

accounts of the arrival of games at Rome (including Tac. *Ann.* 14.21) are not reliable—they are antiquarian reconstructions based on sources that cannot be traced. Likewise, I am in agreement with Cornell's view that sixth-century Rome was a much more substantial place than T. allows, and that borrowings from Etruria do not amount to evidence for domination of Rome by the Etruscans. That said, it is undeniable, as T. has shown elsewhere, and argues again here, that Greek-style athletics seem to have caught on in Etruria before they did at Rome and that their arrival at Rome was mediated by aristocratic practices in Etruria.

Reservations of the sort outlined in the last paragraph are, however, very few, and the clarity with which T. reviews the evidence for all manner of equestrian and athletic events throughout the Republic and into the late empire is impressive. An especially welcome feature of the book is the discussion of physical training: Chapter 4 offers an excellent discussion of events such as ball games for both men and women.

T. has the impressive ability to present complex material in a way that will inform the specialist and the general reader alike. It is to be hoped that this translation will inspire an English language publisher to undertake a translation of a book that can inform anyone interested in the history of sport.

University of Michigan

DAVID POTTER

ROMAN INCEST

P. MOREAU: *Incestus et prohibita nuptiae. Conception romaine de l'inceste et histoire des prohibitions matrimoniales pour cause de parenté dans la Rome antique.* (Collection d'Études Anciennes publiée sous le patronage de l'Association Guillaume Budé, Série latine 62.) Pp. 451. Paris: Les Belles Lettres, 2002. Paper, €38. ISBN: 2-251-32653-7.

This book was part of a *thèse de doctorat d'État* (1998). Moreau had previously published related work, e.g. on Clodius (where incest with a sister is an inescapable topic) and on the goings-on reported by Cicero's *pro Cluentio* (which includes Sasia's marriage to a former son-in-law). A companion volume (*Gradus, Naissance d'une science de la parenté à Rome*) is in preparation.

Incestus/*incestum* is wider than our 'incest', since it includes the unchastity of a Vestal and the sacrilege against the Bona Dea for which Clodius was tried. Part One discusses Roman conceptions, with chapters on the horror which incest evoked, comparable with cannibalism or parricide (there are interesting sections on Firmicus Maternus [Roman in his reactions], Artemidorus ['peu utile à notre propos', 33] and invective); on incest as a violation of *fas*, and of nature; on arguments about the mythical incest of gods and the observed or imagined behaviour of animals; on the rules of other peoples; on lawgivers and jurists, and the distinction between what counted as incest in *ius gentium* and in Roman law (which, M. argues, is classical, late second or early third century A.D.); on the confusion of terms of relationship, *nomina necessitudinis*, which incest caused (traced back to Greek tragedy and forward to Church Fathers); on the special *incestum* of a Vestal Virgin. Why was seduction of a Vestal *incestum*? M.'s explanation is that, just as it was incest for a close kinsman to pre-empt a woman who ought to have been given in marriage to a non-kinsman (as part of repeated exchanges of women between families), so it was incest for any man to

have sexual relations with a Vestal, who had been formally removed from her family. Does this make her a universal sister?

Part Two addresses the prohibitions on marriage to blood-relations and *adfines* down to the sixth century A.D. Marriages between ascendants and descendants were prohibited; sexual intercourse between father or mother and child was horrifying. Marriage or intercourse with siblings was always illicit in Rome. M. then devotes attention to the marriage of second and first cousins, originally not practised, but legalized, the latter at least, he argues (following Plutarch *QR* 6), by a statute, which also forbade marriages with closer relations, before c. 200 B.C. (Some jurists refer to *mores* as the foundation of prohibitions: M. is more sceptical about the existence of customary law than scholars from a common-law tradition might be.) Theodosius I subsequently invalidated and punished marriage of first cousins, but his law did not last. M. then discusses uncle–niece and aunt–nephew marriages, both forbidden until Claudius legalized marriage between uncle and brother's daughter. Rules on *adfines*, relations by marriage, were developed in classical law. For a man to marry his stepmother, ex-mother-in-law, stepdaughter, or ex-daughter-in-law (or a woman the corresponding man) was, in juristic interpretation, incestuous. They were *parentum liberorumve loco*. These ideas were extended to concubinage and to adoptive, illegitimate and servile kin. The trend to enlarge the circle of marriageable kin (cousins, then the little-exploited Claudian law) was followed by more restrictive concepts and rules. The most interesting section here is on the possible influence of Christianity in the late fourth century: M. is right (though not as original as he suggests, for it is, for example, a theme of J. Evans Grubbs, *Law and Family in Late Antiquity* [Oxford, 1995]) to insist that pre-existing 'Roman' views, as well as Christian opinions need to be carefully defined and assessed. He reaches a nuanced conclusion that an evolution of opinion was shared by Christian and non-Christian alike.

Finally, judicial repression is traced as it developed and changed. The evidence for procedure and penalty under the Republic is tenuous (I cannot believe that a man who married his cousin risked being thrown from the Tarpeian Rock). Scholarly controversies about the Augustan adultery law are carefully handled. There is an illuminating discussion of four imperial rescripts, which show us what actually happened to people who, in good faith and publicly, made incestuous 'marriages'. The people involved were a young woman; a stepson who had 'married' his stepmother and 'divorced' her; any person who had given up such a union before being accused; Flavia Tertulla, bestowed on her uncle by her grandmother, forty years earlier, and mother of a number of children, in ignorance of the law (*Dig.* 48.5.39[38].4–6; 23.2.57a). None was punished, as long as the 'marriage' was, or had been, ended; Tertulla's children were even legitimized.

Texts are quoted in French, normally in the endnotes to each chapter. Sometimes they are discussed without quotation, which will drive many readers to keep the *Digest*, the *Code*, or *FIRA* open in front of them. Without a text, it is hard to follow M.'s treatment of, for instance, the edict of A.D. 295, which, while extending clemency to those who had previously formed incestuous marriages contrary to Roman law (though denying legitimacy and succession-rights to any children who had resulted), insisted that henceforth marriages must be in accordance with the traditions which had secured divine favour for the empire. A brief paraphrase, an interesting comment from Volterra, and some discussion of the arguments of Barnes and Honoré about which emperor and which secretary was responsible do not make up for the absence of the full text (*Collatio* 6.4; cf. Evans Grubbs, *Women and the Law in the Roman Empire* [London, 2002], pp. 140–3).

The topic presents a serious difficulty: how to keep separate for the reader incestuous ‘marriage’ (for Romans, a *matrimonium iniustum*, not a valid marriage) and incestuous sexual relations outside marriage. The organization adopted here frequently obscures the difference. Yet M. is rightly alert (p. 352) to the distinctions drawn by the authorities in setting penalties: it mattered if the culprit was a woman or was young, ignorant of the law or of the family relationship, had publicly entered what he or she thought was a marriage, or was simultaneously committing *stuprum* or adultery. Another distinction which seems insufficiently highlighted corresponds with *ius gentium*/Roman law categories. There has been and is a range of responses to sexual intercourse with *cognati*: that between ascendant and descendant evokes surer condemnation than that with collaterals. Degree of relationship matters and culture affects reactions. (Some US undergraduates express shock on being told that the Romans allowed marriage with first cousins.)

There is a bibliography and an *index locorum*, but no index of persons or topics. The book scrupulously and often judiciously collects and scrutinizes rich and difficult material, and is full on scholarship, but this does not make the reader’s task easy.

University of Oxford

SUSAN TREGGIARI

RELIGIOUS ASSOCIATIONS

U. EGELHAAF-GAISER, A. SCHÄFER (edd.): *Religiöse Vereine in der römischen Antike. Untersuchungen zu Organisation, Ritual und Raumordnung*. (Studien und Texte zu Antike und Christentum 13.) Pp. viii + 310, ills. Tübingen: Mohr Siebeck, 2002, Paper, €64. ISBN: 3-16-147771-5.

In the last 200 years there were two great and distinct periods in the study of Roman *collegia*. The first was inaugurated by T. Mommsen’s slim volume (1843), and reached its culmination in the monograph of W. Liebenam (1890) and the massive opus of J. P. Waltzing (1895–1900). Collection of inscriptions and elucidation of realia were two lasting achievements; the third element, the law of association, continued to be hotly debated in the next century, with two protagonists rising, L. Schnorr von Carolsfeld (1933) and F. de Robertis (with numerous articles and books from 1932 to 1995). Mommsen was speaking of *collegia et sodalicia*, Waltzing of *corporations professionnelles*, Schnorr of *juristische Person*, de Robertis of *diritto, fenomeno, and regime associativo*. The present age, and the present collection of articles, retreats from law and from detailed exegesis of literary and epigraphical texts, and prefers to ponder weightier subjects described as *Strukturen* and *Raumordnung*. A. Bendlin offers ‘Forschungsgeschichtliche Anmerkungen zu den Mustern sozialer Ordnung in Rom’ (pp. 9–40); they are rich in ‘theory’ and poor in history. Any remarks on *historia studiorum* must be grounded in the epoch in question; for an exemplary treatment of a selected subject, see J. S. Perry, ‘Ancient *Collegia*, Modern Blackshirts?: The Study of Roman Corporations in Fascist Italy’, *IJCT* 8/2 (2001), 205–16 (also with interesting observations on Waltzing and the *syndicalisme*). Bendlin rightly stresses the extreme variety of Roman associative arrangements; they indeed permeated the whole society. Yet the net is cast impossibly wide. For what useful goal is served when we talk in this context of *res publica*, *populus*, or cities? Or of schools? (as does C. Marksches [pp. 97–120], who, however, does not discuss schools as associations but