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Postumius' speech of Livy
and Bacchanalian Affair

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I

In Book 39 of *Ab Urbe Condita* (chapters 8-19) Livy recounted events that have been firing historians' imagination for a long time. It is the story about revealing in 186 B.C. a secret conspiracy (*coniuratio*) organised by members of the Dionysian societies. The Senate had the culprits severely punished and their activity banned. For years historians have argued over the reasons for such a vehement reaction of the Senate against the members of the cult societies. The monograph on Bacchanalia¹ of Jean-Marie Pailler contains an interesting summary of the research done so far on Livy's narrative. In the dossier presented by the author we can find confirmation that there are various, often contradictory, explanations in the vast literature on the subject. Simplifying the matter, they can be classified into two groups.

The first one contains theories that stress the political reasons presenting Bacchants as the victims of back-stage political tactics: factions fight. The other group consists of hypothesis assuming that Bacchanalia were a manifestation of the crisis of the traditional religion, which came upon the Roman society after the wars with Hannibal. In fact, all the opinions formulated throughout the years have features of probability. One would find it most convenient to accept that the actual reason for repression was a combination of all factors suggested by the contemporary researchers, both political and religious. It is difficult to separate political, religious and ideological reasons due to the nature of the ancient state. Furthermore, the documentation regarding Bacchanalia does not allow too detailed examination of the motives behind the repression against the Bacchants. However, the number

¹ Pailler 1988.

of works on Bacchanalia that emerged after Pallier's book had been published proves that the discussion around various themes arising from Livy's account is far from being concluded².

In addition to Livy's account the researchers can also refer to the inscription (*senatus consultum de bacchanalibus*) that contains detailed decisions of the Senate in the Bacchants' case. They regulate two basic issues: organisation of the rites as well as functioning of the Dionysian societies and their gathering places. As a result, the cult rites were forbidden, unless approved specifically by the Senate, and the activity of the societies was banned. The Bacchants were not allowed to have gathering places (*baccanal*), collective money and to exchange oaths. The inscription also provides information that death was the punishment for not abiding the Senate's decisions, and the cult *loci* not approved by the Senate were to be destroyed within ten days³. The inscription confirms the fragment of Livy's account regarding the ordinances given after the exposure of the scandal. However, we do not hold sources that would confirm other elements of the narrative about Bacchanalia from *Ab Urbe Condita*.

It goes without saying that a question about the sources that Livy used should be a starting point for reflections on his narrative. The attempts to indicate particular authors on which, entirely or partly, the account of Bacchanalia is based are not overly optimistic. Livy undoubtedly drew from the annalistic tradition; however, the opinions differ when it comes to the question of his manner of using it. On the other hand, considering the condition of the preserved texts, any conclusions about their content should be formulated with great caution.

Postumius Albinus, who published *Annales* after he had finished his political career circa 151 B.C., is considered to make the greatest

² Hoffmann 1989; Gruen 1990; Walsh 1996; Pailler 1998; Takács 2000; Flower 2001; Pailler 2005.

³ Cancik-Lindemaier 1996; Martina 1998; Cazanove 2000; Perri 2005.

contribution to the creation of the story about Bacchanalia. The annalist's father, Aulus Postumius Luscus, was a praetor in 185 B.C., a time when the republican authorities had still been taking actions against the Bacchants. He also had family connections with Spurius Postumius Albinus, a consul and the main participant of the events of 186 B.C. In Livy's account we also find another Postumius: Tempsanus. He searched in Apulia for the Dionysius' followers, those who managed to escape from Rome. Postumius therefore belonged to the *gens* deeply involved in the Bacchanalia's scandal, the memory of which was surely long retained in the family tradition. Other authors, each of whom enriched the original with new elements, adopted his version of events. It can be assumed that Postumius did much to emphasise the role of his relative, the consul Postumius Albinus, in saving the Republic from the secret conspiracy. We cannot rule out that the annalists used a dramatised description of Bacchanalia as an example confirming the decay of morals in Rome. We can also glimpse certain traces of this interpretation in Livy's narration. In the account of the events of the year prior to the actions against the Dionysus' followers, he mentions (39, 6, 7-9) about the onset of previously unfamiliar to the Romans fondness for luxury that was brought from Asia by the soldiers returning from the expedition against Antioch III.

Mathias Gelzer distinguished in Livy's account two layers deriving from two different annalistic traditions⁴. He credited the first one to Cato the Elder and Cassius Hemina and the other one to the younger annalists. Surely he was right indicating Cato and Hemina as those who could write about Bacchanalia. Particularly in the case of the great censor, it is easy to assume that in his speeches he referred to this spectacular example when condemning, among others, the decay of morals. Some of the contemporary researchers were even prone to consider him as a man who personally contributed to the outbreak of the

⁴ Gelzer 1936.

whole scandal and delivered the speech *De coniuratione*, which existence suggests a very incomplete note of Festus (p. 280 Lindsay)⁵. A tiny trace indicating some interest of Cassius Hemina in the Bacchanalia's case has been also preserved. It is a sentence from his *Annales: ex Tiberi lacte haurire*⁶. Since the Gelzer's time, it is considered to be a reference to the rivers of milk and honey featured in the ancient literature in the Dionysian context. Obviously, Hemina's words may not be related to the events of 186 B.C. They merely indicate that perhaps the annalist wrote about the Bacchic rites. However, it is worth to bear in mind that his *Annales* were edited shortly after 146 B.C.; barely 40 years after the authorities had taken actions against the Bacchants. Furthermore, it is also known that Hemina commented on the events contemporary to the Bacchants' scandal⁷.

II

Livy's narrative breaks into a few stories, each of which includes information of a different type. The first story provides information about the Bacchic rites and the circumstances of their introduction in Rome. Next, there is a testimony of Hispala Faecenia, by reason of which the authorities discovered the plot, and the description of her love affair with Aebutius. The following part of the account refers to the actions of the authorities and the decisions of the Senate.

Gelzer's view that Livy uncritically repeated the story of Aebutius and Hispala Faecenia's love affair after Valerius Antias became greatly popular. As a consequence, rather complicated relations in the family

⁵ Pailler 1988, 147-148.

⁶ Chassignet 1997.

⁷ The case of uncovering the grave of Numa Pompilius in 181 B.C. See Musiał 2005.

of the young *eques*, which bear resemblance to the intrigues from the comedies of Plautus and Terrence, are considered to be a literary fiction⁸. What refers to the factual historical reality is the second part of Livy's account with regard to the investigation and decreed by the Senate repression – which can be confronted with the inscription from Tiriolo.

However, reducing the narrative of Livy purely to the notes about the decisions in the Bacchants' case considerably narrows the research perspective. The study done by Robert Rousselle and Stephane Ratti can prove that enriching the questionnaire with new queries and referring to new research methods can bring interesting results⁹. Rousselle defends the authenticity of the entire account of Livy including the story of the love affair. In order to justify his opinion, he conducts an interesting prosopographical analysis using the names of the characters from the narrative of the Roman historian. His findings show that even if the Livy's characters are not entirely historical figures, they have however authentic names and their adventures fit rather well in the social context of Rome at the beginning of the second century B.C. Indeed, *Annii*, *Cerinni* and *Atinii*, the *gentes* from which the alleged leaders of the conspiracy came, operated in Rome. The case is similar as far as *Aebutii*, *Duronii*, *Sempronii Rutili* and also *Faecenii*, from which Aebutius and his family as well as Hispala Facenia's patron might have descended.

Ratti indicates that the story of the love affair between Hispala Faecenia and the young *eques* consists of a few layers that can be read from different points of view. The author collates the story of a freedwoman with a certain episode inserted by Livy (38, 24) in the narrative about the military actions undertaken in 187 B.C. in Asia, where the Romans fought the Gaul tribe of Tectosagi. After one of the clashes the wife of Orgiagio – who was one of the Galatians' chieftains –

⁸ Scafuro 1989; Walsh 1996.

⁹ Rousselle 1989; Ratti 1996.

was captured. As a result of the loot division, she was given to a Roman centurion, who, when his attempts to seduce her proved to be in vain, raped her. Subsequently, he came to a conclusion that he could gain much more, if he ransomed her back to her family. As he did not want to share the profit with other soldiers, he organised the handover of the captive in secret. She managed however to set a trap on the Roman: on her signal the Galatians who arrived to collect her killed him and cut off his head.

This macabre requisite helped the woman to regain the trust of her husband. She confessed to him what happened, and, as a proof that she had wreaked vengeance, she tossed the Roman's head at his feet. This act restored her lost honour, and she spent the rest of her life as a generally respected matron. It is worth noticing that in this story the act of courage was the actual admission of being raped, not the successful escape from the captivity. Potentially, Orgiago could, considering the circumstances, reject his wife. Livy repeated the story after Polybius (21, 38) omitting however the name of the heroine, who the Greek historian calls Chiomara.

Ratti wonders why Livy quotes this brutal war episode assigning it the features of a positive example. When searching the answer to this question, the author collates the story about Orgiago's wife and the story about Hispala Faecenia indicating an interesting pattern that appears in both accounts. In the first case, a woman from a barbaric tribe, a dishonoured war captive, is presented as an honourable matron. She is ennobled by confessing the truth to her husband, which was authenticated by the cut-off head of the Roman. This act purifies her and restores the lost honour. When describing this new chapter of her life Livy uses two terms that in the Roman literature characterise an ideal wife: purity (*sanctitas*) and dignity (*gravitas*).

Livy constructs the story of Hispala Faecenia according to a similar pattern and shows the way that led her to change in her social status. Initially, she was a slave, then a freedwoman working as a prostitute,

finally an honourable woman. The Roman author does not conceal the fact that her relationship with Aebutius was in fact the relation between a client and a prostitute. The term *scortum* leaves no doubts in the matter; however, in the text of the Roman historian it is accompanied by a surprising epithet: *nobile*. Hispala is in the light of Livy's story a prostitute deserving more respect than her profession would normally generate. This remark is understandable considering the role that Livy assigned to Hispala in his narrative. It was her testimony that triggered the repressive procedures against the Bacchantes. Hispala was a kind of an intermediary between a strange world of the Dionysian sect- she was the initiated- and the society represented by the consul. Therefore the Roman historian, or his source, considered it appropriate to equip her with the attributes that were important to this society. That is why at the beginning of the narrative we can find information about respect due to Hispala. In a sense, it is anticipation of the forthcoming situation because she gained the right to this respect only as a prize for her attitude. An indirect indication of this fact is the way that Hispala had to take in order to envisage the consul.

Prostitution as such was not forbidden in Rome but the life of women who practiced it was perceived as dishonourable. What ennobled Hispala was the report given in front of the consul similar to the confession made by Chionara to her husband, which restored her lost honour. The denunciation of the participants of Bacchanalia was presented by Livy as the act of courage that required her to overcome the fear against gods (*metum deorum*) caused by the fact that the secrets of the mysteries were disclosed.

Livy had to authenticate his witness. The actions of the consul, who ostensibly had no connections with the case, were subject to this requirement. Postumius listened to what Hispala had to say but he took her words with an appropriate attention only after he had sought the opinion of two women of a better social status than an underage juvenile and his lover – a female of a rather doubtful reputation. The

first woman was Aebutius' aunt. However, the consul did not find her testimony satisfying, he needed some additional confirmation. For one of the first citizens of the Republic the social provenance (*equites*) and the address (Aventine Hill) of Aebutia were simply not enough of guarantees. What finally begged the question was the opinion of his mother-in-law, a woman belonging to the senator state and, as Livy puts it, deserving the highest respect (*gravis femina*)¹⁰.

One more interesting conclusion springs to mind when reading the story of Hispala and Aebutius' affair. The freedwomen Hispala did not abandon her profession, in which she reminds independent courtesans known from, for example, the comedies of Plautus, e.g. *Bacchides*. However, the situation presented drifts from the comic stereotype and what we have here is the exact reversion of the roles. Unlike in Plautus, Hispala pays his lover for sexual services, which means that she actually supports him, and, what is more, she makes him her heir. Therefore she behaves like free men who make their courtesans their beneficiaries. Moreover, one can have an impression that Hispala plays a parental function for Aebutius, maybe even more paternal than maternal. That is why she decides to intervene when, in her opinion, the life and honour of her lover are at stake. She is rewarded for saving a citizen: she is released from any dependence resulting from her status of a freedwoman. As a consequence, when choosing a husband, she is no longer restricted to the family of her patron (*enuptio gentis*), and this, in turn, allows her to enter the citizen sphere.

At this point however Livy's account raises doubts. It is rather difficult to accept such extended liberty in administrating her fortune. Even if her patron, Faecenius, died without an heir – otherwise his son would automatically become Hispala's protector – and the family would make no claims, the law did not allow the full independence anyway. Since the end of III B.C. it was statutorily restricted by the court's protection,

¹⁰ Santoro L'Hoir 1992: 90-99.

to which women and minors were subject, and the *praetor urbanus*, or tribunes, appointed the protector (*tutor dativus*)¹¹.

III

The presence of elements of the theatre in the account of Bacchanalia is obvious; the whole work is imbued with them. Most episodes, be it from recent or more distant past of Rome, resemble artfully composed dramatic scenes. However, one has to bear in mind that this is what was expected by the readers of *Ab urbe condita*. Everything what happened around a Roman, and in which he participated as a citizen, took the form of a play, and Rome was a stage on which this play was performed. In this theatre, the inhabitants of the city were, at the same time, both the actors and the audience, and the mutual interpenetration of the roles shaped their imagination and specific sensitivity. In this sense, theatricalization in Livy's work was a kind of an announcement addressed by the author to the audience. His account provides more information about the interests and the expectations of the public to whom it was directed than about the actual course of the presented events. Still, it does not change the fact that one should regard Livy's narrative not as some loose annalistic confabulation but as a compositional entity.

Reflections presented further in my article are an attempt to look at Livy's text as a kind of a picture of repression, created for the use of the Romans living during the last years of the Republic. It is not a new thought; Salomon Reinach called the accusations against the Bacchants the crop of lies (*tissu de mensonge*) invented by the authorities¹². Erich Gruen holds a similar view declaring Livy's account to be not a report

¹¹ Watson 1991, 4-13; Mc Ginn 2003: 86-89.

¹² Reinach 1908.

of the events but an attempt to justify the persecution¹³. Livy's narrative is considered to be a stereotypical picture of repression, which was referred to by later authors. The events of 186 B.C. tend to be eagerly compared to the persecution of Christians in the times of the empire. One cannot rule out that, since the times of Nero, Livy's account was a model according to which the Roman elites shaped their idea of Christianity¹⁴.

I consider it highly probable that what Livy actually aimed to do was to explain to the Romans the threat that provoked their ancestors to react in such a vehement way. We have to remember that in the time when the account was created Dionysus was a commonly known and accepted god. The Greek god, for whom there was no place in the official republican pantheon, captured the imagination of the Roman elites kept under the spell of Greek culture. Dionysus prevailed in the private sphere of life influencing the poetry and the visual art of the Augustan period. Sophisticated Hellenism reigned in the villas of the Roman aristocracy, and the attraction to Dionysian cult and mythology was one of its manifestations. Decoration of houses with Dionysian scenes reflected this phenomenon (e.g. *villa Farnesina*, *villa dei misteri*)¹⁵.

In the account of Bacchanalia a character who fulfils set by Livy aim is the consul Postumius. His speech given during *contio* (39, 15-16) is an interesting testimony bearing witness to the idea that the Roman elites of the Augustan times had about the events of 186 B.C. It contains the message to the people interested in the past, and in the past searching for confirmation of the greatness of their city, and the prudence of their ancestors who had to face and fight various threats.

Postumius's speech was constructed in accordance with a classical, rhetorical scheme: it consists of introduction, presentation of the case

¹³ Gruen 1990.

¹⁴ Girard 1982, 24-36; Nagy 2002.

¹⁵ Wylter 2004; Wylter 2005; Wylter 2006.

and conclusion. The consul begins with a general reflection that respect is due to the gods worshiped by the ancestors. In the next sentences, he builds up tension by suggesting that he has some distressing information for the citizens. At the same time, he takes for granted the fact that in Italy Bacchanalia have been practiced for a long time. They also take place in various parts of Rome, of which night noises have been the evidence. However, according to Postumius, those who consider them as a cult of gods (*cultus deorum*) or game (*ludus*) are wrong. Bacchanalia should raise concern due to a few reasons. Firstly, thousands of people participate; secondly, most of them are women and prostituting, effeminate men, and thirdly, all of them are touched by madness (*fanatici*). Finally, Postumius accuses the participants of these meetings of oath-brotherhood (*coniuratio*).

Justification of this accusation is worth particular attention (39, 15, 11). The offence that was committed by the Bacchantes was the fact that they gathered illegally. What else, apart from the lack of the authorities' control, made these meetings illegal? Most of all, it was the time that they took place. Postumius says about the nocturnal meetings (*nocturnus coetus*) and the night gatherings (*nocturna contio*) equal to those called during the day by consuls, they created therefore an alternative society.

Setting night and day meetings in opposition mattered to the Romans because the night meetings had been always suspicious. Only those who had something to hide used the night, therefore it was a favourite time of conspirators – like in the case of Catiline. The prohibition of holding night meetings can be also found in The Law of the Twelve Tables (8, 26).

The gravity of the situation was increased by the fact that the participants of the night meetings were young men. Consequently, the consul addresses a dramatic question (39, 15, 13): Will the insiders, who swear the oath, be loyal soldiers? (*Hoc sacramento initiatos iuvenes milites eductis arma?*) Can a weapon be given to the people tainted by rites (*His ex obscuro sacrario eductis arma committenda*)? These questions

show another contradiction important for the consul's argumentation: both a soldier and an insider belong to strange, separate worlds, just as nocturnal and day meetings belong to different spheres of activities. In this case we deal with two oaths that exclude each other: the first one made by the soldiers and the other one by the insiders. The oath (*sacramentum*) was what identified a Roman soldier, it legitimated the state of 'being a soldier'; therefore, it had a civic as well as religious quality, emphasising the latter meaning.

In Rome, the oath was accompanied by the rituals that turned a citizen into a soldier and confirmed the agreement made between him, his companions, the country and the protective gods. Only death or a discharge from service could realise him from this particular obligation. The oath made by all recruits in front of the army tribunals was effective since 216 B.C.¹⁶ The loyalty of the insiders confirmed by the oath did not belong to the public *universum*. Elsewhere, once again Livy returns to the oath element when he writes about persecution against the Bacchantes (18, 3). He mentions that the insiders repeated after a priest the prayer (*carmen sacrum*) that contained the formula of the oath. Little is known about this kind of procedures in the Dionysian cult, just like in the case of other mystery cults. Usually the followers swore an oath of secrecy and devotion to the god of the mysteries.

Livy collates Bacchanalia with other, known to him, situation from the past that endangered the "peace with the gods" (*pax deorum*). The notion expresses the endeavour to maintain the proper balance between the world of humans and deities. As a result, the Romans strived to seek gods' approval every time they undertook public activity, and scrupulously observed the cult rites established in the past. *Pax deorum* is a legal category that belongs to a public law sphere and is closely related to *impietas*. It is not easy to answer the question of what actually *impietas* was.

¹⁶ Nicolet 1976, 141-142.

A general, theoretical reflection on this matter rarely appears in the texts of the Latin authors. That is why, we can only analyse some dispersed in the sources pieces of information about various events qualified as impious. Cicero entered into polemic with the views of the philosophers who suggested gods' indifference towards human actions writing that, if it was true, people would not receive any benefits from gods. All actions make sense only when gods see them and do not react. Cicero identified *cultus* with *religio*, and *pietas* meant for him as much as righteousness/fairness (*iusticia*) towards gods (*Nat. deor.* 1, 2, 3; 1, 41, 116; 2, 3, 8). Considering this clue one has to assume that *impietas* is the exact reverse of this state. Therefore, both contradictory terms constitute certain attitude towards the gods and the honours due to them. The Roman authors diligently recorded examples illustrating this attitude: it is because they wrote not about piety but about the cases of piety; not about impiety but about the cases of impiety.

In the second century B.C., *pax deorum* was guarded by the officials and the Senate. They received advice from the pontifices, who had knowledge about the procedures that could restore the peace with gods. Their recommendations were communicated through independent statements (*decreta*) or by answering the officials and the Senate's queries (*responsa*). The citizens engaged in religious rites were expected to respect the norms emerging from the tradition (*cultus patrius, mores maiorum*) as their non-observance threatened the public order. Ultimately, it was the community, through the officials and the Senate as their representatives, who decided whether the offence was actually committed. Cicero writes that a priest can release a man from his fear of doing evil unconsciously by ordaining the appeasing ceremony. However, a man who tries to propagate disgraceful rites (*religiones foedus*) will be announced impious (*De leg.* 2, 15, 37).

A signal that something bad was happening were various, typical and extraordinary, events interpreted as the signs (*prodigia*) of the wrath

of gods. A detailed plan of further proceedings depended most of all on classification of an impious act and, although less so, on circumstances of its occurrence. The purpose of the proceedings, in which the pontifices, the Senate and the officials were all engaged, was not so much about punishing the culprits but rather about satisfying the gods and repairing the damages.

In his account of Bacchanalia Livy mentions neither the pontifices nor the members of any other ecclesiastical collegium being involved in the case. In the text, there is no direct information about the fact that the Senate undertook actions of a religious kind in order to stave off the potential wrath of gods. However, a very careful reading of Postumius's speech allows a glimpse of elements indicating that the peace with gods was disturbed.

Postumius in his speech suggests that the gods are being overused and referred to for reasons different than officially accepted (39, 16, 7). Obviously, this kind of conduct endangered the stability of the report between the divine and the human world. The participants of the nocturnal meetings used the divine majesty (*numen deorum*) to conceal their crimes. That is why nobody should fear that by punishing the Bacchantes they break any divine law. The consul reminds that in the past celebrations of foreign cults happened to be forbidden, soothsayers and priests were removed from the city, and prophetic books were ordered to be burnt. All this happened in accordance with the law based on pontifices' decisions, resolutions of the Senate and answers of the *haruspices*. These experts at human and divine law thought that there was nothing more dangerous for the religious order than making a sacrifice to gods in accordance with a foreign ritual (*externo ritu sacrificaretur*).

In the works on the Roman religion one can often find a view that unofficial gods stayed beyond the interest of the authorities. It is worth to bear it in mind because at the beginning of the second century B.C. Dionysus did not belong to the official pantheon of gods. Therefore,

the Bacchic rituals were not considered to be a part of the practices of the state religion. This lack of interest however had its limits.

Cases presented below demonstrate, that the authorities were not at all indifferent to the content of the rites dedicated to the unofficial gods. Their participants were expected to respect the norms emerging from the tradition since their non-observance endangered the social order.

In the context of reflections on Bacchanalia two situations recounted by Livy deserve particular attention. The first one shows the events from the second half of the fifth century B.C., when the Romans were at war with Veii (4, 30, 7-11). What happened in the city was an outbreak of the epidemic that was destroying not only bodies but also souls. People tired of war and hunger searched for support in foreign rites (*religio externa*). The situation became dangerous when the new rites crept from homes into the streets and this wickedness (*pudor*) gained a public character. Subsequently, the aediles were told to ensure that the worship of gods was done with accordance to the ancestral tradition.

A similar pattern appears in other account of Livy (25, 1; 6-12), this time it contains more details. In 213 B.C., Hannibal's army is ravaging Italy. Some *religio externa* gains popularity among the citizens of Rome fatigued of war; its rituals are performed not only in hiding but also in the public places. Crowds of women (*mulierum turba*) gather on the forum and on the Capitol and do not honour gods in accordance with the tradition (*patrio more*). The situation is further aggravated by the activities of priests and soothsayers (*sacrificuli ac vates*), who bemuse people with fake ideas. The development of the events raises concern among some citizens, who make an official complain to the Senate (*publicam querimoniam*). The urban praetor becomes responsible for solving the problem. During *contio* convened particularly for this reason the edict of the praetor and the Senate resolution are read out. According to the edict, everybody who possesses books with prophecies, prayers and descriptions of the sacrificial art have to deposit them with

the praetor. It is also forbidden to perform cult practices according to foreign rituals (*externo rito*) in the public places.

Further on (25, 2, 9), Livy writes about a few matrons who were publicly accused of adultery (*probrum*). Some of them were convicted and exiled. The case had to be serious since the means used customarily in this kind of situation were not referred to. A husband, or the closest male relatives, who formally replaced the censor was the first instance authorised to control the woman's way of life, and also to potentially punish her in case the offence was ascertain. The following option was the procedure with the participation of a judge. Interference of the state seems to be the action of extraordinary character. In my opinion, both cases are interconnected, and the accusations brought against the women who belonged to the elite could be the aftermath of their engagement in foreign rites.

The description of the events of 213 gives an impression that it is an abbreviated version of the account of Bacchanalia. Similarities are particularly palpable in terms of terminology, and Livy himself clearly underlines this affinity. Postumius refers to the wisdom of the ancestors who imposed on the officials the obligation of banning foreign rituals performed in no accordance with the tradition, expelling priests and soothsayers from the city and destroying prophetic books. Therefore, the Roman's mind should be free of religious doubts (*superstitio*) when the time comes to demolish the gathering places of the Bacchants and to liquidate the societies (39,16,10: *Haec vobis pareticenda ratus sum ne qua superstitio agitare animos vestros cum demolientis nos Bacchanalia discutientisque nefarios coetus cerneris*).

A notion of *superstitio* has been commented on in the literature of the subject for a long time. Frequently, it is interpreted as a foreign cult: false religion. However, it is worth to remember that in this sense the term appears only in the texts of the second century A.D. A famous maxim of Lactantius that *religio* is the cult of a real god and *superstitio* of a fake one (*Div., inst.* 4, 28, 1) concludes a long process of the evolution

of the term. Hitherto, the perception was different: false or true was *religio*, not *superstitio*¹⁷.

In the times of Livy, *religio*, in a general sense, meant a system of obligations towards gods fulfilled on behalf of the community. In other words, to simplify the matter, the term was the equivalent for the cult of gods, and *religiones* were the rituals performed by order of *religio*. If people adhered to the tradition namely *religio* of the ancestors (*cultus patrius, mos maiorum*), then *religiones* (*caerimoniae, sacra*) were no matter of concern. However, if people followed some *religio prava* (*externa*), then the manner of honouring gods raised concern. The sources allow an assumption that what provoked this concern was *superstitio*: a particular state of mind which made people susceptible to foreign influences. *Superstitio* is an exaggerated cult, motivated by fear, undignified for a citizen, and leading to distortion of the proper balance between the world of gods and humans. In the fragment of Varro's *Antiquitates* preserved by St Augustine (*De civ. dei*, 6, 9, 2) we can read that a *religiosus* does not fear gods because he respects them like parents, and a *superstitiosus* fears gods like enemies. A sentence from the Festus lexicon (p. 366 Lindsay) expresses a similar thought. It suggests that 'religious people' are those who honour gods in accordance with the state dictation, and therefore they are free from *superstitio*. The sources do not suggest the *religio-superstitio* opposition in the true-false sense, but indicate two different attitudes of people towards gods; *superstitio* assumes the existence of emotions and acts, which are dangerous to the state. This is the meaning that Livy conveys in his account.

An interesting characteristic of Scipio Africanus can serve as an example. In his public speeches, the young commander referred to the gods' protection and inspiration. He demonstrated thus somewhat exaggerated relation with the gods, which was against the rules cemented by the tradition. This particular state of Scipio's spirit Livy

¹⁷ Grodzynski 1975; Sachot 1991; Gordon 2008.

calls *superstitio* (26, 19, 6-12). The term appears in a similar context in other fragments of *Ab Urbe Condita*.

To sum up, Livy does not use the term *superstitio* to name particular rituals since they were a direct consequence of people being lost, whose mind was in a grip of fatal anxiety. Postumius warns them against this anxiety as it could be a hindrance to fulfil their obligation of punishing the culprits. The consul explains to his fellow citizens that their mind should be free of anxiety and ‘religious scruples’ (*superstitio*) when they see Bacchants’ gathering places being destroyed.

The demonstrated examples, which have been collated with the account of Bacchanalia, show that at the rivage Tiber, in various periods and for different reasons, foreign cults became popular as a result of the fascination of a foreign (fake) *religio*.

Livy does not name the gods honoured in this manner. It is only in the account of Bacchanalia that the patron of the unaccepted rituals is obvious; although, also in this case, the name of the god does not appear directly. Livy mentions Bacchanalia six times in a sense of the rituals celebrated by the Bacchants and he uses the word twice to name the place where the Bacchants gathered (*bacchanal*). When Hispala Faecenia describes the ceremonies in which she participated in the past, she says that she was initiated in Bacchus (*Bacchis initiari*). The god however always stays in the background because only the rituals were considered to be a subject of controversy. Therefore they were the actual reason for the intervention of the authorities. We can assume that what occurred in 186 B.C. was a situation – similar to this signalled by Cicero – when ‘shameful rituals’ were performed, and therefore the authorities could not remain indifferent. At least, this is how Livy presents the whole matter.

In the summary, Postumius says about the divine majesty profanated by coming into contact with crime and promiscuity and about the necessity of propitiating the gods. They did not make the hidden evil come to light only to leave it then unpunished. In the last sentence the

consul informs about extemporary measures undertaken in order to protect the public order. Livy does not allow his readers to doubt that what guided all those engaged in the case was the respect towards the gods.

Reflections on the ancient religions often convey an initial assumption that they were not tolerant, what supposedly aroused from the very nature of polytheism. This belief is certainly not a mistake; however, as in the case of every generalisation, it can be a source of numerous misunderstandings. The very word tolerance can be problematic. In the modern understanding of the word (religious) tolerance is a consequence of the situation in which an individual has a choice, which, although not approved by the authority, is nevertheless "tolerated" by it. Whereas in the polytheistic Greco-Roman world engaging in the cult of a new god was not a choice in a modern sense since it required rejection of other gods. If a rejection happened, like in the case of Christianity, tolerance was out of question¹⁸.

A Christian rejected the old gods by negating their authenticity. As a consequence of this act, he separated himself from the system of the state organisation venerated by the tradition, and the society of which a substantial part was the respect for gods demonstrated through the cult rites. Having said that, to claim that the Romans enjoyed religious freedom would be a highly risky statement. This freedom had considerable limitations that arose from the mentality and the structure of the Roman state as well as from the idea of the "Roman identity", which was constantly developed and modified.

What laid at the basis of this process was the permanent endeavour to draw the line between what was familiar and what was strange, what was legal and what was illegal. Similarly to other cultures, the key role was played by the negative religious stereotypes created by the Roman elites in the course of discussion. Formation of their own identity

¹⁸ North 1979.

required them to define the enemy. Therefore, also this aspect should be taken into account when considering the reasons for the actions against the Dionysian societies.

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