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Agrippina's Fecundity: Reinterpreting Augustan Marital Law in *Annals* III

This paper explores the presentation of women and laws affecting women immediately before and after the excursus on the origins of law in *Annals* 3, the most female-centered book of either the *Annals* or the *Histories* (Milnor 149ff., Woodman and Martin 1996: 11-17). This is best exemplified through the character of the Elder Agrippina, whose initial presentation as ideal Republican matron encounters a dramatic reversal of both power and persuasion between the funeral procession of Germanicus that opens book 3 and her failure at all actions in the public sphere thereafter. Before the excursus, she gains praise for following Augustan marital law while other women turn to adultery, but afterwards her innate vice of the desire for wealth and power comes to the fore.

The laws referenced in this paper are the *Lex Oppia* of 215 BC, the *Lex Iulia de maritandis ordinibus* (and *lex Iulia de adulteriis coercendis*) of 18 BC, and the *Lex Papia Poppaea* of AD 9. Although the Augustan laws failed to bring old Republican values into the present (Milnor 145-6 on *Res Gestae* 8.5), the family of Germanicus and Agrippina provided an *exemplum* for the positive potential of the *lex Iulia de maritandis ordinibus* to encourage couples to have children (Suet. *Diu. Aug.* 34), and is respected for this in *Annals* 1 and 2. Indeed, Agrippina's display of their six children during the funeral procession of Germanicus gains respect for her husband's life *uno matrimonio, certis liberis* (2.73).

In the *Annals*, before the excursus on the origins of law, the *lex Iulia de adulteriis coercendis* is used to explicate the failing morality of women, as represented through adultery trials, condemnations, resulting legislation, and the fall of formerly noble families (e.g. Appuleia Varilla, 2.50; Vistilia, 2.85; Aemilia Lepida, 3.22-3; Decimus Iunius Silanus, 3.24). The necessary *moderanda* of the *Lex Poppaea* in 3.25 emphasizes the futility of the Augustan laws, and their ineffectuality provides Tacitus with the impetus for the excursus at 3.25-28 (Woodman and Martin 1996: 236-8).

After the excursus, the domestic focus on the fall of womanly virtue turns to the public role of women and the rise of their desire for power and wealth. The debate between Caecina Severus and Valerius Messalinus at 3.31-4, through their reference to the *Lex Oppia* of 215 BC, invites a comparison with the debate over this law in Livy 34 (Ginsburg 89-96, Milnor 180-5). Past scholarship has discussed the passage as evidence for changes in Roman social attitudes towards women in public life (Milnor 183, Marshall 11-18, Ginsburg 88 n. 12); however, scholarship has yet to recognize fully the importance of the *Lex Oppia* references as parallel to the *Lex Iulia* and *Lex Poppaea* references, and the possible political and social implications of the laws mentioned on the characterization of individuals in the *Annals*.

In the case of Agrippina the Elder, the ideal Republican matron (McDougall 104; Syme II.535), the marked shift from an emphasis on marriage and family to an emphasis on female power results in a change in Tacitus' characterization of the wife of Germanicus, as well as Tiberius' treatment of her within the *Annals*. This is exemplified in the three instances which emphasize her fecundity (1.41, 2.43, and 4.12). Before the excursus, the soldiers praise her fecundity at Germanicus' camp on the Rhine (*ipsa insigni fecunditate* 1.41), and her fecundity sets her above the wife of Drusus (*Agrippina fecunditate ac fama Liviam uxorem Drusi praecelebat* 2.43).

However, after the excursus on the origins of law, her fecundity becomes a negative expression of her desire for power. The military power she displayed at 1.69 turns sour, as the very thing Caecina speaks against in 3.33.3-4. Her persuasive powers fail in defending her cousin Claudia Pulchra from charges of adultery (4.52). Finally, Sejanus accuses her of using her large family as fodder for her claim to the empire (*superbam fecunditate* 4.12), an intimation which results in her exile to Pontia in AD 29, and her eventual death. After her death, Tiberius charges her with adultery and the male preoccupation with power (6.25), thus completing the disgrace of one of the few imperial women who continued to respect the laws of Augustus after Tiberius' accession to power.

The use of the excursus as a focal point in Tacitus' presentation of the laws which affected imperial women allows for a sea change between the domestic and public focus in the characterization of Agrippina the Elder. I hope that the perspective presented in this paper will shed light on the characterization of imperial women in the *Annals*, and how Agrippina's conformity to the *Leges Iuliae* is used to portray a positive slice of her character under the Tiberian principate.

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