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Rape Culture in Ancient Rome

Senior Honors Thesis
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Connecticut College
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Introduction

American culture in the 1970's witnessed a pivotal shift in the public understanding of sexual violence. The second wave feminist movement brought about the first public discussions of rape as a personal experience and a widespread social problem.[1] Modern understanding and modes of criticism of rape largely stem from this moment that publicized issues, which previously had been private matters. Before this time, since there had been no public discourse concerning sexual violence there could be no widespread ideological development. The anti-rape movement brought the terms rape, consent, and rape culture into the public discourse changing how both the words themselves and the emotionally charged concepts and experiences were perceived. Ancient Rome had no social movement comparable to feminism. However, in 18 BCE the *Lex Julia de Adulteriis Coercendis* became the first Roman law to make sexual morality a public concern.[2] This law brought issues of sexual norms and morals into the public eye as a matter of importance for social discourse. Just as the second wave feminist movement introduced public discussion on rape in contemporary culture, so the *Lex Julia* set in motion a widespread dialogue and awareness of sexual violence in ancient Rome.

Before the birth of the anti-rape movement from second wave feminism, rape culture had not been named and the role of rape in American society had not been publically examined or criticized.[3] Since at this time there were no publicly visible accounts of rape by victims, men controlled the public discourse on sex and definition

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[1] Gavey 2005, 26.
[2] Robinson 1995, 58.
[3] Bevacqua 2004, 183-185.

of rape.[4] Before the 1970's sexual assaults of all forms were largely met with skeptical responses demonstrating simplistic sexist notions of women as the sexual objects of men's desires. Indeed to be considered rape, an act had to follow a specific narrative: i.e., the victim was a respectable white virgin who was violently attacked by a stranger who was either psychologically disturbed or a black man. Any other sexual encounter, whether it was coerced or exploitative, was not considered to be assault.[5]

As rape has been increasingly incorporated into the public discourse these cultural fictions have been steadily discredited and denounced.[6] Over the past forty years feminist definitions and criticisms of sexual assault and rape culture have evolved to counter the mainstream patriarchal structures and beliefs as they too have changed. During this time as American culture has become more influenced by feminism and more aware of rape as a social problem, the public conception of sexual assault has evolved to include a more nuanced understanding of the crime and its place within society.[7]

The anti-rape movement rapidly began raising public awareness of their cause in America in the early 1970's. New York Feminists held the first public forum discussing rape as a pervasive problem through first person accounts of sexual assault in 1971.[8] Shortly afterwards the first rape crisis centers opened in major American cities.[9] One of the groundbreaking texts to come from this period of nascent momentum in the anti-rape movement is Susan Brownmiller's *Against Our Will*

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[4] Brownmiller 1975, 323.
[5] Gavey 2005,19-30.
[6] Brookover Bourque 1989, 17.
[7] Bevacqua 2004, 183-185.
[8] Brookover Bourque 1989, 13.
[9] Field 2004, 174-175.

(1975). This work, exploring American rape culture and its roots, stands as one of the most influential sources for modern conceptions of the social constructions surrounding rape. In Brownmiller's view "if a woman chooses not to have intercourse with a specific man and the man chooses to proceed against her will, that is a criminal act of rape."[10] This clear-cut definition established a widely applicable standard for sexual assault. Situated as the base understanding of her text, Brownmiller employed this definition to challenge pervasive myths and misconceptions about rape.

Brownmiller's statement was fitting within the context of the early 70's when the anti-rape movement was just beginning to challenge the oppressive beliefs and structures of rape culture. In the following years American culture has become more aware of sexual violence and accordingly the definition of rape has evolved. The 1970's definition of rape restricts the crime to unwanted heterosexual vaginal intercourse. Today the variety of sexual violations that are encompassed by the term "rape" exceed this definition. The assumption underlying Brownmiller's statement is that the practice of rape is linked to the physiological differences between men and women.[11] While she spends much of the book enumerating the ways in which rape is a learned social practice, Brownmiller never fully refutes the idea that rape stems from physical potential. By constructing the roles of victim and aggressor as gendered, Brownmiller reflects the consistent and prevalent trends in sexual assault but ignores instances of rape that do not conform to the typical gender dynamic.[12]

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[10] Brownmiller 1975, 18.
[11] Brownmiller 1975, 13.
[12] More recent feminist scholarship agrees that all gendered behaviors are learned. In a sexual context this means that the passivity of women and aggression of men that is implied and

According to contemporary feminist ideology, rape is any unwanted sexual encounter.[13] This means that rape can take the form of any sexual interaction from touching to penetration (anal, oral, or vaginal) by any body part or object without the explicit and continual consent of all participants. There are no caveats to this definition. Aiming for impartiality, this definition strives to avoid the cultural predispositions that would disqualify a sexual violation as rape. For example, the act of rape is exploitative to any person regardless of patriarchal stereotypes about gendered sexuality, i.e., the gender of either participant is irrelevant. Similarly the relationship between the perpetrator and victim does not determine an act's legitimacy as rape.

However, because rape has been historically defined as non-consensual, heterosexual vaginal intercourse, other terms have arisen to supplement the range of sexual violations. Rape as a word has been so thoroughly enmeshed in the victim blaming and reductive myths of rape culture that it now carries serious cultural implications. These connotations stigmatize public perception and assessment of the crime and are harmful to victims. The term sexual assault has come to supersede rape because it avoids these potentially harmful undertones.[14] Although it is often used interchangeably with rape, sexual assault encompasses a broader scope of offenses. Sexual assault refers to any unwanted sexual contact from penetration to less invasive undesired acts. Terming similar or indeed the same acts as an assault effectively conveys the violence and emotional impact without much of the stigma surrounding

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supported by Brownmiller's definition are products of patriarchal gender roles rather than biological imperatives. For further discussion on this topic, see Brookover Bourque 1989, 15.

[13] McGee 2013, 259.

[14] Bevacqua 2004, 183-185.

rape.[15] It situates acts of sexual violence within the same legal language of other, less controversial, violent crimes. Thus though the terms are similar, sexual assault is often a less controversial designation.

At the core of these modern concepts is the understanding that every person has the undeniable right to bodily autonomy. An individual has the right to consent to or reject any sexual interaction. My definition of consent is the clear permission given verbally or demonstrated through action to mutual agreement upon sexual activity. I have come to this definition drawing from other modern sources that believe consent is a continual process of mutual affirmation although I differ from those scholars who define consent as strictly verbal.[16] However, for consent to be valid it must meet certain standards. Both partners must be mentally able, alert, of capable mind, sober, and able to comprehend fully the actions to which they are consenting and their consequences. Consent must be freely given without coercion or threats of violence. Under such circumstances an individual cannot form rational decisions based purely on sexual desire.

Accepting this definition of consent, we can see that there are innumerable myths and misunderstandings of what constitutes consent. During the 1970's the anti-rape movement sought to identify and publicly refute these myths to incite a cultural shift in how rape was perceived.[17] One such misconception is that consent granted to one sexual act or to previous sexual activity constitutes perpetual or universal consent. Each person has the right to sexual autonomy, therefore she has the ability to

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[15] Graham 2004, 224-225.
[16]For example Weinberg & Beirnbaum 1995, 93; Kahan 2010, 750.
[17] Brookover Bourque 1989, 17.

give and revoke consent at any point. Thus consent can never be assumed based on past actions. A rape victim cannot have "led on" her aggressor by rescinding consent when it is mutually understood that consent is not static. Both partners must respect the fluidity of this interaction. Accordingly a victim can never be "asking for" her assault through previous behavior because the nature of violation transgresses or ignores the victim's consent or lack thereof. One of the most prevalent of these myths is that rape is a rare occurrence when, in fact, according to a study conducted by the Center for Disease Control in 2010 approximately one in five women in the United States of America has been raped.[18] Rape culture depends on cultural myths because they disregard the threat of rape, invalidate the experience of survivors, and conceal its ubiquity.[19]

These myths demonstrate the range of ways in which rape culture excuses or ignores sexual assault. These misconceptions are, for the most part, rooted in patriarchal expectations of gendered sexuality that men are sexually aggressive and that women are both simultaneously sexually passive and innately seductive. Such cultural fallacies include the misconceived notion that women secretly desire rape, men cannot be raped, and men cannot control their impulses to rape.[20] Other myths such as the beliefs that women provoke rape and husbands cannot rape their wives demonstrate the notion that rape is just rough sex and not traumatic. Other common myths portray the victims to be at fault because they are promiscuous or have a

[18] Black, et al. 2010, 2.
[19] Field 2004, 174-175.
[20] Brookover Bourque 1989, 17.

previous sexual relationship with the rapist.[21] These perceptions of sexual violence are connected to one another and illustrate the beliefs of rape culture. After decades of feminists identifying and criticizing the fallacies of these myths, their power within society has begun to diminish.[22]

Rape culture as a term was not so much coined as it arose from the burgeoning anti-rape movement in the 1970's. The meaning of this term is constantly shifting and evolving with changing perceptions of culture. There is no one widely accepted definition and many deny its dominance and even its existence. Indeed the only entry in the Oxford English Dictionary on "Rape Culture" refers to the cultivation of rapeseed.[23] This study will utilize the definition of rape culture as one in which sexual violence is common and coincides with prevalent beliefs, norms, and customs.[24] These dominant aspects of the culture support, excuse, or ignore acts of rape.[25] Rape culture manifests as a complex set of beliefs that by conflating sexuality and violence against women, encourage physical and emotional abuse. In this context the culture fosters and normalizes patterns of behavior that take sexual advantage over others.[26]

Brownmiller theorized that rape is never an isolated incident; rather, each act of sexual violation is woven into the complex social structures of gender-based oppression.[27] Again Brownmiller's approach reflects the state of the society in which she is writing. The patriarchal hierarchy to which she refers establishes an unequal

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[21] Schmidt 2004, 191-193.
[22] Bevacqua 2004, 183-185.
[23] "rape, n.5" OED Online, 2014.
[24] Field 2004, 174-175.
[25] Nicoletti, Spencer, Bollinger 2010, 134.
[26] Buchwald, Fletcher, Roth 1993, vii.
[27] Brownmiller 1975, 15.

power dynamic between men and women. In this paradigm, gendered approaches to sexuality perform this relationship.[28] Thus patriarchal ideology encourages sexual violence because it reifies the social order.[29] Enacting the gender hierarchies that reaffirm patriarchal social structure, sexual violation is not aberrant, but rather situated within a broader context of oppression.[30] Therefore patriarchy and rape culture intersect, supporting and perpetuating one another with rape acting as the continuance and reinforcement of a violent hierarchy. Though these systems are still influential within modern society, the general public has become more aware of gender inequality. Now, in contrast to pre-1970's assumptions, sexual assault is widely recognized as serious social failing.[31]

This rise in awareness about rape culture as a result of new public attention provides a model of social change that I will use to study comparable trends in ancient Rome. In the period after the passage of the *Lex Julia de Adulteriis Coercendis* Roman artistic and literary sources demonstrate a more comprehensive understanding of rape as emotionally and physically traumatizing as well as sensitivity towards the victim's experience and perception of the assault. I suggest that public discourse on sexual morals prompted an evaluation of the mainstream beliefs and practices that derive from rape culture. This moment of examination was similar to, but less revolutionary than, the social change in late 20th century America. Re-evaluation of

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[28] Brookover Bourque 1989, 14.
[29] Brookover Bourque 1989, 16.
[30] In this case Brownmiller is describing an all male environment but the situation applies within the broader context of rape culture. Brownmiller 1975, 258.
[31] Brookover Bourque 1989, 13.

cultural norms during this period provides the opportunity for me to apply the study of rape culture to ancient Rome.

This study focuses on the passage of the *Lex Julia de Adulteriis Coercendis* as a pivotal moment for the examination of rape culture in Ancient Rome. Under the new law adultery as *stuprum,* sexual misconduct, became a matter of *crimina publica*.[32] The law established a standing public court for adultery and created a standard of punishment for participants or facilitators of adultery. Previously, sexual misconduct was considered to be a family matter with the woman's husband or *paterfamilias,* head of the household, privately adjudicating.[33] The ideology of the *Lex Julia de Adulteriis Coercendis* reinforced the pre-existing gender hierarchy and associated sexual norms.[34] Merely having introduced these issues as a public matter, they became a topic for general debate.[35] In fact another law passed at approximately the same time, the *Lex Julia* de Maritandis Ordinibus, became so widely disputed that in 9 CE the Equites staged a demonstration against its restrictions compelling Augustus to alter its terms.[36] Though this backlash was directed towards penalties for the unmarried and childless, the magnitude of the reactions indicates a high level of familiarity and discussion of the new laws.

Livy wrote the first books of *Ab Urbe Condita* before the year 18 BCE. His view of sexual violence was shaped in a context that did not consider rape to be a topic for public consumption or discussion. Although rape appears repeatedly in his work, a

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[32] Richlin 2010; Robinson 1995, 58.
[33] Robinson 1995, 58.
[34] Brunt 1971, 559.
[35] Brunt 1971, 560.
[36] Brunt 1971, 560.

close reading of the text reveals that Livy's portrayal of sexual violence is superficial. I argue that Livy acknowledges that sexual violence is "bad" but demonstrates no understanding of the scope and severity of the trauma that it inflicts upon victims. Indeed, he recognizes rape as the expression of immorality but he is uninterested in the act itself or its emotional consequences. Perhaps Livy excludes these aspects because he does not deem those topics fitting in his history or because they never occurred to him at all. Regardless, Livy understands just enough about sexual violence to consciously distance Romulus and the first Romans from the implication of having raped the Sabine women but does not demonstrate any deeper comprehension of the crime.

Ovid's rape narratives are very different from Livy's. Writing shortly after the passage of the *Lex Julia de Adulteriis Coercendis*, I suggest that Ovid explicitly composes his poetry in reaction to the moral legislation. Wittily flouting the social restrictions of his time, Ovid's poetry engages in the social discourse on sexual morality as a direct result of the law. Ovid's accounts of Rhea Silvia, the Sabine women, and Lucretia, essentially the same as Livy's versions, are re-framed to suit the advanced understanding of the contemporary audience. Utilizing the elegiac interest in women's experiences, Ovid writes the women's internal state of fear, anguish, and pain as a fundamental aspect of sexual violence. His work not only demonstrates a broader understanding of sexual violence as profoundly traumatic but also nuanced and diverse. Each of the poems I examine in chapter three expressed the victim's emotional, intellectual, or physical reaction to rape differently. I argue that the evident difference between Livy's limited perception of sexual violence and Ovid's sensitive

understanding of trauma demonstrates a significant advancement in social contexts in the time before and after the *Lex Julia de Adulteriis Coercendis*. In other words I suggest that the law prompted a change in attitude towards aspects of rape culture in ancient Rome.

While the lasting popularity of these two authors demonstrates widespread acceptance for their views, Roman culture was made up of many diverse perspectives and opinions. Studying the progression of artistic representations of scenes of sexual violence lends insight into a broader sample of ancient attitudes. There was no clear-cut trend that rejected episodes of sexual violence, however, I argue that the extant examples demonstrate an effort to make the scenes acceptable and pleasant. The artistic renderings of Mars approaching Rhea Silvia are especially indicative of the effort to make a potentially troubling scene both aesthetically and intellectually enjoyable. The Pompeian fresco of Cassandra and Helen demonstrates a similar level of sensitivity to violent content; however, the fresco gives prominence to the scene's emotional drama. The frieze of the rape of the Sabine women from the Basilica Aemilia fails to ameliorate its problematic content as the other works from later time periods do. If I am correct in dating the frieze to 14 BCE then this piece was made in a time of new awareness about sexual assault when artists had not yet learned how to counteract such troubling content. Nevertheless, all of the artworks I examine were made in time after the *Lex Julia de Adulteriis Coercendis* and demonstrate an awareness of the troubling nature of rape scenes.

Applying the modern understanding of rape culture to this series of case studies I will demonstrate how, in the after effects of the *Lex Julia de Adulteriis*

Coercendis, the debate on sexual morality manifested in mainstream literature and art. The following chapters will explore the changes in the artistic and literary trends that speak to the public mindset concerning sexual morality before and after this moment of publicizing. The greater level of publicity for sexual *mores* and violence had the lasting consequence of a cultural shift towards greater understanding of sexual assault as physically, emotionally, and intellectually traumatic upon the victim. Utilizing this modern lens I will attempt to offer new insight into changes in the Roman world.

Chapter 1: Roman Sexuality and *the Lex Julia de Adulteriis Coercendis*

This chapter examines the broad social conventions and ideology regarding sexuality and how Roman law came to publicly regulate sexual morality. Establishing the socio-sexual context in which the *Lex Julia de Adulteriis Coercendis* was made is very important to analyzing its impact. Displaying the appearance of sexual morality was very important to Roman elites.[1] Transgressions of sexual *mores* such as adultery or *stuprum* were very shameful. Traditionally such matters were considered to be private and regulated within the family. The *Lex Julia* did not revolutionize or challenge the underlying values but it did make cultural notions of sexual *mores* a topic for public consideration for the first time. This created the opportunity for cultural reevaluation of the morality and practices encompassed in the law.

There were certain base cultural assumptions that pervaded customary practices and beliefs. Unlike modern sexual divisions, Roman thought did not conceive of an individual's sexual preference in reference to a specific gender. Rather than classifying people as attracted to one or both genders, sexual preference was organized within an active-passive model.[2] This dynamic was central to both homosexual and heterosexual relationships.[3] Such customary distinctions served as the core of Roman sexual discourse and castigated deviations from this accepted norm.

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[1] Langlands 2006, 37.
[2] Parker 1997, 47; Langlands 2006, 6.
[3] Here "homosexual" and "heterosexual" are used to describe relationships between people of the same or opposite genders without the inapplicable implications of a modern sexual taxonomy.

Intercourse, defined phallocentrically, was strictly the penetration of a passive partner by the active counterpart.[4] These roles were not contingent upon gender; however, the active partner was inextricable from the phallus and therefore normally male.[5] Men or women could fulfill the passive role. However, custom and social stigma associated with passive sexuality limited who might perform this role. Under the "Priapic model" of sexuality and masculinity the active male held the same role with respect to the passive partner.[6] Regardless of the gender of this receptive partner, the role was considered to be feminine.[7] These complementary gendered roles demonstrate the perception of a power dynamic, one in which penetration enacts the power of the active partner upon the passive counterpart.[8]

Within Roman sexual ideology certain relationships were sanctioned while others were taboo or indeed illegal. People and relationships that conformed to sexual norms demonstrated the Roman concept of *pudicitia*. Although there are other terms that refer to different aspects of sexually moral behavior, this term best encapsulates the nuances of Roman ideals of sexual rightness.[9] For example, *castitas* refers to moral purity more broadly without specific implications of sexual behavior.[10] *Abstinentia* indicates restraint from pleasures, which, when taken in a sexual context, is a virtue of

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[4] Parker 1997, 48; Langlands 2006, 6.
[5] Parker 1997, 47.
[6] Named for Priapus the Roman god of male fertility, the "Priapic model" endorsed a sexually dominant and aggressive masculinity. This model is a modern effort to describe the dominant cultural structure. Williams 2010, 18.
[7] Skinner 1997, 3.
[8] Williams 2010, 18.
[9] Langlands 2006, 2.
[10] Glare "castus" *Oxford Latin Dictionary* 1982, 283.

Roman sexual morality. [11] *Pudicitia* specifically and directly refers to the sexual prudence of Romans who only engaged in culturally approved sexual relationships. For a woman *pudicitia* entailed an exclusive sexual relationship with her husband. Indeed sex within a marriage was culturally sanctioned and encouraged.[12] For a man *pudicitia* was extended to include relations with people of lower but approved status. *Pudicitia* referred not only to the sexual relationship a man did engage in but also those that he did not.[13] A man's sexual correctness was marked as much by his status as the active partner as by the appearance that he did not take the passive role.[14]

Within the boundaries of sexual morality, men were encouraged to satisfy sexual urges through culturally approved channels. Key to this cultural sanction was the man's status as the active penetrator. Masculine sexual behavior was constructed within the broader pattern of social hierarchies.[15] The term "*vir*" refers to a freeborn, adult Roman man who was not just designated by his gender but also by his social standing. Men who voluntarily took the receptive role were seen to have given up their status as a *vir* along with their dominance as they transgressed social boundaries. Rejecting Priapic masculinity, they moved themselves into the inferior, female position. These men were criticized as effeminate and weak-minded. *Cinaedi*, men who preferred to be penetrated anally, were said to suffer as a woman (*muliebria*

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[11] Glare "abstinentia" *Oxford Latin Dictionary* 1982, 12.
[12] Treggiari 1991, 12.
[13] Williams 2010, 19.
[14] Fantham 1991, 271.
[15] For the discussion of Roman masculinity I am primarily working from Walters 1997, 30-32; Corbeil. 1997, 100; Williams 2010, 18.

pati). Roman society rejected the idea that a *vir* could retain his manliness after having been penetrated by another man.[16]

Yet *viri* were not allowed complete sexual freedom. All freeborn citizens, male or female, were off limits as potential sexual partners, unless of course the freeborn woman was the man in question's legal wife.[17] Thus, *viri* were restricted to looking to slaves, prostitutes, and non-citizens for sexual relationships. Within these categories the gender of the passive partner was not important. Engaging in these relationships in moderation was seen to be a healthy expression of masculinity. So long as these affairs did not transgress social boundaries or preoccupy the mind of the man they were culturally sanctioned.[18]

Sexual conduct that was not socially sanctioned was vaguely termed to be *stuprum*. The nonspecific and encompassing uses of this term blur the distinctions between a legal offense and a moral transgression.[19] Since the term involves a broad range of connotations, there is no comprehensive English translation. Some modern definitions including debauchery, fornication, illicit intercourse, and sodomy refer to aspects of *stuprum* but act as interpretations or specifications of the word that ignore its essential ambiguity.[20] To properly replicate both the extensive connotations and ambiguity of the term *stuprum* it is best translated as sexual misconduct.

Since the exact definition of *stuprum* is unattainable, gaining a full grasp of the associations of the word is beneficial for studying its usage. The social implications

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[16] Walters 1997, 31.
[17] Walters 1997, 36; Williams 2010, 19.
[18] Fantham 1991, 289.
[19] Williams 2010, 104.
[20] Williams 2010, 104; Berger, "Stuprum" *Encyclopedic Dictionary of Roman Law* 1953, 719; Fantham 1991, 269.

embodied in the grammar of the verb associated with *stuprum* are crucial to its meaning. The verb *stuprare,* also mostly untranslatable, generally means to violate through penetration.[21] The word is transitive, requiring an object to be damaged. Further, the verb requires a masculine subject. Thus the nature of the verb requires the language of *stuprum* to mirror the act. The grammar of *stuprare* demonstrates the action it describes.

The earliest known uses of *stuprum* from the Republic referred to a broad scope of offenses. The word denoted any publicly disgraceful acts, with a secondary definition of sexual impropriety. In the mid third century BCE *stuprum* began to overtake *probum* as the term for sexual misconduct.[22] *Probum,* referring either to a shameful act or a quality of immodesty carries connotations of sexual impropriety but is not necessarily indicative of a sexual offence.[23] Since Roman language regarding sex was often euphemistic, the abstruseness of these words is not unusual.[24] Adultery, however, is one subset of *stuprum* that was treated with specification and scrutiny. Starting with the *Lex Julia*, later Roman law would classify *adulterium* as its own offense.[25] The term *adulterium* is derived from *alter* meaning another of two. According to the Roman jurist Papinian this does not simply indicate that the relationship is with a man other than a woman's husband but also that she conceives by this other man.[26] This source indicates that the woman's unfaithfulness is of less

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[21] Fantham, 1991, 269-270.
[22] Fantham 1991, 269.
[23] Glare "probum" *Oxford Latin Dictionary* 1982, 1465.
[24] Fantham 1991, 275.
[25] Robinson 1995, 72.
[26] For further discussion of this evidence, see Fantham 1991, 275.

concern than the possibility of illegitimate children.[27] Only when an act of *stuprum* threatened the stability of the Roman patriarchy did the law specify the parameters of the offense.

The practical sense of the term *stuprum* is not much clearer than its less abstract uses. The connotations cover a variety of morally questionable sexual acts. It can refer to sex between a man and respectable woman who is underage, unmarried, or widowed, or with a respectable man or boy. Respectable in this sense refers to Roman citizens, particularly those of a higher class or rank.[28] Often *stuprum* was used in reference to the transgression upon the sexual virtue of a freeborn Roman regardless of gender.[29] The crime was thought to be a corrupting influence that tarnished the reputation of the victim and reduced a woman's marriageability.[30]

Having discussed dominant Roman views of sex and sexual morality that inform the *Lex Julia*, it worth turning to the legal precedent regulating these social constructions. The first recorded example of legal censure for *stuprum* is the *Lex Scantinia* a measure that seems to have had little social impact. There is no concrete evidence of when this law was first put in place, however due to later references it seems to have been in effect for a considerable amount of time by 50 BCE.[31] The most commonly accepted date for the statute is 149 BCE.[32] Unfortunately, neither the text of the law nor a sufficient description of its contents survives. The remaining proof of

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[27] Treggiari 1991, 263.
[28] Robinson 1995, 59.
[29] Williams 2010, 103.
[30] Fantham 1991, 271.
[31] For a full discussion of the earliest reference to the law by Cicero, see Ryan 1994, 159.
[32] Berger, "lex Scantina" *Encyclopedic Dictionary of Roman Law* 1953, 559; Treggiari 1991, 277.

its existence are brief references from two letters of Caelius Rufus who was accused under this law, Suetonius' mentioning that Domitian reiterated the law, and Juvenal's regret at its impotency.[33] These sources do not specify the grounds for accusation, the penalty, or even if the procedure was civil or criminal. From these sources modern scholars agree that the law condemned some form of *stuprum* most likely *stuprum cum masculo*.[34] However, beyond this general understanding, the details are lost. The paucity of evidence implies that there was little cultural impact and that the law did not significantly influence public discourse.

The *Lex Scantinia* cannot, as some modern scholars have implied, have outlawed homosexuality because as previously explained there was no cultural concept of homosexuality.[35] Perhaps the law made provisions against *viri* engaging in active homosexual relations. If this were the case, the law would penalize those who penetrate other *viri*. This would place the legal burden on the penetrative partner and imply that this illegality derived from the act of penetration as an act of violation. Alternatively the lex Scantinia might have addressed *viri* who transgressed sexual norms by acting as the passive partner. In this case the law would punish men who transgress sexual norms by giving up socio-sexual dominance. Since the Romans were not much concerned with classifying *stuprum* into specific acts it is equally likely that the *Lex Scantinia* penalized both.[36] Political invective, in which competitors often insulted one another for shameful sexual stereotypes, should be a fruitful source of

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[33] Other probable references to the law are found in Prudentius, Ausonius, and Tertullian. For more information on the ancient sources, see Fantham 1991, 286; Ryan 1994, 159 n. 4.
[34] Berger, "Stuprum" *Encyclopedic Dictionary of Roman Law* 1953, 719.
[35] For a list of modern scholars who believe that the lex Scantina outlawed homosexuality, see Williams 2010, 131 n.95.
[36] Williams 2010, 131.

information about such details of the law. However, the absence of its mention does indicate that whatever *stuprum* the law did apply to it was not a public matter.[37]

One of Caelius Rufus's letters (Cic *Fam* 8.12.3) gives some hints as to whether the lex Scantinia made *stuprum* a criminal or civil matter. F. X. Ryan studying this letter from 50 BCE recorded by Cicero supports the latter option.[38] In this letter Caelius refers to the accusation under the lex Scantinia made against himself, an aedile, and Appius Claudius Pulcher, a censor, in the same year. In 57 BCE, just before this case, aediles were made legally exempt from some criminal charges.[39] Ryan accepts the view that all magistrates were thus not subject to criminal or civil prosecution while they were in office, although he acknowledges that although surviving sources support this claim they cannot conclusively prove its accuracy.[40] In his view, these cases most likely fell into two likely categories. One possibility is that the charges against Caelius and Claudius were criminal suits that were only proposed and not brought to trial. Alternately, the lex Scantinia could have provided for a civil procedure before aediles became exempt from civil cases. Varro's writing implies that legislation for civil suits that predate this exemption are exceptions. Thus if the lex Scantinia predates the exemption, both men could be liable under the lex Scantinia. Nevertheless a civil procedure is slightly more likely. Ancient sources on legal procedures are less likely to record civil suits than criminal, which could explain the paucity of comparable examples.[41]

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[37] Williams 2010, 131.
[38] Ryan 1994, 159.
[39] Ryan 1994, 161.
[40] Ryan 1994, 161.
[41] Ryan 1994, 162.

In addition, since most sources agree that cases of sexual misconduct were handled as private matters before Augustus' *Lex Julia*, the *Lex Scantinia* was most likely a civil law.[42] Before the *Lex Julia* there is no evidence of set penalties and the *paterfamilias*, not a court, determined punishment for *stuprum* of any sort.[43] During the Republic, a woman's first infractions, whether sexual or otherwise, were dealt with privately.[44] In his history of the middle Republic Livy includes a vague and most likely apocryphal story of women who were tried by the state for poisoning their husbands, a crime which he considered to be linked to adultery.[45] Civil suits pertaining to restitution of dowries during divorces serve as sources about the civil punishments for married women's transgressions. These sources from the Republic demonstrate a legal mindset that a husband was allowed to take extreme action in response to a wrongdoing on the part of his wife. These infractions were considered to be very serious and were decidedly a private matter.

In the case of adultery, husbands and fathers took responsibility for punishing adulterous wives. According to Republican custom a husband was authorized to kill his wife upon having caught her in the act of adultery.[46] During the Republic there

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[42] Williams 2010, 130; Ryan 1994, 162; Fantham 1991, 267; Brunt 1971, 559-560.
[43] Williams 2010, 130.
[44] A *iudicium domesticum*- lead by the husband if the woman was married *cum manu* or the father if she was still in his *potestate*- would handle the offending woman's case and punishment. If the crime was serious enough a council of the closest relatives would have aided in the process but the decision lay solely with the father or the husband. There was no standard punishment for adultery and thus was subject to the individual's will. For more information, see Berger "Iudicium Domesticum" *Encyclopedic Dictionary of Roman Law* 1953, 521; Mcginn 1998, 141.
[45] According to this story, which Livy himself admits to be largely fabricated, if a woman's behavior caused a public disturbance she would be tried publicly but punished privately. Only in the rare circumstances of a woman without family would be tried and punished by the state. For further discussion of this passage and its implications, see Fantham 1991, 282-283.
[46] Berger, "Adulterium" *Encyclopedic Dictionary of Roman Law* 1953, 352.

seems to have been a widely held ideal of the self-regulating family and disinclination toward state regulation. At this time when a woman was married *cum manu* she transitioned from the legal power of her father to that of her husband.[47] In a marriage *cum manu* a husband had most of the same powers over his wife as over his children and could sue for injury to his wife because this was tantamount to an injury to himself. He could emancipate his wife, as he could a child, or appoint a guardian for her, but unlike his children, she had the opportunity to choose her own guardian. Thus although the wife was not her husband's daughter she was legally in the position of a daughter. However, towards the end of the Republic and the start of the Principate marriages were increasingly *sine manu,* allowing the woman to remain a part of her own family and subject to her father's will. Accordingly, during the late Republic a man was still within his rights to execute a wife found committing adultery. However he would most likely have had to defend himself to her family on a charge of murder.

The passage of the *Lex Julia de Adulteriis Coercendis* in 18 BCE dramatically transformed the previously private customs for regulating sexual morality by criminalizing and publicizing adultery. For the first time prosecution of sexual transgressions became a public matter.[48] With this act one form of *stuprum*, *adulterium*, became a public offense with a set course of procedures and prosecutions. The crime of adultery was tried in a standing criminal court, the *quaestio perpetua de*

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[46] For the discussion of traditional Republican regulations on marriage and adultery I am primarily working from Treggiari 1991, 30, 265-275; Fantham 1991, 272; Williams 2010, 131.

[47] *Manus* is a very similar legal condition to paternal power.

[48] For the introductory discussion of the *Lex Julia de Adulteriis Coercendis* I will be primarily working from McGinn 1998, 141; Treggiari 1991, 278; Williams 2010, 130.

adulteriis. The law contained at least nine chapters; information from five of these remains. Most of the surviving conditions of the law address the punishments for the adulterous wife and her lover.[49] Along with these crimes the *Lex Julia* condemned *lenocinium*, benefiting from adultery, and those who facilitated an act of adultery or *stuprum*. The law also specified who could bring an accusation of adultery against an individual, when they could do so, and how to properly follow the legal procedure.

Under the *Lex Julia* fathers and husbands were given a special right of accusation once the couple had been divorced. These men held the *ius mariti vel patris* under which they were given primacy in accusing a woman of adultery.[50] This special legal status included certain benefits. Scaevola reports perhaps the most important of these:

> It is permitted to a husband first of all, or [after him] to a father who has a daughter-in-power, to make an accusation within sixty days of the divorce, and no one else is granted the power of bringing an action in that period (*Dig.*48.5.15(14).2)[51]

This means that fathers and husbands held the exclusive right to prosecute adultery during the first 60 *dies utiles,* days during which an accusation could be brought forward, after the date of the divorce (*Dig.*48.5.4; *Dig.*48.5.15(14).2). This is significant because a husband who did not bring an accusation against his adulterous wife was himself liable under the law.[52] With this legal privilege the husband did not

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[49] McGinn 1998, 141.
[50] McGinn 1998, 145.
[51] I take the translations of the Digest of Justinian from the work of Theodor Mommsen edited by Alan Watson in 1985.
[52] Thus the new law compels cuckolded husbands to divorce their wives to protect themselves. This provision also utilizes divorce to maintain a standard of traditional morality in elite marriages.

have to compete with third party accusers to bring a trial against his wife and thus he could avoid an accusation of *lenocinium*.

The *ius mariti vel patris* is also granted to men who could not otherwise bring a legal accusation, e.g., *infames*, minors, sons-in-power without the permission of the *paterfamilias*, certain freedmen, etc.[53] The crime was deemed to be so serious that the law empowered those who were usually denied individual standing in court to take action against adultery. The accuser was also allowed to conduct two simultaneous legal prosecutions, although, it is important to note as Papinian does, that, "two persons, male and female, cannot lawfully be accused simultaneously of a joint offense of adultery" (*Dig.*48.5.40 (39).6). Fathers and husbands were also allowed to conduct their cases with simplified procedures and to subject certain slaves to interrogation by torture.

The father and husband were afforded this legal privilege because the crime of adultery was personal and damaging to the marriage and the family (*Dig.*48.5.23(22).4). Both the father and husband had privilege over third party accusers. However, the legitimacy of the father's accusation would be dependent upon support of the husband. The accusation of adultery was seen to be confirmed by the husband's renouncing his wife through divorce. The husband's accusation is in this way slightly more privileged. Although the father and husband both held this special privilege over the right of accusation, the woman's legal status influenced who, between these two, had more privilege. If a woman was still *in potestate*, in the legal power, of her father then he could take the authority to bring an accusation against

[53]For the discussion of accusations under the *Lex Julia* I will primarily be working from McGinn 1998, 141-146.

her. If she was married *cum manu* or was even *sui iuris,* in her own legal power, then her husband took priority.

The *Lex Julia* established a court for public trials of adultery; it also allowed the father or husband to punish the crime instantly and violently within his own home. If a father caught his daughter, who was still legally under his power, "actually engaged in the crime of adultery" in his or her husband's house, he was legally allowed to kill her and her lover (*Dig.*48.5.24(23).1). However, if he killed the lover and not the daughter then he was guilty of murder.[54] The law demanded that the father, reacting in anger, vent his rage "with equal severity against [both] those who have been caught" (*Dig.*48.5.33(32)). This act of killing is lawful because the father demonstrated his "concern for family duty" by punishing a severe moral transgression within his family (*Dig.*48.5.23(22).4). The law specifies the location of where the adultery was discovered because it is a "more serious outrage for her to dare to bring an adulterer into the house of her father or husband" (*Dig.*48.5.24(23).1).

The husband who caught his wife in the act of adultery in his house was not afforded exactly the same right as the father. The husband was allowed to kill the lover but not the adulterous wife.[55] Where the father had full license to kill the adulterer, the husband could only kill him if he is not respectable i.e. a pimp, actor or stage performer of some kind, a freedman of the family, slave, etc. (*Dig.*48.5.25(24)). The husband who caught an adulterer who he is "not permitted to kill… may lawfully and with immunity detain him… for the purpose of testifying to the matter" (*Dig.*48.5.26(25)). A husband's right to kill the adulterer depended upon the other's

[54] Robinson 1995, 61.
[55] McGinn 1998, 146.

status, not his own, since he has this right whether he is "*sui iuris* or a son-in-power" (*Dig.*48.5.25(24).2). This lack of distinction for the husband's legal status demonstrates that the crime was thought to be an injury specifically against the husband. In this way the law restricted earlier practice of instantly and privately killing both the adulterous wife and her lover and instead compelled the husband to bring both before the public court.

The *Lex Julia* ended the late Republican custom for dealing with adultery, i.e., with a discreet divorce and perhaps extorting the adulterer.[56] After having been divorced and publicly tried, a woman condemned for adultery was prohibited under the new law from remarrying. If the guilty parties were not executed right away the criminal penalties set out for the adulteress and adulterer were largely financial. A woman found guilty of adultery faced losing one-third of her property, and having one-half of her dowry confiscated. Even though husbands could not be penalized for their own extramarital affairs (so long as their affairs were with a person of low status), they were still expected to set a moral example for their households. If the husband was found to be engaging in adultery too, he would not be awarded as much money from the woman's confiscated dowry. For adulterers the punishments were slightly different. Financially speaking, one-half of the lover's property was confiscated, a steep financial penalty. If a man was found guilty of adultery he could never give testimony in a court and he lost his ability to act as witness to a will and to serve in the military. Additionally both parties could be exiled to separate islands,

[56] For the discussion of penalties for adultery under the *Lex Julia* I am primarily working from Treggiari 1991, 288; McGinn 1998, 142-145.

however it is not clear if the exile was permanent. The exact specifications of such banishments are a little murky and the evidence is not conclusive.

The *Lex Julia* primarily focused on penalties for the adulteress or the adulterer but, through the provisions regulating the crime of *lenocinium,* it also regulated the husband's actions. The punishment for *lenocinium* was largely the same as that of adulterers. [57] The husband, if he was aware of the adultery, was required by law to divorce his wife under threat of being charged for *lenocinium*.[58] Macer emphasizes the immediacy of the requirement, for if the husband kills his wife's lover he is required to "divorce his wife without delay" (*Dig.*48.5.25(24).1). Regardless of whether the husband kills the lover or brings him up on legal charges, the law demands that he both divorce his wife and also legally charge her with adultery.[59] Under the *Lex Julia* a man could be condemned for *lenocinium* in a number of ways. The primary crimes of *lenocinium* are committed by a "husband who acquires anything from the adultery of his wife but also for him who keeps her after she has been caught in adultery" (*Dig.*48.5.2.2). This second stipulation is included because by staying married to an adulteress the husband is implicitly accepting and nullifying her crime against him and their marriage. A man who married a woman previously found guilty of adultery was also considered guilty of *lenocinium*.[60] Additionally a man who manipulates events so that adulterers caught in the act should buy his silence with "money or other agreement is condemned to the same punishment" as *lenocinium* (*Dig.*48.5.15(14)). The sheer number of the variants of *lenocinium* demonstrates an

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[57] McGinn 1998, 143.
[58] Berger, "Adulterium" *Encyclopedic Dictionary of Roman Law* 1953, 352.
[59] Robinson 1995, 61.
[60] McGinn 1998, 143.

anxiety about the moral actions of the husband and other men involved in *adulterium*. Additionally, the threat of the public shame and financial penalty of *lenocinium* compelled Roman men to bring cases of adultery to court instead of handling it privately.

The *Lex Julia* prosecuted a very detailed compilation and codification of existing cultural beliefs. Since, based on the evidence, we can be at best skeptical about the degree to which the *Lex Scantinia* actually curtailed men's sexual practices it could only have acted as nominal precedent for the new law.[61] Although the specific law on adultery reinforced established cultural values, it was the first official public incarnation of private regulations. For example, it had always been custom that a Roman man could not have an affair with a respectable man's wife or daughter but after the passage of the *Lex Julia* it was now for the first time a public crime. Through regulations such as this one the law built upon traditional practices of regulating sexual morality.[62] However, some parts of the law rejected earlier conventions. Even though or perhaps because in the late Republic the right to kill one's wife was rarely taken advantage of, the law restricted this privilege.[63] Thus the extensive regulations specifying under what conditions this right can be enacted demonstrate an attempt to curtail a declining custom. Before the Julian law, a woman caught in adultery faced severe charges that would have been the subject of much rumor, but would have primarily been kept within the family. After its passage however, women's punishment for *stuprum* or *adulterium* was public rather than domestic. Both crimes

[61] Williams 2010, 135.
[62] Fantham 1991, 290.
[63] Treggiari 1991, 293.

had dire and public punishments, which could cost the woman her wealth, status, and standard of living,[64]

To be sure, there is no documentation of a widespread response specifically to the *Lex Julia de Adulteriis Coercendis.* Nevertheless, there was a significant reaction to other sections of the laws on marriage by Roman upper classes, and hence a high level of public discussion about the new body of law of which the *Lex Julia de Adulteriis Coercendis* is a part. Indeed, the resentment against some of the conditions of the *Lex Julia de Maritandis Ordinibus* for promoting the Roman family became so widespread that it manifested itself in an organized protest. The Equites staged a demonstration against the law in 9 CE which prompted the government to alter its terms.[65] The *Lex Papia Poppaea*, passed in the same year, relaxed the penalties for those who were childless or unmarried in a direct response to the people's complaint. The dialogue between the *princeps* and the nobles and among the upper classes evident in this change demonstrates the extent to which these issues became a prominent public topic.[66]

It is much debated why Augustus sponsored the law on adultery, whether he was truly concerned about a decline in Roman morality, whether he wished to ensure that these cases were treated fairly under the law rather than be subject to a partial *paterfamilias*, or if he preferred to have all crimes tried in public courts over which he was the supreme power.[67] Regardless of his motives the institution of this law became the first publicizing of sexual morality. This study is concerned with the widespread

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[64] Fantham 1991, 290.
[65] Brunt 1971, 560.
[66] Brunt 1971, 560.
[67] Robinson 1995, 58.

effects of the law. Indeed the *Lex Julia de Adulteriis Coercendis* brought the issue of sexual misconduct from the private, domestic sphere into the public eye and discourse. By creating a standing court to try cases of adultery, the Julian law established the crime as one of public importance.[68] Even though this law was not primarily concerned with sexual violence or other aspects of *stuprum*, it opened up the topic of sexual transgressions which allowed for public examination and re-thinking of prevalent beliefs about all forms of *stuprum*. The ancient Romans did not name rape culture as the root of these views but, nevertheless, they were identifying and evaluating aspects of Roman rape culture.

The passage of the *Lex Julia* was the first time that sexual morality became a matter of state and open to the people. The act of publicizing and criminalizing sexual morals brought customary views into public discourse. Provisions, such as those against men staying married to adulterous wives and restricting women from remarrying after adultery. These penalties for adulterous women are both highly public and socially ostracizing. These are examples of the type of severe punishment for adultery that could have sparked some debate and reevaluation of whether the punishment was justified. This period was a pivotal time for the public conception of sexual *mores* and appropriate punishment for their transgression. The passage of the *Lex Julia de Adulteriis Coercendis* marks a moment of awareness of rape culture within ancient Rome. The following chapters of this study will examine how the portrayal of sexual violence is different in the time just before and just after 18 BCE and what these differences reveal about the conditions in which they were created.

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[68] McGinn 1998, 141.

Chapter 2: Rape Narratives in Livy's *Ab Urbe Condita*

During the latter half of the first century BCE at the time when Rome's civil wars were coming to a close and the state was transitioning from the Republic to the Principate the historian Livy began writing *Ab Urbe Condita,* an exhaustive history of Rome. The preface to this work sets the course of how his reader ought to think critically about his prodigious history of Rome. As he states:

> *ad illa mihi pro se quisque acriter intendat animum, quae vita, qui mores fuerint, per quos viros quibusque artibus domi militiaeque et partum et auctum imperium sit; labente deinde paulatim disciplina velut desidentes primo mores sequatur animo, deinde ut magis magisque lapsi sint, tum ire coeperint praecipites, donec ad haec tempora quibus nec vitia nostra nec remedia pati possumus perventum est.* (Pref. 37-45)
>
> I would have each reader for his own benefit keenly apply his mind to what life was like and what morals were, through what men and by what arts, at home and abroad, the empire was born and enlarged; then with discipline gradually slipping, first let him follow in his mind how morals are deteriorating, then how they sunk more and more then began to fall headlong, until this time was reached when we are able to endure neither our vices nor the cures.[1]

Challenging each reader to think critically about the state of morals throughout the history of Rome, Livy outlines the deteriorating trajectory for the reader's consideration. To chronicle this moral decline, Livy uses certain characters as moral *exempla*. He constructs each *exemplum* as a narrative concerning a significant deed performed by an individual illustrative of virtue or vice.[2] His exemplary women often demonstrate their moral character in episodes of sexual immorality whether they are

[1] For this translation I am primarily drawing from Gould & Whiteley's translation with my own modifications. Gould & Whiteley 2005, 95-96

[2] Langlands 2006, 79.

complicit in *stuprum* or the victims of violence. Livy does not restrict the exemplary women to specific or simplistic lessons.[3] Livy's first book is marked by three episodes of sexual violence. The first, Rhea Silvia, produces Rome's legendary founder; the second, the Sabine women, establishes Rome's population; and the third, Lucretia, gives rise to the Republic. The fourth and last episode found in the third book of *Ab Urbe Condita* is the story of the attempted rape of Verginia.

Because Livy leaves his stories and his characters open to interpretation they yield valuable insight into contemporary *mores*. The purpose of this chapter is to examine how Livy uses Rhea Silvia, the Sabine women, Lucretia, and Verginia as moral *exempla* to depict the (im)morality and impact of sexual violence in Rome's dominant ideology before 18 BCE. I will demonstrate that Livy's work unsentimentally utilizes rape as a literary device to advance political plot lines. The evidence suggests that Livy does not consider sexual violence an appropriate topic for narrative attention. The striking and consistent absence of emotion in the depictions of sexual violence speaks to the author's minimal understanding of rape and its consequences. Thus Livy's work serves as a basis for understanding the *status quo* before the Romans had public knowledge of sexual assault.

Since Livy himself tells us that his primary concern is not the truthful documentation of affairs but rather the general state of life and morals throughout Roman history, his work is an invaluable source of knowledge about the state of moral thought in the late first century BCE. Livy's history serves not only as interpretation of contemporary morals, but also their evolution throughout Roman history. These

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[3] Stevenson 2011, 189.

episodes come from the first and third books of Livy's extensive history, which were composed between 27 and 25 BCE.[4] Livy would have been witness to the first failed attempt of Augustan moral legislation in 28 BCE, and no doubt his work reflects the contemporary trends in moral discourse.[5]

A single source cannot speak to the entire mindset of a diverse and varied populace, yet, the lasting popularity and success of Livy's work implies its consistency with cultural norms and can be taken as indicative of the dominant ideology in moral thinking just before the *Lex Julia de Adulteriis Coercendis* was passed. Those sections of Livy's history that are particularly relevant to this project bespeak views of *pudicitia* and *stuprum* at the time which preceded the making of sexual morality into a public matter. As this chapter will demonstrate, Livy's work especially utilizes *stuprum* as a private matter and a literary trope. This presentation of sexual violence demonstrates a superficial understanding that *stuprum* is 'bad' but reveals no deeper comprehension that it is traumatic or violative.

Livy's concept of morality privileges service to the Roman state.[6] Under Rome's patriarchy, women primarily served the state through marriage and reproduction. The exchange and protection of women in marriage solidifies these core values and cultural structures.[7] The characters Rhea Silvia, the Sabine women, Lucretia, and Verginia are subject to violence within this patriarchal context. As foundation stories, these episodes demonstrate particular concern with the establishment and perpetuation of Rome. At this time there was a deeply embedded traditional view that

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[4] Moses 1993, 75.
[5] Moses 1993, 76.
[6] Vandiver 1999, 207.
[7] Joplin 1990, 55.

the moral state of familial affairs and marriage reflected and impacted the condition of the government.[8] The transgression of the security of marriage through *stuprum* challenged the stability of the Roman cultural and political system.[9] Livy's female *exempla* prove their moral worth by resolving such crises and acting in the best interest of the Roman family and thus the state. These episodes are especially relevant to the consideration of the Roman views on sexual violence as symptomatic of political immorality because these stories are integral to the formation and political evolution of the Roman state. Livy writes the corruption of political and patriarchal systems to enact themselves as sexual violence.[10] The violence done to Livy's women is not simply spontaneous and lustful, it is also the logical expression of moral and political corruption upon the most sympathetic and vulnerable of the Roman people.[11] Throughout these stories Livy is careful to establish the culpability of his *exempla* and assign blame for the sexual violence. Although he repeatedly uses rape as a literary tool and political catalyst, Livy shows a disinterest in the act itself or its emotional consequences. This consistent treatment of rape reflects the dominant ideology that exclusively considers rape and its consequences as a private matter that was not appropriate for public attention or discussion.

The first of these women, Rhea Silvia, has the shortest story (1.3-4). Rhea Silvia finds herself the victim of a power struggle when her uncle Amulius usurps the kingship of Alba Longa from her father, Numitor. To ensure his security on the throne, Amulius expels his brother, kills his nephews, and sentences Rhea Silvia to a

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[8] Treggiari 1991, 211.
[9] Joplin 1990, 54.
[10] Joplin 1990, 55.
[11] Joplin 1990, 52.

controlled life as a Vestal Virgin. Rhea Silvia is peripheral to the political struggle of her male relatives. A pawn rather than an agent, Livy allows Rhea Silvia neither action nor voice. Her greatest contribution to Roman history, and thus the reason for her inclusion in the story, is giving birth to the twins Romulus and Remus. Despite her imposed chastity, Rhea Silvia conceives under ambiguous circumstances and gives birth. Her uncle orders that the boys be left to die of exposure. Nevertheless they survive and go on to oust Amulius, reinstate their grandfather Numitor, and then found Rome. Rhea Silvia's insignificance as a character is made clear when she is thrown into prison after giving birth and never mentioned again.[12]

In this section concerning the Vestal Virgin, Livy focuses the most narrative attention on Rhea Silvia's conception, even though he never explicitly discusses it. Skirting around the act Livy says only that the "Vestal held down by force [and] having given birth produced twins" (*Vi compressa vestalis cum geminum partum edidisset)* (1.4.2). This alone would imply that Rhea Silvia was not morally corrupt or complicit in the breaking of her sacred virginity. However, by establishing Rhea Silvia's innocence, Livy seems to be implying that the founder of Rome was born from violence and impiety. Livy then complicates Rhea Silvia's integrity as a victim by adding that "either because she believed so or because it was more respectable for a god to be the author of the blame, she names Mars the father of the uncertain offspring" (*seu ita rata seu quia deus auctor culpae honestior erat, Martem incertae stirpus patrem nuncupat*) (1.4.2). Thus Livy, writing under the social conditions that term any non-marital sex (for a noble woman) to be *stuprum*, casts her reputation into

[12] Stevenson 2011, 176.

doubt. The god is still to "blame" for the conception but she, by having potentially concealed the circumstances of the *stuprum*, acts in a morally questionable manner. Regardless of paternity, Rhea Silvia had engaged in sexual intercourse under unclear circumstances. In this light, Livy's representation of her moral character is in line with contemporary sexual *mores*. Leaving the paternity of Romulus and Remus open, he creates a level of ambiguity that begs the inquisitive reader to question the nature of the conception and by extension Rhea Silvia's sexual morality.

Indeed in this first episode of sexual violence, Livy establishes the importance of blame and respectability that he will further explore in later episodes. Despite the fact that Rhea Silvia does not herself directly speak in the narrative, Livy writes that she names or perhaps announces (*nuncupat)* Mars as the father of the twins. In doing so Rhea Silvia attempts to take a degree of control over her reputation and that of her sons. Through words she is able to direct the perception of her story: i.e., if Mars is indeed the rapist, then the violation of her sacred virginity is sanctioned by fate.[13] Livy, having given his character this modicum of self-definition, undermines her agency by casting her story into doubt. In this brief episode he introduces the theme of what Rebecca Langlands terms the "problematic unknowability of virtue" that he will explore more fully in later stories.[14] Livy presents her as victim of her uncle's cruelty and immorality, but since she may have lied about the conception of her sons,

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[13] Arieti 1997, 211.

[14] Since Rhea Silvia is the only one who knows what happened, only she is able to conceal or reveal the truth. Livy continually repositions his female *exempla* with the ability to present the truthful condition of questionable morals around *stuprum*. For a full discussion of this theme see Joplin 1990, 63; Langlands 2006, 95.

in this respect he makes her morally suspect.[15] He does not explore the emotional trauma of the character who is repeatedly dominated and subject to violence. Livy does not give Rhea Silvia much narrative space, perhaps not even enough for her to be considered an *exemplum*. Regardless, Livy begins his pattern of female characters who, subjected to some sort sexual violence, have significant impact on Roman society with Rhea Silvia.

Since Livy has asserted that Roman morals were established at the time of the city's inception, he is faced with the logical challenge of presenting the abduction of the first Roman wives as moral. Where Livy makes the moral circumstances of Rhea Silvia's story decidedly vague, he is very specific that the Sabine families and not the Roman men are to blame for the rape of the Sabine women.[16] When Romulus first founds his city he faces the problem of attracting women to stabilize the population of Rome. Having been rudely turned away by all of the neighboring cities, Romulus turns to less reputable methods. Putting on a large religious festival to attract Rome's surrounding neighbors he engineers a mass abduction of their women. With the spectacle in full swing Romulus gives a signal and the Roman men rush to carry off the visiting women, most of whom are Sabine. Once the Romans have separated the women from their families, Romulus speaks to them, offering reason and incentives for them to choose to marry Romans (1.9.14-15). His persuasion is successful and just as Romulus asks "to whom chance had given their bodies, let them give their hearts"

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[15] Stevenson 2011, 176.
[16] In this case "rape" refers to their abduction. For a full discussion of the English and Latin terminology, see Vandiver 1999, 209.

(*quibus fors corpora dedisset, darent animos*) so do the women consent to the union (1.9.15).

Livy uses Romulus' speech to the Sabine Women to convey his own moral take on the story. In Roman marriage, the mutual giving of consent formed the marriage bond more than a wedding ceremony or marriage contract.[17] Thus violence is used to remove the women from the haughtiness (*superbia*) of their families (1.9.14) and to give the Sabine women the ability to choose marriage and Rome for themselves.[18] Livy emphasizes marriage, as the sharing in fortune and children, as a microcosm of the harmony and structure of the state and political alliances.[19] Through this speech Livy establishes the rightness of the episode, exculpating Romulus and the Romans for the abduction and instead placing the blame upon the parents who had rejected the initial marriage proposal.

Although by modern standards consent could not be given in this situation, Livy constructs his narrative to emphasize that the women are not forced into non-consensual sexual relationships. This story is deeply important to Roman ideology, collective history, and the essence of Roman marriage.[20] Consequently, Livy finds it necessary to repeatedly reassert the moral grounding of this story. To ensure the ultimate morality of the offense, Livy stresses that the women are abducted for the purpose of legal marriage (*matrimonio*) (1.9.14) to secure the longevity of Rome rather than to serve immoral lust.[21] The Romans could not engage in the normal social

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[17] Treggiari 1991, 54, 180; Saller 1993, 83.
[18] Vandiver 1999, 212.
[19] Miles 1992, 179.
[20] Miles 1992, 161.
[21] Vandiver 1999, 209.

constructions of courting and marriage and so had to transgress social *mores* by abducting wives. Removing the women from the power of their fathers and then inviting them into their own homes, the Romans have subverted the stability of the Sabine's family structure in the name of establishing and continuing the new Roman state.[22] Usually the consent of both families was necessary for a normal Roman marriage. However, when a potential bride was removed from her father's *potestas* for whatever reason, her own consent authorizes the marriage.[23] Livy uses the Sabine, now Roman, women's assent to marriage as an affirmation of the first Roman marriages as moral.[24] Choosing to marry the Romans is however, not their most notable action in service of the Rome.

The families of the women, still enraged over the abduction, bring war against the Romans. According to contemporary convention, violence is the logical action against a group that transgresses socio-sexual norms. However, Livy evades actual fighting by utilizing the women, the victims and the objects of the male struggle, to reassign blame and privilege the creation of the first Roman families over the original transgression. Inserting themselves in the very middle of the battle, the women beg for peace between their fathers and their husbands. Livy does not say that the women themselves are the cause of fighting, but rather the "war sprung up from the injury to them" (*quarum ex iniuria bellum ortum*) (1.13.1). The injury-- Livy does not specify whether he is referring to the Sabines' haughtiness or the Romans' abduction-- is then forgotten in the story. Livy's quick progression away from the violence of this episode

[22] Joplin 1990, 57.
[23] Saller 1993, 86.
[24] Vandiver 1999, 209.

demonstrates a disregard for the women's experiences and emotional reactions to the situation. The women however do not themselves explicitly justify this injury. Instead, the new Roman wives shift the moral issue of the story from the abduction to the current fight. The intervention focuses the men's and reader's attention to the morality of family factions fighting one another.

The women embody the new bond between the Sabine fathers and the Roman husbands. When they announce that they would rather die and end the familial bond (*adfinitas*) than live without either faction, they end the conflict and unite the families (1.13.3). In this special position the women embrace their role as Roman wives and act in the interest of the families and the Roman state.[25] Moreover they do not plead for their sake alone, but also for the sake of *nepotum* and *liberum,* i.e., for the sake of grandchildren and children (1.13.3). In doing so they demonstrate that their interest lies not solely in their personal desire to end the struggle, but also in their offspring and consequently the future of Rome. Livy emphasizes the peace and unity between the husbands and wives and the Sabines and Romans brought about by the women for the love of children.[26] Through this act of unification the Sabine women have strengthened Rome's population and local influence. Notably the women demonstrate no emotional effects of having been kidnapped. As a group the Sabine women are good moral *exempla* because by their daring they have served the good of Rome while never transgressing sexual norms.[27]

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[25] Vandiver 1999, 214-215.
[26] Miles 1992, 178.
[27] Stevenson 2011, 180.

Livy presents this story of abduction and marriage as both essential to the success of the state and as the standard from which all Roman marriages are derived.[28] This story enacts essential gender roles in Roman marriage and demonstrates how marriage is intertwined with the broader organization of society. The abduction of the Sabine women exists within a larger culture of male social and political relationships. Imagining the first Roman marriages to be thefts indicates the passivity of women in this interaction. They become objects that are traded between men.

Livy does not offer an uncritical account of the abduction; instead he rationalizes the traditional story by making the victims of the abduction the eventual advocates of its results. Livy's text, justifies but does not hide the inequalities inherent in the dominant social ideology of marriage, and by extension, society. Livy, writing his history with the intention that it will be continually questioned and reevaluated by critical readers, is very careful to acknowledge but minimize the immoral content of this story. Livy presents the Roman abduction as a necessary transgression but not one that is indicative of a larger moral corruption, a trope that he will use in the next two episodes I address. Indeed Livy, unconcerned with the potential trauma, downplays the violence of abduction and nullifies the existence of any *stuprum* through the mouths of the victims themselves.

Returning to the "problematic unknowability of virtue," Livy has positioned the moral message to come from the characters subjected to violence themselves. Livy has allowed Rhea Silvia and the Sabine women some degree of control over their own

[28] For the discussion of the abduction of the Sabines as indicative of marriage's role within broader Roman social structures I will primarily be working from Miles 1992, 164-189.

story through speech. However, Rhea Silvia's attempt to legitimize her *stuprum*, given the least narrative space, is used to cast doubt upon her moral character. The Sabine women speak out in support of Roman marriage, negating what would otherwise be naturally understood as the immorality of the Romans' violence against them. Thus Livy uses the women as the vehicles by which he resolves this problematic ambiguity and delivers his own moral interpretation of these traditional narratives. Constructing the characters' voices thus, Livy offers an emotionally distant representation of *stuprum.* Utilizing the victims' own words in this way, the women's experiences of violence and trauma have no presence in the stories. In the story of the rape of Lucretia, which I address next, the power to discuss and define *stuprum* becomes a driving force.

The story of Lucretia was widely known through many retellings and is deeply rooted within the Roman collective history. However Livy's vivid account contains the most detail and depth (1.57-59).[29] To pay off the debts he had accrued in extravagant building projects, the seventh king of Rome, Tarquinius Superbus, engaged in a long and uneventful siege of Ardea. Bored, the young royal officers indulge in wine and feasting. During one such party held by the king's son, Sextus Tarquinius, an argument arises over whose wife is the most faithful. The officers, each claiming this right for his own wife, decide to return home and surprise their wives to establish which woman is the most virtuous. After having caught the other wives drinking late at night in Rome, the officers ride to Collatia to test Collatinus' wife Lucretia. Livy first introduces Lucretia, the picture of a good wife, sitting in the middle of her house spinning late at

[29] Langlands 2006, 80.

night (1.57.9). Lucretia wins the wifely contest (*muliebris certaminis*) (1.57.9). Livy continually asserts her evident chastity (*spectata castitas*) (1.57.10). It is this very *pudicitia* that *libido*, lust, compels Sextus Tarquinius to violate (1.57.10).

Sextus Tarquinius returns to Lucretia's home a few days later with one companion in tow. Unaware of his plan to rape her, Lucretia welcomes the prince hospitably. Sextus waits until night and then enters her bedroom with a sword in hand and attempts with begging, bribes, and threats to her life to coerce her into sex. He has physically dominated her and is now intent on compelling her with his words (1.58.2-4). Finally he threatens not only to kill her but also to leave her in bed with a dead slave "with whom she would be said to have been killed for sordid adultery" (*sordido adulterio necata dicatur*) thus demolishing her virtuous reputation (1.58.4). This threat convinces her to submit to Sextus. The embodiment of immorality, Sextus would not only violate her body but also, as the only voice to resolve the question of her virtue, slander her reputation. In the end Lucretia chooses her reputation over her physical *pudicitia* and her life.[30]

Having made this decision and submitted to the unavoidable rape, Lucretia is able to reclaim her control over her own moral character. Calling her father and husband to the house each with a trusted friend she reveals to them that Sextus Tarquinius had violated her and she challenges each of the men to hold him accountable (1.58.7-8). With their oaths secured she kills herself, stating that, "no other unchaste woman will live from the example of Lucretia" (*nec ulla deinde impudica Lucretiae exemplo vivet*) (1.58.10). Recognizing her status as an *exemplum*

[30] Glendinning 2013, 65.

Lucretia ensures that her story cannot be twisted to serve immorality. Defining herself as an unequivocally morally correct *exemplum,* Lucretia takes her own life.[31] She submits to Sextus Tarquinius to become a witness to his crime instead of allowing him to bear false testimony of her fabricated immorality. If she had continued to live she could not control the dissemination of her story. The confusion of her status is dangerous; i.e., the system dependent upon wifely chastity could not survive with the paradox of a mentally virtuous but physically unchaste wife.[32] To protect her own reputation against the "problematic unknowability of virtue" and not challenge the tenets of female chastity, she has to die. Livy writes Lucretia to be an advocate of the system that demands her death. However, Lucretia not only serves as a moral paragon, she also brings about the end of the immoral monarchy. This act of powerful self-definition has far-reaching ramifications outside of her home and indeed brings the monarchy to an end.

Livy makes the rape and the woman's innocence absolutely clear, yet, of the actual assault of Lucretia he says nothing.[33] Indeed the brutality and trauma of the act is not the emotional focus of the story. Livy's Lucretia is logical and composed, she seems to suffer no emotional impact of her violation. The portrayal of a raped woman setting an exemplary precedent for adulterous women is rather disturbing. Her words seem to equate the consequences of adultery and sexual assault.[34] Even in such a deeply misogynistic society there was a distinction between *adulterium* and *stuprum*

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[31] Vandiver 1999, 216.
[32] Joplin 1990, 63.
[33] Langlands 2006, 91.
[34] Stevenson 2011, 186.

which may have troubled ancient readers.[35] Within the text Lucretia's father and husband find her innocent because "where intent is absent there is no guilt"(*unde consilium afuerit culpam abesse*) (1.58.9). The guilt lies wholly and inexcusably with Sextus Tarquinius.

Livy uses Sextus Tarquinius as a bad moral *exemplum* in the rape of Lucretia to demonstrate the moral injustice and immorality of the king and to justify the downfall of the monarchy. In this historic episode Livy brings morality to the forefront while discussing political ideology.[36] The narrative links Sextus Tarquinius to his father the king, both in action and character.[37] Engaging in a long siege to compensate for public extravagances and pacify a resentful city, Tarquinius Superbus creates the empty leisure for the young noblemen which directly leads to immorality, i.e., *stuprum*. When Brutus brings Lucretia's body and her story to the Roman public he meshes the prince's rape of one woman with the king's oppression of the people.[38] Brutus' public announcement of the assault leads to a collective tirade against the transgressions of the monarchy (1.59.8-11). Livy's unambiguous portrayal of Sextus Tarquinius as an *exemplum* of vice and Lucretia as one of virtue supports the political narrative of a corrupt regime exploiting an innocent populace.[39] Thus, the reason that Livy makes the rape clear does not have to do with an interest in sexual violence, instead it is best

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[35] The *Lex Julia de Adulteriis Coercendis,* though it was passed after Livy composed this chapter, distinguishes between consensual and non-consensual *stuprum.* Interest in the role of the woman's consent marks Livy's account as different from earlier writers' and reflects current legal and moral discourses. At this time Roman law began to pay more heed to the woman's consent in cases of *stuprum*. For a more complete discussion of the legal distinctions and complexities of coercion and consent see Moses 1993, 78; Stevenson 2011, 186-187.
[36] Philippides 1983, 113.
[37] Philippides 1983, 114.
[38] Joplin 1990, 64.
[39] Langlands 2006, 91.

understood in terms of his agenda of portraying *libido* as destructive to *pudicitia* and the private morality of the ruling class as influential to the public state.

The attempted rape of Verginia is most likely a historically inaccurate reworking of Lucretia's story to fit the circumstances of the fall of the *decemvirs*.[40] Introducing this account Livy explicitly links Verginia to Lucretia:

> *Sequitur aliud in urbe nefas, ab libidine ortum, haud minus foedo eventu quam quod per stuprum caedemque Lucretiae urbe regnoque Tarquinios expulerat, ut non finis solum idem decemviris qui regibus sed causa etiam eadem imperii amittendi esset* (3.44.1)
>
> Another crime follows in the city, born from lust, with hardly less foul a result than that [crime] by which stuprum and murder of Lucretia had expelled the Tarquins from the city and the monarchy, not only was the ending the same for the *decemvirs* and the kings but also the cause of the expulsion of power was the same.

Here Livy alerts his critical reader to the similarities in narrative, theme, and moral lesson. Just as Lucretia's rape and suicide were of less importance than the broader political story line, Livy gives more narrative weight to the legal and political aspects of Verginia's story as an aspect of the ongoing class conflict. Even though the storylines are very similar, Livy demonstrates even less concern for Verginia's character than her predecessor's.

This episode takes place under the second *decemvirate,* led by Appius Claudius, which despite having added significantly to Rome's legal system, came to abuse its power.[41] As Livy relates, Verginia was the young plebeian daughter of a military officer of "upstanding character" (*exempli recti*), L. Verginius, and the fiancé of L.

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[40] Joplin 1990, 63; Langlands 2006, 97.
[41] Arieti 1997, 214.

Icillius, a former tribune known for his "bravery" (*virtutis*)(3.44.2-3). Appius Claudius lusts after Verginia but fails to seduce the girl. Not deterred, Appius Claudius contrives to have his client, M. Claudius, abduct the girl, claiming her to be the daughter of one of his slaves and thus herself a slave belonging to him. M. Claudius accosts the girl on her way to a lesson in the forum to publically seize her. While the "girl senseless with fear" (*pavida puella stupente*) is shocked into silence, the "cry of her maid for the protection of the Quirites" (*clamorem nutricis fidem Quiritium*) draws a crowd of bystanders (3.44.7). The crowd, respecting the reputations of her father and fiancé, prevent the abduction and bring the case to court. As he had planned, Appius Claudius himself is presiding over the tribunal. Both sides agreed that a decision cannot be made without the presence of her father, Verginius, "whom the greater part of the injury concerns" (*quem maior pars iniuriae eius pertineat*) (3.44.10). However, Appius Claudius also rules that until the matter was settled the girl should remain with her abductor M. Claudius, which would allow him access to secretly rape her before the trial.

The injustice (*iniuriam*) of this decision shocks the crowd but no one dares to challenge the judge until her grandfather Numitorius and her fiancé Icillius arrived (3.45.4). Icillius delivers a rousing speech against Appius Claudius' repression of liberty and violation of law. Exclaiming "at least let female virtue be in safety" (*pudicitia saltem in tuto sit*), Icillius roused the crowd against the judge (3.45.9). To avoid conflict Appius Claudius allows the girl to be returned to the care of her friends for the night but insists that her father must be present the next day for the proceedings or she will be taken in to the power of M. Claudius. Despite Appius

Claudius' efforts to prevent him from appearing, Verginius is present in court the next day to plead his daughter's case. However, Appius Claudius does not allow him to speak, instead he flouts legal procedure and rules in favor of M. Claudius. In this passage Livy emphasizes Appius Claudius' "madness" (*amentiae*), the "atrocity" (*atrocis*) of his groundless decision, and the impending sexual violation (*stuprum*) (3.47.4, 6, 7). Livy characterizes Appius Claudius as unscrupulous from the start of this episode, but this scene overwhelmingly presents the *decimvir* as morally corrupt and stresses the threat of rape.

Understanding his daughter's case to be hopeless, Verginius begs a few minutes to talk with Verginia in private before she is taken away. Exclaiming "this is the only way, daughter, in which I can secure your freedom" (*hoc te uno quo possum… modo filia in libertatem vindico*), he plunges a knife into her breast killing her (3.48.5). Just like the body of Lucretia, Verginia's corpse is displayed publically as a catalyzing symbol that rallies the people against the corrupt regime. Livy fluidly incorporates her story with his continued coverage of the struggle of the orders. Indeed, having died, Verginia had served her narrative use, and, much like Rhea Silvia, is all but forgotten. Since no rape has occurred the story primarily follows the legal battle between a corrupt politician and the nobly enraged lower class.[42] In this case it is the *decemvirs,* who like kings, have deteriorated into tyranny.

Livy chooses to justify the expulsion of this political system by reusing the model of Lucretia's story. Lucretia and Verginia are symbolically necessary for the dissolution and reformation of the Roman state. Livy uses these two cases to pit

[42] Joplin 1990, 62.

pudicitia against *libido* demonstrating the ramification of immorality in government; i.e., immoral corruption in government leads to violation of the people and downfall of the regime. In both cases the woman's chastity represents the rights of the people which are violated by the government.[43] The shared elements of their stories demonstrate the corrupt violation of virtue as an acceptable ideological premise for political revolution.[44] Verginia's episode, distilling the moral message of Lucretia's story in its retelling, pits *stuprum* as the utmost enactment of corrupt power and the abuse of rulers upon the innocent and helpless Roman people. These repeated narrative elements are necessary in this justification for a mob-led overthrow of the dominant political forces.[45] Despite the necessity of their violation, Livy is consistently disinterested in the physical act of *stuprum* and its traumatic consequences.

Livy's episodes that include *stuprum* are stories of political change and the triumph of Roman morals over corruption more than they are about sexual violence. Livy's critical reader would no doubt recognize the shared moral lesson on immorality in government of the stories of Lucretia and Verginia. This shared message can be summed up thus: *stuprum* is the product and manifestation of a corrupt government upon the epitome of what ought to be protected by the law, i.e., female chastity. Applying this understanding to the earlier stories of Rhea Silvia and the Sabine women offers a deeper understanding of the complexities of both episodes. As a god Mars is absolved from blame for *stuprum,* nevertheless, Rhea Silvia is left unchaste. Livy frames Rhea Silvia's tyrannical uncle as the villain even though he does

[43] Joplin 1990, 61-63.
[44] Moore 1993, 42.
[45] Joplin 1990, 61-62; Langlands 2006, 107.

not rape her. Having imposed a life of chastity upon her, Amulius creates a situation in which the rape occurs and therefore carries the blame for it. Thus Livy uses control of the female body and the possibility of *stuprum* as representative of the state's moral character.

The similarities between the basic narratives of Lucretia and the Sabine women's stories beg for critical comparison. In both stories men seize women with surprise and force, they use words to persuade women into sexual relationships. After the men have succeeded, the women bring a meeting with their male relatives, the women offer their own death as a solution to the conflict, and finally as a consequence of their actions a new phase of Roman politics arises.[46] Livy asserts that both of his *exempla* act in the best interest of the Roman state, yet there are a number of key differences between the stories. The Sabines were unmarried and taken for the purpose of legitimate marriage, whereas Lucretia was already married and Sextus Tarquinius rapes her and violates her marriage to satisfy his own lust. Additionally where the Sabine women only offer to kill themselves to stop the fighting, Lucretia actually kills herself. They are in different contexts and their actions would seem to be in opposition, but both *exempla* act to preserve the integrity of the individual families and to improve the entire Roman state.

However, Livy's view of coerced consent differs between the two stories. In the case of the Sabine women, Livy goes out of his way to absolve the Romans from any implication of rape. Romulus, giving a lengthy speech, persuades the women into marriage as though of their own free will. However, Livy makes it clear that Sextus

[46] For a full discussion of the similarities between the two episodes, see Vandiver 1999, 208-215.

Tarquinius "had overcome [Lucretia's] obstinate chastity" with words "as though with force" (*Quo terrore cum vicisset obstinatam pudicitiam velut <vi> victrix libido*) (1.58.17-18). Thus, in similar situations, the Sabine women were empowered to chose marriage with the Romans but Lucretia had no choice but to submit to her aggressor. The dissonance of this comparison implies that Livy might be sowing a seed of doubt about the Sabine women's ability to consent and thus the validity of the first Roman marriages. In this way he hints at the immorality of marriage through abduction but still maintains the virtue of the women.

Livy uses the struggle to violate or preserve the chastity of these symbolic women to represent the struggle for power over the Roman people. The women in his stories are representative of bodies larger than their own, often the Roman people in general or innocents who ought to be protected under the law. Livy's varying representation of the crimes as public within the fictional history is often indicative of his validation of the crime. In the case of Rhea Silvia, the shadowy conception of the twins is kept secret from public memory. Livy confuses her complicity in the conception, allowing the act to be *stuprum* either because she was raped or because she broke her sacred virginity voluntarily. The character's emotional state makes no impact on Livy's representation of her decision. The Sabine women are similarly written to make the autonomous decision to marry the Roman men as though they felt no effects of having recently been kidnapped. The women are caught in the breakdown of the patriarchal system of marriage. Yet instead of writing them to be the victims of this failure Livy positions his characters to serve as the apologists and

advocates for their own abuse. Livy's narratives bypass the emotional content of these episodes, choosing instead to present them as moral and political.

Livy's depictions of Lucretia and Verginia ostensibly acknowledge rape as traumatic and yet do not do not give any attention to the suffering of the characters. After Sextus Tarquinius rapes Lucretia she maintains her composure and demonstrates a stoic interest in reputation and revenge. She relates her abuse perfunctorily and without a hint of emotional pain. Verginia is not even given this degree of agency. She never utters a word, emotional or otherwise. Livy only allows her to be fearful of abduction and rape. In both of these stories Livy constructs *stuprum* as a terrible crime but he uses the idea of sexual violence to serve the broader storyline. Livy consistently acknowledges and bypasses the story arc of the victim. Through these stories Livy demonstrates a mindset that was disinterested in rape as a traumatic violation. Although Livy presents *stuprum* as 'bad', his depiction is marked by disconnect between the nominal harm his characters experience and actual violent trauma of sexual violation. He does not explore the emotional ramifications of the act, rather choosing to use the sanitized crime as a literary or conceptual trope.

Yet Livy does not seem to emphasizes the political storyline at the expense of the female character's own story with any malicious intent. Rather, I suggest that it is the natural portrayal of a crime in a society that does not conceive of the act in a public setting. The culture of Rome at this time restricted rape to the private sphere, thus preventing a comprehensive public understanding of the crime. Consequently I argue that Livy's narratives do not speak to the trauma of sexual assault because it

was simply not a strong presence in the cultural mindset of *stuprum* and certainly not something that was thought of in such a public sphere. Perhaps the genre of Livy's text somewhat informs this disengagement. An exploration of the personal consequences of violation would not fit smoothly with the tone of his political history. This may have informed his narrative, but I find it more likely that the public discussion of *stuprum* was simply not a cultural possibility before 18 BCE.

I argue that Livy's distant representation of assault survivors speaks to the writer's own lack of experience and understanding of rape. Consequently Livy's work presents only a conceptual version of rape that is disconnected from both its immediate violence and trauma and from the lasting consequences upon the victim. Before the *Lex Julia* made sexual morality a public matter, Livy would have had limited cultural precedent to draw from in his writing. As a product of his time, I posit that the narrative reflects the cultural ignorance brought about by systematic repression of rape. Indeed in this climate of male-dominated narratives, both societal and fictional, the victim's story does not exist. Without publicly visible first person accounts from survivors Livy can only create a facsimile of the event. In the contemporary mindset there is no tangible, and thus no abstract, understanding of the magnitude of sexual violence's violation. Without a wider awareness of the realities of sexual violence, rape is reduced to an emotionally sterilized and de-sexed imitation of assault. Thus rape culture in ancient Rome depended upon the privatization of *stuprum* to repress not only its cultural presence but also the immensity of its impact upon the victim.

Chapter 3: Sexual Violence in Ovid's Poetry

Ovid emerged as an influential poet in the literary generation after Livy. Ovid's work flourished after the *Lex Julia* was passed, between approximately 16 BCE and 12 CE. Writing in the same tradition, though in a different genre and style, Ovid composed his own versions of the stories of Rhea Silvia, the Sabine women, and Lucretia. These three excerpts, though rich with ideological differences, are short samples from across a large body of work. Examining Ovid's retelling of these stories in his own voice and style as indicative of contemporary discourses is particularly revealing because it is evident that the author is consciously constructing his poem in relation to both Livy's precedent and the established Augustan code of sexual morality. Ovid makes euphemistic yet overt references to the moral legislation to create a tone of irony and flippancy. His work owes a great debt to Livy's previous writing since he uses those stories as the template for his own.[1] Analyzing these episodes I will demonstrate that Ovid's representations of the consequence of sexual violence for the victim is not only very different from Livy's but also that this difference is symptomatic of a broader shift in the culture stemming from the *Lex Julia*. Indeed in Ovid's work there is an awareness of the impact of rape culture.

Taking inspiration from the canonical elegists who preceded him, Ovid wrote about love and lust in elegiac meter.[2] Ovid's sexual ideology is prominent throughout

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[1]For comparison between Livy's and Ovid's versions of Lucretia, see Newlands 1997, 36; For further discussion of Ovid's adaptation to the Rhea Silvia story, see Murgatryod 2000, 81; For further discussion of Ovid's adaptation of the traditional narrative of the abduction of the Sabine women, see Labate 2006, 194.

[2] All of his collections of poems except for the Metamorphoses were composed in elegiac meter.

his work, especially in the *Ars Amatoria* which is considered to be the poem for which Augustus exiled him to Tomis, a remote island in the Black Sea. The three-volume parody of a didactic poem written in 2 CE instructs men and women in Ovid's techniques of seduction. The paradigm for the relationships that Ovid describes fits well with adultery and elite married women were desirable lovers. The advice in the *Ars Amatoria* espouses a countercultural ideology-- or at least counter to that of the Julian laws-- of love and lust.

It is clear from the very beginning of the poem that Ovid's work was acutely aware of the *Lex Julia*. Indeed, much of the humor of the poem derives from its flippant and risqué defiance of the moral reforms.[3] In the opening of the *Ars Amatoria* Ovid writes a disclaimer for his work.

> *Este procul, vittae tenues, insigne pudoris,*
> *Quaeque tegis medios, instita longa, pedes.*
> *Nos venerem tutam concessaque furta canemus,*
> *Inque meo nullum carmine crimen erit*. (*Ov. Ars Am.* 1.31-34)
>
> Be far away, slender headbands, token of chastity,
> And long hem you who cover half the feet.
> We will sing about safe love and lawful deceptions
> And there will be not any crime in my poem.

The tokens of modesty that Ovid mentions are signifiers of a *matrona*. The poet is warning married women away from his poem and thus from adultery. By distinguishing between relationships that are *concessa*, allowable or lawful, or *tutam*, safe, and those which would constitute *crimen*, sin or crime, Ovid signals his engagement with the ideology of the *Lex Julia*, which criminalized affairs with married women. However, despite this initial disclaimer, the content of the *Ars Amatoria*

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[3] The irony in the text depends upon the Augustan legislation. For more discussion, see Desmond 2006, 36.

encourages adultery.[4] Ovid later encourages his students to "please the girl's husband" (*viro placuisse puellae*) while he pursues her (1.579).[5] The poem's audience would have been well versed enough in the *Lex Julia de Adulteriis Coercendis* to understand the consequent humor of the parody. Responding to Augustan moral ideology, Ovid's work participates in a public discourse on sexual morals initiated by the law.

Episodes of mythological and legendary rape are present throughout Ovid's major collections of poems. Even though his presentation of these stories often sexualizes the victim and the assault, Ovid demonstrates awareness of the brutality and emotional trauma of rape in his episodes.[6] The poet's attitude toward women's sexuality and rape is complex and indeed seems paradoxical.[7] In the *Ars Amatoria* Ovid endorses the use of force because, regardless of what the woman says, she secretly desires her seducer and finds pleasure in the force. He states:

> *Vim licet appelles: grata est vis ista puellis:*
> *Quod iuvat, invitae saepe dedisse volunt.*
> *Quaecumque est veneris subita violata rapina,*
> *Gaudet, et inprobitas muneris instar habet.* (1.673-676)
>
> It is permitted for you to use force: that force of yours is pleasing to girls:
> often they wish to give against their will that which is pleasing.
> Whatever woman was violated by sudden theft of her sexual nature,[8]
> She is happy, the wickedness holds the appearance of a gift.

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[4] Davis 2006, 91.
[5] Though *viro* literally translates to "man," the term implies a man who has some legal or social claim over the woman. In this case he is most likely her husband. For more discussion on the possible implications of this line, see Davis 2006, 91-93.
[6] Murgatroyd 2005, 66.
[7] Curran 1984, 213.
[8] The term *veneris* does not translate cleanly into English. The term broadly refers to those traits associated with Venus such as sexual attraction, lust, and charm. Earlier on line 1.33 *venerem* expresses love with the connotation of a sexual relationship. However, in this case the word indicates the aspects of Venus within the woman i.e. her inner sexual self. Glare "Venus" *Oxford Latin Dictionary* 1982, 2031-2032.

This view of sex is certainly complicated. Ovid recognizes that women are restrained from expressing their sexuality by patriarchal forces. According to the rules of society and the *Lex Julia* they are not allowed to engage in sexual relationships according to their personal desires. Thus, in order to satisfy the woman's wishes, a man must ignore her expressed refusal. Ovid's narrator seems to find this liberation of inner female sexuality noble, yet he would only be correct in that belief if a given woman indeed felt a secret desire for sex. This attitude towards women's sexual agency does not give women bodily autonomy or the opportunity to engage in sex of their own volition. Rather it directs their inner sexuality to satisfy the desires of Ovid's poetic persona and assigns sexuality to women just as society has denied it from them. Although this passage demonstrates an understanding that female sexuality is repressed, it also denies the woman subjectivity in choosing her own lovers.

The *Fasti,* published in 8 CE, is a poetic account of the Roman calendar and holidays. Despite the subject, Ovid manages to incorporate ten episodes of rape, including the rapes of Rhea Silvia and Lucretia, into the six books of the poem.[9] Overall the accounts of sexual violence in the *Fasti* highlight fear and trauma as essential aspects of sexual assault though the narrative simultaneously sexualizes the victim in her vulnerable state. Ovid presents the story of Mars assaulting Rhea Silvia in the introduction to the month of March. Beginning the poem with a direct address to the god, Ovid frames the episode as one of Mars' accomplishments that should be honored in his month. He asks that the god come unarmed as he did "when the

[9] The other rape narratives are about Persephone, Lara, Chloris, Europe, and Crane. In three more episodes the assault is not completed: Faunus' attempted rape of Omphale and Priapus' attempted rapes of Lotis and Vesta.

Roman priestess seized [him] so that [he] might give [his] great seed to the city" (*tunc quoque inermis eras, cum te Romana sacerdos/cepit, ut huic urbi semina magna dares*) (3.9-10). Ovid presents Mars, usually the personification of military violence, both without his weapons and taken hold of (*cepit*) by a woman (3.10). Switching the expected power dynamic, Ovid portrays Mars according to the convention of elegy as submissive to his lover.[10] In doing so Ovid takes the god out of his expected characterization and allows for his own slightly irreverent version of the conception. Yet, he also makes clear from the start that the consequence of the rape, i.e. the conception, rather than the assault itself, is the ultimate focus of the story.

Ovid moves from addressing the god outright to recounting his impregnation of Rhea Silvia. He establishes an idyllic pastoral scene in which Rhea Silvia, tired from fetching water, sits with her dress open to the breeze while the sounds of nature lull her to sleep (3.15-19). The god finds her asleep upon the ground and completely alone. Ovid compresses Mars' presence in the episode into two lines. Succinctly he states that, "Mars sees her, and after seeing her he desires her, and having desired her, he possesses her, and by divine power he concealed the theft" (*Mars videt hanc visamque cupit potiturque cupita/et sua divina furta fefellit ope*) (3.21-22). Alternating verbs and participles Ovid creates rhythm and a sense of accelerated time to the progression of Mars' internal desire and assault of the sleeping woman. He rushes the reader past the rape and towards the later emotional climax of the episode. The act itself is not a demonstration of Mars' violence or strength since Mars takes advantage

[10] Fulkerson 2013, 180.

of her defenselessness and uses his power to keep the act secret.[11] The interaction is not the noble conception of the city's founder nor is it Livy's shadowy and shameful *stuprum*. Rhea Silvia does not take pleasure in his use of force since she has no idea that it has happened at all, yet she is also not immediately terrified and emotionally scarred like other rape victims in Ovid's work. Overall the assault is quick and peripheral to Ovid's interest in this story. He does not go so far as to criticize Romulus' conception by endowing the story with the victim's emotional experience. Yet in this case the rape itself is not the dramatic focus of the story. Instead the emotional reaction to the assault comes at the end of Rhea Silvia's story arc.

Unlike Livy, Ovid makes the circumstances of the rape clear. Rhea Silvia could not have given her consent to intercourse that she did not herself know had happened. Furthermore, Ovid, not Rhea Silvia, identifies the god as the father of the twins. Although Livy is a critical historian and Ovid is a poet who excels in reworking mythological scenes, the difference in accounts is not simply due to differences in genre. Livy's account is entirely unsympathetic to Rhea Silvia. He relays her decision to name Mars as the father as though she was able to act in a logical fashion without the lasting effect of sexual violation or the threat of further violence from her uncle. Ovid's Rhea Silvia is in no way at fault despite serious consequences for the conception. Throughout the arc of the story Rhea Silvia has been undeniably innocent both with regards to illicit sex and to spreading a doubtful rumor about the paternity of her twins. Indeed she is not responsible for anything since she does nothing. Rhea Silvia is extremely passive in Ovid's account. She is not an active participant in the

[11] Though it is not stated exactly how Mars used his power to conceal the rape, it is likely that Ovid meant the god kept her asleep. For more on this interpretation, see Murgatroyd 2005, 91-92.

conception, she does not herself name Mars as the father, and she is even somewhat detached in giving birth. Where Livy focuses on Rhea Silvia's moral character, Ovid is much more interested in the external ramifications.

In this episode, Ovid manifests the horror of the rape in the signs of religious calamity. Ovid makes these dramatic consequences clear in his ominous description of the birth of Romulus and Remus:

> *Silvia fit mater; Vestae simulacra feruntur*
> *virgineas oculis opposuisse manus.*
> *ara deae certe tremuit pariente ministra,*
> *et subiit cineres territa flamma suos.* (3.45-48)
>
> Silvia becomes a mother; the statues of Vesta are said to have
> placed virgin hands over their eyes.
> The altar of the goddess certainly trembled with the priestess giving birth,
> and the terrified flame sank into its own ashes.

Describing these frightful images as the direct reaction to the rape and birth, Ovid creates a scene of fear and atrocity. The statues hiding their faces, altar shaking, and the flame flickering out on account of the outrage demonstrate the gravity of a Vestal Virgin giving birth. Here the poet conveys the emotional horror at the birth not from the perspective of the raped woman but from Vesta herself. These melodramatic circumstances certainly speak to a divine aspect of Romulus' birth. However, Vesta's reaction emphasizes the outrage of a priestess' sexual violation instead of celebrating the birth of Rome's founder. Ovid does not empower Rhea Silvia to demonstrate her own emotional state. Instead, he writes Vesta as the advocate of the fear and shame of her situation. By positioning the goddess as the source of the emotional response Ovid elevates the credibility of the outrage and reinforces the existence and legitimacy of such a reaction. Moreover, he also uses religious imagery to dramatize the harsh external responses to rape victims. Utilizing the goddess' reaction to the birth, this

episode acknowledges the seriousness of sexual assault and emphasizes unsympathetic social repercussions that victims face.

In stark contrast to Livy's account of the same episode, Ovid's account of the rape of the Sabine women in the *Ars Amatoria* emphasizes the traumatic experience of the victims. Livy was very careful to construct his version of this story with an emotionless detachment, placing the blame for the abduction upon the Sabine families and bypassing any occurrence of sexual violation. Ovid brings the emotional content of the story into the forefront of his narrative. Not providing a justification for the abduction, Ovid's version emphasizes Romulus' treachery and the lust of the Roman men.[12] In this way he also heightens the emotional drama of the story. Unlike Livy, Ovid does not preface the abduction with the Sabine rejection of marriage with the Romans. Instead he incorporates the story into his advice to hunt (*venare*) for women at the theater (1.89). He continues on to say that the theater "holds harm for unpolluted chastity" (*ille locus casti damna pudoris habet*) (1.100). The phrase has a double meaning; it indicates that the theater is both a place in which to seduce respectable women and that it is the site of the abduction of the Sabine women. In doing so the poet situates the episode not within an apologetic or political context, but in accordance with the elegiac pursuit of sexual gratification.

Constructing this episode as emotionally rather than logically driven, Ovid does not reference marriage or bearing children as motivation for the abduction until after the attack has begun.[13] Instead the emphasis is on the men's desire for the

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[12] Hemker 1985, 45.

[13] In the *Fasti* Ovid continues the story of the Sabine women. In this account Ovid completely bypasses the abduction instead he emphasizes their role as mothers as they intervene between the Roman husbands and Sabine fathers.

women. The narrative focus portrays the women as objects which "pleased" (*iuvit*) the male gaze (1.102). Ovid illustrates his metaphor of hunter and prey by stating that the men "watch and each with his eyes marks a girl for himself who he desires and they move many things in their silent heart" (*Respiciunt, oculisque notant sibi quisque puellam/ Quam velit, et tacito pectore multa movent*) (1.109-110). The Romans are eagerly awaiting the signal for abduction with each man picking out his target. The image of a hunter stalking his prey is an elegiac convention for representing pursuit in courtship.[14] Positioning the Roman men as hunters, Ovid associates their desire with elegiac love that pursues sexual gratification rather than marriage or children.[15] Ovid establishes the experience of the men as one of excitement and desire. Some modern scholars have focused on the prominence given to the male desire as Ovid's authorization for the eroticization of the violence.[16] Describing the women's terrified reactions with provocative detail, the poet adds that the women were made more beautiful by their fear (*Et potuit multas ipse decere timor*) (1.126). Ovid acknowledges the dual experience of the abduction, i.e., the erotic and exciting hunt and the terrifying violation.

Although Ovid may have indeed engineered the emotional content of his poem to increase the voyeuristic thrill of the abduction, his intention is not as significant to this study as his inclusion of the emotional component of the victims. The women's varied and striking reactions to the sudden panic become the focus of the story. Ovid gives significant narrative space to the victims' experience and perception of the attack. As soon as Romulus gives the signal, chaos ensues. It is in this tumult that the

[14] Farrell 2012, 20.
[15] Thorsen 2013, 3.
[16] Richlin 1992, 168; Desmond 2006, 41.

emotional trauma, the key difference between Ovid's account and Livy's, comes to light. Ovid illustrates the sudden terror of the attack:

> *Protinus exiliunt, animum clamore fatentes*
> *Virginibus cupidas iniciuntque manus.*
> *Ut fugiunt aquilas, timidissima turba, columbae,*
> *Ut fugit visos agna novella lupos:*
> *Sic illae timuere viros sine lege ruentes;*
> *Constitit in nulla qui fuit ante color.*
> *Nam timor unus erat, facies non una timoris:*
> *Pars laniat crines, pars sine mente sedet;*
> *Altera maesta silet, frustra vocat altera matrem:*
> *Haec queritur, stupet haec; haec manet, illa fugit;*
> *Ducuntur raptae, genialis praeda, puellae,*
> *Et potuit multas ipse decere timor.*
> *Siqua repugnarat nimium comitemque negarat,*
> *Sublatam cupido vir tulit ipse sinu* (1.115-128)
>
> Right away they spring up, confessing their intent with a shout,
> they set lustful hands upon the virgins.
> Just as doves, a most fearful flock, flee eagles,
> just as a young lamb flees wolves having been sighted:
> so the women running in disorder feared the men;
> the color, which was there before, remained in no one.
> For there was a single fear, there was not one face of fear:
> some tear their hair, some sit out of their minds;
> one, sad, is silent, another calls for her mother in vain
> this one moans, this one is senseless, this one stays, that one flees;
> the abducted girls are led away, a marital prize,
> and fear itself was able to be becoming for many.
> If any had resisted too much and had refused her abductor,
> the man himself carried her lifted up in his desirous lap.

From the first lines of this excerpt the poet confirms that the Roman men are acting to satisfy their own lust. The ensuing double simile illustrates the elegiac convention of pursuing lover as a hunter, and in this case, an animalistic predator. However, his choice of predators is significant.[17] The eagle is the symbol of the Roman military. One of Augustus' most celebrated military achievements was the retrieval of the eagle standard from the Parthians. The wolf, associated with Romulus, is one of the symbols

[17] For further discussion on this simile see Eidinow 1993, 413-415.

of the Roman state. Augustus, claiming decent from Romulus, associated the symbol of the wolf with himself. Thus Ovid links Romulus' men with the military and political establishments of the day.

The simile also serves to transition into the women's experience of fear and vulnerability. The Sabine women, finding themselves suddenly the prey of these men, react with understandable and realistic fear. Moreover, as Ovid is careful to point out, every victim reacts differently. In their fear the women are given some form of expression. By composing these individual reactions instead of grouping them into an anonymous mob, Ovid clearly demonstrates an interest in the female understanding of this episode. The variation in the victims' responses reveals a level of awareness of the effects of sexual violence. Ovid recognizes their experience as one of trauma and emotional anguish. The dramatization of the abduction indicates the author's understanding of sexual violence as more than a literary trope and worthy of its own story.

The historical digression comes to a close with the soldiers telling their human spoils not to cry. Carrying the unwilling women, each says that now he will be "that which her father is to her mother" (*quod matri pater est, hoc tibi dixit ero*) (1.130). Their intent has shifted from satisfying lust to marriage. Yet instead of consenting wives, they have captured prizes (1.125). Despite Ovid's evident belief as articulated in the *Ars Amatoria* quoted above (1.673-676) that an explicit refusal did not mean that a woman did not desire sex, a Roman marriage was not legitimate without the woman's consent. Since the women have no narrative opportunity to consent, the episode ends unresolved. In this light the men's words at the end do not indeed propose legitimate marriage.

At the end of the section Ovid, who has consistently presented love as a battle, now says that he would enlist as a real Roman soldier if he would receive women as compensation (1.131-132). Playing on the idea of warfare as essential to Roman masculinity, love elegists generally presented themselves as soldiers for love instead of for Rome. Love and sex are often illustrated as a battle between the poet and his lover.[18] Indeed, concluding the second book of the *Ars Amatoria,* Ovid compares his lessons to weapons (*arma*) (2.741) that his students can use to conquer (*vincite*) (2.742) the enemy. In this metaphor men and women are well-matched rivals in a battle. Although, having lost, the women become "spoils" (*spoliis*) they first are allowed enough agency to engage in the fight (2.744). The Sabine women, however, are not presented as equal military opponents. The text emphasizes the futility of struggling against the Roman men and the women are immediately taken as plunder. Perhaps, in this case, Ovid deviates from the elegiac convention because the Roman men are not courting the women they are abducting them. Altering the conventional image of lovers as well matched combatants to feature such emotional upheaval, Ovid chooses to draw attention to the emotional distress of the Sabine women.

The significant attention to the terror of the women seems to run counter to the belief expressed in book one of the *Ars Amatoria* quoted earlier (1.673-676) that women take pleasure in violence and force.[19] Their absolute misery at having been stolen is at odds with Ovid's assertion that such force would be received as a compliment. Although the text eroticizes the victims in their violation and misery, their emotional trauma evokes such sympathy that the seriousness of the

[18] Drinkwater 2013, 194.
[19] Hemker 1985, 46.

sexualization is questionable. Much of the humor of Ovid's work derives from irony that lies beneath a surface reading of the poems.[20] Therefore it is reasonable to find the contrast between the glorification of sexual violence and sensitivity to the resulting trauma contributes to the ironic humor of the poem.

Both Livy and Ovid manipulate the well-known legend to serve a broader narrative purpose. Livy uses abduction as a literary trope in a political and moral story. Ovid, despite including this episode as a part of his romantic lessons, makes the abduction itself the story. He utilizes the emotional content of the episode to enhance his parody. In a last expression of cheekiness, Ovid justifies his romantic pursuits at the theater by explaining that they derive from Romulus himself. Thus Ovid twists Augustus' ancestor to support his own public flirtations. He not only makes the emotional reality of sexual violence, which is absent in Livy's account, the focus of his version, it is also central to the humor of the situation.

In his retelling of the rape of Lucretia Ovid chooses to focus on the victim's emotional experience just as he downplays the historical context and traditional moral lessons of the rape of the Sabine women. Lucretia's story in the *Fasti* is ostensibly in the context of the national holiday of the *Regifugiam,* yet her story becomes the focus of the broader holiday. Most of Ovid's rape narratives are rather short, however, Lucretia's is one of the longest of these episodes.[21] Ovid gives Lucretia more narrative attention and insight into her character of than any other of his rape victims.[22] Even before the assault Lucretia is an emotionally driven character. Ovid

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[20] Curran 1984, 218.
[21] The other length description is the rape of Persephone in book four of the Fasti; Murgatroyd 2005, 63.
[22] Hejduk 2011, 26.

introduces her spinning wool late at night in her bedroom and worrying over her husband, thinking that he is still at the front (2.741-754). Lucretia becomes increasingly agitated saying that when she thinks of Collatinus an "icy cold holds her heart" (*gelidum pectora frigus habet*) and she "faints, and die[s]" (*mens abit, et morior*) (2. 753-754). She wants the siege to end not for the good of Rome but so that her husband would return home to her (2.751). Ovid's Lucretia is the caricature of loving wife; she is devoted to her husband to the point of hysteria. She is not a demure symbol of chastity and moral correctness like Livy's Lucretia, instead she is controlled by her emotions.[23] Indeed her emotional love for Collatinus is more recognizable in Latin literature as that of a sympathetic elegiac mistress than as a wife.[24] At the beginning of the story she is not a sedate or composed Roman *matrona*.

Following the template of Livy's story, Sextus Tarquinius is "seized by blind love" (*caeco raptus amore*) for Lucretia when she wins the contest and his passion drives him to return to Collatia to rape her (2.762). However, deviating from Livy's precedent, Ovid explores Sextus Tarquinius' emotional state as well as Lucretia's. Where Livy's villain desired to violate Lucretia for her "observed chastity" (*spectata castitas*) (1.57.10), Ovid's becomes obsessed primarily with her physical beauty and charm.[25] Having returned to the camp after meeting Lucretia, Sextus Tarquinius fixates upon each aspect of her loveliness:

> *Sic sedit, sic culta fuit, sic stamina nevit,*
> *Neglectae collo sic iacuere comae,*
> *Hos habuit voltus, haec illi verba fuerunt*

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[23] Newlands 1997, 45.
[24] Newlands 1997, 36.
[25] Ovid does say that Sextus Tarquinius is also struck by "that which is not corrupted" (*quod corrumpere non est*) (2.765). However, this is the only non-physical attribute he notes. The focus of this passage is not on Lucretia's moral character.

Hic color, haec facies, hic décor oris erat (2.771-774)

Thus she sat, thus she was styled, thus she spun the thread,
Thus her tousled hair fell on her neck,
She held these appearances, these were her words
This her color, this her appearance, this was the charm of her face.

Recreating every aspect of Lucretia's appearance and demeanor, Sextus Tarquinius is consumed by the thought of her. Repeatedly using *sic* in the first couplet, Ovid implies that the prince is recreating his interaction with Lucretia. Adding a sense of immediacy and demonstration to Sextus Tarquinius' fixation, Ovid uses a variation of *hic* five times in the second couplet. The double anaphora creates an image of the prince reenacting the object of his obsession. Thus the poet reveals disturbing insight into the mind of the soon-to-be rapist. He is not a straightforward villain driven to corrupt a chaste wife for the sake of depravity. Rather, his mindset suggests a crazed individual filled with perverted lust. Of all of Ovid's rapists in the *Fasti,* he gives the prince the most depth and development as a character.[26] Taking the time to give this insight into Sextus Tarquinius' mental state, Ovid uses the lines devoted to his obsession to create suspense before the assault. This passage makes the impending rape all the more anticipated and dreaded.

Once Lucretia has received Sextus Tarquinius as a guest and the household has retired for the night, the prince puts his plan to violate her into action. Entering her bedroom the prince says, "Lucretia, a sword is with me. And I Tarquinius son of the king speak" (*ferrum, Lucretia, mecum est./natus ait regis Tarquiniusque loquor*) (2.795-796).[27] At this Lucretia, who had previously had been very talkative, loses her

[26] Murgatroyd 2005, 75.
[27] This short speech is almost a direct quote from Livy's "*Tace, Lucretia' inquit; 'Sex. Tarquinius sum; ferrum in manu est*" (1.58.2).

voice and "says nothing: for she had neither voice nor strength for speaking, nor any thought in her whole mind" (*Illa nihil: neque enim vocem viresque loquendi/ aut aliquid tot pectore mentis habet*) (2.797-798). Lucretia's sudden loss of speech is especially striking as an indication of her fear since she is the only one of the rape victims in the *Fasti* who the poet allows to speak before having been assaulted. With more of her character available to the reader she becomes more sympathetic and the tragedy of the assault becomes all the more poignant.[28] Her sudden inability to speak is the first sign of Lucretia having been changed by the experience.[29]

Ovid continues on to describe Lucretia's fear and powerlessness in much the same way that he did with the Sabine women. Again the poet compares the victim to a lamb being overcome by a wolf (2.799-800). The use of the wolf reminds the reader that Sextus Tarquinius is not just a rapist, he is also the prince of Rome and the embodiment of his father's corrupt regime. Although this version does not make the same moral judgments as Livy's does, the Tarquins are nevertheless represented as morally corrupt. Thus again the metaphor emphasizes both the victim's vulnerability and the wrongdoing associated with the Roman state. The next line also unites Lucretia's experience with that of the Sabine women. Ovid says Lucretia, overpowered by his strength and sword, cannot resist him physically because a "woman, fighting, will be overcome" (*Vincetur femina pugnans)* (2.801). Again, just as the Sabine women could not fight back against their abductors, Lucretia has no hope of defending herself from Sextus Tarquinius. Unable to resist, call for help (*clamet*) (2.802), or flee

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[28] Ovid signals the trope of transformation from assault that had pervaded the *Metamorphoses.* For more discussion on transformations and rape in the *Metamorphoses,* see Hejduk 2011, 26.

[29] For more discussion on rape as transformative in Ovid's work, see Newlands 1997, 45.

(*effugiat*) (2.803) Lucretia has no means to avert the assault. Enumerating her futile options and comparing the prince's manipulation to his previous siege on Gabii (2.782-783) Ovid makes clear once again that his characters are not fulfilling the elegiac trope of lovers as soldiers.

Eventually Sextus Tarquinius threatens to rape and kill Lucretia and leave her in bed with a dead slave as though they had been caught in adultery and punished, in order to ruin her reputation. She submits "overcome by fear" (*victa puella metu*) (2. 810) but Ovid bypasses the actual assault and skips to the next day. Lucretia is very much changed from her previous self. Where earlier Ovid had constructed her character as an immature elegiac *puella,* she is now compared to a grieving Roman mother (2.813-814). It is only after the assault that she is termed a *matrona* (2.847). She calls her father and husband home to tell them about the assault (2.815-816) but cannot bring herself to speak. Ovid presents Lucretia as traumatized by the rape; where Livy's Lucretia speaks eloquently and with the historian's grammatical skill, Ovid's Lucretia must attempt three times to speak at all. As Ovid says, "for a long time she is quiet and in shame she hides her face in her mantle: her tears flowed like an eternal stream" (*Illa diu reticet pudibundaque celat amictu/ ora: fluunt lacrimae more perennis aquae*) (2. 819-820). His depiction of Lucretia is filled with emotional pain. Her experience is marked by grief, shame, tears, and misery.

Ovid's account of Lucretia after the assault follows the actions of Livy's account. However, he casts the same events in a very different light. Lucretia's emotion is essential to Ovid's version. When she has composed herself enough to speak Lucretia is not even able to tell her family the entirety of her "dishonor" (*dedecus*) and quickly dissolves into tears again (2.827-828). Ovid is not presenting a

simplistic emotional reaction to trauma but rather one that encompasses shame, guilt, and depression. Despite her father and husband's attempt to console her, Lucretia kills herself saying that the she "denies herself the pardon which [they] give" to her (*quam dixit veniam vos datis, ipsa nego*) (2.830). Her suicide is an expression of emotion rather than logic or morality. This is a serious deviation from Livy's precedent in which she first secures the men's oaths to avenge the rape before she kills herself so that "no other unchaste woman will live from the example of Lucretia" (*nec ulla deinde impudica Lucretiae exemplo vivet*) (1.58.10). Ovid's Lucretia is in no state of mind to consider political ramifications or moral precedent of her actions. Her dying words reflect extreme internalized shame as the result of sexual violence.[30]

In each of these three episodes Ovid focuses the emotional drama of assault at a different point in the story. He emphasizes the external reaction to Rhea Silvia's rape, the Sabine women's immediate experience of abduction, and Lucretia's traumatic emotional state shortly after the rape. Creating such diverse representations of assault and trauma Ovid demonstrates a nuanced and empathetic understanding of rape. In the account of Rhea Silvia, Vesta's reaction serves a layered purpose, demonstrating both the terribleness of sexual assault and the severity of consequences victims experience through divine backlash. These signals, coming from the goddess, represent a dramatized depiction of the hostile reception for victims of rape. Ovid's account of the rape of the Sabine women explores terror and psychological injury during the abduction itself. Including the individual and varied reactions of the women, Ovid publicizes women's reactions to sexual violence as natural and significant. Lucretia's heartbreaking violation and subsequent suicide

[30] Newlands 1997, 44.

epitomizes the emotional trauma that ensues from rape. The course of the story is driven by complex emotional pain.

The genre of elegiac poetry provided Ovid's work with the platform to explore the female experience of sexual assault with an acute interest in the psychological narrative. Although elegy demonstrates consistent and unusual interest in the woman's experience of desire and sex, often that participation is presented in connection with aggression. In elegy bruises, bites, torn dresses, and disheveled hair conventionally denote that the woman has just engaged in sex. Through such imagery elegy consistently presents love and sex as violently enacted upon the *puella*. However, as a genre elegy consciously employs hyperbole to push the boundaries of its own conventional representations.[31] The erotic violence of elegy is not much more than a literary trope to denote rough but mutually desired intercourse. Indeed, Ovid does not represent his raped women with these visible signs of violence. Rhea Silvia bears no visible marks of Mars' assault and so does not immediately know that it happened. The Sabine women are catalogued not by physical signs of violation but by their emotional reactions to the abduction. Lucretia's hair is unkempt but Ovid compares the disarray to the convention of a grieving mother rather than an elegiac lover. When it comes to sexual violation the poet is much more concerned with the psychological and emotional effects of violence.

The dramatic focus of Ovid's accounts of these legends is expression of internal suffering. I suggest that Ovid's consistent presentation of fear as central to the victims'

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[31] David Fredrick argues that these signs of rough sex are more likely superficial conventions than serious indicators of abuse. Since elegiac poetry is consistently preoccupied with literary convention and innovation, he believes that such marks of violence should not be read simplistically as abusive. For more discussion of the representations of erotic violence in elegy, see Fredrick 1997.

experience demonstrates a realization of the emotional and intellectual consequences of the assault, and indeed its traumatic nature.[32] This is a level of understanding of rape that was absent in Livy's work. Here the rape is not merely 'bad,' it is undeniably, horribly, and vividly traumatic. Ovid manages to convey the terror of sexual assault with such literary skill that his characters are sympathetic but even more they are empathetic.[33] Where Livy's readers would not have thought to sympathize with his victims, Ovid's readers are drawn into the emotional anguish that defines these episodes.

Reimagining these famous legends with specific and different emotional elements, Ovid demonstrates an understanding of the complexities and atrocity of sexual violence. His often dramatic accounts of rape serve to emphasize these realities which had previously been unspoken or unrecognized truths. The inclusion of the women's emotional trauma casts these well-known stories into a new light that respects the victim's experience. Beyond the individual's reaction to her violation, he demonstrates the unsympathetic and outright cruel response facing victims. Furthermore the story of the victim is given narrative precedence in a way that was entirely absent from Livy's work. Unlike Livy, Ovid does not create clear moral *exempla*, instead he constructs complex illustrations of violation. Where Livy's characters function independently of emotional concerns, Ovid's are defined by their dramatic emotional experiences.

Retelling the stories of Rhea Silvia, the Sabine women, and Lucretia, Ovid is crafting his own accounts consciously in relation to the mainstream versions of these

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[32] Curran 1984, 236.
[33] Curran 1984, 232.

legends. I believe that Ovid's work so clearly expresses a cultural mindset that is sensitive to the emotional and intellectual trauma of sexual violence that, even if Ovid did not intentionally engage in the contemporary discourse on rape culture sparked by the *Lex Julia de Adulteriis Coercendis*, his writing was influenced by it nonetheless. His poetry, demonstrating a degree of consciousness of the law, offers insight into one public response to its contents shortly after its passage. In fact much of his writing derives its humor from playful insolence towards the moral codes that the *Lex Julia* endorses. Thus I suggest that Ovid's work is both product of social discourse and a participant in the ongoing advancement of the debate on sexual morality. These poems benefit from the increased social awareness and in turn contribute emotionally sensitive depictions of sexual violence to the evolving cultural notions about rape culture.

Chapter 4: *Stuprum* in Roman Art

Examining Livy and Ovid's accounts of sexual violence in detail has offered significant insight into the authors' understanding of *stuprum* before and after the passage of the *Lex Julia*. However, thus far I have only examined two perspectives on sexual violence. Studying ancient art offers a broader scope of Roman attitudes towards sexual violence over time. Although these pieces do not stand for the entire body of art created at these times, they are indicative of the contemporary artistic conventions and consumer desires. They speak to the changing modes of depiction and general perceptions of sexual violence.

Sex was a very popular subject in Roman art; *stuprum* was not. Wall frescos, cameos, and pottery depicting scenes of sexual nature were normal demonstrations of status and wealth for the upper class. It was entirely respectable and even a point of pride to possess and privately display such works of art.[1] Art depicting sexual acts was not necessarily erotic to the ancient viewer. That is to say that a sexual scene might have been used to excite or stimulate the viewer but, depending on context, the content often provided aesthetic enjoyment that was not sexual.[2] The concept of sexual images as pornography, i.e., meant to arouse the viewer, is a modern concept and not an accurate representation of the ancient mindset.[3]

For the Romans sexual art was meant to be admired and delighted in. The troubling scenes of *stuprum* that are so pervasive in Roman literature do not fit with

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[1] Clarke 1998, 91-92.
[2] Clarke 1998, 12-13; Vout 2013, 9.
[3] Varone 2001, 9; Clarke 2007,164.

this artistic custom. Generally the flouting of sexual norms in art was for the sake of humor. Twisting conventional sexual acts, artists used taboo images for amusement.[4] These works of art function not as a direct reflection of reality but rather as a symbolic exaggeration of cultural norms and ideals.[5] Sexual imagery was almost exclusively used for enjoyment whether it derived from the humor of the situation or the beauty of the scene.

Visual representations of consensual and normal lovemaking were a celebrated artistic endeavor.[6] These scenes varied somewhat in content. Some featured heterosexual couples, while others included homosexual, usually male, pairings. Lovers were depicted in an assortment of different sexual positions. Often the artist would capture the moment just before the sexual activity began. The Roman viewer would consider images that are sexually suggestive to be in the same continuum as those which are sexually explicit. Some scenes were more graphic than others, nonetheless they all visually indicated the same passion and action.[7] Paintings and reliefs depicting sexual scenes in whatever form were largely unified by this appreciation and positive image of sex.

Iconography of pursuit from earlier Greek art provided a model for depicting the actions leading up to penetration, whether consensual or unwanted. Visually the process of abduction signified the sexual violation that follows un-depicted. Rape, though it is not explicitly pictured, is essential to the scene. Some episodes emphasize

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[4] John R. Clarke thoroughly discussed sexual humor in Roman art in *Looking at Laughter* 2007, 163-227.
[5] Bonfante 1996, 155.
[6] Clarke 1998, 115.
[7] Clarke 1998, 109.

the erotic elements of the chase while others favor the emotional experience of the pursued woman. The variation in how the pursuits are portrayed demonstrates a lack of consensus in society's understanding of these episodes.[8] These scenes would have been well known in Rome and had some influence in Roman artistic production. Roman art generally shied away from sexual violence, however, there are some surviving works that do not. Therefore there must have been some demand for such pieces and there could have been no universal distaste for or moratorium on *stuprum* in art. Instead these varied depictions speak to a body of consumers with diverse understandings of sexual violence and heterogeneous preferences for artistic representation of such narratives.

In previous chapters this study has made productive use of the legends of Rhea Silvia, the Sabine women, and Lucretia as especially indicative of cultural understandings of rape in literature. These episodes, which were so prevalent in written works are quite rare in art. Indeed, the story of Lucretia, which is one of the most prominent in the Roman literary tradition, is entirely absent from surviving art historical sources. The abduction of the Sabine women, on the other hand, is reproduced on a late Republican coin and in the frieze of the Basilica Aemilia.[9] These two examples are especially significant because they were publicly displayed or distributed. They were commissioned for the purpose of public viewing with mainstream values in mind. Of all the victims of sexual violence that I have discussed

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[8] For more discussion of the imagery of pursuit see Cohen 1996, 117-118.

[9] The scene was also reproduced on a series of commemorative contorniate medallions from the late 4th century CE. However, these representations were highly influenced by the advent of Christianity and thus not relevant to this examination. For a study of these medallions, see Holden 2008.

in literature, Rhea Silvia is the most prominent in extant works of art. The scene of Mars approaching Rhea Silvia as she sleeps is recreated in various configurations in both public and private art. Each of these visual reworkings of traditional narratives is a product of the ideological and artistic context in which it was created.

At the time of Augustus women became more visible in art.[10] Artists reframed shared memories of Rome's past to conform to the contemporary Augustan emphasis on family stability and gender roles. During this period, Roman art demonstrates the ideological emphasis on women's morality as indicative of social and political stability. The power dynamic of the male-female relationship was used to visually demonstrate the relationship between Rome and its conquered people. At this time artists began to use women to symbolize conquered regions and peoples. In the same context, the image of Augustus, positioned as the *pater patriae,* represented the head of the Roman state and a victorious conqueror. While iconography of the family conveyed the new social order in Rome and the empire, artistic renderings of the *princeps'* own family gave a new level of visibility to real Roman women. This new popularization provided the opportunity to experiment with depictions of women as I will discuss later with respect to the Basilica Aemilia frieze. Over time, increased representation allowed for evolution in the modes of portraying women in situations of sexual violence.

The scene of Mars approaching Rhea Silvia was frequently reproduced from the first century BCE to the third century CE, a long period that includes the era of the Julian laws. The examples of this episode from before the Augustan period

[10] For the discussion of iconography of the family to illustrate the state I am primarily working from Ramsby & Severy-Hoven 2007, 44-62.

demonstrate no significant deviations from those produced after this time.[11] Throughout its many incarnations in friezes, mosaics, gems, sarcophagi, and wall paintings, the essential layout of the scene remains the same. Nevertheless no two versions are exactly identical. Additions to this template that are more expressive than stylistic differences, e.g. Mars' state of dress or Rhea Silvia's arm placement, are significant to this study. The majority of the surviving works of Mars and Rhea Silvia were created in the second century CE and the works from this period offer a diversity of representations. The examples depicting Mars and Rhea Silvia that this study will make use of are from this period of popularity.

In all of the depictions Mars is presented, whether standing or flying, as somehow above the sleeping Rhea Silvia. A second century CE black and white floor mosaic from Ostia (fig. 1) features Mars, dressed only in a cloak and plumed helmet with shield and spear in hand, floating above Rhea Silvia. The billowing of his cape shows movement as though he drifts down to meet her. Rhea Silvia lies unmoving on the ground resting her head and arms on an overturned vase that pours out its contents onto the ground. Two trees frame her figure and tilt slightly inwards to the god, marking his route down towards the woman. The gentle movement of the cloak in the breeze and the water flowing from the vase endow the scene with a sense of languid movement. The faces of both Mars and Rhea Silvia are impassive without a trace of lust or fear. The composition is aesthetically pleasing and without overt emotional content.

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[11] For a detailed typology and iconographical analysis of the representations of Mars and Rhea Silvia, see Gersht & Mucznik 1988, 116-128.

In the depictions of their story, Mars almost always approaches Rhea Silvia from the left.[12] This positioning allows the viewer to 'read' the progression of movement as the god advances towards the woman and hints at the action once he meets her. On the reverse of an *as*, a small copper coin minted c.a. 140-144 CE, Mars strides purposefully towards Rhea Silvia (fig. 2). The small size of the round coin bends the woman's body into an almost upright position, but her right arm resting over her head nonetheless indicates that she is asleep. Unlike in the mosaic, Mars is positioned on the ground and very close to Rhea Silvia. This arrangement is a variation on the artistic trope of pursuit. Since she is sleeping she cannot flee and he does not need to chase her. Nevertheless the viewer can assume that the subsequent action is the same. Since, as previously established, ancient viewers considered the antecedent as tantamount to the representation of the act itself, this element of motion emphasizes the next, unrepresented, chapter in the story. Thus Roman artists could avoid depicting the rape itself while still conveying the story. This type of representation hints at sexual violence without including any of the action, its consequences, or its emotional elements.

In both mosaic and the coin, Mars and Rhea Silvia are the only figures represented. This simple template can be augmented to include more characters. In some artworks artists include symbolic representations of Cupid or Hymenaeus, the god of marriage ceremonies, to add a level of interpretation to the scene. In the depiction of Mars and Rhea Silvia found on the handle of a second century CE silver pot (fig. 3) there are two winged Cupids. On the narrow handle Mars walks directly

[12] When the scene is flipped with Mars approaching Rhea Silvia from the right the other elements of the composition remain consistent.

above Rhea Silvia and twists to look down over his shoulder at the sleeping woman. Rhea Silvia, much smaller than the god, reclines with her right arm draped over her head in sleep. Both of the Cupids, positioned just over her head and feet, point towards her lower abdomen. The presence of not one but two Cupids serves to annul the violation and violence of the assault and portray the scene as one of mutual love or lust. It is unclear whether they are pointing towards her womb to indicate the conception of Romulus or lower towards her genitalia to emphasize the intercourse about to take place. Perhaps it is more likely that the pointing implies both, since the impending sexual activity and conception are intrinsically linked. Thus the iconography changes the subsequent action and indicates a love scene rather than one of rape.

A sarcophagus c.a. 200 CE featuring multiple scenes of mythical lovers (fig. 4) includes a similar adaptation of Mars and Rhea Silvia's narrative. On the sarcophagus five couples are framed by a repeating architectural motif of columns and arches. Mars and Rhea Silvia are depicted under the second fornix from the right. Again, constrained by a tight space, Mars is directly above Rhea Silvia with one foot just touching her knee. Lying across the bottom she is dwarfed in comparison to the god above her. Between the two figures stands Hymenaeus carrying his torch symbolic of marriage. This detail, rendered much more clearly in an 18th century sketch of the sarcophagus (fig. 5), indicates that the act about to take place is sanctioned as legitimate marriage. The addition of this symbolism decriminalizes the sexual content of the episode and twists the story into a socially acceptable union between the two. The addition of Cupid or Hymenaeus to this scene demonstrates a desire on the part

of second century CE Romans for a less violent and more moral reworking of the legend.

Since such visual alterations do not occur in any significant progression over time, I find that there was no trend of widespread social rejection of the sexual violence in this myth. Nevertheless the existence of variations that attempt to legitimize the relationship between Mars and Rhea Silvia as mutually desired and moral demonstrates varying responses to the content and implications of the episode. Overwhelmingly the visual representations of this scene attempt to create an enjoyable scene. Whether the artists composed an aesthetically appealing composition (fig. 1) or one that created a more acceptable narrative (fig. 4), the unifying goal of these works is to please the viewer.

While the depictions of Mars and Rhea Silvia shied away from emphasizing sexual violence, the fresco of Cassandra and Helen from the house of Menander in Pompeii (fig. 6) utilizes its threat as the visual and dramatic focus.[13] The mid-first century painting features both Ajax's rape of Cassandra and Menelaus' reclaiming Helen. The painting combines two scenes from the end of the Trojan War into one composition. On the right, while the Greeks sack Troy the princess Cassandra seeks refuge at the temple of Athena. However, Ajax son of Telemon finds her there, and despite her clinging to the palladium, he rapes and abducts her. On the left, Menelaus encounters his wife Helen whose abduction or seduction by Paris sparked Trojan War. The fresco captures the moment in which Menelaus first lays hands on Helen intending to violently punish her for leaving. However, Helen seduces Menelaus and

[13] For the discussion of this fresco I will primarily be working from Koloski-Ostrow 1997, 247-255.

convinces him to take her back as his wife. These stories, despite having been painted as though they took place together, are only linked thematically.[14]

The two women are placed at opposite ends of the fresco with their semi-nude bodies framing the composition. The nudity of the two women and the impending sexual actions lend a level of eroticism to the scene yet it is not without emotion. The figure of Cassandra is positioned in the foreground as the figure closest to the viewer, drawing the viewer's immediate attention. She is on her knees as she futilely attempts to cling to the statue of Athena while Ajax drags her away. With her naked white chest standing out from the background catching and holding the viewer's gaze, Cassandra's figure is vulnerable and on display. Indeed her male captor looks down at her body which is positioned to display her breasts out to the viewer as she herself looks up sadly to the Palladium. The viewer can either look on Cassandra helplessly as her father Priam does, standing at the center of the scene with his arm stretched out to her, or excitedly as her abductor Ajax does. The sadness of Cassandra and Priam's expressions lend recognition to the anguish of her situation. By allowing the victim to emote despair, the artist recognizes her emotional and intellectual experience of violation. The inclusion of the victim's reaction to the impending rape demonstrates an understanding of the emotional trauma of sexual violence in the mid-first century CE.

On the other side of the painting, to the far left, Menelaus grips Helen by her hair, forcibly taking control of her body while she lets her garments fall to reveal her

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[14]The rape of Cassandra is mentioned in multiple sources for example Verg. *Aen* 2.402-416; Rose & March 2012; The story in which Menelaus intends to kill Helen but, upon seeing her breasts, instead decides to reclaim her as his wife is only one ancient version of events. *Little Iliad* fr. 13; Brown 2012.

naked back and buttocks to the viewer and her front to Menelaus. This movement creates symmetry with Cassandra who, naked down to her waist and facing towards the viewer, is being pulled up to her feet. However, the artist has added another visual element to Helen's section. Menelaus' shield reflects her bare front to the audience allowing a full view of her form. The bodies of Cassandra and Helen are composed beautifully as the visual focus. Helen's face is mostly obstructed from view. She has grasped Menelaus' wrist with one hand as though fighting back against his grip. One of the background men attempts to restrain the Spartan king with a hand on his chest. These actions that attempt to halt the impending violence function similarly to Cassandra and Priam's emotive expressions. Where Cassandra begs for help in vain, Helen reacts towards her attacker. Capturing the moment that she drops her robe, the fresco shows Helen's first acts of seduction that ultimately save her from Menelaus' violent intentions. This dual composition does not attempt to avoid or sanitize its violent and sexual content.

By including Cassandra and Helen's anguished and fearful reactions to their male abusers in this scene, the fresco illustrates the victim's experience of sexual violence. The semi-nude and classically beautiful bodies of the two women add a level of eroticism to the composition reminiscent of Ovid's portrayal of sexual assault. Often when describing abused women the poet would sexualize the victims by commenting on their beauty in fear e.g. *Et potuit multas ipse decere timor (*Ov*. Ars Am. 1.126)*. So too this painting represents the victims as beautiful while simultaneously giving their personal experience of and reaction to trauma a level of prominence in the scene. Illustrating their reactions through facial expressions and physical reactions, the

painting demonstrates that the women's experience is central in the visual reworking of these traditional narratives. These artistic renderings of Rhea Silvia, Cassandra, and Helen from the first and second centuries CE demonstrate at least some level of cultural sensitivity to the experience of abused women. Variations in depictions of sexually violent stories demonstrate that the consumers of these images held different expectations and desires for artwork during these centuries.

The scene of the rape of the Sabine women on the frieze in the Basilica Aemilia poses a challenge to the chronology of artistic representations of *stuprum* (fig. 7). Since excavations of the Basilica Aemilia have yielded over 280 fragments constituting only about twenty-two meters of the original frieze that once lined the entire nave, there are few clues to ascertain the exact period in which it was sculpted.[15] There is no widely accepted date for the creation of the frieze. I will treat this frieze as a case study within my discussion of Roman rape culture. Since the frieze is the only extant public artwork that depicts sexual assault, it provides an ideal opportunity to apply the study of rape culture and offer a new perspective on the piece.

Some scholars believe that the sculpted frieze was created for the building's initial erection in 179 BCE, while others date it to phases of restoration in 78 BCE, 14 BCE, 22 CE, or after a fire in 64 CE.[16] I believe that it was constructed for the restoration of 14 BCE shortly after the passage of the Julian laws. Since before the *Lex Julia* was passed in 18 BCE sexual violence was not thought to be appropriate for the public, it is highly unlikely that the frieze was created in 78 BCE. Additionally, the scenes were composed in the classical style and depict legends from Romulus' life;

[15] Albertson 1990, 801.
[16] Kampen 1988, 15; Albertson 1990, 801.

both trends that were prominent at this time. It is more likely that the frieze was constructed in 14 BCE than at the time of the later restoration because of its approach to the content of the scene. As we have seen in previous examples from the mid-first and second centuries CE, scenes of sexual violence are usually portrayed in private art. It seems that the frieze participated in the new movement of making sexual morality public but, since there is no evidence that it was reproduced or copied, I suggest that that public art was not an accepted mode of engaging in this discussion.

There are a number of different scenes from the frieze that survive in fragments such as a battle (perhaps between the Romans and the Sabines), the erection of a city wall, a shepherd and men loading a pack animal (this scene has been interpreted both as Aeneas' departure to Italy and Romulus' relocation from Alba Longa), and some sort of religious ceremony led by women involving the reveal of a sacred object. These compositions convey narrative through movement.[17] The rape of the Sabine women offers significant insight into the period of frieze's creation since it is one of the best-preserved sections.[18] The scene is notable since it is the only example of monumental reproduction of this important cultural legend.[19]

Enough details of the fragmentary scene remain to ascertain its tone and message. The episode is composed of a series of couples at various stages in the chase and seizure of the abduction three of which are well enough preserved to confidently describe. At the far left of the composition a Roman man holds a woman in his arms (fig. 8). Arching her back the woman curves her whole body to look away from her

[17] Kleiner 1992, 89.
[18] Kampen 1991, 449-450.
[19] Kampen 1988, 15.

abductor and up towards the sky. Her garment billows in reaction and visually exaggerates her movement. Her body language attempts to separate herself from the man, yet her face conveys no emotional response to her situation. The next couple, in better condition, is depicted as an aesthetic complement in much the same fashion as the first pair (fig. 8). Again a Roman man grasps a woman by her waist as she arches away from him. This woman curves her body downwards, looking away from her abductor and from the previous pair. Her hair and garments fly about in different directions indicating the action and struggle against her captor. The movement creates dissonance with the classical expressions of the figures. The Roman man holding her looks impassively off into the distance. Despite his tight grip on the woman, he does not seem to be engaged in the scene or his own actions.

This visual portrayal of these two couples is similar to an earlier depiction of the abduction from a coin minted by L. Titurius Sabinus in 89-88 BCE (fig. 9).[20] Sabinus most likely designed the coin with the abduction narrative on the reverse and a portrait of the Sabine king Titus Tatius on the obverse to promote his family's lineage. The coin features two Roman men in the act of abduction. Each holds a woman horizontally who, though she makes no action against her captor, throws her arms out in some gesture of distress or attempt at escape. This visual reproduction conveys the story of the abduction with limited acknowledgement of its emotional drama. Minted before the *Lex Julia*, the composition of the scene relates the narrative, not the emotional experience of the abduction.

[20] For further discussion of the coin, see Kampen 1991, 451; Holden 2008, 126.

The last of the well-preserved couples of the Basilica Aemilia frieze is depicted using the artistic trope of pursuit (fig. 10). Running towards the right side of the frieze, away from the previous two couples, a Roman man chases a woman. Although she is attempting to flee, the woman's expression conveys no distress or fear. Her stoic features do not match the emotionally driven response of flight. Grabbing her wrist, the man pulls her back enough that the woman twists and looks over her shoulder towards her pursuer. This point of contact between the figures is carved in very high relief and, almost in the center of this section of frieze, is the focal point. This action, known as *dextrarum iunctio*, is significant because it symbolizes harmony between individuals.[21] Most examples of *dextrarum iunctio* are found in depictions of married couples, however, the gesture is also used to denote agreement or partnership in military and political contexts. Sometimes associated with a personification of Concordia, the grasping of hands symbolizes the harmony in a relationship. However, it is also important to note that, unlike in this frieze, *dextrarum iunctio* is a mutual holding of hands. Mixing the act of abduction with the symbol of concord, this gesture acts similarly to the addition of Hymenaeus or Cupid. Including the iconography of marriage and political unity, the frieze attempts to make the content of the scene more culturally acceptable. This attempt to sanitize the trauma of the episode demonstrates a cultural consciousness of the victim's experience. Thus the story of the Sabine women is presented in this frieze with an early expression of a greater understanding of the gravity and consequences of sexual violence.

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[21] For more information on depictions of *dextrarum iunctio,* see Davies 1985, 633-638; Hersch 2010, 199-211.

Overall this composition acknowledges through their body language that the Sabine women are being abducted against their will. This dynamic motion of the figures engaging in the chase and capture is reminiscent of earlier Hellenistic conventions. The frieze creates an uncomfortable dissonance between the women's attempts to physically separate themselves from their abductors and the classical smiles of the figures. The man holding onto an unwilling woman's wrist in a perversion of the *dextrarum iunctio* exemplifies the conflicting elements of the composition. Perhaps the use of classical portraits in the scene was not just a contemporary trend, but like the *dextrarum iunctio*, also an attempt to make the narrative more acceptable to public viewers. Nevertheless, the identifying action of the rape of the Sabines is the abduction. This depiction could not be sanitized to make it morally acceptable without losing the recognizable narrative. There is no evidence to suggest that this image was reproduced later despite its public location.

A contemporary work of public art, the *Ara Pacis Augustae*, finished in 9 BCE also was one of the first major monuments to depict women publicly (fig. 11).[22] Unlike the frieze from the Basilica Aemilia, the women are carved in the classical style without movement and visual drama. They are depicted as beautiful but unexpressive wives and mothers. These friezes do not contain any of the problematic visual dissonance found in the Sabine women frieze. The *Ara Pacis Augustae* friezes were ultimately highly influential in artistic representations of women. Later modes of depicting women used the visual language of this piece.[23]

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[22] Kleiner 1992, 90-99.
[23] Matheson 2000, 132; Ramsby & Severy-Hoven 2007, 47: Ramage & Ramage 2009, 146.

The different modes of representing sexual violence in the pieces I have discussed offer insight into the mindset of the Romans who created, purchased, and viewed them. Indeed the extant artworks depicting *stuprum* are, for the most part, privately commissioned and displayed pieces. It seems that even though sexual violence was a public concern, depictions were not popular in a public setting. Thus if the friezes of the Basilica Aemilia were indeed created in 14 BCE they participated in the publicizing of women's sexual morality that began with the *Lex Julia de Adulteriis Coercendis*. The attempt to de-problematize the scene of the abduction acknowledges the suffering of the women in a public setting. Despite the confused depiction of emotion in the frieze, the public understood the implications of the story enough to find its continued replication distasteful or undesirable. Public images such as the friezes from the Basilica Aemilia and the *Ara Pacis Augustae* provided a baseline from which generations of artists adapted modes of representation of women in public and private art to fit contemporary demands. The first and second century CE private reproductions that try to make the rapes of Rhea Silvia and Cassandra more palatable demonstrate evolved understandings of the implications of sexual violence. That is to say that these pieces were created in a context that had an increased awareness of rape culture.

Conclusion

The *Lex Julia de Adulteriis Coercendis* was primarily concerned with the regulation and prosecution of adultery, yet as I have endeavored to prove, it had a significant impact on Roman perceptions of sexual violence. Previously, all forms of *stuprum* were legally grouped together and left to the discretion of the family. The *Lex Julia de Adulteriis Coercendis* not only singled out a specific type of *stuprum*, adultery, but also made the crime a public matter. Bringing this issue of sexual morality into the public view, the law opened up debate on all transgression of sexual *mores* and thus on aspects of rape culture. Where topics of sexual violence had previous had no place in a public setting, the law introduced them into the public eye and provided the opportunity for reconsideration.

Livy, Ovid, and the unknown visual artists who pieces I have studied may not have been consciously recording the dominant understandings of rape, but nevertheless, their work offers substantive insight into the cultural attitudes towards sexual violence and its effects upon victims. Re-crafting well-known stories of rape and abduction to serve their individual narrative purposes, each of these authors and artists reflect contemporary views on consent and sexual violence. The progression from Livy's nominal understanding of rape to Ovid's nuanced depictions of trauma is consistent with the first and second century CE comprehension of rape as an emotional trauma in artistic renderings of sexual violence. For example, the dramatic focus of Ovid's rape narratives and the Pompeian fresco of Cassandra and Helen are the victims' stories and experiences. Recognition of the women's experiences as profound and traumatic is only found after the passage of the *Lex Julia de Adulteriis*

Coercendis. As I have argued, the poetry and art made after this time participates in the cultural discourse on sexual morality and sexual violence. Engaging with the ideas brought forth by the Julian law, these pieces demonstrate the increased understanding of the seriousness of rape and, at the same time, advance the widespread awareness of the topic.

While the complete reconstruction of ancient attitudes towards rape is beyond the scope of this study, I have attempted to shed new light on Roman perceptions of sexual violence. In these chapters I have applied the contemporary study of rape culture and the notion that public attention and widespread discussion foster change. Within the framework of rape culture I have tried to extract the dominant views concerning sexual violence from before and after 18 BCE. Viewing Roman culture through this lens, I have demonstrated that the *Lex Julia de Adulteriis Coercendis* was pivotal in Roman culture because it made transgressions of sexual morality public. Representations of sexual assault and abduction, especially the stories of Rhea Silvia, the Sabine women, and Lucretia in literature and art before and after the passage of the law, indicate that there was indeed advancement in awareness.

Utilizing this modern concept in the study of the ancient world I have been able to garner new insight into this aspect of Roman culture. Any discussion of sexual morality is informed by contemporary concerns and values but, since rape culture is such a new term, it offers a particularly fresh approach to studying ancient Rome. I limited the scope of this study to a detailed analysis of a few productive case studies in a specific time period. Focusing in on the *Lex Julia de Adulteriis Coercendis* I have demonstrated that the study of rape culture is a useful concept that can offer a new

perspective on the ancient world. However, this examination is just one venture into this field of study. Further research using the framework of rape culture can, no doubt, enhance our understanding of the oppressive structures and belief systems that ignored, encouraged, and normalized sexual violence in ancient Rome. Moreover, in the process of reconstructing and critically examining rape culture in an ancient context, we can gain a more comprehensive understanding of how rape culture functions within modern society and affects our own lives.

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Images

Fig. 1 Mosiac, Ostia, Palazzo Altieri in Rome 2nd c. CE

Fig. 2 Coin, Antoninus Pius, Rome, British Museum in London c.a. 140-144 CE

Fig. 3 Silver relief, Syria, British Museum in London 2nd c. CE

Fig. 4 Columnar sarcophagus, Palazzo Matei in Rome c.a. 200 CE

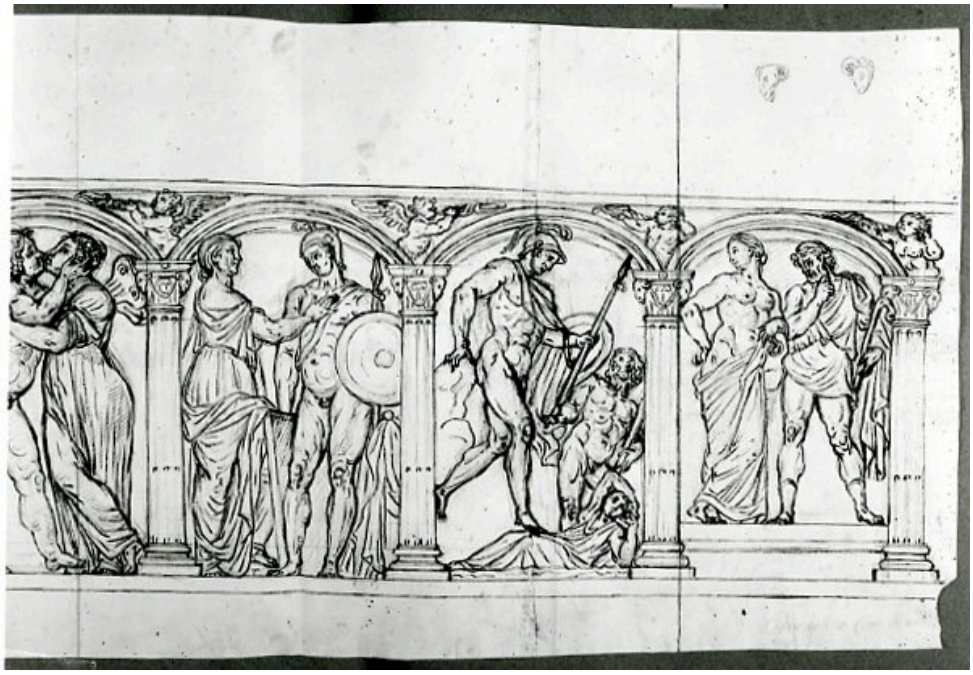

Fig. 5 Study of Sarcophagus on paper, Carlo Calderi, Italian, British Museum in London c.a. 1710-1730

Fig. 6 Wall fresco, Rape of Cassandra and the Return of Helen to Menelaus, House of Menander, Pompeii 1st c. CE

Fig. 7 Rape of the Sabine women frieze, Basilica Aemilia, Rome, c.a. 14 BCE

Fig. 8 Detail of the Rape of the Sabine women frieze, Basilica Aemilia, Rome, c.a. 14 BCE

Fig. 9 Denarius, Rape of the Sabine Women, Rome, Museum Victoria in Victoria, 89 BC

Fig. 10 Detail of the Rape of the Sabine women frieze, Basilica Aemilia, Rome, c.a. 14 BCE

Fig. 11 Ara Pacis Augustae, south frieze, Museo del'Ara Pacis in Rome 9 BCE

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Fig. 7- Sailko. 2014, March. *Wikicommons*. http://commons.wikimedia.org/wiki/File:Fregio_della_basilica_emilia,_ratto_delle_sabine.JPG

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