Chapter One
Introduction

1.1 Engendering the Future

Cassandra. Pythia. Sibyl(s). Tiresias (and, by extension, Manto). When one thinks of individual diviners in the ancient Mediterranean, there is a heavy Greek bent to the answers. Examples can be found in Rome's mythic past – Tanaquil, for one – but even these often have a foreign flavour to them: in Tanaquil's case she is explicitly portrayed as an Etruscan who comes to Rome.[1] One line of reasoning for this is that, as John North once noted, there appears to be a lack of named individuals in Roman divination: though the Romans had extensive and, to some extent, embedded divinatory traditions underpinning their political and religious systems, emphasis was placed on collegial positions and offices, rather than on any particular person.[2] But these traditions, positions and offices, as impersonal as they seem, had specific (though often implicit) identity-based rules signalling who was "allowed" to practise, and to be successful at, divination. It is these identity markers that make up the individuals we can and do find in Roman divination.

But with these diviners, what is also unusual for listing individuals (real or mythical) in the ancient world is that one also finds a bent towards women. This is not exclusive, and of course a number of men can be found in the surviving traditions: Calchas and Mopsus on the Greek side; Tages and even Romulus, as augur, on the Italic. But despite the fact that this is not (on the surface) a gender exclusive area – and indeed perhaps because of this fact – there are very specifically gendered rules that form divinatory traditions.

In this book, then, I am aiming to demonstrate the ways in which those rules of gender stood in the late Roman Republic: who was *allowed* to divine? how did their

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1   Cf. e. g. Liv. 1.34.4–6 for her marriage to Lucumo, a fellow native of the Tarquinii, and her plan for them to migrate from their homeland.
2   North 2000a, 93; cf. also Scheid 1993; 2013; Rüpke 2011. This is not to say that individuals cannot be found, but the political and religious systems hindered those individuals from acting completely in their own name: Davies 2004, 65–7; Belayche 2013; Rüpke 2013a; 2013b esp. 16. For the idea of embedded religion, see Kindt 2012.

gender role play into their presumed ability as well as the sanctioning of their practice? in what ways did gender play an implicit, if important part in the construction and performance of the divinatory traditions of the period?

Before we can start to answer some of these questions, there are a number of concepts that, though fluid, must be given at least a working definition. The following three sections will each develop the two areas that are the themes of this book, divination and gender, culminating in a discussion of the theory of performativity and its use for understanding the role of both these topics in the ancient world. The final two sections of the introduction will turn to the themes of the chapters that make up this book and to an opening case study of Fabia, the Vestal Virgin, who will provide us with some initial thoughts on the interaction of gender and divinatory practice in the late Roman Republic, and become a touchstone for the other case studies we meet in these pages.

1.2 Divining Definitions

Both divination and gender are subject areas rife with the idea of binaries. These come out in various forms, from feminine/masculine and sex/gender to religion/magic and truth/deception.[3] These can be useful to understand the different ways people and actions were seen and the responses they garnered in the ancient world (as much as the modern). The problem with binaries, however, is that their imposition hides the fact that there is always a lot of grey in the middle, and things can often include elements of both sides – or be party to neither. In this introduction, I will be addressing some of the issues that surround these; I am not proposing that we do away with categorisation completely – that would only serve to create even more issues – but that we understand binaries as much more open. By this I mean understanding that, no matter how strongly set a binary may appear, either in contemporary understanding and scholarship or in the ancient sources themselves, there are always points between and outside of the apparent integers, and even (sometimes) fluid movement across them is possible. Definitions and categories are only useful as far as they define that which fits within them, with the understanding that things can and do go beyond.

The first, and perhaps most accessible fluid concept to approach is the temporal boundaries I have placed on this work. "The late Roman Republic" as a periodisation is deliberately vague: it is a time when most of our literature from the (still broadly defined) Republican period comes, and a time on which the study of intellectual history, and, by extension, religious history, is often focused, partly thanks to the extensive

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3   Lyons 1997 has highlighted male/female and mortal/divine as being two of the most important
     distinctions, at least for the Greeks. See also Bremmer 1998, esp. 24–31, for a history of the opposi-
     tion of "sacred" and "profane" in the history of religion.

survival of Cicero's writing.[4] But the divisions become less stable when we consider the extent to which the developments of that age are informed by the earlier Republican period, and in turn, as Harriet Flower has demonstrated, the "late Republic" as a periodisation is defined and shaped by the preoccupations and biases of Imperial authors such as Livy and Appian looking at a political structure defined by the fact that it ended.[5] I focus on the period broadly comprising the latter half of the second century BCE to the first half of the first century BCE, understood as "the late Republic", then, but with the understanding that texts of and informed by both earlier and later periods are central to my arguments, and our understanding of this period.

As Greg Woolf has commented, the Republic (and particularly the late Republic) is also a central period for the study of ancient religion due to the way the centrality of the city has been the focus of scholarship on "*polis*-religion".[6] Although the city of Rome as an institution in and of itself does play a role in much of the divinatory traditions discussed through this book, it is important to remember that it is still possible to look beyond this framework, to see the diviners and other social actors affecting and affected by the divinatory traditions.

This leads us to the question of what precisely divination is. Cicero opens his treatise *De Diuinatione* ("*On Divination*", henceforth *Div.*) by defining the practice as "foreknowledge and the practice of discovering future events".[7] There is an echo of this in contemporary popular understanding, which focuses on the idea of divination being about revealing the future. Yet, whilst this is unquestionably an aspect of the subject, this is a very narrow classification that does not fully encompass divination in either Roman or comparative practices. Taking into account Cicero's definition, but also encompassing popular understandings, both ancient and contemporary (as will be seen throughout this book) my own working definition of divination is that, broadly put, it is *a standardised process of understanding signs and their interpretation, by which a person – or society – is or appears to be able to gain access to knowledge otherwise unattainable, concerning matters or events in the past, the present and/or the future*.[8] This definition

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4   Cicero's centrality to the world of the late Republic, despite his atypicality, is, unfortunately, inescapable. As Elizabeth Rawson once wrote: "Above all, [the study of] intellectual life in the Ciceronian Age without Cicero himself must be Hamlet without the Prince" (1985, vii).

5   Flower 2010, esp. 3–17.

6   Woolf 2009, esp. 239–241. The *polis*-religion model was first outlined by Sourvinou-Inwood in 1990, reprinted as Sourvinou-Inwood 2000a; cf. also Sourvinou-Inwood 2000b. For criticisims of this model, in the study of both Greek and Roman religious practice, see Woolf 2003; Kindt 2009; Eidinow 2011.

7   Cic. *Div.* 1.1: *praesensionem et scientiam rerum futurarum*. For a thorough discussion of this text and its author's place in the construction of divination in the late Roman Republic, see chapter **2: Marcus**.

8   There have been many attempts to provide definitions and comparative models for both classical and contemporary divination: cf. e.g. Blacker and Loewe 1980, 1; Peek 1991, 2; Nissinen 2010, 341; Raphals 2013, 1; Trampedach 2015, 13; Volk 2017, 331–2; Ogden 2017, 1. For an in-depth definition, and discussion of the constituting elements of comparative divinatory traditions, see Rüpke 2013b.

deliberately sees divination as a human activity. The "signs" may be actively sought, such as in the practice of extispicy, or they may passively come to a person, such as with prophetic dreams, but it still must be a human agent who follows the process of interpreting and understanding the sign and the knowledge it provides.[9] Thus, even with North's proviso that there was no place for individuals (or even objects as agents) in ancient accounts of Roman divination, personhood and identity must remain central to our understanding.

It is frequently noted, with another echo from Cicero, that almost all cultures, ancient and modern, practise some form of divination.[10] This is often placed on one side or the other of the binary of "religion" and "magic", a binary even more problematic than some of the others we will encounter.[11] The use of both of these terms within the historical context of the Greco-Roman world has come under fire recently, as well as the idea of there being a hard and fast dividing line between them.[12] Furthermore, one only has to look as far as economic projections and weather forecasts on a contemporary Western news programme to realise that "divination" does not have to come under either label.[13]

The parallel of a contemporary weather forecast is worth lingering on for a moment, as it can provide us with some food for thought, particularly in the areas of identity, authority and divinatory competition. The person that we see on a television programme commands our attention, and we generally assume what they say to be accurate (even if it does not always turn out to be correct). This assumption comes from the constructed identity of that person: we understand from the way they are presented and from the fact that the news corporation has hired them to provide the viewers with that information that they must be a qualified meteorologist (or at least the public face of a team of qualified meteorologists), someone who has learned the skill of interpreting weather patterns and predicting what will happen based on methods we as viewers do not necessarily understand. News programmes do not, however, have a monopoly on the future, and the weather highlights for us another angle in divinatory practices: the

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9   Contra Hunt 2016, 199–223, who considers trees as active agents in arboreal prodigies. Whilst it is true that trees can, in this sense, be seen as actors, this argument ignores the role that, first and foremost, the Senate plays in dictating whether an event really counts as a prodigy or not. For more on prodigies and actors, see chapter **4: Callo/n**.

10 Cic. *Div*. 1.2: "I know of no people, neither so humane and learned, nor so savage and barbarous, who do not hold that the future is indicated, and that those indications can be perceived and foretold by certain people (*gentem quidem nullam uideo neque tam humanam atque doctam neque immanem atque barbaram, quae non significari futura et a quibusdam intellegi praedicique posse censeat*). For modern renderings of this refrain, cf. e. g. Blacker and Loewe 1980, 1; Johnston 2008, 2; Rüpke 2014, 9.

11 Cf. e. g. Graf 1999, 297; Johnston 2005, 7–8; 2008, 113.

12 Smith 2004, 13–27 (who also includes "science" in the firing line); Gordon and Marco Simón 2011, 5–14; Nongbri 2008; 2013.

13 A meteorologist may not consider themself a "diviner" *in sensu stricto*, but nevertheless uses a standardised process of interpreting weather patterns in order to know (or guess) the weather of the future; see Fine 2007 for a discussion of meteorology as a "public science" that deals in futures.

place of superstition. In the UK, at least, there is an "old wives' tale" that cows lie down in the field before it rains.[14] No scientific basis, or even observational data corroborates it, yet it still captures imagination, and this old wives' tale has yet to be dispelled.[15] For example, when I was growing up, the kitchen window of my parents' house overlooked a farmer's field. If anyone noticed the cows in that field all suddenly lying down, a joke might be made, but a half-serious second thought would be given to any washing out on the line. We might, on the surface, think that there is just one channel open to us for attempting to navigate the weather of the day ahead, but in fact a range of divinatory options present themselves to us as authorities in which we place our trust.

Returning to the late Roman Republic, though the weather does indeed still play a role, divination is more specifically seen as relating to the gods, and thus the whole process can be viewed as a form of communication.[16] This is either in the sense of an appeal to the gods to send a message confirming their approval or consent to an action, or the reception – and interpretation – of a symbol or message of divine origin that had importance for an individual or the state. In the first way, the communication could, for example take the form of inspection of entrails (extispicy) or the flight of birds (ornithomancy or augury), or the seeking of oracular messages. The second, spontaneous form of divination might be a vision experienced in a dream, or the witnessing of an unnatural portent, such as a bleeding statue or a talking cow.

Another way this subject is dichotomised, over which much scholarly ink has been spilled, is the practice of "technical" divination, as opposed to "natural" divination. Deriving from the Greek divisions of μαντικὴ τεχνική and μαντικὴ ἄτεχνος respectively, these have been variously translated into English as "technical", "inductive" or "artificial" for the former, and "natural", "intuitive" or "inspired" for the latter, with a host of similar synonyms in other modern languages.[17] Simply put, technical divination can be understood as following established and widely accepted methods of interpretation in order to reveal the message of a sign in a skilled way that can be taught; an example might be the interpretation of livers in sacrificial divination.[18] This is contrasted with natural divination, whereby the sign comes to the diviner, often in an altered state such as a frenzy or sleep, which cannot necessarily be validated or understood by another person; by way of example we might think of prophetic dreaming.[19] This is a dichoto-

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14   The phrase "old wives' tale", in both contemporary and Roman constructions, and the construction of superstition more generally, see chapter **2.6 Nothing but an Old Wives' Tale?**

15   Even the Royal Meteorological Society, though doubtful, does not dismiss the theory wholesale: theWeather Club 2010, https://theweatherclub.org.uk/node/150 [accessed October 2020].

16   Rüpke 2015, esp. 355–7. For religion as communication more broadly, see also Rüpke 2007a; 2007b, 2014, 118–119.

17   For ease of reference, throughout this book I will consistently apply the terminology and translation of "technical" and "natural" respectively.

18   For a discussion of a sacrificial diviner, see chapter **5: Martha**.

19   For a discussion of prophetic dreaming, see chapter **6: Calpurnia**.

my that goes back as far as Plato, and his discussion of the concept of madness in the *Phaedrus*. Here, Plato distinguishes between the divination practices of the priestesses at Delphi and Dodona, who "whilst mad, have performed many splendid rites for Greece, both privately and publicly"[20] from the practice of ornithomancers, conducted by presumably rational actors. The former of these, he claims, is superior.[21] Of course, it must be remembered that this was a facet of Plato's broader endeavour to place the rational, reflective philosopher as superior to all others, in this case both the prophet, who is not in their own mind, and the ornithomancer, inferior too to their inspired counterpart.[22] This distinction, though not the judgement, is brought out explicitly by Cicero in *Div.*, or, more precisely, by the character of Quintus. This text takes the form of a theological dialogue, with the characters ultimately seeming to debate the validity of divination, with Quintus arguing for and his brother Marcus against. The binary of "natural" and "technical" is one of the few elements of Quintus' argument that can be said to have been straightaway accepted by Marcus.[23] From there, each brother uses this to structure the argument differently: Quintus frequently shifts his attention between the two, albeit placing a much heavier emphasis on natural divination, whereas Marcus neatly contests technical divination for the majority of his argument, before a short digression, and ending with a much briefer attack on the natural.

The distinction, however, is not necessarily as simple as that, and many divinatory activities do not simply fit into one category or the other. Michael A. Flower has commented that "we should rather think in terms of a spectrum or a range of activities".[24] But, even a spectrum, by its very nature, reasserts the opposition between the integers at either end. In fact, even these two seemingly opposite categories are not mutually exclusive. Let us take the example of Artemidorus, a professional dream-interpreter of the second century CE. His *Oneirocritica* (*"Interpretation of Dreams"*) is an attempt to provide an encyclopaedia of tried and tested interpretations of the symbols in prophetic dreams. If you can learn the skill of dream-interpretation from such a book, surely it should be considered technical rather than, as it usually is considered, natural? This question is in fact what drives Artemidorus' intellectual project, regardless of how successful he actually is in facilitating a perspective shift: his work demonstrates that, whether it is a binary or a spectrum, a tradition does not necessarily have to occupy a

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20   Plat. *Phdr.* 244a-b: ἥ τε γὰρ δὴ ἐν Δελφοῖς προφῆτις αἵ τ'ἐν Δωδώνῃ ἱέρειαι μανεῖσαι μὲν πολλὰ δὴ καὶ καλὰ ἰδίᾳ τε καὶ δημοσίᾳ τὴν Ἑλλάδα εἰργάσαντο …

21   This distinction, and the superiority of madness, is drawn upon again in other aspects of Plato's works, for example: *Ti.* 71e-72b; *Resp.* IX 571c-572c. Cf. Dodds 1951, 64–101; Trampedach 2003, 59–60; Morgan 2010.

22   Raphals 2013, 61.

23   Quintus: 1.11; Marcus: 2.26; This text, and its ramifications for understanding Roman divinatory practice will be analysed in detail in chapter **2: Marcus**.

24   2008, 90.

single position.[25] Overall, then, these categories are perhaps useful as far as individual sources suggest and utilise them, but we should not devote too much time to finding their boundaries and placing each tradition into one side or the other.

It is important to remember, as Jörg Rüpke and Federico Santangelo point out, that "neither during the Republic nor during the imperial period did 'public priests' enjoy a monopoly on religious knowledge and innovation".[26] Like the contemporary weather forecasts, there was a broad range of options available to individuals in search of religious and particularly divinatory knowledge. The plurality of religious and divinatory options can also be understood through the theoretical structure usually referred to as the "marketplace" model.[27] Under this model, different divinatory traditions can be seen to be competing for an individual's custom, served by a range of cult, temple and freelance diviners. Artemidorus provides an intriguing list of diviners and their methods that could be found in the marketplace, such as physiognomists, dice-diviners and cheese-diviners.[28] As this model suggests, a person could choose which of these to visit, perhaps based on particular needs, recommendations or the diviner's skill at hawking their wares. Esther Eidinow has criticised this model's focus on competition, demonstrating how, in the Greek world at least, different sanctuaries and individual seers can be seen to support one another in mutually validating others' divinatory authority.[29] The model is also reductive in thinking about official, or public divination at Rome, where the system, though mutable over time, had set procedures and responses to signs. The augural college would not have seen themselves "in competition", or even in the same profession as Artemidorus' cheese-diviners.[30] Indeed, even Quintus Cicero, at the end of *Div.*, though he argues positively for divination, does not consider "*sortilegi*, those who prophesy for profit nor necromancers" to fall within his definition.[31]

But despite these criticisms, the marketplace model can be helpful in thinking about one particular aspect of divination and divinatory options that is particularly relevant to this book: the game of identity construction. As noted above, Eidinow has demonstrated how the Greek seers and sanctuaries were able to confirm and validate one another's divinatory authority. The identity of a diviner, in whatever direction their practice extends, plays a key role in the construction of that authority. Susanne Wil-

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25   Artemidorus, his works and his intellectual project will be discussed in greater detail in chapter **6.2 Interpreting Structures**.

26   2017, 17.

27   Its classic illustration is Bendlin 2000, esp. 134–135.

28   2.69.

29   Eidinow 2014, esp. 77–89.

30   Of course, whether they viewed themselves as in competition with the pontiffs, the haruspices and the (quin)decemuiri – i. e. the other collegial divinatory actors with whom the Senate consulted – is a different matter, but that keeps us within the narrow confines of a definition of "official divination".

31   Cic. *Div.* 1.132: *testabor non me sortilegos neque eos, qui quaestus causa hariolentur, ne psychomantia quidem* […] *agnoscere.*

liam Rasmussen has written extensively on the difficulties of identifying and analysing identity construction", succinctly commenting that

> to examine the construction of identity is not to detect an essence or nature or mentality, but to explore the classification of various forms and processes of interaction and communication.[32]

Identity markers, including gender, give meaning and authority to these forms and processes, but equally the forms and processes validate the identity markers. This can also be understood more broadly in the parallel processes of "individualisation" – the idea of individual actors modifying and de-traditionalising norms from within a larger social context; and "individuation" – the actions of those individuals *becoming* the social norms.[33] With this in mind, this project aligns with the methodological framework of Lived Ancient Religion, which seeks to understand "religion" from the starting point of individuals' everyday interactions with and experiences of it, rather than simply as systems and organisations.[34] John Scheid has recently argued against the concept of individual agency in religious interaction because, for private as much as public religion, he claims it always occurs within the civic framework: "tout est dans l'institution".[35] But institutional frameworks are not incompatible with the agency of individuals; quite the opposite, institutions cannot exist without individuals upholding them. To speak of an individual actor is not to speak only of dissent, but rather to recognise that actor as choosing to conform to or reject any institutional framework in place. Thus, as Jörg Rüpke comments, "it is only through manifold individual appropriations that norms and traditions are reproduced, hence continued and modified at the same time".[36] Under this methodology, individual diviners (and even divinatory institutions) are working within the religious landscape, following traditional practices and customs, thus reinforcing norms whilst asserting their identities (and, potentially, innovations) as part of those norms.

As an example, let us turn to the haruspices. Haruspicy was a method of technical divination from Etruria that was based on the learnt interpretations of specific natural occurrences (such as thunderbolts) and *exta* (sacrificial entrails). The studied nature of haruspicy meant that presumably anyone could, in theory, learn the skill and further the tradition, regardless of gender, class or other identity markers. Indeed, Livy describes Tanaquil as "a woman skilled in interpreting the prodigies of the heavens, as were most Etruscans".[37] It stands to reason, then, that anyone could profess to make a

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32   2008, 259; cf. also 2013.
33   Rüpke 2013a; 2016a.
34   As outlined by Raja and Rüpke 2015; see now Gasparini *et al.* 2020.
35   Scheid 2013, 92.
36   Rüpke 2016a, 4. Cf. also Rüpke 2013c, esp. 262.
37   Liv. 1.34.9: *perita, ut uulgo Etrusci, caelestium prodigiorum mulier.*

living from haruspical interpretation, claiming skill in the methodological (as well as the literal) marketplace.[38] But these would not have been the people whom the Roman Senate approached in the interpretation of public portents and prodigies; instead, there was likely an official college, comprising male members of the Etruscan aristocracy.[39] Though their pronouncements are always provided as unanimous and anonymous, meaning we cannot identify individual members, they would certainly have been specific and identifiable by the Roman elite who utilised their services. Beyond their select number, a self-professed haruspex may have had their services well received by some members of the lower classes, but still provoked distrust and ridicule: in Plautus' *Miles Gloriosus* ("*The Vainglorious Soldier*"), the character of Periplectomenus includes the *haruspica* – the feminine of haruspex – in the list of people a naïve wife will want to pay for her (apparent) services;[40] similarly, the Elder Cato, repeated by Cicero, famously announced "I am amazed that a haruspex, when he sees another haruspex, does not laugh".[41] To be taken seriously by the Roman senate, one had to satisfy the specific identity criteria of the haruspical college; however, the ridicule suggests that these others could still be found on the streets, and Cato clearly did not have complete control over the identity markers others recognised for their divination needs. This brings us back to the place of individuals and their shifting presentations of identity in constructing the diviner but also the reality of the divination they are able (or appear to be able) to do.

On these grounds, then, the next section turns more specifically to questions of gender. We will then return to divinatory identity through the methodological grounding of performativity, the framework which shall be employed in the rest of this book.

1.3 Sex, Bodies and Beyond

When this project was in the early stages of its life as a PhD thesis, an Emeritus Professor asked me what I was working on. When I told him, his first question was "why do people say 'gender' when they mean 'sex'?" There is, of course, a vast divide between these concepts, and the former is not merely a euphemism for the latter, but the question – nor the answer – is not as straightforward as it first seems. A common way of answering is to say that gender refers to the cultural construction of learned behavioural patterns, amounting to social roles, whilst sex is the physical materiality of the

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38   See Traill 2004, 124 for a discussion of "lower-class" haruspices.
39   The earliest evidence for a specific "order" (*ordo*) at Rome is *CIL* 6.32439, an inscription probably from the Augustan period. See Santangelo 2013, 95–96 for discussion. For more on the portents interpreted by the haruspices, see chapter **4: Callo/n**.
40   Plaut. *Mil.* 693.
41   Cic. *Div*. 2.51: *mirari se aiebat quod non rideret haruspex haruspicem cum uidisset.* Cf. also Bendlin 2011 for the distinction of "higher" and "lower" divination in elite rhetoric.

body.[42] In many respects, this decoupling comes from Simone de Beauvoir's seminal text *Le Deuxième Sexe* (English: *The Second Sex*), with the much quoted phrase "on ne naît pas femme: on le devient", highlighting that the roles and behaviours of gender are a practice one grows into, rather than an innate biological directive.[43] This distinction, however, rests the meaning of each at its exclusion of the other, without providing real definition of either. Do we, and can we, talk about one without the other? If not, where does that leave us in terms of this division? In this section, I hope to draw out some of these issues, and think about how they can relate to our understandings of identity in the late Roman Republic.

Perhaps the difficulty in providing a clear answer to the Emeritus Professor's question is, in some senses, a good thing. As Joan Wallach Scott has pointed out, part of the reason that gender has been and remains a useful category of historical research is precisely because of the instability of the term(s), and the way it can be taken "as an invitation to think critically about how the meanings of sexed bodies are produced in relation to one another, how these meanings are deployed and changed".[44] There is, further, a political relevance to this refusal of definition, particularly in respect of womanhood and femininity: any strict definition of what it means to be a woman, in any historical or contemporary setting, inevitably entails a process of exclusion contestable through real and genuine lives and experiences.[45]

Behind these considerations of the social positions, however, the body always remains a facet of these formulations, and its role in those positions cannot be dismissed. As R. J. Barrow succinctly writes of embodiment, "the body has meaning central to personhood and an individual's place in society".[46] A body perceived as a man's allows (or, perhaps, enforces) access to different social roles than a body perceived as a woman's, in the ancient world as much as our own. In this way, Brooke Holmes has questioned the usefulness of separating sex and gender when we talk about the ancient material, suggesting instead that

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42   Cf. e. g. Stryker 2017, 14–17; 31–33. See also Sally Hines' division of the bigger picture into three interrelated factors, along the same lines: "body, or physicality, comprises the reality of each person's body, how they experience it and how others interact with that person based on their body. This physical aspect of gender interacts with *gender identity* and *gender expression*. A person's gender identity can remain fixed or can fluctuate over time; can be aligned with or be in contrast to the sex they are assigned at birth; and can be articulated through or contradicted by their gender expression" (2018, 10, emphasis in original).

43   de Beauvoir 1949, quotation from 285. For a recent discussion of the history of this distinction in academic and popular understanding, see Barker and Scheele 2019, esp. 26–47.

44   2010, 10. Cf. also Scott 1986.

45   See Haraway 1991, esp. 155–161, for the failings of attempting to group the category of "woman" into one single, shared experience. Cf. also Butler 1993.

46   2018, 2.

Once this contrast is set aside, it becomes easier to perceive the ways in which 'masculine' and 'feminine' principles and traits, on the one hand, and 'male' and 'female' bodies, on the other, interact in classical antiquity to create complex concepts of sexual difference.[47]

Yet, even though sex and gender are irrevocably bound up in each other, Holmes continues to hold them in different hands. Though both are part of the picture, sex seems to be given the picture of the underlying state of the body on top of which the principles and traits are overlaid. This in turn reveals a further complication in the divide: sex, though we may consider it an immutable physicality, is also to some extent culturally constructed and historically produced. This is integral in two key aspects. Firstly, as Judith Butler outlines, "the boundaries of the body are the lived experience of differentiation, where that differentiation is never neutral to the question of gender difference or the heterosexual matrix".[48] What it means to have a body and to be seen in/as that body varies from place to place, from time to time and, importantly, from person to person; thus sex – and our relation to our own sex and the sex of those we encounter (in person, but also in the historical record) – becomes in many sense formulated and reformulated at the moment of encountering it, rather than being a static, pre-existing given.

The second aspect to consider in the cultural construction of sex is that there are different ways and levels of seeing or understanding sexual difference, from genital difference and secondary sex characteristics to chromosomic difference and DNA. Though, at each of these levels we often try to understand the male-female binary, it is important to remember that some bodies do not conform to expectations. The cultural construction of intersexuality, and the ways in which a society accounts for those whose bodies do not align at some or all of these levels, tells us much about that same society.[49] The social, and divinatory, response to the intersexed body in the late Roman Republic forms the central discussion of chapter 4: Callo/n. The way we think of and divide sex in our contemporary setting, then, is not necessarily relevant or a useful way of understanding sex in other historical periods. As Susan Stryker notes in her discussion of the concepts surrounding transgender identity and history, "nobody talked about using 'chromosomal sex' to determine social gender before the development of genetics, or using birth certificates as proof of identity before issuing birth certificates became commonplace in the early twentieth century".[50]

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47   2012, 53.
48   Butler 1993, 65. Judith Butler's construction of performativity and gender will be discussed in greater detail in the next section **1.4 The Performing Arts**.
49   Consider, for example, the response Anne Fausto-Sterling got in 1993 when she proposed that human biology was better suited to a five sex system, rather than two: Fausto-Sterling 1993; see also Fausto-Sterling 2000, esp. 78–114 for the author's later reflection on the proposal.
50   2017, 15–16. Consider, for example, how the editors of a recent volume on the lives of ancient women sought to cut through this methodological minefield by stating that "At no point in this book

We are, perhaps, no closer to answering the Emeritus Professor's question, and certainly no closer to understanding the two concepts as separate from each other. Yet, this very inseparability of the two concepts is, in and of itself, one answer. We do not mean "sex" when we say "gender", but at the same time "sex" must come within and alongside any meaning "gender" holds (and, of course, vice versa). When *I* say "gender", at least, this is what I mean.

1.4 The Performing Arts

I turn now to a more specific discussion of Judith Butler's theoretical framework of gender performativity, and how it will be utilised through the course of this book. To speak of gender as "performative" is to understand it not as a state of *being* so much a state of *doing*. Butler first outlined this methodology in an article for *Theatre Journal* entitled "Performative acts and gender constitution: An essay in phenomenology and feminist theory", although it is her monograph *Gender Trouble: Feminism and the Subversion of Identity*, first published 1990, that is seen as the launch of this framework within Gender Studies.[51] The theory ultimately derives from Speech Act Theory, outlined by J. L. Austin, which defines performative utterances as phrases which are neither true nor false, but actually perform an action in and of themselves.[52] It is from this that Butler derived the construction of gender as a "stylized repetition of acts", which through that repetition create the illusion of gender being there all along.[53] She later expanded on this definition by explaining

> [I stated that] gender is performative, by which I meant that no gender is "expressed" by actions, gestures, or speech, but that the performance of gender produces retroactively the illusion that there is an inner gender core. That is, the performance of gender retroactively produces the effect of some true or abiding feminine essence or disposition, so that one cannot use an expressive model for thinking about gender.[54]

is the matter of "woman" problematized. Women are human beings with two X chromosomes, or occasionally a human with a Y chromosome but resistant to testosterone. Both editors accept that biological sex exists, and that gender is a mutable social overlay associated, but not co-terminus, with biological sex" (Budin And Turfa 2016, 2); however, even if we sidestep the fact that we simply do not have the chromosomic data for the majority of women in the ancient world, their very statement in fact problematises the issue more than it settles: if we are to acknowledge that gender and sex are "not co-terminus", yet only allow "woman" to signify one way of categorising biological makeup, we effectively silence ourselves in speaking about the social roles and expressions women (and people more broadly) understood of themselves and others in the ancient Mediterranean.

51   Butler 1988; 1990.
52   For the key texts outlining this theory, along with the creative force and ritual state of the performative, see Austin 1962; 1971.
53   Butler 1988, 519.
54   1997a, 144.

This methodological outline has been developed as a way of understanding a number of intersectional embodied (though beyond-the-body) identities, offering, in Susan Stryker's words, "a non- or postreferential epistemological framework" in which to situate one's sense of self.[55]

Butler's interpretation of gender, along with Michel Foucault's work on the history of sexuality, is often taken as the starting point of Queer Theory, and studies of both gender and sexuality in historical and contemporary societies.[56] These twin pillars of identity, gender and sexuality, are without a doubt bound up in each other, but they should also always be held distinct, particularly in the context of an historical study. This is Eve Kosofsky Sedgwick's second axiom of her *Epistemology of the Closet*, which states that

> the question of gender and the question of sexuality, inextricable from one another though they are in that each can be expressed only in the terms of the other, are nonetheless not the same question, [and] in twentieth-century Western culture gender and sexuality represent two analytic axes that may productively be imagined as being as distinct from one another as, say, gender and class, or class and race.[57]

As such, though the arguments presented here draw from queer theoretical models, my focus remains explicitly on gender identities rather than on sexuality and subjects of desire.[58] Performativity is a particularly fruitful method of understanding gender in the ancient world: we are able to read the actions of ancient women, men and non-binary people, whether they conform to or oppose gendered expectations, as actions that incessantly work to provide those very expectations for the rhetoricians, historians, satirists, sculptors, painters, inscription writers and the myriad of other recorders from whose works we can reconstruct the lives, and indeed genders of the original actors and the societies in which they lived. Over the course of this book, we will meet a number of people for whom this framework will allow us to gain an understanding of the way in which gender affected the actions they took, and were allowed to or barred from taking.

Building on this, the application of performativity, from both its Speech Act Theory origins and its gendered afterlife, can also be meaningfully utilised in an understand-

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55 Stryker 2006, 10. This is not to say that Butler's work has been unanimously accepted – for a discussion of the shortcomings of performativity, and in particular Butler's renderings of the framework, in transgender critical theory, see Prosser 1998, 21–60.

56 For Foucault's pioneering study into the history of sexuality, see Foucault 1976.

57 1990, 30. Indeed, the productively imagined difference between the two is just as important in first-century BCE Roman culture, if we can speak of such.

58 For a recent discussion of sexuality in the ancient world, see Ormand 2018. Sexuality, and its relationship to the body and gender in the late Roman Republic, is also discussed further in chapter **4.4 Gender Troubles**,

ing of divination. Divinatory traditions can be seen as performative in the sense that the elements of said tradition constitute the reality of the message given.[59] The importance of repeated performance to ritual practice has been aptly demonstrated in recent scholarship, with the most extreme conclusions being those of Frits Staal, who argued that ritual practice is meaningless, having no value beyond that which is intrinsic.[60] The repetition of the performance is the very action that creates any meaning or value that it might have. I would argue, however, that for a divinatory ritual, at least, whilst it may not have material meaning in the performance enacted, but the outcome of that ritual creates meaning that can and does have very real-world repercussions. In his essay "Signature event context", Jacques Derrida asked

> Could a performative utterance succeed if its formulation did not repeat a "coded" or iterable utterance, or in other words, if the formula I pronounce to open a meeting, launch a ship or a marriage were not identifiable as *conforming* with an iterable model, if it were not then identifiable in some way as a "citation"?[61]

The success of a divinatory practice comes, at least in part, from the recognisable repetition of the pre-established ritual.[62] Whatever message you are trying to elucidate, it must be based on a recognised pattern to have meaning and thus influence an outcome. To simply kill a bull and prod at its liver would not satisfactorily elucidate any deity's message; the bull must be killed in the correct manner, in the correct place and with the correct implements, at which point an inspection and thus interpretation of the message can be made.

Further to this, Scott Noegel, writing about the ancient Near East, has recently demonstrated the importance of the performative power of words, through Speech Act Theory, in the act of interpretation itself. A sign or omen can mean anything until it is successfully interpreted to mean one single thing: "seen in this way," he writes,

> the act of interpretation – like the act of naming – constitutes a performative act of power; hence the importance of well-trained professionals and of secrecy in the transmission of texts of ritual power.[63]

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59   Mowat 2016, 428–430.
60   1979. Cf. also Rüpke 2004; 2015, 355; Smith 2004a, esp. 146–148; North 2008; Woolf 2013a, esp. 147–149.
61   1988, 18.
62   Again, in comparison to contemporary meteorology, Fine notes that "forecasters focus not on the present or the past, but claim that they can see the future. This future can only be known because of the establishment of what has gone before. The production of the future depends on the production of the past and present" (2007, 14).
63   2010, 147; cf. also Noegel 2007.

Within the context of republican Rome, this gives an explanation as to why, as we shall see throughout this book, all public divination must be ratified by the Senate.[64]

Overall, then, to speak of divination as performative is to understand its meaning or value – and thus its truth – to be created by the fulfilment of the expectations that are themselves the elements which inform the tradition. When the actions are correctly performed, and the criteria correctly fulfilled, the divinatory ritual as a whole can be seen to have been successful, and the message between the deity(/ies) and the diviner(s) successfully conveyed. What those criteria are, of course, differs between the traditions; however, identity always plays a large part in them.

Divination, we must remember, is at its barest a human action. That human, then, must be "qualified" to successfully act out the ritual. This can be partly in terms of who has learned the technical necessity of carrying out the appropriate actions, but also more widely in terms of who was considered a ritually appropriate actor.[65] It is in this second part that the construction of gender comes to the fore (though, of course, gender is also a ghost in respect of access to learning the technical skills). As we will see in the following chapters, the performative gender of diviners – and, in the case of chapter 4, the performative gender of prodigies – plays an important role in either allowing or prohibiting their divinatory interpretations to be taken seriously.

1.5 Fabia

The chapters in this book delve into very different traditions, sometimes advancing arguments in quite varied directions. Due to the nature of Roman divination, these traditions seem almost contradictory, even though they are all within the same religious landscape. It will be helpful, then, to have a guide to help us navigate the traditions: that guide will be Fabia.

Fabia was one of the Vestal Virgins who was active in at least the first half of the last century BCE.[66] The Vestals were a college of six public priestesses, selected for duty between six and ten years old and required to serve a minimum of thirty years, whose duties included attending public festivals and tending to the hearth of the temple of Vesta in the very centre of the city of Rome.[67] During that time, they were expected to remain virgins, though they were afforded a matronal status in daily life – an inter-

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64   Cf. with Rasmussen 2013, 65: "In other words, the Senate and the priesthoods – effectively the Roman elite – were in a position to establish what was, or was not, in accordance with the acceptable norms, values, and behaviours of Roman society".

65   Furthermore, ritual can be seen to help actually create and reflect those divisions: Rüpke 2014, 20.

66   Rüpke 2008, no. 1577.

67   As the only all-women college in the Roman religious system, the Vestals are of perennial interest. For a recent consideration of the various elements of this cult, with bibliography, see DiLuzio 2016, esp. 119–239.