

Sisi Xie, *The Experience of Fabia the Vestal Virgin in the Late Republic*

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Introduction

The Vestal Virgins, priestesses of Vesta and attendants of the sacred fire, were well-known for their thirty-year vow of virginity and unique religious status.¹ Scholarly attention on the Vestals mainly focuses on their status and functions as a priestly college.² However, the investigation of individual Vestals has long been hindered by limited historical testimony. Little information can be extracted from existing records, which were exclusively produced by male authors and would inevitably obscure the lived experience of the Vestals. Nevertheless, the Vestal Fabia, sister of Cicero's wife Terentia, could serve as a valuable case study for the reconstruction of her family connection and role in the political struggle of the late Roman Republic.

Fabia was the first Vestal recorded by contemporary or near-contemporary literary sources, namely by Cicero and Sallust. She was accused by Clodius of committing an *incestum* with Catiline in 73 BC but was successfully acquitted.³ Ten years later, her participation in the Bona Dea festival, alongside with other Vestals, allegedly provided divine justification

¹ For general description of the Vestals in sources, see Dion. Hal. 2.67; Plut. *Num.* 10.

² Fundamental works on the Vestals include Beard 1980 and 1995; Cornell 1981; Lovisi 1998; Staples 1998; Parker 2004; Wildfang 2006 and so on.

³ The term *incestum* referred to the sacrilegious sexual intercourse between a Vestal and her lover.

for Cicero's decision to execute the conspirators. Although the ritual of *captio* separated the Vestals from their agnate family, current scholarly opinions propose that the Vestals still maintained close connections with their families and could participate in public affairs to harvest benefits for their relatives, as the case of Fabia will demonstrate. By looking into historical accounts concerning Fabia, the paper aims to recover her participation in the party strife prior to and during the so-called Catiline Conspiracy. From a broader perspective, it will also discuss what role the Vestals could play in a male-dominated political realm and how the literary sources describing Vestals as culprits of *incestum* adopted a new narrative pattern by the late Republic.

Family Background

Fabia was born into an aristocratic family whose legal and political status enabled her to be selected as a Vestal. One of the many criteria recorded by Gellius demanded that the parents of a successful candidate must be living residents in Italy and not have undergone any type of *capitis deminutio* (diminished legal status), which included falling into slavery, engaging in base occupations (*negotiis sordidis*) and undergoing emancipation.⁴ The order of the Vestals was largely restricted to patrician families with illustrious birth (*honesto loco*). Hence, Suetonius suggests that during the reign of Augustus, the nobility had become unwilling to offer their daughters to Vesta,

⁴ Gell. *NA*. 1.12.9. Details of the three types of *capitis demunitio* can be found in Nicolas 1962 :96.

and Gellius reveals a difficulty in making up 20 maidens for a choice by lot.⁵ The paternal parentage of Fabia as well as that of her half-sister Terentia is obscure. Based on her name, it can only be assumed that she might be identified as the daughter of the patrician Fabii.⁶

The financial conditions of Fabia are equally ambiguous due to the patchy nature of our sources. The inauguration ceremony of *captio* separated the Vestals from their paternal family both ritually and legally: Fabia would enjoy financial independence and sovereignty, since she no longer inherited property from her paternal family and was removed from the *patria potestas* (power of the father) of her father.⁷ Livy claims that when establishing the priestly order, Numa assigned the Vestals a *stipendium publicum* (public stipend) from the state to support their service to the cult.⁸ His statement might reflect not only the practice of his own time, namely the late Republic and early Empire, but probably also earlier periods and thus could be applied to Fabia, the last historical record of whom referred to 58 BC. The choice of the word *stipendium*, traditionally described the annual payment of soldiers, suggests that the Vestals received a yearly stipend both individually and collectively as a college.⁹ Additionally, the order also earned income from rental revenues and individual donations, allowing the Vestals to make

⁵ Suet. *Aug.* 31.3; Gell. 12.6. The *lex papia* in Gellius is unrecognisable.

⁶ Carp 1981: 193.

⁷ Gell. 1.12.9; Gaius. *Inst.* 1.145. For the legal status and inheritance of the Vestals, see Wildfang 2006: 64-67; Kroppenber 2010: 422-425.

⁸ Livy. 1.20.3.1.

⁹ Examples of traditional usages of *stipendium*: Livy. 4.60.6; Cic. *Pis.* 36.88; Caes. *Civ.* 1.23.4. A close reading of possible explanations of *stipendium* could be found in Wildfang 2006: 70-71.

financial decisions and participate in transactions.¹⁰ In summary, Fabia was delivered from a noble family to the priestly college of Vestals, obtaining legal and financial independence. Her connection with both her paternal and maternal family was not completely severed, as demonstrated by her association with her enatic sister Terentia.

Accusation of *Incestum* in 73 BC

The first appearance of Fabia in historical evidence sees her being accused of *incestum* with Catiline, which can be safely dated to 73 BC based on the testimony of Cicero and Orosius. Another Vestal, Licinia, was also involved in the accusation, but both were eventually acquitted.¹¹ Literary sources describing the event preserve little information about the procedures and details of the trial, as the main focus of the ancient authors rests with other complexities. It would be tempting to follow Plutarch's account to believe that Clodius accused Fabia of adultery with Catiline in 73 BC, as a strategy of "raising agitation and confusion".¹² Lewis and Cardoux notice the anachronological nature of this account, though each arrives at different conclusions. Estimating the ages of Clodius and Cato in 73 BC, Cardoux supposes that Clodius was able to make a radical accusation at the age of 19 or 20, and that Cato was equally "capable of resolute action" in his early

¹⁰ Wildfang 2006: 72.

¹¹ Cic. *Cat.* 3.9 dates the discovery of the Allobroges envoys in "the tenth year after the acquittal of the virgins". Oros. 6.3.1 places the trial in the same year when Lucullus laid siege to Sinope, presumably in the winter of 74/73 BC. See *MRR* vol. 2, 106; Cardoux 2005: 167.

¹² Plut. *Cat. Min.* 19.3. The assumption is accepted in *MRR*: 114; Wildfang 2006: 97.

political career.¹³ While Lewis points out one discrepancy if the passage was to be ascribed to the *incestum* in 73 BC: subjected to Clodius' calumnation was not only Fabia but also "other priests and priestesses".¹⁴ Another possibility is that Clodius brought up the case of Fabia in the sacrilege trial in 61 BC for his blasphemy at the Bona Dea festival.¹⁵ He might seek to evade condemnation by attacking one of the Vestals in court, namely Fabia, and questioning the verdict of acquittal made by the *pontifices* in 73 BC.¹⁶ The attempt to reopen the once settled trial of suspicious Vestals can find precedence in the case of 114/3 BC, when the judgment of Pontifex Maximus Lucius Metellus Delmaticus was challenged by the plebeian tribune Sextus Peducaeus. Eventually all three Vestals were condemned.¹⁷ Clodius might intend to follow the precedent of Peducaeus, but his attempt was unsuccessful. It would be safer to assume that Fabia was accused by an unmentioned accuser, which is not uncommon in records of previous cases.

Traditionally, cases of *incestum* were decided in a pontifical court presided by the Pontifex Maximus, as the charge of 114/3 BC demonstrates. But this is not applicable to the trial of Fabia, since the Pontifex Maximus Quintus Metellus Pius was still away in Spain battling against Quintus Sertorius.¹⁸ Thus, the case might fall into the collective decision of the *pontifices*, among whom Quintus Lutatius Catulus was a friend of Catiline.

¹³ Cardoux 2005: 174-5.

¹⁴ Lewis 2001: 148.

¹⁵ For the trial, see Cic. *Att.* 1.13.3.

¹⁶ Lewis 2001: 148.

¹⁷ Cass Dio fr. 87.3-5 ; Plut. *Mor.* 284B; Macrob. *Sat.* 1.10.5; Oros. 5.15.22.

¹⁸ *MRR*: 111.

Catulus as a senior *pontifex* might exploit his vantage position and influence the verdict of the case.¹⁹ Catiline's gratitude for Catulus' aid is revealed in their private correspondence recorded by Sallust.²⁰ As for Fabia, she had Marcus Pupius Piso as her defender, who was quaestor in 83 BC and consul in 61.²¹ Cicero claims that Piso regained his reputation "in the trial of the two Vestals", probably through successfully defending the accused priestesses.²² Due to the reference to Piso in Cicero, the case of Fabia became the first in which a defender of the suspected Vestal was recorded. Vestals in previous trials still had the chance of gaining acquittal, but details of how they defended themselves are now lost.²³ The fact that Piso could win high praise in a religious court indicates that the crime of breaking the vow of virginity was debatable and that the Vestals were able to exert personal or political connections to be exculpated.²⁴ There is no medical method attested to check if a Vestal was physically penetrated; otherwise, a court defence would not be necessary. The assumed loss of virginity became a matter of negotiation that could be argued and disputed in courts.²⁵

With meagre fragments of sources surviving, the personal connection

¹⁹ Oros. 6.3.1. See Lewis 2001: 145.

²⁰ Sall. *Cat.* 35.1. Also Cardoux 2005: 167.

²¹ *MRR*: 63, 179.

²² Cic. *Brut.* 236.

²³ Successful acquittal of previous Vestals include the charge of Postumia in 420 BC, Tuccia in c.230 though she proved herself innocent by performing a miracle, and Aemilia in 178 BC.

²⁴ Wildfang 2006: 97, though she presents the Vestals in a too proactive manner without substantial evidence. The acquittal of the charge of *incestum* could hardly be "secured".

²⁵ Beard 2004: 172.

between Fabia and Piso cannot be tracked. Yet it is worth examining why these two Vestals were subjected to accusation. The “scapegoat” theory, which suggests that the Vestals was charged with the most severe violation of religious taboo in times of religious hysteria and political disturbance, finds little support in the case of Fabia and Licinia.²⁶ Instead, the attack against the Vestals might be a political strategy to upset the patrician forces behind the priestesses. The contest between accusers and defenders of the Vestals could be attributed to a struggle between the *Populares* and *Optimates* and could be more specifically explained in a post-Sullan context.²⁷ After the death of Sulla, his constitutional reforms underwent a series of debate and modifications, led by two opposing groups.²⁸ Both Vestals and their alleged paramours, along with the defender Piso and the supporting *pontifex* Catulus, came from aristocratic families and had previously stood in line with Sulla.²⁹ Piso in 81 BC divorced his wife Annia, who had been the wife of Cinna, turning to the side of Sulla.³⁰ Catiline served under Sulla in 82 BC and enriched himself during Sulla’s proscription.³¹ As for Catulus, during his consulship in 78 BC, he opposed his colleague Marcus Aemilius Lepidus, who violently attacked the constitution of Sulla.³² On the contrary party,

²⁶ Cf. Cardoux 2005: 179. For the scapegoat theory, see Cornell 1981: 27-8, followed by Staples 1998: 134; DiLuzio 2016: 151.

²⁷ Cardoux 2005: 178. Cf. Wildfang 2006: 96, though her distribution of the *Populares* and *Optimates* is suspicious.

²⁸ See Steel 2014 for an interpretation of the post-Sullan era.

²⁹ Cardoux 2005: 178.

³⁰ Vell. Pat. 2.41.2.

³¹ *MRR*: 72.

³² Sall. *Hist.* 1.47-49; App. *BCiv.* 1.105; Dio Cass. 52.17.4.

Clodius, who might not be the accuser of Fabia but exploited the trial later, adopted a populist political stance throughout his career. Plotius, the formal accuser of Licini with an equally obscure identity, might have similarly taken a radical approach to attack the pro-Sullan party connected with the Vestals and their male lovers.³³

The hypothesis that the accusation was a strategical move of party strife opens the question of what impact being convicted of committing *incestum* could have laid on the Vestals and the faction that they belonged to. The Vestals were living symbols of Rome's inviolability and integrity. Violation of their physical intactness was regarded as threatening to the fate of the state, and both the convicted Vestals and their lovers would receive death punishment.³⁴ The Vestals not only enjoyed religious privileges and rights but could also exploit their status to harvest political or economic benefits for their relatives.³⁵ That might explain why the noble families were willing to devote their daughters to the cult of Vesta instead of establishing marital alliances.³⁶ The Vestals, with their priestly offices and prestige, provided a source of prestige and authority for their families. The condemnation of Fabia could have constituted a severe attack on the reputation of her family

³³ Plotius: Plut. *Crass.* 1.2. For the analysis of party struggle, see Cardoux 2005: 178-9. Also see Riggsby 2002 for the change in Clodius' name.

³⁴ For the live burial of the Vestals, see Dion. Hal. 2.67; Plut. *Num.* 10.4-7. For male culprits, see Dion. Hal. 8.89.3.5; Fest. 309L.

³⁵ The most thorough analysis is Gallia (2015). Also see Staples (2004), 144-5; Kroppenber (2010), 420; Wyrwińska (2021), 143-4.

³⁶ Gallia 2015: 82.

connections and a loss in factional political capital.³⁷ Nevertheless, Fabia was less connected with her agnatic relatives as with her half-sister Terentia, and the surviving sources do not allow any speculation about her family origin. As later occurrences demonstrate, Fabia continued to act in favour of Terentia and therefore, of Cicero with her priestly status and religious activities.

Aftermath of the Accusation

After escaping condemnation of the unforgivable religious offence, Fabia did not receive any explicit mention in historical accounts. Theoretically, the tenure of the Vestals lasted for thirty years, but if we were to believe Plutarch's testimony, many of them remained in the priesthood instead of returning to a secular life.³⁸ Since Fabia had become a Vestal in 73 BC and was implicitly mentioned in Cicero's letter to Terentia in 58 BC, it can be inferred that Fabia was one of the Vestals who participated in the Bona Dea festive cult in 63 BC hosted in the house of the presiding consul Cicero. Dio Cassius informs us that during the course of sacrifice conducted by the Vestals, the fire unexpectedly burnt up to a very great height.³⁹

The Bona Dea festival was held the previous night before the senate meeting that discussed the punishment of Catiline and his fellow conspirators. In Plutarch's account, the sacrificial fire initially appeared to extinguish but then suddenly burst back into a bright blaze. The Vestals interpreted this as

³⁷ Gallia 2015: 103.

³⁸ Plut. *Num.* 10.2.

³⁹ Dio Cass. 37.35.4. The flame on the altar was regarded as auspicious. Cf. Verg. *Ecl.* 8.106.

an encouraging sign for Cicero to “carry out his resolutions” and urged Terentia to pass on the message to him.⁴⁰ The priestesses here were not only practitioners of festive rituals but could also offer religious expertise, which was accepted as the motivation and justification of Cicero's political decision. The self-rekindled fire resonates with the miraculous story of the Vestal Aemilia. She was also accused of *incestum* when the sacred fire went out in 178 BC, but a great flame rose from the cold ashes after her prayer as proof of her innocence.⁴¹ In both cases, the extinguishment of fire symbolised a contemporary danger and had caused common anxiety, although on different scales, and its revival conversely signaled a restoration of order and security. What is noteworthy in Plutarch's narrative is the combination of personal ambition and public interest. The Bona Dea festival was held annually at the household of one of the consuls, allowing only female participants but held “for the benefit of the Roman people (*pro populo Romano*)”.⁴² Terentia was the agent who urged by her desire to partake in Cicero's political perplexities, “passed on the message given by the Vestals to her husband and invited him against the conspirators.”⁴³ A sign foretelling the fate of the state was intertwined with the career advancement of the consul and the personal ambition of his wife. As for the role of the Vestals and Fabia, they appeared as a collective advise body among whom no individual name is singled out. Plutarch shows an awareness of the family relationship between Fabia and

⁴⁰ Plut. *Cic.* 20.

⁴¹ Dion. Hal. 2.68; Val Max. 1.1.6-7.

⁴² Cic. *Har.* 37.

⁴³ Plut. *Cic.* 20.2.

Terentia, but did not reveal their connection, which makes it difficult to gauge the role of Fabia in this episode. The Vestals presenting an attitude supporting Cicero's scheme of putting the conspirators to death can hardly be taken as their political inclination. In other words, Fabia's involvement in the Bona Dea festival did not raise suspicion, at least not from Plutarch and Dio Cassius, that she was exploiting her priestly office to favour her sister's husband.

The last activity of Fabia is attested in Cicero's private letter to his family. In 58 BC when Cicero was forced into exile and his property confiscated, Terentia took shelter with the Vestals, probably in the *Atrium Vestae*.⁴⁴ It seems common to translate "*a Vestae*" into "from the temple of Vesta", but if Terentia was to stay with the Vestals, she could have more plausibly lived in the house of the Vestals, rather than the temple, which was a sacred and secret domain. Though no precise speculation can be formed about her age, by this time, Fabia might have reached the rank of a senior Vestal, which enabled her to possess greater authority and to shelter her half-sister.⁴⁵ She could hardly provide any support than temporary accommodation. Cicero's exaggerated expression that Terentia was "*ad tabulam Valeriam ducta*" implies that the Fabia was unable to intervene on behalf of her enatic relative using her priestly status.⁴⁶

Among the three episodes of Fabia, she was predominantly remembered

⁴⁴ Cic. *Fam.* 14.2.

⁴⁵ For the three ranks of Vestals, see Plut. *Num.* 10.

⁴⁶ For earlier examples of the Vestals interceding in political matters, see Ridley 2000: 223; Gallia 2015: 78-9.

for the accusation of *incestum* with Catiline. The extent to which this accusation affected her priestly status and authority is uncertain. However, it is worth examining the textual representation of Fabia and the scandalous trial in historical sources. Prior to the case of Fabia, accounts of Vestals committing or being accused of *incestum* mostly focus on the licentiousness of the guilty Vestals, with little attention on the male culprit in the love affair. For instance, the three Vestals condemned of *incestum* in 114/3 BC (Aemilia, Licinia and Marcia) were depicted as corrupted and wantonly having a multitude of lovers.⁴⁷ In contrast, when relating the episode of Fabia's *incestum* with Catiline, the ancient authors tend to cast Fabia as a subsidiary figure to reflect Catiline's immorality and wantonness.⁴⁸ Fabia was not blamed for putting Rome at risk by surrendering her virginity, which was a typical criticism that her predecessors had received. Instead, being suspected of defiling a sacred virgin was regarded as proof of the moral degradation of Catiline, who had a guilty mind (*animus impurus*) and allegedly kept illicit connection with some females.⁴⁹ The authenticity of the alleged sexual deviance between Fabia and Catiline is covered in obscurity, but its disgraceful nature might explain why Cicero never mentions his sister-in-law directly in all his works, even if the *incestum* of 73 BC could be exploited to launch harsh attacks against Catiline. While Cicero avoided incriminating Fabia by not bringing up the case or the acquittal, other literary sources did not hesitate to connect Fabia with Terentia and Cicero, rather than with her

⁴⁷ Dio Cassius. fr. 87.3; Plut. *Mor.* 284B.

⁴⁸ For example, Sall. *Cat.* 15.1; Oros. 6.3.1.

⁴⁹ Sall. *Cat.* 15.1.

paternal family.

Conclusion

Fabia's religious activities, or more precisely the remaining records of her activities, were centred around the factional tension between opposite coteries. Her priestly status did not keep her entirely immune to political danger but might have made her an expedient and valuable target for religious prosecution. The accusation of *incestum* against Fabia and Catiline could be the result of party strife in the post-Sullan milieu. After gaining acquittal of the dishonoured crime, she was entirely connected with her half-sister Terentia. Her participation in the Bona Dea festival is implicitly indicated, and she was able to bring Terentia's family into the common dwelling of the Vestals for protection. Reconstruction of her personal experience provides a glimpse into the Vestals' participation in the political struggle in the 70s to 60s BC. The Vestals became more actively involved in public affairs due to family connections and perhaps growing personal initiatives. Individually, they could exploit their priestly position to defend themselves in trial and support their relatives from both agnatic and enatic connections. When acting collectively, their ability to provide religious counsels and potentially influence contemporary public affairs should also not be ignored.

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