the bride, which we have already seen in the death-based pollution caused by menstrual blood, whether against crops, animals which have consumed it, or even pregnant women who come into the slightest contact with it (see p. 100).[758] Similarly, Seneca imagines the case of a man carried from the graves of his sons, forced to cut his hair and change his clothes, complaining bitterly at his treatment, stating of the graveyard 'this is where I must

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755 Varro, *Ling.* 6.13; Ov. *Fast.* 2.19-36; Scullard (1981) 69-70.
756 Ov. *Fast.* 2.569; Lydus *Mens.* 4.24. Lydus suggests the *Parentalia* ended on the 22nd with the *Caristia*, and the issue remains unsettled. Since the *Feralia* appears to have concluded the obligations to the dead, it is generally assumed the more probable date; Burriss (1931) 129; Bailey (1932) 99; Latte (1960) 98; Toynbee (1971) 63; Hope (2009) 100-2.
757 Ov. *Fast.* 2.557-566; Frazer (1929) II.438-9.
758 Plin. *HN* 28.80-2; Friedl (1975) 29.

live, so that I do not bring misfortune (*dirum omen*) to any thinking of marriage or children'.[759] Significance has been attached by McDonough to a remark by Cicero to his brother Quintus, that he would attend the wedding of his friend Atticus on the day before the Ides of February (i.e. the 12th), thus narrowly completing the engagement before the start of the *dies religiosi*.[760]

The stipulation that the gods should also be to some degree protected from the wandering spirits is more curious. Should it be understood from this that the gods were in danger from this proximity to death, a danger which could only be warded off by the securing of their thresholds? It does not appear plausible. More probably, this was another example of the marked separation of human mortality from the gods, just as with the *funesta* family being excluded from religious activity. The threat would be far more likely to rebound upon the individual (or worse, the society) for allowing the sacrilege to take place – hence when a 'funerary bird' was discovered in the Capitol in A.D. 43, the whole city was purified.[761] It may have been that during the festivals of the *Parentalia* all families were, to a degree, tainted by the presence of their ancestors, and so the doors of the temples ensure no *living* person carried the dead or their pollution across the *templum*, upsetting the delicate balance of the *pax deorum*.[762]

The *Parentalia* was composed, primarily, of a series of private rites conducted at the gravesites of parents and ancestors.[763] A public ritual on behalf of the whole

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759 Sen. *Contr.* 4.1. The graveyard thus appears to 'contain' the pollution of death within its boundaries, existing as a place in which the corpse was no longer 'out of place' and threatening.

760 Cic. *Q. Fr.* 2.3.7; McDonough (2001) 219-21. Similarly, Cicero was eager to avoid unlucky days when choosing the wedding day for his daughter Tullia; Cic. *Q. Fr.* 2.4.2.

761 Plin. *HN* 10.34-5.

762 Verg. *Aen.* 6.563 illustrates the exact opposite in place in the Underworld, where Aeneas is told 'it is not right (*fas*) for any pure (*castus*) soul to stand upon the unholy (*sceleratus*) threshold'. Again we see the diametric opposition between purity and *scelus*. Cf. Cic. *Leg.* 2.45.

763 Ov. *Fast.* 2.533-43; Cic. *Phil.* 1.6.13.

community was also performed by the Vestal Virgins at the start of the festivities.[764] Although the ceremonies contained acts of placation and purification, Latte suggests the spirits addressed in the *Parentalia*, the *divi parentum*, were benevolent ancestors, not threatening in their intent, but still potentially dangerous through the ill-omened associations they carried in death, which could potentially harm those vulnerable.[765] Ovid recounts a myth, however, of an occasion where the rites were overlooked in a time of war, which was followed by widespread death while the nights were haunted by 'dreadful spirits' (*deformes animae*).[766] Once again the threat is not expressed directly in terms of pollution, but instead has its remedy in actions of purification – 'the ritual cleanliness of Rome consisted essentially in its being free from the ghosts of the dead'.[767] On this basis, Ziolkowski highlights the significance of the *Parentalia* in the interpretations of the *Lupercalia*, which took place on the third day of the festival, and which he believes provides the key to understanding the aims of the city's purification.[768] It was the ghosts which stalked the streets which were the original target of the Luperci's lashes, a fact deduced from the location of the ceremony within the month of February, which hints at its origin as a purification of the oldest settlement site, rather than a fertility ritual, as it had been thought beforehand.[769]

A close comparison to this occurred on August 24th, October 5th and November 8th with the opening of the *mundus*.[770] This site, thought by Plutarch to be the centre of

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764 Frazer (1929) 2.433; Scullard (1981) 75; Beard, North and Price (1998) I.50.

765 Latte (1960) 98.

766 Ov. *Fast.* 2.547-556.

767 Ziolkowski (1998-9) 192.

768 Ibid. 194-210, at 195-7; Helleman (1973) 260-8; Harmon (1978) 1440-68; Wiseman (1995a) 1-22, (1995b) 80-5; Beard, North and Price (1998) I.47.

769 Festus s.v. *Februarius* combines the two theories, stating that the Luperci purified the women of the city. Combined with the warnings of Ovid and Seneca concerning marriage and childbirth, the action of flogging with sacrificial strips of animal hide may have further strengthened women against the threat of the ghosts. Cf. Burriss (1931) 90; Scullard (1981) 77; Ziolkowski (1998-9) 202-3.

770 Festus s.v. *Mundus*; Plut. *Rom.* 11; On the nature and significance of the *mundus*, see Warde-Fowler (1912) 25-33; Weinstock (1930) 111-23; Rose (1931) 115-27; Deubner (1933) 276-87; Fabbrini (1970) 197-228; Magdelain (1976) 71-109; Coarelli (1977) 346-77; Catalano

the original city, was a pit covered by a stone, which was removed on the three dates, uncovering the 'door of the wretched and infernal gods' (*tristium deorum atque inferum...ianua patet*), making the day *religiosus*, in which it was unlucky to do battle, begin a journey or seek marriage with the aim of producing children.[771] Once again the connection to death results in a threat to fertility, and an interruption in daily routine. As such it had comparisons drawn with the Athenian *Anthesteria* festival, involving the opening of the city's *pithoi*, amongst acts of propitiation and offerings to ancestral spirits, for which the days were designated *miara* (defiled). At the conclusion of the rites the souls of the dead were ordered to depart, thus re-establishing order in the city.[772] While the *mundus* may be considered as the 'centre' of Rome, this function also pointed to its being a liminal boundary, this time with the underworld, and, like the orifices of the body, danger issued from that which transgressed its threshold. Such spirits did not necessarily threaten the living malevolently, but as ever, contact with them tainted proceedings, which could have far greater significance in matters of fertility, which were particularly susceptible to damage from pollution/disorder.

Yet if the spirits of the *Parentalia* and the *mundus* were considered ambivalent, this was certainly not true of the spirits which haunted the city during the month of May, the *larvae* and the *lemures*. Ovid describes these spirits as 'silent dead' (*taciti inferi*), who are typically grouped separately from the *Di Manes*.[773] Unlike the *Di Manes*, these spirits were labelled as harmful and malicious, possibly resulting from violent or premature

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(1978) 452-66; Chirassi-Colombo (1984) 418-20; Rykwert (1988) 129-31; Dognini (2001) 109-22. Compare with Malinowski (1948) 126-7, 171-90 on the ritual of *milamala* in the Trobriand islands.

771 Macrob. *Sat.* 1.16.16-8; Festus s.v. *Mundum*; Burriss (1931) 82; Spaeth (1996) 63-5.

772 Hoorn (1951) 15-57; Parker (1983) 39; Burkert (1983) 213-47 esp. 226-30; (1985) 237-42; Hamilton (1992) 26-7, 50-3.

773 Ov. *Fast.* 5.422; Frazer (1929) 4.36-54; Latte (1960) 99; Thaniel (1973b) 182-7.

deaths.[774] These spirits were thought to haunt the city on the 9th, 11th and 13th May, the period known as the *Lemuria*, in which they were appeased, repelled, and as we shall see, ultimately purged, from the city. As with the *Parentalia* and the opening of the *mundus*, there may have been a taboo on marriage during the days of the *Lemuria* in May, which was prevalent enough to warrant comment by Plutarch.[775]

We are forced to rely entirely on Ovid for a description of the private rites surrounding the festival, and he evokes a carefully constructed ritual performed by the *paterfamilias*. Awaking at midnight, he is instructed to proceed, like the *flamen Dialis*, wearing no knots on his shoes. Then, making an apotropaic gesture to ward off evil, he washes his hands in 'pure spring water' (*manus puras fontana perluit unda*), and throws black beans into the darkness, repeating nine times the formula 'I throw these beans, and with them I redeem myself and my family' (*haec ego mitto, his...redimo meque meosque fabis*). He then washes again and clashes bronze, again calls out nine times, 'Ghosts of my fathers be gone!' (*Manes exite paterni*). This complete, Ovid states 'he looks back and thinks the rites completed with purity' (*respicit et pure sacra peracta putat*).[776] Again we see the removal of the dead spirits links directly, through Ovid's repeated use of *purus* and references to running water, to purification as a re-establishing of order, this time in the household via the banishment of the Chthonic spirits.[777] Frazer commented at length on the various sympathetic aspects of the ritual, including the prohibiting of knots, which might impede the removal of such metaphysical threats. Likewise the theme of black beans recalls one of the many taboos of the *flamen Dialis*, which Frazer links to the stipulation that the priest must also not touch a corpse or place of cremation, or keep his office after the death of his

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774 Plaut. *Cas.* 592; *Capt.* 598; Hor. *Ep.* 2.2.209; Pers. *Sat.* 5.185; Festus s.v. *Larvati*; Wissowa (1912) 235; Boyancè (1952) 275-89; Toynbee (1971) 35, 64; Scullard (1981) 118-21; Phillips (1992) 65-7; Littlewood (2001) 925-31; Liou-Gille (2007) 607-20. General consensus now judges Ovid's reference to these spirits as *Manes* to be false.

775 Plut. *Quaest. Rom.* 86; Frazer (1929) 4.52; Rose (1924) 204-5.

776 Ov. *Fast.* 5.431-44.

777 For comparisons with the 'ordering out' at the *Anthesteria*, cf. Burkert (1983) 226.

wife.[778] Black beans are also used by Ovid in a digression on witchcraft after his description of the *Parentalia*, and Pliny, citing Varro, implies a widespread belief that the souls of the dead (*animae mortuorum*) were encased within beans. Therefore, the act of throwing them away must be interpreted as a further means of transportive purification for the household, using a physically appropriate substance to sympathetically imitate the invisible spirits.[779]

It was immediately after the completion of the *Lemuria* that the Roman state conducted perhaps its most enigmatic ritual – that of the *Argei*.[780] Plutarch observed that this was the Romans' 'greatest rite of purification', and involved the Vestal Virgins throwing twenty-seven rush puppets, designed to resemble bound human beings, into the Tiber from the *Pons Sublicius*.[781] The wife of the priest of Jupiter was also required to attend dressed in mourning, with uncombed hair.[782] Numerous theories have appeared regarding the nature and aetiology of the rite, in particular the potential interpretation of the puppets representing a former human sacrifice, as was supposed by Wissowa, although this has now been generally dismissed. That this rite was one of urban purification is perhaps the most widely accepted interpretation. Bayet, Harmon and Ziolkowski each view the placement of the ritual, immediately following the *Lemuria*, as essential to this interpretation, citing it as the primary source of pollution the puppets were supposed to remove. The actions described by Ovid regarded only the protection of the household, meaning that after the *Lemuria*, the rest of the city, including its temple precincts, was still potentially tainted by the

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778 Gell. *NA* 10.15.12-25; Frazer (1929) IV.38-9.
779 Ibid; Ov. *Fast.* 2.571-82; Pliny *HN* 18.118-19; Beer (2010) 51.
780 For discussion of various controversies surrounding the *Argei* festival, see Warde-Fowler (1911b) 65-6, 108; Wissowa (1912) 60; Rose (1924) 98-101; Le Gall (1953) 83-7; Latte (1960) 412-14; Dumézil (1966) 448-50; Ogilvie (1969) 87-8; Maddoli (1971) 153-66; Bayet (1973) 97-8; Harmon (1978) 1446-59; de Fabroschi (1980-1981) 39-63; Nagy (1985) 1-27; Pötscher (1998) 225-34; Ziolkowski (1998-1999) esp. 210-8; Graf (2000) 94-103.
781 Plut. *Quaest. Rom.* 32, 86; Dion. Hal. *Ant. Rom.* 1.38.3; Varro, *Ling.* 5.45; 7.44; Ov. *Fast.* 3.791-2; 5.621-662; Festus s.v. *Sexagenarios*; Macrob. *Sat.* 1.11.47.
782 Gell. *NA* 10.15.30.

presence of the spirits.[783] The aggressive nature of the *larvae* and *lemures* indicates that the images were intended to act as substitutes for the population, in the same way in which beans were offered by the *paterfamilias* in lieu of his family.[784] The labelling of the images as *Argei* suggests an attempt to draw attention away from the Romans themselves through the naming of an established enemy.

Varro stated that the puppets had been placed at twenty-seven shrines across the ancient city, and Bayet argues that by proceeding though each of these shrines, the entire city would gradually be purified with the removal of the scapegoat images.[785] Despite widespread discussion of the ritual, few comments have been made regarding the depiction of the *Argei* as bound men.[786] This may hold deeper significance, however, when considered alongside the regulations of the *Lemuria* and the *flamen Dialis* concerning knots. In the case of the *Lemuria*, Frazer observed that the presence of knots presented 'obstacles to the performance of certain natural or ceremonial functions ... Apparently the mere presence of a bound man was thought to oppose an insuperable barrier to the discharge of the priest's office'.[787] Thus the *paterfamilias* must wear no knots when removing the *lemures*, in case they hindered the spirits' passage. In the case of the *Argei* offerings, the desired result was the opposite, to prevent them from escaping the images, which could then be disposed of with certainty of success. The stipulation that the *Flaminica* must wear funeral apparel during the disposal of the images further suggests the link between the *Argei* and the *Lemuria*. Combined with the Vestals, Rome's purest priestly caste, she helped to safely remove the threat from ancestral spirits by removing their substitute-victims. Ziolkowski emphasised the location of the *Pons Sublicius* as crucial in the idea of waste removal, since it stood close by to the outflow of the Cloaca Maxima, as well as the

783 Frazer (1929) IV.74-113 at. 89-91.
784 Festus s.v. *Pilae et Effigies.*
785 Varro, *Ling.* 5.45; Bayet (1973) 31-2; Nagy (1985) 6.
786 Dion. Hal. *Ant. Rom.* 1.38.2.
787 Frazer (1929) IV.46-7, with reference to Gell. *NA* 10.15.9-10.

drain leading from the Circus Maximus. He concludes by stressing that in the case of the *Lupercalia* during the February rituals, it was the population of the city who were the object of purification, while the *Argei* ceremony in the wake of the *Lemuria* dealt with the physical city.[788] While the growth in population may have brought in this requirement (as he postulates), nevertheless the purification relied on the constant ritual companion and safeguard of the city, the river Tiber.

Conclusion

Death has appeared in various guises throughout this investigation. Indeed, according to those principles set out by Meigs, it is potentially the key to interpreting the ambivalent attitudes felt towards various substances emitted from the body that have appeared in earlier chapters. By necessity, however, this chapter has taken a narrower view. Its focus has been twofold: firstly, the issues of pollution, separation and religious restriction which came into place immediately in the wake of death. These fears had a clearly distinguishable focal point – the corpse, whose speedy and unpleasant disintegration was seen to symbolise the social chaos and upheaval which followed its passing. Rites in place to deal with this threat stress the importance of separation, temporarily removing the family from ordinary society while permanently removing the corpse from the household, ensuring, through sympathetic actions, that the pollution might not find its way back during this process. It was this more mysterious pollution which was the target of the second area, for if 'burial did away with the corpse, but not with the dead', then this was certainly the aim of the various public festivals in place throughout the Roman year, which sought to protect the household from the metaphysical pollution encapsulated in the 'ancestral spirits', and to subsequently purge them from all corners of the city.

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[788] Ziolkowski (1998-9) 216-18.

We have seen that issues concerning death-pollution permeated every social class, although sometimes with differing results. Whatever the status of the recently deceased, society's view of those workers in charge of their removal was deeply ambivalent. It cannot be denied that undertakers played crucial roles in Rome and the Italian towns. Issues of health and hygiene were bolstered by ideas of religious impurity. But if pollution must be taken away, someone must be responsible for it, and even in certain countries today these people are despised and socially ostracised due to their connections to death.[789] In examining pollution-stigma in India, Barrett comments that:

> From the householder to the servant, the sweeper, and then the sewer, polluted substances travel down a gradient of inauspiciousness, with little or no change to the relative (in)auspiciousness of the substances themselves…the negative attribution is intrinsic to the pollution itself. If one cannot destroy or change pollution, then one must somehow transport it to another location.[790]

We have seen that while the Roman family was made *funestus* for a limited period, those workers at the lowest levels of the death trade were socially reviled as long as they practiced their trade. Furthermore, at times they played the crucial role in sending corpses (particularly those of the publicly condemned) further down the 'gradient of inauspiciousness', whether to the Cloaca Maxima, or directly into the Tiber. In either case the goal is achieved in the removal of the polluting presence, at times providing for a further level of premeditated *post mortem* disrespect. Just as the corpse had to be sent away, we see strong indications that in both Rome and Italy, *libitinarii* were required to exist on the physical boundaries of society.

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789 Cf. Watson (1982) 155-87; Parry (1994) 81, 217.
790 Barrett (2008) 44.

Are we, therefore, any closer to giving a plausible explanation of what constituted death-pollution in Rome? A number of issues must be considered, but certain points appear self-evident. At the centre of this picture was the corpse itself. Its pollution was spread primarily by contact and proximity (typically centring on the household), but also affected near relations regardless of their location, due to their being connected to a family undergoing transition and readjustment. Outward signs, frequently based on acts of self-pollution or contraventions of social custom, were made by such individuals to warn others of the metaphysical dangers attached to them. Those being who were currently in liminal states themselves (e.g. pregnant women) were particularly at risk. In the field of religion, there is strong evidence that priests, such as the *flamen Dialis* were also susceptible. The gods, however, do not appear to have been at risk from mortal pollutions. Rather, the danger lay in mortals carrying the pollution into religious contexts and as a result damaging the *pax deorum.* The consequences would undoubtedly fall upon the community for such mistakes.

CHAPTER FIVE

CICERO – POLLUTION AND RHETORIC

In the course of our investigation so far we have encountered a number of forms of pollution, along with the wide-ranging Latin vocabulary that was used to classify them as 'matter out of place'. Yet pollution and its various dangers were highly subjective, and the extent to which pollution was considered dangerous depended on the circumstances in which it occurred, as well as the views of those reporting it. As with so much in Roman religion, interpretations and judgements from various priestly groups were sought in the wake of natural disasters or offences that might have resulted in the pollution or disturbance of the *pax deorum*. But religious procedures and rulings could also become a battleground for opposing political groups with clashing agendas, especially in the turbulent years of the late Republic. As a result, the cause or nature of a single pollution could be open to question, and given the propensity for personal polemic in Latin rhetoric, it should come as no surprise that impurity could a powerful weapon, ripe for manipulation by skilled orators. Of these, Cicero provides the greatest volume of evidence, and appeared to use impurity as a device against key opponents. We have already seen his description of Catiline as a *pestis* (see p. 18), which needed to be 'vomited' from the city, an example which reflects a far wider use of pollution vocabulary by Cicero in his attempts to slander and discredit his enemies.[791]

This chapter will require a shift in direction and approach from earlier chapters. While up until now we have adopted a relatively ahistorical approach, focussing generally on the late Republic and early Principate, this chapter will focus on the

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791 Cic. *Cat.* 1.10; 2.2.

events surrounding a single speech by Cicero, the *De Domo Sua*.[792] There are several reasons behind this decision. Firstly, it is a lengthy speech in which a large proportion of the pollution terms we have encountered during this study appear. Secondly, the speech is one of the most under exploited sources for Roman religious activity in the late Republic, and one of the most detailed pieces of evidence available to us for the central role pollution could play in Roman religion. Thirdly, and most importantly for this thesis, in this speech we also see the prominent inclusion of key themes that have been explored in earlier chapters, including sexual activity, bloodshed and death, as well as the wide variety of terms used to signal impurity. This chapter will demonstrate how the orator draws together the ideas of impiety and contagious pollution from these acts and substances, and utilises them as part of the wider conflict between Cicero and his arch-rival, Clodius.[793] The various forms of pollution will be explored thematically, beginning with the parallels Cicero draws between Clodius and the traitor Catiline, before progressing to the more personal subjects: Clodius' violation of the rites of Bona Dea; the image Clodius chose to represent Libertas and the insult this caused to Cicero's own household gods; the rumours of incest surrounding Clodius and his three sisters; and the finally the outbursts of orchestrated public violence which led to bloodshed and the desecration of temples.

It will also be helpful to refer throughout to the wider context of this feud, which spanned much of the 50s B.C, and only ended after the assassination of Clodius and the trial of his killer, Milo, in 53 B.C. However, while Cicero described Clodius as impure in a variety of ways throughout these years, it was in the *De Domo Sua* that

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792 References to the Latin text of the *De Domo Sua* are taken from the Loeb edition, cf. Watts (1923) 132-311. Translations, however, remain my own. Much of the material for this chapter has emerged from a recent article I have published on the *De Domo Sua*, which demonstrates the central importance of pollution in Cicero's rhetorical line of attack; Lennon (2010b) 427-45. Cf. Langlands (2006) 284-6; Steel (2007) 105-28.

793 Achard (1981) 116-30, 519-20 considers various parallels in the language employed by Cicero against Catiline, Clodius and Antony. The theme of impiety is considered, but Achard's approach deals primarily with political, rather than religious, slanders and accusations.

pollution played a central role within a conflict over religious procedure. Here, it lay at the heart of Cicero's argument. In a battle over who held true religious authority and divine favour, the potential impurity of one party could help sway the judgement of an informed priestly audience.

i. The Context of the *De Domo Sua*

In 58 B.C. Clodius was elected a tribune of the people, and immediately set about attacking Cicero, ostensibly for the latter's execution of the Catilinarian conspirators in 63, an act which Clodius argued had been illegal, since it had not been ratified by the Assembly. To escape prosecution, Cicero fled to Greece, where he remained until after Clodius' tribunate had ended. In his absence, Clodius ordered the confiscation of Cicero's property, including his luxurious house on the Palatine. When it became increasingly clear that Cicero would return, Clodius consecrated a shrine to the goddess Libertas on the site of the Palatine property, arguing that such a shrine could not be removed, or officially 'owned' by a private individual. When he arrived back in Rome Cicero's property was restored to him, and those buildings that had been destroyed were rebuilt at public expense.[794] Nevertheless, the shrine to Libertas could not be so easily dealt with. To deconsecrate the site without genuine religious justification might incur the enmity of the goddess.[795] This presented a serious problem, since forcing Cicero to live next to a monument to his disgrace was both humiliating and implied that he had not been entirely acquitted of the original

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794 Cic. *Att.* 4.1.8.

795 Orlin (1997) 166; Watson (1968) 21-2. When several prodigies were reported the following year, Clodius was quick to blame the 'violation' of the shrine as a cause of divine anger.

charges against him.[796] Therefore Cicero was forced to argue before the college of pontiffs for a reversal of the dedication – a plea with little direct precedent.[797]

Ultimately the legal argument used by Cicero, and accepted by the pontiffs, was based on a legal technicality requiring anyone performing a public consecration to have been authorized to do so by a plebiscite. Without such a vote the dedication was invalid.[798] Also, members of the college were typically expected to be present at dedications. For this ritual, Clodius had enlisted his brother-in-law L. Pinarius Natta, whom Cicero described as the youngest and least experienced of the pontiffs.[799] Though he does not argue that the young man proceeded incorrectly, he suggests that someone with so little experience might, potentially, have made mistakes. A flimsy argument, but one that illustrates the direction of Cicero's overall attack – he needed to show that the ritual had been damaged, or incorrectly (or improperly) performed. This tactic is later illustrated concerning Clodius himself, where he is described speaking with 'muddled' (*praeposterus*) words.[800] Therefore, each of his attacks on Clodius' personal purity contributed to the erosion of the ritual.

The question of purity is, in this case, tied to that of ritual validity. If Cicero knew the legal weakness of his argument, he could also attempt to sway the pontiffs against Clodius by constructing an image of him as impious and religiously unclean, and thus incapable of correctly performing a *consecratio* because of his own moral and physical

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796 On the events and symbolism surrounding Cicero's Palatine house, as well as its location on the Palatine, see Burriss (1926) 524-32; Allen (1944) 1-9; Hales (2000) 44-55.
797 That is, dedication of private land for sacred use; Cic. *Dom.* 127-8; Tatum (1993b) 320. While Cicero appears to have been proud of his speech, Stroh has observed that it remains poorly viewed by modern scholarship; Cic. *Att.* 4.2.2; Stroh (2004) 313-14. Tatum (1999) 190-1 notes that without knowledge of Clodius' own speech, we cannot fully appreciate Cicero's efforts.
798 On the pontiffs' ruling, and actions taking in conjunction with the Senate, see Cic. *Att.* 4.2.3-4.
799 Cic. *Dom.* 117-19, 139; Taylor (1942) 391, 394.
800 Cic. *Dom.* 140; Goar (1972) 51-2.

shortcomings.[801] This allowed Cicero to exploit the standard character attacks, so typical in rhetoric, for a central, practical purpose. Each damaging anecdote and careful choice of words served to chip away at the validity of Clodius and his actions, which appear increasingly cruel and motivated by revenge. Moreover, by focussing on the issue of religious impurity Cicero avoided having to discuss the deeper details of pontifical law which might offend his well-informed audience, as well as weaken his argument with regard to Clodius' religious laxity and curiosity.[802] At the heart of this argument was *scelus* – in the course of this single speech Cicero used the term and its cognates fifty-three times in reference to Clodius, his actions and his associates. In many of these examples we see the combination of *scelus* with pollution, or otherwise an emphasis on the infectious nature of the *scelus* surrounding Clodius, suggesting a deliberate approach by Cicero, in line with the nature of the case and his overall aims with regard to the shrine of Libertas. Religious pollution, therefore, may be said to have played a pivotal role in ensuring a favourable outcome for Cicero. The issue of the plebiscite might be the pretext employed by the pontiffs in the end, but his carefully constructed attack on Clodius with regard to ritual and religion can be seen as deeply damaging in the context of a hearing before the Pontifical College.[803]

ii. Clodius and Catiline

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801 On religious *contagium* see Wagenvoort (1947) 128-86, esp. 132. Riggsby (2002) 159-95, at 164 hints that Cicero's arguments 'have less to do with the law than with...Clodius' supposed impiety'. Lisdorf (2005) 455-6 argues that Cicero's remarks concerning Clodius and morality are 'superfluous', opposing Goar (1972) 51-5, as part of an unconvincing attempt to examine the ritual processes within the *De Domo Sua*. Goar's focus, however, dwells primarily on the issue of morality in Roman religion without considering the consequence of impurity as a damaging factor in the ritual dedication. Similarly Berg (1997) 136.

802 Linderski (1985) 209-10, 216 discusses Cicero's respect for hidden religious traditions as a contrast to Clodius' *curiosi oculi*, by which he violated the religious traditions of the Bona Dea.

803 Tatum (1993a) 321 'The Papirian law provided...an opportunity – not an obligation – to invalidate Clodius' consecration'.

In the *Catilinarian* orations Cicero talks of Catiline's desire to wage impious war (*bellum nefarium*) against the city.[804] Clodius, too, is accused of waging a *nefarium bellum*, not only against Cicero, but against the very fabric of his home (*columnae ac postes*), an action which he states exceeded Catiline's cruelty.[805] It is clear that links to Catiline's band could be politically damaging and following Cicero's careful formulation of the conspirators as *scelesti* he was able to imply similar wickedness in Clodius, who is openly labelled in the *De Domo Sua* as *felix Catilina*, his successor in the eyes of all nefarious men.[806] The unspeakable nature of the crime (*nefas*) gives an indication of Cicero's views concerning the use of violence and underhand methods against the Republic, whilst further emphasising impurity, due to the links between *nefas* and *scelus*. Cicero proceeds to lay the blame for the torching of his Palatine property at the feet of Clodius and the consuls of 58 B.C, Piso and Gabinius,[807] while describing Gabinius as the 'darling' (*delicia*) of Catiline.[808]

In recalling the removal of Catiline before the Senate, Cicero referred to the removal of a pestilence (*pestis*) brought about by all good men,[809] and Cicero's use of impurity in referring to Catiline's forces is well established.[810] By the time of the *post reditum* speeches, however, Clodius too has achieved this status in Cicero's view, and in the *De Domo Sua* is directly labelled as *rei publicae pestis*, in a manner which suggests Clodius not only to be impure himself, but also a pestilential and corrupting influence

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804 Cic. *Cat.* 1.25, 1.33, 2.15, 3.3; Dyck (2008) 110-1, 122.
805 Cic. *Dom.* 60. See Berg (1997) 122-43 on the symbolism of the Roman house in religion.
806 Cic. *Red. pop.* 13; id. *Dom.* 72. For detailed consideration of Clodius and Catiline, see Lintott (1967) esp. 163, 169; Loposzko and Kowalski (1990) 199-210.
807 They had been induced to allow Clodius' tribunate to proceed unhindered by his passing of a bill allotting them lucrative provincial commands in Cilicia and Macedonia. Cicero shows equal hatred of them, comparing Piso to Clodius' pet dog, and to a foul prodigy in the same manner as Catiline and Clodius themselves; Cic. *Pis.* 23, 31 (*immanissimum ac foedissimum monstrum*).
808 Cic. *Dom.* 62; *Red. sen.* 10. Similarly in *Sest.* 28 Gabinius delivers a speech like a 'victorious Catiline'. With *delicia*, a sexual relationship may also be implied.
809 Cic. *Red. sen.* 17; Bradley (*forthcoming*, 2011a).
810 For example Cic. *Cat.* 1.23; 2.11, 15; 3.27. The instances are too numerable to list here comprehensively. On the antithesis of Cicero and Catiline, see Batsford (1994) 211-66. Cf. Yavetz (1963) 485-99; Lopozko and Kowalski (1990) 199-210.

against all good things within the Republic, as was demonstrated by his attempts to stain (*maculare*) the reputation of Marcus Cato.[811] All instances of *pestis* in the *De Domo Sua* refer to Clodius, Piso and Gabinius, or to Catiline. Since a parallel to Catiline appears intended for each of the men concerned, both by this choice of phrase and the more direct revelation of *felix Catilina* in the case of Clodius personally, it is unsurprising that no one else receives this label.[812] By making this comparison Cicero was asking a clear question of the pontiffs; would they have treated a ritual performed by someone as impious and willing to resort to violence against the state as Catiline as religiously binding?[813] Equally, if doubt existed over whether a priest with a blemish or deformity could perform his religious functions, could the description of Clodius as *pestis* further corrupt his *dedicatio*?

Such accusations could harm Clodius' reputation, and possibly fuel the audience's indignation (having recently experienced the violence of Clodius' tribunate), but they offered nothing concrete to help Cicero's case. He could cut far deeper by speaking of, and constantly referring back to, Clodius' greatest indiscretion - his interference at the public festival of Bona Dea. This serious incident became one of the most damaging arguments against any religious action made on Clodius' part. Similarly, it allowed Cicero to dwell on the various forms of pollution which surrounded his opponent as a result of the sacrilege, thus damaging the validity of the consecration of the shrine to Libertas and further humiliating Clodius before the pontiffs.

iii. Bona Dea

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811 Cic. *Dom.* 5; *Sest.* 60.

812 Cic. *Dom.* 2, 5, 14, 24, 26, 72, 85, 99, 144; MacKendrick (1995) 169; Kaster (2006) 218.

813 This accusation did not end with the *De Domo Sua,* and would be used against Clodius for the rest of his life. Cic. *Red. sen.* 6, 7, 19; *Red. pop.* 13, 14; *Dom.* 63; *Att.* 4.3.3; *Har. Resp.* 22; *Mil.* 37. On Clodius' use of mob violence and support from the urban *plebs*, see Lintott (1967) 169.

We have already noted the serious sexual pollution that resulted from Clodius' intrusion at the women-only rites of Bona Dea in 62 B.C. (see pp. 79-81). Allegedly aiming to seduce the wife of Julius Caesar, in whose house the rites were taking place, Clodius polluted proceedings both by his attempts at adultery and by his very presence in the ritual, which was denounced by both the pontiffs and the Vestals as *nefas*.[814] Indeed, it was during Clodius' trial *de incesto* that Cicero first earned his enmity by breaking his alibi.[815] Cicero first mentions the subject of Clodius and the Bona Dea festival in a letter to Atticus on the first of January, 61 B.C. His feelings were uncertain, his first report suggesting a degree of public concern, possibly tinged with a degree of humour.[816] Cicero claimed to have bitterly attacked Clodius in the Senate, comparing his behaviour and actions to those of the Catilinarian conspirators, stating that 'Lentulus had twice been acquitted, as had Catiline – now a third man has been thrown against the State by a jury'.[817] Cicero appears chiefly concerned with the political ramifications, rather than the religious dangers, from these proceedings. By 57 B.C, and for the purposes of the *De Domo Sua*, however, this scene presented the greatest opportunity to discuss the hypocrisy in any claim Clodius may have made regarding the observance of *religio*. To this end, the scandal was revisited to underline the insincerity of Clodius' feigned piety. It must be remembered that in the sphere of religion Clodius had been condemned by the judgement of his act as *nefas*. Most importantly, it had been the college of pontiffs whose ruling had been both ignored and surpassed by bribery in the legal trial.[818]

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814 Cic. *Att.* 1.12.3; *Har. Resp.* 37-8, 44; Vell. Pat. 2.45.1; Plut. *Cic.* 28; Dio 37.45.1-2; Woodman (1983) 65-7; Beard and Crawford (1985) 34; Gruen (1995) 248.

815 Cic. *Att.* 2.1.5; *Dom.* 80; Lintott (2008) 158.

816 Cic. *Att.* 1.12; Balsdon (1966) 65-73; Epstein (1986) 229-35; Tatum (1990) 207-8; Tatum (1999) 64-5. Tatum places particular significance on Clodius as a public figure in inciting Cicero's disapproval, but also considers the potential humour of the situation for Cicero, Atticus and the rest of the political elite.

817 Cic. *Att.* 1.16; Brouwer (1989) 144-9.

818 Mulroy (1988) 155-78 attempts to portray the Bona Dea festival as a Bacchanal-like revel, where men might have been permitted in order to explain Clodius' presence in female attire.

That the alleged *nefas* had taken place in the house of the Pontifex Maximus has frequently been underestimated in examining the context of the *De Domo Sua.*[819] Although Caesar was preoccupied in Gaul at the time, it must not be forgotten that Cicero was speaking about an embarrassing event in the life of the college's current leader. It served as a potential injury to the pontiffs' authority, helping Cicero's cause at least in principle.[820] But more importantly it also allowed him to ask the question of whether a man whose *nefas* had robbed the house of the Pontifex Maximus of its *religio* could truly be capable of conferring sanctity upon the house of a private citizen.[821]

The damage to *religio* appears as part of the *scelus* resulting from Clodius' intrusion, and points to the wider issue of religious authority and sanctity within public religion and religious space. The threat to the traditional religious customs attached to the Roman household (discussed below) may also be significant. Following this question, Cicero contrasts Clodius with his pious ancestors, speaking of Clodius as 'that man, who polluted (*polluere*) sacred rites not only by viewing them, but also by twisted depravity and lust'.[822] The validity of the accusation of sex within the ritual is

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It is impossible to accept this, given that the scandal of the Bacchanalia in 186 B.C. came about partly because of pollution and indecency felt to have been brought about by mixed-sex revelling. If men had been permitted at the Bona Dea, it seems improbable that Caesar, whose house was chosen for the ritual, and who had recently been elected Pontifex Maximus (the religious ward of the presiding Vestals), should have been absent from the prestigious honour of a sacrifice *pro populo* within his own house. Tatum (1990) 208 similarly shows reservations.

819 Nisbet (1939); MacKendrick (1995); Stroh (2004), all see no significance in the topic in this context. Lenaghan (1969) 61-2 and Brouwer (1989) 268-9 argue that Cicero drew attention to this to highlight the sanctity of the rite and by extension 'the baseness of Clodius' act', but still make no mention of the context of the *De domo sua.*

820 Stroh (2004) 349 points to a similar affront to the pontiffs' power: Caesar's failure to consult them over Clodius' adoption into a *plebeian* family.

821 Cic. *Dom.* 104 (*Publiusne Clodius, qui ex pontificis maximi domo religionem eripuit, is in meam intulit?*).

822 Ibid. 105 (*istius, qui non solum aspectu, sed etiam incesto flagitio et stupro caerimonias polluit*). Cic. *Mil.* 87. '*polluerat stupro sanctissimas religiones*' leaves little doubt as to the link between ritual violation and religious pollution. See also Cic. *Leg.* 2.36-7 for the inexpiable nature of deliberately committed sacrilege.

uncertain; Cicero's rhetorical aim is clear, however.[823] This confirms the taboo both on male presence at the Bona Dea, as well as the wider taboo on sexual contact within religious space. Had either of these taboos been absent, the pontiffs would certainly have rejected them as false. The potential pollution from sex may also have been augmented in this case because the ceremony was attended by the Vestals, whose *castitas* might have been damaged even by proximity to the act.

Cicero also appears to treat the subject of the Bona Dea scandal with at least a degree of humour, combining irony and the issue of Clodius' purity. At the start of his main attack on Clodius' violation of the Bona Dea, he describes the misgivings some may have about the return of his property as being stirred up by the farcical dedication of this 'most pious priest' (*castissimus sacerdos*).[824] The ironic description of Clodius as *castissimus* is interesting in itself with regard to Cicero's use of impurity to discredit him, but this phrase may have further connotations. Nisbet highlights Cicero's earlier, private, description of Clodius as *iste sacerdos bonae Deae* ('that priest of Bona Dea'),[825] which is in turn linked to his reference to Clodius' brother App. Claudius Pulcher, as a man not far removed from this 'pious priest of Liberty' (*religiosus Libertatis sacerdos*).[826] The use of impurity, even with humour, illustrates the flexibility of Cicero's tactic while once again underscoring the hypocrisy of Clodius' actions to the pontiffs. There was no harm in poking fun at the incident; the initial danger caused to the rite by Clodius' intrusion had been expiated immediately by the presiding Vestals, who had repeated the ceremony. Religious danger might therefore be thought to surround only Clodius (around whom the danger still lingered), since his deliberate actions appeared to be inexpiable, and Cicero made the most of Clodius' polluted aura in evaluating his later religious actions.

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823 Cic. *Har. Resp.* 8; Vell. Pat. 2.45.1.
824 Cic. *Dom.* 103. Also *Sest.* 66; Kaster (2006) 112.
825 Cic. *Att.* 2.4.2.
826 Cic. *Dom.* 111; Nisbet (1939) 156. See also Cic. *Har. Resp.* 9 (*...dixit domum meam, a religiosissimo sacerdote, P. Clodio, consecratam.*); *Sest.* 39 (*sacerdos stuprorum*).

When Cicero came to examine the nature of the deity Clodius had installed, he asked his audience what kind of goddess would possibly be found in company with such a sacrilegious man – his answer, 'a "Good" goddess surely, since she was dedicated by you!' (*at quae dea est? Bonam esse oportet, quoniam quidem est abs te dedicata*).[827] Thus, even when examining Libertas, Cicero brought his audience back to Bona Dea, linking Clodius' sacrilege with his subsequent dedication. When the argument turns towards the shrine and image of Libertas installed on the site, Cicero is no less careful to undermine even the ritual purity of the goddess through her manipulation by Clodius, for what is portrayed as a cruel and unnecessary action.

Libertas

Just as sexual impurity had played an important role in Cicero's narrative of the Bona Dea scandal, so it did again in his description of the statue chosen by Clodius to represent Libertas.[828] Though the subject of the physical statue is dealt with relatively briefly, the layers of impurity are expertly drawn together, and the wider significance of the image opens new doors of antithesis for Cicero to explore.

He begins this enquiry by asking where this Libertas was found, and 'reveals' that the piece had been a marble statue of a prostitute (*meretrix*) from Tanagra, removed from a tomb by Clodius' brother Appius for display in the entertainments he was to put on as aedile.[829] Later this was given to Clodius, in Cicero's words, to signify the 'liberty' of both himself and his followers, and not the liberty of the state. This is quickly made to appear as a deep insult to Libertas as Cicero asks, with a heavy hint of irony:

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827 Cic. *Dom.* 110; Nisbet (1939) 162; Toutain (1950) 185-7. A similar play on words appears in Cic. *Dom.* 109 with the description of Clodius' *pulchra Libertas.*

828 On the politico-religious symbolism of Liberty see Francisco and Francisco (2000) 261-9 for the struggle noted in the *De Domo Sua.* Cf. Hellegouarc'h (1963) 542-58; Brunt (1988) 281-351, esp. 334.

829 Cic. *Dom.* 111. This is represented as part of a wider series of 'removals' by Appius, described as carrying off works of art throughout Greece. Berg (1997) 138 casts doubt on the validity of the accusation concerning the tomb, but admits the power of such an image, linking death and religion.

> hanc deam quisquam uiolare audeat, imaginem meretricis, ornamentum sepulcri, a fure sublatam, a sacrilego collocatam? Haec me domo mea pellet?
>
> Who would dare to violate this goddess - the likeness of a prostitute, the ornament of a tomb, stolen by a thief and set up by a sacrilegious man? Will such a goddess drive me from my house?[830]

In this statement every aspect of the image's dedication becomes potentially offensive to religion, and her removal becomes less a sacrilegious act, and more a pious restoration of the goddess' dignity. Because the sculpture is of a foreign prostitute Cicero may mean to imply a degree of sexual impurity, perhaps in keeping with the *stuprum* of her dedicator,[831] but the greatest emphasis must lie with the serious disrespect Clodius appears to show for his so called Liberty, profaning her sacred image by bringing it into even minor contact with the human, sexual world, and using the image of a low-born trade to depict a goddess of prized virtue.[832]

This sacrilege is made worse by the revelation that the image was not only of a prostitute, but that even this was stolen and, crucially, from a tomb.[833] The accusation of theft directed at Appius Claudius may be no more than exaggeration on Cicero's part, although it does invite comparison with his earlier prosecution of Verres (70 B.C.), who also stole statues and images from the most sacred sanctuaries.[834] Prospective aediles in the late Republic were expected to hold lavish displays for public entertainment, and treasures and wonders were collected from across the empire to contribute to the public spectacles. The use of a sculpture from a tomb,

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830 Cic. *Dom.* 112.

831 Cic. *Sest.* 9.20 refers to Clodius' numerous indiscretions as both *lustrum* and *stuprum*. *Lustrum* is occasionally used by Cicero and others in the sense of debauchery or low-living. See Cic. *Cael.* 44; *Phil.* 2.6; Plaut. *Asin.* 867; Liv. 23.45.3; Lucr. 4.1136. For a full discussion of *stuprum* and sexual impurity see E. Fantham (1991) 267-91.

832 For repetition of this attack, see Cic. *Har. Resp.* 33.

833 Cic. *Leg.* 2.22 directly condemns those who have stolen from sacred precincts.

834 Cic. *Verr.* 1.5.14 (...*etiam delubra omnia sanctissimis religionibus consecrata depeculatus*); Nisbet (1939) 164-5.

however, might have more serious implications in terms of the purity of its dedication, as Cicero clearly emphasises that the image was stolen from a *sepulcrum*.[835] Thus an object that was acceptable and appropriate for a graveyard, religious space naturally connected to the underworld, became unthinkable within the context of a dedication to a divinity not typically associated with death. Cicero does not dwell on the issue, but dismisses the image as polluted by sex, death, and sacrilege,[836] damaging dedication, and also Clodius' reputation through his use of such an inappropriate image, for what Cicero believed to be a totally inappropriate cause. This close series of attacks represents Clodius' Libertas as totally hypocritical - a perversion of her true nature. Yet as is the case with the *Catilinarian* orations, one of Cicero's most powerful rhetorical tactics is the creation of antithesis,[837] and Clodius' Libertas represents only one half of this constructed image. On the other side of this battle, there stand two iconic images of Cicero's personal religion, that of his Minerva, and those of his household gods.

Minerva and Household Gods

The significance of Minerva in Cicero's actions is attested by Plutarch, who states that before leaving the city to go into exile, Cicero took his private image of Minerva to the Capitol where he dedicated it as 'guardian of Rome',[838] to protect the Republic in his absence, an act that offers potential insight into Cicero's view of the gods' public roles and duties in the maintaining the stability of the state. In the *De Domo Sua* Cicero acknowledges the help he has received from the goddess,[839] and defends himself against Clodius' mocking suggestion that he acted as though Minerva were

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835 Cic. *Dom.* 111-12.
836 The description of the sculpture's theft from its rightful place also creates a dual image of sacrilege, since the item was stolen from within the precincts of religious space, and dedicated by Clodius' already impure hands.
837 MacKendrick (1995) 72-3, 106-7.
838 Plut. *Cic.* 31; Cic. *Leg.* 2.42; Dio 38.17.
839 Cic. *Dom.* 144.

his sister and thought himself to be Jupiter.[840] His cutting reply was that he was not so ignorant as to think Minerva is Jupiter's sister, but even if he did, that he may at least claim virginity for his sister, whereas Clodius has not permitted Clodia such a luxury.

The underlying symbolism of Cicero's dedication of Minerva connected him to the well-being of the State. By this action Minerva became the antithesis of Clodius' Libertas. In the *De Legibus* Cicero mentions the dedication of his 'guardian of the city (*custos urbis*)' in immediate reply to the description of Clodius' 'shrine to Licence' (*templum Licentiae*). The term *templum* is never used in the *De Domo Sua* with reference to Clodius' dedication, further emphasising Cicero's refusal to accept its legitimacy; hence in the *De Legibus* it only appears with reference to Licence, clearly illustrating Cicero's view of its dedicator.[841] Yet while Cicero's Minerva might be used as a religious opposite to Clodius' Libertas, he could make an even stronger appeal to his audience – one that built upon his initial refusal to accept the legitimacy of the dedication.

The home of a Roman was more than the building itself. The deeply embedded rituals of the household gods played a significant role, both physically and in the minds of Roman citizens, and Cicero makes one of his most powerful, and personally invested pleas based on this feeling:

> quid est sanctius, quid omni religione munitius quam domus unius cuiusque ciuium? hic areae sunt, hic foci, hic di Penates, hic sacra, religiones, caerimoniae

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840 Ibid. (*tu sororem tuam virginem esse non sisti*). Once again this highlights the lack of context available to scholars o the *De Domo Sua*, since Clodius appears to have delivered and equally virilent attack on Cicero beforehand. Lacey (1974) 85-92 stresses that both men did, in fact, have some claim to the moral and religious 'high ground' in this debate, and neither was totally in the right. Cf. Rundell (1979) 301-28.

841 Cic. *Leg.* 2.42; Allen (1944) 8; Stroh (2004) 320; Dyck (2004) 364-5; MacKendrick (1995) 174-5 notes that 86% of antitheses 'pit, in one way or another, virtuous men...against evil Clodians'. For consideration of Cicero's Minerva and the wider household cult, cf. Bodel (2008) 248-55.

continentur: hoc perfugium est ita sanctum omnibus, ut inde abripi neminem fas sit.

What is more sacred, more protected by every form of religious sanction, than the home of each and every citizen? Here his altars, hearths, and *Penates*, his rites, religion and ceremonies are preserved. It is a refuge so sacred to all men that it is not right for anyone to be torn from it.[842]

Through this plea, Cicero exposed Clodius' attempts to undermine the most sacred traditions under the guise of religion. Just as he had done with Catiline, he worked to isolate Clodius and his followers entirely from 'decent society' and *mos maiorum*. Anyone who assisted Clodius in the pillaging of his property is labelled *sceleratissimus* for their violation of these ancestral values.[843] Cicero had made it clear from the outset of the speech that these were matters of direct concern for the Pontifical college, arguing that in their decisions were entrusted 'the dignity of the state, the safety of all her citizens, their lives, and their liberty (*libertas*), their altars, hearths, and household gods, their goods, fortunes and homes'.[844] According to Cicero, it was the duty of the college to protect his house and its *religio*, while the calculated inclusion of *libertas* in the list of their cares indicated that both lay outside the jurisdiction of one such as Clodius.

In the seizure of Cicero's property, therefore, Clodius is shown to have offended ancestral tradition once again, as well as the sanctity attached to a citizen's home. This 'Liberty' is not his to offer and she cannot drive away Cicero's *Penates*. Because of the sanctity accorded to such spirits, as well as the actions of those who joined

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842 Cic. *Dom.* 109; Heibges (1969) 307; Berg (1997) 139; Hales (2000) 54-5.
843 Cic. *Dom.* 108. This referred to the looting and burning of Cicero's Palatine house which immediately followed his departure.
844 Cic. *Dom.* 1 (*omnis rei publicae dignitas, omnium civium salus, vita, libertas, arae, foci, di penates, bona, fortunae, domicilia*).

Clodius in pillaging the site, it is sacrilege to have even made such an attempt.[845] Indeed, in Cicero's view, Clodius' Liberty is only one part of the overarching *scelus* surrounding the confiscation of his house. As a result, Cicero has twisted the political issue again into the sphere of religion, despite promising early on to avoid such discussions out of respect for the pontiffs' authority,[846] and Clodius' actions move from theft and arson to religious desecration, for which the language of pollution appears to have been both appropriate and persuasive. The restoration of Cicero's house is presented as avoiding divine offence (to his *Penates*), rather than invoking it through the removal of Libertas. Cicero's religion is the older, more venerable form, in keeping with those values the pontiffs are charged with upholding. Of course the political events of recent decades played an important part in Cicero's attempts to unnerve his listeners, and though he used the violation and subsequent pollution of religious custom as the basis for his attacks, he was still careful to draw parallels between Clodius' actions, and the proscriptions imposed during the dictatorship of Sulla, citing such punishments as the hallmark of any tyranny.[847] Nevertheless, in making his appeal Cicero repeatedly cites the preservation of altars, hearths and household gods as the most pressing business of the pontiffs, making their decision more religiously pressing, and Clodius' actions more religiously offensive.

Cicero did not just represent Clodius as a threat to the households of others, but also discussed the damage he had done to his own family, along with his wider social ties. Once again the themes of pollution and the threat of contamination were key rhetorical weapons used in depicting Clodius' further subversion of traditional Roman values. As a member of the *Claudii* and therefore a member of the patrician elite, Clodius was required to undergo adoption into a plebeian family to make his

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[845] Bodel (2008) 251.
[846] Cic. *Dom.* 32-3; Nisbet (1939) 94-6.
[847] Cic. *Dom.* 43-4; *Dom.* 79 sees Cicero arguing that Clodius had outdone Sulla for cruelty and unlawfulness by attempting to deprive an ex-consul of citizenship through the force of armed thugs. See also MacKendrick (1995) 157.

election to the office of tribune possible. In relating these details, Cicero chose to focus on Clodius' abandoning of his family's *sacra gentilicia.* Clodius is, of course, so impure in Cicero's eyes, that he damages the strength of his original family *sacra* through his withdrawal, as well as contaminating the family he now joins, all of which is shown to be contrary to the natural order and utterly irreligious. He argues that 'therefore, by the subversion of rites and the contamination of families, both that which you abandoned and that which you have polluted…you have acted against all that is lawful' (*ita perturbatis sacris, contaminatis gentibus et quam deseruisti et quam polluisti…factus es...contra fas*).[848] Again we are left in no doubt that 'pollution' and 'contamination', as well as deviation from established ritual were key weapons in Cicero's dismissal of Clodius' dedication, and his attempts to sway the decision of the pontiffs.

This picture is subsequently augmented by Cicero for rhetorical effect, when he asks what would happen if all patricians became plebeian for political purposes: 'Soon the Roman people will have neither *Rex Sacrorum*, nor *Flamines*, nor *Salii* – they will lose half their priests'.[849] Cicero's hyperbolic line of attack remains the same – Clodius damages the religious stability of the State through his every action, whether to others deliberately, or to his own family through his mere presence. Each of Clodius' actions in public life is shown to be impious, their effects threatening. Their danger to the community as a whole is therefore best illustrated by Cicero in terms of contagion, as we have seen with *pestis* being applied nine times to Clodius, his actions and his immediate associates involved in his exile and the confiscation of his property.[850] Even the downfall of Cicero, brought about by Clodius, is referred to as a 'corruption' (*pestis*) of a good element within the state, indicating the dangerous

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848 Cic. *Dom.* 34-5.
849 Ibid. 38 (*ita populus Romanus brevi tempore neque regem sacrorum neque flamines nec Salios habebit nec ex parte dimidia reliquos sacerdotes*).
850 *Dom.* 2, 5, 14, 24, 26 (twice), 72, 85, 99.

influence of Clodius' tribunate, which might threaten the pontiffs themselves at any time.[851]

De incesto

Allegations of impurity concerning Clodius' private life also appear prominently in the *De Domo Sua*, almost equalling his public disgraces with regard to the Bona Dea and the public dedication of Libertas (when he brought these various impurities into the boundaries of religious ritual). Slanders of this sort appear commonplace in Latin rhetoric, and as Stroh has noted, excess of it forms the basis of much modern criticism of the *De Domo Sua*.[852] Sexual innuendo and open ridicule are attached to Clodius and all those associated with him.[853] It is through the implied element of *contagio* that these attacks are intended to affect the consecration of the shrine of Libertas.

The most obvious and well-known accusation of Clodius' sexual impurity concerned his incestuous relationship with his sister, Clodia. Though such allegations could be aimed at any prominent public figure (Cicero included),[854] there appears to be a greater degree of certainty concerning P. Clodius. Kaster notes that 'for all the savage things C. says about his enemies, he makes this charge about no one else'.[855] The sheer frequency of Cicero's allegations about Clodius' incestuous relationship must indicate such rumours to have been rife amongst many in the senatorial class, and he

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851 MacKendrick (1995) 168-9; Cic. *Dom.* 26.
852 Stroh (2004) 314-16.
853 Leach (2001) 355-9 stresses Cicero's repeated 'feminisation' of Clodius throughout Cicero's attacks on his Clodius.
854 Cicero himself appears to have been accused of committing incest with his daughter Tullia; [Sall.] *Invectiva in Ciceronem* 2.1-2; Dio 46.18.6.
855 Kaster (2006) 411. Cf. Skinner (1982) 197-208.

would later reveal that L. Lucullus had been confident enough to swear on oath that an investigation had confirmed Clodius' guilt.[856]

In the *De Domo Sua* the allegation is most clearly levelled in section 92, with the statement 'you have not allowed your sister to be a virgin' (*tu sororem tuam virginem esse non sisti*), and suggests that the charge was already known amongst the pontiffs. In examining the *De Haruspicum Responsis*, Lenaghan recalls Clodius' trial *de incesto* following the Bona Dea scandal, and notes that while this might be used to refer to the presence of the Vestals at the ceremony, it cleverly called to mind all existing gossip concerning Clodius' relations with his sisters while simultaneously enhancing Cicero's portrayal of Clodius as *nefas*.[857] Similar tactics in the accounts of sexual impurity are present in the *De Domo Sua*. So when Cicero describes Clodius as a man who polluted (*polluit*) religious ceremonies by *incesto flagitio et stupro* ('twisted depravity and lust'), he reminds his audience of every form of sexual impurity attributed to Clodius in the past, further augmenting the seriousness of his crimes and suggesting contamination of his own acts of religion.[858] Similar references see Clodius conducting the dedication *praeposteris verbis, omnibus obscaenis* ('with muddled words and with every form of indecency'),[859] and the implications of impurity, particularly sexual, are again pushed into the audience's imagination.

The illegality of incest aside, sexual deviancy could be frowned upon by the austere, but tolerated at the expense of some personal prestige. When this impurity entered the confines of sacred space, however, the danger of contamination was presented by

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856 Cic. *Mil.* 73. Also *Har. Resp.* 39, 59; *Sest.* 7.16, 17.39; *Cael.* 32, 34, 36, 78; Catull. 79. For examination of the allegations see McDermott (1970) esp. 43-4; Tatum (1999) 42, 73-4, 90; Kaster (2006) 409-11. It must also be noted, however, that L. Lucullus was a known enemy of Clodius, and husband of Clodius' youngest sister, Clodia Luculli.

857 Lenaghan (1969) 61. See also MacKendrick (1995) 158-9.

858 Cic. *Dom.* 105 (*istius, qui non solum aspectu, sed etiam incesto flagitio et stupro caerimonias polluit...*).

859 Cic. *Dom.* 140. The wide-ranging implications of *obscaenus*, suggesting sexually impure, foul, polluted or inauspicious, neatly illustrates the general portrayal of impurity for which Cicero was aiming.

Cicero as far greater. In the case of the Bona Dea, it could mean the deliberate pollution of the ritual, or, equally serious, the damaging of the Vestal Virgins' sanctity.[860] In the case of Clodius' *consecratio*, by his involvement both with the ceremony and with the presiding *pontifex*, he damaged the sanctity of the dedication. When describing the scene of the dedication and the inexperience of Clodius' relative and *pontifex*, Natta, Cicero was careful to connect the pontiff with the impurity and *scelus* of Clodius and his sister, as well as rhetorically forcing isolation onto them as he had done to Catiline.[861]

Bloodshed and Public Temples

Clodius' corruption of religious space and ritual did not end with sexual impurity. Cicero could, in fact, call upon a more widely known aspect of his political activity to illustrate his disregard for decency toward religious custom, his use of mob violence as a political tool – a tactic which appears to have occasionally spilled over into the boundaries of religion.[862] An important factor in this argument was Clodius' alleged use of the temple of Castor, situated in the forum, as a rallying point for the orchestration of his forces. Though in the speech the temple is only twice named directly in relation to Clodius, the implications elaborated by Cicero were damaging nonetheless.[863] In discussing the use of violence to push through an agenda Cicero reveals that Clodius used the temple of Castor as a base in which he could plot, and store weapons, adding that the steps of the temple had been torn up, allowing

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860 The presence of the Vestals may explain why Clodius was tried *de incesto*. Though threatened by the presence of sexual impurity, the Vestals were not otherwise involved in his crime, making judgement uncertain. On charges of *incestum* against Vestals, see Cornell (1981) 26-37.

861 Cic. *Dom.* 135 portrays Natta as falling victim to the *scelus* of those around him.

862 On Clodius' calculated use of violence, see Lintott (1967) 157-69.

863 Cic. *Dom.* 54, 110; Cic. *Sest.* 34-5 also refers to this incident, both directly and by the statement that there were 'arms in the temples' (*arma essent in templis*); Kaster (2006) 200-1.

Clodius to continue his lawlessness in safety.[864] This was later referred to when Cicero stated that Clodius had denied people the freedom to enter this temple, thus further mocking the idea of Clodius being the champion of liberty in Rome.[865]

The following year, in 56 B.C., the temple was still clearly accessible in some manner, since Cicero recalls the tribune Sestius' attempt to announce unfavourable omens, which was interrupted when he was attacked by Clodius' gang and left for dead. He barely survived, and Cicero bitterly accused Clodius not only of violating the sanctity of a presiding tribune, but also of being the orchestrator of violence, when 'a tribune of the *plebs* stained (*cruentavit*) a temple with his own blood'.[866] Cicero carefully repeats that the act took place within a *templum* as well as describing in quick succession the scene, the cause, and the magistracy as *sanctissimus*. Cicero asks his audience what would have happened had a tribune been murdered at that time, his sanctity violated 'by nefarious pests, in the sight of gods and men, in a most sacred temple, in the most sacred of duties, while serving in the most sacred of magistracies'.[867]

The wider context of these comments is vital to our understanding of their rhetorical power. The early 50s B.C. saw some of the bitterest scenes of mob-violence in the run-up to the civil wars, with senators at times being openly attacked in the streets.[868] In the *De Domo Sua* Cicero played on senatorial fears, particularly with his descriptions of reprobates and slaves being involved, further emphasising the links between Clodius' attitudes towards senatorial authority, and those of Catiline. Again, this served to contrast Clodius' followers with Cicero and the *boni*. That Clodius should choose to use a temple as a site from which to organise bloodshed in the

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[864] Cic. *Dom.* 54 (*cum arma in aedem Castoris comportabas, nihil aliud nisi uti ne quid per vim agi posset machinabare?*). See also *Sest.* 85.
[865] Cic. *Dom.* 110; Nisbet (1939) 162-3.
[866] Cic. *Sest.* 80. For Clodius as *cruentus*, cf. *Dom.* 106; *Har. Resp.* 35.
[867] Cic. *Sest.* 83, 85 (*a nefariis pestibus in deorum hominumque conspectus…sanctissimo in templo, sanctissima in causa, sanctissimo in magistratu*)
[868] Syme (1939) 20-5; Brunt (1966) 3-27; Lintott (1999) esp. 175-203; Cic. *Att.* 4.3.3; *Sest.* 35, 75-7; Plut. *Cic.* 33.4.

forum, further destabilizing the volatile situation of the time, adds further weight to the accusation that Clodius used religion for personal and political purposes just as he had done in the dedication of Cicero's property. Though the risk of divine anger towards such actions is not specifically mentioned, it appears as part of a wider effort to impugn Clodius' regard for religion in general. While Tatum argues that Cicero overstates Clodius' use of the temple of Castor, claiming that it was not transformed, or used as a personal fortress, the removal of the stairs appears to have been a calculated action.[869] Cicero continued to describe this as a base for Clodius' dealings with 'impure' and 'nefarious' colleagues who plotted assassinations against the most prominent men of state even after the restoration of his property. This included the use of a *scelestus* mob, armed with equally polluted weapons, all represented as decidedly out of place, and dangerous, within religious boundaries.[870]

Therefore the inclusion of the temple of Castor in Cicero's argument serves as another example of Clodius' disregard for religious authority, further undermining the power of any dedication he might make. Interruption of the Bona Dea rite resulted in *scelus*, and so compromised divine favour through the deliberate obstruction of religious procedure. The seizure of the temple of Castor caused a similar affront to the gods, and if Augustus' subsequent temple restorations represented the expiation of Roman guilt,[871] Clodius' demolition and sacrilegious exploitation of a temple emblematised the very disrespect of the gods which was thought to trouble last years of the Republic.

Previous Reversals

Throughout Cicero's political speeches we see attempts to contrast his opponents with the best elements of the state, both to blacken their characters and further

869 Tatum (1999) 143-4.
870 Cic. *Har. Resp.* 28, 49.
871 Hor. *Carm.* 3.6.1-4; Nisbet and Rudd (2004) 97-103.

emphasise his own sense of duty and devotion.[872] This, too, is used to enhance his case against Clodius' dedication through the historical precedents he was able to call upon, where dedications were annulled by the *pontifices*. Naturally there were very few instances in Roman history where a dedication was required to be investigated, but Cicero recalled the actions of a Vestal named Licinia in 123 B.C: 'she dedicated an altar, a small shrine, and a sacred couch under the Rock' (*aram et aediculam et pulvinar sub Saxo dedicasset*).[873] However, upon referral to the pontiffs it was decided that the consecration was invalid. Cicero emphasises the religious authority that accompanied the dedication by recalling the status of the Vestal as *sanctissimo sacerdotio praedita*.

Also examined was the case of the censor C. Cassius, who proposed the dedication of a statue of Concord within her own temple, which the pontiffs decided could not be correctly offered without an official plebiscite.[874] These examples allowed Cicero to effectively combat the sanctity of Clodius' consecration, firstly, in the case of Licinia, by proving that it was not unheard of for the pontiffs to decide to remove the sanctity of a site *after* it was offered; secondly, by providing the procedural technicality for the pontiffs to cite in their judgement, and finally by stressing the status of those who had made the offerings. Both the Vestals and the censors were paradigms of Roman *castitas* and *pietas*. Both were chosen for their purity, both physical and moral, in which areas Cicero had worked so hard to illustrate Clodius' deficiencies. His actions are contrasted with the honest dedication of a sacred image, within a pre-existing *templum*, as the 'violation of all religion', through his *nefarius*

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872 Cic. *Leg.* 2.43 illustrates this sentiment: *videmus eos, qui nisi odissent patriam, numquam inimici nobis fuissent.*

873 Cic. *Dom.* 136. The 'Rock' is thought by Frazer to refer to a niche in the Aventine, connected to Bona Dea; Ov. *Fast.* 5.147-50; Frazer (1929) IV.16-19. Val. Max. 1.1.8 similarly demonstrates pontifical power in blocking dedications on technical grounds.

874 Tatum (1993b) 319-28; Orlin (1997) 166-7. For the intended location of the dedication to Concord see Cic. *Dom.* 130-1, 137.

dedication which represents his rejoicing over the Republic's turmoil, actions to be expected from the 'impious enemy of all religion'.[875]

Conclusion

Burriss argued that in the *De Domo Sua* Roman state religion was put on trial by Cicero, that if religion could now be used for improper purposes, contrary to the best interests of the Republic, the credibility of traditional *religio* would be shattered.[876] Ultimately, of course, the arguments of Cicero and Clodius cannot be viewed simply as good vs. bad, but rather as differing interpretations of political and religious 'right', and Cicero, as ever, argued his interpretation artfully.[877] By the end of the *De Domo Sua*, Clodius' Libertas is simply one in a long list of figures who have fallen victim to his impure and contagious actions. No aspect of his life remains unstained by Cicero's attack: his person, his family, his friends, his actions. Each of these comes together to ensure that no part of his *consecratio* stands unsullied. Just as an augur annulled actions by the recording of ritual imperfections, Cicero attempted, successfully, to demonstrate the vast *scelus* surrounding the ritual concerning his house. Clodius throughout his life has polluted himself physically and religiously, and from him the infection has spread, taking hold of his sister, and through them it corrupted the dignity and religious authority of the presiding pontiff, L. Pinarius Natta.[878] The weak and cruel consuls who permitted the outrage to occur are similarly besmirched. The very image commemorating this attack upon a servant of the Republic is impure and out of place, contaminated in various forms by sex, death and sacrilege, both in its theft from its sepulchre and in its placement in conflict with Cicero's ancestral religion. Clodius has offended the 'Liberty' he claims to champion, along with the *Penates* of Cicero's home – which, Cicero argues, shall represent the

875 Ibid. 139 (*impius hostis omnium religionum*).
876 Burriss (1926) 525; Cic. *Dom.* 1-2. Cf. Emilie (1944) 538.
877 Goar (1972) 48.
878 Cic. *Dom.* 118.

household gods of every good Roman, should Clodius be permitted to carry out what is essentially a proscription against a private citizen.[879]

Although the *De Domo Sua* was successful in its context, this has not automatically led to favourable views from modern scholarship.[880] As has been suggested, its subsequent poor reception may partly rest upon the fact that we have very little information about Clodius' own speech, and thus cannot measure the skill with which Cicero countered his attacks. The technicality requiring ratification by the people for a dedication to stand may have been a strong enough argument to settle the issue entirely. If this was the case, then perhaps scholars are correct to view the speech as excessive in length and polemic, but then the question remains – why did Cicero do it? It is unacceptable to assume Cicero's emotions simply overtook him in such a crucial speech that otherwise illustrates such well calculated arguments, which, although lengthy, appear to expertly deal with each and every aspect of Clodius' dedication. Even the technicalities of the ritual have doubt cast upon them, and the use of a single, inexperienced pontiff for a public dedication is used to at least suggest that even if it could be denied that the proceedings had been polluted, they might also be alleged to have been inadvertently flawed. The *De Domo Sua* appears to go further than any surviving piece of Roman rhetoric in using pollution as a key weapon in the question of ritual validity, and as such reveals a great deal about Roman concepts of impurity in matters of religion. At the heart of this was the concept of *scelus*, which could be incurred by various means of moral, physical and religious transgression. In the examples discussed by Cicero, the greatest emphasis was placed upon deliberate action as opposed to accidental ritual flaws. This is where the final inexpiable offence lay - not that mistakes occurred, but that Clodius deliberately designed and executed them.

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879 Cic. *Dom.* 106. Cf. 43, 79.

880 Cf. Stroh (2004) 313-14 (with bibliography); Mitchell (1991) 117-20.

Through the examination of a source such as the *De Domo Sua* we see the validity and importance of pollution within both Latin oratory and in official religious proceedings under the Republic. The themes addressed across our previous chapters appear to be drawn together, and allow for a new interpretation of an otherwise neglected text. The speech itself demonstrates the intellectual currency of pollution, and Cicero employs a wide variety of the terms we have identified in Chapter One (in particular, *scelus/scelerare, nefas, polluere, foedare* and *contaminare*), in order to achieve his goals.

There can be no doubt that the *De Domo Sua* represents a valuable piece of evidence for pollution during the Roman Republic, which appears not only to be prominent, but also pivotal to proceedings. Furthermore, by examining Cicero's use of impurity we see how attitudes towards pollution were shaped, as much as revealed, within this ongoing discourse. This is not to say that pollution is of no relevance in other pieces of rhetoric. We have already seen the presence of pollution in another official religious ruling of the *haruspices*, issued in the year after the *De Domo Sua* was delivered, and to which Cicero felt compelled to respond in his *De Haruspicum Responsis*, again citing the pollution caused by Clodius as the cause of portentous events.[881] In this speech, Cicero repeated many of the charges he had levelled in the *De Domo Sua*, but was also able to employ new material based on Clodius' actions in the intervening year.[882] We see, therefore, that pollution was not a static concept in Roman religion. It could be shaped and interpreted by orators, who nevertheless made reference to sex, bloodshed or death as fitting themes for swaying their audiences.

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881 Cf. Bruwaene (1948) 81-92.

882 Cic. *Har. Resp.* 22-4 focuses on Clodius' use of mob violence to break up the *Megalesia* festival in 56 B.C, citing this as the source of pollution referred to by the soothsayers.

CONCLUSION

The town of Varanasi, also called Banaras, lies on the banks of the Ganges in northern India, and is a centre of one of the most curious and controversial of Hindu sects, the Aghori. They are reviled by many Hindus for their seemingly outlandish practices, which are alleged to include cannibalism, the consumption of meat, alcohol, urine, vomit and faeces, and the refusal to distance themselves from death, or those afflicted with leprosy (a disease which remains a highly charged source of stigma and revulsion in modern India).[883] They both dwell and worship in graveyards and places deemed 'unsuitable' by traditional Hindus. They engage in sexual intercourse with members of the untouchable caste and menstruating women, they are known to drink from human skulls, to smear themselves with (and consume) the ash from funeral pyres, and to worship whilst sitting on the torsos of unburied corpses. As a result of such behaviour, rumours abound about the darker nature of the Aghori's worship, which some have alleged extend to human sacrifice, although this claim remains disputed.[884]

In performing these numerous taboo acts the Aghori have a deliberate aim. One of their primary beliefs is that all boundaries, social and religious, are illusory, and prevent humans from achieving their spiritual potential. By removing such boundaries, the Aghori feel themselves to be liberated. Many of the ideas concerning these boundaries are derived from the highly regulated Indian caste system, as Parry observes:

> In orthodox caste society, polluting contacts between castes must be eliminated in order to preserve the boundaries of the group, for which – as Douglas (1966) argues – the boundaries of the body often serve as a metaphor. The Aghori's

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883 Parry (1982) 74-110; id. (1985) 628; id. (1994) 250-64; Barrett (2005) 216-30; id. (2008) esp. 5-12, 29-56, 138-66.
884 Gupta (2006) I.43.

inversion of the same symbols of body margins implies exactly the opposite message. With the destruction of boundaries entailed by the consumption of flesh, excrement and so on, goes an affirmation of the irrelevance of caste boundaries. Coming at the issue in a more general way...we might also note the relationship which exists between liminal states, the suspension of the hierarchical structure of everyday life, and a stress on a vision of an unhierarchicised and undifferentiated humanity.[885]

Thus the 'order' of the society is mapped out and subsequently rejected, by the Aghori. The removal of social constraint is demonstrated by the rejection of bodily taboos surrounding religious purity and physical cleanliness. The result, however, is not a universally shared feeling of disgust or fear on the part of the uninitiated. The deliberate actions of the Aghori lead to their being attributed great powers which can be used for beneficial purposes. For example, their bodily emissions are thought to be able to cure a number of maladies and bestow good luck upon recipients. The human body is primarily a source of power, not merely pollution.

Were we ignorant of the broader religious aims of the Aghori, their practices would sit well alongside the tall tales told of far-off nations by writers like Herodotus and Strabo. Their spontaneous acts of cannibalism and contact with corpses are reminiscent of numerous ethnographic reports, based on hearsay and third-hand information, of the various peoples who lived farthest from the 'civilised' world of the Mediterranean. Their actions might even be compared to other groups closer to home. Stalking around the outskirts of the city amongst the unburied or recently cremated dead, seeking body-parts to consume or to use in religious ceremonies, the Aghori might be compared to the horrific witches of Latin literature, Horace's Canidia and Lucan's Erictho.[886] Alternatively, by deliberately consorting with the

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885 Parry (1982) 99.
886 Hor. *Epod.* 3.8, 5.15-49; Luc. 6.507-830.

lowest members of society, including sharing meals and even drinking vessels, the Aghori call to mind the humorously low-born characters of Petronius and Juvenal.[887] But, knowing the goals behind their actions, neither of these comparisons can do justice to the complex and calculated reasoning behind their rituals. Their actions are not born of mindless barbarism. Rather, they demonstrate a similar manner of thinking to Douglas' theories about human desire for order and the links they share with pollution values. Seeing this as restrictive, they wish to demonstrate that, whatever the cause or benefits of this order, it has been inappropriately used in Indian society to promulgate the idea that 'pollution and blame are necessary ingredients for a lasting solidarity and that individual agents can do little to resist such institutions'.[888] Their outlook regarding pollution is inevitably joined to the rich and ancient values of their own society.

For philologists and ancient historians considering ancient Greece and Rome the approaches of modern anthropology present many attractions, but also some problems. Anthropologists may spend years living within their society of study, soaking up the language, culture and daily life of a people before even beginning to compile research data. Such an approach is not available to us. The use of anthropological theory with classical material was deemed problematic enough by Beard for her to retract some of her fomer arguments on the Vestal Virgins. Even for some anthropologists, the general theories of human behaviour discussed by Douglas are problematic. For Meigs, Valeri, Barrett and others, Douglas' theories present a first step, which must be carefully analysed and adjusted in light of fieldwork data, as each culture emphasises different values concerning what is 'dirty'. The case of the Aghori highlights the crucial question we must always ask when considering a single

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887 For example, Petr. *Sat.* 37; Juv. 8.173-8.
888 Barrett (2008) 165.

society – what is the underlying rationale behind its approach to pollution?[889] In light of the topics we have examined throughout this thesis, the example of the Aghori exposes a number of patterns prevalent within Roman society and religion, while the differences between the two groups may be equally revealing. We see the similar biological reactions of digust, with biological matter and bodily emissions lying at the heart of many such responses. We may also observe how rituals are built up around these feelings, and how religion reinforces 'acceptable' behaviour. The lower groups classified as 'polluted' are once again marginalised by the majority, socially, and in some cases, geographically. Roman society aimed to control impurity where it was unavoidable and to give clear signals of the danger to those most at risk. Those whose actions could not be controlled, whether they were an unchaste Vestal, a prostitute, a witch or a parricide, elicited the strongest responses and caused the greatest pollutions, representing, as they did, the greatest threats to social conventions.

One of the contributions made by Parker in his investigation into Greek pollution was his successful integration of Douglas' anthropological theories with established classical methods, particularly his use of philology. Just as later anthropologists modified Douglas' theories through fieldwork, Parker was able, though his approach, to bridge the gap between anthropological theory and classical scholarship. Over the course of this investigation we have encountered a great quantity of material, and while much of the structure of this study has been influenced by Parker's approach to Greek religion, it has taken a different path on a number of occasions. In certain cases, for example in our discussion of the Vestal Virgins, this has been dictated by the nature of our surviving source material, since Parker's methodology has been incompatible with Roman evidence. On other occasions, such as the examination of

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[889] This follows the long-standing tradition of Robertson-Smith and Durkheim, echoed by Douglas herself, based on the idea that religion existed 'not for the saving of souls but for the preservation and welfare of society'; Robertson-Smith discussed in Douglas (1966) 24.

corpse disposal, and particularly throughout Chapter Three, I have chosen to take a different line, not only because the evidence differs from that of Greece, but also, in these cases, because it is evident that a detailed consideration of blood as a physical substance is one of the few significant omissions from Parker's study. Similarly, Chapter Five represents perhaps the greatest break with studies of pollution, both ancient and modern, in that it considers not only how various forms of pollution factor into a single, detailed primary source, but also explores the ways in which attitudes to pollution were, themselves, further shaped and negotiated by the discourses which gave them expression.

The primary goal of this thesis has been to demonstrate that pollution in pre-Christian Rome mattered, particularly in the domain of ritual and religion. This is a very basic point, but one that still needs to be emphasised given the general lack of consideration it has received. In the vast sphere of classical scholarship, Roman religion remains one of the most active areas of study. Each year numerous volumes are published on the subject, reviewing the same pieces of ancient evidence, and often concentrating primarily on the relationship between religion and politics. Some do discuss rituals of purification, or the role of purity in religion. A select few talk of pollution and impurity in certain circumstances, but still there has been no comprehensive attempt to study the various forms of pollution that appeared across Roman life.

The publication of Parker's *Miasma* led to greater recognition of pollution as a major factor in subsequent studies of ancient Greek religion. Indeed, his work was deemed so thorough by many as to effectively close the debate on the subject, and only the recent work of Andreas Bendlin has moved the subject forward in any significant way. I do not claim to offer the same all-encompassing study of pollution for Rome, nor is my aim to end the debate. Given the differing nature of Roman attitudes to

pollution from the Greek tradition, and the fact that less attention has been given to Roman impurity as a whole, its aim has been to integrate pollution and purity into studies of Roman religion, and to develop a more nuanced understanding of how these concepts contributed to the rituals and discourses of Roman life.

In attempting to achieve these goals a number of recurring themes have emerged. It is evident that the human body played a major role in Roman ideas of pollution and contagion, and bodily impurities were symptomatic of wider disorder, whether in human society or the *pax deorum*. Even on those occasions where the human body did not feature in examples of pollution (such as in many of the prodigies recorded by the *pontifices*) the transgression of natural, social and physical boundaries might indicate imbalance, and on such occasions the rituals which 'set things right' employed a number of purificatory actions (sweeping, washing, removal, burial etc.) along with the reaffirmation of a boundary's integrity. In such cases Douglas' theories on the power and danger attributed to liminal beings or places help us to understand the roles and significance of various figures, spaces and rituals, for example, the ritual sweeping of the house threshold following both births and deaths.

This thesis is divided into three distinct sections. Chapter One opens the investigation with a philological exercise which identifies and explores the principal Latin vocabulary surrounding purity and impurity, as well as the main patterns and themes that have emerged. The second section offers three detailed thematic chapters based on the Roman body (sex, blood and death), in which the vocabulary discussed in Chapter One is explored in specific contexts. These themes are important, not only because of the roles of sex, blood and death within Roman ritual, but also because these themes have been identified by modern anthropology as areas with which pollution is most frequently observed across human cultures. Finally, Chapter Five has allowed us to observe how these themes can be explored within a single source,

and to attempt a more sustained approach to the relationship between rhetoric and the wider discourse of purity and pollution within Roman religion.

Chapter One demonstrates that, while the Latin language has no direct equivalent of *miasma*, nevertheless it possesses a wide range of overlapping categories which suggest a complex and sophisticated purity system. Within the list of terms it explores are words referring to acts of transgression, mixing and staining; but some terms, such as *spurcare*, refer more directly to the human body and the substances which it produces or by which it is threatened. In cases such as the seizure of temples and sacred spaces by invading enemies, the issue of transgression is pivotal to our interpretation of *lustrare*. The chapter demonstrates that the restoration of a boundary's integrity can be linked directly to ideas of purification and order, anticipating the wide-ranging acts of purification with which *lustrare* came to be associated by the late Republic. Apparently secular terms such as *scelus* could also be utilised to great effect in religious contexts, in reference to offences which marked out the guilty as polluted, and a source of contamination to others. The notion of staining oneself through crime in particular highlights the emphasis placed on polluting actions. The chapter demonstrates that while the examination of linguistic categories can get us only so far, nevertheless it provides an essential foundation for the study of pollution, and highlights certain patterns, such as the need for separation and removal, that are reflected across all the subsequent chapters.

Chapter Two explores a number of key themes in Roman religious pollution that are related to, or triggered by, sex and sexuality. This represents the first stage of our wider examination of the human body, and begins with pollutive associations in the processes of birth and reproduction. While human sexuality appears largely to have been incompatible with sacred space, it was not universally excluded. Its inclusion in rites like the Floralia was essential in highlighting, and thus defining and controlling,

its place in Roman society and religion. Indeed, in such cases, control appears to have been a central motif, and the means of distinguishing between what was threatening and what was not. Once again we see Douglas' use of the body as a microcosm of society in various guises. The chastity of *virgines* and the fidelity of *matronae* were essential for social order, and in turn were linked to the fertility of the land itself. Similarly, the bodies of the Vestal Virgins were symbols of the inviolability of Rome itself. Their permanent state of liminality, like that of the Aghori, meant that they were removed from the 'typical' social hierarchy, which imbued them with a powerful religious status and aura. In all such cases, damage to the system could be voiced using the language of impurity, mixing and pollution, just as it could be rectified by purification. This chapter closes with a study of the phenomenon of menstruation, which bridges the space between sexuality and blood, and which has been shown to have been a potent source of pollution in Roman thought.

Chapter Three extends some of the themes from Chapter Two, by focussing on the shedding of blood. Blood represented a powerful and dangerous bodily fluid which could cause indelible physical stains to objects, spaces, and people. In cases of parricide we have seen it described as staining the offender so deeply as to pollute the soul. While pollution does not appear in the earliest law codes, the frequency with which it appears in the rhetoric surrounding parricide, combined with the highly ritualised method of execution/disposal for such men, implies that the substance's pollutive qualities continued to hold currency in the Roman mindset. Even in cases where blood had not been shed it remained an ideal means of visualising the crime and the guilt of those responsible. When blood was shed during animal sacrifices it clearly performed a vital function and when all sacrificial procedures were correctly observed blood was not a source of fear or disgust. Only on those occasions where it strayed from its permitted space, or when it was found to be unusual or diseased was

it viewed as 'matter out of place'. Disease or sickness signalled disorder in the *pax deorum*, and so became pollution. With the shedding of human blood in religion we see a more unequivocal view of blood as polluting and impious, hence its use in literature as a means of differentiating Roman civilisation with foreign barbarism. On those rare occasions when the Roman state resorted to ritual murder in religious contexts the methods of execution frequently avoided shedding the blood of the victims, through methods such as drowning or live interment which occurred away from public view. The chapter concludes with the issue of bloodshed in war. Blood on the battlefield appears not to have posed any real threat to Roman soldiers, although attempts were made to conceal bloodstains through the use of red garments (see p. 182), and while the debate remains open, victorious soldiers participating in triumphal ceremonies may have required some degree of purification as part of their return to civilian life. In cases of military victory blood could be the perfect symbol of Roman triumph, and as we have seen with the case of Marius' victory over the Cimbri (see p. 162), even the prospect of Roman soldiers consuming barbarian blood receives no condemnation in the ancient sources. However, in civil war we see how the shedding of Roman blood became one of the greatest of pollutions, which deeply polluted the state, and required extraordinary acts of expiation. Those generals deemed responsible for the outbreaks of civil violence are condemned in ancient sources, which frequently combine the images of tyranny, cannibalism and blood pollution in their depictions. Despite the prominence of bloodshed in Roman life, the chapter demonstrates that it remained a powerful substance that was felt to require control.

Chapter Four focuses primarily on the corpse in the immediate aftermath of death. The chapter argues that, following a death in a Roman household, a highly ritualised process began, which was essential for ensuring that the pollution did not spread

beyond the family, or harm those particularly susceptible to its influence. This began with the removal of the corpse and the separation of the departing spirit from the household. The chief stages in this process of separation were marked by acts of cleaning and purifying. All those operating within the range of this process were tainted, and were required to demonstrate this to wider society through their dress and separation from normal activities. For those tasked with the removal of the city's corpses these measures were a legal requirement to which they were subject as long as they worked in the profession. Like the 'untouchable' corpse-handlers in India, they existed on the outskirts of society. Their impurity was such that even their bathing needed to be kept separate from the rest of the populace. The chapter concludes with an examination of those periods in which spirits were thought to return to the land of the living. It suggests that on such occasions safety, order and the return to 'normality' were marked by acts of purification, presided over by various priesthoods, including the Vestals, who were concerned solely with the purity of the city and its people.

Chapters Two to Four explore the various ways in which Roman approaches to bodily pollution played a role in various aspects of religious activity. Yet this raises the question: can this approach help in the study of a specific piece of ancient evidence? Furthermore, to what extent might a single work contribute to the wider social discourse on impurity, not just revealing forms of pollution, but rhetorically shaping and creating them? Chapter Five offers a reassessment of Cicero's *De Domo Sua* in the light of themes and ideas explored within earlier chapters. The context of the speech also serves to underscore the importance of pollution as a factor in Roman state religion. At the same time it demonstrates that throughout the *De Domo Sua* pollution is an important motif that its numerous detractors have failed to appreciate. In a debate over the validity of a religious dedication, the potential impurity of the

dedicator (Clodius) appears to have given Cicero a legitimate argument in favour of the shrine's removal. The *De Domo Sua* demonstrates the important role of *scelus* in religious matters, while also demonstrating how Cicero could employ such ideas for a focused rhetorical effect. This work was part of an ongoing battle between two sides, both of whom could lay claim to a moral and religious highground. Clodius had spoken against the removal of the shrine to Libertas before Cicero addressed his audience, and he appears to have thrown similar accusations at his opponent.[890] The two sides of this conflict demonstrate the degree to which pollution might be open to interpretation, as well as its fluidity as a concept in the late Republic.

The example of the *De Domo Sua* is one of the most obvious, but the approach of Chapter Five may be extended, for example, to the *De Haruspicum Responsis*, in which the interpretation of religious judgements offered yet another opportunity to use pollution as a weapon, both for the argument in question and for the wider political conflict between Cicero and Clodius.[891] A comparable study of a single ancient author's use of dirt and pollution has produced a nuber of interesting conclusions with reference to late antiquity. Blake Layerle has discussed John Chrysostom's calculated uses of filth and excrement to condemn decadent and luxurious lifestyles, in which various sins are paralleled with bodily excretions that further pollute both the individual and wider society.[892] Leyerle's approach covers not just a single piece by Chrysostom, but explores the recurring themes of impurity across his various works to great effect.

There are, however, many other potential routes for further investigation. As touched on throughout this thesis, there is ample scope for exploring pollution within the official pontifical records of prodigies and omens, which might reveal many insights

890 For detailed analysis of Clodius' political and religious agenda, cf. Moreau (1982).
891 On the *De Haruspicum Responsis*, cf. in particular Kumaniecki (1959) 135-52; Lenaghan (1969).
892 Layerle (2009) 337-56.

into how Romans perceived the world around them.[893] Then there is the potential harnessing of supposed 'impure' substances within magical rituals, particularly in rites designed to harm others. How did pollution feature in this scheme? Dangerous substances could be used for beneficial purposes, but they could also be threatening and socially unacceptable, to the point that Pliny felt the need to highlight his deliberate omission of certain material concerning bodily emissions from his work. Was impurity as expected of 'evil' magicians as much as *castitas* was expected of priests and priestly activity? Finally, the limits of this investigation have meant that the emergence of Christianity has not been considered in great detail, but as Layerle demonstrates, this remains a topic with vast potential. A recent study by Giorgio Scrofani (2010) has revealed this by focussing on the role of religious purity under Julian the Apostate, exploring the ways in which Julian attempted to 'purify' the empire, removing the religious and moral stains which had emerged during the rise of Christianity.[894] Once again, 'purity' and 'pollution' appear as an ideal means of externalising enemies in a battle where both sides attempted to claim religious and moral purity. As a pilot for such enquiry, I have briefly considered the ways in which traditional notions of purity and pollution were 'inverted' by Christian writers seeking to undermine traditional pagan practices, such as the *taurobolium* and the worship of Jupiter Latiaris. The points raised by these examples suggest that there may be scope for exploring ways in which Christian sources inverted pagan ideas of purity with reference to animal sacrifices as a whole, as well as gladiatorial combats and Christian martyrdoms in the arena.

The approach of this thesis to ancient evidence may provide a useful case study for scholars of religion and cultural anthropologists, as well as those interested in the

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893 Cf. in particular, Macbain (1982); Engels (2007).
894 Scrofani (2010) esp. 76-85 on the importance of priests maintaining physical and moral purity, and the protection of divine buildings and spaces.

wider role of pollution across cultures. I hope, however, that its most significant contribution will be to the study of Roman religion, for which this is the first comprehensive and detailed study of pollution. While it does not argue for the total revision of modern works on the subject of Roman religion, it does highlight what I hope is a new and valid approach. Both the highest and the lowest in Roman society existed within a well-established order. Purity and pollution helped to define this order and, as we have seen throughout this investigation, they were a major concern for Rome's religious authorities. Pollution mattered.

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