

Roman Relationships: Rhetoric and Reputation

1 Introduction.

In one of the most striking attempts to regulate personal morality ever seen, the emperor Augustus promulgated a series of laws in 18 BCE which came to be known as the moral legislation. Among them was a law condemning adultery as a criminal offense, as a crime so serious that it commanded the same full public trial as murder or treason and merited for its punishment exile or death.¹ If a head of household caught a female dependent in the act of adultery, the legislation established his right to kill both the woman and her lover on the spot.² If a husband failed to prosecute an adulterous wife, the legislation branded him as a pimp.³ Augustus, signing these draconian laws into being, would have stood as a fierce adherent to and promoter of personal morality and fidelity.

However, the same man was embroiled in accusations of serial adultery himself barely fifteen years earlier. In a letter of the late 30's BCE that Suetonius claims to have seen, Marc Antony writes to Augustus, then known as Octavian:⁴

“What’s troubling you? That I’m having a go at the queen?⁵ Is she my wife? Have I just started this or has it been going on for nine years? So do you only have a go at your Drusilla? As you are a man in good health, I’m sure when you read this you’ll have been going at Tertulla or Terentilla or Rufilla or Salvia Titisenia or all of them.”⁶

What are we to make of these seemingly contradictory images, that of Octavian the philanderer and that of Augustus the promoter of strict marital fidelity? Did Antony exaggerate his claims, hoping in the bitter heat of rivalry to embarrass and therefore discredit Octavian? Should the moral legislation

¹ Edwards (2002) 39. Edwards pulls from scholars Peter Garnsey and Richard Bauman’s discussions of the *quaestio perpetua*, the permanent law court used for adultery, murder, and treason. Vell. Pat. 2.100.1-5 describes Julia’s exile for adultery. For other accounts, see Seneca, Pliny, Tacitus, Suetonius, Dio, or Macrobius.

² *Dig.* 48.5.21, Papinian.

³ *Dig.* 48.5.2.2, Ulpian.

⁴ Octavian and Augustus are one and the same; he was Gaius Octavius until 44 BCE, Gaius Julius Caesar Octavianus from 44 to 27 BCE, and Augustus from then on.

⁵ The “queen” in question is Queen Cleopatra of Egypt.

⁶ Suet. *Aug.* 69.

be taken literally as a genuine attempt to regulate intimate behavior? Or perhaps, more plausibly, did the laws overstate Augustus's true beliefs in a bid to fabricate himself an image of traditional Roman personal morality? In fact, if we pay attention to the rhetorical significance of Antony's claims and to the rhetorical and propagandistic importance of the moral legislation, a consistent picture emerges. Both the claims of adultery and insistence on fidelity were just that: claims, rhetorical assertions used in the negotiation of power.

In order to understand the moral legislation of 18 BCE, it is essential to appreciate the role of marital and extra-marital relationships in the rhetorical struggle between Octavian and Antony in the decades prior. In the years leading up to Octavian's decisive defeat of Antony and Cleopatra at the Battle of Actium in 31 BCE, the two rivals fought not only with armies and swords but also with words, with accusations of inappropriate intimacy often as the weapon of choice. No doubt verbal assaults flew from both sides, but most of the surviving accounts detail claims of Antony's romantic and sexual misbehaviors. Antony's flagrant sexuality rendered him naturally vulnerable to attack in the sphere of intimate relationships, and his status as the great loser of the Civil War, in which his affair with Cleopatra played an instrumental role, ensured the survival of numerous critical accounts, many of which we will consider below. As ludicrous as some of the claims about Antony's affairs and sexual behaviors may seem, these exaggerations and insults were a key part of the rivalry; each man not only sought to demolish the other's army on the battlefield but also to destroy his reputation. On a fundamental level, insults nominally about intimate relationships actually operated by criticizing a statesman's control, both over his self and his partner, thereby undermining his masculinity and ability as a leader.

When considering Augustus's prior involvement, as Octavian, in the hurling and receiving of accusations of inappropriate intimacy, we can immediately see the moral legislation as an attempt to elevate the virtue of his image; after all, what better way to leave behind any associations with sexual impropriety than by passing a law criminalizing adultery? As the legislation governed behavior behind closed doors, it would have been difficult to enforce. If we assume Augustus intended the laws to be enforceable in any serious way, he comes across as unrealistic and rather foolish; however, considering the legislation's optics renders it much more effective. In fact, we can take the

implications of the moral legislation a step further. Armed with the above understanding of the fundamental target of relationship rhetoric and with a close study of the law's content, we can understand the legislation as serving the rhetorical purpose of mandating that statesmen maintain control of themselves and power over their partners. The moral legislation would have contributed to Augustus's portrayal of himself as possessing great control and therefore as the stable, order-promoting leader needed in a Rome still reeling from civil strife and chaos. Thus, enacting the moral legislation enabled Augustus to rehabilitate his image and further enhance his reputation as a credible and stable leader by emphasizing his personal control.

2 Roman rhetoric in context.

Throughout Roman history, a man's personal reputation was inexorably tied to his worth as a statesman. A political opponent would discredit a rival's public policy by attacking his personal credibility;⁷ naturally, rhetoric often targeted a statesman's intimate relationships in order to tarnish his masculinity and perceived ability as a leader. The political importance of private affairs is captured aptly by the origins of the idiom that Caesar's wife must be above suspicion; after Publius Clodius Pulcher was accused of having snuck into the female-only religious festival of Bona Dea to seduce Julius Caesar's wife, Pompeia, the historian Plutarch writes that "Caesar lost no time in divorcing Pompeia, but when he was summoned to testify during the trial, he denied any knowledge of the charges facing Clodius."⁸ Both Caesar's immediate divorce of Pompeia and his refusal to publicly credit Clodius with infringing on his husbandly territory show that maintaining control over a faithful wife was crucial to a statesman's public reputation.

Just as Julius Caesar concerned himself not with ascertaining the truth of his wife's fidelity but rather with appearances, verifying the truth of rhetorical claims is not the goal of our study. Rather, we acknowledge the likely exaggeration of most claims while recognizing that there must be some grain of truth or shred of relevance in order for this kind of rhetoric to be at all effective.⁹ We

⁷ Arena (2010) 152.

⁸ Plut. *Jul.* 10. For more accounts, Edwards has collected citations of ancient sources that cover the incident; see Edwards (2002) 34.

⁹ Arena (2010) 158.

must take rhetoric in its historical context in order to understand its relevance, purpose, and target. In the relationship rhetoric concerning the period between the assassination of Caesar in 44 and the Battle of Actium in 31, the star of the show is Marc Antony. Because of his rivalry first with the famously prolific orator Cicero in the late 40s and then with the young Octavian in the late 30s, and because of the removal of his own voice with his death after Actium, Antony's love life has become a case study of ancient invective. The sources fall into two basic categories. The first consists of Cicero himself, a politician and orator of the late Republic who actively fought to uphold the values of the Republic as it slipped into one-man rule. He opposed Julius Caesar's dictatorship, Antony's support of Caesar, and Antony's later bid for power;¹⁰ Cicero therefore spared no aspect of Antony's life from his invective treatment, criticizing relationships from his youth to his time with Julius Caesar to the years leading up to Actium.

The second category contains the poets and writers of the age of Augustus; in contrast to the full coverage of the Ciceronian approach, these authors had a different and more nuanced goal. As the son of the deified Julius Caesar,¹¹ Augustus sought to elevate his father and therefore would have wanted Antony's time with Caesar to be treated more carefully; contemporary Augustan poets such as Horace and Virgil as well as the slightly later Velleius Paterculus built upon Cicero's portrayal of a wine-sodden, lustful, uncontrolled Antony while notably focusing their criticisms on Antony's conduct after Julius Caesar's death and on his relationship with Cleopatra. Both the Ciceronian and Augustan sources of course influenced later writers; Plutarch falls at the intersection of our categorization. He pulled heavily from Cicero, while also incorporating other sources such as Asinius Pollio whose texts no longer survive.¹² Plutarch's criticisms of Curio, from Antony's youth, fall under the Ciceronian umbrella while his treatments of Fulvia's role in the Perusine War and of Cleopatra, which certainly could not have come from the already-dead Cicero, are more Augustan. The Ciceronian sources criticize partners and relationships from Antony's life up until Cicero's death in

¹⁰ Plut. *Cic.* and *Jul.* describe Cicero's opposition to Caesar's assumption of power. Cicero's own *Second Philippic* makes clear his distaste for Antony's political and personal choices.

¹¹ Wallace-Hadrill (2010) 10.

¹² Cicero is cited by name in Plut. *Ant.* 6, in reference to Cicero's description of Antony as Helen of Troy. De la Bedoyere (2020) 12 notes the influence of the Augustan historian Pollio.

43 BCE,¹³ and the Augustan focus on his later associations, especially with Cleopatra, and paint a portrait of a good Roman general led astray.

3 *Marc Antony.*

As almost all our rhetorical material concerns Antony and his intimate relationships, his romantic life alone provides what amounts to a laundry-list of of who and how not to love in ancient Rome. Antony was accused of having had in his youth a submissive, homosexual relationship with Gaius Scribonius Curio.¹⁴ Antony then married his cousin Antonia, whom he divorced after she supposedly cuckolded him with his political rival Dolabella.¹⁵ Antony's next wife, Fulvia, was notoriously politically active, and her dominant role leading the Antonian side in the Perusine War against Octavian in 41 BCE is well noted by many sources.¹⁶ After Fulvia's death, Antony married Octavian's sister Octavia, who was supposedly the most upstanding of Roman matrons. Antony is also accused of having had many extramarital affairs; notably, Cicero accuses of him of having been sexually intimate with and submissive to Julius Caesar,¹⁷ and many sources recount his continuing affair with the actress Volumnia Cytheris.¹⁸ Of all his affairs, the most highly publicized and politicized was his relationship with Cleopatra, Queen of Egypt, whom Antony considered his wife while still being married to Octavia.¹⁹ Antony's alleged love interests hailed from many different walks of Roman society, from male to female, from low status to senatorial, and from citizen to foreign.

The virtue of control, or rather the lack thereof, underlies and ties together all these diverse exempla in Antony's life. The Ciceronian and Augustan criticisms operate by focusing on Antony's inability to tame his lust, control his partners, and maintain proper social dynamics; all of these

¹³ Beard (2015) 341.

¹⁴ Cic. *Phil.* 2.45.

¹⁵ Plut. *Ant.* 6.

¹⁶ Vell. Pat. 2.74.

¹⁷ Cic. *Phil.* 2.78.

¹⁸ Cic. *Phil.* 58.

¹⁹ Virg. *A.* 8.808.

intimate shortcomings gesture toward a greater lack of control and therefore lack of trustworthiness as a statesman. Criticizing Antony for lacking control would not have been difficult or implausible. Surviving rhetorical accounts paint Antony as wild and undisciplined in many spheres of his life, from drunkenness to profligate spending to great debt; Cicero criticizes Antony for all of these vices in his *Second Philippic*.²⁰ One of the most vivid of Cicero's claims is that Antony "drank such quantities of wine at the marriage of Hippias, that [he was] forced to vomit the next day in the sight of the Roman people...[filling] his own bosom and the whole tribunal with fragments of what he had been eating reeking with wine."²¹ Cicero not only points out Antony's unrestrained alcoholic debaucheries but also succinctly shows that it is precisely the excess of his drinking at a private event the night before that impacts his ability to control an assembly of "the Roman people" in the forum's "tribunal", the most public place in Rome. Given Antony's reputation for looseness, wilder claims about Antony's wanton intimate behavior would have held weight, not necessarily for their intrinsic truth but rather because a lack of discipline was widely considered a vice and therefore vulnerability of Antony's.

3.1 Antony's early life.

Proceeding chronologically through Antony's life and beginning with his youth, Cicero in his *Second Philippic* claims that Antony "assumed the manly gown, which [he] soon made a womanly one: at first a public prostitute."²² Obviously this allegation is far fetched. Since Antony was later able to become a respected Roman general, he presumably did not so publicly and completely debase himself in his youth. However, because Antony later developed a reputation for inappropriate and unrestrained relationships of all kinds, it would have been possible for Cicero to pile on even the unlikely accusation of prostitution. Notably, a prostitute has no control. The customer chooses the sexual acts, pays for, and effectively owns the prostitute. It is this lack of power and control which Cicero is criticizing in Antony. Being a prostitute changes Antony's gown from a "manly" one to a

²⁰ Cic. *Phil.* 2.20, 2.35.

²¹ Cic. *Phil.* 2.63.

²² Cic. *Phil.* 2.44.

“womanly” one; being submissive and without control loses Antony his masculinity and the very garb of the statesman. Cicero’s accusation weaves together many forms of insults, not only criticizing Antony’s lewd sexual behavior but also making classic invective assertions of a lowly profession and need for money or abundance of debt.²³ Both areas target a lack of control, from either a lack of power or lack of means.

Cicero claims that it was in fact Curio who ended Antony’s time as a prostitute. He writes that “no boy bought for the gratification of passion was ever so wholly in the power of his master as [Antony was] in Curio’s.”²⁴ Cicero is shaming Antony for being “in the power” of his partner, or as Cicero so deftly puts it, his “master.” It is unlikely that Curio actually “bought” Antony as a slave, but we see that being a slave to his emotions makes Antony equivalent in rhetoric to an actual slave. Antony was supposedly so infatuated and enthralled by Curio that he, “with night for [his] accomplice, lust for [his] encourager, and wages for [his] compeller, [was] let down through the roof” to see Curio since the lover’s father had “turned [Antony] out of his house” and “placed guards to prevent [him] from entering.”²⁵ Cicero claims that Antony was following his “lust” and was so desperate to see Curio that he was “let down through the roof,” emphasizing his lack of control through the passive verb. Antony is a slave to his desires, ignoring significant obstacles and repercussions such as physical harm and humiliation. In the portrait painted by Cicero, Antony’s lack of self control causes this humiliating situation; a statesman should be dignified, not dangling from a roof or thrown out of a house in desperation to see a lover.

After his supposed relationship with Curio, Antony married his cousin Antonia who then committed adultery with Antony’s rival Dolabella. At the time of the alleged affair, Julius Caesar had just routed his rival Pompey and set off from Italy to give chase, leaving Antony to maintain control in Rome. Plutarch, the later biographer who pulled heavily from Cicero for his material on Antony’s early life, uses Antonia’s adultery to call into question Antony’s ability to govern the state. In his *Life of Antony*, Plutarch writes that “Antony strongly suspected that he had been cuckolded by Dolabella.

²³ Arena (2010) 150.

²⁴ Cic. *Phil.* 2.45.

²⁵ Cic. *Phil.* 2.45.

He was furious about it, [and] threw his wife out of his house.”²⁶ By claiming that Antony could not enforce his own wife’s fidelity and allowed her to be taken sexually by a political rival, Plutarch casts doubt on Antony’s control over his own household and therefore upon his ability to control the state. Furthermore, Roman comedy often implied that men who allowed their wives to commit adultery did so because they actually preferred to be sexually submissive to other men.²⁷ Applying this implication to Plutarch’s treatment of Antony, accusations of being cuckolded would have further painted Antony as submissive, an object of comedy rather than respect, and therefore as someone who could not be trusted to effectively govern Rome as a statesman. We see how important these issues of control and power would have been to Antony; the situation of possibly being cuckolded is serious enough to make Antony “furious” enough to throw his wife from his house.

Many sources characterize Antony’s time presiding over Italy by his debaucheries, profligate spending, and general inappropriate abuses of power. Antony was notably accused of carrying on a prolonged affair with the actress Volumnia Cytheris during this time. Cicero writes that in a parade across Italy, preceding Antony’s own chariot, “on an open litter, was carried an actress; whom honorable men, citizens of the different municipalities, coming out from their towns under compulsion to meet him, saluted not by the name by which she was well known on the stage, but by that of Volumnia. A car followed full of pimps; then a lot of debauched companions; and then his mother, utterly neglected, followed the mistress of her profligate son, as if she had been her daughter-in-law.”²⁸ In Cicero’s account, Antony’s crime is that he has elevated a low-status partner to the respectable position of a wife. Cicero emphasizes that the actress is being addressed not by her appropriate name, that belonging to the disreputable “stage”, but rather as a respectable Roman by “honorable citizens.” Antony is treating Volumnia with more precedence than his own mother; allowing an inferior partner more legitimacy demonstrates Antony’s inability to maintain status boundaries and therefore undermines his respectability, just as being followed by a car “full of pimps” does.

²⁶ Plut. *Ant.* 9.

²⁷ Edwards (2002) 54.

²⁸ Cic. *Phil.* 2.58.

Antony's supposed reign of indulgence and governance of Italy ended when Julius Caesar returned victorious from Spain to reclaim full power in Rome. Cicero claims, in perhaps the most controversial assertion in his entire invective, that upon Caesar's return, Antony and Caesar engaged in an intimate affair. Cicero, referring to Caesar, claims that Antony "again became intimate with him... Caesar had this peculiar characteristic; whoever he knew to be utterly ruined by debt, and needy, even if he knew him also to be an audacious and worthless man, he willingly admitted him to his intimacy."²⁹ In Cicero's allegations, Antony would obviously be the submissive party, as Caesar is supposedly picking those "utterly ruined by debt" and "worthless". Cicero is shaming Antony for being sexually and monetarily in the power of Caesar. Again, the truth of the accusation is less important than the intention of the rhetoric; there must have been something that was seen as submissive and dependent about Antony for the insult to have carried any weight, and it is this submissiveness and lack of control and power that Cicero is fundamentally criticizing. Of course, it is Cicero and not an Augustan orator who levels this accusation that debases both Antony and Caesar. Antony's actual dependence on Caesar could simply have been his deference to Caesar as a loyal military lieutenant; Cicero however exploits every possible weakness to drive home his thesis that Antony lacked control. Cicero, Antony's most aggressive and effective early critic, was killed in 43 BCE. With his death, the invective against Antony's love life shifted in tone and content but did not disappear; the late 40's and 30's BCE, the years leading up to the Battle of Actium, were consumed by Antony's military and rhetorical struggle with Octavian.

3.2 The rivalry of Antony and Octavian.

After Julius Caesar's death, Antony and Octavian were left to vie for power in Rome. Antony's next wife Fulvia actively participated in the struggle, leading military action against Octavian in the Perusine War in the winter of 41-40 BCE; unsurprisingly, the Augustan line of rhetoric therefore contains much criticism of Fulvia. Specifically, Augustan rhetoric emasculates Antony by attacking his wife Fulvia's supposed lack of femininity. Plutarch writes that "Fulvia was a

²⁹ Cic. *Phil.* 2.78.

woman who cared nothing for spinning or housework, and was not interested in having power over a husband who was just a private citizen, but wanted to rule a ruler and command a commander...[she] tamed and trained [him] from the outset to obey women.”³⁰ All of Plutarch’s criticisms of Fulvia and her lack of femininity are truly criticizing Antony. By not caring about the traditional female occupations of “spinning or housework” and instead having an interest in “power” and “command”, Fulvia is stepping out of the realm of acceptability for “a woman.” Not only is there no mention of Antony trying to restrain Fulvia, but rather Plutarch claims that she “tamed and trained” and thus controlled him. In other words, Plutarch is attacking Antony’s masculinity and control; no one would obey a statesman who has been taught “to obey women”.

The historian Velleius Paterculus criticizes Fulvia’s role in the Perusine War along similar lines, writing that “Fulvia, the wife of Antony, who had nothing of the woman in her except her sex, was creating general confusion by armed violence. She had taken Praeneste as her base of operations; Antonius, beaten on all sides by the forces of Caesar, had taken refuge in Perugia.”³¹ Paterculus’s allegation that Fulvia “had nothing of the woman in her except her sex” refers to the fact that she had a position of power and agency, “creating” a situation by the use of “violence.” Paterculus is contrasting Fulvia’s domination of the battlefield with Antony “beaten on all sides” and further emphasizes Antony’s powerlessness with a passive verb; we the reader are shown the explicit contrast between Antony’s lack of power and the dominant Fulvia. The political implications here are clear. Antony is a failure twice over; he lacks the power not only to defeat his enemies but also to control his own wife.

Although Antony is now perhaps the most famous playboy of the years before Actium, Octavian himself was not immune at the time to accusations of inappropriate sexual activity. Returning to the Suetonius passage cited in the introduction, we recall that Antony accused the then Octavian of having “been going at Tertulla or Terentilla or Rufilla or Salvia Titisenia or all of them”³² while married to Livia. Suetonius’s Antony paints Augustus as driven by insatiable lust for woman

³⁰ Plut. *Ant.* 10.

³¹ Vell. Pat. 2.74.

³² Suet. *Aug.* 69.

after woman; unchecked desire does not make for a trustworthy statesman. Octavian's choice of reputational defense makes even clearer that the fundamental issue at stake here is self control. Suetonius writes that Octavian and his friends acknowledged his adulterous activity but provided the "excuse that his motive was not lust but policy, as he sought to find out the plans of his opponents more easily through each man's wife."³³ In other words, Octavian did not view the adultery in and of itself as a damning crime and therefore made no efforts to deny it. What he did counter was "that his motive was lust" since "lust" implies a lack of self discipline; being motivated by "policy" would have been perceived as far more strategic, calculated, and controlled.

Antony could have presumably offered a similar defense of his most famous relationship, that with Cleopatra. If he did defend himself however, there is no trace of it in the surviving sources, which almost universally condemn him for coupling with the Egyptian queen. Beginning chronologically with the development of their relationship, Plutarch is explicit in his portrayal of Cleopatra's manipulation and dominance. Describing their first private encounter, Plutarch writes that "Antony sent her an invitation to dinner, but she thought it preferable that he should come to her. Without a moment's hesitation he agreed."³⁴ Plutarch portrays the relationship as hinging on Cleopatra's decisions, on what "she thought" best. Antony submits, changing his plans "without a moment's hesitation" to oblige her. Although this encounter may seem small, as just a dinner arrangement, it gains importance from the broader, historical context. Antony was the preeminent Roman statesman at the time and Cleopatra a vassal, albeit a royal one, to Rome. By claiming Antony's inability to control the flow of a simple dinner arrangement, Plutarch gestures to a potential larger inability to maintain proper precedence, social order, and control over foreign provinces. In describing the progression of their relationship, Plutarch writes that Cleopatra "abducted Antony so successfully that while his wife Fulvia was fighting Caesar in Rome... he was carried off by her to Alexandria."³⁵ Plutarch could not be more explicit here; Cleopatra's domination of Antony, having

³³ Suet. *Aug.* 69.

³⁴ Plut. *Ant.* 26.

³⁵ Plut. *Ant.* 28.

“abducted” him, renders him unable to command the “fighting” in Rome and therefore a failure as a military leader.

Velleius Paterculus describes the supposed transitional moment, when Antony’s love for Cleopatra impelled him to turn from statesman to enemy of Rome. In chronicling the Civil War in his *Roman History*, Paterculus writes that as Antony’s “love for Cleopatra became more ardent and his vices grew upon him - for these are always nourished by power and license and flattery - he resolved to make war upon his country.”³⁶ Paterculus claims that Antony was in thrall to his “ardent” feelings and his “love,” a passive picture further augmented by the creeping, insidious image of vices growing upon him. Antony does not have the discipline to check his emotions and therefore follows his love into betraying his fatherland. His lack of control, letting his emotions run rampant, causes him to fall as far as a statesman can, committing the most heinous act of making “war upon his own country.”

3.3 Actium.

That “war” between Antony and Octavian culminated in the Battle of Actium in 31 BCE, fought off the eastern coast of Greece, with Antony and Cleopatra lining up against the forces of Octavian and his lieutenant Agrippa. Many authors used the Battle of Actium to criticize Cleopatra’s control over Antony. Horace, a poet and special favorite of Augustus,³⁷ unsurprisingly strips Antony of his agency altogether, leaving him completely unmentioned in his descriptions of the Battle of Actium. Horace’s *Ode* 1.37, dubbed the “Suicide of Cleopatra” ode, describes Cleopatra as the sole military commander; Antony is shown as having absolutely no control over her or the battle by his total absence from the ode. Furthermore, Horace writes that Cleopatra was acting “not in women’s fashion” and was “no humble woman” which diminishes Antony’s agency, masculinity, and control for allowing his lover to assume power in holding the man’s role of military command.

The equally well known commentary of Virgil, a poet who had a close relationship with Augustus and Augustus’s friend, the literary patron Maecenas, is slightly more subtle but still

³⁶ Vell. Pat. 2.82.

³⁷ Suet. *Horace* 1.

portrays Antony's loss of nationality, agency, and control.³⁸ Virgil's epic, *The Aeneid*, describes the journey of pious Aeneas, Rome's mythical founder, from Troy to Italy and provides commentary throughout on the characteristics of an ideal Roman leader. In Book 8 of *The Aeneid*, Virgil describes the Battle of Actium embossed on Aeneas's new shield and highlights Antony's foreign conversion. Octavian is of course pictured on the Roman side "and opposing them comes Antony leading on the riches of the Orient, troops of every stripe."³⁹ On first read, it may seem that Virgil's Antony still has agency since he is "leading on" an army. However, we see Antony's lack of control in another way, through his conversion to Eastern culture. Antony is now "of the Orient"; Cleopatra has converted him to Eastern ways, lowering his status from that of a Roman general to someone who leads "troops of every stripe". Virgil is implying that Cleopatra has exerted control over Antony to such an extent that he has entirely lost his Roman identity and therefore all standing and respect as a Roman statesman. Further on in his description of Actium, Virgil also chooses to note that "in the thick of it all the queen is mustering her armada." Cleopatra is actively engaged in the "thick of" battle, and the armada is "her" armada; the outrage here is that Cleopatra, not Antony, is in the role of agency and commands the military. While Cleopatra holds the power, Antony is rhetorically diminished to an Eastern consort, lacking control over his lover, the troops, and the battle. Antony's lack of agency allows Augustan rhetoric to describe the clash as foreign rather than civil, which would have elevated, cleansed, and justified the purpose of the war; Cleopatra's control over Antony and his uncontrolled feelings for her effectively cause him to switch sides.

Virgil references Cleopatra's foreign status pejoratively throughout his description of Actium; he writes that Cleopatra was "clacking her native rattles"⁴⁰ as "Anubis barks and the queen's chaos of monster gods train their spears."⁴¹ Virgil considers the Egyptian instruments of war to be primitive and barbaric, calling them "rattles" and describing their sound as "clacking." He also characterizes the Egyptian gods as making up "chaos" and as monstrous, portraying them as more primitive than

³⁸ Donatus *Life of Virgil* 27.

³⁹ Virg. *A.* 8.803-804.

⁴⁰ Virg. *A.* 8.17.

⁴¹ Virg. *A.* 8.19.

their Roman adversaries. Virgil then lays out Antony's true crime, describing Cleopatra as "that outrage, that Egyptian wife!"⁴² The "outrage" is that the "Egyptian" is Antony's "wife." Elevating a foreigner, someone of lower status, to a position of more respectability and therefore power is the problem. In fact, Antony already had a wife, a Roman wife, Octavia; his elevation of Cleopatra is even more inappropriate. Antony should have maintained the power differential over his foreign partner rather than giving up his masculinity and relative power by affording her more legitimacy as a wife.

Stepping back from Actium, Virgil had in fact already prepared his readers to be critical of a Roman statesman who apparently could choose a foreign love over Roman duty. In *The Aeneid*, Aeneas's relationship with Queen Dido of Carthage has many parallels to Antony and Cleopatra; both concern Roman statesmen in love with a foreign queen. Given that Virgil most likely penned *The Aeneid* in the decade directly after Actium and under the influence of Augustus,⁴³ the relationship between Aeneas and Dido conveys Virgil's commentary on Antony's affair with Cleopatra. While both Aeneas and Antony love an Eastern queen, Aeneas underscores what Antony failed to do; he masters his emotions, leaves his lover, and resumes his duty as a proper Roman leader should and as Antony did not. Virgil writes that after Mercury descended from Olympus to tell Aeneas it was his duty to proceed on to Italy, Aeneas, with "his gaze held steady, \\\ fought to master the torment in his heart."⁴⁴ Virgil fully acknowledges that anyone in Aeneas's or Antony's position would have tremendously painful "torment in his heart". However, Aeneas diverges from Antony in how he handled these emotions; Aeneas had the self control "to master" his wrenching heartbreak in the face of duty, whereas, although similarly entreated many times to return to his correct place in Rome,⁴⁵ Antony failed to master his emotions and remained with Cleopatra.

Virgil provides even further insight into Aeneas's emotions and discipline. Although "he longs \\\ to ease and allay [Dido's] sorrow, speak to her, \\\ turn away her anguish with reassurance,

⁴² Virg. *A.* 8.808.

⁴³ Cooley (2003) 96.

⁴⁴ Virg. *A.* 4.14-15.

⁴⁵ Plut. *Ant.* 53.

still, \ moaning deeply, heart shattered by his great love, \ in spite of all he obeys the gods' commands."⁴⁶ Again, Virgil's emphasis is on how Aeneas, although he "longs to ease and allay [Dido's] sorrow" and is "shattered by his great love," still manages to control his powerful emotions to follow "the gods' commands". Through holding up Aeneas as a foil, Virgil makes the case that it is Antony's lack of self discipline which ultimately prevented him from being a virtuous, dutiful, and successful statesman.

All the varying ancient sources - the many orators, poets, biographers, and historians - condemn Antony's inability to maintain the discipline, power, and standing required of a true statesman. Antony was the preeminent example of a Roman leader overtaken by vice; his portrayal demonstrates that relationship rhetoric truly spotlighted the characteristic of control. Lacking control leads to social debasement and therefore a lack of respect and ability as a leader. This inexorable connection between a statesman's personal control and his public authority provides a useful springboard for rethinking the moral legislation of 18 BCE. The legislation was striking, strict, but hard to enforce; the laws were significant not for any actual enforceable governance of intimate behavior but rather for their rhetorical weight in the early Augustan establishment of power.

4 Rethinking the Moral Legislation of 18 BCE.

The moral legislation of 18 BCE has been considered and interpreted in many ways throughout the millennia.⁴⁷ Its provision regarding adultery particularly stands out as bold and unique and therefore naturally begs scholarly interpretation. The moral legislation's law against adultery, called the *lex Julia de adulteriis*, formally defined and restricted acceptable sexual and romantic relationships for the senatorial elite. The specifications of the law are preserved by several later Roman jurists who made specific studies of the law as part of efforts to codify the entire Roman legal

⁴⁶ Virg. *A.* 4.96-100.

⁴⁷ For instance, Horace claims that his times were so debauched that they needed a leader "to curb lawless license" through explicit decree (Horace *Odes* 3.24); of course, Horace's account must be considered with Augustan influence and motivations in mind. Zanker (1988) believes Augustus genuinely sought to "improve sexual ethics" of the senatorial elite. Probing further into the socio-political ramifications, Edwards (2010) reads the legislation as targeting female sexual license, and another, Eck (2007), understands the legislation as ensuring legitimacy of offspring to preserve elite traditions and legacies.

corpus. As recorded by third century jurist Ulpian, the law decreed “let no one hereafter knowingly and with evil intent commit *stuprum* or adultery.”⁴⁸ To be precise, “adultery is committed with a married woman; *stuprum* is committed with an [unmarried woman], or a virgin or a boy.”⁴⁹ The legislation made no move to restrict sexual relations between male citizens and slaves or prostitutes.⁵⁰ Although the moral legislation nominally promoted fidelity, it actually promoted control for Roman citizen men. It was unacceptable for a statesman to debase himself through submitting sexually to another male or to disgrace other men through violating their respectable female dependents; however, it was perfectly acceptable for a man to have extramarital affairs so long as his partner was someone over whom he had social control such as a slave.

The legislation furthermore specified the various punishments for committing the newly criminalized act of adultery, including the right of fathers and husbands, in specific circumstances, to kill adulterers. Another third century Roman jurist, Papinian, records that “a father is given the right of killing an adulterer along with a daughter whom he has in his power; therefore no other class of father, including a father who is a son-in-power,⁵¹ may do this lawfully.”⁵² Husbands were sometimes allowed to kill adulterers; “a husband, even one who is a son-in-power, is allowed to kill an adulterer caught in his house, if he is a slave, or someone who has taken the gladiator’s oath, or one who has hired out his services to engage in combat with wild animals...[or one] who has previously been convicted in a criminal court, or a freedman.”⁵³ Those sanctioned to kill the guilty parties were those with the largest power differential; an aristocratic father who headed his household, a *paterfamilias*, had to maintain his “power” over his family, and a husband should not allow himself the shame of being cuckolded by those of low social status such as criminals or gladiators. Killing rarely happened in practice; therefore, the right to kill provided by the legislation is much more compelling and logical when seen as a rhetorical promotion of male citizen control in a relationship.

⁴⁸ *Dig.* 48.5.13.12, Ulpian.

⁴⁹ *Dig.* 48.5.6.1, Papinian.

⁵⁰ Wallace-Hadrill (2018) 94.

⁵¹ The *paterfamilias* was the eldest male member and head of the household; a son-in-power was any male dependent who answered to a *paterfamilias*, Rheinstein and Glendon (2018).

⁵² *Dig.* 48.5.21, Papinian.

⁵³ *Coll.* 4.3.1-4, Paul.

Perhaps most striking of all, the legislation required husbands to bring due process against an adulterous wife or be prosecuted themselves for pimping. Ulpian writes that “the crime of *lenocinium* (pimping) is laid down by the Julian law on adulterers, since a penalty is appointed for the husband... who, after his wife has been caught in adultery, retains her.”⁵⁴ Forcing a husband to leave or prosecute his adulterous wife would not undo the act of unfaithfulness; the penalty was not enforcing fidelity so much as control. It was essential that a husband prosecute his wife in order to properly regain his masculinity and exert his personal authority. These punishments were significant for the values they espoused, not for actual enforcement; in keeping with the true target of relationship rhetoric, the moral legislation promoted the characteristic of control for Roman statesmen.

The immediately obvious consequence of the moral legislation was to elevate Augustus’s virtue from any stains of adultery. As noted above, Augustus’s pre-Actium involvement in both the receiving and slinging of accusations about adultery would have hurt his credibility as a politician. Being accused of adultery pointed to a lack of self control, and even his own accusations against Antony would have hurt his image; being associated with that sort of rhetorical mudslinging would have lowered Augustus’s dignity as a statesman. Thus, enacting the moral legislation, which even bore his family name as the *Leges Juliae*, would have been a highly public repudiation of any associations with adultery, thereby firmly establishing Augustus as personally virtuous, controlled, and credible as a leader.

Of course, in addition to rehabilitating Augustus’s reputation directly, the moral legislation would have also enhanced Augustus’s image relatively by condemning his past rival Antony. Although the moral legislation was enacted around a decade after Antony’s defeat, he would not have completely faded from political consciousness, remaining as a symbol of vices overpowering virtues in a statesman. Certainly, Antony was fresh enough in societal memory for Velleius Paterculus to condemn him so strongly a generation after his death. Therefore the moral legislation, in addition to elevating Augustus’s own image, would have also directly discredited Antony by condemning those vices for which he was best known. This specific battleground of relationship rhetoric and the

⁵⁴ *Dig.* 48.5.2.2, Ulpian.

subsequent attack on Antony's personal control was especially well chosen because it accommodated other positive aspects of Antony's image. The characteristic of lack of control is compatible with the possession of other virtues. For instance, as discussed above, Augustus would have wanted to tread carefully around Antony's service to Julius Caesar; criticizing Antony's unrestrained passions and therefore his control would still have accommodated good service as a Caesar's lieutenant.

Taking a step back, we also understand criticism of intimate relationships to be a tool particularly suited to Augustus's post-Actium image of magnanimity. Augustus, having won the Civil War, was faced with the task of creating for himself a position of power while still on the surface promoting and restoring the practices of the Republic. Appearing to forgive, encourage, and accept differing opinions would have been important for casting himself not as a tyrant but rather a supporter of the Roman practice of political competition.⁵⁵ Indeed, Augustus nominally restored the practices and traditions of the senate and reinstated popular elections.⁵⁶ On the surface at least, Augustus appeared to encourage diversity of opinion. An amusing account survives of Augustus encountering a merchant possessing two ravens, one trained to say "Hail, Caesar, our victorious commander-in-chief" and another trained to say "Hail, Antony, our victorious commander in chief"; supposedly, Augustus found the situation entertaining and understandable rather than offensive.⁵⁷ Whether or not Augustus actually found this practical merchant amusing and whether or not this encounter ever occurred is not our concern; what matters is that Augustus had a reputation for accommodating other political opinions. Applying that magnanimity to the moral legislation, Augustus would have been able to discredit opponents who failed to meet the law's standards of fidelity and thus control, while still accommodating testaments to their other virtues. For instance, we consider Antony. Plutarch, drawing presumably on a more directly Augustan source which no longer survives, characterizes Antony as generous, eager to please, courageous, and a man of the people.⁵⁸ None of these virtues contradict his lack of control in his intimate relationships; in fact, several even

⁵⁵ Wallace-Hadrill (2018) 36.

⁵⁶ Wallace-Hadrill (2018) 37.

⁵⁷ Macrobius, *Saturnalia* 2.4.29.

⁵⁸ Stadter (2008) 361.

feed into it when generosity becomes profligacy and eagerness to please becomes subservience. Augustus could have and apparently did allow such positive characterizations to survive because they in no way blunted the thrust of his relationship-rhetoric based argument against Antony's control. The advantage of the moral legislation and the sphere of relationship rhetoric in general would have been its ability to thoroughly undermine the credibility of a statesman, such as Antony, while still acknowledging his other virtues.

Considering further the specific historical context of the moral legislation, the characteristic of control was particularly necessary for a leader in the years directly following the Civil War. Order was needed to follow the military, societal, and personal chaos and destruction. The moral legislation, through standing as a public testament to Augustus's personal control, would have enhanced his stability and therefore desirability as a leader. Horace speaks to the scarred and troubled consciousness of the time in his ode describing Pollio's History of the Civil Wars, writing to Pollio that "you walk over fires still burning beneath the treacherous ash. Let it not be long before your stern tragic Muse returns to the theatre; soon, when you have set the nations's affairs in order." The "fires still burning" refer metaphorically to the hurt, pain, and grief still smoldering in Roman consciousness after the divisions and violence of civil war. We also note Horace's desire for peace as he calls for someone to end the chaos and notably establish "order."

Virgil, writing in the decade or so after Actium, also calls for the establishment of control and order over chaos throughout *The Aeneid*. As the winds stir up chaos over the ocean in Book One, Virgil writes that Neptune "the mighty god, \\\ stirred to his depths, lifts his head from the crests \\\ and serene in power...[then] calms the heaving seas, \\\ putting the clouds to rout and bringing back the sun.""⁵⁹ Virgil demonstrates the opinion that in the early Augustan, post-Actium times, the ideal leader, here represented by "the mighty god", has "serene power" and "calms" the previous chaos. In other words, the leader needed after a time of strife and violence is someone who is personally controlled and can exercise that control to impose order on the rest of society. Virgil himself makes the explicit connection to a statesman calming distressed people by writing that Neptune here is like

⁵⁹ Virg. *A.* 1.148-150.

“a man among [the rioting populace], one whose devotion and public service lend him weight...rules their furor with his words and calms their passions.”⁶⁰ We understand the need for an ordering-bringing leader in these troubled times after Actium; the moral legislation would have promoted Augustus’s image as the sort of personally controlled statesman needed. Indeed, portraying himself as an agent of order fits with Augustus’s other actions; for instance, after large fires at the end of the first century BCE, Augustus zoned Rome into several regions, set up seven fire stations, and assigned magistrates to oversee this new fire department. He also equipped a force of freedman with the gear and legal rights to put out fires throughout the city, making Rome’s first official fire brigade.⁶¹ Reminiscent of Horace’s poem, Augustus literally put out the fires of chaos, calming the disorder and imposing control.

5 Conclusion.

Augustus’s portrayal of himself as the ultimate agent of order is perhaps best captured by the title of which he was apparently most proud: *Pater Patriae*, father of his country. In 2 BCE, Augustus was proclaimed *Pater Patriae*, establishing him as the father-figure responsible for order and control over the entirety of Rome, as if the whole state were his family to manage and lead. Ironically, in the same year, Augustus discovered that his daughter Julia had been flouting his very own marital laws, reportedly committing adultery on the same rostra upon which he had enacted the moral legislation. Augustus brought Julia’s adultery before the senate and then exiled her.⁶² Painted into a corner by his own rhetorical proclamation of control, Augustus, as the father of both his daughter and his state, would have had no choice but to exercise control over his emotions, his child, and his citizen body by upholding his legislation.

Although Augustus may be one of the most famous figures in the sphere of personal intimacy, the deep connection between private behavior and public authority is by no means a purely Augustan phenomenon. One of Rome’s most famous foundational myths is the Rape of Lucretia;

⁶⁰ Virg. *A.* 1.178-181.

⁶¹ Suet. *Aug.* 65 describes how Augustus handled varying familial infractions including Julia’s adultery. Wallace-Hadrill (2018) 68 provides a summary of Julia’s specific case.

⁶² Vell. Pat. 2.100.1-5. For more accounts, see Edwards (2002) 61.

Sextus Tarquin, the son of Rome's last king, is said to have raped a Roman matron, Lucretia. He is damned for his uncontrollable lust, and Lucretia takes her own life in an effort to keep any shadow of shame from falling on her husband. In the foundational myth, the Rape of Lucretia is the very catalyst for Rome's expulsion of monarchy and rebirth as the Republic.⁶³ Today we understand Lucretia's suicide as a tragic example of societally-driven internalized blame; however, for Romans throughout the age of the Republic, Lucretia was a martyr and paragon of virtue for her dedication to her husband's reputation, derived as it was from notions of personal control.

Looking forward nearly two and a half millennia, although some frameworks for judging personal morality and acceptability have changed from ancient Rome to today, the concepts of sexuality, masculinity, and power remain as deeply intertwined as ever. First Lady Michelle Obama records in her memoir how political opponents cast aspersions on her femininity in an effort to shame President Obama.⁶⁴ These seemingly crude accusations were hurtful enough for the First Lady to mention them; the First Lady's femininity, the President's masculinity, their marital dynamics, and his power over the United States of America are conflated in our social consciousness.

The entire concept of rhetoric relies on a particular transhistorical human phenomenon, our tendency towards bias. Rhetorical exaggeration, whether in the form of praise or invective, only carries meaning when we the audience have a preexisting opinion. Consider for instance the emperors Augustus and Nero, who have come to stand as models for the quintessentially good and bad emperor, respectively. History calls Augustus the father of his country who left Rome a city of marble.⁶⁵ On the other hand, any mention of Nero immediately calls to mind his wild sexual debaucheries and the famous image of the emperor fiddling while the city of Rome burned,⁶⁶ a portrait likely created or at least encouraged by the Flavian emperors who assumed power after Nero.⁶⁷ Because of existing conceptions, historians, from the ancient to the modern, have interpreted

⁶³ Liv. 1.58 describes the Rape of Lucretia; Livy's account gives just as much, if not more, insight into the social consciousness of his time (the late Republic) as it does the 500's BCE.

⁶⁴ Obama (2019) 7.

⁶⁵ Suet. *Aug.* 28. describes Augustus uttering the famous words.

⁶⁶ Beard (2015) 398.

⁶⁷ Beard (2015) 404 acknowledges the likely Flavian hand in creating Nero's image and points to other ignored positives.

almost all of the available facts to fit their theses on these emperors' virtues and vices. Augustus's numerous temples and forums, inscribed as they were with the Julian name, are classified as generous and civic minded.⁶⁸ Conversely, Nero's immense building project must have been a personal palace, a 'Golden House', and certainly not a public work for the people.⁶⁹ Augustus's encouragement of culture and games is to be admired,⁷⁰ while Nero's passion for music is seen as a selfish preoccupation.⁷¹ From modern day, one of the most egregious examples of spurious claims feeding off of existing bias is the birther conspiracy; building upon the United States' history of slavery, existing racism, and growing xenophobia in response to globalization and immigration, the so called "birthers" reinforce their alienation of President Obama as "other" by repeating obviously false claims he was not born in America.⁷² Whether speaking of propaganda from thousands of years ago or insults today, we as humans like to preserve our world view. We ignore alternatives and augment our opinions. We try to preserve and solidify our own reality wherever we can, drawing on the power of the written and spoken word.

⁶⁸ Vitruvius, *Preface* 1.1-3.

⁶⁹ Suetonius, *Nero* 31.

⁷⁰ Tacitus, *Annals* 1.54.

⁷¹ Suetonius, *Nero* 20.

⁷² Oprysko (2018).

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