

## The god Liber and the Republican Notions of *Libertas* in the late Roman Republic

### I

This essay focuses on the Roman god Liber and its relation with the notion of *libertas* in the first century BC. A very powerful, and prima facie convincing, explanation of this relation is, in the words of one of the most authoritative scholars in the field, that ‘by name and by nature, Liber is the god of freedom ... Though many explanations were offered by ancient sources to account for his name, the simplest and most obvious was an ideological one: *Liber a libertate*. Political freedom, *libertas*, was the defining quality of the Roman Republic, achieved by the expulsion of Tarquin and under threat ever after,’ and which found its divinisation in Liber.<sup>1</sup> **a notable exception Raaflaub 2000 in Hansen birthday, 257. Il punto non e’ sbagliato, ma richiede revision. Non si tratat della political liberty di provocatio.**

However, when analysing the evidence at our disposal, it is possible to observe that Liber is conceived as enacting different forms of liberation: Liber frees the individual from worries and fears, frees the soul from the constraints of a mortal body, and frees the semen, both male and female, in sexual union.<sup>2</sup> As Anthony Corbeill brilliantly put it, Liber was conceived as fulfilling the role of both the Realiser and the Liberator.<sup>3</sup>

Building on recent works that move away from a linear development of Liber in Rome as an Italic deity of subversive traits, gradually tamed in the third and second century BC through a process of Hellenisation, and considering the concomitant aspects of ancient deities variously emphasised at different times and in different ways, my investigation focuses on the important question of what peculiar traits of Liber became prominent in the first century BC and, crucially, what they stood for in the intellectual world of the late Republic.<sup>4</sup>

Contrary to the prevailing assumption that in the late Republic the god Liber represented solely and univocally the notion of the political liberty of the people, I aim to show that in the first century BC Liber was the personified divine quality of a strand of liberty, which consisted in the realisation of one’s own nature. In opposition to the dominant idea of *libertas*, which indicated the juridical status of the members of the *civitas*, guaranteed by a matrix of civic and political rights and figuratively represented

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<sup>1</sup> Wiseman 2000, 265-99 = Wiseman 2008, 84-139, esp. 84. See also Wiseman 1998, 35-51 and 2008, 32-36, 63-86. See also Mastrocinque 1988, 245-75. For a very interesting reading with insights not dissimilar from the present argument Montanari 1988, esp. 130-6. For the etymology Servius on *Aeneid* 4.638, cf. 3.20 (*causa libertatis*), 4.57 (*Lyaeus ... apte urbis libertatis est deus*). For further discussion see below, 000.

<sup>2</sup> On the mind and the preoccupations see Sen. *De tranquillitate animi* 17.8, on the soul and the restraints of the body Serv. *Georg.* 1.166, and on semen see Varr. *Ant. rerum diuinarum* fr. 93 Cardauns; for a list of these etymologies see Maltby 1991, 337.

<sup>3</sup> Corbeill 2015, 128.

<sup>4</sup> See, for example, Wyler 2010, 191-201; Versnel 2011; Bernabé et al. 2013.

by the pilleus, the hat worn by freed-slaves, this notion of liberty was conceived as embodying the idea of human and agricultural fertility, associated to the idea of economic independence and liberty of speech (notions not articulated as rights preserving the status of liberty), and symbolically represented, amongst other symbols, by the ivy wreath and the phallus. This idea of liberty stood, in essence, for self-fulfilment.

There is no doubt that the polymorphous nature of the god Liber and the contested meaning of *libertas* were also conducive to mutual allusions, contaminations, and manipulations of these distinct ways to think about liberty. However, by bringing to the fore this submerged intellectual tradition of *libertas*, as attested in the late Republic and personified by Liber, I hope to bring some intellectual clarity on the ways the Romans conceptualised liberty and shed some light on the intellectual richness of Roman conceptual world. **E sugli strumenti intellettuali a disposizione di poeti, oratori, e theorists of the late Republic and early Pricipate.**

## II

Contrary to modern practice of etymological research, which is primarily concerned with phonological changes and relations between Indo-European languages analysed through diachronic historical research, in the ancient world, etymology is primarily about understanding the present: ‘it wants to know’, Ineke Sluiter argues, ‘why anything is called what it is called, the reason for the name, and what motivates the namegiver—and the explanations it comes up with are not intended to give us insight into the past, into the historical processes and developments leading to the present situation; rather, and importantly, (ancient) etymology is about understanding the present.’<sup>5</sup>

Ancient etymologies of the name of the deities, therefore, open up a window on how the divine world they represent is understood and conceived in the present. ‘The etymology will rarely be a heuristic tool to find out what a word means: that meaning, or someone’s opinion on the meaning, is the given, and the etymology’, Sluiter carries on arguing, ‘is a form of reverse engineering that will make it possible to read off that meaning from the surface of the word. ... This is how etymology is a tool for thinking: it supplies a particular kind of argument and explanation,’<sup>6</sup> which, although it is occupied with the past, it is more about the present.

By referring to different etymologies of the same divinity, ancient authors show the argumentative power of etymologies, which provided an attestation of different conceptualisations of these divine qualities, and which, most importantly, acted as the means by which the ancients themselves understood the functionality of their deities.<sup>7</sup>

Organised in a structure that, as Perfigli has splendidly illustrated, very much mirrored the taxonomy of Roman social and political life, each Roman deity was designated to perform a specific function.<sup>8</sup>

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<sup>5</sup> Sluiter 2015, 896-922, esp. 898.

<sup>6</sup> Sluiter 2015, 904. See also Maltby 2003, 103-18.

<sup>7</sup> Cic. *Top.* 35–37 and *de or.* 2.256–257. See also Cic. *nat. deor.* 2.6-3 and *Acad.* 1.32.

<sup>8</sup> G. Pironti and M. Perfigli 2018, 71-111.

This detailed articulation of the Roman divine world provided the Romans with an order to which they could effectively appeal to guarantee the successful outcome which they wished for.<sup>9</sup> As Augustine laments, the Romans had so many deities responsible for individual fields listed in their pontifical books of old,<sup>10</sup> that it would have been an impossible task for him to report all of them: ‘how is it possible in one passage of this book to record all the names of the gods and goddesses that they were scarcely able to find room for in the huge volumes in which they divided up the services of the deities among the departments, assigning each to his own? They did not reach the conclusion that they should put some god in charge of all their land, but assigned fields to the goddess Rusina, mountain peaks to the god Jugatinus, hills to the goddess Collatina, and valleys to Vallonia. Nor could they even find a single Segetia who was worthy to be entrusted once for all with the grain in the fields (*segetes*), but as long as the seed was under ground they chose to have the goddess Seia in charge, then when it was above ground and moving toward harvest, the goddess Segetia, and when the grain was harvested and stored away, they gave the goddess Tutulina the job of guarding it safely.’<sup>11</sup> The etymologies of the theonyms showed the reason why these deities carried the names by which they were called: so, for example, the goddess Rusina derived her name from *rus*, the cultivated land, as Iugatinus from *iugum*, the yoke of the mountains, the goddess Collatina from *collis*, the hill, and the goddess Vallonia from *vallis*, the valley. As Perfigli observes, these theonyms reproduced a form of classification of the land through their divine representations.<sup>12</sup>

Of those concerning the actual sowing, in a passage most probably informed by Varro, Augustine lists Seia as the goddess who looks after the grain when underground, the goddess Segetia who looks after it when above the ground, and Tutulina who looks after the harvest when collected and stored away. The *ratio* of the deities, which informs their names, coincides with the etymology of their theonyms, since, as Varro is reported to have thought, names are imposed on the deities on the basis of their *officia*.<sup>13</sup> So Pliny explains that Seia derives from seeding (*serere*) and Segesta from the harvest (*segetes*), the two remits of their responsibility.<sup>14</sup>

Since ancient etymology does not aim at reconstructing a single and historically accurate derivation from word form to word form, but rather functions as ‘a tool for thinking about contemporary reality,’ several etymologies of the same word can co-exist and each of them revealed an aspect of the divinity.<sup>15</sup>

As it is possible to reconstruct from later sources, in the late Republic there were a number of etymologies of the god Liber, which can be traced back to two main aspects: semen and wine.

In a discussion, which is much indebted to Varro, Augustine shows how the deities of Roman polytheism were so preoccupied with an endless number of trivial tasks, each of which was parcelled

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<sup>9</sup> M. Perfigli 2004, 152.

<sup>10</sup> Serv. *Georg* 1.21.

<sup>11</sup> Aug. *civ. Dei* 4.8.

<sup>12</sup> Perfigli, *Indigitamenta*, 139.

<sup>13</sup> Serv. *Geor.* 1.21: *nomia numinibus ex officiis imposita*. See Salvatore 1987, 81-108 with discussion on this passage.

<sup>14</sup> Pliny *NH* 28.8. Cf. Aug. *civ. Dei* 4.24.

<sup>15</sup> Sluiter 2015, 902. See Plato *Crat.* 405a-406c (on Apollo, followed by a discussion on Dionysios). Cf. Cic. *de nat. deorum* 1.40.

out to one individual deity, that none could have supported Roman imperial expansion. In the same manner in which they meticulously had divided up all the activities conducive to prosperous harvest, the Romans, according to the last book of Varro's *Antiquitates rerum divinarum*, had assigned each function of human fertility to one of the twenty deities that Varro calls *dei selecti*.<sup>16</sup> 'Yet it is Janus himself', Augustine argues, 'who appears first of all at the moment of conception, the moment when all the tasks begin which are minutely divided among minute deities—it is he who opens the way for receiving the seed. Saturn is there too, just because there is seed. Liber, who liberates the male from the seed he expels, is there, and Libera, whom they choose to identify with Venus, is there to confer the same benefit on the woman, that she also may be liberated by the emission of seed.'<sup>17</sup> The point is then reiterated later on 'For', Augustine repeats, 'it is the select Janus who offers access, a door (*ianua*) as it were, to the seed; the select Saturn bestows the seed itself; the select Liber bestows the emission of the seed on males, and Libera, who is also Ceres, or Venus, does the same for women; the select Juno, not by herself, but with the help of Mena, daughter of Jupiter, bestows the menstrual flow for the growth of what has been conceived. And yet it is the ignoble and obscure Vitumnus who confers life, and the obscure and ignoble Sentinus who confers sensation. These two things are as much superior to the others as they are themselves inferior to intellect and reason.'<sup>18</sup>

Following the ancient practice of etymological research, which enables to reach the *ratio* of the deities, Augustine claims that the etymology of Liber stems from the action of liberating the semen: 'And what of those functions of the deities, parcelled out in such petty and minute assignments, a thing that is responsible for their rule that each must be invoked for his own special kind of service? ... They [the pagans] say that the god Liber gets his name from liberating (*a liberamento*) because it is through his favour that males in intercourse are liberated from, or relieved of (*emissis seminibus liberarentur*), the semen which they emit. For women they say that the same service is performed by Libera, whom they also identify with Venus, for they think that the woman also emits seeds. Hence in the temple of Liber they dedicate to the god the male sexual organs, and in the temple of Libera the corresponding female organs. In addition they assign women attendants to Liber, as well as wine to arouse the sexual appetite.'<sup>19</sup> Thus, according to this etymology, Liber (and his female counterpart Libera) derive their

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<sup>16</sup> Aug. *civ. Dei* 7.2: 'AT any rate, these are the gods which Varro commends as select, discussing them in the compass of a single book: Janus, Jupiter, Saturn, Genius, Mercury, Apollo, Mars, Vulcan, Neptune, Sol, Orcus, Liber pater, Tellus, Ceres, Juno, Luna, Diana, Minerva, Venus, Vesta. There are twenty altogether, twelve male and eight female.'

<sup>17</sup> Aug. *civ. Dei* 7.2: 'Nam ipse primum Ianus, cum puerperium concipitur, unde illa cuncta opera sumunt exordium minutatim minutis distributa numinibus, aditum aperit recipiendo semini. Ibi est et Saturnus propter ipsum semen; ibi Liber, qui marem effuso semine liberat; ibi Libera, quam et Venerem volunt, quae hoc idem beneficium conferat feminae ut etiam ipsa emisso semine liberetur.'

<sup>18</sup> Aug. *civ. Dei* 7.3. The special status of 'chosen deities' (*selecti dei*) stems from their ability in ensuring that through their theonym people know exactly what their specific task is, See Pironti and Perfigli 2018, 105-6

<sup>19</sup> Aug. *civ. Dei* 6.9: *Liberum a liberamento appellatum volunt, quod mares in coeundo per eius beneficium emissis seminibus liberentur; hoc idem in feminis agere Liberam, quam etiam Venerem putant, quod et ipsam perhibeant semina emittere; et ob haec Libero eandem virilem corporis partem in templo poni, femineam Liberae. Ad haec addunt mulieres adtributas Libero et vinum propter libidinem concitandam.* See also *civ. Dei* 7.2 (= *Isid. Orig.* 8.11.43).

name precisely from their function of ‘setting in motion and discharging the seeds (*seminum commotores vel emissores*).’<sup>20</sup>

Discussing further the peculiarities of Liber, relying on Varro as his source, Augustine underlines an important point: the seeds that fall within the remit of Liber have two important qualifications, they are male and they are liquid. ‘The select Liber’, Augustine reiterates, ‘bestows the emission of the seed on males, and Libera, who is also Ceres, or Venus, does the same for women.’<sup>21</sup> His seeds, however, belong to the category of the moist group, *liquor*: ‘They put Liber and Ceres in charge of seeds, either putting him in charge of male seeds and her of female, or him in charge of the moist class and her of the dry class of seeds (*Liberum et Cererem praeponunt seminibus, vel illum masculinis, illam femininis; vel illum liquori, illam vero ariditati seminum*).’<sup>22</sup> As Maurizio Bettini has shown, Liber is therefore the god of all liquid seeds, those responsible for animal and human procreation and those related to the world of agriculture. ‘I come now to the rites of Liber, a god whom they [the pagans] have put in charge of moist seeds; this includes not only the juice of fruits, among which wine somehow holds first place, but also the semen of animals (*Iam vero Liberi sacra, quem liquidis seminibus ac per hoc non solum liquoribus fructuum, quorum quodam modo primatum vinum tenet, verum etiam seminibus animalium praefecerunt*).’<sup>23</sup>

According to this religious classification, Liber’s *provincia*, therefore, is the semen, specifically qualified as liquid and male. Through this shared divine referent, Bettini argues, the male semen and the wine are put in close relationship of proximity: they are both *liquores* that, in Bettini’s view, can be assimilated to *virus* as both liquids with very strong characteristics, under the remit of the same god.

It follows that, within the same discussion, Augustine can present Liber as the god of vineyards and the god of male semen. Claiming that it is only one god who is honoured by various names, he states, ‘let him be Saturn in time, Mars and Bellona in war, Liber in the vineyards, Ceres in the grain fields, Diana in the woods and Minerva in mental endowments. And finally, let us assume his presence also in that throng of plebeian gods, if I may so describe them. Under the name of Liber let him preside over the seeds of men, and as Libera over the seeds of women.’<sup>24</sup>

Personifying the notion of human and agricultural fertility along the same lines, the god Liber was thereby considered also the god of the seeds of wine and, by extension, of wine itself. As Festus states, Liber was the discoverer of wine and his name derives from the liberty with which people talk by virtue of its drinking.<sup>25</sup> And Fulgentius in his *Mythologies* claims that Liber derives his name, hence his main functionality or better *officium*, from the fact that wine liberates the minds or, alternatively, following

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<sup>20</sup> Aug. *civ. Dei* 7.3: ‘and again ‘Janus who opens the way for the seed and Saturn the giver of seed, or sower, and Liber and Libera who set in motion and discharge the seeds—seeds which are not worth a thought until they attain to life and sensation (*Ianus seminis admissor et Saturnus seminis dator vel sator et Liber et Libera seminum commotores vel emissores*).’ Cf. Aug. *civ. Dei* 7.16. Liber is specifically responsible for the act of liberation.

<sup>21</sup> Aug. *civ. Dei* 7.3. See also further down at 7.3: ‘Liber and Libera have charge of releasing all seeds and so preside also over those that belong to the reproduction of men (*omnium seminum emittendorum Liberum et Liberam et ideo his etiam praeesse quae ad substituendos homines pertinent*).’

<sup>22</sup> Aug. *civ. Dei* 7.16.

<sup>23</sup> Aug. *civ. Dei* 7.21:

<sup>24</sup> Aug. *civ. Dei* 4.11.

<sup>25</sup> Festus, 115L: ‘*Liber repertor vini ideo sic appellatur, quod vino nimio usi omnia libere loquantur.*’

Isidore's etymology, the limbs.<sup>26</sup> The latter, who also conserves the Varronian/Augustine etymology of Liber from liberating the semen, connects in addition the name of the god Liber with *libare*, an association that is also found in Varro's *de lingua Latina*.<sup>27</sup>

It is not surprising, therefore, that many sources of the late Republic associate Liber with wine to the extent that often one stands for the other. As Cicero attest, in the first century BC the euhemeristic tradition of thought enjoyed a certain fortune in Rome. According to this belief, in origin deities were human beings who had conferred great benefits upon the rest of humanity and therefore were considered gods, as 'they believed that anything which bestows some great service on the human race did not originate without divine beneficence. So they then applied the name of the deity itself to what that deity had brought forth. This is why we call corn Ceres, and wine Liber, as in that tag of Terence: 'Ceres and Liber, if not there, / The heat of Venus do impair.'<sup>28</sup> And listing the religious laws of the best form of commonwealth, Cicero reiterates emphatically the point: 'They shall worship as gods both those who have always been regarded as dwellers in heaven, and also those whose merits have admitted them to heaven; Hercules, Liber, Aesculapius, Castor, Pollux, Quirinus.'<sup>29</sup> Ancient discoveries were accounted godlike, Lucretius says in his verses, 'for Ceres is said to have introduced corn to mortals, Liber the liquor of vine-born juice (*Ceres fertur fruges Liberque liquoris vitigeni laticem mortalibus instituisse*); but' he adds polemically, 'nevertheless life could have remained without these things.'<sup>30</sup> The use of this metonymy of Liber for wine is so extensively adopted that it also functions as an effective method in ornamenting the style, something which Lucretius regards as a way to infect one's own mind with base superstition. In his opinion, this process is nothing else than a misapplication of the name of the deity to what should be called with its proper name, that of the liquid.<sup>31</sup>

Although according to Ennius Liber is not one of the twelve *dei consentes*,<sup>32</sup> in his *de re rustica* Varro states that next to the twelve *dei consentes*, urban deities, venerated with golden statues around the Forum, there were other twelve, *agricolarum duces*, who should be invoked for any agricultural activity.<sup>33</sup> After the universal parents, Jupiter, the Father, and Tellus, the Mother Earth, and Sol and Luna, whose courses govern all matters of planting and harvesting, the third pair is composed by Ceres and Liber. Prayers should be directed to them as 'their fruits are most necessary for life; for it is by their

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<sup>26</sup> Fulg. *Myth.* 2.12 p.53,8: *Liber... pater dictus est, quod vini passio liberat mentes faciat*. For other passages that connects the etymology of Liber with wine see Serv. *ad Aen.* 1.171.1 *Liber per vino* and 1.636; Plut. *Moralia* 68d, 716b. Fest. 115: *quod vino nimio usi omnia libere loquantur*. Isid. *diff.* 1.349 and Id. *Etym.* 8.11.44: '*quod multo vino membra solvantur*.' Ovid, *Fasti* 3.777. Plutarch *Moralia* 289a= *Quaestiones Romanae* 104).

<sup>27</sup> Isid. *diff.* 1.349: *libare proprie fundere est. unde et Liber vocatur qui vini usum in Graecia ostendisse fertur*. Varro *Lin. Lat.* 6.2: *ab loebeso liberum*. See De Melo, commentary 2019, ad loc. Fest. 121L *loebsum et lobertatem antequam dicebant liberum et libertatem. Ita Graeci loibe (eta) et leibein*.

<sup>28</sup> Cic. *de nat. deorum* 2.60. For a list of passages that comment on the metonymy see A.S. Pease 1955/1958, ad loc.

<sup>29</sup> Cic. *leg.* 2.19 (with 2.27).

<sup>30</sup> Lucr. 5.13-5. Cf. 3.221.

<sup>31</sup> Cic. *de orat.* 3.167 and Lucr. 2.655-7

<sup>32</sup> Apuleius *de ore Socratis* 2, which, however, lists Ceres. Cf. Liv. 22.10.10 who too does not include Liber, but pairs Ceres with Mercury.

<sup>33</sup> Aug. *civ. Dei* 7.1: Varro includes Liber in his list of twenty *dei selecti*.

favour that food and drink come from the farm (*quod horum fructus maxime necessari ad victum; ab his enim cibus et potio venit e fundo*).<sup>34</sup>

The profound connection between Liber and the sphere of agricultural fertility, especially as manifested in the vineyards, is also elaborated by the Augustan poets. Liber, the ‘inventor of grapes’, covers the hills with the shade of his vines.<sup>35</sup> Associated with the Sun and the Moon as the two celestial entities that regulate the georgic rhythm, in the first book of Virgil’s *Georgics*, Liber and Ceres are presented as dispensing their most precious fruits, wheat and wine.<sup>36</sup> In the fourth *Eclogue*, after a quick glance at the splendid future that awaits the *puer*, Vergil turns to his actual moment of birth. Although it is in the reign of Apollo that the *puer* will come, at the moment of his arrival Liber’s symbols of fecundity and vegetal flourishing, the serpentine ivy, the baccar, the colocasia, and the acanthus, will blossom around him. Thus, when he will be an adolescent and will learn what *virtus* is, the earth will flourish with wheat, grapes and honey, produced by the generating powers of Liber and Ceres.<sup>37</sup>

Thus, also by referring to the god by his symbols, Virgil, alongside the other Augustan poets seem to elaborate extensively the idea of Liber as the deity of procreative force, of abundance and fertility, essential in agriculture, and with which he was predominantly associated in the late Republic.<sup>38</sup>

Those attributes of Liber, whose iconography delineates the semantic range of the deity, are the thyrsus, the ivy, the horns, often wrapped in bunches of grapes and vine leaves, all attested in literary evidence, as well as, amongst others, the canthar, the rhyton, and the phallus, which appear alongside the others also on visual evidence.<sup>39</sup>

### III

The ivy and phallus were amongst those symbols that figured prominently in the celebration of the Liberalia. Although it seems that the original *ludi* in honour of Liber had been later integrated with the celebrations of Ceres on April 19<sup>th</sup>, scholarly consensus now gathers around the idea that the feast of the Liberalia, which took place on March the 17<sup>th</sup>, was somehow (although in what exact form remains

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<sup>34</sup> Varro *de re rust.* 1.1.6.

<sup>35</sup> Ovid. *Fast.* 3.785 and Verg. *Ecl.* 7.58.

<sup>36</sup> Verg. *Georg.* 1.7-9. Cf. Prop. Verg. *Georg.* 1.5-7 *hoc loco vult intellegi ... Solem Liberum quia libere pervageturper aera, vel quia eius fulgor aliorum siderum lumina praestringat, vel quia maturet vineas.* Macr. *Sat.* 1.18.16 and Lyd. *men.* 4.51 p.106, 16W.

<sup>37</sup> Cucchiarelli 2012, 155–178. See also Mac Góráin 2012–2013, 191–238 and 2013, 124–45.

<sup>38</sup> On Liber as Roman god of fertility see Bruhl 1953.

<sup>39</sup> On ivy Ovid. *fast.* 1.393 and 3.767-70; Plin. *NH* 16, 144, on the horns Hor. *c.*2.19, 29-30; Ov. *Am.* 3.15.17; *Fasti* 3.789; *Met.* 4.19; Prop. 3.17.19, and horns and grapes Tib. 2.1.3-4; Ovid. *Met.* 3.666. For a full iconographic catalogue see C. Gasparri, s.v. Dionysos/Bacchus, in *LIMC* 1986. For a discussion of the difficulty to interpret the ample variety of Dionysian imagery, Wyler 2004, 33-51. For the flourishing of Dionysian iconographic motives in Augustan age see Wyler 2013, 541-53. See also Castriota 1995 on the famous Campana plaques. It should be noted that, although Pliny (*NH* 35.154) reports that two Greek artists Damophilos and Girgasos had been invited to decorate the temple, which till then, we are told, was of purely Tuscanic style, there is no way of establishing to what extent the cult statue of Liber might have had an Hellenised image. See also Vitruvius 3.3.5 adds that the *fastigium* was decorated *tuscanico more*.

unclear) connected to the deity Liber.<sup>40</sup> At the Liberalia, Varro tells us explaining the etymology of the festival with the role played by the priestesses of Liber, who on this occasion offer *liba* (the sacrificial cakes to the god), ‘old women wearing ivy-wreaths on their heads sit in all parts of the town, as priestesses of Liber, with cakes and a brazier, on which they offer up the cakes on behalf of any purchaser (*Liberalia dicta, quod per totum oppidum eo die sedent <ut> I sacerdotes Liberi anus hedera coronatae cum libis et foculo pro emptore sacrificantes*).’<sup>41</sup>

According to Ovid, old women played such an important role in the celebration because of their *vinosior aetas*, the fondness for wine that comes with age and wear ivy wreath because this is one of the favourite attributes of Bacchus, who holds it dear as the nymphs protected his cradle by covering it with ivy leaves.<sup>42</sup>

Throughout Italy, the festival seems to have included the procession of a phallus transported in a carriage round about the crossroads and eventually into the city. Augustine strongly criticises the fertility ritual, which he had found in Varro’s writing: ‘Varro says that at the crossroads of Italy certain rites of Liber were celebrated with such shameless abandon that phallic symbols were worshipped in his honour. And this was not even done in secret to preserve some modesty, but with an unconcealed parade of lewdness. For this obscene member was set up with great honour on little carts for the days of the festival of Liber, being first displayed at the crossroads in the country and later conveyed even into the city (*nam hoc turpe membrum per Liberi dies festos cum honore magno plostellis inpositum prius rure in compitis et usque in urbem postea vectabatur*).’<sup>43</sup> Focusing his discussion on Lavinium, most probably as a result from his dependency on Varro, Augustine continues, ‘in the town of Lavinium one whole month was assigned to Liber, and during the days of that month everyone was expected to use the most shameful words, until the member was finally conveyed across the forum and allowed to rest in its own place (*in oppido autem Lavinio unus Libero totus mensis tribuebatur, cuius diebus omnes verbis flagitiosissimis uterentur, donec illud membrum per forum transvectum esset atque in loco suo quiesceret*). Moreover, it was required that the most honourable matron of the city should publicly place a crown on this most dishonourable member. We must understand that the god Liber had to be appeased in this way to ensure the success of the crops (*sic videlicet Liber deus placandus fuerat pro eventibus seminum*) and to avert evil influences from the fields a matron had to do in public what not even a courtesan should have been allowed to do in the theatre, if there were matrons in the audience.’<sup>44</sup>

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<sup>40</sup> Ovid, *Fasti*, 3. 785–6. For the date see Degraasi 1963, 425. For an overview on the issue see North 2012). Most interestingly, Montanari 1988, 115–22 and Musiał 2013, 95–100 advances the well sustained hypothesis that the festival was indeed not dedicated to Liber, but rather it is implied tentatively to Jupiter.

<sup>41</sup> Varro *lin. Lat.* 6.14: the reference to *oppidum*, as opposed to *urbs*, might indicate that Rome shared this celebration with other Italic cities. See Miller 2002, n.10. Cf. Ovid, *Fasti* 3.713–70. Varro at *ling. Lat.* 5.106 states that ‘*libum* ‘cake,’ because, after it was baked, *libabatur* ‘there was an offering of some’ of it to the gods before it was eaten.’ See also *ibid.* 7.44: ‘*liba* ‘cakes,’ so named because they are made *libare* ‘to offer’ to the gods.’ Cf. Ovid, *Fasti* 3.733–4 who adds the etymology of *liba* from Liber.

<sup>42</sup> Ovid, *Fasti* 3.765–70.

<sup>43</sup> It is unclear whether the phallophoria entered Rome: Varro/Augustine refers to *Urbs*, usually Rome, however, the discussion moves on to single out Lavinium. For different interpretations see Radke 1979, 175 and Cancik-Lindemaier 1985, 51 n. 66. Cf. Plin. *NH* 28.7. 39: Pliny refers to the Vestals as the custodians of the *fascinus*.

<sup>44</sup> Aug. *civ. Dei* 7.21.



At the end of the first century BC, this festival *pro eventibus seminum*, celebrating both human and earthly fertility, is also portrayed by Virgil in the *Georgics* as a joyful occasion, honouring abundance and plentifulness.<sup>45</sup> As John Miller has convincingly argued, Virgil's description of a festival in honour of Bacchus, which took place at cross-roads and where unsophisticated and jubilant songs were sung and *liba*, honey-cakes, offered to the god, corresponds to the Liberalia as described by Varro (and also as reported by Augustine).<sup>46</sup> As a result of this celebration, where also *oscilla* were hang on pine trees, 'every vineyard ripens in generous increase; fullness comes to hollow valleys and deep glades, and every spot towards which the god has turned his comely face (*hinc omnis largo pubescit vinea fetu, complentur vallesque cavae saltusque profundi et quocumque deus circum caput egit honestum*).'<sup>47</sup>

We are also informed that in the late Republic, alongside the phallophoria, during this fertility celebration an important rite de passage may take place, when Roman boys abandoned the marks of childhood, the *toga praetexta* (the bordered toga) and the *bullae* (apotropaic locket), and assumed the *toga virilis* (a plain white toga) to signify the reaching of manhood.<sup>48</sup> The ceremony had a twofold dimension: first, at home, the *puer* set aside the *insignia pueritiae*, the *toga praetexta* and the *bullae*, before the Lares of the house to whom they were consecrated and then with family and friends embarked into a public procession through the Forum and up to the Capitol to scarify to Jupiter and Juventas.<sup>49</sup>

It seems that the right to wear the *toga virilis*, which could be attained at any stage in the teens (although most likely between 14 and 17 years of age) was intended, at least conceptually, to mark the attainment of full manhood, manifestation of fertility and fecundity of which Liber was a divine personification.<sup>50</sup>

It should be noted that, before being conferred the right to wear the *toga virilis*, freeborn Roman boys used to wear the *toga praetexta*, a white toga with a purple stripe, which they shared with the curule magistrates. It follows that, despite its distinctive nature, the *toga virilis* could not have acted mainly as the visual signifier that indicated the acquisition of those rights which should have transformed a freeborn boy into a fully-fledged Roman citizen, endowed with those rights of liberty.

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<sup>45</sup> Verg. *Georg.* 2. 385–96.

<sup>46</sup> Miller 2002, 199–224, esp. 202. For a form of liberty of speech exercised at the ludi of Liber see also Pall. 113 r.3 = Inc. 27 W.: *libera lingua loquemur ludis liberalibus* ('At liber's Games we'll talk with tongues at liberty'; tr. Engl. Warmington)]. See Manuwald 2011 for a discussion.

<sup>47</sup> Verg. *Georg.* 2.390–2.

<sup>48</sup> The most thorough account of this rite de passage entirely dedicated to the topics are G. Amiotti 1981, 131–40 and Dolansky 2008, 47–70. The *toga* is called *virilis* in Cic. *Phil.* 2. 44, Hor. *Sat.* 1. 2. 16, Livy 42. 34. 4; *pura*: Cat. 68. 15, Phaedr. 3. 10. 10, Pliny *NH* 8. 194, *libera* in Prop. 4. 1. 131–4 and Ovid, *Fasti* 3.377.

<sup>49</sup> Smith 1890–1891, s.v. *toga*. Representations of Bacchus have been found in paintings of lararia in Pompeii: see Pompeii VII I, 36/37 and I 2, 20/21 with his symbols such as ivy, grapes, kantharos, and thyrsus (*LIMC* s.v. Dionysos/Bacchus n. 98). On the sacrifices see App. *bc* 4.5.30; Serv. *ad Ecl.* 4.49 and, in ancient times, Dion. Hal. *Ant. Rom.* 4.15.5 (at the temple of Juventas).

<sup>50</sup> An interesting debate about the fixing of the age of puberty is preserved in Gai. *Inst.* 2.196–7: 'Again, when males reach the age of puberty they are released from guardianship. Sabinus and Cassius and our other preceptors hold that a person has arrived at the age of puberty who manifests this by the condition of his body, that is to say, if he is capable of procreation; but in the case of those who cannot show this condition, as for instance, eunuchs, their age should be considered to be that at which persons ordinarily reach puberty. Authorities belonging to another school, however, think that the age of puberty should be estimated by years; that is to say, they hold that a person has arrived at the age of puberty who has reached the age of 14.'

At the end of the first century BC, in the *Fasti* Ovid wonders why the *toga virilis*, the gown of manhood, was given to boys during the festival dedicated to Liber. In the manner proper of the ‘antiquarian poet’, he reviews possible explanations: the youthful look of the deity, his status of father, his ability to grant a freer life, and the presence of a crowd in the city to celebrate the festival are all possible reasons. Although he does not explicitly settle for any of his explanations, he seems to grant greater weight to the latter.<sup>51</sup>

When Ovid refers to Liber as the god who is free, through whom a gown of liberty is assumed and a pattern of freer life undertaken (*sive, quod es Liber, vestis quoque libera per te sumitur et vitae liberioris iter*), in his poetic use of the sequence *liber/libera/liberior* there is not an obvious reference to the idea of political liberty. The main point of Ovid’s interpretation is that the right to wear the *toga virilis* may be gained at the Liberalia because the acquisition of that gown marked the beginning of a life that better fulfilled the idea of liberty as embodied by Liber. Since both the wider context of the festival of the Liberalia and the conceptualisation of Liber at the time attest to the connection between the idea of fertility and abundance and this god, it seems that the primary, although indeed not the sole, function of the ceremony concerning the *toga virilis* was to act as a celebration of young Romans reaching sexual maturity. As Propertius put it, once ‘when the restraint of boyhood’s garb (*pudor* of his *toga praetexta*) was lifted from me and I was given freedom to learn the way of love.’<sup>52</sup> And again, in another elegy, he states that the donning of the *toga virilis* marked the rejection of a life spent in the forum addressing jury-courts and the beginning of a life dedicated to poetry, while in Ovid’s *Tristia* it stresses the beginning of a freer life on account of the new status.<sup>53</sup>

Still, there is little doubt that, in the late Republic, the donning of the *toga virilis* coincided with the entrance of these young men in the civic community.<sup>54</sup> ‘Scaevola tells us’, Varro reports, ‘that it used to be the custom for boys not to use their praenomen before they put on the adult toga, and for girls not before they were married’, although it does no longer seem to be the case.<sup>55</sup> With the assumption of the *toga virilis*, the young men appear to gain a sort of personal identity, are allowed to recline at banquets, to begin their *tirocinium fori*, and, most importantly for the commonwealth, are registered to fight.<sup>56</sup> Most scholars claim that on this occasion they also gain the right to vote, although the evidence are scanty and not precise. It seems plausible to suppose that they gained the franchise when they began

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<sup>51</sup> Ovid. *Fasti* 3.771–790. On etymological explanations in poetry, O’Hara 1996, 58. On the richness of the interpretations in the religious sphere see Feeney 1998, 70–75 and 127–31. See also Scheid 1992, 118–131.

For an excellent discussion of Ovid’s passage see Miller 2002.

<sup>52</sup> Propertius 3.15.3–6.

<sup>53</sup> Propertius 4.1.131–4 and Ovid. *Tristia* 4.10.27–30.

<sup>54</sup> Tacitus. *Germania* 13.1.

<sup>55</sup> Varro *GRF*, 331. See Gardner and Wiedemann 1991, 108–9.

<sup>56</sup> Dionysius of Halicarnassus. *Roman Antiquities* 4.15.5. Valerius Maximus 2.1.1 and 7.6.1 and Pliny the Elder. *Natural History* 7.29 on Aemilius Lepidus who goes to fight still with his *bulla* and *toga praetexta*. On the right to dine reclining see Roller 2006, 157–75 and on drinking wine D’Arms 1995. P. Mich. 7.433 from early-second century AD shows that lists of recent recipients of the toga were displayed in the Forum Augustum in Rome while copies seem to have been kept in the provinces. See Dolanski 2008, 47–70, 64, n.26. Not much can be inferred from Dio Cassius 55. 22. 4: ‘this same year Agrippa was enrolled among the youths of military age, but obtained none of the same privileges as his brothers (κἀν τῷ αὐτῷ ἔτει τούτῳ ὁ τε Ἀγρίππας ἐς ἐφήβους, μηδενοῦ τῶν αὐτῶν τοῖς ἀδελφοῖς τυχόν, ἐσεγγράφη).’

fighting in the army next to their father, if they still had one.<sup>57</sup> However, it is not clear whether they could start exercising their voting right as soon as they donned the *toga virilis* or rather after having been enlisted for the first time.

It seems that with the assumption of the *toga virilis*, which took place often, but not always and not solely, at the Liberalia, the Romans celebrated the coming of age of their next generation of young men, who, full of vigour, were now enlisted to fight. It might not be a coincidence, as Mario Torelli has underlined, that at the beginning of spring, on March the 17<sup>th</sup> the Romans celebrated both the Liberalia, dedicated to the fertility of the men and earth, as well as on the same day the Agonalia, dedicated to Mars.<sup>58</sup>

It follows that in the late Republic the god Liber, whose visual signifiers indicated a semantic range of fertility and abundance, and whose *ratio* the ancients themselves understood as presiding over the liberation of male liquid semen both of men (and animals) and wine (and, more in general, agriculture), attests the presence in Roman intellectual world of a way of conceptualising liberty as realisation of one's full potential, inherent in one's own nature.

#### IV

However, there are two ancient etymologies of Liber that *prima facie* seem to point to a direct connection between this deity and a juridical understanding of liberty. Since they constitute the main argument often put forward to support an understanding of Liber as the divine personification of a juridical and political notion of liberty,<sup>59</sup> they deserve attention.

According to late antique commentators on Vergil, Liber was the Roman equivalent to Dionysus, whose main function resided in the purgation of the soul from corporeal impurities, to which one may also include passions.<sup>60</sup> Not only does Servius derive the etymology of the theonym from this act, but also in his commentary to the *Aeneid* he specifies that *in sacris Liberi* the act of purgation takes place through the ventilation of air.<sup>61</sup> It was to this ventilation that the neophyte, whose soul had to be freed from impurities, had to be exposed as, in the old *Liberalia*, festival certainly (albeit in an unclear manner) connected to Liber, little puppets hanging from the trees were exposed to air which made them oscillate with the wind.<sup>62</sup> The role played by ventilation and air in the *sacra Liberi* was also symbolised

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<sup>57</sup> Gardner 1993, 82.

<sup>58</sup> Degrassi (1963) 66 'Lib(eralia), Ag(onalia), np. Libero, Lib(erae) | Fer(iae), quod e(o) d(ie) C. Caes(ar) vic(it) in Hisp(ania) ult(eriore).' Agonium also in *Fasti Verulani* (AD 14–37) and *Vaticani* (AD 15–37). Torelli 1990, 93–106.

<sup>59</sup> See, for example, Montanari 1998; Miller 2002.

<sup>60</sup> For a full discussion see Arena, 'The Status of Marsyas, Liber, and Servius: an instance of an Ancient Semantic Battle?', forthcoming.

<sup>61</sup> Serv. *ad Aen.* 6.741: '*unde etiam in sacris omnibus tres sunt istae purgationes: nam aut taeda purgant et sulphure, aut aqua abluunt, aut aere ventilant, quod erat in sacris Liberi: hoc est enim "tibi que oscilla ex alta suspendunt mollia pinu" ; nam genus erat purgationis. et in ipsis purgationibus bonum meritum secutus est ordinem, ut ante aeriam, inde aquae, post ignis diceret purgationem*'. See also Serv. *ad Georg.* 1.166 (*idem est Liber pater – in cuius mysteriis vannus est, quia, ut diximus, animas purgat, unde et Liber ab eo, quod liberet, dictus est*) and on the role of ventilation see Turcan 1960, 129–144.

<sup>62</sup> On the Liberalia see above, 000.

by the riddle, one of the objects sacred to the god: as ventilation was used to separate the grain from the chaff, so exposure to the purifying air was meant to liberate the soul from corporeal impurities.<sup>63</sup>

According to Servius and in line with the main tradition of Liber that associated him to viniculture, a similar function to that of air was performed by wine and music.<sup>64</sup> Servius refers to dancing and singing as characteristic traits of the *Liberalia*<sup>65</sup> and, in line with the Platonic tradition of thought, he does not find this facet of the cult in contradiction with its more orgiastic dimension.<sup>66</sup> He reports that an alternative name for the *sacra Liberi* was *orgia*, deriving from the Greek ἀπό τῆς ὀργῆς, and which he translates in Latin as *furor*, a status achieved in virtue of the power of music.<sup>67</sup> Contrary to the Republican view which sees *furor* as a complete darkening of the mind (to the extent that in Roman law those affected by *furor* had to be under the *tutela* of someone else),<sup>68</sup> Servius, in line with a Platonic tradition of thought in vogue at his time, seems to recognise the positive, purifying, dimension of this form of possession.

When set within the wider context of Servius' conceptualisations of Liber, it seems that the etymological explanation that Servius provides of the deity, *Liber a libertate*, should not be univocally understood as referring to a political and juridical concept of liberty.<sup>69</sup> Explaining the alignment of Jupiter Stygius and Pluto, Servius expands on this point adding that the Stoics claim there is only one god, whose names vary *pro actibus et officiis*. As far as those names which derive from specific acts are concerned, Servius continues, Jupiter is so called from the act of *iuvare*, Mercury from an act of presiding over *merces*, and Liber from the idea of *libertas*.<sup>70</sup> Here, however, Servius does not explain what is the object Liber frees nor the obstacle or hindrance from which he liberates it nor the nature of this liberation.<sup>71</sup> This, of course, does not mean that the god Liber is not connected to the idea of liberty, but rather that this idea of liberty should not inevitably be understood as a notion of juridical and political liberty, neither as the liberty of the citizen in relation to the commonwealth nor as the liberty of a city or people in relation to another city or people.

However, discussing the deities to whom Aeneas makes sacrifices, in his commentary to the *Aeneid*, Servius explains the role of the god Liber in a manner that unequivocally suggests the juridical and political dimension of the idea of liberty associated to this deity. Liber, he states, is the symbol of free

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<sup>63</sup> Pellizzari 2003. On the mystic fan see also Harrison 1903.

<sup>64</sup> Serv. *ad Aen.* 1.171.1 *Liber per vino* and 1.636; Plut. *Moralia* 68d, 716b. Fest. 115: *quod vino nimio usi omnia libere loquantur*. Fulg. *Myth.* 2.12p.53,8; Isid. *Diff.* 1.349 and Id. *Etym.* 8.11.44: '*quod multo vino membra soluantur*.' Ovid, *Fasti* 3.777. Plutarch *Moralia* 289a= *Quaestiones Romanae* 104).

<sup>65</sup> Serv. *ad Buc.* 5.30; *ad Aen.* 7.385

<sup>66</sup> Pellizzari 2003, 178–79.

<sup>67</sup> Serv. *ad Aen.* 4.302.

<sup>68</sup> On *furor* see Cic. *Tusc.* 3.11 and Arena 2011, esp. 305f. (with relevant bibliography).

<sup>69</sup> On the association see Paoli 1938, 97 and Bruhl 1953, 16 and at 22 for etymology. Wiseman 1998, 35–51 and id. 2000 is based on the assumption that the liberty to which Servius associates Liber was of political nature. However, despite the very elegant hypothesis based on syncretism with the Athenian liberation from tyranny, nowhere in Servius *ad Aen.* 4.638 there is an explicit connection between the god Liber and the idea of political liberty.

<sup>70</sup> Serv. *ad Aen.* 4.638.

<sup>71</sup> Cf. Varro *LL* 6.2 and Serv. *ad Georg.* 1.7. On the variety of ancient etymologies for Liber see Maltby 1991, s.v. *Liber*.

cities (*signum liberae civitatis*): ‘*nam apud maiores aut stipendiariae erant, aut foederatae, aut liberae. sed in liberis civitatibus simulacrum Marsyae erat, qui in tutela Liberi patris est.*’<sup>72</sup> This is, in fact, the reason, Servius explains, why in the *civitates liberae* is to be found a statue of Marsyas, the attendant of the god Liber. Returning to this point, when commenting the appellative Lyaeus, Servius/Servius Danielis states that Lyaeos derives his name ἀπὸ τοῦ λύειν, *quod nimio vino membra solvantur*, and add that Liber, as he has previously stated, is the god of the liberty of the cities and for this reason a statue of Marsyas, his attendant, is located in the forum as symbol of the city’s liberty, represented raising his hand to signify that the city does not fall short of anything (*qui erecta manu testatur nihil urbi deesse*).<sup>73</sup>

At close scrutiny, however, these attestations, unique in their nature, show Servius/Servius Danielis’ misunderstanding of the evidence at his disposal and his attempt to reconcile those with his own conception of liberty, much more dependent on his contemporary intellectual context.

Not only, as many commentators have underlined, is the satyr Marsyas an unlikely candidate as champion of liberty of the cities, but also, even if he could have been plausibly presented as one, Servius makes a rather revealing historical error in his explanation of location of the statue, as the *civitates foederatae*, following his logic, and not the *civitates liberae*, should have displayed his statue in their forum. Contrary to what at first sight it might appear, the *civitates foederatae* enjoyed, at least in theory, a higher degree of liberty than the *civitates liberae*.

Whilst the latter enjoyed a number of privileges established by law or resolution of the Senate (such as immunity from taxation – during the Empire a very rare concession), all guaranteed by a unilateral grant by the Roman people, and as such were, in theory as well as in practice, revocable, the first enjoyed a variety of privileges (which could go from possessing the status of independent states to enjoying a rather limited amount of privileges, which did not include liberty from taxation), which, at least formally, were guaranteed by the treaty (*foedus*) that they had struck with Rome at the time of their encounter.<sup>74</sup> Within the administrative taxonomy of the Empire, the *civitates foederatae*, therefore, enjoyed the highest degree of liberty and would have been most suitably entitled to display the statue of the attendant of the god Liber.

In addition, Servius/Servius Danielis states that Marsyas is portrayed with his raised arm to symbolise that the city is not lacking in anything.<sup>75</sup> This iconographic choice, also attested in the surviving visual

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<sup>72</sup> Serv, *ad Aen.* 3.20.

<sup>73</sup> Serv. *ad Aen.* 4.58: PATRIQUE LYAEO dictus Lyaeos ἀπὸ τοῦ λύειν, *quod nimio vino membra solvantur*. qui, ut supra diximus, apte urbibus libertatis est deus; unde etiam Marsyas, eius minister, est in civitatibus, *in foro positus*, libertatis indicium, *qui erecta manu testatur nihil urbi deesse*. I follow here the typographical distinction adopted by Thilo 1881, who adopts italics to indicate the non-Servian scholia found in Servius Danielis. On the issues concerning the presentation of Servius’ text see Murgia and Kaster 2018, xx-xxviii. Macrobius reports the same explanation almost verbatim at 3.12: *Lyaeus vero, id est Liber, urbibus libertatis est deus, unde Marsyas eius minister in civitatibus libertatis est indicium*.

<sup>74</sup> Sherwin-White 1973, 175–189; Jones 1940, 113ff. and 129ff and id. 1974, 4ff. See Tac. *Ann.* 3.40 as example of taxes imposed on *civitates foederatae* and Plin. *Ep.* 10.47 on the colony of Apamea in Bythnia and their independence from the provincial governor.

<sup>75</sup> On the complexity of manuscript traditions of Servius see Zetzel 1981, 81-147 and Vallat 2012, 89–99. On this passage see the interesting hypothesis of Ramires 2012, 137–203, esp. 146.

evidence, has long puzzled scholars.<sup>76</sup> If, on the one hand, in the Graeco-Roman context, the iconography of a raised arm is never associated with the idea of civic liberty, on the other, the formulation of liberty as a status of civic completeness, in which the city does not lack anything, does not belong to a Roman way of conceptualising (and even less so of expressing) this value. This idea of self-sufficiency, which in a civic context would correspond to the Greek equivalent of αὐτάρκεια, is not only unattested in discussions of Roman liberty, but also, and rather importantly, could not be correctly applied to describe the status of *civitates liberae*. Although the charter of the privileges of these cities often included the clause *legibus suis uti*, this notion was not tantamount to the status of *autarkeia*, but rather to that of *autonomia* (the right to self-government under a constitution imposed by Rome, and from the beginning of the second century AD onwards the power to use only those laws in force at the time of the grant of liberty) and signified that the city in question had been freed from the previous regime and was allowed to govern itself with its own laws under the protection of the potentially interfering power of Rome, which, very importantly, reserved the right to withdraw this privilege. It follows that Servius' etymological explanation of *Liber a libertate* should not be understood as referring to a juridical and political conceptualisation of this value. Rather, it seems to derive from an awkward and ultimately unsuccessful attempt by Servius/Servius Danielis to reconcile all the available evidence at their disposal.

This evidence reveals a way of thinking about liberty that differs from the account of *libertas* as absence of domination or dependence from the arbitrary will of someone else, dominant in the late Republic, which I shall discuss later. By virtue of Liber's intervention, the wine, one of the forms of his liquid seed, loosens up the body and liberates the inner-self from physical constraints, as he frees the tongue from the constraints of inhibiting thoughts and the mind from passions. In the same manner, by Liber's intervention the male semen, the other form of his liquid seed, is released in a sexual union in an act leading to human procreation. In the intellectual world of the late Republic, Liber, therefore, seems to act as the divine personification of a notion of liberty, according to which men are free when they are liberated from the constraints of their own body or passions, which thereby act as interference agencies, to realise the full potential inherent in their own nature. In this way of thinking about liberty, the emphasis is crucially on the positive dimension of liberty. As Thomas Hill Green puts it, according to this way of thinking, liberty is 'to have realised that which we have in ourselves, to become.' In this account, liberty, in essence, is matter of being and becoming.

## V

In the late Republic, there was another divine personification of the idea of liberty, Jupiter Libertas, or simply Libertas, as often mentioned in the sources.

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<sup>76</sup> For a full analysis of the issue and an explicative suggestion see Arena, 'Semantic Battles: Servius and the Statue of Marsyas', forthcoming.

This notion, which was juridical and political in essence, was born out of the same etymology of Liber. Deriving from the Baltic-Slavic and Germanic noun \*h]leudh (people) derive from the verb \*h]leudh, which means to grow, the derivative adjective stands for ‘belonging to the people’, hence ‘free.’<sup>77</sup> As long time ago Beneviste has pointed out, in Latin free, *liberi*, came to signify children, as the legitimate children born from two free parents, and therefore fully recognised members of the community.<sup>78</sup> These fellows of the same group shared in common a status of *libertas*, that is a status that was characterised by the absence of slavery. Raaflaub 2000, 257 brilliantly shows how this deity seems to be the Roman adaptation of Zeus Eleutherios, which indicates liberty from tyranny/slavery contrary to Dionysios/Liber: ‘neither of these cults had anything to do with Rome’s liberation from the tyrant

As elegantly formulated in the juridical texts of the imperial era, those who were free, either by birth or by manumission, possessed the natural ability to do whatever they wish, as they were not under the *dominium* of someone else.<sup>79</sup> In Pettit’s well-known formulation, *libertas* in Rome was understood as a status of non-domination, that is a status where one was free qua living in a condition devoid not of actual interference, but rather of the possibility of interference.<sup>80</sup> The individual could never be free when in a state of domination, however kind his master might be, and however inclined to please all his subject’s wishes: it would always be the master’s prerogative to revoke unilaterally any concession that he might have granted, leaving the individual unable to conduct his life as he wished, and always inevitably at the mercy of somebody else.

Since, in Roman juridical discourse, slavery was the status of dependence on the arbitrary will of another person or groups of persons, it follows that the Romans, conceiving political liberty by means of the metaphor of slavery, conceptualised it as a status of non-subjection to the arbitrary will of another person or group of persons, and analysed its loss in terms of falling into a condition of slavery. The ability to avoid this fall, and to preserve the status of political *libertas*, was dependent not only on the constitutional arrangements of the commonwealth, but also on the civic status of the individual Roman citizen. In the late Republican Rome, this status of political liberty was achieved by a matrix of rights (*iura*) that constituted the institutional means by which Romans succeeded in conducting their lives unobstructed by magistrates or groups wielding political power, in the pursuit of their freely chosen goals. These true foundations of liberty were the rights to *suffragium*, *provocatio*, all the powers of the tribunes of the plebs (*auxilium*, *intercessio* and the *ius agendi cum plebe*), and the rule of law, which by the first century BC had become universally accepted as the essential means of protecting citizens from arbitrary coercion or interference. Since they provided the citizens with the necessary basis to enjoy a full life, these rights can be described as the basic Roman liberties that protected the range of choices that were deemed necessary within Roman society to guarantee its citizens the enjoyment of a

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<sup>77</sup> De Vaan 2008, s.v. liber.

<sup>78</sup> Beneviste 1969 I, 324.

<sup>79</sup> Dig. 1.5.3-6. For full discussion see Arena 2012, 15-30.

<sup>80</sup> On this whole issue see most recently Laborde and Maynor 2008 including contributions by Pettit and Skinner. For a divergence of formulation see Pettit 2002, 339–56.

free life. Crucially for the present discussion, amongst those rights, the rights to speak freely and the right to economic independence were not included as legal means to preserve the status of *libertas*.<sup>81</sup> As a result of the Roman conception of speaking freely as the positive moral quality of a natural ability of human beings and because of their inability to differentiate the abstract notion of labour from the labourers themselves, in the Republic the Romans did not protect as matter of right their ability to speak their own mind and to protect their sources of income. Within their historical context, those were not rights deemed necessary to guarantee the citizens' status of liberty.

This notion of *libertas* in the Roman Republic found its clearest symbolic expression in the *pilleus*, the hat worn by newly freed slaves. Functioning in a way that was equivalent to literary topoi, it shaped and propagated the notion of *libertas* as a status opposed to that of slavery, and potentially also enabled its reinterpretation. In its primary meaning the *pilleus* served as a sign of emancipation and release from dependency, whilst still acting as a visible reminder of past slavery.<sup>82</sup>

However, as is attested most explicitly in the coins of the second century BC, the *pilleus* also came to assume a wider significance as a symbol of liberty to be applied to all members of the community, either freed or free by birth, who were symbolically associated together as living in a condition of non-slavery. The important metaphorical meaning of the ex-slave's cap was immediately intelligible within the set of social conventions and collective attitudes of Roman society. In defining the dichotomy between liberty and slavery, the *pilleus* designated those who wore it as non-slaves, and described their status as both devoid of someone else's dominium and as recognised members of the Roman community.

Commonly present in Roman daily life, the *pilleus* featured prominently also in the imagery of the temple of (Jupiter) Libertas. Built in 246 BC on the Aventine, *ex multatitia pecunia* the temple of Libertas was dedicated by the plebeian aedile Tiberius Sempronius Gracchus on 13th April, possibly to celebrate a triumph over the Carthaginians.<sup>83</sup> The fact that this temple was erected on the same dies natalis as the temple of Jupiter Victor, which had been built by the consul Q. Fabius Maximus Rullianus in celebration of the famous victory of the battle of Sentinum in 295 BC, supports the idea that the temple on the Aventine was, in fact, dedicated to Jupiter Libertas, rather than solely to the deity Libertas.<sup>84</sup>

It may well be possible that the cult-statue of Libertas itself, now lost, was adorned with a *pilleus*, as the denarius issued by C. Egnatius Maxsumus around 75 BC suggests. On the reverse, the coin pictures a distyle temple with two figures and above the temple's architrave and in clear correspondence with the two figures are portrayed a thunderbolt and a *pilleus*, which act as direct attributes of the two divinities in the temple and contribute to their identification as Jupiter and Libertas. This suggestive

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<sup>81</sup> Arena, 'Between Rhetoric, Social Norms, and Law: Liberty of Speech in Republican Rome', forthcoming 2020 and 'Debt-bondage, fides, and justice: Republican liberty and the notion of economic independence in the first century BC', forthcoming 2020.

<sup>82</sup> For a full discussion, see Arena 2012, 30-43.

<sup>83</sup> On the use of fines, see Piacentin 2018, 103-26.

<sup>84</sup> See *RGDA* 19: Jupiter Libertas and Zeus Eleutheros; see also the *fasti aruales* CIL I<sup>2</sup>, pp. 214 and 330; Degrassi 1963, XIII.2, 504.



hypothesis aside, it remains that the pilleus was the first symbolic representation of liberty which a visitor encountered when entering the temple: from the end of the second century BC, its walls were adorned by a fresco, most probably still visible in the late Republic, which represented a joyful feast to celebrate the victory over the Carthaginians in the battle of Beneventum. In the fresco newly freed and enfranchised soldiers, wearing the pilleus or the wooden headbands, feasted either standing or on couches according to the bravery shown in battle. Here the image of the pilleus, built on the notion of liberty as a status opposed to the condition of slavery, represented to the eyes of everyday visitors the duties which accompanied the acquisition of Roman freedom (and citizenship).

On the basis of a common code in the context of an interpretative interaction between signifier and signified, walking in the temple, the late Republican viewer might perhaps have been unable to appreciate fully the historical references to the glorious victory of the general Tiberius Gracchus. However, he would have understood those symbols, which, extrapolated from the dedicator's intentional context, had acquired a forceful meaning in the Roman society of the late Republic. He would, therefore, have read the image of the pilleus and the different feasting postures of the soldiers as explicative of the notion of *libertas*, understood as a status of non-slavery, requiring an appropriate virtuous behaviour.

The prominence of the pilleus in the imagery associated with *libertas* indicated as well as reinforced the conceptual dichotomy between the liberty of the members of the community (either freed or free by birth) and slavery. Contrary to the iconographic symbols of Liber, which circumscribed its semantic range within the context of fertility and abundance, the pilleus represented a juridical idea of liberty as a status of non-slavery, that is a status of not being arbitrarily interfered in one's own choice, that is of not being subject to the arbitrary will of another person or group of people. This status was guaranteed and protected by the institutional means through which the status of political liberty was established and maintained.

It seems, therefore, that in the first century BC Liber was indeed a god of liberty, but, contrary to what later sources such as Servius lead us to believe, not primarily that political and juridical liberty, personified in the divine quality of (Jupiter) Libertas, and which, importantly, did not include the right to speak freely nor the right to economic independence. Liber had rather come to signify liberty from physical constraints to enable the individual to flourish and fulfil one's own potential.

## VI

In 45 BC Cicero has the Stoic interlocutor Q. Lucilius Balbus discuss the deification of great men: 'Our human experience and the common practice have ensured that men who conferred outstanding benefits were translated to heaven through their fame and our gratitude. Examples are Hercules, Castor and Pollux, Aesculapius, and Liber as well (by Liber I mean the son of Semele, not the Liber whom our ancestors solemnly and piously deified with Ceres and Libera, the nature of whose worship can be gathered from the mysteries. Because we call our children *liberi*, the offspring of Ceres were named

Liber and Libera; the sense of ‘offspring’ has been retained in the case of Libera, but not in that of Liber) (*hunc dico Liberum Semela natum, non eum quem nostri maiores auguste sancteque Liberum cum Cerere et Libera consecraverunt, quod quale sit ex mysteriis intellegi potest; sed quod ex nobis natos liberos appellamus, idcirco Cerere nati nominati sunt Liber et Libera, quod in Libera servant, in Libero non item*).<sup>85</sup>

Most interestingly, when mentioning Liber, Cicero has his speaker distinguishing the ‘Greek Liber’, the son of Semele, according to the genealogical form proper of Greek religious thinking, from the ‘Roman Liber’, whose nature is explained by the Roman way of etymology.<sup>86</sup> The latter **ma siamo sicuri che si stia riferendo a Roman Liber?**, Cicero tells us, is worshipped together with Ceres and Libera in a temple founded, according to tradition, in 496 BC as a result of a famine on suggestion of the Sybilline books and later vowed in 493 BC by the consul Spurius Cassius.<sup>87</sup> The nature of the worship, he continues, can be gathered from the Eleusinian mysteries, in which many Romans of the late Republic had been initiated.<sup>88</sup> The Greek cult was dedicated to Demeter and Persephone, with whom Ceres and Libera were associated and, by the late Republic, this connotation seems to have granted a privileged role to the two female deities over Libera’s counterpart, the male Liber.<sup>89</sup> Most interestingly, however, Cicero’s passage provides an explanation of these three deities by adopting an etymology, which acting as an explanation permits to think about these gods in terms of a Roman *familia*.<sup>90</sup> Since the noun for children is *liberi*, Cicero explains, Ceres’ children are called Liber and Libera. Not only does this aetiological connection emphasise the association with fertility, but also presents the relation between these gods in very clear terms: Ceres is the mother, the head of the family group, the deity of grain, and Liber and Libera are her children, responsible for the male and female seeds. Although not mentioned in Cicero’s passage as not relevant to his argument, both Varro in Augustine and Ovid add another important member to this *familia*, Flora, the *ministra Cereris*. A special assistant to Ceres in the running of her household, Flora was the goddess of flowering, who even had her own flamen.<sup>91</sup> ‘When the grain stood level in the field with ears newly formed,’ Augustine states, ‘the goddess Hostilina was in charge (for the ancients used *hostire* to mean, “make level”); when the grain was in flower, the goddess Flora;

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<sup>85</sup> Cic. *de nat. deorum* 2.62 (trans. P.G. Walsh).

<sup>86</sup> On the differences between the Greek and the Roman ways of thinking the gods, see Pironti and Perfigli 2018.

<sup>87</sup> Dion. Hal. *Rom. ant.* 6.17.2-3: *ναῶν κατασκευὰς ἐξέμισθωσε Δήμητρι καὶ Διονύσῳ καὶ Κόρῃ κατ’ εὐχὴν*. On the temple and its location see Coarelli 1993. *Contra* Mignone 2016, who convincingly argues for a location of the temple in the Forum Boarium close to the Circus Maximus. On the important political role of the temple during the early Republic see Le Bonniec 1958, 342-378; De Cazanove 1990, 373-399; Spaeth 1996, 6-11 and 81-102.

<sup>88</sup> Plut. *Sulla*, 26; Cic. *leg.* 2.35.

<sup>89</sup> Festus 86L s.v. *Graeca sacra* states that the festival was celebrated on account of finding Persephone, making explicit the link with Greek mythology. It should be noted that in the course of the third century, the cult of Ceres had been subjected to important alterations, adopting Greek practitioners and Greek ritual and perhaps being associated with the Greek Thesmophoria Cic. *Verr.* II.5.72.187ff.; *Balb.* 24.55; CIL VI 2181 = 32443. On the *antiquissima* Ceres from Enna who needed to be placated in 133 BC see Cic. *Verr.* II.4.48.108; Val. Max. 1.1.1; Lact *inst.* 2.4.29. Orlin 2010 and Spaeth 1996, 17-9. On the predominance of Ceres see H. Le Bonniec 1958, 311 ‘Cet effacement apparaitra clairement lorsqu’au IIIe s. le culte mystique, et non plus politique, de Ceres-Proserpine eclipsera celui de Ceres, Liber, and Libera.’

<sup>90</sup> For this reading see Perfigli 2018.

<sup>91</sup> Varr. *Ling. Lat.* 7.45. Cf. Ovid. *Fast.* 4.945-7. The Tavolo Agnone refers to Flora of Ceres.

when it was milky, the god Lacturnus; when it ripened, the goddess Matuta...'.<sup>92</sup> Being responsible for flourishing, this goddess was connected with Liber and Libera, 'perhaps you may think that I am queen only of dainty garlands;' says the goddess in Ovid's *Fasti*, 'but my divinity has to do also with the tilled fields. If the crops have blossomed well, the threshing-floor will be piled high; if the vines have blossomed well, there will be wine; if the olive-trees have blossomed well, most buxom will be the year; and the fruitage will be according to the time of blossoming. If once the blossom is nipped, the vetches and beans wither, and thy lentils, O Nile that comest from afar, do likewise wither. Wines also bloom, laboriously stored in great cellars, and a scum covers their surface in the jars. Honey is my gift.'<sup>93</sup>

This family structure of the relations between gods, based primarily on associations of responsibilities, was not just a more sophisticated form of anthropomorphism, but rather an organised way to think about the gods with clear social distinctions and different ranking roles. One of the *dei consentes*, the goddess Ceres is the head of the *familia*, her children, in most classifications, are amongst the *dei minuti* and fulfil an essential role for a successful agriculture, supported by the *ministra* Flora. Most interestingly, however, Cicero has Balbus make a very important remark: whilst Libera still retains the sense of 'offspring', Liber has now lost it. It seems that by the mid-first century BC Liber emancipated himself from the family bonds and is no longer solely conceived as a member of the triad, where Ceres is now perceived as the most dominant figure.<sup>94</sup>

It is interesting to observe that in the late Republic the representation of the triad is only attested in the case of a triple herm with Ceres, Libera, and Iakchos with a kantharos, whilst the *Fasti Farnesiani* reports sacrifices to the sole god Liber on the Capitoline.<sup>95</sup> There it seems it was erected a *signum Liberi Patris* (whose appearances in the form of an ithyphallic herm can be only supposed on the basis of Augustan motifs),<sup>96</sup> as a temple built there dedicated to the god of wine that loosens up the members of the body, the *tecta Lyaei* as Martial calls it, does not seem to be supported by extensive evidence.<sup>97</sup>

Although there is no doubt that in the Roman historical tradition the temple of Ceres, Liber and Libera was connected to the political conquests of the plebs, it seems that by the first century BC the triad was mainly perceived as one of earthly fecundity with Ceres as the prevalent divinity. In the conceptualisation of their divinities, the god Liber had assumed a more independent role, whose marginalisation might have favoured an accentuation of his individual traits.<sup>98</sup>

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<sup>92</sup> Aug. *civ. Dei* 8.4.

<sup>93</sup> Ovid, *Fasti* 5.261-72. Varr. *Rust.* 1.1.6: Flora is one of the *duces agricoliarum*, alongside Ceres and Liber.

<sup>94</sup> Spaeth 1996.

<sup>95</sup> LIMC s.v. Dionysios/Bacchus (1986), n. 113: Mülle and Wieseler 1854-61, II I n. 341. Another possible representation of the triad, which however is very fragmented, from the Campana reliefs of Augustan period LIMC s.v. Dionysios/Bacchus (1986), n. 114.

<sup>96</sup> Wyler 2011, 171-87 shows that a bearded ithyphallic herm is a frequent a cult statue on Dionysiac images at the very end of the Republic and beginning of the Principate.

<sup>97</sup> CIL 16. 10 and 11 (CIL I I<sup>2</sup> p. 250): two military diplomata (AD 70) that mention a statue of Liber Pater on the Capitoline. Martial 1. 70. 9-10. cf. Prop. 3. 17. 35. See Rodríguez Almeida 1993 1. 153-4 for the idea of a temple to Liber on the Capitolium.

<sup>98</sup> According to Musiał 2007, 47-56, Liber's marginalisation favoured a process of Hellenisation of his deity.

In the late Republic, this Liber attests the existence of a different way of conceptualising the liberty enjoyed by Roman citizens as citizens. According to this submerged tradition of thought, whose exact contours remain hard to delineate given the state of our evidence, a man is free not when he is able to conduct his life without being arbitrarily interfered by someone else, that is not by virtue of being protected by a matrix of civic and political rights, but rather a man is free when he is endowed with the power to fulfil his own natural essence. As the festival of the Liberalia and their rite of passage concerning the *toga virilis* seem to suggest, the full realisation of one's natural potential, the reaching of adulthood celebrated both in private before the altar of the Lares, and in public in a procession through the forum up to the Capitolium, seem to indicate that the civic community functioned as the arena within which this nature could be fully enacted. This notion of liberty is not, therefore, conceptually apolitical. It rather emphasises the positive dialectic dimension of liberty: a man is free when he has the power to realise his nature as a civic member of the community.

The divine personification of Liber opens up a window on a different conceptualisation of liberty and can itself show different ways to think about liberty: liberty from the body whose interferences impede the full realisation of one's own essence, liberty from worries and fears to achieve one's own potential, liberty as the ecstasy of the soul. However, this liberty in all its different articulations is profoundly distinct from the notion of *libertas* as a status characterised by the absence of domination, a notion that was dominant in the intellectual world of the late Republic. Concerning the realisation of individual's potential as a member of the community, this intellectual tradition does not focus in the first place on the civic status of the single member and his civic and political rights.

Although these accounts of liberty are conceptually very different, they were, of course, open to mutual contamination as well as attempts at reconciliation.<sup>99</sup> Thus, by interpreting, subverting, and even moulding into new forms existing ways of thinking about liberty politicians as well as writers, for example, could try to achieve their aims. By adopting references to Liber without necessarily following in a coherent fashion the intellectual tradition primarily associated with him, these political actors and writers made an intellectual move that, in turn, might even have generated, at least in principle, a new way of thinking about liberty. As Foucault stated, intellectual taxonomies are infinite.

To appreciate fully what these authors were doing each time they refer to Liber and *libertas*, it is, therefore, necessary to bring some intellectual clarity about the different ways of conceptualising liberty in Rome. The identification of alternative ways to conceptualise liberty would allow to us to shed light on the full intellectual weaponry at the disposal of intellectuals and politicians of the late Republic, who could exploit at will the full and diverse potential of the association of Liber with *libertas* to achieve their aims.

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<sup>99</sup> Cic. *Att.* 14. 14. 2. Cf. Cic. *Att.* 14.10.1. See also Cic. *Flacc* 66 for an association between Mithridates and Liber and the denarius of Marcus Cato with the head of Liber on the reverse *RRC* 462. 2. Although obscure in its historical truthfulness and implications see Serv. *Ecl.* 5.29: Caesar was the first to transplant the *sacra Liberi patris* to Rome. For Anthony as posing as Dionysios see Plut. *Ant.* 24.3–4 and Cass. Dio 50.5.3. On other politicians' connection with Liber see Val. Max. 3.6.6 and Plin. *NH* 33.150 (Marius); Plin. *NH* 8.4 (Pompey); Vell. 2.82.4 (Anthony).

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